

# NATURAL ENGLAND BOARD



**Meeting 3**  
**21 February 2007**

Paper No: **NEB P07 03**

Title: **Improving Coastal Access**  
Sponsor: **Guy Thompson – Executive Director, External Affairs**

## **1. Purpose**

1.1 This paper summarises:

- a. the evidence base underpinning Natural England's advice to Government on improving coastal access in England, which is due to be submitted at the end of February;
- b. our assessment of the suitability of the main existing mechanisms for taking this work forward; and
- c. the strategic conclusions and recommendations on which we propose Natural England's advice should be based.

## **2. Recommendations:**

2.1 It is recommended that the Board:

- a. Notes the summary of the evidence base set out at section 4 and in the annexes to this paper.
- b. Agrees the analysis of the opportunity for Government (section 5) and the proposed strategic conclusions (section 6).
- c. Notes the summary analysis of the strengths and weaknesses of existing legal mechanisms, and agrees the proposed recommendations about the best way forward (section 7).
- d. Agrees the proposals for complementary work to improve environmental interest on the coast (section 8).
- e. Agrees the summary of our proposals in Box 1, and the summary of the outcomes they would deliver in Box 2..
- f. Authorises Chair to sign off the final version of Natural England's advice for submission to Government and for publication.

## **3. Background**

3.1 Improving access to the English coast was identified as a priority issue in Defra's five year strategy published in 2004, and the Labour Party's Rural Manifesto of April 2005. In July 2005, Ministers proposed that action to improve coastal access should be an early "flagship" initiative for Natural England, helping to demonstrate how access, landscape and wildlife benefits can be integrated in a positive and practical way.

3.2 Ministers have published a vision for this project:

*"A coastal environment where rights to walk along the length of the English coast lie within a wildlife and landscape corridor that offers enjoyment, understanding of the natural environment and a high quality*

*experience; and is managed sustainably in the context of a changing coastline”*

- 3.3 The proposed detailed outcomes are, in summary:
- a. Secure access along the length of the English coastline, accepting that this may be subject to some exceptions, whilst considering erosion, accretion and realignment.
  - b. A more accessible coastline, by creating physical routes to access the coast and by encouraging more people to enjoy the coast.
  - c. Improvements for coastal wildlife and the landscape, as well as encouraging people to enjoy and understand this environment.
- 3.4 Annex 1 sets out in full the Government’s desired outcomes and the detailed assessment criteria adopted by Defra.

#### **4. Summary findings from our evidence gathering**

- 4.1 Natural England was asked to advise on the appropriateness of these outcomes, and on the best means of delivering them. To inform our advice, we undertook a detailed programme of research and investigation into the underlying facts. This included:
- a. Collection and analysis of spatial coastal data.
  - b. Investigation into coastal land types and access delivery mechanisms.
  - c. Consideration of the possible costs of different mechanisms.
  - d. Market research to assess current public knowledge and use of, and demand for, coastal access.
  - e. Investigation and local discussion within four different study areas.
  - f. Assessment of ways to integrate and maximise landscape, historic environment and wildlife benefits with access provision.
  - g. An investigation into coastal access in selected European countries.
- 4.2 Annexes 2 – 6 summarise in more detail the findings of our investigations. Full reports of the external research we conducted will be made available during the forthcoming Government consultation exercise on this subject.
- 4.3 Since vesting, we have undertaken a renewed exercise to fully engage key national stakeholders, firstly by seeking written statements of their current views, and then at a workshop on 21 November. The stakeholders represented at that workshop are listed at Annex 7. This workshop enabled us to hear their aspirations and concerns directly, and enabled them to comment on our emerging analysis of the options and share with us any additional options that they felt worthy of consideration. The analysis and proposals in this paper reflect the benefit of their direct advice.
- 4.4 The overall picture that emerges about coastal access is:
- a. The coast is enormously popular with people - for beach activities and wider forms of recreation, for enjoying nature or scenery, for walking along the coast, or – more usually – for some mix of these experiences, often alongside others like shopping, eating and drinking. There is evidence that walking along the coast is the most popular single coastal activity, more popular even than visiting the beach.

- b. There are currently no general rights for people to use the coast in this way. Their current use of it is through a mixture of legal rights, other long term arrangements (such as National Trust ownership), short term permissions, and the many situations where people just walk along sections of coast in places where they know this has been possible in the past.
- c. Some sections of coast offer people a good sense of freedom and space. Some leave them feeling unpleasantly constrained or even unsafe. Some are simply not available to them.
- d. On the sections people are legally allowed to use, there is massive variation in the standards of management. Some sections are well managed, others physically impassable. Some give people the certainty and confidence that the market research shows they seek when visiting the coast – others do not.
- e. Some sections of coast are rich in, but others poor in, wildlife interest. There is huge potential to improve people's enjoyment – and produce corresponding environmental benefits - by providing incentives for rolling back of intensive farming from the coast, in particular from cliff edges.
- f. If people try to walk around the coast rather than stay in one place, their experience reflects this variety of situations. Where they have a choice, they tend to use sections of coast where they are confident that the experience will be a positive and enjoyable one, rather than a negative or frustrating one – but at the local level, this choice may be significantly constrained by the circumstances on the ground.

## **5. The opportunity for Government**

- 5.1 There is therefore a substantial opportunity for Government. The opportunity is to enable people to arrive at the coast anywhere in England in the confident knowledge that:
  - a. There will be clear, certain, well-managed access around the coast in either direction from that point – whether they are seeking a one hour stroll, or a two day hike.
  - b. They will generally also have access to some areas of 'spreading room' – such as headlands and uncultivated land – en route.
  - c. They will be able to enjoy a rich and varied natural environment as they go.

It would be possible at the same time to formalise public access rights over the vast majority of beaches, in order to provide certainty for the future.

- 5.2 To realise this opportunity on a national scale would represent a step change from the current situation, and would require significant investment by Government. Realising it would bring substantial social, environmental and economic benefits.

