

Coastal Access Scheme: Consultation Summary Report

A report on the consultation process, the views received, and Natural England's response to them

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Natural England would like to thank Dialogue by Design, an independent consultancy, for helping us to manage the consultation and their analysis of the submissions.

1 Executive Summary

Part 9 of the Marine and Coastal Access Act 2009 places a duty on Natural England to improve access to the English coast through creation of a continuous long-distance walking route around the coast and a margin of accessible land along it. The Act requires Natural England to publish a coastal access scheme ("the Scheme"), approved by the Secretary of State, setting out the approach it will take to implementing this duty.

Development of Natural England's Scheme has been informed by extensive research, field testing and discussion with key stakeholders. A 'consultation version' of the Scheme was published in November 2009, building on the outline and draft versions of the Scheme published in April and December 2008.

A public consultation on the consultation version of the Scheme took place between 13 November 2009 and 5 February 2010. The consultation was advertised through:

- an initial media release;
- Defra's on-line access newsletter to approximately 1500 organisations and individuals
- direct correspondence with 270 stakeholders
- a national stakeholder event
- 7 regional stakeholder events, with 180 participants
- Natural England's, Defra's and some stakeholders' web sites

230 submissions were received in response to the consultation. These were analysed both by independent consultants and by Natural England. Issues requiring further consideration and possible changes to the Scheme were identified and any necessary amendments or additional content drafted. These changes were then incorporated into the final version of the Scheme submitted to the Secretary of State for the Environment, Food and Rural Affairs, who approved it on 23 March 2010. The approved version is published on Natural England's publications catalogue on our website at: <http://www.naturalengland.org.uk>

Themes from the consultation

Of those who offered an overall assessment of the approach set out in the Scheme the majority were supportive. Much of the Scheme was not challenged, but there were many helpful suggestions as to how we could clarify and/or fine tune aspects of the document. There were also some comments raising concerns either about the implications of specific aspects of the Scheme or the lack of reference to certain issues. Some comments related to aspects of the legislative framework for coastal access that are not within the scope of the Scheme.

This Consultation Summary Report highlights the main issues raised in relation to each part of the Scheme, and Natural England's response to these.

The key themes are:

■ **Striking a balance**

There were many comments on the relative balance to be struck between public and private interests in the local design of improved coastal access. Some wanted more emphasis on the

interests of landowners and occupiers, while others wanted wider public interests to be given more prominence, including the need to protect the natural environment at the coast. Many of these comments described particular local circumstances to support their point. The wide range of differing views on this subject confirm our view that the overall approach we have adopted to striking this important balance is correct (in Chapters 4-6). The comments and examples provided have enabled us to fine tune the detail of our approach in several areas.

■ Local consultation

Many comments sought assurance that a range of organisations and individuals would be involved at an early stage of implementation on each stretch of the coast. Some emphasised the need to integrate the coastal access provisions with related initiatives. We have included further details in the Scheme in some places to underline the importance we place on both aspects.

■ Flexible design

Comments often stressed that a flexible and pragmatic approach should be taken by our recommendations for the trail and spreading room, adopting existing routes wherever appropriate. In particular, there were a number of comments challenging the necessity for and perceived inflexibility of the 4 metre trail width and the impression that the Scheme would always aim to achieve this. In response, we have added some further detail in the Scheme to emphasise the flexible approach to trail design that has always been intended, and to clarify that we will 'work with the grain' of existing routes, land form and features.

■ Access for people with dogs

We received numerous comments about access for people with dogs. Some argue for clear and consistent guidance on the new national requirement on the coast for people to keep dogs under 'effective control'. Some emphasise specific concerns around land management and nature conservation interests, whilst others emphasise for any dog control measures to be proportionate and based on proven need. We recognise that this is an important issue and acknowledge our central role in helping people to become familiar with the new national requirements. However, we have not made substantive changes to the Scheme, which emphasises the use of local solutions that provide places on the coast where people can exercise their dogs off the lead alongside appropriate safeguards in the places where they are needed.

■ Maintenance and management

Many comments proposed more detail in the Scheme about responsibilities and funding for the maintenance, monitoring and management of the trail. In response we have emphasised in the Scheme that, whilst existing responsibilities for public rights of way will be unchanged, individual coastal land owners and businesses will not be expected to take on any significant new responsibilities for the maintenance or management of the coastal access rights. We acknowledge that many would like more detail about local funding arrangements, but our view is that this is not possible beyond what the Scheme already says, as these will be subject to negotiation between ourselves and the local access authorities.

■ Wider benefits

We received a large number of comments calling for the Scheme to set out in detail how access benefits for horse riders in particular will be achieved. A large number of these responses were in a standard form. Other comments asked how Natural England will build on what it has achieved so far in partnership with coastal land owners and managers to enhance the coastal environment. In both cases, we remain committed to our objectives - access improvements for other users, such as horse riders, and further targeted enhancement of the coastal environment. However, the statutory purpose of the Scheme is to set out our approach to the implementation of the coastal access duty, which relates to public access on foot. For this reason the Scheme is not the right place to set out our detailed approach to delivering on these wider objectives.

■ The legislative framework

Many of the comments touched on aspects of the legislative framework which underpins the Scheme, in particular the procedures for representations and objections, and Government's recent consultation proposals for the approach to be taken in relation to excepted land on the coast. We have contacted respondents to ask for their permission to pass these comments on to Defra for their consideration.

2 Introduction

2.1 Background

Part 9 of the Marine and Coastal Access Act 2009 requires Natural England to implement improved access to the English coast. Natural England's local recommendations on this must be in accordance with a Scheme devised by Natural England and approved by the Secretary of State.

Development of the Scheme has been informed by extensive research, field testing and ongoing discussion with Natural England's key stakeholders. A 'consultation version' of the Scheme was published in November 2009, building on the outline and draft versions of the Scheme published in April and December 2008. It set out the key principles on which Natural England proposed to base its proposals for access on foot at the local level, and illustrated how it proposed to apply these principles in the main coastal scenarios. It explained this 'alignment' approach on both the open coast and estuaries, and gave examples of potential alignments in sample coastal situations.

It is important to note that this consultation only concerned the content of the Scheme itself. The scope of the consultation did not include the content of the Marine and Coastal Access Act, the Order that has now been made under section 3A of the Countryside and Rights of Way Act 2000, or the other relevant legislation that the new Act and Order amend: these provisions and amendments have been debated and settled in Parliament.

2.2 Purpose

The purpose of the consultation process was to consult on the Scheme which Natural England propose to use for implementing improved coastal access on foot under the Marine and Coastal Access Act 2009.

The purpose of this report is to explain the consultation process, provide an independent summary of the submissions received and Natural England's response to them.

3 Consultation process

The consultation opened on Friday 13th November 2009 and closed at 6pm on Friday the 5th February 2010. The sections that follow next describe the consultation methodology, its marketing, how comments were analysed and points to consider when reading this summary.

3.1 Consultation methods

3.1.1 Consultation

This consultation was run largely online. People were directed by Natural England's website to an online registration form, hosted by an independent consultancy (Dialogue by Design). Once the initial online registration form was completed, the user could log on to the consultation website with a username and password generated at the time of registration.

The website was designed to be easy to use and enable users to understand the purpose and rules for participating in the consultation and how their comments would be used. People could also ask (and give reasons) for their submission to be treated confidentially. Users could also easily navigate through the Scheme chapter by chapter and respond to the corresponding questions. Users could choose to answer all, some or just one of the questions. Submissions boxes were limited to 3,300 characters (about 650 words or one and a half pages). The system also enabled respondents to return to the consultation website to edit, print or amend their submissions at any time while the consultation remained open.

People and organisations that were unable or preferred not to participate online were given the option to request paper forms by telephone. These forms replicated the questions on the website and could be submitted by email or post.

Email and telephone contacts at Natural England and the consultancy were available to assist people who had technical queries on the Scheme or on the participation process.

3.1.2 Regional stakeholder events

In order to support and promote the online consultation process for the Scheme, a stakeholder event was held in each of the seven Natural England regions with a coastline. The purpose of these events was to explain and raise awareness of the consultation process and encourage participation in the consultation.

Regional offices took the lead in organising these events and determining the invitation lists. There was participation at each event from key stakeholders, with 180 people attending them in total despite the event programme being disrupted by bad weather. Participation at and feedback from these events is detailed further in section 4.2.

3.2 Marketing of the consultation

Natural England specifically invited a number of organisations, associations, local access forums, access authorities and National Park authorities to take part in the consultation process. Stakeholders who were invited to take part were also informed of the parallel consultation, ending on 1st December 2009, about Defra's proposals for an Order to be made under new section 3A of the Countryside and Rights of Way Act 2000 which would amend some of the

provisions of that Act insofar as they affect coastal access. This Order was subsequently debated and confirmed by both Houses of Parliament at the end of February 2010.

