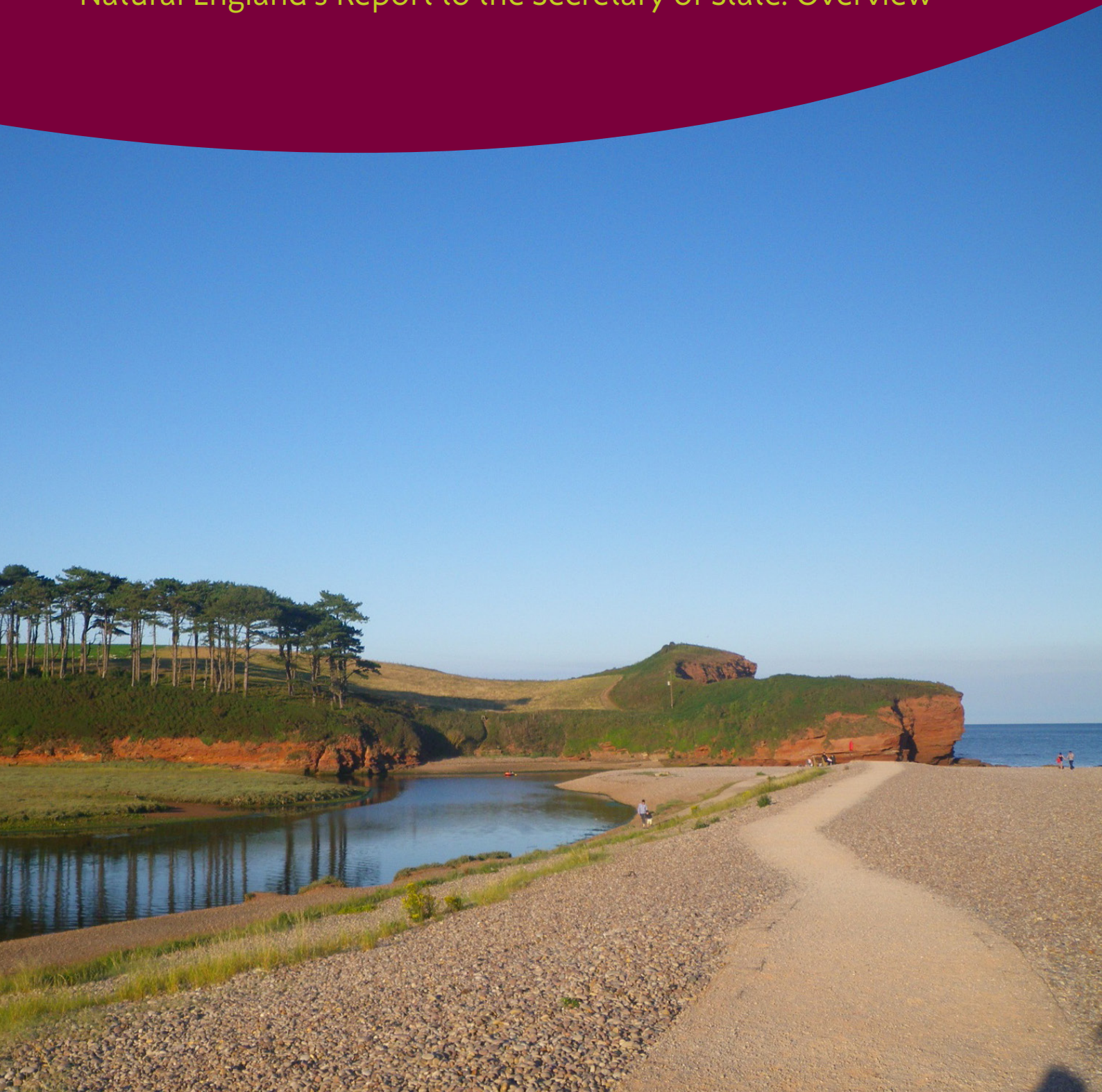


England Coast Path

Kingswear to Lyme Regis

Natural England's Report to the Secretary of State: Overview





Advice on reading the report

This report sets out for approval by the Secretary of State our proposals for the England Coast Path and associated Coastal Margin on this stretch of coast. It is published on our web pages as a series of separate documents, alongside more general information about how the Coastal Access programme works:

Overview

This document is called the **Overview**. It explains the overall context for the report and includes background information which is helpful in understanding our proposals. It also provides key information concerning specific aspects of our proposals, including roll-back and access restrictions or exclusions.

Please read the Overview first – in particular part 3, which includes notes to help you understand the detailed proposals and accompanying maps.

Proposals

Chapters 1 to 9 are called the **proposals**. These set out and explain the access provisions we propose for each length of coast to which they relate.

Each chapter is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the part of the chapter to which they relate. For example, maps 1a to 1e illustrate the proposals in chapter 1.

Using Map A (previous page)

Map A shows the whole of the Kingswear to Lyme Regis stretch divided into short numbered lengths of coast, from Kingswear at the western end (Chapter 1) to Lyme Regis at the eastern end (Chapter 9).

Each number on Map A corresponds to the number of the chapter in our proposals 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 chapter which includes it. Please read the introduction to that chapter first: it will help you to understand the proposals that follow it. Then read the relevant part of the chapter while viewing the corresponding map as indicated.

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

Printing

If printing, please note that the maps which accompany chapters 1 to 9 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 chapter 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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Introduction

1. Purpose of the report

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 around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where people will be able to spread out and explore, rest or picnic in appropriate places.

To secure these objectives, we must submit 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.

Each report covers a different stretch of coast. This report sets out Natural England's proposals to the Secretary of State under section 51 of the National Parks and Access to the Countryside Act 1949 for improved access along the coast of Devon and Dorset between Kingswear and Lyme Regis.

