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England Coast Path Stretch: Combe Martin to Marsland Mouth

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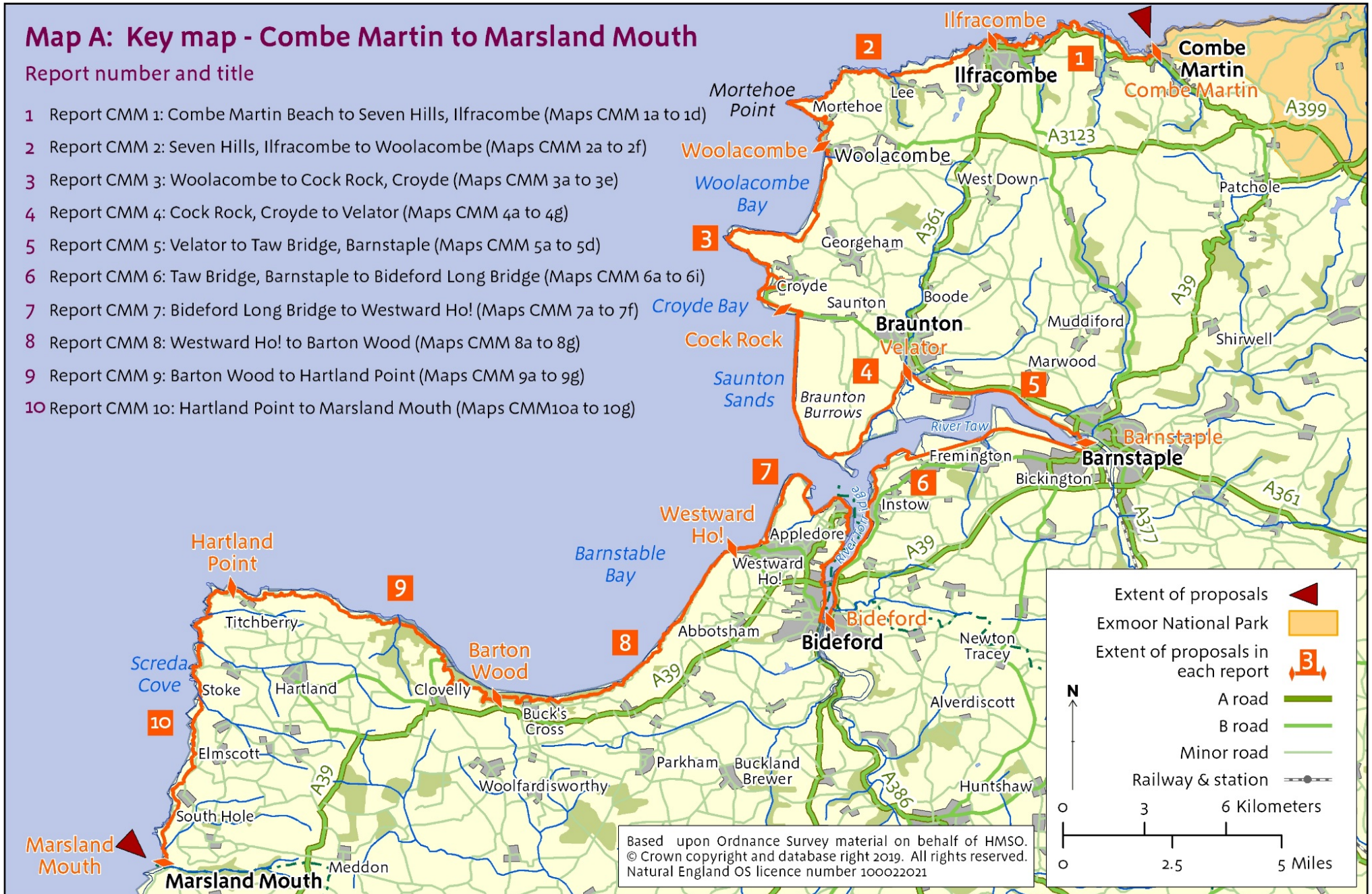
Overview of Natural England's statutory reports to the Secretary of State for Environment, Food and Rural Affairs.



Map A: Key map - Combe Martin to Marsland Mouth

Report number and title

- 1 Report CMM 1: Combe Martin Beach to Seven Hills, Ilfracombe (Maps CMM 1a to 1d)
- 2 Report CMM 2: Seven Hills, Ilfracombe to Woolacombe (Maps CMM 2a to 2f)
- 3 Report CMM 3: Woolacombe to Cock Rock, Croyde (Maps CMM 3a to 3e)
- 4 Report CMM 4: Cock Rock, Croyde to Velator (Maps CMM 4a to 4g)
- 5 Report CMM 5: Velator to Taw Bridge, Barnstaple (Maps CMM 5a to 5d)
- 6 Report CMM 6: Taw Bridge, Barnstaple to Bideford Long Bridge (Maps CMM 6a to 6i)
- 7 Report CMM 7: Bideford Long Bridge to Westward Ho! (Maps CMM 7a to 7f)
- 8 Report CMM 8: Westward Ho! to Barton Wood (Maps CMM 8a to 8g)
- 9 Report CMM 9: Barton Wood to Hartland Point (Maps CMM 9a to 9g)
- 10 Report CMM 10: Hartland Point to Marsland Mouth (Maps CMM10a to 10g)



Report number and title

CMM 1:	Combe Martin Beach to Sevens Hills, Ilfracombe (Maps CMM 1a to CMM 1d)
CMM 2:	Seven Hills, Ilfracombe to Woolacombe (Maps CMM 2a to CMM 2f)
CMM 3:	Woolacombe to Cock Rock, Croyde (Maps CMM 3a to CMM 3f)
CMM 4:	Cock Rock, Croyde to Velator (Maps CMM 4a to CMM 4g)
CMM 5:	Velator to Taw Bridge, Barnstaple (Maps CMM 5a to CMM 5d)
CMM 6:	Taw Bridge, Barnstaple to Bideford Long Bridge (Maps CMM 6a to CMM 6i)
CMM 7:	Bideford Long Bridge to Kipling Tor, Westward Ho! (Maps CMM 7a to CMM 7f)
CMM 8:	Kipling Tor, Westward Ho! to Barton Wood (Maps CMM 8a to CMM 8g)
CMM 9:	Barton Wood to Hartland Point (Maps CMM 9a to CMM 9g)
CMM 10:	Hartland Point to Marsland Mouth (Maps CMM 10a to CMM 10g)

Using the Key Map

Map A (opposite) shows the whole of the Combe Martin to Marsland Mouth 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 10 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 Combe Martin and Marsland Mouth. 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 CMM 1a to CMM 1d illustrate the proposals in report CMM 1, which deals with the length from Combe Martin Beach to Seven Hills, Ilfracombe.

