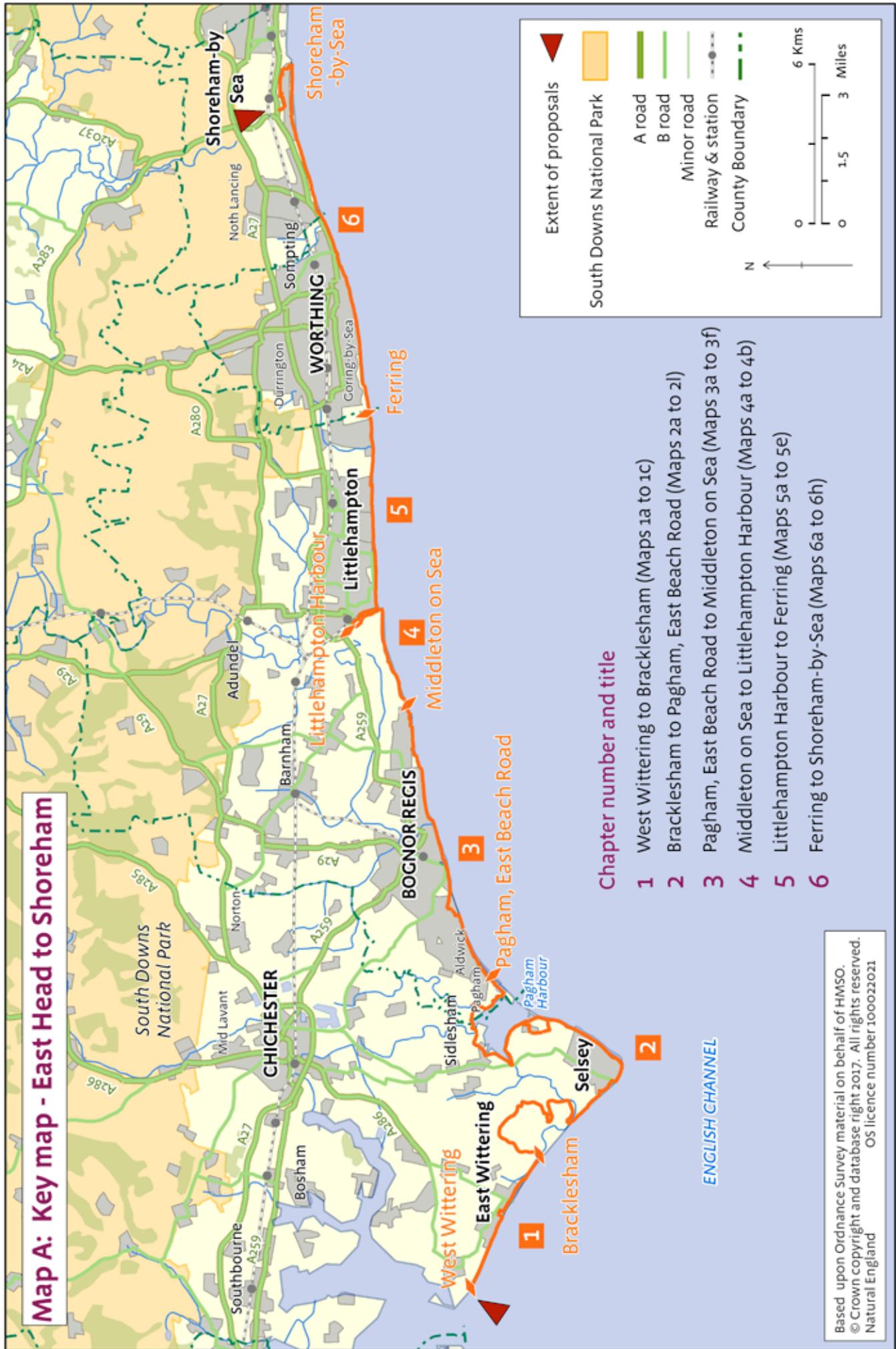


England Coast Path

East Head to Shoreham by Sea

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





Map A: Key map - East Head to Shoreham

Chapter number and title

- 1** West Wittering to Bracklesham (Maps 1a to 1c)
- 2** Bracklesham to Pagham, East Beach Road (Maps 2a to 2l)
- 3** Pagham, East Beach Road to Middleton on Sea (Maps 3a to 3f)
- 4** Middleton on Sea to Littlehampton Harbour (Maps 4a to 4b)
- 5** Littlehampton Harbour to Ferring (Maps 5a to 5e)
- 6** Ferring to Shoreham-by-Sea (Maps 6a to 6h)

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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 6 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 1.a to 1.c illustrate the proposals in chapter 1.

Using Map A (previous page)

Map A shows the whole of the East Head to Shoreham by Sea stretch divided into short numbered lengths of coast, from East Head at the western end (Chapter 1) to Shoreham by Sea at the eastern end (Chapter 6).

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 6 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 in appropriate places people will be able to spread out and explore, rest or picnic. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters, as far as the first bridge or tunnel with pedestrian access, or as far as any point between the two.

To secure these objectives, we must submit 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 West Sussex between East Head and Shoreham by Sea.

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 strategic places to link existing coastal paths into a continuous route along this stretch of coast;
- For the first time, there would be secure statutory rights of public access to 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, this part of the England Coast Path will be managed as part of the 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.

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

Following publication:

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

In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice for the East Head to Shoreham by Sea stretch, which can be viewed here <https://www.gov.uk/guidance/england-coast-path-comment-on-a-proposed-new-stretch> together with more information about how to make representations or objections.

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 East Head to Shoreham by Sea 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 East Head to Shoreham by Sea 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 7 to 9 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 East Head to Shoreham by Sea 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 6 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 1.a to 1.c 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:
 - In the first table or set of tables, we set out detailed information for each section of coast under the following column headings:
 - **Map(s)** – This column indicates which of the report maps to view alongside the details in the other columns in the same row.
 - **Route section number(s)** – This is the unique identification number for the route section concerned. In some cases, two or more adjacent route sections will be amalgamated into a single row in the table, if all other displayed details happen to be identical.
 - **Current status of this section** – This describes the current status of the route we have proposed and whether it has any existing access rights. Public highways, including public rights of way such as footpaths, are excepted from new coastal access rights because the existing public rights to use such highways will remain in force, and the trail is able to make use of these.
 - **Other sections of the proposed trail** that do not currently have any access rights or where access is currently permitted by the landowner will become subject to

new coastal access rights if our proposals are approved. These new rights, and any national or local restrictions on them, will not affect any existing access arrangements for cyclists, horse-riders or other types of recreational user that may currently exist at the local level - for example by formal agreement with, informal permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.

- **Current surface of this section** – This is a description of the existing surface of the proposed section of the trail.
- **Roll-back proposed?** – This indicates whether we propose that 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. Roll back may be used to adjust the trail either in direct response to such changes or in order to link with other parts of the route that need to roll back in response to such changes. The column also indicates whether the 'roll-back' requirement is likely to give rise to a normal or more complex change on this section. (In the case of more complex outcomes, further details are provided in the 'Roll-back implementation' table). Section 4.10 of the Coastal Access Scheme explains in more detail how roll-back works.
- **Landward 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. Alternative routes/optional alternative routes have a default width of two metres either side of the approved line. We propose specific landward and/or seaward boundaries to the route strip where doing so would add further clarity to the extent of access rights along the route, by working with the grain of what is already there. It should be noted that where the alternative route/optional alternative route follows an existing path corridor, the trail may adopt a variable width as dictated by existing physical features.
- **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 the second table or set of tables 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.

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.