## 6. Proposed strategic conclusions

6.1 The following strategic conclusions can be drawn:

- a. We should support and endorse the vision and outcomes adopted by Government.
- b. They should be realised through a mix of national momentum with local involvement and design – reflecting existing best practice in coastal access management and in environmentally sensitive land management. This approach would allow the detailed provision to fit the circumstances, and would provide best scope for local initiative and for problem resolution.
- c. The chosen solution must be scalable, so that the amount of activity at any one time can be geared to the resources available.
- d. Continuity of good quality access along the coast (including around estuaries, normally up to the first permanent crossing point) should be a key focus, to provide the clarity and confidence people seek when they visit the coast. Action to achieve this continuity should concentrate on filling existing gaps in access, improving the quality of experience (for example by increasing spreading room en route), and improving the 'fit' with other land uses.
- e. There is a concentration of wildlife sensitivities – and health and safety issues - on salt marshes and mudflats. Improving access to these areas would therefore be complicated, and the practical public benefits limited, so this should not be a national priority in its own right.
- f. There will be localised opportunities to improve access to reach the sea from inland, and to provide circular walks and positive links with public transport. It is also at this 'local design' level that the scope to improve access other than on foot, and to provide easy access routes for all, is best assessed.
- g. Coastal change is widespread, and likely to accelerate. This already imposes significant limitations on the availability of continuous access. An access solution will only make sense if it is future-proof and flexible, working with rather than resisting the natural process of coastal change.
- h. New coastal access rights will need to be supported by effective management on the ground to facilitate, guide and accommodate people's access, and to meet the needs of nature conservation. There is also excellent scope for complementary action to protect and improve the coastal environment and its wildlife, both for their intrinsic value and to sustain and increase people's enjoyment of the coast.
- i. Achieving all of the above would have a significant and positive impact on the coastal economy, and on the health and well-being of the English population.
- j. Concern has been expressed by a range of stakeholders about the legal liability that coastal land managers might owe towards users of

new access rights, or towards others affected by the actions of those users while exercising such rights. In respect of occupiers' liability, the reduced level of liability introduced by the CROW Act in relation to open country and registered common land has so far proved to be fit for purpose, and should therefore be the starting point for coastal access.

## 7. **Primary legislation will be needed to meet the Government's access aims**

7.1 Thorough analysis of the main legal mechanisms that are currently available indicates that none of these can deliver the Government's vision, create the right mix of national momentum with local delivery and design, and future proof coastal access against coastal change:

- **Temporary scheme arrangements** (such as Environmental Stewardship agreements) score well for their scalability, and their potential role in improving the coastal environment and possibly contributing to good management of access along the coast. But they cannot deliver long term access improvements, and are entirely dependent on the willingness of the landowner to 'opt in' to the access – so the impact would at best be piecemeal. They would also be likely to prove the most expensive solution per kilometre of improvement over time, because payments would have to continue year on year in order to sustain the access.
- **A CROW section 3 order** could deliver long term access, without this being dependent on the landowner opting in. It also looks on paper to be the least costly of the existing mechanisms. But it is unlikely to be fully scalable: the cost would be likely to fall chiefly in the first few years, and the scale of the spend could be difficult for us to influence once the mapping and appeals process had started. A 'non-mapping' approach could only be pursued if a section 3 order were able to permit this, and there is no clear power to do this. An order could not provide the local flexibility to 'design access against need', and for legal reasons would involve a much larger land take (for example 'one field back') than is actually required to deliver against the Government's vision and the guiding principles set out above. Nor would it provide the necessary powers to secure effective management of coastal access on the ground.
- **Public path creation agreements and orders** could deliver permanent public rights of way through one-off action and investment (in incentive payments or compensation) – and clear presumptions about the highway authority having responsibility for future management. They would also offer the required scalability, and the flexibility to act only where necessary. But the necessary national momentum would be lacking because the regime turns on proactive highway authority activity, and the scope for this around the country is variable. Furthermore, past experience of using orders as a last resort shows this takes as much as ten years to achieve and cannot in any case deliver a path that 'rolls back' with coastal erosion – so the whole exercise (and cost) may then have to be repeated further down the line.

7.2 The Board is therefore advised to recommend that Government should legislate to create an approach that combines the best features of the existing mechanisms - offering customised powers to make sense of the unique

coastal situation, and to ensure the necessary flexibility to the circumstances on each section of coast.

- 7.3 The key outcome of the new legislation would be to enable Natural England to align a 'coastal access corridor' around the whole coast that people could enjoy with confidence and certainty. This corridor would typically incorporate:
- a. sections with existing satisfactory access,
  - b. sections where a poor standard of existing access is improved,
  - c. sections of completely new access, and
  - d. some new areas of spreading room, such as headlands or uncultivated land, en route. The corridor might also include the vast majority of beaches, over which existing public access could be formalised. We anticipate that some form of improvement or gap filling would be required on about half of the coast, though the amount of activity would be scalable according to the resources available.
- 7.4 The alignment process would be conducted in accordance with a statutory methodology approved for the purpose by the Secretary of State. It would involve identification – normally in words but where necessary on a map – of the access corridor along each section of coast, taking account of the existing pattern of physical features and boundaries. Appeal would be possible in any case where it is alleged the alignment is inconsistent with the Methodology. In addition to aligning a legal right of access, and also covered by the statutory methodology, any necessary establishment work would be undertaken to physically implement the route, for example by the installation of bridges, steps, new gates or path drainage. The route around the coast would be clearly indicated by visual signals on the ground. Depending on the terrain, a specific path might be managed along the corridor, to reinforce people's confidence and ensure safe and convenient access. There would be periodic maintenance and it would remain possible to revisit the alignment or management of a particular section at need.
- 7.5 This local alignment approach would make it possible to provide detours in the most appropriate way around existing coastal developments, and to design the access around nature conservation sensitivities. Improved provision for horse riding, circular walks, new routes to the coast from inland, and easy access for all trails could all be prioritised at the local level.
- 7.6 A fundamental feature of the new legislation should be that particular sections of access corridor - and the associated public rights over them - should be capable of 'rolling back' automatically with any erosion that occurs in the future. But Natural England should remain able in the future to realign any section of corridor if this proves expedient, whether because this kind of automatic rolling back is impracticable there, or for other reasons.
- 7.7 The national coastal access corridor could best be achieved through a rolling programme of alignment work undertaken over ten years. The first rough estimate is that the annual cost of this programme during a ten year creation phase would be between £2m and £5m. We will continue to refine this estimate, working with the consultant preparing Defra's Regulatory Impact Assessment, in order to make it as robust as possible by the time Defra go out to public consultation.
- 7.8 Any compensation payable to land managers would be in addition to the costs outlined above. The Countryside and Rights of Way Act 2000 provides a conditional "no compensation" regime in respect of access to open country