3.3 Analysis of findings

Two separate methods of analysis were carried out, one led by independent consultants, the other by Natural England.

3.3.1 Analysis led by consultants

Submissions received as emails and letters were logged and processed in parallel with submissions received online by the consultants. All submissions were read and collated under appropriate headings under the sections of the Scheme to which they referred. Where submissions did not indicate which specific questions they referred to, they were collated under Question 1b (an overview question asking for any further general comments on the Scheme as a whole).

The consultants had no opinion on the issues addressed in the consultation process and in this document report a summary of participants' submissions as objectively as possible.

3.3.2 Analysis led by Natural England

Natural England also read all submissions in full to enable it to decide which issues required closer consideration and might warrant amendment of the Scheme. Natural England's formal response to the submissions received is set out in chapter 5 below alongside the consultants' independent summary of submissions.

3.3.3 Outcomes of the consultation

Chapter 4 of this report summarises who participated in the consultation and how they did so. It is drawn from the information given by participants during the registration process. Appendix 1 records the participation figures.

Chapter 5 of this report summarises the responses received for each chapter of the Scheme and Natural England's response to the main issues commented on.

- the independently-prepared summary of submissions received, and
- Natural England's point-by-point response to this summary.

The consultation questions are listed in Appendix 2.

It is important to appreciate that this is a *qualitative* and not a *quantitative* consultation. It must be emphasised that the purpose of a qualitative consultation process is to gather views and ideas. This was not an opinion poll and submissions arguing in one direction or another on any issue should not be interpreted as generally representative of the Natural England's stakeholders. They reflect only the opinions of those who chose to take part in this consultation process.

Having said this, open public consultation is good practice. The findings from this report were added to the views expressed at the regional stakeholder events and discussions with other stakeholders to ensure that as far as possible Natural England was able to consider the full range of views in finalising the Scheme.

4 Participation

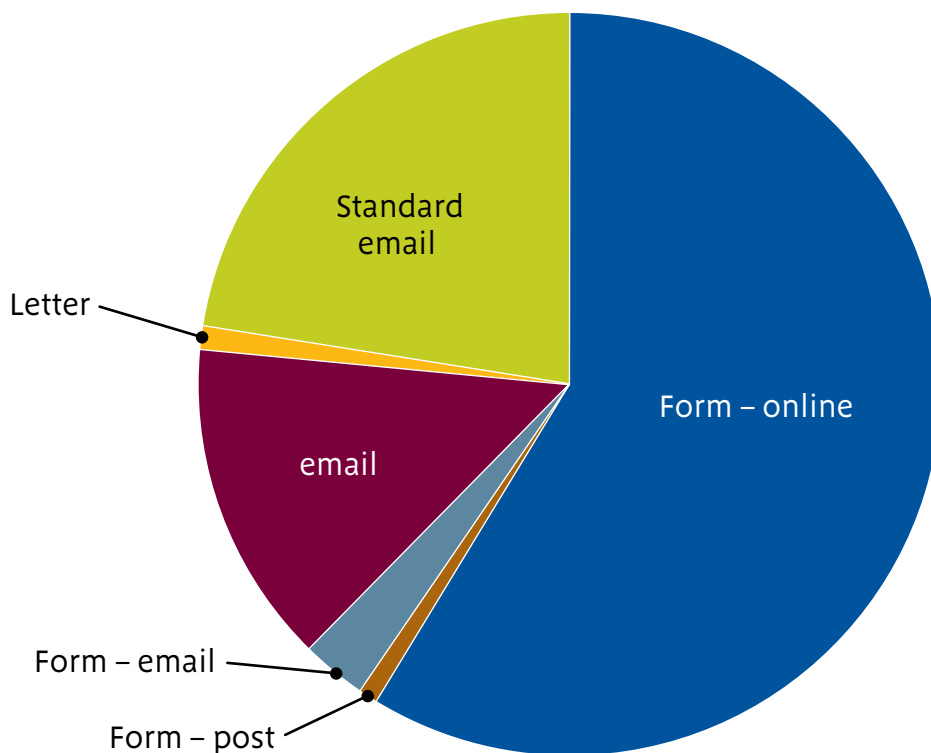
4.1 Consultation

The following is a brief overview of written submissions:

- 280 people registered on the online consultation web page
- 230 submitted comments, of which 144 were on behalf of a business or other organisation
- 52 were in the form of a standard 'template' e-mail containing an extract of one organisation's response
- 135 responses were submitted online

Figure 1 below outlines the total number of submissions received via the various media used for responding. If the standard emails are excluded from the count (as they are not individual responses), more than 75% of submissions were received online.

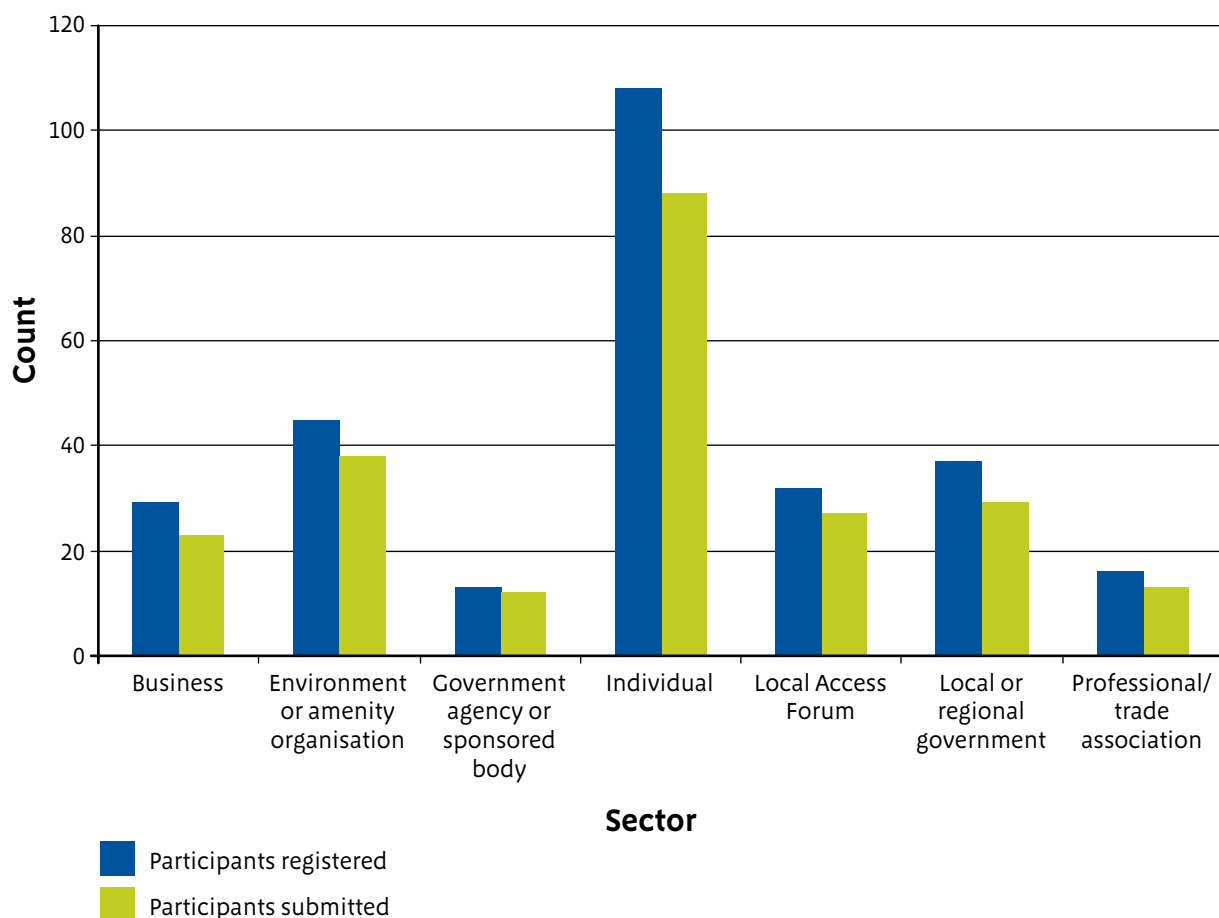
Figure 1: Total number of submissions received via each medium
(Appendix 1 includes the participation figures used for Figure 1)



9 late submissions were received. They are not covered by this summary report but were logged and forwarded to Natural England, who endeavoured to take account of them when finalising the Scheme and its response to submissions.

