



Coastal Access

Natural England's Approved Scheme

www.naturalengland.org.uk



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Approved by the Secretary of State on 23rd March 2010 under section 298(2) of the Marine and Coastal Access Act 2009

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Natural England works for people, places and nature, to enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promote access, recreation and public well-being; and contribute to the way natural resources are managed so that they can be enjoyed now and in the future.

Natural England works towards the delivery of four strategic outcomes, which together deliver on our purpose to conserve, enhance and manage the natural environment for the benefit of current and future generations.

- A healthy natural environment: England's natural environment will be conserved and enhanced.
- Enjoyment of the natural environment: more people enjoying, understanding and acting to improve, the natural environment, more often.
- Sustainable use of the natural environment: the use and management of the natural environment is more sustainable.
- A secure environmental future: decisions which collectively secure the future of the natural environment.

For further details about Natural England, its objectives, targets, and ways of working visit our website: www.naturalengland.org.uk

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Part A

Introduction

Chapter 1. The Scheme

1.1 Purpose

- 1.1.1 Part 9 of the Marine and Coastal Access Act 2009 (“the 2009 Act”)¹ aims to improve public access to, and enjoyment of, the English coastline by creating clear and consistent public rights along the English coast for most types of open-air recreation on foot. It allows existing coastal access to be secured and improved and new access to be created in coastal places where it did not already exist.
- 1.1.2 Section 296 of the 2009 Act places a duty on Natural England to use its powers to secure twin objectives for coastal access, one relating to a long-distance walking route (or routes) around the English coast (“the English coastal route”), the other to an accessible margin of land in association 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 (“the coastal margin”).
- 1.1.3 Section 298 of the 2009 Act requires Natural England to prepare a Scheme setting out the approach we will take to discharging the coastal access duty. The Scheme therefore describes our approach in relation to this duty. It does not explain our approach to related objectives, such as wider public access benefits for horse riders or cyclists, or improvements to the coastal environment.
- 1.1.4 This version of the Scheme was approved by the Secretary of State on 23 March 2010 and is the basis on which Natural England will prepare recommendations, in the form of reports to the Secretary of State, in relation to both objectives included in the coastal access duty.
- 1.1.5 Our reports may include recommendations on both the extent and the management of coastal access. The Scheme therefore explains how we decide where it is necessary to restrict or exclude coastal access rights locally, using the powers available to us under chapter 2 of the Countryside and Rights of Way Act 2000 (“CROW”), including consideration of other management options that may be appropriate in particular circumstances.
- 1.1.6 Our statutory guidance to the CROW relevant authorities² on their functions in relation to local restrictions and exclusions³ (the “relevant authority guidance”) provides similar guidance to the relevant authorities in relation to their decisions about the need for local restrictions and exclusions on other land with access rights provided under Part 1 of CROW. To avoid unnecessary repetition, the Scheme occasionally refers to particular parts of the relevant authority guidance which explain procedural aspects of the two regimes, where they are identical.

1.2 Review and revision

- 1.2.1 We may review the Scheme at any time. However, section 299(2) of the 2009 Act requires us to complete an initial review of the Scheme within three years of 23 March 2010, which is the date on which the Scheme was approved. We must also publish a report of the initial review (and of any subsequent review that we undertake) as soon as practicable after completion. As part of any formal review of the Scheme, we will invite organisations who have been involved in the implementation of our coastal access duty (and others, if we consider it appropriate at the time) to give us their views on it.

¹The legislation referred to in the Scheme is published at <http://www.statutelaw.gov.uk/Home.aspx>

²See entry for ‘relevant authority’ in part B of the glossary.

³See entry for ‘local exclusion’ in part B of the glossary.

- 1.2.2 We may conclude that it is necessary to revise the Scheme either as a result of a review or from direct experience of implementing the coastal access provisions. Any revision to the Scheme must be approved by the Secretary of State.
- 1.2.3 Before proposing a revision we must consult such persons as we consider appropriate, in accordance with section 298(7) of the 2009 Act. We would make a decision as to whom we would consider it appropriate to consult at the time, but in practice we would expect this to include, but not necessarily limited to, organisations who have been involved in the implementation of our coastal access duty.
- 1.2.4 Once the Secretary of State approves a revision to the Scheme, Natural England must act in accordance with the revised version.



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Chapter 2. The framework for alignment and management

This chapter describes the statutory framework which underpins the alignment and management of the access established under the provisions in the 2009 Act. By “alignment” we mean the choices we make about the English coastal route and the coastal margin that we propose in our reports to the Secretary of State.

2.1 The land affected

The English coastal route

- 2.1.1 The English coastal route will be established using powers under the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”) as amended for this purpose by section 302 of the 2009 Act and will be shown as a line on a map in our reports to the Secretary of State.
- 2.1.2 Where there is an existing route along the coast which meets the criteria set out in the Scheme, we are likely to recommend that the existing route be adopted as the English coastal route. But where there is none, or where an existing route is unsatisfactory, we will recommend that a new or improved route is provided. The creation of the English coastal route will not remove any existing public rights of way.
- 2.1.3 Where the route of an existing National Trail⁴ is considered unsuitable for the English coastal route we may recommend to the Secretary of State that the existing National Trail is modified, provided that in our view the English coastal route would better meet the purpose for which the existing National Trail was designated⁵. Any public rights of way along the existing National trail route would remain in place regardless of our decision regarding the National Trail.
- 2.1.4 Other promoted routes will remain the responsibility of the body that developed them. There is no obligation on the promoting body to modify its promoted route to bring it in line with the English coastal route, if this is different, but it is a possibility we will be available to advise them on if it is raised.

The coastal margin

- 2.1.5 The position of the English coastal route determines the eligibility of land to either side of it as coastal margin. This happens by virtue of the provisions of an order (“the Order”) made under section 3A of CROW⁶.
- 2.1.6 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 Scheme calls “the trail”.
- 2.1.7 In addition:
- land on the seaward side of the trail automatically becomes coastal margin; and
 - other land of certain specific types also becomes coastal margin if it lies on the landward side of the trail.
- 2.1.8 There are powers under the 1949 Act to provide alternative routes or temporary routes for the trail, at times when access to the ordinary route is unavailable⁷. The provision of alternative and temporary routes does not have the effect of making additional land (other than the line of the alternative or temporary route and 2 metres either side of it) part of the coastal margin as described in paragraph 2.1.7 above.
- 2.1.9 There is also a discretionary power under section 55D(2) of the 1949 Act for Natural England to recommend that the landward boundary of coastal margin should be

⁴See entry for ‘National Trail’ in part B of the glossary.

⁵A recommendation to this effect must be made in a variation report under section 55 of the 1949 Act.

⁶The Access to the Countryside (Coastal Margin) (England) Order 2010 SI2010 No. 558.

⁷The powers to provide alternative routes and temporary routes are under sections 55C and 55I respectively of the 1949 Act. They are explained in more detail in figure 16, in section 6.3 of the Scheme.

extended or contracted in places to coincide with a recognisable physical feature such as a fence, wall or woodland edge⁸. This discretionary power may be used either:

- to include further land within the coastal margin on the landward side of the trail; or
- to make the trail narrower than the 4 metres provided for by law, in places where the edge of the trail coincides with the landward boundary of the margin.

2.1.10 Land owners may also dedicate land as coastal margin under the provisions of section 16 of CROW, as amended for this purpose by section 303(6) of the 2009 Act.

2.1.11 Section 4.7 of the Scheme explains these provisions in more detail, including the criteria we will use to decide how to exercise the discretionary power.

Access rights on the coastal margin

2.1.12 Once a report to the Secretary of State has been approved and the necessary preparatory work has been completed, public access rights under section 2(1) of CROW will be brought into force by Order on the affected stretch of coast on a date decided by the Secretary of State. These access rights are called “coastal access rights” in the Scheme.

2.1.13 Coastal access rights replace other access rights provided under Part 1 of CROW on land which forms part of the coastal margin. This includes access rights over open country, registered common land⁹ and any land previously dedicated for access under section 16 of CROW.

2.1.14 Any public rights of way over the coastal margin are unaffected by the coastal access rights, as are existing maintenance responsibilities for them.

2.1.15 Land with public access rights of the types listed in section 15 of CROW (“section 15 land”¹⁰) may also form part of the coastal margin, but the coastal access rights do not apply there.

2.1.16 Figure 1 summarises the relationship between coastal access rights and the other public access rights on the coastal margin. It also summarises the availability of the local management powers described in section 2.2 of the Scheme in relation to each.

Excepted land

2.1.17 Any land categories treated by Schedule 1 of CROW as excepted land are normally outside the operation of the coastal access rights, although there may be other public rights of access over excepted land – notably public rights of way.

2.1.18 The Order creates some excepted land categories for the purposes of the coast and modifies or removes some which apply on other land with access rights provided under Part 1 of CROW. It also introduces scope for the trail to cross certain categories of excepted land on an access strip – in which case the strip itself is not excepted from the access rights.

2.1.19 Land owners may also choose to dedicate excepted land as coastal margin under the provisions of section 16 of CROW, as amended for this purpose by section 303(6) of the 2009 Act. Such a dedication may:

- provide for the trail to cross an area of excepted land – section 8.17 includes examples of circumstances when we will explore this option with the land owner; or
- dedicate wider access rights across excepted land, as described in section 4.7 of the Scheme.

2.1.20 Figure 2 lists all the excepted land categories in Schedule 1 of CROW, as amended by the Order, including those which the trail may cross on an access strip.

⁸ This discretionary power is provided in section 55D(2) of the 1949 Act.

⁹ See entries for ‘open country’ and ‘registered common land’ in part B of the glossary.

¹⁰ See the entry for ‘section 15 land’ in part A of the glossary for a list of the types of public access rights listed under section 15 of CROW.

Figure 1 Effect of coastal access regime on other access arrangements

| | Access rights provided under Part 1 of CROW on the coastal margin | Activities permitted by the land owner such as horse riding or cycling, whether informally or under a formal agreement. | Access rights of the types listed under CROW section 15 Public rights of way |
|---|--|--|--|
| Effect of coastal access rights | Coastal access rights replace other access rights provided under Part 1 of CROW. | Exist in parallel. | Coastal access rights are not exercisable over section 15 land or on public rights of way. Public access to this land exists by virtue of the provisions listed under section 15 or the public right of way. |
| Effect of national restrictions under Schedule 2 of CROW as amended (see section 2.2) | Apply in all cases, unless removed or relaxed by agreement with the owner or lifted by dedication under CROW section 16. | Do not affect the parallel rights of access. | Do not apply. |
| Scope for informal management (see section 6.4) | Available in all cases. | Available in all cases. | Available in all cases. |
| Effect of local restrictions and exclusions under Chapter II of CROW (see section 6.5) | Available in all cases. | Do not affect the parallel rights of access. | Not available. (But local highway authority has powers to manage access on public rights of way). |
| Effect of local byelaws and other statutory prohibitions | Prevail over coastal access rights (although local byelaws do not prevail over other access rights provided under Part 1 of CROW). | Continue to apply. | Continue to apply. |

Figure 2 Excepted land

a) This table lists those categories of land which are excepted from the coastal access rights under Schedule 1 of CROW, as amended by the Order.

Excepted land in full

b) The following land categories will be excepted in full:

- land covered by buildings¹¹ or the curtilage of such land;
- land used as a park or garden (see section 8.17 of the scheme);
- 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 – see section 8.23 of the Scheme);
- 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 livestock¹²;
- 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 (e) below.

Excepted, with provision for an access strip

c) The following land categories are excepted land, but we may recommend that the trail should cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights:

- 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 (see section 8.7 of the Scheme);
- land used for the purposes of a golf course (see section 8.19 of the Scheme);
- land which is, or forms part of, a regulated caravan or camping site (see section 8.18 of the Scheme); and
- land which is, or forms part of, a burial ground.

¹¹ See the entry for 'buildings' in part B of the glossary.

¹² See the entry for 'livestock' in part B of the glossary.

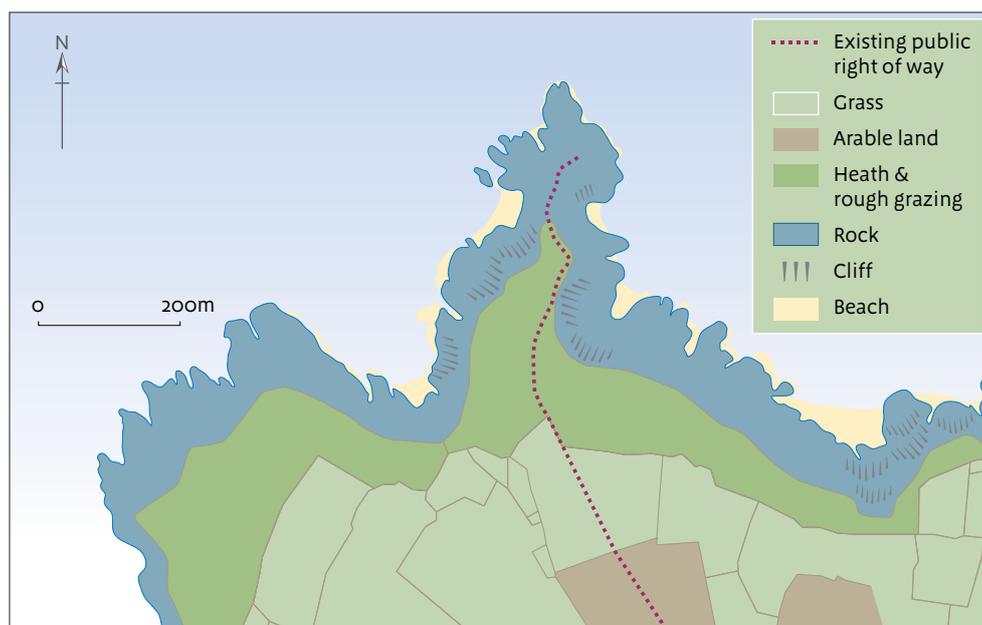
- d) The access strip will normally be 4 metres wide (2 metres either side of the centre line of the trail), although we may recommend that it should coincide with a physical feature such as a fence, wall or hedge¹³. Where appropriate we will use this power to “work with the grain” of existing routes and physical features along the access strip. This may result in sections that are wider or narrower than 4 metres or not of uniform width.

Highways, including public rights of way

- e) 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 public rights of way.

Spreading room

- 2.1.21 The Scheme uses the term “spreading room” 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 and may be either seaward or landward of the trail. Section 4.7 of the Scheme explains in more detail the ways in which land may become spreading room.
- 2.1.22 Land is not described as spreading room in the Scheme 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 excepted land under the provisions of the Order, but may cross spreading room or form part of the trail.
- 2.1.23 Figures 3 to 6 illustrate a simple example of how the alignment of the trail and spreading room might look in practice on a short section of coast. Chapter 9 includes more detailed examples.

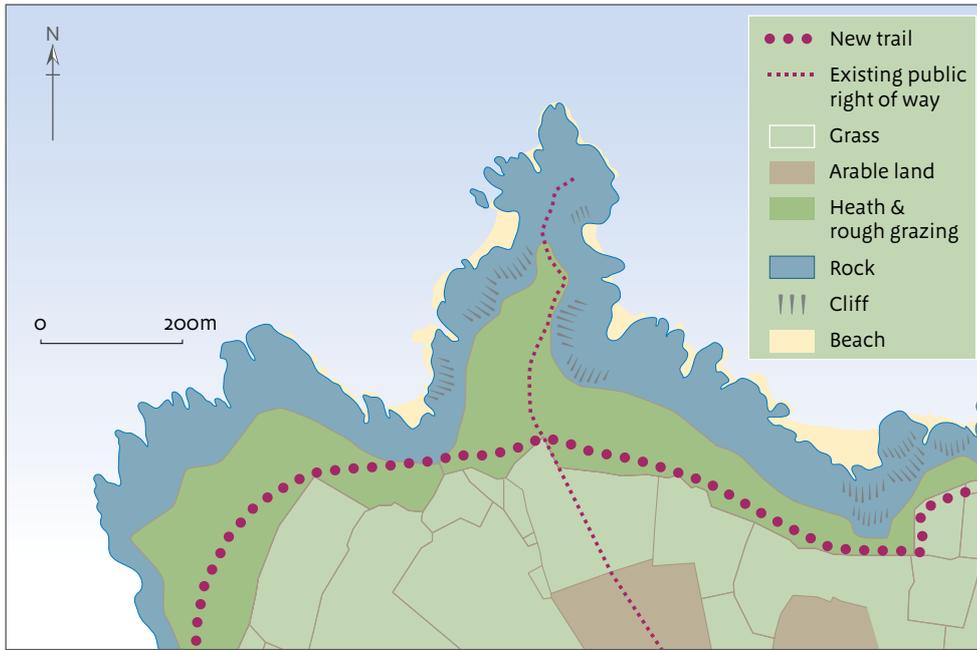


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Figure 3

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.

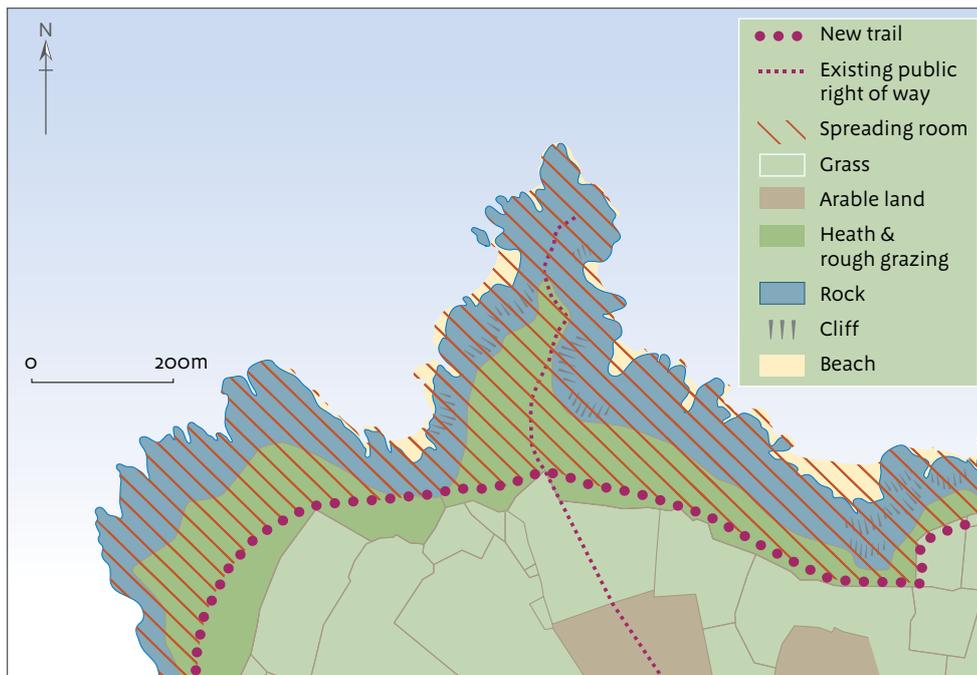
¹³ This power is provided under section 55D(2)(c) of the 1949 Act.



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Figure 4

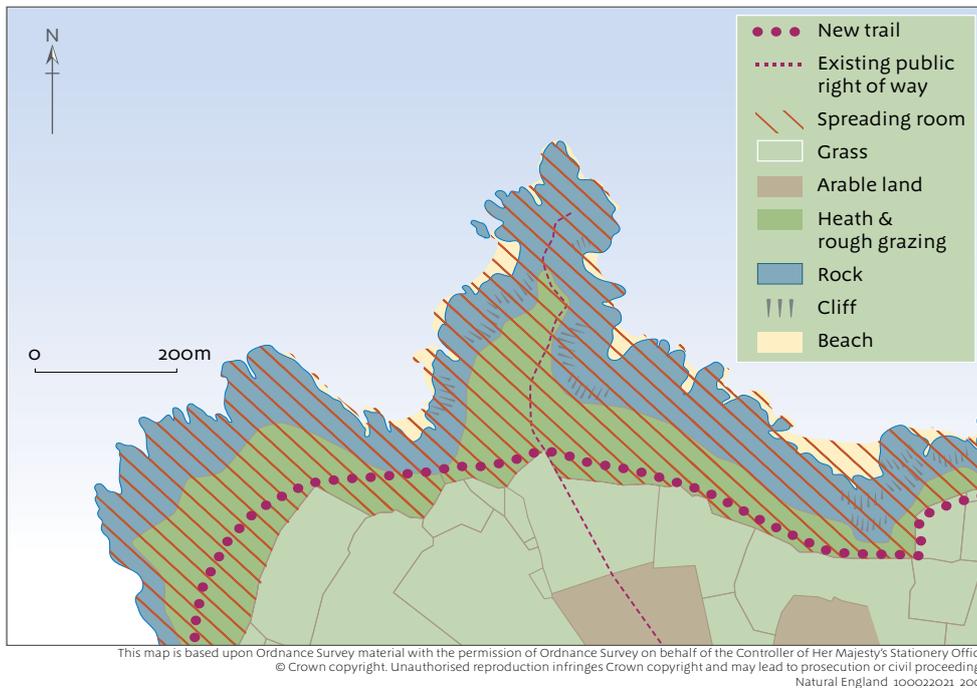
The trail is aligned on a convenient route along the top of the cliff.



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Figure 5

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

**Figure 6**

Natural England (under its discretionary power) may recommend further spreading room landward of the trail, in this case up to walls and fences marking the boundary of heath and rough grass.

2.2 The management of coastal access rights

National rules

- 2.2.1 The coastal access rights will take effect by virtue of CROW section 2(1). They include most types of open-air recreation on foot or wheelchair¹⁴ including walking, climbing and picnicking. Where the land to which they apply is already accessible under CROW, the coastal access rights will apply instead.
- 2.2.2 As on other land accessible under CROW there will be general restrictions on the scope of the coastal access rights, which are called “national restrictions” in the Scheme; for example the coastal access rights will not normally include camping, horse riding or cycling. However, these will not prevent such recreational uses taking place by virtue of an existing right, with the landowner’s permission or by traditional tolerance and they have no effect on public rights of way or section 15 land.
- 2.2.3 Natural England may relax any of these national restrictions in specific areas with the consent of the owner or, if the land is let, the farm tenant¹⁵. The owner may also voluntarily provide such rights by making a permanent access dedication under section 16 of CROW.
- 2.2.4 The national restrictions on the coastal access rights are set out in Schedule 2 of CROW which is amended in several ways by the Order for the purposes of the coast.
- 2.2.5 The main difference between the national restrictions on coastal access rights and those which apply to other access rights under Part 1 of CROW are the rules for people who bring dogs with them:
- there is no national requirement on coastal land to keep dogs on a short lead between March 1st and July 31st – although we may give directions to enable this arrangement to apply locally (see section 6.7); and
 - a person who brings a dog with them must keep it under “effective control”, which means they must:

¹⁴ This includes most types of mobility vehicle, as provided by section 20(2) of the Chronically Sick and Disabled Persons Act 1970.

¹⁵ See entry for ‘farm tenant’ in part B of the glossary.

- keep the dog on a lead; or
- keep it within sight, remain aware of its actions and have reason to be confident that the dog will return reliably and promptly to them on command; and
- in either case, keep the dog on land with coastal access rights or other land to which the person has a right of access.

2.2.6 As on other land with access rights under Part 1 of CROW, a person with a dog must keep it on a short lead in the vicinity of livestock¹⁶. The purpose of this provision is to prevent dogs from approaching livestock.

2.2.7 There are two other differences between the national restrictions that apply to coastal access rights and those that apply to other access rights provided under Part 1 of CROW:

- People are entitled to bring equipment on to land with coastal access rights and to exercise a right to fish from that land, such as the common law right to fish in the sea and tidal waters. They may not use the equipment whilst on land used for grazing or other agricultural purposes.
- People may not obstruct others who are using the trail.

Local management arrangements

2.2.8 Where, to supplement these national rules, there is a need to manage the coastal access rights at a local level, there are several options available either alone or in combination to ensure that an appropriate balance is struck between the various factors in play on the affected land:

- Alignment solutions, by which we mean aligning the trail or the landward boundary of spreading room in ways that take account of the need, including the powers available to us in the 2009 Act to provide temporary or alternative routes for the trail under certain circumstances.
- Informal management solutions, such as posting advisory notices or asking people for their co-operation face-to-face.
- Local restrictions and exclusions, using powers available to us under Chapter II of CROW. These powers have no effect on public rights of way or section 15 land.

2.2.9 Chapter 6 describes each of these options in more detail alongside the general principles we will apply to choose between them. Chapters 7 and 8 outline how we are likely to deploy these options in relation to the range of land cover types, landforms and land use issues which commonly occur on the coast.

2.2.10 We will aim to identify any foreseeable need for local management measures, including local restrictions and exclusions and temporary or alternative routes on each stretch of coast, as part of the consultation on and preparation of our initial recommendations for coastal access as described in chapter 3. We will do this in consultation with those who manage the affected land, and others who have relevant expertise or local knowledge.

2.2.11 After commencement of the coastal access rights, further restrictions, exclusions or temporary routes may be necessary locally, if situations arise that could not be foreseen initially. People with a legal interest in the land will have powers to apply to us for directions to restrict or exclude access, and will be able to appeal to the Secretary of State against our decision if they disagree with it. Legal interests include land owners and tenants and those with rights of common or sporting rights¹⁷.

2.2.12 The procedures for applying for a direction are very similar to those which apply on other land with access rights under Part 1 of CROW (see section 6.6). However, there are no discretionary powers under the coastal access regime to exclude access for up to 28 days per year for any reason (under section 22 of CROW) or to exclude people with dogs

¹⁶ See the entry for 'livestock' in part B of the glossary.

¹⁷ See entry for 'legal interest' in part B of the glossary.

from grouse moors or lambing enclosures (under section 23 of CROW).

- 2.2.13 On some sections of coast, existing rights will apply instead of or as well as the coastal access rights (see figure 1). These may include rights to ride horses or cycles, or other “higher rights”. There may already be powers to manage these existing access rights under other legislation; for example, local highway authorities will retain their powers and duties to manage access along coastal bridleways. Where the coastal access rights include rights to ride horses or bicycles by virtue of the relaxation of national restrictions (see paragraph 2.2.3.), there are clearance and maintenance powers for that purpose¹⁸.
- 2.2.14 Local byelaws and other statutory prohibitions may also apply in relation to the coastal access rights in particular places along the coast¹⁹ or in relation to other rights of access which may exist on the coastal margin (see figure 1).

2.3 Natural England’s coastal access reports

2.3.1 Under section 55A of the 1949 Act, Natural England may prepare a series of coastal access reports, each relating to a different stretch of the English coast, recommending to the Secretary of State the alignment of the trail and the extent of any spreading room on the landward side of that stretch.

2.3.2 Each report will include:

- a map of the proposed route for the **trail** and any alternative routes;
- an indication of the extent of any **spreading room** to either side of the trail, using descriptions, maps or both, depending on what we think is necessary to make our proposals clear in each circumstance; and
- a description of any **local management** that we consider necessary including any local restrictions or exclusions for which we foresee a need at the time we submit the report.

2.3.3 Figure 8 in chapter 3 explains the contents of the reports in more detail.

2.3.4 In relation to the trail, we must have had regard to the following criteria which are set out in section 297(2) of the 2009 Act:

- the safety and convenience of those using the English coastal route;
- the desirability of the route adhering to the periphery of the coast and providing views of the sea; and
- the desirability of ensuring that, so far as is reasonably practicable, interruptions to that route are kept to a minimum.

In addition under section 297(4) we must aim to strike a fair balance between the interests of the public in having a right of access over land and the interests of any person with a relevant interest²⁰ in the land.

2.3.5 Part B of the Scheme explains these principles together with other relevant considerations, including issues relating to the coastal environment and coastal change. Part C explains their application to different circumstances around the English coast.

¹⁸ These clearance and maintenance powers are by virtue of paragraph 2(3)(c) of Schedule 20 of the 2009 Act.

¹⁹ In accordance with section 2(3) of CROW, as amended by section 303(3) of the 2009 Act.

²⁰ See entry for ‘relevant interest’ in part B of the glossary.



Chapter 3. Implementation

This chapter provides an overview of the process we will follow for the implementation of coastal access rights.

3.1 Dividing up the coast

- 3.1.1 We will divide the coast into stretches, each of which will be the subject of a separate coastal access report to the Secretary of State. For each stretch we will follow the implementation process outlined below.
- 3.1.2 We will discuss with the access authorities²¹ the basis for dividing up the coast they cover, and the sequence in which each stretch should be implemented. We will aim to ensure that this enables the establishment and commencement of rights to take place in a way that will facilitate public understanding and enjoyment of them, for example by doing so on stretches of coast between coastal towns.

3.2 The role of access authorities

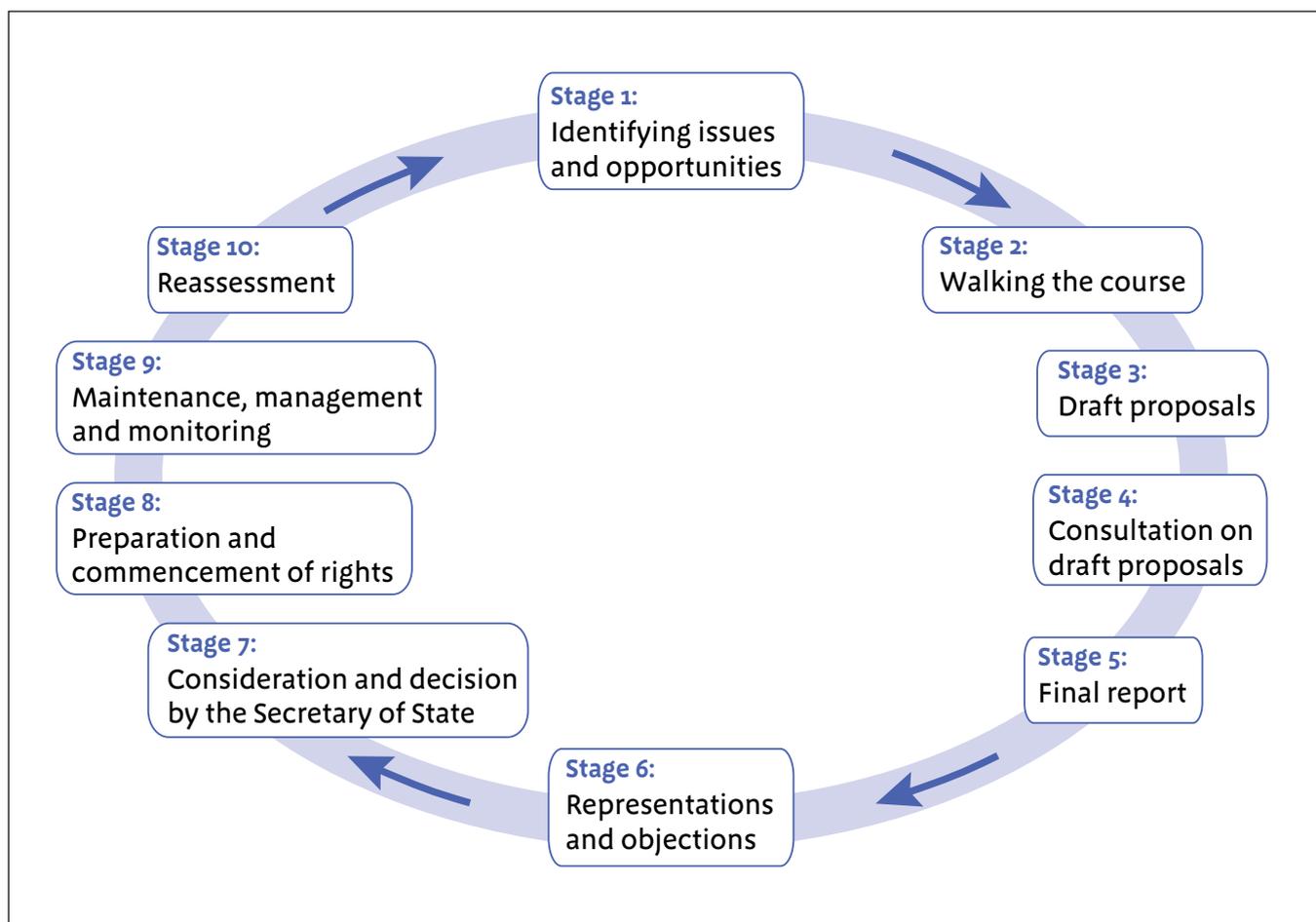
- 3.2.1 We will work closely with access authorities throughout the implementation process described in this chapter, combining our nationally consistent approach with their detailed understanding of local circumstances.
- 3.2.2 Natural England has sole responsibility under section 55A of the 1949 Act for the preparation of the coastal access report itself, but this will require significant preliminary activity, as outlined in section 3.3. We are required to consider whether it would be appropriate for the access authority to carry out any of this preliminary activity and where so, to take all reasonable steps to conclude an agreement with them for that purpose²².
- 3.2.3 We will normally seek to work with the relevant access authorities for each stretch of coast, but the arrangements we put in place with them to enable this to happen will vary according to circumstances, for example the nature or extent of the coast within their administrative boundaries. Where appropriate and efficient we will seek to establish joint working between authorities.
- 3.2.4 Schedule 20 of the 2009 Act and CROW Part 1 provide access authorities with statutory powers to undertake relevant establishment and maintenance works once a coastal access report has been confirmed. We will always seek to establish arrangements with access authorities for this to happen.
- 3.2.5 Natural England is the sole relevant authority with responsibility for giving any directions that are necessary to restrict or exclude the coastal access rights under most circumstances²³. This is to ensure a coherent approach to local restrictions and exclusions in the preparation of coastal access reports.
- 3.2.6 Once the rights have commenced, we may delegate our functions as relevant authority for coastal margin to:
- the National Park Authority, for any area of land within a National Park; or
 - the Forestry Commission, for any area of land that is wholly or predominantly woodland²⁴.
- These bodies already have corresponding functions relating to local restrictions and exclusions on other land with public access rights provided under Part 1 of CROW.
- 3.2.7 We will discuss these arrangements with the authority concerned before making any such delegation and also in the event that we should consider revoking it.

²¹ See entry for 'access authority' in part B of the glossary.

²² Under section 55A(4) of the 1949 Act, as inserted by section 302 of the 2009 Act.

²³ Other bodies have powers to restrict or exclude access for the purposes of defence and national security – see section 6.6.

²⁴ The delegation power is inserted in section 21(5) of CROW by article 8 of the Order.

Figure 7 Overview of the implementation process

3.3 Stages of Implementation

3.3.1 Figure 7 summarises the key stages of the implementation process. The purpose of each is outlined in the subsequent sections:

- The first seven stages describe the processes by which we will decide what local access provision to recommend, and the subsequent steps leading up to determination by the Secretary of State.
- The last three stages describe what happens after the Secretary of State has made a decision.

3.3.2 In this section “we” or “Natural England” can mean Natural England or the access authority acting on our behalf, as described above. In practice there will be close working between the organisations throughout.

Stage 1 – Identifying issues and opportunities

3.3.3 The purpose of this stage is to achieve clarity about the main issues and opportunities on each stretch of coast. It will enable us to identify the pivotal locations on that stretch, where our conclusions about what should happen are likely to have a significant influence on the choices for alignment on the coast on either side. The process will also alert us to the priorities for a range of different interests whom we involve; for example we may identify where improvements for people with reduced mobility would be most beneficial, or where there may be potential for improvements that go beyond our coastal access duty, for example improvements to access for horse riders or cyclists. However, we will not conduct any detailed alignment work until we meet with owners and occupiers on site at stage 2.

3.3.4 This process will include:

- Discussions with a range of organisations – including the local access forum²⁵, English Heritage²⁶, the Environment Agency and others required by the 1949 Act²⁷, but also other organisations who will have a strategic interest in that coast. Recreational, land management and environmental interests will be consulted and we will use established groups to facilitate this where feasible.
- Collecting and analysing information on that stretch – including information held by other organisations, as well as plans and projects that may be relevant to how we implement coastal access²⁸. These may include development plans, strategies for flood and coastal risk management²⁹, rights of way improvement plans, and any existing local byelaws or dog control orders that may be relevant.
- Identifying what the key strategic issues are likely to be – using the information we have and through discussion with others. These may include estuaries, major developments, significant environmental sensitivities and areas of significant erosion as well as other situations.
- Preparing for ‘walking the course’ – deciding on the best sequence in which to do it, taking account of our analysis of the strategic issues, as well as identifying the owners and lawful occupiers of land that will be affected on that stretch and with whom we will be aiming to discuss the possible alignment and management of coastal access rights in stage 2.

3.3.5 We will take all reasonable steps to identify and contact owners, tenants and lawful occupiers who are likely to be affected³⁰. We will make use as appropriate of information we already hold, local publicity, raising awareness through relevant organisations and the personal knowledge of other local owners or occupiers. If we have been unable to identify the owner or occupier by any other means, we will place a notice on the land asking them to contact us. These steps will also bring to our attention other interests in the land, for example holders of sporting rights.

3.3.6 We will also be able to conclude from stage 1 if there is a European site on the stretch that could be significantly affected and which would therefore require an appropriate assessment in accordance with the Habitats Directive (see section 4.8). This would also require us to conduct a strategic environmental assessment of the potential effects of our recommendations on the whole stretch, in accordance with EU Directive 2001/42/EC³¹. In that case we will start the strategic environmental assessment at this stage by identifying any potential effects of coastal access improvements on the environmental features in question and deciding how to measure these, in consultation with English Heritage and the Environment Agency.

²⁵ See entry for ‘local access forum’ in part B of the glossary.

²⁶ In practice this may include discussions with local government archaeological officers acting on behalf of English Heritage – see section 4.8.

²⁷ These are referred to in section 51(4) and section 55D(6) of the 1949 Act (as inserted by section 302 of the 2009 Act). Section 51(4) includes every National Park Authority, joint planning board, county council and county district council through whose Park or area the trail would pass. Section 55D(6) includes a requirement to consult with any London Borough Council through which the trail would pass and to consult the Secretary of State in relation to any interests of defence or national security which may be affected by our proposals.

²⁸ Local authorities and local access forums have a duty under section 55D(7) of the 1949 Act (as inserted by section 302 of the 2009 Act) to provide us with such information as we may reasonably require for preparing our coastal access reports.

²⁹ See entry for ‘flood and coastal risk management’ in part B of the glossary.

³⁰ This is a preliminary step to enable us to fulfil the requirement to consult these interests before preparing a report, under section 55D(6)(a) of the 1949 Act (as inserted by section 302 of the 2009 Act).

³¹ There are entries for ‘European site’, ‘Habitats Directive’ and ‘strategic environmental assessment’ in part B of the glossary.

Stage 2 – Walking the course

- 3.3.7 The purpose of this stage is to visit land that may be affected to discuss the options for alignment and management with the people who own and manage it. This will enable us to understand any specific factors we need to take account of in our proposals, including likely infrastructure³² requirements, and enable owners and occupiers to raise any particular concerns or suggestions they may have in respect of the route of the trail or the extent of any spreading room. We will also discuss other opportunities with them, such as possible improvements for horse riders or cyclists, for example where we have identified some potential for these during discussions with stakeholders during stage 1 of the process. Any such additional provisions will be at the discretion of the land owner or tenant and will therefore not form part of our eventual recommendations to the Secretary of State.
- 3.3.8 First we will visit the pivotal locations identified in stage 1 because these are likely to have a significant influence on the choices for alignment and management on the coast to either side. Once we have identified the possible route of the trail and extent of associated spreading room at each of these, we will move on to visiting the land that may be affected along the rest of the particular stretch. In some cases we may identify several options on our first pass, in which case we may need to return for subsequent follow-up visits to determine the best option. We will always endeavour to involve owners and occupiers in any follow-up discussions.
- 3.3.9 Despite our efforts at stage 1 before walking the course, site visits may raise further issues and questions requiring further clarification or discussion with others with an interest in the management of the land. For example we may need to talk further with the Environment Agency in relation to flood and coastal risk management on the stretch; or with those able to advise on natural and heritage features that are sensitive to public access, such as English Heritage or nature reserve managers; or with site operators and planning authorities in respect of existing or planned major developments such as ports.
- 3.3.10 From our discussions with owners, occupiers and others we will better understand the potential effects of coastal access rights on their interests. Where we identify potential for a particular alignment to cause unacceptable impacts on those interests, we will discuss how these could be mitigated, either through local management solutions or by choosing an alternative alignment (see chapter 6, which outlines the range of options available to us for this purpose). We will always aim to reach provisional agreement with owners and occupiers on the extent and management of coastal access rights. Where agreement is not possible, we will aim to clarify any differences of opinion and/or any further information we will need in order to reach a provisional conclusion.

Stage 3 – Draft proposals

- 3.3.11 The purpose of this stage is to prepare our draft proposals for how the coastal trail and spreading room should be aligned on a particular stretch of coast based on all of the discussions and walking the course we have undertaken. This will bring the proposals for that stretch together into a single document to enable people to see and comment on them in the round.
- 3.3.12 We will prepare our draft proposals in the format of a 'Coastal Access Report' for that stretch of coast. This will be the same format in which our proposals are eventually submitted to the Secretary of State for approval. Figure 8 summarises the main content of the coastal access report.

³² See entry for 'infrastructure' in part B of the glossary.

Figure 8 Contents of our coastal access reports

1. Maps of the proposed route (and any alternative routes) for the trail, drawing attention to any parts of the route that would follow existing public rights of way.
2. Written descriptions to explain how we propose to deal with a variety of specific situations, including for example:
 - proposed extensions up an estuary (see chapter 11);
 - sections where automatic roll back will be required (see section 4.9);
 - the extent of spreading room, including where we propose landward spreading room under our discretionary powers (see section 4.7); and
 - proposals for informal management or for statutory directions to restrict or exclude access (see chapter 6).
3. Where we think there is a significant danger of confusion between the spreading room and excepted land, an indication of the areas in question that we consider are likely to be excepted land.
4. Our estimate of the costs of our proposals, including initial establishment, ongoing maintenance and any local management arrangements, for example for land management or nature conservation reasons.
5. Any assessment we have carried out in accordance with the Habitats Regulations and any steps we consider necessary to ensure that our access recommendations will have no adverse effect on the integrity of the site (see section 4.8).
6. To provide context for our core recommendations, an assessment of any separate but related initiatives, for example rights of way improvement plans, local transport plans or proposals to enhance the coastal environment on that stretch.

Stage 4 – Consultation on draft proposals

- 3.3.13 The purpose of this stage is to make our initial conclusions for a stretch of coast available for comment by anyone wishing to do so. This will enable wider interests, local people and others to see how we propose the access should be put in place, as well as enabling those we have already discussed them with to see and comment on our overall conclusions. This consultation process will help ensure that any significant issues or opportunities we may have overlooked are identified, as well as providing a useful gauge of support for or concern about our proposals.
- 3.3.14 We will:
- publish our draft proposals on the internet³³;
 - advertise their publication locally and make them available to view at suitable locations;
 - invite all interested parties to comment on them in accordance with sections 51(4) and 55D(6) of the 2009 Act; and
 - draw them to the attention of other organisations that we consider have an interest in the management and recreational use of that stretch of coast, including recreational, land management and environmental interests.

³³ We will supply our publications in other formats, such as large print or Braille, on request. We will offer the same service for our final report, for people who need it.

We will allow twelve weeks for people to view the proposals and submit comments on them, in accordance with the Government's Code of Practice³⁴.

- 3.3.15 We will also at this stage seek any outline consents from other public authorities that are necessary to implement the proposals, for example planning consent for new infrastructure, Scheduled Monument consent³⁵, and highways consent for roadside signs.

Stage 5 – Final report

- 3.3.16 The purpose of this stage is for us to analyse all the comments we receive on our draft proposals and to consider whether any modifications are required as a result. This will ensure that we have considered all possible options and effects before we submit our final proposals to the Secretary of State.
- 3.3.17 We may decide on the basis of comments received to return to an earlier stage of the process if that is necessary in order to understand the issue fully. For example, we will seek further discussions with an owner or occupier if we need to clarify their views or discuss alternatives. We may also need to discuss any further changes with others, for example with the Environment Agency if this has any implications for flood risk or coastal erosion management. Once any further modifications have been identified, we will conclude any assessment that is appropriate to ensure no adverse effects on sites with European designations (see section 4.8).
- 3.3.18 Once we have completed any changes we consider necessary, we will publish our final coastal access report on the internet setting out our proposals to the Secretary of State for public access to the chosen stretch of coast. This will be set out in the same format as our draft proposals, but may also include reference to comments we have received during the previous stages, in particular where we have made changes as a result of them.
- 3.3.19 We will advertise publication of the final report and notify, as required by or under the 1949 Act³⁶:
- owners, tenants and lawful occupiers of affected land;
 - each access authority and local access forum for an area in which affected land is situated;
 - English Heritage and the Environment Agency; and
 - other persons that may be specified in regulations.
- Regulations made by the Secretary of State under the powers in Schedule 1A of the 1949 Act may specify the form, manner and timing of the advertisements and notices that are required.
- 3.3.20 We will also notify any other individuals or organisations who have indicated to us that they wish to be notified when the final report is published. In doing so we will explain to people their entitlement to make representations or objections to us about the final report, as set out in stage 6 below.

Stage 6 – Representations and objections

- 3.3.21 The purpose of this stage is for any person to be able to make a formal representation to us regarding our final report. In addition, any owner, tenant or lawful occupier of affected land will be able to make a formal objection regarding our final report, on grounds set out in Schedule 1A of the 1949 Act. We will send the Secretary of State any objection that has been made. Objections will trigger an independent review of that specific aspect of our proposals by an "appointed person" which the Government has said will be the Planning Inspectorate (PINS). The form and manner of representations and objections and the time allowed for them to be made will be determined by Regulations.

³⁴ The Government's Code of Practice on Consultation is published at <http://www.berr.gov.uk/files/file47158.pdf>

³⁵ See entry for 'Scheduled Monument' in part B of the glossary.

³⁶ Schedule 1A of the 1949 Act, which is inserted by Schedule 19 of the 2009 Act.

Stage 7 – Consideration and decision by the Secretary of State

- 3.3.22 The purpose of this stage is for the Secretary of State to consider whether to approve our final coastal access report for a particular stretch either in full or with modifications to our proposals.
- 3.3.23 We will send the following to the Secretary of State:
- copies in full of any representations made by an access authority, local access forum, English Heritage, the Environment Agency and any other persons that may be specified in regulations.
 - a summary of any other representations that we have received;
 - our comments on the representations.
- 3.3.24 The 2009 Act does not allow us to amend our final report in response to these representations. Our comments on them might recommend the Secretary of State to make modifications to our proposals in response to a particular representation, or they might explain why we do not think any modification is necessary.
- 3.3.25 Once PINS has determined that an objection is admissible, we must send our comments on it to the Secretary of State. We will also provide PINS with any supporting documentation or information required under the 2009 Act, for example an outline of:
- any alternative proposals for the affected land that we think are relevant for assessing whether the proposals in the report strike a fair balance, or whether any modification would strike that balance (together with an assessment of the effects of this alternative on both the interests of the public and private interests in the affected land), or, if we think there are none, a statement to that effect;
 - any alternatives we have already considered and rejected for the affected land or, if there were none, a statement to that effect; and
 - our views on any modifications the objector suggests to our proposals³⁷.
- 3.3.26 Schedule 19 of the 2009 Act sets out the procedures under which PINS must consider each admissible objection, and then make recommendations about it to the Secretary of State. The Government will set out the detailed procedures in regulations as made under Schedule 19.
- 3.3.27 The Secretary of State may confirm the report in full, confirm it with modifications to our proposals, or reject some or all of the proposals. In the latter case we would prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by the rejected proposals. The same procedures for consultation and representation would apply to any such amended report.

Stage 8 – Preparation and commencement of rights

- 3.3.28 The purpose of this stage is to carry out any necessary establishment works such as installation of access infrastructure and to put in place any local management arrangements (including any agreed local restrictions and exclusions) that were identified as necessary in the approved report, before the public access rights are brought into force on the stretch of coast in question.
- 3.3.29 Before any establishment works are undertaken we will ensure that any statutory consents are in place which may be required from other authorities.
- 3.3.30 We will also discuss with the owner or occupier any new infrastructure such as gates, steps, bridges, drainage or signs and seek agreement on aspects such as their design, installation and maintenance. In practice we will normally have held preliminary discussions with them about these aspects when walking the course.
- 3.3.31 There are relevant powers to make agreements with owners and occupiers regarding:

³⁷ These requirements are set out in paragraph 6(2) of Schedule 1A of the 1949 Act.

- the establishment and maintenance of the route – under paragraph 2 of Schedule 20 of the 2009 Act; and
- any means of access to land for the purposes of the coastal access duty – under section 35 of CROW.

In the event that we are unable to secure the necessary agreement, we may give the owner or occupier a notice of our intention to carry out the agreed works. Owners or occupiers may appeal against the notice to the Secretary of State³⁸.

- 3.3.32 At this stage we will also give any directions to restrict or exclude access in ways proposed by the confirmed report.
- 3.3.33 Once all this work has been completed, the rights will be brought into force by order on each stretch of coast on a date decided by the Secretary of State. In addition, on this date:
- the access regime under Part 1 of CROW over open country or registered common land which fall within the coastal margin will be replaced by the coastal access regime and the changes to the national restrictions outlined in section 2.2 will come into force;
 - existing access dedications under section 16 of CROW will remain in place, but dedicated land which falls within the coastal margin will become subject to the new regime, including the reduction in occupiers liability (see section 4.2) and the changes to national and local restrictions and exclusions (see section 2.2)³⁹;
 - any local restrictions or exclusions of existing access rights under Part 1 of CROW cease to apply; and
 - any new directions to exclude or restrict the coastal access rights locally (to give effect to proposals in the report confirmed by the Secretary of State) will come into force.
- 3.3.34 We will publicise the commencement of the rights to help ensure that they are known about and understood locally and, where necessary, provide other information, for example on signs on the ground. There are relevant powers under Schedule 20 of the 2009 Act and section 19 of CROW for this purpose.
- 3.3.35 We will also provide national guidance for the public and for land managers, in accordance with our duty under CROW section 20 (as amended by section 303(7) of the 2009 Act), and ask other organisations to help us publicise it. In particular we will ensure that there is information to:
- encourage people to behave considerately towards the coastal environment and the needs of land managers and to take responsibility for their own safety and that of any children in their care;
 - explain any aspects of the coastal access regime that are new to the public, such as the national rules for people who bring dogs (see section 2.2) and the operation of alternative and temporary routes – see figure 16;
 - make clear the continuation of any pre-existing access rights where appropriate, including public rights of way⁴⁰ – see figure 1 in chapter 2.

³⁸ These powers of appeal are by virtue of paragraph 4 of Schedule 20 to the 2009 Act (for notices relating to works in connection with the establishment and maintenance of the route) and CROW section 37 (for works connected with means of access for the purposes of the coastal access duty).

³⁹ Land owners may dedicate other land as coastal margin (hence subject to the same regime) provided it is adjacent to the margin. Government may also make regulations to enable existing dedications of other land to be amended in this way by the land owner, provided the land is adjacent to the margin.

⁴⁰ This is a requirement under section 20(1)(c) of CROW, as inserted by section 303(7) of the 2009 Act.

Stage 9 – Maintenance, management and monitoring

- 3.3.36 Once the coastal access rights are in place and operating there will be an ongoing need for maintenance, management and monitoring along each stretch of coast. Our report to the Secretary of State will have set out what we expect these requirements to be for the stretch in question, as well as an estimate of the ongoing costs for that. These will reflect the nature of each section of the trail, the standards we consider should apply, the coincidence with existing maintenance responsibilities on public rights of way, and any other specific factors that are relevant.
- 3.3.37 We will aim to put in place rolling agreements with access authorities to meet these maintenance and management requirements.
- 3.3.38 Monitoring will also be undertaken where necessary, for example to ensure the effectiveness of any mitigation measures put in place to prevent adverse effects on a European site (see section 4.8).
- 3.3.39 We will use or adapt existing monitoring activity wherever possible. We will also work closely with local and national partners to build on existing best practice in encouraging the participation of local people and users of the trail in helping to identify and solve issues.

Stage 10 – Reassessment

- 3.3.40 We may reassess the coastal access regime on any part of the coast at any time after the Secretary of State has approved a report if the circumstances require it. This might for example be where there has been significant coastal change (see section 4.9) or a change in the use of the land such as built development (see section 5.5), or where other circumstances come to our attention that suggest a need to revisit the access position.
- 3.3.41 We must review at regular intervals certain directions that restrict or exclude access for the long-term, in accordance with section 27(3) of CROW. There are also powers under section 27(2) to vary or revoke any direction, which may come into play as a result of such a review or without a review having been conducted. The relevant procedures are set out in detail in Annex M of the relevant authority guidance⁴¹.
- 3.3.42 There are also powers for any person with a legal interest in land to apply to Natural England for a direction on certain grounds once a coastal access report has been confirmed (see section 2.2). Natural England may also give a direction without an application being received. Section 6.6 explains the grounds on which directions may be given in these circumstances.
- 3.3.43 The scope of any reassessment we make will typically be very focused on a specific section of coast. We will always hold discussions with the owners and occupiers of the affected land, provided we are able to identify them, as well as others with an interest in access over the affected land.
- 3.3.44 Where we conclude from reassessment that it is necessary to make changes to the access arrangements on a particular section of coast, there may be a need for a variation report under section 55(1) of the 1949 Act, for consideration by the Secretary of State. The Secretary of State may also direct us to prepare a variation report under section 55(2) of the 1949 Act. Variation reports are subject to the same procedures for consultation, representations and objections as our initial reports.
- 3.3.45 Where a change does not in itself require the Secretary of State's consideration, it may nevertheless be included in a variation report alongside other elements that do. The procedural requirements are summarised in figure 9.

⁴¹ Our relevant authority guidance is published at <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

Figure 9 Procedures for changes to local coastal access provision

| Changes that must be included in a variation report | Changes that do not require approval by the Secretary of State |
|---|---|
| A change to the route of the trail ⁴² (unless it occurs automatically under a 'roll back' provision in the confirmed report) | A direction to restrict or exclude the coastal access rights ⁴³ (see sections 6.6 and 6.7) |
| A proposal for a section of the route to be determined in accordance with a 'roll back' provision (see section 4.9) | Varying or revoking of an existing direction to restrict or exclude access (see paragraph 3.3.40) |
| An alternative route or optional alternative route, or a change to an existing one (section 6.4) | A temporary route (see section 6.4) |
| A change to the way we use our discretion to align the landward boundary of spreading room with a specific physical feature (see section 4.7) | New or replacement signs or infrastructure (though consent from other authorities is necessary in some instances) |



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⁴² The power to propose changes to an existing route is provided under section 55(1) of the 1949 Act.

⁴³ Consultation procedures apply before giving directions that would restrict or exclude access for more than six months continuously. The relevant procedures are set out in detail in Annex K of the relevant authority guidance: <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

Part B

Key principles of alignment and management

Part B sets out key principles that Natural England will take into account in deciding what access to recommend and outlines the approach we will take to balancing these considerations.

The 2009 Act requires us, in discharging our coastal access duty, to 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 be conferred. The structure of part B reflects this requirement:

- Chapter 4 considers principles relating to the public interest.
- Chapter 5 considers principles relating to the interests of owners and lawful occupiers.
- Chapter 6 explains how we will deploy access alignment and management solutions to ensure that an appropriate balance is struck between these principles on each section of coast.

Chapter 4. Public interests

4.1 Overview

4.1.1 In relation to the trail, Natural England is required by section 297(2) of the 2009 Act to have specific regard to:

- the **safety** and **convenience** of those using the English coastal route; and
- the desirability of that route adhering to the **periphery** of the coast and providing **views** of the sea; and
- the desirability of ensuring that, so far as is reasonably practicable, **interruptions** to that route are kept to a minimum.

4.1.2 Since in many places there will be a choice as to the route, with each option fulfilling each of these considerations to varying degrees, it will be for Natural England in its recommendations to the Secretary of State to propose the balance to be struck between them on each stretch of coast.

4.1.3 The extent to which **spreading room** should be available to the public will also be relevant to our considerations, insofar as it will be affected by our recommendations regarding:

- the position of the trail;
- places where the landward boundary of spreading room should be made to coincide with a physical feature (see section 4.7); and
- any local exclusions or restrictions we think are necessary.

4.1.4 The sections that follow explain the public interest criteria above in more detail, together with two additional ones also addressed by this and associated legislation:

- enjoyment and protection of the **coastal environment**; and
- responsiveness to **coastal change**.