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

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

6.2.1 Section Details – Maps 6.a to 6.h: Goring by Sea to Shoreham Harbour

1	2	3	4	5	6a	6b	6c	7
Map(s)	Route section number(s)	Current status of this section	Current surface of this section	Roll-back proposed? (See Part 8 of Overview)	Default landward coastal margin?	Landward boundary of margin (See maps)	Reason for landward boundary discretion	Proposed exclusions or restrictions (see Part 9 of Overview)
6a	EHS-6-S001 to EHS-6-S003	Public footpath	Gravel	No	No	Landward edge of trail (2m)	Not used	None
6a & 6b	EHS-6-S004 to EHS-S007	Public footpath	Concrete	No	Yes - barrier	Promenade edge	Not used	None
6b to 6c	EHS-6-S008 to EHS-6-S010	Multi-use route	Tarmac	No	Yes- barrier	Promenade edge	Not used	None
6c	EHS-6-S011	Multi-use route	Concrete	No	Yes - barrier	Promenade edge	Not used	None
6d to 6e	EHS-6-S012 to EHS-6-S014	Multi-use route	Tarmac	No	Yes - barrier	Promenade edge	Not used	None

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

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

This column specifies existing surface type of the proposed trail section.

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.

2.2.2 Other options considered: Maps 2.a to 2.k: Bracklesham Bay to Pagham Harbour

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
2b and 2c	Sections EHS-2-S011 to EHS-2-S018	For the eastern side of Medmerry we considered aligning the trail along the perimeter bank, firstly between Greenwood Farm and Great Ham Farm and secondly adjacent to West Sands Caravan Park, as shown on the map.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ The perimeter bank is within a wildlife conservation area and if the bank was used, walkers would be upon the skyline and would disturb feeding and nesting birds. ■ At Medmerry, this proposal is made with the support of the Environment Agency and the RSPB. ■ This option would impact on the privacy of Greenwood Farm and the West Sands Caravan Park site. ■ We concluded that overall the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

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.

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

The coastal margin:

- iii The proposed route of the trail shown on the maps is important in understanding the extent of the coastal margin 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 disapplies 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.

4. Preparation of the report

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

In line with this, before making the proposals in this 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 the key issues and opportunities, including sensitive features, in conjunction with key organisations; and
- **Stage 2: Develop** – checking the alignment on the ground, sharing our initial thoughts with land owners and offering to ‘walk the course’ with them, planning for the protection of key features, talking further with key interests and reality checking our proposals.

Stage 1 - Prepare

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

- the West Sussex Local Access Forum;
- County and district council officers, including coastal engineering, 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.

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

- the Ramblers Association;
- the National Farmers Union;
- the British Association for Shooting and Conservation;
- the Country Land and Business Association;
- Royal Society for the Protection of Birds;

- Shoreham Harbour Regeneration Project;
- Sussex Wildlife Trust;
- HM Coastguard.

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.

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

In most cases this was done through separate site meetings with the individuals and businesses concerned. In addition, in the interests of efficiency we held a small number of 'drop-ins' at village halls and also met with Parish Councils in order to meet and discuss our proposals with groups of people within a local area.

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 9 – Future Change

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

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

Key issues along this stretch

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

The proposed stretch contains sections that fall upstream of the seaward limit of Pagham Harbour and the Rivers Arun and Adur's estuarial waters.

a) Introduction

This part of the Overview:

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

b) Estuary discretion

Under the 2009 Act there is no requirement for the trail to extend up any estuary further than the seaward limit of the estuarial waters (see 'geographical limits of our discretion' below).

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

c) Core national duties and considerations relevant to estuaries

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

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

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

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

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

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

The majority of the East Head to Shoreham by Sea stretch is open coast, with several long extents of shingle beaches. Pagham Harbour is a wide but shallow estuary distinguished by a shingle spit across its mouth and extensive intertidal gravels as well as mudflats and saltmarsh. Both the River Arun and Adur are narrow rivers flowing out to the sea at Littlehampton and Shoreham by Sea respectively and are tidal for many miles inland.

e) Pagham Harbour

Geographical limits of our discretion

The seaward limit of the transitional waters at Pagham Harbour is as shown on Map A2 and extends from Church Norton in the west around to the Pagham Beach Estate at its western extent. The first bridge with pedestrian access, travelling west to east, is at the B2145 bridge as indicated by the extent of the trail on Map 2i.

The statutory estuary criteria

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

i) Ferry services

There is no ferry service.

ii) Character of the Estuary

■ Estuary width

The width of Pagham Harbour is variable. At its widest it is more than 1.5 miles across and very much has the feeling of open coast, with its northern most point over a mile from the mouth. The narrow mouth of the Harbour between the shingle spits is incredibly dynamic and varies in size, whilst some of the creeks and inlets on the northern side contract to only a few metres wide.

■ Topography of the shoreline

The shoreline of Pagham Harbour estuary is low lying, with shingle beaches at its seaward extent. There are extensive mudflats and saltmarsh, and the harbour is dotted with small islands visible from the coast. Only a few small streams drain in to the harbour. The whole harbour is subject to daily tides.

■ Nature of affected land

Pagham Harbour is rural with a few small villages dotted around its perimeter and the larger town of Pagham to its east. The land use is a varied mix of farmland, private houses and gardens, a leisure park, nature reserves and open fields. Extensive mudflats are revealed at low tide.

■ Features of interest

Pagham Harbour Nature Reserve (managed by the RSPB) covers the whole harbour and visitors are welcome. The Reserve is of considerable wildlife interest,

especially for bird watchers. There are also interesting historical sites around Church Norton. The harbour has various visitor attractions and facilities that make it a popular recreational location.

iii) Recreational Benefit

It is currently possible to walk the entirety of Pagham Harbour along existing rights of way and permissive paths, although in several sections the existing footpaths are inundated at high tide. In the main our proposals within this report will follow these routes. The route is approximately 4.5 miles/7.5 km. There are several circular walks that would link up with an estuary route and these provide access to the wider environment and open spaces such as nature reserves, beaches and the coast in general.

iv) Excepted land

There are no areas of excepted land that have prevented a coastal route around this section of estuary.

v) Options for Pagham Harbour

Option 1 – align the trail around the harbour. This formalises some of the current access into an official coast path, and is in keeping with our approach elsewhere on this stretch. It may not result in significant improvements because existing access is already very good, aligned as it is so close to the coast.

Option 2 – stop at the mouth of the harbour and resume the England Coast Path at Pagham in the west. This would prevent the continuity of the England Coast Path around the coast for walkers and would not bring the recreational benefit of promoting a well-managed and maintained route around the harbour.

Proposed route of the trail

We consider there should be a well-managed walking trail around Pagham Harbour. This fulfils the core objective of the legislation, to create a continuous route around the coast in a simple and cost effective way. This route is strongly characteristic of the coast, in particular its views of extensive areas of flats and salt marsh. The route also provides pedestrian links between the coast and large towns and other settlements, transport links and tourist based businesses.

f) River Arun

Geographical limits of our discretion

The seaward limit of the transitional waters of the River Arun are as shown on Map A3 and extend from West Beach in the west around to Littlehampton at its eastern extent. The first bridge with pedestrian access, travelling west to east, is at the footbridge between Ferry Wharf and Littlehampton Marina, as indicated by the extent of the trail on Map 5.a.

The statutory estuary criteria

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

i) Ferry services

The Littlehampton Ferry links the east and west banks of the River Arun in Littlehampton between Town Quay and The Littlehampton Yacht Club. It operates only at weekends and during school holidays.

ii) Character of the Estuary

■ Estuary width

The River Arun is a narrow river than meanders from its northern most point near Pulborough, heading south through the South Downs and Arundel to its mouth at Littlehampton where the river widens slightly at the harbour (100 – 150m) before narrowing again to less than 40m wide at its exit to the sea. There are a few small streams and inlets that feed in to the river.

■ Topography of the shoreline

The shoreline of the Arun estuary is low lying, made up of intertidal mud and steep river banks in places. It is tidal up river to Pulborough, some 25 miles upstream. At its mouth are a series of sand dunes and sandy beaches, either side of a man made channel secured by sea defences.

■ Nature of affected land

The mouth of the estuary is at Littlehampton, with a golf course and beaches on the western side and housing and light industry on the eastern side. There is a small harbour and a series of private jetties and pontoons. A pedestrian bridge crosses the river just over 1km from the mouth. Inland from this point the river meanders past more light industry and under the main A259 road bridge after which the landscape becomes far more rural, a mix of open pasture and arable farmland.

