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# England Coast Path Stretch: Calshot to Gosport


Overview to Natural England's compendium of statutory reports to the Secretary of State for this stretch of coast





# Map A: Key map - Calshot to Gosport


Report number and title


- 1 Calshot to Itchen Bridge
- 2 Itchen Bridge to Hamble Warsash Ferry (Pink Ferry)
- 3 Hamble Warsash Ferry (Pink Ferry) to Fareham/Gosport Borough Council Boundary


Extent of proposals 

Extent of proposals in each chapter 

Motorways 

A road 

B road 

Railway & station 

N

0 3 Kms

0 2 Miles



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## Report number and title

CCG 1: Calshot to Itchen Bridge (Maps CCG 1a to CCG 1h)

CCG 2: Itchen Bridge to Hamble Warsash Ferry (Pink Ferry) (Maps CCG 2a to CCG 2e)

CCG 3: Hamble Warsash Ferry (Pink Ferry) to Fareham/Gosport Borough Council Boundary (Maps CCG 3a to CCG 3f)

## Using Key Map

Map A (opposite) shows the whole of the Calshot to Gosport stretch divided into shorter numbered lengths of coast.

Each number on Map A corresponds to the report which relates to that length of coast.

To find our proposals for a particular place, find the place on Map A and note the number of the report which includes it.

If you are interested in an area which crosses the boundary between two reports, please read the relevant parts of both reports.

## Printing

If printing, please note that the maps which accompany reports 1 to 3 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the report you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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## Please read first!

This Overview document sets out the context for Natural England's proposals to improve public access to and along the stretch of coast between Calshot and Gosport. It explains key common principles and background underlying the detailed proposals that we make in our compendium of linked but legally separate statutory reports, each covering a single length of coast within the stretch. Each of these reports should be read in conjunction with this Overview.

Taken together, these reports explain how we propose to implement the England Coast Path ("the trail") on this stretch of coast, and detail the likely consequences in terms of the wider 'Coastal Margin' that will be created if our proposals are approved by the Secretary of State. Our reports also set out:

- any proposals we think are necessary for restricting or excluding coastal access rights to address particular issues, in line with the powers in the legislation; and
- any proposed powers for the trail to be capable of being relocated on particular sections (through "roll-back"), if this proves necessary in the future because of coastal change.

So although this Overview has multiple reports associated with it, each report relating to a particular part of the stretch makes free-standing proposals, and seeks approval for them by the Secretary of State in their own right under section 52 of the National Parks and Access to the Countryside Act 1949.

We have carefully considered any potential environmental impacts of improving public access to this stretch of coast, and made any necessary adjustments to our proposals prior to publication in order to address these. Considerations in relation to environmental matters are explained in Section 6 of this Overview and relevant reports for each length of coast. Links are provided to relevant separately published documentation where appropriate.

The reports are published on our web pages as a series of separate documents, alongside this Overview and more general information about how the Coastal Access programme works.

Each report is accompanied by detailed **Proposals Maps** for the relevant length of coast. The maps are numbered according to the part of the report to which they relate. For example, maps CCG 1a to CCG 1h illustrate the proposals in report CCG1, which deals with the length from Calshot to the Itchen Bridge.

# Introduction

## 1. Improving coastal access

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route (“the trail”) around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route which, in appropriate places, people will also be able to enjoy on foot. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters<sup>1</sup>, as far as the first bridge or tunnel with pedestrian access, or as far as any point between the two.

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

This Overview and the related compendium of reports relate to the coast of Hampshire between Calshot and Gosport. Taken together, our report proposals would make the following key improvements to the existing arrangements for access to this part of the coast:

- New sections of coastal path would be created in strategic places to link existing coastal paths into a continuous route along this stretch of coast;
- For the first time, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

This is a significant opportunity to improve public access to this stretch of coast in these ways, with benefits for residents, businesses and visitors. More people will have easier and more extensive access to the coastal environment for open-air recreation, which is widely acknowledged to have significant benefits for human health and well-being.

Once approved and established, this part of the England Coast Path will be managed as part of the family of National Trails.

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<sup>1</sup> section 301 of the Marine and Coastal Access Act 2009

## 2. The determination process

Each of the reports for this stretch is submitted in accordance with our statutory duty under section 296 of the Marine and Coastal Access Act 2009 ('the 2009 Act') to improve access to the English coast.

Publication of the reports has been advertised locally and online in accordance with the requirements of the coastal access legislation.

Following publication:

- Any person may make representations to Natural England about any of the reports; and
- Any owner or occupier of affected land may make an objection to Natural England.

**In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice for Calshot to Gosport, which can be viewed here <https://www.gov.uk/government/publications/england-coast-path-from-calshot-to-gosport-comment-on-proposals> together with more information about how to make representations or objections.**

The Planning Inspectorate will consider any objections and any related representations before passing recommendations to the Secretary of State, who in turn will consider both representations and objections and then make a decision as to whether to approve our proposals. Chapter 3 of our Coastal Access Scheme explains these processes in more detail (see Annex A: Bibliography).

The Secretary of State may confirm the proposals in each report in full, confirm some with modifications, or reject some or all of them. If the conclusion is that some modification to our proposed approach is required, further consideration may need to be given as to whether any further environmental assessment is necessary. We may need to prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by any rejected proposals. The same procedures for representation and objection would apply to the amended report.

Once proposals for the stretch have been confirmed, there will be a preparation period before the new access rights come into force. This period is to enable any necessary physical establishment of the trail to be carried out and to put in place any necessary local management arrangements (including any approved local access restrictions or exclusions).

Once the preparation period is complete, the rights will be brought into force by order on a date decided by the Secretary of State. Normally one single commencement date is used for the whole stretch. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 2 to 4 of each report explain more about the further steps that will be taken to establish the route, provisions for its future maintenance and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for this part of the coast have been approved.

### 3. Understanding the proposals and accompanying maps

Before looking at the proposals and accompanying maps, it will help you if you read the following notes and then look carefully at the key to the maps.

#### Our Proposals:

The proposals are divided into 3 reports, each relating to a particular length of coast on this stretch. Each report is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the report to which they relate. For example, maps CCG 1a to 1h illustrate the proposals described in report CCG 1.

Each **report** comprises four parts:

- **Part 1: Introduction** – This sets the context for our proposals for that length of coast.
- **Part 2: Proposals Narrative** - This summarises our alignment proposals in general, including any proposed use of our discretions to align the route along an estuary, or recommended changes to the default landward coastal margin. It also summarises the main access management measures that will need to be introduced and the overall accessibility (ease of use for all) of this length of coast, for all users. Additionally, it may identify any future changes of which we are aware that are likely to impact on this part of the coast, and explain how our proposals deal with this change. In each report the Part 2 Proposals Narrative, in conjunction with the Part 3 Proposals Tables and the Part 4 Proposals Maps, sets out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.
- **Part 3: Proposals Tables** – These line-by-line listings set out in more detail our formal proposals to the Secretary of State for the length of coast in question, and should be read in conjunction with the Proposals Narrative and the relevant Proposals Maps.
- **Part 4: Proposals Maps** – These show in map form the proposals set out in the Proposals Narrative and Proposals Tables.

#### Notes on how our Part 3 Proposals Tables work

These notes explain how the various tables found in each report work:

- In the first table or set of tables, we set out detailed information for each section of coast under the following column headings:
  - Map(s) – This column indicates which of the report maps to view alongside the details in the other columns in the same row.
  - Route section number(s) – This is the unique identification number for the route section concerned. In some cases, two or more adjacent route sections will be amalgamated into a single row in the table, if all other displayed details happen to be identical.
  - Current status of route section(s) – This describes the current status of the route we have proposed and whether it has any existing access rights. Public highways, including public rights of way such as footpaths, are excepted from new coastal access rights because the existing public rights to use such highways will remain in force, and the trail is able to make use of these. Other sections of the proposed trail that do not currently have any access rights or where access is currently permitted by the landowner will become subject to new coastal access rights if our proposals are approved. These new rights, and any national or local restrictions on them, will not affect any existing access arrangements for cyclists, horse-riders or other types of recreational



user that may currently exist at the local level - for example by formal agreement with, informal permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.

- Roll-back proposed? – This indicates whether we propose that, in the event of significant coastal erosion or other geomorphological processes or significant encroachment by the sea, a section of trail which is affected by such factors should be capable of being repositioned in the future in accordance with this formal proposal, without needing further confirmation of the change at that time by the Secretary of State. Roll-back may be used to adjust the trail either in direct response to such changes or in order to link with other parts of the route that need to roll back in response to such changes. The column also indicates whether the ‘roll-back’ requirement is likely to give rise to a normal or more complex change on this section. (In the case of more complex outcomes, further details are provided in the ‘Roll-back implementation’ table). Section 4.10 of the Coastal Access Scheme explains in more detail how roll-back works.
- Landward margin contains default coastal land type? – Certain coastal land types are automatically included in the coastal margin where they fall landward of the trail if they touch it at some point. These coastal land types are: foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land. This column identifies where one of the coastal land types is present in the landward coastal margin.
- Proposal to specify landward boundary of margin – This sets out any proposals for the default landward boundary of the coastal margin on this section to be altered or clarified - see iv below in the Notes on Maps.
- Reason for any proposed use of landward boundary discretion – This provides an explanation for any such proposal to alter or clarify the default margin on this section. This may be either because we are proposing a clear boundary around land that in our view would be margin by default, because it matches the description of ‘coastal land’ explained at paragraph 4.8.8 of the Scheme; or because we propose using our discretion to add land to or remove it from the default margin, as described at paragraphs 4.8.11 of the Scheme.
- Explanatory notes – This contains any additional information which may help further explain the proposal for this route section or group of sections.
- Where there is an alternative route or optional alternative route we set out the details of those routes in a separate table. The table includes columns that describe the landward and seaward boundaries of the alternative route strip. Alternative routes/optional alternative routes have a default width of two metres either side of the approved line. We propose specific landward and/or seaward boundaries to the route strip where doing so would add further clarity to the extent of access rights along the route, by working with the grain of what is already there. It should be noted that where the alternative route/optional alternative route follows an existing path corridor, the trail may adopt a variable width as dictated by existing physical features.
- Each report also includes a table that sets out any other options that were considered during our initial planning (in relation to the route and the coastal margin), and explains why they did not form part of our proposals.
- The final table or set of tables for each report provides further details of any situation where local circumstances mean that implementation of roll-back is likely to be more complex. We identify the key issue and our expected resolution.

Annotated examples of these various tables are given below, to illustrate how they are used.

In each report the Part 3 Proposals Tables, in conjunction with the Part 2 Proposals Narrative and the Part 4 Proposals Maps, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

**Examples of tables found in each report, with explanation of their contents:**

Example table 1: Section details

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
ABC 1a	ABC-1-S003	Public footpath	No	No			
ABC 1b	ABC-1-S011	Public footway (shared use)	No	No	Pavement Edge	Clarity and cohesion	
ABC 1c	ABC-1-S018	Other existing walked route	Yes	Beach			
ABC 1d	ABC-1-S045	Other existing walked route	No	Bank	Edge of path	Clarity and cohesion	Top break of slope provides the greatest clarity for walkers

The route section number(s), as shown on the Proposals Map(s).

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

If column 5b proposes any change or clarification to the landward extent of the margin, this column says why.

This column may offer further explanation of a more complex situation involving the margin.