Figure 2: Total registrations and submissions from participants by sector

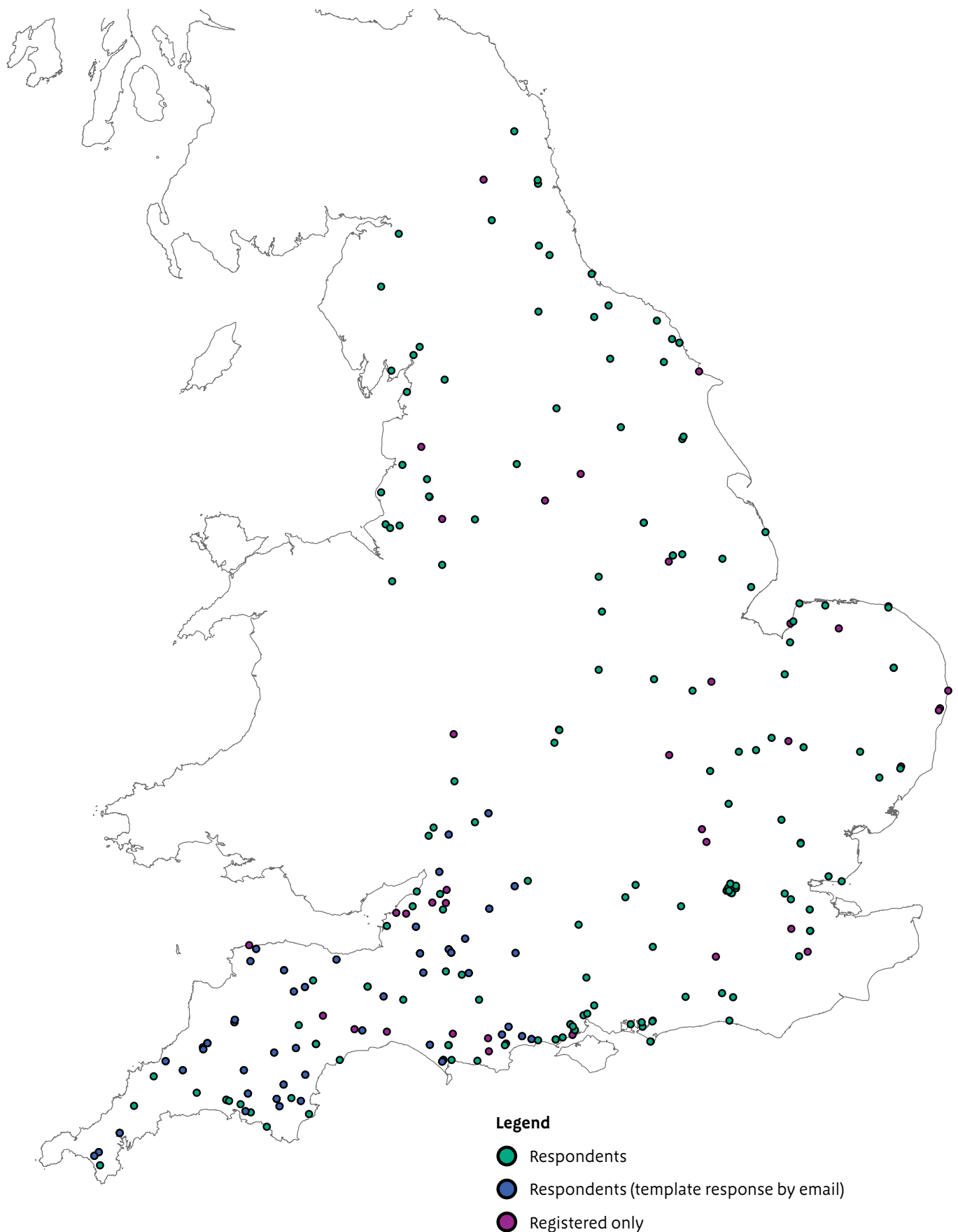
(Appendix 1 includes the participation figures used for Figure 2)



The above figure suggests that mainly individuals participated in the consultation. However, there are two points to keep in mind: 1) 52 of these individuals submitted their response in the form of a standard 'template' email; and 2) a number of the submissions received to the consultation were from organisations, agencies and forums that had collated comments of their colleagues and members, and the above figure shows these as single participants.

People were also asked for the first line of their address and their postcode when they registered. The map in figure 3 below indicates their locations. Where there are two or more postcodes in the same location, these are represented by one dot only. The map suggests a fair geographical distribution of submissions from across England. All the standard ("template") emails were received from people in the south-west of England, which to some extent accounts for the greater number of submissions from that area. Many national organisations that responded have head offices in London, which to some extent accounts for the cluster of submissions from that area.

Figure 3: Map indicating the location of respondents, respondents that submitted a template email and those that registered only for the consultation process



4.2 Regional stakeholder events

A feedback form was produced so that Natural England could measure the effectiveness of the events in raising awareness of the purposes of the consultation and how to participate. A total of 79 forms were completed out of 180 people attending the events – a 44% return.

As can be seen in the table below the majority of those attending found the events of value. This is also borne out by some of the comments made:

- “It was good and necessary”
- “Good to see the regional content”
- “Overall I was very encouraged by the Natural England approach and opportunities for consultation. Clearly much thought has been put into the process and this came across well”

The lowest score (78%) relates to participants’ confidence that the questions which they raised at the event had been or will be adequately addressed. The returns from the SE regional event registered the most ‘disagree/strongly disagree’ statements.

Table 1: Analysis of feedback

		Strongly agree/agree (%)
1. As a result of this event.....		
a	I understand the function and status of the Scheme	97
b	I understand how to respond to the consultation	99
c	I could explain to friends and colleagues how they could participate in the consultation	94
2. Presentation		
a	The presentation was an effective method for raising awareness about coastal access and the consultation	96
b	There was sufficient opportunity to raise questions	89
c	I am satisfied that the questions I raised have been/ will be adequately addressed	78
3. General		
a	Overall, how satisfied were you with the event	91
b	The purpose of the event was well communicated and achieved	95
C	I feel that I have been listened to and my comments taken on board	94

5 Summary of submissions by chapter and Natural England's response

Not every participant made comments on every question. As is common with consultations of this length, the earlier questions received more comments. A list of consultation questions asked within each chapter is provided in Appendix 2.

Table 2: Total number of comments on each question

Question	Comments	Question	Comments	Question	Comments
1a	60	5a	45	9a	28
1b	177	5b	32	9b	19
2a	83	5c	22	10a	34
2b	55	6a	61	10b	22
3a	90	6b	39	10c	23
3b	45	7a	58	11a	28
4a	77	7b	41	11b	20
4b	32	8a	73		
4c	35	8b	50		

A total of 1249 individual comments were received across the consultation questions from the 230 participants (this includes comments from participants who requested confidentiality).

The following sections provide, for each chapter of the Scheme,

- a summary of the comments received, prepared by consultants; and
- Natural England's response.

5.1 Part A: Introduction

5.1.1 Chapter 1. The Scheme

Consultants' summary

Chapter 1 of the Scheme provided an introduction to the overall approach of the Scheme. In the questions in relation to this chapter respondents were asked to put forward suggestions for improvements to the chapter (question 1a), but also to comment on the Scheme as a whole (question 1b). Question 1a received 60 comments. 177 comments were made in response to question 1b, a number of offline submissions were also attributed to this question as they are dealing with the Scheme in general.

Support for the Scheme

Around one third of the people who make a comment about the Scheme as a whole provide an overall judgement. The majority of these judgements are expressions of appreciation. Respondents agreeing with the Scheme believe it will improve access to the English coast. There are several respondents stating that they look forward to working with Natural England in order to realise the proposals in the Scheme.

Some respondents object to Natural England's Scheme, most because they believe that coastal access is not a sensible investment, arguing that a national approach is unnecessary as most of the coast is already accessible. Other comments focus on the impact that the Scheme could have on landowners and occupiers or on sensitive environments.

Specific topics in the Scheme

Environmental protection

In some respondents' views, the current Scheme is not sufficiently concerned with the protection of the natural environment along the coast. Respondents sometimes refer to Natural England's statutory responsibility to conserve and protect the natural environment, suggesting that the Scheme should mention conservation objectives more prominently. A few respondents take an opposite stand and worry that the inclusion of nature conservation in the Scheme may further restrict public access to the coast, or may result in alternative access arrangements over arable farmland.

Most of the issues highlighted in comments made against Chapter 1 are dealt with in more detail in later chapters, where respondents reiterate their remarks. For that reason, only a brief overview of the most debated topics is given here.

Trail width and spreading room

Several comments are made about the width of the trail and the availability of spreading room, topics that principally appear in Chapters 2 and 4 of the Scheme.

Implementation process

Natural England is praised for committing to working with other organisations throughout the implementation. Respondents emphasise that stakeholders, including landowners and occupiers, should be involved in the earliest possible stage of the implementation process. Furthermore, there are comments on the funding of the trail, particularly the ongoing maintenance. These comments relate to Chapter 3 of the Scheme.

Landowners' interests

Many respondents refer to the interests of landowners and occupiers. These are touched upon in Chapters 2 and 3 of the Scheme, but most extensively dealt with in Chapter 5.

Estuaries

Respondents also comment on the continuity of the trail around estuaries. This is the essence of Chapters 10 and 11 of the Scheme and further discussed there.