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 waters¹, 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 North Devon between Combe Martin and Marsland Mouth. Taken together, our report proposals would make the following key improvements to the existing arrangements for access to this part of the 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.

¹ 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 Combe Martin to Marsland Mouth, which can be viewed here www.gov.uk/government/publications/england-coast-path-from-combe-martin-to-marsland-mouth-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 10 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 CMM 1a to CMM 1d illustrate the proposals described in report CMM 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.

Part 3 Proposals Tables explained

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.
 - 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.
- In the table for sections of the trail that differ from the existing South West Coast Path as currently walked and managed, we set out additional information for each section of coast under the following column heading:
- 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.
- 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:

Note that for the tables for sections of the trail that follow the existing South West Coast Path as currently walked and managed, the column ‘Current status of route section(s)’ has been omitted.

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"> ■ it offers a safer and more convenient route with a newly created tarmac surface which is accessible to all. ■ it avoids passing through the working area of the boat yard. ■ the surface of the existing footpath along the flood bank is uneven and often waterlogged. <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"> ■ it avoids increased footfall on the fragile limestone grassland flora which is designated as a SAC and SSSI feature. ■ it is comparable, in terms of the safety and convenience of walkers. <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.

Part 4 Proposals Maps explained

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. Different shading on the line differentiates 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 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.

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 means the excepted land provisions do not apply there and may also be used to relax or remove 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 conjunction 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

- stages 1&2 of the implementation process set out in chapter 3 of the Scheme;
- working protocols with national stakeholders relating to their interests on each stretch of coast

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 Devon Countryside Access Forum;
- Devon Council officers, including ecology, geology, historic environment, planning, transport and countryside ranger staff;
- 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
- the Ministry of Defence, in relation to defence interests on this stretch of coast.

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

- South West Coast Path Association;
- Ramblers Association;
- British Mountaineering Council;
- National Farmers Union;
- British Association for Shooting and Conservation;
- 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 the Royal National Lifeboat Institution (RNLI), Devon Wildlife Trust, Royal Society for the Protection of Birds (RSPB), the Gaia Trust, Devon Area of Outstanding Natural Beauty (AONB), North Devon Biosphere - 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.

In places where the existing route of the South West Coast Path as currently walked and managed fitted well with the criteria for the walking route as set out in the Coastal Access Scheme, we wrote to relevant owners, occupiers and other legal interests to explain our emerging conclusions and to offer them an opportunity to talk to us about them. We also sent them a mapped summary of our emerging proposals, clearly explaining how their land would be affected by any new rights and seeking any views about this. On sections where there was the potential to make improvements to the existing route of the South West Coast Path to fit more closely with the criteria set out in the Coastal Access Scheme, we contacted relevant owners and occupiers and asked for their views so that we could discuss options for alignment.

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 Combe Martin to Marsland Mouth stretch includes the **Taw –Torridge Estuary**.

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 Taw -Torridge estuary 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 Taw - Torridge estuary;
- 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 only estuary system in North Devon is the Taw - Torridge estuary. The River Taw rises at Taw Head, a spring on the central northern flanks of Dartmoor, crosses Devon and, flows for 45 miles (72 km) into Bideford Bay in the Bristol Channel near the town of Barnstaple. At its extreme western (seaward) end it forms a series of wide meanders before joining with the River Torridge. The River Torridge rises close to Meddon, near Hartland, looping through Devon farming country for 58 miles (93 km) where its tributaries the Lew and Okement join before meeting the Taw at Appledore and flowing into the Bristol Channel.

e) The Taw-Torridge estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the Taw - Torridge is from Airy Point at the southern end of Braunton Burrows to the northern tip of Northam Burrows. The first bridges with pedestrian access are at the Taw (A361) Bridge at Barnstaple on the River Taw and Bideford Long Bridge on the River Torridge.

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 is a seasonal ferry service across the River Torridge between the quay at Instow and Appledore. In 2019 the ferry ran from 1 April to 27 October. The ferry is also tide-dependant. Using the ferry would ‘save’ c.9.5 km of walking. There is no ferry service across the Taw.

ii) Character of the Estuary

Estuary width

The width of estuary varies considerably. At its mouth in Bideford Bay (Bristol Channel), where the Taw and Torridge meet, it is 0.7 miles (1.1 km) wide.

The River Taw at the Taw (A361) Bridge, 7.8 miles (12.5 km) upstream of the seaward limit of the estuarial waters, is 300m wide. The estuarial waters on the Taw extend a further 4 miles (6.7 km) upstream to Newbridge Causeway, Beara. Downstream of Home Farm Marsh and Horsey Island, the width of the estuary gives a distinctive coastal feel.

The River Torridge at Bideford Long Bridge, 4.7 miles (7.6 km) upstream of the seaward limit of the estuarial waters, is 200m wide. The estuarial waters of the Torridge extend a further 5.7 miles (9.2 km) upstream to Weare Giffard. Downstream from Appledore and Instow, the width of the estuary gives the area a distinctive coast feel.

Topography of the shoreline

The Taw estuary runs east-west in series of meanders in a wide valley. There is one significant tributary, the River Caen, on the northern side of the river, whose estuarial limits extend 1.2 miles (2 km) up the river to Velator Quay. There is a smaller tributary on the southern side of the Taw, Fremington Pill, whose estuarial limits extend 0.6 miles (1.1 km) upstream to Muddlebridge, Fremington. The Torridge estuary runs north-south in a narrow valley with no significant tributaries.

Extensive areas of mudflat and sand banks are exposed at low tide, particularly on the Taw. Where both rivers meet there are extensive sand dune systems, particularly to the north (Braunton Burrows) and to a lesser extent to the south (Northam Burrows).

There is currently level pedestrian access around the estuary following the disused railway on the north banks of the Taw (the old Barnstaple to Ilfracombe branch of the London & South Western Railway) and along the southern banks of the Taw and eastern banks of the Torridge, again following the disused railway line (the old Barnstaple – Fremington - Instow – Barnstaple branch of the London & South Western Railway). The disused railway lines generally follow the edge of the estuary providing good views of both rivers along the majority of their length.

Nature of affected land

The Taw

The northern side of Taw estuary from Braunton Burrows to the A361 Taw Bridge is initially rural in nature with large areas of sand dunes at Braunton Burrows and extensive areas of saltmarsh/mudflats at Horsey Island. The estuary gradually becomes more urbanised/developed as it heads towards Barnstaple passing the Royal Marines base at Chivenor, Chivenor Industrial Estate and a sewage works and Pottington Industrial Estate. There are extensive areas of mudflats/sand banks and small areas of saltmarsh, exposed at low tide.