and registered common land, but subject to the exclusions set out in the Act. We should advise Government that the presumptions in CRow should not necessarily apply here, because free access to its undeveloped coastline should be the birthright of an island race, and the strength and intensity of the public interest in access along the whole of the undeveloped coast is accordingly greater than was the case for open country and common land. Additionally, the locally sensitive alignment of the access corridor which we propose would minimise any adverse financial impacts on property owners or land managers. Given these factors, there should be very few instances where compensation might be payable, and the Government should adopt a working presumption against paying compensation for public access rights along the undeveloped coast. We will, however, prepare a supplementary report to the Government on this issue, ahead of Defra's public consultation.

- 7.9 Discussion with local interests – including land managers, parish councils, other local authorities and local access forums, and wildlife and user groups – should form a key part of the local design that would be emphasised by these recommendations. In practice, Natural England would work through access authorities (typically county councils) in achieving much of the detailed alignment of the coastal access corridor, wherever we were satisfied that this would result in timely and effective delivery. There would also be a key role for access authorities in undertaking establishment works and maintenance. Funding arrangements should prevent any significant new burdens on authorities.

## **8. Complementary work to improve environmental interest on the coast**

- 8.1 We should also emphasise to Government that access to the coastline is not simply about pursuing particular forms of recreation. For many it is also crucially about enjoying fine scenery and a rich profusion of wildlife. There is exciting scope to improve this type of enjoyment by taking concerted action to sustain and improve environmental quality around the coastal access corridor – building on the excellent work already done under agri-environment schemes and other mechanisms. In particular, there is a strong case for this work to target the rolling back of intensive farming from clifftops in order to produce integrated benefits for wildlife, landscape and access and enjoyment. There is a particular issue where ploughing and cropping extend very close to the cliff edge. This can increase run-off and contribute to cliff erosion as well as making it more difficult to walk along the cliff and causing concerns about trampling of the crop. We should advise Government to consider the scope for using cross-compliance arrangements within the Single Payment Scheme to require an uncultivated margin to be left at the clifftop, in a similar way to that already required alongside hedgerows and watercourses. This would have significant public interest benefits.
- 8.2 So to complement the improvement of access provision under the new arrangements, Natural England should use local targeting of measures such as agri-environment agreements to improve the environmental interest of land within coastal parishes. We should also work with a full range of partners - including regional development agencies, the Environment Agency, the National Trust, and Lottery distributors – to explore how to maximise the contribution they can make to the same objectives.
- 8.3 These recommendations have not explicitly addressed wider issues of coastal zone management, but there is a need to do so in order to maximize the integration of conservation and access benefits along the English coast. We

should therefore recommend that Government considers, in developing its policies for the coastal zone, what further steps it could usefully take to target effort and resources towards the conservation and enhancement of environmental interest on coastal land.

### **Box 1**

Summary of our proposals:

1. The Government should legislate to create a new approach tailored to the circumstances of the coast;
2. Legislation should create statutory powers for Natural England to align a coastal access corridor around the whole of the undeveloped English coast, to create access where it does not exist and improve it where it needs improving, and to repeat this process later on any stretch of coast where we considered it necessary. We would not intervene on stretches of coast where good quality access already exists.
3. The access corridor would include new areas of spreading room along the coast, and could also formalise existing beach access.
4. Natural England's powers would include undertaking any necessary establishment work on the ground, such as installing gates and bridges.
5. All Natural England's powers would be exercised under a statutory methodology, approved by the Secretary of State. There would be a right of appeal against our failure to act in accordance with that statutory methodology.
6. Natural England would undertake nature conservation assessments as part of the planning process, to avoid significant damage to any features of importance.
7. Natural England would undertake much of the planning and implementation through access authorities, where they were willing to take it on. We would do it ourselves where the access authority was unwilling to act. We would fund the necessary work irrespective of who undertook it.
8. Local solutions would be designed in consultation with local interests, including local access forums and land managers.
9. This would require an implementation programme which we believe would cost between £2m and £5m per year over a period of 10 years. Work is continuing to refine the cost estimates.
10. There should be a working presumption against paying compensation for public access along the undeveloped coast, but we are undertaking further work on this issue.
11. The reduced level of occupiers' liability introduced for CRoW Act access land should also apply to coastal access.
12. There is a need for complementary work, by Natural England and others, to enhance coastal landscapes and wildlife.

## Box 2

In summary, our recommendations will deliver the following outcomes:

- **The public** will have continuous, good quality access on foot along the length of the undeveloped English coast, with clarity on the ground about where they can go and certainty for the future about access to the vast majority of beaches. They will have the confidence that access arrangements along the coast can be quickly and effectively adapted to coastal change, and the knowledge that arrangements will be tailored to local circumstances, in consultation with local interests. They will know that, wherever they reach the coast, they will be able to walk as far as they want in either direction with a minimum of inland diversions.
- **Land managers** will have the opportunity to be involved in designing sensible local solutions, and the confidence that Natural England will intervene only where there is a need to do so and that their commercial interests will be taken into account.
- **Local businesses** will be in a position to benefit from the anticipated growth in local markets that good quality coastal access can be expected to generate.
- **Conservation bodies** will be able to have confidence that coastal access will not only be designed and implemented in ways which avoid significant damage to wildlife and habitats, but that it will be accompanied by measure to enhance the coastal environment for both wildlife and the public.
- **Public bodies such as access authorities and the Environment Agency** will be able to have confidence that coastal access arrangements are future-proofed, designed to meet local circumstances, and much more compatible than current arrangements with the need to respond to future coastal change and sea level rise. They will also have, for the first time, a comprehensive starting point against which to plan and prioritise further local interventions, e.g to improve access to the coast, create new circular walks and links with public transport, and provide additional opportunities where circumstances allow for activities such as horse riding and cycling.

