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England Coast Path Stretch: Newquay to Penzance


Overview to Natural England's compendium of statutory reports to the Secretary of State for this stretch of coast





Map A: Key map - Newquay to Penzance


Report number and title:


- NQP 1** Newquay Station to Penhale Point (Maps NQP 1a to NQP 1i)
- NQP 2** Penhale Point to St Agnes Head (Maps NQP 2a to NQP 2h)
- NQP 3** St Agnes Head to Gwithian (Maps NQP 3a to NQP 3l)
- NQP 4** Gwithian to Clodgy Point (Maps NQP 4a to NQP 4i)
- NQP 5** Clodgy Point to Pendeen Watch (Maps NQP 5a to NQP 5j)
- NQP 6** Pendeen Watch to Land's End (Maps NQP 6a to NQP 6i)
- NQP 7** Land's End to Carn Barges (Maps NQP 7a to NQP 7g)
- NQP 8** Carn Barges to Penzance Station (Maps NQP 8a to NQP 8f)


Extent of proposals 

Extent of proposals in each report 

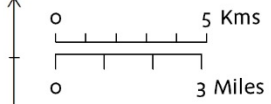
Motorways 

A road 

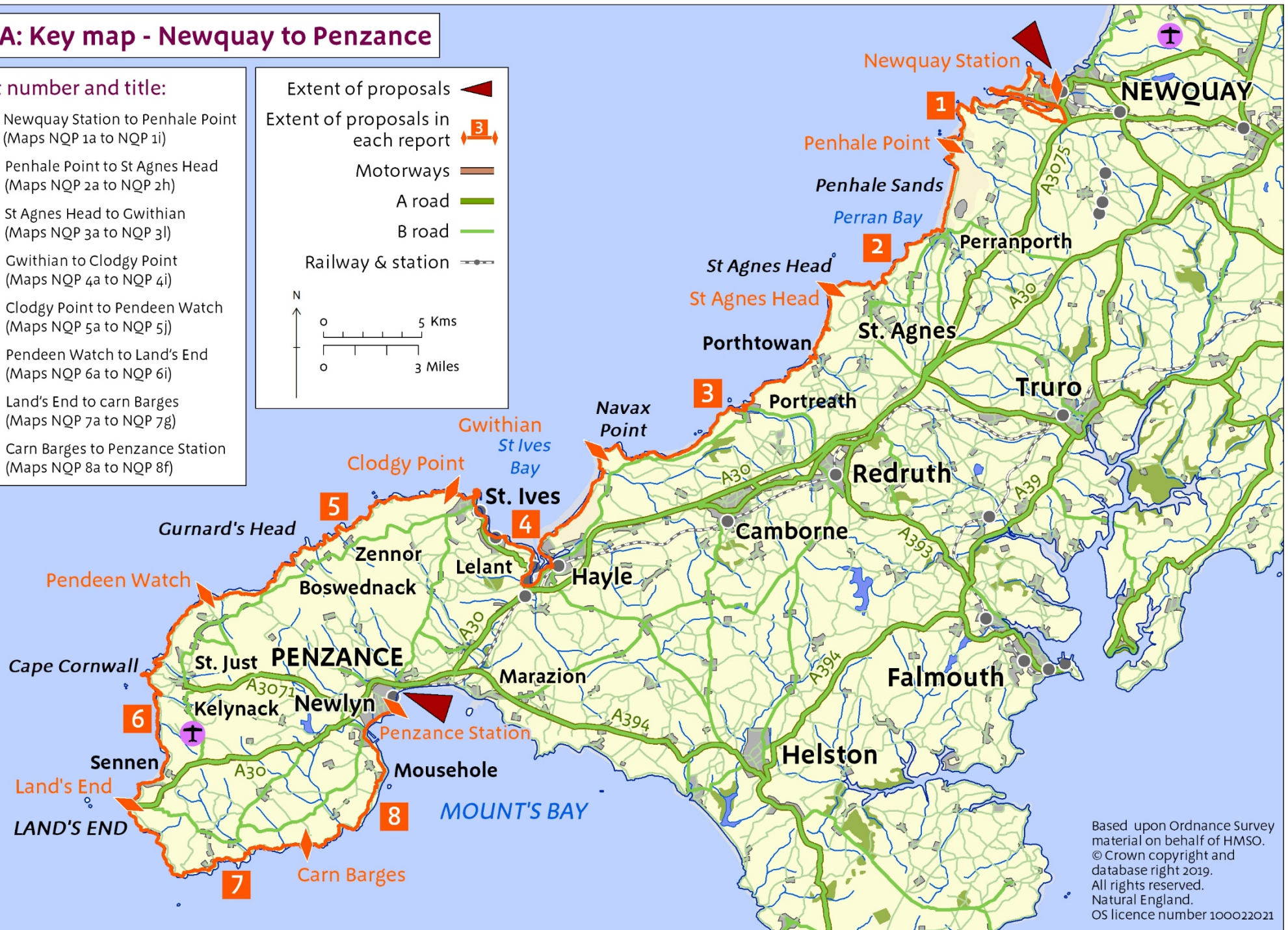
B road 

Railway & station 

N



5 Kms
3 Miles



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Report number and title

NQP 1: Newquay Station to Penhale Point (Maps NQP 1a to NQP 1i)

NQP 2: Penhale Point to St Agnes Head (Maps NQP 2a to NQP 2h)

NQP 3: St Agnes Head to Gwithian (Maps NQP 3a to NQP 3l)

NQP 4: Gwithian to Clodgy Point (Maps NQP 4a to NQP 4i)

NQP 5: Clodgy Point to Pendeen Watch (Maps NQP 5a to NQP 5j)

NQP 6: Pendeen Watch to Land's End (Maps NQP 6a to NQP 6i)

NQP 7: Land's End to Carn Barges (Maps NQP 7a to NQP 7g)

NQP 8: Carn Barges to Penzance Station (Maps NQP 8a to NQP 8f)

Using Key Map

Map A shows the whole of the Newquay to Penzance stretch divided into shorter numbered lengths of coast.