Consultation process

Several respondents comment on the timing of the consultation in relation to the recent consultation by Government about its proposals for an Order amending aspects of the

Countryside and Rights of Way Act 2000 for the coast. The observation is made that several elements of the Natural England consultation would need reviewing if amendments follow from the Defra consultation and that it therefore would have been better to wait until the consequences of that consultation had become clear.

Content of Chapter 1

Some respondents believe Chapter 1 could be more specific where it states that public rights are created for most types of open air recreation. In other comments it is argued that the chapter should mention Natural England's objective to conserve and protect the natural environment alongside the twin access objectives. Several respondents state that horse riders and cyclists should be included in plans for enhanced coastal access. Suggestions are made for the Scheme to refer to other documents containing Natural England's proposals for improved access for higher rights users and for nature conservation.

Natural England's response:

We welcome the expressions of support for the Scheme, whilst acknowledging that support for the programme and the underlying legislative provisions is not universal.

As the Government's statutory nature conservation adviser, we welcome the emphasis placed by some respondents on our responsibilities in this respect. We have included further detail in section 4.8 of the Scheme to explain the existing statutory obligations for nature conservation which we must take into account when making proposals for improved access. We believe that the overall approach to environmental protection in the Scheme is right, and gives these considerations appropriate weight and prominence.

We remain committed to our objectives for further enhancement of the coastal environment and to identifying local opportunities for wider access improvements, including for horse riders. However, the statutory purpose of the Scheme is to set out our approach to the implementation of the coastal access duty, which relates to public access on foot. For this reason the Scheme is not the right place to set out our detailed approach to delivering on these wider objectives.

We acknowledge the views of those who would have preferred consultation on the Scheme to have taken place after Government's proposed section 3A Order had been debated by Parliament. In drafting the consultation version of the Scheme we took care to refer to the Government's proposals and explain the separate consultation arrangements for these. We have made changes in the Scheme to reflect the final form of the Order that was approved by Parliament.

Comments about other specific topics mentioned above are considered under the appropriate chapter headings.

5.1.2 Chapter 2. The framework for alignment

Consultants' summary

Chapter 2 of the Scheme provides an explanation of the framework for alignment. Question 2a received 83 comments; 55 comments were made in response to question 2b. The main issues in this chapter appear to be the width of the trail, the regulation of access with dogs and the designation of excepted land.

Trail width

The notion in section 2.1 that the trail “will normally be four metres in width” provokes a host of reactions from respondents. Most of these express concerns, with respondents providing arguments why the trail should have a different width in specific circumstances – or in all circumstances. Several respondents believe that 4 metres is too wide. It is also argued that a limited width should apply on specific types of land or land uses. Other reasons for respondents to prefer a narrower trail include the prevention of vehicular access and the maintenance of the trail. There are also respondents suggesting the trail should be wider than 4 metres where this is possible, believing this would allow improved access for horse riders, cyclists and people with reduced mobility. Various comments are made to suggest that the trail width should be in harmony with the terrain and the surroundings: either wide and accessible for many, or less wide and embedded in the natural landscape.

Existing rights of way

The prevailing sense among respondents is that a pragmatic approach should be taken when considering whether the coastal trail should adopt the route of existing public rights of way. In the case of higher rights, several respondents believe that efforts should be made to ensure that these are maintained and that new restrictions to horse riders and cyclists are avoided.

Spreading room

The inclusion of foreshore as spreading room is discussed in a number of comments. Respondents feel that reference to the ‘mean low water mark’ is unhelpful as this will be a difficult boundary for users to identify. It is suggested that the spreading room is defined as the area exposed below mean high water mark.

Respondents argue that the designation of spreading room on the landward side of the trail may lead to controversy locally and that consulting with landowners is essential. It is also suggested that it should be clear to the public where landward spreading room applies and where it does not. Some respondents think the Scheme should specify how the public will be informed of spreading room.

Excepted land

Many respondents make comments about the overview of excepted land given in figure 1 of the Scheme. Most respondents either suggest that more types of land should be excepted, or that some of the identified excepted land types should be accessible to a limited extent. The provision of an access strip on certain types of land is debated in a variety of comments.

With regard to the proposal by Government to include parks and gardens as excepted land, many respondents worry that this would make it easy for landowners to prevent access to their land. Therefore, respondents suggest that Natural England provides further clarification as to what is considered a park or garden and what is not. Several respondents oppose Government’s proposal to add graveyards and cemeteries to the list of excepted land, stating that often there is de facto access to such land.

Some respondents believe that there would be public safety issues if people were allowed to access slipways, hards and quays, with some emphasising that these are often private property.

National restrictions on the coastal access rights

There are diverging views among respondents as to whether specific types of open-air recreation should be included or restricted in the new coastal access rights. According to one respondent, it should be made clear that whether an activity is appropriate depends on the area.

With regard to horse riders and cyclists, several respondents argue that Natural England should seek to relax national restrictions wherever possible through encouraging landowners to agree to such relaxations.

Access with dogs

The criteria determining whether someone is keeping a dog under effective control, outlined in section 2.2, are subject to a range of comments. Respondents believe that there currently are too many different messages to dog owners and that there is a need to provide simple and unambiguous guidance as to what they are required to do to ensure that they have sufficient control over their dog or dogs. It is argued by some that the criteria in the Scheme are too vague and that they will not be sufficiently understood by most dog owners, while making enforcement an impossible task.

There is support for the condition that dog owners must keep their dogs on a short lead in the vicinity of livestock. However, a few respondents emphasise that it must be clear that people are allowed to let go of the dog lead if they feel threatened by cattle. Some would prefer if it were required to keep dogs on a lead at all times, arguing that this would be best for clarity and avoid harm caused to crops, wildlife and other people's enjoyment of the coast by dogs running free. Some suggest that this requirement could be combined with designated areas of the trail or spreading room where off-lead dog walking or exercising would be permitted.

Techniques for managing coastal access rights

There are different views as to whether informal management solutions would be appropriate where access rights need to be managed. Several respondents wonder whose responsibility this will be, and whether sufficient support and resources will be available to local authorities and landowners. Some think that it is unlikely that informal approaches will be successful in all circumstances, and where they are not, restrictions will have to apply. They suggest this is clearly stated in the Scheme.

A number of respondents make comments about restricting access in the interests of nature conservation. They believe that a clear statement is required indicating that access restrictions to spreading room can apply locally where this is needed for reasons of nature conservation or landowners' interests.

Natural England's response:

Trail width

We accept that the explanation in the Scheme about how the width of the trail will be determined was not sufficiently detailed. This led some respondents to conclude that we were proposing a uniform width of 4 metres. We have added some detail in section 4.3 of the Scheme to emphasise a more flexible approach to trail design than the consultation version appeared to some readers to be suggesting, in particular to clarify that we intend to 'work with the grain' of existing routes and features.

Flexible local design

These comments support the emphasis we place in the Scheme on the importance of flexibility in the local design process for the trail and spreading room and on the need for close dialogue with those who own or manage the land affected. Our decisions must be set in the context of the legislative framework already agreed by Parliament, including the national criteria which govern decisions on the route of the trail, the excepted land provisions and the national restrictions described in chapter 2 and elsewhere in the Scheme.

Effect on other rights

We have added a table in chapter 2 which summarises the relationship between the coastal access rights and other public access rights which already exist on the coast. Among other things, this clarifies that coastal access rights and restrictions will not have any effect on public rights of way, including bridle rights.

Access for people with dogs

We acknowledge the importance of adequate measures for the control of dogs, including national rules and further local measures where they are needed. Equally dog walking is for many a key component of their enjoyment of visiting the coast, and unnecessary limitations on this enjoyment need to be avoided. We believe that the success of local dog control measures depends on making them proportionate to need, articulating the reasons for them clearly, and finding ways to help dog walkers exercise their dogs in other, more appropriate places on their local coast.

The new national requirement for effective control of dogs at the coast was developed through discussion and consensus among key national stakeholders from the full spectrum of interests. We believe the legal description of effective control (which is inserted by the section 3A Order in the CROW Act) is fair, workable and underpinned by common sense. We understand that it will be unfamiliar to the public at first. It will take time and effort from ourselves and partner organisations to help remedy this quickly. We will use national and local guidance to promote the headline messages to people with dogs. Chapter 3 of the Scheme includes a clearer outline of our plans for public information at stage 8 of the implementation process. Chapter 8 covers similar points with reference to the livestock issues.

Access management techniques

We agree with those who said that a range of approaches will be needed to the management of the rights, including both informal and statutory solutions. We make

this point in chapter 6 of the Scheme. The chapter is underpinned by the principle that the measures chosen should be the least restrictive that will meet the need, both in the interests of access users and in order to encourage compliance where extra constraints are needed.