## Annexes:

- 1 - The Government's published outcomes and assessment criteria
- 2 - Facts about current coastal access and coastal change
- 3 - Summary report of work in four selected Study Areas
- 4 - Summary report of market research
- 5 - Summary report on coastal access in other countries
- 6 - Summary report on costs of coastal access
- 7 – List of stakeholders attending our November 2006 workshop

## **Annex 1 - The Government's published outcomes and assessment criteria**

### **A. Vision and detailed outcomes**

*"A coastal environment where rights to walk along the length of the English coast lie within a wildlife and landscape corridor that offers enjoyment, understanding of the natural environment and a high quality experience; and is managed sustainably in the context of a changing coastline".*

#### **Outcome 1: It will be possible to walk along and enjoy the length of the English Coastline.**

In more detail, this will mean:

- Access is effectively secured for current and future generations along the length of the English coastline.
- There will be exceptions (e.g. due to some types of developments, defence or safety issues, and to allow a sensible treatment of estuaries)
- A flexible approach is taken to ensure that when coastal change occurs, it does not prevent continuous lawful access along the coast.
- The access corridor is not so confined as to be dangerous or oppressive.
- The overall impact on local business is positive.

#### **Outcome 2: The coastline becomes more accessible**

In more detail, this will mean:

- New routes are secured where necessary for people to reach the coastline, for example from the first inland road.
- Clear local and national information is available.
- Action is taken to facilitate return journeys through the development of circular walks and through integrated public transport.
- Measures are taken to ensure that access to the coast is available to as many people as possible, and those who have traditionally not accessed the coast are made aware of the opportunities and facilities available to them.
- Opportunities to create economic value for local communities are encouraged.

#### **Outcome 3: Coastal wildlife, landscape, and quality of enjoyment improve through integrated action and policies**

In more detail, this will mean:

- Natural England and its delivery partners will concentrate their activities so as to provide multiple landscape, access, biodiversity and coastal management benefits complementing the action to secure access along the length of the English coastline.

- Activities will need to be prioritised within the coastal corridor, focused by specific, locally sensitive, integrated action and driven by a range of suitable mechanisms.

In wider terms, this will facilitate a softening of intensive agriculture along the coastline and a more diverse, wildlife-rich coastal environment.

## **B. Defra's assessment criteria**

Following consultation with natural England and its founding bodies, Defra has adopted the following criteria, against which to assess the alternative approaches to improving coastal access:

### **i) Extent of access**

- What is the total area to which new access would be granted?
- What would be its geographical distribution?
- Within coastal areas would there be specific areas or types of site permanently excluded from greater access?
- Does the new access fill a specific need in existing access provision, i.e. will it provide access opportunities where there is currently a lack of access or where people would benefit from more access or which is relevant to specific use or interest groups?

### **ii) Quality of access**

- What restrictions as to periods when land would not be open to public access would be considered reasonable? Would these vary from case to case, or between different types of coastal land and their ownership? If so, how?
- Would there be restrictions on numbers of people using a given area, for example, through the use of daily or other permits?
- What would be the impact of restrictions on the anticipated benefits of the proposals?
- Would codes of conduct or byelaws be applied to those using coastal land? If so, what would these cover, and what sanctions would be available in the event of any breach?
- How wide ranging would the access be - e.g. would it include horse riders, cyclists, etc?

### **iii) Permanency of access arrangements**

- Would the improvements in access to coastal land be permanent?
- Would arrangements be subject to periodic review or be capable of being revoked?
- What would happen when the ownership of the land or the policy of the owner changed?

### **iv) Clarity and certainty of access arrangements**

- What arrangements would be made to ensure people readily understood what coastal land was subject to access, for example by a nationally consistent approach, including the provision of clear maps?
- How would information relating to access to coastal land be publicised?
- Would it be made available nationally, regionally and locally? If so, how and in what form?

### **v) Cost effectiveness**

- What are the economic, social and environmental costs of the proposals?
- What are the economic, social and environmental benefits of proposals, including benefits to local areas of proposals
- What are the potential risks associated with the different options?

### **vi) Monitoring and enforcement**

- How would the policy be evaluated?
- Who should be responsible for monitoring and evaluating the policy?

### **vii) Ensuring everyone should have good opportunities to enjoy the natural environment**

- What are the distributional impacts of the policy?

### **viii) Coastal wildlife, landscape, and quality of enjoyment benefits**

What opportunities do the different access options provide or allow for managing access, managing the land and interpreting the interests, so as to:

1. PROTECT nationally or internationally important species, habitats and geological and historical features and the landscapes in which they are set?
2. ENCOURAGE a more diverse and wildlife rich coastal environment?
3. ENHANCE the quality of the visitor experience, both physically and by improving public understanding and appreciation of the special qualities of the coast, including its wildlife, geology, history and landscape.

## **Annex 2 - Facts about current coastal access and coastal change**

### **Availability of continuous access around the coast**

Original map analysis undertaken by Natural England for this project indicates that around 70% of the English coastline contains some form of legal right or formally recognised access within 200 metres inland of the high water mark (or on low-lying coast with a flood bank, along the flood bank itself).

However, access along the 70% is frequently fragmented by:

- the 30% of the coast with no known access;
- sections of the 70% with access where existing arrangements within the 200m zone do not 'join up' into a useable continuous route around the coast (eg because they exist at different distances above the high water mark or neighbouring rights of way are not aligned with each other);
- sections where the legal rights shown on the map have been lost through erosion, leaving the map out of date; and
- stretches where, despite legal continuity, the route is difficult or impossible to use in practice (eg because of missing or decayed steps, bridges etc), or there is no clear indication of any public rights on the ground.

About a fifth of the legal access rights within the 200 metre coastal buffer are provided by either a public promenade or road.