The southern side of the Taw estuary is primarily rural in nature. Arable fields at Penhill Point with an extensive area of saltmarsh (open access) to the east. Home Farm Marsh and East Yelland Marsh are primarily grazed permanent pasture. Instow Barton Marsh is floodplain grazing marsh. There are areas of salt marsh at the RSPB reserve at Isley Marsh. As with the northern side of the estuary, there are extensive areas of mud flats and sand banks which are exposed at low tide.

The Torridge

The eastern side of the Torridge is primarily rural in character apart from the village of Instow, with its promenade and sand dunes, and at the southern (upstream limit) end, the towns of Bideford and East-the-Water. Extensive areas of sand and mudflats are exposed at low tide.

The western side of the Torridge is primarily urban in character including the towns of Bideford, Northam and Appledore. At the seaward end of the estuary there are extensive areas of mudflats (at the Skern) and sand dunes at Northam Burrows.

Features of interest

The Taw

The large village of Braunton is ideally placed for visits to Braunton Burrows and its dramatic and extensive sand dunes. Horsey Island, recently purchased by Devon Wildlife Trust, is to be managed as a nature reserve. There are historical quays at Velator (on the River Caen) and at Fremington Quay. With its close links to Velator Quay, Braunton was a significant port in the mid-19th century, exporting produce from Braunton Great Field (one of only two surviving medieval open strip field systems in England) and manganese ore from a local mine around the country and importing coal and limestone from Wales and bricks from Bridgwater. At the same time, Fremington Quay, with its rail links, was the busiest port

between Land's End and Bristol, importing and exporting goods from and to all around the world. There is a small museum, café and car park at the site.

The market town of Barnstaple is the largest town in North Devon and has the full range of visitor amenities and attractions, including a thrice-weekly 'pannier market'. Former industrial land at Anchorwood Bank is being redeveloped as Barnstaple's 'Riverside Quarter', with a mix of retail and housing and riverside walks.

On the southern side of the estuary there are two nature reserves, at Home Farm Marsh (owned by the Gaia Trust) and at Isley Marsh (owned by the RSPB).

The western section of East Yelland Marsh is the site of the old East Yelland Power Station which was closed in 1984 and has now been demolished.

The MOD have a considerable presence in the area with the Royal Marines camp at RMB Chivenor and the training area at Braunton Burrows.

The Torridge

The small town of Instow, with its sandy beach, sand dunes, old railway station, yacht club (North Devon Yacht Club, founded in 1905) and cricket ground (North Devon Cricket Club, founded in 1823) and easy access to the Tarka Trail, is a favourite with holiday makers. Bideford, on the west bank of the Torridge and the neighbouring village on the east bank, East-the-Water, connected by Bideford Long Bridge, an impressive arched stone bridge built in 1535, is home to a thriving historic twice-weekly 'pannier market'. The tree lined quay is busy with fishing vessels, cargo and pleasure boats. Bideford is also the home base of the MS Oldenburg, the Lundy Island supply ship.

Further down the estuary, is the small town of Northam and the villages of Appledore and West Appledore. Appledore has a rich maritime history from the second half of the 19th century. The Grade II* Richmond Dry Dock, built in 1856 continued in use until the 1960s. More than 350 vessels ranging from small to medium-sized military craft to super yachts were built at the Appledore Yard between its founding in 1855 and closure in March 2019. Appledore lifeboat station which was rebuilt in 2001 is the base for a Tamar Class lifeboat and an inshore B class Atlantic 85 lifeboat.

Northam Burrows Country Park on the southern side of the mouth of the Taw-Torridge estuary is a popular place for walkers and is the home of the Royal North Devon Golf Club. Founded in 1864, it is the oldest golf club in the country.

The MOD has a smaller presence on the Torridge with Aromanches Camp and Zeta Berth at Instow.

iii) Recreational Benefit

With good transport links to the rest of the country by road and rail, Barnstaple is ideally located in the centre of the area and provides easy access to the towns of Braunton, Instow, Northam and Bideford and the village Appledore making the whole area a popular tourist destination, particularly during the summer months.

Access in the area is generally very good, with the South West Coast Path (SWCP) providing a continuous route around the estuary. Between Velator and Bideford the SWCP shares its route with the Tarka Trail, a long distance cycle route from Braunton to Meeth. As a promoted route, the England Coast Path would continue to provide a clearly way-marked route around the estuary, using existing walked routes and public rights of way.

iv) Excepted land

There are small areas of excepted land at various locations around the estuaries, the largest of these being at RMB Chivenor which is subject to MOD byelaws. The other areas of excepted land would include houses and gardens and a sewage works at Velator, buildings and their curtilage in the business park at Chivenor, the built areas of the yacht club at Instow, the built areas of the wharfs, jetties and docks at Instow, Bideford and Appledore, houses and gardens at Bideford, Northam, Appledore and West Appledore.

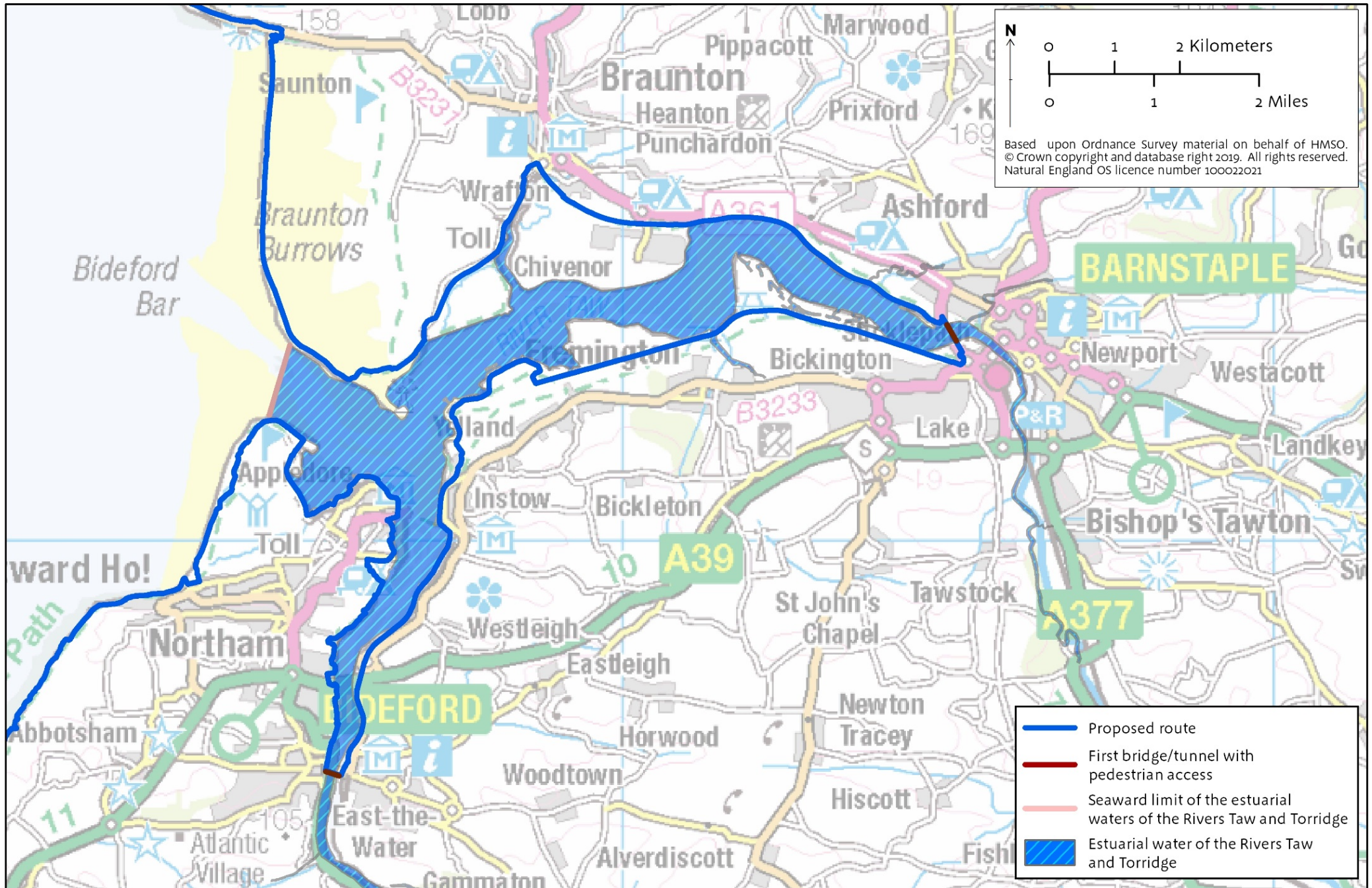
v) Options for the Taw -Torrige estuary.