The relevant Proposal Map(s) for the route section(s).

This column specifies the current access status of the proposed trail section.

We indicate here whether the landward coastal margin for this route section includes a default coastal land type.

This column shows any proposal we are making to align the landward boundary of the coastal margin for this route section with the physical feature shown. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in column 5a, would be its landward boundary instead.

Example table 2: Alternative routes and optional alternative route details

1	2	3	4	5a	5b	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Proposal to specify seaward boundary of alternative route strip	Proposal to specify landward boundary of alternative route strip	Explanatory notes
ABC 2a	ABC-2-A001	Public Footpath	No			
ABC 2b	ABC-2-OA001	Public Footway (shared use)	No	Pavement edge	Pavement edge	
ABC 2b	ABC-2-OA002	Other existing walked route	Yes	Fence	Various	The landward boundary corresponds with various features including a wall, fence and bramble hedge.

The route section number(s), as shown on the Proposals Map(s).

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

This column may offer further explanation of a more complex situation, e.g. involving the boundaries of the route strip.

The relevant Proposal Map(s) for the route section(s).

This column specifies the current access status of the proposed trail section.

These columns show any proposal we are making to align either or both boundaries of the alternative route strip with a physical feature on the ground. No text in either column means that the edge of this section of the alternative route strip would be that of the trail itself.

Example table 3: Other options considered

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
ABC 3b	ABC-3-S011 to ABC-3-S019	We considered aligning the trail along the route of the existing public footpaths through the boat yard and along the flood bank.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> <li>■ it offers a safer and more convenient route with a newly created tarmac surface which is accessible to all.</li> <li>■ it avoids passing through the working area of the boat yard.</li> <li>■ the surface of the existing footpath along the flood bank is uneven and often waterlogged.</li> </ul> <p>Under our proposals, the public footpaths would remain available for people to use but would not form part of the designated trail.</p>
ABC 3c	ABC-3-S017 to ABC-3-S020	We considered aligning the trail along the route of the existing public footpath on the cliff edge around the western edge of Cranham Hill.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> <li>■ it avoids increased footfall on the fragile limestone grassland flora which is designated as a SAC and SSSI feature.</li> <li>■ it is comparable, in terms of the safety and convenience of walkers.</li> </ul> <p>Under our proposals, the public footpath would remain available for people to use but would not form part of the designated trail.</p>

The relevant Proposal Map(s) for the route section(s).

The route section number(s), as shown on the Proposals Map(s).

This column describes other options we considered for the route or margin for the identified route section(s).

This column summarises the reason(s) that the other options we considered were not preferred.

Example table 4: Roll-back implementation – more complex situations

Map(s)	Route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
ABC 4f	ABC-4-S040 to ABC-4-S045	Super Camp Holiday Village	<p>If it is no longer possible to find a viable route seaward of the specified campsite, we will choose a new route after detailed discussions with all relevant interests, either</p> <p>(a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it.</p> <p>In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.</p>

The relevant Proposal Map(s) for the route section(s).

The route section number(s), as shown on the accompanying map(s).

This column identifies any areas that could cause us to consider a more complex solution to roll back than would normally be required.

This column summarises our expected approach to roll back in these circumstances.

## Notes on how our Part 4 Proposals Maps work

The notes that follow will help explain the maps provided for each report.

### *The proposed route of the trail:*

- i The thickness of the line used to depict the proposed route on the maps is intended to make it easy to find on the map and to enable us to differentiate, by shading the line differently, between sections of the route that would use existing rights of way, sections that appear to follow other existing walked lines on the ground, and sections that do neither. The thickness of the line on the map is not an indication of the width of the actual trail on the ground – the proposed route simply follows the centre of the line shown. The legislation makes the default width of the trail four metres, but its actual width varies a good deal in practice according to the detail included section by section in our proposals.
- ii In places there are differences between the line of public rights of way recorded on the local Definitive Map that is maintained by the local highway authority, and paths currently used and managed on the ground as public rights of way. Some of these differences may be attributed to adaptation of the path over time to cope with coastal erosion and other processes, whilst others appear to arise from anomalies in the way the rights were originally recorded on the definitive map. The maps in this report show the public rights of way as recorded on the definitive map, and depict them as accurately as possible at the scale used. See part 4.7 of the Scheme for further information.

### *The coastal margin:*

- iii The proposed route of the trail shown on the maps is important in understanding the extent of the coastal margin that would apply to either side of it. Under the legislation:
  - the coastal margin is a single, continuous corridor of land which includes the trail itself;
  - the margin includes all land seaward of the trail land - although not all of that land would be subject to a new right of access (see point vi below);
  - the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land (see Annex B: Glossary of terms).
- iv We have the discretion to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature on the ground – even if the effect of doing so is to add land into the margin, or to remove land from it. We may use this discretion:
  - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used where appropriate to define the landward extent of the trail land on that section of the route: such features cannot be depicted on the maps at the scale used, but they are described in the Proposals Tables;
  - to clarify or adjust the boundaries of a landward area included by default as margin, in order to create a better ‘fit’ with the circumstances on the ground; or
  - to propose in some places that additional areas of land should be added to the coastal margin landward of the trail: land which is affected by such proposals is indicated on the maps with a purple wash and described in parts 2&3 of each report.

Further explanation of these powers can be found at part 4.8 of the Coastal Access Scheme. Our proposals take full account of any views expressed by the owner or occupier of affected land about whether the powers should be used in any of these ways.

- v Land which forms part of the coastal margin would be subject to access rights, other than:

- any **excepted** land, such as land covered by buildings or their gardens or curtilage: Annex C summarises in full the categories of excepted land under the legislation; or
  - any land where coastal access rights would be **excluded** under our statutory powers: we indicate in the report where we already know of circumstances that make this necessary, and make any proposals accordingly.
- vi **Spreading room** is the term used in the reports to describe any land, other than trail land, which would form part of the coastal margin and would have public rights of access. It does not therefore include any excepted land within the margin, or any existing access land on the landward side of the trail that is omitted from the margin.

Annex B (Glossary of terms) includes a full definition of these terms which you may find helpful in understanding the report.

#### *Voluntary access dedication*

- vii Land that was previously dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000 (CROW) will become subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. There is also provision in the legislation for a land owner or long leaseholder to dedicate other land voluntarily as coastal margin if it lies adjacent to it or within it. Dedicating land as coastal margin disappplies the excepted land provisions within it, and may also make provision for the removal or relaxation of specific **national restrictions** that would otherwise apply. Parts 4.8.20 to 4.8.23 of the Coastal Access Scheme explain these provisions in more detail.

In each report the Part 4 Proposals Maps, in conjunctions with the Part 2 Proposals Narrative and the Part 3 Proposals Tables, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

## 4. Preparation of the report

To secure the twin objectives under the legislation we have followed the approach set out in our Coastal Access Scheme, as approved by the Secretary of State on 9 July 2013. Chapter 3 of this detailed document sets out the stages of implementation we must follow.

In line with this, before making the proposals in this compendium of reports for the stretch, we conducted extensive preliminary work in two main stages:

- Stage 1: Prepare – defining the extent of the coastal stretch with access authorities and identifying the key issues and opportunities, including sensitive features, in conjunction with key organisations; and
- Stage 2: Develop – checking the alignment on the ground, sharing our initial thoughts with land owners and offering to ‘walk the course’ with them, planning for the protection of key features, talking further with key interests and reality checking our proposals.

### Stage 1 - Prepare

This stage involved us working closely with access authorities to develop an understanding of the stretch, agree its exact extent and carry out initial familiarisation visits. We held discussions with representatives of national and local organisations with a strategic interest in this stretch of coast. This included discussions with those we are required by legislation to consult at this stage:

- the local access forum;
- County and District Council officers, including ecology, geology, historic environment, planning, transport and countryside ranger staff;
- officers of any relevant National Park Authority;
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast;
- local officers of Historic England, in relation to historic features on this stretch of coast; and

We also held discussions with representatives of specific interest groups, including:

- the Ramblers Association;
- the Open Spaces Society;
- Bird Aware Solent (SRMP)
- Eastern Solent Coastal Partnership;
- the Hampshire and Isle of Wight Wildlife Trust;
- Royal Society for the Protection of Birds
- Country Land and Business Association

We publicised on our website the start of work on the stretch and provided an opportunity for all other interested parties to submit to us their views on local issues and opportunities.

We also engaged with internal specialists and relevant organisations locally - including local Wildlife Trust, Royal Society for the Protection of Birds, English Heritage - to consider any potential for impacts on key sensitive features.

In addition to these discussions we took into account a wide variety of information, plans and strategies that we considered relevant to the alignment process. Those that are published on the internet are listed in Annex A: Bibliography.

We then took all reasonable steps to identify owners, occupiers and those with a legal interest in the land which could be affected.

## **Stage 2 - Develop**

This stage involved us contacting, and discussing our initial thoughts with, relevant owners, occupiers and other legal interests.

We asked for their views and invited them to join us when we visited the land to 'walk the course' so that we could discuss options for alignment based on mapped summaries of our emerging proposals.

In most cases this was done through separate site meetings with the individuals and businesses concerned. In the interests of efficiency we also held a small number of larger meetings to discuss our proposals with groups of people with a common legal interest, for example where homes or businesses occupy adjacent coastal frontages.

We also took reasonable steps to identify and contact any owners, occupiers or other legal interests who could foreseeably be affected in the future as a result of any roll-back that may prove necessary). See part 7 – Future Changes – below.

We then held further detailed discussions with internal and external specialists to refine our thinking on protecting key sensitive features, carrying out any necessary assessments.

After further discussions with key local and national organisations we refined our proposals and checked them on the ground before moving onto Stage 3 – Propose, which is the substance of these reports.



## Key issues along this stretch

### 5. Discretion to include part or all of an estuary or estuaries

The proposed Calshot to Gosport stretch includes the estuarial waters of Southampton Water taken as a whole to include the confluence of the River Test, the River Itchen and the River Hamble

#### a) Introduction

This part of the Overview:

- introduces the core statutory duties and considerations for the national programme as a whole in relation to exercising the discretion to include part, or all, of an estuary within our proposals;
- describes the overall nature of the estuary system(s) found in this part of England, identifying the geographical limits of our discretion to align the trail around the estuarial waters of Southampton Water, The River Itchen and the River Hamble included within this stretch of coast;
- goes on to explain in more detail how each of the specific estuary considerations set out at section 301 of the 2009 Act affects our view of the options for the for the estuarial waters of Southampton Water, comprising the River Test, the River Itchen and the River Hamble;
- sets out the options for estuary trail alignment which we have identified as a result of this analysis, and;
- describes and explains our chosen proposal.

#### b) Estuary discretion

Under the 2009 Act there is no requirement for the trail to extend up any estuary further than the seaward limit of estuarial waters that is explained below under “Geographical limits of our discretion”.

But Natural England has a discretion to propose that the trail should extend from the seaward limit as far as the first bridge over which, or tunnel through which, there is a public right of way, or a public right of access, by virtue of which the public are able to cross the river on foot, or as far as any specified point in between. In exercising its discretion, Natural England must have regard to the core national duties and considerations described in Part B and Chapter 10 of the Coastal Access Scheme.

#### c) Core national duties and considerations relevant to estuaries

Section 296 of the 2009 Act places a legal duty (the Coastal Access Duty) on Natural England and the Secretary of State to secure a walking route around the whole of the open coast of England, together with an associated margin of land for the public to enjoy either in conjunction with their use of the route, or otherwise.

