



Department
for Environment
Food & Rural Affairs

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Consultation on an Order for the Isle of Wight under the Marine and Coastal Access Act 2009

Summary of responses

July 2014

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Executive summary

1. A Consultation on an Order for the Isle of Wight under the Marine and Coastal Access Act 2009 was published by the Department for Environment, Food and Rural Affairs on 11 December 2013. The consultation sought views on whether the Government should make an Order under section 300(2)(b) of the Marine and Coastal Access Act 2009 (the “2009 Act”)¹ so that the coastal access duty under that Act would apply in relation to the coast of the Isle of Wight. The making of an Order by the Secretary of State is a discretionary power under the 2009 Act.
2. This consultation was a further opportunity to comment on the making of an Order and followed a similar consultation which was held in 2012².
3. The consultation also said that should the decision be taken to make an Order, the question of the degree of priority to the implementation of coastal access on the Isle of Wight would be determined in accordance with the prioritisation criteria set out in the Coastal Access Scheme³.
4. We received 2,958 responses to the consultation including 2,557 emails made in response to a campaign emanating from the Ramblers. In the light of the consultation the Government considers that there would be benefits to the island’s economy and tourism by the implementation of a coastal route under the 2009 Act and therefore has:
 - a. decided to make an Order and lay the necessary Statutory Instrument before Parliament;
 - b. agreed that Natural England should continue to prioritise its work on the current coastal stretches to deliver coastal access on 1,930 km of the English coast (about 40% of the total) over the next years up to 2020/21; and
 - c. agreed that Natural England should look at its forward plans for the next stretches of the English coast including the Isle of Wight in accordance with the prioritisation criteria set out in the Coastal Access Scheme.

1 A copy of the Marine and Coastal Access Act 2009 is available at:

<http://www.legislation.gov.uk/ukpga/2009/23/contents>

2 Consultation letter (July 2012) is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82547/consult-iow-mca-letter-20120724.pdf

3 Natural England’s Coastal Access Scheme is available at:

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

Introduction

5. A new right of access to the English coast was introduced in Part 9 of the 2009 Act. The 2009 Act amends Part 4 of the National Parks and Access to the Countryside Act 1949 to provide for the designation of a long-distance coastal route for the whole of the English coast, and also amends Part 1 of the Countryside and Rights of Way Act 2000 to provide a right of access to a margin of land associated with the route for the purpose of open-air recreation.
6. The coastal access duty relates to the English coast and applies in relation to the coast of any island (in the sea) unless the island is “excluded”. Section 300(2) of the 2009 Act explains that an island is “excluded” unless it is either an “accessible island” or an island specified by the Secretary of State by Order. The 2009 Act defines an island as “accessible” if it is possible to walk to that island from the mainland of England (or from another “accessible island” or an island specified by the Secretary of State by Order) across the foreshore or by means of a bridge, tunnel or causeway, even if it is only possible to walk to the island at certain times, or during certain periods, only. The power to make an Order for this purpose is exercisable by statutory instrument (an instrument of subordinate legislation) (see section 316(3) of the 2009 Act).
7. It is not possible to walk to the Isle of Wight from the mainland of England, and to date no Order has been made specifying the Isle of Wight for the purposes of section 300(2)(b) of the 2009 Act. This means that the coastal access duty under section 296 of the 2009 Act does not presently extend to the Isle of Wight.
8. The coastal access duty under section 296 of the 2009 Act may be applied in relation to the Isle of Wight by means of an Order made by the Secretary of State under section 300(2)(b) of the 2009 Act provided the Secretary of State is satisfied “that the coast of the island is of sufficient length to enable the establishment of one or more long-distance routes along its length capable of affording the public an extensive journey on foot” (section 300(5) of the 2009 Act). The Isle of Wight has a coastline of about 70 miles, and the Secretary of State considers that this condition as to the length of the coast is satisfied.

Coastal access implementation programme

9. The new right of coastal access was first implemented on a stretch of the English coast at Weymouth Bay on 29 June 2012. The right of access has also come into force on a stretch of the coast in Durham, Hartlepool and Sunderland and in Cumbria on 11 April

2014. The Secretary of State has also approved Natural England's coastal access reports for a stretch of the coast in Norfolk and Somerset.