■ Features of interest

The estuary is of considerable wildlife interest, especially for bird watchers and there are many nature reserves along the length of the estuary where visitors are welcome. There are also interesting historical sites close to the harbour entrance as well as further upstream at Arundel. Around the harbour are various visitor attractions and facilities and the harbour is a popular recreational location for water sports users and fishermen.

iii) Recreational Benefit

It is currently possible to walk along both sides of Littlehampton Harbour downstream of the pedestrian bridge. Above this point a public right of way runs along the western side of the river to Arundel, with good links to the South Downs National Park and the South Downs Way National Trail. The route around the harbour is approximately 2 miles/3 km in length. There are several circular walks that would link up with an estuary route and these provide access to the wider environment and open spaces such as nature reserves, beaches and the coast in general.

iv) Excepted land

At Littlehampton there are several properties and their curtilages between the trail and the River Arun, however these would not prevent a coastal route around this section of estuary.

v) Options for the Arun Estuary

Option 1 – align the trail around the harbour. This formalises some of the current access which is mainly along public footpaths or promenades, and is in keeping with the approach being considered elsewhere. It may not result in significant improvements because existing access is already very good, aligned as it is so close to the coast.

Option 2 – stop at the mouth of the harbour at West beach and resume the England Coast Path at East Pier in the east. This would prevent a continuous National Trail along the coast for walkers and would not bring the recreational benefit of promoting a well-managed and maintained route.

Option 3 – use the ferry. Take the trail only as far as the ferry crossing at Town Quay on the east bank and Littlehampton Yacht Club on the west bank. This route travels less distance up the estuary however the ferry is only available at weekends and school holidays so would require an alternative route to be made available outside that time.

Proposed route of the trail

We consider there should be a well-managed walking trail following the existing access up to the first pedestrian footbridge across the river. This fulfils the core objective of the legislation - to create a continuous route around the coast, in a simple and cost effective way that will be available year round. There is also a strong 'coastal feel' along this section of the proposed route.

g) River Adur

Geographical limits of our discretion

The seaward limit of the transitional waters of the River Adur are as shown on Map A4 and extend from the west breakwater at the mouth of Shoreham Harbour around to the east breakwater at its eastern extent. The first bridge with pedestrian access, travelling west to east, is at The Adur Ferry Bridge, which connects Lower Beach Road on Shoreham Beach with the A259 Shoreham High Street and Brighton Road (opposite the end of East Street), as indicated by the extent of the trail on Map 6.h.

The proposals within this stretch report do not include the northern side of the estuary. This is covered in the Shoreham to Eastbourne proposals which have yet to be published.

The statutory estuary criteria

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

i) Ferry services

There is no ferry service across the River Adur.

ii) Character of the Estuary

■ Estuary width

The width of the River Adur is variable; 50 metres at its narrowest and up to 250m across at some of the wider creeks and inlets. It enters the sea at Shoreham Harbour, where it splits in to the East Arm and West Arm, with the estuary then continuing up the west arm, past Shoreham by Sea.

■ Topography of the shoreline

The shoreline of the River Adur estuary is low lying, with sand and mudflats backing onto sea defences. The river is punctuated by some small channels, areas of saltmarsh, and shingle beaches to the west of its mouth. There are extensive mudflats and saltmarsh before the river narrows and begins to meander upstream from the A27 road bridge.

■ Nature of affected land

Shoreham Beach and the town of Shoreham by Sea is predominantly urban and defended, mainly comprising sea walls and promenades with some light industry. It is fringed by extensive mudflats within the west arm of the harbour, whilst the east arm of the harbour is a busy dock yard with locked gates and heavier industry.

■ Features of interest

There are many nature reserves of considerable wildlife interest around the River Adur estuary where visitors are welcome. There are also interesting historical sites including the Old Fort close to the harbour entrance. Around the harbour are various visitor attractions and facilities and the harbour is a popular recreational location for water sports.

iii) Recreational Benefit

It is currently possible to walk around much of the harbour, on the northern side of Shoreham Beach, from the harbour mouth to the first pedestrian crossing. Public footpaths then continue along the western edge of the river upstream for some distance. The pedestrian bridge is approximately 1.5 miles/2.5 km from the mouth of the estuary. There are several circular walks that would link up with an estuary route and these would provide access to the wider environment and open spaces such as nature reserves, beaches and the coast in general.

iv) Excepted land

At Shoreham by Sea there are several properties and their curtilages between the trail and the River Arun, however these would not prevent a coastal route around this section of estuary.

v) Options for the River Adur Estuary

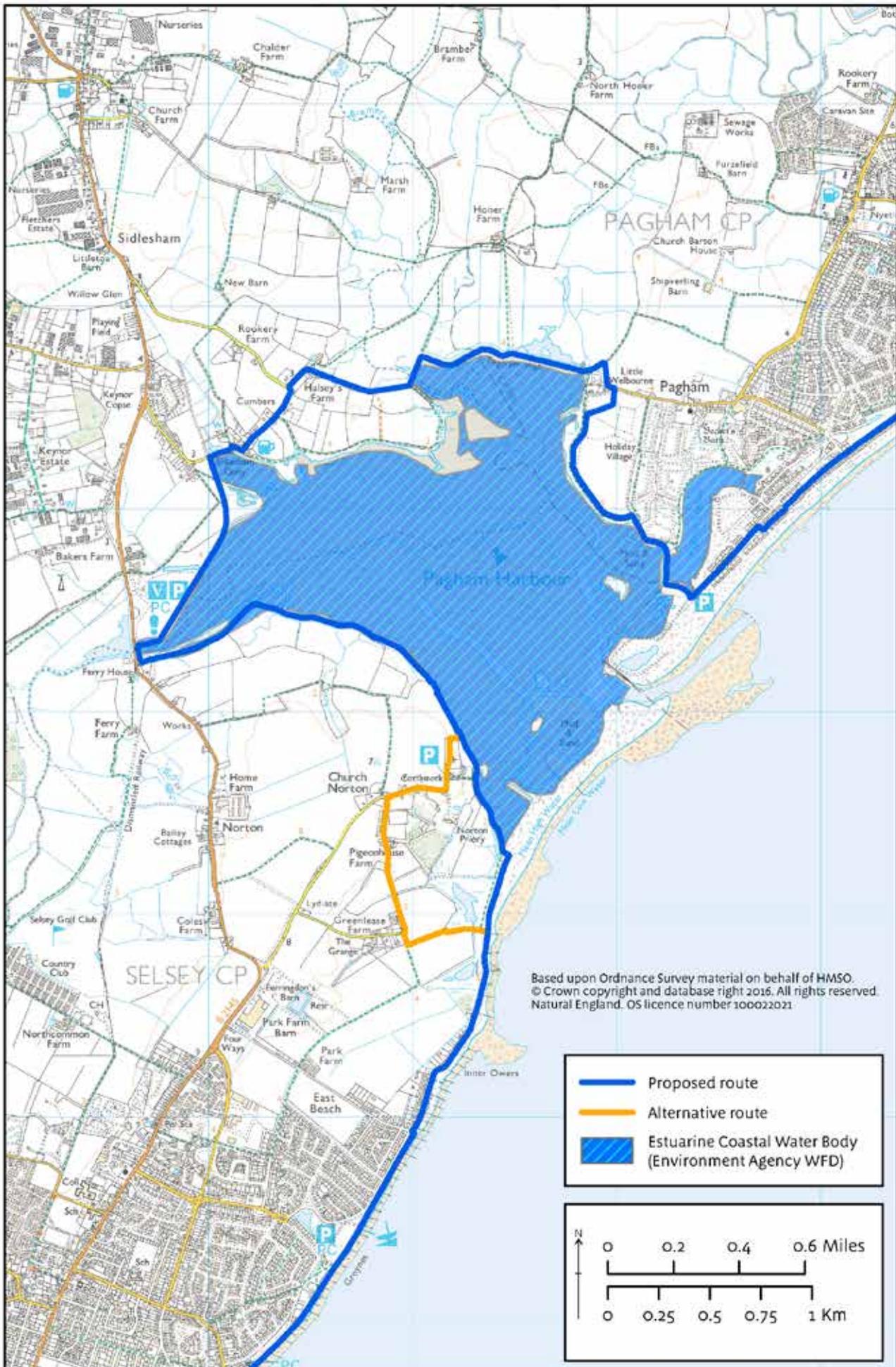
Option 1 – align the trail around the harbour to the first pedestrian bridge. This formalises some of the current access into an official coast path, and is in keeping with the approach being considered elsewhere in this report. It may not result in significant improvements because existing access is already very good, aligned as it is so close to the coast.