Our proposals would make the following key improvements to the existing arrangements for access to this part of the coast:

- New sections of coastal path would be created in places which will significantly improve the existing coast path (the South West Coast Path) along this stretch of coast;
- For the first time, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to 'roll back' as the cliffs erode or slip, 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.

Once approved and established, the improved trail along this length of coast will continue to be managed and promoted as part of the South West Coast Path and family of National Trails.

2. The determination process

The report 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.

On **30 March 2017** the report was advertised in accordance with Schedule 19 of the 2009 Act. During the eight week period starting with this date:

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

Guidance on how to make representations and objections about the report, together with the forms which must be used in each case can be viewed here:

www.gov.uk/england-coast-path-comment-on-a-proposed-new-stretch

All objections and representations must be received by Natural England no later than 5pm on 25 May 2017 in order to be regarded as valid.

Once all representations and objections have been considered, the Secretary of State will make a decision about whether to approve our proposals, with or without modifications. Chapter 3 of our Coastal Access Scheme explains these processes in more detail (see Annex A: Bibliography).

The Secretary of State may confirm the report in full, confirm it with modifications to our proposals, or reject some or all of our proposals. In the latter case we would prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by the rejected proposals. The same procedures for representation and objection would apply to the amended report.

Once proposals for the Kingswear to Lyme Regis 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 on the Kingswear to Lyme Regis stretch by order on a date decided by the Secretary of State. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 6 to 8 of the Overview explain more about the arrangements that we envisage will be necessary for the establishment and maintenance of the route and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for the Kingswear to Lyme Regis stretch 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 9 chapters, each relating to a particular length of coast on this stretch. Each chapter is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the chapters to which they relate. For example, maps 1a to 1e illustrate the proposals described in chapter 1.

Each **chapter** comprises four parts:

- **Part 1** – This introduces our proposals for that length of coast. It sets the context and summarises any proposed use of our discretion in relation to aligning the route along an estuary, or to recommend 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.
- **Part 2** – This contains tables which form the detailed commentary to our formal proposals to the Secretary of State. The tables provide key details about the route sections along that particular length of coast, and should be read in conjunction with the relevant maps as identified. The entire stretch of coast covered in this report between Kingswear and Lyme Regis will follow the existing South West Coast Path as walked and managed. However, there are some alternative routes that divert from the route of the South West Coast Path. In other reports published covering Devon and Cornwall the chapter reports have also included a separate table for sections of the trail that differ from the existing South West Coast Path as currently walked and managed.
- In the table for sections of the trail that follow the existing South West Coast Path as currently walked and managed, 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 subject to significant erosion or other coastal processes or significant encroachment by the sea should be capable of being repositioned in accordance with formal proposals in this report, without needing further confirmation of the change

by the Secretary of State. 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 boundary of the margin** – This describes 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. In addition, in the Alternative Routes and Optional Alternative Route Table there are columns that describe the landward and seaward boundaries of the alternative route strip. This is because even though alternative routes/ optional alternative routes have a default width of two metres either side of the approved line, they do not automatically create seaward coastal margin so it is necessary to accurately describe the seaward extent of the route strip in the report. It should be noted that by virtue of s55D(2) of the National Parks and Access to the Countryside Act 1949, 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.
- **Reason for proposed 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 paragraphs 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.
- **Proposed exclusions or restrictions** – This indicates whether, at the time the proposals were prepared, we had identified any requirement for exclusions or restrictions that might affect either the section of trail itself or the adjacent margin. Any such exclusion or restriction identified might either come into force immediately following commencement or at some future date. It will sometimes be necessary to introduce new exclusions or restrictions in the future, even if not identified at the time of preparing our proposals. See Part 9 of this document and Part 2.4 of the approved Coastal Access Scheme for more information.
- In a table included in chapters 1, 4 and 5, we set out information for any alternative routes proposed.
- In another table for each chapter, we set out any other options that were considered during our initial planning (in relation to the route and the coastal margin), and explain why they did not form part of our proposals.
- The last table for each chapter 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.

- **Part 3** – This sets out our formal proposals to the Secretary of State for which we are seeking approval in relation to the length of coast covered by the chapter. These proposals give legal effect to the position summarised by the preceding tables.

Examples of tables in each chapter, with explanation of their contents:

The route section number or numbers (as shown on the accompanying maps).

This column shows whether 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 the separate table 1.2.3 below.

If we have proposed any change or clarification to the landward extent of the margin, this column says why.

1.2.1 Section details: Kingswear to Sharkham Point – maps 1a to 1e

1	2	3	4a	4b	5
Map(s)	Route section number(s)	Roll-back proposed? (See Part 8 of Overview)	Landward boundary of margin (See maps)	Reason for landward boundary discretion	Proposed exclusions or restrictions (See Part 9 of Overview)
1a	KLR-1-S001	No	Landward edge of trail	Not used	None
1a	KLR-1-S002 to KLR-1-S004	No	Path	Clarity and cohesion	None

The relevant map(s) for the route section(s).

This column indicates where the landward boundary of the coastal margin would be, adjacent to each route section. This might be by default, because it meets the description of ‘coastal land types’ in the Scheme, or because we propose to exercise our discretion to extend or reduce the margin.

This column indicates if we have proposed any restriction or exclusion over trail or margin.

1.2.2 Other options considered: Kingswear to Sharkham Point – maps 1a to 1e

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
1a	KLR-1-S005	We considered aligning the trail along Beacon Road (former South West Coast Path route) and investigated the potential to reopen this road to walkers.	We opted for the proposed route because: <ul style="list-style-type: none"> Beacon Road requires significant works on the cliff below in order to be made safe. The route along Church Hill and Beacon Lane has been established as the South West Coast Path route since the erosion event which caused Beacon Road to close and provides the best link to Castle Road.

The relevant map(s) for the route section(s).

The trail section number(s) (as shown on the accompanying maps).

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.