Each number on Map A corresponds to the report which relates to that length of coast.

To find our proposals for a particular place, find the place on Map A and note the number of the report which includes it.

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

Printing

If printing, please note that the maps which accompany reports 1 to 8 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the report you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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Please read first!

This Overview document sets out the context for Natural England's proposals to improve public access to and along the stretch of coast between Newquay and Penzance. It explains key common principles and background underlying the detailed proposals that we make in our compendium of linked but legally separate statutory reports, each covering a single length of coast within the stretch. Each of these reports should be read in conjunction with this Overview.

Taken together, these reports explain how we propose to implement the England Coast Path ("the trail") on this stretch of coast, and detail the likely consequences in terms of the wider 'Coastal Margin' that will be created if our proposals are approved by the Secretary of State. Our reports also set out:

- any proposals we think are necessary for restricting or excluding coastal access rights to address particular issues, in line with the powers in the legislation; and
- any proposed powers for the trail to be capable of being relocated on particular sections (through "roll-back"), if this proves necessary in the future because of coastal change.

So although this Overview has multiple reports associated with it, each report relating to a particular part of the stretch makes free-standing proposals, and seeks approval for them by the Secretary of State in their own right under section 52 of the National Parks and Access to the Countryside Act 1949.

We have carefully considered any potential environmental impacts of improving public access to this stretch of coast, and made any necessary adjustments to our proposals prior to publication in order to address these. Considerations in relation to environmental matters are explained in Section 6 of this Overview and relevant reports for each length of coast. Links are provided to relevant separately published documentation where appropriate.

The reports are published on our web pages as a series of separate documents, alongside this Overview and more general information about how the Coastal Access programme works.

Each report is accompanied by detailed **Proposals Maps** for the relevant length of coast. The maps are numbered according to the part of the report to which they relate. For example, maps NQP 1a to NQP 1i illustrate the proposals in report NQP 1, which deals with the length from Newquay Station to Penhale Point.

Introduction

1. Improving coastal access

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route (“the trail”) around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route which, in appropriate places, people will also be able to enjoy on foot. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters¹, as far as the first bridge or tunnel with pedestrian access, or as far as any point between the two.

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

This Overview and the related compendium of reports relate to the coast of Cornwall between Newquay and Penzance. Taken together, our report 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 most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

This is a significant opportunity to improve public access to this stretch of coast in these ways, with benefits for residents, businesses and visitors. More people will have easier and more extensive access to the coastal environment for open-air recreation, which is widely acknowledged to have significant benefits for human health and well-being.

The 2009 Act refers to the continuous trail with its associated margin and other access rights as being the ‘England Coast Path’. Where appropriate we have used existing established coastal trail routes already known by local and regional names, such as the South West Coast Path. However, there will be places where the established trail and the proposed new coast path route diverge. To avoid confusion as to which route is being proposed under the 2009 Act along this stretch of coast, it is intended to remain with the terminology used in the Act namely the England Coast Path. It is recognised and welcomed that other local established route names will continue to be used on the ground. Natural England will continue to work closely with Cornwall Council and others in extending the use of Cornish as appropriate on new or replacement signing.

Once approved and established, this part of the England Coast Path will be managed as part of the family of National Trails.

¹ section 301 of the Marine and Coastal Access Act 2009

2. The determination process

Each of the reports for this stretch is submitted in accordance with our statutory duty under section 296 of the Marine and Coastal Access Act 2009 ('the 2009 Act') to improve access to the English coast.

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

Following publication:

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

In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice for Newquay to Penzance, which can be viewed here www.gov.uk/government/publications/england-coast-path-from-newquay-to-penzance-comment-on-proposals together with more information about how to make representations or objections.

The Planning Inspectorate will consider any objections and any related representations before passing recommendations to the Secretary of State, who in turn will consider both representations and objections and then make a decision as to whether to approve our proposals. Chapter 3 of our Coastal Access Scheme explains these processes in more detail (see Annex A: Bibliography).

The Secretary of State may confirm the proposals in each report in full, confirm some with modifications, or reject some or all of them. If the conclusion is that some modification to our proposed approach is required, further consideration may need to be given as to whether any further environmental assessment is necessary. We may need to prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by any rejected proposals. The same procedures for representation and objection would apply to the amended report.

Once proposals for the stretch have been confirmed, there will be a preparation period before the new access rights come into force. This period is to enable any necessary physical establishment of the trail to be carried out and to put in place any necessary local management arrangements (including any approved local access restrictions or exclusions).

Once the preparation period is complete, the rights will be brought into force by order on a date decided by the Secretary of State. Normally one single commencement date is used for the whole stretch. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 2 to 4 of each report explain more about the further steps that will be taken to establish the route, provisions for its future maintenance and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for this part of the coast have been approved.

3. Understanding the proposals and accompanying maps

Before looking at the proposals and accompanying maps, it will help you if you read the following notes and then look carefully at the key to the maps.

Our Proposals:

The proposals are divided into 8 reports, each relating to a particular length of coast on this stretch. Each report is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the report to which they relate. For example, maps NQP 1a to NQP1i illustrate the proposals described in report NQP 1.

Each **report** comprises four parts:

- **Part 1: Introduction** – This sets the context for our proposals for that length of coast.
- **Part 2: Proposals Narrative** - This summarises our alignment proposals in general, including any proposed use of our discretions to align the route along an estuary, or recommended changes to the default landward coastal margin. It also summarises the main access management measures that will need to be introduced and the overall accessibility (ease of use for all) of this length of coast, for all users. Additionally, it may identify any future changes of which we are aware that are likely to impact on this part of the coast, and explain how our proposals deal with this change. In each report the Part 2 Proposals Narrative, in conjunction with the Part 3 Proposals Tables and the Part 4 Proposals Maps, sets out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.
- **Part 3: Proposals Tables** – These line-by-line listings set out in more detail our formal proposals to the Secretary of State for the length of coast in question, and should be read in conjunction with the Proposals Narrative and the relevant Proposals Maps.
- **Part 4: Proposals Maps** – These show in map form the proposals set out in the Proposals Narrative and Proposals Tables.