10. In addition to the stretches noted above Natural England is working on delivering coastal access on further stretches around the English coast as part of a medium-term plan over the next 5 - 7 years. The aim is that by 2019/20 the coastal route would link into some of the existing National Trail network, so, for example, linking the existing South-West Coast Path at Poole, Dorset to the first Severn Bridge and there joining up with the Wales Coast Path (which was opened in May 2012) and the southern end of Offa's Dyke Path⁴.

Responses to the consultation

11. We received a total of 2,958 responses to the consultation via five main ways:

- i. 286 responses made by way of Citizen Space (Citizen Space is an on-line consultation tool);
- ii. 89 responses made by way of the completion of the pro-forma template and received by email or by post;
- iii. 26 responses with comments received by email;
- iv. 690 emails received in response to a campaign from members of the Ramblers who said that they had replied to the previous consultation in 2012. The text of the campaign email is at **Annex B**; and
- v. 1,867 new emails received in response to a campaign from members of the Ramblers (in addition to those in (iv) above). The text of the campaign email is at **Annex C**.

12. We are grateful to everyone who contributed to the consultation. The list of respondents, other than individuals, is at **Annex D**.

13. This summary of responses therefore does not repeat in detail the key points which we set out in the Summary of responses to the previous consultation⁵ but highlights those areas where respondents to this further consultation had additional comments to make.

⁴ Details of Natural England's indicative programme and current reports is available at: <http://www.naturalengland.org.uk/ourwork/access/coastalaccess/default.aspx>

⁵ Summary of responses (July 2013) is available at <https://www.gov.uk/government/consultations/consultation-on-an-Order-for-the-isle-of-wight-under-the-marine-and-coastal-access-act-2009>

14. Copies of all the responses are available from the Commons, access and inland waterways team although we will keep confidential the personal details of people who asked for their details not to be disclosed. The Commons, access and inland waterways team can be contacted on tel. 0117 372 3553 or email: coast.consultation@defra.gsi.gov.uk.

Key points from the responses to the consultation

15. In reply to question 1 and from the information we received 798 of the total number of respondents (27% of the total) said that they had commented on the previous consultation in 2012.
16. In reply to question 3, 2,904 of the total number of respondents (98% of the total) said that they supported the Government making an Order with 42 (1.4% of the total) saying that they did not support the Government making an Order. Some respondents did not specifically answer either or both of questions 1 or 3. We have therefore not included those responses in the statistical analysis but have taken into account any comments they made.

Introduction

17. We have set out in the following sections a summary of the responses on specific areas where respondents to this further consultation had additional comments to make.

Current coastal path

18. A number of responses commented again that parts of the current coastal path – some said up to half of the Island's "coast path" – ran inland away from the sea and along busy and dangerous roads eg down into East Cowes, or very narrow and busy, eg the road from Porchfield to Newtown. There were areas of the Island, especially in the north east, that were completely lacking in any public access. This includes the whole of the coast between old Castle Point, East Cowes and Woodside near Wootton Creek. One estimate was that on 21 miles of the 70-mile coastline the current path was diverted inland due to a combination of lack of footpaths through private land and erosion. Erosion was a problem on the south coast of the island so respondents felt that footpath maintenance, renewal and rerouting would be necessary.

Economics

19. A number of respondents noted again the Isle of Wight Ramblers report “The Case for a Wight Coastal Trail” which had concluded that the introduction of coastal access would encourage more visitors, boost the local economy and achieve significant economic gain worth a total £38m per year. It might support an estimated 800 jobs in an island economy where the GDP per head was only 70% of the UK average.
20. On the other hand some respondents again questioned the figures quoted in that report as to the likely added benefit to the Island’s economy saying that these were misleading as they had been calculated as a pro-rata percentage of the length of the Isle of Wight ‘s coastal path to the South West coastal path. The respondents said there was no evidence that walkers would come to boost the Island economy just because of the implementation of a coastal path. As a coastal path already exists for some of the island and this is marketed and widely used, some respondents cast doubt on relying on these figures as evidence that a significant (or any) benefit to the economy could arise from comparatively small alterations to the existing path.