1.2.3 Roll-back implementation – more complex situations: Sharkham Point to Paignton – map 2a

Map(s)	Section number(s)	Feature or site potentially affected	How we will manage roll-back in relation to this feature or site
2a	KLR-2-S007 to KLR-2-S009	Holiday park	If it is no longer possible to find a viable route seaward of the specified holiday park, we will choose a new route after detailed discussions with all relevant interests, either (a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it. 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.

The relevant map(s) for the route section(s).

The trail section number(s) (as shown on the accompanying maps).

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

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

Notes on Maps:

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

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 maps. It is not an indication of the width of the actual trail on the ground – the proposed route simply follows the centre of the line shown. The legislation makes the default width of the trail four metres, but its actual width varies a good deal in practice according to the detail included section by section in our proposals.
- ii In places there are differences between the line of public rights of way recorded on the local Definitive Map, 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. In such places, the maps in this report depict our proposed route as the path currently used and managed as the South West Coast Path, rather than the public right of way recorded on the Definitive Map. This line is displayed as accurately as possible at the scale of the report map. The legal definitive map is held on paper copy by Devon County Council, Torbay Council and Dorset County Council. 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 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 also 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 formal proposals which accompany each map;

- 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 the formal proposals which accompany each map.

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

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

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

Voluntary access dedication

- vii Land that was previously dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000 (CROW) will become subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. There is also provision in the legislation for a land owner or long leaseholder to dedicate other land voluntarily as coastal margin if it lies adjacent to it or within it. Dedicating land as coastal margin disappplies the excepted land provisions within it, and may also make provision for the removal or relaxation of specific national restrictions that would otherwise apply. Section 4.8 of the Coastal Access Scheme explains these provisions in more detail.

Preparation of the report

4. General approach

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 report, we conducted extensive preliminary work in two main stages:

- **Stage 1: Prepare** – defining the extent of the coastal stretch with access authorities and identifying key issues, sensitive features and opportunities for improving the existing South West Coast Path, in conjunction with key organisations; and
- **Stage 2: Develop** – checking the alignment with Devon County Council and Torbay Council, 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. For the short section of the trail which passes through Dorset, we walked and recorded the route via GPS before checking the alignment with landowners.

Stage 1 - Prepare

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

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

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

- the South West Coast Path Association;
- the Ramblers Association
- the Open Spaces Society;
- the British Mountaineering Council;

- the National Farmers Union;
- the British Association for Shooting and Conservation, and
- the 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 relevant specialists, both within Natural England and from other organisations, to consider any potential for impacts on key sensitive features. See part 5 below for more information.

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 already 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 proposals 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 met with relevant owners and occupiers, asked for their views and invited them to join us when we visited the land to 'walk the course' so that we could discuss options for alignment.

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 8 'Future Change' 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 before moving onto Stage 3 – Propose, which is the substance of this report.

5. Key issues along this stretch

a) Recreational Issues

Map B: Existing public access on the Kingswear to Lyme Regis stretch gives an overview of existing public access to the coast on this stretch, showing public rights of way, access land and the South West Coast Path National Trail.

This stretch starts at Kingswear and follows the Devon and Dorset coast east for 68 miles (109km) ending at Lyme Regis (The Cobb). This end point coincides with the start of the previously proposed England Coast Path stretch between Lyme Regis and Rufus Castle (not yet approved at the time of writing). Access along this stretch is generally good, with the South West Coast Path National Trail providing a high quality and popular route with access to the shoreline in many places.

The main issues highlighted to us in discussions with user groups and the Local Access Forum were about sections of the South West Coast Path that are not in close proximity to the sea. We have considered these in our proposals, and where we have not been able to address them, explained the reasons clearly in the relevant chapters of the report.

Aligning the trail

The South West Coast Path National Trail is well-used by walkers and our default proposed alignment for the England Coast Path is to follow the existing trail. In a few places, our alignment criteria (as described in Chapters 4 and 5 of the Coastal Access Scheme) have led us to consider a different route; typically to bring the path closer to the sea but also in places for better views. Further details of these areas and our decisions are set out in more detail in the relevant chapters of the report.

For the entire extent of this stretch of coast our proposed alignment for the trail follows the route currently walked and managed as the South West Coast Path. This includes places where the cliffs are actively eroding causing the path to move inland. This often takes the form of an informal diversion marked out by the regular passage of feet and/or signposted where the managing authority has judged it necessary. In these places the route shown on the maps accompanying this report corresponds to the current walked line of the trail and the effect of our proposals, if approved, would be to secure this alignment as the route of the England Coast Path. Note, however, that through these proposals we are not making any changes to public rights of way.

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 South West Coast Path National Trail to coincide with the proposed route for the England Coast Path in places where the two diverge. We would do this by submitting a separate variation report to the Secretary of State, relating to the South West Coast Path National Trail.

Coastal Margin

The majority of coastal land adjoining the South West Coast Path is not currently subject

to statutory access rights, but there are some areas with open access rights at:

Newfoundland Cove (to the east of Kingswear) to Southdown Cliff (west of Sharkham Point) – see chapter 1 of the proposals.

The majority of this area of open access land is owned by the National Trust and is shown as existing access land on Map B where possible at the scale of the map, and in more detail in the maps that accompany the chapters. There may be other land managed by the National Trust shown as access land on Ordnance Survey maps, but is not shown as access land on the maps in this report because it is not subject to statutory access rights.

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 Maps’). This would extend access rights much more widely than at present along the coast and replace much of the existing access land described in the preceding paragraph.

Where existing access land would not qualify as coastal margin in the ways described above, we have generally proposed that it should be included using our discretion to propose a physical feature as the landward boundary of the coastal margin. The chapters 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.

b) Protection of sensitive features

Data relating to sensitive features was assessed by officers from Natural England with knowledge of the conservation objectives of the sites and features under consideration. We looked for evidence of any potential for our proposals to have a detrimental effect on protected sites and species. This included potential effects arising from the works that would be necessary to establish and/or maintain the proposed route and from people’s use of the new access rights. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process, with input from people with relevant expertise within Natural England and other organisations.