Notes on how our Part 3 Proposals Tables work

These notes explain how the various tables found in each report work:

- In the table for sections of the trail that follow the existing South West Coast Path as currently walked and managed, we set out detailed information for each section of coast under the following column headings:
 - Map(s) – This column indicates which of the report maps to view alongside the details in the other columns in the same row.
 - Route section number(s) – This is the unique identification number for the route section concerned. In some cases, two or more adjacent route sections will be amalgamated into a single row in the table, if all other displayed details happen to be identical.
 - Roll-back proposed? – This indicates whether we propose that, in the event of significant coastal erosion or other geomorphological processes or significant encroachment by the sea, a section of trail which is affected by such factors should be capable of being repositioned in the future in accordance with this formal proposal, without needing further confirmation of the change at that time by the Secretary of State. Roll-back may be used to adjust the trail either in direct response to such changes or in order to link with other parts of the route that need to roll back in response to such changes. The column also indicates whether the ‘roll-back’ requirement is likely to give rise to a normal or more complex change on this section. (In the

case of more complex outcomes, further details are provided in the 'Roll-back implementation' table). Section 4.10 of the Coastal Access Scheme explains in more detail how roll-back works.

- Landward margin contains default coastal land type? – Certain coastal land types are automatically included in the coastal margin where they fall landward of the trail if they touch it at some point. These coastal land types are: foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land. This column identifies where one of the coastal land types is present in the landward coastal margin.
 - Proposal to specify landward boundary of margin – This sets out any proposals for the default landward boundary of the coastal margin on this section to be altered or clarified - see iv below in the Notes on Maps.
 - Reason for any proposed use of landward boundary discretion – This provides an explanation for any such proposal to alter or clarify the default margin on this section. This may be either because we are proposing a clear boundary around land that in our view would be margin by default, because it matches the description of 'coastal land' explained at paragraph 4.8.8 of the Scheme; or because we propose using our discretion to add land to or remove it from the default margin, as described at paragraphs 4.8.11 of the Scheme.
 - Explanatory notes – This contains any additional information which may help further explain the proposal for this route section or group of sections.
- In the table for sections of the trail that differ from the existing South West Coast Path as currently walked and managed, we set out additional information for each section of coast under the following column heading:
- Current status of route section(s) – This describes the current status of the route we have proposed and whether it has any existing access rights. Public highways, including public rights of way such as footpaths, are excepted from new coastal access rights because the existing public rights to use such highways will remain in force, and the trail is able to make use of these. Other sections of the proposed trail that do not currently have any access rights or where access is currently permitted by the landowner will become subject to new coastal access rights if our proposals are approved. These new rights, and any national or local restrictions on them, will not affect any existing access arrangements for cyclists, horse-riders or other types of recreational user that may currently exist at the local level - for example by formal agreement with, informal permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.
- Where there is an alternative route or optional alternative route we set out the details of those routes in a separate table. The table includes columns that describe the landward and seaward boundaries of the alternative route strip. Alternative routes/optional alternative routes have a default width of two metres either side of the approved line. We propose specific landward and/or seaward boundaries to the route strip where doing so would add further clarity to the extent of access rights along the route, by working with the grain of what is already there. It should be noted that where the alternative route/optional alternative route follows an existing path corridor, the trail may adopt a variable width as dictated by existing physical features.
- Each report also includes a table that sets out any other options that were considered during our initial planning (in relation to the route and the coastal margin), and explains why they did not form part of our proposals.
- The final table or set of tables for each report provides further details of any situation where local circumstances mean that implementation of roll-back is likely to be more complex. We identify the key issue and our expected resolution.

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

In each report the Part 3 Proposals Tables, in conjunction with the Part 2 Proposals Narrative and the Part 4 Proposals Maps, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

Examples of tables found in each report, with explanation of their contents:

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

Example table 1: Section details

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
ABC 1a	ABC-1-S003	Public footpath	No	No			
ABC 1b	ABC-1-S011	Public footway (shared use)	No	No	Pavement Edge	Clarity and cohesion	
ABC 1c	ABC-1-S018	Other existing walked route	Yes	Beach			
ABC 1d	ABC-1-S045	Other existing walked route	No	Bank	Edge of path	Clarity and cohesion	Top break of slope provides the greatest clarity for walkers

The route section number(s), as shown on the Proposals Map(s).

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

If column 5b proposes any change or clarification to the landward extent of the margin, this column says why.

This column may offer further explanation of a more complex situation involving the margin.

The relevant Proposal Map(s) for the route section(s).

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

We indicate here whether the landward coastal margin for this route section includes a default coastal land type.

This column shows any proposal we are making to align the landward boundary of the coastal margin for this route section with the physical feature shown. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in column 5a, would be its landward boundary instead.

Example table 2: Alternative routes and optional alternative route details

1	2	3	4	5a	5b	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Proposal to specify seaward boundary of alternative route strip	Proposal to specify landward boundary of alternative route strip	Explanatory notes
ABC 2a	ABC-2-A001	Public Footpath	No			
ABC 2b	ABC-2-OA001	Public Footway (shared use)	No	Pavement edge	Pavement edge	
ABC 2b	ABC-2-OA002	Other existing walked route	Yes	Fence	Various	The landward boundary corresponds with various features including a wall, fence and bramble hedge.

The route section number(s), as shown on the Proposals Map(s).

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

This column may offer further explanation of a more complex situation, e.g. involving the boundaries of the route strip.

The relevant Proposal Map(s) for the route section(s).