Option 2 – stop at the mouth of the harbour by the Old Fort and resume the England Coast Path at the East Breakwater. This would prevent a continuous National Trail along the coast for walkers and would not bring the recreational benefit of promoting a well-managed and maintained route.

Proposed route of the trail

We consider there should be a well-managed walking trail following the existing access up to the first pedestrian footbridge across the river. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. There is a strong 'coastal feel' along this section of the proposed route.

Map A2: Estuarine Water Body Overview - Pagham Harbour

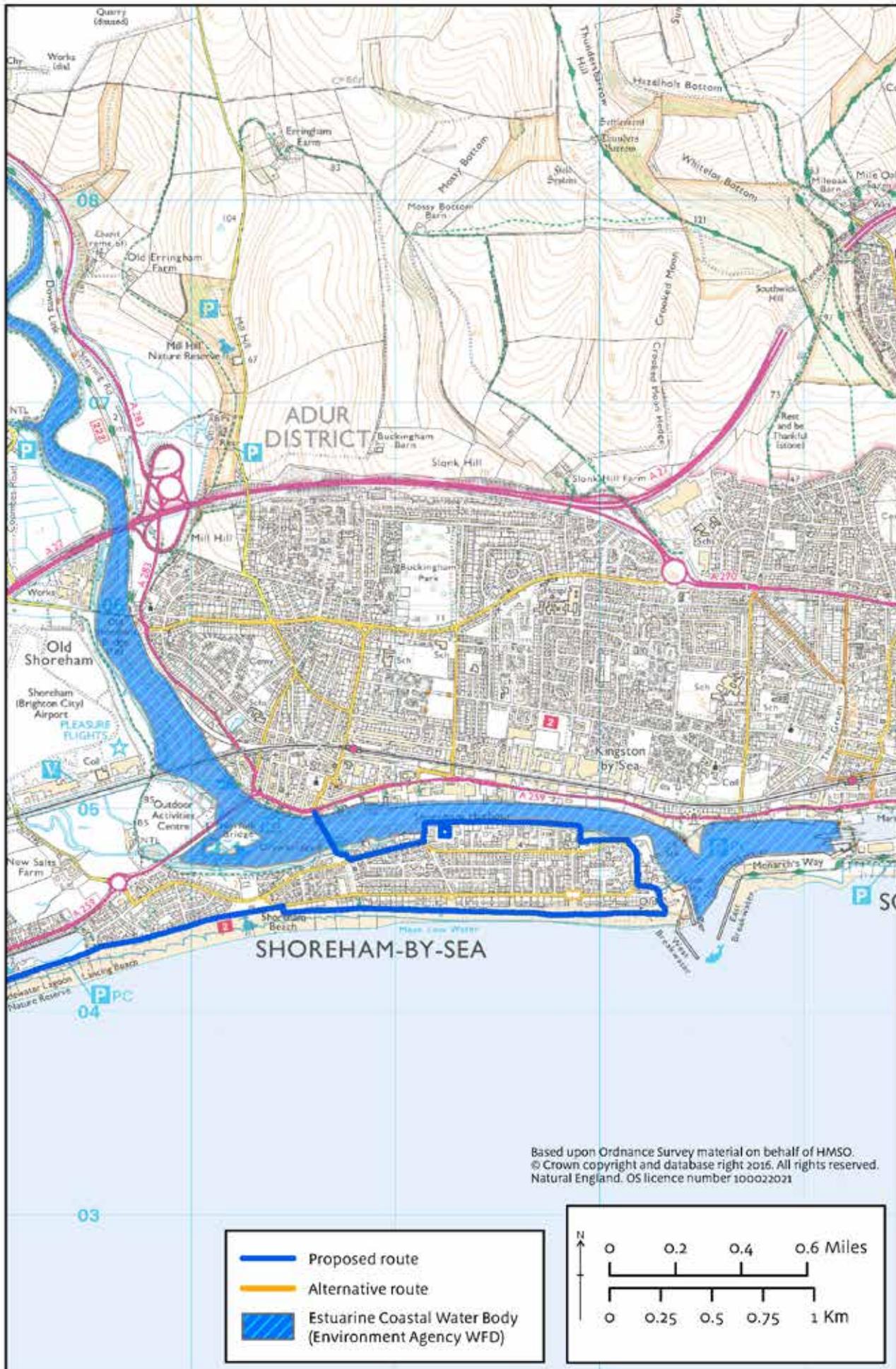


Map A3: Estuarine Water Body Overview - River Arun (Littlehampton)



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Map A4: Estuarine Water Body Overview - River Adur (Shoreham-by-Sea)



6. Other Considerations

a) Recreational Issues

Map B gives an overview of existing public access to the coast between East Head and Shoreham by Sea showing public rights of way and access land along the stretch.

The West Sussex coastline has reasonably good linear coastal access along public rights of way, public highways and pavements or along permissive routes, although there are a few notable gaps in the access provision. In addition to statutory routes, there are other existing walked routes in many places which are not shown on the map but which we have also taken into consideration.

From the start of the stretch near to West Wittering, the existing paths (a combination of public rights of way, highways and other walked routes) maintain close proximity to the sea, with some minor diversions inland around seafront properties where there is no suitable route along the coast. This coastline in West Sussex is predominantly unconsolidated shingle beach which is difficult to walk on for long distances, so in places roads parallel to the coast have been chosen by us, in order to provide a firm walking surface. For some areas, where there is no formal existing access or suitable roads to follow, the shingle beach has been chosen for the trail. Where there is a gap between existing public footpaths adjacent to the coast, for example at Aldwick (between Pagham Harbour and Bognor Regis) as described in Chapter 3 of the Proposals, we address these issues in the chapters of the report relating to the places where they occur.

At Medmerry and Pagham Harbour, described in Chapter 2 of the Proposals, the proposed route mostly follows existing access upon the perimeter bank around the nature reserves. At Church Norton, an optional alternative route on an existing public footpath has been provided and at Sidlesham the existing access along the beach is generally boggy, so an inland public footpath via Halsey's Farm has been chosen. At Pagham Harbour, there are a couple of sections of public footpath upon the bank which become very waterlogged, so it is proposed that these are resurfaced.

At Medmerry Cliff to the west of Selsey, described in Chapter 2 of the Proposals, the coast is eroding and a section of the existing public footpath, formerly upon the cliff is now upon the beach and may become cut off during stormy conditions and particularly high tides. Our proposal is to align the trail upon the cliff top with roll-back, so that the trail here will relocate inland as the cliff erodes.

To the east of Poole Place at Elmer, described in Chapter 4 of the Proposals, the coast is currently eroding, so that the existing public footpath is now upon the beach and can become cut off during high tides and stormy conditions. Our proposal is to align the trail upon the low cliff top along the landward edge of the arable field. The trail will relocate inland as the cliff recedes.

There are several coastal towns along the stretch where the seafront provides easy access. These include the seawall at Selsey and promenades at Bognor Regis, Littlehampton, Worthing and Lancing. At Shoreham by Sea, Adur District Council has recently constructed a boardwalk which is proposed as the route of the trail to provide improved access on the shingle beach.

At West Sands Caravan Park, dogs are excluded by a Dog Control Order (DCO) from an area of the beach at the eastern end towards Medmerry between 1st May and 30th September, described in Chapter 2 of the Proposals. As such we will provide signage on the ground for an informal diversion for dog walkers using existing public rights of way and roads inland.

There are no existing open access rights on this stretch of coast.

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

- The opportunity to connect existing public rights of way between which there is currently only informal access, particularly between The Witterings and Selsey, described in Chapters 1 and 2 in the proposals and between Pagham Harbour and Bognor Regis, described in Chapter 3 of the proposals. Also for East Preston beach, Angmering on Sea, described in chapter 5 of the proposals.
- The opportunity to improve access to areas where there has been coastal erosion that has resulted in the loss of existing access provision. For instance at Medmerry Cliffs west of Selsey, as described in Chapter 2 of the proposals and between Elmer and Atherington, as described in Chapter 4 of the Proposals.
- The Ramblers discussed improving accessibility at sections of coast adjacent to private estates where currently there is no formal access, including Bracklesham, Aldwick and East Preston.

