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NATURAL  
ENGLAND

# England Coast Path Highcliffe to Calshot

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

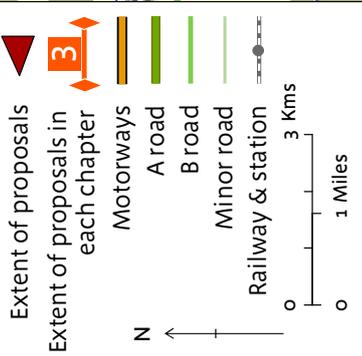


## Map A:

### Key map - Highcliffe to Calshot

#### Chapter number and title

- 1 Highcliffe (Chewton Bunny) to Hurst Spit
- 2 Hurst Spit to Lymington Bridge (East)
- 3 Lymington Bridge (East) to Park Lane/ Thorns Beach
- 4 Park Lane/ Thorns Beach to Lower Exbury House
- 5 Lower Exbury House to Calshot



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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 5 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.e illustrate the proposals in chapter 1.

### Using Map A (previous page)

Map A shows the whole of the Highcliffe to Calshot stretch divided into short numbered lengths of coast, from Highcliffe at the west end (Chapter 1) to Calshot at the east end (Chapter 5).

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 5 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the chapter you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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# Introduction

## 1. Purpose of the report

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where people will be able to spread out and explore, rest or picnic in appropriate places.

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

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

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 some 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 Highcliffe to Calshot which can be viewed here <https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast#overview-of-progress> 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 Highcliffe to Calshot 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 Highcliffe to Calshot 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 8 of the Overview explain more about the arrangements that we envisage will be necessary for the establishment and maintenance of the route and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for the Highcliffe to Calshot 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 5 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.e 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, in the event of significant coastal erosion or other geomorphological processes or significant encroachment by the sea, a section of trail which is subject to significant erosion or other coastal processes or significant encroachment by the sea should be capable of being repositioned in accordance with formal proposals in this report, without needing further confirmation of the change by the Secretary of State. The column also indicates whether the ‘roll-back’ requirement is likely to give rise to a normal or more complex change on this section. (In the case of more complex outcomes, further details are provided in the ‘Roll-back implementation’ table). Section 4.10 of the Coastal Access Scheme explains in more detail how roll-back works.
- **Default landward coastal margin?** – Certain coastal land types are automatically included in the coastal margin where they fall landward of the trail if they touch it at some point. These coastal land types are: foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land. This column identifies where one of the coastal land types is present in the landward coastal margin
- **Landward boundary of the margin** – This describes any proposals for the default landward boundary of the coastal margin on this section to be altered or clarified - see iv below in the Notes on Maps. In addition, in the Alternative Routes and Optional Alternative Route Table there are columns that describe the landward and seaward boundaries of the alternative route strip. This is because alternative routes/optional alternative routes will cover the land two metres either side of the approved route line. However by virtue of s55D(2) of the National Parks and Access to the Countryside Act 1949, where the alternative route/optional alternative route follows an existing path corridor, the trail may adopt a variable width as dictated by existing physical features.
- **Reason for proposed landward boundary discretion** – This provides an explanation for any such proposal to alter or clarify the default margin on this section. This may be either because we are proposing a clear boundary around land that in our view would be margin by default, because it matches the description of ‘coastal land’ explained at paragraphs 4.8.8 of the Scheme; or because we propose using our discretion to add land to or remove it from the default margin, as described at paragraphs 4.8.11 of the Scheme.

- **Proposed exclusions or restrictions** – This indicates whether, at the time the proposals were prepared, we had identified any requirement for exclusions or restrictions that might affect either the section of trail itself or the adjacent margin. Any such exclusion or restriction identified might either come into force immediately following commencement or at some future date. It will sometimes be necessary to introduce new exclusions or restrictions in the future, even if not identified at the time of preparing our proposals. See Part 9 of this document and Part 2.4 of the approved Coastal Access Scheme for more information.
- In 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.
- The third table or set of tables for each chapter provides further details of any situation where local circumstances mean that implementation of roll-back is likely to be more complex. We identify the key issue and our expected resolution.

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

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

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

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

This column shows whether this route section could be repositioned in future in response to erosion etc without further approval by Secretary of State. See notes to table. More complex situations are explained in the separate table 1.2.2 below.

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.

**1.2.1 Section details: Highcliffe to Calshot – map 1a**

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 10 of Overview)
1a	HCS-1-S001*	Other existing walked route	Tarmac	Yes - Normal	No	Path	Clarity and cohesion	None
1a	HCS-1-S002*	Public Footpath	Gravel	Yes - Normal	No	Path	Clarity and cohesion	None
1a	HCS-1-S003*	Public Footpath	Gravel	No	No	Path	Clarity and cohesion	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.

**1.2.2 Other options considered: Highcliffe to Calshot – maps 1a to 1e**

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option as the route
1a	HCS-1-S001 to HCS-1-S020	We considered aligning the trail through the Hoburne Naish Holiday Park east of Chewton Bunny, Highcliffe	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> <li>Current access is for residents of the holiday park only, there is no right of public access. The landowners wish to ensure the security, integrity and the 'private' status of the holiday park and lock the access gates with access only for residents.</li> <li>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</li> </ul>

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, 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** Spreading room is the term used in the report to describe any land, other than trail land, which would form part of the coastal margin and would have public rights of access. It does not therefore include any excepted land within the margin, or any existing access land on the landward side of the trail that is omitted from the margin.

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

### *Voluntary access dedication*

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

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

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

- the Ramblers Association;
- the Open Spaces Society;

- the Royal Society for the Protection of Birds
- The Environment Agency
- HM Coast Guard
- the National Farmers Union;
- the British Association for Shooting and Conservation;
- the Country Land and Business Association, and.
- The Solent Recreation Mitigation Partnership
- Persons with Sporting Rights over Affected Land
- New Forest Local Access Forum
- Hampshire Countryside Access Forum
- Dorset Local Access Forum
- The Hampshire and Isle of Wight Wildlife Trust

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 6 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 the interests of efficiency we also held a small number of larger meetings to discuss our proposals with groups of people with a common legal interest, for example where homes or businesses occupy adjacent coastal frontages.

We also took reasonable steps to identify and contact any owners, occupiers or other legal interests who could foreseeably be affected in the future as a result of any roll-back that may prove necessary). See part 9 – Future Change – below.

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

After further discussions with key local and national organisations we refined our proposals 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 Highcliffe to Calshot stretch includes the estuaries of the Lymington and Beaulieu rivers.

#### a) Introduction

This part of the Overview:

- introduces the core statutory duties and considerations for the national programme as a whole in relation to exercising the discretion to include part, or all, of an estuary within our proposals;
- describes the overall nature of the estuary system(s) found in this part of England, identifying the geographical limits of our discretion to align the trail around the Lymington River and Beaulieu River estuaries included within this stretch of coast;
- goes on to explain in more detail how each of the specific estuary considerations set out at section 301 of the 2009 Act affects our view of the options for the Lymington River and Beaulieu River estuaries;
- 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 in each case.

#### 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 subsections e) to f) below in relation to the Lymington and Beaulieu river estuaries.

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 estuary systems in this stretch form part of an extensive collection of estuaries on this section of the south coast. Poole Harbour and Christchurch Bay are located to the west and to the east is Southampton Water with its busy ports, industrial areas and the City of Southampton.

Lymington and the villages of Beaulieu and Bucklers Hard are located on the two estuaries discussed in this report and are popular tourist attractions with many visitors during the summer months. Both rivers have much sailing activity with a number of boatyards, marinas and tourist attractions.

Highcliffe to Lymington is in part urban with popular walks mainly close to the sea. Between Lymington and Beaulieu via Bucklers Hard it is predominantly rural in nature. Bucklers Hard to Beaulieu via the west bank is a popular attraction with an existing permissive path near to the water’s edge. Beaulieu to Lower Exbury in the east has little current public access.

#### **e) Lymington River Estuary**

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

The seaward limit of the *transitional waters* at the Lymington River Estuary is as shown on Map A2. The first bridge with pedestrian access is at the B3054 Lymington Bridge.

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**Map A2:  
 Estuarine Water Body Overview  
 Lymington**

— Proposed route  
 Estuarine Coastal Water Body (Environment Agency WFD)

1 Kilometers  
 1 Miles

## ***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 between the west and east sides of the estuary.

### *ii) Character of the Estuary*

#### ■ Estuary width

The width of Lymington River estuary is variable, at its widest it is more than 2 miles/3.3 kilometres wide with extensive mudflats and saltmarsh that give a feel of the open coast. At its narrowest it is approximately 200m wide at Lymington Bridge.

#### ■ Topography of the shoreline

The shoreline of the Lymington River estuary is punctuated by several marinas and the Isle of Wight ferry terminal which is located on its eastern shore at Lymington. Towards the mouth of the estuary there is a more rural feel, with long stretches of mudflat and saltmarsh as well as coastal defences backed by grazing marsh and saline lagoons. There are also several small inlets and creeks that are crossed by existing access paths that run parallel to the shore along most of the western side.

#### ■ Nature of affected land

The western side is composed in part of Pennington Marshes. The eastern side is characterised by pastoral farm land, private dwellings and gardens to the water's edge and areas of woodland, large park and garden and marshes. Additionally there is a ferry terminal and railway station. Both shores of the estuary have extensive flats which are revealed at low tide. These flats contribute to a 'coastal feel' as far up stream as Lymington Yacht Haven. A railway flanks the north western shoreline before it crosses the river on the bridge at Haven Quay. On the eastern shore it hugs the coastline tightly and continues south as far as Lymington Quay railway station.

#### ■ Features of interest

Lymington is a very popular leisure destination with visitors, especially during the summer months. It has a vibrant town centre full of shops, cafes and restaurants. Its busy quay side walk will include Lymington Shores a new water side development consisting of new housing, shops and restaurants. On completion, some sections of this development will be open to the public. South of Lymington is Keyhaven Marshes Nature Reserve which is popular with walkers and bird watchers. The eastern side also has two large marinas that are popular year round.

### *iii) Recreational Benefit*

Access along the western and north eastern sides of the estuary is already very good, with only a few small diversions away from the coast. There is no access around parts of the eastern side of the estuary and there are also extensive detours from the water's edge to avoid the ferry terminal, railway station and residential properties south of Lisle Court Road, that run to the water's edge. There are several circular walks that could link up with a new estuary route and provide access to the wider environment and coast in general.

### *iv) Excepted land*

Some of the north western shore in the town itself is likely to be excepted land, consisting of private houses, commercial properties and the railway line. On the eastern side, there are numerous dwellings on or near the shoreline with large cultivated gardens to the water's edge. The ferry terminal and railway station will also include large areas of excepted land. The railway passes close to the shore in places on both sides of the river.

Because of these areas of excepted land, any proposed trail would need to leave the shoreline in places.