We paid particular regard to sites with certain key designations for their wildlife and/or geological interest (See Map C: Key statutory environmental designations on the Kingswear to Lyme Regis stretch):

- European sites, including: Special Areas of Conservation (SAC); and
- Sites of Special Scientific Interest (SSSI).

Appropriate separation of duties within Natural England is in place to ensure that impartial judgements can be made in the light of the available evidence about any potential impacts of particular options on key sensitive features before reaching our final decision. This approach ensures that Natural England fully complies with the letter and spirit of the law, throughout the Habitats Regulation Assessment process relating to European sites described below. As a matter of good practice, staff also adopted this separation of roles in assessing the potential for our proposals to affect other protected sites and species.

With regard to European sites, Habitats Regulations Assessments were carried out on the proposals in this report, using procedures compliant with the associated legislation. The assessments are documented in an Access and Sensitive Features Appraisal for the following group of designated sites, which are published alongside the report:

- Exe Estuary Special Protection Area (SPA)
- South Hams Special Area of Conservation (SAC), Dawlish Warren SAC, Sidmouth to West Bay SAC, Lyme Bay and West Bay candidate SAC
- Torbay Marine Conservation Zone (MCZ)
- 19 Sites of Special Scientific Interest (SSSI) on this stretch of coast.

It was concluded, on the basis of objective information, that our proposals will not have a likely significant effect on any of the qualifying features of the European sites, either alone or in combination with other plans or projects. We therefore advise the Secretary of State that further assessment in this respect is not required.

In reaching this conclusion we identified specific measures which would in our judgement be necessary in some places on the stretch to prevent any likely significant effect on the South Hams SAC and the Exe Estuary SPA. Our proposals describing these measures have been included in the relevant chapters of the proposals. In summary the measures comprise:

- A direction to exclude public access on foot year round to part of the coastal margin between Dawlish Warren and Cockwood harbour to protect sensitive wildlife (sensitive bird assemblages).
- At Berry Head coastal access rights to be excluded all year from the disused quarry to protect sensitive wildlife (greater horseshoe bats).

With regard to other protected sites and protected species, we concluded that our proposals could be implemented without taking any special measures to protect them.

These measures have been described in the relevant chapters of the proposals. See also section 9 of this Overview.

Once a route for the trail has been confirmed by the Secretary of State, we will hold further discussions with relevant environmental specialists from Natural England and Devon County Council, Torbay Council and Dorset County Council to ensure any works on the ground are carried out with due regard to the results of the appraisals and that all relevant statutory requirements have been fulfilled.

Refer to the Access and Sensitive Features Assessment for more information.

c) Landscape

The coastline between Kingswear to Lyme Regis stretches for 109km (68 miles) and is highly designated with approximately 60% of the coast included within either the South Devon or East Devon Area of Outstanding Natural Beauty. The whole of the East Devon coast forms part of the Jurassic Coast World Heritage Site: an internationally important site comprising significant geological and geomorphological features. Torbay is also recognised for its geological interest and is designated as the English Riviera Geopark by UNESCO.

The coastal landscape is varied and is largely characterised by open coastal plateau, wooded valleys, coves, cliffs, headlands and coastal settlements.

We consulted with officers from South Devon AONB, East Devon AONB, and the Jurassic Coast World Heritage Site to obtain specialist advice as to the potential vulnerability of the sites and features to public access on foot (see Map D: Key landscape designations on the Kingswear to Lyme Regis stretch). We looked for evidence of any potential for our proposals to have a detrimental effect on sensitive landscape sites or features. This included potential effects arising from the works that would be necessary to establish and/or maintain the proposed route.

Our conclusion from this assessment is that our proposals would not undermine the landscape character or the sensitive features within the Kingswear to Lyme Regis stretch.

d) Historic Environment

Discussions were held with Historic England, Devon County Council and Torbay Council to obtain specialist advice as to the potential vulnerability of any historic sites and features to access and to refine our thinking about the best way to protect these. We looked for evidence of any potential for our proposals to have a detrimental effect on protected sites or features. This included potential effects arising from the works that would be necessary to establish and/or maintain the proposed route and from people's use of the new access rights.

We paid particular regard to Scheduled Monuments (see Map C: Key statutory environmental designations on the Kingswear to Lyme Regis stretch).

Our conclusion from this assessment is that our proposals would not undermine the conservation objectives for the historic environment within the Kingswear to Lyme Regis stretch.

Once a route for the trail has been confirmed by the Secretary of State, we will hold further discussions with Historic England and officers from Devon County Council, Torbay Council and Dorset County Council about any works on the ground that are necessary to prepare for commencement of the access rights.

e) 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, and are reflected in the chapters of the report insofar as they were relevant to the individual lengths of coast described.

Urban Coast

The urban coast of this stretch consists of a number of coastal settlements including Kingswear, Brixham, Teignmouth, Dawlish, Exmouth, Budleigh Salterton, Sidmouth, Seaton and Lyme Regis. These areas generally have sea views, harbours and areas of beach, with tourism playing an important part of the economies of these towns and villages.

Settlements between Paignton and Exmouth are well served by the railway, with the coast path running in places adjacent to the railway line, for example at Teignmouth and Dawlish. This line forms part of the mainline route between London and Penzance.

Within these urban areas, the trail follows the existing South West Coast Path National Trail as currently walked and managed. The issues highlighted by owners and occupiers in these parts of the stretch generally related to the operational needs of businesses or the privacy of residents particularly those lying within the coastal margin to the seaward side of the trail. 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 used for the purposes of a railway and land covered by gardens, buildings and their curtilage.

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.

Rural Coast

Between the urban areas, the coast is mainly rural in character and consists of areas of open coastal plateau, wooded valleys, coastal slopes, cliffs, and headlands. Tourism is a major contributor to the economy of the area, with the South West Coast Path being a popular facility for visitors.