Section 297 goes on to require both, in discharging this duty, to have regard among other things to the desirability of ensuring that so far as reasonably practicable, interruptions to this route are kept to a minimum. This is a key consideration for the whole of the national delivery programme for coastal access. The whole concept of the England Coast Path relies on delivering continuity of the route so far as reasonably practicable for the whole country. Although proposing a route around each estuary is a discretion rather than a legal duty, if the presence of an estuary would interrupt this **continuity of access** along the open coast then this will constitute a strong prima facie reason for the trail to serve the estuary too, at least to the extent necessary to enable users to continue their onward journey around the coast.

The Scheme notes at paragraph 10.1.4 that because the seaward limit of estuarial waters is an arbitrary point from an access perspective, we are likely to use our discretion at most estuaries to extend the trail upstream to a more convenient point than this seaward limit. Paragraph 10.1.5 then adds “We will always give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian public access” – both for reasons of continuity, and with a view to any additional recreational benefits that might result within the estuary itself from doing so.

Chapter 10 of the Scheme explains the **statutory estuary criteria** that section 301(4) of the 2009 Act requires to be taken into account in deciding whether or not to include an estuary in our proposals. These are discussed in more detail in subsection e).

The other key considerations, including achieving a fair balance with the interests of owners and occupiers, are discussed in part 6 of this Overview.

#### **d) Overall nature of estuary systems in this part of England**

The estuary systems in this part of England are significant. The River Test, the River Itchen and the River Hamble form the estuarial waters collectively known as Southampton Water.

This is a complex area encompassing a major estuarine system on the south coast of England. The Solent and its inlets are unique in Britain and Europe for their unusual tidal regime, including double tides and long periods of tidal stand at high and low tide. The rivers within Southampton Water are functionally linked and contain dynamic marine and estuarine habitats.

The site has the largest number of small estuaries in the tightest cluster anywhere in Great Britain. It is located in one of the only major sheltered channels in Europe, lying between a substantial island (the Isle of Wight) and the mainland.

The approximate tidal limits on the River Test are 16km/9.9m, the River Itchen 23k/14m and the River Hamble 32km/19.8m.

#### **e) Southampton Water Estuary including the River Test, River Itchen and the River Hamble**

##### **Geographical limits of our discretion**

The seaward limit of the transitional waters of Southampton Water lies between Calshot Castle to the west and Solent Breezes Holiday Park on the eastern side of its mouth. See map A2.

The estuarial waters extend upstream to the River Test and beyond the first crossing point at the Redbridge Causeway to the Lower Test Nature Reserve. They continue into the River Itchen extending upstream beyond the first pedestrian crossing point at the Itchen Bridge to Swaythling and near to ‘Mans Bridge’. The estuarial waters also continue into the River Hamble extending beyond the first crossing point at Bursledon Bridge, as far as Botley and Curbridge.

##### **The statutory estuary criteria**

We have considered below each of the section 301 criteria under the headings given in Chapter 10 of the Scheme.

##### **i) Ferry services**

There are two regular ferry services: one across Southampton Water and one across the River Hamble.

- The Hythe Ferry runs between Hythe Pier and Town Quay (Southampton) all year.

- The Hamble Warsash Ferry (The Pink ferry) runs regularly throughout the year except Christmas day with seasonal timings with a daily but reduced service in the winter.

## ii) Character of the Estuary

### Estuary width

Southampton Water is at its widest at its mouth where it is approximately 2km wide. It maintains a good width as far upstream as Hythe at which point it begins to narrow. The width of the estuary lends itself to maintaining a 'coastal feel' even as far upstream as Southampton and Ocean Village.

The Hamble and Itchen tributaries are much narrower being approximately 0.5km and 0.6m wide respectively and they have a coastal feel towards their mouths.

### Topography of the shoreline

The shoreline of Southampton Water estuary is punctuated by its three main tributaries; the rivers Test, Itchen and Hamble. Several marinas, docks and industrial port facilities help shape the topography of the area. The busy Port of Southampton is located within the estuary; its natural deep-water harbour and unique double tide allow unrestricted access for the world's largest vessels.

Southampton Water itself is reasonably straight but when taken together with its tributaries it forms an extremely large and convoluted estuary system. A walker would have to travel approximately 30 miles to circumnavigate it fully.

### Nature of affected land

On the western side at Calshot towards the mouth of the estuary there is a rural feel. The estuary is punctuated by a number of inlets and the coast is fringed in places by woodland and stretches of mudflat and saltmarsh. This rural feel changes towards the northern extent of the estuary approaching Hythe due to the presence of the now decommissioned Fawley Power Station and the Esso Petroleum Oil refinery. The western side of the estuary includes a number of settlements including Calshot, Ashlett, Fawley and Hythe.

On the north eastern side of the estuary is the City of Southampton, the port is the UK's number one vehicle handling port, Europe's leading turnaround cruise port and the UK's most productive container port.

This north eastern side broadly eastwards to the River Hamble is urban in nature, thereafter it becomes more rural until reaching Hill Head. Habitats within the site include extensive areas of intertidal mudflats and sandflats, subtidal sandbanks, saltmarsh and natural shoreline transitions such as drift line vegetation.

The eastern shoreline of the estuary south of the City of Southampton develops much more of a rural aspect, once past the eastern banks of the River Itchen towards the River Hamble and then beyond to Lee on Solent. There is a mixture of arable land and grassland along cliff tops providing excellent views of the Solent.

### Features of interest

The southern/western side of the estuary offers the historic Calshot Castle as well as two nature reserves. The area is very popular especially during the summer months for sailing, water sports and beach activities.

Hythe is a popular location because of the Hythe Ferry link to Southampton at Town Quay.

The northern/eastern side of the estuary includes the historic City of Southampton, with its various visitor facilities, attractions, port facilities and historic sites.

Both the Rivers Itchen and Hamble offer numerous marine pleasure and business activities. On the eastern side of the estuary, Netley has two Scheduled Ancient Monuments in close proximity to the coast; a 16<sup>th</sup> century castle, and the well-preserved ruins of a 13<sup>th</sup> century Abbey. Royal Victoria Country Park, a popular visitor attraction of the area, was once the home of the biggest military hospital in the Victorian Empire.

The archaeological and structural remains on Hamble Common demonstrate the long-lived recognition of the defensive value of the common, overlooking as it does Southampton Water and the mouth of the River Hamble, and its contribution to the protection of national naval resources in the Solent. The monument at Hamble Common includes a linear bank and ditch of Iron Age date which separates the Hamble Point promontory from the western half of Hamble Common, a sub-rectangular medieval enclosure at the north western corner of the common, and another linear bank and ditch further to the east, also of medieval date. It also includes the remains of the 16th century St Andrew's Castle, a 19th century gun battery north west of the castle, and a Second World War anti- aircraft gun emplacement at the south eastern corner of the common.

There are nature reserves at Calshot Marshes, Hook with Warsash, and Titchfield Haven, on the south-eastern side of the estuary.

### **iii) Recreational Benefit**

It is possible to walk around the entire estuary, however in places this follows inland diversions onto busy roads and industrial areas. These inland detours to some extent balance the desire for a round estuary walk with the impracticality of following the shoreline more faithfully.

There are local aspirations to more closely follow the coastline seaward of the Esso Petroleum Oil Refinery on the western side and to create a new alignment on the western side of the River Hamble.

There are local aspirations also to improve long-distance walking routes. The urban area from Southampton to Portsmouth is the most populated urban conurbation in South East England, outside of London. Aligning the trail around large parts of these estuaries would expose a significant portion of this urban population to the England Coast Path. This would bring health, wellbeing and economic benefits to them, whilst improving opportunities to experience a mixture of heritage, nature and amenity sites.

### **iv) Excepted land**

A significant part of the western shore is likely to be excepted land as it is dominated by the Esso Petroleum Oil Refinery. There are also other areas of industry and private housing.

The north eastern side of the estuary at Southampton contains the busy port and the city centre, including Ocean Village. Much of this area is likely to be excepted land preventing a waterside route, however further south east where the coast is more rural in nature, there are fewer areas of excepted land.

### **v) Options for Southampton Water Estuary including the River Test, River Itchen and the River Hamble**

We will first deal with the options for Southampton Water and will then examine the options for the Itchen and Hamble rivers.

#### **i) Options for Southampton Water**

- Option 1 – align the trail around the estuary, crossing it at the northern most point using the Redbridge Causeway (A35). This might help to fulfil some aspirations to improve existing routes in a limited number of locations. It would not result in significant improvements because of the convoluted nature of the shoreline and its existing uses, industrialised areas and nature conservation sensitivities.

- Option 2 – align the trail as far upstream as the Hythe Ferry, where there is a regular ferry service. This would allow continuous access along the open coast for walkers, and would offer some improvements to existing access around the estuary.
- Option 3 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Calshot and Solent Breezes Holiday Park.

### **Proposed route of the trail**

Our proposal is to align the trail to the Hythe Ferry terminal, where walkers may cross by means of the regular ferry. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. Should the service cease altogether in the future or become less suitable for the purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

### **ii) Options for the River Itchen**

- Option 1 – Use the first crossing which is the A3025 Itchen Bridge. This would allow continuous access along the open coast for walkers and offers spectacular views of Southampton water.
- Option 2 – To not exercise our discretion and to stop the trail at the estuarial limits (see option 3 for Southampton Water above). Walkers would have an interrupted journey along the trail and would have to navigate themselves between Calshot and Solent Breezes Holiday Park.

### **Proposed route of the trail**

Our proposal is to align the trail via the A3025 and the Itchen Bridge. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way.