Health

21. Some respondents specifically mentioned health issues. On a national scale they cited advice from NICE (the National Institute for Health and Care Excellence) that walking was the most likely way most people will get sufficiently active and that it was a cost-effective way for local authorities and healthcare providers to meet new national policies and guidelines to increase physical activity, and reduce the burden of long-term health conditions and obesity on the NHS and society as a whole. They also cited the World Health Organisation, whose Health Economic Assessment Tool (HEAT) for walking provided an estimate of the value of increased amounts of walking based on averting premature death.
22. On a local scale some respondents said that according to the Isle of Wight’s Council and Health and Well-being Board, an estimated 65% of the Isle of Wight’s adult population was overweight or obese. 1 in 10 children in reception year were classified as obese and physical activity levels for children were lower than average. In addition, the Isle of Wight’s population of 130,000 contained a high proportion of retired people. Respondents concluded that as well as the economic benefits, a complete coastal path would help fulfil government policy objectives on health. The Government was encouraged to recognize the huge contribution walking could make to improving public health and to make the investment required to improve the walking environment by creating a coast path for the Isle of Wight.

Nature conservation

23. There were some further comments made about the possible impact of a coastal route on flora and fauna, particularly areas designated as being of national and international importance with the request that the coastal footpath should not go through any protected area. Particular areas mentioned included the wooded Wootton coast to Kings Quay, through Barton; Compton Bay Undercliff (due to rare habitat for Glanville Fritillary butterfly); saltmarsh (Newtown Harbour); shingle spits (Newtown, King's Quay and within Thorness Bay).
24. The Hampshire & Isle of Wight Wildlife Trust re-stated their view about the unnecessary risks a coastal access route would bring to internationally important wildlife on the Island's coast and that the consultation of a coastal route should be subject to assessment through the provisions of the Habitats Regulations.

Safety

25. The summary of responses to the consultation in 2012 had noted concerns raised about safety and security issues, particularly in harbour locations, sailing clubs and on cliffs where there was rapid erosion. Some respondents to this consultation commented that the opening of new pathways particularly through grazing land would expose farm animals to unnecessary risk of canine-borne diseases as a result of walkers with dogs not controlling their animals. The issue around dogs being brought into the vicinity of cows with calves was noted.
26. One respondent mentioned the possible issue of access through Corf Camp which was a secure area for scouts and associated youth organisations to camp. The camp was also in an Area of Outstanding Natural Beauty where many birds nested. The respondent's support for a coastal path would they said be reliant on an alternative route being found around the camp with the agreement of the National Trust and local farmers.

Tourism

27. A key theme again in the responses to the consultation was the importance of tourism, with walking noted as being a key activity within the Isle of Wight's tourism offer (eg. the Isle of Wight hosted two highly acclaimed walking festivals per annum, which attracted visitors from the UK and internationally). Respondents considered that walking, being an activity that could be enjoyed all year round, would bring in much needed revenues for tourism and related businesses at off-peak times helping to bring economic benefit to an area that had little industry and distinct pockets of social deprivation.

28. The Isle of Wight was highlighted to be a deprived coastal community that needed to develop its out of season tourist economy. The Island's GDP per person is 70% of the UK average and it is applying for European Assisted Status. Mention was made of the Isle of Wight Council's project investigating signage and condition of the current coastal route which was part of its bid on "Sustainable access to tourism". Some respondents considered that making an Order would provide valuable additional support for the Council's work and enable the delivery of a complete coastal access route.

Voluntary agreements

29. A number of respondents commented on the Government's previous decision of 16 July 2103 that "*the Isle of Wight Ramblers should work with local landowners and the local authority to see what can be achieved by voluntary agreements*".

30. Some respondents considered that informal and voluntary arrangements with land owners would not offer the longevity and guarantees of a statutory right of access and could be significantly impacted by changes in ownership of the land. One respondent said that its experience was that voluntary arrangements did not work as they were often short lived, were not protected by changing agricultural and management practises, poorly maintained and could lead to further bad feeling between the recreational user and the landowner. The view was that relying on a voluntary approach working with the Isle of White Ramblers alone would not address the needs of users who would like to see secured access to the coastal margin using the provisions in the 2009 Act. Comment was made that very few private landowners had been prepared to enter into voluntary and permanent access agreements under section 16 of the Countryside and Rights of Way 2000 Act.

31. Whilst local negotiations were considered to be useful it was felt that it was not appropriate to rely on voluntary agreements to complete gaps in the existing coastal path, for example English Heritage should be instructed to give the public coastal access to their property on the Osborne Estate and the Isle of Wight Council should be instructed to maintain coastal access to land in their ownership for example at Whale Chine.