Most of the rural coast is designated as an Area of Outstanding Natural Beauty AONB, with the coast between Exmouth and Lyme Regis designated as part of the Jurassic Coast World Heritage Site. Access along the existing route of the South West Coast Path through these areas is well established, with access to the beach and foreshore in places.

The concerns of owners/occupiers in these areas related mostly to land management practices and the privacy of residents within the coastal margin. As explained under the 'Urban Coast' heading these issues are largely addressed by the 'excepted land' provisions in the coastal access legislation.

f) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the South Devon and Dorset Shoreline Management Plan - Durlston Head to Rame Head (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from Devon County Council and Torbay Council, we have identified the lengths of 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 such as at the towns within Torbay, Teignmouth, Dawlish, Exmouth and Sidmouth, 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. The long term plan for these more urban areas is to continue to provide protection against flooding - a Shoreline Management Plan policy known as 'hold the line'.

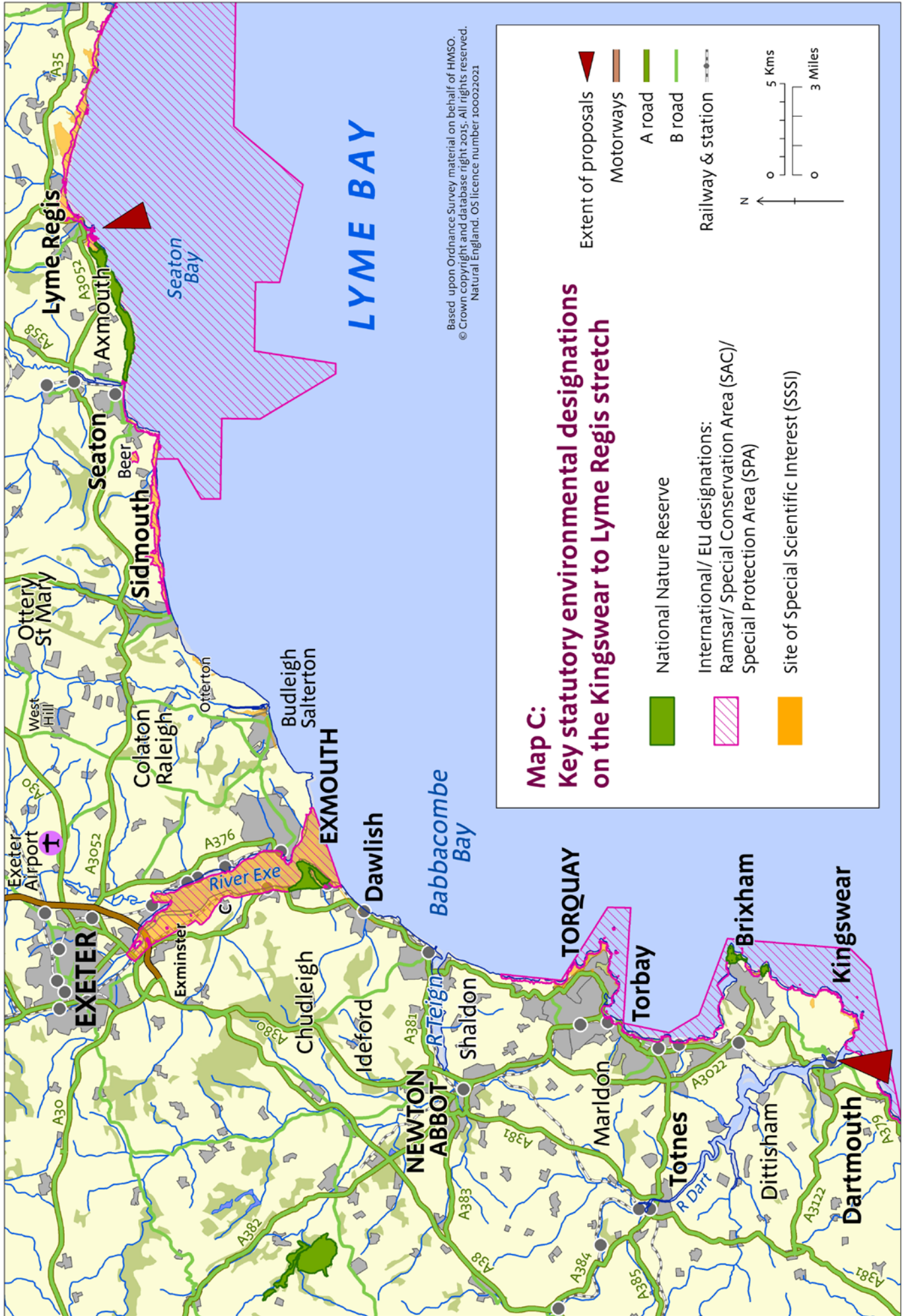
The soft cliffs along the rural East Devon coast are undefended and subject to varying rates of change. The natural erosion of these cliffs is integral to their designations and landscape value and the long term Shoreline Management Plan policy is one of 'no active intervention' allowing for the continued natural evolution of the coastline. In addition, St Mary's Bay near Brixham is also undefended and subject to frequent erosion events. On

these lengths of coast 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 8 of the Overview and in the relevant chapters of the proposals.

In South Devon, between Kingswear and Sharkham Point where there are hard cliffs not subject to significant rates of coastal erosion, we have only identified a possible requirement for roll back at Scabbacombe where the route is very close to the cliff edge and data shows potential future vulnerability.

In some other places we have identified a possible requirement for roll back 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).





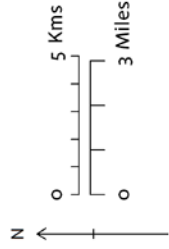


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Map D:
Key statutory landscape designations
on the Kingswear to Lyme Regis stretch

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

- World Heritage Site
- Area of Outstanding Natural Beauty
- Scheduled Monument



Implementation of the proposals

6. Physical establishment of the trail

Below we summarise how our proposed route for the trail would be physically established to make it ready for public use before any new rights come into force. There is further detail in the proposals about some of the provisions mentioned here.