4.2 Safety on the trail

4.2.1 Most people already understand that the coast can be a dangerous environment, and are aware of many of the risks. Our key principle is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

4.2.2 Accordingly, a much reduced level of occupiers' liability is provided on the coastal margin by virtue of section 306 of the 2009 Act. This absolves occupiers of potential liability arising from the presence of either natural or man-made features on land subject to the coastal access rights. However, occupiers retain some degree of residual liability in

relation to reckless or deliberate acts or omissions⁴⁴.

- 4.2.3 Our approach to risk management on the trail will therefore be light-touch, aiming to avoid any safety measures that would be restrictive on public access or enjoyment or that would conflict with land management or environmental objectives. We may monitor safety at locations where we have specific concerns, normally working through the access authority.
- 4.2.4 It will often be possible to minimise significant risks without special mitigation measures, through sensitive positioning of the trail. For example, the trail need not be aligned along a road used regularly by motor vehicles where a reasonable alternative route can be provided. The position of any road crossings that are necessary can be chosen in consultation with the highway authority, with safety and convenience in mind. Local authorities have traffic management powers which may be appropriate in this context.
- 4.2.5 We will assess the likely level of visitors' familiarity with and expectations of the risks on each section of trail in deciding what safety measures are necessary, if any. Intervention is most likely where visitors are leaving a familiar, managed environment such as a formal car park and moving into a more rugged environment such as a cliff path in order to signal the change. Outside such managed environments we will adopt a principle of minimal intervention, assuming that people will avoid dangers that are well known – such as cliff edges – provided that they are readily apparent.
- 4.2.6 Both Natural England and the access authorities have powers to erect signs along the trail warning of potential dangers, or use fencing or natural vegetation barriers where required. We expect these to be used very sparingly, to warn or protect people from dangers they could not reasonably anticipate, such as entrances to abandoned mines or unstable cliffs. The 2009 Act provides that no liability will attach to Natural England or access authorities for failing to erect such signs or barriers, or to Natural England or the Secretary of State for the choice of route.
- 4.2.7 We will take into account risks periodically posed by other activities on the route itself such as land management activities or other recreational activities such as horse riding or cycling. Any sections of the trail likely to be used by horse riders, cyclists or vehicles will require special consideration. We may make allowance for this in the positioning of the trail, for example if it necessary to accommodate a mixture of uses safely on a cliff top path.
- 4.2.8 Local restrictions and exclusions will be available where necessary to prevent danger to the public from things that have been done, or are proposed to be done on the land, but may not be used to prevent danger from natural features or natural events (see section 6.6).
- 4.2.9 Part C explains our approach to specific safety concerns that are likely to arise: Chapter 7 includes considerations in relation to natural hazards such as cliff edges and tides; chapter 8 considers risks arising from other activities on the land.

4.3 Convenience of the trail

- 4.3.1 For the trail to be convenient, it should be a reasonably direct route and pleasant to walk along. There should be reasonable adjustments for disabled people and others with reduced mobility.

Reasonably direct

- 4.3.2 People using the trail should not have to follow an indented coastline slavishly. The trail needs in general to be close to the sea (see section 4.5) and to offer sea views (see section 4.6), but also needs to enable people to make reasonable progress if their key aim is an onward walk around the coast.

⁴⁴ The reduced liability only applies to liability for people exercising coastal access rights. It does not affect civil liabilities for people on other land within the coastal margin, or people invited on to land; nor does it affect existing duties on employers and the self-employed in relation to public safety under health and safety at work legislation.

Pleasant to walk along

- 4.3.3 So far as practicable, we will design the trail to avoid excessively steep, narrow or oppressive sections, whilst accepting the natural limitations and challenges of access over some coastal terrain.
- 4.3.4 The effect of the Order will be to secure access rights to the land 2 metres either side of the route line shown on the map. This allows for the trail itself to be 4 metres wide under ordinary circumstances, enabling two people to walk comfortably abreast. In practice, we will often adopt as part of the trail sections of existing path or track that may be wider or narrower than 4 metres or not of uniform width. People will have access rights to the land 2 metres either side of the route line in these places, but we are unlikely to carry out any physical alterations to the path or track to make it conform to a standard 4-metre width, provided that we consider it satisfactory when measured against the public interest criteria set out in this part of the Scheme.
- 4.3.5 Where we create a new route for the trail, it will typically have a natural surface rather than an artificial one (see next paragraph). This too will often result in a visible path narrower than the 4 metres provided in law.
- 4.3.6 Whether we recommend that an existing route be adopted or a new one created, we will always aim to ‘work with the grain’ of existing physical features such as fences, walls, hedges, and rocks.
- 4.3.7 The management of the trail and its associated infrastructure and signs will conform to the published standards for other National Trails⁴⁵. These standards will enhance the overall convenience of the trail within a design framework that uses natural surfaces such as grass wherever possible and otherwise favours the use of natural or carefully chosen artificial materials and local designs that blend well with their setting. We will pay particular attention to the location, design and installation of access infrastructure on sites of conservation value (where clearance, digging and drainage works have the potential to damage features of interest) and in other areas where specific consents are required from other authorities.

Adjustments for disabled people and others with reduced mobility

- 4.3.8 We will adopt the principles set out in our publication “By All Reasonable Means” to make the trail as easy to use as we reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities (see paragraph 4.3.12 below). Where there is a choice of routes (after taking into account all the key principles described chapters 4 and 5 of the Scheme), we will favour the route that is accessible to the widest range of people or most easily adapted for that purpose.
- 4.3.9 Throughout the trail, we will avoid creating any unnecessary barriers to access by choosing the least restrictive infrastructure that is practical in the circumstances. For example, where we install infrastructure in preparation for the introduction of the rights (or replace existing infrastructure, once it has reached the end of its useful life) we will normally use:
- gaps to cross field boundaries where livestock control is not an issue; and
 - gates rather than stiles where livestock will be present, designed to enable access by people with wheelchairs; and
 - graded slopes rather than steps if practicable.

⁴⁵ The Countryside Agency (2004): “Quality Standards for National Trails in England” (CA 183) available at www.nationaltrails.co.uk

- 4.3.10 Where appropriate, our recommendations will include further targeted adjustments to make the trail more accessible for people with reduced mobility. This will include improvements to the information available about those lengths of trail that are already accessible to a wide range of people. We will also ask local representatives to help us identify, prioritise and design suitable and affordable physical improvements to the trail according to their local needs and the available budget. They might typically identify:
- particular sections of trail that are well-served by public transport and visitor facilities, but have physical barriers to access for people with reduced mobility which could realistically be removed; or
 - sections with potential to provide key strategic links through adjustments that are readily achievable.
- 4.3.11 In all this, we will have regard to:
- any concerns about making it easier in practice for people to enter land unlawfully with vehicles;
 - the importance of conserving cultural heritage features and landscape character in the design of the trail and infrastructure;
 - land management needs, for example the need for crossing points to be designed to prevent livestock from escaping; and
 - the need for crossing points between fields to facilitate access for horse riding or cycling where there are existing rights or permissions for these activities.

Visitor transport and facilities

- 4.3.12 We are not required to consider additional visitor facilities such as car parks, toilets or public transport as part of our recommendations to the Secretary of State, though section 51 of the 1949 Act enables us to make proposals for accommodation, meals and refreshments along the route if we see fit. In practice we expect local businesses and communities to decide what additional visitor facilities are appropriate. These will not form part of the recommendations in our report.
- 4.3.13 The presence of additional facilities may affect the management of the trail, for example if it is likely to attract more people to a particular location. Where proposals for additional facilities are in train during the preparation of our initial recommendations we will reflect any likely impact in the coastal access report. Otherwise we may reassess coastal access in the light of any facilities that are later provided.

4.4 Continuity of the trail

- 4.4.1 Having arrived at the coast, people should normally be able to walk in either direction for as long as they like around the open coast of England.
- 4.4.2 They should normally be able to do this at all states of the tide. The trail will therefore normally avoid any route which is prone to tidal encroachment, unless in our view such a route would strike the best balance of public and private interests, taking into account the other criteria in Part B. On sections of the trail where tidal encroachment is likely, we may provide an optional alternative route (see section 4.9).
- 4.4.3 Breaks in continuity may arise, particularly at estuaries where there is no convenient crossing point within reasonable distance of the coast (see chapter 10).
- 4.4.4 The trail should avoid altogether any places where long-term or permanent local exclusions would affect it, including exclusions of people with dogs. However, temporary or seasonal restrictions or exclusions may from time to time be necessary on the trail locally. Wherever possible we will provide alternative routes where this happens, so that people can continue their journey along the coast.
- 4.4.5 The trail should also where practicable be designed to link up with routes leading to and from the coast, with existing public transport links and car-parks on the coast, and with river crossings.

4.5 Proximity of the trail to the sea

- 4.5.1 The trail should normally be close to the sea, otherwise it would fail in its primary purpose to enable people to enjoy the coast of England.
- 4.5.2 This does not mean the trail must pass along the land closest to the sea. Often the best route will be on the cliff top rather than the beach, for example, because the sea views are better and the surface is more convenient for walking. Equally, the route may be set further back if in our view this strikes the best balance between all the key principles described in chapters 4 and 5 of the Scheme.
- 4.5.3 Normally the land between the trail and the sea will be spreading room, allowing people to get closer to the sea if they want to. However, in some places the trail may be a considerable distance from the sea at low tide and closer access to the water may not be practicable or convenient or, for example, in keeping with nature conservation objectives.
- 4.5.4 Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities. Part C explains some of these circumstances in more detail.

4.6 Views of the sea from the trail

- 4.6.1 The route of the trail should normally offer views of the sea, because they are a key part of many people's enjoyment of the coast.
- 4.6.2 Views from the trail may be interrupted by vegetation, landforms, buildings or coastal defence structures. Where this happens, there will sometimes be spreading room beside the trail which people can use to get a better sea view. We are unlikely to clear vegetation in order to open up views, but we may do so if it is necessary to make room for the trail itself (see stage 8 in chapter 3 of the Scheme).



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- 4.6.3 The trail may also lose sight of the sea temporarily in order to follow a safer or more convenient route, or to take account of other uses of the land.
- 4.6.4 On low-lying coast, it may not be possible to see the sea from the trail at some states of the tide.

4.7 Availability of spreading room

Land considered to be accessible

- 4.7.1 The availability of spreading room relates to the second objective under section 296(3) of the 2009 Act to secure a margin of land along the length of the English coast which is accessible to the public. For land within the coastal margin to be considered accessible for these purposes, the 2009 Act says it must be:
- land where the coastal access rights apply; or
 - land with access rights of the types listed in CROW section 15; or
 - excepted land which is accessible to the public by another enactment or rule of law – principally public footpaths, bridleways and other highways.
- 4.7.2 There is no duty on Natural England to make it possible for the public to reach all parts of the coastal margin on foot. Some coastal areas, such as cliff faces and rocky shores, are inherently difficult to reach and this is part of their appeal for some people. However, the route of the trail will wherever practicable be chosen to make it easy for the public to reach popular areas of spreading room like beaches, either by touching them at a safe and convenient point of entry, or by linking to a secondary route which leads to them.
- 4.7.3 We may also promote or improve existing secondary routes or points of access to spreading room from the trail, either to make it easy for people to reach it or to encourage people to avoid other areas that are less suitable for general use. *For example, see figures 25, 28 and 29 in chapter 9.*
- 4.7.4 However, we are unlikely to recommend new routes through spreading room in our coastal access reports, unless we conclude that it is necessary to encourage people to take a particular route for safety, land management or conservation reasons. The detailed assessment criteria in chapters 7 and 8 indicate circumstances where this might be necessary.

Land seaward of the trail

- 4.7.5 The Order provides for any land seaward of the ordinary route of the trail to qualify automatically as coastal margin as a consequence of the route being put in that position. On estuaries, as on the open coast, this relates to any land between the trail and the seaward extremity of the foreshore – see chapter 10.
- 4.7.6 Some parts of the coastal margin on the seaward of the trail will not be spreading room as a result of this provision, because:
- they may be excepted land; or
 - where coastal access rights apply, they may be subject to long-term local exclusions (see section 6.6).
- 4.7.7 In some instances, there may be no lawful means for the public to reach spreading room from the trail because the intervening land is excepted land (or excluded by direction). For example, the only way to reach a particular beach may be through a building or private garden that lies between the trail and the beach.

Specific land types

- 4.7.8 Subject to these same provisos, the Order also provides for certain specific coastal land types to be included automatically in the coastal margin where they fall landward of the trail. The land types in question are:
- foreshore (which is taken here to mean the area between the mean high water mark and the mean low water mark);
 - any cliff, bank, barrier, dune, beach or flat which either touches the foreshore itself at

some point, or connects indirectly with it by touching another part of the coastal margin that itself touches the foreshore at some point⁴⁶; and

- section 15 land adjoining the trail on the landward side⁴⁷.

4.7.9 In some cases, the spreading room created under this provision may extend for some considerable distance inland of the trail.

Discretion to include further land up to a recognisable physical feature

4.7.10 Natural England has a discretionary power under section 55D(2) of the 1949 Act to recommend that the landward boundary of the coastal margin should coincide with a recognisable physical feature. We will consider using this discretion where it would:

- make the extent of people's access rights clearer or more cohesive on the ground, or
- secure or enhance public enjoyment of the coast;

and, in either case, where there is a recognisable physical feature which would provide a suitable boundary.

4.7.11 We will not use the discretion unless we are satisfied that doing so would strike a fair balance with private interests over the land, and an appropriate balance with other objectives such as heritage and nature conservation. In making this assessment we will consider where necessary what forms of local management could be used to address any potential conflicts that might result from new access. Chapter 6 explains the range of solutions available to us to strike this balance, while chapters 7 and 8 outline how we will apply the range of solutions to common circumstances on the coast.

4.7.12 Our use of the discretion may make the extent of people's access rights clearer or more cohesive on the ground by aligning their landward limit with a physical feature that will be easily visible to the public and is likely to be intuitively recognised by them as the inland boundary of their coastal access rights – for example:

- a field boundary e.g. a wall, hedge, fence or ditch;
- a bridge, tunnel, road or surfaced track;
- an embankment, such as those used for flood risk management;
- the top of an inland cliff or crag (allowing sufficient room for climbers to reach the edge or rest after a climb); or
- a clear change in land cover such as the edge of a woodland through which the trail passes.

4.7.13 We may for example use this discretion to recommend further landward spreading room where:

- the trail does not adhere closely and consistently to any recognisable physical feature other than the path itself;
- the trail is intersected frequently by secondary access routes;
- there are areas such as grassland, heath, scrub or woodland next to the trail; or
- to incorporate adjacent land where there are existing access rights provided under Part 1 of CROW.

4.7.14 Using the discretion is normally likely to secure or enhance public enjoyment in some way by allowing people to explore further landward spreading room if they wish rather than continuing straight on along the trail. It may for example provide access to:

- a suitable place to rest, shelter from the elements or picnic;
- an enhanced sea view;

⁴⁶ For example dunes are often separated from the foreshore by a narrow strip of beach, but will still be considered to be adjacent to it for these purposes. But in the event that an area of dune was completely separated from the coast by developed land, it would not be included in this way unless the landward boundary of the margin is extended to coincide with the landward boundary of the dune under section 55D(2)(a).

⁴⁷ This provision is by virtue of paragraph 3(3)(b)(i) of the Order.

- a contrasting environment to the more typical experience on that section of coast;
- views of, or contact with, the natural environment or features that the public may enjoy, or that may be of special interest to some; or
- a strategic route to and from the coast – for example from a village, a bus-stop or a car park – or an alternative route back along the same length of coast.

4.7.15 The coastal environment is inherently dangerous and we recognise that for some people – climbers for example – that is part of its intrinsic appeal. We are therefore very unlikely to rule out the inclusion of landward spreading room under this discretion on safety grounds, unless there are significant risks arising from other activities on the land that would require intervention (see chapter 8).

Figures 24, 26 and 28 in Chapter 9 illustrate some circumstances where we might exercise our discretion to recommend landward spreading room.

Voluntary dedication of land as coastal margin

- 4.7.16 Land that was previously dedicated as access land under section 16 of CROW becomes subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. This, for example, has the effect of applying to it the reduced level of occupier's liability that applies on land with coastal access rights.
- 4.7.17 A land owner may also make a dedication to 'opt in' to the coastal access regime adjacent land which would not otherwise be part of the coastal margin. This may have the effect of creating further landward spreading room.
- 4.7.18 Other land that is already coastal margin may also be permanently dedicated as such under the provisions of CROW section 16, as amended for this purpose by section 303(6) of the 2009 Act. Dedication may be used in this way to create spreading room over areas that would otherwise be excepted land under the provisions of Schedule 1 of CROW.
- 4.7.19 In any of the scenarios above, a land owner may also make provision in the dedication for specific national restrictions that would otherwise apply over spreading room to be removed or relaxed (see section 2.2 of the Scheme).

4.8 **Enjoyment and protection of the coastal environment**

- 4.8.1 Coastal access rights will create more opportunities for the public to enjoy the natural and cultural environment of the coast and to understand it better. Our recommendations for the trail and the extent of landward spreading room will be influenced by local opportunities for people to encounter particular features or to get a more varied experience, where this is consistent with their protection and with the other key principles described in chapters 4 and 5 of the Scheme. This includes features designated for their landscape, geological or geomorphological, biodiversity or historic interest.
- 4.8.2 The key principle in our approach will be to strike the right balance for each circumstance between securing these opportunities and ensuring appropriate protection of the coastal environment. This principle is in keeping with Natural England's statutory purpose to conserve, enhance and manage the natural environment for the benefit of present and future generations⁴⁸.
- 4.8.3 The application of this principle will operate between two fundamental boundaries:
- On the one hand, various statutory obligations in respect of sites and features on the coast; and
 - On the other hand, our duty to deliver coastal access rights.
- 4.8.4 We will therefore assess the potential effects of improved coastal access on sensitive features along each stretch of coast, including wildlife, heritage, landscape and geodiversity. Our assessments will consider potential effects arising from any works which are necessary for the establishment or maintenance of improved coastal access,

⁴⁸ The Natural Environment and Rural Communities Act 2006, section 2(1).

and from people's exercise of the coastal access rights.

- 4.8.5 As part of this process, we will take advice from local authority archaeological officers regarding the potential effects on heritage features and will consult English Heritage in relation to Scheduled Monuments where they are highlighted.
- 4.8.6 In respect of natural features, our assessments will:
- fulfil our obligation under Article 6.3 of the Habitats Directive to conduct an appropriate assessment where we conclude that any European site could be significantly affected by our coastal access proposals⁴⁹;
 - comply with our duty under section 28G of the Wildlife and Countryside Act 1981 to take reasonable steps, consistent with the proper exercise of all our functions, to further the conservation and enhancement of the flora, fauna or geological features by reason of which a site is of special scientific interest;
 - take into account any potentially significant effects on particular habitats or species protected under other legislation, insofar as they occur on the coast, including:
 - species afforded special protection under relevant schedules to the Wildlife and Countryside Act 1981 or under Schedules 2 and 5 of the Conservation of Habitats and Species Regulations 2010;
 - particular species afforded protection under dedicated legislation such as the Conservation of Seals Act 1970; and
 - take into account any potentially significant effects on species or habitats listed in the United Kingdom Biodiversity Action Plan, as part of our wider duty to have regard, so far as is consistent with the proper exercise of our functions, to the purpose of conserving biodiversity.
- 4.8.7 Often coastal access rights will be put in place without taking any special measures to protect the coastal environment. However, where we conclude from our assessments that there may be potential for the coastal access rights to cause adverse effects on protected sites and species, we will consider whether any action is required to avoid or mitigate such effects. There is a range of options available, including:
- a trail route that avoids sensitive areas, or an alternative route used during sensitive periods;
 - informal management techniques such as public information, wardening or promotion of particular routes;
 - local restrictions or exclusions⁵⁰ on public use of spreading room; and
 - monitoring the outcome on the ground.
- 4.8.8 In all cases where we decide that action is necessary, our policy will be to adopt the option which is least restrictive on public access that will meet at reasonable cost our environmental objectives and any specific statutory obligations that apply. Chapter 7 of the Scheme indicates the solutions we are likely to consider in relation to key concerns.
- 4.8.9 In the case of European sites, we have a specific duty to assess the implications of the coastal access rights for them. Where the introduction of coastal access rights at these sites is likely to have a significant effect on the features to which their designation relates, either alone or in combination with other projects, we must carry out an appropriate assessment.
- 4.8.10 On stretches of coast where we conclude that an appropriate assessment is required in relation to a European site, we will also subject our proposals to strategic environmental

⁴⁹ The glossary to the Scheme includes a full explanation of each of these terms: "Habitats Directive", "appropriate assessment" and "European site".

⁵⁰ Natural England may exclude or restrict coastal access for this purpose using powers under section 26 of the Countryside and Rights of Way Act 2000.

assessment, in accordance with EU Directive 2001/42/EC. Chapter 3 indicates how these assessments of the potential effect of our proposals on the environment will be integrated into key stages of the implementation process.

- 4.8.11 Where we conclude from an appropriate assessment that coastal access rights may have an adverse effect on the integrity of a European site, we will take whatever steps may be necessary in order to be certain that there will be no adverse effect on the integrity of the site.
- 4.8.12 Where other protected sites or protected species may be affected, we will use our flexible powers under the legislation to find solutions that best integrate our nature conservation and coastal objectives, complying with any specific legal duties where relevant. There may be circumstances where after careful assessment we conclude that some impact on nature conservation interests is necessary and acceptable in order to strike an appropriate balance between our nature conservation duties and other interests to which we must have regard under the coastal access duty. In these cases, we will aim to minimise the impacts through appropriate use of the range of solutions described in later chapters of the Scheme. Where appropriate we will consider carrying out monitoring in such a situation to ensure that any actual impacts on nature conservation interests stay within acceptable limits and that we can take steps to mitigate those impacts if we conclude from monitoring that this is necessary.
- 4.8.13 We will also ensure that any operations (such as those necessary to install access infrastructure) which are felt necessary to implement the proposals meet the statutory requirements applying to any SSSI or Scheduled Monument that may be affected.
- 4.8.14 On SSSIs (for which Natural England is the assenting authority) we will ensure that any works are undertaken in the least harmful way that is practicable to the features for which the site is notified, and that the site is restored where necessary to ensure that its overall conservation status is maintained.



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4.9 Responsiveness to coastal change

- 4.9.1 Coastal access will not be a factor in determining shoreline management policies or the strategies that implement them, though individual schemes may make special provisions for coastal access where these can be accommodated within the overall objectives for flood or coastal risk management. This fits with our policy that sustainable management of flood and coastal risk is best achieved by solutions that work with the physical and hydrological processes that shape coastal and river environments.
- 4.9.2 Most parts of the coast will experience coastal change at some point, but adaptations to coastal access are most likely to be necessary where:
- the coastline is already subject to significant erosion or other geomorphological processes (see ‘roll back’ below);
 - the trail is subject to periodic flooding (for example in storm conditions) or more regular tidal action (see ‘optional alternative routes’ below); or
 - there is a strategy of managed realignment⁵¹ or non-intervention with coastal processes which will lead to change occurring (see ‘managed realignment and non-intervention’ below).
- 4.9.3 The 2009 Act includes special powers that enable our coastal access recommendations to facilitate adaptation to these circumstances: these powers are described in detail below.
- 4.9.4 The management of coastal erosion and flood risk is central to these considerations. Accordingly, section 55D of the 1949 Act⁵² requires us to consult the Environment Agency in relation to any interests of flood defence, or in the management of coastal erosion or encroachment by the sea, which may be affected by our proposals.

‘Roll back’

- 4.9.5 A continuous and sustainable trail cannot follow the same fixed route year after year on lengths of coast where the coastline is changing significantly, unless it is aligned a significant distance back from where the change is occurring. This may be an option in some places, but it will often be an unattractive option because the trail would be too far from the sea, or because putting it there would increase the impact on other land uses.
- 4.9.6 Accordingly section 55B of the 1949 Act⁵³ provides powers for the route of trail to be determined in accordance with a written description under which the trail effectively moves inland as the coast changes, for example by reference to its position in relation to a field boundary or cliff edge (as it exists at the time). In the Scheme we call this provision ‘roll back’. The distinction between roll back and any other change to the trail to accommodate coastal change is that roll back takes place without further approval by the Secretary of State. Approval of the way in which roll back is to happen is given as part of the approval of the original report. In this way, everyone knows from the outset how the trail will ‘move’ in response to change.
- 4.9.7 The power enables us to recommend that the trail rolls back in an area which is (or may be) subject to:
- significant coastal erosion or encroachment by the sea; or
 - significant physical change due to other geomorphological processes such as landslip.
- Roll back is an option on both the ordinary route of the trail and on alternative routes which meet these criteria, but not on temporary routes (see figure 16 in section 6.4).
- 4.9.8 Typically we will use roll back where the trail is on sections of cliff that are eroding or subject to periodic landslip. Our description of how the route will be determined will need to take into account local factors such as:

⁵¹ See entry for ‘managed realignment’ in part B of the glossary.

⁵² As inserted by section 302 of the 2009 Act.

⁵³ As inserted by section 302 of the 2009 Act.

- the average rate of erosion;
 - the characteristic patterns and visible evidence of erosion or landslip locally;
 - the safety and convenience of the trail and how these factors may be affected by other recreational uses on the affected section, for example by horse riders or cyclists, or by the management of the land;
 - land management and environmental objectives;
 - how the route will be indicated to the public and the need for crossing points and other infrastructure.
- 4.9.9 The influence of these and other local factors on the detailed design of the route may change over time according to the future pattern of erosion. The description is therefore likely to give a broad indication of how the route will be determined with reference to recognisable physical features such as a field boundary or cliff edge (as it exists at the time) – and specific criteria which will affect how the route is determined in detail according to the conditions at the time.
- 4.9.10 Where we describe the route in this way, the map submitted to the Secretary of State in Natural England’s report will show its starting position against the current coastline. The report will also indicate:
- The criteria we will use to reposition the route from time to time; and
 - Points or circumstances which when reached will trigger a formal reassessment of the route, for example a potential interface with developed land.
- 4.9.11 Where the trail rolls back in the way described, the extent of spreading room is also likely to change, in accordance with the provisions described in section 4.7, but the boundary of any spreading room on the landward side of the trail will not change unless we make a further specific recommendation to that effect to the Secretary of State.
- 4.9.12 Figures 10 and 11 illustrate how roll back might work in practice in a particular case. Figure 12 shows the potential effect of a formal reassessment of the route on the same section of coast.
- 4.9.13 Existing public rights of way have traditionally been lost to coastal change, or rendered unusable by it, when the ground over which they run disappears or slumps. This will continue to happen, but the roll back power provides a means by which onward access on foot along that section of coast can nevertheless be maintained. Where the trail ‘adopts’ an existing right of way along a section subject to significant coastal change, that part of the trail is initially excepted land, with the public’s ability to use it being based on the existing right rather than the coastal access rights. However in this situation, our report will typically describe the position of the trail as rolling back. As the line of the trail rolls back in response to coastal change, it will cease to be excepted land, and coastal access rights along it will come into force, and will then continue to roll back in accordance with the description in the report.
- 4.9.14 Any rights of access for horse riders and cyclists along rights of way such as bridleways are effectively lost when the ground over which they run disappears or slumps, unless the owner voluntarily dedicates further land for access by these groups.

Optional alternative routes

- 4.9.15 Section 55C(4) of the 1949 Act⁵⁴ provides powers for Natural England to propose an optional alternative to the ordinary route, which would be available for the public to use at times when the ordinary route of the trail could reasonably be regarded as unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes.
- 4.9.16 We will normally avoid aligning the trail on any land that is likely to be subject to periodic

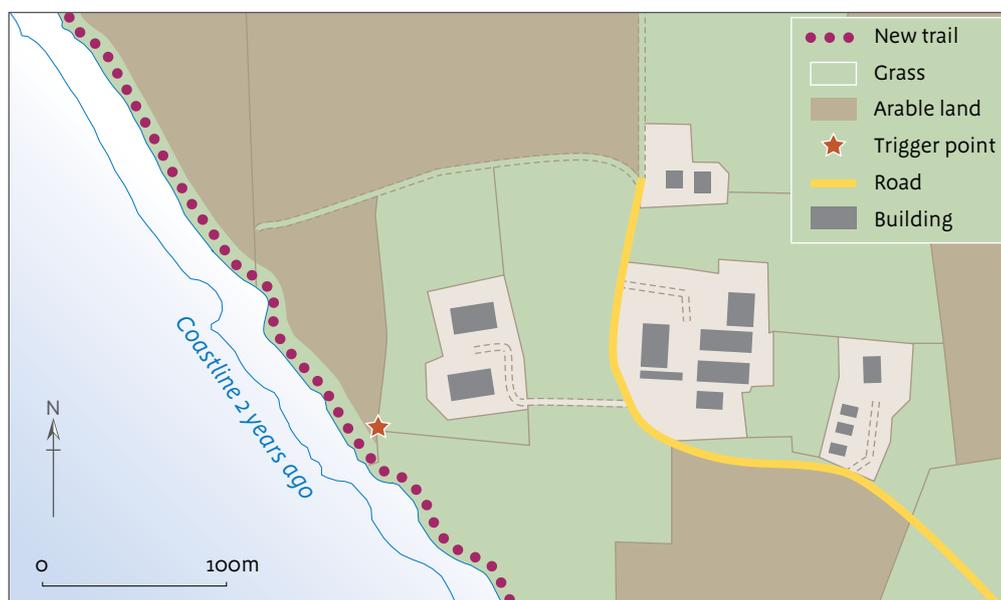
⁵⁴ As inserted by section 302 of the 2009 Act.



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Figure 10

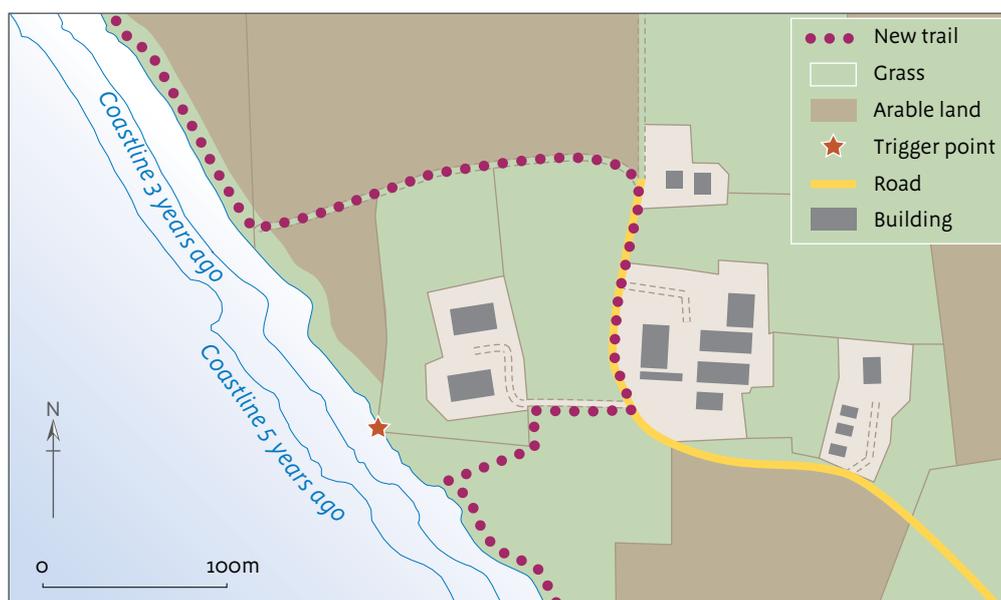
The trail is aligned on an eroding cliff. The corner of a garden is marked as a potential trigger point for a future reassessment of the route.



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Figure 11

2 years after initial alignment: the trail has automatically rolled back as the cliff has eroded.



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Figure 12

5 years after initial alignment: the trail has rolled back as far as the place previously identified as a potential trigger for reassessment. This scenario shows how the trail could be repositioned at this stage to avoid the garden.

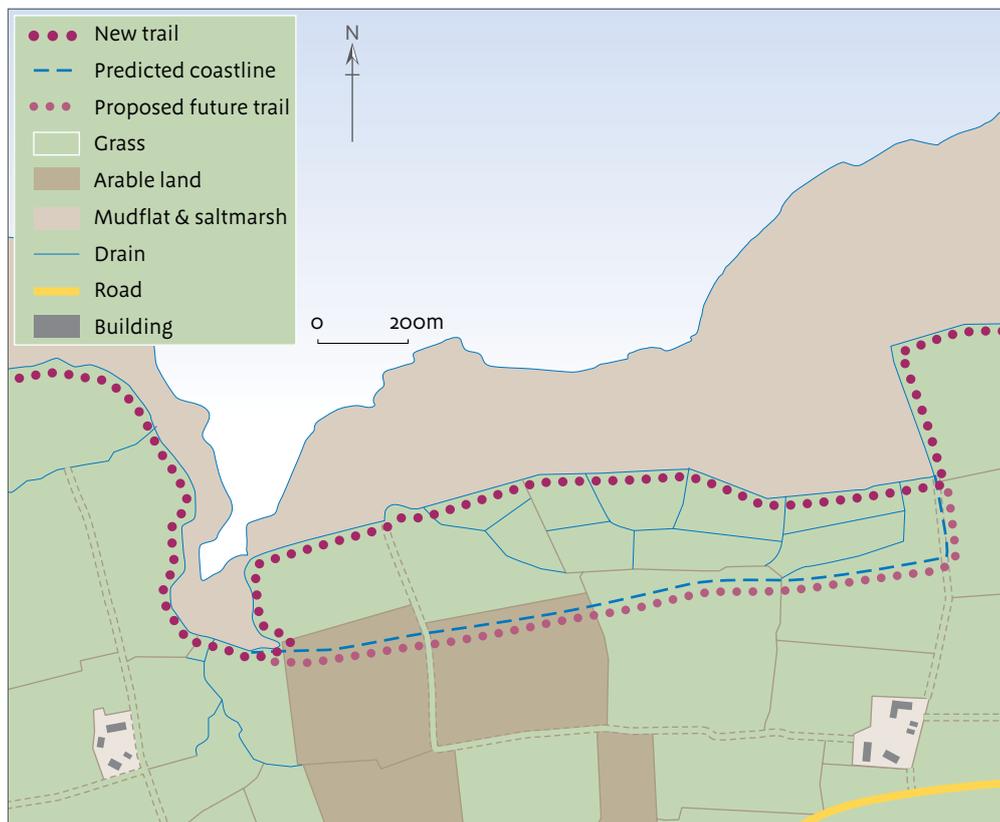
flooding or tidal action, though spreading room on the seaward side of the trail will often by its nature be affected. However, there are likely to be places where the route we recommend will be flooded periodically, for example:

- on a beach, if the other available route options would not offer any views of the sea;
- on an embankment that is subject to occasional flooding during storm conditions.

- 4.9.17 In these circumstances we will consider whether an optional alternative route could be provided at reasonable cost that would strike an appropriate balance between the other key principles described in chapters 4 and 5 of the Scheme. *For example, see figure 27 in chapter 9.*
- 4.9.18 We are unlikely to consider an optional alternative route in relation to sections of the trail affected by erosion, landslip or other geomorphological processes, except in circumstances where the intention is to reinstate the ordinary route after erosion or landslip has taken place. More often the effects of erosion or landslip will render the route unusable in the long-term; hence, we are likely to recommend that the trail rolls back in response to these processes. For similar reasons, we are unlikely to recommend that an optional alternative route rolls back, but we may do so under the power in section 55C(6) of the 1949 Act.

Managed realignment and non-intervention

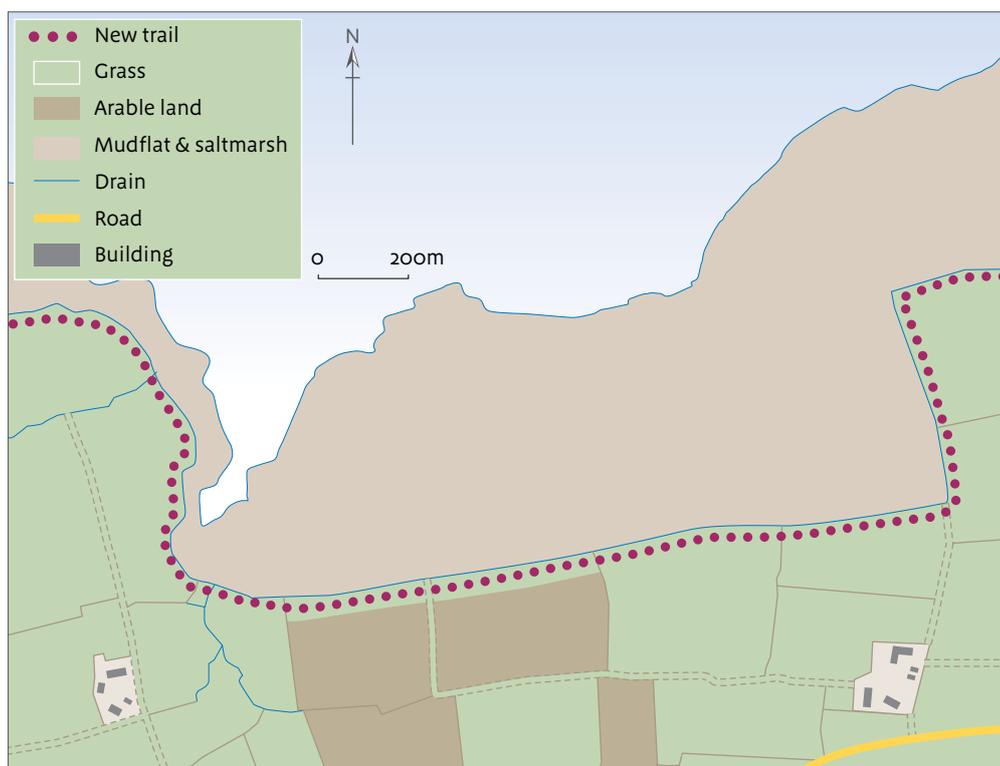
- 4.9.19 Where the shoreline is defended by banks or barriers, it may appear quite stable in the short-term, but it could be subject to significant changes in the future if there is a policy of managed realignment or non-intervention with coastal processes (under which existing defences are no longer actively maintained). We will therefore need to take careful account of Shoreline Management Plans and the strategies which implement them at key stages throughout the implementation process described in chapter 3 of the Scheme, working closely with the Environment Agency and other relevant bodies.
- 4.9.20 Where there is a policy of managed realignment or where defences are not actively maintained, we will consider carefully at the outset the best route for the trail. We may align the trail along the future predicted line of the coast, provided this is known with sufficient certainty, or we may rely on the power given to us under section 55(1) the 1949 Act to recommend a change at a later stage (see stage 10 of the implementation process set out in chapter 3).
- 4.9.21 Where we decide that a trail along the current coastline is for the time being appropriate, it will be necessary to reposition it in the future:
- on a section of coast subject to managed realignment, in accordance with a plan agreed with the Environment Agency and the operating authority, if different;
 - on a section that is no longer actively maintained, when in our judgement it is necessary, taking into account all the criteria in the Scheme, including the safety and convenience of the route.
- 4.9.22 We may discuss both present and future trail routes during the preparation of our initial recommendations to the Secretary of State (alongside any provision regarding the landward boundary of spreading room that we consider appropriate in the relation to either or both routes) but our coastal access report will recommend only the access that is appropriate to the circumstances at the time. We will submit a variation report at a later date when it becomes necessary to change the access as a result of the implementation of the relevant flood risk management policy. The variation report will be subject to the same procedures for consultation as the first report – see figure 9 in chapter 3.
- 4.9.23 Figures 13 and 14 illustrate how the route of the trail might be changed to adapt to managed realignment.



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Figure 13

The trail aligned along a section of coast subject to managed coastal realignment. A new route is proposed behind the predicted coastline.



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Figure 14

The trail is in its new position, after managed coastal realignment.



Chapter 5. Interest of owners and occupiers

5.1 Overview

- 5.1.1 Chapter 5 introduces general principles relating to the interests of owners and occupiers.
- 5.1.2 Much of the relevant detail on this appears in chapter 8, which explains our likely approach in relation to particular coastal land uses and activities.

5.2 Operational needs

- 5.2.1 Our flexible alignment powers under the 2009 Act should in general ensure that coastal access rights will not interfere in any significant way with the operational needs of coastal businesses or organisations such as sporting clubs.
- 5.2.2 The trail can be aligned in a way that is sensitive to land use: it can pass along the seaward edge of fields, along existing paths and tracks where suitable ones are available, and avoid altogether any areas where it would otherwise be necessary to exclude access for long periods, such as areas of heavy industry.
- 5.2.3 Some work environments will be automatically excepted from the coastal access rights, for example land subject to military byelaws and land in use for quarrying.
- 5.2.4 Small-scale operations can and do normally take place alongside public access. Where there is potential for visitors to disrupt work the problems can often be avoided through informal techniques such as putting up a sign or asking for their co-operation face-to-face.
- 5.2.5 Local restrictions and exclusions will be available if informal management cannot meet operational needs. These may be on grounds of land management or public safety⁵⁵. Where it is likely to be necessary to exclude access to the trail from time to time for temporary operational reasons, we will recommend an alternative route in our report wherever practicable. This will preserve continuity of access and so minimise disruption to visitors, helping to ensure that they comply with the terms of the exclusion. Figure 16 in chapter 6 explains in more detail how alternative routes will work.
- 5.2.6 There are also powers to exclude access to spreading room for fire prevention during exceptional weather or ground conditions, although access along the trail is not affected by these. Figure 19 in chapter 6 explains our approach to use of these powers.

5.3 Income

- 5.3.1 Business will not be expected to contribute in any significant way to the establishment and maintenance costs associated with improved coastal access.
- 5.3.2 Where businesses wish to charge visitors for specific goods, services or facilities, the coastal access rights will not prevent it. This includes for example charges for parking or deck-chair hire, entry to attractions such as theme parks, historic buildings or formal gardens, and permits for activities not covered under the access rights. However, businesses will not be able to charge the general public to enter land where the coastal access rights apply, for activities falling within those rights.
- 5.3.3 Within these basic parameters, we will aim in our report to the Secretary of State for each section of coast to prevent coastal businesses suffering significant loss of income from the introduction of coastal access rights. If, on the basis of the evidence available at the time, we are persuaded that significant loss of income is likely, we will include specific recommendations to prevent it.
- 5.3.4 Where such recommendations prove necessary, the action we recommend will depend on the objectives of the business, the management of any existing public access arrangements which affect it and our best prediction of future levels and patterns of public use following the introduction of coastal access rights. These considerations may influence the position of the trail, the extent of any spreading room landward of the trail,

⁵⁵ These powers will correspond in most respects with current powers under CROW sections 24 and 25.

or the management of the access rights, either informally or through local restrictions, exclusions and alternative routes.

- 5.3.5 Chapter 8 includes examples of circumstances where in particular cases some action may be necessary to prevent significant loss of income, including some businesses offering visitor attractions and holiday accommodation.

5.4 Privacy

- 5.4.1 The duties set out in the 2009 Act, when implemented, mean that public rights of access will be available to some land which was previously only available for the enjoyment of the owner or occupier and invited guests. However, there are specific provisions under CROW intended to protect privacy in key respects: buildings and the area surrounding buildings (known as curtilage), and land used as a garden or park, are excepted from coastal access rights, though existing rights of way through such areas remain in force and the trail may make use of them.
- 5.4.2 These provisions may prevent people reaching the shoreline or cliff edge in some places, if the only means of access to it (other than from the sea itself) is through a garden or park, or the curtilage of a building.
- 5.4.3 We will also consider in the preparation of our recommendations to the Secretary of State how our proposals may affect the privacy of people in the immediate vicinity of houses, hotels or other residences, and aim to strike a fair balance between these concerns and the interests of the public in having rights of access, as the 2009 Act requires.
- 5.4.4 Where a large park or garden presents a significant obstacle to public access around the coast, we will approach the owners to explore the scope to negotiate a route through which respects their privacy. The detailed assessment criteria in section 8.17 considers this aspect further.

5.5 Changes in the use of affected land

- 5.5.1 Our report to the Secretary of State will take full account of any change in the use of affected land which can reasonably be foreseen at the time that we prepare our initial recommendations to the Secretary of State. This includes both temporary changes, such as those arising from crop rotation or special events, and permanent changes arising from built development that is underway or imminent.
- 5.5.2 There are powers to amend the access arrangements on a section of coast after the report is confirmed, if this is necessary as a result of changes in the use of affected land which could not be foreseen at the time when we made our initial recommendations (see stage 10 of the implementation process described in chapter 3).

Temporary changes

- 5.5.3 The trail can be aligned in a way that is sensitive to temporary changes in the use of coastal land. However, in some instances this may be better achieved through temporary management measures, including local restrictions, exclusions and alternative routes.

Built development and re-development

- 5.5.4 Our reports to the Secretary of State will normally reflect the uses of the affected land at the time. We may recommend changes to the coastal access arrangements at a later date, if this is appropriate as a result of built development or re-development.
- 5.5.5 Coastal access rights do not prevent any land from being developed or redeveloped in the future. When this happens, the developed land is likely to become excepted land by virtue of paragraph 9 of Schedule 1A of CROW, and therefore outwith the coastal access rights. We will submit a variation report to the Secretary of State recommending a change to the trail or landward boundary of spreading room if either is affected in this way.
- 5.5.6 Local planning authorities must have regard to coastal planning policy guidance which encourages both new developments and regeneration schemes to include public access

to the coast as a positive feature of the development unless it is damaging to nature conservation or impractical⁵⁶. Our approach will therefore be to work constructively with planners and developers with the aim of ensuring that development plans and planning proposals take account of our coastal access objectives and make provision for them wherever appropriate.

- 5.5.7 Where a development is in progress or imminent at the time when we prepare our initial recommendations, we are likely to recommend the extent of coastal access rights that are appropriate until the development is complete, for example to get around the site without interfering with operations. We will submit a variation report to the Secretary of State at a later date, recommending that changes to the trail and its associated spreading room which should come into effect on completion of the development.



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⁵⁶ Coastal planning policy guidance is published by the Department for Communities and Local Government at www.communities.gov.uk



Chapter 6. Striking an appropriate balance

6.1 Introduction

- 6.1.1 This chapter explains the range of solutions available to us to ensure that an appropriate balance is struck between the key principles described in chapters 4 and 5.
- 6.1.2 There are several aspects to this balance which will often come into play in combination on particular sections of coast:
- the fair balance which section 297(3) of the 2009 Act requires us to aim to strike between the interests of the public in having rights of access over coastal land (which are considered in chapter 4) and the interests of owners and occupiers of land over which coastal access rights would be conferred (considered in chapter 5);
 - the balance between the recreational factors described in chapter 4, which we are required to consider under section 297(2) of the 2009 Act in determining the route of the trail, for example the balance between its convenience and its proximity to the sea; and
 - the balance between all the recreational factors described in chapter 4 (including the availability of spreading room and the need for our proposals to be responsive to coastal change) and the environmental objectives described in section 4.8.
- 6.1.3 We must consider all relevant factors in play in each circumstance on the coast in deciding what intervention is necessary in relation to particular concerns and, where intervention is necessary, the solution or combination of solutions that will strike the most appropriate balance.
- 6.1.4 This chapter begins by explaining:
- how we will gauge the need for intervention in relation to a particular concern (section 6.2); and
 - the principle of the least restrictive option which we will adopt in all cases where intervention is needed (section 6.3).
- 6.1.5 It then describes the range of solutions available to us in circumstances where we decide that intervention is necessary. The solutions are arranged under three separate headings, although solutions described under separate headings will often be used in combination to address a particular concern:
- Alignment solutions (section 6.4)
 - Informal management techniques (section 6.5)
 - Directions to restrict or exclude access (section 6.6 to 6.7)
- 6.1.6 These three headings are also used in chapters 7 and 8, which describe in more detail how we are likely to deploy these solutions in relation to the various types of landform, land cover and land use commonly occurring on the English coast and the issues that are most likely to arise in relation to each.
- ### 6.2 The need for intervention
- 6.2.1 We will aim to identify during the preparation of our initial recommendations all foreseeable concerns in relation to the overall balance between the various factors mentioned in paragraph 6.1.2. However, it may be necessary to reassess the balance after the rights have been introduced, for example in relation to a change in local circumstances. Chapter 3 outlines how our overall approach to implementation will ensure that concerns are addressed as and when they arise.
- 6.2.2 When a concern is raised, we must first consider whether in reality there is a problem that needs addressing. We will weigh the available evidence carefully before deciding whether any intervention is necessary. We may make an assessment of the patterns and levels of access locally to inform these considerations (see figure 15).
- 6.2.3 We may ask a person raising the concern for further evidence where the matter relates to their private interests, or we may seek evidence or advice from third parties such as

English Heritage in relation to heritage concerns or the Environment Agency in relation to coastal change.

- 6.2.4 Concerns may arise about potential effects of access in relation to possible future changes in land use⁵⁷, or the condition or conservation status of affected land. Whether intervention is necessary in relation to these factors will depend on how likely the change is to happen, how soon it may happen and how clearly the effects can be understood in advance.
- 6.2.5 Where we decide that there is insufficient evidence to warrant intervention at the time a concern is raised, or where we conclude from the available evidence that intervention is unnecessary, we will be willing to reassess the situation if further evidence comes to light, or if experience of the operation of the coastal access rights on the ground indicates that intervention may be necessary. We may monitor the effects of coastal access rights on some land to inform these later considerations, for example in relation to nature conservation features that are known to be sensitive to public access.
- 6.2.6 Land managers are often under other statutory obligations which may be relevant. For example, all employers and self-employed people have duties under health and safety at

Figure 15 Assessment of patterns and levels of public access

- a) The need for intervention will often depend to some extent on an assessment of the patterns and levels of public access locally. Where access to the coast will be newly created or significantly improved as a result of our recommendations, we may need to predict the resulting change in levels and patterns of use in order to make that assessment.
- b) The following factors are likely to be relevant to this in most circumstances:
- the route (or potential route) of the trail;
 - other existing or potential access routes over adjoining land, such as rights of way, promoted routes and informal routes;
 - places where people can join the trail and their proximity to coastal settlements, holiday parks, car parks, lay-bys, bus stops etc;
 - the location of public amenities such as information centres, cafes, toilets, information boards;
 - the location of tourist attractions such as sandy beaches, viewpoints or heritage features;
 - challenging, wet or uneven terrain that is likely to deter most people, but may be an attraction to particular users such as climbers;
 - what different people will do whilst they are on the land, and how these activities may affect their choices about where to go; and
 - when people are likely to visit and the frequency of their visits, including the times of day, days of the week and seasons.
- c) We will also take into account local knowledge and information including:
- the results of any visitor monitoring on the land, or on neighbouring or similar land;
 - advice from local experts who have a good knowledge of the site or of similar sites; and
 - the views of the occupier and/or the land manager.

⁵⁷ Section 5.5 explains more about how we will take account of land use changes.

work legislation⁵⁸. These include duties to avoid, so far as is reasonably practicable, putting the public at risk through their work activities. For some types of work activity there are also more specific safety requirements under other legislation⁵⁹.

6.2.7 Where the land manager indicates that he carries out (or is willing to carry out) appropriate local management arrangements to secure compliance with such obligations, we may take the view that these steps are adequate to address a particular concern. The fact that a specific type of intervention by us might help to secure compliance with these wider obligations does not in itself require us to adopt that form of intervention, but we will do so where we conclude in all the circumstances this strikes the right balance.

6.2.8 Where we conclude from the evidence that some form of intervention is necessary to address a concern, we will aim to identify the solution that will be the least restrictive on public access rights which will meet the need at reasonable cost. This general principle is explained in more detail in section 6.3.

6.3 The least restrictive option

6.3.1 Where we decide that specific intervention is necessary to address a concern, our policy will be to adopt the least restrictive option on public access that will strike an appropriate balance at reasonable cost. The principle of the least restrictive option means that:

- firstly, we will not normally limit the extent or scope of coastal access rights unless we conclude that there is no other solution available to us that would strike an appropriate balance;
- secondly, where we conclude that it is necessary to limit the extent or scope of the coastal access rights – either through the use of directions or by limiting the use of our power to recommend spreading room on the landward side of the trail – we will do this only to the extent necessary to strike an appropriate balance; and
- thirdly, where there is a choice of options which would meet a local need, we will give priority to the option, or combination of options, which delivers the best route for the trail, in terms of the balance between the factors we are required to have regard to under section 297(2).

6.3.2 The solution we adopt will in all cases be one that can be implemented at reasonable and proportionate cost to the public purse, and without significant new cost falling on private interests. Any establishment, management or maintenance work which we decide is necessary in connection with the proposed solution will normally be undertaken by the access authority within the overall framework for funding set out in stage 8 of the implementation process described in chapter 3.

6.3.3 Some organisations with an interest in promoting public recreation may already be successfully managing public access to the coast, or may be willing to contribute to the management of public access where it is introduced for the first time under the 2009 Act. Equally, there may be external funding sources that are willing to contribute to such costs. We will take such factors into account in deciding how to proceed.

6.3.4 Private individuals and businesses may already be managing coastal access informally as an integral part of their normal routine or operational practice, or may be happy to make small changes to this routine or practice to deal with coastal access rights, without in either case incurring significant cost. Section 6.5 (informal management techniques) and chapter 8 give examples where appropriate of what we mean by this.

6.3.5 We will discuss these possibilities with organisations and individuals who manage coastal land during the preparation of our initial recommendations to the Secretary of State.

⁵⁸ See entry for ‘health and safety at work legislation’ in part B of the glossary.

⁵⁹ In relation to the scope for the occupier to be sued in the civil courts for injury on access land, the 2009 Act delivers a uniquely low level of exposure to such claims – see section 4.2.

6.4 Alignment solutions

The trail

- 6.4.1 The simplest and most effective way to address any concerns about the effects of coastal access rights will often be to plan or adjust the route of the trail in consultation with the owner, occupier or other affected interests, so that it guides people away from areas where there are particular sensitivities. The trail may also alleviate concerns arising in relation to other existing routes, by providing an alternative route which people will generally prefer. This is an approach we will always consider where concerns arise during the preparation of our initial recommendations to the Secretary of State.
- 6.4.2 It will often be possible in this way to meet land management, public safety and environmental concerns without any significant reduction in the recreational value of the trail. However, where recreational interests would be significantly affected by the choice of a particular route under consideration – for example a route which would involve a significant detour away from the coastal periphery – we will first consider whether another solution is available that would strike a more appropriate balance.
- 6.4.3 Some concerns about coastal access rights over a particular area of land may apply infrequently, or only for part of the year. In these circumstances there are several options available to us:
- provide a temporary or alternative route for people to use at times when the ordinary route is unsuitable (see figure 16); or
 - align the ordinary route of the trail so that the concerns are reduced or avoided.
- 6.4.4 Our choice between these options will be influenced by the relative merits of the routes under consideration, in relation to:
- the factors we are required to have regard to under section 297(2) in recommending a route for the trail; and
 - the specific implications of each option for land management or environmental objectives.
- In all circumstances where access to the ordinary route would have to be excluded at certain times, we will aim to provide a temporary or alternative route provided that this can be done at reasonable cost.
- 6.4.5 There are also specific provisions to enable the trail to adapt to coastal change, as described in section 4.9. These are also subject to the overarching requirement to balance their use with the other key principles described in chapters 4 and 5 of the Scheme.

The spreading room

- 6.4.6 Sensitive alignment of the trail will often in itself alleviate concerns about access over the spreading room, by reducing the number and/or frequency of people visiting more sensitive areas, or by encouraging people to use spreading room in other places where there is less sensitivity to public access.
- 6.4.7 In using our discretion to align the landward boundary of spreading room to a specific physical feature, we will aim to strike an appropriate balance in terms of all the factors mentioned in paragraph 6.1.2.
- 6.4.8 We do not have any discretion to omit from spreading room any land of the specific types that are automatically included where they occur landward of the trail (see section 4.7). Nor is such a discretion directly available to us in relation to spreading room seaward of the trail (though the way in which we align the trail will itself decide what seaward spreading room is created). Where intervention is necessary in relation to access over spreading room of these types, we are therefore likely to deploy informal management techniques or directions.

6.5 Informal management techniques

- 6.5.1 Informal management is often an effective way to minimise any conflicts between public access and land management or other objectives. It can be used anywhere and at any time,

Figure 16 Temporary and alternative routes

- a) Where a direction will exclude access along the ordinary route of the trail, there are powers to provide a temporary route or alternative route. Unlike the ordinary route, these do not have the effect of creating additional spreading room.

Temporary routes

- b) Section 55I of the 1949 Act provides powers for Natural England to specify a temporary route which may be used while access to the trail is excluded by direction, or for any part of the period when it is excluded.
- c) Under subsection 4, a temporary route may pass only:
- over land subject to the coastal access rights;
 - over land with other access rights provided under Part 1 of CROW;
 - over land with public access rights of the types listed in CROW section 15;
 - along a highway; or
 - over any other land, with the agreement of the land owner.