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

These columns show any proposal we are making to align either or both boundaries of the alternative route strip with a physical feature on the ground. No text in either column means that the edge of this section of the alternative route strip would be that of the trail itself.

Example table 3: Other options considered

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
ABC 3b	ABC-3-S011 to ABC-3-S019	We considered aligning the trail along the route of the existing public footpaths through the boat yard and along the flood bank.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it offers a safer and more convenient route with a newly created tarmac surface which is accessible to all. ■ it avoids passing through the working area of the boat yard. ■ the surface of the existing footpath along the flood bank is uneven and often waterlogged. <p>Under our proposals, the public footpaths would remain available for people to use but would not form part of the designated trail.</p>
ABC 3c	ABC-3-S017 to ABC-3-S020	We considered aligning the trail along the route of the existing public footpath on the cliff edge around the western edge of Cranham Hill.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it avoids increased footfall on the fragile limestone grassland flora which is designated as a SAC and SSSI feature. ■ it is comparable, in terms of the safety and convenience of walkers. <p>Under our proposals, the public footpath would remain available for people to use but would not form part of the designated trail.</p>

The relevant Proposal Map(s) for the route section(s).

The route section number(s), as shown on the Proposals Map(s).

This column describes other options we considered for the route or margin for the identified route section(s).

This column summarises the reason(s) that the other options we considered were not preferred.

Example table 4: Roll-back implementation – more complex situations

Map(s)	Route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
ABC 4f	ABC-4-S040 to ABC-4-S045	Super Camp Holiday Village	<p>If it is no longer possible to find a viable route seaward of the specified campsite, we will choose a new route after detailed discussions with all relevant interests, either</p> <p>(a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it.</p> <p>In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.</p>

The relevant Proposal Map(s) for the route section(s).

The route section number(s), as shown on the accompanying map(s).

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

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

Notes on how our Part 4 Proposals Maps work

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

The proposed route of the trail:

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

The coastal margin:

- iii The proposed route of the trail shown on the maps is important in understanding the extent of the coastal margin that would apply to either side of it. Under the legislation:
 - the coastal margin is a single, continuous corridor of land which includes the trail itself;
 - the margin includes all land seaward of the trail land - although not all of that land would be subject to a new right of access (see point vi below);
 - the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land (see Annex B: Glossary of terms).
- iv We have the discretion to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature on the ground – even if the effect of doing so is to add land into the margin, or to remove land from it. We may use this discretion:
 - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used where appropriate to define the landward extent of the trail land on that section of the route: such features cannot be depicted on the maps at the scale used, but they are described in the Proposals Tables;
 - to clarify or adjust the boundaries of a landward area included by default as margin, in order to create a better ‘fit’ with the circumstances on the ground; or
 - to propose in some places that additional areas of land should be added to the coastal margin landward of the trail: land which is affected by such proposals is indicated on the maps with a purple wash and described in parts 2 and 3 of each report.

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

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

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

Voluntary access dedication

- vii Land that was previously dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000 (CROW) will become subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. There is also provision in the legislation for a land owner or long leaseholder to dedicate other land voluntarily as coastal margin if it lies adjacent to it or within it. Dedicating land as coastal margin disapplies the excepted land provisions within it, and may also make provision for the removal or relaxation of specific **national restrictions** that would otherwise apply. Parts 4.8.20 to 4.8.23 of the Coastal Access Scheme explain these provisions in more detail.

In each report the Part 4 Proposals Maps, in conjunction with the Part 2 Proposals Narrative and the Part 3 Proposals Tables, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

4. Preparation of the report

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

In line with this, before making the proposals in this compendium of reports for the stretch, we conducted extensive preliminary work in two main stages:

- Stage 1: Prepare – defining the extent of the coastal stretch with access authorities and identifying the key issues and opportunities, including sensitive features, in conjunction with key organisations; and
- Stage 2: Develop – checking the alignment on the ground, sharing our initial thoughts with land owners and offering to ‘walk the course’ with them, planning for the protection of key features, talking further with key interests and reality checking our proposals.

Stage 1 - Prepare

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:

- Cornwall Countryside Access Forum;
- Cornwall Council and Cormac officers, including ecology, geology, historic environment, planning, transport and countryside access staff;
- the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast;
- local officers of Historic England, in relation to historic features on this stretch of coast; and
- the Ministry of Defence, in relation to defence interests on this stretch of coast.

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

- the South West Coast Path Association;
- the Ramblers Association;
- the British Mountaineering Council;
- the National Farmers Union;
- the British Association for Shooting and Conservation, and
- the Country Land and Business Association.

We publicised on our website the start of work on the stretch and provided an opportunity for all other interested parties to submit to us their views on local issues and opportunities.

We also engaged with internal specialists and relevant organisations locally - including Cornwall Wildlife Trust, Royal Society for the Protection of Birds, Cornwall Seal Group and Cornwall Area of Outstanding Natural Beauty - to consider any potential for impacts on key sensitive features.

In addition to these discussions we took into account a wide variety of information, plans and strategies that we considered relevant to the alignment process. Those that are published on the internet are listed in Annex A: Bibliography.

We then took all reasonable steps to identify owners, occupiers and those with a legal interest in the land which could be affected.

Stage 2 - Develop

This stage involved us contacting, and discussing our initial thoughts with relevant owners, occupiers and other legal interests.

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

On sections where there was the potential to make improvements to the existing route of the South West Coast Path to fit more closely with the criteria set out in the Coastal Access Scheme, we contacted relevant owners and occupiers and asked for their views so that we could discuss options for alignment.

We also took reasonable steps to identify and contact any owners, occupiers or other legal interests who could foreseeably be affected in the future as a result of any roll-back that may prove necessary). See part 7 'Future Changes' below.

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

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

Key issues along this stretch

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

The proposed Newquay to Penzance stretch includes part of the estuaries of the rivers Gannel and Hayle.

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 systems found in this part of England, identifying the geographical limits of our discretion to align the trail around the estuaries of the River Gannel and the River Hayle 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 Gannel and Hayle 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 estuarial waters that is explained below under “Geographical limits of our discretion”.