The trail would make extensive use of the existing route of the South West Coast Path National Trail. Existing signage would be retained, except where the alignment we propose is different from that of the existing South West Coast Path as currently walked and managed, such as some alternative routes, and in which case the trail will be re-signed on the ground accordingly. Our estimate of the capital costs for physical establishment of the trail on the proposed route is £19,983 and is informed by:

- information already held by the access authorities (Devon County Council and Torbay Council) in relation to the management of the South West Coast Path; and
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

There are three main elements to the overall cost:

- New infrastructure to make new sections of path accessible to the public, including items such as gates and steps at the alternative route at Man Sands
- Signs and interpretation along new and existing route sections to direct people along the path and provide information about, for example, walking distances and times of high tides;
- Improvements to the existing sections of the coast path, for example where there is significant erosion of the path surface or where small improvements can make a significant difference to the overall convenience of the trail

Table 1 explains our estimate of the capital cost for each of the main elements of physical establishment described above.

Table 1: Estimate of capital costs

Item	Cost
New path sections	£7,593
Existing path sections	£1,890
Signs and Interpretation	£9,500
Project management	£1,000
Total	£19,983 (exclusive of any VAT payable)

Once the Secretary of State's decision on our report has been notified, we, or Devon County Council, Torbay Council or Dorset County Council on our behalf, will consult further with affected land owners and occupiers about relevant aspects of the design, installation and maintenance of the new signs and infrastructure that are needed. All such works would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

7. Maintenance of the trail

Because the trail between Kingswear and Lyme Regis will form part of the National Trail being created around the whole coast of England called the England Coast Path, we envisage that it will be maintained to the same high quality standards as other National Trails in England (see The New Deal; Management of National Trails in England from April 2013 at Annex A).

Our estimate of the annual cost to maintain this stretch of the England Coast Path is £49,111.04 (exclusive of any VAT payable).

In developing this estimate we have taken account of the formula used to calculate Natural England's contribution to the maintenance of other National Trails.

8. 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 chapters.

Roll-back

Chapters 1 to 9 of the proposals include proposals for 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 needs 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:

- with the trail itself, or
- because an 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.

Whilst coastal change is inherently difficult to predict with any accuracy, this report identifies those parts of the stretch where we consider such powers are likely to be needed over time in order to ensure continuity of the trail, for example much of rural East Devon (Chapters 6 to 9).

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 2 of the relevant report chapters. This and the above information is intended as a guide only, based on information available to us at the time of writing this report, 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 this report and during any subsequent 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 other changes to the route of the trail or 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.

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 the Countryside and Rights of Way Act.
- 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 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.

9. Restrictions and exclusions

Below, we provide the details and explain the practical effects of any directions to exclude or restrict coastal access rights proposed by this report. Further detail is provided in the relevant chapters of the report, and the extent of each is shown on Maps E, F and G included in this Overview.

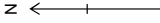
Refer to Part 6.7 and Figure 19 of the approved Coastal Access Scheme for more information about the use of statutory restrictions and exclusions.

Report chapter	Location/extent (see relevant map for more information)	Type of restriction	Purpose of restriction	Grounds and relevant section of CROW	Duration
Chapter 2 - Sharkham Point to Paignton	Berry Head – Disused quarry within coastal margin seaward of the trail – see Map E	No public access	Sensitive wildlife	Nature conservation 26(3)(a)	All year
Chapter 5 - Holcombe to Exmouth	Dawlish Warren to Cockwood harbour - Part of the coastal margin seaward of the trail – see Map F	No public access	Sensitive wildlife	Nature conservation 26(3)(a)	All year
Chapter 7 - Otter Estuary to Sid Estuary	Otter Estuary - Salt marsh and mud flat seaward of the trail – see Map G	No public access	Unsuitable for public access	Salt marsh and flat 25A	All year