Of the 3000km of public rights of way around the coast of England within the 200m zone, only about 7% have higher rights (ie public bridleways, byways etc).

Some temporary access provision has been made under agri-environment schemes. We have analysed the impact of these schemes within our four study areas, which were selected to provide a representative sample of the English coast. The results show that this type of access – whether linear or area-wide - contributes only a very small amount to the overall length of accessible coastline. Access provided via the Woodland Grant Scheme contributes a fraction to the overall total.

A priority of heritage coasts was to develop continuous coastal paths. Of the 32 defined heritage coasts, 25 have a promoted coastal route along their entire length, while 3 have a route along at least part of their length. Around England, there are also 17 national trails or regional routes promoted as coastal paths. The South West Coast Path, Cleveland Way and Peddars Way/North Norfolk Coast Path collectively contribute more than 1000km of the total provision in England – although with significant sections of inland diversions along each. Areas lacking such designations are typically less well provided with continuous coastal access.

### **Beach access**

Where beaches are physically reachable, it is unusual for the public to be actively excluded. Most known exclusive beaches are in the south and southwest of England. The reasons for which owners exclude the public are either personal privacy or the role of exclusive beach access as an integral part of a commercial enterprise.

Our work has not revealed any groundswell of concern about the widespread reliance on de facto arrangements to provide access to many of England's beaches – although many people wrongly believe that they already have a right of access to

beaches. But there is public disquiet at prospect of de facto beach access being taken away by new developments, such as at Carlyon Bay in Cornwall.

### **Developed land**

Development of various kinds represents a significant obstruction to continuous access around the English coast, from major sites such as oil refineries or chemical works to small ones such as caravan sites or golf courses. Providing suitable diversions or ways through would make a real difference to continuity of access around the coast.

### **Defence land**

Some 10% of the land we have identified as having no known access is Ministry of Defence land. There are good examples of creative access solutions through such areas. The MoD has developed routes through some coastal ranges that allow for access when appropriate. An example of this can be seen at the MoD Lulworth Range in Devon. "Safe routes" through the Range are indicated by low standing yellow markers several metres apart. This underlines the importance of an ability to design provision to fit the local circumstances.

### **Access management**

Our research has shown that visual clues, and high quality maintenance, make a big difference to public confidence and safe enjoyment on the coast. Visual clues include branding such as the acorn used on national trails, waymarking and gates, and on site information.

### **Links to the coast**

To gain an understanding of the existing provision of link routes to reach the coast from campsites/caravan parks, car parks and settlements, 13 randomly selected coastal districts were analysed. Within these 13 districts, there were 135 campsites or caravan parks, 202 car parks and 137 settlements within 2km of mean high water mark. The great majority of these had existing links through to the coast. Whilst this is a somewhat crude method for analysing existing link routes, it suggests that in general there is a good level of provision of access to the coast from inland areas, particularly in the more popular coastal areas, and that any deficiencies are likely to be localised.

### **Estuaries**

Estuaries are important when considering access in counties defined by an estuarine coastline, such as Essex and Lancashire. In such areas, local people judge estuaries to be 'coastal'. There is no universally accepted means of determining the extent of estuaries but the first pedestrian crossing point often coincides, more or less, with the extent of tidal influence. Within the study areas, a desire for new pedestrian crossing points closer to the sea was sometimes raised.

### **Coastal change**

The coast of England is changing both through entirely natural processes, and as a result of human intervention. As with other considerations, these changes vary considerably around the coast, ranging from significant coastal retreat and increased

inundation, through stable conditions, to a few areas in which the coastal line is advancing seawards, by accretion and deposition.

While no data are currently available to detail the exact rates of coastal change, the Future Coast project has identified many significant sections of England's coast that are retreating. Any truly sustainable and long-term solution to coastal access must be capable of working with coastal change.

Whilst erosion may currently be a problem strongly linked with coastal areas dominated by soft cliffs, sea level rise - both global and relative to the local coast, due to tilt in tectonic plates - is likely to be an increasing problem over time in low lying and estuarine areas.

## Annex 3 - Summary report of work in four selected Study Areas

A number of coastal access related issues were investigated in more detail in four Study Areas selected by Defra's Coastal Land Advisory Group (CLAG)<sup>1</sup>, with advice from three independent coastal experts. Types of coastline subject to coastal change, incorporating a range of coastal habitats that could impact on the provision and management of access, were a particularly important consideration in selecting these areas. The Study Areas chosen were:

1. County Durham and Hartlepool coast
2. North Devon, Exmoor and West Somerset Coast
3. Southern Cumbrian Coast and Morecambe Bay
4. Suffolk Coast.

For each Study Area, the following work was undertaken: a stakeholder workshop; meetings with the relevant Highway Authorities; an on site survey; market research (see Annex 4); and an assessment of what improving access might cost (see Annex 6). This Annex summarises key findings from the discussions with stakeholders and Highway authorities, and the results of the on site surveys.

### Key findings from the stakeholder discussions

**Gaps in access at the coastline** were the most important issue for stakeholders in all the study areas. Continuous access is currently limited by a number of factors, including gaps in access provision on undeveloped land including farmland<sup>2</sup>, estuary crossings, harbours, power stations, nature conservation sites and private ownership which is linked to commercial returns (eg caravan site or private beach). In some cases, there are potential solutions to these blockages, eg access around or through the sites, but achieving them would often require capital investment that is currently not available locally. For example, in each of the study areas, at least one location was identified where continuous access could be provided with the erection of a bridge. One such case is in the Southern Cumbrian coast and Morecambe Bay study area where the need for a bridge has been identified (near Muncaster Castle) to rectify a gap caused by a ford which is flooded at high tide. On the North Devon, Exmoor and West Somerset coast, near Doniford, resources – currently unavailable - are needed to address a gap in access along the coast where there are three caravan sites.