The key issues were:

- Safety of walkers upon the mudflats and salt marshes within the coastal margin at Medmerry and Pagham Harbour nature reserves.
- Disturbance issues for wildlife – particularly at Medmerry and Pagham Harbour nature reserves.
- Loss of existing paths through coastal erosion – particularly between Elmer and Atherington.
- Privacy issues for residents at private estates, particularly where the proposed trail and coastal margin are close to properties.

- Disturbance to vulnerable habitats and protected features by the proposed trail and coastal margin, including vegetated shingle beach at Aldwick Bay and at Climping; also sand dunes at Climping.

The first issue above will be addressed by our proposal to exclude access from much of the intertidal saltmarsh and mudflat areas under section 25A of Countryside and Rights of Way Act (2000) (lack of suitability for public access) at Medmerry and Pagham Harbour, although this will only relate to coastal access rights being proposed and will not affect any existing or private rights.

The second issue will be addressed by our proposal to give directions to exclude access under section 26(3)(a) within the coastal margin at Medmerry and at Pagham Harbour, as described in Chapter 2 of our Proposals. Other measures include using information panels and signs which will provide advice on responsible dog ownership.

The issue concerning coastal erosion is addressed through our proposals which include the facility for the path to 'roll back' in places, in response to coastal change.

Privacy concerns have been addressed by aligning the trail in the most suitable location, taking in to account what alternatives are available and what routes are already being used on the ground.

The issue of disturbance to habitats and species is addressed in section 'b' below.

b) Protection of sensitive features

Data relating to the natural environment was collated following discussions with RSPB, Sussex Wildlife Trust and the local authorities. This information was then 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 East Head to Shoreham by Sea stretch).

- European sites, including: Pagham Harbour Special Protection Area (SPA) and Ramsar (see glossary for a fuller explanation of 'European sites');

- Medmerry (As a compensatory site, this site should be treated as a European Site);
- Solent to Dorset Coast pSPA;
- Sites of Special Scientific Interest (SSSI), including Bracklesham Bay, Selsey East Beach, Pagham Harbour, Bognor Reef, Felpham, Climping Beach, Adur Estuary;
- Pagham Harbour MCZ
- Local Nature Reserves at Pagham Harbour, The West Beach (Climping) and Shoreham Beach.

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, a Habitats Regulations Assessment was carried out on the proposals in this report, using procedures compliant with the associated legislation.

It was concluded that 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 any other plans or projects. We therefore advise the Secretary of State that any 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 European sites. These measures are incorporated into our proposals, in the accompanying chapter reports. In summary, the measures include:

General

- The proposed alignment of the trail in specific locations takes account of the location of key features and avoids those areas.
- Signage will be installed at several locations to give information about the presence and importance of sensitive features and species at specific sites along the coast.

Chapter 2

The protected features at Medmerry and Pagham Harbour SSSI, SPA and RAMSAR include feeding and/or roosting, wintering or passage waterbirds including Black tailed Godwit, Brent goose, Pintail, Ruff, Grey Plover and Ringed Plover. Also breeding Little Tern using the shingle spit. Our proposals incorporate the following measures that have been incorporated into the relevant chapters of the Proposals:

- Informal management measures, including resurfacing of the footpath, are proposed for Halsey's Farm near Sidlesham, Pagham Harbour, to discourage walkers from accessing livestock fields within the coastal margin, as this may disturb Brent Geese feeding areas. See Chapter 2 of the Proposals for more information.
- At Medmerry, a year round section 26(3)(a) Nature Conservation direction which excludes public access to avoid disturbance to feeding and breeding birds; specifically feeding and/or roosting, wintering or passage waterbirds.

Chapter 3:

- Information signs and clear waymarking for the trail at the shingle beach at Aldwick to discourage access through the vegetated shingle, part of the interest features of the Bognor Reef SSSI.
- Information signs and clear waymarking for the trail between the sand dunes and vegetated shingle beach at Climping Beach SSSI and The West Beach LNR.

As the trail will be using both the Bognor Reef SSSI and the Climping Beach SSSI, information signs are proposed, which will explain the sensitivity of the interest features, to keep to the trail and to use the beach at low tide for easier walking. Clear waymarking will be installed, with guide posts at Climping Beach SSSI.

At Pagham Harbour and Medmerry we have proposed directions under s25A of CROW to exclude access to the saltmarsh and mudflats because they are unsuitable for public access. Should this situation change, such that it is no longer necessary to exclude access on these grounds, we will consider the necessity of giving directions on other grounds, including nature conservation.

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.

Once a route for the trail has been confirmed by the Secretary of State, we will work with West Sussex 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) Historic Environment

Data was collated on the presence of historic sites and features on this stretch of coast and then assessed by Natural England in consultation with officers from Historic England and West Sussex County Council. 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 East Head to Shoreham by Sea stretch).

- Ringwork south of St Wilfreds Chapel, Church Norton, Pagham Harbour, a semi-circular earthen bank and outer ditch forming the southern half of a Norman ringwork castle.
- Littlehampton Fort, built in 1854 to protect the entrance to the River Arun at Littlehampton. It is a Palmerston Fort to defend against possible attack by the French under Napoleon III.
- Shoreham Fort, built in 1857 to protect the entrance to the River Adur and is a Palmerston Fort to defend against possible attack by the French under Napoleon III.

Our conclusion from this assessment is that our proposals would not undermine the conservation objectives for the historic environment within the East Head to Shoreham by Sea stretch.

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

d) 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.

'Rural'

The rural sections of coast are found at Bracklesham Bay, Medmerry, Pagham Harbour Nature Reserve and at Climping Beach. The main issue raised by owners and occupiers at Medmerry was that of privacy for the local residents and the West Sands Caravan Park being overlooked from any path on the raised perimeter bank. This was addressed by aligning the path below the raised bank where necessary.

Secondly, at the entrance to Pagham Harbour, there is a very mobile shingle spit where erosion has been affecting property owners. We took the view that the trail would be preferably placed along roads behind the properties and adjacent to the coast, rather than on the mobile shingle beach.

'Urban'

Much of this coastline is urban in nature, with numerous seaside resorts including, from west to east:

East Wittering, Bracklesham, Selsey, Pagham Harbour Estate, Aldwick, Bognor Regis, Felpham, Middleton on Sea, Littlehampton, Rustington, West Kingston, Ferring, Goring by Sea, Worthing, Lancing and Shoreham Beach.

The main issues raised by owners and occupiers on this extent of the coast concern private estates, where there are no existing public rights of way. At Aldwick Bay, residents of the private estates are concerned about their privacy, litter and potential damage to the vegetated shingle habitat, which is a protected feature of Bognor Reef SSSI. Residents at Aldwick and Middleton on Sea are concerned that their residences will be shown within the coastal margin, where the trail is located inland to avoid a sea defence.

Property owners at Littlehampton have raised concern as to whether their private pontoons on the River Adur adjacent to their properties will be part of the coastal margin when they may become accessible at low tide.

There have been discussions regarding the alignment of the proposed trail along the beach adjacent to the West Sands Caravan Park as the owner did not want access along

the beachfront. They are concerned that the trail will increase security requirements for the adjacent caravan park.

Some of these issues are to a large extent addressed by the provision in the legislation for particular categories of land to be automatically excepted from coastal access rights – including land covered by buildings and their curtilage and land used as a garden. Annex C: Excepted land categories sets out these provisions in more detail. Other informal management measures, including clear way marking, signage and interpretation will be used as required to address site specific concerns.

'Industrial'

The issues raised by owners and occupiers on this part of the stretch generally related to the operational needs of businesses or to the privacy of residents. These issues are to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden. Annex C: Excepted land categories sets out these provisions in more detail.