### *v) Options for the Lymington River Estuary*

Option 1 – Align around the estuary. This would formalise some of the current access and bring with it the benefit of a well-managed and maintained National Trail. It would also be in keeping with our approach elsewhere along the south coast. It may not result in significant improvements because existing access is already good along the western shore, aligned as it is so close to the coast and access to some areas of the eastern shore would be prevented because of the presence of excepted land.

Option 2 – Stop at the mouth of the estuary around Keyhaven Marshes in the west and resume near the bottom of Shotts Lane in the east. This would prevent a continuous National Trail along the coast for walkers and would not bring the recreational benefit of a well-managed and maintained route or the potential economic benefits of running the National Trail through the town of Lymington.

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

We consider there should be a well-managed walking trail following the existing access on the western side up to the first pedestrian foot crossing. Thereafter follow existing public rights of way and the current Solent Way to higher ground which provides excellent views in part of the Solent and the Isle of Wight. 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 which in our view adds weight to our decision to propose option 1.

### **f) Beaulieu River Estuary which includes the tributary of the Exbury River**

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

The seaward limit of the *transitional waters* at the Beaulieu River Estuary coincides with its mouth as shown on map A3. The first crossing point with pedestrian access is at the B3054 over the sluice at Beaulieu.

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## ***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 between the west and east sides of the estuary. However the Beaulieu Estate did raise with Natural England the idea of running a ferry service between Bucklers Hard and Gilbury Lane. Natural England supported the idea and provided some information on what type of service would be needed. However Exbury Estate (owners of the jetty known as 'Exbury Jetty') had concerns about the impact a ferry service might have on its business and on the management of its estate, so no further progress was made.

Enquiries regarding the ferry service were undertaken again in November/December 2017, as a consequence Natural England once more engaged with key landowners as to the feasibility of this.

After discussion the ferry service for various reasons was not supported despite Natural England's preference to explore and promote this option.

### ***ii) Character of the Estuary***

#### **■ Estuary width**

The width of Beaulieu River estuary is variable. At its mouth, at Needs Ore, it is approximately 2.2 miles/3.6 kilometres wide. At its narrowest at the B3054 crossing it constricts to only a few metres wide. Its width at the mouth contributes to a strong coastal feel, which remains even as far upstream as Bucklers Hard, where the river then begins to narrow significantly.

#### **■ Topography of the shoreline**

The shoreline of the Beaulieu River gently meanders through a low lying rural landscape composing a mix of grazing marsh, saltmarsh and flats, coastal woodland and farmland interspersed by private properties, marinas and visitor attractions. The mouth of the river is sheltered by Needs Ore Point which is a large sand and shingle spit.

Despite the presence of these features, the estuary does not have a convoluted appearance, which suggests that establishment costs for any proposed trail should be reasonable.

#### **■ Nature of affected land**

Both sides of the estuary are predominantly rural and retain a natural feel. Much

of the eastern shore is covered by deciduous woodland. Private properties extend to the water's edge at various places on both sides of the river. These properties mostly consist of private dwellings but there are also numerous tourist attractions such as Bucklers Hard and Exbury Gardens as well as other private facilities such as yacht clubs and boat yards.

There is pasture and other farmland on both sides of the river, but particularly so on its south eastern edge and there are pony paddocks set back from the river at Otterwood. The settlement of Beaulieu is situated upstream, some 5.5 km from its mouth. It is here that the river can be crossed on foot using the B3054 bridge.

There are extensive flats, sand bars and numerous creeks and saltpans which are revealed at low tide on both sides of the estuary. These flats contribute to a 'coastal feel' as far up stream as Beaulieu. The majority of the shoreline, where there isn't development, is coastal woodland, saltmarsh and mudflats until the estuary widens and transitions to coastal marsh and open fields.

#### ■ Features of interest

The western side of the estuary offers the very popular village of Beaulieu consisting of village centre shops, and is a very popular tourist attraction. Beaulieu is also home to the National Motor Museum. There are many other interesting historical sites including Bucklers Hard, a historic ship building village. On the eastern side is Exbury Park and Gardens. The estuary lies within the New Forest National Park and a coastal route would take walkers to the edge of common land where the famous New Forest Ponies can be seen.

A large proportion of the Solent's wintering, breeding and passage waterbirds use the network of lagoons, marshes and coastline here. Because of this the mouth of the Beaulieu River is of significant interest to bird watchers across the country. Needs Ore, within the North Solent National Nature Reserve is a very important site, with a permit system in place to allow access to the hides for bird watching. Directions to restrict access rights will be in place here for nature conservation reasons, necessitating an inland diversion away from the coast at this location.

The very popular riverside walk from Bucklers Hard to Beaulieu provides incredible views of the river and the unique experience of walking through ancient woodland that transitions to intertidal habitats.

Overlooking Needs Ore from Sowley Lane near to Park Lane (Western side of the estuary) is an information sign relating to WW2 airfield infrastructure maintained by the Friends of the New Forest Airfields charity. This sign depicts the airfield layout and explains some of the history of the site. This is a popular stopping point for people in cars as well as walkers.

### *iii) Recreational Benefit*

The Solent Way runs along the western side of the estuary between Bucklers Hard and Beaulieu. However it is not possible to walk around the estuary as there are only a very limited amount of existing access routes in the area, as from Beaulieu the Solent Way heads inland away from the coast. There are no obvious routes for walkers to follow, either mapped or signposted on the ground. There are a few short public rights of way but there is no clear link between them and whilst permissive paths exist, these are not well sign posted or mapped. As such rights of access are not clear and so at present most walkers follow the Solent Way out of Beaulieu on the busy B-road.

A Riverside Walk between Bucklers Hard and Beaulieu on the western bank is very popular and runs parallel in part with the Solent Way, however access is currently provided through a permissive agreement.

An estuary route would link the urban area of Lymington to Lower Exbury on the eastern side, via settlements such as St Leonards Barn, Bucklers Hard, and Beaulieu.

On the western side there are the very popular destinations of Beaulieu village, Bucklers Hard Tourist Centre as well as various other attractions promoted by the Beaulieu Estate. An estuary route would link these attractions to the eastern side of the estuary and the tourist attraction of Exbury Park and Gardens. It would also provide a link to the popular walk known as the Lepe Loop which provides a locally promoted circular walk.

During the summer season the New Forest Tour bus route opens. This consists of three routes providing options for walkers to link to various towns and settlements such as Lymington, Beaulieu, Brockenhurst and Exbury Park and Gardens. Other public transport services are available linking the railway stations at Lymington Pier, New Milton, Brockenhurst, Lyndhurst and Ashurst.

In addition, during the summer season there is also the Beach Bus Tours linking Lymington, Beaulieu, Bucklers Hard, Exbury Park and Gardens, Lepe Country Park and Hythe.

These bus tours provide a number of options for walkers to make links between the trail and various visitor attractions and activities in the area.

### *iv) Excepted land*

There are areas on and near to the shore of the estuary that are likely to be excepted land because they are covered by private houses and other buildings. This includes properties on the eastern shore around Dock Lane and properties on the western side, south of Bucklers Hard. Many of these properties extend down to the water's edge and so preclude a more coastal alignment.

Alongside the eastern shore there is Exbury Gardens, a registered park and garden, this is a very popular attraction especially during the summer months, which also prevents a coastal alignment of the trail at this location.

#### v) *Options for the Beaulieu River Estuary*

Option 1 – align the trail along both sides of the estuary. This would help to fulfil aspirations to improve access around the estuary. It may not result in significant improvements because of the estuary’s sensitive flora and fauna (such as its extensive areas of intertidal habitats and prevalent sensitive bird species) and areas of excepted land. However it would provide a well-managed and maintained route through some of the most unique coastal habitats in England and a clear National Trail standard route for walkers to follow in confidence around the estuary.

Option 2 – stop the trail at or near to Beaulieu village and resume the trail on the eastern side of the estuary at or near to Lower Exbury. This option was considered because although alignment on the western bank of the river is relatively straight forward, it would be difficult to make an alignment close to the estuary on much of its eastern bank because of sensitive wildlife and unsuitable saltmarsh and mudflat. Additionally there are a number of properties and gardens to the bank of the river which would be considered as excepted land. Breaking the trail between here and Lower Exbury would prevent a continuous route for walkers and leave them in an area without year round public transport or clear signage on how to continue onto the next section of the England Coast Path.

However this option could potentially create a honey pot site for walkers to start and finish the England Coast Path.

Option 3 – break the trail at or near to Bucklers Hard village and resume the trail on the eastern side of the estuary at or near to Lower Exbury. This option brought about the same considerations as those for Option 2.

Option 4 – use a ferry service between Bucklers Hard and the jetty at the bottom of Gilbury Lane. If this option was to be created Natural England would strongly consider its use, after assessing its suitability against the criteria outlined with the Coastal Access Approved Scheme. However at present no such service exists.

#### ***Proposal to use our Estuary discretion***

Our proposal is Option 1 to align the trail around the estuary. This fulfils the core objective of the legislation - to create a continuous route around the coast, in a simple and cost effective way. In our view alignment around the estuary has more recreational benefit for the walker than a break in the trail because it formalises and prevents uncertainty over rights of access and provides a well signed, well maintained and managed route for walkers to follow and also links places of interest for walkers around the estuary.

By stopping the route as suggested at Options 2 and 3, a gap would be created leaving walkers to determine and explore their own route around the estuary.

Options 2 and 3 have been considered very carefully; however it is felt that the proposed route meets the core objective of the legislation as described above. The diversions necessary around the eastern bank are similar to those encountered along the open coast including at areas such as Cadland further east along this stretch.

## 6. Other considerations

### a) Recreational Issues

Map B gives an overview of existing public access to the Hampshire coast between Highcliffe and Calshot, showing public rights of way, access land and promoted routes along the stretch such as The Solent Way, The Bournemouth Coast Path and the E9 European Long distance route.

The Solent Way, Bournemouth Coast Path and the E9 European Long Distance Route already affords relatively good linear coastal access in places between Highcliffe and Lymington. The E9 European Long distance Route and the Bournemouth Coast Path continue from Dorset, east past Highcliffe and joins the Solent Way at Milford on Sea. Existing public access between Highcliffe and the east side of the bridge at Lymington for the most part maintains relatively close proximity to the sea. Thereafter it moves inland where in the most part it loses sea views.

Sections of the Solent Way at Shotts Lane and Bucklers Hard near to Beaulieu follow roads that we consider unsuitable for a national trail. We address this issue by proposing new off-road access. See chapter 3 and 4 and maps 3b, 3c, 3d, 3e, 3f, 4a and 4b.

In places there are gaps between existing coastal footpaths (for example, at Barton on Sea, where the public footpath has been affected by landslips – see chapter 1 of the proposals). We address these issues in the chapters of the report relating to the places where they occur.

Hurst Castle near to Milford on Sea is located at the end of a long shingle spit. The castle can be reached on foot using the Solent Way. We have chosen not to align the trail along the spit, however the spit itself will be accessible as part of the seaward coastal margin.