### **iii) Options for the River Hamble**

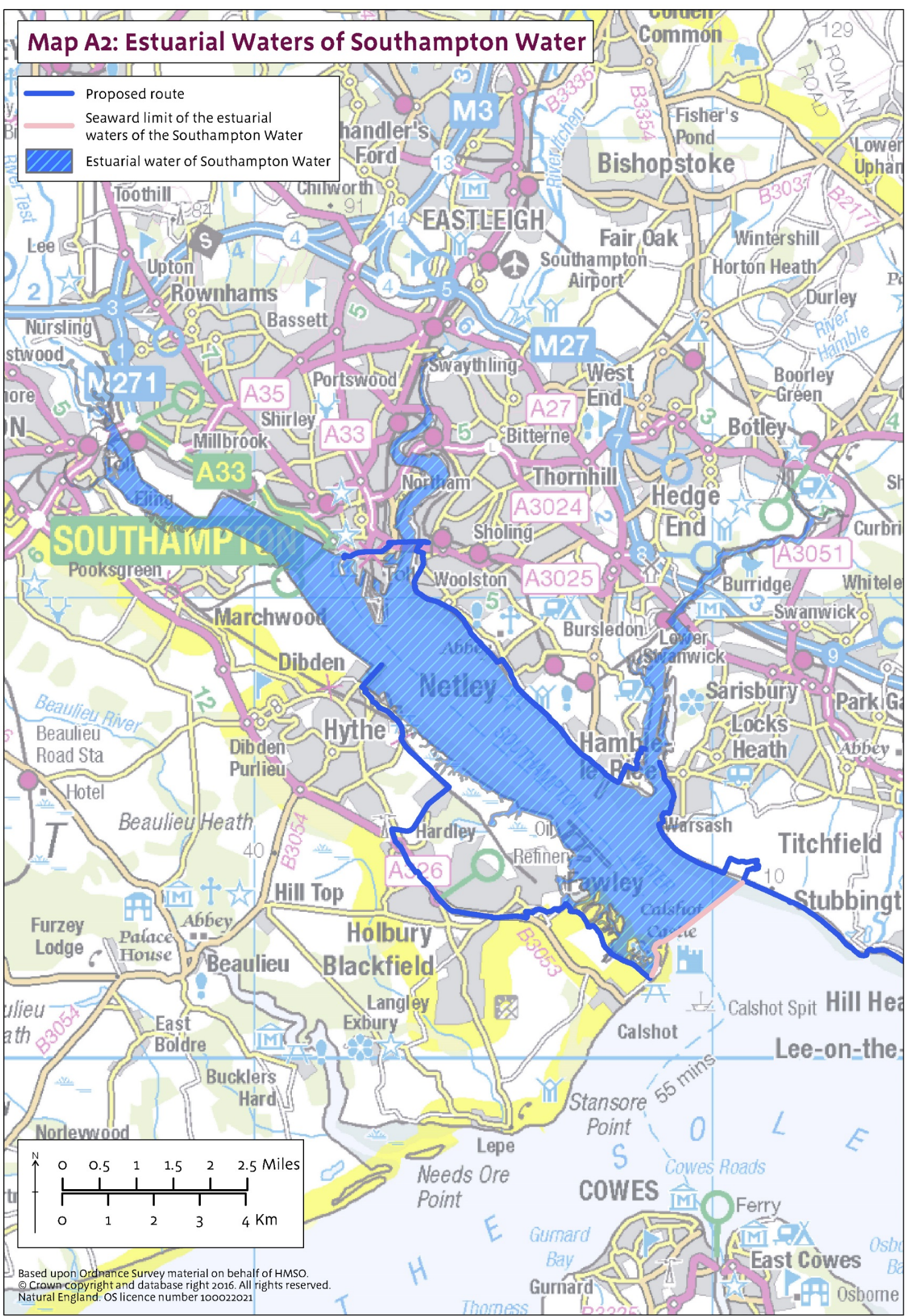
- Option 1 – align the trail around the estuary via the A27 and Bursledon Bridge. This would help to fulfil local aspirations to provide a western route around the river. However, it may not result in a waterside route because of the convoluted nature of the shoreline, and the presence of excepted land, busy roads, railway and sensitive environmental sites.
- Option 2 – stop at the Hamble-Warsash (Pink Ferry) terminal on the western side, where there is a regular ferry service. This would allow continuous access along the open coast for walkers, but would not offer any improvements to existing access around the estuary.
- Option 3 – To not exercise our discretion and to stop the trail at the estuarial limits (see option 3 for Southampton Water above). Walkers would have an interrupted journey along the trail and would have to navigate themselves between Calshot and Solent Breezes Holiday Park.

### **Proposed route of the trail**

Our proposal is to align the trail to the Hamble-Warsash (Pink Ferry) terminal, where walkers may cross by means of the regular ferry. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. The short crossing is already recognised as an important link in existing promoted routes, in this case the Solent Way, which the ECP route will follow on this section. The additional local benefits of option 1 were considered, but in our view – given the existence of the regular ferry service across the river - would not justify the substantial additional cost. Should the service cease altogether in the future or become less suitable for the purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

# Map A2: Estuarial Waters of Southampton Water

-  Proposed route
-  Seaward limit of the estuarial waters of the Southampton Water
-  Estuarial water of Southampton Water



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## 6. Other considerations on this stretch

### a) Recreational Issues

We have considered interrelationships between our proposals and the Hampshire Countryside Access Plan 2015 – 2025 (Rights of Way Improvement Plan). Our proposals will supplement the ambitions described in this plan by enhancing provision of access at the coast.

Map B gives an overview of existing public access to the South coast between Calshot and Gosport, showing public rights of way, access land and existing promoted routes such as the Solent Way, Itchen Way and the European E9 Long Distance walking route along the stretch.

Much of this stretch of coast already has good existing linear access along public rights of way, other existing footpaths, promoted routes, public highways and pavement. There are no areas within this stretch where there is a significant continuous gap in access.

There are a number of areas of land with other rights of access on this stretch. Where these do exist, these areas of existing access land are shown on Map B. The trail aligns over Section 15 land at Long Lane, Hardley, New Road at its junction with Hardley Lane and Frost Lane at its junction with Fawley Road (see Report CCG1.). The trail also aligns over Section 15 land at Hamble Common (See Report CCG 2 2). At these locations (apart from the section 15 land at Long Lane, Hardley), we have used our discretion under section 55D of the National Parks and Access to the Countryside Act (1949) to propose limiting the extent of the landward coastal margin to coincide with nearby physical features. This would remove approximately 26,000 ha from the landward coastal margin that would have otherwise been included by default by virtue of it being Section 15 land. Even if this land was included in the landward coastal margin, there would have been no effect on the access rights available to the public, which would remain as they are now. Our detailed justification of this decision can be found in the relevant length reports.

Due to the urban nature of this section of coast there have been few opportunities to include additional landward coastal margin

During Stage 1 of the implementation process we asked interested organisations and individuals to tell us about any relevant issues and opportunities on this stretch. The key opportunities that emerged from these discussions were:

This England Coast Path stretch includes the most populated urban conurbation in South East England, outside of Greater London (as of the 2011 census), as well as the less-populated New Forest National Park. It was felt that the England Coast Path would present a significant opportunity to reconnect people to the coast and natural environment. This would bring health, wellbeing and economic benefits to the area.

The England Coast Path is seen as a vehicle to join up the variety of historic, natural and other visitor attractions which Southampton and outlying settlements have to offer and boost the local economy.

We walked a significant part of this stretch with interested parties such as the Ramblers and other interest groups such as Parish Council representatives. Almost all the expectations in terms of alignment of these groups have been met. The exceptions include a route seaward of the Exxon Mobile Refinery, a route through Kennels Row landward of the refinery, a route through Solent Breezes Holiday Village, a short section (CCG-2-S049) at Hamble Common and a western bank alignment at the River Hamble.

The key issues were:

- Safety of walkers, particularly concerns over routing along the foreshore where tidal inundation occurs and where sea defences are inadequate. Areas where this was identified as a concern

included the Solent Breezes holiday park, the Meon Shore, and Hill Head. In these locations we propose an inland route.

- Access rights being created over boat storage areas and working dockyards.
- Disturbance issues for wildlife, caused by increased numbers of walkers and dogs.
- How the Ordnance Survey depicts coastal margin on its maps. Specifically that excepted land and directions to exclude access are not displayed. In particular concern was expressed over inclusion of private properties and gardens in the margin.

## **b) Protection of the environment**

The Calshot to Gosport stretch is a mix of rural and urban areas. The coastline is dominated by the Esso Oil refinery to the west and the densely populated city of Southampton at its northern extent. Small towns and villages along its eastern side are interspersed with farmland, cliffs and beaches. Much of the built up area is industrial including ports and ferry terminals. The stretch also includes many historical sites and museums reflecting its rich maritime heritage.

Much of the shoreline is characterised by mudflats and saltmarsh, which support particularly diverse birdlife. There are other natural environments present along the stretch, such as shingle beaches and spits, which support nationally-scarce invertebrate and plant species.

There are multiple environmental and historical designations, the location of which are summarised in Maps C and D, and listed below.

- Solent and Southampton Water Special Protection Area (SPA)
- Solent and Southampton Water Ramsar
- Solent Maritime Special Area of Conservation (SAC)
- Solent and Dorset Coast potential SPA (pSPA)
- Hythe to Calshot Marshes Site of Special Scientific Interest (SSSI)
- North Solent SSSI
- New Forest SSSI
- Lee-on-the-Solent to Itchen Estuary SSSI
- Hamble Common Scheduled Monument (SM)
- Calshot Castle SM

As a result of the proposals described in this Overview and associated reports for each length of coast, the quality of coastal paths will be improved and there will be greater certainty and clarity about the rights people have within the coastal margin. Use of the coast for outdoor recreation can, if not carefully managed, add to environmental pressures such as the presence of people causing disturbance to wildlife or new paths leading to removal and fragmentation of habitat. Part of the process we go through on each length of coast when we are developing our detailed proposals is about finding ways to avoid or reduce such impacts, and ensure compliance with legislation to protect the environment.

A key feature for this area of coastline as a whole is that during the winter months, it supports internationally recognised populations of non-breeding water birds. The extensive areas of soft mud exposed at low tide are the main feeding areas but the birds also need suitable undisturbed places to roost and several species use inland areas that provide supporting habitat for feeding and resting.



The Solent Recreational Mitigation Strategy has been developed by the Solent Recreation Mitigation Partnership (SRMP) of local authorities and conservation bodies.

It will provide a strategic solution to minimise the effects of increased visitor pressure on the Solent European sites arising from new residential development. The Strategy seeks to provide mitigation in perpetuity, in line with the Habitats Regulations. It incorporates communications, marketing and education initiatives, a team of coastal rangers, SANG (suitable alternative natural greenspace) and SAMM (strategic access management and monitoring).

We have worked closely within the partnership team and rangers delivering this strategy to ensure consistency of approach to managing recreation.

In developing our detailed proposals for coastal access we have taken account of environmental protection objectives and these are, where relevant, discussed in more detail in the relevant report for each length of coast and the following documents that we have published separately:

- A single Habitats Regulations Assessment <https://www.gov.uk/government/publications/england-coast-path-from-calshot-to-gosport-comment-on-proposals> relating to any potential impact on the conservation objectives of affected sites from the proposals we make in each report for the stretch. This assessment considers any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.
- Our Nature Conservation Assessment <https://www.gov.uk/government/publications/england-coast-path-from-calshot-to-gosport-comment-on-proposals> for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation.

### **c) Interests of owners and occupiers**

In discharging our coastal access duty we must aim to strike a fair balance between the interests of the public in having rights of access over coastal land, and the interests of owners and occupiers of land over which any coastal access rights would apply. This was a key driver in the design of our proposals, which were discussed in detail with the owners and occupiers of the affected land during ‘walking the course’ and other processes.

Issues were raised regarding disturbance of wildlife at sensitive sites, with potential for increased numbers of walkers and dogs. In discussing with the local nature conservation organisations and the Solent Recreation Mitigation Partnership (SRMP) we have chosen a suitable alignment using existing access routes and taken necessary measures, which take into consideration points raised on this subject.

Some owners were concerned with how the coastal margin is depicted on Ordnance Survey maps; specifically that excepted land and directions to exclude access are not displayed.

More generally, issues raised by owners and occupiers across the stretch related to the operational needs of businesses or to the privacy of residents. The proposed route alignment has been carefully discussed with owners and/or occupiers so as to try and minimise any potential disruption to existing land management practices. In addition, most of these issues are to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights, including land covered by buildings and their curtilage, and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail. In general the existing public access provisions are already managed effectively alongside adjacent land uses.

### **d) Coastal processes**

The principal source of information regarding coastal processes on this stretch of coast is the North Solent Shoreline Management Plan (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from relevant local authorities, we have identified the parts of the coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

In general where the coast is defended with some certainty, we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be:

- on, or on the landward side of sea defences which would protect it; or
- landward of the roads and railway which would be protected under the policies set out in the Shoreline Management Plan 2.

