

Coastal Access Scheme

Report of Natural England's first statutory review

1. Background

- 1.1 The Coastal Access Scheme ("the Scheme") sets out Natural England's approach to complying with its Coastal Access Duty under section 296 of the Marine and Coastal Access Act 2009 ("the 2009 Act") to implement the England Coast Path and associated coastal margin.
- 1.2 The first version of the Scheme was approved on 23rd March 2010. Section 299(2) of the 2009 Act required us to complete an initial review of the Scheme within three years of this.
- 1.3 We have now completed our Review, which is about the methodology set out in the Scheme rather than the coastal access legislation itself.
- 1.4 This report sets out how we conducted the Review and the key conclusions we arrived at, and explains how we then went about revising the Scheme in detail to reflect these conclusions, before securing approval for it from the Secretary of State as required by the 2009 Act.

2. How we conducted the Review

- 2.1 The Review took place between late spring 2012 and March 2013. During it, we:
 - considered the implications of Defra's Lessons Learned Report;
 - invited others' comments based on their experience of implementation to date; and
 - reviewed our own experience of implementation to date.

Considering the implications of Defra's Lessons Learned report

- 2.2 Following implementation of the first new coastal access rights at Weymouth Bay in Dorset, Defra conducted a brief Lessons Learned exercise and published its conclusions here:
www.naturalengland.org.uk/Images/CAWeymouthBayLessonsLearned_tcm6-33684.pdf
- 2.3 During the Review we considered the implications of Defra's Lessons Learned recommendations for the approach taken by the Scheme. We concluded that:
 - some detailed development or clarification of our current approach was required in relation to certain issues;
 - some further emphasis of our current approach was required in relation to certain other issues; and
 - some of Defra's conclusions and recommendations, for example some of those relating to the objections and representations procedures, did not require any change to the Scheme.

Invitation to others to comment on their own experience of implementation to date

- 2.4 In implementing the England Coast Path and associated margin on the lead stretches we have worked closely with key national and local interests in the improvements that the programme is making on the ground. So the second element of our Review was to invite organisations and individuals involved in implementation to date to submit their own perspectives on how well the Scheme had done its job in guiding our implementation work, and what specific types of improvement they felt should be made to it. This served both to inform the Review and as an early means of prior consultation¹ ahead of revising the Scheme itself. This was then supplemented after the Review by further targeted consultation on these specific changes: see section 4.
- 2.5 The two-month invitation to make comments as an input to our Review had two aspects:
 - we approached over 50 organisations and individuals with particularly direct connections with the programme or experience of coastal access delivery,

¹ In line with our duty before revising the Scheme to consult such persons as we consider appropriate: see section 298(7) of the 2009 Act.

either locally or nationally, inviting them to submit their views; and

- we published on our website a more general invitation to others with relevant implementation experience to provide us with their perspectives too.

The window for comment ran from Wednesday 5th September to Wednesday 31st October 2012.

- 2.6 We asked anyone suggesting specific changes to the Scheme to provide explanatory comments along these lines:
- what benefits a suggestion would have in making the Scheme easier to understand or use;
 - how suggested changes would improve transparency of decision making; or
 - in what other way the changes suggested would make the Scheme more fit for purpose.
- 2.7 We carefully considered all responses received. There were 21 in total, often containing many separate comments. The responses can be categorised as follows:
- 10 were from national stakeholder organisations
 - 4 were from access authorities
 - 3 were from members of the public
 - 2 were from local access forums
 - 1 was from a county wildlife trust
 - 1 was from a coastal business.
- 2.8 About three quarters of respondents considered that the Scheme had worked well in whole or part – but about half saw some opportunities to change specific principles and to improve the design and language of the document.
- 2.9 Tables A and B in Annex 1 contain a further breakdown of responses by issues raised and by overall views expressed on the Scheme.

Reviewing our own experience of implementation to date

- 2.10 Our England Coast Path Delivery Team has accumulated considerable experience and knowledge through its work in the various lead stretches around England. This has provided valuable insight into those aspects of the Scheme that have worked well and those that might benefit from clarification or a change of emphasis, over and above the changes recommended by the Defra Lessons Learned report, or sought by others in response to our invitation to comment. We formally took stock of these internal insights and learning points and considered what types of change to the Scheme would best address them.

3. Key conclusions

- 3.1 The Review confirmed that the overall approach taken by the Scheme remained generally fit for purpose but in the light of the three drivers mentioned above (Defra Lessons Learned, others' comments and internal experience), we concluded we should make a significant number of detailed changes. This section explains the key revisions we have made as a result.
- 3.2 We have revised the Scheme in the following main ways:

Improving efficiency and increasing speed of delivery

- We are shortening and simplifying our implementation process by removing the previous Draft Report stage - while strengthening our commitment to full dialogue up front about desirable improvements to access, and about minimising potential conflicts with other land uses and sensitivities. The revised Scheme has a clearer and simpler explanation of the process for implementing each stretch.
- Shortening the process will enable us to reduce substantially the time required to complete each stretch, and thereby the time needed to implement the

Coastal Access Scheme

Report of Natural England's first statutory review

England Coast Path as a whole.