There are few areas of land with wider rights of access on this stretch. Where these do exist, these areas of existing access land are shown on Map B. The trail aligns over Section 15 land near to Tanners Lane (see Chapter 3), and at Exbury Road (Summer lane) (Chapter 4). At these locations we have used our discretion under section 55D of the National Parks and Access to the Countryside Act (1949) to propose limiting the extent of the landward coastal margin to coincide with nearby physical features. This would result in approximately 26,000 ha being excluded from the landward coastal margin that would have otherwise been included by default by virtue of it being Section 15 land. This proposal would have no impact on the access rights available to the public, which would remain as now. Our detailed justification of this decision can be found in the relevant chapters of the report.

Local user groups asked for improved access on various parts of the stretch, particularly around the Pylewell Estate, Sowley Estate, Needs Ore (which is part of the National Nature Reserve), Beaulieu Estuary and the Cadland Estate. These aspirations are addressed as part of our overall approach to the implementation of the proposals described later in the Overview and in Chapters 3, 4 and 5 of the report

Several of the aspirations of local users which emerged from these discussions have not been addressed fully in our proposals, for reasons set out elsewhere in the report.

## b) Protection of sensitive features

### Background

There are a number of protected sites along this stretch of coast, including SPA, SAC, SSSI, Ramsar and NNR designations (see table 1 for details of the sites involved). In our appraisal we have considered whether changes in recreation as a result of our proposals might have an impact on any of the features associated with these designated sites, or other protected species that occur along this section of coast. The main features of interest for this stretch of coast are summarised in Table 2.

Scientific research in connection with building new homes around the Solent has found that disturbance arising from increased demand for outdoor recreation could have a negative impact if recreational activities are not carefully managed. Bird Aware Solent is a strategic initiative, funded by contributions from house builders, to increase awareness amongst recreational users of the needs of wildlife and to deliver on site visitor management. Throughout our work around the Solent we have worked closely with representatives of Bird Aware Solent to ensure that our proposals take account of and are designed to complement this initiative.

The coast between Highcliffe and Calshot is much less visited than places closer to the major conurbations of the Solent and so a particular challenge has been to align the path around several areas used by the birds that are relatively undisturbed.

Our proposals for coastal access around the Solent have been developed in this context. More people go for a walk when they visit the Solent coast than any other recreational activity. The Coast Path will be established and maintained to National Trail quality standards, which will enhance visitors experience and is a positive ongoing contribution to managing access. At the same time, it is important to ensure that the path is aligned and managed to minimise the risk of impacts on sensitive nature conservation features.

Table 1. Designated Sites

Section of coast Site name	Highcliffe (Chewton Bunny) to Hurst Spit	Hurst Spit to Lymington Bridge (East)	Lymington Bridge (East) to Park Lane/ Thorns Beach	Park Lane/ Thorns Beach to Lower Exbury House	Lower Exbury House to Calshot
Solent and Isle of Wight Lagoons SAC		✓			
Solent Maritime SAC		✓	✓	✓	✓
The New Forest SAC				✓	
Solent and Southampton Water SPA	✓	✓	✓	✓	✓
New Forest SPA					
Solent and Dorset Coasts pSPA	✓	✓	✓	✓	✓

Section of coast Site name	Highcliffe (Chewton Bunny) to Hurst Spit	Hurst Spit to Lymington Bridge (East)	Lymington Bridge (East) to Park Lane/ Thorns Beach	Park Lane/ Thorns Beach to Lower Exbury House	Lower Exbury House to Calshot
Solent and Southampton Waters RAMSAR	✓	✓	✓	✓	✓
New Forest RAMSAR				✓	
North Solent NNR			✓	✓	✓
Hurst Castle and Lymington River Estuary SSSI	✓	✓	✓		
North Solent SSSI			✓	✓	✓
Highcliffe to Milford Cliffs SSSI	✓				
The New Forest SSSI			✓	✓	
Lymington River Reedbeds SSSI		✓			
Sowley Pond SSSI			✓		

Table 2 - Description of the Main Features of Interest

Interest	Description
<b>Non-breeding waterbirds</b>	A key feature for the Solent as a whole is that during the winter months, it supports an internationally recognised population of non-breeding waterbirds. The extensive areas of soft mud exposed at low tide are the main feeding areas but the birds also need suitable undisturbed places to roost and several species use inland areas that provide supporting habitat for feeding and resting.
<b>Coastal breeding birds</b>	The lowland grasslands, marshes and shorelines across the western Solent provide ideal nesting and foraging areas for breeding waders, wildfowl and seabirds. As well as these terrestrial sites there are several offshore shingle bars that support significant populations of gulls and terns.
<b>Coastal habitats</b>	Much of the shoreline along this stretch of coast is typified by shingle beaches and extensive areas of mudflat. The Beaulieu and Lymington estuaries include a complex network of salt marsh, lagoons, reed beds and grassland habitats.
<b>Woodland</b>	The ancient and semi-ancient woodlands close to the Beaulieu Estuary and inland by the New Forest heaths are extensive and well maintained. These woodlands support rare invertebrate and vascular plant communities.
<b>Heathland flora and fauna</b>	The New Forest heaths provide habitat for a range of breeding birds, reptiles, amphibians, invertebrate and rare plants. The heathlands extend across much of the inland New Forest National Park

## Our Approach

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 Coastal Access: Natural England's Approved Scheme 20131. We call our internal processes to support this approach 'Access and Sensitive Features Appraisal' (ASFA) and this document is a record of our conclusions. The appraisal includes our Habitats Regulations Assessment wherever relevant to the site in question.

Our final published proposal for a stretch of England Coast Path is preceded by detailed local consideration of options for route alignment, the extent of the coastal margin and any requirement for restrictions, exclusions or seasonal alternative routes. The proposals are thoroughly considered before being finalised and initial ideas may be modified or rejected during the iterative design process, drawing on the range of relevant expertise available within Natural England.

Evidence is also gathered as appropriate from a range of other sources which can include information and data held locally by external partners or from the experience of local land owners, environmental consultants and occupiers. In particular the BTO's Wetland Bird Survey and the local Brent Goose and Wader Strategy have both provided significant information on intertidal and nearshore field use. Recordings from the North Solent NNR team and Hampshire Ornithological Society have also greatly helped with specific areas. The approach includes looking at any current visitor management practices, either informal or formal. It also involves discussing our emerging conclusions as appropriate with key local interests such as land owners or occupiers, conservation organisations or the local access authority. We have held workshops with the relevant partners of the Bird Aware Solent group. In these ways, any nature conservation concerns are discussed early and constructive solutions identified as necessary.

The conclusions of our appraisal are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

Where our proposals for the England Coast Path and associated Coastal Margin are relevant to a Natura 2000 site, this appraisal fulfils our duty under the Habitats Regulations to assess their potential implications in order to ensure no likely significant effect on the site. The formal conclusions relating to this are recorded in Section 6 of this document.

The development of our proposals for Highcliffe to Calshot has been informed by input from people with relevant expertise within Natural England and other key organisations. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process. We are grateful to the RSPB, Hampshire and Isle of Wight Wildlife Trust, Bird Aware Solent, Hampshire Ornithological Society, New Forest National Park Authority and other organisations and local experts whose contributions and advice have helped to inform development of our proposals.

### **Aims and Objectives for the design of our proposals**

The new national arrangements for coastal access will establish a continuous well-maintained walking route around the coast and clarify where people can access the foreshore and other parts of the coastal margin. These changes will influence how people use the coast for recreation. A particular concern during the development of our proposals for this stretch of coast has been disturbance to non-breeding waterbirds as a result of recreational activities. Our aim in developing our proposals for the Solent coast has been to secure and enhance opportunities for people to enjoy their visit whilst

ensuring appropriate protection for non-breeding waterbirds. Objectives for design of our detailed local proposals have been to:

- avoid exacerbating disturbance at sensitive locations by making use of established coastal paths
- where there is no suitable established and regularly used coastal route, develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals
- clarify when, where and how people may access the foreshore and other parts of the coastal margin on foot for recreational purposes
- work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations
- where practical, incorporate opportunities to raise awareness of the importance of the Solent for wintering waterbirds and how people can help efforts to protect them.

## Conclusion

We have considered whether our proposals might have an impact on any of the features associated with these designated sites, or other protected species that occur along this section of coast. We have taken our time to consider all of the features that might be affected. Where necessary we have carried out an impact assessment and, with input from specialists, modified our proposals to minimise the risk of a detrimental impact. These measures are summarised in the relevant report chapters. We have paid special attention to European sites and included specific measures which would in our judgement be necessary to prevent any likely significant effect on the European Sites involved.

Full details of our Access and Sensitive Features Appraisal will be published alongside this report.

Once a route for the trail has been confirmed by the Secretary of State, we will work with Hampshire County Council and the New Forest National Park Authority to ensure any works on the ground are carried out with due regard to the conclusions of the appraisal and relevant statutory requirements.

### c) Historic Environment

Data relating to the historic sites and features was collated for us by Historic England. This included data about the presence of historic sites and features on this stretch of coast and specialist advice as to the potential vulnerability of the sites and features to access. The data was then assessed by Natural England in consultation with officers from Historic England and Hampshire County Council and the New Forest National Park Authority. 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 Highcliffe to Calshot).

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

In reaching this conclusion we identified that appropriate alignment of the trail would be necessary to avoid potential effects on Hurst Castle and Lighthouse Scheduled Ancient Monument, Exbury and Cadland registered Historic Park and Gardens (both Grade II\*) and reduce potential effects on Pylewell Park registered Historic Park and Garden (Grade II\*).

The following historic assets are excepted and do not fall within Coastal Access rights: Exbury and Cadland registered Historic Park and Gardens (both Grade II\*)

Hurst Castle and Lighthouse Scheduled Ancient Monument falls within the coastal margin but existing access management is thought to be effective.

The trail will be aligned along the existing well accessed permissive path through Pylewell Park registered Historic Park and Garden (Grade II\*). Parks and Gardens are excepted land and as such there is no spreading room here. Signs will be used to indicate the route and remind walkers not to stray from the path.

Once a route for the trail has been confirmed by the Secretary of State, we will hold further discussions with Historic England and local government archaeological officers 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 coast'*

Outside of the settlements of Highcliffe, Barton-on-Sea, Lymington and Beaulieu, this stretch can be characterised as being predominantly rural.

The issues raised by owners and occupiers on these parts 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. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

Conservation concerns were also raised by several landowners locally, including areas such as Needs Ore, the banks of the Beaulieu River, Lepe to Calshot shoreline and the New Forest Heaths.

The area around Beaulieu River has a number of longstanding businesses such as Bucklers Hard Museum, Exbury Gardens and Beaulieu Motor Museum, as well as a marina, outdoor activity centre and several areas devoted to commercial shoots. In an aim to ensure the path acts to support the local economy we have consulted with these businesses and developed and or amended our proposals where practical. We have proposed infrastructure improvements such as at the woodlands close to Bucklers Hard where we plan to renew and extend the series of boardwalks there. Elsewhere we have aligned our route to ensure our path runs close to entrances of some businesses such as shops and cafes and in some other cases have even used legal directions to exclude access to avoid disruption to business operations.