- Option 1 – align the trail around the estuary as far as the first two pedestrian crossing points, the A361 Taw Bridge on the Taw (has a wide, purpose built pedestrian/cycle path on the seaward side of the bridge, purpose-built ramps at each end and no road crossings) and Bideford Long Bridge on the Torrige (pedestrian pavement on both sides of the bridge). Although this results in an additional 23 miles (37 km) of trail when compared with option 3, it is a very interesting walk with a range of features, amenities and facilities for walkers.
- Option 2 – stop at the seaward extent of the estuarial water – at Airy Point on the northern side of the estuary and at the northern tip of Northam Burrows on the southern side of the estuary. This would result in a ‘break’ in the England Coast Path.
- Option 3 – use the seasonal ferry between Instow and Appledore. The ferry has the benefit of being more direct for walkers but for large proportions of the year there would not be a continuous England Coast Path in the area.

Proposed route of the trail

Our chosen option is option 1 because it provides a continuous 23 mile (37 km) route for long distance walkers following to a large extent the existing South West Coast Path/Tarka Trail. Unlike option 3, it is available all year round. It also passes many sites of interest and gives visitors the chance to explore the history of the area as well as seeing the wildlife.

Map A2: Estuarial Waters of the Rivers Taw and Torridge



6. Other considerations on this stretch

a) Recreational Issues

Map B gives an overview of existing public access to the North Devon coast between Combe Martin and Marsland Mouth, showing public rights of way, access land and promoted routes/National Trails along the stretch.

Our proposals will supplement the ambitions described in the North Devon Coast and Estuary Strategy (North Devon Council & Torridge District Council) and the Devon Rights of Way Improvement Plan by enhancing provision of access to the coast.

The South West Coast Path already affords good linear coastal access throughout this stretch of coast. For the most part it maintains relatively close proximity to the sea, with access to the shore line in many places. There are points where it moves inland and loses sea views for significant distances (for example, at Braunton Burrows – see length report CMM 4; RMB Chivenor – see length report CMM 5). We address both these issues in the relevant report relating to the places where they occur.

The proposed route of the trail would follow much of the route currently managed as the South West Coast Path National Trail but there are places where it differs from that route which are shown on the accompanying maps. If the Secretary of State approves our proposed route for the England Coast Path along this length of coast, we propose to modify the approved route of the existing national trail to coincide with the proposed route for the England Coast Path in places where the two diverge. This is achieved by means of a separate variation report to the Secretary of State.

There are extensive areas of the stretch designated as open access land including land at Hele Bay, Ilfracombe (report CMM 1), Ilfracombe to Woolacombe (reports CMM 1 and 2), Bagg Point (report CMM 3) and Northam Burrows Country Park (report CMM 7) on the north eastern half of the stretch and between Windbury Point and Blegberry (reports CMM 9 and CMM 10) and Milford Common/Swansford Hill and Marsland Mouth (report CMM 10) in the south western part of the stretch. These areas are shown on Map B and in more detail in the maps accompanying each length report.

However, there are lengths of coast where no existing, or patchily located, open access rights exist:- these are located between Combe Martin and Widmouth (report CMM 1), Croyde (report CMM 4), between Braunton Burrows and Appledore (CMM 4 to CMM 7) and Westward Ho! to Mouth Mill (reports CMM 8 to CMM 9).

All land seaward of the proposed route, and certain coastal land types that are landward of it, would become coastal margin by default if our proposals are approved. The coastal margin would normally be subject to access rights unless it is excepted land or excluded by direction (see the section in part 3 of the Overview entitled 'Notes on how our Part 4 Proposals Maps work'). This would extend open access rights much more widely than at present along sections of this coastline and replace the existing access rights seaward of the trail.

Where existing access land would not qualify as coastal margin in the ways described above, we have in some places proposed that it should be included using our discretion to propose a physical feature as the landward boundary of the coastal margin. The majority of this landward spreading room is owned by Cornwall Council or the National Trust. The individual reports give details of all such proposals for coastal margin landward of the trail and the detailed maps show the extent of each. These proposals are in all cases made with the agreement of the landowner.

Local user groups (including the Ramblers, the South West Coast Path Association, the Devon Countryside Access Forum) suggested a number of improvements to the existing South West Coast Path. These included bringing the trail closer to the coast and taking it off busy roads.

We have considered these in our proposals and, where we have not been able to address them, clearly explained the reasons in the relevant reports.

b) Protection of the environment

The coastline between Combe Martin and Marsland Mouth is highly designated for its landscape, wildlife and cultural heritage assets.

Two Marine Conservation Zones (MCZ) are located on this stretch of coast – Bideford to Foreland MCZ and Hartland Point to Tintagel MCZ. There are two Special Areas of Conservation (SAC) along the stretch, Braunton Burrows SAC (one of the largest virtually intact sand dune sites in the UK) and Tintagel – Marsland – Clovelly Coast SAC (60 km of west and north facing coastal cliff with a range of maritime influences and vegetation, including crevice and grassland communities, maritime heath and sessile oak woodland).