5.1.3 Chapter 3. Implementation

Consultants' summary

Chapter 3 of the Scheme provides an overview of the process Natural England will follow for the implementation of coastal access rights. Question 3a received 90 comments; 45 comments were made in response to question 3b. The majority of suggested improvements and comments are on the ten stages of implementation described in section 3.3 of the Scheme.

Consultation with landowners and occupiers

Many respondents are keen for Natural England to ensure that landowners and occupiers are fully involved in various stages of the implementation process. In stages 1 and 2, this should avoid the trail being predetermined ahead of the course being walked. They also believe that efforts should be made to enable landowners and occupiers to be present when Natural England walks the course. In this respect, the statement that all reasonable steps will be taken to identify landowners and occupiers is welcomed.

In comments relating to stages 4 and 8 of the implementation process, respondents emphasise that Natural England should be required to inform landowners and occupiers about the publication of draft proposals and the details of establishment works respectively.

Consult with other interested parties

Most respondents feel it is very important that Natural England consults with organisations and individuals throughout the implementation process. Some also believe that local groups and stakeholders should be involved when Natural England determines the division of the coastline in smaller stretches (section 3.1). They say this should help avoid flawed decisions, which could result in significant adverse effects. They suggest that lower tier authorities as well as the general public should be consulted in addition to access authorities.

Where Natural England emphasises its intention to work with access authorities (section 3.2), several respondents request that it engages with a broader range of organisations. In particular, respondents emphasise that local access forums and specialist interest groups should be able to contribute to the process.

Similar comments are made with regard to stages 1 and 4 of the implementation process (section 3.3). Respondents emphasise the importance of consulting with various types of stakeholders, including landowners and occupiers, specific groups of users (e.g. people with reduced mobility), national representative organisations and local access forums. It is also stressed by several respondents that it is essential in their view that the organisation they represent is involved at the earliest possible stage. Some respondents would also like Natural England to list in some detail the (types of) organisations that should be consulted in stage 4 of the implementation process.

Nature conservation

Respondents in general welcome the fact that in stage 1 an appropriate assessment will be carried out wherever required for Natura 2000 sites, but some argue that similar measures should be taken with regard to National Nature Reserves, SSSI and RAMSAR sites. Some feel that Natural England should strongly consider environmental interests and opportunities in stage 1. There are also comments in relation to stage 8, proposing that the installation of infrastructure in sensitive areas be discussed with authorities whose consent is required.

Funding

Comments about funding are mostly made with reference to stage 9 of the implementation process. Respondents believe that it should be clarified where resources for the establishment and maintenance works will come from. Some emphasise that access authorities are currently not in a position to allocate any additional funds to the trail. Respondents request that Natural England provides more detail about the funding model or agreements that will be in place for ongoing maintenance of the trail.

Representations and objections

Referring to stage 6 of the implementation process, some respondents think it is problematic that representations and objections should be made at the same time. It is suggested that Natural England reconsiders this stage to allow for a two-stage process, with representations preceding objections. Some respondents also question who is best placed to decide whether an objection is valid and how this will be determined. With regard to stage 7, a number of respondents state that the process for objecting to a decision should be set out in more detail. Several comments are made stating that the role of the Planning Inspectorate (PINS) needs to be made clearer.

Other issues about the implementation process

With regard to stage 1, comments are made stating that improvements in access for cyclists and horse riders are not part of the Marine and Coastal Access Act and therefore not relevant.

Referring to stage 8, some respondents express concern or confusion about the replacement of existing access rights provided under the Countryside and Rights of Way Act 2000, with some referring to land already dedicated under section 16 of CROW in particular.

Some comments argue that a step-by-step breakdown of the reassessment process (stage 10) should be given in the Scheme.

A few respondents believe the Scheme needs to be more specific about the timing of the implementation process.

Natural England's response:

Consultation with land owners and occupiers

There is strong support for the detailed consultation we propose to undertake with individual land owners and occupiers who are affected and for the involvement of other interests such as those with sporting rights. We have re-emphasised that the consultation with organisations and representative groups at stage 1 of the implementation process set out in the Scheme will not pre-empt these more detailed consultations with owners

and occupiers at stage 2 of the process. We have also added stronger commitments to consult with land owners and occupiers later in the process, in particular when considering amendments to our draft proposals (stage 5) and before the design and installation of any access infrastructure that will be necessary (stage 8).

Consultation with other interested parties

The emphasis which many respondents placed on consultation during the alignment process is in tune with the approach we had already set out in the Scheme. We have added further reassurances about steps we will take to ensure that local people are aware of the opportunities to feed into the process. We have resisted suggestions that there should be widespread consultation regarding the division of the coast into stretches for the purpose of preparing our reports. We believe this an operational matter and should remain one for agreement between ourselves and the access authorities who we expect to partner us in the implementation process. Likewise, although we have committed ourselves to principles of transparency and inclusiveness, we have resisted suggestions that we should list in detail in the Scheme those organisations we intend to consult at a local level. In practice the organisations which it makes sense for us to consult with will vary from stretch to stretch.

Nature conservation assessments

Environmental considerations will be integrated into every stage of the alignment process, as chapter 3 of the Scheme shows. The need to assess potential impacts on nature conservation interests goes beyond the appropriate assessments we are required to conduct in relation to certain sites with European designations. We have added some new material in section 4.8 to make this clear.

Funding

We emphasise in the Scheme that, whilst existing responsibilities for public rights of way will be unchanged, individual coastal land owners and businesses will not be expected to take on any significant new responsibilities for the maintenance or management of the coastal access provisions. We acknowledge that many would like more detail about local funding arrangements, but our view is that this would not be possible or appropriate before agreements have been negotiated between ourselves and the local access authorities. We have recommended that Defra consider issuing guidance to local authorities on their powers for establishment and maintenance of the route.

Representations and objections

Government is responsible for the arrangements for representations and objections, and intends to consult shortly on the regulations that will govern the process. We have contacted respondents to ask for permission to pass on their relevant comments to Defra for consideration.

Other issues

We have added further clarifications to the Scheme in:

- chapter 2 and at stage 8 in chapter 3 regarding the effect of coastal access rights on existing access arrangements; and
- stage 10 of chapter 3, regarding the procedures for reassessment.

5.2 Part B: Key principles of alignment

Part B sets out the key principles that Natural England will take into account during the alignment process and outlines the approach we will take to balancing these considerations. The Act requires Natural England, in discharging the 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 new rights would be conferred.

5.2.1 Chapter 4. Public interests

Consultants' summary

Chapter 4 of the Scheme considers principles relating to public interests. Question 4a received 77 comments; there were 32 comments to question 4b and 35 comments to question 4c.

Convenience, safety and continuity of the trail

Respondents generally want the trail to provide the most attractive and amenable experience possible to users while limiting impacts on local residents and communities, and the environment.

A number wish to see greater emphasis on integrating the route with transport services. This includes access to the trail via public transport as well as providing a means of linking parts of the trail broken by features such as rivers and estuaries. Other respondents wish to see more information on alternative routes and how users will be made aware of them.

Respondents broadly welcome the light touch approach to health and safety proposed and this includes the restricted use of signage. It is felt that Natural England should be proactive in routing the trail away from areas of unnecessary danger.

Impact on private interests

Respondents are keen that the trail does not cause undue detrimental impacts on the livelihoods of landowners, particularly farmers. Fears include that wider than necessary paths would remove productive land from farmers' use, and that uncertainty over the extent of spreading room could lead to trespassing, or interfere with the management of crops or livestock. Some respondents are also concerned that the presumption of spreading room on the trail's seaward side could impact on landowners' livelihoods.

Respondents argue that landowners should not be left overly vulnerable to legal action as a result of injuries or accidents that occur to users while using the trail. There are calls for more clarity on the issue of liability and how it will apply in various situations.

Availability of spreading room

While there is strong support for the provision of spreading room, some worry that the access might not be fully utilised if areas of spreading room are hard to reach or if barriers are erected by land managers. The presumption of land seaward of the trail automatically being designated as spreading room is challenged by some on safety grounds. Similar concerns are expressed about areas of landward spreading room, although others advocate the inclusion of inland cliffs for the benefit of climbers.

Enjoyment and protection of the coastal environment

Although respondents are broadly supportive of Natural England's approach to enjoyment and protection, and some think it strikes the right balance, others express reservations. Some think the proposals do not do enough to protect the environment, particularly sensitive areas such as those with conservation designations, but others believe that the emphasis on conservation is too great, to the detriment of users. Some respondents suggest that guidance could be produced to clarify the situation and help build an approach that harmonises these two different interests.

Responsiveness to coastal change

Some respondents offer their support to provisions for roll-back and dealing with coastal change. Many offer suggestions for further improvements, or seek clarification about how such proposals will be implemented in a range of different scenarios. Some respondents express their disappointment that 'rolled back' coastal paths will not always have the same legal status as the original trail and point out that this may have negative consequences for cyclists and horse riders when the original route has been a bridleway.