32. The response from the Isle of Wight Ramblers noted that they had investigated the possibility of voluntary agreements but had little success and so they had serious doubts about the viability of this option. On the other hand the response from the CLA had highlighted meetings held with the Isle of Wight Ramblers regarding the coastal path. It was their view that voluntary agreements could offer a way forward as it offered the flexibility to deliver access. The CLA had concluded that the process of seeing of voluntary agreements could work but that so far it had not been given time to work.

Isle of Wight implementation – priority

33. Paragraphs 15 to 17, and questions 5 and 6, of the consultation paper had noted that the question of the degree of priority that should be accorded to the implementation of any coastal access proposals for the Isle of Wight, as against the rest of the coastal access programme, would be taken into account in the Government's final decision as to whether or not to make an Order. In addition the consultation had noted that should the decision be taken to make an Order, the question of the degree of priority would be determined in accordance with the prioritisation criteria set out in the Coastal Access Scheme. The replies to question 5, which had asked about the degree of priority to implementing coastal access, can be summarised as:

- a. 944 of the total number of respondents (32% of the total) said that a high priority should be accorded to implementation of coastal access on the Isle of Wight as against the rest of the coastal access programme. This was particularly evidenced in the responses received as a result of the email campaign from respondents to the previous consultation in 2012 who stated that the Isle of Wight should receive a high priority for coastal access and work should start as soon as possible (see **Annex B**);
- b. 47 of the total number of respondents (1.6% of the total) said that it should be a low priority. The reason for this was that any prioritisation should take account of the existing coastal path, the likelihood that there would be very little change to that path, and the cost of implementation relative to the negligible benefits that may accrue. Respondents restated their previous view that Natural England must follow its published guidelines, as set out in the Coastal Access Scheme, on the sequence of implementing coastal access; and
- c. 1,933 of the total number of respondents (65% of the total) commented that no special priority should be afforded to the Isle of Wight and that, after the making of an Order, the Government could then decide how the coastal path fitted into the current project, based on the existing path shortfalls, the level of benefits to be gained and the efficient use of resources. This was particularly evidenced in the responses received as a result of the email campaign (see **Annex C**) and by the insertion of that category of implementation priority into the template response box to question 5 from some of respondents who replied by way of that method. In the comments accompanying the template many respondents said the question concerning the degree of priority to be afforded to the Isle of Wight was not relevant to the Secretary of State's decision on the principle of whether or not an Order should be made. Implementation priority was a matter for Natural England to determine in its role as the delivery body for the England Coast Path and that Natural England were best placed to determine priorities based on the degree of existing path shortfalls, the level of benefits to be gained and the efficient use of resources.

Conclusion

34. The 2009 Act provides the Secretary of State with a power to make an Order to extend the coastal access duty in relation to the Isle of Wight. Responses to this and the previous consultation highlighted the strong campaign for an Order which was first set in the Isle of Wight report “The Case for a Wight Coastal Trail”.
35. In the light of the responses to the consultations the Government considers that there would be benefits to the island’s economy and tourism by the implementation of a coastal route under the 2009 Act and therefore has:
- a. decided to make an Order and lay the necessary Statutory Instrument before Parliament;
 - b. agreed that Natural England should continue to prioritise its work on the current coastal stretches to deliver coastal access on 1,930 km of the English coast (about 40% of the total) over the next years up to 2020/21; and
 - c. agreed that Natural England should look at its forward plans for the next stretches of the English coast including the Isle of Wight in accordance with the prioritisation criteria set out in the Coastal Access Scheme.

Annex A: Consultation questions

Question 1

Did you respond to the previous Defra consultation issued on 24 July 2012? Please answer yes or no.

If you have answered **yes** please now answer questions 2, 5 and 6.

If you have answered **no** please now answer questions 3, 4, 5 and 6.

Question 2

Do you have any further views and comments on whether the Government should make an Order in addition to those which you previously included in your response to the consultation issued on 24 July 2012?

Question 3

Do you support the Government's making an Order under section 300(2)(b) of the Marine and Coastal Access Act 2009 specifying the Isle of Wight for the purposes of that section, so that at a future date a coastal route around the Isle of Wight might become part of the English coastal route with, in association with that route, a margin of land accessible to the public? Please answer yes or no.

Question 4

What are your reasons to support the reply you gave to question 3?