Numerous Sites of Special Scientific Interest (SSSI) are to be found along the coast, notified for a range of features including exposed coastal geology, sand dunes, cliff vegetation, saltmarsh, mudflats and the wide range of water birds they support. See Map C: Key statutory environmental designations on the stretch.

The majority of the rural coast of this stretch forms part of the North Devon Area of Outstanding Natural Beauty (AONB), split between the North Devon and Hartland Heritage Coasts.

Studies of landscape characteristics in the North Devon Coast AONB identified 16 special qualities to define “some of the finest coastal scenery in the country”:-

- Diversity of scenery contained within a small area, including some of the finest cliff scenery in the country.
- Panoramic seascape with seaward views to Lundy within the Atlantic Ocean, across the Bristol Channel to Wales and along the coastline. These views are of a landscape and seascape devoid of human influence.
- Narrow framed views of the sea from coastal mouths of steep sided combes.
- Panoramic views across a rolling landscape of pastoral farmland and wooded combes and valleys, towards the sea from elevated inland areas.
- Wild coastal scenery. In the north, hogsback cliffs of varying heights; in the south high, rugged cliffs, dramatic rock formations, exposed headlands, wave cut platforms and rocky coves.
- A vast sand dune system at Braunton Burrows of exposed wild character, with high nature-conservation interest of international importance, and the pebble ridge at Westward Ho!
- Long, broad sandy beaches backed by extensive dune systems.
- A strong sense of tranquility and remoteness where the coast road is located away from the coastline.
- Rare and fragile quality of wilderness in Braunton Burrows and on the Hartland coast.
- Historic landscape pattern of hedge-banks, farmsteads, hamlets, villages and lanes.

- Historic coastal quays and fishing villages, coastal promontory sites for strategic defences and lighthouses.
- Deep combes and cliffs cloaked in ancient woodland along the Bideford Bay coast.
- Small pockets of remnant lowland coastal heathlands around Morte Point and Hartland Quay.
- Tourist-orientated settlements in sheltered seaside locations.
- Secluded, secretive and tranquil steep sided valleys that dissect the high downland and coastal plateau
- Dark night skies, particularly in the Hartland Peninsula

The whole stretch is within the boundaries of the North Devon Biosphere Reserve, a UNESCO designation. The biosphere reserve is centred on Braunton Burrows (the core area), the Taw-Torridge Estuary (the buffer zone) and the remainder of the stretch (the transition zone).

There are a number of scheduled monuments along the stretch, including promontory forts and camps, strip lynchets, earthworks, bowl barrows, double stone alignments and more recent features such as decoy targets from WW2.

Tourism is a major contributor to the economy of this stretch with visitors drawn to the coast. There are sandy beaches at Croyde, Woolacombe, Saunton, and Instow, holiday parks/campsites at Combe Martin, The Warren, Watermouth, Morteheo, Woolacombe, Putsborough, Croyde, Westward Ho! and Buck's Cross; and numerous hotels, holiday lets and speciality wedding venues. Recreational activities include walking the South West Coast Path, cycling the Tarka Trail, water-based activities including sailing and gig racing, and other sporting activities including cricket and golf. The MS Oldenburg, the Lundy Island passenger and supply ship is based at Ilfracombe and Bideford harbours.

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.

The exposed mudflats, salt marshes of the Taw -Torridge Estuary are important for a wide range of wintering waders and wildfowl. The recently published report *Identification of Wintering Wildfowl High Tide Roosts and Recreational Disturbance Impacts on the Taw Torridge Estuary* (Econ 2019) highlights those areas of particular concern. We have worked closely with the teams involved to ensure that any impacts of the England Coast Path are carefully considered.

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-combe-martin-to-marsland-mouth-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-combe-martin-to-marsland-mouth-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.

Rural coast

The coast in this area is predominantly rural in character and consists of areas of open coastal plateau, headlands, coastal slopes, cliffs, dune systems and an estuary with large expanses of mudflats and salt marsh. Tourism is a major contributor to the economy of the area with the South West Coast Path being a popular amenity for visitors.

The issues highlighted by owners and occupiers in these parts of the stretch are generally related to the operational needs of businesses (including wedding venues, livestock farms) or relating to the privacy of residents). 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 gardens, buildings and their curtilage. Other issues raised included concerns about the impact on wildlife as a result of land coming into coastal margin. 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.

We have also had detailed discussions with the National Trust as a major landowner along rural North Devon coastline. The National Trust has in turn discussed our proposals with their tenants to ensure that they strike a fair balance.

Urban coast

Interspersed along the rural coastline are a number of coastal settlements and harbours including Combe Martin, Morteheo, Woolacombe, Saunton, Braunton, Instow, Appledore, Westward Ho! and Clovelly, and the larger towns of Ilfracombe, Barnstaple, Bideford/East-the-Water and Northam. Tourism is important to the coastal economy in these villages and towns throughout the year, with numerous attractions, holiday parks and sandy beaches attracting large numbers of visitors.

The concerns of owners/occupiers in these areas related mainly to the privacy and security of residents particularly those lying within the coastal margin to the seaward side of the trail. As explained under the ‘rural coast’ heading these issues are largely addressed by the ‘excepted land’ provisions in the coastal access legislation. Other issues raised included the desire to reinstate closed sections of the SWCP, the on-going ability to manage land as the owners wish and suggested improvements to coast path signage.

In general the existing public access provisions are already managed effectively alongside adjacent land uses, but there are places where we have been able through discussion with relevant interests to identify small adjustments to the existing coastal route which better integrate recreational benefits with the interests of owners and occupiers. These are described in the relevant report.

d) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast are the Shoreline Management Plans SMP 17 Rame Head to Hartland Point and SMP 18 Hartland Point to Anchor Head (see Annex A: Bibliography), non-statutory policy documents for the management of flood risk and coastal

erosion. With reference to these 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 which would be protected under the policies set out in the Shoreline Management Plan.





However, in some cases we have identified a possible requirement for roll-back even in scenarios like this, to ensure that we can maintain continuity of the trail should a nearby section of the trail be affected by coastal change (see Part 4.10 of the approved Scheme).

The cliffs and coastline between Combe Martin and Saunton & Westward Ho! and Marsland Mouth are largely undefended and subject to varying rates of change. On these lengths 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 the initial route has been approved. There is more detail about these roll-back arrangements in part 7 of the Overview and in relevant reports.