### *'Urban coast'*

This stretch is a very popular destination for local people and holidaymakers alike having a number of attractive urban visitor locations such as Highcliffe, Barton on Sea, Milford on Sea and Lymington. Additionally there is much sailing activity with a number of busy marinas and boatyards.

These 'honey pot' sites attract significant numbers of people, especially in the summer. Additionally the alignment passes through the New Forest coast line and the New Forest National Park for much of its journey which is again a significant attraction for visitors.

We have worked closely with the access authorities and the issues raised by them and other 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. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

## **e) Coastal processes**

The principal source of information regarding coastal processes on this stretch of coast is the North Solent Shoreline Management Plan, Poole and Christchurch Bays Shoreline Management Plan. (See Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from relevant local authorities, we have identified the 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 and railway which would be protected under the policies set out in the Shoreline Management Plan.

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

The cliffs east of Chewton Bunny at Highcliffe to Milford on Sea in chapter 1 of the proposals are largely undefended and subject to varying rates of change. 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 9 of the Overview and in the relevant chapters of the proposals.

The area from Hurst Spit to Lymington described in chapters 2 of the proposals are mostly

defended by a sea wall and are unlikely to be affected significantly by coastal processes in the foreseeable future. We have not made any specific proposals to enable the trail to adapt to control coastal change on this length of coast

The sections of the trail passing near to Pylewell Estate shoreline, Pitts Deep, Browns Lane, Lower Exbury, the Lepe Loop, Lepe Country Park and Stansore Point 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/she has approved the initial route. There is more detail about these roll-back arrangements in part 9 of the Overview and in the relevant chapters of the proposals.

## **f) Other substantive issues**

Default landward coastal margin on the sea wall

Chapter 2 contains long sections of seawall, over which we have aligned the trail. We have used our discretion under section 55D(2) of the Marine and Coastal Access Act to limit the landward extent of the coastal margin to the landward edge of the path on top of the seawall. This has had the effect of reducing the amount of coastal margin that would have otherwise been available by default. This option provides the most clarity because:

- The edge of the path provides an easily identifiable boundary for access users.
- There is no clear boundary feature at the bottom of the seawall that could mark the boundary of the coastal margin
- The seawall on its landward side consists of scrub and gorse making it difficult to identify a consistent boundary

## **Permissive Path at Pylewell Estate**

The proposed trail follows a popular permissive path through parkland (see chapter 3). Parkland is a category of excepted land under Schedule 1 to the Countryside and Rights of Way Act 2000, however this alignment is possible because the permissive path is provided under legislation relating to an inheritance tax exemption agreement and therefore complies with s296(5)(c) of the Marine and Coastal Access Act 2009 because it is “accessible to the public by virtue of any enactment”.

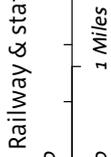


**Map B:  
Existing public access on the  
Highcliffe to Calshot stretch**

- Existing access rights and routes
- Existing Public Rights of Way
- Access land
- Section 15 land

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

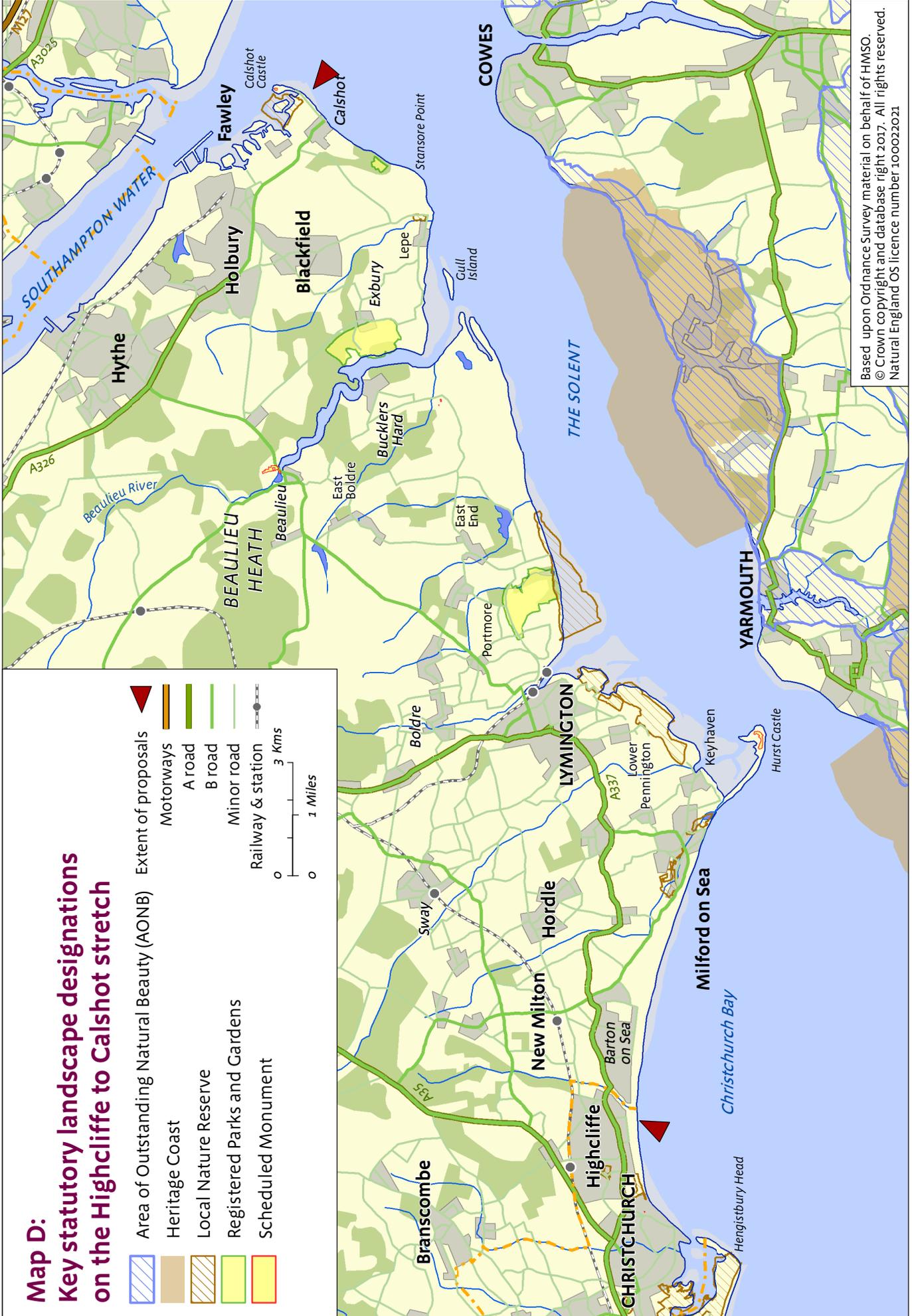
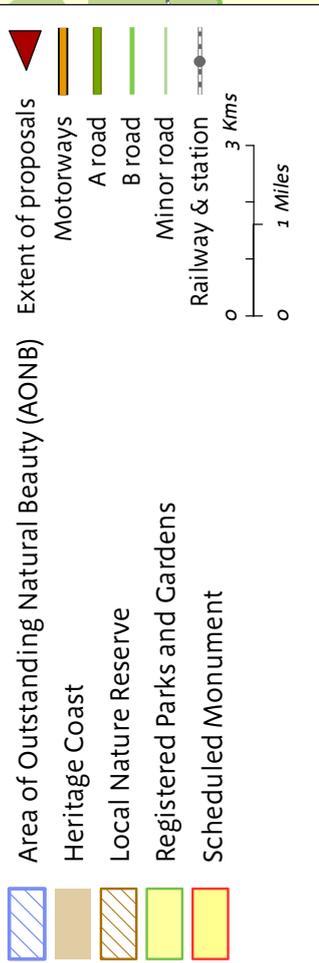
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## Map D: Key statutory landscape designations on the Highcliffe to Calshot stretch



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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, including the existing route of the Bournemouth Coast Path, the E9 European Long Distance Route and the Solent Way. However there are some parts of the stretch especially east of Lymington that will be new access.

Our estimate of the capital costs for physical establishment of the trail on the proposed route is £269,060.48 and is informed by:

- information already held by the access authority, Hampshire County Council and the New Forest National Park Authority in relation to the management of the existing Solent Way and other public rights of way over which the England Coast Path would pass over; and
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

There are a number of main elements to the overall cost:

- A significant number of new signs would be needed on the trail; in particular on route sections where the proposed route differs from that of the existing Solent Way and in other sections where information and interpretation notices will be required to inform walkers.
- At certain places along the stretch we have proposed to install static or vegetated screening.
- A screened and suitably surfaced view point near to Pitts Deep is proposed, this is to enhance the viewing experience overlooking the Solent towards the Isle of Wight whilst preventing disturbance to birds.
- Any signs and information boards with outdated information about the existing route would require replacement.
- 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 new steps, boardwalks, pedestrian gates, chicane gates and viewing areas 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	£75,331
Steps	£1385
Boardwalks	£36550
Fencing and Boundary crossing	£25,107
Pedestrian/Field gates	£16,450
Surfacing works	£11,875
Screening both static and vegetated	£42,555
Other works	£59,827.48
<b>Total</b>	<b>269,080.48 (Exclusive of any VAT payable)</b>

Once the Secretary of State’s decision on our report has been notified, we, or the relevant access authority 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 Highcliffe and Calshot 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 £27,755.72 (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 1, 3 and 5 of the proposals include proposals for the route to 'roll back' either:

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

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

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

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

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

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

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

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

Whilst coastal change is inherently difficult to predict with any accuracy, this report identifies those parts of the stretch where we consider such powers are likely to be needed over time in order to ensure continuity of the trail. These are as follows:

- Barton On Sea to Milford on Sea – Chapter 1
- Shotts Lane to Tanners Lane – Chapter 3
- Tanners lane to Browns Lane – Chapter 3
- Lower Exbury House to Calshot – Chapter 5

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. Developments of which we are already aware that could potentially affect the route on the Highcliffe to Calshot stretch are summarised below, the proposed alignment however is designed to take these developments into account.

Lepe Country Park are currently constructing a new visitor centre and parking facilities that may affect the route of the trail, however discussions indicate this is unlikely.

New Forest District Council has planning permission to develop a cemetery at Calshot and other emerging development plans to land adjacent. It is intended to align the coast path in part seaward of this development.

A variation report may be needed if the current alignment needs to move to fit with the development as at iii below.

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 provide the details and explain the practical effects of any directions to exclude or restrict coastal access rights proposed by this report.

Refer to Part 6.7 and Figure19 of the approved Coastal Access Scheme for more information.