**Managing nature conservation and access** emerged as the second most important issue for Study Area stakeholders. It was recognised that nature conservation and access can be managed together, although it was felt by some that there are existing conflicts between access and nature conservation that need to be resolved. Disturbance to bird communities on key sites is an issue in some places; it was also considered important to manage access on estuaries sensitively. Management measures identified by stakeholders included education, restrictions on key sites, and staffing (e.g. conservation officers).

**Coastal change** was the third most important issue identified by Study Area stakeholders. Stakeholders in Suffolk were particularly concerned, reflecting the rapid rate of erosion there, which in places can be 30 metres per year. For example, fast

---

<sup>1</sup> CLAG was formed at Defra's request to advise the Coastal Access Project. As well as Defra and the Natural England partners, its members are the National Trust, the MOD, the Local Government Association, the Environment Agency, English Heritage and CCW.

<sup>2</sup> This type of gap accounts for over half of the length of the coast that has no recognised access - some 17% of the coast.

eroding cliffs near Carlton Colville in the Suffolk Study Area are resulting in loss of the public rights of way as the cliff erodes to caravan site boundaries.

In considering **how best to improve coastal access**, stakeholders in all the study areas were of the view that a combination of options to meet requirements would be the best way forward, as there is no single option that would work. The need for consistency around the whole coast was also mentioned by some. Stakeholders in all study areas had concerns about using a CROW based approach, with the main concerns being landowner related issues, costs and lack of clarity.

The desirability of building on existing access provision, filling gaps in existing provision, and allowing for local involvement/solutions were highlighted. A linear access solution was favoured by many stakeholders, with some advocating a “string of pearls” approach (i.e. linear access with some area access). The need to accommodate nature conservation sensitivities and coastal dynamics was also advocated.

In summary, findings from the Study Area stakeholder work suggest that any solution to improving coastal access in England should incorporate these key elements:

- Priority for filling gaps in existing access
- Management for access, and to address nature conservation concerns
- Ability to accommodate coastal change
- Focus on linear access
- Allow for local involvement and local solutions

### **On site surveys in the Study Areas**

Following the Study Area meetings, maps were prepared showing potential survey routes in each study area. Participants at the meetings helped to inform these routes. The criteria used to select them were:

- a) The investigation of a variety of coastal types, and particular access issues, and
- b) The practicalities of visiting remote and/or short routes, though a) was the prime factor.

The survey routes were broken down into sections of between 20m and 5km, defined by field boundaries, gates, footpath or road junctions or changes in slope, surface, or surroundings. The sections were marked on the survey maps, and grid references and photographs taken. The entire Study Area was surveyed in Hartlepool/Durham (40km), 49km in Devon/Somerset, 47km in Lancashire/Cumbria and 47km in Suffolk.

**The survey found that the coastal access experience was compromised in 46% of the route, due to lack of sea view (29%), development (9%), contained width such as close fencing (5%) and poor path condition (3%). It was not compromised by lack of access because the surveyors were only able to carry out their work from public rights of way, national trails, or promoted regional routes.**

## Annex 4 - Summary report of market research

This annex summarises the findings of qualitative and quantitative research conducted by Mori within the four study areas identified at Annex 3 to establish the demand for and use of the English coast.

### The importance of the coast to the English public

The work found that the coast is important to people for the following reasons:

1. **What it symbolises:** many people talked spontaneously about the impact of Britain's island geography on **national identity**. This is most keenly felt by local coastal residents and regular visitors.
2. **Relaxation:** the coast is seen as a **place of rest and relaxation**, particularly among those who lead busy lives, or are seeking peace and quiet.
3. **Sense of freedom:** coastal visits to beaches or open areas by the coast are often associated with the word "freedom". In many cases, this feeling is one of the major reasons for visiting the coast in the first place.
4. **Scenery:** coastal scenery is also important, and a recurring theme was the need to have visual access to the sea.
5. **Wildlife:** people, particularly with children in mind, are drawn to the coast to experience its wildlife.
6. **Tourism:** for many living close to the coast, the coast is fundamental for their livelihoods and the local economy, as well as their own pleasure.

### Current use – coastal visits and activities

- The coast is a popular destination, with 72% of people having visited the coast in the last 12 months. 65% of these have carried out an activity on foot:
  - o 43% have taken a short walk (up to an hour).
  - o 33% have taken a long walk (1 hour or longer).
- In 2006, 27% said they visited the coast frequently, 16% said they didn't visit frequently and had no interest in going any more, while 51% said they didn't visit frequently but would like to visit more.
- The coast is visited by a broad section of the population:
  - o All age ranges have undertaken an activity at the coast in the last 12 months – highest is 35-44 year olds at 79%. The lowest is 55+ year olds at 65%.
  - o All social classes have undertaken an activity at the coast in the last 12 months – highest is AB at 79%. The lowest is DE at 60%.
  - o Those with children in the household visit more often than those without (78% vs. 69%).
  - o Those who live by the coast visit more than those who live further away (87% vs. 68%).
- The main area of difference with regard to undertaking an activity at the coastline is with regard to ethnicity; 75% of white people have undertaken an activity at the coast as compared with:
  - o 34% of black people
  - o 44% of Asian people
  - o 73% of mixed race

The three main reasons for not visiting the coast are lack of time, distance to travel, and cost.

### **Current understanding of access and access situation**

Spontaneously the majority of people think that they have the right of access to England's coast and beaches – **59%** of people were unaware that they do not have an automatic right of access.

Lack of clarity causes confusion when accessing the coast – people feel that they should be trusted to do as required (dogs on leads or stick to paths).

When asked, **28%** of people use visual signs to help them organise a visit to the coast, and **32%** said more visual clues on the ground telling you where you can go would encourage them to visit more.

### **Public perception and preference about access at the coast**

There is a difference between the way residents and visitors feel about their access "rights". Coastal residents are very confident and feel certain of where they can and cannot go along the coast. This knowledge is a combination of intuition, past experience and information being passed on from other local residents.

In contrast, visitors are much less confident. They are far more likely to stick to the well-trodden paths, and less likely to explore areas along the coast that they do not know. The main fear among this group is not about breaking a law, but more about upsetting a land manager or putting themselves in danger.