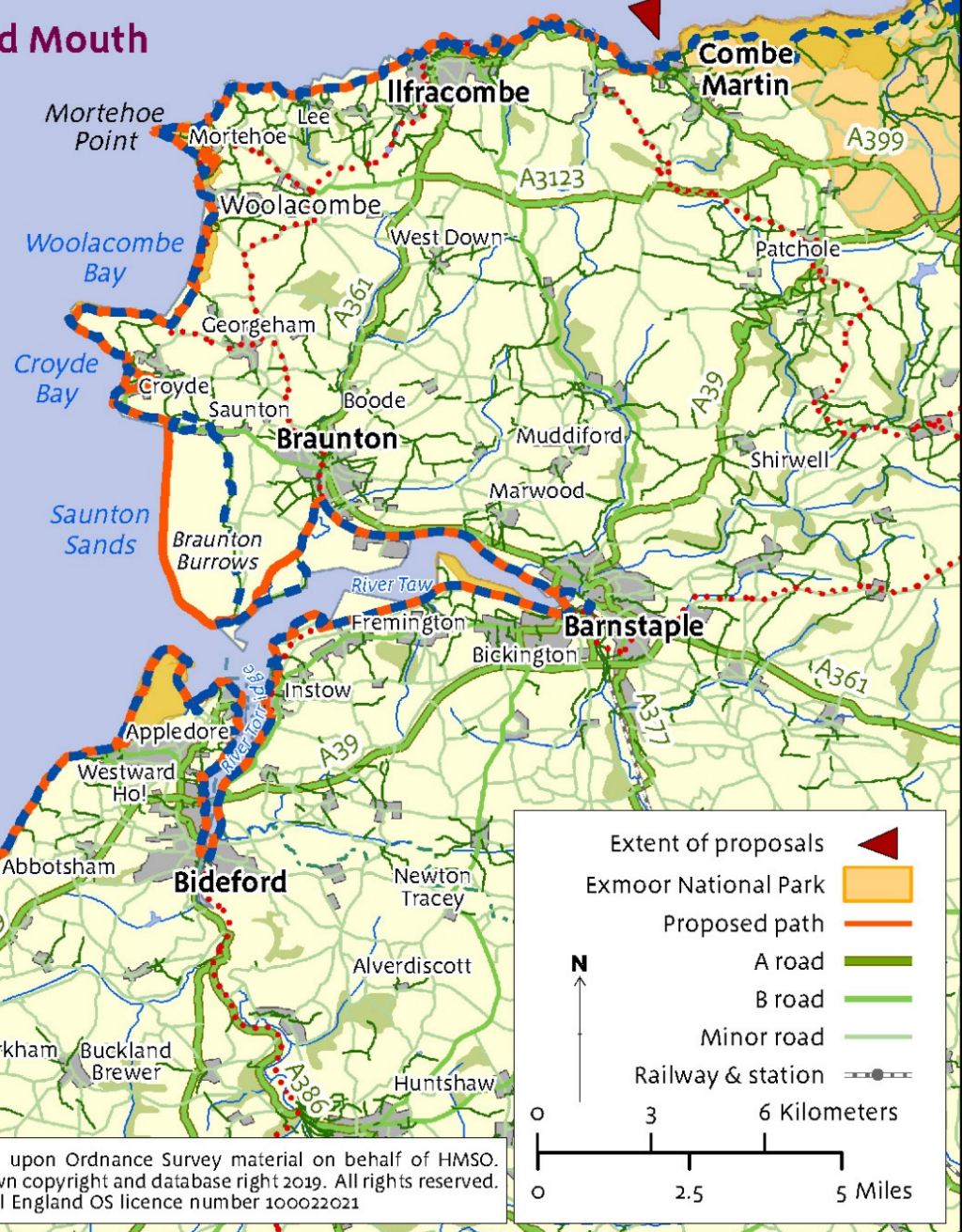
The developed areas of Combe Martin, Ilfracombe, Lee, Putsborough, Croyde, Chivenor, Fremington, Barnstaple, Instow, Bideford, Northam, Appledore, Westward Ho! and Clovelly are defended and unlikely to be affected significantly by coastal processes in the foreseeable future. We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.


Map B: Existing Access - Combe Martin to Marsland Mouth


Existing access rights and routes:


-  Proposed route falling on South West Coast Path
-  Existing Public Rights of Way
-  Cycle route
-  Access land


This map only shows the access information that is relevant to the proposed route of the trail, not the wider map extent.





Extent of proposals 


Exmoor National Park 

Proposed path 

A road 

B road 

Minor road 


Railway & station 

Scale:
 0 3 6 Kilometers
 0 2.5 5 Miles

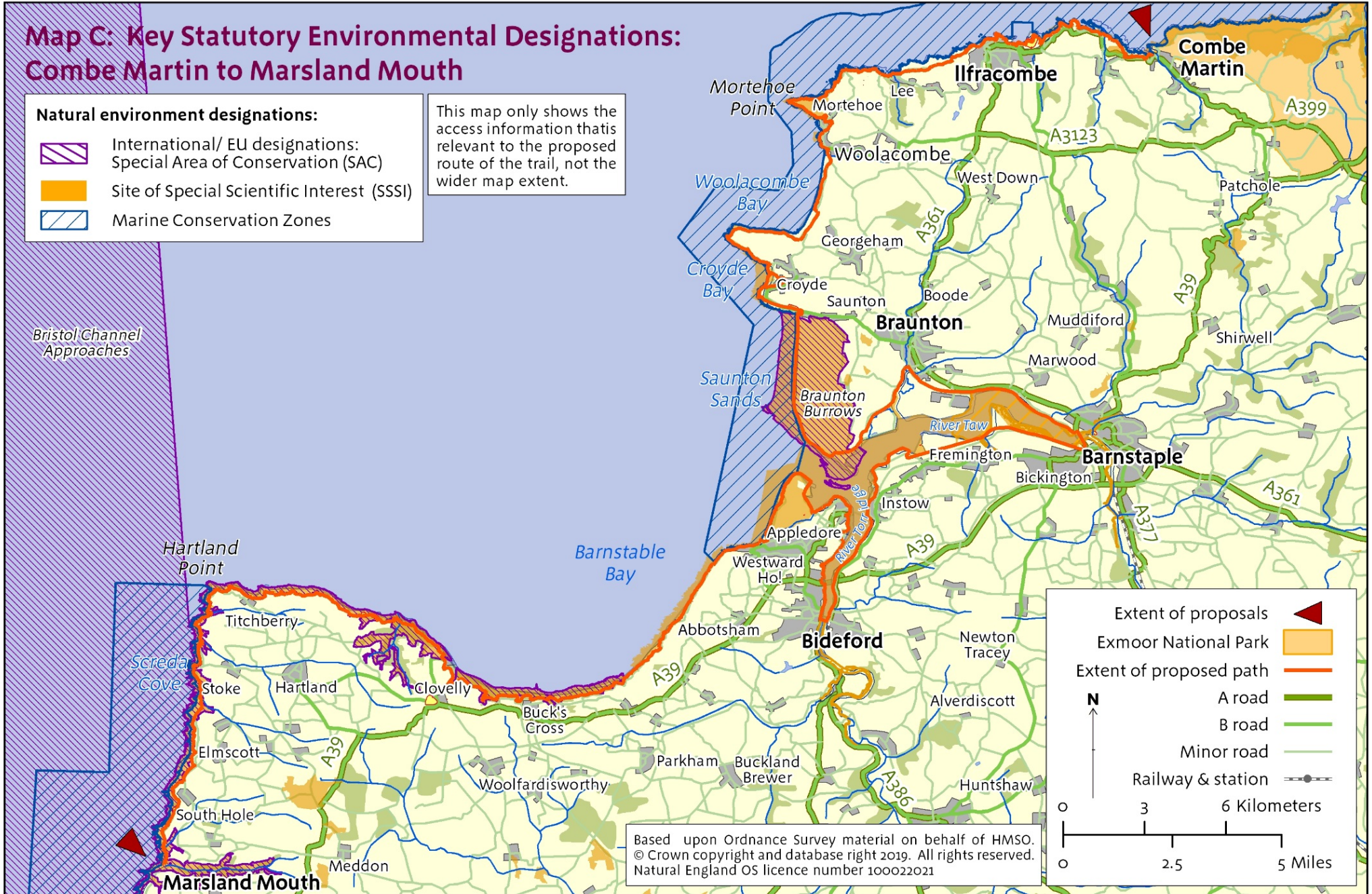
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Map C: Key Statutory Environmental Designations: Combe Martin to Marsland Mouth