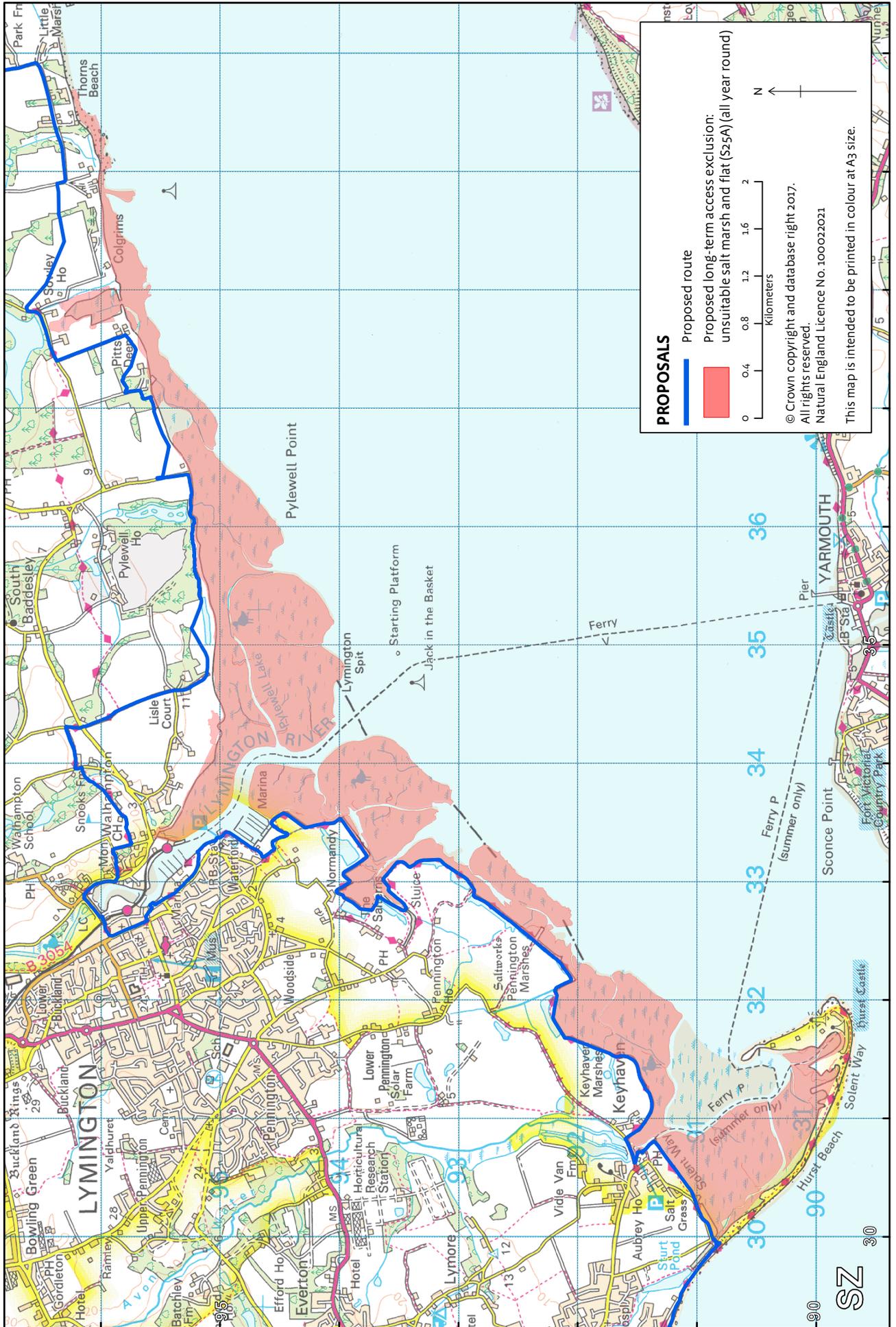
Report chapter	Location/extent (see relevant map for more information)	Type of restriction	Purpose of restriction	Grounds and relevant section of CROW	Duration
2 & 3	Hurst Spit to Thorns Beach	No public access	Unsuitable for public access	Salt marsh and flats s25A	Year-round
2	Berthon Boatyard	No public access	Land management & danger to public safety	Land Management s24 and Public Safety s25(1)(b)	Year-round
3	Tanners Lane	No public access	Sensitive wildlife	Nature Conservation s26(3)(a)	Year-round
3	Pitts Deep	Keep dogs on leads	Sensitive wildlife	Nature Conservation s26(3)(a)	Year-round
3	Browns Lane	No public access	Sensitive wildlife	Nature Conservation s26(3)(a)	Year-round
4	Park Shore to Beaulieu Estuary East	No public access	Unsuitable for public access	Salt marsh and flats s25A	Year-round
4	Park Shore	Keep dogs on leads	Sensitive wildlife	Nature Conservation s26(3)(a)	Year-round
4	Park Farm Fields	No public access	Sensitive wildlife	Nature Conservation s26(3)(a)	Seasonally (1st Sept to 15th March each year)
4	Needs Ore	No public access	Sensitive wildlife	Nature Conservation s26(3)(a)	Year-round
4	Bucklers Hard	No public access	Land management	Land Management s24	Year-round
4	Agamemnon Boatyard	No Public Access	Land management & danger to public safety	Land Management s24 and Public Safety s25(1)(b)	Year-round
5	Cadland Shoreline	No public access	Sensitive wildlife	Nature Conservation 26(3)(a)	Year-round
5	Stone Marsh Nature Reserve	No public access	Sensitive wildlife	Nature Conservation 26(3)(a)	Year-round

Map E Proposed long-term access exclusion: unsuitable salt marsh and flat (S25A) (all year round)

Coastal Access - Highcliffe to Calshot - Natural England's Proposals

Chapters 1, 2, 3: Hurst to Spit Thorns Beach

Map E Proposed long-term access exclusion: unsuitable salt marsh and flat (S25A) (all year round)



**Map F Proposed long-term access exclusion: unsuitable salt marsh and flat (S25A)**

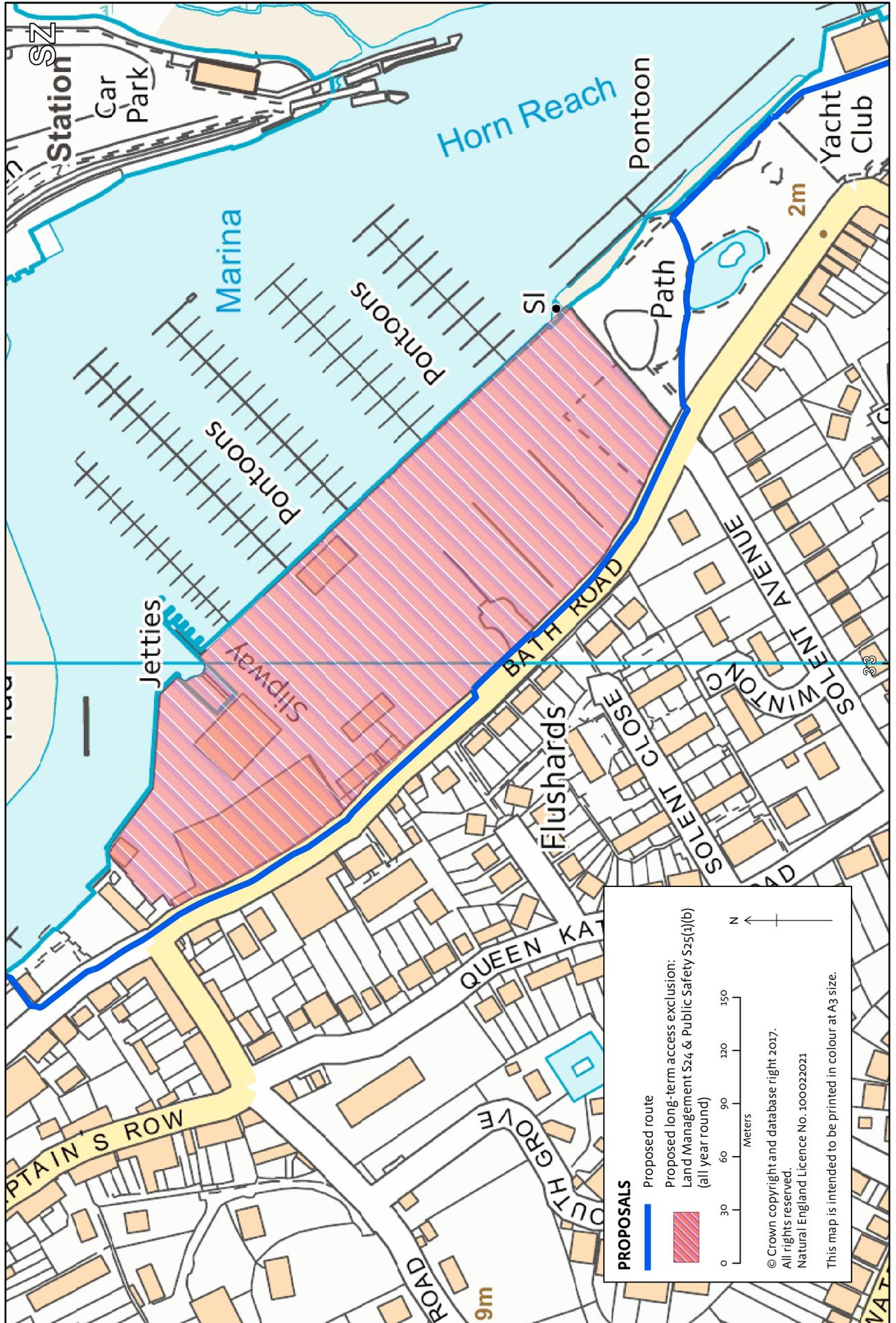


Map F Proposed long-term access exclusion: unsuitable salt marsh and flat (S25A)

Map G Proposed long-term access exclusion: Land Management S24 & Public Safety S25(1)(b)