It may not 'roll back' in the manner described in section 4.9.

- d) A temporary route is likely to be an effective solution for short-term needs which arise after our initial recommendations have been confirmed by the Secretary of State. It may not in any case be used indefinitely.
- e) We may also specify a temporary route as an interim measure, whilst awaiting confirmation of a proposal for an alternative route to address a long-term need.

Alternative routes

- f) Section 55C(3) provides powers for Natural England to propose in its report an alternative route which may be used while access to the trail is excluded by direction, or for any part of the period when it is excluded.
- g) An alternative route proposal may relate to a public right of way or to any other land provided that it is not excepted, but it is subject to the procedures for coastal access reports set out in chapter 3 including confirmation by the Secretary of State. The proposal may include provision for the alternative route to 'roll back' in the manner described in section 4.9 of the Scheme
- h) An alternative route is likely to be an effective solution for circumstances which arise during the preparation of our initial recommendations and for any long-term needs which arise after our initial recommendations have been confirmed by the Secretary of State.

Optional alternative routes

- i) Section 55C(4) provides powers for Natural England to propose in its report an optional alternative to the ordinary route, in places where the ordinary route is at times unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes.
- j) There are no powers to exclude access for these purposes. Hence, unlike an alternative route, an optional alternative route has no direct relationship to a direction.
- k) However, as with an alternative route, a proposal for an optional alternative route may relate to any land provided that is not excepted, but is subject to the procedures for coastal access reports set out in chapter 3 including confirmation by the Secretary of State.
- l) Section 4.9 outlines circumstances where we are likely to consider proposing an optional alternative route. The proposal may include provision for the optional alternative route to 'roll back' in the manner described in section 4.9 of the Scheme, though this is unlikely in practice for the reasons given in paragraph 4.9.18.

Figure 16 Temporary and alternative routes (continued)*Width of alternative routes*

- m) The trail will typically be 4 metres wide in places where it follows an alternative route or an optional alternative route, comprising 2 metres either side of the recommended route.
- n) We may recommend that the landward or seaward boundary of an alternative route should coincide with a physical feature such as a fence, wall or hedge⁶⁰. Where appropriate we will use this power to “work with the grain” of existing routes and physical features along the access strip. This may result in sections that are wider or narrower than 4 metres or not of uniform width.

subject to any requirements for planning consent etc in particular cases. It has no legal effect and there is no compulsion on the public to cooperate with it, but if done well it often proves highly effective. It is the most flexible and least bureaucratic way to manage access. Figure 17 describes several common techniques that will often be relevant.

- 6.5.2 Informal management techniques may already be in use to manage existing public access before coastal access rights are introduced. We will not intervene further if we conclude that these existing arrangements are adequate to address a concern. Successful arrangements on nearby land (or land with similar circumstances) may also be relevant in deciding what approach to adopt.
- 6.5.3 Informal management techniques may be used as appropriate in combination with both alignment solutions and directions to restrict or exclude access. At its simplest this would involve the use of way-marks or other indicators to direct people along the trail. Where a direction is used, at least some complementary use of informal management techniques is likely to be necessary to make people aware on the ground of the local restriction or exclusion in question, which is otherwise unlikely to be widely observed.
- 6.5.4 Informal management will often in itself be sufficient to strike an appropriate balance without the need to limit the scope or extent of the coastal access rights, or to align the trail in ways that would reduce its value for recreation in terms of the core alignment principles we are required to consider under section 297(2) of the 2009 Act.
- 6.5.5 If an informal management solution is available which would strike an appropriate balance, we will normally conclude that further intervention is unnecessary unless:
 - the cost of implementing the solution is disproportionate to the public benefit it would bring, relative to other available solutions that would meet the need; or
 - the proposed solution would itself have a significant detrimental effect on other interests, such as land management or environmental objectives.
- 6.5.6 In making this assessment, we will take into account any views expressed by the owner or occupier and others with an interest in the management of the land.
- 6.5.7 Natural England and the access authority have powers which may be relevant to the delivery of informal management solutions:
 - under Schedule 20 of the 2009 Act, in relation to the establishment and maintenance of the trail; and
 - under chapter 3 of CROW, in relation to any means of access to land for the purposes of the coastal access duty.
- 6.5.8 The access authority has additional powers in relation to land with coastal access rights:
 - under section 18 of CROW, to appoint people to act as wardens; and
 - under section 19 of CROW, to put up and maintain notices.

⁶⁰This power is provided under section 55D(2)(b) of the 1949 Act.

Figure 17 Common informal management techniques

- a) The techniques described below are referred to again in chapters 7 and 8 of the Scheme where we explain our likely approach in relation to particular local circumstances.
- Steering visitors
- b) Where the objective is to encourage people to use a particular route – for example to avoid significant impacts on an area which is more sensitive to the effects of public access – this can often be achieved satisfactorily by informal means. At its simplest this would involve the use of way-marks or ‘guide’ posts to mark the route and the careful positioning and design of any gates or other infrastructure that is necessary to enable people to follow it. A mown surface can also be an effective and unobtrusive means to encourage people along a particular route in some circumstances – for example along the edge of a hay or silage crop (see paragraph 8.7.11).
- c) Where the objective is to discourage people from leaving a preferred route in particular places – for example where the cliff edge is unusually dangerous at one point, or the trail passes close to vegetation which is sensitive to trampling – this may be achieved with a short length of fencing or similar barriers, where there is no existing physical feature such as a wall or fence which serves this purpose. These may only be needed for long enough to allow natural vegetation to become established and act as a more subtle barrier in the longer term. We do not expect that new permanent fencing will be necessary to implement the coastal access rights in most other circumstances. Where we conclude that it is desirable to separate public access from a particular area or activity, we will normally rely on the range of other solutions described in chapter 6 of the Scheme.
- d) Where the objective is to discourage people from entering a particular area of spreading room – for example a colony of birds nesting on a beach – it may be cost effective to achieve this through the use of guide fencing. By guide fencing we mean minimal fencing which can be put up and taken down with a minimum of effort. Guide fencing alerts people to the need to avoid a particular area, but is not sufficient to form an effective barrier to access.
- Providing information for visitors
- e) Where the objective is to persuade visitors to behave in particular ways, this can often be effectively achieved through carefully targeted information or interpretation which explains the need. This technique ranges from the use of signs at particular sites to information in other media for local or more general distribution. We will publish national guidance, in accordance with our duty under CROW section 20 (as amended by section 303(7) of the 2009 Act), to communicate relevant national messages for people visiting the coast. Other organisations promote national and local codes of conduct for specific activities such as climbing and fossil-hunting, which help to reduce their potential impacts.
- f) Our use of signs for this purpose will be kept to a minimum and will focus on visitor arrival points. This will limit their aesthetic impact on the natural environment and maximise their impact and effectiveness. For the same reasons we will where practicable arrange for signs to be taken down at times when they are not needed. Land managers may also choose to put up temporary signs to alert people to their operational needs: again it is important that these are removed when no longer relevant.

Figure 17 Common informal management techniques (continued)

- g) People are more likely to respond to signs in combination with other communication techniques, for example information leaflets or representatives who can talk to visitors face-to-face and explain the management objectives.
 - Planning and management of other activities
- h) Where the objective is to avoid disruption to other activities on the land (for example land management activities) it may be possible to plan them to avoid times or places when significant numbers of visitors are likely to be present.
- i) Some land management activities cannot take place without carrying out simple informal measures that may negate the need for further intervention. For example, machine operators normally check if other people are present when they are working and should be prepared to stop work temporarily to avert danger. In some circumstances there may be another person available who can ask visitors for their cooperation face-to-face while work is taking place.
 - Community involvement and consensus building
- j) Community involvement in decision-making can be an effective way to elicit support for necessary local management arrangements and to encourage local people to play a part in implementing it. It is particularly useful and important where the aim is to change visitor behaviour in order to address an established problem.

6.6 Directions to restrict or exclude access – administrative tests

- 6.6.1 Local restrictions and exclusions, where appropriate, will normally be put in place through directions given by Natural England⁶¹. The Secretary of State has powers to give directions in relation to defence and national security respectively. These powers are by virtue of Chapter II of CROW (as amended by the Order) and are summarised in figure 18.
- 6.6.2 Before directions can be considered, the circumstances in question must pass three administrative tests:
- the concerns must relate to activities included in the coastal access rights;
 - the land affected must be subject to the coastal access rights; and
 - there must be valid grounds for a direction.
- 6.6.3 This section explains each of these tests in more detail. Section 6.7 explains the principles which we will use to decide, where direction-making powers are available and necessary, the least restrictive option that will meet the need.

a) The concerns must relate to activities included in the coastal access rights

- 6.6.4 Directions can only be used to manage activities included in the coastal access rights conferred by section 2(1) of CROW. Other activities such as horse-riding and camping are subject to the national restrictions in Schedule 2 of CROW – as amended by the Order – unless the national restriction has been removed or relaxed with the owner or farm tenant's consent, or by an access dedication (see section 2.2.). Except in these cases, directions cannot therefore be used to manage such activities.

⁶¹ Except where we have delegated our relevant authority functions to the National Park Authority or the Forestry Commission – see section 3.2 of the Scheme.

b) The land affected must be subject to the coastal access rights

- 6.6.5 Directions have no legal effect on land where coastal access rights do not apply, including:
- excepted land; and
 - section 15 land (see section 2.1 of the Scheme).
- 6.6.6 Directions on certain grounds are subject to further spatial limitations – see sections on fire prevention and salt marsh and flat below.

Excepted land

- 6.6.7 Figure 2 in chapter 2 shows the main categories of excepted land on the coastal margin. Coastal access rights are not exercisable over these land categories – other than where the Order allows the trail to cross them along an access strip, as indicated in figure 2, or where the owner voluntarily dedicates a route across them. Directions cannot therefore be used to manage access on excepted land – other than access along the access strip, if there is one.
- 6.6.8 People will often recognise intuitively land where there are no rights of access, though signs may be necessary in some cases to inform them. However, in some cases (notably highways – see below) there may be other access rights over excepted land which make this unnecessary.
- 6.6.9 Directions may occasionally be necessary to prevent danger to people exercising coastal access rights from activities taking place on adjacent land, for example if the area of risk relating to those activities includes land with coastal access rights. Directions may also be used to prevent impacts on land management activities that take place on land adjoining land where coastal access rights do not apply. We may use this power, for example, to restrict dogs to leads to prevent impacts that are likely to occur on adjoining land were dogs to stray there. It is not material to our decision in either case whether the adjoining land falls into any category of excepted land.
- 6.6.10 Highways, including public footpaths and bridleways, are treated as excepted land under the 2009 Act and directions may not therefore be used to control rights of access over them. This does not in itself prevent us from using a direction to control coastal access rights on adjoining land if we conclude this would be necessary and effective. The local highway authority has separate powers to manage public rights of way under the Highways Act 1980 and associated legislation.

Section 15 land

- 6.6.11 Where section 15 land is crossed by the trail or forms part of the spreading room, it may be necessary to manage the rights informally – for example by placing signs that explain to the public which additional activities are permitted and where the additional rights apply – but directions cannot be used to restrict these pre-existing rights.

c) There must be valid grounds for a direction

- 6.6.12 Chapter II of CROW (as amended by the Order) includes eight grounds on which a direction can be given to restrict or exclude the coastal access rights, which are summarised in figure 18. The notes below explain how we will decide whether in relation to a particular issue a direction can be given and if so, on which grounds.

Scope of land management directions

- 6.6.13 CROW section 24 provides powers for Natural England to give directions for the purposes of land management. Land management embraces all forms of conventional or novel land management that are being or will be undertaken on the land, whether in relation to commercial activities or non-commercial activities. Non-commercial activities may include recreational activities (including sporting activities) that have no commercial purpose.
- 6.6.14 We will give a land management direction only when satisfied that access would significantly disrupt one of these activities or otherwise significantly affect the operation of a business and, as in all cases, that there is no less restrictive option that will strike an

appropriate balance between them. Chapter 8 explains more about our approach in relation to concerns that are likely to arise in relation to land management.

- 6.6.15 As on other land with access rights provided under Part 1 of CROW, people with a legal interest may apply to us for land management directions, though only once the Secretary of State has confirmed the relevant coastal access report. Applicants have a right of appeal against our decision in these cases under CROW section 30.
- 6.6.16 On land with coastal access rights we may also give a direction for land management without an application being received⁶². This power enables us to give directions in line with proposals in a report confirmed by the Secretary of State, without any formal application having been made to us. We may also use this power subsequently, for example if it is necessary to enable a land management activity to be carried out at short notice⁶³, but we must take reasonable steps to consult the owner or occupier of the land before doing so. There is no power of appeal if we decide not to give a land management direction in this circumstance, but it remains open to the occupier to apply formally for such a direction and to appeal against our decision on that application.
- 6.6.17 Concerns about public safety and land management can be closely related. For example, where an activity is taking place there may be concerns both about potential disruption to the activity by visitors, and danger to the public from the activity itself. We will consider both concerns carefully in such cases in deciding whether there are grounds for a direction and, if so, whether these relate to public safety or land management or both. Chapter 8 compares these considerations where relevant.

Scope of directions to avoid danger to the public

- 6.6.18 CROW section 25(1)(b) provides powers for Natural England to give directions to avoid danger to the public. As with land management directions, there are also provisions for people with a legal interest in the land to apply to us for these directions once a report is confirmed, and for a right of appeal against any refusal to give such a direction.
- 6.6.19 This type of direction may only be used to avoid danger to the public from anything done, or proposed to be done, on land with coastal access rights or on adjacent land. "Anything done" includes activities in the past (such as mining or quarrying), and directions may therefore be considered to prevent any danger resulting from such activities. Chapter 8 explains more about our approach to concerns that are likely to arise in relation to such dangers.
- 6.6.20 Directions cannot be used to avoid danger to the public from natural features of the landscape or natural processes. Intervention will in any case usually be unnecessary to avoid such dangers, provided the risk is obvious. Where the risks are not obvious, there is a range of other solutions that may help to minimise danger, for example:
- sensitive positioning of the trail and associated infrastructure;
 - informal management techniques such as warning signs; and
 - in relation to danger from flooding and other coastal processes, the provision of an optional alternative route (see section 4.9).
- 6.6.21 Chapter 7 explains more about our approach in relation to concerns that are likely to arise in relation to natural hazards.
- 6.6.22 Some man-made features come to resemble natural features over time and may even become indistinguishable from them, so that it may not be clear from its appearance whether a feature originates from an activity or a natural process. Where the origin of a feature is known

⁶² This power under section 24(1A)(b) is inserted by article 8 of the Order.

⁶³ Any proposal to restrict access for longer than 6 months continuously is subject to special consultation requirements. Directions may therefore only be given at short notice if they would restrict or exclude access for short periods.

to be manmade, we will not take the view that a direction is out of scope simply on the grounds that it has the characteristics as a natural feature. But we may conclude that a direction is unnecessary in these circumstances provided the dangers are obvious.

Scope of directions to prevent fire

6.6.23 CROW section 25(1)(a) provides powers for Natural England to give directions to prevent fire. As with land management and public safety directions, there are also provisions for people with a legal interest in the land to apply to us for fire prevention directions once a report is confirmed, and a right of appeal against our decision.

6.6.24 This type of direction may only be used to prevent fire by reason of exceptional weather conditions or an exceptional change in the condition of land with coastal access rights. Fire prevention directions may not exclude access along the trail. Existing experience of access to land at times of exceptional fire risk shows that confining access to main paths makes the risk manageable.

6.6.25 Figure 19 explains our approach to the use of these powers in more detail.

Scope of directions for nature conservation

6.6.26 CROW section 26(3)(a) provides powers for Natural England to give directions for the purposes of conserving flora or fauna or geological or physiographical features. There is no power to apply for nature conservation directions, but people may alert us at any stage if they have relevant concerns. Chapter 7 explains more about our approach in relation to the likely concerns.

6.6.27 The powers under CROW section 26(3)(a) relate to potential impacts from the coastal access rights on wildlife and natural features. They may not be used in relation to a land management activity such as grazing, even if it is carried out for nature conservation reasons. The separate powers to give directions for land management or to avoid danger to the public may be used where necessary in these circumstances. These are outlined above, and considered in more detail in chapter 8.

6.6.28 Where some kind of formal access control is necessary for nature conservation reasons, we are likely to use the direction-making powers in preference to byelaw-making powers, on land where both are available to us. We may elect to use byelaws to impose necessary controls on activities which are not included within the coastal access rights. Any byelaws in force when the coastal access rights are introduced will continue to apply.

Scope of directions for heritage preservation

6.6.29 CROW section 26(3)(b) provides powers for Natural England to give a direction for the purposes of preserving any Scheduled Monument, or any other structure, work, site, garden or area which is of historic, architectural, traditional, artistic or archaeological interest. As with nature conservation directions, there is no power to apply for directions of this type, but people may alert us at any stage if they have relevant concerns.

6.6.30 Where such concerns arise we will take advice from English Heritage and, where appropriate, local government archaeologists and other local experts on how best to address them, in accordance with the general principles outlined in this chapter and in section 4.8.

6.6.31 The powers under CROW section 26(3)(b) relate to potential impacts from the coastal access rights on heritage features. They may not be used in relation to a land management activity carried out in the interests of preserving a heritage feature. The separate powers to give directions for land management or to avoid danger to the public may be used where necessary in these circumstances. These are outlined above, and considered in more detail in chapter 8.

Directions for defence or national security

6.6.32 CROW section 28 provides powers for the Secretary of State to give a direction to restrict or exclude access for the purposes of defence or national security. The Secretary of State

is required to inform Natural England before giving a direction for defence or national security, but Natural England has no power to give a direction itself for these purposes. In practice, directions for defence purposes will be given by the Ministry of Defence, whilst directions for national security will be given by the Home Office. Annex J of our relevant authority guidance explains the procedures for such directions in more detail⁶⁴.

6.6.33 Section 8.21 explains more about how Natural England will take account of defence interests in deciding what coastal access to recommend.

Directions to exclude access to salt marsh and mudflat

6.6.34 The Order amends Chapter 2 of CROW to create a power (at section 25A) for Natural England to give a direction to exclude access to areas of salt marsh or flat if we are satisfied that the land is unsuitable for public access. Section 7.15 sets out our general approach to the use of this power in relation to relevant land types.

6.6.35 Where concerns arise about effects of coastal access rights on salt marsh or flat where we have not used this general exclusion power we will consider the necessity of giving directions on any of the other grounds discussed so far, where relevant. Section 7.15 and some sections in chapter 8 may be relevant to these considerations.

6.7. Directions to restrict or exclude access – use in practice

6.7.1 CROW section 21(3) sets out the ways in which a direction may restrict or exclude coastal access rights:

- the rights may be completely excluded – though fire prevention directions may not affect rights to use the coastal trail; or
- the rights may be restricted to specified routes or ways; or
- people may be required to enter the land at specified places; or
- people with dogs may be excluded from the land; or
- people may be required to satisfy any other specific conditions – for example if they bring a dog, they may be required to keep it on a lead.

6.7.2 Where a direction is necessary, our approach as in all cases will be to identify the option least restrictive of the extent or scope of coastal access rights that will strike an appropriate balance. Several considerations flow from this guiding principle:

- The extent of the land affected by the direction should not be greater than is required to meet the need.
- Where a concern relates to a particular activity, only people carrying out that activity should be restricted. For example if the concern relates to the impact of people with dogs, it will not be necessary to restrict the rights of people who do not bring a dog (see ‘directions affecting people with dogs’ below).
- Where it is necessary to exclude access from an area a route or routes should be provided wherever practicable so that people can get past and continue their journey (see ‘continuity of access’ below).
- The period or periods when the local restriction or exclusion is in force should not be longer than is necessary.
- Any notices informing the public about temporary restrictions or exclusions should be put up when needed and taken down when not needed. This practice also helps to draw people’s attention to notices when they are put up and so encourage compliance with the terms of the direction.

6.7.3 We will also consider two complementary principles in deciding what direction is most appropriate in each circumstance:

- The nature of the direction should, as far as possible, provide clarity for the public

⁶⁴ <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

Figure 18 Grounds for which a direction can be given

| Brief description | Detailed description | Relevant section of CROW | Further detail in the Scheme | Authority with power to make direction ⁶⁵ | Application power, once a report is confirmed |
|-----------------------|---|--------------------------|------------------------------|--|---|
| Land management | For the management of the land | 24 | Chapter 8 | Natural England | Yes |
| Public safety | To avoid danger to the public from something done or proposed to be done on the land | 25(1)(b) | Chapter 8 | Natural England | Yes |
| Fire prevention | To prevent fire by reason of exceptional weather or ground conditions | 25(1)(a) | Figure 19 | Natural England | Yes |
| Nature conservation | To conserve flora or fauna or geological or physiographical features | 25(3)(a) | Section 4.8 and Chapter 7 | Natural England | No |
| Heritage preservation | To preserve any scheduled monument as defined by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979, or any other structure, work, site, garden or area which is of historic, architectural, traditional, artistic or archaeological interest | 26(3)(b) | Section 4.8 | Natural England | No |
| Defence | For the purposes of defence | 28 | Section 8.14 | Ministry of Defence | No |
| National Security | For reasons of national security | 28 | N/a | Home Office | No |
| Saltmarsh and mudflat | To exclude access to saltmarsh or flat where satisfied that it is unsuitable for public access | 25A | Section 7.15 | Natural England | No |

⁶⁵ The 2009 Act provides that no liability will attach to Natural England for failing to give a direction on these grounds, except where we decide not to act in accordance with a valid application.

concerning the extent and duration of their access rights.

- It should be practical to manage (see 'clarity and practicality' below).

6.7.4 We will always endeavour on notices to explain the reason for the direction and, where appropriate, to provide information about other nearby places where local restrictions do not apply in relation to the type of public use affected.

Continuity of access

6.7.5 A key consideration where it is necessary to exclude access from an area will be to ensure, wherever this is practicable and consistent with the underlying need, that the trail is left open in order to retain continuity of access. Section 6.4 explains the options available to us for this purpose, if access along part of the ordinary route of the trail is excluded.

6.7.6 We will also consider whether it is practicable and desirable to leave other routes open on the affected land, for example to enable the public to reach spreading room not affected by the exclusion. Sometimes there will be rights of way across affected land that, not being affected by directions excluding coastal access rights, will help to meet such objectives.

Directions affecting people with dogs

6.7.7 Effective control of dogs, appropriate to the circumstances, is a vital component of good coastal access management. But since so many visitors derive part of their enjoyment of the coast from bringing their dog with them, and from seeing it have freedom to exercise, we must adopt a balanced approach in this as in other respects. We must take care not to restrict their access rights unnecessarily or require them to keep their dogs on leads unnecessarily. Where special restrictions are necessary at the local level, we will endeavour to inform people of places nearby where they can exercise their dogs more freely.

6.7.8 Where there would be a long-term need to exclude dogs from the route we have in mind for the trail, we are likely to propose aligning the trail in a different way that would not require this.

6.7.9 Where there is a temporary or seasonal need to exclude people with dogs from the ordinary route of the trail, we will consider whether it is appropriate to provide an alternative route or temporary route while the exclusion is in force. We only have power to provide an alternative or temporary route in connection with a direction that suspends all coastal access rights along the ordinary route of the trail, including rights for people who do not bring a dog. We will do this only where we conclude this would strike the best balance, taking into account the impact on dog walkers, other members of the public and other interests in affected land.

Clarity and practicality

6.7.10 Occasionally a rigid interpretation of the least restrictive principle might produce a solution that would be difficult to manage or to make clear to the public, for example where:

- the precise extent of the land where the direction would need to be in force would not correspond well with physical features that the public would recognise; or
- the days and times when the direction would need to be in force would lack an easily recognisable pattern.

6.7.11 In such circumstances we will weigh the advantages of clarity and practicality against any advantages that would flow from strict application of the least restrictive principle. We may reject the least restrictive option if any public benefits it offers are outweighed by its disadvantages – for example because:

- the nature or timing of access rights would be difficult for the public to understand; or
- the pattern of local restrictions and exclusions would be difficult to implement.

6.7.12 Questions of clarity and practicality are also likely to come into play where local restrictions or exclusions are necessary for more than one purpose and the timing and

extent of each would overlap. There is nothing to prevent us from giving a direction that affects land already subject to another direction, provided it conforms to all the principles above. But we will only regard the second direction as necessary if its restrictive effect on access would be greater – in extent, nature or duration – than that of the existing one.

Outline directions

- 6.7.13** Where the exact periods when a restriction or exclusion will be needed are not yet known but it has clearly been established that one may be necessary in specified circumstances, we may give an ‘outline’ direction, which allows any actual periods of restriction or exclusion to be determined later by a specified person. Outline directions may be used in relation to land management, public safety, fire prevention, nature conservation or heritage preservation concerns.
- 6.7.14** We may place conditions on the use of an outline direction for any of the purposes above to ensure that it is only used to the extent necessary:
- we may specify periods during which access is not to be restricted or excluded;
 - we may require the specified person to notify us each time access is restricted or excluded⁶⁶;
 - we may stipulate that access along the trail itself is not to be restricted or excluded or, if that is not possible, that a temporary route is provided while the trail is unavailable.
- 6.7.15** The provisions for outline directions are in most other respects the same as those operating on other land with access rights under Part 1 of CROW⁶⁷. However, in the case of outline directions for land management, section 24 of CROW is amended by the Order for the purposes of the coast to enable the exact extent of the restriction or exclusion to be determined later by the specified person too.



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⁶⁶ This power is under CROW section 24(1F)(c) (in respect of for directions for land management), CROW section 25(2)(c) (in respect directions for public safety and fire prevention) and CROW section 26(2)(ca) (in respect of directions for nature conservation or heritage preservation), as inserted by the Order.

⁶⁷ The provisions for full and outline directions on other land with access rights under Part 1 of CROW are explained in more detail in chapter 1.2 of the relevant authority guidance: <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

Figure 19 Fire prevention*The need for intervention*

- a) None of the public rights used for the purposes of coastal access includes any right to light or tend a fire, or to do anything likely to cause a fire. However fires do periodically occur on areas of coast either because of people being careless with flames or smoking materials, or through arson, or occasionally because a planned management burn gets out of control. Such fires can occur at any time of year. It is not possible to avoid them completely, but targeted intervention may be able to help reduce their frequency or severity.
- b) Some types of coastal land are more vulnerable to fire than others. Characteristics that increase this vulnerability include:
 - types of vegetation with significant fuel potential;
 - types of substrate with significant fuel potential (e.g. peat);
 - slopes, where fires can spread more quickly;
 - exposed locations, where wind can cause fires to spread more quickly; and
 - uniform tracts of vegetation, through which fires can easily spread.
- c) Intervention may be appropriate to help avoid people causing fires in places where such conditions occur, especially at particular times of the year and particular times in the cycle of vegetation when there is a heightened potential for fires to spread readily.
- d) During the preparation of our initial recommendations we will look to identify any land that is particularly vulnerable to fire and to identify any additional measures that may be taken to help prevent unplanned fires. We may request expert advice to help with this, for example from the fire authority.
- e) We will also take into account any concerns raised by land managers during the preparation of our initial recommendations in deciding whether and, if so, where and when any special measures should be taken to help prevent fire. Subsequently, people with a legal interest in land with coastal access rights will be able to apply for directions to exclude or restrict them when there are exceptional weather or ground conditions (see below).

Alignment solutions

- f) Fire prevention may be a factor in determining the route of the trail or the landward boundary of spreading room. For example, we may decide in discussion with the land manager to align the trail so that it avoids an area that is particularly vulnerable to fire.

Informal management techniques

- g) Informal techniques can be an effective means to help manage the potential for fire to start or spread:
 - Signs and other public information may be used in a targeted way to warn of fire danger and encourage visitors to exercise special care and vigilance at times of heightened risk.
 - Beach managers sometimes designate special low-risk areas where people are allowed to have barbecues and small fires.
 - Some land managers create firebreaks or reduce the fuel load with controlled burning to inhibit the spread of fire if it should occur.
 - The regular presence of people (whether they be volunteers, wardens or rangers, or simply other visitors) can help ensure that any fire outbreaks that do occur are spotted and dealt with quickly. Wardens and rangers, where available, may also be able to help raise public awareness of fire danger and deter deliberate fire starting, or reckless or careless acts.

Directions to restrict and exclude access

- h) Sometimes a minority of visitors may cause persistent problems by engaging in relevant unauthorised activities such as lighting barbeques or campfires, or dropping cigarettes or matches. If there are persistent problems with fire at a particular site, it may be appropriate for byelaws to be made to address the issue.
- i) Directions may only exclude or restrict access for fire prevention reasons when weather or ground conditions are exceptional. We will only consider using these powers on coastal areas whose characteristics offer the potential for fire to spread readily during exceptional conditions.
- j) In deciding whether a direction is necessary we will take into account whether informal management techniques are available and whether they appear adequate to manage the risk effectively.
- k) Access to the trail itself (including land adjacent to and within 2 metres of the route) may not be excluded for fire prevention reasons, even during times of exceptional weather or ground conditions⁶⁸. Existing experience of access to land at such times shows that the risk posed by continuing public use of a main path is relatively easy to manage. Where necessary other powers exist which enable access to be restricted in an emergency⁶⁹.
- l) Where necessary, directions will therefore exclude access to relevant areas of spreading room during exceptional weather or ground conditions.
- m) Chapter 2.4 of our relevant authority guidance includes more detail about the criteria we use for deciding whether directions are necessary, the operation of the Fire Severity Index developed by the Met Office to provide an objective means to determine when exceptional conditions occur, and the associated rule base. The guidance can be found here: <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>



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⁶⁸ By virtue of section 25(1A) of CROW, as inserted by the Order.

⁶⁹ Section 44 of the Fire and Rescue Services Act 2004.



Part C

Application of the key principles

Part C of the Scheme explains how the key principles in part B will be applied to the circumstances of the English coast. It covers the most common land types, situations and issues we are likely to encounter and the approaches and solutions we will normally adopt when engaging with them.

Part C cannot be a comprehensive catalogue of all these issues, situations and solutions. For example:

- the approaches set out in chapter 7 in relation to nature conservation sensitivities will often have to be tailored to the characteristics of particular species that are present at each site; and
- there will inevitably be land use circumstances that are different from those specifically contemplated in Chapter 8.

Where we encounter circumstances that we have not anticipated in the Scheme, we will:

- in all cases, follow the principles set out in part B of the Scheme; and
- refer to the issues and solutions described in part C, to the extent that they provide guidance that can sensibly be applied to the circumstances in question.

Chapter 7. Coastal land cover and landforms

Chapter 7 indicates our likely approach to the coastal access duty in relation to various types of land cover and landform which occur on the English coast, taking into account the key principles of public interest in part B. In particular it explains our likely approach to public safety and environmental protection in relation to each type of land cover and landform. The influence of the key principles of private interest to our decision-making is explained in more detail in chapter 8, which considers coastal land uses.

Each land cover or landform in chapter 7 is considered in a separate section in this format:

- An **overview** – including a brief description of its scope, indicating any other sections that are likely to be relevant in some circumstances, and any general information about the landform or land cover which may be helpful in understanding the approach.
- A section describing our **general approach to alignment** of the trail and the extent of spreading room in relation to that land cover or landform.
- **Potential issues and likely range of solutions**, which begins with a brief description of the concerns that are most likely to arise in relation to that land cover or land form, indicating any relevant sections of chapter 8 that relate to the key principles of private interest. This is followed by a more detailed analysis of issues that relate to the key principles of public interest, focusing on public safety and environmental protection, including a description of the solutions we will normally deploy at any stage in the implementation process where we conclude that intervention is necessary in relation to a particular concern.

The sections are arranged as follows:

- 7.1 Cliffs
- 7.2 Coastal valleys
- 7.3 Headlands
- 7.4 Settlements
- 7.5 Woodland and scrub
- 7.6 Heath
- 7.7 Grassland
- 7.8 Grazing marsh
- 7.9 Fresh water habitats

- 7.10 Dunes
- 7.11 Sandy beaches and sand spits
- 7.12 Shingle
- 7.13 Saline lagoons
- 7.14 Rocky shores
- 7.15 Salt marsh and flats
- 7.16 Islands

7.1 Cliffs

Overview

- 7.1.1 Cliff tops or cliff slopes usually provide the most convenient route and some of the best views along such a section of coast. Steep cliff faces and under-cliffs provide more challenging environments where some people like to climb or explore.
- 7.1.2 Cliffs normally occur in combination with other landforms – in particular coastal valleys (section 7.2) and headlands (section 7.3) – and land cover types such as heath (section 7.6) and grassland (section 7.7). The approaches described in those sections will therefore often be relevant to coastal access rights on cliffs. Sections of chapter 8 will also be relevant on most cliffs, depending on the land use on the cliff or cliff top.

General approach to alignment

The trail

- 7.1.3 The trail should normally be aligned on the cliff where there is one, because it provides the best views of the sea:
 - On sheer cliffs, the trail will normally be on the cliff top, a safe distance from the edge.
 - On gently-sloping cliff faces, the trail may be aligned closer to the sea, provided a route can be found which is sufficiently stable and convenient.
- 7.1.4 On cliff tops and cliff slopes which are subject to significant erosion or landslip, the trail will normally roll back automatically when erosion or landslip takes place, in accordance with a description in our coastal access report.

The spreading room

- 7.1.5 All cliffs (including cliff faces, cliff slopes and under-cliffs) will normally qualify as spreading room whether seaward or landward of the trail (see section 4.7), unless they are excepted land or subject to long-term local exclusions.
- 7.1.6 We may use our discretion to recommend further spreading room landward of the trail on a cliff top up to a recognisable physical feature, in accordance with the principles described in section 4.7. We may do this, for example, to provide convenient access at the top of a cliff face for people wishing to climb it.
- 7.1.7 Cliffs may be excepted land, for example if actively quarried or subject to military byelaws. Gently sloping cliffs may include other types of excepted land such as buildings and gardens.

Figures 22 to 26 in chapter 9 illustrate how coastal access rights might be implemented on cliffs.

Potential issues and likely range of solutions

- 7.1.8 Where there are concerns, these are most likely to arise in relation to:
 - Public safety
 - Trampling
 - Disturbance to cliff nesting birds
 - Disturbance to mammals
 - Fossil hunting
 - The effects of public access on other land uses on the cliff top – see chapter 8

Public safety

The need for intervention

7.1.9 Safety will be a key consideration in the design of the trail at cliff sites, in accordance with our duty to have regard to the safety of people using the route under section 297(2)(a) of the 1949 Act. Access along cliffs carries inherent risks, but these are well-understood by most people and enjoyed by some – climbers for example. It is therefore neither possible nor desirable to eliminate all danger to the public on cliffs, but there may be a need for special intervention in some places on the trail or where people use secondary routes down the cliff to reach the foreshore.

Alignment solutions

7.1.10 Careful alignment of the trail and carefully targeted use of additional safety measures in particular places will help to ensure that risks are kept to a reasonable minimum consistent with this type of coast.

7.1.11 We will follow best practice in the design of existing cliff paths and take local advice about the terrain and processes where available. Factors which are likely to be relevant – and which we will also take account of where appropriate in any roll back which we recommend – include:

- a) sections adjoining places where people arrive at the coast such as car parks and settlements, where people may reasonably expect a higher standard of safety;
- b) the distance between the trail and the cliff edge and the angle of any slope between them, in particular at places where the route is unavoidably constrained and where people are likely to step off the route to seaward to allow others to pass (such as bridges and crossing points);
- c) drops that cannot be seen or easily anticipated from one or other direction, for example because they are concealed by a turn in the route;
- d) the stability of the path surface, including the potential effect of wet conditions.

7.1.12 Soft cliffs and cliff slopes are prone to periodic landslip – in some places on a very large scale. It may be necessary to adjust the route of the trail before or after it happens, in accordance with the description in our report. There is already some monitoring of vulnerable cliff sections which can help us decide when this is necessary. In other places we may introduce similar arrangements, in line with best practice on other coastal National Trails.

Informal management techniques

7.1.13 Signs may be used at places where people arrive at the coast such as car parks and settlements, to alert people to any increased risk on cliff sections and encourage them to take appropriate precautions.

7.1.14 Clear way-marking is an effective means to steer visitors along a preferred route, using guide fencing where there are concealed or unexpected dangers such as hidden drops, sharp turns or loose surfaces. This may enable natural vegetation to re-establish which can provide an effective barrier in the longer term.

7.1.15 Signs may be used to warn people of any dangerous routes that may develop down steeper cliff slopes between the trail and the foreshore, and to suggest a safer alternative route if there is one. However, we will not normally intervene further unless significant damage to the cliff slope or vegetation is occurring or likely.

Directions to restrict or exclude access

7.1.16 Directions may not be used to prevent danger to the public from natural features (such as sheer drops) or natural events (such as erosion) – see section 6.6.

Trampling

The need for intervention

7.1.17 Low-key trampling of cliff vegetation may be beneficial to our environmental objectives

by encouraging a more varied structure to vegetation that increases plant diversity and by creating bare ground which provides habitat for invertebrates. However, trampling can be harmful in places where there are more sensitive types of vegetation or where the soil is vulnerable to erosion. Invertebrates may also be adversely affected where there is widespread soil compaction and loss of plant diversity. Intervention may therefore be necessary at sites where there are plant or invertebrate species that are subject to special protection.

- 7.1.18** The need for intervention will depend on the patterns and levels of access and the location of features that are subject to special protection. It is most likely to be necessary where sensitive areas are crossed by secondary routes from the trail down a cliff slope to the foreshore or where such routes are likely to develop, for example as a result of the introduction of coastal access rights.

Alignment solutions

- 7.1.19** Problems are best avoided through sensitive alignment of the trail. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route which people will generally prefer.

Informal management techniques

- 7.1.20** Concerns about trampling on sensitive cliff slopes are best managed by providing more suitable alternative routes or simply by drawing the public's attention to alternatives that already exist through carefully placed signs and other directional indicators.
- 7.1.21** It may also be possible to manage access through a sensitive area, for example using guide fencing or posts to lead people away from damaged areas that need time to recover. This is preferable to stabilisation or drainage work which may damage the features of concern.

Directions to restrict or exclude access

- 7.1.22** The solutions described above will normally be adequate to prevent significant damage. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to provide adequate protection for designated features. Where necessary they will usually take the form of small-scale exclusions from the affected area.

Cliff nesting birds

The need for intervention

- 7.1.23** Climbers and, in some places, anglers derive great enjoyment from using coastal cliffs, but have the potential to cause disturbance to cliff-nesting birds during the nesting season. Some of these are subject to special protection.
- 7.1.24** Disturbance can occur where people gather on cliff tops to view nesting colonies. The level of disturbance appears to be related to the distance of the birds from the viewpoint, the frequency of visits and the size of groups which gather to watch. Intervention may be necessary in appropriate places to enable people to watch the birds without causing significant disturbance.

Alignment solutions

- 7.1.25** Aligning the trail away from the cliff edge where it passes the nesting colony may help to limit disturbance from birdwatchers. There may be scope to provide viewing places at a more suitable distance further along the cliff top.

Informal management techniques

- 7.1.26** Voluntary climbing restrictions are well established and widespread, and have proved an effective means to prevent disturbance from climbers during the season for cliff nesting birds. Similar systems have also been used successfully to prevent disturbance from anglers in some places. We will rely on these established systems provided they continue to be effective.
- 7.1.27** Where people gather to watch nesting colonies it may be appropriate to control the

distance from which they view the birds or the size of the group. This is most easily achieved if someone is available to show people where to stand and explain the reasons for the precautions. Signs or barriers may be effective where this is not possible, or in combination with face-to-face approaches. Key cliff nesting colonies are generally already managed successfully in these ways.

Directions to restrict or exclude access

- 7.1.28 The solutions described above will usually be adequate to prevent significant disturbance. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to birds subject to special protection.
- 7.1.29 Where directions are necessary to prevent disturbance by climbers or anglers they will take the form of seasonal exclusions from the cliff-face and adjacent shoreline.
- 7.1.30 Where directions are necessary to prevent disturbance from bird watchers they will exclude people from the cliff top adjacent to the colony, but allow people to view them from a more suitable distance. The assessment of necessity and the distance in question is likely to be based on the estimated tolerance of the birds present, the largest size of visitor group which is likely to occur and the frequency of visits.

Disturbance to mammals

The need for intervention

- 7.1.31 Cliffs and coastal valleys may be used by mammals subject to special protection. Some of these have been shown to be sensitive to disturbance when they are breeding, when they have young or during hibernation periods. Intervention at cliff and valley sites is most likely to be necessary to prevent disturbance to species of bat, all of which are subject to statutory protection. The criteria and solutions outlined below will also be relevant at any coastal valley sites where similar issues occur.
- 7.1.32 The need for intervention will depend on the sensitivity of the species in question and, to some extent, on the specific location of the sites they use and how easy it is for member of the public to reach them.
- 7.1.33 Bats use caves and abandoned mines on cliff sites for hibernation, roosting and, occasionally, as 'nursery' areas for raising young. They are likely to respond to disturbance at these times by abandoning the site, sometimes not returning for several years. Disturbance during hibernation periods can have particularly severe consequences.

Alignment solutions

- 7.1.34 Trail alignment is unlikely to be an effective solution, because even sites that are difficult to reach from the trail may be visited by people with a particular interest in them, such as cavers and mine history groups.

Informal management solutions

- 7.1.35 Where necessary, and with the agreement of the land owner, grilles can be fitted to the entrances of caves or abandoned mines used by bats to prevent people getting in, but allow the bats ingress and egress. Many known sites are already protected in this way. There needs to be due regard to impacts on the coastal landscape when such grilles are planned and installed.
- 7.1.36 Wherever possible such measures should be implemented with the co-operation of caving or mine history interest groups, allowing them access at times of year when the bats are not present. We will rely on these established voluntary systems to prevent disturbance wherever they prove effective.

Directions to restrict or exclude access

- 7.1.37 The solutions described above will usually be adequate to prevent any significant disturbance to bats. Directions may be used for this purpose where other solutions are not available or insufficient.

- 7.1.38 Where directions are necessary they will normally take the form of exclusions from the cave or mine entrance at times when bats are present.

Fossil collecting

The need for intervention

- 7.1.39 Some sections of coast are very popular for fossil-hunting, or may become so as a result of the introduction of coastal access rights. Intensive collection can cause significant damage to sites of geological or geomorphological interest and increase the risks to the public from falling cliff material.

Informal management techniques

- 7.1.40 There are established codes of conduct for fossil collecting, which are often effective means to enable the public to enjoy fossil-rich areas without causing significant damage. We will use these as the basis for any additional guidance that we provide to fossil collectors at specific locations.

Directions to restrict or exclude access

- 7.1.41 There are restrictions on fossil-hunting under other legislation at some coastal locations. These will continue to apply. Directions are therefore unlikely to be necessary for this purpose.

7.2 Coastal valleys⁷⁰

Overview

- 7.2.1 Coastal valleys provide variety to a cliff top walk. Valleys with gently-shelving slopes may also provide a place to explore or a convenient link from the cliff top to the foreshore.
- 7.2.2 Coastal valleys normally occur in combination with other landforms – cliffs (section 7.1) and headlands (section 7.3) in particular – and land cover types such as heath (section 7.6) and grassland (section 7.7). The approaches described in these sections will therefore often be relevant too. Other sections in chapters 7 and 8 will also be relevant, depending on the land cover and land use in the valley.

General approach to alignment

The trail

- 7.2.3 The trail should follow a safe and convenient route through coastal valleys, or go around them on the land behind. It should avoid steep descents and ascents wherever practicable and unstable surfaces or wet areas in particular, even if visitors lose sight of the sea temporarily.
- 7.2.4 There will be some circumstances where the trail descends and ascends a steep valley slope because it is the most appropriate route, taking into account all the key principles described in part B. However we will avoid aligning the trail on valley slopes that are subject to significant erosion or landslip, unless there are exceptional circumstances. We will also take into account the combined physical effort that would be required to descend and ascend a succession of coastal valleys along a relatively short section of coast.

The spreading room

- 7.2.5 Any areas of coastal valley seaward of the trail will automatically become spreading room, unless they are excepted land or subject to long-term local exclusions. In valleys with shallow gradients this may provide a way for people to reach the foreshore.
- 7.2.6 We may use our discretion to include further spreading room landward of the trail, for example up to the top of the valley slope or a convenient internal boundary, in accordance with the principles described in section 4.7.

⁷⁰ Coastal valleys is a generic term we use in the Scheme to describe valleys that may be referred to locally by more familiar names such as dene or clough (broadly in the north of England), or coombe or chine (broadly in the south).

7.2.7 Coastal valleys may include excepted land, for example if actively quarried or subject to military byelaws. Larger valleys may include other types of excepted land such as buildings and gardens.

Figures 23 and 24 in chapter 9 illustrate how coastal access rights might be implemented at coastal valleys.

Potential issues and likely range of solutions

7.2.8 Where there are concerns, these are most likely to arise in relation to:

- Public safety on steep valley slopes
- Trampling
- Nutrient enrichment
- The effects of public access on other land uses – see chapter 8
- Disturbance to mammals – see section 7.1 (cliffs)

Public safety on steep valley slopes

The need for intervention

7.2.9 The dangers of steep slopes should be readily apparent to visitors in most cases. However, additional safety measures may be necessary in some places where the trail crosses steep valleys or where secondary routes develop down steep valley slopes to the foreshore.

Alignment solutions

7.2.10 Careful alignment of the trail and carefully targeted use of additional safety measures in particular places will help to ensure that risks are kept to a reasonable minimum consistent with this type of coast. The factors we take into account are likely to be similar to those described in the corresponding section on public safety in relation to cliffs – see section 7.1.

Informal management techniques

7.2.11 Clear way-marking is an effective means to steer visitors along a preferred route, using temporary guide fencing where there are concealed or unexpected dangers such as hidden drops, sharp turns or loose surfaces. This allows time for natural vegetation to establish which can provide an effective barrier in the longer term.

7.2.12 Signs may be used to warn people of any dangerous routes that may develop down steeper cliff slopes between the trail and the foreshore, and to suggest a safer alternative route if there is one. However, we will not normally intervene further unless significant damage to the cliff slope or vegetation is occurring or likely.

Directions to restrict or exclude access

7.2.13 Directions may not be given to prevent danger to the public from natural features such as steep slopes.

Trampling

The need for intervention

7.2.14 Low-key trampling of vegetation on valley slopes may be beneficial to our environmental objectives by encouraging a more varied structure to vegetation that increases plant diversity and by creating bare ground which provides habitat for invertebrates. However, trampling can be harmful where there are more sensitive types of vegetation or where the soil is vulnerable to erosion. Invertebrates may also be adversely affected where there is widespread soil compaction and loss of plant diversity. Intervention may therefore be necessary at sites where there are plant or invertebrate species that are subject to special protection.

7.2.15 The need for intervention will depend on the patterns and levels of access and the location of sensitive features that are subject to special protection. It is most likely to be necessary where sensitive areas are crossed by secondary routes from the trail down the valley to the foreshore or where such routes are likely to develop, for example as a result of the introduction of coastal access rights.

Alignment solutions

7.2.16 Loss of sensitive vegetation and destabilisation of valley slopes are best avoided through sensitive alignment of the trail. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route which people will generally prefer.

Informal management techniques

7.2.17 Concerns about trampling on sensitive valley slopes are best managed by providing more suitable alternative routes or by drawing the public's attention to alternatives that already exist through carefully placed signs and other directional indicators.

7.2.18 It may also be possible to manage access through a sensitive area, for example using guide fencing or posts to lead people away from damaged areas that need time to recover. This is preferable to stabilisation or drainage work which may damage the features of concern.

Directions to restrict or exclude access

7.2.19 The solutions described above will often be sufficient to prevent significant damage. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to provide adequate protection for designated features. Where necessary these will take the form of small-scale exclusions from the affected area.

Nutrient enrichment*The need for intervention*

7.2.20 Nutrient enrichment caused by dog faeces can result in loss of specialist valley plants that are tolerant of low-nutrient conditions. Intervention may therefore be necessary where these features occur next to car parks and other points where people arrive at the coast with their dogs.

Alignment solutions

7.2.21 Trail alignment may help to address this issue by encouraging people with dogs to walk in places where the vegetation is less vulnerable to nutrient enrichment. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route which people will generally prefer.

Informal management techniques

7.2.22 Nutrient enrichment can be effectively managed by providing dog bins at arrival points and signs encouraging people to use them. It may also be desirable to provide an area which is not sensitive to enrichment where people can take their dog when they first arrive. Where it seems to us that the use of these techniques would be an effective means to address the issue, we will discuss with the access authority and the owner or occupier of the affected land what options are available to implement it.

Directions to restrict or exclude access

7.2.23 Local authorities have powers under the Clean Neighbourhoods and Environment Act 2005 to make dog control orders requiring people to remove dog waste. We may advocate their use where there are persistent problems and where we conclude that other solutions are likely to be insufficient to provide adequate protection for designated features. We are unlikely to use directions for this purpose.

7.3 Headlands**Overview**

7.3.1 Headlands are a good place to stop and enjoy the view, but following their perimeter is not always the most convenient route around the coast.

General approach to alignment*The trail*

7.3.2 The trail may cross the neck of a headland, if this is the most direct and convenient route along the coast and maintains sea views.

- 7.3.3 On larger headlands, the trail will normally follow the perimeter in order to maintain sea views and proximity to the sea.

The spreading room

- 7.3.4 Any land seaward of the trail on a headland will automatically qualify as spreading room, unless it is excepted land or subject to long-term local exclusions.
- 7.3.5 Where the trail crosses the neck of a headland, the whole headland will therefore normally be spreading room. Where the trail broadly follows the perimeter of a headland, the spreading room may be more limited.
- 7.3.6 We may use our discretion to include further spreading room landward of the trail on a headland, in accordance with the general principles described in section 4.7.
- 7.3.7 Headlands may include excepted land, for example if actively quarried or subject to military byelaws. Larger headlands may include other types of excepted land such as buildings and gardens.

Figures 3 to 6 in chapter 2 illustrate how coastal access rights might be implemented at a headland.

Potential issues and likely range of solutions

- 7.3.8 Any concerns that arise in relation to headlands are likely to relate to another land cover, landform or land use discussed elsewhere in part C of the scheme, for example:
- Section 7.1 describes approaches to coastal access rights on cliffs;
 - Section 7.7 on grassland or section 8.7 on crops may be relevant, depending on the land cover or use of the headland under consideration.

7.4 Settlements

Overview

- 7.4.1 The trail will bring visitors into coastal villages, towns and cities, offering them services, attractions and access to a rich maritime heritage. Equally it will offer local residents a link along the open coast to more natural coastal environments.
- 7.4.2 Concerns may arise in relation to:
- a lack of sea views or proximity to the sea in some areas;
 - public safety on roads and in working areas such as harbours
 - disturbance to quieter neighbourhoods
- 7.4.3 The extent of such concerns will be limited by the fact that few new access rights will be created within settlements. The subsection below explains our general approach to alignment in such areas. Other sections in chapters 7 and 8 may be relevant where there is a corresponding land cover, land form or land use within the settlement.

General approach to alignment

The trail

- 7.4.4 Where the trail passes through a settlement, this will typically involve signing a recommended route along existing highways rather than creating a new route. The trail will normally keep as close to the sea as practicable.
- 7.4.5 We will take account of local development plans and work with local planning authorities and developers where opportunities arise for new pedestrian routes on the waterfront. Often these opportunities will arise after our coastal access report has been approved by the Secretary of State; we will therefore keep local plans and planning applications under review and reassess the route of the trail if necessary (see section 5.5).
- 7.4.6 We will work with local highway authorities and emergency services to ensure that the trail is reasonably safe, paying particular attention to the location of road crossings and any places where it crosses working areas such as harbours.
- 7.4.7 Where we propose a route through quieter neighbourhoods we will discuss this first with any local residents' groups that exist.

- 7.4.8 Signs will be especially useful in built-up areas to mark the trail clearly, draw attention to points of interest and make visitors aware of nearby services and attractions. We will work with local highway and planning departments to ensure that signs are suitably designed and located in built-up environments.

The spreading room

- 7.4.9 There will be limited opportunities for spreading room in built-up areas. In particular, land covered by buildings and gardens will be excepted land.
- 7.4.10 However, the beach and foreshore at settlements will automatically qualify as spreading room, as will any cliffs, dunes and coastal defence embankments that are not excepted land. The approaches described elsewhere in chapter 7 in relation to these features may therefore be relevant.

Figure 22 in chapter 9 illustrates how coastal access rights might be implemented at settlements.

7.5 Woodland and scrub

Overview

- 7.5.1 Woodland and scrubby areas with views or glimpses of the sea occur widely around the coast, and will often be subject to coastal access rights.
- 7.5.2 Coastal woodlands and scrub often occur on landforms considered elsewhere in this chapter – frequently on cliff and valley slopes – and in association with other habitats such as grassland, dune and heath. The approaches described in other sections of chapter 7 may therefore be relevant to woodland and scrub in some circumstances.

General approach to alignment

The trail

- 7.5.3 The trail may pass through coastal woodland and scrubby areas on cliffs or elsewhere. If the woodland is managed for shooting, the trail will normally follow the seaward edge.
- 7.5.4 In woodland on cliffs that are subject to significant erosion or landslip, the trail will normally roll back automatically when erosion or landslip takes place, in accordance with a description in our report (see sections 4.9 and 7.1).
- 7.5.5 Where clearance work would be required to establish a route through scrubby areas, we will discuss the options carefully with the owner and/or occupier before reaching a decision. It may also be necessary to assess potential impacts on any protected species that are known to be present and to mitigate any impacts that are likely to be significant, for example by aligning the trail to avoid the most sensitive areas.

The spreading room

- 7.5.6 Woodland and scrub on the seaward side of the trail will automatically qualify as spreading room unless it is excepted land or subject to long-term local exclusions. Woodland that occurs on cliff slopes and dunes landward of the trail will also be spreading room, with the same provisos (see section 4.7).
- 7.5.7 We will consider other woodland inland of the trail for inclusion as spreading room, in accordance with the criteria in section 4.7. For example, we may recommend that the landward boundary of spreading room coincides with the landward edge of the wood, or with a convenient internal boundary.
- 7.5.8 Woodland may be excepted land, for example if subject to military byelaws.

Figure 26 in chapter 9 illustrates how coastal access rights might be implemented in a woodland.

Potential issues and likely range of solutions

- 7.5.9 Where there are concerns, these are most likely to arise in relation to:
- Public safety
 - Disruption to (or danger from) forestry operations (see section 8.12)
 - Shooting or game management (see sections 8.10 and 8.8 respectively)

Public safety

The need for intervention

- 7.5.10 There is a risk to the public from falling trees or branches in every woodland, but the likelihood of injury is generally very low.
- 7.5.11 Trees may be damaged in high winds, especially in woodlands that are exposed to prevailing winds, or become unstable or uprooted on steeper slopes that are vulnerable to landslip.
- 7.5.12 Occupiers owe no civil duty of care to the public with respect to these risks where they are exercising coastal access rights (as opposed to existing rights of way etc), except in relation to reckless or deliberate acts or omissions. Employers and the self-employed also have statutory duties under Health and Safety legislation which may be relevant in some instances (see section 4.2).

Alignment solutions

- 7.5.13 We will discuss any proposals for trail alignment through a woodland with the owner or manager. It may be possible through discussion to identify a route which avoids any areas that are particularly at risk.

Informal management techniques

- 7.5.14 Where coastal access rights make areas of woodland newly accessible, we will discuss with the access authority and the land owner how best to address any increased risk.
- 7.5.15 Where trees are already being checked periodically for signs of danger as part of the management of a wood – for example because there are public rights of way through it – this will normally be sufficient to address the risks. Where no such checks are made (and there is no existing obligation to carry them out) we may introduce checks for the condition of trees adjacent to the trail as part of the schedule of maintenance which is agreed with the access authority. The need for this will depend on local circumstances; for example checks may be necessary for larger trees (especially those growing on cliff and valley slopes that are vulnerable to landslip) but will not normally be necessary for areas of scrub.
- 7.5.16 Where significant damage has occurred, we will discuss the available courses of action with the owner or occupier. It may be appropriate to make safe any trees or branches beside the trail or simply to clear them from the trail so that people can get past (see section 8.12). Warning signs may be needed at woodland entrances until the trail is safe to use. These may suggest another route around the area of danger if one is available.

Directions to restrict or exclude access

- 7.5.17 Directions may not be given to prevent danger to the public from dangerous trees, but may be given in connection with clear up operations (see section 8.12).

7.6 Heath

Overview

- 7.6.1 Where it occurs, coastal heath often provides a convenient route around the coast, with clear views of the sea.
- 7.6.2 Heath occurs on land forms considered elsewhere in chapter 7 (notably as a specialised plant community in dunes), and in association with other land cover types such as woodland and grassland. The approaches described in other sections of chapter 7 may therefore be relevant in some circumstances.