Natural environment designations:

-  International/ EU designations: Special Area of Conservation (SAC)
-  Site of Special Scientific Interest (SSSI)
-  Marine Conservation Zones



This map only shows the access information that is relevant to the proposed route of the trail, not the wider map extent.




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Map D: Key Statutory Landscape Designations: Combe Martin to Marsland Mouth

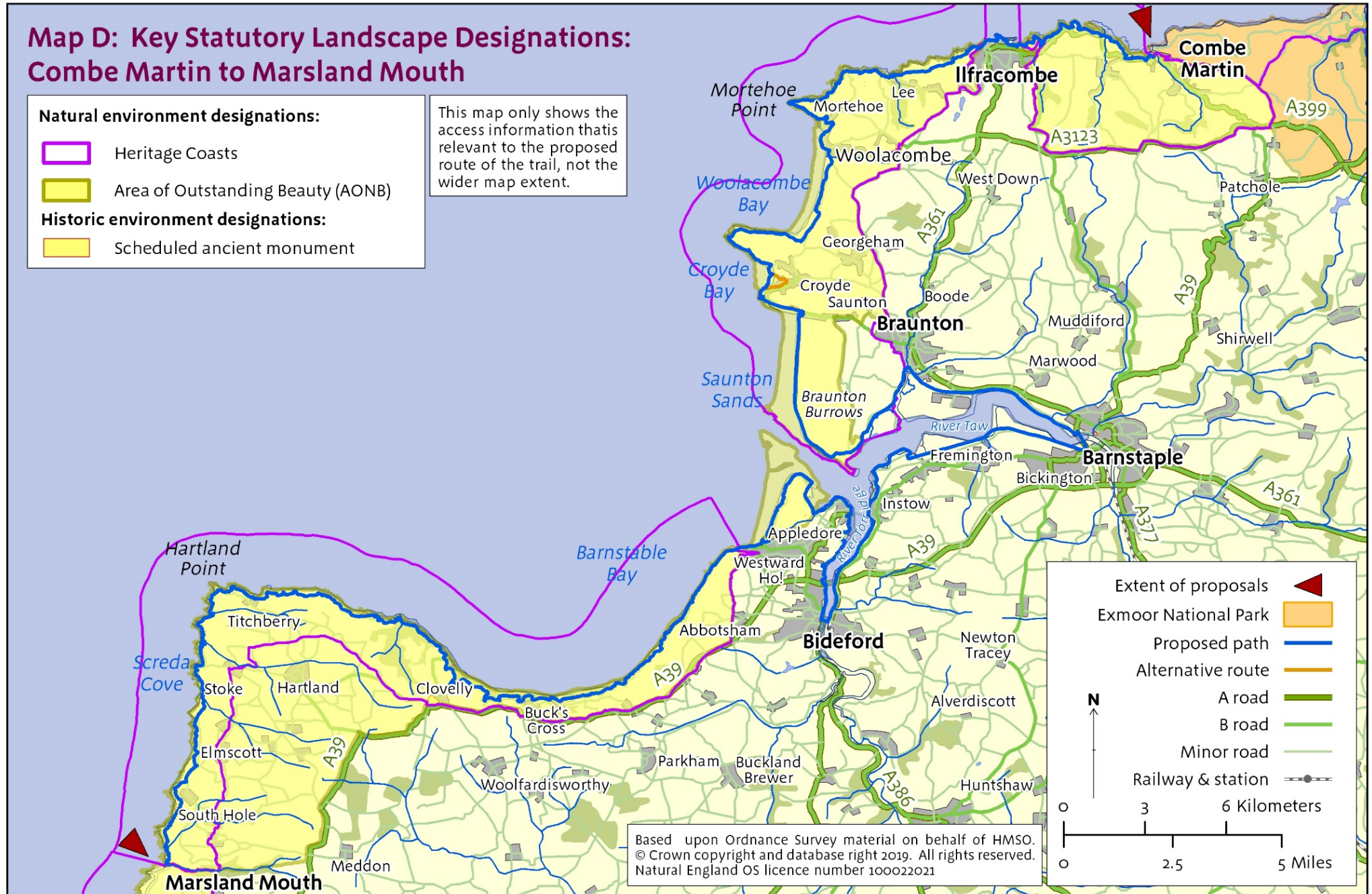
Natural environment designations:









-  Heritage Coasts
-  Area of Outstanding Beauty (AONB)

Historic environment designations:

-  Scheduled ancient monument

This map only shows the access information that is relevant to the proposed route of the trail, not the wider map extent.



Extent of proposals	
Exmoor National Park	
Proposed path	
Alternative route	
A road	
B road	
Minor road	
Railway & station	

N
 0 3 6 Kilometers
 0 2.5 5 Miles

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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 reports.

Roll-back

Reports CMM 1 to CMM 4 and CMM 6 to CMM 10 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.