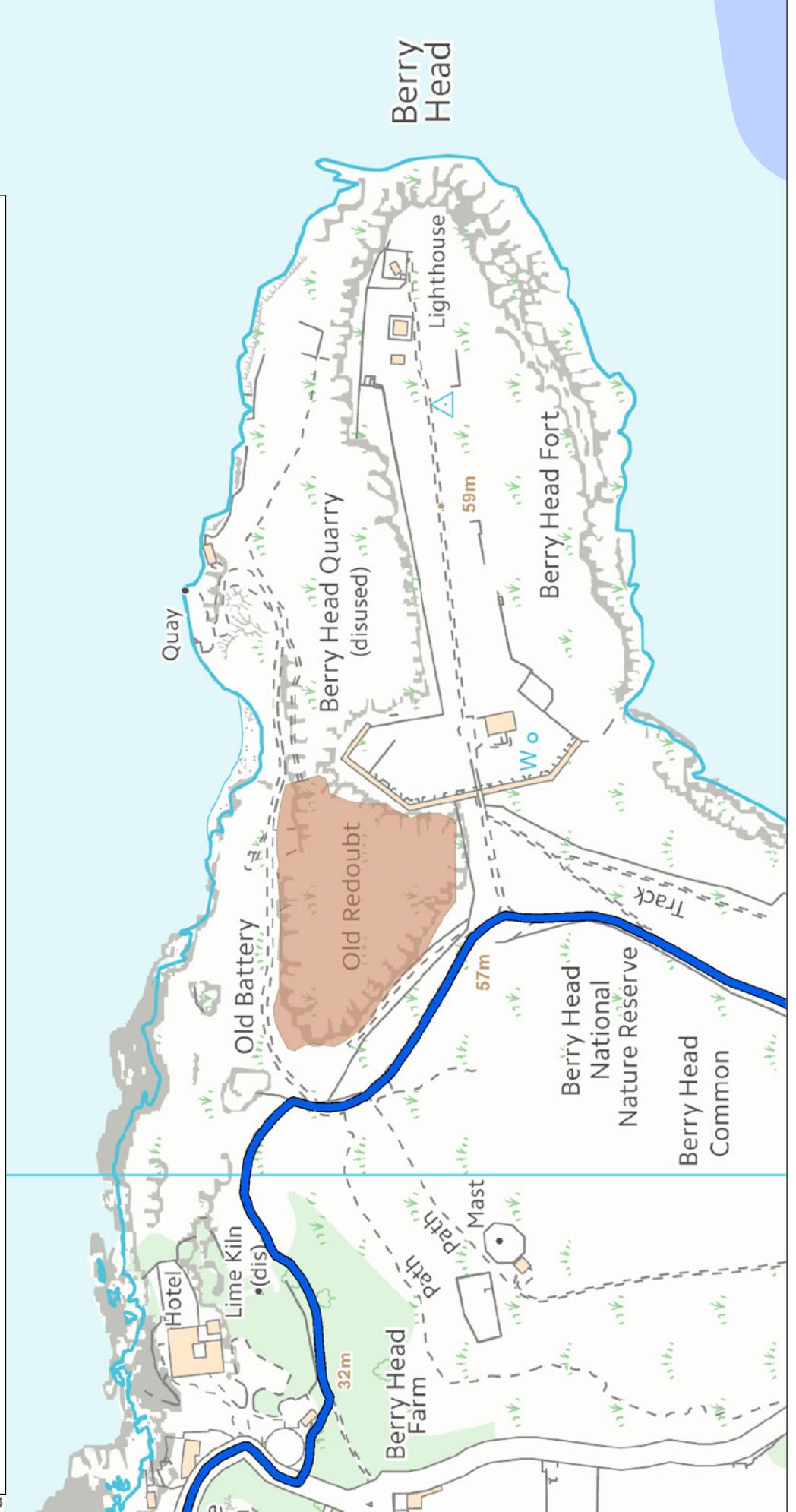
**Map E:
Berry Head - Chapter 2 (Sharkham Point to Paignton)
Proposed direction under s26(3)(a) CROW - Nature conservation**

-  Proposed route
-  Proposed long-term access exclusion: nature conservation s26(3)(a)

0 20 40 80 120 Metres



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Map F:
Dawlish Warren and the Exe - Chapter 5 (Holcombe to Exmouth)
Proposed direction under s26(3)(a) CROW - Nature conservation

- Proposed route
- Proposed long-term access exclusion: nature conservation s26(3)(a)



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0 60 120 240 360 480 Metres

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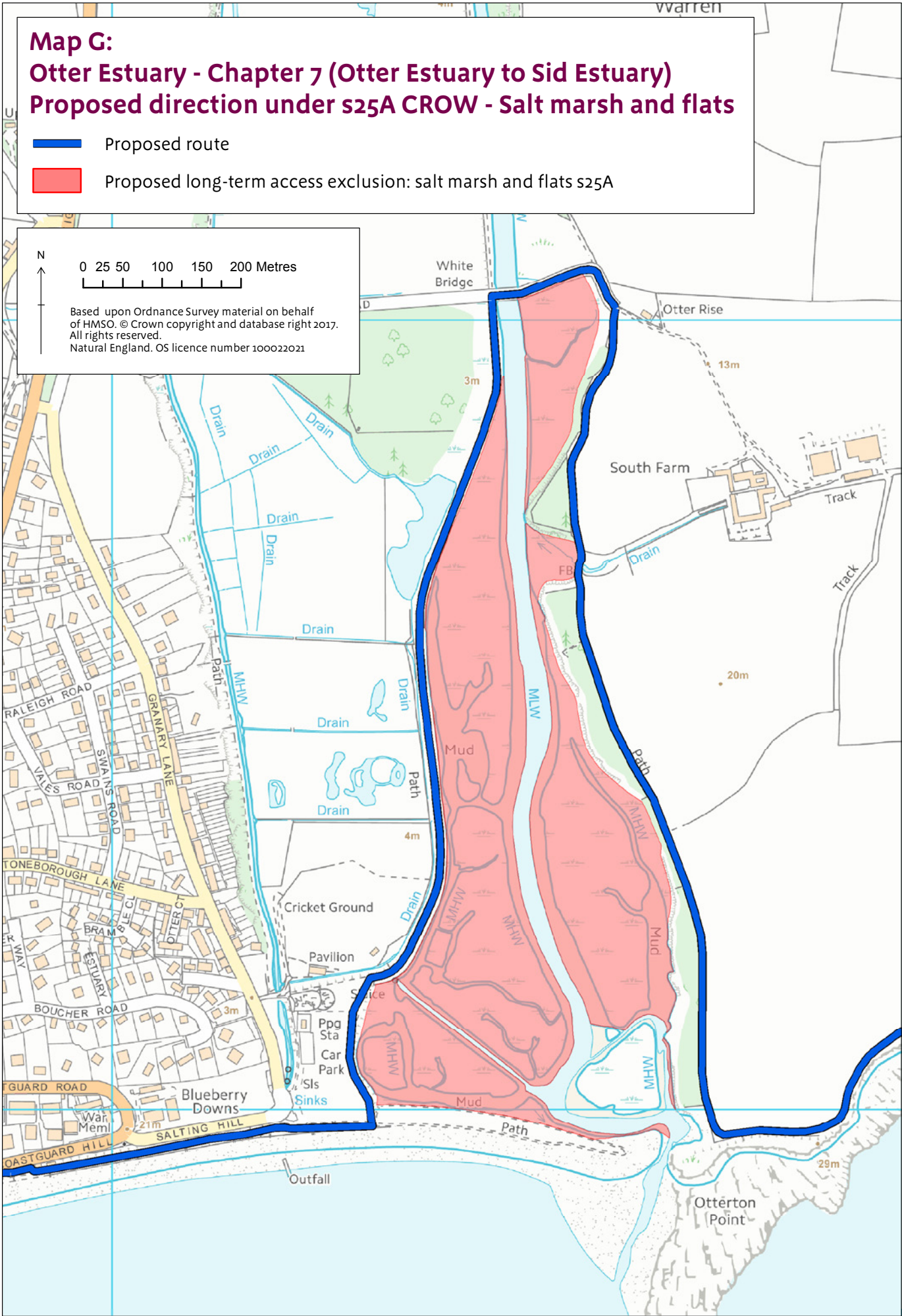
Map G: Otter Estuary - Chapter 7 (Otter Estuary to Sid Estuary) Proposed direction under s25A CROW - Salt marsh and flats