Focus Group discussions debated the prospect of losing coastal access. Any mention of this access being taken away, even in a hypothetical sense, was met with unanimous disapproval.

### **Demand for improved coastal access**

Paths and routes are very important for access to and along the coast; they enable people to have confidence in their access rights.

The focus group participants also liked the idea of some open areas for access. They felt it offered them a sense of freedom and the opportunity to do things other than walking along a path.

- 10% said they would definitely visit the coast more frequently if there was a network of managed paths, which allowed walking continuously along the coast.
- 7% said they would definitely visit the coast more frequently if there were more open areas along the coast.

## Annex 5 - Summary report on coastal access in other countries

We commissioned a report from Peter Scott Planning Services Ltd to review coastal access arrangements in selected European countries. Detailed country papers were prepared for Denmark, France, Netherlands, Scotland and Sweden and briefer position papers for Ireland, Northern Ireland and Portugal (these countries were selected because they are known to have relevant coastal access regimes thought worthy of investigation).

### Key findings

The review demonstrated that the landscapes, natural and cultural heritage and leisure, recreation and tourism opportunities associated with each countries' coasts are highly valued by their societies. Special measures have been taken in the countries studied to secure coastal access through:

1. Providing public access to the foreshore.
2. Public and voluntary sector ownerships or guardianship.
3. Planning measures (e.g. coastal protection zones) to protect coastal landscapes.
4. The development and promotion of extensive coastal paths and cycle ways.

### Context

Many factors influence the extent and characteristics of coastal access; these varied between and within the studied countries. Examples include:

1. Landform and landscapes – dune coasts of Denmark and Netherlands contrast strongly with rocky shores of Scotland and Ireland.
2. Urbanisation, recreation and tourism pressures – especially on the Danish, French, Netherlands and Portuguese coasts.
3. Land use and ownerships – dunes in the Netherlands are owned by quasi-public bodies; whereas the coasts of Denmark, Ireland and Scotland mostly comprise private farmland.
4. Societal values – traditional access rights in Sweden and 'freedoms' in Scotland contrast with restrictions on access improvements in Ireland.

### Summary of access rights, legislation and other arrangements

Coastal access 'models'	Countries	Key elements of approach
<b>Country-wide access rights</b>	Denmark, Scotland, Sweden	<ul style="list-style-type: none"> <li>• Rights of access to foreshore, beaches, dunes, cliffs, uncultivated land, etc. on foot, and for short stays and navigation (and other recreational activities in Scotland and Sweden)</li> <li>• Exclusions (e.g. wildlife areas, growing crops, curtilage of homes)</li> <li>• Restrictions/conditions (e.g. no damage, dogs under control)</li> </ul>
<b>Maritime public Domain<sup>3</sup></b>	France, Portugal	<ul style="list-style-type: none"> <li>• Public ownership and rights of access on foot and for navigation on the foreshore, beaches and adjacent land (depending on <i>lais et relais</i> in France; 50 m landward of high tide in Portugal)</li> </ul>
<b>Public ownerships of foreshore and beaches</b>	Netherlands	<ul style="list-style-type: none"> <li>• Public ownership and rights of access to foreshores and beaches on foot and for navigation and recreation</li> </ul>
<b>Pedestrian Right of</b>	France	<ul style="list-style-type: none"> <li>• 3 m wide access 'corridor' along the landward</li> </ul>

<sup>3</sup> "Maritime Public Domain" includes the foreshore and, in France, areas such as dunes or sandflats formed by deposits by the sea (*lais*), or by the retreat of the sea to form new coastline (*relais*).

<b>Way along the Coastline</b>		boundary of Maritime Public Domain along entire coast; exclusions in vicinity of dwellings
<b>Access to coastal areas, through public/voluntary sector ownerships</b>	Netherlands France N. Ireland Other countries	<ul style="list-style-type: none"> <li>• Permissive access on foot, and for walking and cycling on paths, in extensive dunes areas owned by public and voluntary bodies</li> <li>• Coastal Protection Agency acquisition of extensive coastal areas</li> <li>• Permissive access on public sector and National Trust properties</li> <li>• Public/voluntary sector ownerships (e.g. Scotland, Sweden)</li> </ul>
<b>Public rights of way and promoted routes</b>	All countries	<ul style="list-style-type: none"> <li>• Public rights of way on foot +/- cycling and riding provide valuable access to coast – especially where no general rights of access</li> <li>• France: Public Right of Way across/to the Shore</li> <li>• Ireland + N. Ireland: limitations on public right of way networks</li> <li>• Development and promotion of longer distance paths for walking and cycling at the coast (e.g. Nor trail)</li> </ul>

Within the countries where comprehensive access rights have been introduced or secured through legislation, there is an emphasis of responsibility on the user. The tools include the development of access codes and legislation created to reduce liability to the landowner.

Where there is an historic right of access, there appears to be no need to restrict access as the public behave responsibly.

Many coastal areas are of prime landscape and wildlife conservation importance and are protected through designations including national park status and nature reserves. In sensitive areas, access is generally managed rather than restricted. However, access to some sensitive coastal wildlife reserves and sanctuaries is restricted (especially with regards to dogs) or prohibited, often to protect seabird or seal colonies.

The majority of the European countries studied are affected by coastal change. Where access has been created on an area wide basis (e.g. Scotland and Sweden), this has provided a rolling solution so that coastal change does not affect the right of access as it moves with the changing coastline. It is only when access is fixed to linear routes that it is lost when the coast realigns.

## **Annex 6 - Summary report on the costs of coastal access**

We commissioned a report from the RPA consultancy to investigate the costs associated with the four main options for improving access to the English coast that were under consideration at the time that the contract was let (March 2006):

### **Option 1**

The use of highways legislation to close the gaps in public rights of way (PRoW) provision around the English coast.

### **Option 2**

An order under the Countryside and Rights of Way Act (CROW): Mapping coastal land under section 3 of the Act.

### **Option 3**

Voluntary approaches to create permissive access: Creating non-statutory improvements using voluntary and permissive agreements with landowners on the coast.