General approach to alignment

The trail

- 7.6.3 The trail will often pass through coastal heaths on cliffs and cliff tops, and elsewhere if adjacent to the foreshore.

The spreading room

- 7.6.4 Heath on the seaward side of the trail will automatically qualify as spreading room unless it is excepted land or subject to long-term local exclusions.

- 7.6.5 Heath on cliff slopes and dunes landward of the trail will also qualify as spreading room, provided that the cliff or dunes are adjacent to the foreshore (see section 4.7).
- 7.6.6 We may recommend that other areas of heath inland of the trail are also included as spreading room. For example we may recommend that the landward boundary of spreading room coincides with a boundary feature, in accordance with the criteria described in section 4.7. We are likely to include in this way any adjacent areas of heath that were previously subject to access rights provided under Part 1 of CROW.
- 7.6.7 Heath may be excepted land, for example if subject to military byelaws.

Figure 28 in chapter 9 illustrates how coastal access rights might be implemented over heath.

Potential issues and likely range of solutions

7.6.8 Where there are concerns, these are most likely to arise in relation to:

- Trampling
- Nutrient enrichment
- Disturbance to birds, reptiles or amphibians
- Fire prevention – see figure 19 in chapter 6
- Grazing animals – see relevant sections of chapter 8

Trampling

The need for intervention

- 7.6.9 Most heathland plants are vulnerable to trampling to some degree, though light trampling can be beneficial in nature conservation terms by establishing areas of bare ground that encourage reptiles, insects and other small animals. However, trampling can be harmful where there are more sensitive types of vegetation or where the soil is vulnerable to erosion. Invertebrates may also be adversely affected where there is widespread soil compaction and loss of plant diversity. Intervention may therefore be necessary at sites where there are plant or invertebrate species that are subject to special protection.
- 7.6.10 The need for intervention will depend on the patterns and levels of access at each site and the location of sensitive features that are subject to special protection.

Alignment solutions

- 7.6.11 Sensitive alignment of the trail will normally alleviate concerns by avoiding especially sensitive areas. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route which people will generally prefer.

Informal management techniques

- 7.6.12 Temporary guide fencing and signs are an effective means to steer visitors along preferred routes through heaths, taking into account the tolerance of different types of vegetation to trampling. These can also be used to discourage people from walking along other routes where vegetation is recovering. It may also be beneficial to change access patterns periodically using the techniques described above to allow reptiles and insects to colonise bare ground created by trampling.

Directions to restrict or exclude access

- 7.6.13 The solutions described above will normally be adequate to prevent significant damage. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to provide adequate protection for designated features.
- 7.6.14 Any directions that are necessary for this purpose are likely to take the form of small-scale exclusions until vegetation recovers sufficiently to provide an effective obstacle to access over a sensitive area.

Nutrient enrichment

The need for intervention

- 7.6.15 Nutrient enrichment caused by dog faeces can result in loss of specialist heathland plants

that are tolerant of low-nutrient conditions. Intervention may therefore be necessary where these features occur next to car parks and other points where people arrive at the coast with their dogs.

Alignment solutions

7.6.16 Trail alignment may help to address this issue by encouraging people with dogs to walk in places where the vegetation is less vulnerable to nutrient enrichment. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route which people will generally prefer.

Informal management techniques

7.6.17 Nutrient enrichment can be effectively managed by providing dog bins at arrival points and signs encouraging people to use them. It may also be desirable to provide an area which is not sensitive to enrichment where people can take their dog when they first arrive. Where it seems to us that the use of these techniques would be an effective means to address the issue, we will discuss with the access authority and the owner or occupier of the affected land what options are available to implement it.

Directions to restrict or exclude access

7.6.18 Local authorities have powers under the Clean Neighbourhoods and Environment Act 2005 to make dog control orders requiring people to remove dog waste. We may advocate their use where there are persistent problems and where we conclude that other solutions are likely to be insufficient to provide adequate protection for designated features. We are unlikely to use directions for this purpose.

Disturbance to birds, reptiles or amphibians

The need for intervention

7.6.19 Heaths are home to several species of breeding bird, reptile and amphibian which are of high conservation status and which have been shown to be sensitive to disturbance, in particular where people allow their dogs to run around for exercise. Dogs are more likely to cause disturbance if they stray off the trail or other routes used by visitors.

Alignment solutions

7.6.20 Disturbance may be significantly reduced by aligning the trail away from specific areas that are known to be sensitive. The trail may also alleviate pressures on other routes that pass through sensitive areas by providing a more convenient route around the coast which people may prefer. However, trail alignment alone is unlikely to be sufficient to prevent disturbance.

Informal management techniques

7.6.21 Temporary guide fencing, signs and vegetation management are all effective means to steer visitors along preferred routes through heaths, taking into account known locations of key species. It is possible to dissuade dogs from leaving paths in sensitive areas by encouraging patches of gorse and other shrubs on path edges to thicken.

7.6.22 Signs may be used to remind people to keep dogs under effective control in areas of heath where there are sensitive bird, reptile or amphibian populations. Signs may also be used to discourage people from letting their dogs go into pools used by protected species of amphibian. It may be necessary in some cases to use fencing to prevent dogs from entering the pools.

7.6.23 Further intervention may be necessary during sensitive periods to prevent disturbance from dogs at sites with species that are subject to special protection.

Directions to restrict or exclude access

7.6.24 The informal techniques described above may be adequate to prevent significant disturbance. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to species which are subject to special protection.

- 7.6.25 Where a statutory restriction is necessary, it will normally take the form of a direction requiring people to keep their dogs on leads during sensitive periods. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.

7.7 Grassland

Overview

- 7.7.1 Grassland often offers a convenient route around the coast with clear views of the sea.
- 7.7.2 It occurs on land forms considered elsewhere in chapter 7, and in association with other land cover types such as woodland and heath. The approaches described in other sections of chapter 7 may therefore often be relevant.

General approach to alignment

The trail

- 7.7.3 The trail will often pass over coastal grassland on cliffs and cliff tops and elsewhere adjacent to the foreshore. Where it passes over intensively-managed grassland, it will normally follow the seaward edge of the land in order to minimise any disruption to farming operations.

The spreading room

- 7.7.4 Grassland on the seaward side of the trail will automatically qualify as spreading room unless it is excepted land or subject to long-term local exclusions. Grassland on cliff slopes and dunes landward of the trail will also qualify automatically as spreading room with the same provisos – see section 4.7.
- 7.7.5 We will often recommend that other grassland – in particular rough grazing land – landward of the trail is also included as spreading room up to a suitable physical feature. For example we may recommend that the landward boundary of spreading room coincides with a field boundary, in accordance with the principles described in section 4.7. We are likely to include in this way any adjacent areas of down land that were previously subject to access rights provided under Part 1 of CROW.
- 7.7.6 Grass leys on which the soil is being, or has at any time within the previous twelve months been, disturbed by any ploughing or drilling will be excepted land. We are therefore unlikely to consider the inclusion of such land as landward spreading room. Other grassland may also be excepted land, for example if subject to military byelaws or where it is land used as a park or garden. Relevant sections of chapter 8 consider each of these land use issues in more detail.

Figures 23, 24, 25 and 29 in chapter 9 illustrate how coastal access rights might be implemented on grassland.

Potential issues and likely range of solutions

- 7.7.7 Where there are concerns, these are most likely to arise in relation to:
- Trampling
 - Nutrient enrichment
 - Disturbance to birds
 - Grazing animals (see relevant sections of chapter 8)
 - Grass grown as a crop or as part of an arable rotation (see section 8.7)

Trampling

The need for intervention

- 7.7.8 Grassland is generally relatively resilient to public access. Light trampling may even be beneficial in nature conservation terms by suppressing tall grasses and creating areas of shorter grass and bare ground that may encourage insects and other small animals.

- 7.7.9** Certain specialist plants and soils are vulnerable to heavy trampling, especially where they occur on steep slopes, poor or shallow soils and in wet areas. Invertebrates may also be adversely affected where there is widespread soil compaction and loss of plant diversity. Intervention may therefore be necessary at sites where there are plant or invertebrate species that are subject to special protection.
- 7.7.10** The need for intervention will depend on the patterns and levels of access – see section 6.2 – and the location of sensitive features that are subject to special protection. It is most likely to be necessary where such features occur in very busy areas, for example near car parks or settlements or at viewpoints.

Alignment solutions

- 7.7.11** Most concerns can be addressed by sensitive alignment of the trail to avoid any sensitive areas. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route which people may prefer.

Informal management techniques

- 7.7.12** Concerns about trampling on sensitive areas of grassland are best managed by providing more suitable alternative routes or by drawing the public's attention to alternatives that already exist through carefully placed signs and other directional indicators.
- 7.7.13** It may also be possible to manage access through a sensitive area, for example using guide fencing or posts to lead people away from damaged areas that need time to recover. This is preferable to stabilisation or drainage work which may damage the features of concern.

Directions to restrict or exclude access

- 7.7.14** The solutions described above will normally be adequate to prevent significant damage. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to provide adequate protection for designated features. Where necessary they will usually take the form of small-scale exclusions from the affected area.

Nutrient enrichment

The need for intervention

- 7.7.15** Nutrient enrichment caused by dog faeces can result in loss of specialist grassland plants that are tolerant of low-nutrient conditions. Intervention may therefore be necessary where these features occur next to car parks and other points where people arrive at the coast with their dogs.

Alignment solutions

- 7.7.16** Trail alignment may help to address this issue by encouraging people with dogs to walk in places where the vegetation is less vulnerable to nutrient enrichment. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route which people will generally prefer.

Informal management techniques

- 7.7.17** Nutrient enrichment can be effectively managed by providing dog bins at arrival points and signs encouraging people to use them. It may also be desirable to provide an area which is not sensitive to enrichment where people can take their dog when they first arrive. Where it seems to us that the use of these techniques would be an effective means to address the issue, we will discuss with the access authority and the owner or occupier of the affected land what options are available to implement it.

Directions to restrict or exclude access

- 7.7.18** Local authorities have powers under the Clean Neighbourhoods and Environment Act 2005 to make dog control orders requiring people to remove dog waste. We may advocate their use where there are persistent problems and where we conclude that other solutions are likely to be insufficient to provide adequate protection for designated features. We are unlikely to use directions for this purpose.

Disturbance to birds

The need for intervention

7.7.19 Some grasslands provide breeding, roosting or feeding habitat for birds of high conservation status. Ground-nesting birds in particular are vulnerable to people or their dogs trampling on their nests because they are usually difficult to see. Disturbance may also be caused by passing close to the nest, causing birds to abandon their nests or leave them for short periods which may expose them to adverse weather conditions or allow predatory species (including dogs) to capture the eggs or young birds. It may therefore be necessary to manage access carefully at sensitive sites to prevent disturbance. The need for further intervention is likely to depend on the patterns and levels of public access at each site.

Alignment solutions

7.7.20 Disturbance can often be managed effectively by aligning the trail a suitable distance from areas where there are sensitivities.

Informal management techniques

7.7.21 Temporary guide fencing can be used to help people to avoid concentrations of nesting birds, but is not by itself an effective means to prevent disturbance by dogs.

7.7.22 Signs may be used to remind people to keep dogs under effective control in areas where there are sensitive bird populations. People are more likely to respond to signs in combination with other communication techniques, for example a representative who can visit sensitive sites, talk to local walkers and explain the conservation objectives. Further intervention may be necessary during sensitive periods to prevent disturbance from dogs at sites with birds that are subject to special protection.

Directions to restrict or exclude access

7.7.23 The informal techniques above may be adequate to prevent significant disturbance. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to birds subject to special protection.

7.7.24 Directions will normally require people to keep their dogs on leads in the affected area. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.

7.7.25 It may exceptionally be necessary to exclude people from grassland areas completely where there are breeding species of high conservation status that are very sensitive to the presence of people or dogs. The extent of any such exclusions will depend on the species in question and the extent to which natural vegetation or other barriers can act as a screen between people and birds. Wherever practicable in these circumstances we will leave areas or routes open where people can view the birds at a distance where they will not disturb them. We will avoid aligning the trail through areas likely to be affected in this way.

7.8 Grazing marsh

Overview

7.8.1 Grazing marsh is wet grassland with ditches which are used to maintain high water levels for grazing and/or nature conservation purposes. Grazing marsh may support important populations of breeding and wintering birds. Some grazing marshes also support species-rich grassland, ditches and wetland areas. The approaches outlined in sections 7.7 (grassland) and 7.9 (freshwater habitats) may therefore be relevant in some circumstances. Salt marsh (which may also be grazed) is considered separately in section 7.15.

General approach to alignment

The trail

7.8.2 Grazing marsh does not usually provide a convenient walking surface because it is wet

for all or part of the year. For this reason the trail will normally follow a flood defence embankment – provided there is one – adjacent to the grazing marsh on the seaward side. The trail may be on the landward side of grazing marsh if it is the most convenient route available.

The spreading room

- 7.8.3 Grazing marsh will not often occur on the seaward side of the trail. Where it does so, it will qualify automatically as spreading room unless it is excepted land (for example, if subject to military byelaws) or subject to long-term local exclusions.
- 7.8.4 We will only use our discretion to include grazing marsh as spreading room on the landward of the trail if this is in keeping with the principles at section 4.7. Such land may be difficult to reach from the trail (if there is an intervening ditch) and unpleasant to walk on, or there may be overriding conservation needs that rule out including it. We may include adjacent land as spreading room where this would give views over the marsh and opportunities to enjoy the wildlife.

Potential issues and likely range of solutions

- 7.8.5 Where there are concerns, these are most likely to arise in relation to:
- Disturbance to birds
 - Trampling of waterside vegetation – see section 7.9
 - Trampling of grassland vegetation – see section 7.7
 - Disturbance to grazing animals – see relevant sections of chapter 8

Disturbance to birds

- 7.8.6 Grazing marsh may be subject to special protection if it supports populations of breeding or wintering birds. There are unlikely to be coastal access rights across the marsh itself, but there may be potential disturbance to birds from people walking past grazing marsh on adjacent land or allowing their dogs to enter the grazing marsh while they are walking past it.
- 7.8.7 Birds may become used to people walking past grazing marsh on a predictable route, provided their dogs are kept under effective control. The degree of habituation varies according to a combination of factors in play at each site. These are likely to include:
- the amount of suitable habitat that is available and its distance from the trail or spreading room;
 - the species present and the size of flocks (larger flocks are more likely to fly off when people are present);
 - the availability of natural vegetation or other barriers which can act as a screen between people and birds.

Alignment solutions

- 7.8.8 Concerns can often be addressed by aligning the trail on adjacent land such as an embankment. It may be necessary to align the trail on the landward side of the embankment in places where there are greater sensitivities on the seaward side – see section 7.15 on flats and salt marsh.
- 7.8.9 We will not use our discretion to recommend landward spreading room over grazing marsh where there are populations of birds that are vulnerable to disturbance.

Informal management techniques

- 7.8.10 Often there will be a ditch and marginal vegetation that provides an effective barrier between the marsh and adjacent land with coastal access rights. It may otherwise be possible to encourage natural vegetation for this purpose, which may bring associated benefits for plant and animal diversity.
- 7.8.11 Signs may also be used to remind people of the requirement to keep their dogs under effective control. This includes a requirement to keep their dogs off the grazing marsh (except in the unusual situation that there are rights of access over it). People are more

likely to respond to such signs in combination with other communication techniques, for example a representative who can visit sensitive sites and explain the conservation objectives to local dog walkers.

Directions to restrict or exclude access

- 7.8.12 The solutions described above will generally be adequate to prevent significant disturbance to birds unless there are access rights over the marsh itself. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to birds subject to special protection.
- 7.8.13 Where necessary directions may require people to keep their dogs on leads on adjacent land where the coastal access rights apply. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.
- 7.8.14 Grazing marsh will normally qualify as spreading room if it is on the seaward side of the trail. In this unusual situation it may be necessary to exclude access over it to prevent disturbance to birds.

7.9 Fresh water habitats

Overview

- 7.9.1 This section considers the alignment and management of the access rights in relation to all coastal freshwater habitats including non-tidal rivers and streams, open water bodies such as lakes, ponds and pools, and vegetated wetland habitats such as reed beds and bogs:
- Grazing marsh is considered separately in section 7.8, though it may include other freshwater habitats considered in this section
 - Saline lagoons are considered separately in section 7.13
- 7.9.2 Fresh water bodies attract visitors and therefore offer opportunities to increase public understanding and appreciation of their special wildlife. Access may need to be carefully managed in some cases to balance public enjoyment with conservation objectives.

General approach to alignment

The trail

- 7.9.3 The trail will frequently cross freshwater ditches, streams and small rivers where they meet either the sea or the estuarial waters of a larger river on which we use our discretion to extend the trail beyond the seaward limit (see chapter 10).
- 7.9.4 It will cross freshwater using existing means such as stepping stones or bridges wherever practicable. This may mean short detours away from the coast in some places. Where there is no convenient river or stream crossing, we will consider whether there is a case for a new one to be installed, consulting the Environment Agency and the local planning authority on location and design.
- 7.9.5 The trail may also pass close to lakes, ponds, pools or other wetland habitats that are near the sea. It will not normally cross wetland areas provided there is a suitable route around them, unless there is a suitable public right of way which already crosses the area.

The spreading room

- 7.9.6 Any freshwater habitats seaward of the trail will automatically qualify as spreading room, unless they are excepted land or subject to long-term local exclusions.
- 7.9.7 Some freshwater habitats and adjacent land may be excepted, for example if subject to military byelaws or covered by works used for a statutory undertaking such as locks, sluices and pumping stations.
- 7.9.8 We may use our discretion to include further spreading room landward of the trail to provide views over freshwater bodies or access to a bank. We are unlikely to use the discretion to include wetland areas as spreading room unless this is necessary to enable the public to reach other land around it. In either case, we will only do this where it is in

accordance with the principles described in section 4.7.

Figure 28 in chapter 9 illustrates how coastal access rights might be implemented in a freshwater wetland area.

Potential issues and likely range of solutions

7.9.9 Where there are concerns, these are most likely to arise in relation to:

- Public safety
- Trampling
- Disturbance to birds or amphibians
- Disturbance to mammals

Public safety

The need for intervention

7.9.10 The dangers of freshwater bodies (drowning etc) should be readily apparent to visitors in most cases. Specific safety measures may be necessary in some places, for example where people join the trail from a more heavily managed environment such as a village or visitor car park where people may reasonably expect a higher standard of safety.

Alignment solutions

7.9.11 Most concerns about public safety around freshwater bodies can be met adequately by careful design of the trail, paying particular attention to the location and design of any water crossings. The need for further intervention on the spreading room will depend on the patterns and levels of public access at each site – see section 6.2.

Informal management techniques

7.9.12 Natural vegetation is preferable to fencing to steer people away from water hazards, but temporary fencing can be useful to allow natural vegetation to establish sufficiently to provide an effective barrier. Explanatory signs are also used at popular sites, for example to deter people from approaching deep water.

Directions to restrict or exclude access

7.9.13 Directions may not be used to prevent danger to the public from natural freshwater habitats – see section 6.6. They may be used to prevent danger to the public at manmade water bodies such as deep ponds, but we expect informal management techniques to suffice in most cases.

Trampling

The need for intervention

7.9.14 Vegetation on the banks and fringes of water bodies stabilises banks, offers food and shelter for animals and fish and nesting places for birds, and may screen sensitive birds from passing walkers. These benefits can be lost if vegetation is damaged by trampling.

7.9.15 The need for intervention will depend on the patterns and levels of public access at each site – see section 6.2. It may be needed where people pass close to the water's edge or where people are likely to do so, for example as a result of the introduction of coastal access rights.

Alignment solutions

7.9.16 These concerns will normally be addressed by aligning the trail a suitable distance from the bank to preserve a corridor of marginal vegetation. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route which people will generally prefer.

Informal management techniques

7.9.17 Any harmful effects of trampling on spreading room can be successfully contained by providing convenient, well-marked routes which avoid sensitive areas.

7.9.18 Boardwalks are sometimes used at popular sites to allow people to pass through wetland areas without disturbing the vegetation. Alternatively, routes may be less conspicuously

marked with temporary guide fencing and guide posts which allow natural vegetation to regenerate and provide a more effective long-term barrier to sensitive areas.

- 7.9.19 Explanatory signs may also be used, for example to discourage people from bathing or letting their dogs go into the water.

Directions to restrict or exclude access

- 7.9.20 The solutions described above will often be adequate to prevent significant damage. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to provide adequate protection for designated features. Where necessary they will usually take the form of small-scale exclusions from the affected area.

- 7.9.21 CROW does not include a general right to bathe in non-tidal waters. Directions cannot therefore be used to prevent it, but where necessary notices can be used to explain the national restriction which applies.

Disturbance to birds and amphibians

The need for intervention

- 7.9.22 Some freshwater habitats provide breeding, feeding and roosting sites for bird populations of high conservation status. Birds on open water may be particularly vulnerable to disturbance by people walking along the water's edge or by people or dogs swimming in the water. They may become used to people walking past on a predictable route, provided their dogs are kept under effective control. The degree of habituation varies according to a combination of factors in play at each site. These are likely to include:

- the amount of suitable habitat that is available and its distance from the trail or spreading room;
- the species present and the size of flocks (larger flocks are more likely to fly off when people are present);
- the availability of natural vegetation or other barriers which can act as a screen between people and birds.

- 7.9.23 Amphibians which occur in freshwater habitats may also be subject to special protection. Intervention may be necessary at sites where people may encourage their dogs to go into the water (for example to fetch sticks or drink), or to which dogs may be attracted of their own accord.

Alignment solutions

- 7.9.24 Many concerns can be managed effectively, where there are sensitivities, by aligning the trail at a suitable distance from the water, preferably where people can observe birds without disturbing them, or on the far side of natural vegetation that screens people from birds. This may also alleviate pressures that arise from existing routes closer to the water, by providing a more convenient route which people may prefer. However, trail alignment may not be sufficient to prevent disturbance where there would be spreading room closer to the water.

Informal management techniques

- 7.9.25 Carefully designed artificial screens or natural vegetation can be used to hide people from birds in wetland areas. At popular sites designated hides or viewing areas are sometimes provided where people can see the birds without disturbing them. Signs may encourage people to stay away from the water's edge and to prevent their dogs from approaching it.

- 7.9.26 Signs may be used to remind people to keep dogs under effective control in areas where there are sensitive bird or amphibian populations. Signs may also be used to discourage people from letting their dogs go into pools where used by protected species of amphibian. It may be necessary in some cases to use fencing to prevent dogs from entering the pools.

- 7.9.27 People are more likely to respond to signs in combination with other communication

techniques, for example a representative who can visit the site to talk to local walkers and explain the conservation objectives.

Directions to restrict or exclude access

- 7.9.28** The informal techniques above will sometimes be adequate to prevent significant disturbance. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to species subject to special protection.
- 7.9.29** Where necessary directions will normally require people to keep their dogs on leads in the affected area. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.
- 7.9.30** At key conservation sites it may also be necessary to exclude access from sensitive areas at times of year when birds congregate to feed or roost. The extent of such exclusions will typically depend on the degree to which waterside vegetation or other barriers can provide a screen between people and birds. Wherever practicable we will:
- leave areas or routes open where people can view the birds at a distance where they will not disturb them; and
 - provide an alternative route if access to the trail is affected.
- 7.9.31** CROW does not include a general right to bathe in non-tidal waters. Directions cannot therefore be used to prevent it, but where necessary notices can be used to explain the national restriction which applies.

Disturbance to mammals

The need for intervention

- 7.9.32** Freshwater habitats may be used by mammal species subject to special protection, some of which have been shown to be sensitive to disturbance when they are breeding, when they have young or during hibernation periods. The need for intervention will depend on the sensitivity of the species in question and the patterns and levels of public access.
- 7.9.33** Intervention is most likely to be necessary for this reason in relation to otters. Otters are in general tolerant of low levels of disturbance by people on foot, in part because they are largely nocturnal, but female otters have been shown to be sensitive to regular disturbance when breeding and raising cubs (which may happen at any time of year), and may abandon their holts in response. Otters often build their holts adjacent to freshwater habitats where they hunt for food, although they may use other sites along the coast where food is available from the sea or river estuaries.
- 7.9.34** Otters are subject to special protection and intervention may therefore be necessary to prevent disturbance in the vicinity of their holts. The need for intervention will depend to some extent on likely levels and patterns of access in the vicinity of holts. Evidence shows that otters are particularly sensitive to disturbance by dogs.

Alignment solutions

- 7.9.35** Disturbance can be reduced to a significant extent by aligning the trail at a suitable distance from known holts.

Informal management techniques

- 7.9.36** Carefully designed screens or natural vegetation may be used to discourage people from going too close to a holt.

Directions to restrict or exclude access

- 7.9.37** The techniques above will sometimes be adequate to prevent significant disturbance. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance.
- 7.9.38** Where necessary directions will normally require people to keep their dogs on leads in the vicinity of a particular holt. We will always endeavour on restriction notices to explain

the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.

- 7.9.39 Otters may breed or raise cubs at any time of year, although this is more likely to occur during spring and summer. The timing of restrictions will therefore depend on what is known, if anything, about the breeding times of the local otter populations.

7.10 Dunes

Overview

- 7.10.1 Sand dunes may include a number of distinctive constituent parts, ranging from young (embryo) and mobile dunes at the top of a beach, through fixed dune grassland to dune heath and dune scrub. The sections of the Scheme covering these other environments may therefore also be relevant in some instances. Section 7.11 will also be relevant where there is an adjacent sandy beach.
- 7.10.2 Dunes are naturally dynamic, making it difficult in some circumstances to maintain permanent routes through them for the medium to long term. Moreover, attempts to retain a fixed route may interfere with dune dynamics, which may form part of the objectives for conservation and flood and coastal risk management at the site. Embryonic and mobile dunes especially rely on a continued supply of sand, either from the beach or re-worked from within the dunes.
- 7.10.3 Sand dunes are also home to specialised plants and animals, some of which are confined to dunes. Access through dunes may therefore need to be carefully managed in some cases to balance public enjoyment with conservation objectives.

General approach to alignment

The trail

- 7.10.4 The trail may go through dunes if there is a suitable route through them that offers views of the sea. Otherwise, it may go inland if there is higher ground behind the dunes with sea views, or it may follow the beach in front if a route can be found which meets the criteria set out in section 7.11.
- 7.10.5 Where the trail goes through dunes, we may recommend that the route is determined in accordance with a written description that allows its position to be adapted as the dunes develop and change as a result of coastal erosion and other geomorphological processes – see section 4.9. The need for this will vary according to the degree of mobility in each dune system.

The spreading room

- 7.10.6 All dunes will normally be included as spreading room whether seaward or landward of the trail (see section 4.7), unless they are excepted land or subject to long-term local exclusions.
- 7.10.7 Dunes are generally unlikely to be excepted land unless they form part of the playing area of a golf course (see section 8.10), or are subject to military byelaws. Older, stabilised dunes may include other types of excepted land such as buildings and gardens.

Figure 29 in chapter 9 illustrates how coastal access rights might be implemented in an area with dunes.

Potential issues and likely range of solutions

- 7.10.8 Where there are concerns, these are most likely to arise in relation to:
- Trampling
 - Nutrient enrichment
 - Disturbance to birds or amphibians
 - Golf courses in dunes – see section 8.19

Trampling

The need for intervention

- 7.10.9 At relatively low levels, recreational use can contribute to the dynamic processes of dunes.

This may be desirable for conservation reasons or as part of an overall strategy for flood and coastal risk management.

7.10.10 Above a threshold, trampling may destabilise existing dunes or prevent new dunes from forming where they would otherwise, with associated loss of plant and animal life. This may occur on the trail itself or on secondary routes through dunes, in particular routes leading through the dunes to the beach from the trail or from an arrival point such as a car park. The need for intervention will therefore depend on:

- The overall objectives for conservation and flood and coastal risk management in each dune system;
- Our estimate of the tolerance threshold in sensitive areas, in terms of the amount of bare sand;
- An assessment of existing and predicted levels and patterns of visitor use (see section 6.2);
- Periodic monitoring of the effect of actual visitor use on sensitive areas.

Alignment solutions

7.10.11 Concerns over trampling are best avoided through sensitive alignment of the trail and in conjunction with the informal management techniques discussed below. Where appropriate we will also take account of the potential for future damage when considering the use of roll back – see section 4.9.

Informal management techniques

7.10.12 Intervention may be necessary for this purpose on the spreading room where:

- sensitive areas are crossed by secondary routes through the dunes from the trail to the foreshore; or
- secondary routes are likely to develop, for example as a result of the introduction of coastal access rights.

7.10.13 Any potentially harmful effects from trampling can be successfully managed by encouraging people to use a more resilient alternative route before damage exceeds the chosen threshold, or by providing fewer routes which are clearer and more actively managed. We will use temporary guide fencing and guide posts, signs and natural vegetation to mark the trail and any secondary routes through dunes for this purpose in preference to fixed structures or artificial surfacing.

Directions to restrict or exclude access

7.10.14 The solutions described above will often be adequate to prevent significant damage. However, directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to provide adequate protection for designated features. Where necessary they will usually take the form of small-scale exclusions from the affected area.

Nutrient enrichment

The need for intervention

7.10.15 Nutrient enrichment caused by dog faeces can result in loss of specialist plants that are tolerant of low-nutrient conditions and may be subject to special protection. Intervention may therefore be necessary where these features occur next to car parks and other points where people arrive at the coast with their dogs.

Alignment solutions

7.10.16 Trail alignment may help to address this issue by encouraging people with dogs to walk in places where the vegetation is less vulnerable to nutrient enrichment.

Informal management techniques

7.10.17 Nutrient enrichment can be effectively managed by providing dog bins at arrival points and signs encouraging people to use them. It may also be desirable to provide an area which is not sensitive to enrichment where people can take their dog when they first arrive. Where

it seems to us that the use of these techniques would be an effective means to address the issue, we will discuss with the access authority and the owner or occupier of the affected land what options are available to implement it.

Directions to restrict or exclude access

7.10.18 Local authorities have powers under the Clean Neighbourhoods and Environment Act 2005 to make dog control orders requiring people to remove dog waste. We may advocate their use where there are persistent problems and where we conclude that other solutions are likely to be insufficient to provide adequate protection for designated features. We are unlikely to use directions for this purpose.

Disturbance to birds or amphibians

The need for intervention

7.10.19 Some protected species of amphibians occur in dune system pools which people may encourage dogs to go into (for example to fetch sticks or drink), or to which dogs may be attracted of their own accord.

7.10.20 Birds may nest on the ground in any of the constituent parts of a dune system. These are vulnerable to people or their dogs trampling on their nests because they are usually difficult to see. People or their dogs can also disturb nesting birds by passing very close to the nest, causing them to abandon their nests or leave them for short periods which may expose them to adverse weather conditions or allow predatory species (including dogs) to take eggs or young birds. Some ground-nesting species, including certain species which nest on beaches in front of dunes, are rare or declining and therefore subject to special protection (see section 7.11).

Alignment solutions

7.10.21 We will normally avoid aligning the trail through or adjacent to any areas which are particularly sensitive to access, for example nesting sites of protected species or pools used by protected amphibians. Disturbance is therefore more likely to be an issue on spreading room, depending on the patterns and levels of public access there – see section 6.2.

Informal management techniques

7.10.22 Signs can be used at the entry points to dunes asking people to keep their dogs out of pools used by breeding amphibians. It may be necessary in some cases to use fencing to prevent dogs from entering the pools.

7.10.23 Signs may also be used where there are ground-nesting birds, reminding people to keep their dogs under effective control. Temporary guide fencing can also be used to help people to avoid concentrations of nesting birds, but is not by itself an effective means to prevent disturbance by dogs.

7.10.24 People who walk dogs are more likely to respond to signs in combination with other communication techniques, for example a representative who can visit the dunes to talk to local walkers and explain the conservation objectives.

Directions to restrict or exclude access

7.10.25 The solutions described above may be adequate to prevent significant disturbance. Directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to species subject to special protection.

7.10.26 Where necessary directions will normally require people to keep their dogs on leads in the affected area. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.

7.11 Sandy beaches and sand spits

Overview

- 7.11.1 Sandy beaches and sand spits are among the most popular destinations on the coast, but do not usually provide the most convenient route along it.
- 7.11.2 The approaches described in other sections may also be relevant, in particular:
- section 7.10 (dunes) in relation to beaches backed by dunes;
 - sections 7.12 (shingle) or 7.14 (rocky shores) in relation to beaches of mixed composition;
 - section 7.15 (salt marsh and flat) in relation to beaches fronted by extensive flats.

General approach to alignment

The trail

- 7.11.3 The trail will not normally be aligned on sandy beaches because they can be difficult to walk on for long distances and may be covered at high tides. For the same reasons we may elect not to align the trail to the end of a spit.
- 7.11.4 Occasionally the trail may be aligned on a sandy beach if the next best alternative is a significant distance from the sea, provided a route can be found along the beach that is reasonably firm underfoot and available at most states of the tide. This might happen, for example, where a beach is backed by an extensive mobile dune system. It may be necessary in these circumstances to provide an optional alternative route for people to use when the ordinary route is flooded.

The spreading room

- 7.11.5 Sandy beaches and spits will normally qualify as spreading room whether seaward or landward of the trail (see section 4.7), unless they are excepted land or subject to long-term local exclusions.
- 7.11.6 Sandy beaches and spits are unlikely to be excepted land unless subject to military byelaws. In practice it may not be possible to reach a beach on foot if the only way to reach it (other than from the sea) passes through excepted land, for example through a private garden or hotel premises.

Figures 22 and 29 in chapter 9 illustrate how coastal access rights might be implemented in areas with sandy beaches.

Potential issues and likely range of solutions

- 7.11.7 Where there are concerns, these are most likely to arise in relation to:
- Existing beach management
 - Trampling
 - Disturbance to nesting birds
 - Disturbance to seals

Existing beach management

The need for intervention

- 7.11.8 Bathing beaches and other beaches with coastal access rights may already be subject to local byelaws, or to informal separation of different recreational activities into zones by the beach manager. These arrangements will continue to apply.

Alignment solutions

- 7.11.9 Our alignment of the trail or landward boundary of spreading room is unlikely to be relevant to the operation of existing beach management.

Informal management techniques

- 7.11.10 We will discuss with the beach manager whether any action is necessary on our part to enable existing beach management practices to continue.

Directions to restrict or exclude access

- 7.11.11 Restrictions may occasionally be used to replicate other existing rules (such as seasonal dog controls) that appear necessary for continuation of good beach management,

whether by a public authority or by the beach owner or operator. For example, dogs may be excluded from designated bathing beaches during the warmer months, as they often are now. Where dogs are excluded from bathing beaches we will encourage:

- the local authority to provide nearby beaches where people can take their dogs and exercise them; and
- the beach manager to provide information about these alternatives and about any times of day or seasons when the exclusion is relaxed.

Trampling

The need for intervention

7.11.12 Where material is washed up and deposited on sandy beaches at the extreme high tide mark, this provides an environment in which specialised plants and invertebrates can colonise and new dunes may form. This process may be inhibited by trampling where popular routes develop, but there are informal management techniques that can be used to address the issue.

Alignment solutions

7.11.13 Most potential problems can be avoided by aligning the trail to avoid specific areas where protected features occur. The chosen route of the trail may alleviate pressures arising from existing routes that pass over these areas, by providing a more convenient way around the coast which people may prefer.

Informal management techniques

7.11.14 Where there is evidence that natural dune formation is being significantly impeded by access, signs, either alone or in combination with guide posts or guide fencing, can be used to steer people away from the affected area. We will try to encourage local authorities to leave natural debris on less intensively-managed beaches where this may enable the restoration of characteristic beach wildlife and new dune formation.

Directions to restrict or exclude access

7.11.15 Informal management is likely to be successful where the objective is to encourage new dune formation. We will not use directions for this purpose.

Disturbance to nesting birds

The need for intervention

7.11.16 Birds nest on the ground on parts of some beaches. These are vulnerable to people or their dogs trampling on their nests because they are usually difficult to see. People or their dogs can also disturb nesting birds by passing very close to the nest, causing them to abandon their nests or leave them for short periods which may expose them to adverse weather conditions or allow predatory species (including dogs) to take eggs or young birds. Some species which nest on beaches are rare or declining and therefore subject to special protection.

Alignment solutions

7.11.17 Disturbance may be significantly reduced by aligning the trail behind the beach or away from specific areas that are known to be sensitive. The trail may also alleviate pressures arising from existing routes that pass through sensitive areas, by providing a more convenient route around the coast which people may prefer. Trail alignment alone is unlikely to be sufficient to prevent disturbance to areas of beach used by species which are subject to special protection.

Use of informal management techniques

7.11.18 On sandy beaches where birds nest or roost, signs may be used at places where people arrive at the beach asking them to keep away from the birds and to prevent their dogs from approaching them. Temporary guide fencing can also be used to help people to avoid concentrations of nesting birds, but is not by itself an effective means to prevent disturbance by dogs.

7.11.19 People are more likely to respond to signs in combination with other communication

techniques, for example a representative who can visit sensitive sites, talk to local walkers and explain the conservation objectives. Further intervention may be necessary during sensitive periods to prevent disturbance from dogs at sites with birds that are subject to special protection.

Directions to restrict or exclude access

- 7.11.20** The solutions above may be adequate to prevent significant disturbance at some beaches. However, directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to birds subject to special protection.
- 7.11.21** At nesting sites directions will normally take the form of a direction requiring people to keep their dogs on leads. Additional measures are unlikely to be necessary provided that sensitive areas are clearly marked using signs or guide fencing and there is room on the beach for people to get past the nesting area. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.

Disturbance to seals

The need for intervention

- 7.11.22** Some seals use isolated beaches at certain times of year to have their pups on. Seals are easily disturbed during this period if people approach them too closely or make a lot of noise or movement and may abandon their favoured breeding sites. This can result in a reduced chance of successfully rearing their young. The criteria and solutions outlined below are also likely to be relevant on other types of beach or foreshore, where similar issues may occur.
- 7.11.23** Seals are subject to special protection and some kind of intervention will therefore be necessary at any sites where there is likely to be disturbance as a result of people's exercise of coastal access rights. The distances at which disturbance is likely to occur may vary from site to site according to factors such as the patterns and levels of access and any shelter or protection afforded them.

Alignment solutions

- 7.11.24** The risk of disturbance can be reduced to some extent by aligning the trail away from areas of beach or foreshore known to be used by seals. However, this is unlikely to be sufficient to prevent disturbance from people wishing to visit the site, who may be naturally curious to view seals at close quarters.

Informal management techniques

- 7.11.25** Disturbance to seals can be significantly reduced if people view them at a distance and keep their dogs under effective control. Signs can be used to explain the issue and ask people for cooperation at sensitive times. Guide fencing can be used to show people where to view the seals at a distance without disturbing them, but may not by itself be an effective means to prevent disturbance by dogs.
- 7.11.26** People are more likely to respond to signs in combination with other communication techniques, for example a representative who can visit the site, talk to the public about the seals and explain the sensitivities.

Directions to restrict or exclude access

- 7.11.27** The solutions described above may be adequate to prevent significant disturbance. However, directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient.
- 7.11.28** Where necessary directions will normally exclude people from the affected area during the period when seals visit it to have their pups. It may also be necessary to require dogs to be kept on leads on adjacent areas of the coastal margin. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information

about other nearby places on the coast where people can exercise their dogs off the lead.

- 7.11.29 The extent of the arrangements will be determined by the distance at which disturbance is likely to take place. Wherever practicable we will provide areas where people can view the seals from a distance where they will not disturb them.

7.12 Shingle

Overview

- 7.12.1 Beaches, bars and spits consisting of shingle are often popular for swimming and other beach activities, but do not usually provide the most convenient route along the coast.
- 7.12.2 Shingle forms when sediment is deposited into ridges during storms and then sorted by subsequent wave action. The sorting process creates conditions in which specialised communities of plants and animals can colonise, some of which are confined to shingle. Where a series of beach ridges form larger shingle structures out of reach of waves, further communities can survive and develop. Large shingle structures may be very old and can demonstrate how the coast has evolved over thousands of years. There is considerable scope to develop public understanding and appreciation of the history and ecology of shingle habitats, which are nationally rare.
- 7.12.3 There has been widespread decline in the conservation status of shingle, in particular through compaction by vehicle traffic. Consequently shingle areas which retain a high conservation status are considered vulnerable, as are the specialised plant and animal communities which they sustain.

General approach to alignment

The trail

- 7.12.4 Shingle is difficult to walk on for long distances and may be partly covered by tides or subject to breach or flooding during storm conditions. We are therefore unlikely to align the trail on shingle provided there is another convenient route around the coast inland with sea views.
- 7.12.5 It may be necessary to align the trail on shingle for short stretches if there is no practicable alternative that would give sea views. We will only do so after careful consideration of any conservation objectives at the site.

The spreading room

- 7.12.6 All shingle beaches will normally qualify automatically as spreading room unless they are excepted land or subject to long-term local exclusions.
- 7.12.7 Shingle is unlikely to be excepted land unless subject to military byelaws. In practice it may not be possible to reach shingle beaches on foot if the only way to them (other than from the sea) passes through excepted land, for example through a private garden or hotel premises.

Figures 26 and 28 in chapter 9 illustrate how coastal access rights might be implemented in areas with shingle beaches.

Potential issues and likely range of solutions

- 7.12.8 Where there are concerns, these are most likely to arise in relation to:
- Trampling
 - Disturbance to birds
 - Disturbance to seals – see section 7.11

Trampling

The need for intervention

- 7.12.9 Some shingle areas are subject to special protection for their geomorphology or specialised plant communities, both of which are vulnerable to trampling. Trampling can damage established plants or counteract the natural sorting of shingle by wave action

which in turn creates the special conditions in which seeds can germinate.

Alignment solutions

7.12.10 Since the trail will not generally cross shingle areas, damage is only likely to occur where people use secondary routes to walk from the trail to the foreshore and along it. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route around the coast which people will generally prefer.

Informal management techniques

7.12.11 The harmful effects of trampling can be successfully contained by providing convenient, well-marked routes between the trail and the foreshore. Boardwalks are sometimes used at popular sites to discourage people from spreading out across sensitive areas. Alternatively, routes may be less conspicuously marked with temporary guide fencing and guide posts which can be moved about where necessary in accordance with conservation objectives.

7.12.12 Places where secondary routes meet the foreshore may be chosen with conservation objectives in mind, for example by leading people away from recovering vegetation. Temporary guide fencing may also be used to allow vegetation to establish or recover, where it is difficult to separate people from sensitive areas by providing routes.

7.12.13 Such techniques are likely to be more successful in combination with information about shingle ecology and conservation objectives. It may be beneficial for a representative to visit key sites to talk to local walkers and explain the conservation objectives in person.

Directions to restrict or exclude access

7.12.14 The solutions described above will often be adequate to prevent significant damage. However, directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to provide adequate protection for designated features.

7.12.15 Where necessary these are likely to take the form of small-scale exclusions from the affected area. Wherever practicable we will provide room for people to get past the affected area, for example to enable them to walk along the foreshore.

Disturbance to birds

The need for intervention

7.12.16 Birds nest on the ground on parts of some shingle beaches. These are vulnerable to people or their dogs trampling on their nests because they are usually difficult to see. People or their dogs can also disturb nesting birds by passing very close to the nest, causing them to abandon their nests or leave them for short periods which may expose them to adverse weather conditions or allow predatory species (including dogs) to take eggs or young birds. Some species which nest on shingle are rare or declining and therefore subject to special protection.

7.12.17 Significant populations of birds may gather on shingle at other times of year to roost. These are also vulnerable to disturbance, particularly at high tides when the shingle provides a refuge, and may be subject to special protection. Again, birds are most vulnerable to disturbance by dogs, if people let them run about for exercise.

Alignment solutions

7.12.18 Since the trail will not generally cross shingle areas, disturbance is only likely to occur where people use it as spreading room, for example where secondary routes develop from the trail to the foreshore and along it. The trail may alleviate pressures arising from existing routes, by providing a safer and more convenient route around the coast which people will generally prefer, but trail alignment alone is unlikely to be sufficient to prevent disturbance to areas of beach used by species which are subject to special protection.

Informal management techniques

7.12.19 On shingle where birds nest or roost, signs may be used at places where people arrive

at the beach asking them to keep away from the birds and to keep dogs under effective control. Temporary guide fencing can be used to help people to avoid concentrations of nesting birds, but is not by itself an effective means to prevent disturbance by dogs.

- 7.12.20 People are more likely to respond to signs in combination with other communication techniques, for example a representative who can visit sensitive sites, talk to local walkers and explain the conservation objectives.

Directions to restrict or exclude access

- 7.12.21 The solutions above may be adequate to prevent significant disturbance at some sites. However, directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to birds subject to special protection.
- 7.12.22 Where necessary directions will normally require people to keep their dogs on leads. Additional measures are unlikely to be necessary provided that sensitive areas are clearly marked using signs or guide fencing and there is room on the beach for people to get past the affected area. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.

7.13 Saline lagoons

Overview

- 7.13.1 Saline lagoons are bodies of salty (saline) water wholly or partially separated from the sea. The separating barrier may be man-made, such as an embankment with a sluice or culvert allowing seawater to pass to a pool located behind the bank, or natural, such as a sand or shingle bar that may be over-topped at high or storm tides allowing seawater to penetrate the lagoon. Percolation and seawater seepage also allow sea water into coastal lagoons located behind barrier beaches.
- 7.13.2 Many saline lagoons provide habitat for specialised plants and/or animals which are rare or scarce and afforded a very high degree of protection. We will need to manage coastal access rights carefully in such instances to ensure that there is no adverse effect on conservation objectives.

General approach to alignment

The trail

- 7.13.3 The trail will often be on the landward side of lagoons because it will be less prone to flooding.
- 7.13.4 The trail may pass on the seaward side if the available surface is convenient for walking. We may also recommend an optional alternative route on the landward side of the lagoon in these circumstances if the ordinary route is subject to flooding.

The spreading room

- 7.13.5 We are unlikely to use our discretion to include saline lagoons as spreading room on the landward side of the trail in view of their vulnerable conservation status. We are likely to exclude access to them on nature conservation grounds in most instances where they occur seaward of the trail and would therefore otherwise qualify as spreading room.
- 7.13.6 Lagoons are unlikely to be excepted land unless subject to military byelaws.

Potential issues and likely range of solutions

- 7.13.7 Where there are concerns, these are most likely to arise in relation to:
- Damage to plants and animals
 - Disturbance to birds

Damage to plants and animals

The need for intervention

- 7.13.8 Saline lagoons are not attractive places for people to swim in, but dogs can be attracted

to them to swim or to fetch sticks. This is likely to result in damage to sensitive plants and animals that inhabit saline lagoons as a result of trampling or increased water turbidity, which can in turn lead to losses by smothering of plants and animals or reducing light availability which plants need.

- 7.13.9** Intervention is likely to be necessary in most cases to prevent such effects, due to the scarcity of the habitat and the extreme vulnerability of the species concerned.

Alignment solutions

- 7.13.10** Damage may be significantly reduced by aligning the trail at a distance from saline lagoons. The trail may also alleviate pressures that arise from existing routes that pass more closely to the lagoon, by providing a more convenient route around the coast which people may prefer. However, trail alignment is unlikely to be sufficient to address conservation objectives where by default there would be spreading room access to the lagoon.

Informal management techniques

- 7.13.11** Carefully designed guide fencing or natural vegetation may help to prevent damage if it provides an effective barrier between the trail and the shore of the lagoon. It may be desirable to encourage suitable vegetation to grow in places for this purpose provided it will not adversely affect the ecology of the lagoon.
- 7.13.12** Explanatory signs may be used to discourage people from wading into the lagoon or allowing their dogs to go in. People are more likely to respond to signs in combination with other communication techniques, for example a representative who can visit sensitive sites, talk to local walkers and explain the conservation objectives.

Directions to restrict or exclude access

- 7.13.13** The informal techniques described above may in some cases be adequate to prevent significant disturbance. In others, directions are likely to be necessary to ensure no adverse effect on protected features.
- 7.13.14** CROW does not provide a right to bathe in non-tidal waters such as lagoons and directions are therefore unnecessary to prevent it. However, directions may be necessary to prevent people from wading into a lagoon, for example to cross it at a shallow point. Where necessary they will therefore exclude access to the lagoon. People may also be required to keep their dogs on leads on adjacent land to prevent them straying into the lagoon.

Disturbance to birds

The need for intervention

- 7.13.15** Lagoons provide important resting and roosting sites for birds in autumn, winter and spring, especially in stormy weather, and may be subject to special protection for this reason.
- 7.13.16** Birds may be particularly vulnerable to disturbance by people walking along the water's edge and by dogs swimming in the water, though they may become used to people walking past on a predictable route provided dogs are kept under effective control. The degree of habituation varies according to a combination of factors in play at each site. These are likely to include:
- the patterns of access around the lagoon and the distance between the people and birds;
 - the availability of natural vegetation or other barriers acting as a screen between people and birds; and
 - the species present and the size of flocks (larger flocks are more likely to fly off when people are present).

Alignment solutions

- 7.13.17** Disturbance can be significantly reduced if the trail is set back at a suitable distance from the lagoon where people can observe the birds without disturbing them, or on the far side of an embankment or natural vegetation that screens people from birds. This may

also alleviate pressures that arise from existing routes closer to the lagoon, by providing a more convenient route around the coast which people may prefer. However, trail alignment is unlikely to be sufficient to address conservation objectives where there would be spreading room around the lagoon.

Informal management techniques

- 7.13.18 Carefully designed guide fencing or natural vegetation can be used to discourage people from approaching the lagoon where there are sensitivities and may help to prevent damage if it provides an effective barrier between the trail and the shore of the lagoon. It may be desirable to encourage suitable vegetation to grow in places for this purpose provided it will not adversely affect the ecology of the lagoon.
- 7.13.19 Signs may be used to explain the sensitivities and to ask people to prevent their dogs from approaching the lagoon. People are more likely to respond to signs in combination with other communication techniques, for example a representative who can visit sensitive sites, talk to local walkers and explain the conservation objectives.

Directions to restrict or exclude access

- 7.13.20 The informal techniques above may be adequate to prevent significant disturbance. However, directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to birds subject to special protection.
- 7.13.21 Where necessary directions will normally require people to keep their dogs on leads while passing the lagoon. We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead.
- 7.13.22 It may also be necessary to exclude access from the lagoon and its shoreline at times of year when birds congregate to feed or roost. The extent of such exclusions will typically depend on the degree to which vegetation or other barriers can provide a screen between people and birds. Wherever practicable we will:
- leave areas or routes open where people can view the birds at a distance where they will not disturb them; and
 - provide an alternative route if access to the trail is affected.

7.14 Rocky shores

Overview

- 7.14.1 Rocky shores are popular places for swimming and other general beach activities, as well as rock-pooling, exploring and climbing on adjacent cliffs. Rock-pooling in particular offers considerable scope to introduce people to natural history studies. Some rocky shores provide a way through to otherwise inaccessible destinations such as sandy beaches.
- 7.14.2 Section 7.1 may also be relevant to our considerations where there are adjacent cliffs.

General approach to alignment

The trail

- 7.14.3 Rocky shores are difficult to walk on for long distances and are usually covered at least in part at high tide. The trail will therefore not be aligned on them except for short distances where there is no practicable alternative.

The spreading room

- 7.14.4 Rocky shores seaward of the trail will automatically qualify as spreading room unless they are excepted land or subject to long-term exclusions. There are unlikely to be any significant areas of rocky shore landward of the trail but we are likely to use our discretion to include as spreading room any that do occur.
- 7.14.5 Rocky shores are unlikely to be excepted land unless subject to military byelaws. In

practice it may not be possible to reach them on foot if the only way to them (other than from the sea) passes through excepted land, for example through a private garden or hotel premises.

Figures 24, 25 and 29 in chapter 9 illustrate how coastal access rights might be implemented on areas with rocky shores.

Potential issues and likely range of solutions

7.14.6 Where there are concerns, these are most likely to arise in relation to:

- Public safety
- Rock pooling, fossil hunting, bait collection etc
- Disturbance to birds
- Disturbance to seals – see section 7.11

Public Safety

The need for intervention

7.14.7 Concerns may arise in areas where there is a danger of rockfalls from adjacent cliffs or where people could get cut off by the tide. People are generally well aware of these dangers.

Alignment solutions

7.14.8 Alignment solutions are unlikely to be an effective means to address these issues except in the unusual circumstance that the trail passes along an affected shoreline.

Informal management techniques

7.14.9 Where we receive information about particular local dangers, we will discuss the best course of action with organisations responsible for general safety at the coast. Signs may be used to point out any dangers that are not obvious

Directions to restrict or exclude access

7.14.10 Directions may not be used to prevent danger to the public from natural features and hazards of this type – see section 6.6.

Rock pooling, fossil hunting, bait collection etc

The need for intervention

7.14.11 In places where school groups visit regularly for rock pooling this can result in loss of sensitive algae on which other creatures feed, or cause repeated exposure or abrasion to animals found under rocks and stones.

7.14.12 Intensive fossil collection can cause significant damage to sites of geological or geomorphological interest and may increase the risks to the public from falling cliff material.

7.14.13 CROW does not provide any rights to collect worms for bait or winkles, limpets, shore crabs etc for food, but over-harvesting is already occurring in some places and may occur in others where access is newly introduced. This can result in long-term localised declines in these species.

Informal management techniques

7.14.14 There are established codes of conduct which are often an effective means to enable the public to enjoy these activities without causing significant damage. These will form a basis for any additional guidance that we provide at specific locations.

Directions to restrict or exclude access

7.14.15 Directions are unlikely to be necessary in relation to rock-pooling or fossil hunting. There are restrictions on fossil-hunting at some coastal locations under other legislation which will continue to apply.

7.14.16 There is no right under CROW to collect bait or other species, so directions may not be given to prevent this. At some sites there may be local controls on such activities under other legislation; these will continue to apply.

Disturbance to birds

The need for intervention

- 7.14.17 Birds nest above rocky shores that are difficult for people to reach on foot and this in itself limits any potential for disturbance. Disturbance may occur where people use the shore to access cliffs that are popular for climbing. Section 7.1 considers this issue in more detail.
- 7.14.18 Birds also use rocky shorelines for feeding and roosting and are subject to special protection in some places. Again, the potential for disturbance is limited where the shoreline is difficult to reach on foot. Significant disturbance can occur in some places where people let their dogs run about for exercise.

Alignment solutions

- 7.14.19 The trail may in some cases alleviate existing disturbance by providing a safer and more convenient route around the coast which people will generally prefer.

Informal management techniques

- 7.14.20 Where disturbance to protected species is likely, signs can be used to explain the issue and ask for cooperation at sensitive times, for example by keeping dogs off the area in question. People are more likely to respond to signs in combination with other communication techniques, for example a representative who can visit sensitive sites, talk to local walkers and explain the conservation objectives.

Directions to restrict or exclude access

- 7.14.21 The solutions described above will often be adequate to prevent significant disturbance to feeding or roosting birds. However, directions may be used for this purpose where other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance to birds subject to special protection.
- 7.14.22 Where necessary directions will normally require people to keep their dogs on leads during sensitive periods.
- 7.14.23 We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can exercise their dogs off the lead. Wherever practicable we will leave additional areas or routes across spreading room where people can view the birds at a distance where they will not disturb them.

7.15 Salt marsh and flats

Overview

- 7.15.1 Salt marsh and flats are distinctive coastal environments. Many extensive intertidal areas of this type are unsuitable for informal open-air recreation, but people enjoy views over them from adjacent land. Many people are attracted in particular by the opportunities to watch wintering and migrant birds.

General approach to alignment

The trail

- 7.15.2 The trail will not normally be aligned on flats and salt marsh. There are usually safer, more convenient alternatives to landward. On estuaries and defended coasts, this will normally be an embankment.
- 7.15.3 Occasionally the trail may cross an area of salt marsh or flat, for example:
- for short sections on undefended coasts where there is no embankment to follow, so that the route is reasonably direct;
 - to cross a small estuary at a convenient fording place; or
 - to reach an island connected to the mainland by a tidal causeway.
- 7.15.4 In the first two circumstances, we may provide an optional alternative route which people can use when the ordinary route is flooded, provided this can be done at reasonable cost and is in keeping with other objectives over the affected land.