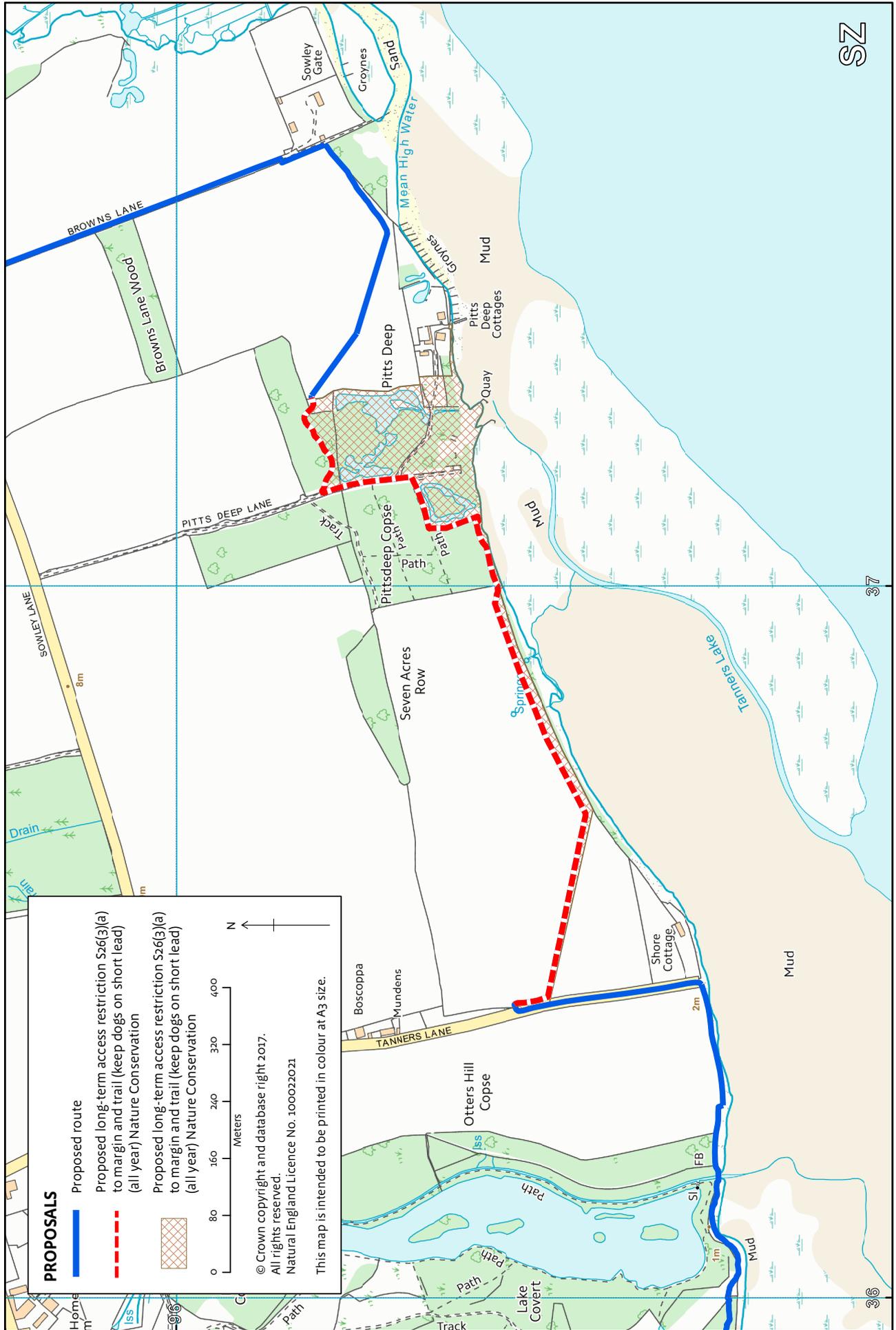
Coastal Access - Highcliffe to Calshot - Natural England's Proposals  
 Chapters 2: Berthon Boatyard

Map G Proposed long-term access exclusion: Land Management S24 & Public Safety S25(1)(b) (all year round)





**Map I Proposed long-term access restriction S26(3)(a) to margin and trail (keep dogs on short lead) (all year) Nature Conservation**

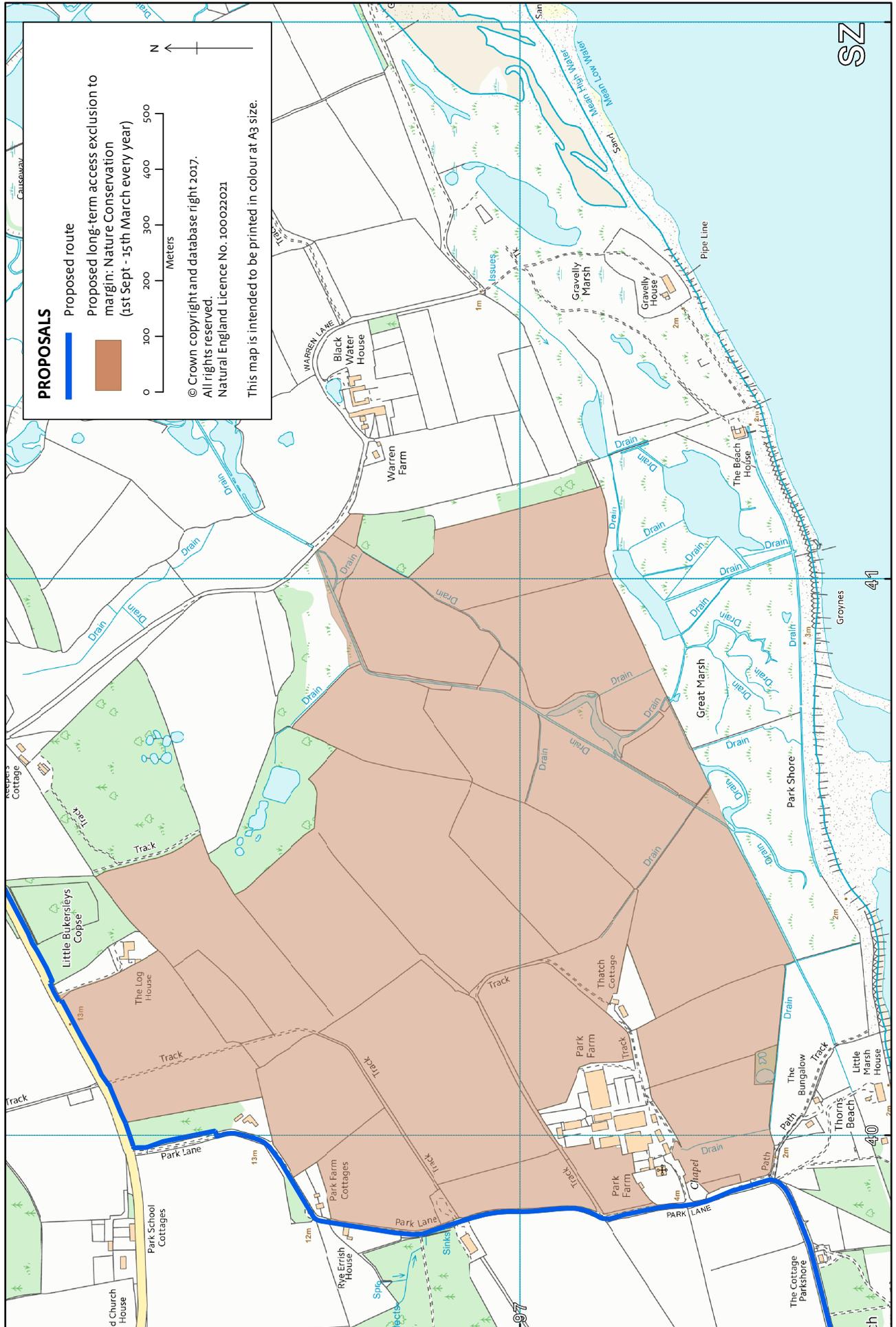




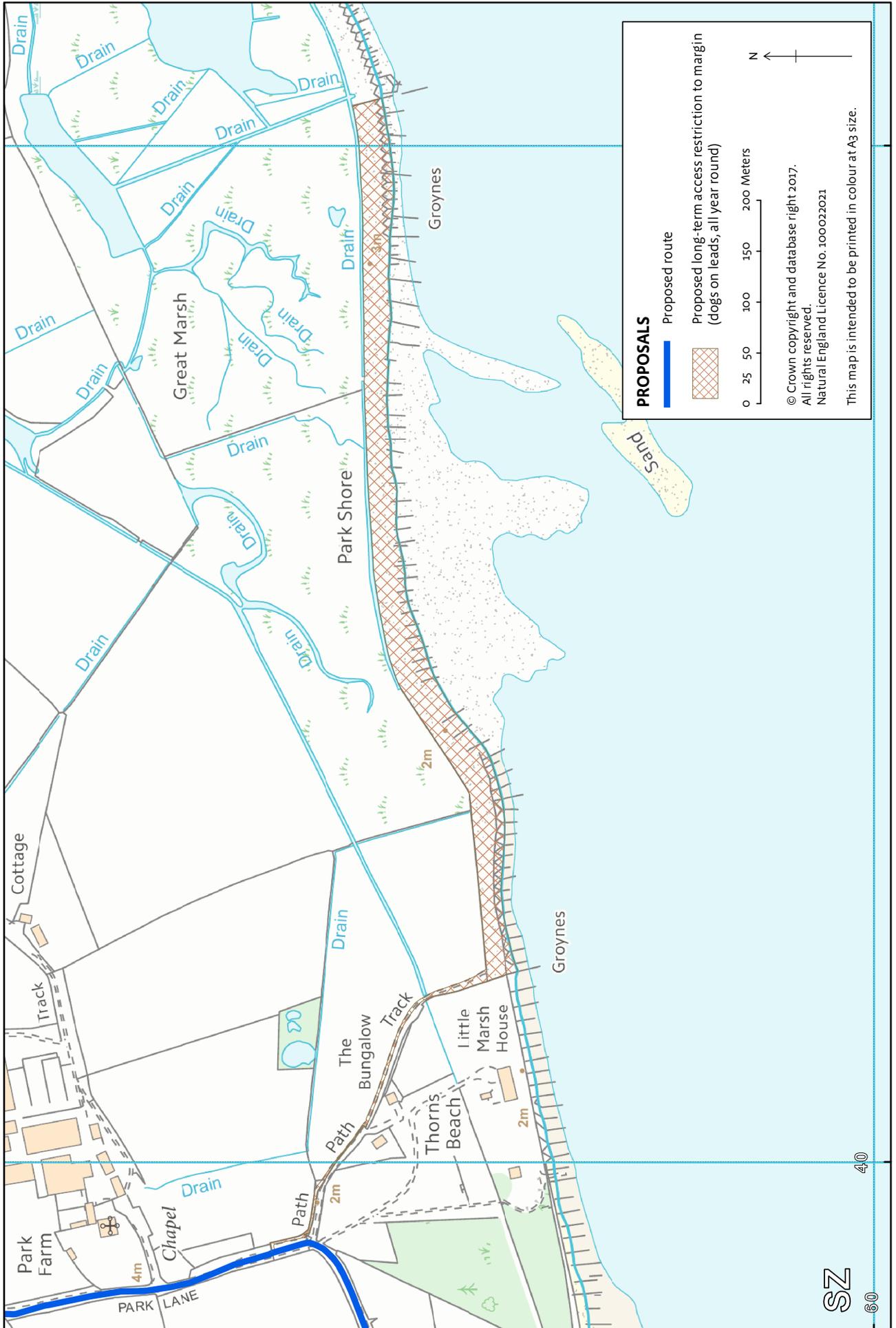
# Map K Proposed direction under S26(3)(a) Nature Conservation

Coastal Access - Highcliffe to Calshot - Natural England's Proposals  
 Chapters 3 & 4: Park Farm Fields