- In parallel with the changes to the Scheme, we are also simplifying the structure of our reports to the Secretary of State for each stretch of coast, to make them clearer and easier for others to engage with.

Strengthening our commitment to engaging with others

- The revised Scheme places greater emphasis on gathering views from key national and local interests as soon as we begin work on a stretch, and on dialogue with potentially affected legal interests in the land concerned as our thinking begins to take shape.
- It also emphasises the need to maintain appropriate dialogue with all of these interests as our detailed proposals for a stretch evolve, before our report to the Secretary of State is published.
- It sets out how and when such exchanges of views will take place without publication of a non-statutory Draft Report for a stretch.

Reinforcing the need for fair balance

- The revised Scheme re-emphasises the importance of seeking a fair balance between the interests of the public in having rights of access over land and the interests of owners and occupiers with land that might be affected. This is in line with the specific duty at section 297(3) of the 2009 Act.
- In particular:
 - It makes clear that other than in exceptional circumstances, we will not propose additional areas of spreading room landward of the trail if the landowner disagrees with this.
 - It emphasises still more strongly the intention for the England Coast Path to follow existing walked lines along the coast wherever this is practicable and it meets the criteria in the legislation and the Scheme.
 - It clarifies the relationship between the aim for a direct and convenient coast path, and the privacy of houses in the vicinity.
- It also re-emphasises that land managers within the coastal margin remain in control of their land and entitled to manage it as they think best.
- And it explains how we address any perceived conflicts between improved coastal access and the provisions of any agri-environment agreements over the same land.

Clarifying our procedures for protecting key sensitive features

- The revised Scheme articulates more clearly in some places the steps we take, and the audit trail we keep, in order to ensure appropriate protection of key sensitive features (including heritage features) on the coast, and to comply with the specific statutory obligations in this respect.

Improving presentation, clarity and transparency

- The revised Scheme is easier to navigate online, with a clearer upfront explanation of key alignment terms and a separate Index.
- It includes the principles we use to guide the selection and sequencing of new implementation stretches.
- It makes clearer how roll back works in practice when dealing with coastal change, and how we identify the landward extent of the coastal margin in our coastal access report.
- And clarifies our approach and decision making criteria in relation to various coastal land types and uses including beaches, coastal valleys, caravan sites and parks and gardens.

Coastal Access Scheme

Report of Natural England's first statutory review

4. Completion, approval and applicability of the revised Scheme

- 4.1 Having completed our first statutory Review of the Scheme in March 2013, we developed our specific proposals for revision of the document to address the needs identified by the Review. We then undertook further targeted consultation on these proposed changes. This in particular involved additional consultation with the key national and local organisations with whom we have worked closely on implementation issues since the beginning of the programme. In the light of the comments we received at that stage, we made further changes as we finalised the document.
- 4.2 We then submitted the revised version of the Scheme to the Secretary of State for approval in accordance with section 298(4) of the 2009 Act. This approval was received on 9th July 2013.
- 4.3 This revised version of the Scheme is now in use and will apply for the purposes of all coastal access reports published after the date of its approval by the Secretary of State.

Annex 1

Table A: Summary of issues included in comments received during Review

Issues raised during Invitation to Comment	Number of comments received
Built development potential	1
Seaward spreading room	1
Liability	1
Parks and gardens	1
Monitoring requirement	1
Gap in trail – future improvements	1
Discretion to propose boundary	2
Privacy	2
Estuaries	2
Protection and enforcement	2
Glossary & index	2
Fair balance	3
Excepted land	3
Roll-back	3
Business interests	3
Maps	4
Approach to sensitive feature assessment	4
Existing routes/Dual paths	5
Implementation process	5
Design & language	5
Landward spreading room	6
Route alignment	6
Summary or summarised versions	7
Purely supportive – no change suggested	9
Agriculture & agri-environment	10
Out of scope (e.g. operational issues not matters of principle described in the Scheme, matters relating to the legislation)	22

Table B: Overall views on the Scheme

Question/Statement	Yes	In part	No	No response
The Scheme has generally worked well, but there are some aspects that can be improved.	63%	11%	5%	21%
Do you see any opportunities to improve the design and language of the Scheme?	21%	32%	26%	21%
Do you think any of the principles need to be changed?	37%	21%	26%	16%

Natural England is here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Catalogue Code: NE454

ISBN: 978-1-78367-011-6

Should an alternative format of this publication be required, please contact our enquiries line for more information: 0845 600 3078 or email enquiries@naturalengland.org.uk

www.naturalengland.org.uk

This note/report/publication is published by Natural England under the Open Government Licence for public sector information. You are encouraged to use, and reuse, information subject to certain conditions. For details of the licence visit www.naturalengland.org.uk/copyright