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

c) Core national duties and considerations relevant to estuaries

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

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

The Scheme notes at paragraph 10.1.4 that because the seaward limit of estuarial waters is an arbitrary point from an access perspective, we are likely to use our discretion at most estuaries to extend the trail upstream to a more convenient point than this seaward limit. Paragraph 10.1.5 then adds “We will always

give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian public access” – both for reasons of continuity, and with a view to any additional recreational benefits that might result within the estuary itself from doing so.

Chapter 10 of the Scheme explains the **statutory estuary criteria** that section 301(4) of the 2009 Act requires to be taken into account in deciding whether or not to include an estuary in our proposals. These are discussed in more detail in subsections **e) and f)** below in relation to the Gannel and Hayle estuaries.

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

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

The estuary systems on this stretch of coast form part of an extensive collection of estuaries in Cornwall.

The Gannel flows from its source at Indian Queens in mid Cornwall and empties into the Atlantic Ocean to the south west of Newquay. At its mouth it separates the town of Newquay from the village of Crantock with its popular beach backed by sand dunes.

The River Hayle is approximately 19km long, rising near the village of Crowan before meandering west close to Mount’s Bay and then north towards St Erth. Hayle estuary is popular with leisure users and is home to a historic working harbour with its own small fishing fleet. On the south-western side of the estuary is a large expanse of mudflat which is an important roosting and feeding location for a variety of wildfowl and waders.

e) Gannel estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the Gannel runs between the headlands of Pentire Point East and Pentire Point West.

The statutory estuary criteria

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

i) Ferry services

There is a seasonal ferry service running across the Gannel between Riverside Crescent and Crantock Beach. The Fern Pit Ferry operates from the end of May to mid-September between 9.30am and 6pm when the tide is in (approximately 3 hours either side of high water);

ii) Character of the Estuary

Estuary width

At its seaward limit the Gannel estuary measures approximately 760m, widening slightly towards Crantock beach giving a feel of the open coast. East of the beach the estuary narrows to a channel of between 80m and 250m, reducing to around 25m at Trevemper Bridge.

Topography of the shoreline

The estuary consists of a main channel with one main inlet on its southern side – the Penpol Creek. Much of the bed of the river is exposed at low tide, with saltmarsh and mudflat revealed shortly after high tide in the area either side of the Trenance footbridge.

At the mouth of the estuary Crantock Beach is bordered by tall sand dunes to the south east and steep cliff and rocks to the north.

Nature of affected land

The northern side is composed of cliffs and coastal slope near the mouth of the estuary and has a distinctly coastal feel. Moving eastwards the land is more developed consisting of houses and gardens with some open areas of grassland and paths to the shore in places.

To the south the landscape is mostly open farmland with some woodland closer to the estuary. The majority of the river bed is exposed at low tide with intertidal areas of saltmarsh and mud flat revealed to the east shortly after high tide.

Features of interest

Newquay is a very popular leisure destination with visitors, particularly during the summer. It has a lively centre with shops, cafes and bars and is host to a variety of festivals and sporting events often based on and around the town's beaches.

To the south west of the town the headland of Pentire Point East provides panoramic views over Newquay and Fistral Beach and offers a unique viewpoint towards the beach and dunes of Crantock.

On the northern bank of the estuary is the site of the Gannel Boatyard where 20 large sailing vessels were built during the mid to late 19th century when the estuary was still able to be navigated by schooners and lighters.

On the southern side of the estuary at Penpol Creek there is evidence on the shoreline of its history as a port where goods were landed and taken further upstream by packhorse or cart. The quay, steps and mooring rings can still be seen on the wooded western shoreline at low tide.

iii) Recreational Benefit

Newquay is the largest settlement on the north coast of Cornwall with good transport links and a diverse range of local services. It is a popular tourist destination, particularly during the summer months, with a number of beaches and visitor attractions accessible from the town. Crantock Beach to the south of the Gannel estuary, is popular with families and water sports enthusiasts.

Access in the area is generally good, with the South West Coast Path National Trail providing various routes to cross the estuary by foot depending on the state of the tide. As a promoted route the England Coast Path could provide a continuous, well waymarked route around the estuary, using a combination of permissive routes, residential roads and Public Rights of Way.

iv) Excepted land

Much of the northern shore is likely to be excepted land, consisting of private houses and gardens. On the southern side, the landscape is mostly open with some woodland closer to the estuary and there is unlikely to be much land excepted from the coastal access rights.

v) Options for Gannel estuary






- Option 1 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the England Coast Path and would have to navigate themselves between Pentire Point East and Pentire Point West.
- Option 2 – Use our discretion to align the trail as far as the Fern Pit Ferry (approximately 1km from the seaward limit) where walkers can cross the estuary between Riverside Crescent and Crantock Beach by means of the seasonal, high tide ferry. The ferry operates from the end of May to mid-September between 9.30am and 6pm approximately 3 hours either side of high water.