### **Option 4**

An un-mapped approach: the use of a description to identify the extent and location of coastal land under a CROW section 3 order. (Since letting the contract, we have been advised that under section 3 as it stands, this approach would not be legally tenable – so option 4 would require primary legislation.)

RPA were asked to look at the national costs based on agreed assumptions for options 2 and 4. The study looked at the costs for option 1 and 3 in the study areas alone. A national cost for the PRoW approach is being investigated by Defra under its Partial Regulatory Impact Assessment (RIA) exercise.

The timetable for the RPA contract was determined by the original intention of the founding bodies to submit advice to Defra by May 2006. Consequently, this contract was let in March 2006 at a relatively early stage in the development of the access delivery mechanisms. The findings do not reflect Natural England's recommendations, which are based on more recent development of the thinking in this area – but they have helped to inform our initial assessment of the cost of the recommended approach, and they will also help to inform Defra's RIA.

There are a number of assumptions and unavoidable uncertainties that underlie the RPA report and these are reflected in its findings:

### **Options 1 and 3**

The key uncertainties are the actual length of path required, the patterns of land ownership, and the willingness of landowners to enter into voluntary arrangements such as CROW section 16 dedications or agri environment scheme agreements, or public path agreements. Voluntary costs are based on agri-environment agreements and, as such, the costs would repeat year on year (under 10-year agreements) in order to maintain the access provision, which would otherwise cease. PRoW costs would recur in areas of rapid coastal change, and work on the existing network would also be required to make the access logical, consistent and continuous.

## Option 2

CRoW costings are based on previous Countryside Agency experience of mapping Open Country and Registered Common Land (OC/RCL). This provided the best set of assumptions for RPA to use in costing this approach pending the development of any detailed coastal mapping methodology. The area of potential coastal land was estimated at 431,800 ha by using datasets from English Nature and the Biodiversity Action Plan (Biodiversity Partnership and Government). These include mudflats, maritime cliff & slope, coastal vegetated shingle, coastal sand dunes and coastal & flood plain grazing marsh. The salt marsh data was derived from the Environment Agency.

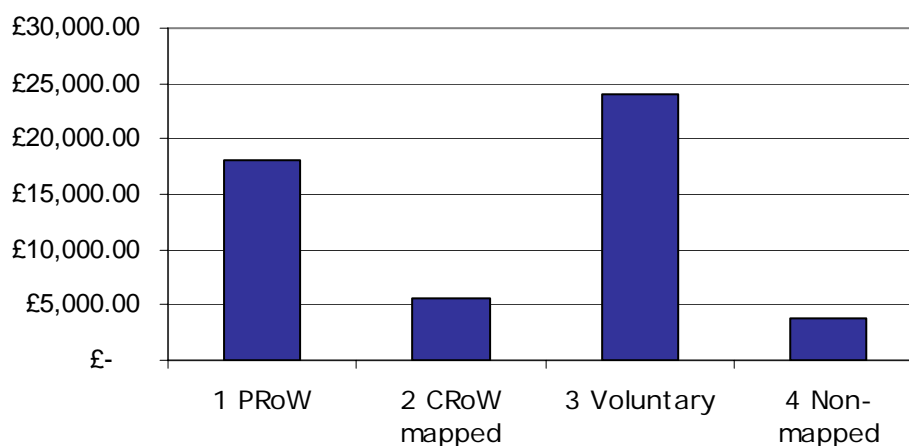
RPA have assumed a range of possible appeals from 800 to 2,000. This is a real unknown and is based partly on previous experience on OC/RCL. However on the coast, the focused nature of the mapping process and the inclusion of more agricultural land (for example on cliff tops) may push the real appeals figure to exceed the top end of this range.

## Option 4

A non-mapped approach is not fully developed as an approach and the area to which the description may apply was linked to the area potentially mappable under CRoW section 3.

The table 1 below is derived from the data supplied from the RPA report and show the potential cost per kilometre for each of the four study options. Both the voluntary approach and the PRoW approach is based on costings from the Natural England study areas.

Potential cost to implement **per kilometre** derived from RPA costings research



**Table 1**

## Key conclusions

The costs in the RPA report simply give a broad indication of the relative costs of the different options. The report concludes that a centralised approach (the use of a CRoW based approach) to improving coastal access would appear to provide a lower cost option for improving access to the English coast than developing new PRoW or through the use of voluntary, non-statutory options. However the extent of the differentials in Table 1 is potentially quite misleading for a number of reasons:

- This averaged-out CROW mapping cost would apply for every kilometre of coast, whereas for the more targeted options the per km cost would apply

only where action was taken to resolve a current difficulty.

- A CRoW mapping approach would involve the extra cost of a review of the maps at least every ten years – whereas for a rights of way solution the creation costs would be one-off, subject to the effects of any erosion on the path so created.
- Compensation is assumed not to be payable in the RPA calculations for CRoW access on the coast.
- CRoW implementation costs are upfront and not scalable, once the process has been set in motion the bulk of the costs will occur in the first 4 years. The use of the other options, PRow and Voluntary approach would mean that spend is spread over a longer time period. (RPA have assumed that 50% of the PRow route would be created in the first three years, a further 30% in the following three years with the remaining 20% following over the remaining 10 years of the 20-year<sup>4</sup> period for the study.)
- RPA assumed that the cost of access management would vary significantly according to which mechanism was chosen – for example that a CROW access solution would be considerably less costly in management terms. In reality if Government is to realise its vision, management of an access corridor around the coast is going to be required to the same standard irrespective of the legal mechanism that is used to create the new public rights.

---

<sup>4</sup> Both the RPA study and the Defra led RIA have looked at a 20 year time span.

**Annex 7 – Organisations that attended the coastal access workshop (21/11/06)**

British Association for Shooting and Conservation (BASC)
British Horse Society (BHS)
British Mountaineering Council (BMC)
Central Council of Physical Recreation (CCPR)
Country Land and Business Association (CLA)
Countryside Alliance (CA)
Cyclists' Touring Club (CTC)
Defra
National Farmers Union (NFU)
National Trust (NT)
Ramblers Association (RA)
Royal Society for the Protection of Birds (RSPB)