### **CCG 1:**

Along the stretch starting at Calshot to the east side of the Itchen Bridge, there are plans for maintenance and improvements to defence structures and for beach management and replenishment. The SMP policy recommendation is to maintain and upgrade the current standard of defence over the next 100 years (hold the line). These defences are intended to provide flood protection to residential areas, important commercial property - particularly the busy Port of Southampton and Exxon Mobil Refinery- and to recreational and amenity sites such as Calshot Activity Centre. As such, we have not made any specific proposals to enable the trail to adapt to coastal change on this length of coast.

For the seafront path sections from Calshot to Ashlett, we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once he has approved the initial route.

### **CCG 2:**

The part of the stretch from the east side of the Itchen Bridge to the East Bank Pink Ferry (Hamble Warsash ferry) hosts important recreational amenity sites, in particular Royal Victoria Country Park, residential areas, and marine-related industry in the form of boatyards, marinas and the Hamble Oil Terminal. There are plans for maintenance and improvements to existing defence structures and for beach management and replenishment to protect these assets. Along the eastern shore of the River Itchen and Southampton Water from Woodmill to the River Hamble there is a hold the line policy in the short to medium term and a no active intervention policy for the long term. As such, we have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

At Weston Shore, Netley Castle, Netley Sailing club and Hamble oil terminal we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once he has approved the initial route.

Other parts of the stretch are well-defended and here we have not made any specific proposals to enable the trail to adapt to coastal change.

### **CCG 3:**

Coastal defence plans are in place to provide flood protection to the residential properties, amenity and recreation sites, and commercial properties between the Hamble Warsash Ferry (Pink Ferry) to the Gosport Borough boundary at Lee-on-the-Solent. As such, we have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

The coastal landform is different along the length of coastline between Hook Spit and the Meon Valley, with geologically-important sand and gravel cliffs, which in places are eroding rapidly. This is particularly evident along the frontage of Solent Breezes Holiday Park, where the sea defences are in a state of disrepair and

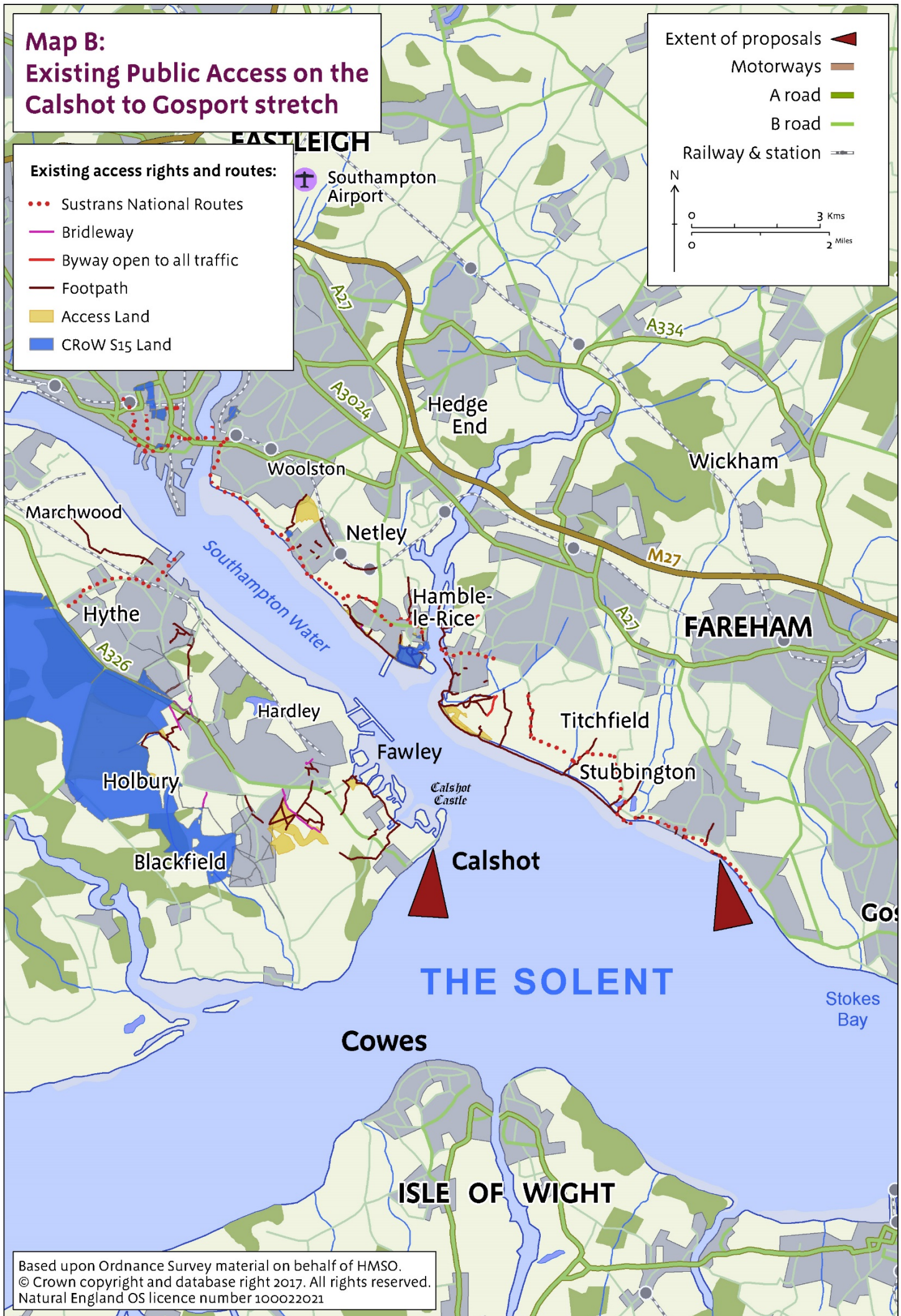
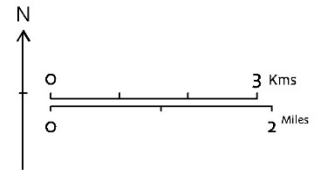
the cliffs are eroding. Similarly, there are numerous beach chalets along the shoreline of the Meon Valley, which currently fall within the flood risk zone. Here we propose at a number of locations to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once he has approved the initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant chapters of the proposals.

# Map B: Existing Public Access on the Calshot to Gosport stretch

## Existing access rights and routes:

- ⋯ Sustrans National Routes
- Bridleway
- Byway open to all traffic
- Footpath
- Access Land
- CRoW S15 Land






- Extent of proposals ▲
- Motorways —
- A road —
- B road —
- Railway & station —

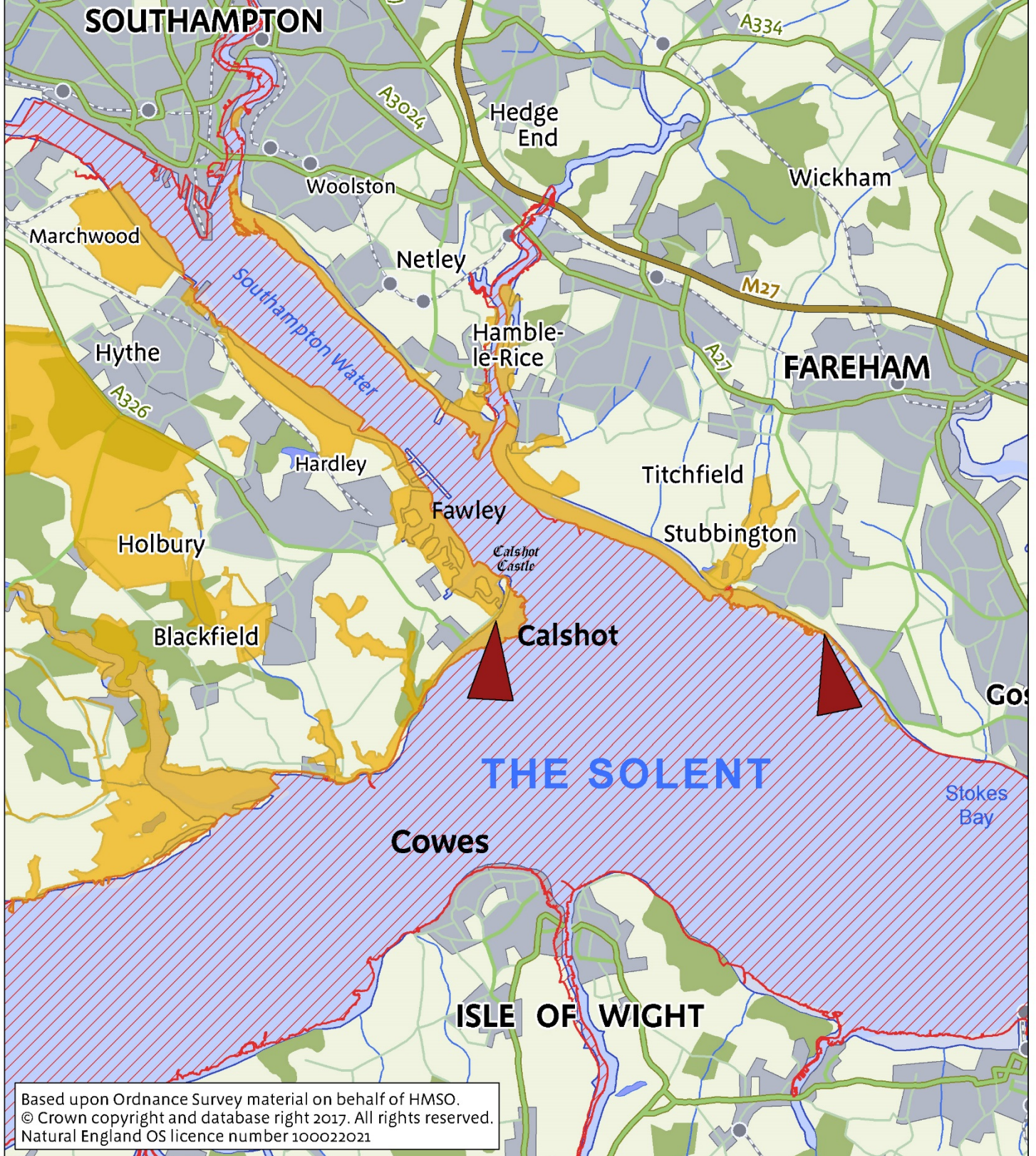


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# Map C: Key Statutory Environmental Designations on the Calshot to Gosport stretch

- International/ EU designations:
-  Ramsar/ Special Conservation Area(SAC)/ Special Protection Area (SPA)
  -  Potential Special Protection Area (SPA)
  -  Site of Special Scientific Interest (SSSI)

- Extent of proposals 
- Motorways 
- A road 
- B road 
- Railway & station 
- N  
0 3 Kms  
0 2 Miles