Natural England's response:

Convenience, safety and continuity of the trail

We welcome the overall support for our interpretation of these criteria, in particular our light-touch and proportionate approach to safety considerations. We believe that there are already adequate reassurances in chapter 3 that we will consider the relevance of our coastal access proposals to local transport plans and other relevant initiatives.

Landowner's interests

Many comments concerning potential impacts on private interests are dealt with in more detail in the sections which follow. On the question of occupiers' liability, we would draw respondents' attention to the explanation provided in section 4.2 of the Scheme. The overall effect of the new legislation is to reduce occupiers' liability significantly with respect to injury from both natural and man-made features within the coastal margin.

Availability of spreading room

We do not expect that public access to the trail or spreading room will be wilfully blocked or hindered. There are powers in Schedule 20 of the Marine and Coastal Access Act 2009 and in chapter 3 of CROW relating to the removal of obstructions if they should occur. We acknowledge concerns about public safety on cliffs, but we also recognise that for climbers in particular this danger is part of the attraction. We believe that the Scheme strikes an appropriate balance in this respect.

Enjoyment and protection of the natural environment

Our continuing approach to this issue will be to look for solutions that best integrate our coastal access duty with our existing statutory responsibilities for environmental protection, and that strike an appropriate balance between the two considerations if such integration is difficult. We have added further detail in section 4.8 to underline this point, for instance explaining our statutory nature conservation obligations in more detail, including the special requirements which apply to sites with European designations.

Responsiveness to coastal change

We have added further detail in section 4.9 to clarify how the roll back provisions may work in particular situations, in response to the suggestions on this issue. We recognise the disappointment felt by some that these provisions will not extend to bridleways on the coast but the Marine and Coastal Access Act 2009 does not make changes to the legislation covering rights of way.

5.2.2 Chapter 5. Interests of owners and occupiers

Consultants' summary

Chapter 5 of the Scheme introduces general principles relating to the interests of owners and occupiers. Question 5a received 45 comments; 5b received 32 comments; 5c received 22 comments.

Impact on businesses

Some respondents are concerned about the potential impact of coastal access on businesses. Clarification is requested on a host of issues around this, such as whether Natural England will fund informal management techniques and measures such as signage to help avoid negative impacts. Others suggest temporary suspensions or redirections of the trail when dangerous activities or other necessary operations take place.

A number of respondents seek more information on how negative financial impacts on businesses caused by the trail will be assessed and what will constitute an impact significant enough to prompt redirection of the trail. Farms and caravan parks are among the types of establishment mentioned. Natural England is encouraged to direct the trail around rather than through fee-charging enterprises. It is felt that businesses will need clarity on what they can and cannot charge for, and that efforts should be made to communicate this information clearly.

Privacy and security

A number of respondents focus on the importance of respecting people's privacy, with a few wanting a stronger defence of private interests. It is remarked that there is no single, clear definition of curtilage and it is suggested that Natural England develops one to ensure consistency of application. It is generally agreed that curtilage should be excluded for reasons of safety or security as outlined in the document, but some respondents feel that other types of property such as caravans should also have their surrounding areas included. It is suggested that partner organisations such as the police and FarmWatch be liaised with to address security concerns.

Changes in the use of affected land

A number of respondents are pleased that the trail will not prevent future development or other change to the use of land adjacent to it. Some state that anticipated changes to land (such as port expansion) should be factored into the alignment of the trail when it is first laid out. Some respondents are concerned that landowners might exploit this provision and initiate building projects or undertake change of use works with the intention of having their land excluded from coastal access.

A few comment on the provisions for temporary routes to take account of temporary changes in land use. Some express their support for this provision; a few ask for further explanation and definition. Others prefer a permanent route to avoid confusion amongst users, rather than having alternative and temporary routes.

Natural England's response:

There appears to be strong support for the principles outlined in this chapter, in particular the principle that businesses should not suffer any significant financial loss as a result of the new access arrangements. We have added further reassurance in section 5.3 to make clear that business will not be expected to contribute in any significant way to the establishment and maintenance costs associated with improved coastal access.

We recognise that detailed discussions will be necessary in some instances to understand the potential for financial impacts on particular businesses. Allowance will be made for these discussions during the implementation process and proper account will be taken of what they reveal in terms of sensitivities to new access. The Scheme already includes considerable detail on this process, which we have strengthened in some ways following the consultation (see our response to the comments on chapter 3).

We acknowledge the desire for a clear definition of what is meant by the curtilage of a building. However curtilage is an established legal concept and as such it is for the courts to interpret.

5.2.3 Chapter 6. Striking an appropriate balance

Consultants' summary

Chapter 6 of the Scheme explains the range of solutions available to Natural England to ensure that an appropriate balance is struck between the key principles of alignment described in Chapters 4 and 5. This was a new chapter for the consultation version which did not appear in the Draft Scheme published in 2008. Question 6a received 61 comments and there were 39 comments to question 6b.

Striking a balance

A number of respondents emphasise the importance of striking a fair balance. Some are concerned that the chapter focuses too much on the least restrictive option. One respondent highlights the important role of Natural England in finding a balance between different interests. Another asks for conflict resolution guidance to be provided, alongside other techniques that facilitate a fair balance.

Respondents debate whether Natural England's approach is suitable at all times. Some are convinced that this is the case, whilst a few others worry that it may be in conflict with the Habitat Directive's precautionary principle, adding that the Scheme should provide details of tests that should be applied in such instances.

There is some concern among respondents around the costs that both private interests and local authorities may be faced with.

Management of coastal access rights

Respondents mention potential impacts on nature conservation and residents' interests and call for a simple, quick, low-cost appeal process for land managers when they apply to restrict or exclude access. Also, respondents wonder who will cover the cost when intervention is necessary; a few express support for advice being sought from local experts.

Clarity is sought by a small number of respondents around the procedure for providing a temporary route and how the public will be informed of the change. They suggest that this procedure should be straightforward, the costs met by Natural England and a maximum timeframe determined for a temporary route to be in operation.

Linked to this, concerns are expressed around the resources available to implement informal management techniques. Guide fencing is seen to be sufficient in some instances and mowing or strimming a way through grassed areas another effective way of guiding people.

Other points that are raised in relation to the scope of directions for:

- Managing dogs – to ensure that their impact on nature conservation, farming and other owner or occupier interests is kept to a minimum and that dog faeces are collected;
- Managing the land – through consultation with landowners, land managers and representative bodies of user groups, the access authority and others;
- Avoiding danger to the public – by Natural England giving directions for this purpose and to confirm that there will not be any residual liability on the landowner and/or occupier for injury;
- Preventing fire – with land managers excluding access at their discretion;
- Conserving nature – by excluding access to spreading room where nature conservation protection is needed;
- Preserving heritage – by seeking advice from organisations that have historic datasets and know where there are historic features that are not Scheduled Monuments;
- Accessing areas of saltmarsh and mudflat – these land types should be assessed on a case by case basis, using the criteria used to assess the suitability for access (set out in 7.15.9);
- Continuity of access – when there are times of the year when site licences require some occupiers (i.e. caravan parks) to be closed.

Natural England's response:

Striking a balance

There seems to be good overall support for the proposals in this chapter. We acknowledge those who feel that it focuses too much on the least restrictive option, but this concept is implicit in the requirement under the Act to aim to strike a fair balance between private and public interests, and in the requirement for CROW restrictions or exclusions to be necessary. With respect to the requirements of the Habitats Directive, we would draw attention to the tests described in section 4.8 of the Scheme.

Management of coastal access rights

We have added clarifications in section 6.6 about the application process for local restrictions and exclusions after the approved coastal access proposals are introduced on each stretch. There is also new detail in section 6.7 about the provisions for 'outline' directions, which allow greater flexibility about the exact timing or, in some cases, location of local restrictions and exclusions once the necessity for these to apply periodically has been established up front.

We recognise that the arrangements for the operation of temporary and alternative routes will be unfamiliar to people to begin with and that information will be necessary to explain them to the public. We acknowledge our role in this in the new material at chapter 3 of the Scheme about stage 8 of the implementation process.

The more detailed points appear broadly in line with our proposals.

5.3 Part C: Application of the key principles

5.3.1 Chapter 7. Coastal land cover and landforms

Consultants' summary

Chapter 7 of the Scheme indicates Natural England's 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. Question 7a received 58 comments; 41 comments were made in response to question 7b. The majority of suggested improvements and comments are related to one or more of the sixteen sections of the chapter that deal with the various land cover or landform types identified.

Public access to various land covers and landforms

In relation to the section on cliffs respondents are most concerned about safety. Although some respondents suggest that cliff tops be designated as spreading room (benefiting rock climbers) it is acknowledged that this could increase the danger to others, particularly the young and inexperienced. Generally speaking, most respondents feel that where there is a hidden danger, users should be warned.