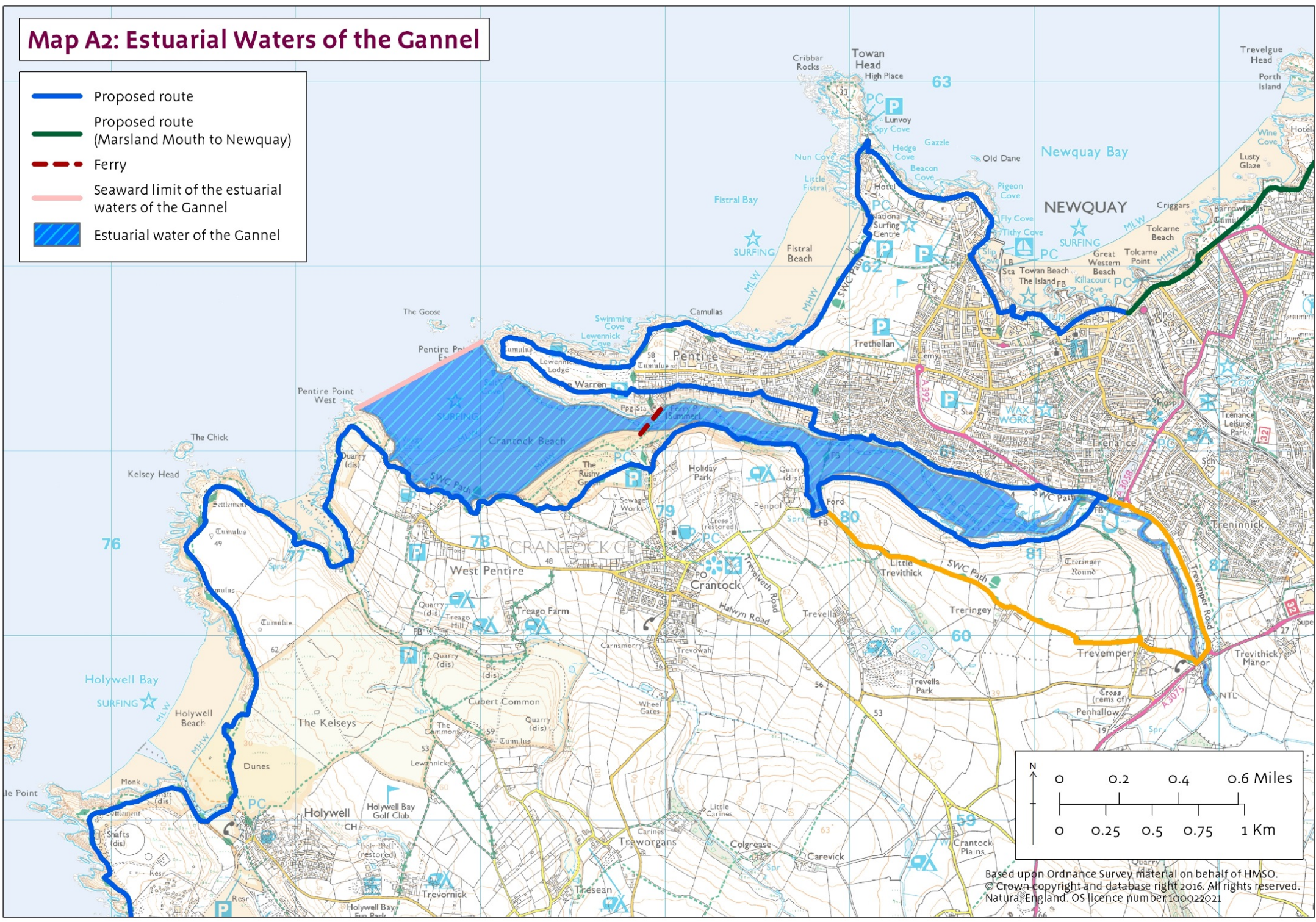
- Option 3 – Use our discretion to align the trail as far as the Penpol boardwalk where walkers can cross the estuary from the northern bank seaward of Penmere Drive to Penpol via the tidal boardwalk. The boardwalk is unavailable 3 hours either side of high tide. This route would involve an additional walk of 2.4km from the point of the ferry crossing.
- Option 4 – Use our discretion to align the trail as far as the Trenance footbridge where walkers can cross the estuary from Gannel Road on the northern side to the southern bank seaward of Treringey. The footbridge is unavailable 1.5 hours either side of high tide. This route would involve an additional walk of 3km from the point of the Penpol boardwalk.
- Option 5 – Use our discretion to align the trail as far as Trevemper Bridge and follow the existing high tide route to Penpol. This route would involve an inland diversion and additional walk of 3km from the point of the Trenance footbridge.
- Option 6 – Use our discretion to align the trail as far as the Fern Pit Ferry and align an alternative route over Trevemper Bridge which would come in use at times when the ferry is not operating. The alternative route would be long at 7.5km and walkers joining the path away from the ferry may have difficulty establishing when the alternative route is formally open. It would also deny the public the opportunity to enjoy suitable areas of spreading room and would not offer any improvements to existing access around the estuary.

Proposed route of the trail

Our proposal is to align the trail over the Trenance footbridge (Option 4) via public highways, public rights of way and a short section of private road. This route is available year-round at all states of the tide apart from 1.5 hours either side of high tide. An optional alternative route is proposed for use at high tide when the other crossing points are unavailable. This fulfils the core objective of the legislation – to create a continuous route around the coast – in a simple and cost effective way. Our proposal varies slightly from the existing South West Coast Path routes as signposted on the ground by taking a more seaward route on both sides of the estuary. See report NQP 1 for more details.

Map A2: Estuarial Waters of the Gannel

-  Proposed route
-  Proposed route (Marsland Mouth to Newquay)
-  Ferry
-  Seaward limit of the estuarial waters of the Gannel
-  Estuarial water of the Gannel



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f) Hayle estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the Hayle estuary coincides with Carrack Gladden to the west and Black Cliff to the east of the estuary.

The statutory estuary criteria

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

i) Ferry services

There is no ferry service across the Hayle estuary.

ii) Character of the Estuary

Estuary width

The Hayle estuary is at its widest at the seaward limit measuring almost 2km and is characteristic of open coast. The channel narrows to around 100m between Lelant and Harvey's Towans. Further upstream a sand spit divides the east and west sides of the river with the channel to its west reducing to approximately 65m.

Topography of the shoreline

The Hayle estuary consists of a main channel divided by a sand spit and contains other tidal areas including Copperhouse Pool, part of Carnsew Pool and the mudflats of the RSPB reserve.

The eastern side of the shoreline is largely built up consisting of the harbour area and its various quays.

To the south and west of the estuary the expanse of mudflats making up the RSPB reserve supports up to 18,000 migrant and wintering waterfowl.