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

e) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the North Solent Shoreline Management Plan and the Beachy Head to Selsey Bill Shoreline Management Plan (see Annex A: Bibliography). These are non-statutory policy documents for the management of flood risk and coastal erosion. With reference to these documents, and with advice from the Environment Agency and officers from relevant local authorities, 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, we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be:

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

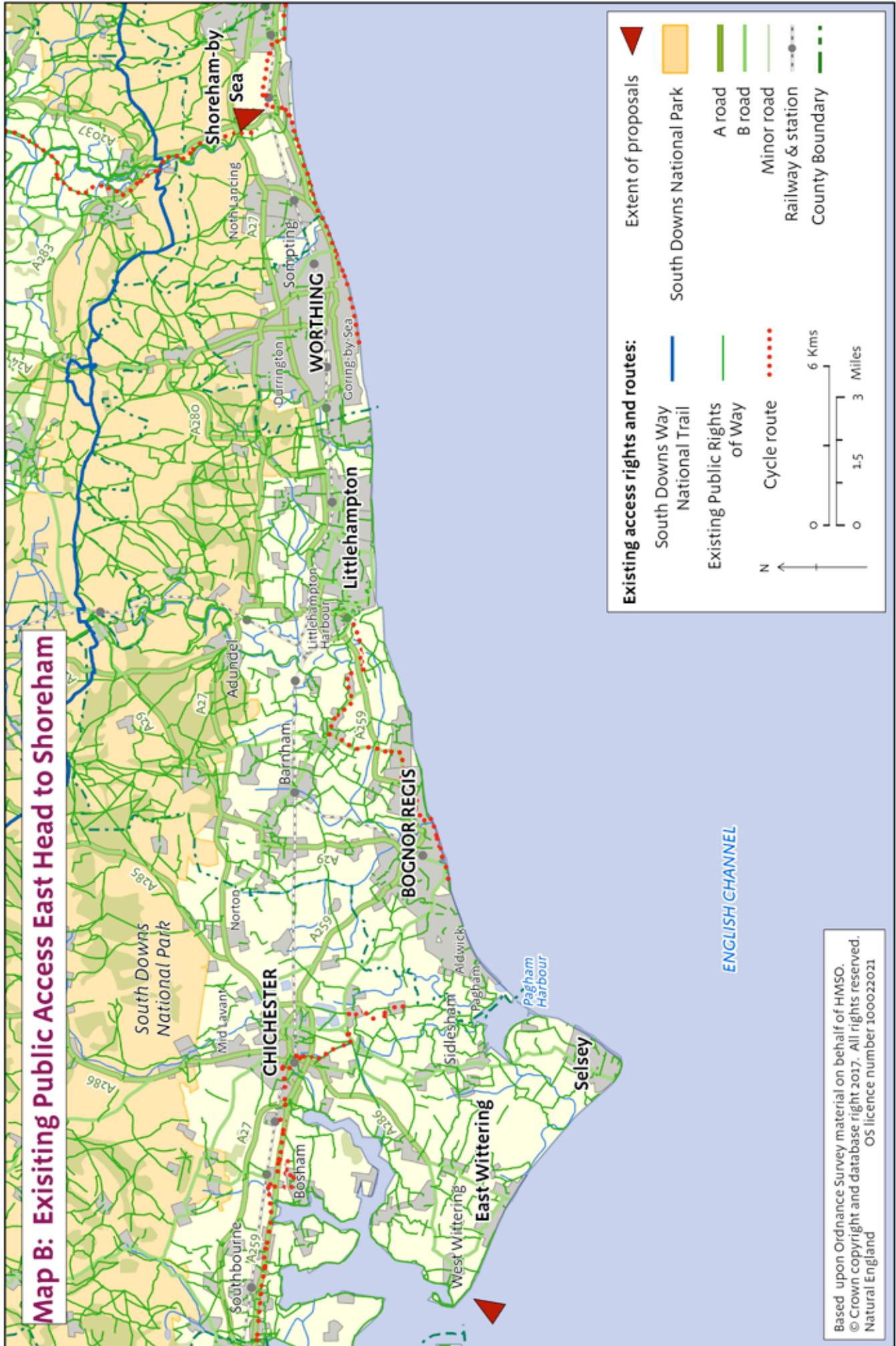
However, in some cases we have identified a possible requirement for roll-back even in scenarios like this, to ensure that we can maintain continuity of the trail should a nearby section of the trail be affected by coastal change (see Part 4.10 of the approved Scheme).

Much of the coast along the East Head to Shoreham by Sea stretch is protected with hard sea defences. The structures include embankments, sea wall and undercliff defences and in many cases these provide walkways including seafront promenades, so are unlikely to be affected significantly by coastal processes in the foreseeable future.

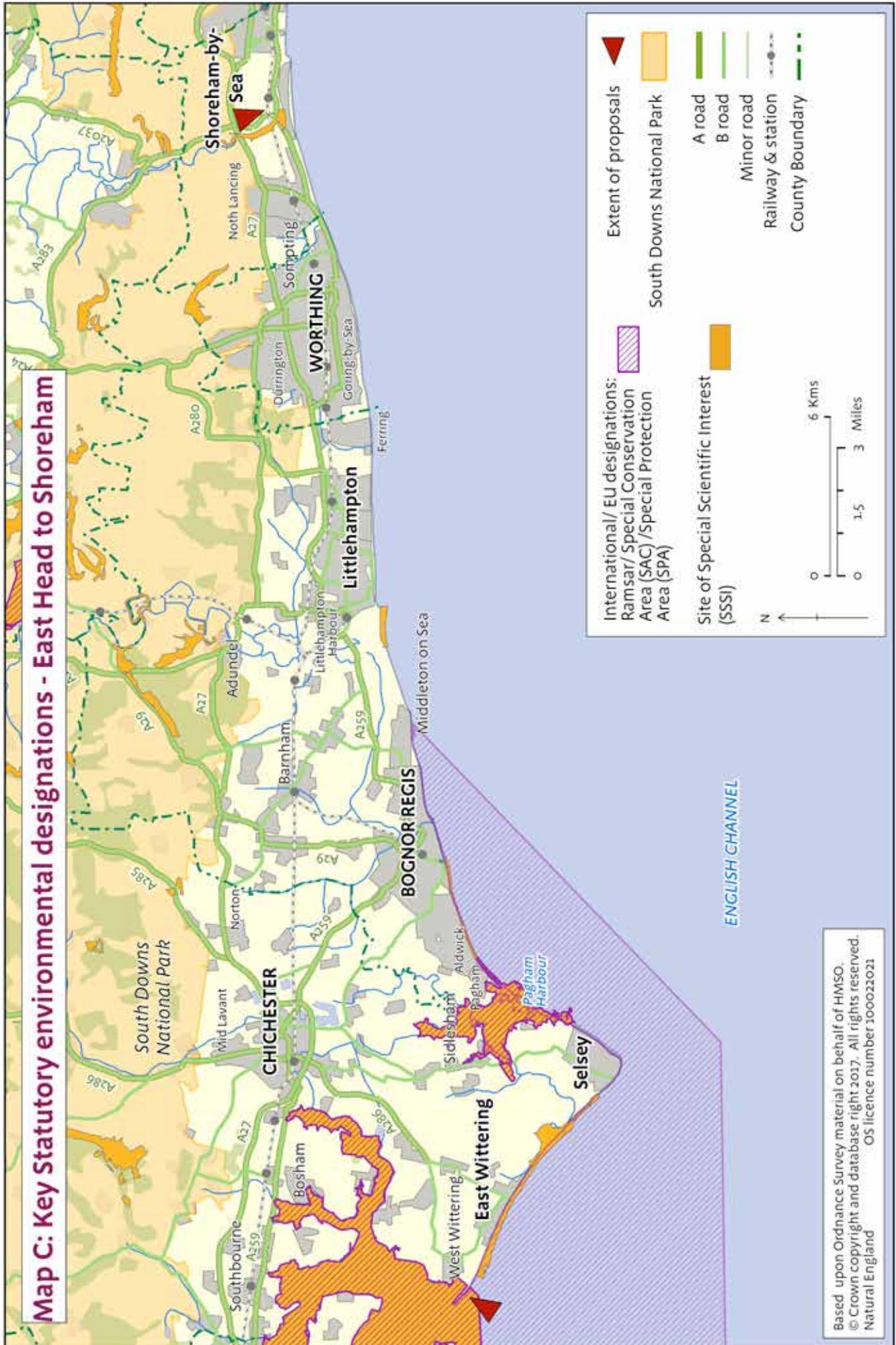
These stretches of defended coastline are unlikely to be affected significantly by coastal processes in the foreseeable future, so we have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

There are sections of coast at Bracklesham Bay, Pagham Harbour, Aldwick and Climping Beach where soft cliffs and shingle beaches are largely undefended and subject to varying rates of change. There is particularly rapid rate of change to the east of Poole Place between Elmer and Atherington, west of Littlehampton, described in chapter 4. Here there is currently an undefended beach, where there is ongoing erosion by the sea which is eroding the low cliff adjacent to an arable field. There is also coastal erosion at Medmerry Cliff, just to the west of Selsey, where the sea is eroding the low cliff adjacent to a grazing field. 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 he has approved the initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant chapters of the proposals.