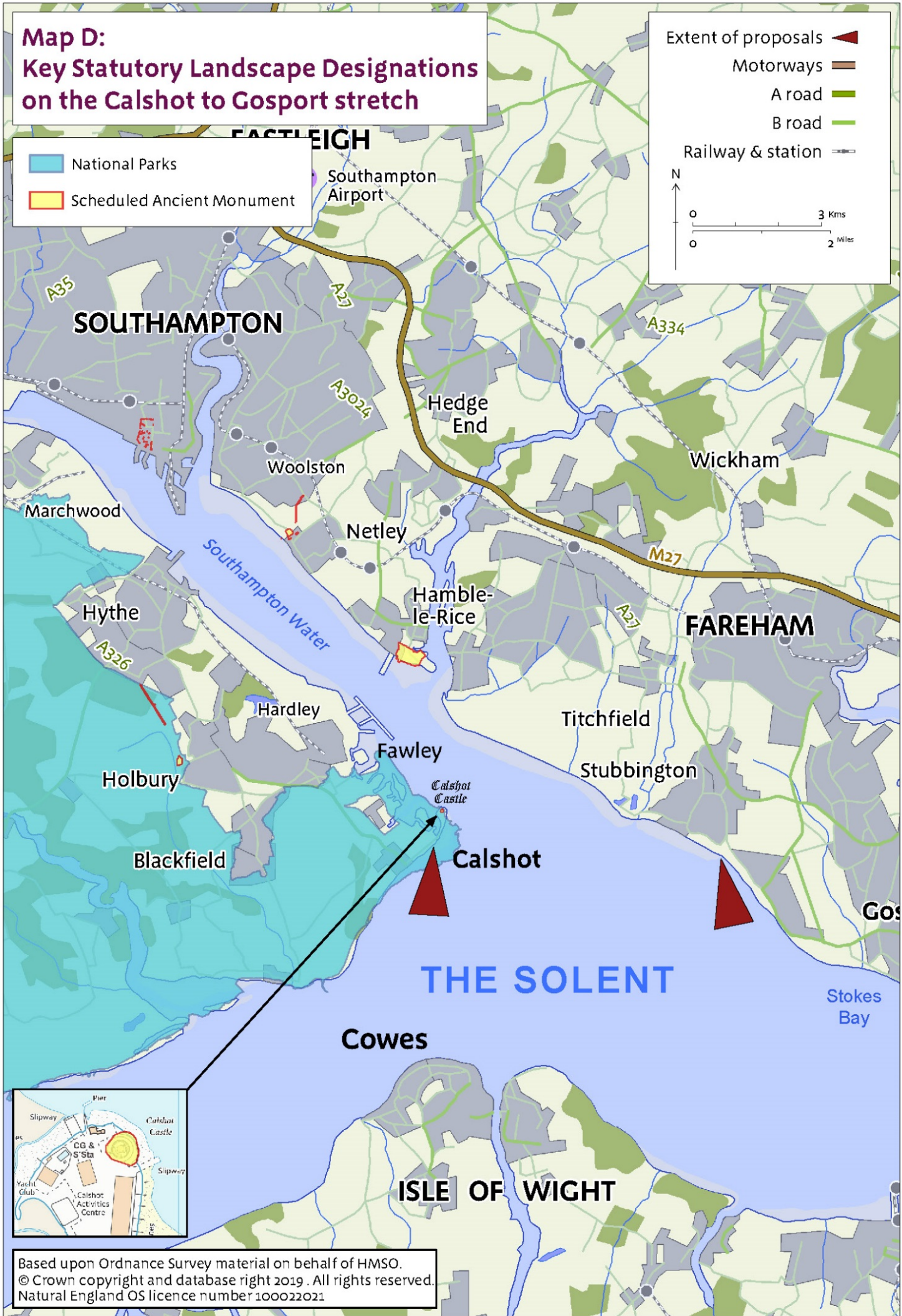
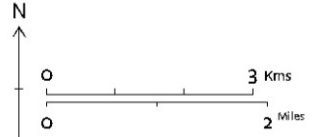


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# Map D: Key Statutory Landscape Designations on the Calshot to Gosport stretch

- National Parks
- Scheduled Ancient Monument

- Extent of proposals
- Motorways
- A road
- B road
- Railway & station



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## Other issues

### 7. Future changes

Below we explain the procedures for future changes to the coastal access provisions, once proposals have been approved by the Secretary of State. Where the need for future changes was foreseeable at the time of preparing the proposals we have indicated this in the relevant report(s).

#### Roll-back

Reports CCG1 to CCG3 include proposals for specified parts of the route to 'roll back' either:

- in direct response to coastal erosion or other geomorphological processes, or significant encroachment by the sea; or
- in order to link with other parts of the route that need to roll back as a direct result of coastal erosion or other geomorphological processes, or significant encroachment by the sea.

Where sections of the approved route need to change for these reasons in order to remain viable, the new route will be determined by Natural England without any requirement for further reference to the Secretary of State. Coastal erosion can happen at any time and so, in some cases, this provision may need to be invoked between approval of the report and commencement of new access rights.

In particular, so far as we consider it necessary in order to maintain the viability of the route as a whole, we may determine that any part of the route is to be repositioned landward of any physical boundary feature, area of excepted land or area from which we consider it necessary to exclude access e.g. a protected site designated for its conservation value.

In determining the new route, we will take into account:

- the local factors present at that time, including any views expressed by people with a relevant interest in affected land;
- the terms of the Coastal Access duty (see Annex B: Glossary of terms), including the requirement to aim to strike a fair balance between the interests of the public and the interests of any person with a relevant interest in the land; and
- the criteria set out in part B of the Coastal Access Scheme.

Any changes to the route in accordance with these proposals will come into force on a date decided by us. On this date, coastal access rights will come into force as necessary along any new alignment. The date of change will follow any necessary physical establishment work, including any installation of signs to enable the public to identify the modified route on the ground. We will take reasonable steps to ensure that anyone with a relevant interest in land directly affected by the change is made aware this date.

In places where the trail rolls back in this way in response to coastal change, the landward extent of the coastal margin may also move inland automatically:

- with the trail itself, or
- because a landward area of section 15 land (see Annex B: Glossary of terms) or foreshore, cliff, dune, or beach, or a bank, barrier or flat, newly touches the trail when it rolls back, with the result that it automatically becomes part of the margin under the terms of the legislation.

Ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we have provided further information within the tables in Part 3 of the relevant report. This and the above information is intended as a guide only, based on information available to us at the time of writing, and on expert advice provided by the access authority,

Environment Agency and others. We have taken and will continue to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.

## Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make any other changes to the route of the trail (or to propose non-automatic changes to the landward boundary of the coastal margin) - for example if the land was subject to new build development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports. Potential developments of which we are already aware that could potentially affect the route on the stretch are summarised below.

- Proposed Fawley Waterside development. A development of approximately 1,500 homes set within a network of open space, largely on the site of the decommissioned power station. This will include creation of a new marina for leisure and commercial uses. A planning application has been submitted at the time of publication of this report however, at this time there are no indications as to timescale for this to be considered. Opportunities are expected to be enhanced by this development in particular details of the new 'bund' creating a better multi use route at section CCG-1-S001
- Centenary Quay ongoing development of residential flats at Woolston, expected to be complete in late 2019, this may provide future opportunities to create a more seaward alignment.

However, even without a variation report:

- i We would be able to impose new or modify existing local restrictions or exclusions on coastal access rights as necessary, and people with a legal interest in the land would be able to apply to us for such directions under certain circumstances – see chapter 6 of the Coastal Access Scheme.
- ii Further work could be carried out where necessary either to establish or maintain the route, or to provide any means of access to the coastal margin, using powers and procedures set out in Schedule 20 of the Marine and Coastal Access Act 2009 and chapter 3 of Part 1 the Countryside and Rights of Way Act 2000.
- iii. If at any time the use of affected land should change, the normal rules in relation to excepted land would apply, so for example land newly covered by buildings and their curtilage, and land in the course of development, would automatically become excepted from the coastal access rights – see Annex C: Excepted Land Categories.



## 8. Restrictions and exclusions

Below, we summarise the directions to exclude or restrict coastal access rights proposed by these reports.

Refer to Part 6.7 and Figure 19 of the approved Coastal Access Scheme for more information.

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
CCG-1-S001 to CCG-1-S064	Calshot to Hythe Ferry Terminal. Saltmarsh and flat seaward of the route	Exclusion	Unsuitable for public access	Saltmarsh and flat S25A	All year
CCG-1-S082	Southampton Ferry terminal to Itchen Bridge. Saltmarsh and flat seaward of the route	Exclusion	Unsuitable for public access	Saltmarsh and flat S25A	All year
CCG-2-S006-CCG-2-S064	Itchen bridge to Hamble Ferry. Saltmarsh and flat seaward of the route	Exclusion	Unsuitable for public access	Saltmarsh and flat S25A	All year
CCG-3-S001 to CCG-3-S064	Hamble Ferry east to Titchfield. Saltmarsh and flat seaward of the route	Exclusion	Unsuitable for public access	Saltmarsh and flat S25A	All year

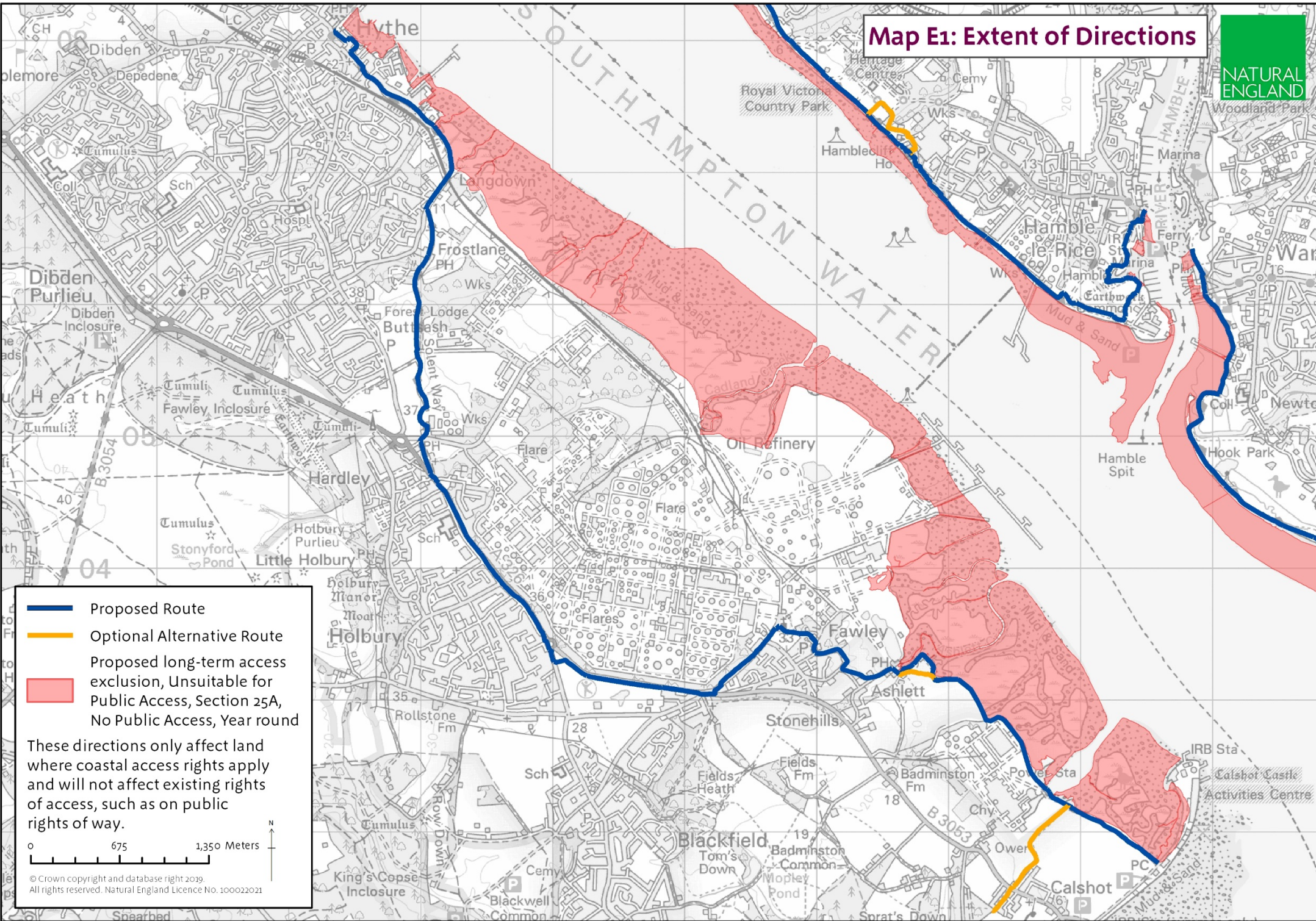
These directions will not prevent or affect:

- any existing local use of the land by right: such use is not covered by coastal access rights;
- any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or any rights at common law or by Royal Charter etc

Any such use is not prohibited or limited by these arrangements.