Other issues highlighted include the trampling of flora, disturbance to nesting birds, the potential for the collapse of burrows and damage to the homes of other creatures, and increased fossil hunting that could damage nature conservation features, increase erosion and spoil the

appearance of the area. These are also issues raised in relation to saltmarsh and mudflats and sandy beaches, spits and flats. Some advocate the use of directions to restrict access to these land types, or using informal management techniques during certain times of the year (for example, during the seal breeding season).

In terms of restricting access, there is clear support for not opening saline lagoons up for access and some respondents agree with excluding shingle from the route for the trail. However, others feel it is suitable to include shingle as it has an existing role in coastal defence, fishing and leisure. The same is said for rocky shores as the benefits of children learning about nature (through rock pooling) outweigh concerns about any damage that might occur. It is however claimed that the right to fossil hunt is not a public right and permission to do so is at the discretion of the owner.

Concern is expressed about the issue of the trail cutting across the necks of headland leaving all seaward land designated as spreading room. It is felt that this could have a significant detrimental effect on some farms as a large part of their property would become open to public access.

Several respondents comment on the routing of the coastal trail through settlements. They mention the need for routes which enable people to reach the trail from inland settlements and the provisions set out in the Scheme in relation to the consultation of local residents on a proposed route. A suggestion is made to treat large scale caravan parks in the same way as settlements in terms of path routing.

Issues are raised by some respondents around woodland which may be used for shooting, or where trees may pose a risk to users. A couple of respondents suggest that the sensitivity of estuarine woodlands should be recognised and treated similarly to saltmarshes, mudflats and vegetated shingle.

A range of options are suggested by respondents in terms of marking a trail through dunes including boardwalks and guide posts. It is questioned whether the pleasantness of the trail should prevail over safety and convenience, meaning that the coastal trail may be routed through dune systems unnecessarily. Issues are also raised about access for people with reduced mobility and the choice of access infrastructure provided.

A desire that access to all islands be provided is also expressed by some.

Management of dogs

In relation to heathland, grassland, fresh water habitats and saltmarsh and mudflats, most concerns are related to litter and the informal management of dogs, in particular the adverse effect of faeces and urine on both the environment and other users' experience; and the risk to wildlife and livestock. Dogs are also causes for concern with regards to areas of grazing marsh, alongside public safety issues about the inclusion of these areas in spreading room.

Natural England's response:

We appreciate the time and effort taken to offer detailed examples to illustrate particular points about specific land types in this chapter.

Overall, there appears to be support for our approach here to particular land cover types and landforms, including the management of dogs, although we acknowledge that many respondents suggested improvements in particular areas.

In response to comments in relation to this chapter and earlier chapters, we have added further detail about our intended use of the discretionary power to exclude access to saltmarsh and flats that we consider unsuitable for access.

We have also re-examined our treatment of particular issues in response to some of the more detailed comments. In some cases, we have decided to give more prominence to particular issues, notably potential disturbance to mammals (including seals). We have emphasised in the Scheme that chapter 7 is intended to cover the most common safety and nature conservation issues that we will be required to consider during the alignment process, and we have acknowledged that there will be others that are not specifically anticipated in it.

5.3.2 Chapter 8. Coastal land use issues

Consultants' summary

Chapter 8 explains Natural England's 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. Question 8a received 73 comments; 50 comments were made in response to question 8b. The majority of suggested improvements and comments relate to the 25 different types of coastal land use outlined within the chapter.

Public access to land with specific uses

Issues around bulls, cattle, horses and ponies and sheep generate a good deal of interest amongst respondents. Concerns are raised around the implications for users and livestock when they are brought into contact with each other, with many believing that dogs will be the main catalyst for trouble by either antagonising or frightening livestock, causing them to chase or attack users. There are some suggestions on mitigating dangers, such as removing bulls from fields through which the coastal path will pass, erecting fences to separate livestock and the public, local access restrictions, signage, and education of users. A number of respondents state that the trail should be flexible to the needs of farmers and not the other way around.

Animal diseases and their spread (in some cases via dogs) are seen as serious issues which need attention. A number of respondents feel that measures for dealing with outbreaks or for ensuring bio-security measures should always take precedence over the right of users to have public access. In relation to this many point out that the coastal access policy should also be aligned to Defra's policy for controlling the spread of animal diseases.

Concerns are also raised about enabling access to fields used for crops, particularly if it results in loss of productive land for farmers or damage to crops and access to areas where pesticides have been used. Suggestions for reducing the impact include permitting the path to be of a narrower width than the advocated 4 metres, aligning the path around the boundaries of a field rather than across it, and excluding cropped fields from spreading room.

Some point out a discrepancy between the definition of what counts as cropped land in the legislation (land ploughed for cropping in the last 12 months) relative to the definition used for environmental stewardship schemes (land ploughed in the last 5 years). Respondents who mention game birds and wild deer are concerned about the safety of areas where traps are used or shooting of wild deer occurs. Despite this, many feel that deer management and users can, for the most part, co-exist happily.

Respondents are concerned about the possible implications of coastal access for shooting activities. A number look for clarity and reassurance on these issues, stressing in particular the importance of preventing disturbance to wildfowl in coastal areas.

In relation to work operations, some respondents feel that there should be provision for a simple method of enabling areas to be closed for periods of time to allow for operations such as the repair of coastal defences. It is also suggested that Natural England makes a stronger commitment to providing an alternative route where the trail is closed to enable work operations.

Explicit guidance and special conditions to minimise the impact on and disturbance of special events held on spreading room, or land adjacent to the coastal path, is requested by a number of respondents. Related to this, respondents believe that it should be clearly stated that land used for visitor attractions will not be designated as spreading room. It is welcomed that businesses would be allowed to charge for goods or services on the trail route, but there are demands that it should be clearly stated that attempts to charge users for using the trail would be prohibited.

Loss of exclusivity, privacy and personal enjoyment of private properties, particularly gardens, is a key issue for some with regard to private houses, hotels, holiday properties and parks and gardens as well as camping and caravanning sites. Others welcome the intention to negotiate routes through these areas where possible, to prevent large inland diversions from the coastal trail.

With regard to man-made features, respondents suggest that the Scheme should make it clear that private individuals should not bear the cost of repairing damage on their properties caused by coastal path users.

Some people express concern about the apparent lack of joined up planning between those organisations developing Shoreline Management Plans and those developing coastal access, which it is feared may result in missed opportunities.

Safety-related concerns are expressed in relation to:

- Golf courses – there is some dispute around the idea of a 30 metre safety margin around golf courses, which some believe is not always sufficient;
- Flood defence and coastal erosion risk management – it is noted by some that sea walls and defences can be dangerous due to the presence of slippery algae; others note that setting the trail along defence features will potentially increase damage and erosion;

- Mineral workings – these would be particularly dangerous to children;
- Ports and industry – several respondents emphasise that the trail should pass on the landward side of port areas.

Natural England's response:

We appreciate the time and effort taken to offer detailed examples to illustrate particular points about specific land use issues in this chapter.

In response, we have re-examined our treatment of particular issues and been in contact with several national organisations to get a better understanding of particular points and the scale of the issues that they raise. In some cases, we have added further details or clarifications about our intended approach – notably in relation to ports and caravan sites. In general, we have concluded that the approaches we propose are sufficiently robust.

We have also emphasised in the Scheme that chapter 8 is intended to cover the most commonly occurring coastal land use issues that we will be required to consider during the alignment process, and we have acknowledged that there will be others that are not specifically anticipated in it.

In response to concerns about a perceived lack of joined up planning between those organisations developing Shoreline Management Plans and those developing coastal access, we wish to emphasise that there has been close dialogue between Natural England and the Environment Agency throughout the development of the Scheme, including detailed testing and ground truthing in relation to various scenarios for flood and coastal erosion risk management. We would draw attention to both section 4.9 of the Scheme and stage 1 of the implementation process described in chapter 3, where we acknowledge the importance of coastal erosion and flood risk management to our considerations.

5.3.3 Chapter 9. Illustrated examples - open coast

Consultants' summary

The illustrations in the consultation version of Chapter 9 are the same as those in Chapter 8 of the Draft Scheme published in 2008, with some minor clarifications. 28 comments were made in response to question 9a and 19 comments to question 9b.

Concerns are raised by a number of participants in relation to the examples in this chapter of how the access provisions may take account of:

- Potential landslips – which may close paths, pointing to the need to plan ahead and have alternative routes.
- Privacy – comments on examples of proposals to avoid detriment to a householder's privacy
- Conservation of birds – whether or not it is necessary to exclude the public all year round or just during particular times of the year

- Shingle – has it been assessed on the ground, to check if it is a reliable walking surface?