The spreading room

- 7.15.5 Areas of salt marsh and flat are unlikely to be excepted land unless subject to military byelaws. They therefore qualify by default as spreading room under most circumstances, because they will lie seaward of the trail. We have a power under section 25A of CROW⁷¹ to exclude the coastal access rights from applying to them on the grounds that they are unsuitable for public access. We will often use this power, but with due regard to the nature of the land.
- 7.15.6 Extensive areas of salt marsh are usually characterised by networks of channels and creeks that make them difficult to walk on, and that often present unseen dangers in terms of factors such as sudden inundation by the tide. These will typically be considered unsuitable for public access. Small areas of salt marsh that occur in association with other land types such as beaches are less likely to be judged unsuitable in these terms.
- 7.15.7 Whether flats are considered unsuitable for public access will depend on local factors, for example:
- Flats with deep channels or very soft mud can be difficult to walk on and often present significant unseen dangers in terms of factors such as sudden inundation by the tide, sinking mud, and regular and unpredictable changes in the patterns of such features: they will typically be considered unsuitable for this reason.
 - Sandy flats are less likely to be considered unsuitable for public access than muddy ones, because they normally provide a firmer surface that is more suitable for walking and beach activities.
- 7.15.8 We will ask local interests to help us to identify any areas of salt marsh or flat that are suitable or unsuitable for public access in these terms, or that are already in use in this way.
- 7.15.9 Where we do not exercise the section 25A exclusion power, we may still exclude access to such areas by direction if we conclude this is necessary on any of the other grounds explained in section 6.6, such as nature conservation or danger to the public from things done on the land.
- 7.15.10 Exclusions under CROW section 25A may have the effect of excluding access rights from some areas of registered common land that were previously subject to access rights provided under Part 1 of CROW. It was not previously possible to exclude access to such areas on the grounds that they are unsuitable for public access.

Figure 27 in chapter 9 illustrates how coastal access rights might be implemented in an area with flats and salt marsh.

Potential issues and likely range of solutions

- 7.15.11 Where there are concerns, these are most likely to arise in relation to:
- Public safety
 - Trampling
 - Collecting animals for bait or food
 - Disturbance to birds
 - Disturbance to seals – see section 7.11
 - Wildfowling – see section 8.10
 - Grazing animals – see relevant sections of chapter 8

Public safety

The need for intervention

- 7.15.12 As explained above, areas of salt marsh and flat often pose dangers that are neither well-understood nor readily apparent to many visitors to the area. We will typically use our separate power to exclude access from such areas on the grounds that they are unsuitable

⁷¹ Section 25A of CROW is inserted by the Order.

for public access. This will significantly reduce the need for further intervention. It may also be desirable to warn people about the hazards if they can reach the land easily from adjacent land where the coastal access rights apply.

Alignment solutions

7.15.13 We will not align the trail across salt marsh or flat unless we consider it reasonably safe to do so. For example, it should be possible on tidal causeways to gauge the state of the tide before crossing.

Informal management techniques

7.15.14 There are warning systems in place in some areas where there is already access to salt marsh and flats. Even where we exclude access to such areas, we will consider whether it is desirable at particular places to warn the public of the dangers of going on to them. Signs may be needed at fords and causeways (see paragraph 7.15.4) advising people to check the tide before crossing, and to use any optional alternative route if necessary.

7.15.15 We will decide the design and location of any signs in consultation with organisations responsible for safety at the coast.

7.15.16 We may use guide posts to mark the trail where it crosses a causeway or ford. For safety reasons (and, in places, to reduce disturbance – see below), these may indicate the width of the trail as well as its location.

Directions to restrict or exclude access

7.15.17 It will often be necessary to exclude access to salt marsh and flats on the grounds that they are unsuitable for public access as described in paragraphs 7.16.5 to 7.15.10. This includes assessment of public safety considerations.

7.15.18 The powers under CROW section 25(1)(b) to exclude access to prevent danger to the public may not be used in relation to natural hazards such as those described above. Any directions that are necessary for this purpose will be made under section 25A of CROW, having regard to the criteria in paragraphs 7.15.5 to 7.15.10.

Trampling

The need for intervention

7.15.19 Various types of vegetation and animal communities which occur on salt marsh or flat are sensitive to trampling and may be subject to special protection. As we will typically use the power to exclude access to salt marsh and flats on the grounds that it is unsuitable for public access, the need for further intervention will be significantly reduced.

Alignment solutions

7.15.20 Most potential problems can be avoided by aligning the trail on adjacent land such as an embankment, or by avoiding specific areas that are known to be sensitive. The trail may also alleviate pressures that arise from existing routes over these areas, by providing a safer and more convenient route around the coast which people will generally prefer.

Informal management techniques

7.15.21 There are established techniques which may be used to prevent any potential harmful effects from trampling in places where coastal access rights extend to salt marsh or flats:

- Short sections of boardwalk may be used to prevent localised damage where paths cross small areas of upper salt marsh that are sensitive to trampling, although we will be mindful of any potential effects on the landscape and on grazing livestock before adopting this approach.
- Explanatory signs can be used, either alone or in combination with guide posts, to encourage people to walk on areas that are more resilient or to allow any damaged area to recover.

Directions to restrict or exclude access

7.15.22 The solutions described above will often be sufficient to prevent significant damage. Directions will only be necessary where :

- we decide not to deploy our separate power to exclude access to salt marsh or flat on the grounds that it is unsuitable for public access; and
- other solutions are not available or we conclude at any stage that they are likely to be insufficient to provide adequate protection for designated features.

7.15.23 Any directions that are necessary for this purpose are likely to take the form of small-scale exclusions from the affected area.

Collecting bait or food

7.15.24 CROW does not provide any rights to collect worms for bait or winkles, limpets, shore crabs etc for food. Over-harvesting is already occurring in some places, and may occur in others where access is newly introduced. This can result in long-term localised declines in these species.

Informal management techniques

7.15.25 There are established codes of conduct which are often an effective means to enable the public to enjoy these activities without causing significant damage. These will form a basis for any additional guidance that we provide at specific locations.

Directions to restrict or exclude access

7.15.26 There is no right under CROW to collect bait or other species, so directions may not be given to prevent this. At some sites there may be local controls on such activities under other legislation; these will continue to apply.

Disturbance to birds

The need for intervention

7.15.27 Birds nest on the ground on parts of the upper salt marsh closer to where people are likely to be walking past. These are vulnerable to people or their dogs trampling on their nests because they are usually difficult to see. People or their dogs can also disturb nesting birds by passing very close to the nest, causing them to abandon their nests or leave them for short periods which may expose them to adverse weather conditions or allow predatory species (including dogs) to take eggs or young birds. Some species which nest on salt marsh are subject to special protection.

7.15.28 Birds which feed or roost on salt marsh and flats are also vulnerable to disturbance and may be subject to special protection. Disturbance can be critical during severe weather and late winter when food is in short supply and birds must develop fat reserves for the spring migration to breeding grounds. Invertebrates and molluscs are less abundant in sand than in mud, so correspondingly fewer birds are attracted to feed on sandy flats than on muddy flats. However, where sandy flats do support significant populations of feeding and roosting birds, they may also be vulnerable to disturbance.

7.15.29 Disturbance in either case is significantly more likely if people let their dogs run about on areas of salt marsh or flats for exercise.

7.15.30 Where we use the power to exclude access to salt marsh or flat on the grounds that it is unsuitable for public access, the need for further intervention will be significantly reduced. However, disturbance may also occur in some situations where people walk past such areas on adjacent land. Birds may become used to people walking along a predictable route, provided they keep their dogs under effective control. The degree of habituation varies according to a combination of factors in play at each site. Relevant factors include:

- the amount of suitable habitat that is available and its distance from the trail or spreading room;
- the species present and the size of flocks (larger flocks are more likely to fly off when people are present);
- the distance between people and birds; and
- any natural vegetation or other barriers acting as a screen between people and birds.

Alignment solutions

- 7.15.31 Where there are extensive areas of salt marsh or flat, disturbance can be minimised by aligning the trail on an adjacent embankment or other dry ground. This allows birds to frequent more distant areas where they can feed and roost undisturbed.
- 7.15.32 Occasionally it may be necessary to align the trail on the landward side of an embankment for short distances or, on undefended coasts, at a distance from the shoreline. This is most likely to be necessary:
- adjacent to confined areas of salt marsh or flat which are favoured by feeding and roosting birds; or
 - where birds nest on the upper salt marsh adjacent to the embankment.
- 7.15.33 The trail may in some cases alleviate existing disturbance by providing a safer and more convenient route around the coast which people will generally prefer. In places where the trail crosses a tidal ford or causeway, people will be deterred from crossing at high tide when roosting birds are more vulnerable to disturbance.

Informal management techniques

- 7.15.34 Disturbance in sensitive areas can be minimised provided that people keep on the trail and keep their dogs under effective control. Signs may be used where people arrive at the coast to explain the sensitivities and remind them of these requirements. Signs may also be used, either alone or in combination with guide posts, to encourage people to follow particular routes across flats or salt marsh that avoid sensitive areas. People are more likely to respond to signs in combination with other communication techniques, for example a representative who can visit sensitive sites, talk to local walkers and explain the conservation objectives.

Directions to restrict or exclude access

- 7.15.35 Where access is not excluded on a salt marsh or flat using our power under CROW section 25A on the grounds that it is unsuitable for public access, directions may be necessary during sensitive periods to prevent disturbance to populations of birds that are subject to special protection.
- 7.15.36 The nature of any directions that are necessary on these grounds will depend on the likely levels and patterns of access in the areas affected:
- Where the trail is closely adjacent to the affected area, or where people use tidal causeways to reach accessible islands, we will typically require them to keep dogs on a lead during sensitive periods.
 - Where people are likely to walk over the areas used by the birds it may be necessary to exclude access rights.
- 7.15.37 We may also use a direction where the trail passes over adjacent land close to where birds nest or congregate to feed or roost. We will only do so if other solutions are not available or we conclude at any stage that they are likely to be insufficient to prevent disturbance at designated sites. Where necessary directions for this purpose will normally require people to keep dogs on leads during sensitive periods.
- 7.15.38 We will always endeavour on restriction notices to explain the reasons for the direction and to provide information about other nearby places on the coast where people can visit and exercise their dogs off the lead.

7.16 Islands**Overview**

- 7.16.1 Under the 2009 Act, islands are excluded from the scope of the coastal access arrangements unless it is possible to walk to them from the mainland or from another accessible island⁷².

⁷² See section 300 of the 2009 Act.

- 7.16.2 The Secretary of State may include other islands by order, if satisfied that their coasts are long enough to provide a long-distance walk.

General approach to alignment

The trail

- 7.16.3 The trail will normally follow a bridge with pedestrian access or a tidal causeway to enable people to walk to an island. However, where the island cannot be reached on foot but is made accessible by order (see above), the trail may incorporate a convenient ferry crossing.
- 7.16.4 The trail need not include the coast of a very small island, but the island will normally become spreading room provided it is possible to walk to it on a bridge or tidal causeway.
- 7.16.5 The trail will broadly follow the periphery of any island which it includes, following the same principles as for the mainland coast. People will normally be able to choose when they arrive at the bridge or causeway whether to use the trail to reach the island or to continue along the mainland coast.

The spreading room

- 7.16.6 Islands are subject to the same general principles regarding spreading room and the status of excepted land as elsewhere on the coast.
- 7.16.7 Where the trail does not include the coast of an accessible island – for example a very small island that it is possible to walk to at low tide – the whole island will qualify automatically as spreading room as a consequence of its position seaward of the trail, unless it is excepted land or subject to access exclusions.

Potential issues and likely range of solutions

- 7.16.8 Any concerns that arise are likely to relate to a land cover, landform or land use dealt with elsewhere in part C of the scheme. Concerns relating to access along tidal causeways are considered in section 7.15.



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Chapter 8. Coastal land use issues

Chapter 8 explains our likely approach to the coastal access duty in relation to common coastal land use issues, in terms of the private interest factors described in part B. The influence of public interests on our decision-making is explained in more detail in chapter 7, which considers coastal land cover and landforms. Sections from each chapter will often be relevant to our approach in a particular circumstance.

Each land use issue is considered in a separate section. The structure of the sections varies slightly according to the land use issue in question:

- Most sections begin with an **overview**. This clarifies the scope of the section and its relationship to other relevant sections where necessary, and may include a brief description of any national limitations on coastal access rights that are likely to be relevant.
- Several sections describe our **general approach to alignment** of the trail and spreading room in relation to the land use issue in question, as background to the more detailed explanation of our likely approach.
- Each section includes a detailed explanation of the **potential land use issue(s) and the likely range of solutions**. This begins with a brief description of the issue(s), referring where necessary to other relevant sections in this chapter; followed by more detailed analysis of the need for intervention in relation to each issue and the likely range of solutions we will consider in order to strike a fair balance.

The sections are arranged as follows:

- 8.1 Bulls
- 8.2 Cattle
- 8.3 Horses and ponies
- 8.4 Sheep
- 8.5 Animals (where not covered elsewhere)
- 8.6 Animal diseases
- 8.7 Crops
- 8.8 Game bird management
- 8.9 Wild deer management
- 8.10 Shooting live quarry
- 8.11 Shooting man-made targets
- 8.12 Work operations
- 8.13 Heather and grass burning
- 8.14 Pesticides
- 8.15 Special events
- 8.16 Visitor attractions
- 8.17 Private houses, hotels, holiday properties and parks and gardens
- 8.18 Camping and caravanning
- 8.19 Golf courses
- 8.20 Flood and coastal risk management
- 8.21 Military use
- 8.22 Unexploded ordnance
- 8.23 Mineral workings
- 8.24 Ports, industry and other maritime facilities
- 8.25 Contamination of land and water
- 8.26 Man-made features (where not covered elsewhere)

8.1 Bulls

Overview

- 8.1.1** This section considers concerns arising from the presence of bulls on land with coastal access rights. Section 8.2 considers other types of cattle separately.
- 8.1.2** Any buildings used for housing animals (and their curtilage) will be excepted from coastal access rights, as will land covered by pens used for the temporary reception or detention of livestock. These provisions will help to address some concerns.
- 8.1.3** Dairy or beef bulls⁷³ may be kept in enclosed fields along the coast but only beef bulls are likely to be present on larger unenclosed areas of coastal land. Dairy bulls are normally housed away from areas with public access, but may be run with cattle on land with coastal access rights for three to six weeks each year. The time when this happens varies according to when calves are required.

Potential issues and likely range of solutions

- 8.1.4** Concerns are most likely to arise in relation to the threat to public safety posed by bulls (see below). Concerns relating to animal diseases are considered separately in section 8.6.

The need for intervention

- 8.1.5** Where bulls are kept as part of a business, requirements apply under health and safety at work legislation for the person or company responsible to assess any risks they pose to the public, and to put in place such measures as are reasonably practicable to control these risks adequately. There is also strict liability under section 2 of the Animals Act 1971 for any injury or damage caused by animals in certain defined circumstances. Land managers may in practice already undertake informal management in connection with these wider obligations (see section 6.2), and this may limit any need for further intervention.
- 8.1.6** Intervention is most likely to be necessary where dairy bulls⁷⁴ or lone bulls of ‘beef’ breeds are present. The presence of dogs is unlikely to be a factor, provided that they are kept on a short lead where required under Schedule 2 of CROW. The need for intervention will vary according to a wide range of other factors which Natural England will weigh carefully before reaching a decision in any particular case:
- the degree of enclosure (they may feel more threatened in confined areas and are more likely to exhibit territorial behaviours);
 - their age (bulls under ten months of age are not normally aggressive);
 - their breed (dairy breeds tend to be most aggressive);
 - the temperament of the particular bull;
 - whether the bull is running with other cattle (which tends to reduce aggressiveness);
 - whether the bull is handled frequently or used to the presence of other people in their territory; and
 - the pattern of public use, in particular whether the routes which people are known to use or are likely to follow would bring them into proximity with the bull.
- 8.1.7** Where there are concerns about an individual animal we will discuss its temperament with its handler. Some or all of the following factors are likely to be relevant in building up a profile of an individual animal:
- the overall assessment of the handler regarding the degree of danger posed by the bull to the public;
 - whether the animal has a history of aggression towards people and if so under what

⁷³ A bull is an uncastrated male. Castrated males are known as bullocks or steers. Risks to the public from steers are considered separately – see ‘8.2- Cattle’.

⁷⁴ Recognised dairy breeds include Ayrshire, Friesian, Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry.

- circumstances those attacks occurred;
- whether members of the public are likely to find themselves in similar circumstances to a situation that led to previous attacks;
- whether the bull is handled frequently or if it is used to the presence of other people in its enclosure;
- whether the handler would consider splitting the bull from the main herd and housing it elsewhere; and
- whether the handler culls aggressive animals.

Alignment solutions

- 8.1.8** We may align the trail so that it avoids a field where a bull is normally kept, or provide an alternative route at times when it is necessary to exclude access because the bull is present. We will always consider these options in relation to dairy bulls and lone bulls of beef breeds.
- 8.1.9** We may also consider the options above in relation to a field where beef bulls are run with cattle, even if it is the most convenient route along the coast. We are likely to do this if the field is so small that it would be impossible for the livestock and access users to avoid each other.
- 8.1.10** Should we conclude that the most appropriate alignment for the trail is through a field where beef bulls are run with cattle, the trail will normally follow its seaward edge. Livestock tend to keep their distance from people, so this approach will minimise any potential contact with access users.
- 8.1.11** It may be possible to make further simple adjustments for safety reasons without any significant affect on amenity. For instance, upon advice from the land manager, we may align the path to avoid a watering station or area where the animals congregate to shelter. These measures will often be sufficient to address risks posed by beef bulls running with cattle.
- 8.1.12** When considering whether to use our discretion to include an area landward of the trail as spreading room, we will take into account any use made of it for grazing a bull in addition to the general criteria set out in section 4.7. We may decide not to recommend spreading room on land where a bull would be present all year or for the greater part of the year, if it would be necessary to exclude access on public safety grounds at those times (see below).
- 8.1.13** Land on the seaward side of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. We are likely to consider the use of informal management or directions where necessary to address concerns about the use of the affected land for grazing a bull.

Informal management techniques

- 8.1.14** Livestock keepers are advised wherever bulls are kept on land with public access rights to use standard warning symbols to alert visitors to their presence⁷⁵. Any general information we provide for people visiting the coast may also advise them to keep their distance from bulls, to move slowly following field boundaries where possible and to keep their dogs on leads in the vicinity of livestock as they are required to do.
- 8.1.15** Where there are significant dangers, we will also discuss with the land manager the scope for relocating the animals to enclosures where there are no access rights.

⁷⁵ Any signs warning of potentially dangerous animals should be in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996. Guidance on the design of standard warning symbols is provided by the Health and Safety Executive at <http://www.whi.org.uk/uploads/documents/AX909/Cattle%20and%20walkers%20HSE%20information%20sheet.pdf>

Directions to restrict or exclude access

- 8.1.16 The Wildlife and Countryside Act 1981 prohibits the keeping of dairy bulls or lone bulls of other breeds in fields crossed by public rights of way⁷⁶. Directions will therefore be unnecessary to prevent danger from them where the trail is aligned along a public right of way through a field.
- 8.1.17 We are likely to use directions to exclude access from other fields where dairy bulls (whether alone or running with cows) or lone beef bulls are kept to prevent danger to the public, where no suitable alternative grazing is available.
- 8.1.18 Dairy bulls (whether alone or running with cows) and lone beef bulls are very unlikely to be kept in large open areas. Directions are therefore unlikely to be necessary in these circumstances.
- 8.1.19 Exclusion may occasionally be necessary where a beef bull is running with cows, if we conclude from our assessment that warning signs are inadequate to address the risk from the particular bull in question and that suitable alternative grazing is not available. However:
- This is unlikely to be necessary where bulls are kept on large open areas of spreading room, because livestock will normally keep their distance from areas and routes that visitors frequent.
 - Directions have no effect on public rights of way where they exist, so we will only give a direction in circumstances where we believe that confining access to the right of way would significantly reduce the risks.
- 8.1.20 We will normally recommend the provision of an alternative route at times when access to the trail is excluded in any of the circumstances described above, provided this can be done at reasonable cost. Where the need arises after the relevant coastal access report has been approved by the Secretary of State, we may provide a temporary route for this purpose – see figure 16 in chapter 6 of the Scheme.

Figure 29 in chapter 9 illustrates how a direction might be used to exclude access to land where a bull is kept.

8.2 Cattle

Overview

- 8.2.1 This section considers concerns arising from the presence of cattle on land with coastal access rights. Section 8.1 considers risks from bulls separately.
- 8.2.2 A great deal of land grazed by cattle has public access, showing that the two uses are generally compatible. Concerns are significantly more likely where people bring dogs with them. Two national requirements help to address these concerns:
- It is an offence under the Dogs (Protection of Livestock) Act 1953 to allow dogs to attack or chase livestock.
 - On land with coastal access rights, people are required to keep dogs on short leads in the vicinity of livestock – see section 2.2.
- 8.2.3 In addition any buildings used for housing cattle (and their curtilage) will be excepted from coastal access rights, as will land covered by pens used for the temporary reception or detention of livestock. These provisions will also help to address some concerns.

Potential issues and likely range of solutions

- 8.2.4 Concerns may arise in relation to potential danger to the public from cattle, disturbance to cattle from public access, or both. The two concerns are related. The options for addressing them are similar in many instances, and are therefore considered together below. Concerns relating to animal diseases are considered separately in section 8.6.

⁷⁶ In this context the term ‘fields’ does not include areas such as open fell or moorland.

The need for intervention

- 8.2.5** Although cattle normally tolerate people well, because of their size they can present a significant threat of injury or even death if they feel threatened or, in particular, if they are protecting their young. Fortunately such incidents are rare and their likelihood can be reduced significantly provided that the public treat animals with respect and act responsibly.
- 8.2.6** Where cattle are kept as part of a business, requirements apply under health and safety at work legislation for the person or company responsible to assess any risks they pose to the public, and to put in place such measures as are reasonably practicable to control these risks adequately. There is also strict liability under section 2 of the Animals Act 1971 for any injury or damage caused by animals in certain defined circumstances. Land managers may in practice already undertake informal management in connection with these wider obligations (see section 6.2), and this may limit any need for further intervention.
- 8.2.7** Land managers may also be concerned about disturbance to cattle, insofar as heavily pregnant cattle may abort or give birth prematurely if chased by dogs.
- 8.2.8** Intervention is therefore most likely to be necessary to address either concern when cattle are calving or have calves at foot in fields on land with coastal access rights. Steers⁷⁷ and heifers⁷⁸ are naturally boisterous, and this may sometimes appear to visitors to be aggressive behaviour, but it rarely results in injury.
- 8.2.9** The need for intervention may be greater in narrow or constrained areas where cattle tend to congregate, as it is less likely that the cattle will be able to keep their distance from visitors. Such circumstances include:
- cliff slopes, or small enclosures where close proximity is unavoidable;
 - areas where the topography or vegetation makes it difficult for people or cattle to be aware of each other's presence and so keep at a safe distance
 - areas where the established or predicted patterns of access coincide with places favoured by the cattle, such as watering or feeding stations which cannot be placed in less sensitive areas.
- 8.2.10** The need for intervention may also relate to the temperament of a herd or individual animal. Quite often there is more variation in temperament within breeds than between them, so it is not possible to specify whether a restriction is necessary on the basis of breed alone. Where there are concerns about temperament we will discuss them with the handler in order to decide what intervention is necessary, if any. Some or all of the following factors are likely to be relevant to our assessment:
- their assessment of the degree of danger posed by the cattle to the public;
 - whether the animals have a history of aggression towards people and if so under what circumstances those attacks occurred;
 - whether it is the herd or the individual that has aggressive tendencies;
 - whether members of the public are likely to find themselves in similar circumstances to the situation that led to previous attacks;
 - whether the cattle are handled frequently or are used to the presence of other people or dogs in their enclosure;
 - whether the handler would consider splitting the animals from the main herd and housing them elsewhere; and
 - whether the handler culls aggressive animals.

⁷⁷ A steer is a young castrated male, usually raised for beef.

⁷⁸ A heifer is a young cow, especially one that has not yet given birth to a calf.

Alignment solutions

- 8.2.11** The trail may cross land grazed by cattle if it is the most convenient route along the coast. On intensively managed grazing land it will normally follow the seaward edge of the field. This approach will minimise any potential contact between cattle and access users.
- 8.2.12** It may be possible to make further simple adjustments for safety reasons without any significant effect on amenity. For instance, on advice from the land manager, we may align the path to avoid a watering station or area where the cattle congregate to shelter. These measures will often be sufficient to address risks posed by cattle.
- 8.2.13** Exceptionally, we may align the trail so that it avoids a field in which cattle are usually kept, even if it is the most convenient route. We will consider this option if the field is so small that it would be impossible for the cattle and access users to avoid each other.
- 8.2.14** Land on the seaward side of the trail will qualify automatically as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types where landward of the trail – see section 4.7. We will also often use our discretion to recommend grazing land on the landward side of the trail as additional spreading room, in accordance with the criteria in section 4.7. Where there are concerns about spreading room access – either in respect of public safety or disturbance to animals – we will normally consider the use of either informal management or directions where necessary to address them.

Informal management techniques

- 8.2.15** Cattle will naturally avoid visitors when calving, especially on large open areas of spreading room, and it is reasonable to expect visitors to avoid cattle provided steps have been taken to alert them to the risks and precautions. Informal management techniques may also be used to prevent cattle and visitors from coming into close proximity. Depending on local circumstances this might include:
- exploring with the land manager the scope for relocating the animals during the calving period to enclosures where there are no access rights.
 - relocating cattle watering or feeding stations away from routes or areas frequented by the public, provided this can be achieved without unreasonable cost or inconvenience to the land manager.
 - marking the trail clearly to steer visitors away from areas favoured by cattle.
 - signs or symbols alerting people to the presence of cattle and reminding them to keep dogs on a short lead in the vicinity of livestock on land with coastal access rights.
- 8.2.16** Any general information we provide for people visiting the coast (for example leaflets, or signs at nearby car parks) may include more detailed advice about appropriate behaviour around cattle.

Directions to restrict or exclude access

- 8.2.17** Directions are unlikely to be necessary to prevent disturbance to cattle. The national requirement on people with dogs will normally be adequate to address this concern.
- 8.2.18** The solutions described above will often be adequate to prevent danger to the public too. However, directions are available as an additional measure for land management purposes where we conclude that they are necessary in specific circumstances, for example:
- in places where it is difficult for visitors (particularly those with dogs) and cattle that are calving or have calves at foot to maintain a safe distance from one another, in particular where stocking densities are high;
 - where we conclude that it is necessary on the basis of the temperament of a herd or individual animal.
- 8.2.19** Where necessary directions for this purpose will normally exclude people with dogs from the affected area.
- 8.2.20** Directions are unlikely to be necessary when cattle are pregnant but not yet calving, as

they are generally more docile during pregnancy. It is the maternal instinct that occurs at calving that could cause cattle to become more aggressive. The maternal instinct decreases over time, so it is unlikely that a restriction of over three months will be necessary unless there are special circumstances.

- 8.2.21 Under some farming systems, cattle will be housed for part of the year. It will be necessary to establish the periods in which the cattle will be grazed on the land in order to determine the period when restriction is necessary. An outline direction may be appropriate where the grazing period varies from year to year. This would specify the circumstances when the restriction will be necessary and the number of days in each year when access may be restricted for the purpose.
- 8.2.22 Directions have no effect on public rights of way so where they exist, we will only give a direction in circumstances where we believe that confining access to the public right of way would significantly reduce the risks.
- 8.2.23 It is unlikely to be appropriate to exempt people with assistance dogs⁷⁹ from any special dog controls for this purpose. The reaction of cattle to the presence of dogs is not always driven by the temperament of the dog in question.

Figure 29 in chapter 9 illustrates how a direction might be used to manage access to land when cattle are calving.

8.3 Horses and ponies

Overview

- 8.3.1 There is widespread public access on land grazed by horses and ponies, showing that the two land uses are broadly compatible. Where there are concerns about disturbance to horses or ponies, these usually relate to the presence of dogs. Two national provisions help to address these concerns:
- It is an offence under the Dogs (Protection of Livestock) Act 1953 to allow dogs to attack or chase livestock.
 - On land with coastal access rights, people are required to keep dogs on short leads in the vicinity of livestock – see section 2.2.
- 8.3.2 In addition any buildings used for housing horses and ponies (and their curtilage) will be excepted from coastal access rights, as will land covered by pens used for their temporary reception or detention. These provisions will also help to address some concerns.

Potential issues and likely range of solutions

- 8.3.3 The national requirements described above will usually be sufficient to prevent disturbance. However, concerns occasionally arise relating to danger to the public from horses or ponies. These are considered in more detail below. Concerns relating to animal diseases are considered separately in section 8.6.

The need for intervention

- 8.3.4 Intervention will often be unnecessary. Horses and ponies quickly become accustomed to the presence of visitors and are unlikely to be troubled by them, provided that people behave responsibly and keep their distance.
- 8.3.5 Where horses or ponies are kept as part of a business, requirements will apply under health and safety at work legislation for the person or company responsible to assess any risks they pose to the public, and to put in place such measures as are reasonably practicable to control these risks adequately. There is also strict liability under section 2 of the Animals Act 1971 for any injury or damage caused by animals in certain defined circumstances. Land managers may in practice already undertake informal management

⁷⁹ See entry for 'assistance dog' in part B of the glossary.

in connection with these wider obligations (see section 6.2), and this may limit any need for further intervention.

- 8.3.6 Public safety concerns are most likely to arise where there are either:
- stallions with a herd, which may react aggressively if they feel their herd is threatened – for example if visitors are very noisy or walk through the herd and separate it; or
 - mares with foals, which may react defensively if visitors approach them.
- 8.3.7 Special intervention may occasionally be necessary where the behaviour of a stallion is known to be aggressive. Stallion behaviour will vary according to the temperament of the animal and the size of the enclosure where they are put out to graze. Where there are concerns we will question the handler in order to build up a profile of the animal's temperament before deciding what action – if any – is necessary.

Alignment solutions

- 8.3.8 The trail may cross land grazed by horses or ponies if it is the most convenient route along the coast. In enclosed areas, it will normally follow the seaward edge of the field. This approach will minimise any potential contact between the horses and people.
- 8.3.9 It may be possible to make further simple adjustments for safety reasons without any significant effect on amenity. For instance, on advice from the land manager, we may align the path to avoid a watering station or area where the horses or ponies congregate to shelter. These measures will often be sufficient to address any risks.
- 8.3.10 Exceptionally, we may align the trail so that it avoids an enclosure in which horses and ponies are usually kept, even if it is the most convenient route. We will consider this option if the field is so small that it would be impossible for the horses and ponies and access users to avoid each other.
- 8.3.11 Land on the seaward side of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. In addition we will often use our discretion to recommend grazing land on the landward side of the trail as spreading room, in accordance with the criteria in section 4.7. Where there are concerns about spreading room access – either in respect of public safety or disturbance to horses or ponies – we will consider whether informal management or directions are necessary to address them.

Informal management techniques

- 8.3.12 Signs may be used if necessary to warn visitors not to approach the animals or feed them, and remind them of the national requirements described in paragraph 8.3.1.
- 8.3.13 Keepers may elect to run temperamental animals on land which is not publicly accessible where this is available. We will discuss this possibility with them where there are concerns.

Directions to restrict or exclude access

- 8.3.14 The techniques and national provisions mentioned above will normally be sufficient to address any risk. Directions may be used in relation to particular animals if there is no suitable alternative land on which they may be grazed. This is most likely to be necessary in small enclosures where aggressive stallions or mares with foals are present particularly if the stocking density is high.
- 8.3.15 Where necessary directions are likely to restrict people with dogs to the route of the trail. This will establish a consistent pattern of access for people with dogs, which will enable the horses and ponies to become used to the areas of the enclosure where dogs may be present and to avoid them.

8.4 Sheep

Overview

- 8.4.1 Sheep will often keep their distance from visitors. They are not usually troubled by considerate public use and can habituate to it well.

- 8.4.2 Several national provisions also help to reduce the potential for disturbance significantly:
- Land covered by pens in use for the temporary reception or detention of livestock is excepted from coastal access rights.
 - It is an offence under the Dogs (Protection of Livestock) Act 1953 to allow dogs to attack or chase livestock.
 - On land with coastal access rights, people are required to keep their dogs under effective control – see section 2.2. This includes a requirement to keep dogs on short leads in the vicinity of livestock.
- 8.4.3 In addition any buildings used for housing sheep (and their curtilage) will be excepted from coastal access rights, as will land covered by pens used for their temporary reception or detention. These provisions will also help to address some concerns.

Potential issues and likely range of solutions

- 8.4.4 The main potential concern is disturbance from dogs of heavily pregnant ewes or lambs during the lambing season. There may also sometimes be concerns regarding danger to the public from rams known to have a difficult temperament. The range of potential solutions is similar in relation to both concerns and they are considered together below.
- 8.4.5 Concerns relating to animal diseases are considered separately in section 8.6.

The need for intervention

- 8.4.6 When sheep are heavily pregnant or have young lambs at foot, disturbance by dogs can significantly increase the risk of ewe or lamb mortality. Sheep are also vulnerable to disturbance during gathering or handling.
- 8.4.7 The potential for disturbance in these circumstances is likely to depend on the patterns and levels of public access, in particular the route of the trail and any other popular secondary routes across the spreading room. Intervention is also more likely to be necessary in small enclosures than on large or unenclosed areas, where contact between dogs and sheep is less likely.
- 8.4.8 Rams occasionally respond aggressively to visitors if they feel provoked. Intervention may occasionally be necessary to prevent danger to the public where this is a concern.

Alignment solutions

- 8.4.9 The trail may pass over land where sheep are grazed if it is the most convenient route along the coast. In enclosed areas, it will normally follow the seaward edge of the field. This will help to minimise close contact between people and livestock and so reduce the risk of disturbance or, where rams are present, injury to visitors.
- 8.4.10 It may be possible to make further simple adjustments to prevent disturbance without any significant affect on amenity. For instance, on advice from the land manager, we may align the path to avoid a watering station or area where the sheep congregate to shelter.
- 8.4.11 Exceptionally, we may align the trail so that it avoids an enclosure in which sheep are usually kept, even if it is the most convenient route. We will consider this option if the field is so small that it would be impossible for the sheep and access users to avoid each other.
- 8.4.12 Access will normally be excluded from salt marsh, which may be grazed. Other grazing land will automatically qualify as spreading room if seaward of the trail unless it is excepted land or subject to access exclusions, as will any other land of specific coastal land types – see section 2.1. We may also use our discretion to recommend land where sheep are kept as spreading room on the landward side of the trail, in accordance with the criteria in section 4.7. Where there are concerns about spreading room access in relation to disturbance to sheep we will normally address these either through informal management or directions as necessary.

Informal management techniques

- 8.4.13 Where people follow predictable routes, sheep habituate more easily to the presence of visitors. Clear way-marking can be used to encourage visitors to use the trail and other preferred routes over spreading room.

- 8.4.14 Signs may be used if necessary during the lambing period to remind visitors of the national requirement to keep dogs on a short lead in the vicinity of livestock and to explain the threat that dogs may represent to heavily pregnant ewes or young lambs, and the need to leave young lambs alone because of the risk of rejection or separation from the ewe.
- 8.4.15 Temporary signs may also be used during the handling or gathering operations to ask visitors to keep to the trail and/or other preferred routes. Such requests for co-operation will usually be sufficient to prevent disruption, even though the public are not obliged to obey such requests.
- 8.4.16 Where the behaviour of a particular ram concerns the keeper, it will normally be sufficient for signs to request visitors not to approach it.
- 8.4.17 It may also be possible to position water and food supplements to encourage the sheep to use less visited areas, or to find suitable alternative land to graze the sheep during lambing and other sensitive periods. We will discuss these possibilities with the land manager where appropriate.

Directions to restrict or exclude access

- 8.4.18 The national requirements with respect to dog control will limit the need for directions in relation to the concerns above.
- 8.4.19 Directions are unlikely to be necessary to prevent danger to the public from rams provided that there are warning signs to alert the public to the danger.
- 8.4.20 In relation to the other issues affecting sheep, directions are unlikely to be necessary on sites larger than 15 hectares unless visitor use is unusually high and spread across the site. If the trail passes through smaller enclosures that will be used:
- for periodic gathering or handling; or
 - by heavily pregnant ewes or ewes with young lambs at foot,
- we will consider whether to use directions as an additional measure.
- 8.4.21 In these circumstances we will typically use directions to restrict visitors to the trail and/or other preferred routes during the sensitive period.

8.5 Animals (where not covered elsewhere)

Overview

- 8.5.1 There is widespread public access on land grazed by farm animals and the two uses are generally compatible. Where there are concerns, these vary according to the type of animal kept on the land. Common types of livestock such as cattle and sheep are considered in separate sections. This section explains our approach to concerns about access around other animals not covered elsewhere, for example pigs or poultry.
- 8.5.2 Any buildings used for housing animals (and their curtilage) will be excepted from coastal access rights, as will land covered by pens used for the temporary reception or detention of livestock. There are also relevant legal requirements in relation to dogs (see Figure 20). These provisions will help to address some concerns.

Potential issues and likely range of solutions

- 8.5.3 Concerns may relate to public safety, disturbance to animals or both. Concerns relating to animal diseases are considered separately in section 8.6.

The need for intervention

- 8.5.4 Figure 20 summarises the factors which are likely to influence our decision as to whether any intervention is necessary for either reason.

Alignment solutions

- 8.5.5 The trail may cross land where animals are kept, if it is the most convenient route along the coast. In enclosed areas, it will normally follow the seaward edge. This approach will help to minimise close contact between people and animals kept there.

Figure 20 The need for intervention in relation to animals kept on coastal land

| Factor | Concern | Considerations |
|---|-------------------------------|--|
| Visitor awareness | Public safety and disturbance | Depending on their knowledge and experience, visitors may take account of the presence of animals without being prompted. In areas of frequent public use, or where visitors are likely to be unfamiliar with the animals encountered, it may be advisable to provide information on safe and considerate behaviour. |
| Timing, level and pattern of public use | Public safety and disturbance | Some animals become habituated to human presence. Intervention may be necessary where expected peak levels of public use are likely to cause significant disturbance or where key routes correspond with areas frequented by animals. |
| Dogs | Public safety and disturbance | Animals that are normally tolerant of human presence may feel threatened by the presence of dogs. On land with coastal access rights people are required to keep dogs on a short lead in the vicinity of livestock – see section 2.2. It is also an offence under the Dogs (Protection of Livestock) Act 1953 to allow dogs to attack or chase livestock. These general provisions will limit the need for further intervention. |
| Relevant legal provisions | Public safety only | Where animals are kept as part of a business, requirements apply under health and safety at work legislation for the person or company responsible to assess any risks they pose to the public, and to put in place such measures as are reasonably practicable to control these risks adequately. There is also strict liability under section 2 of the Animals Act 1971 for any injury or damage caused by animals in certain defined circumstances. Land managers may in practice already undertake informal management in connection with these wider obligations (see section 6.2), and this may limit any need for further intervention. |
| Stocking density, degree and character of enclosure | Public safety and disturbance | Close contact between visitors and animals is more likely to occur: <ul style="list-style-type: none"> ■ where stocking densities are high; ■ in small, enclosed fields than in more open areas; ■ where vegetation and topography conceal animals from visitors. |
| Animal temperament | Public safety only | The temperament of individual animals may be relevant in deciding whether (and, if so, to what extent) intervention is necessary. The assessment criteria in section 8.2 (cattle) may be relevant to other domestic animals for this purpose. Animal temperament can also vary according to the time of the year. For instance, stags may pose significant risks to public safety during the rut, as could hinds that have recently calved or are about to calve. |

- 8.5.6 It may be possible to make further simple adjustments for operational reasons without any significant effect on amenity. For instance, on advice from the land manager, we may align the path to avoid a watering station or area where the animals congregate to shelter.
- 8.5.7 In some circumstances we may align the trail so that it avoids an enclosure in which animals are usually kept, even if it is the most convenient route along the coast. For example we will consider this option if the field is so small that it would be impossible for the animals and access users to avoid each other.
- 8.5.8 Land on the seaward side of the trail will qualify automatically as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. We will often use our discretion to recommend grazing land on the landward side of the trail as additional spreading room, in accordance with the criteria in section 4.7. Where there are concerns about spreading room access – either in respect of public safety or disturbance to animals – we will normally consider the use of either informal management or directions where necessary to address them.

Informal management techniques

- 8.5.9 Animals will usually avoid visitors, especially on large open areas of spreading room, and it is reasonable to expect visitors to avoid animals. Clear way-marking of the trail and any secondary routes across the affected land will help to ensure this.
- 8.5.10 Signs may be placed at entry points to remind visitors of the requirement to keep their dogs on leads in the vicinity of livestock. Any general information we provide for people visiting the coast (for example leaflets, or signs at nearby car parks) may include more detailed advice about appropriate behaviour around livestock.
- 8.5.11 We may explore with the land manager the scope for other techniques to address any further concerns. Depending on local circumstances these might include:
- reducing stocking densities and thereby risk of disturbance;
 - positioning feeding and watering areas away from the trail or other routes that the public are likely to use, if this can be achieved without unreasonable cost or inconvenience to the land manager
 - grazing animals on alternative land, for example at particular times when disturbance or danger is likely to be more significant than usual;
 - providing information⁸⁰ to the public on safe and considerate behaviour towards the animals, e.g. walking along field margins, avoiding coming between mothers and young.

Directions to restrict or exclude access

- 8.5.12 The solutions described above will usually be adequate to prevent danger to the public or disturbance to animals. We may use directions where other solutions are unavailable or we conclude at any stage that they are inadequate to meet a need.
- 8.5.13 This is only likely to be so when animals are in small fields and enclosures where it is more difficult for animals and people to avoid each other, and which are likely to be subject to frequent public use – for example, because the trail passes through them.
- 8.5.14 Directions may be given for land management purposes (in relation to disturbance) or to prevent danger to the public, or both. The form of the direction will also vary according to the circumstances. For example it may depend, in relation to the animal concerned, on whether it is only the presence of dogs that causes a problem or whether the presence of people is also relevant.
- 8.5.15 Where necessary, directions will typically restrict access to the trail in the affected area. This will establish a consistent pattern of access, which will enable most animals to

⁸⁰ Any signs warning of potentially dangerous animals should be in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996.

become accustomed to public access and avoid the trail at times of frequent use. We will normally recommend the provision of an alternative route if it is necessary to exclude access to the trail for this purpose, provided this can be done at reasonable cost.

- 8.5.16 Animals may tolerate the presence of an assistance dog, provided it has been trained not to act in any way that might disturb them. Therefore, in any areas where dogs are excluded to prevent disturbance, we may decide, after discussion with the land manager, to specify in the direction notice that a person may bring an assistance dog, provided it has been trained by an accredited trainer to behave appropriately in the circumstances and that it is kept on a short lead. This type of exemption is unlikely to be appropriate in relation to directions to prevent danger to the public.

8.6 Animal diseases

Overview

- 8.6.1 All animals naturally carry a range of micro-organisms that can cause diseases. Buildings used for housing livestock (and their curtilage) are excepted from coastal access rights, as is land covered by pens used for the temporary reception or detention of livestock. This will help address many concerns.

Potential issues and likely range of solutions

- 8.6.2 In relation to coastal access rights, concerns may arise that animal diseases⁸¹.
- are potentially harmful to people (public safety concerns); or
 - may be spread by people from one place to another (land management concerns).

Public safety concerns

The need for intervention

- 8.6.3 Some diseases carried by animals (called zoonoses) can be transmitted to humans, and may cause ill health or exceptionally even death, but ill health as a result of visiting the countryside is unusual. Such diseases are typically transmitted to humans by touching animals or by direct contact with animal products including dung, urine, placental material or carcasses. A few diseases may also be waterborne (e.g. Leptospirosis) or present in ticks (e.g. Lyme disease).
- 8.6.4 Intervention will not normally be necessary to protect visitors from animal diseases, except in areas where particular diseases are naturally prevalent.

Alignment solutions

- 8.6.5 It will usually be possible in discussion with the land manager to align the trail so that it avoids close proximity to areas where the public would be at significant risk such as yards and handling areas. This will limit the need for further intervention.

Informal management techniques

- 8.6.6 Beyond the normal aspects of good husbandry (for example, adopting safe working techniques, vaccination of animals, isolation of sick animals) further intervention will not normally be necessary to protect visitors from diseases carried by farm animals.
- 8.6.7 At some farms visitors are encouraged to have direct contact with animals, but these arrangements are not part of the general rights of access and are at the discretion of the farm manager. Where they happen, the farm manager may advise visitors on common sense precautions to prevent infection or spread of disease, for example washing hands and clothes after a visit and before eating, drinking or smoking.
- 8.6.8 In areas of the coast where diseases spread by wild animals (such as Lyme disease and Leptospirosis) are naturally prevalent we may, after discussion with the appropriate

⁸¹ Criteria set 8 of our relevant authority guidance provides background information about animal disease and its management in England and Wales: <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

authorities, provide targeted information about precautions visitors should take.

Directions to restrict or exclude access

8.6.9 Animal health legislation⁸² provides animal health and appropriate veterinary bodies with access prohibition powers which can be used to control public access where it is considered necessary to contain the spread of a notifiable disease such as foot and mouth. In practice these powers are more likely to be necessary to contain the spread of the disease between animals (see 'land management concerns' below) than for public health protection. Any such prohibitions for either purpose would automatically prevail over the coastal access rights. Directions are therefore unnecessary to protect the public from disease.

Land management concerns

The need for intervention

- 8.6.10 There are sometimes concerns about visitors and their dogs helping to spread animal disease. In practice, other types of movement (e.g. of sick animals, contaminated products, equipment, vehicles and animal handlers) are considered far more significant factors in promoting any spread that occurs.
- 8.6.11 Intervention in relation to coastal access rights will not normally be necessary as a control measure unless there is an outbreak of a notifiable disease and if it is judged necessary by the authorities to introduce temporary measures to manage public access to contain the disease until it has been brought under effective control.
- 8.6.12 Some intensive commercial pig and poultry enterprises may be subject to more stringent biosecurity requirements than normal. We will discuss these with the land manager where they arise before deciding whether and, if so, to what extent intervention is necessary in relation to coastal access.

Alignment solutions

8.6.13 It will usually be possible in discussion with the land manager to align the trail so that it avoids close proximity to areas where direct contact with animals is likely. This will limit the need for further intervention.

Informal management techniques

8.6.14 Signs may be placed requesting any necessary precautions in areas of concern, for example the need to avoid direct contact with animals and the requirement to keep dogs on leads in the vicinity of livestock (see section 2.2).

Directions to restrict or exclude access

- 8.6.15 Animal health legislation⁸³ provides animal health and appropriate veterinary bodies with access prohibition powers which can be used to control public access where it is considered necessary to enable the containment of a notifiable disease such as foot and mouth. Any such prohibitions automatically prevail over the coastal access rights. Directions are therefore unnecessary to contain notifiable diseases.
- 8.6.16 Directions are unlikely to be necessary in relation to normal farm biosecurity requirements, but may be considered in exceptional circumstances where other solutions are unavailable or where we conclude at any stage that they are inadequate to meet a particular need.

⁸² Powers to prohibit public access for these purposes are provided by orders made under section 23 of the Animal Health Act, or by regulations made under the European Communities Act 1972, depending on the disease in question.

⁸³ See footnote 82.

8.7 Crops

Overview

- 8.7.1** This section assesses the case for specific measures to prevent damage to crops. It covers both recently sown crops such as cereals and 'long rotation crops' such as trees, game cover crops, wildlife margins, and grass grown for hay or silage. Section 8.14 (pesticides) and section 8.12 (work operations) may also be relevant to crop management.
- 8.7.2** Land on which the soil is being, or has at any time within the previous twelve months been, disturbed by any ploughing or drilling for the purpose of planting or sowing crops or trees is excepted land – but there is provision for the trail to pass over it on an access strip (see section 2.1). Even where this happens, no additional spreading room may be created on such land to either the landward or seaward side of the trail. This will limit the need for intervention in relation to public access in these circumstances.
- 8.7.3** Long rotation crops such as trees, game cover crops, wildlife margins and grass grown for hay or silage will not for this reason be treated as excepted land once twelve months have elapsed after sowing.

Potential issues and likely range of solutions

- 8.7.4** Concerns are most likely to arise in relation to trampling of crops by people or their dogs or contamination of crops by dog faeces. The two issues are considered together in this section.

The need for intervention

- 8.7.5** Crops are often obvious to the general public. People can be expected to avoid walking on them provided that the trail itself is adequately way-marked, and the route left unsown. Further intervention may be necessary in some circumstances, for example:
- Litter can contaminate crops or interfere with harvesting.
 - Food crops such as salads and strawberries are vulnerable to contamination by dog faeces or urine, because:
 - The part of the plant which is harvested is close to the ground; and/or
 - The plant is sold or (in many cases) eaten without further processing.
 - Hay and silage are also vulnerable to this sort of contamination.

Alignment solutions

- 8.7.6** The trail will normally occupy a 4-metre wide strip along the edge of a cropped field. Usually this will be along the seaward edge as it represents the most convenient route along the coast. There will already be a strip of un-cropped land left at the seaward edge for practical, safety or environmental reasons. Often this strip will be suitable to accommodate the trail and, in some places, some additional spreading room on the landward side between the trail and the crop edge.
- 8.7.7** On eroding cliffs, the trail will typically roll back automatically in a way that will be described in our report to the Secretary of State.
- 8.7.8** Land used for arable or food crops on the seaward side of the trail will not normally qualify as spreading room because of their excepted land status. Where cropped or sown areas seaward of the trail are not covered by the excepted land provisions – for example grass leys or cover crops that are sown on longer rotations – we will consider using informal management or directions as necessary to address concerns about spreading room access. We are unlikely to recommend any such areas as spreading room on the landward side of the trail, though tree plantations may be considered suitable for inclusion.

Informal management techniques

- 8.7.9** So long as the route is not sown, people will normally find it easy to follow the line along a crop edge. Where slumping or erosion suddenly removes the uncultivated strip at the cliff edge, it may be in the farmer's best interests to cut the crop edge in order to reinstate a visible path strip and thereby reduce the risk of people straying further into the crop.

- 8.7.10 A mown path along the edge of grass grown for hay or silage may be used where the aim is to encourage people to stay on the line of the trail as they usually avoid areas of heavier vegetation in favour of well managed paths. However, low-key access across these areas does not significantly affect yield, given modern harvesting techniques. Similar solutions may be used in relation to grass leys that are sown with less frequency than arable and food crops, to ensure that there is a clear path for people to follow along the field edge.
- 8.7.11 Where necessary, signs may be used to mark the line of the trail and/or promote specific relevant messages, such as encouraging dog owners to keep their dog out of the crop and clean up after it. Targeted signs may be particularly useful where crops are especially vulnerable to trampling or contamination, such as salad or low fruit crops, or where litter is an issue. Signs are more persuasive where they explain the reason why it is preferable to stay on the trail, as experience shows that people are more likely to obey signs if they understand the reason for the request.

Directions to restrict or exclude access

- 8.7.12 The solutions described above are likely to be sufficient to address most needs. We may use directions for land management purposes in circumstances where other solutions are not available, or where we conclude at any stage that they are unlikely to be sufficient to meet the need.
- 8.7.13 Directions will normally require people using the trail to keep their dogs on leads, where necessary to prevent contamination of crops on land adjoining the trail if they are vulnerable to contamination (see 8.7.5).
- 8.7.14 Directions are unnecessary to prevent people from walking over cropped areas that fall into the category of excepted land described in paragraph 8.7.2, but notices may be used to advise people not to do so. Directions are unlikely to be necessary for this purpose in relation to other cropped or sown areas that are not excepted land, provided there is a clear route for people to follow along the edge.
- 8.7.15 Local authorities have powers under the Clean Neighbourhoods and Environment Act 2005 to make dog control orders requiring people to remove dog waste. We may advocate their use where there are persistent problems and where we conclude at any stage that other solutions are likely to be insufficient to meet the need. We are unlikely to use directions for this purpose.

Figures 22, 23 and 25 in chapter 9 illustrate how coastal access rights might be implemented in areas with crops.

8.8 Game bird management

Overview

- 8.8.1 This section assesses the need for specific measures in relation to the management of land to provide game birds for shooting. Other sections consider closely related topics:
- Section 8.9 considers the need for specific intervention in relation to the management of wild deer.
 - Section 8.10 considers the need for specific measures in connection with shooting live quarry, including wild fowl, deer and pest species.
- 8.8.2 Game management on the coast is most likely to involve birds bred in captivity and released into a managed area. Most released birds are either red-legged partridge or pheasant and this section therefore focuses on these. However, we will cautiously apply the same principles to any other types of game, bearing in mind that their management, behaviour and habitat may differ in some respects.

Potential issues and likely range of solutions

- 8.8.3 The most likely concern is that game birds will be disturbed, which may interfere with the number of birds in the correct location or 'drive' on a shooting day.

The need for intervention

- 8.8.4** The following considerations are particularly relevant in deciding whether, and if so when, intervention is necessary to manage disturbance to game birds:
- Birds are particularly sensitive to free roaming dogs, which are more likely to cause disturbance than people. For released birds this is relevant from the time of release to the end of the breeding season. For wild game birds this is relevant all year round, but particularly so during the breeding season.
 - Released birds are held in pens for two to four weeks before release⁸⁴, but encouraged to remain in – or return daily to – the area where they will be shot. The four to six weeks following release, whilst the birds are habituating to the area, are critical.
 - Where frequent disturbance occurs, it may cause some birds to desert a drive altogether, or significantly disrupt the daily movement of birds from their roosting site to the drive.
 - Gamekeepers often provide food and water at or near the drive to ensure that the number of birds at the drive on the day of the shoot is maximised.
 - In the lead up to the shoot there may be no time to change the location of the drive or to recover the birds if they fly off.
- 8.8.5** There may also be concerns that there is potential for interference to traps and snares used for pest control, whether in the form of unlawful interference by visitors, or accidental interference by dogs who may inadvertently trigger the device. It is unlikely to be necessary to take action provided that traps and snares are positioned in places where people and their dogs are unlikely to encounter them.

Alignment solutions

- 8.8.6** We will aim to position the trail to influence patterns of public access so that visitors are a beneficial, or at least neutral, presence on the estate, having regard to other factors relating to the key principles set out in chapters 4 and 5 of the Scheme. Managed access along the edge of a drive or feeding area is sometimes regarded as a positive influence by gamekeepers, if it encourages the birds to keep within the area managed for shooting. Public access along the trail may therefore be beneficial to game management.
- 8.8.7** Normally the trail will be along the seaward edge of any land used for rearing and shooting of game birds. It may be possible in consultation with the land manager to make further simple adjustments for game management reasons without any significant affect on amenity, for instance to avoid close proximity to a release pen or drive.
- 8.8.8** Land on the seaward side of the trail will qualify automatically as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. We may also use our discretion to recommend land managed for game on the landward side of the trail as additional spreading room, in accordance with the criteria in section 4.7. Where there are concerns about spreading room access in relation to game management objectives we will normally consider the use of informal management or directions to address them where necessary.

Informal management techniques

- 8.8.9** Informal management is unnecessary to prevent disturbance to released game birds once shooting has finished for the season, until new birds are released the following summer. However, it may be necessary in connection with related activities such as shooting for pest control (see section 8.10) or where the aim is to maintain a population of resident wild birds for shooting.
- 8.8.10** The need for informal management is likely to depend on:

⁸⁴ Release pens will be excepted from the coastal access rights because they fall within the definition of a structure in Schedule 1 of CROW.

- the management techniques already employed by the land manager;
 - the times of release and shooting;
 - the location of sensitive areas (pens, drives and areas managed for roosting and feeding); and
 - the patterns, levels and frequencies of public access.
- 8.8.11 Clear way-marking of the trail will help to manage access away from the sensitive areas. Signs may be placed at site entrances reminding visitors to keep their dogs under effective control – see section 2.2.
- 8.8.12 In some circumstances it may be possible to relocate release pens and other sensitive features further away from the trail and any other popular routes. This will be our preferred approach where there are concerns about interference with traps and snares. We will discuss these possibilities with the land manager where appropriate.
- 8.8.13 In the long-term, disturbance can be minimised in both open and woodland settings by creating or improving ground cover for the birds – where this is in keeping with the overall management of the land and there are sufficient resources to implement it.