## Map K Proposed direction under S26(3)(a) Nature Conservation



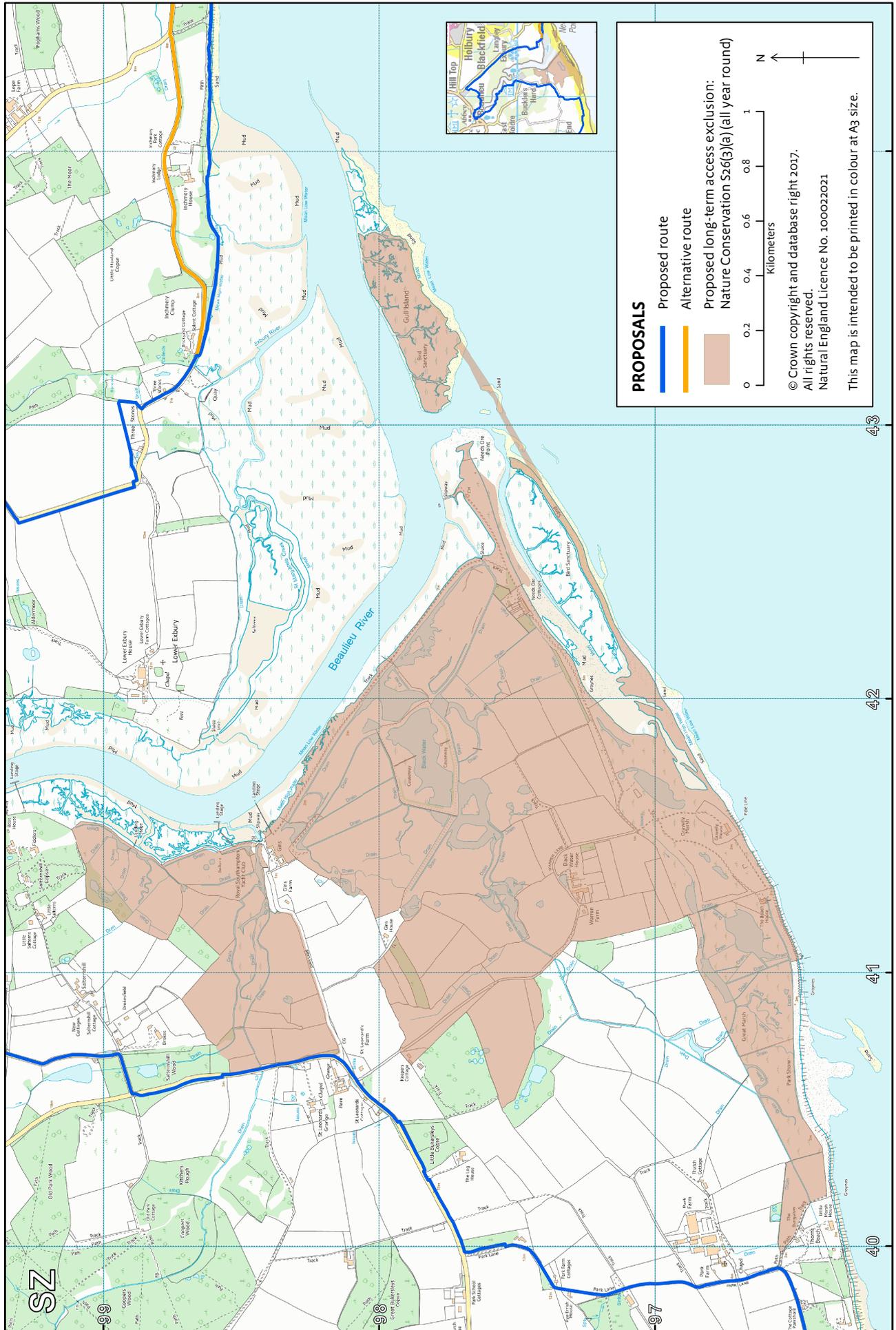
**Map L Proposed direction under S26(3)(a) CROW Nature Conservation (all year round)**



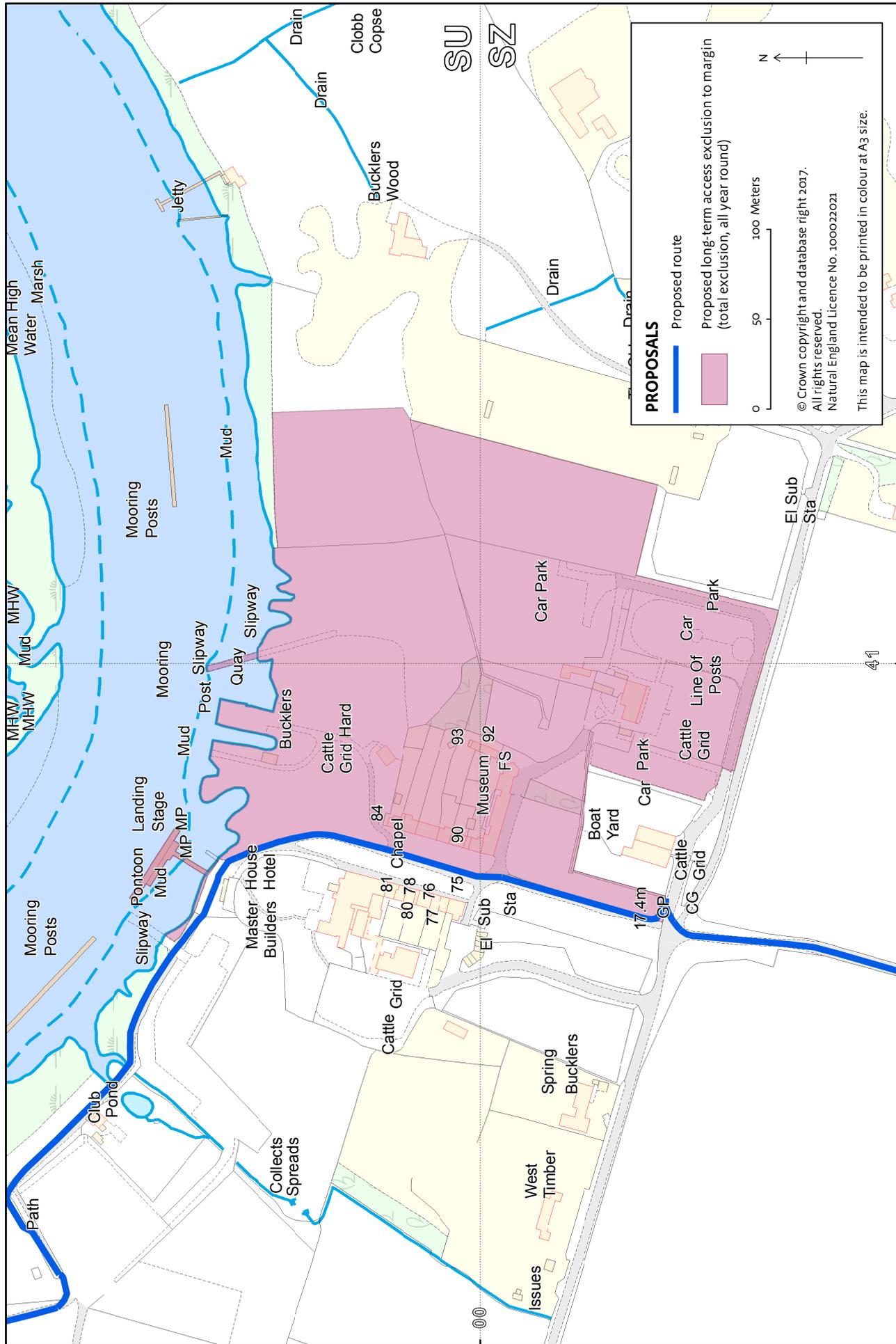
SZ  
60

40

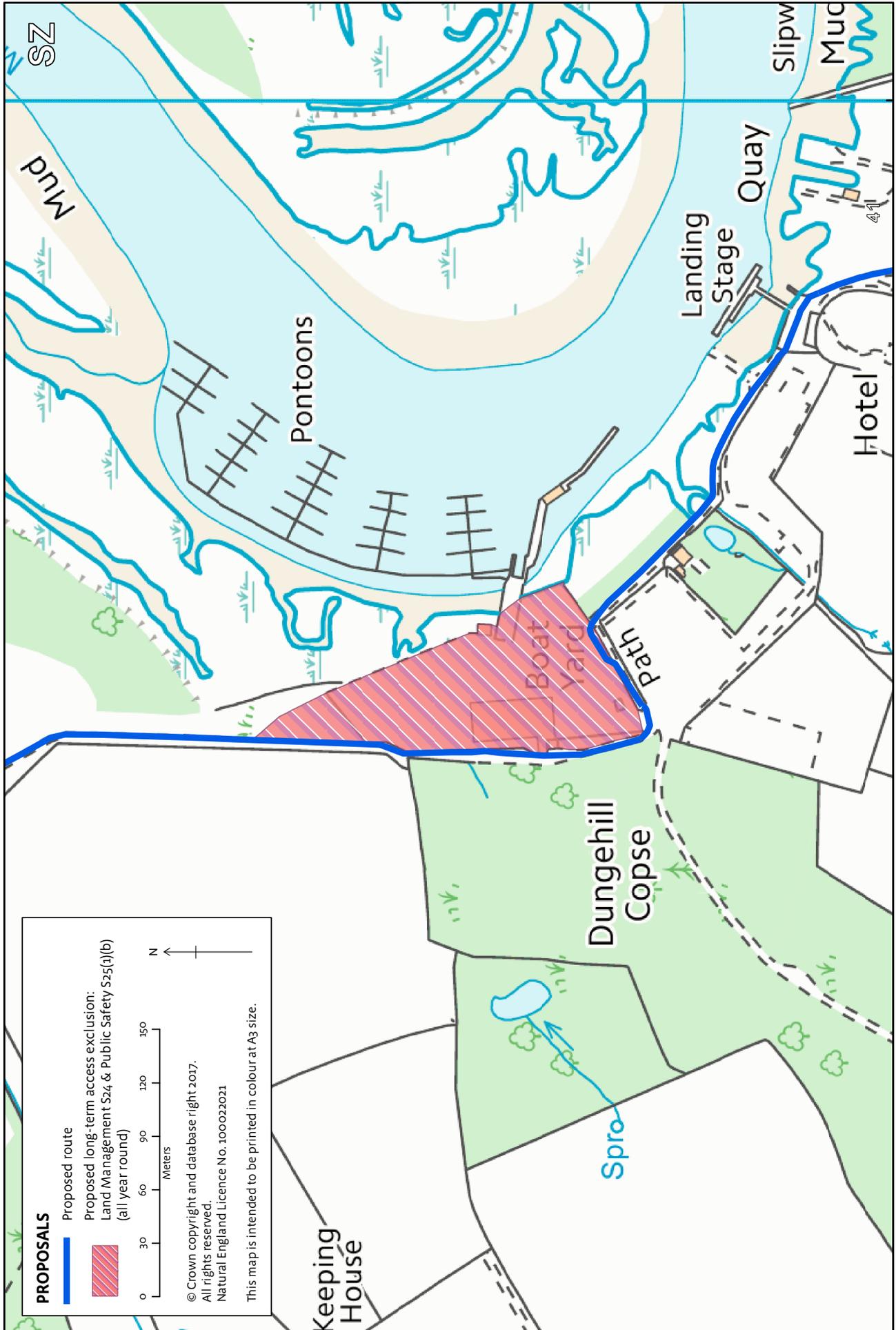
**Map M Proposed long-term access exclusion: Nature Conservation S26(3)(a) (all year round)**