- At the site of the former power station at Yelland Quay (map CMM 6e, route section CMM-6-S008), there is a planning application for a major redevelopment of the brown field site, into housing, retail, business, healthcare and a new hotel. The current England Coast Path proposals are to retain trail on the existing South West Coast Path where it is currently located and to incorporate measures to limit disturbance to wildlife on the estuary. Should the development plans alter in the future we will enter into further discussions with the interested parties to ensure that the route of the England Coast Path is fully considered.
- A planning application to redevelop Brunswick, Queen's and Clarence Wharfs at East-the-Water, Bideford (map CMM 6i, route section CMM-6-S025) was submitted to Torrington District Council in 2014. The plans included proposals for a waterside walk. The site remains derelict. The current England Coast path proposals are that the trail will run landward on the roadside pavement landward of the wharfs, but with the redevelopment, the trail could be moved to a more seaward location with excellent views of the river (Torrington) and Bideford Long Bridge.
- At Appledore (maps CMM 7b and CMM 7c, route sections CMM-7-S038 to CMM-7-S040) there have been various developments proposed in the Wooda Farm/Tomouth area. These together with the recent closure of the Appledore Shipyard could in the future result in a better route for the coast path which currently runs along the busy and narrow Hubbastone Road/New Quay Street.

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

In certain circumstances we can restrict or exclude access to the trail and margin. The legal term for an exclusion or restriction is a direction.

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
CMM-4-S018 to CMM-7-S062	The saltmarsh and flats in the Taw and Torridge estuaries between the Skern and Airy Point	No public access	Unsuitable for public access	Salt marsh or flat s25A	Year round
CMM-6-S006	Home Farm Marsh	No dogs (except assistance dogs)	Sensitive wildlife	Nature Conservation s26(3)(a)	Year round

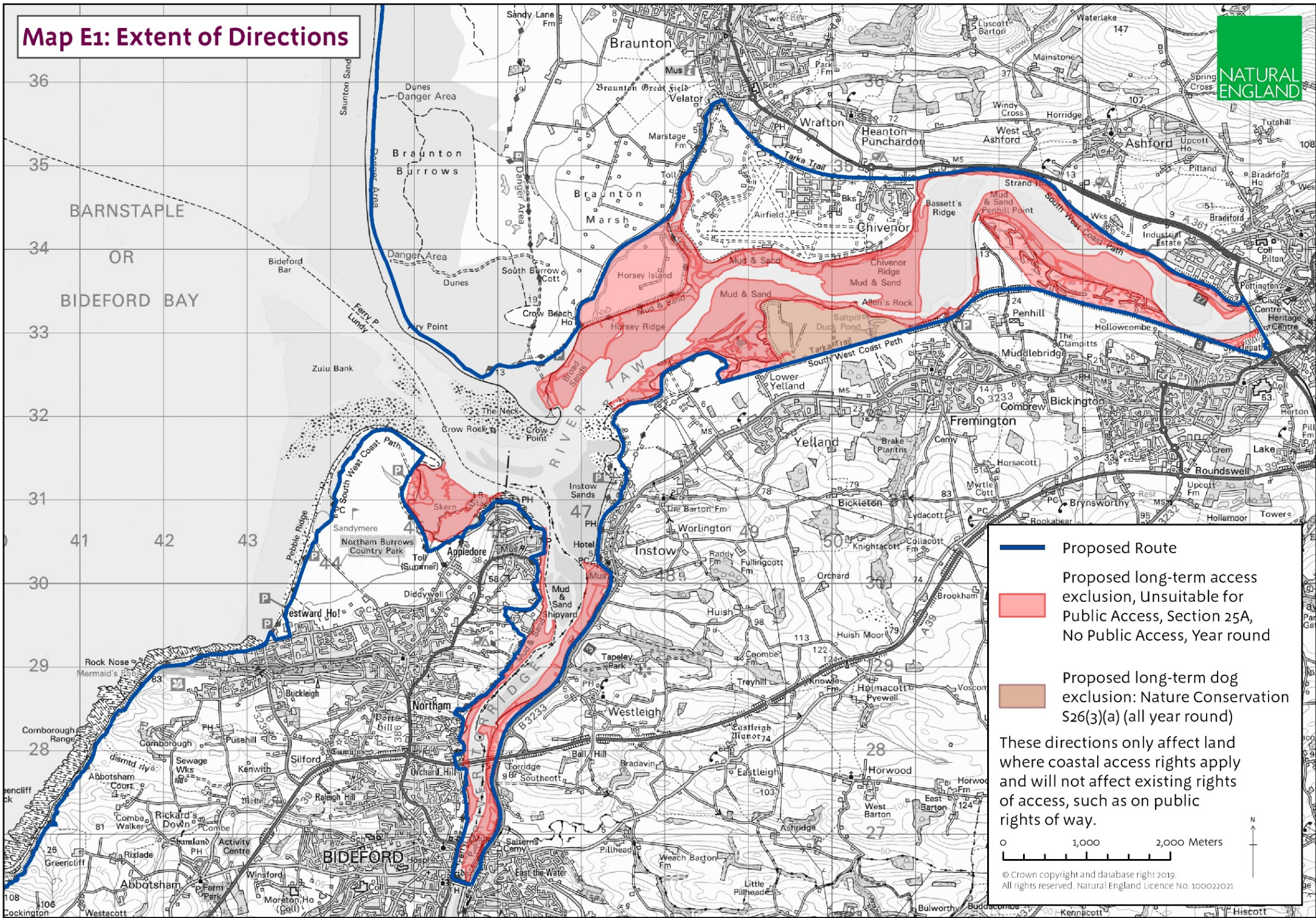
These directions will not prevent or affect:




- 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
-  Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round
-  Proposed long-term dog exclusion: Nature Conservation S26(3)(a) (all 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.

0 1,000 2,000 Meters

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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

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

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

Countryside & Rights of Way Act 2000 [CROW]

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

National Parks and Access to the Countryside Act 1949

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

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

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

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

Devon Rights of Way Improvement Plan 2. Policies and Actions (2012)

<https://devoncc.sharepoint.com/:b:/s/PublicDocs/Highways/EfW6be0rZcdCoJEZrIINbCQBF4WfhfR5hYjev1i7kkZPlw?e=IASMLH>

SMP 17 Rame Head to Hartland Point

SMP 18 Hartland Point to Anchor Head

<http://southwest.coastalmonitoring.org/resources/smp/ndascagsmp2>

North Devon and Torridge Local Plan 2011-2031 Policy ST09: Coast and Estuary Strategy

<https://consult.torridge.gov.uk/portal/planning/localplan/adoption/>

Identification of Wintering Wildfowl High Tide Roosts and Recreational Disturbance Impacts on the Taw Torridge Estuary. Econ Ecological Consultancy Ltd (March 2019). Prepared for Natural England, RSPB, North Devon Council, Torridge District Council and North Devon AONB.

Annex B: Glossary of terms

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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Enquiries about the proposals should be addressed to:

Coastal Access Delivery Team – South West
Natural England

Sterling House

Dix's Field

Exeter

Devon

EX1 1QA

Telephone: 0208 026 7602

Email: southwestcoastalaccess@naturalengland.org.uk

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