Directions to restrict or exclude access

- 8.8.14 The solutions described above will sometimes be sufficient to manage disturbance to game. However, we may use directions for land management purposes in circumstances where:
- other solutions are not available, or
 - we conclude that they are unlikely to be sufficient to meet the need or prove to be so in practice.
- 8.8.15 Where necessary directions are likely to restrict dogs to leads in sensitive areas:
- For wild game, these may include both the breeding season (principally for ground-nesting birds such as partridge) and the shooting season⁸⁵.
 - For released game birds, these will be from the time of release until the end of the shooting season.
- 8.8.16 Directions are most likely to be necessary in areas that the public visit regularly and where one or more of the following factors is present:
- visitors would be likely to pass close to a nesting area or to release pens during the first four to six weeks following release;
 - routes through the spreading room likely to be favoured by visitors bring them into close proximity with the game;
 - the direction of any disturbance is likely to cause birds to move off the estate;
 - neighbouring land outside the control of the gamekeeper provides alternative suitable habitat that is likely to attract significant numbers of birds if they are disturbed;
 - cover is sparse and the birds are more likely to seek alternative habitat in response to regular disturbance; or
 - a small estate has fewer drives and so is less able to absorb regular disturbance.
- 8.8.17 Directions are unlikely to be necessary to prevent accidental interference to traps and snares, provided they can be located away from areas favoured by the public. Deliberate interference with traps or snares is outwith the coastal access rights⁸⁶ and directions cannot be used to address it. Where there are recurrent problems of this type we will discuss the best approach with the land manager and, in cases of criminal damage, with the police.

Figure 26 in chapter 9 illustrates how coastal access rights might be implemented in an area managed for released game birds.

⁸⁵ See Annex P of our relevant authority guidance for dates.

⁸⁶ Under paragraph 1(d) of Schedule 2 of CROW.

8.9 Wild deer management

Overview

- 8.9.1 Wild deer populations are often managed in order to limit the damage they cause to crops (including trees), often in accordance with a plan agreed by land managers in the affected area. On some land the right to shoot deer is let for sport. This provides an income to the estate, often in addition to meeting population control aims. In places, deer populations are specifically managed at levels that are commercially sustainable for sport.
- 8.9.2 This section considers the need for specific measures in relation to management of wild deer for either of the purposes above. Section 8.10 considers the need for measures in relation to the shooting of wild deer.
- 8.9.3 Where deer are farmed or kept for other purposes we will have regard to the criteria set out in section 8.5 in relation to other animals kept on land with coastal access rights.

Potential issues and likely range of solutions

- 8.9.4 There may be concerns that disturbance following the introduction of coastal access rights will cause long-term changes to the habits of local deer populations, causing difficulty in meeting management objectives.

The need for intervention

- 8.9.5 Wild deer are generally tolerant of the presence of visitors and any disturbance caused by public access has no overall impact on their numbers. They will often remain still while people pass, provided there is sufficient distance or cover to give them reassurance. Where cover is sparse or visitors pass close by, they may move away temporarily, but will normally return.
- 8.9.6 Deer may adapt their habits if disturbance is frequent and sustained over long periods, in order to avoid those areas at times when visitors are likely to be present. This is more likely where people allow their dogs to exercise off lead. Concerns may therefore be alleviated to some extent by the requirement that people must keep their dogs under effective control on land with coastal access rights – see section 2.2.
- 8.9.7 Where deer management is carried out for population control only, disturbance is unlikely to jeopardise the overall management objectives, provided that the deer management practices are able to reflect any changing habits of the deer and patterns of public visiting, and if necessary incorporate suitable local arrangements to manage access.
- 8.9.8 Where deer are shot commercially, it may be necessary to manage public access in order to ensure that deer routinely visit specific areas in sufficient numbers and at an appropriate time to satisfy the expectations of clients.
- 8.9.9 In both cases, the need for intervention will depend on the patterns and levels of access in the affected areas and the objectives of those responsible for deer management.

Alignment solutions

- 8.9.10 The trail will typically be on the seaward side of areas where wild deer populations are managed. Where there are concerns that trail access may interfere with deer management objectives we will discuss the objectives with the person responsible. It will often be possible to align the trail to avoid sensitive areas, such as those where deer fawn or gather habitually or where shooting takes place – see section 8.10. The discussions will also inform our use of the discretion to recommend spreading room on the landward side of the trail, in accordance with the criteria in section 4.7.
- 8.9.11 Any land on the seaward side of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will any other land of specific coastal land types – see section 4.7. Where there are concerns about spreading room access in relation to deer management objectives we will consider whether it is necessary to use informal management or directions to address them.

Informal management techniques

- 8.9.12 Clear way-marking of the trail and any preferred routes over spreading room will help to

ensure that any access to sensitive areas is low-key. Signs may be used to remind people of the requirement to keep dogs under effective control and to ask people to keep them on leads in particular areas or at particular times where this will contribute to deer management objectives.

Directions to restrict or exclude access

- 8.9.13 The solutions described above will often be sufficient to address concerns. We will only use directions for land management purposes where there is clear evidence of each of the following:
- local deer populations are managed in a planned way for population control or sport;
 - patterns and levels of public use will cause routine disturbance to deer;
 - this disturbance will cause long-term changes to the habits of local deer populations;
 - deer management techniques cannot be adapted to the changing habits of the deer; and
 - informal management techniques are unavailable or inadequate to meet the need.
- 8.9.14 Where necessary directions will usually require people to keep their dogs on leads in sensitive areas during the shooting season⁸⁷ or at other times when deer are rearing young. Wild deer rear young in the summer months, except muntjac deer which breed all year round.

8.10 Shooting live quarry

Overview

- 8.10.1 This section assesses the need for specific measures in connection with shooting live quarry, including game birds, wild fowl, deer and pest species. Other sections consider closely related topics:
- Section 8.8 considers the need for specific intervention in relation to the management of land to provide game birds for shooting.
 - Section 8.11 considers shooting at man-made targets – including clay pigeon shooting, range shooting, archery – and also considers paintballing and similar ‘war games’.
 - Section 8.9 considers the need for specific intervention in relation to the management of wild deer populations.
- 8.10.2 Wildfowling is common at the coast, but we are likely to exclude access to areas of salt marsh and mudflat, where most wildfowling takes place. There may be localised issues around other types of shooting on the coast – these are considered in detail below.
- 8.10.3 There is specific legislation governing the species which may be shot and, in the case of some species, the times of year when shooting may take place. This is summarised in Annex P of our relevant authority guidance⁸⁸.

Potential issues and likely range of solutions

- 8.10.4 Concerns are likely to be centred around the period during and immediately prior to a shoot. They may relate to any of the following effects either alone or in combination:
- disturbance to the quarry;
 - danger to the public; or
 - disruption to the shoot.

Disturbance to quarry

The need for intervention

- 8.10.5 The need for intervention to prevent disturbance to the quarry will depend on the levels and patterns of public access on the affected land and how these relate to the places where shooting takes place, the times when it takes place and the extent to which the success of a shoot relies on the presence of quarry at a particular location and a particular time.

⁸⁷ Annex P of the relevant authority guidance details shooting seasons.

⁸⁸ <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

- 8.10.6** Shooting sometimes takes place at times when other people are unlikely to be present and/or in places that are relatively undisturbed. The need for intervention in such instances will depend on whether quarry is likely to be disturbed by any change in patterns or levels of access as a result of the introduction of coastal access rights and subsequent trends in their use. It will not normally be necessary to manage access when shooting takes place in less visited areas or at quieter times of the day, or where there are suitable alternative times and locations which enable shooters to adapt to changes in the patterns and levels of public use.
- 8.10.7** Visitors may cause quarry to leave an area where a shoot is planned to take place, if by passing through they disturb it. This is most likely if they bring dogs and their dogs run freely. The location and density of suitable vegetation cover is also likely to be relevant; quarry will usually remain still in good cover, but are easily disturbed in poor cover where they feel more vulnerable. Visitors almost always prefer to follow clear routes with short vegetation; clear way-marking of the trail may therefore significantly reduce disturbance to quarry in dense cover adjacent to it. This may not in itself be sufficient to prevent disturbance from people's dogs.
- 8.10.8** Disturbance is most critical in the twenty-four hours before a driven shoot where the timing of the shoot and the position of the guns and quarry are all predetermined to provide the best shooting conditions, and where business interests may depend on presenting sufficient birds to the guns. Driven shoots are less likely at the coast, but where they occur it may be necessary to take action to ensure that quarry is easy to locate and in such a position that it can be driven towards the guns.

Alignment solutions

- 8.10.9** Where land is managed specifically for game shooting (in particular driven shoots) we will discuss the alignment of the trail and the landward boundary of spreading room with the land manager in the context of the overall management of the shoot and the location of areas that may be sensitive to public access. Section 8.8 looks at these considerations in more detail.
- 8.10.10** Other shooting interests will also have opportunities to influence our coastal access recommendations at various stages of the implementation process summarised in chapter 3. It may be possible in the light of these discussions to make simple adjustments to the trail which avoid disturbance to quarry in areas favoured for shooting without any significant affect on recreational interests. The discussions will also inform our use of the discretion to recommend spreading room on the landward side of the trail, in accordance with the criteria in section 4.7.
- 8.10.11** Land seaward of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. Where this raises concerns in relation to disturbance to quarry we will consider whether it is necessary to use either informal management or directions to address them.

Informal management techniques

- 8.10.12** Signs may be used asking the public for cooperation where there are concerns that visitors or their dogs may disturb quarry in the period immediately before and during a shoot. These might for example ask visitors to follow particular routes and remind them of the requirement to keep their dogs under effective control – see section 2.2.
- 8.10.13** There may be suitable alternative land available nearby for rough shooting. We will discuss this possibility with shooting interests where there are concerns. It is unlikely that there will be alternative land available for driven game shoots, if the land used by the shoot is specifically laid out and managed for the purpose.

Directions to restrict or exclude access

- 8.10.14** Directions are unlikely to be necessary in relation to disturbance to wildfowl, because there will not normally be coastal access rights in the areas where wildfowling takes place.

- 8.10.15** Directions may be necessary for land management purposes in relation to other types of quarry – in particular driven shoots, where they occur on the coast – if:
- the trail passes through or very close to a drive or an area favoured by shooters;
 - the quarry is likely to respond by moving away from the area; and
 - it is impractical following the disturbance for the shoot organisers to recover the quarry or relocate the shoot before it takes place.
- 8.10.16** Where necessary directions will normally restrict dogs to leads from noon on the preceding day until the shoot is over. However, some areas may be shot more than once a week. This intensive use may make birds more sensitive to disturbance on intervening days. In areas that are shot regularly, we may elect to restrict dogs to leads throughout the shooting season, both to minimise disturbance and in the interests of clarity for the visiting public.

Danger to the public

The need for intervention

- 8.10.17** It is extremely rare for countryside visitors to be injured as a result of shooting activities, as it is well established that the primary responsibility for preventing injury lies with the user of the gun. Those whose undertakings involve the use of guns have a legal duty under health and safety at work legislation to take all reasonably practicable steps to ensure that no-one is put at risk as a result. The use of firearms is also licensed under Firearms Acts and the Games Licences Act 1860 and is guided by well observed codes of practice⁸⁹: For example:
- Shooters have to assume that members of the public may be present and take all necessary precautions, even at times when they are unlikely to encounter visitors.
 - People using shotguns should be able to see the whole area where their shot could fall and must not shoot if anyone enters that zone of risk.
 - People using rifles must choose a position that provides clear views against a safe backdrop before taking a shot. On flat ground, marksmen sometimes use raised seats that ensure that the bullet hits the ground behind the target if it misses.
- 8.10.18** These standard precautions are normally sufficient to reduce risks to the public to an acceptable level and it will not usually be necessary to take further action in relation to public safety. However, further precautions may be necessary where the topography, vegetation cover or other obstacles obstruct the views of shooters over the zone of risk.

Alignment solutions

- 8.10.19** Where land is managed specifically for game shooting (in particular driven shoots) we will discuss the alignment of the trail and the landward boundary of spreading room with the land manager in the context of the overall management of the shoot and the location of areas that may be sensitive to public access. Section 8.8 looks at these considerations in more detail.
- 8.10.20** Other shooting interests will also have opportunities to influence our coastal access recommendations at various stages of the implementation process summarised in chapter 3. It may be possible in the light of these discussions to make simple adjustments to the trail for safety reasons without any significant affect on recreational interests. The discussions will also inform our use of the discretion to recommend spreading room on the landward side of the trail, in accordance with the criteria in section 4.7.
- 8.10.21** Land seaward of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. Where this raises concerns about public safety we will consider whether it is necessary to use either informal management or directions to address them.

⁸⁹ 'The Code of Good Shooting Practice' is available on the British Association for Shooting and Conservation (BASC) website at www.basc.org.uk.

Informal management techniques

8.10.22 Signs at entry points and other local publicity can be used to alert the public to when and where shooting is taking place. Lookouts are another established and effective means to alert visitors to shooting and to prevent danger by asking them to wait for a suitable moment to pass by or to use a different route.

Directions to restrict or exclude access

8.10.23 In most circumstances, concerns about disruption to the shoot or disturbance to game are more likely than public safety to be determining factors in any direction that is necessary, because the standard precautions taken by the people shooting make injury very unlikely. Directions to prevent danger to the public on shoot days are therefore only likely to be necessary where shooters' views over the area of risk are obstructed and the standard precautions are therefore insufficient to manage the risks. The area of risk will depend on sightlines in the direction(s) of fire, and the gun and ammunition used. We may take expert advice to determine its precise extent.

8.10.24 Where necessary directions for this purpose will exclude people from the area of risk while shooting is in progress or earlier, where necessary to ensure that visitors are not present when the shoot begins. We will normally seek a temporary or alternative route at times when access to the trail is excluded for this purpose, if this can be provided at reasonable cost.

Disruption to the shoot*The need for intervention*

8.10.25 Shooters may be distracted by the need for extra vigilance to prevent any risk of accidental injury to visitors. Intervention is only likely to be necessary for this purpose where shooting coincides with times and places where visitors are likely to be present. This is most likely to occur where there is a commercial shooting enterprise, but may occur during other forms of shooting

Alignment solutions

8.10.26 Where land is managed specifically for game shooting (in particular driven shoots) we will discuss the alignment of the trail and the landward boundary of spreading room with the land manager in the context of the overall management of the shoot and the location of areas that may be sensitive to public access. Section 8.8 looks at these considerations in more detail.

8.10.27 Other shooting interests will also have opportunities to influence our coastal access recommendations at various stages of the implementation process summarised in chapter 3. It may be possible in the light of these discussions to make simple adjustments to the trail to prevent disruption without any significant effect on recreational interests. The discussions will also inform our use of the discretion to recommend spreading room on the landward side of the trail, in accordance with the criteria in section 4.7.

8.10.28 Land seaward of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. Where this raises concerns about disruption to the shoot we will consider whether it is necessary to use either informal management or directions to address them.

Informal management techniques

8.10.29 Sometimes shooters may be able to time their activity to avoid periods when visitors are likely to be present, or find suitable alternative land nearby on which to shoot. We will discuss this possibility with shooting interests where there are concerns. Commercial shooting enterprises may be less flexible in this respect than those shooting for other purposes, since shooting is timed for the convenience of their clients.

8.10.30 Signs at entry points and other local publicity can be used to alert the public to when and where shooting is taking place and remind people to keep their dogs under effective

control. Lookouts are another established and effective means to alert visitors to shooting and to seek their co-operation by waiting for a suitable moment to pass by or by using a different route.

Directions to restrict or exclude access

8.10.31 Directions will not normally be necessary for this purpose but we may use them for land management purposes where:

- the timing of the shoot unavoidably coincides with times when visitors are likely to be present; and
- it is not practical to manage the passage of visitors effectively through the area while the shoot takes place.

8.10.32 Such directions are likely to exclude people from the affected area while driving or shooting are in progress or earlier, where necessary to ensure that visitors are not present when the shoot begins. We will normally seek a temporary or alternative route at times when access to the trail is excluded for this purpose, if this can be provided at reasonable cost.

Figure 26 in chapter 9 illustrates how coastal access rights might be implemented in an area with shooting nearby.

8.11 Shooting at man-made targets

Overview

8.11.1 This section assesses the need for specific measures in relation to shooting at man-made targets, including clay pigeon shooting, range shooting, airgun shooting and archery. It also considers paintballing and similar 'war games'.

- Shooting of live quarry is considered separately in section 8.10.
- Section 8.21 (military use) considers risks arising from unexploded ordnance.

Potential issues and likely range of solutions

8.11.2 Concerns are most likely to arise in relation to:

- danger to the public from shooting; or
- disruption to shooting.

These concerns are considered together because the range of solutions is likely to be similar in relation to each.

The need for intervention

8.11.3 It is extremely rare for countryside visitors to be injured as a result of shooting activities, as in most cases the primary responsibility for preventing injury lies with the person using the weapon. Professional organisers and companies conducting weapons testing also have a legal duty under health and safety at work legislation to take all reasonably practicable steps so that no-one is put at risk as a result of the activities. The use of firearms is also licensed under Firearms Acts and is guided by well observed codes of practice⁹⁰.

8.11.4 Shooters normally have to assume that members of the public may be present and take all necessary precautions, even at times when they are unlikely to encounter visitors:

- People using air guns, rifles, bows or similar weapons must choose a position that provides clear views against a safe backdrop before taking a shot. Shoot organisers must ensure that no-one enters the area of risk (sometimes called the safety zone) while shooting is taking place.
- During clay pigeon shooting, participants should be able to see the whole area where there is a risk of injury from their shot and from falling clays and must not shoot if anyone enters that zone.

⁹⁰The Code of Good Shooting Practice' is available on the British Association for Shooting and Conservation (BASC) website at www.basc.org.uk.

- 8.11.5 Risks vary according to the activity:
- Where the target is static (e.g. archery), the main risk is from entering the corridor behind and in front of the target as a shot is taken. The area of risk (sometimes called a safety zone) may extend beyond the target for some distance, depending on the weapon and ammunition in use.
 - The area of risk in clay pigeon shooting is wider because the target is moving, and fragments on impact. People are at risk from both shot and falling clays.
 - People entering an area where a paintballing or a similar activity is taking place may be at risk of serious injury, depending on the exact nature of the activity and the type of weapon or ammunition in use.
- 8.11.6 Participants may also be distracted by the need for extra vigilance to prevent any risk of accidental injury to visitors. Where visitor levels are high, the frequent need to stop shooting in order to allow visitors to pass may detract significantly from their enjoyment of the activity. Intervention may be necessary to prevent this where the activity coincides with times and places where visitors are likely to be present.
- 8.11.7 The enjoyment of paintballing (and similar war games) depends on simulating combat conditions, so it is impractical for participants to take account of the presence of visitors while a game is taking place. Game organisers will not usually allow paintballing or other similar war games to begin if there is any likelihood that people may be present who are not wearing the protective clothing required.

Alignment solutions

- 8.11.8 We will usually align the trail along the seaward edge of affected land. This is likely to address many concerns by limiting the scope for the public to enter the dangerous area. However, occasionally we may align the trail on the landward side of the dangerous area if the weapons are discharged in the direction of the sea. In either circumstance, further intervention may be necessary to manage risks to people on any spreading room that is affected.
- 8.11.9 Shooting interests and game organisers will have opportunities to influence our coastal access recommendations at various stages of the implementation process summarised in chapter 3. It may be necessary in the light of these discussions to align the trail in a particular way in order to prevent danger from (or disruption to) these activities. The discussions will also inform our use of the discretion to recommend spreading room on the landward side of the trail, in accordance with the criteria in section 4.7.
- 8.11.10 Land seaward of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. Where this raises concerns – either in relation to public safety or disruption to the shoot – we will consider whether it is necessary to use either informal management or directions to address them.

Informal management techniques

- 8.11.11 Signs at entry points and other local publicity can be used to alert the public to when and where shooting (or a similar activity) is taking place. Lookouts are another established and effective means to alert visitors to shooting and to prevent danger or disruption by asking them to wait for a suitable moment to pass by or to use a different route.

Directions to restrict or exclude access

- 8.11.12 Directions may be necessary while an activity is in progress if we conclude that other available techniques are inadequate to prevent danger to the public or for land management reasons, to allow it to take place without significant disruption. This is more likely to be necessary where topography, vegetation or other obstacles obstruct the views of shooters over the area of risk, or where the public may be at risk from paintballing and other games that depend on simulating combat conditions.
- 8.11.13 Where necessary directions will exclude people from the area where the activity is taking place. Where it is necessary to exclude access to prevent danger to the public the area of

the exclusion will take account of the expected trajectory of the ammunition and, in the case of clay pigeon shooting, the area in which clays may fall.

- 8.11.14 We will normally seek a temporary or alternative route at times when access to the trail is excluded for either purpose, if this can be managed at reasonable cost.

8.12 Work operations

Overview

- 8.12.1 This section considers specific measures required in relation to work operations such as:
- the use of vehicles and machinery, including agricultural and forestry machinery;
 - civil engineering work such as road or bridge building;
 - routine management and maintenance tasks such as the repair and installation of gates or boundary features; and
 - preparation and clear-up of events.
- 8.12.2 Some land in regular operational use is excepted land (see section 2.1), including for example:
- land used for the getting of minerals by surface working (including quarrying) – see section 8.23;
 - land covered by works used for the purposes of a statutory undertaking or a telecommunications code system, or the curtilage of any such land (except for flood defence works and sea defence works – see section 8.20).
- 8.12.3 Where they apply, these national provisions will help to address any concerns about the introduction of coastal access rights.

Potential issues and likely range of solutions

- 8.12.4 There are two separate but usually closely-related concerns:
- danger to the public; and
 - disruption to the work.

The need for intervention

- 8.12.5 Many work operations are governed by health and safety at work legislation. Those responsible must ensure, so far as is reasonably practicable, the health and safety of persons affected by their work activities. Where a land manager indicates that he carries out (or is willing to carry out) appropriate informal management to secure compliance with such obligations, we may take the view that these steps are adequate to address a particular concern.
- 8.12.6 The need for intervention to prevent danger to the public will depend on the nature of the risks and the patterns and levels of public access. Intervention may be unnecessary for lower order risks, provided visitors can clearly see the work area and there is a safe and accessible way through it or around it.
- 8.12.7 Visitors are unlikely to disrupt work intentionally and will avoid areas where work is taking place if they can clearly identify the affected area and there is a route around it. The need for intervention to prevent disruption will therefore depend on the availability of such a route or, in the absence of one, the frequency with which work is likely to be interrupted by people passing through.

Alignment solutions

- 8.12.8 The trail will typically pass on the seaward side of land where work operations are regularly carried out. Where it is already known during the preparation of our initial recommendations to the Secretary of State that such operations will take place on the land we will discuss the alignment of the trail with the land manager. The discussions will also inform our use of the discretion to recommend any spreading room on the landward side of the trail.
- 8.12.9 It will often be appropriate to align the trail so that it avoids land where there are regular operations, where this would strike a fair balance between public interests and operational needs. This may also be a factor in any use of our discretion to recommend further

landward spreading room. It will also be possible to reassess the trail or landward spreading room if it is necessary in connection with an operation that could not be foreseen at the time when we prepared our initial recommendations for the affected stretch of coast.

- 8.12.10 We are more likely to consider the use of informal management or directions in relation to temporary or occasional operations, provided it will meet the need. We may also (in association with a direction) recommend an alternative route for people to use at times when the work is taking place, or we may provide a temporary route in connection with operations that could not be foreseen at the time when our initial recommendations were made – see figure 16 in chapter 6.
- 8.12.11 Any land on the seaward side of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will any other land of specific coastal land types – see section 4.7. Where there are concerns about spreading room access in relation to work operations we will consider whether it is necessary to use informal management or directions to address them.

Informal management techniques

- 8.12.12 Clear way-marking of the trail and any preferred routes through spreading room will be sufficient in some circumstances to ensure that short-term operations can take place without danger or disruption.
- 8.12.13 Working people will often be expected to check for approaching visitors while working, and should be able to stop work temporarily if it is necessary to allow people to pass safely. However, where visitor levels are high, this may disrupt the work significantly. There are several informal techniques which can be used to prevent this:
- The work could be planned for times when visitor numbers are expected to be low. We will discuss this possibility with the land manager where appropriate.
 - Banksmen or lookouts may be used to guide people around the danger area or to ask them to wait until there is a convenient break in operation before they pass.
 - Signs may be used to encourage people to avoid the working area.

Directions to restrict or exclude access

- 8.12.14 The informal techniques described above will often be sufficient to enable routine tasks to be carried out safely and without significant disruption.
- 8.12.15 We may use directions to prevent danger to the public in relation to operations that pose severe risks, such as those arising from the use of industrial harvesting or spraying equipment, major civil engineering works, road line clearance, bridge building, hauling stone and dismantling of large heavy structures.
- 8.12.16 Where necessary for public safety, directions will exclude access from the area of risk, taking account of any risk assessment that has been conducted and of the practicability or otherwise of identifying in advance the precise areas that will be affected by the operations. Large-scale civil engineering works often involve a series of related operations taking place at different times and in different areas of a work site during a specified period, so it will not usually be practicable to specify the exact time and place where risks will arise. In circumstances like these, we will exclude access from the whole site where risks may arise.
- 8.12.17 We may also use directions for land management purposes to prevent significant disruption to work operations. This is most likely to be necessary where visitor levels are expected to be high during the period when work is taking place and there is no alternative means available to manage the passage of visitors safely through or around the site while the work is taking place.
- 8.12.18 Where necessary directions for land management purposes will exclude access from the area where work is taking place.
- 8.12.19 We will normally provide a temporary or alternative route at times when access to the trail is excluded for either purpose, if this can be done at reasonable cost.

8.13 Heather and grass burning

Potential issues and likely range of solutions

8.13.1 Where controlled burning takes place for land management purposes, concerns may arise regarding public safety or the potential for people to disrupt the operation by walking across the affected land.

The need for intervention

8.13.2 Under the Heather and Grass (Etc.) Burning Regulations (England) 2007 SI No. 2003⁹¹:

- burning is allowed only between November 1st and March 31st in the lowlands, and between October 1st and April 15th in the uplands, except by special licence;
- burning must not commence between sunset and sunrise;
- sufficient people and equipment must be on hand at all times to control the burning; and
- all reasonable precautions must be taken to prevent injury or damage to adjacent land or any person or thing on adjacent land.

8.13.3 Further intervention is unlikely to be necessary provided these requirements are observed. Any risks from these activities will generally be low and obvious to the public.

Alignment solutions

8.13.4 Where coastal grass or heath is managed by burning we will discuss the alignment of the trail with the land manager. Although these operations are unlikely to be a significant factor in the choice of route, it may be possible to make simple adjustments to the line of the trail for operational reasons without any significant effect on amenity.

8.13.5 Such land will automatically qualify as spreading room if seaward of the trail unless it is excepted land or subject to access exclusions, as will any other land of specific coastal land types – see section 4.7. We may also use our discretion to include it as spreading room on the landward side of the trail, in accordance with the criteria in section 4.7. Where this raises concerns in relation to burning we will consider whether informal management is necessary to address them.

Informal management techniques

8.13.6 Those supervising the fire can warn any visitors as necessary if they should approach the area that is being burnt. Where necessary they may request people to use a particular route across the land as a temporary measure while burning takes place. Further intervention is unlikely to be necessary.

Directions to restrict or exclude access

8.13.7 Directions are very unlikely to be necessary for this purpose provided that regulatory requirements are observed. However in exceptional cases we may for land management reasons exclude access to the trail for a short period if there is no other accessible land which visitors could use to pass the area where the operation is taking place. We will normally recommend the provision of an alternative route at times when access to the trail is excluded for this purpose, provided this can be done at reasonable cost.

8.14 Pesticides

Overview

8.14.1 Pesticides have the potential to harm people, wildlife and the environment if they are not used correctly.

8.14.2 The Chemicals Regulation Directorate control the approval of pesticides for storage, marketing and use. This pesticide approval system is designed to ensure that pesticides,

⁹¹ The Regulations do not apply to private gardens or allotment gardens, except to the extent they are adjacent to other land.

when used correctly, will not result in harm. Specific instructions to ensure this are included on the product label. This is supplemented by general guidance in the statutory “Code of Practice for using plant protection products”⁹². Provided these guidelines are followed there will be little need for further intervention.

Potential issues and likely range of solutions

8.14.3 There are likely to be several concerns relating to the use of pesticides:

- that the product may place the public at risk;
- that the presence of the public will interrupt application – see section 8.12; or
- that the public may be placed at risk by the machinery used for application – see section 8.12.

Risks to the public from the product itself

The need for intervention

8.14.4 The use of hazardous substances is also strictly controlled by Regulations, in particular the Control of Substances Hazardous to Health Regulations (COSHH) 2002 (SI No.2677)⁹³. A COSHH assessment may provide useful background information for making decisions.

8.14.5 Intervention will not usually be necessary. Most products in use in the countryside pose no significant risk to people provided they are used in accordance with their label instructions and general guidance on correct pesticide use. Risks to the public from the application of pesticides are almost always more perceived than real.

8.14.6 Risks to the public during pesticide application will therefore only arise exceptionally, due to incorrect use (spillage, for example). Provided the guidelines are followed, the public should not come into contact with the product during an application.

8.14.7 Intervention may exceptionally be necessary where the public may come into contact with a pesticide by passing through an area after it has been treated. However, there are very few products where contact of this type poses a genuine risk. Where the land manager contacts us in connection with the planned use of any product of this type, we will consult the Chemicals Regulation Directorate before deciding whether intervention is necessary on our part.

8.14.8 Regulations require hazardous substances to be stored in areas without public access. Further control measures for public safety on access land will not be required in this respect.

Alignment solutions

8.14.9 The trail will normally cross the seaward edge of fields where pesticide applications are likely to take place.

8.14.10 Because the risks – if any – are short-term, they are unlikely to be a significant factor in deciding whether to exercise our discretion to recommend spreading room on the landward side of the trail.

8.14.11 On the coast pesticides are most likely to be used as part of crop management. Much land used for growing crops will be excepted from coastal access rights except for an access strip along which the trail may pass – see section 8.7. The need to consider pesticide application in relation to spreading room will therefore be quite limited.

Informal management techniques

8.14.12 Although the product itself and the technique for applying it may not in themselves be hazardous, it still makes sense for the land manager to time such applications where possible to avoid any peak periods of visitor use to avoid causing alarm needlessly.

8.14.13 Where it is not possible to time applications to avoid busy periods, it may be advisable to use temporary signs to explain the operation to the public and to reassure them regarding their safety.

⁹² www.pesticides.gov.uk/safe_use.asp?id=64

⁹³ Disease-causing micro-organisms are also classed as hazardous substances. The control of animal disease is considered separately in section 8.6.

8.14.14 In exceptional circumstances where there are genuine risks to the public from contact with a used pesticide (after it has been applied), it may be necessary to use signs to warn people of the risks and suggest suitable precautions.

Directions to restrict or exclude access

8.14.15 The solutions described above will usually be an effective means to manage any risk. However, directions may exceptionally be necessary if there is a risk to the public's health from the pesticide product.

8.14.16 Directions will normally only be necessary where the applicant intends to use one of the very few products where contact with the used pesticide poses a genuine risk, but may also occasionally be necessary where a risk arises due to accidental spillage or incorrect use of a product. We will only use directions for these reasons after advice (on necessity, form and extent) from the Chemicals Regulation Directorate⁹⁴.

8.14.17 Should a direction be justified, exclusion from the affected area is likely to be necessary during an application, and may be necessary for a period afterwards until there is no longer a significant risk. Wherever practicable we will provide an alternative route if the trail is affected, or we may provide a temporary route in connection with operations that could not be foreseen at the time when our initial recommendations were made – see figure 16 in chapter 6.

8.15 Special events

Overview

8.15.1 This section considers the need for special measures in relation to a variety of recreational activities, events and other temporary uses including:

- special events such as agricultural shows and music festivals;
- private or corporate functions (such as weddings or parties or team-building exercises);
- location hire for special purposes such as film-making;
- sports events and practice.

8.15.2 Issues relating to the preparation or take-down of events are considered separately in the context of work operations (section 8.12). Camping by organised groups is considered in section 8.18.

8.15.3 CROW does not include any rights to hold events such as these on land with coastal access rights, but they may take place there (as elsewhere) with the permission of the occupier, provided that any necessary planning consents have been obtained.

8.15.4 Some events are likely to take place on land that is excepted from the coastal access rights, such as:

- land covered by buildings (including temporary structures such as marquees or stages) or the curtilage of such land; and
- land used as a park or garden (see section 8.17).

In these circumstances intervention is unlikely to be necessary in relation to coastal access rights.

Potential issues and likely range of solutions

8.15.5 The introduction of coastal access rights may be beneficial to some businesses if it brings more potential customers to coastal areas, but where they manage land for special events, recreational activities, or other temporary uses, there may be concerns about either:

- disturbance to the activity or event; or
- danger to the public.

⁹⁴ Chemicals Regulation Directorate's Plant Protection Products Information Section – 01904 455775 or pesticides@hse.gsi.gov.uk

8.15.6 The potential solutions are likely to be similar in relation to both issues and are therefore considered together.

The need for intervention

- 8.15.7 People exercising coastal access rights can be expected to take account of how other people are using the land. For example they may avoid an area that is being used for a private party if it is clear to them what is happening. Intervention may therefore be unnecessary in some cases.
- 8.15.8 Some activities are more sensitive to public access than others and intervention is therefore more likely to be necessary, for example:
- commercial filming is easily disrupted if people pass through the area of the shoot;
 - it may not be feasible to allow a general right of access over land where there is an event taking place for which an entry charge is made.
- 8.15.9 Many events and activities are governed by the health and safety at work legislation. Organisers must ensure, so far as is reasonably practicable, the health and safety of persons affected by them. Where an organiser indicates that he carries out (or is willing to carry out) appropriate informal management to secure compliance with such obligations, we may take the view that these steps are adequate to address a particular concern.
- 8.15.10 Intervention may be necessary to separate dangerous activities from areas where people are exercising coastal access rights. The need for intervention will depend on:
- the nature of the risk and to what extent people can be expected to take account of it without further management;
 - the patterns and levels of public access and the availability of a safe and accessible route through or around the area of risk.
- 8.15.11 Beach managers sometimes informally 'zone' recreational activities that might put others at risk such as horse riding and land yachting so that there are safer parts of the beach where people can go if they do not want to watch or participate. Further intervention is unlikely to be necessary provided these arrangements are working effectively.

Alignment solutions

- 8.15.12 Where it is already known during the preparation of our initial recommendations to the Secretary of State that the land will be used for such activities we will discuss the requirements with the occupier and/or event manager. It may be possible to make simple adjustments to the route of the trail which take account of any regular use of the land for these purposes without any significant effect on the public interest in having access to the coast, or we may provide an alternative route at times when events are taking place. The discussions will also inform our use of the discretion to recommend spreading room on the landward side of the trail, in accordance with the criteria in section 4.7.
- 8.15.13 Land seaward of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types – see section 4.7. Where this raises concerns in relation to these types of activity we will consider whether it is necessary to use either informal management or directions to address them.
- 8.15.14 It will also be possible to reassess the trail or extent of spreading room where necessary in connection with an event and other temporary use that could not be foreseen at the time when we prepared our initial recommendations to the Secretary of State.

Informal management techniques

- 8.15.15 Depending on the nature of the event or activity, it may be possible to hold it at a time when few members of the public are expected to visit. We will discuss this possibility with the organiser where appropriate.
- 8.15.16 Clear way-marking of the trail and any other preferred routes around the affected area may be sufficient to avoid danger or disruption while the event or activity is taking place.

Signs and barriers may also be used in addition to steer visitors away from areas where they might cause disruption or be in danger.

- 8.15.17 People are more likely to respond to signs in combination with other communication techniques, for example a steward who can explain what is happening and request cooperation.

Directions to restrict or exclude access

- 8.15.18 The solutions described above may be sufficient to prevent significant disruption or danger. Directions may be used for land management purposes or to prevent danger to the public where:

- other solutions are unavailable; or
- we conclude that they are likely to be insufficient or they prove to be so in practice.

- 8.15.19 Directions for land management reasons are most likely to be necessary where there is charge for entry to an event, or when land is being used for a private function. Where necessary they are likely to exclude access from the area being used for the event.

- 8.15.20 Directions to prevent danger to the public are most likely to be necessary in connection with high-speed activities such as motor sports. Where necessary they will usually exclude access from the area of risk while the event is taking place. It may also be necessary to exclude access in connection with the preparation or take-down of the event – see section 8.12.

- 8.15.21 We will normally seek a temporary or alternative route at times when access to the trail is excluded for either purpose, if this can be provided at reasonable cost.

8.16 Visitor attractions

Overview

- 8.16.1 This section focuses mainly on the case for specific intervention in relation to businesses that run visitor attractions for which there is an entry charge such as historic houses and theme parks. Temporary events (for example an agricultural show or concert) are considered separately in section 8.15. Hotels and holiday properties are considered in section 8.17.

- 8.16.2 Some relevant areas are excepted from coastal access rights (see section 2.1) including:
- land covered by buildings (including structures such as piers or fairground rides) or the curtilage of such land; and
 - land used as a park or garden (although some land with “park” or “garden” in its name may not qualify as excepted land if it is used for a different purpose – see figure 21).

- 8.16.3 These general provisions will help to address concerns about the introduction of coastal access rights in circumstances where the affected land qualifies.

Potential issues and likely range of solutions

- 8.16.4 The introduction of coastal access rights may be beneficial to some businesses if it brings more potential customers to coastal areas. However, concerns may also arise in relation to the potential for business income from managed visitor attractions to be adversely affected.

The need for intervention

- 8.16.5 Where businesses running managed visitor attractions wish to charge the public for goods, services or facilities, the coastal access regime will not prevent it. This includes for example charges for parking or other facilities, and permits for activities not covered under the access rights. Intervention is unlikely to be necessary to enable such charges to continue.

- 8.16.6 Where a charge is levied on the public for entry to a managed visitor attraction, coastal access rights are unlikely to apply. The trail will typically be on the seaward side of the attraction or, where it passes on the land ward side, the attraction is likely to fall into one of the categories of excepted land described in paragraph 8.16.2. In other circumstances,

we may make specific recommendations to enable the charge to continue if, on the basis of the evidence available at the time, we consider that significant loss of income would otherwise be likely as a result of the introduction of coastal access rights.

- 8.16.7 Where such recommendations prove necessary, the action we recommend will depend on the objectives of the business, the management of any existing public access arrangements which affect it and our best prediction of future levels and patterns of public use following the introduction of coastal access rights.

Alignment solutions

- 8.16.8 The trail will normally avoid passing through a visitor attraction which the public pay to enter – typically by skirting round it on the seaward side. We may align the route on the landward side of the affected land if no other suitable route can be found.
- 8.16.9 Land on the seaward side of the trail will by default qualify automatically as spreading room, as will other land of specific coastal land types, unless in either case the land is excepted land – see section 4.7. If for either reason a managed visitor attraction that the public pay to enter would qualify as spreading room by default, we will consider with the operator whether informal management or directions are required to enable it to continue to function as a paying attraction.
- 8.16.10 We are unlikely to use our discretion to include visitor attractions as spreading room on the landward side of the trail if there is a charge for entry.

Informal management techniques

- 8.16.11 Clear way-marking of the trail will encourage people exercising coastal access rights to avoid any areas where they may inadvertently disrupt the operation of a visitor attraction. Operators may also use signs to show people the way in to paying attractions.

Directions to restrict or exclude access

- 8.16.12 Where the operation of coastal access would by default have the effect of creating public access rights over the land occupied by a managed visitor attraction that the public pay to enter, we are likely to give a direction for land management purposes excluding the public's rights to the extent necessary to avoid any significant loss of income. This is unlikely to be necessary where the charge relates primarily to facilities and services that are outwith the coastal access rights.

8.17 Private houses, hotels, holiday properties, parks and gardens

Overview

- 8.17.1 This section considers the need for specific measures in order to protect the interests of hotel and holiday accommodation businesses and the privacy of residents of private houses. It also considers our general approach in relation to parks or gardens, including those associated with private houses, hotels and holiday properties.
- 8.17.2 The following relevant land categories are excepted from the coastal access rights (see section 2.1):
- land covered by buildings or the curtilage of such land;
 - land used as a park or garden.
- 8.17.3 Taken together, these provisions address most concerns in relation to coastal access rights in the vicinity of private houses, hotels and holiday properties and land that is used as a park or garden.

General approach to alignment

The trail

- 8.17.4 The trail will wherever possible be aligned on the seaward side of hotels, holiday properties, private residences and any gardens and parks associated with them. Existing public rights of way through these areas will also remain in force and the trail may make use of them.
- 8.17.5 The trail may pass on the landward side if no other suitable route can be found, for

example where the boundary of such land extends very close to the sea. There will be places where in order to avoid land used for these purposes a significant inland detour would be necessary to enable continuous access, for example where there is an extensive area of land used as a park.

- 8.17.6 When the relevant provisions of the 2009 Act were debated in Parliament, it was recognised at Committee Stage in the House of Commons that the exception of parkland from the scope of the alignment powers may present a substantial difficulty at some points on the coast in achieving the overall vision for a continuous coastal route. During the Committee stage the Government proposed, with cross party support, that the exception of land used as a park should remain for coastal land but that where necessary to provide continuity of access and avoid a significant inland diversion, Natural England should:
- work with owners to explore the scope for them to dedicate voluntarily a suitable permanent route through parks; and
 - report to Parliament, within five years of the 2009 Act receiving Royal Assent, “on the issues that have arisen as a result of parks being excepted land, and on the success of any voluntary agreements to secure a route through parks”⁹⁵.
- 8.17.7 In practice we are likely to adopt the same approach to any similar areas of excepted land, such as very large gardens, where necessary to provide continuity of access and avoid a significant inland diversion – but there is no formal expectation on us to report to Parliament on gardens, as there is in relation to parks as described above.
- 8.17.8 Figure 21 describes how we will judge whether land is “used as a park or garden” and whether the voluntary dedication approach described above might be relevant to it.
- 8.17.9 Where the voluntary dedication approach appears relevant, we will normally suggest the dedication of a route furthest away from any associated dwelling – for example along the seaward edge of a park or garden – to ensure that any impact on the owner’s privacy or enjoyment is minimal. We may also seek to negotiate a route through any municipal parks or gardens on the coast, if there is not an existing public right of way through them which is suitable.

Figure 21 Land used as a park or garden

Land used as a park

- a) Defra published guidance in relation to the original categories of excepted land as they applied to open country and registered common land appearing on conclusive maps prepared under the provisions of Part 1 of CROW⁹⁶. In relation to land used as a park, the Defra guidance says: “As well as municipal recreation grounds or play areas, the term ‘park’ may include the landscaped grounds around a house, such as a country house. A park may include ornamental gardens, water features or other man-made scenic vistas.” In applying this description, we will look for evidence:
- i) that the land was specifically designed and laid out for:
- the exclusive recreation and visual enjoyment of the occupants of the house in question and their guests; or
 - the recreation and enjoyment of the general public – as in the case of an urban or municipal park; and

⁹⁵ Marine and Coastal Access Bill, Public Bill Committee Proceedings – Thursday 9 July 2009 (Morning), column 291.

⁹⁶ <http://www.defra.gov.uk/rural/documents/countryside/crow/excepted-land.pdf>

- ii) that the land is still primarily in use for recreation and enjoyment, either by the owner of the house and/or their private guests, or by the general public; this includes parks which are opened to the public at certain times or for which in some cases an entry charge is levied (see section 8.16 on visitor attractions).
- b) Many historic parks are registered on a list compiled by English Heritage. Some may appear on databases compiled by other relevant organisations, such as the Association of Garden Trusts. We will also consider any other evidence that the owner is able to supply that land was laid out for this purpose.
- c) There may be cases of land originally laid out as a park that is no longer used for that purpose. Where this is the case, the criteria we will use for alignment purposes will be those relating to the current rather than the historic use of the land.
- d) In some cases the word “park” will be used to describe an area of coastal land, for example in its postal address or business name. This will not of itself indicate whether the land has any excepted status.
- e) The criteria we will use to judge whether land is used as a park, for the purposes of considering whether the dedication approach described in section 8.17 may be relevant, are as set out above.

Land used as a garden

- f) In relation to land used as a garden, the Defra guidance says: “A garden is usually enclosed land near a building. It typically includes areas of lawn, flower borders and other cultivated plants.” In practice on the coast there may be some very large areas of enclosed land associated with a dwelling and consisting of areas of lawn, flower borders or other cultivated plants, or similar garden-like cover such as ornamental plantings, garden furniture or vegetable plots.
- g) Included in this category would be any gardens within this description that are opened to the public at certain times or for which an entry charge is levied (see section 8.16 on visitor attractions).
- h) In some cases the word “garden” will be used to describe an area of coastal land, for example in its postal address or business name. This will not of itself indicate whether the land has any excepted status.
- i) The criteria we will use to judge whether land is used as a garden, for the purposes of considering whether the dedication approach described in section 8.17 may be relevant, are as set out above.

Spreading room

- 8.17.10 Any land on the seaward side of the trail, and any other land of specific coastal land types, will qualify automatically as spreading room unless it is excepted land or subject to long-term local exclusions. However, most land used exclusively in connection with a private house, hotel or holiday accommodation will qualify as excepted land see paragraph 8.17.2). There are also likely to be some cases where it is not possible to reach seaward spreading room such as beaches or cliffs adjacent to some houses, hotels or holiday properties if the only means of access to them (other than from the sea itself) is through excepted land.
- 8.17.11 When considering whether to exercise our discretion to recommend other land as spreading room on the landward side of the trail, in accordance with the criteria in section 4.7, we will carefully consider any concerns that there would be significant impacts on the

privacy or enjoyment of people living or staying in adjacent properties. Our use of this discretion may not in any case create any new access rights over areas of excepted land, such as the curtilage of a building or land used as a park or garden.

Figures 22 and 25 in chapter 9 illustrate how coastal access rights might be implemented in areas with private houses.

Potential issues and likely range of solutions

8.17.12 Most concerns will relate to the privacy which residents or guests enjoy in the area immediately around private houses, hotels or holiday accommodation. These will usually be addressed by sensitive alignment of the trail within the context of any excepted land provisions which apply in particular instances.

8.17.13 In some cases there may be concerns that the income from hotels or holiday accommodation may be affected despite these safeguards, if coastal access rights might be introduced to land that was previously enjoyed exclusively by paying guests. These concerns are considered in more detail below.

The need for intervention

8.17.14 Where hotel and accommodation businesses wish to charge the public for specific goods, services or facilities, the coastal access rights will not prevent it. This includes for example charges for the use of facilities such as toilets or parking, and permits for activities not covered under the access rights. Equally, businesses may reserve such facilities for the exclusive use of guests if they prefer. Intervention will not normally be necessary on our part to facilitate these arrangements, which will typically represent a continuation of the status quo.

8.17.15 Hotel and accommodation businesses will not be able to charge the general public to enter land where the coastal access rights apply, for activities falling within those rights. Many accommodation businesses already experience low-key public access to beaches and other land used by their guests. The introduction of coastal access rights is unlikely to have any significant effect in these cases. However there may be exceptional cases, where land has previously been reserved for the exclusive enjoyment of hotel guests or people staying in holiday accommodation, in which intervention may be necessary to prevent any significant loss of income to the business concerned as a result of introduction of the coastal access rights.

Alignment solutions

8.17.16 Where coastal access rights are introduced to land previously enjoyed exclusively by paying guests, we will discuss the implications with the business concerned.

8.17.17 It will often be possible to align the trail in a way that avoids areas favoured by paying guests for quiet enjoyment, with any associated spreading room access being sufficiently low key to be in keeping with these qualities.

8.17.18 It will also be possible in these circumstances to reassess the route of the trail or the extent of landward spreading room if, on the basis of the evidence available at the time, we consider that significant loss of income is likely unless the change is made.

Informal management techniques

8.17.19 Clear waymarking of the trail can be used to steer trail users past quiet areas and places where there are no rights of access. Businesses will also be able to use signs to indicate areas not subject to the rights, explain any facilities reserved for residents or guests, or advertise any facilities that are available to the public at a charge.

Directions to restrict or exclude access

8.17.20 Directions are generally unlikely to be necessary for land management purposes. They may be considered in exceptional circumstances if, on the basis of the evidence available at the time, we consider that significant loss of income would otherwise be likely as a result of the coastal access rights applying to any particular area of land.

8.18 Camping and caravanning

Overview

- 8.18.1 There is no general public right to camp on land with coastal access rights⁹⁷. This section relates to camping or caravanning organised, permitted or undertaken by the person who controls the use of the land.
- 8.18.2 There are several national provisions which help to address the likely concerns:
- The actual land covered by a tent or caravan is always excepted from coastal access rights.
 - Regulated caravan and camping sites (as defined by paragraph 14 of Schedule 1 of CROW) are also excepted land, but it is possible for the trail to cross them on an access strip (see section 2.1).
- 8.18.3 Camping and caravan sites may have “park” or “garden” in their names, but the provision enabling the trail to be aligned through them would apply irrespective of the separate exception of “land used as a park or garden” because they are used for a different purpose – see figure 21.

Potential issues and likely range of solutions

- 8.18.4 Concerns may arise where the trail passes through permanent (normally commercial) camping or caravan sites or other land where the owner occasionally gives permission for people to camp.

The need for intervention

- 8.18.5 Camping is not normally incompatible with considerate use by the wider public. Many sites already have public rights of way through or near them. People walking through land where people are camping typically do their best to stay clear of the tents or caravans, wherever other space is available.
- 8.18.6 Sensitive alignment of the trail will usually alleviate concerns about access. Further intervention may be necessary in particular instances where the trail passes through or close to affected land, for example:
- to draw the public’s attention to the boundaries of the site, if they are not obvious;
 - to ensure that visitors exercise consideration for people staying on the site;
 - in relation to the needs of specialist groups using a site (see below); and
 - in relation to routine maintenance and other work operations that take place from time to time on the site (see section 8.12).

Alignment solutions

- 8.18.7 The best route for the trail at a coastal caravan or camping site will normally be adjacent to it along the seaward edge, where this is achievable. Where this is not achievable, we will discuss the options for an access strip through the site with the site manager, aiming to strike a fair balance between public interests and the management of the site. We will take into account the location of any facilities set aside for residents’ use in deciding the most appropriate alignment.
- 8.18.8 We will wherever possible align the access strip to make best use of existing access tracks used by residents or vehicles to move through the site. We may also explore with the site manager the scope for moving some pitches in order that the access strip can run along the seaward edge of the site, if it appears to us that such a route would strike a fairer balance.
- 8.18.9 Where we decide to recommend an access strip, it will avoid passing through any parts of the site that are excepted land in Schedule 2 of CROW, such as areas that have been set aside specifically for use as a garden, or curtilage around a caravan.
- 8.18.10 Once the trail has been established, it will remain possible to make adjustments to the

⁹⁷ See paragraph 1(s) of Schedule 2 of CROW.

route if the site manager decides it is necessary to make a change to the layout of the site.

Figure 22 in chapter 9 illustrates how the trail might be aligned along the seaward edge of a caravan site.

8.18.11 A few coastal sites cater for specialist groups which require a greater degree of privacy or security than normal, in particular:

- sites used by recognised youth organisations for organised youth camps, where children or young people may be encouraged to explore freely within the safe boundaries of such a site, knowing that any adult they encounter will be a trusted and accredited helper; and
- sites set aside specifically for members of naturist organisations, where a high degree of privacy may be a requirement for their continued use.

8.18.12 We may decide not to align the trail through such sites, or we may provide an alternative route at times when access is excluded because it is in use by such a group (see 'Directions to restrict or exclude access' below).

8.18.13 Land used occasionally for camping may qualify automatically as spreading room, if it is seaward of the trail or falls within one of the specific coastal land types – see section 4.7. Where this raises concerns we will normally address them either through informal management or directions.

8.18.14 In deciding whether to use our discretion to recommend land as spreading room on the landward side of the trail, we will take into account the scope for informal management or directions to address any concerns about potential impacts on occasional camping, in addition to the general criteria in section 4.7.

Informal management techniques

8.18.15 Signs may be used if necessary to mark the trail clearly and encourage visitors to exercise consideration for people staying there. We will discuss with the site manager the wording of any signs that are necessary.

8.18.16 People walking through land near to facilities intended for the exclusive use of paying guests (such as swimming pools and toilet facilities) will typically recognise that they are not entitled to use the facilities, but signs may be used if necessary to remind them of this.

Directions to restrict or exclude access

8.18.17 Directions may be necessary in relation to an access strip passing through a caravan or camping site, for example in order to replicate rules that apply to residents of the site in relation to their dogs.

8.18.18 It may also occasionally be necessary to exclude access to a site for land management purposes in order to allow a site to offer a more private or secure environment than normal for specialist groups such as those mentioned above, if the alignment of the trail or landward boundary of spreading room, or the excepted land provisions, do not themselves address this need.

8.18.19 An exclusion for this purpose may be for the periods when the site is in use by the groups or it may be indefinite, taking into account questions of clarity and practicality described in section 6.7. In the former case, we may recommend an alternative route for the public to use at times when the exclusion is in force.

8.19 Golf courses

Overview

8.19.1 Any land used for the purposes of a golf course is excepted land, but there is provision for the trail to cross it on an access strip (see section 2.1). Buildings associated with the golf course, and their curtilage, will also be excepted from the rights. These provisions will limit the need for intervention.

Potential issues and likely range of solutions

8.19.2 While many golf courses in England already have some form of public access across them

(usually on rights of way) there may be concerns that the introduction of coastal access rights will cause disruption to play or danger to the public from flying golf balls.

The need for intervention

8.19.3 The need for intervention will be determined by the route of the trail and the layout of any course through which it passes.

Alignment solutions

8.19.4 The trail will wherever possible be aligned on the seaward side of golf courses. If this is not possible we will work with the course manager to find the best alignment through the golf course.

8.19.5 It will usually be possible to design the line of the trail to ensure that public access and golfers' needs can be accommodated. For instance, subject to advice from the course manager, we may be able to align the trail along existing access tracks used by the golfers or over recognised crossing points on the fairway. In aligning the route, we aim to will take into account factors such as:

- areas intended for general play;
- an area in a golfer's sight line from a tee etc;
- the desirability of avoiding a route that runs parallel to a fairway for a significant distance, if it's use by the public would be likely to disrupt play;
- the safety margin for each hole (normally reaching a width of at least 60 metres across a point on the fairway).

8.19.6 Exceptionally it may be necessary to align the trail around the back of the course on its landward side if no workable route can be found through it or on the seaward side.

8.19.7 There may be some areas owned or managed by the club – such as extensive dune systems – that qualify automatically as spreading room because they are not part of an active playing area. We are unlikely to use our discretion to recommend as spreading room any additional landward areas that form part of a golf course.

Informal management techniques

8.19.8 Where there is public access at a golf course, golfers will normally check to see if there are any members of the public before playing their shots and stop play temporarily if the members should enter an area where they may be at risk from flying golf balls.

8.19.9 Signs and way-marks may be used in such circumstances to minimise disruption to play or risks to visitors. The wording of such signs will vary according to the requirements on each course, but might typically aim to:

- mark the trail clearly and encourage people to stay off other areas of the course used for play;
- remind people of the requirement to keep dogs under effective control;
- educate people about the special requirements of golfers particularly when they are settled on a shot, for example:
 - keeping noise to a minimum and avoiding movement if they are in a golfers' line of sight;
 - where a golfer is settled on a shot, waiting until the shot has been completed before crossing a playing area;
 - if the visitor is some distance from the golfer taking a shot but is still within the area of risk, standing still and facing the golfer so as to clearly see the direction of the golf ball;
 - staying in view so that golfers can provide warning of an ill-directed golf ball where necessary;
 - listening for calls of "fore", used by golfers to indicate that they have hit a golf ball in the direction of a person on the course and that the person may need to take evasive action.

Directions to restrict or exclude access

- 8.19.10** Directions are unlikely to be necessary provided that golfers and visitors behave considerately towards one another.
- 8.19.11** However, it may occasionally be necessary to give a direction for land management purposes requiring people to keep dogs on leads, if we conclude at any stage that the national requirement to keep dogs under effective control is inadequate to prevent disruption to play.

8.20 Flood and coastal risk management

Overview

- 8.20.1** Section 4.9 of the Scheme describes how we will use the special provisions in the 2009 Act to ensure that coastal access is responsive to coastal change in the context of developing policies for flood and coastal risk management policies and the strategies that implement them.
- 8.20.2** This section explains our general approach to alignment in relation to structures used for flood and coastal risk management and the need for specific measures to ensure that an appropriate balance is struck between the public interest in having rights of access over them and their primary purpose.



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General approach to alignment

The trail

- 8.20.3 Natural England will work with those responsible for flood and coastal risk management to ensure that the coastal access proposals do not compromise essential functions. We will consult the Environment Agency in all such cases, in line with the requirement in section 55D(6) of the 1949 Act. We will also consult the operating authority, if different.
- 8.20.4 Land covered by flood defence works and sea defence works is not excepted land – see section 2.1. On a defended coast, the trail may therefore be aligned along the flood bank or barrier where it is safe, suitable and convenient for public access on foot.
- 8.20.5 We will be able to reposition the trail later, if for example:
- land which the trail is on is due to be flooded as part of a strategy of managed realignment; or
 - the route is in our view no longer safe, suitable and convenient, because the bank or barrier on which it is aligned have not been actively maintained (see section 4.9).