Spreading room

Spreading room is also discussed by a number of respondents in this chapter. They raise specifically the issue of whether or not users of the trail will be able to make the distinction between access land and non-access land in some examples including, managed grassland and rough grazing (where there is no clear landward boundary); pasture land (where it is feared that access could impact the agricultural use of the land or lead to confusion to walkers on the ground); woodland (where some parts are not included in spreading room because of game shooting activity, yet other parts of the woodland are included); livestock areas (where a more general exclusion throughout the affected areas is suggested to avoid confusion). One solution suggested is that the extent of spreading room could be defined more simply as everything seaward of the trail.

Information provision and level of signage

A few respondents generally outline concerns around information provision and the level of signage suggested by the examples to guide those using the access. One believes that information provided should be sufficient to ensure that conflict and risk of interference with owners' and land managers' objectives is minimised. Another notes that the current proposals put great reliance on the public reading and taking notice of signs, which from experience could be questioned. Some respondents go on to say that the provision of maps for users is a must to avoid confusion.

One respondent also suggests that it would be useful to include an illustrated example outlining the route alignment around a piece of land used for a statutory undertaking under the CROW Act to illustrate possible route alignment options around this type of excepted land.

Natural England's response:

The examples given in this chapter of the Scheme are intended only to illustrate how coastal access might be implemented in a range of common situations. The range of comments serves to illustrate the complexity of considerations that will underpin our eventual recommendations in similar circumstances, and the possibility of alternative scenarios. As a result we have decided not to make any significant changes to them.

We acknowledge the importance attached to clarity for the public about the extent and management of the rights. Our intention is that our recommendations for the trail and landward spreading room should be intuitively recognisable to the public so far as is practicable. We accept that some people will wish to use maps to guide them, but we do not think that they are representative of all users. In some cases it will be necessary to provide information on the ground to clarify particular local arrangements such as the operation of alternative routes. This is acknowledged in chapter 3 of the Scheme.

5.3.4 Chapter 10. Additional considerations at estuaries

Consultants' summary

The consultation version of Chapter 10 is similar to Chapter 9 of the Draft Scheme published in 2008 but includes more detail about the assessment at estuaries of ferry services and recreational benefit from coastal access. 34 comments were made in response to question 10a, 22 comments to question 10b and 23 comments to question 10c.

General points about estuaries

Generally, respondents identify issues related to the seaward limit of estuaries, the relevance of existing rights of way and additional points to consider adding to the Scheme. Some respondents support the extension of coastal access to the first public pedestrian crossing of estuaries rather than stopping at the seaward limit. However, one respondent is disappointed that the decision in each case might be primarily based on affordability. Some respondents note that extending coastal access may not be necessary where there is already adequate public access because of existing footpaths, rights of way and regular public transport available. Suggestions are made by a couple of respondents to consider Rights of Way Improvement Plans, associated strategies, including green infrastructure plans and existing information booklets illustrating walks, prior to making decisions.

Alignment criteria at estuaries

Clarity around the extent of access at estuaries is a key theme of comments to this chapter. Among these, respondents believe that:

- Estuaries are likely to be excluded from the coastal access trail on cost benefit grounds
- The trail should extend to a pedestrian crossing if one exists
- The Scheme should be stronger and clearer in rejecting access improvements up estuaries which are characteristic of a river rather than a coast
- The Scheme should state how the cost of establishing coastal access rights along convoluted estuary shorelines (or indeed anywhere else on the trail) is to be measured and how the value of the public benefit is going to be assessed
- The inclusion of relevant upstream waters within the route of the trail should be documented in writing by Natural England to clearly outline the reason it considers the estuary to meet the criteria in Section 301(4) of the Act 2009
- There may not be a sure way of reaching the coastal trail from places upstream unless it extends up the estuary.

One respondent's view differs to others that commented on this chapter. They question the inclusion of estuaries at all, stating that they are either built up or full of ports and industry. This respondent goes on to say that enough money is going to be spent on sorting out the open coast and that the inclusion of estuaries is perhaps a step too far.

Ferry services

A number of the respondents provided information or views about specific passenger ferry services. Challenges in crossing estuaries, particularly those without a year-round and regular

ferry service are acknowledged by a couple of respondents. One welcomes Natural England's approach and the flexibility in Chapter 10 and specifically states that they trust Natural England will take into account trail continuity when deciding how the trail will traverse estuaries.

Recreational benefit

Respondents agree that recreational benefit is an important factor for consideration. Some believe that defining the benefits available from coastal paths would be advantageous to walkers, local residents and tourists.

Natural England's response:

Overall, the comments on this chapter appear to support our approach to applying the criteria for estuaries set out in legislation. Some seek to stress the importance of one criterion over the others. However, we have not made any significant changes in the final version of the Scheme.

5.3.5 Chapter 11. Illustrated examples – estuaries

Consultants' summary

The illustrations in the consultation version of Chapter 11 are the same as those in Chapter 10 of the Draft Scheme published in 2008, with some minor clarifications. 28 comments were made in response to question 11a and 20 comments to question 11b.

A number of local situations are referred to by respondents in relation to the figures showing estuaries within this chapter. Points are made around:

- Pedestrian bridges – particularly their location with regard to the route
- Ferry services – both new and existing, to ensure viable crossing points
- Port and industrial facilities – the need for them to be considered as excepted land, and a localised example where they are implementing a managed realignment scheme
- Birdlife – some species are protected and would be disturbed if new access was created.

Natural England's response:

We have not made any changes to the examples in this chapter. We have noted where respondents have offered particular local knowledge of these and other estuaries, which will be helpful to us when we prepare our recommendations on the affected stretch.

Appendix 1

Participation figures used in chapter 4 of the report

Participation figures relating to Figure 1: Total number of submissions received via each media

Submission type	Number received	% of overall number received	% of overall number received (excluding template email)
Form - online	135	59	76
Form - post	2	1	1
Form - email	6	3	3
email	33	14	19
Letter	2	1	1
Standard email	52	23	0
Total	230	100%	100% (based on total of 178)

Total registrations and submissions from participants and the number of people who wish their submissions to be treated as confidential

Confidentiality	Participants registered	Participants submitted
Wish submission to be treated as confidential but no reason provided	12	5
Wish submission to be treated as confidential and provided a reason to treat submission as confidential	5	2

Participation figures relating to Figure 2: Total registrations and submissions from participants by sector

Sector	Participants registered	Participants submitted
Business	26	21
Environment or amenity organisation	50	41
Government agency/sponsored body	12	11
Individual	103	86
Local Access Forum	32	27
Local or regional government	38	30
Professional / trade association	19	14

Appendix 2

List of consultation questions

The questions listed below are written as they appeared in the online form on the consultation website.

Part A: Introduction

Chapter 1. The Scheme

- 1a) If you have any specific improvements to suggest on this chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

- 1b) If you have any further general comments on the Scheme as a whole, please record them here:

Chapter 2. The framework for alignment

- 2a) If you have any specific improvements to suggest on this Chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

- 2b) If you have any further comments on this Chapter, please record them here:

Chapter 3. Implementation

- 3a) If you have any specific improvements to suggest on this Chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

- 3b) If you have any further comments on this Chapter, please record them here:

Part B: Key principles of alignment

Chapter 4. Public interests

- 4a) If you have any specific improvements to suggest on the new details in this Chapter (sections 4.2, 4.3, 4.7 and 4.9), please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

- 4b) If you have any other specific improvements to suggest on this Chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

- 4c) If you have any further comments on this Chapter, please record them here:

Chapter 5. Interests of owners and occupiers

- 5a) If you have any specific improvements to suggest on the new details in this Chapter (section 5.5), please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

- 5b) If you have any other specific improvements to suggest on this Chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

- 5c) If you have any further comments on this Chapter, please record them here:

Chapter 6 – Striking an appropriate balance

- 6a) If you have any specific improvements to suggest on this Chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

- 6b) If you have any further comments on this Chapter, please record them here:

Part C: Application of the key principles

Chapter 7. Coastal land cover and landforms

7a) If you have any specific improvements to suggest on this Chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

7b) If you have any further comments on this Chapter, please record them here:

Chapter 8 – Coastal land use issues

8a) If you have any specific improvements to suggest on this Chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

8b) If you have any further comments on this Chapter, please record them here:

Chapter 9. Illustrated examples – open coast

9a) If you have any specific improvements to suggest on this Chapter, please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

9b) If you have any further comments on this Chapter, please record them here:

Chapter 10. Additional considerations at estuaries

10a) If you have any specific improvements to suggest on the new details in this Chapter (sections 10.3 and 10.5), please record them here:
(Please provide specific references to any sections or paragraphs you refer to)

10b) If you have any other specific improvements to suggest on this Chapter, please record them here:

(Please provide specific references to any sections or paragraphs you refer to)

10c) If you have any further comments on this Chapter, please record them here:

Chapter 11 – Illustrated examples – estuaries

11a) If you have any specific improvements to suggest on this Chapter, please record them here:

(Please provide specific references to any sections or paragraphs you refer to)

11b) If you have any further comments on this Chapter, please record them here:



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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