- Proposed route
- Proposed long-term access exclusion: salt marsh and flats s25A

N
↑

0 25 50 100 150 200 Metres

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Annexes

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

<https://www.gov.uk/guidance/england-coast-path-comment-on-a-proposed-new-stretch>

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 report

Strategic Environmental Assessment Directive

(Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment)

European Commission

<http://ec.europa.eu/environment/eia/sea-legalcontext.htm>

Habitats Directive

(Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora)

European Commission

http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

Other published information used in the preparation of the report:

South Devon AONB and South Hams Landscape Character Assessment

<http://www.southhams.gov.uk/CHttpHandler.ashx?id=2721&p=0>

**East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District
Landscape Character Assessment & Management Guidelines**

<http://eastdevon.gov.uk/media/343463/2-lca-and-mg.pdf>

Torbay Landscape Character Assessment

<https://www.torbay.gov.uk/media/1790/torbaylca1.pdf>

The South Devon and Dorset (Durlston Head to Rame Head) Shoreline Management Plan

<http://www.sdadcag.org/Enter.htm>

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

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

Annex B: Glossary of terms

The terms and their explanations below are simply for guidance and are not intended to have any legal effect.

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

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

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

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

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

alignment is the term the report uses 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** as part of our report for a stretch of coast, for use by the public at times when access along part of the normal route is excluded under a **direction**. The associated term **optional alternative route** denotes an alternative route which the public has the *option* to use at times when the normal route (even though not formally closed) is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Figure 17 in chapter 6 of the Scheme explains alternative routes in more detail. Paragraphs 4.10.16 to 4.10.18 of the Scheme explain more about the potential use of optional alternative routes.

appropriate assessment means, for the purposes of the Scheme, an assessment of the implications of a plan or project for a **European site** in view of the site's conservation objectives, made in accordance with Article 6.3 of the **Habitats Directive**. Natural England is required to conduct an appropriate assessment where it concludes that the introduction of **coastal access rights** in the form proposed is likely to have a significant effect on the conservation objectives for a European site. Our proposals to the Secretary of State include as necessary any local measures designed to prevent such a likely significant effect arising from improved access. Section 4.9 of the Scheme explains in more detail how we fulfil this requirement where it is relevant.

Birds Directive means the European Community Council Directive 2009/147/EEC on the conservation of wild birds. See bibliography for publication details.

building has the same meaning given in Schedule 1 of **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 the report uses 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**. It is explained at section 1.3. 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 report 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 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**.

European site means a site:

- classified as a Special Protection Area (SPA) for birds under the **Birds Directive**; or
- designated as a Special Area of Conservation (SAC) under the **Habitats Directive**; or
- proposed to the European Commission as a site eligible for designation as a SAC for the purposes of Article 4.4 of the Habitats Directive (a candidate SAC).

Natural England is required in the circumstances described under **appropriate assessment** above to conduct such an assessment of the implications of the introduction of **coastal access rights** for European sites. It is Government policy, stated in the National Planning Policy Framework that, whilst not European sites as a matter of law, the following sites should be subject to the same procedures and protection as European sites:

- Any potential SPA or possible SAC;
- Any site listed or proposed as a Wetland of International Importance especially as Waterfowl Habitat under the Ramsar Convention on Wetlands of International Importance 1971 (a Ramsar site); and
- Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

For this purpose, any reference in the report to a European site or sites should be taken to include all the categories of site above.

excepted land – see Annex C of the Overview.

exclude/exclusion are terms the report uses to 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 report it is taken to mean the land between mean low water and mean high water.

gate is used in several ways in the report:

- '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 report uses 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 Directive means the European Community Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. See bibliography for publication details.

the **legislation** is the term the report uses 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.

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 report, and to invite representations from it on its report – see chapter 3 of the Coastal Access Scheme for details.

national restrictions – see Annex D of the Overview.

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 to Natural England about a proposal in the 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.

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 kind of **legal interest** over it.

representation means a representation made by any person to Natural England regarding a proposal in its final report. 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 report, without further confirmation by the Secretary of State. Section 4.10 of the Scheme explains in more detail how this works.

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

Scheduled Monument means a site or monument of national importance given legal protection by virtue of being listed on the Schedule of Monuments under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

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.

Site of Special Scientific Interest (SSSI) means a site notified under section 28 of the Wildlife and Countryside Act 1981 (as amended) as nationally important for its wildlife and/or geological or physiographical features.

spreading room is the term the report uses 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.

strategic environmental assessment means the overall requirements of European Community Council Directive 2001/42/EC. Sections 4.9.9 and 4.9.10 of the Scheme describe the circumstances in which we would conduct a strategic environmental assessment.

stretch is the term the report uses to describe the whole coastline affected by proposals it contains.

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 by or under the direction without requiring confirmation by the Secretary of State in the report, 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 the report uses to describe the strip of land people walk along when following the route identified for the purposes of the **Coastal Access Duty**: see section 1.2. Following approval by the Secretary of State of the proposals in our coastal access report, 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 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.

Enquiries about the proposals should be addressed to:

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