Nature of affected land

Areas around the mouth of the estuary are strongly characteristic of the coast with large expanses of foreshore backed by dunes. Moving upriver, the town of Hayle dominates the eastern side of estuary with the working harbour areas of North, East and South Quays.

To the south east is an enclosed tidal area known as Carnsew Pool, and adjacent to this at the south western corner of the estuary, are the saltmarsh and mudflats of the RSPB reserve providing a distinctly coastal feel to the area.

The western side of the estuary is composed of houses, gardens, a large car park, football ground, small quay area and West Cornwall Golf Club. A railway line flanks the shoreline for most of the length of this side of the estuary.

Features of interest

The Port of Hayle is part of the Cornwall and West Devon Mining Landscape World Heritage Site. Hayle was predominately shaped by the mining industry and the Industrial Revolution of the eighteenth and nineteenth centuries. The settlement was an internationally important mining port, the global centre for steam engine manufacturing, and home to two large iron foundries serving the mining industry locally and across the world. Evidence of this industry still exists throughout the town and is of considerable historical significance. Hayle Harbour still operates today with a small fishing fleet, and many leisure boats visiting the area.

The RSPB Hayle Estuary Reserve covers a large part of the estuary and comprises intertidal areas of saltmarsh, mudflat, sand and the tidal areas of Copperhouse Pool and Carnsew Pool. It is the most south-westerly estuary in the UK and provides important feeding and roosting habitat for wintering waterfowl, gulls and waders.

iii) Recreational Benefit

It is currently possible to walk around the estuary along the South West Coast Path National Trail which uses roads or public rights of way for most of the length.

Hayle is a centre for tourism with a number of holiday parks situated in the extensive dunes to the north of the town, and other accommodation closer to the town centre. There are large beaches on both sides of the estuary at Hayle Towans to the east and Porthkidney Sands on the western side. The area is popular with birdwatchers drawn to the RSPB Hayle Estuary reserve and the many wetland birds visible from the coast path.

The railway line between St Erth and St Ives travels along the western edge of the estuary for most of its length, linking up smaller settlements of Lelant and Carbis Bay. The route of the South West Coast Path passes close to all the stations on this branch line, excluding St Erth, providing an opportunity to combine a coastal walk with a scenic train journey.

As a promoted route the England Coast Path could provide a continuous, well waymarked route around the estuary, using a combination of highways, permissive routes, and Public Rights of Way.

iv) Excepted land

The eastern and southern sides of the estuary are bordered by the town of Hayle. The route of the South West Coast Path passes close to the estuary apart from at West Quay and South Quay, where there are areas occupied by commercial and domestic buildings. There are also areas of the working harbour where statutory undertakings take place which would be excepted from coastal access rights.

On the western side of the estuary the railway line between St Erth and St Ives runs close to the edge of the estuary for most of its length. Landward of the railway line the land is mostly occupied by houses and gardens, with a large car park and St Ives Town football ground at Lelant Saltings. At Lelant the railway passes across a golf course with playing areas to both the seaward and landward sides.




v) Options for Hayle estuary

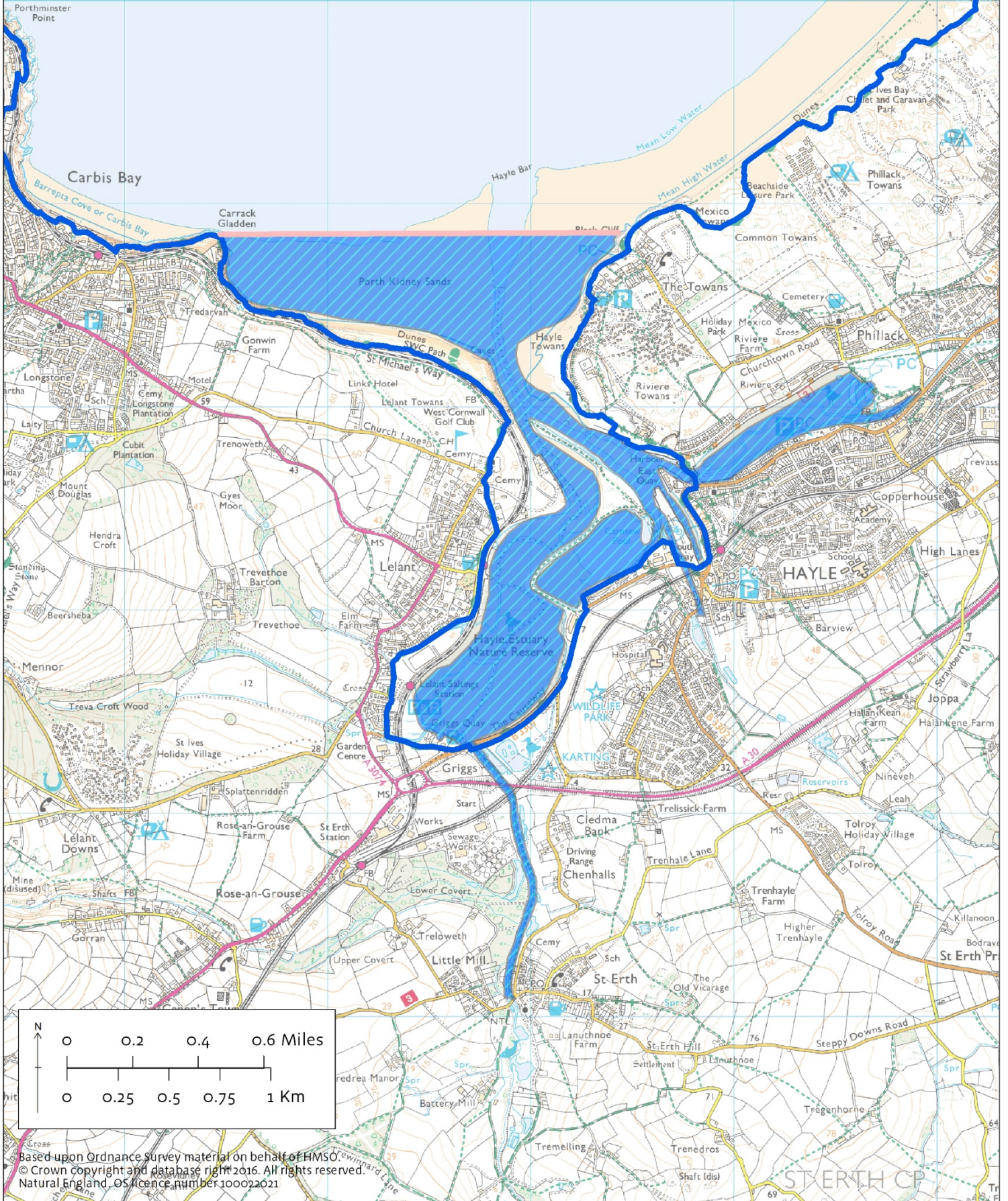
- Option 1 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Black Cliff and Carrack Gladden.
- Option 2 – Use our discretion to align the trail around the edge of the estuary to the first bridges (between North Quay and Hayle Terrace and along The Causeway) using existing walked routes, highways and public rights of way. The route around the estuary measures approximately 8km from the seaward limit.