The spreading room

- 8.20.6 Land to the seaward side of the trail will normally be spreading room unless it is excepted land or subject to long-term local exclusions, as will any other land of specific coastal land types – see section 4.7. We may also use our discretion to include as spreading room on the landward side of the trail some flood and sea defences. The slopes of flood defence banks on either side of the trail will normally be spreading room as a result of these provisions.

Figure 27 in chapter 9 illustrates how the trail might be aligned along embankments used for flood defence.

Potential issues and likely range of solutions

- 8.20.7 Concerns in relation to coastal access rights on flood or sea defences are most likely to arise in relation to:
- over-topping of flood defences by the sea;
 - danger to the public from access on some defences, or impacts of such access on their primary function; or
 - operations which may put visitors at risk or may be disrupted by their presence – see section 8.12.

Over-topping of flood defences

The need for intervention

- 8.20.8 All flood defences are at some risk of being over-topped by the sea occasionally. When this happens it can prevent people from continuing a journey along the coast or put them at risk if they try to do so. The need for intervention will depend on the likely frequency of flooding and the potential consequences for public access when it happens. We will take advice on these factors from the Environment Agency (and the operating authority, if different) to inform our assessment of whether, and if so what form of, intervention is necessary in each circumstance.

Alignment solutions

- 8.20.9 Where there is a significant likelihood or risk of the sea over-topping a bank or barrier along which the trail is aligned, an alternative route may be provided which the public can use at times when the route is unsuitable for public use – see section 4.9. If over-topping is likely to happen frequently, we may align the trail on higher ground or on another bank where there is less risk of flooding.

Informal management techniques

- 8.20.10 Signs may be used to warn the public where the trail is at significant risk of flooding and explain the operation of any alternative route that is available when it happens.

8.20.11 Any general information we provide for people visiting the coast (for example leaflets, or signs at nearby car parks) may include details of a local or national flood warning service which people can contact to help them decide whether the trail is likely to be affected by flooding and if so, whether they wish to proceed.

Directions to restrict or exclude access

8.20.12 Directions may not be used to prevent danger to the public from natural hazards such as flooding – see section 6.6.

Danger from access on structures

The need for intervention

8.20.13 Some flood and sea defence works may be unsuitable for access in certain locations, or under certain conditions. For example, access on rock armour can be dangerous in locations where the beach is constantly covered over at high tides and the rock armour is subject to severe wave action, as the surfaces may be wet and slippery making it hazardous for the public to use.

8.20.14 We will discuss these circumstances with the Environment Agency (and the operating authority, if different) to inform our assessment of whether, and if so what form of, intervention is necessary in each circumstance.

8.20.15 The operating authority is normally required under Health and Safety legislation to assess such risks and take such steps as are reasonably practicable to reduce them to an acceptable level. Where it already carries out (or is willing to carry out) appropriate risk management measures to secure compliance with such obligations, we may take the view that these steps are adequate to address a particular concern.

Alignment solutions

8.20.16 We will not align the trail on flood or sea defence works that would be inherently dangerous to walk on under normal conditions and we are unlikely to exercise our discretion to include them as spreading room on the landward side of the trail. Neither would we take either action if we conclude that access to them would significantly compromise their primary function in relation to flood or coastal risk management.

8.20.17 Some flood and sea defence works may qualify automatically as spreading room, typically where they are seaward of the trail. Further intervention may be necessary in relation to these if they are inherently dangerous or access over them would significantly compromise their primary functions.

Informal management techniques

8.20.18 Signs may be used in places to warn the public of any danger from access over flood or sea defences (where it is not already obvious), and of any particular conditions when there may be heightened risk.

8.20.19 The provision of safe access (such as a ramp or steps) through rock armour to the beach is often an effective means to deter people from clambering on it.

Directions to restrict or exclude access

8.20.20 Directions are unlikely to be necessary to prevent danger to the public.

8.20.21 We may exclude access from flood or sea defence works on land management grounds, where we conclude in discussion with the operating authority that access over it would significantly compromise its primary flood or coastal risk management function.

8.21 Military use

Overview

8.21.1 Coastal access will not compromise defence needs. Much land used for defence purposes on the coast is excepted from the access rights under the existing CROW rules, being land regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1990. On any other land used for defence purposes where access rights

would apply on the coast, the Secretary of State may use the powers under CROW section 28 to restrict or exclude access as necessary for the purposes of defence or national security (see section 6.6).

- 8.21.2 Nevertheless, managed public access is compatible with some types of defence activity. There is already managed access to a significant proportion of military training land on the coast, either alongside defence activities or at times when it is not in use for those purposes. Some of this access is provided along public rights of way which are subject to military byelaws in many cases. Other access opportunities may be provided with the permission of the defence authorities.
- 8.21.3 Natural England and the Ministry of Defence have agreed to work closely together to improve the current position where possible and achieve the best possible 'fit' with the Government's coastal access objectives on land used for defence purposes. We will discuss during the preparation of our initial recommendations to the Secretary of State the best approach to trail alignment, creation of spreading room and informal management, and any requirement to use the section 28 exclusion or restriction powers.

General approach to alignment

The trail

- 8.21.4 We will discuss the alignment of the trail with the Ministry of Defence where they have an interest in affected land to ensure that our recommendations are in keeping with defence needs. A suitable route may be available through the affected area or on the seaward side. Otherwise it may be possible for the trail to pass on the landward side of the land without a significant effect on recreational interests.
- 8.21.5 There will be places where for defence reasons a significant detour inland would be necessary to enable continuous access along the coast. It may be possible to provide a managed route which is closer the coast in these places which would be available for the public to use at times when the land is not in use for defence purposes. The nature of the access rights in these circumstances will vary according to whether the land is subject to military byelaws or to directions under section 28 of CROW and the conditions set by them.
- 8.21.6 We will normally align the trail around any area where access would be excluded for defence purposes for significant periods, so that a continuous route is available irrespective of defence activity. However, we will compare carefully the benefits to the public which would be afforded by providing a continuous route around the affected land with the cost of doing so. The longer the potential route, the higher the costs of alignment and establishment would normally be. We may accept temporary breaks in continuity in some places for this reason, if a coastal route can be provided at times when the land is not in use for defence purposes.

The spreading room

- 8.21.7 Land seaward of the trail will qualify automatically as spreading room unless it is excepted or subject to long-term local exclusions, as will any other land of specific coastal land types such as dunes – see section 4.7. We will discuss the potential consequences of these provisions with the Ministry of Defence. In some cases it may be possible to manage coastal access rights to the spreading room alongside defence training activities; in others it may be necessary to exclude access while the land is in use for defence purposes.
- 8.21.8 There can be no coastal access rights over land which is subject to military byelaws because of its excepted status. However, in practice the public may have managed access rights to this land subject to the conditions set within the byelaws. Defence Estates may review the existence and terms of military byelaws from time to time. We may advise them on any potential opportunities to improve coastal access which arise from such a review.

8.21.9 We will not normally use our landward spreading room discretion to recommend any land inland of the trail that is used for defence purposes, but may do so where it would be in accordance with the criteria in section 4.7 and subject to agreement with the Ministry of Defence.

Potential issues and likely range of solutions

8.21.10 Where land is currently used for defence purposes we will adopt the general approach to alignment described above to reach agreement with the Ministry of Defence on the alignment and management of coastal access rights.

8.21.11 Further issues may arise in relation to land previously used for military purposes. Concerns are most likely to arise in connection with:

- Contamination – see section 8.25.
- Unexploded ordnance, which may also be an issue in connection with previous private or industrial use – see section 8.22.

8.22 Unexploded ordnance

Overview

8.22.1 This section assesses the case for specific measures in order to address concerns regarding the alleged presence of unexploded ordnance on land with coastal access rights.

8.22.2 It is estimated that military training took place on over a third of the UK's rural land mass during World War 2. A proportion of coastal land was used for invasion practice, for live firing and as temporary bombing ranges. This use was not always well documented. In addition, the threat of invasion meant that many beaches were protected by obstacles and minefields. A major 'clean-up' of the coast was undertaken once the threat of invasion decreased. The great majority of requisitioned coastal land had been returned to local authorities and the other original landowners by 1950. Some coastal land was retained by Ministry of Defence and was subsequently sold back into private ownership. In such circumstances the Ministry of Defence disposed of land as either 'cleared', or 'bought with risk'.

8.22.3 Commercial ordnance companies have also used areas of land for test firing ammunition (section 8.11 considers land currently in use for shooting, including weapons testing).

Potential issues and likely range of solutions

8.22.4 Concerns for people's public safety may arise where there is proven or an alleged existence of unexploded ordnance on coastal land.

The need for intervention

8.22.5 Concerns in relation to unexploded ordnance will be uncommon, but may arise during the preparation of our initial recommendations to the Secretary of State or come to light after the introduction of coastal access rights. In either case we will take into account the following factors in order to decide what intervention is necessary, if any:

- Evidence provided by the person raising the concern.
- Any advice we receive from the police.
- Any archive research report provided by Defence Estates (in relation to former defence use) or by a commercial testing company which was responsible for live firing. This report gives some guidelines as to the level of risk posed by unexploded ordnance on the site.
- Any advice offered by Defence Estates, the Ministry of Defence's Explosive Ordnance Disposal teams or the commercial testing company about the nature of the risk.
- Whether activities such as grazing of livestock or ploughing have occurred without incident in the past.
- Where there is a history of public access without any previously reported injury or damage.

- Intervention may not be necessary if previously discovered unexploded ordnance on the land has been found to pose no threat to public safety.

8.22.6 Whilst small arms ammunition pose little threat to public safety unless mishandled, ordnance such as mortar bombs that did not explode when fired or were dumped by allied troops after exercises can still pose a risk of accidental detonation many decades after it was fired or discarded. Because of the danger of serious injury or death, intervention is likely to be necessary where there is a significant verified risk.

Alignment solutions

8.22.7 Where there is a significant verified risk from unexploded ordnance, we may align the trail either to avoid the affected area or to pass through it if a safe route can be provided.

8.22.8 Land seaward of the trail will automatically qualify as spreading room unless it is excepted land or subject to access exclusions, as will other land of specific coastal land types (see section 4.7). Informal management or directions may be necessary where such land carries risks from unexploded ordnance.

8.22.9 Where we know that unexploded ordnance is present on land next to the trail on the landward side, we will only use our discretion to include the land within the spreading room (in accordance with the criteria in section 4.7) if we are satisfied that there would be no significant danger to the public from this source.

Informal management techniques

8.22.10 Where it is known that live firing has taken place in the past on land with coastal access rights but it is thought that the risk to the public is low, safety signs and other media may be used to warn visitors and advise them on sensible precautions.

8.22.11 If a member of the public reports a suspicious object on land with coastal access rights we will advise them to contact the police if they have not already done so. If they consider the discovery to be significant, the police will normally contact the Ministry of Defence's Explosive Ordnance Disposal team, who will deal with the item on site or remove it for disposal.

8.21.12 At the same time we will discuss the need for the management of coastal access with the police. Temporary signs may be used to advise the public of any potential danger whilst the risk is assessed.

Directions to restrict or exclude access

8.22.13 Directions to prevent danger to the public will only be necessary in exceptional circumstances where there is a significant verified risk, or as a precautionary measure until the risk can be properly assessed. We will revoke any direction given on a precautionary basis if no substantive evidence emerges after a reasonable period of time to support an allegation.

8.22.14 Where necessary, directions will normally exclude the public from the affected land, leaving residual routes open where it is safe to do so. It may be necessary to exclude access indefinitely in some cases, or it may be possible to have a verified danger neutralised or removed so that coastal access rights can be restored in the medium to long-term.

8.23 Mineral workings

Overview

8.23.1 This section assesses the case for specific measures in order to manage risks to the public from the presence of mineral workings including mines, quarries, tips and land used for commercial peat extraction.

8.23.2 Active mineral workings are likely to be excepted land (see below). However, there may be concerns about public safety where coastal access rights are introduced on adjacent land.

8.23.3 There may also be concerns about public safety at abandoned mineral workings, or disturbance to sites used by bats (see section 7.1). However, abandoned workings often

have historic or geological interest and old quarries can provide valuable recreational opportunities, in particular for climbers for whom an element of risk is part of their sport. We will discuss with the land manager how to strike an appropriate balance between providing opportunities for recreation and addressing concerns about public safety.

Potential issues and likely range of solutions

Active mineral workings

The need for intervention

8.23.4 Active mineral workings and associated tips are likely to be included in one of the following two categories of excepted land:

- Land used for the getting of minerals by surface working (including quarrying)⁹⁸; or
- Land covered by buildings or the curtilage of such land.

These provisions will help address any concerns about coastal access rights around active workings.

8.23.5 Operators of active workings have statutory obligations to assess risks to the public arising from them, and to take any necessary steps to prevent or adequately control these risks. The mine owner or quarry operator is also required under Mines and Quarries legislation to ensure that any tip associated with the workings does not constitute a danger to the public. Annex O of our relevant authority guidance outlines the relevant statutory requirements⁹⁹. Where the operator indicates that he carries out (or is willing to carry out) appropriate informal management to secure compliance with such obligations, we may take the view that these steps are adequate to address a particular concern.

8.23.6 If the trail passes close to and/or on the landward side of an active mineral working, further specific intervention may be necessary to ensure that the public are aware of the extent of their access rights and do not stray into an area of risk.

Alignment solutions

8.23.7 Where there are active workings on the coast we will discuss the alignment of access rights with the operator to ensure as far as possible that the trail avoids areas where people would be put at risk. We will align the route on the seaward side of the workings wherever it is safe and practicable to do so.

8.23.8 In some instances it may be necessary for the trail to cross vehicle access tracks outside the working area in order to provide a continuous route. We will discuss the location and design of these crossing points with the operator to ensure an appropriate level of public safety and a minimum of interruption to works traffic.

8.23.9 It is very unlikely that we will use our discretion to recommend landward spreading room in a way that would include active workings.

8.23.10 Where a working area falls within the area of spreading room on the seaward side of the trail, we will discuss with operator how best to ensure that people do not stray into it.

Informal management techniques

8.23.11 Operators normally erect signs and/or barriers at the boundary of active workings to deter people from straying into a work area. The number and location of these may need to be reviewed when coastal access rights are introduced.

Directions to restrict or exclude access

8.23.12 The public will have no right to use active working areas, so directions may not be used to exclude their access. In exceptional circumstances it may be necessary to exclude the public from adjacent land to prevent danger to the public from activities in the working

⁹⁸ This does not include the removal by any person of sand or shingle from an area of foreshore or beach which is coastal margin, in pursuance of a right which is enjoyed by the person under any grant or reservation, local or personal Act, Royal charter or letters patent or by prescription.

⁹⁹ <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

area – for example at quarries where explosives are used.

Abandoned workings

The need for intervention

8.23.13 Where coastal access rights are newly introduced to abandoned mineral workings, this may trigger a review by the owner or operator (or person entitled to work the mine or quarry) of any risks to the public from abandoned workings. Annex O of our relevant authority guidance outlines the relevant statutory requirements¹⁰⁰. Where the land manager indicates that he carries out (or is willing to carry out) appropriate informal management to secure compliance with such obligations, we may take the view that these steps are adequate to address a particular concern. Such steps may include:

- fencing to prevent people from falling into a quarry;
- caps, plugs or grills at the entrances of abandoned mines; and
- measures to ensure the stability of disused tips.



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¹⁰⁰ <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

- 8.23.14 Many hazards at abandoned workings are visible and their nature is obvious to anyone approaching them. Intervention may be necessary where hazards are known to exist that may not be readily apparent to visitors. Such situations could include overgrown and unsecured mine entrances, unstable tips, or disused quarries with steep, crumbling slopes above vertical drops. Precautions may also need to be taken where the deterioration of the roof of a mine has left the land susceptible to crown holes¹⁰¹ appearing.
- 8.23.15 The need for intervention in these circumstances will depend to some extent on the context provided by the surrounding landscape. Where the hazard is not visible to a person approaching it, but its nature is in keeping with other, natural landscape features nearby – as, for example, an abandoned quarry in a landscape of rugged hills or cliffs – it is reasonable to expect visitors to be prepared for the hazard, and intervention is therefore unlikely to be necessary to manage the risk.
- 8.23.16 Where the hazard is out of character with the surroundings – as, for example, a steep quarry set in rolling downs – the following factors are likely to be relevant in deciding whether and, if so, to what extent intervention is necessary:
- The extent and effectiveness of existing informal management measures.
 - The ease to which the public, and in particular unaccompanied children, can access the site and its proximity to the trail; remote sites are likely to attract people who are willing to accept a greater degree of risk than those people who use sites close to car parks, settlements, public transport routes and access infrastructure.
 - The location of mine openings; even where the locations of entrances and openings are obvious, they may occasionally pose a significant risk to the public if they are located on a popular route, such as the coastal trail. Conversely, an opening situated in a place where people are very unlikely to go (such as in dense vegetation) may not pose a significant risk even if it is concealed, provided that people have been warned about the danger of leaving the path.

Alignment solutions

- 8.23.17 We will aim to align the trail in such a way that people using it will not be exposed to any significant danger from abandoned mineral workings.
- 8.23.18 At quarries, the ideal route may be along the quarry top, a safe distance from the edge. This distance is likely to relate to several factors such as:
- a) fencing or other measures undertaken by the quarry operator or the occupier of the land in accordance with their relevant statutory obligations (see above);
 - b) the stability of the path surface and the angle of any slope between the trail and the quarry edge;
 - c) any places where people are likely to step off the trail to allow others to pass;
 - d) the height, slope and landing of the drop below the quarry edge.
- 8.23.19 In deciding an appropriate route for the trail and boundary for any landward spreading room, we will also take into consideration the location of any mine entrances, buildings and/or tips and the extent to which these are safe for people to approach, or to which it is practicable to undertake further safety measures before access rights are introduced.
- 8.23.20 Any abandoned workings on the seaward side of the trail – or on any other land of specific coastal land types (see section 2.1) will qualify automatically as spreading room unless they are excepted land or subject to access exclusions. Where there are safety concerns in relation to these we will consider the use of informal management or directions to address them as necessary.
- 8.23.21 We may also use our discretion to recommend land with abandoned workings as spreading room on the landward side of the trail, in accordance with the criteria in section

¹⁰¹ An opening caused where mine workings have been close to the surface and have collapsed from below.

4.7. We will have particular regard in this to their recreational value and/or historic or geological interest as well as any safety concerns.

Informal management techniques

- 8.23.22 Where the risk from abandoned workings is considered significant, the following techniques can be used to prevent danger either alone or in combination:
- signs to warn people of dangers that are not readily apparent and to advise on suitable precautions;
 - marked routes to lead people safely through areas of spreading rock where there are features that pose a particular risk;
 - fencing and/or caps, plugs or grills, installed by the land manager in accordance with relevant statutory obligations¹⁰².
- 8.23.23 Where physical barriers are considered appropriate, they should be designed and installed to ensure that there is no loss to any special heritage interest on the site. At entrances to sites which are known to be used by bats, grilles must be used rather than caps or plugs to enable ingress and egress by the bats.

Directions to restrict or exclude access

- 8.23.24 For abandoned workings, directions will not normally be necessary to prevent danger unless:
- the danger is significant and not readily apparent to the visitor; and
 - informal management measures are not being taken to reduce the risk, or we conclude that they are likely to be insufficient to reduce it to an acceptable level; and
 - physically securing the hazard would place a significant new cost on the occupier – over and above what may already be required of him in law – or have an unacceptable effect on the landscape or on features of heritage or nature conservation value.
- 8.23.25 In relation to the risk from mine subsidence, including fissures or crown holes, we may give a direction where there is visible evidence of subsidence on the land surface, or if a qualified inspector has advised at any time that it is likely to develop on the land surface.
- 8.23.26 Where necessary directions are likely to take the form of long-term exclusions from the area of risk. The extent of the exclusion is likely to relate to the location of the dangerous features and of other nearby features that would provide a more effective boundary around the area of risk.
- 8.23.27 Temporary exclusions may be necessary as a short term measure where an incident such as fresh subsidence exposes the public suddenly to substantial risk. In this situation, we will discuss a longer term solution with the owner or operator and the enforcing authority (usually the district council).

8.24 Ports, industry and other maritime facilities

Overview

- 8.24.1 This section assesses the case for specific measures in relation to ports and other industrial facilities. It also includes consideration of smaller maritime facilities such as harbours, marinas, boatyards, quays, jetties and lifeboat stations on the coast. Land used for military purposes (including ports) are considered separately in section 8.21.
- 8.24.2 Much land of these types will be excepted land under Schedule 1 of CROW, because it will fall into one of the following categories:
- land covered by buildings or the curtilage of such land;
 - land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works, on land which is coastal margin) or the

¹⁰² See Annex O of the relevant authority guidance.

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 1990 – see section 8.21.

The definition of building does not include any slipway, hard or quay on the coastal margin.

- 8.24.3 These general provisions will often help to address concerns about the introduction of coastal access rights at particular sites. Where concerns are raised, we will discuss the circumstances with the site manager in order to determine whether more specific intervention is appropriate.

Potential issues and likely range of solutions

- 8.24.4 Concerns are likely to relate to either:

- public safety; or
- site security implications, particularly in relation to the rigorous security standards with which ports and some other industrial facilities are required to comply.

- 8.24.5 The available solutions are similar in relation to both concerns and are therefore considered together.

The need for intervention

- 8.24.6 Many work operations are governed by health and safety at work legislation. Employers must ensure, so far as is reasonably practicable, the health and safety of persons affected by their work activities. Where the land manager indicates that he already carries out (or is willing to carry out) appropriate informal management to secure compliance with such obligations, we may take the view that these steps are adequate to address a particular concern.

- 8.24.7 Intervention may be unnecessary for lower order risks such as those commonly encountered in small harbours, marinas and boatyards, provided visitors can clearly see the hazard and there is a safe and accessible way around it. It may be necessary to discourage access in areas with higher order risks, for example risks from use of heavy duty industrial machinery or potential exposure to harmful substances used in manufacturing or during an industrial operation.

- 8.24.8 Secure areas will usually be isolated from areas with public access by fencing in accordance with industry standards. For instance the International Ship and Port Facility Security (ISPS) Code sets out mandatory security-related requirements for port authorities¹⁰³. These measures will normally be sufficient at sites with special security requirements. Where a security concern is raised relating to coastal access rights, Natural England will discuss the circumstances with the site manager in order to determine whether and, if so, to what extent intervention is appropriate.

Alignment solutions

- 8.24.9 The trail will usually avoid passing through ports and other industrial areas in active working use. It will do so even where there is an existing public right of way, unless it offers an appropriate route that addresses any concerns about security, safety and efficient operations.

- 8.24.10 Wherever possible we will align the trail on the seaward side of such areas, but it will sometimes be necessary to make significant detours inland for safety or security reasons, in particular to avoid international container ports. Where new port facilities are planned, we will discuss with planners and developers the scope to provide an access provision as part of the overall development plan.

- 8.24.11 At smaller harbours, marinas, boatyards, quays and areas of light industry, the trail will typically be much closer to the sea. We will discuss the practicalities with site managers

¹⁰³ The International Maritime Organisation publishes details of the International Ship and Port Facility Code and other related security requirements at <http://www.imo.org/>

in order to avoid any areas where there are significant safety or security issues. Similarly we will discuss with the operator the alignment of the trail in the vicinity of any lifeboat stations to prevent disruptions at launching.

- 8.24.12 Although much of the land used for these purposes will be excepted, there may be adjacent land such as a beach which will qualify automatically as spreading room. We are very unlikely to use our landward discretion in such a way as to include active ports or industrial areas (including smaller harbours, marinas etc) as spreading room, though there may in some instances be adjacent land in the same ownership which we regard as suitable because it is not in active use.

Informal management techniques

- 8.24.13 The trail will be clearly way-marked to encourage people to stay away from any areas where there are safety or security issues.
- 8.24.14 Safety signs and temporary barriers may also be used to warn of specific dangers and to deter visitors from entering an area of risk. These techniques are likely to be more effective to manage lower order risks that occur in harbours, marinas, quays, and boatyards than those in ports or areas of heavy industry where risks will often be of a higher order.
- 8.24.15 People at work are usually expected to check for the presence of others, and to stop any activity or operation temporarily if they enter the area of risk. Banksmen or lookouts may also be used to stop visitors from entering. This approach may be particularly effective in mitigating lower order risks, for instance in areas that are used from time-to-time to remove boats from the water, or on slipways or other hards used for launching boats. In such circumstances it will usually be possible for the operator to spot approaching visitors and either ask the visitor to wait until the operation is complete or to halt the operation temporarily whilst they pass.

Directions to restrict or exclude access

- 8.24.16 Many areas in use for these purposes will be excepted land where directions are not available or necessary to manage access rights.
- 8.24.17 The solutions described above will normally be adequate to address lower order risks. Where the public access rights would otherwise apply, we may give directions:
- on public safety grounds, to manage severe risks; or
 - on land management grounds, to enable port authorities and others to comply with particular security requirements¹⁰⁴.
- 8.24.18 Where necessary directions will normally exclude access from the affected area. Exclusions on safety grounds will be limited so far as is reasonably practicable to the actual area of risk, taking account of any risk assessment that has been conducted. There are powers to provide alternative or temporary routes which can operate if access to the ordinary route is temporarily excluded for these purposes – see figure 16 in chapter 6 of the Scheme.

8.25 Contamination of land or water

Overview

- 8.25.1 This section considers contamination of coastal land or water arising from its previous use or from accidental spillage. Section 8.21 (military use) separately considers issues arising from unexploded ordnance.

Potential issues and likely range of solutions

- 8.25.2 Concerns are most likely to arise in relation to public safety in these circumstances.

¹⁰⁴ The Home Office has powers to exclude access for reasons for national security which may also be relevant to port security requirements in some instances – see section 6.2.

The need for intervention

- 8.25.3 Contamination may not be obvious to the public and may place people at serious risk if they came into contact with dangerous substances. Intervention may therefore be necessary:
- where there is existing contamination to land or water – normally identified as such on the local authority’s contaminated land register; or
 - in exceptional circumstances where land with coastal access rights or adjacent water (including the sea) becomes dangerous as a result of an accidental spillage.
- 8.25.4 In deciding whether intervention is necessary – and if so, what measures would be appropriate, we will have regard to any advice from the local authority (which has a duty to identify and register all such land within its jurisdiction under the Environmental Protection Act 1990), the Health Protection Agency and any other bodies involved in the management of the land.

Alignment solutions

- 8.25.5 Where there is existing contamination of land or water along the coast we will discuss the most appropriate alignment of the trail and spreading room with the local authority and any other bodies involved in the management of the land.
- 8.25.6 We will not align the trail through any area where there is contamination that would present a significant risk to the public. Equally, we will not exercise our discretion to include such areas as spreading room on the landward side of the trail.
- 8.25.7 Where contaminated land or water would qualify automatically as spreading room – either by virtue of its position seaward side of the trail or because it forms part of a specific coastal land type (see section 4.7) – informal management and/or directions may be necessary to prevent any danger (see below).
- 8.25.8 In the event that land with coastal access rights is subsequently affected by accidental spillage we will take advice from the appropriate bodies before deciding whether intervention is necessary and to what extent.
- 8.25.9 Where it is necessary to exclude access to the trail in the short-term until the ordinary route can be made safe, we may provide a temporary route. Where the danger is likely to persist in the medium to long-term we may reassess the route (if the trail is affected) and/or the landward boundary of spreading room. Informal management and/or directions may be necessary instead of, or in conjunction with, alignment solutions.

Informal management techniques

- 8.25.10 Safety signs may be used to warn visitors and advise them on sensible precautions. These may be sufficient to address low level risks.
- 8.25.11 In serious emergencies, the local authority or the Environment Agency may use a range of other techniques including warnings on local radio and television, temporary barriers or stewards to prevent visitors from entering an area of risk.

Directions to restrict or exclude access

- 8.25.12 We may exclude access to contaminated land (or water bodies) that would otherwise qualify as spreading room where we conclude after advice from the local authority and any other bodies involved in the management of the land that this is necessary to prevent danger to the public.
- 8.25.13 Emergency services have powers to prohibit public access in response to emergencies under other legislation. We may, depending on the circumstances, use directions as a complementary measure, either to prevent danger to the public or to enable relief operations to take place without disruption. Where it is necessary to exclude access to the trail for either purpose we may provide a temporary route to enable onward access around the coast.
- 8.25.14 Directions may also be necessary once the emergency subsides, depending on the advice

from the relevant statutory agencies responsible for assessing the residual risk. We may reassess the route of the trail and/or the boundary of landward spreading room if these are likely to be affected in the long term.

8.26 Man-made features (where not covered elsewhere)

Overview

- 8.26.1** Specific man-made features are considered in other sections in this chapter, notably mineral workings, ports, and structures used for flood and coastal risk management. This section considers any need for special intervention in relation to other man-made features.
- 8.26.2** There are a great many man-made features on the coast, including features of historic and cultural significance which may be of special interest to people exercising coastal access rights. Some, such as historic buildings, are excepted from the coastal access rights (see section 2.1), though public access may be provided in other ways, for example under section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Potential issues and likely range of solutions

- 8.26.3** Concerns may arise in relation to;
- public safety; and
 - wear and tear, damage, or interference.

Public safety

The need for intervention

- 8.26.4** In respect of public safety on land with coastal access rights, the occupier owes no duty of care with respect to risks of injury arising from either man-made features or natural features, except where he does something recklessly, or with the intention of creating danger¹⁰⁵. Many man-made features are likely to be excepted land, for example buildings and their curtilage, railways, pylons and other equipment used by statutory undertakers. These provisions will help to address many of the concerns that are likely to be raised.
- 8.26.5** Many risks will be familiar and obvious to the public, provided that the hazard is visible and its nature is obvious to anyone approaching it. Intervention is unlikely to be necessary in such cases.
- 8.26.6** Where the hazard is not visible to a person approaching it, but its nature is nonetheless in keeping with other, natural landscape features that might be encountered – as, for example, a ditch in a boggy or marshy area – it is reasonable to expect visitors to be prepared for it and no special intervention will normally be required to manage the risk. It may occasionally be necessary to take action to manage the risks posed by other man-made features, such as ruins, where they present significant risks that may not be readily apparent to visitors.
- 8.26.7** Employers and the self-employed have a duty under health and safety at work legislation to assess risks arising from their undertakings (which may include risks from such features) and take such steps as are reasonably practicable to reduce them to an acceptable level. Where the land manager indicates that he carries out (or is willing to carry out) appropriate informal management to secure compliance with such obligations, we may take the view that these steps are adequate to address a particular concern.

Alignment solutions

- 8.26.8** Where there are existing privately installed tracks, bridges or other access infrastructure which would be suitable to form part of the trail we will discuss this possibility with the occupier. Some agreements for their improvement or maintenance may be necessary to make and keep particular structures safe for public use.

¹⁰⁵ See Occupiers Liability Act 1984 section 1(6A)-(6C), as inserted by CROW section 13 and section 306 of the 2009 Act.

- 8.26.9 We may adopt the same approach to any private access infrastructure that is already within the spreading room, for instance steps leading down to a beach, if it is likely to be used by people exercising coastal access rights.
- 8.26.10 Where there are concerns that a particular feature will pose a threat to public safety we will discuss the most appropriate course of action with the land manager. We may align the trail to avoid it or, if that is not possible, consider the range of other solutions described below.
- 8.26.11 Where features occur on the seaward side of the trail or on any other land of specific coastal land types – see section 4.7 – the land in question will automatically qualify as part of the spreading room unless it is excepted land or subject to access exclusions. Similarly, such land will often be included as part of spreading room on the landward side of the trail, in accordance with the criteria in section 4.7. Where this raises public safety concerns we will consider whether informal management or directions are necessary to address them.

Informal management techniques

- 8.26.12 Often warning signs will be sufficient where dangers are not obvious, or where risks are severe. In some instances physical barriers may also be appropriate to steer visitors away from such hazards or prevent them from approaching. We will follow the general principles in section 4.2 of the Scheme in deciding whether these measures are necessary.

Directions to restrict or exclude access

- 8.26.13 The solutions described above will normally be sufficient to manage any significant risks. We may use directions to prevent danger in circumstances where:
- other solutions are not available; or
 - we conclude that they are likely to be insufficient to address the risk; or
 - repairing or physically securing the feature that gives rise to the risk would place a significant cost on the occupier, or have an unacceptable effect on the landscape or on features of heritage or nature conservation value.
- 8.26.14 Where necessary such directions will normally take the form of small-scale exclusions from the area of risk.

Wear and tear, damage or interference by the public

The need for intervention

- 8.26.15 Some privately-owned access structures such as tracks, bridges and steps will be included within the coastal margin. Where there is potential for these to be used by the public we will discuss this with the occupier to decide on an approach to use and maintenance that will strike a fair balance between public interest in having rights of access over the structure and its private use.
- 8.26.16 Occasionally there may be concerns about damage or interference to other types of feature. We expect the public to act responsibly and considerately towards private property. However, special intervention may be necessary where there is a feature whose sensitivity may not be obvious, or where there are persistent problems of deliberate damage or interference.

Alignment solutions

- 8.26.17 Where there are existing privately installed tracks, bridges or other access infrastructure which would be suitable to form part of the trail we will discuss these possibilities with the occupier. Some agreements about maintenance may be necessary if we conclude that there is likely to be significant wear and tear as a result of public use.
- 8.26.18 We may adopt the same approach to any private access infrastructure that is already within the spreading room, for instance steps leading down to a beach, if it is likely to be used by people exercising coastal access rights.

Informal management techniques

- 8.26.19 Way-marking and other informal techniques (e.g. signs requesting public co-operation)

are often an effective means to steer visitors away from structures or other features that are sensitive to public use.

Directions to restrict or exclude access

- 8.26.20** The techniques described above will normally be sufficient to address any reasonable concerns about wear and tear or unintentional damage or disturbance. We may use directions for land management purposes as a last resort where other solutions are unavailable, or where we conclude at any stage that they are inadequate to meet the need.
- 8.26.21** Where necessary directions would be likely to take the form of small-scale exclusions around the affected feature.
- 8.26.22** Damage or wilful interference with man-made features is outwith the coastal access rights and directions are therefore not an effective means to prevent it. Where there are recurrent problems of this type we will discuss the best approach with the access authority and, in cases of criminal damage, with the police.

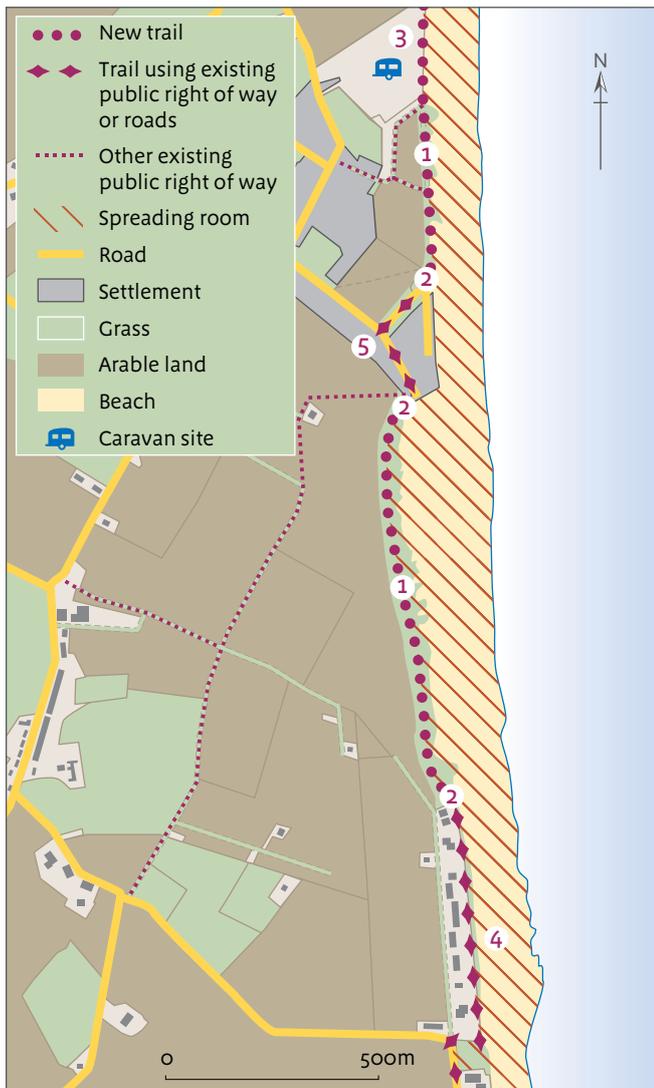


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Chapter 9. Illustrated examples – open coast

The examples in this chapter are adapted from real sections of coast, but intended only to illustrate how new coastal access rights might be implemented in a range of situations. Each example features several of the common coastal scenarios discussed in chapters 7 and 8, to demonstrate how we intend to balance the public and private interests in complex coastal situations.



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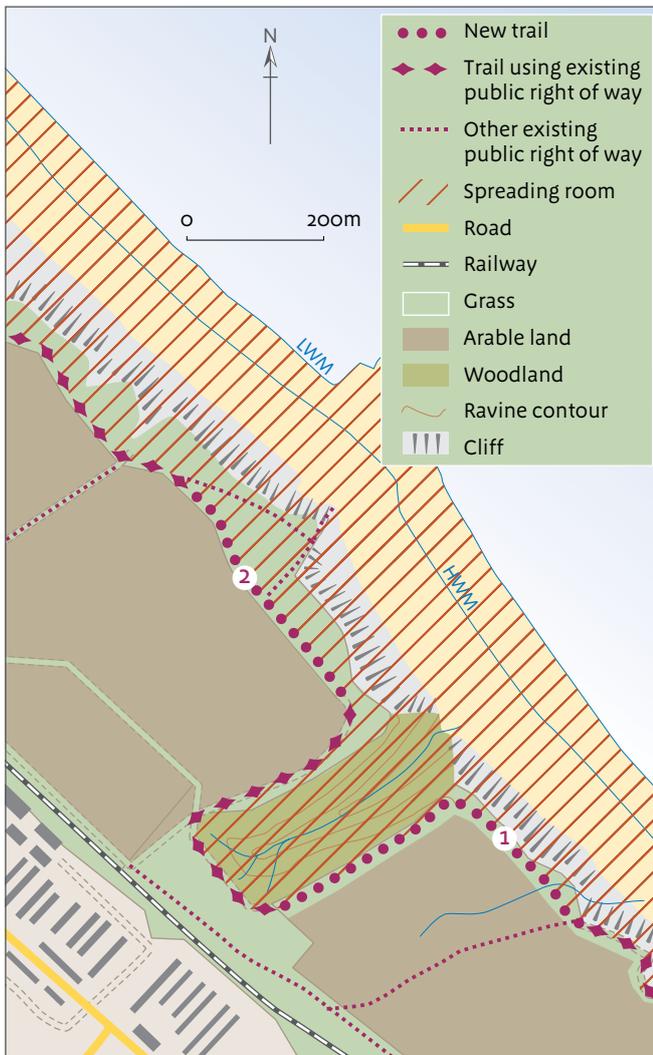
Figure 22

Features: unenclosed arable land, cliff erosion, settlements, caravan site.

Figure 22 illustrates the trail passing along the seaward edge of unenclosed arable fields on an eroding cliff. There is spreading room on the cliff and beach below. The trail occupies a grassy margin left by the farmer for operational safety reasons ①. In these sections, the trail will roll back automatically as the cliff erodes, but it will remain a fixed distance measured from the edge of cultivation. The map shows its starting position.

Signs at strategic locations explain to the public how the trail rolls back and give other useful information, such as beach access points ②.

The trail passes along the seaward edge of a caravan site ③ and through two cliff-top settlements. It passes along the seaward edge of one row of houses ④, but cuts inland round others because the gardens extend to the cliff edge ⑤. The trail cannot roll back automatically in these sections; when the present route is no longer viable, we will recommend a new one to the Secretary of State. We will take account in our recommendation of the need for the trail on the affected section to join up with the sections of trail to either side.



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Figure 23

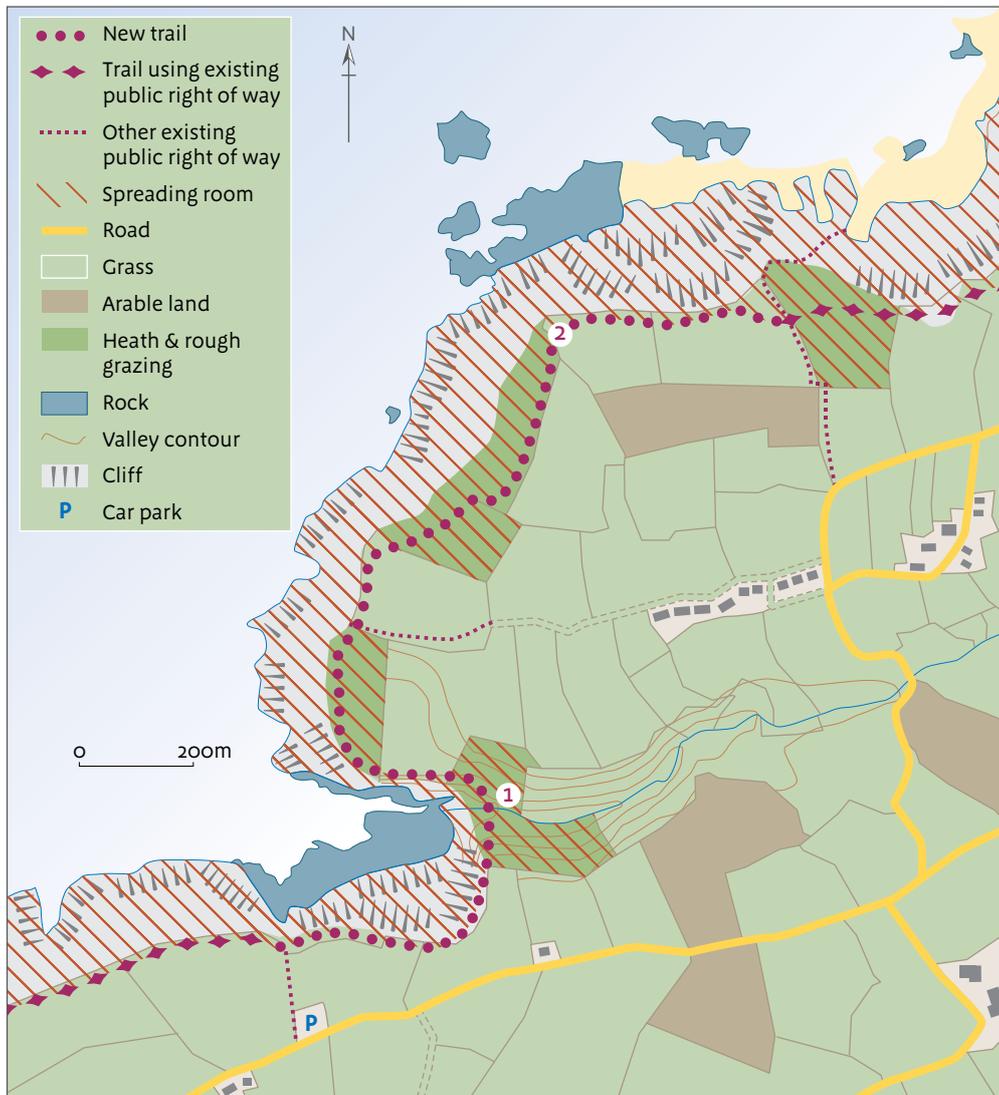
Features: enclosed and unenclosed arable land, cliff erosion, ravine.

Figure 23 illustrates an eroding cliff interrupted by a steep ravine. The trail passes around the fenced edge of the ravine because this is the safest and most convenient route.

To the southeast of the ravine the trail follows the edge of an unenclosed arable field, overlooking the cliff ①. Here the trail will roll back automatically as the cliff erodes. The map shows its starting position.

To the northwest of the ravine, the trail is on grassland overlooking the cliff. The map shows its starting position, a fixed distance to the seaward side of a field wall ②. When the cliff erodes significantly, this route will no longer be safe for walking. At that stage the access authority will install signs indicating that the trail has moved to a safe route behind the wall

The ravine, cliff, beach and other areas seaward of the trail will be spreading room.



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Figure 24

Features: cliff, enclosed pasture, coastal valley, spreading room.

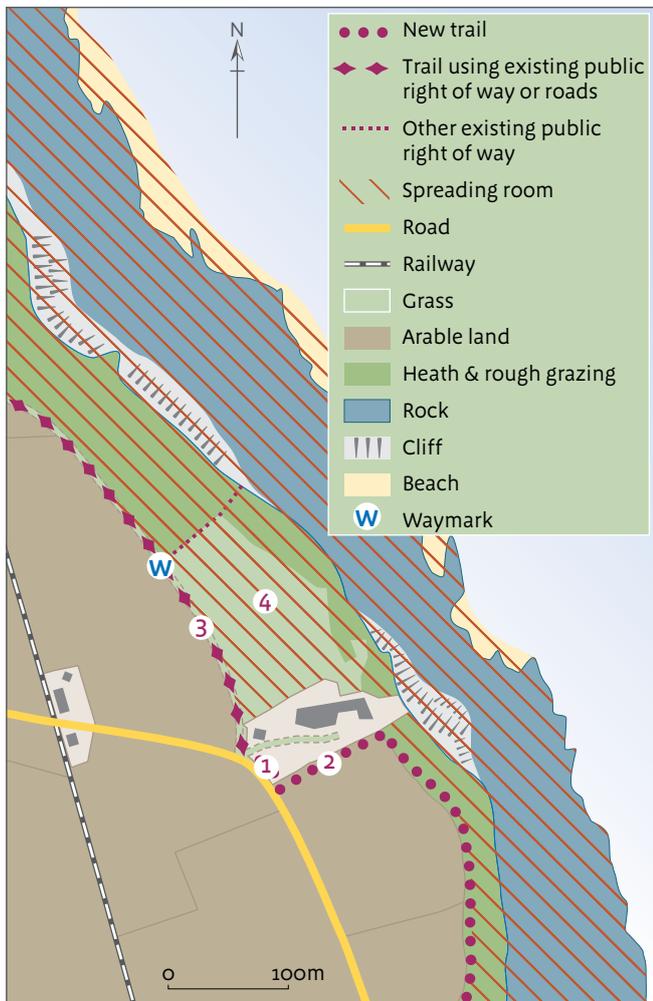
Figure 24 illustrates cliff top fields interrupted by a coastal valley.

The trail crosses the valley near the sea ①. Although the route is quite steep here, it is preferred to any inland alternative because it is more direct.

The trail broadly follows the cliff edge elsewhere along this section. It stays on the seaward side of field walls wherever a safe and convenient route can be found along the cliff top. Where this is not possible, gates allow people to enter enclosed fields and walk along them on the seaward edge, for example at ②.

A sign at the car park provides advice to walkers on how to behave around any livestock they encounter, in particular how to keep their dogs under effective control.

The areas of rough grazing, cliff, rock and beach seaward of the trail are spreading room, together with rough grazing land landward of the trail up to the first field boundary.



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Figure 25

Features: cliff, private house, unenclosed fields, spreading room.

Figure 25 illustrates a large house with outbuildings and garden on a cliff top. There is a rocky shoreline below. The trail passes on the landward side of the house and garden ① because there is no safe or convenient route to seaward. The house and garden are excepted land, but the land seaward of them is spreading room.

To the south-east of the house, the trail returns to the cliff edge along an arable field edge ②. The land between the field edge and the sea is spreading room.

To the north-west of the house, the trail follows the existing lane and public footpath some distance from the cliff edge ③. This is the most direct route and is preferred by those living in the house for reasons of privacy. The unenclosed pasture between the trail and the cliff edge is accessible as spreading room ④. A waymarker directs people to the beach along an existing right of way at the field edge a short distance from the house (W).

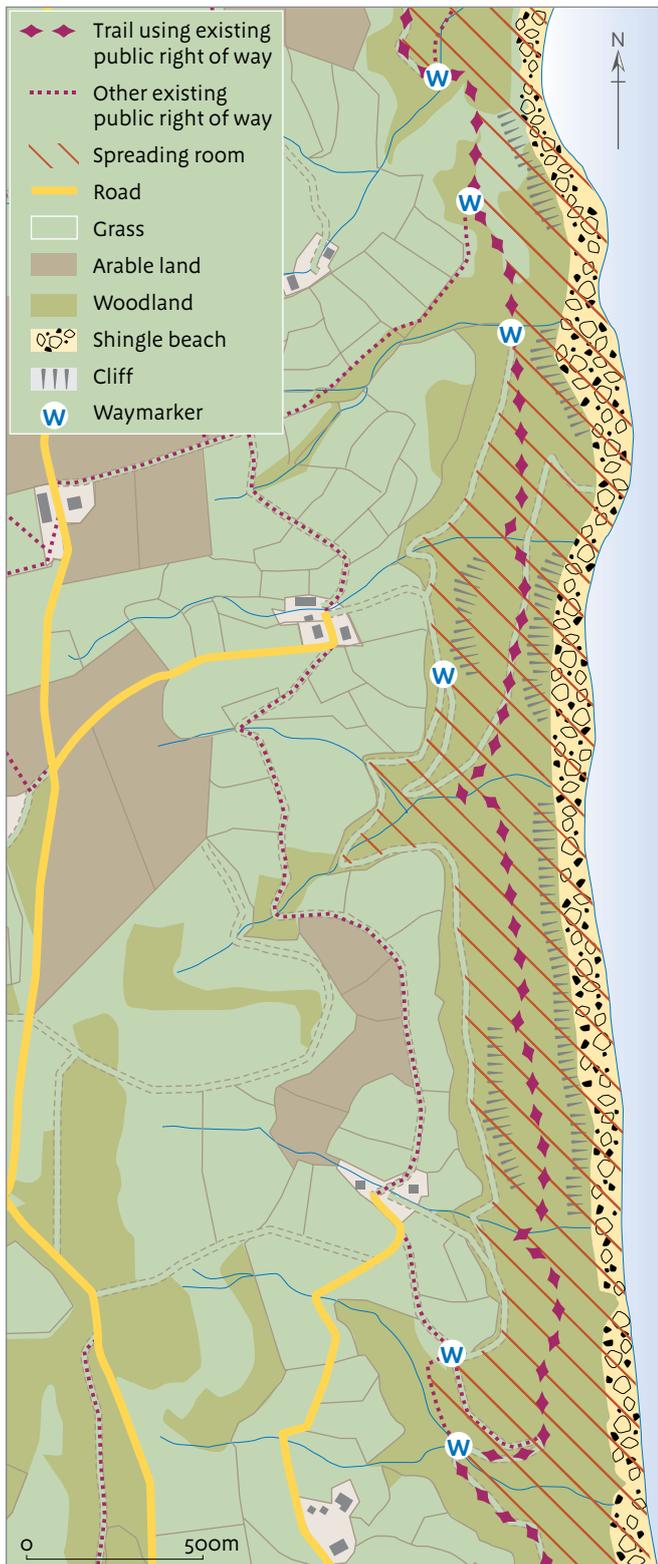


Figure 26

Features: cliff slope, landslip, woodland, shooting, spreading room, circular walks.

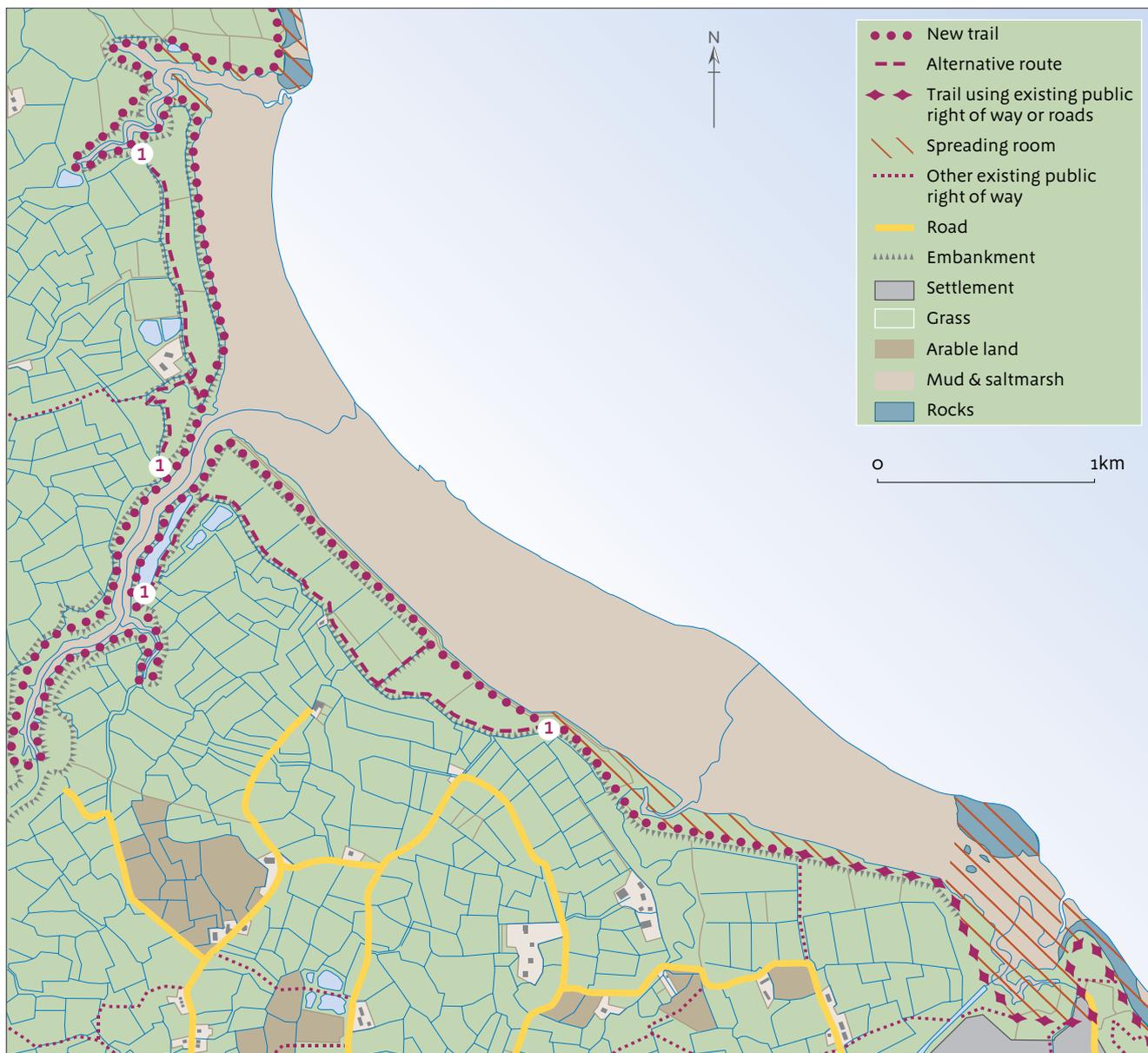
Figure 26 illustrates a woodland on a long section of sloping cliff with a shingle beach below. The shingle is difficult to walk on, so the trail passes through the woodland on the cliff slope above using an existing track offering better sea views than the alternatives inland.

The cliff slope is prone to small-scale landslips throughout this section. The trail route will therefore change from time to time in accordance with a description in our approved report, with signs and other infrastructure put in place by the access authority to direct the public. The map shows its starting position.

Spreading room seaward of the route allows the public to explore other existing tracks which lead to the beach and other parts of the woodland, creating possibilities for circular walks.

We have used our discretion to create further spreading room in places landward of the trail. In these places, the inland boundary of the spreading room coincides with an existing woodland track. The western edge of the woodland is not included, because pheasants are released there for shooting over the fields inland. Waymarkers in strategic places indicate the landward boundary of the spreading room (W).

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Figure 27

Features: flood banks, mudflat and saltmarsh, sensitive wildlife, optional alternative route.

Figure 27 illustrates a section of low-lying, defended farmland coast fringed by a narrow belt of mudflat and salt marsh.

The trail follows the embankment (sea wall) in most places. The public are excluded from most land seaward of the trail, in line with our normal presumption to exclude the access rights from applying to areas of flat and salt marsh. The exclusion helps to minimise disturbance to birds which feed and roost there during the winter months. However, there are small areas of spreading room on flats and rock at either end of the section, which local people traditionally use as a beach and which are suitable for access.

On one section, the sea can go over the sea wall on very high tides. We have created an optional alternative route along an older flood bank further away from the sea along this section. This is to be used by the public if the main route is flooded. Signs at trail access points explain how the optional alternative route operates and the reasons for it ①.

The fields between the alternative route and the main trail are not accessible as spreading room.