Map B: Existing Public Access East Head to Shoreham



Map C: Key Statutory environmental designations - East Head to Shoreham



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Implementation of the proposals

7. 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 existing coastal paths on the ground, both permissive and public rights of way. However we have identified a need to resurface some paths and to replace or improve existing infrastructure in some locations. Our estimate of the capital costs for physical establishment of the trail on the proposed route is £112,500 and is informed by:

- information held by West Sussex County Council, in relation to the management of the existing public rights of way; and
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

The main elements to the overall cost include:

- A significant number of new and replacement signs would be needed on the trail, in particular for route sections where the proposed route is both aligned along an existing public right of way and is upon a permissive or informal path, or where it is not clear on the ground where to walk. We would also carefully waymark the trail through sensitive areas, such as the vegetated shingle at Aldwick Beach (Bognor Reef SSSI) and Climping Beach SSSI, where there is not an existing public footpath. This is to ensure that walkers keep to the trail to minimise any risk of trampling.
- The surfaces and access furniture of the existing paths and footways on the proposed route are generally of a suitable standard for the trail, but there are some places where surfacing and boardwalk improvements would enhance the convenience of the trail. These are mentioned in the detailed descriptions for the relevant route sections in the proposals.

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
Signs & interpretation	£23,200
Steps	£2500
Kissing gates	£1550
Surfacing works	£75,500
Boardwalks	£9000
Scrub management	£750
Total	£112,500 (Exclusive of any VAT payable)

Once the Secretary of State's decision on our report has been notified, we, or West Sussex 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.

8. Maintenance of the trail

Because the trail between East Head and Shoreham by Sea 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 the trail is **£27,714.67** (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.

9. 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 2 and 4 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 need to be invoked between approval of the report and commencement of new access rights.

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

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

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

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

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

- 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. These are in rural sections where there is no active protection of the coast. Refer to chapters 2 and 4 for details on the parts of the trail which might be affected.

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. Potential developments of which we are already aware that could potentially affect the route on the East Head to Shoreham by Sea stretch are summarised below.

- Selsey – plans for a new marina or haven to create an inner harbour within the sea wall are anticipated and if implemented this will result in the trail having to be rerouted around the marina. No timescale is currently proposed.

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.