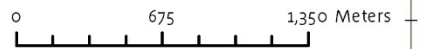
Where land already has open access rights for the public under Part 1 of the CROW Act (the right to roam over mountain, moor, heath, down and registered common), those pre-existing rights are replaced by coastal access rights wherever the land in question falls within the coastal margin. Where that happens, our report may in some circumstances propose to exclude the replacement rights, even where they were not excluded previously, based on an updated analysis of relevant powers and requirements.

# Map E1: Extent of Directions



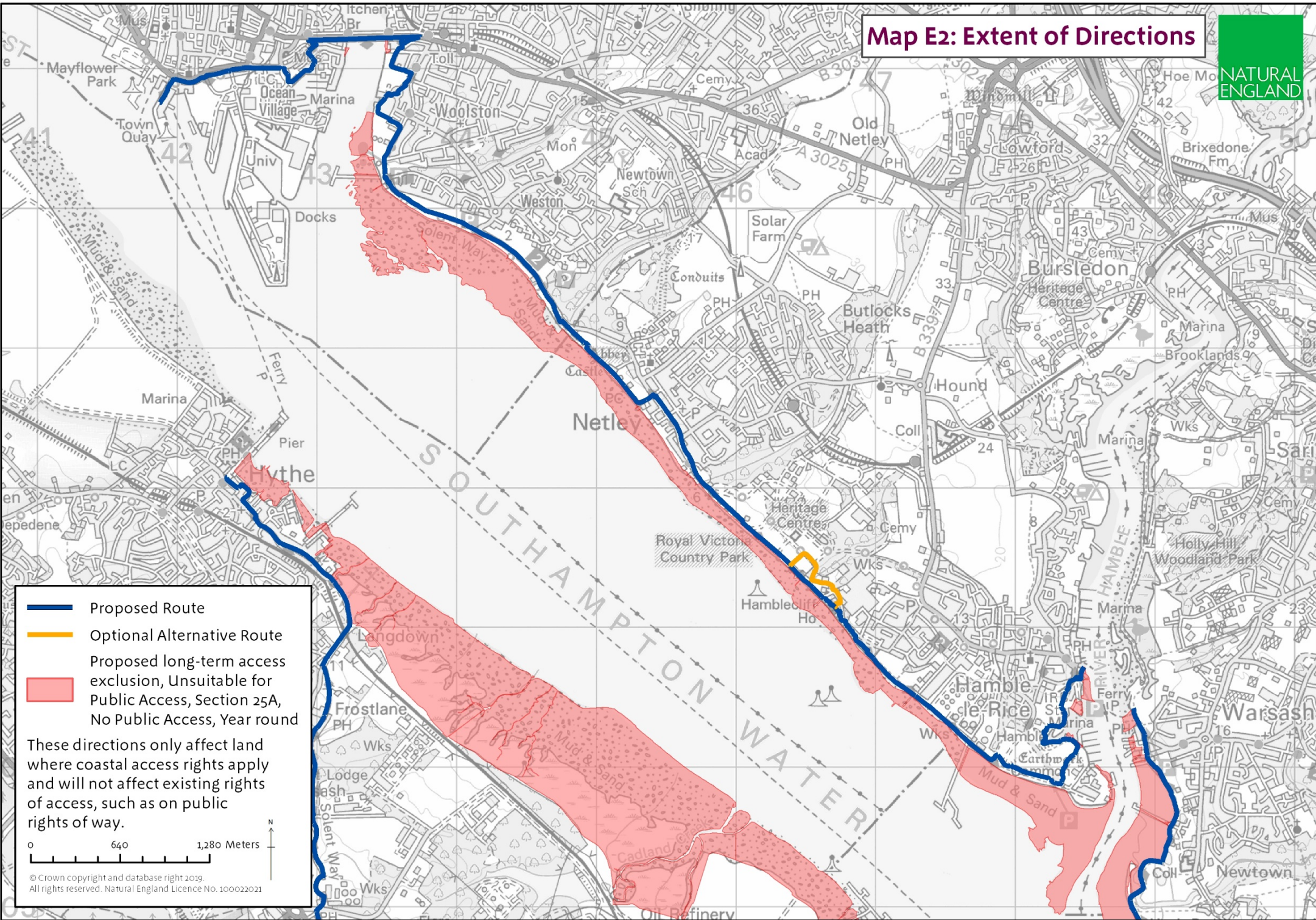
- Proposed Route
- Optional Alternative Route
- Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.



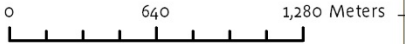
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# Map E2: Extent of Directions



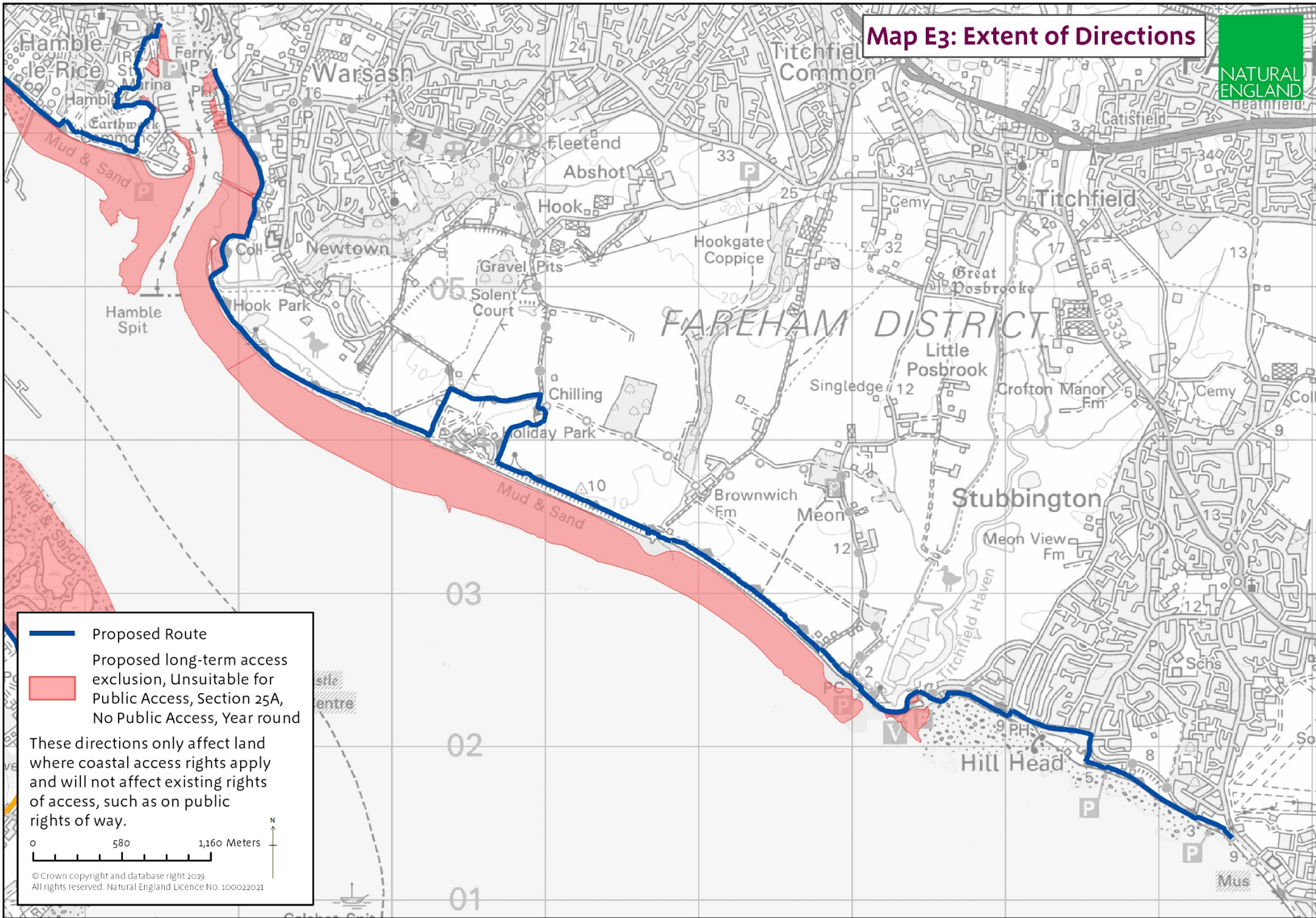
- Proposed Route
- Optional Alternative Route
- Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.



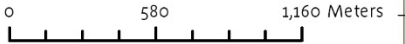
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# Map E3: Extent of Directions



- Proposed Route
- Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.



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## Annex A: Bibliography

Information about Natural England's coastal access programme:

### Natural England

[www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast](http://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast)

Information about the statutory framework for coastal access:

### Department for Environment, Food and Rural Affairs

[www.gov.uk/government/publications/marine-and-coastal-access-act-2009](http://www.gov.uk/government/publications/marine-and-coastal-access-act-2009)

### Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme  
Natural England

<http://publications.naturalengland.org.uk/publication/5327964912746496>

### Marine and Coastal Access Act 2009

[www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty](http://www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty)

### Countryside & Rights of Way Act 2000 [CROW]

[www.legislation.gov.uk/ukpga/2000/37/contents](http://www.legislation.gov.uk/ukpga/2000/37/contents)

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

[www.legislation.gov.uk/uksi/2010/558/contents/made](http://www.legislation.gov.uk/uksi/2010/558/contents/made)

### National Parks and Access to the Countryside Act 1949

[www.legislation.gov.uk/ukpga/Geo6/12-13-14/97](http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/97)

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

[www.legislation.gov.uk/uksi/2010/1976/contents/made](http://www.legislation.gov.uk/uksi/2010/1976/contents/made)

Environmental legislation referred to in the reports:

### The Conservation of Habitats and Species Regulations 2017 (as amended)

<http://www.legislation.gov.uk/uksi/2017/1012/contents/made>

### The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<http://www.legislation.gov.uk/uksi/2018/1307/contents/made>

## Other published information used in the preparation of the report:

### **A register of coastal climbing sites in England**

British Mountaineering Council

[www.thebmc.co.uk/Download.aspx?id=692](http://www.thebmc.co.uk/Download.aspx?id=692)