Figure 28

Features: shingle beach, spreading room, circular walks, sensitive wildlife.

Figure 28 illustrates a shingle beach backed by wetland. The wetland is fringed by gently sloping ground with a mixed cover of heath, rough grass, woodland and enclosed fields.

The shingle is difficult to walk on. It is also prone to flooding during storm conditions and is not actively maintained for flood defence. The route chosen for the trail follows higher, firmer, drier ground, crossing the wetland on an embankment (1). This is a less direct route along the coast than the beach, but it is a more convenient and reliable walking surface for the long-term. It offers fine views of the sea and surrounding wetland landscape and wildlife.

Land seaward of the trail is accessible as spreading room, enabling people to walk along the shingle beach if they wish to. This creates possibilities for circular coastal walks. Way markers at strategic point (W) point out the main route and the alternative along the beach.

We have used our discretion to create further spreading room over heath and rough grassland landward of the trail. In these places, the inland boundary of the spreading room coincides with an existing boundary, in this case the boundaries of adjoining woodland and wetland areas.

Access to the wetland seaward of the trail is excluded to prevent disturbance to wetland birds (2), though the public may walk through it along an existing right of way if they wish to. There are small fenced sections on the shingle which are used by nesting birds (3), but these do not prevent the public from walking past. Signs here explain the need for people to prevent their dogs from approaching birds or nests.

In the northeast of the map, the trail follows a river bank inland for a short distance, before crossing it at the first pedestrian bridge (4) and returning to the open coast.



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Figure 29

Features: beach with dunes, spreading room, livestock.

Figure 29 illustrates a stretch of coast between two coastal settlements. Parts of the beach are impassable at high tide ① and the dunes behind shift, making it difficult to establish a convenient walking route through them. Behind the dunes there is a busy road with no view of the sea; behind the road there is gently sloping enclosed pasture.

The trail therefore heads inland from both settlements to maintain sea views and avoid the busy road ②, following existing tracks and a quiet lane with no through traffic ③.

The land seaward of the trail is accessible as spreading room, including several enclosed pastures. Waymarkers direct people from the trail to the beach along existing tracks and public footpaths in preference to field edges ④. This creates possibilities for circular walks at low tides, and ensures that any access to the pasture is low-key.

The public are excluded from a field adjacent to the trail at times when a bull is kept there ④. Dogs are excluded from other adjacent fields during periods when cattle are calving ⑤. Access along the trail and public rights of way is not affected by these directions.

Chapter 10. Additional considerations at estuaries

10.1 Overview

- 10.1.1 There is no requirement in the 2009 Act for the trail to extend up any river estuary further than the seaward limit of the estuarial waters ('seaward limit'). Estuarial waters occur where the fresh water of a river mixes with salt water from the open sea¹⁰⁶. *Chapter 11 illustrates the seaward limit on several English estuaries.*
- 10.1.2 Beyond the seaward limit, Natural England has a discretion under section 301 to extend the trail further upstream on either side (or both) as far as:
- the first bridge or tunnel with pedestrian public access; or
 - a specified point between the seaward limit and the first bridge or tunnel.
- 10.1.3 Wherever we use the discretion, the same principles will apply as on the open coast in relation to inclusion of spreading room, the status of excepted land and local management considerations.
- 10.1.4 The seaward limit is an arbitrary point from the perspective of public access. Often it will not be convenient for the trail to end exactly at that point, unless it happens to coincide with an appropriate destination for people using the coastal access rights, for example a feature of interest or an existing pedestrian access point. We are therefore likely to use our discretion at most estuaries to extend the trail upstream to a more convenient point.
- 10.1.5 We will always give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian public access. This is in keeping our duty under the 2009 Act to have regard to the desirability of ensuring, so far as is reasonably practicable, that interruptions to the trail are kept to a minimum (see section 4.4) and the additional requirement, in deciding whether and how to exercise our discretion on estuaries, to consider any other recreational benefits that would accrue from doing so (see section 10.5). Where there are short lengths of estuary between the seaward limit and the first bridge or tunnel with pedestrian public access, we would expect to recommend that the trail is extended as far as the bridge or tunnel for these reasons.
- 10.1.6 In considering this, we will take fully into account whether the cost of extending the trail to the first public bridge or tunnel would be proportionate to the extra public enjoyment of the coast that would result. This might not be the case for example:
- where the first bridge or tunnel is very far from the sea;
 - where a ferry downstream from the bridge or tunnel provides a convenient means for trail users to cross the estuary on foot (see section 10.3);
 - where there would be very limited public enjoyment of the estuary because of the extent of the diversions that would be necessary to reach the bridge or tunnel, for example to achieve a fair balance between public and private interests (as required by the 2009 Act), or to avoid large areas of excepted land.
- 10.1.7 In such circumstances, we may recommend that the trail ends (on one side of the estuary or both) at the seaward limit, or a specified point between that limit and the crossing point. The alignment criteria for estuaries in section 10.2 and the examples in chapter 11 provide an indication of how we might decide on an appropriate alignment in such circumstances.
- ### 10.2 Alignment criteria for estuaries
- 10.2.1 On estuaries as elsewhere, our recommendations must in all instances take account of the statutory criteria set out in section 297 of the 2009 Act (see paragraph 2.3.4). We will also in all instances consider the three additional criteria set out in chapter 4 of the Scheme, to ensure that:
- the public have opportunities to enjoy suitable areas of spreading room – see section 4.7;

¹⁰⁶ See entries for 'estuarial waters' and 'seaward limit' in part B of the glossary.

- an appropriate balance is struck between enjoyment and protection of the coastal environment – see section 4.8; and
- our recommendations are responsive to coastal change – see section 4.9.

10.2.2 Section 30(4) of the 2009 Act sets out additional statutory criteria ('the estuary criteria') which we must take into account when deciding whether, and if so how, to exercise our discretion to extend the trail along an estuary. The criteria are:

- a) the **nature of the land** which would be affected;
- b) the topography of the **shoreline**;
- c) the **width of the river** upstream to the first crossing point;
- d) the **recreational benefit** to the public;
- e) the extent of adjoining land which would be **excepted land**;
- f) particular physical features (whether of the landscape or otherwise) or viewpoints (referred to as '**features of interest**' in the remaining sections);
- g) the existence of a **ferry service** by which the public may cross the river.

10.2.3 Sections 10.3 to 10.6 explain in more detail how we will interpret each of the estuary criteria. Whereas paragraph 10.2.2 sets them out in the order in which they appear in the 2009 Act, we have reordered and regrouped the criteria below to help explain considerations which are common to several of them.

Chapter 11 illustrates considerations which might arise from the application of the criteria to a selection of English estuaries.

10.3 Ferry services

10.3.1 The existence of a ferry service may be an important factor in our decision, if it crosses the estuary at a convenient place downstream from the first bridge or tunnel, and is available to foot passengers.

10.3.2 Regular, year-round services such as the Mersey ferry (figure 30) better meet the requirement for a convenient crossing point than occasional or seasonal services such as the Yealm ferry (figure 36). But even regular ferry services do not rule out taking the trail up to the first public crossing point if the balance between recreational benefit and cost is right, having regard to the other statutory criteria.

10.3.3 Conversely, even where a ferry is only seasonal or part-time, it may still in all the circumstances be a significant factor in deciding where the trail should end on the estuary. For example we may decide that the additional cost of extending the trail as far as the first bridge or tunnel is not proportionate to the extra public enjoyment of the coast that this would afford.

10.3.4 It would be open to us to include in our recommendations to the Secretary of State proposals relating to a ferry service, for example a plan to enable it to run more regularly or for extra days, weeks or months for the benefit of trail users. This is an option we will weigh alongside all the other considerations on an estuary. We will only make such proposals where in our view the costs would be proportionate to the extra public benefit the enhanced ferry service would afford. Any such proposals would require the agreement of the highway authority, which is the holder of the necessary powers to provide or operate a ferry service or make an agreement with a ferry operator for this kind of purpose.

10.4 Character of the estuary

10.4.1 Several of the estuary criteria relate to its overall character:

- the nature of the land which would be affected;
- the topography of the shoreline;
- the width of the river upstream to the first crossing point; and
- features of interest.

10.4.2 When we consider an estuary in relation to these criteria, we will look for particular stretches or features of the river or adjoining land that are more characteristic of the coast than of a river, and therefore more relevant to our coastal access duty.

Nature of affected land

10.4.3 This criterion specifies the nature of the land that might be affected by our proposals, rather than its management or use. We must in any case give due consideration to its management and use in order that our proposals can aim to strike a fair balance between public and private interests, as required by the 2009 Act.

10.4.4 Some land at estuaries is strongly characteristic of the coast, in particular areas of beach, dune, cliff, flat or salt marsh. For example, the estuary of the River Camel includes popular beaches at Polzeath and Rock which are upstream of the seaward limit (see figure 35).

10.4.5 Although we would typically exclude public access from areas of flat or salt marsh on an estuary, their presence may contribute to the coastal character of the trail if the public is afforded views over them.

Topography of the shoreline

10.4.6 The shorelines of estuaries are often punctuated by distinctive features such as points, inlets, islands and tributaries. For example, the estuary of the River Severn includes the significant tributary of the River Avon at Bristol (see figure 33). Such features would be one potential limit for the trail on an estuary.

10.4.7 The shorelines of some estuaries can be very convoluted, for example the Yealm (figure 36). We will weigh carefully the cost of establishing coastal access rights along convoluted estuary shorelines against the relative public benefit of making them accessible.

River width

10.4.8 Wider stretches of river are more characteristically coastal and therefore most relevant to our coastal access duty. We will therefore attach greater weight to their inclusion.

10.4.9 Major river estuaries such as the Thames (figure 32) or Severn (figure 33) usually become significantly wider as they approach their seaward limit, developing the characteristics of open coast. However, the River Parrett in Somerset is an example of a smaller river which widens suddenly and dramatically at its estuary before reaching its seaward limit (see figure 34).

Features of interest

10.4.10 Other features may interest the public and so enhance their enjoyment of the coast, for example:

- places where the public can enjoy special coastal wildlife;
- geological and geomorphological features;
- historic features, or other manmade features;
- viewpoints.

10.4.11 In relation to historic and other man-made features, we will attach particular weight to the inclusion of those that have special coastal or maritime significance. For example we may attach significance to the historic docks on Merseyside (see figure 30).

10.5 Recreational benefit

10.5.1 Where we decide that a particular stretch or feature of an estuary would enhance the recreational benefit from the new access rights, we may either:

- specify the stretch or feature as the limit of the trail; or
- specify a point further upstream which would make it easier for the public to reach, such as those listed in paragraph 10.5.2 below.

10.5.2 We will in general attach significance to stretches of the estuary that will provide a pedestrian link between the coast and:

- cities, large towns and other settlements;

- transport links such as railway stations, bus-stops and car parks;
- access points on the local rights of way network;
- the locations of local tourist businesses.

The estuaries in figures 30 to 36 include settlements which it would be desirable to link to the coast for this reason

10.5.3 When deciding where and how to intervene on an estuary, we may focus our efforts particularly on lengths of estuary with poor continuity of access at present, in order to make strategic links with lengths that already offer good continuous access without any intervention from us. The Parrett estuary is an example of where we might consider this option (see figure 34). In deciding whether or not to target the gaps in existing public rights of way provision, one consideration we will take into account is whether doing so would produce anomalous or unclear results in relation to spreading room along the estuary.

10.6 Excepted land

10.6.1 Where there is an area of excepted land on an estuary, the trail may need to leave the shoreline.

10.6.2 On some estuaries, a single area of excepted land (such as a port facility) may be so large that it will in itself be a significant factor in our decision as to how to proceed. On others, the cumulative effect of several areas of excepted land will be more significant than the effect of any single area.

10.6.3 We will consider whether the cost and difficulty of providing detours around such areas would be proportionate to any extra public enjoyment of the coast that would result from continuing the route.

10.6.4 The Thames estuary includes several large areas of excepted land which would be significant factors in our decision (see figure 32).

Chapter 11. Illustrated examples – estuaries

Figures 30 to 36 illustrate a selection of English estuaries, chosen to reflect the range of potential considerations which arise from the application of the estuary criteria in chapter 10.

The accompanying text briefly:

- explains the geographical limits of our discretion to align the trail along the estuary;
- analyses the estuary in terms of the criteria and gives an initial view on the likely significance of each criterion in our decision as to the best approach to take; and
- describes two or three options for trail alignment which are suggested by the analysis.

We have not estimated the costs of each option, which would also be a significant factor to be weighed against potential benefits. Normally the further the trail extends up an estuary, the higher the costs of alignment and establishment would be.

The analysis illustrates how the estuary criteria will be applied, but is not a substitute for the detailed analysis which will take place during the preparation of our recommendations to the Secretary of State on each of the estuaries shown.

For these reasons, our eventual recommendation to the Secretary of State on the estuaries illustrated here may be different from any of the options described.

Figure 30: Mersey estuary

Figure 30 shows the Mersey estuary between its seaward limit ① and the Runcorn-Widnes bridge ②, which is the first upstream bridge and has pedestrian access. The trail may end at either of these places or Natural England may specify any other point on either bank between them.

Ferry service

There is a frequent, daily pedestrian ferry service between Liverpool and Birkenhead ③. This could provide a convenient place to cross the river.

Character of the estuary

Nature of the land

The river banks are predominantly developed. There are few typical coastal land forms, but the shoreline is rocky for a short stretch downstream of Garston on the north bank ④ and there are extensive mudflats along the south bank between Frodsham and Ellesmere Port.

Topography of the shoreline

The topography of the shoreline is dominated by the large bend between Liverpool and Runcorn. There is a large headland on the south bank opposite the airport ⑤ and another on the north bank opposite Runcorn ⑥.

River width

The Mersey broadens dramatically downstream of Runcorn, then narrows at Liverpool on its approach to the sea.

Features of interest

There are many features of interest along this stretch, in particular at Liverpool, where the historic docks ⑦ have special maritime significance.

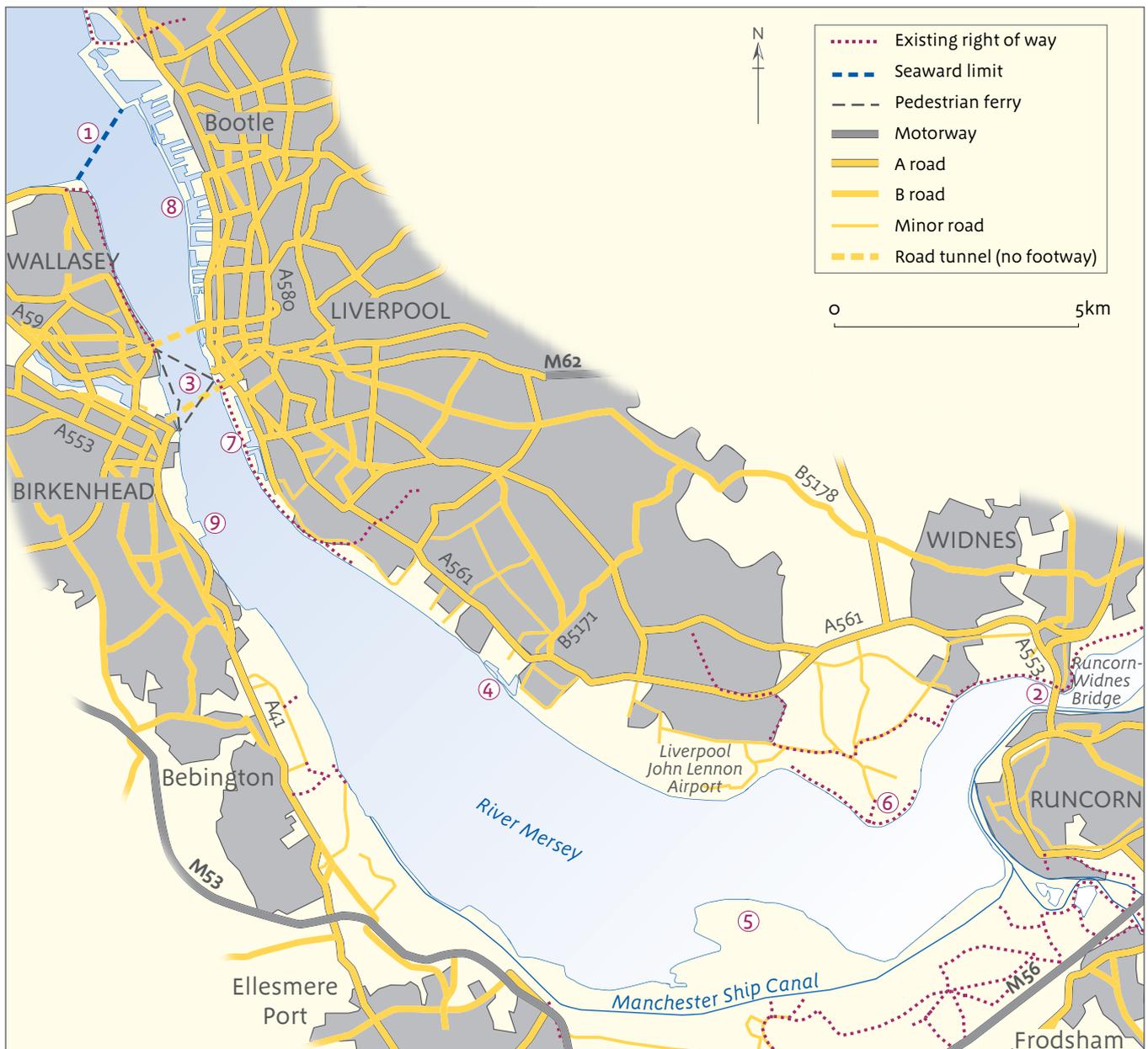
Recreational benefit

There is potential to provide a designated pedestrian route to the open coast from the city of Liverpool in particular, and from other towns on the affected stretch.

Excepted land

There are several significant areas of excepted land on both banks, including docklands to the north of Liverpool ⑧ which are not currently accessible to the public, the container port at Garston ④ and the oil terminal at Rock Ferry ⑨.

Figure 30: Mersey estuary



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Options

This brief analysis suggests the following options:

- End the trail at the seaward limit. However, there is no means to cross the river at this point.
- Specify a suitable point near the ferry between Liverpool and Birkenhead. This would provide a means to cross the Mersey and a pedestrian link from Liverpool to the open coast. It could incorporate nearby features of interest such as the historic docks. However, this option would require a significant inland detour around the docks north of Liverpool.
- Align the trail as far as the Runcorn Bridge, where pedestrians can cross the river on foot. This would provide a link to the open coast for more communities and create a potential circular route around the wide stretch of river between Liverpool and Runcorn. However, this option would require significant detours around port and industrial facilities.

Figure 31: Humber estuary

Figure 31 shows the Humber estuary between its seaward limit ① and the Humber bridge ②, which is the first upstream bridge and has pedestrian access. The trail may end at either of these places or Natural England may specify any other point on either bank between them.

Ferry service

There is no ferry service on this stretch.

Character of the estuary

Nature of the land

There are extensive mudflats throughout the affected stretch, with saltmarsh and lagoons in places. There is also a popular beach at Cleethorpes.

Topography of the shoreline

The river mouth is dominated by the Spurn Peninsula on the north bank and by several distinctive bays on the opposite bank. The upstream banks are uniform for long stretches, although there is a significant bend just downstream of Kingston-upon-Hull.

River width

Overall the river is wide along this stretch in comparison to stretches further upstream. It widens significantly downstream of Grimsby.

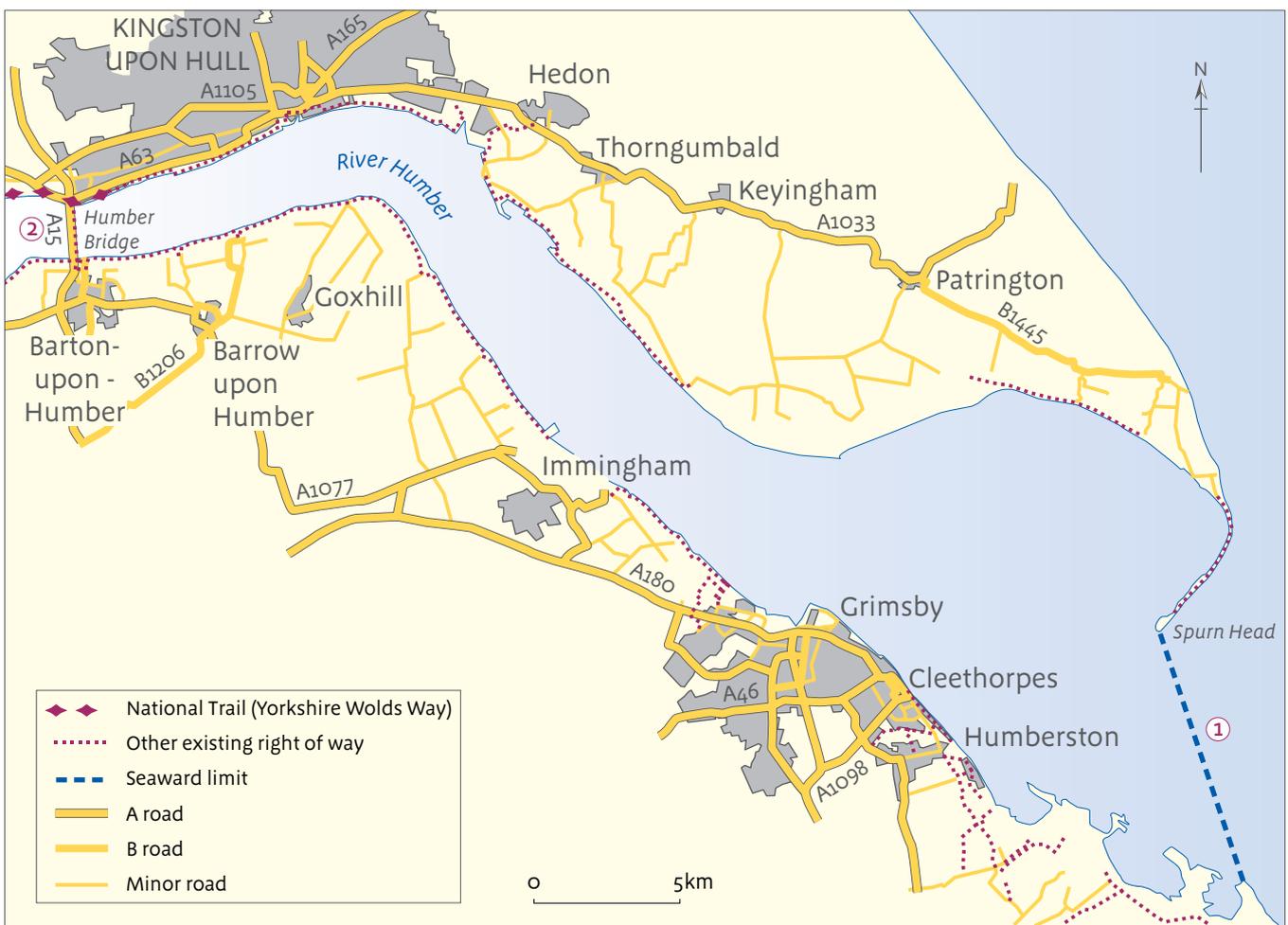
Features of interest

There are several features of interest along this stretch, including the Humber Bridge itself and the historic port towns of Kingston-upon-Hull and Grimsby.

Recreational benefit

There is potential to provide a designated pedestrian route to the open coast for several significant communities along this stretch, including the towns of Kingston-upon-Hull, Grimsby and Cleethorpes.

Figure 31: Humber estuary



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Excepted land

There are port and industrial facilities on the banks at Grimsby, Immingham and Kingston-upon-Hull.

Options

This brief analysis suggests these two options:

- End the trail at Spurn Head (the seaward limit) on the north bank and Grimsby on the south bank. This would provide a link along the open coast on the south bank for the communities of Grimsby and Cleethorpes and incorporate the bays south-east of Cleethorpes. However, there would be no means to cross the estuary on foot.
- Align the trail as far as the Humber Bridge. This would provide a pedestrian route to the open coast from Kingston-upon-Hull and a means to cross the river on foot. However, it would require some detours around port and industrial facilities.

Figure 32: Thames estuary

Figure 32 shows the Thames estuary between its seaward limit ① and the foot tunnel at Woolwich¹⁰⁷ ②. The trail may end at either of these places or Natural England may specify any other point on either bank between them.

Ferry service

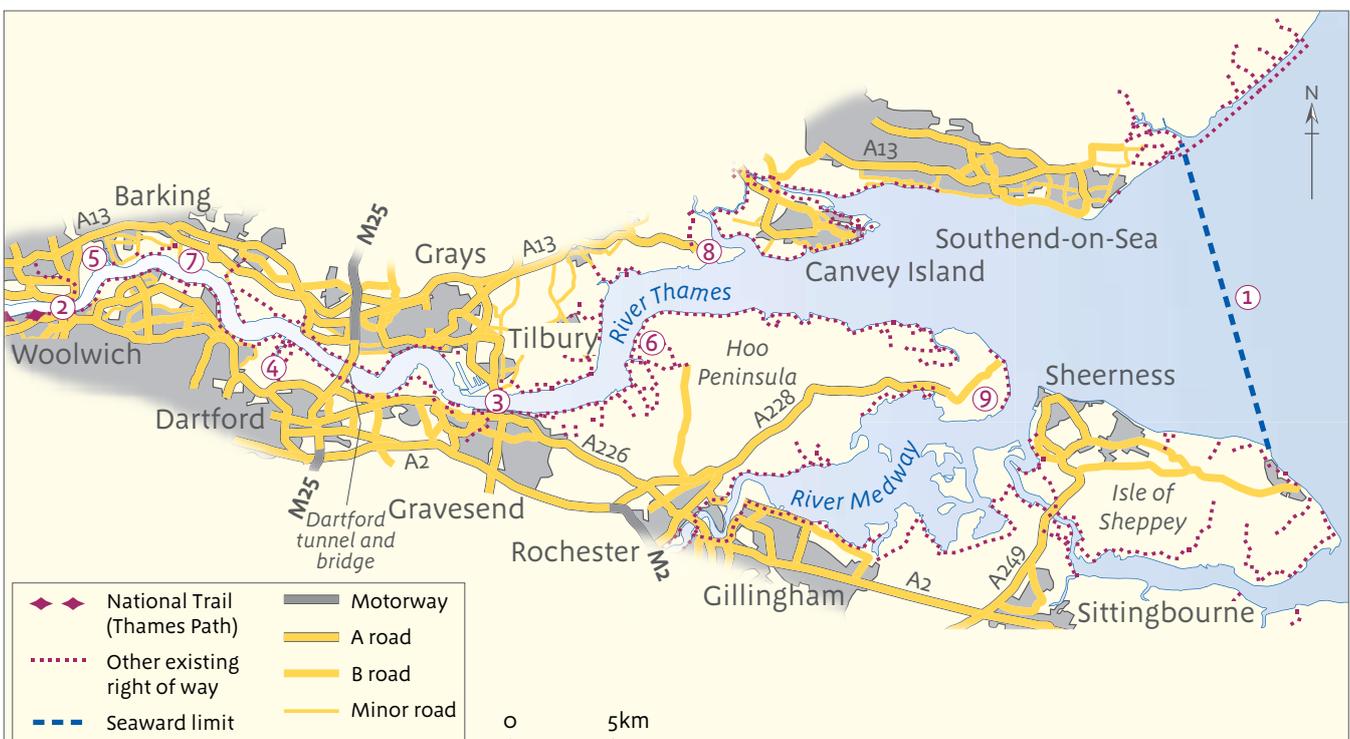
A frequent ferry service is available to foot passengers between Gravesend and Tilbury, which runs every day except Sundays and Bank Holidays ③.

Character of the estuary

Nature of the land

There are extensive flats and saltmarsh throughout the affected stretch. There are popular beaches on the north shore at Southend-on-Sea.

Figure 32: Thames estuary



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¹⁰⁷ There is no pedestrian access across either the bridge or the tunnel at Dartford.

Topography of the shoreline

The most prominent features are the Isle of Sheppey, the Medway estuary and Hoo Peninsula on the south shore, and Canvey Island on the north shore. The Medway estuary is complex, with several inlets and islands. Upstream of the Hoo Peninsula, there are several distinctive bends in the river and significant tributaries at the Darent ④ and at Barking Creek ⑤.

River width

The river widens significantly downstream of three points: Gravesend, Canvey Island and Sheerness.

Features of interest

There are numerous features of interest along the affected stretch, for example the extensive nature reserves at Cliffe ⑥, and the historic docks at Rochester.

Recreational benefit

There is potential to provide a designated pedestrian route to the open coast for several significant towns and London suburbs along the affected stretch, including Gravesend, Southend-on-Sea, Rochester and Gillingham.

Excepted land

There are several extensive areas of excepted land along the affected stretch, including port and industrial facilities at Dagenham ⑦, Tilbury, Coryton ⑧ and the Isle of Grain ⑨.

Options

This brief analysis suggests these three options:

- End the trail at Canvey Island on the north bank and Rochester on the south bank. This would provide a link to the open coast for several coastal towns and incorporate several significant features including the Isle of Sheppey and part of the Medway estuary. There are relatively few areas of excepted land on this stretch. However, the trail would not cross the Thames.
- Align the trail upstream to the Gravesend-Tilbury ferry on both banks. This would provide a link to the open coast for communities living along the affected stretch and a means to cross the river on foot. However, it would require detours around significant port and industrial facilities.
- Align the trail as far as the Woolwich foot tunnel. This would provide a pedestrian route to the open coast from Greater London and a means to cross the river on foot. However, it would require significant detours around port and industrial facilities.

Figure 33: Severn estuary

Figure 33 shows the Severn estuary between its seaward limit at Weston-super-Mare ① and the M48 bridge ②, which is the first bridge with pedestrian access. Natural England may specify a limit for the trail at either of these two places or at any point on either bank between them.

Ferry service

There is no ferry service across the Severn estuary.

Character of the estuary

Nature of the land

There are beaches, dunes and cliffs around Weston-super-Mare, more beach at Clevedon and low cliffs between Clevedon and Portishead. There are extensive tracts of mudflat throughout and areas of saltmarsh in places.

Topography of the shoreline

There are prominent headlands at Brean ③ and Sand Point ④ and smaller ones at Clevedon and Portishead. There are several tributaries, the largest of which is the River Avon at Avonmouth ⑤.

River width

The Severn is already wide where it reaches the M48 bridge. It widens significantly again downstream of the M4 Bridge, and again at Portishead.

Features of interest

There are many features of interest along the affected stretch, including the Severn bridges; the piers at Weston-super-Mare and Clevedon; and Middle Hope nature reserve (4).

Recreational benefit

There is potential to provide a designated pedestrian route to the open coast and across to the Welsh coast from the towns of Weston-super-Mare, Clevedon and Portishead and the city of Bristol.

Excepted land

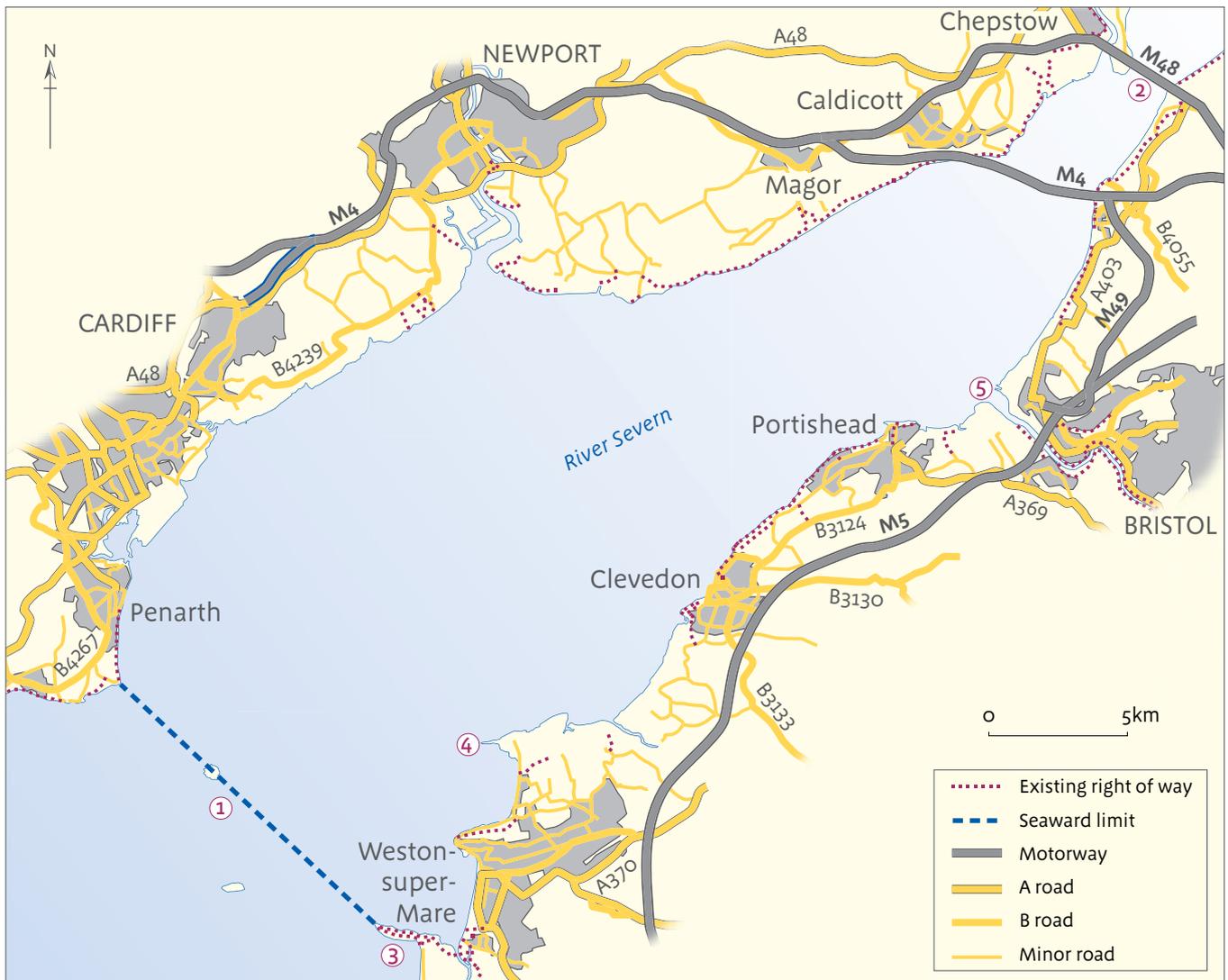
There are extensive port and industrial facilities at Avonmouth and Portbury Docks (5).

Options

This brief analysis suggests these three options:

- End the trail at Sand Point (4). This would provide a route from Weston-super-Mare along the open coast, and could incorporate beaches, dunes and cliffs in the vicinity of the town. However, there would be no means to cross the Severn to Wales.
- Align the trail as far as Portishead. This would incorporate several more beaches and other features of interest. It would provide a route along the English coast for other towns along that stretch, but there would be no means to cross the river to Wales.
- Align the trail as far as the M48 bridge. This would provide a pedestrian link to the coast of Wales. However, it would require a significant detour around port and industrial facilities at Avonmouth.

Figure 33: Severn estuary



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Figure 34: Parrett estuary (Somerset)

Figure 34 shows the Parrett estuary between its seaward limit ① and the first bridge at Bridgwater ②, which has pedestrian access. Natural England may specify a limit for the trail at either of these two places or at any point on either bank between them.

Ferry service

There is no ferry service across this stretch.

Character of the estuary

Nature of the land

There are cliffs at Brean Down ③ and beaches and dunes between Brean and Burnham-on-Sea. There are extensive mudflats in Bridgwater Bay.

Topography of the shoreline

There are prominent headlands at Brean Down and Stert Point. The River Brue empties into the Parrett opposite Stert Point. There are several large bends in the river between Bridgwater and Stert Point.

River width

The river widens gradually from Bridgwater to Stert Point. At Stert Point it widens dramatically into Bridgwater Bay, where the estuary has the appearance of open coast.

Features of interest

Brean Down ③ includes a Napoleonic fort and views over the Bristol Channel. There is popular birdwatching over Bridgwater Bay. Upstream from Stert Point is the historic port of Combwich and the museum and docks at Bridgwater.

Recreational benefit

There are already footpaths on both banks between Bridgwater and Stert Point, though these might be improved by the introduction of coastal access rights, for example by enabling the paths to adapt to erosion. There could be improved public access for communities between the River Brue and Brean Down, including rights across the beaches and dunes there.

Excepted land

There is a pedestrian route seaward of the power station at Hinckley Point ④. There appear to be no other significant areas of excepted land on the estuary.

Options

This brief analysis suggests these two options:

- End the trail at Stert Point on the south bank and the mouth of the River Brue on the north bank. This would incorporate the widest section of estuary with the strongest coastal characteristics. It would link the coastal trail to the footpaths extending upstream, but the coastal trail would not itself incorporate those upstream paths or the bridge they lead to.
- Align the trail as far as the crossing point at Bridgwater. This might enable improvements to the existing footpaths on the river banks and would incorporate more features of interest.

Figure 34: Parrett estuary (Somerset)



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Figure 35: Camel estuary (North Cornwall)

Figure 35 shows the Camel estuary between its seaward limit ① and the first bridge with pedestrian access at Wadebridge ②. Natural England may specify a limit for the trail at either of these two places or at any point on either bank between them.

Ferry service

There is a ferry service available to foot passengers between Padstow and Rock, which runs every day except Sundays in winter ③.

Character of the estuary

Nature of the land

There are popular beaches at Harbour Cove ④, Porthilly Cove ⑤ and Polzeath. There are extensive sandflats all along the estuary at low tide, and a small area of saltmarsh at Trewarnan ⑥.

Topography of the shoreline

There are distinctive coves, bays, creeks and inlets all along the affected stretch on both banks.

River width

The width of the estuary is variable. It widens significantly one mile downstream of Wadebridge and again just upstream of Padstow and Rock. It narrows again briefly downstream of Padstow, before widening again – dramatically so at Polzeath.

Features of interest

There are viewpoints from the hills north of Rock and Padstow. Both Padstow harbour and the waterfront at Rock attract tourists. There is birdwatching along both river banks.

Recreational benefit

The south/west bank of the estuary is already well-served by public rights of way. There is potential for a new link on the north/east bank from Wadebridge to the sea. There could also be improved access rights for affected communities along the estuary, in particular to potential spreading room.

Excepted land

There appear to be no significant areas of excepted land on the estuary.

Options

This brief analysis suggests these two options:

- End the trail at Padstow on the west bank and Porthilly Cove ⑤ on the east bank, incorporating beaches at Polzeath, Harbour Cove and Porthilly ⑤. The public would cross the river by ferry between Padstow and Rock.
- End the trail at Wadebridge. This would create a new link on the north/east bank from Wadebridge to the sea, and make a circular route between the ferry and the bridge.

Figure 35: Camel estuary



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Figure 36: Yealm estuary (South Devon)

Figure 36 shows the Yealm estuary, including its seaward limit ① and various bridging points on its tributaries upstream ②. Natural England may specify a limit for the trail at any of these points or at any point on either bank between them.

Ferry service

There is a pedestrian ferry service which crosses the river from two places on the east bank at Newton Ferrers during the summer months ③.

Character of the estuary

Nature of the land

There are cliffs on both banks between Newton Ferrers and the open sea. There are extensive mudflats in the wider reaches upstream ④.

Topography of the shoreline

The topography of the shoreline is varied and interesting. There is a junction at Newton Ferrers. The main channel continues northwards past small creeks before dividing again at Steer Point ⑤. Both channels then divide further before reaching the pedestrian crossing points.

River width

The river narrows just upstream of the seaward limit, but widens again significantly northeast of Steer Point ⑤.

Features of interest

There are viewpoints on either bank downstream of Newton Ferrers. There are causeways across some creeks upstream of Newton Ferrers which can be crossed at low tide.

Recreational benefit

There is considerable potential to improve public access upstream from Newton Ferrers, including pedestrian routes to the coast from Brixton, Puslinch and Yealmpton. A more modest improvement could be achieved by providing a secure pedestrian route from Noss Mayo to the ferry point.

Excepted land

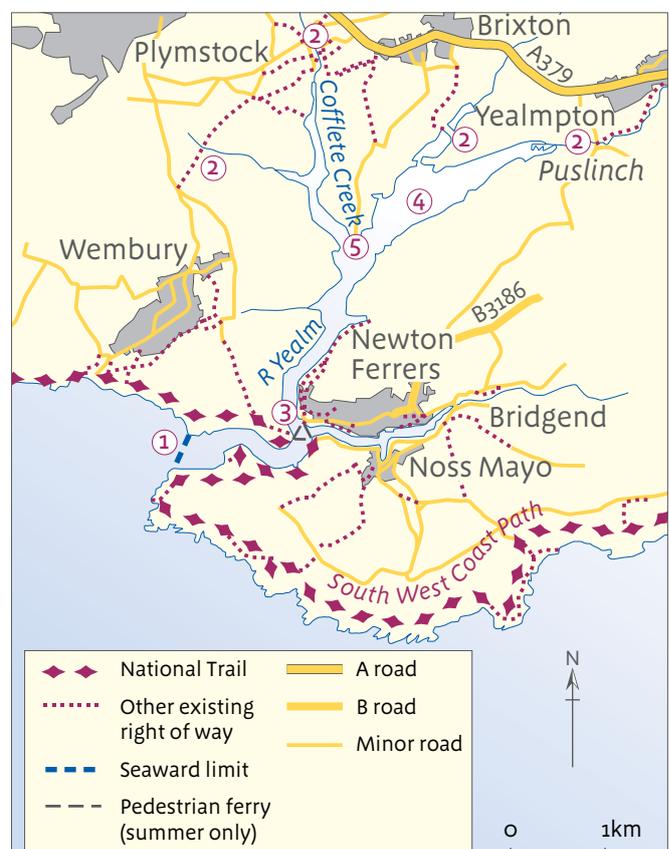
There are parks and gardens on the shoreline in some places.

Options

This brief analysis suggests these two options:

- End the trail at the ferry point on the west bank and at Noss Creek on the east bank. This would create a better pedestrian link from Noss Mayo to the ferry point. However, there would be no means to cross the estuary on foot during months when the ferry does not operate.
- Create a continuous route around the estuary, incorporating the existing bridges across the various inlets and tributaries. Detours may be necessary around private gardens, where these extend to the river bank.

Figure 36: Yealm estuary



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Glossary of terms used in the scheme

Part A of the Glossary explains the core terms used in the Scheme, notably at section 2.1, to describe the framework for alignment. Part B explains other terms used in the Scheme.

In both parts we use the word “means” to introduce explanations of terms with a statutory origin and other well established terminology. Elsewhere we indicate what a particular term is used in the Scheme to describe. The terms and their explanation 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

A. Glossary of core alignment terms

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

alignment solutions is the term the Scheme uses to describe using local **alignment** decisions to address potential concerns about **coastal access rights**. Section 6.4 of the Scheme describes how this is done. Chapters 7 and 8 set out the potential relevance of specific alignment solutions to issues relating to particular coastal land covers, landforms or land uses.

coastal access rights is the term the Scheme 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 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 Scheme explains these other categories of land and how they fit in.

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 Scheme explains these scenarios in more detail.

excepted land means any land that falls within one of the descriptions set out in Schedule 1 of **CROW**, as amended for the coast by the **Order**. Where land within these descriptions falls within the **coastal margin**, no **coastal access rights** will apply to it unless it is included in the margin by voluntary **dedication**.

The Schedule allows for the trail to cross certain categories of land (that are otherwise excepted land) on an **access strip** to which coastal access rights will apply.

The excepted land provisions do not affect any other public access rights or permissions that may apply on excepted land. In particular, public rights of way are treated as excepted land

and the existing rights remain in force along them.

Figure 1 in section 2.1 of the Scheme sets out in detail the descriptions of excepted land, including those which may be crossed by an access strip.

landward spreading room – see **spreading room**.

ordinary route means the route normally followed by the **trail**. In some cases the trail may instead follow an **alternative route** or **temporary route** at times.

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 Scheme), these rights apply instead of the **coastal access rights**. Figure 1 in Section 2.1 of the Scheme shows the relationship of section 15 land to the coastal access regime in more detail.

spreading room is the term the Scheme 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 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 Scheme 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 Scheme 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**.

the trail is the term the Scheme 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 Scheme calls “the trail”.

B. Glossary of other terms used in the Scheme

access strip is the term the Scheme uses to describe a strip of land by means of which the **trail** may cross specific categories of **excepted land** where so indicated in schedule 1 of **CROW**. Figure 2 in section 2.1 of the Scheme explains these provisions in more detail.

access authority means the access authority for coastal access land, as defined by CROW section 1(2). This is the local highway authority except for land within a National Park, where it is the National Park Authority.

alternative route means a route proposed to the Secretary of State as part of our report for a stretch of coast, for use by the public at times when access to part of the **ordinary route** is excluded under a **direction**. The associated term **optional alternative route** denotes an alternative route which the public has the option to use at times when the **ordinary route** (even though not formally closed) is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Figure 16 in chapter 6 of the Scheme explains alternative routes in more detail. Paragraphs 4.9.15 to 4.9.18 explain more about the potential use of optional alternative routes.

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 Scheme includes a brief overview of the main provisions, which are explained in more detail in subsequent chapters. The 2009 Act is published by the Office of Public Sector Information at: <http://www.statutelaw.gov.uk/Home.aspx>

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. The 1949 Act is published by the Office of Public Sector Information at: <http://www.statutelaw.gov.uk/Home.aspx>

appropriate assessment means, for the purposes of the Scheme, an assessment of the implications of a plan or project for a **European site** in view of the site's conservation objectives, made in accordance with Article 6.3 of the **Habitats Directive**. Natural England is required to conduct an appropriate assessment where it concludes that the introduction of **coastal access rights** is likely to have a significant effect on the conservation objectives for a European site. Section 4.8 of the Scheme explains in more detail how we will fulfil this requirement where it is relevant.

assistance dog means a dog trained by an accredited organisation to assist a disabled person.

Birds Directive means the European Community Council Directive 79/409/EEC on the conservation of wild birds.

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 report means a report prepared by Natural England under section 51 of the **1949 Act**. It must set out proposals to the Secretary of State for the alignment of the **trail**, the

boundary of any **landward spreading room** and the management of the resulting **coastal access rights** on a stretch of the English coast. Figure 7 in chapter 3 of the Scheme describes the contents of a coastal access report in more detail.

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 Scheme provides an overview of how the amended CROW provisions apply to the coast. CROW is published by the Office of Public Sector Information at: <http://www.statutelaw.gov.uk/Home.aspx>

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

the estuary criteria is the term the Scheme uses for the criteria set out in section 301(4) of the 2009 Act. Natural England must consider these criteria, alongside the more general ones set out in section 297 and any other relevant local factors, in deciding what if any improved access provisions to recommend to the Secretary of State in relation to any particular estuary. Section 10.2 of the Scheme considers the estuary criteria in more detail.

estuarial waters are defined in section 309 of the **2009 Act** as any waters within the limits of transitional waters within the meaning of Council Directive 2000/60/EC (the European Community Water Framework Directive). Transitional waters are defined in Schedule 1 of the Directive as “bodies of surface water in the vicinity of river mouths which are partially saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows”. The Environment Agency has mapped their **seaward limit** on each English estuary. Section 10.1 of the Scheme explains the relevance of estuarial waters to our recommendations for coastal access at estuaries.

European site means a site:

- classified as a Special Protection Area (SPA) for birds under the **Birds Directive**; or
- designated as a Special Area of Conservation (SAC) under the **Habitats Directive**; or
- proposed to the European Commission as a site eligible for designation as a SAC for the purposes of Article 4.4 of the Habitats Directive (a candidate SAC).

Natural England is required in the circumstances described under **appropriate assessment** above to conduct such an assessment of the implications of the introduction of **coastal access rights** for European sites. It is Government policy, stated in Planning Policy Statement 9 and Circular ODPM 06/2005 that, whilst not European sites as a matter of law, the following sites should be subject to the same procedures and protection as European sites:

- Any potential SPA (pSPA); and
- Any site listed as a Wetland of International Importance especially as Waterfowl Habitat under the Ramsar Convention on Wetlands of International Importance 1971 (a Ramsar site).

For this purpose, any reference in the Scheme to a European site or sites should be taken to include all the categories of site above.

exclude/exclusion – see **local exclusion**

farm tenant means a tenant within the terms of section 2(4) of CROW. This is a tenant under a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 or a tenancy to which the Agricultural Holdings Act 1986 applies.

flood and coastal risk management is an umbrella term used to describe any aspect of both:

- the consideration of risks to people and the developed, historic or natural environment posed by flooding and coastal erosion; and

- the development of plans and strategies for practical measures to manage and monitor the risks.

Sections 4.9 and 8.20 explain more about our approach to flood and coastal risk management.

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

guide posts is a term the Scheme uses to describe simple posts used to mark a particular route or boundary, which can be put in and removed with minimal cost or effort – see figure 15 in chapter 6 of the Scheme.

guide fencing is a term the Scheme 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 Scheme.

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

health and safety at work legislation is the term used in the Scheme to refer to:

- regulation 3 of the Management of Health and Safety at Work Regulations 1999 (S.I. 1999/3242), which requires employers and the self-employed to conduct an assessment of any risks to the public arising from their undertakings; and
- section 3 of the Health and Safety at Work etc. Act 1974 (c.37), which requires them to conduct their undertakings in such a way as to ensure, so far as is reasonably practicable, that people are not exposed to risks to their health and safety;

and all other relevant legislation.

implementation is the term the Scheme uses to describe the full process for implementation of the coastal access provisions. It includes consultation about and preparation of a **coastal access report** for each **stretch** of coast, preparation for commencement of proposals in each confirmed report, and ongoing management, maintenance and **reassessment** of the resulting access. Chapter 3 provides an overview of the implementation process.

informal management is the term the Scheme uses to describe a range of practical, informal techniques which can be used to minimise any conflicts between public access and land management or other objectives. Informal management has no legal effect and there is no compulsion on the public to cooperate with it, but if done well it often proves highly effective. Section 6.5 of the Scheme explains our general approach to the use of informal management and includes examples of common techniques in figure 17. Chapters 7 and 8 explain how informal management can be used to address a range of specific issues.

infrastructure is the term the Scheme uses to describe the works and other physical measures necessary to facilitate public use of the **coastal access rights**, such as steps, gates and signs.

least restrictive option is the term the Scheme uses to describe the principle that where specific intervention is necessary to address potential impacts from the **coastal access rights**, our policy will be to adopt the least restrictive option on public access that will strike an appropriate balance at reasonable cost. Section 6.3 of the Scheme describes the application of this principle in more detail.

legal interest means an “interest” in land as defined in section 45(1) of **CROW**. It includes any estate in land and any right over land (whether exercisable by virtue of ownership of an estate or interest in land, or by virtue of a licence or agreement). It includes rights of common and sporting rights. Holders of legal interests, who may be individuals or organisations, may apply to the **relevant authority** for a **direction** to restrict or exclude access to land with **coastal access rights** once the Secretary of State has approved it as such. Section 6.6 of the Scheme explains these provisions in more detail.

local exclusion, exclusion and **exclude** are terms the Scheme 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 Scheme explains the provisions in detail and our approach to their use.

local access forum means a local access forum established under section 94 of **CROW**. Natural England is required to consult relevant local access forums in the preparation of each coastal access report, and to invite representations from them on its final report – see chapter 3 of the Scheme for details.

local restriction, restriction and **restrict** – see “**local exclusion**”.

livestock has the meaning given in section 45 of **CROW** – cattle, sheep, goats, swine, horses or poultry. For the purposes of this definition “cattle” means bulls, cows, oxen, heifers or calves; “horses” include asses and mules; and “poultry” means domestic fowls, turkeys, geese or ducks. Where we use the term ‘livestock’ in the Scheme, we mean only those animals included within this definition.

managed realignment is a term the Scheme uses to describe a decision by the Environment Agency or others to allow the shoreline to move backward or forward in a managed way, for example limiting movement by building new flood defence works on the landward side of the original ones. Section 4.9 explains more about our approach to coastlines which are subject to this policy.

national restrictions is the term the Scheme uses to describe the “general restrictions” that must be observed by people exercising **coastal access rights**. They are set out in Schedule 2 of **CROW**, as amended by the **Order**. Specific national restrictions may be removed or relaxed by Natural England for a particular area of land if the land owner or **farm tenant** (as the case may be) for the time being consents to this; or a voluntary **dedication** by the land owner or long leaseholder may do the same on a permanent basis. Section 2.2 of the Scheme explains more about the national restrictions which apply to the coastal access rights.

National Trail means a long-distance route approved by the Secretary of State under section 52 of the **1949 Act**. The Scheme uses the term to refer to long-distance routes other than the walking route which Natural England has a duty to secure under section 296 of the **2009 Act** – see **trail**.

objection means an objection by a person with a **relevant interest** in affected land to Natural England about a proposal in a **coastal access 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 Scheme provide an overview of the procedures for considering objections.

open country refers to land conclusively mapped as such under **CROW** for access purposes. Where such land is included within the **coastal margin** under proposals approved by the Secretary of State (or included in the margin by voluntary **dedication**), it ceases to be regarded as open country for the purposes of **CROW**, and instead becomes subject to the coastal access regime. Paragraph 3.3.33 of the Scheme explains in more detail the effect of this change.

optional alternative route – see **alternative route**.

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. The effect of these changes is reflected by the relevant glossary entries and the more detailed explanations in relevant sections of the Scheme. The Order is published by the Office of Public Sector Information at: <http://www.statutelaw.gov.uk/Home.aspx>

outline direction is the term the Scheme uses to mean a **direction** that allows the precise timing or, under certain circumstances, the precise location of any actual **restriction** or **exclusion** under the direction to be determined later by a specified person. Section 6.7 of the Scheme explains outline directions in more detail.

PINS means the Planning Inspectorate, an Executive Agency of the Department for Communities and Local Government.

realignment – see **managed coastal realignment**.

registered common land refers to land conclusively mapped as such under **CROW** for access purposes. Where such land is included within the **coastal margin** under proposals approved by the Secretary of State (or is included in the margin by voluntary **dedication**), it ceases to be regarded as registered common land for the purposes of **CROW**, and instead becomes subject to the coastal access regime. Paragraph 3.3.33 of the Scheme explains in more detail the effect of this change.

relevant authority means the authority with powers to make **directions** to **exclude** or **restrict** the **coastal access rights** locally. Natural England is the relevant authority for **coastal access land**. It may delegate this role to the National Park Authority or the Forestry Commission under the circumstances described in paragraph 3.2.6 of the Scheme. The Ministry of Defence and the Home Office have comparable powers relating to defence and national security needs, respectively. Section 6.6 of the Scheme explains these powers in more detail.

relevant authority guidance means Natural England's guidance under **CROW** section 33 to the other relevant authorities who administer **local restrictions** and **local exclusions** on CROW rights outside the **coastal margin** – see paragraph 1.1.6 of the Scheme. The relevant authority guidance is available to view at: <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

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 a **coastal access 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 Scheme provide an overview of the procedures for considering representations.

restrict/restriction – see **local exclusion**

roll back is the term the Scheme 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 our **coastal access report**, without further confirmation by him. Section 4.9 of the Scheme explains these provisions in more detail.

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.

seaward limit means the furthest seaward extent of the **estuarial waters** of a river. This limit is mapped by the Environment Agency for each English estuary. Upstream of this limit Natural England has a discretion under section 301(2) of the **2009 Act**, but not a duty, to recommend to

the Secretary of State that the trail be extended on either side of the estuarial waters as far as:

- the first bridge or tunnel with public pedestrian access; or
- a specified point between the seaward limit and this first bridge or tunnel.

Chapter 10 of the Scheme describes the operation of these provisions in more detail.

Site of Special Scientific Interest 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.

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 Scheme describe the circumstances when we will conduct a strategic environmental assessment.

stretch is the term the Scheme uses to describe the piece of coastline covered by a **coastal access report**. Section 3.1 outlines how the coast is divided into stretches for this purpose.

temporary route means a diversionary route which operates while access to the **ordinary route** of 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 Scheme explains the provisions for temporary routes in more detail.

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 8 in chapter 3 of the 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. Section 2.1 of the Scheme explains the circumstances when we will consider this option.

walking the course is the term the Scheme uses to describe the stage in the alignment process where we visit land that may be affected by our proposals to discuss the options for alignment and access management with those who own or manage the land. Stage 2 of the implementation process described in chapter 3 of the Scheme explains this aspect of the process in more detail.



Front cover image:
Admiring the winter
coastline at Branscombe
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Natural England is here to conserve and enhance the natural environment, for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity that it brings.

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