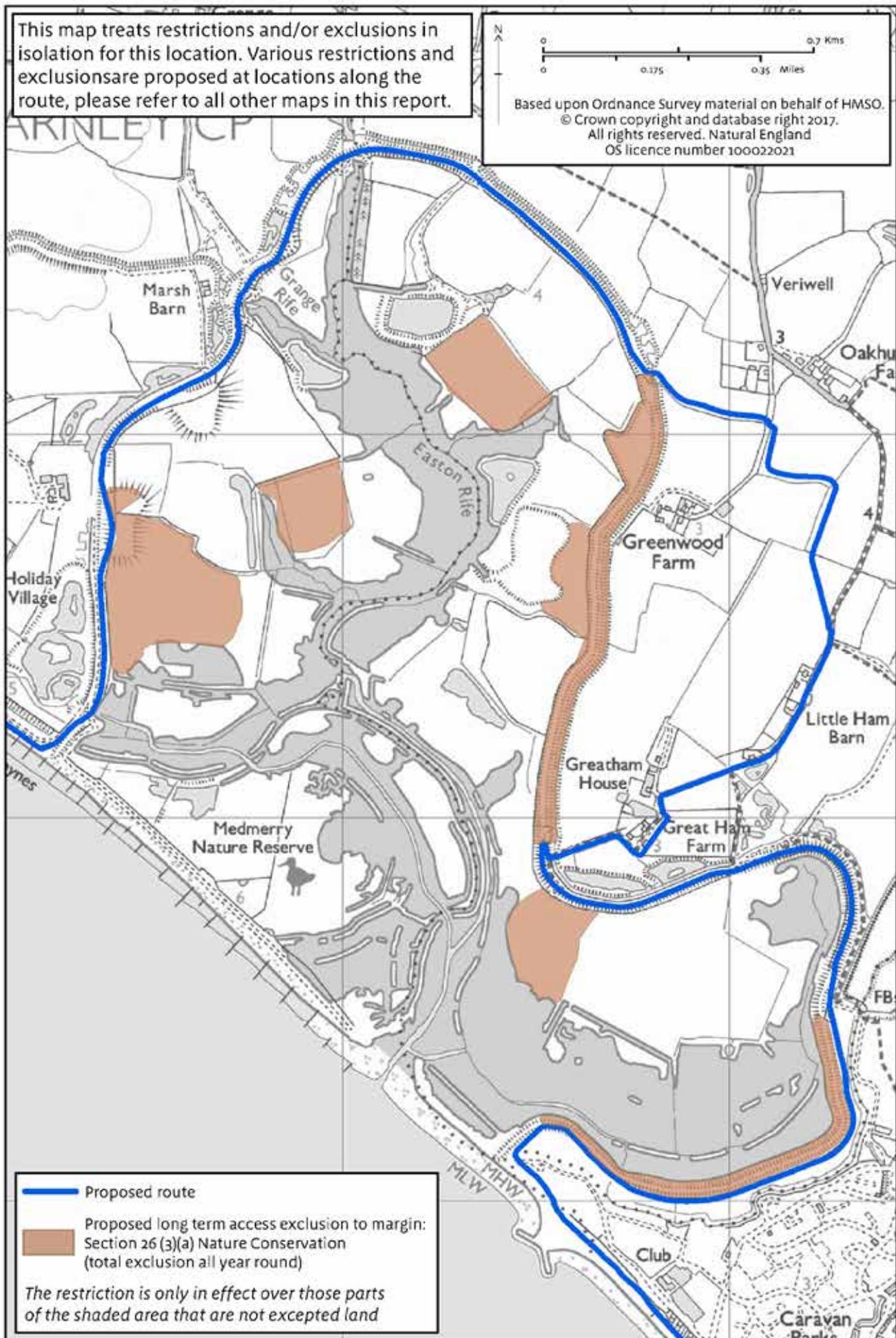
10. Restrictions and exclusions

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

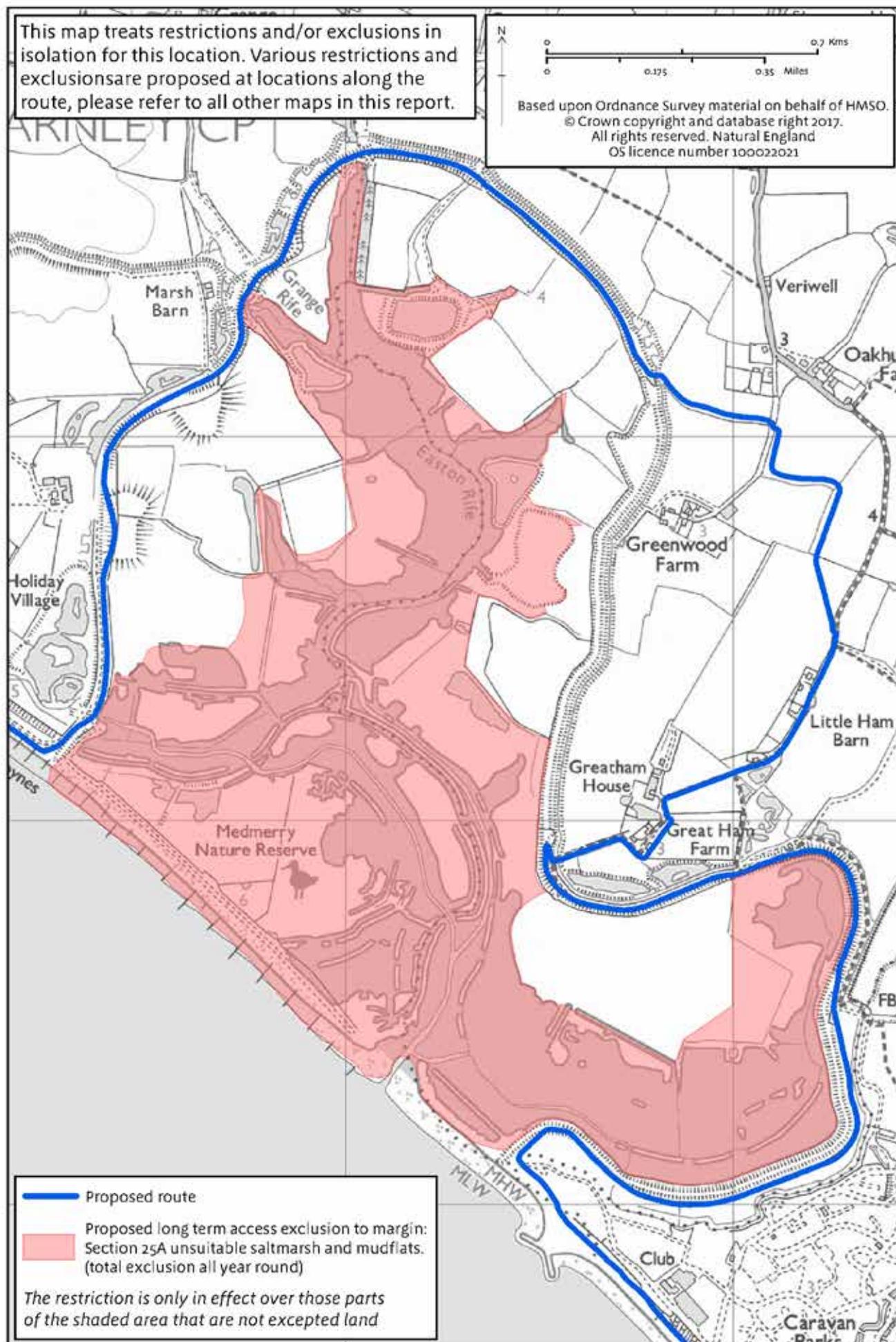
Refer to Part 6.7 and Figure 19 of the approved Coastal Access Scheme for more information.

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: Medmerry to Pagham Harbour	Medmerry mudflat and saltmarsh Map E	No public access	Unsuitable for public access	Saltmarsh and flats 25A	Year-round
Chapter 2: Medmerry to Pagham Harbour	Medmerry managed realignment site Map D	No public access	Sensitive Wildlife	Nature Conservation 26(3)(a)	Year-round
Chapter 2: Medmerry to Pagham Harbour	Pagham mudflat and saltmarsh Map F	No public access	Unsuitable for public access	Saltmarsh and flats 25A	Year-round

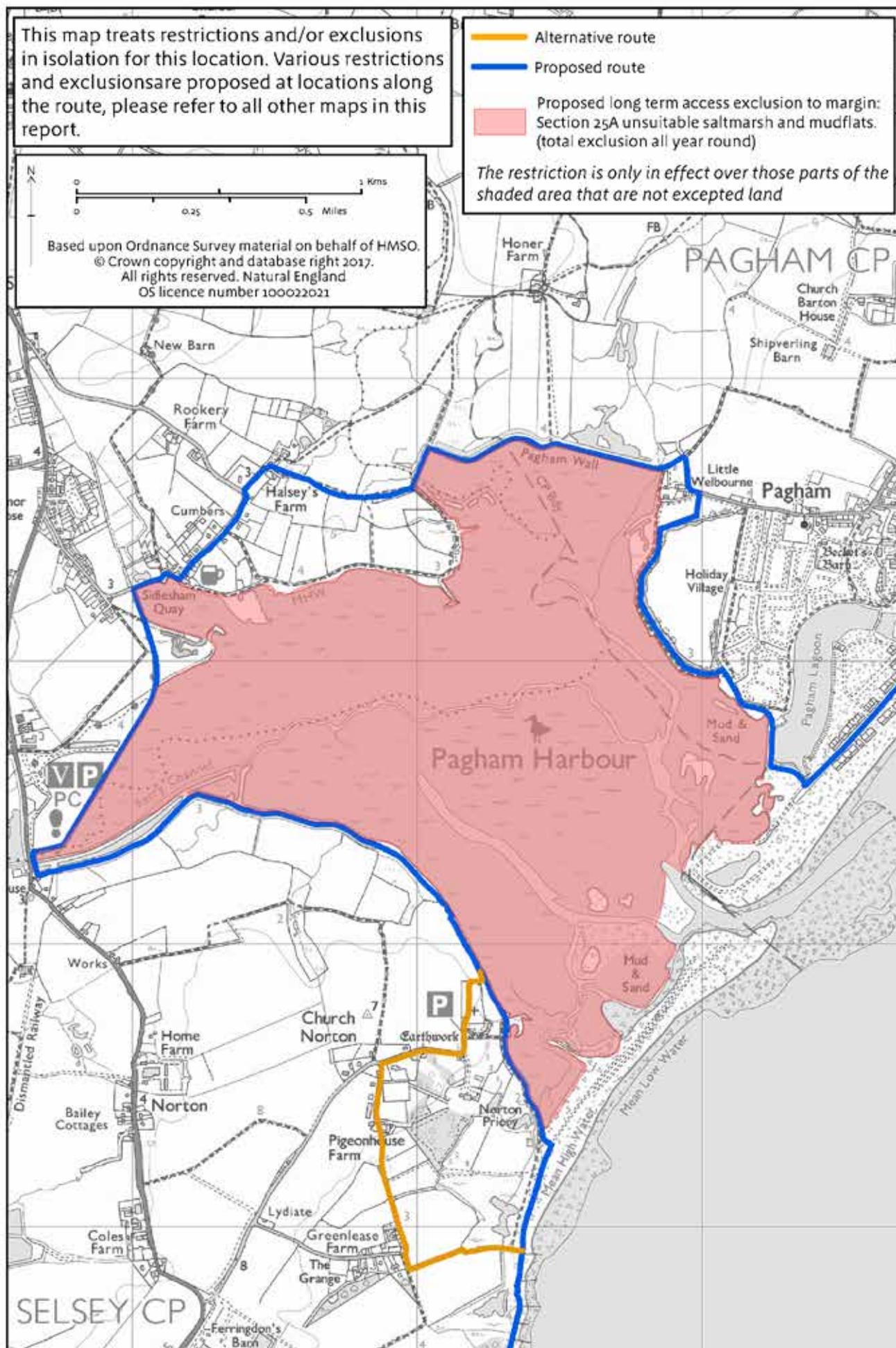
Map D: Proposed direction under S26(s)(a): Nature Conservation



Map E: Proposed direction under S25A: Saltmarsh and mudflat



Map F: Proposed direction under S25A: Saltmarsh and mudflat



Annexes

Annex A: Bibliography

Information about Natural England's coastal access programme:

Natural England

www.naturalengland.org.uk/coastalaccess

Information about the statutory framework for coastal access:

Department for Environment, Food and Rural Affairs

www.gov.uk/government/publications/marine-and-coastal-access-act-2009

Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

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

Marine and Coastal Access Act 2009

www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty

Countryside & Rights of Way Act 2000 [CROW]

www.legislation.gov.uk/ukpga/2000/37/contents

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

www.legislation.gov.uk/uksi/2010/558/contents/made

National Parks and Access to the Countryside Act 1949

www.legislation.gov.uk/ukpga/Geo6/12-13-14/97

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

www.legislation.gov.uk/uksi/2010/1976/contents/made

Environmental legislation referred to in the 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

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.

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