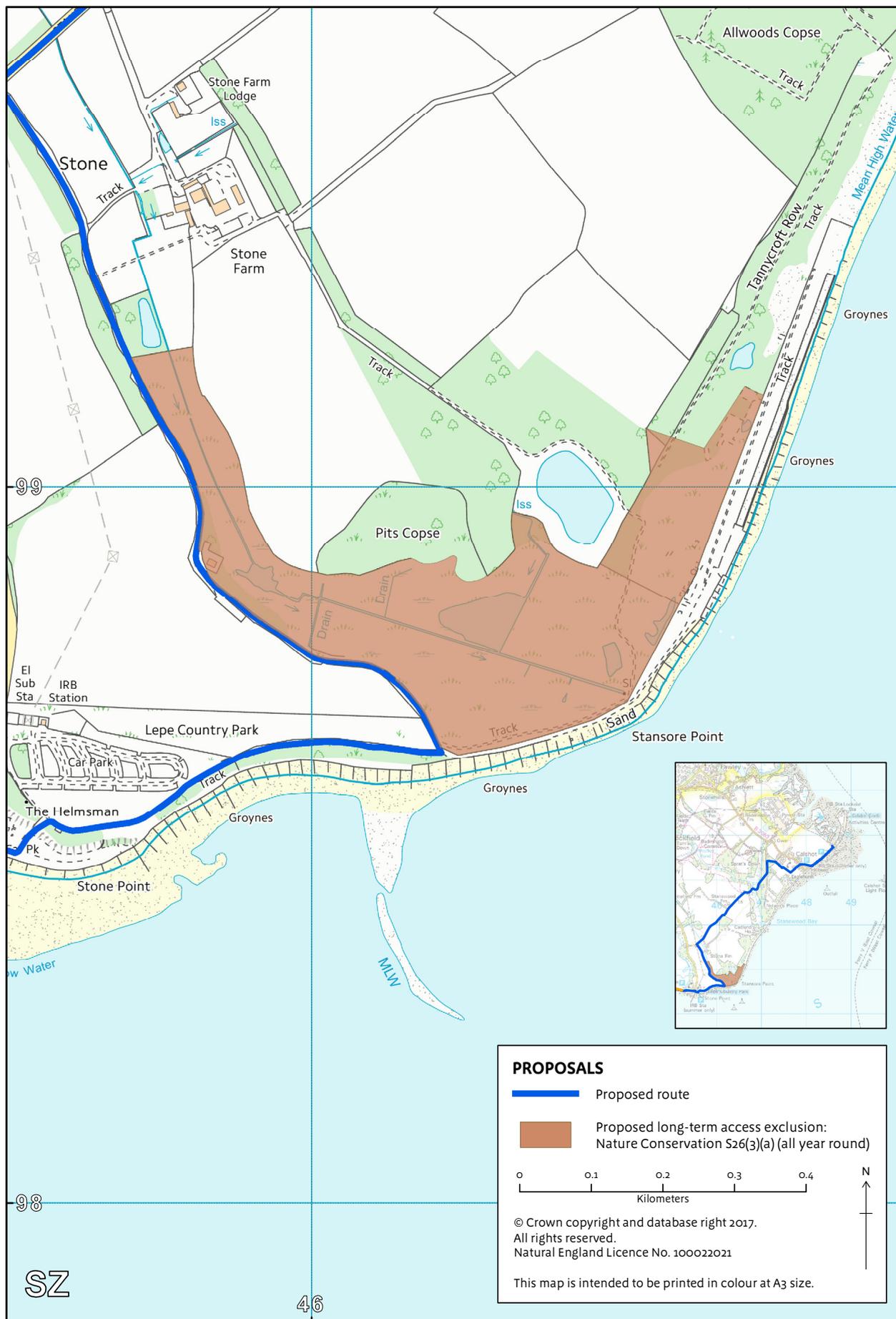


**Map N Proposed direction under S24 CROW Land Management**



**Map O Proposed long-term access exclusion: Land Management S24 & Public Safety S25(1)(b) (all year round)**







Map Q Proposed long-term access exclusion: Nature Conservation S26(3)(a) to protect vegetated shingle (all year round)

## Annexes

### Annex A: Bibliography

Information about Natural England's coastal access programme:

#### **Natural England**

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

Information about the statutory framework for coastal access:

#### **Department for Environment, Food and Rural Affairs**

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

#### **Coastal Access Scheme**

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

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

#### **Marine and Coastal Access Act 2009**

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

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

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

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

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

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

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

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

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

Environmental legislation referred to in the report:

#### **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](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

For a full bibliography related to the Environmental aspects of the Highcliffe to Calshot stretch please refer to the Access and Sensitive Features Appraisal published alongside this report

Other published information used in the preparation of the report:

**Hants CC Definitive maps: -**

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

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

[http://www.newforestnpa.gov.uk/info/20016/our\\_work/81/management\\_plan](http://www.newforestnpa.gov.uk/info/20016/our_work/81/management_plan)

**New Forest National Park Authority –**

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

**New Forest Recreation Mitigation Strategy: -**

[http://www.newforestnpa.gov.uk/downloads/file/83/recreation\\_and\\_management\\_strategy\\_2010\\_-\\_2030](http://www.newforestnpa.gov.uk/downloads/file/83/recreation_and_management_strategy_2010_-_2030)

**New Forest District Council Local Plan Review 2016-2036**

<http://www.newforest.gov.uk/localplan2016>

**Visit Hampshire: -**

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

**Hampshire and Isle of Wight Wildlife Trust: -**

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

**Walking in Hampshire: -**

<http://www3.hants.gov.uk/walking.htm>

**SRMP/Bird Aware Solent –**

[www.birdaware.org:](http://www.birdaware.org/) -

**Brent Geese and Wader Strategy**

[http://solentforum.geodata.soton.ac.uk/forum/sub\\_groups/Natural\\_Environment\\_Group/Waders%20and%20Brent%20Goose%20Strategy/](http://solentforum.geodata.soton.ac.uk/forum/sub_groups/Natural_Environment_Group/Waders%20and%20Brent%20Goose%20Strategy/)

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

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

**North Solent SMP: -**

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

**Poole and Christchurch Bays Shoreline Management Plan: -**

<http://www.twobays.net/smp2.htm>

**New Forest District Council Coastal Management Plan**

<http://www.newforest.gov.uk/article/2513/Coastal-Management-Plan-Documents>

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

**British Mountaineering Council**

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

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

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

**The New Forest Tour (Bus tour)**

<http://www.thenewforesttour.info/>

**The Beach Bus (Bus tour)**

<https://www.thebeachbus.info/>

## Annex B: Glossary of terms

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

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

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

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

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

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

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

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

**appropriate assessment** means, for the purposes of the Scheme, an assessment of the implications of a plan or project for a **European site** in view of the site's conservation objectives, made in accordance with Article 6.3 of the **Habitats Directive**. Natural England

is required to conduct an appropriate assessment where it concludes that the introduction of **coastal access rights** in the form proposed is likely to have a significant effect on the conservation objectives for a European site. Our proposals to the Secretary of State include as necessary any local measures designed to prevent such a likely significant effect arising from improved access. Section 4.9 of the Scheme explains in more detail how we fulfil this requirement where it is relevant.

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

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

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

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

**coastal margin** or margin means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the **Order**. It is explained at section 1.3. Its main component is land subject to the **coastal access rights**, but it also contains other land, including some land that is not accessible to the public. A land owner may also voluntarily include land in the coastal access margin by making a **dedication**. Section 2.3 of the Scheme explains these other categories of land and how they fit in.

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

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

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

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

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

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

**European site** means a site:

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

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

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

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

**excepted land** – see Annex C of the Overview.

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

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

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

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

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

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

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

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

**national restrictions** – see Annex D of the Overview.

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

**objection** means an objection by a person with a relevant interest in affected land to Natural England about a proposal in the report. An objection must be made on certain specified grounds, in accordance with the provisions in Schedule 1A of the **1949 Act**

(as inserted by Schedule 19 of the **2009 Act**). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering objections.

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

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

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

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

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

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

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

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

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

**Scheduled Monument** means a site or monument of national importance given legal

protection by virtue of being listed on the Schedule of Monuments under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

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

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

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

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

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

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

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

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

**strategic environmental assessment** means the overall requirements of European Community Council Directive 2001/42/EC. Sections 4.9.9 and 4.9.10 of the Scheme

describe the circumstances in which we would conduct a strategic environmental assessment.

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

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

the **trail** is the term the report uses to describe the strip of land people walk along when following the route identified for the purposes of the **Coastal Access Duty**: see section 1.2. Following approval by the Secretary of State of the proposals in our coastal access report, the trail along that stretch becomes part of the **National Trail** known as the **England Coast Path**. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the **coastal margin**.

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

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

## Annex C: Excepted land categories

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

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

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

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

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

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

## Annex D: National restrictions

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

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

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

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

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

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

We can provide more information about these options on request.

# Countryside and Rights of Way Act 2000

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

### General restrictions

- 1 (1) Subject to sub-paragraph (2), section 2(1) does not entitle a person to be on any land if, in or on that land, he –
- (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
  - (b) uses a vessel or sailboard on any non-tidal water,
  - (c) has with him any animal other than a dog,
  - (d) commits any criminal offence,
  - (e) lights or tends a fire or does any act which is likely to cause a fire,
  - (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
  - (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
  - (h) feeds any livestock,
  - (i) bathes in any non-tidal water,
  - (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
  - (k) uses or has with him any metal detector,
  - (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
  - (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
  - (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
  - (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
  - (p) affixes or writes any advertisement, bill, placard or notice,
  - (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect –
    - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
    - (ii) of obstructing that activity, or
    - (iii) of disrupting that activity,
  - (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
  - (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or

- (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.
- (2) Nothing in sub-paragraph (1)(f) or (j) affects a person's entitlement by virtue of section 2(1) to be on any land which is coastal margin if the person's conduct (to the extent that it falls within sub-paragraph (1)(f) or (j)) is limited to permitted fishing-related conduct.
- (3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person –
  - (a) having a fishing rod or line, or
  - (b) engaging in any activities which –
    - (i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and
    - (ii) take place on land other than land used for grazing or other agricultural purposes.
- 2 (1) In paragraph 1(k), "metal detector" means any device designed or adapted for detecting or locating any metal or mineral in the ground.
- (2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is "lawful" if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.
- 3 Regulations may amend paragraphs 1 and 2.
- 4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.
- (2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.
- 5 Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.
- 6 In paragraphs 4 and 5, "short lead" means a lead of fixed length and of not more than two metres.
- 6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if –
  - (a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and
  - (b) at that time, the dog is not under the effective control of that person or another person.
- (2) For this purpose a dog is under the effective control of a person if the following conditions are met.
- (3) The first condition is that –
  - (a) the dog is on a lead, or
  - (b) the dog is within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.
- (4) The second condition is that the dog remains –
  - (a) on access land, or
  - (b) on other land to which that person has a right of access.
- (5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be

regarded as remaining on access land.

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

(2) In this paragraph –

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

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

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

**Enquiries about the proposals should be addressed to:**

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