Question 5

What degree of priority do you think should be accorded to implementation of coastal access on the Isle of Wight as against the rest of the coastal access programme? Please answer High or Low?

Question 6

What are your reasons to support the reply you gave to question 5?

Annex B: Text of email campaign from respondents to the previous consultation in 2012

I responded to the 2012 consultation on whether to include the Isle of Wight in plans for the England Coast Path and I'd like to restate my support for the Isle of Wight's inclusion.

As a keen walker, I would love to explore more of the island's fantastic coastline. Currently half of the Island's "coast path" runs inland away from the sea. Making an Order to include the Island under the Marine and Coastal Access Act 2009 would help resolve many of these issues.

I support this Order because:

- The Isle of Wight is an integral part of England and should therefore receive the same benefits from the Act as the rest of the country.
- The beautiful and varied coast of the Isle of Wight, incorporating a large area of AONB land, will provide a major contribution to the English Coastal Path.
- The Isle of Wight is a deprived coastal community that needs to develop its out of season tourist economy. The Islands GDP per person is 70% of the UK average and it is applying for European Assisted Status.

The Isle of Wight should receive a high priority for coastal access and work should start as soon as possible.

Annex C: Text of email campaign from the Ramblers

I fully support an Order to extend the Marine and Coastal Access Act 2009 to include the Isle of Wight. I'm a keen walker and would love to explore more of the island's fantastic coastline.

I support this because:

- The Isle of Wight is an integral part of England and should therefore receive the same benefits from the Act as the rest of the country.
- The beautiful and varied coast of the Isle of Wight, incorporating a large area of AONB land, will provide a major contribution to the English Coastal Path.
- Half of the Island's current coastal path runs inland and/or along busy highways. It would be good to get the island's entire coast opened for people to enjoy.

The Environment Minister should show his support for the Isle of Wight by making an Order to include the island as soon as possible. He can then decide how the path fits into the current project, based on the existing path shortfalls, the level of benefits to be gained and the efficient use of resources.

Annex D: List of respondents

Angling Trust

Arreton Parish Council

Arun-Adur Ramblers

Barton Estate

Baywatch on the Beach

Bembridge and St. Helens Harbour Association

Bembridge Angling Club

Bembridge Boat Storage Limited

Bembridge Harbour Authority

Bembridge Parish Council

Bembridge Powerboat Training and Charter

Bodymorph Ltd

Brading Town Council

Brighstone Parish Council

British Association for Shooting and Conservation

British Mountaineering Council

Butterfly Conservation

Cachalot Charters Sea Angling

Campaign to Protect Rural England

Careers Wales

Chale Parish Council

Colchester Borough Council

Cornwall Area Ramblers
Country Land and Business Association
Cyclewright
DARnet
Defence Infrastructure Organisation - Ministry of Defence
East Cowes Marina
English Heritage
EU and FT Taylor Ltd/Sandhills Holiday Park
Freshwater Parish Council
GMB
Green Town Group, Bembridge
Hampshire and Isle of Wight Wildlife Trust
Healing Arts Isle of Wight NHS
Herefordshire Ramblers
HF Holidays Ltd
Inverclyde Ramblers
Island Friends of Royal Osborne
Isle of Wight Association of Local Councils
Isle of Wight Council
Isle of Wight Long Distance Walkers Association
Isle of Wight Ramblers Area Council
Isle of Wight Society
Kenilworth Footpath Preservation Group
Lake Parish Council
Leicestershire Local Access Forum

Local Historic Society

Long Distance Walkers Association

Member of Wight Orienteers

Meopham and District Footpaths Group

National Farmers Union

Naturist Action Group

Nottingham Ramblers

Open Spaces Society

Ramblers Association

Ramblers Association (Isle of Wight)

Ramblers' Association Warwickshire Area

Ramblers Suffolk Area

RCSL National Walking Section

Richmond Wight Estates

SAVE our Totland sea wall

Shanklin Town Council

South Cotswold Ramblers Group

South Devon Ramblers

South East Reserve Forces' and Cadets' Association

Southern Vectis

Sport and Recreation Alliance

Thame and Wheatley Ramblers Group

The Church of England

Trustees of the Will Trust of Mrs J D B Coventry - Norris Castle

Walking for Health

WEA

Whippingham Parish Council

Wight Walks Walking Holidays

Wootton Bridge Parish Council

Yarmouth Town Council