### **Hampshire and Isle of Wight Wildlife Trust**

<https://www.hiwwt.org.uk/>

### **Hampshire Countryside Access Plan**

<https://www.hants.gov.uk/landplanningandenvironment/countryside/accessplan>

### **Hants County Council Definitive maps: -**

<http://www.hants.gov.uk/rh/row/maps/definitive-maps.pdf>

### **Hantsweb – Rights of Way**

<https://www.hants.gov.uk/landplanningandenvironment/rightsofway>

### **Fareham Local plan**

<https://www.fareham.gov.uk/planning/localplan.aspx>

### **Long Distance Walkers Association**

[https://www.ldwa.org.uk/ldp/members/show\\_path.php?menu\\_type=S&path\\_name=Solent+Way](https://www.ldwa.org.uk/ldp/members/show_path.php?menu_type=S&path_name=Solent+Way)

### **New Forest National Park Authority –**

<http://www.newforestnpa.gov.uk/>

### **New Forest Recreation Mitigation Strategy: -**

<https://www.newforestnpa.gov.uk/about-us/recreation-management-strategy/>

### **North Solent SMP: -**

<http://www.northsolentsmp.co.uk/>

### **Partnership Plan – For the New Forest National Park**

<https://www.newforestnpa.gov.uk/about-us/management-plan/>

### **Southampton City Council**

<https://www.southampton.gov.uk/roads-parking/roads/rights-way-map.aspx>

### **Sustrans**

<https://www.sustrans.org.uk/>

### **The New deal; Management of National Trails in England from April 2013 (NE426)**

<http://Publications.naturalengland.org.uk/publication/6238141>

## **Things to do in Hampshire**

<https://www.hants.gov.uk/thingstodo>

## **Titchfield Haven**

<https://www.hants.gov.uk/thingstodo/countryparks/titchfield>

## **Visit Britain Tourism Survey**

<https://www.visitbritain.org/destination-specific-research>

## **Visit Hampshire: -**

<http://www.visit-hampshire.co.uk/things-to-do/outdoor-activities/walks>

## **Walking in Hampshire: -**

<https://www.hants.gov.uk/thingstodo/countryside/walking>

## Annex B: Glossary of terms

The terms and their explanations below are included for guidance only

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

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

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

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

Section 1.2 of the Coastal Access Scheme includes a brief overview of the main provisions, which are explained in more detail in subsequent chapters. See Bibliography for publication details.

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

**alternative route** means a route proposed to the **Secretary of State** under section 55C of the **1949 Act**, to operate as a diversion from the **ordinary route** at certain times. The associated term **optional alternative route** denotes a route which the public has the *option* to use at times when the **ordinary route** is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Neither type of alternative route creates any seaward **margin**. Paragraphs 4.10.16 to 4.10.18 of the Scheme explain more about the potential use of optional alternative routes.

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

**coastal access duty** means Natural England’s duty under section 296 of the **2009 Act** to secure improvements to public access to the English coast. It is explained in more detail in 1.2 of the Coastal Access Scheme.

**coastal access rights** is the term we use to describe the rights of public access to the coast provided under section 2(1) of **CROW** as a result of the provisions of the **2009 Act** and the **Order**. Coastal access rights are normally rights of access on foot for open-air recreation. These rights are by default subject to **national restrictions** and may additionally be subject to **directions** which restrict or **exclude** them locally. Section 2.4 of the Coastal Access Scheme explains more about the nature and management of coastal access rights.

**coastal margin or margin** means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the **Order**. Its main component is land subject to the **coastal access rights**, but it also contains other land, including some land that is not accessible to the public. A land owner may also voluntarily include land in the coastal access margin by making a **dedication**. Section 2.3 of the Scheme explains these other categories of land and how they fit in.



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

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

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

Land within the **coastal margin** that was previously dedicated as access land under **CROW** becomes subject to the coastal access regime, including the **national restrictions** and the reduced level of liability operating on other parts of the margin with **coastal access rights**. On certain land, a dedication may be used to 'opt in' to the coastal access regime land where it would not otherwise apply. Chapter 2 of the Coastal Access Scheme explains these scenarios in more detail.

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

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

**Estuarial waters** are defined in section 309 of the **2009 Act** as any waters within the limits of transitional waters within the meaning of Council Directive 2000/60/EC (the European Community Water Framework Directive). Transitional waters are defined in Schedule 1 to the Directive as "bodies of surface water in the vicinity of river mouths which are partially saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows". The Environment Agency has mapped their **seaward limit** on each English estuary. Section 10.1 of the Scheme explains the relevance of estuarial waters to our proposals for coastal access at estuaries.

**excepted land** – see Annex C.

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

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

**gate** is used in several ways in the reports:

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

**guide fencing** is a term the reports may use to describe simple temporary fencing which can be put up and taken down with minimal cost or effort – see figure 18 in chapter 6 of the Coastal Access Scheme.

**Habitats Regulations Assessment** means an assessment made in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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

a **length** is the term used to describe the part of **the stretch** covered by each individual report.

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

**margin (see coastal margin)**

**national restrictions** – see Annex D.

**National Trail** means a long-distance route approved by the Secretary of State under section 52 of the **1949 Act**.

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

**ordinary route** means the line normally followed by **the trail**.

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

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

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

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

A relevant interest must therefore own or occupy the land in question, rather than simply having some other kind of legal interest over it.

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

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

**Roll-back** is the term the Scheme uses to describe arrangements made under the provisions of section 55B of the **1949 Act**, whereby we may propose to the **Secretary of State** in a **coastal access report** that the route of a specified part of the **trail** which is subject to significant erosion or other coastal processes, or which links to such a section of trail, should be capable of being repositioned later in accordance with the proposals in our relevant report, without further confirmation by the Secretary of State. Section 4.10 of the Scheme explains in more detail how this works, and part 6(d) of this Overview explains this in the context of the stretch.

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

**section 15 land** means land with public access rights under:

- section 193 of the Law of Property Act 1925;
- a local or private Act;
- a management scheme made under Part I of the Commons Act 1899; or
- an access agreement or access order made under Part V of the National Parks and Access to the Countryside Act 1949;

or land subject to, or potentially subject to, public access under section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Where Section 15 land forms part of the **coastal margin** (which it may do in any of the ways explained in section 4.8 of the Coastal Access Scheme), these rights apply instead of the **coastal access rights**. Figure 6 in Section 2.4 of the Coastal Access Scheme shows the relationship of Section 15 land to the coastal access regime in more detail.

**spreading room** is the term we use to describe any land, other than the **trail** itself, which forms part of the **coastal margin** and which has public rights of access.

In addition to land with **coastal access rights** it therefore includes areas of **section 15 land**. Spreading room may be either seaward or landward of the **trail**, according to the extent of the margin. Section 4.8 of the Scheme explains in more detail the ways in which land may become spreading room. Spreading room may be subject to **directions** that **restrict** or **exclude** the coastal access rights locally from time to time. However, the Scheme does not use the term to describe land which is subject to a direction which excludes access for the long-term. Land is not described as spreading room in the Scheme if it falls into one of the descriptions of **excepted land**, although it may become spreading room if it loses its excepted status as a result of a change of use, or if the owner dedicates it as coastal margin. Where highways such as roads or public rights of way cross spreading room, they remain subject to the existing highway rights rather than becoming subject to coastal access rights.

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

**stretch** is the whole area covered by our compendium of statutory reports making coastal access proposals to the Secretary of State, each covering one **length** within the stretch.

**temporary route** means a diversionary route which operates while access to the trail is **excluded** by **direction**. Unlike an **alternative route**, a temporary route may be specified later by or under the direction without requiring confirmation by the Secretary of State, though land owner consent is needed in some circumstances. Figure 17 in chapter 6 of the Coastal Access Scheme explains the provisions for temporary routes in more detail.

**the trail** is the term we use to describe the strip of land people walk along when following the route identified for the purposes of the **Coastal Access Duty**. See part 1.3 of the Coastal Access Scheme. Following approval by the Secretary of State of our proposals, the trail along that **stretch** becomes part of the **National Trail** known as the **England Coast Path**. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the **coastal margin**.

**variation report** means a report to the Secretary of State under section 55(1) of the 1949 Act. Natural England may prepare a variation report recommending changes to coastal access proposals that have previously been approved. Figure 10 in chapter 3 of the Coastal Access Scheme explains in more detail the circumstances when a variation report is necessary.

A variation report may also be prepared by Natural England (in the context of our recommendations for the **trail** which we have a duty to secure under section 296 of the **2009 Act**) to recommend that the route of another National Trail at the coast is modified.

## Annex C: Excepted land categories

The effect of Schedule 1 to the Countryside and Rights of Way Act 2000 is that some categories of land are completely excluded from the coastal access rights, even if they fall within the coastal margin:

- land covered by buildings or the curtilage of such land;
- land used as a park or garden;
- land used for the getting of minerals by surface working including quarrying (except, under certain circumstances, the removal of sand or shingle from an area of foreshore or beach);
- land used for the purposes of a railway (including a light railway) or tramway;
- land covered by pens in use for the temporary detention of livestock;
- land used for the purposes of a racecourse or aerodrome;
- land which is being developed and which will become excepted land under certain other excepted land provisions;
- land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works) or the curtilage of such land;
- land covered by works used for an electronic communications code network or the curtilage of any such land;
- land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900;
- land which is, or forms part of, a school playing field or is otherwise occupied by the school and used for the purposes of the school; and
- land which is, or forms part of, a highway (within the meaning of the Highways Act 1980) – see below.

Some other land categories are excepted by default, but we may propose that the trail should cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights. Where land in any of these categories would form part of the coastal margin in proposals, it would therefore be fully excepted from coastal access rights. That includes:

- land on which the soil is being, or has at any time within the previous 12 months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees;
- land used for the purposes of a golf course;
- land which is, or forms part of, a regulated caravan or camping site; and
- land which is, or forms part of, a burial ground.

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

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

## Annex D: National restrictions

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

The scope of these coastal access rights is normally limited by a set of rules that we call in the Coastal Access Scheme the “national restrictions”.

They list some specific activities not included within the coastal access rights – for example camping, horse riding and cycling. The national restrictions on the coastal access rights are set out on the pages that follow.

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

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

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

We can provide more information about these options on request.

# Countryside and Rights of Way Act 2000

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

### General restrictions

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

(b) engaging in any activities which –

(i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and

(ii) take place on land other than land used for grazing or other agricultural purposes.

2 (1) In paragraph 1(k), “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is “lawful” if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.

3 Regulations may amend paragraphs 1 and 2.

4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.

(2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.

5 Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.

6 In paragraphs 4 and 5, “short lead” means a lead of fixed length and of not more than two metres.

6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if –

(a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and

(b) at that time, the dog is not under the effective control of that person or another person.

(2) For this purpose a dog is under the effective control of a person if the following conditions are met.

(3) The first condition is that –

(a) the dog is on a lead, or

(b) the dog is within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.

(4) The second condition is that the dog remains –

(a) on access land, or

(b) on other land to which that person has a right of access.

(5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.

6B (1) Section 2(1) does not entitle a person to be on any land which is coastal margin if, on that land, the person obstructs any person passing, or attempting to pass, on foot along any part of the English coastal route, any official alternative route or any relevant temporary route.

(2) In this paragraph –

“the English coastal route” means the route secured pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);

“official alternative route” has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949;

“relevant temporary route” means a route for the time being having effect by virtue of a direction under section 55I of that Act to the extent that the line of the route passes over coastal margin.



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View over Southampton Water from Royal Victoria County Park © Mary Andrew/Natural England

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