Proposed route of the trail

Our proposal is to align the trail around the estuary (Option 2), following, for the most part, the route of the South West Coast Path National Trail. This fulfils the core objective of the legislation – to create a continuous route around the coast – in a simple and cost effective way. The route differs slightly from the South West Coast Path route at North Quay and South Quay. See report NQP 4 for more details.

Map A3: Estuarial Waters of the River Hayle

-  Proposed route
-  Seaward limit of the estuarial waters of the River Hayle
-  Estuarial water of the River Hayle



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ST ERTH CP

6. Other considerations on this stretch

a) Recreational Issues

Map B gives an overview of existing public access to the Cornish coast between Newquay and Penzance showing public rights of way, access land and the South West Coast Path National Trail along the stretch.

Our proposals will supplement the ambitions described in the Cornwall Countryside Access Strategy by enhancing provision of access at the coast.

The South West Coast Path already affords good linear coastal access throughout this stretch of coast. For the most part it maintains relatively close proximity to the sea, with access to the shoreline in many places.

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

The majority of the northern coast of this stretch between Perranporth and Land's End is designated as open access land, apart from the area between Gwithian and Clodgy Point. On the south coast there is open access land between Land's End and Penberth with a smaller area around Lamorna. These areas are shown as existing access land on Map B where possible at the scale of the map, and in more detail in the maps that accompany each report. There are no existing open access rights to the south coast between Penberth and Penzance.

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

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

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

b) Protection of the environment

The coastline between Newquay and Penzance is highly designated for its landscape, wildlife and cultural heritage assets.

Two Marine Conservation Zones (MCZ) are situated on this stretch of coast – Newquay and the Gannel MCZ and Runnel Stone MCZ. The Land's End to Cape Bank Special Area of Conservation (SAC) lies to the

west of the Land's End peninsula, Godrevy Head to St Agnes Head SAC is notified for species such as early gentian and the Penhale Dunes SAC is centred on the largest sand dune site in Cornwall.

Numerous Sites of Special Scientific Interest (SSSI) are situated along the coast between Pentire Point West and Newlyn. Notable vascular plants include Slender Birds Foot Trefoil and Yellow Bartsia with species such as kittiwake and grey seal also present in some places. On the south coast the SSSIs are mostly notified for their geological features. See Map C: Key statutory environmental designations on the stretch.

The majority of the rural coast of this stretch forms part of the Cornwall Area of Outstanding Natural Beauty. Parts of the northern and western coast are well known for their history of mining with evidence of this activity still present in the landscape. These areas are included in the Cornwall and West Devon Mining Landscape World Heritage Site. There are also a number of Scheduled Ancient Monuments along the coast. See Map D: Key landscape designations on the stretch.

The landscape of this stretch is varied. The north coast is generally more dramatic and is characterised by tall cliffs, open coastal plateau and rugged headlands. There are wide expanses of beach backed by extensive dunes at Crantock, Perranporth and between Gwithian and Hayle. Hayle is home to the most south westerly estuary in the UK and is an important site for a variety of wading birds. Various settlements separate areas of the rural northern coast, including the popular visitor destinations of Newquay and St Ives.

The south coast is home to sheltered coves, such as Penberth and Lamorna, and the harbour towns of Mousehole and Newlyn. In between these settlements the landscape is mostly farmed with the steeper areas of coastal slope left ungrazed. The largest settlement on the south coast of this stretch is the town of Penzance.

Tourism is a major contributor to the economy of this stretch with visitors drawn to the coast and the various attractions and holiday parks. Recreational activities include walking, cycling and water based pastimes such as surfing and sailing.

As a result of the proposals described in this Overview and associated reports for each length of coast, the quality of coastal paths will be improved and there will be greater certainty and clarity about the rights people have within the coastal margin. Use of the coast for outdoor recreation can, if not carefully managed, add to environmental pressures such as the presence of people causing disturbance to wildlife or new paths leading to removal and fragmentation of habitat. Part of the process we go through on each length of coast when we are developing our detailed proposals is about finding ways to avoid or reduce such impacts, and ensure compliance with legislation to protect the environment.

In developing our detailed proposals for coastal access we have taken account of environmental protection objectives and these are, where relevant, discussed in more detail in the relevant report for each length of coast and the following documents that we have published separately:

A single Habitats Regulations Assessment (www.gov.uk/government/publications/england-coast-path-from-newquay-to-penzance-comment-on-proposals) relating to any potential impact on the conservation objectives of affected sites from the proposals we make in each report for the stretch. This assessment considers any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.

Our Nature Conservation Assessment (www.gov.uk/government/publications/england-coast-path-from-newquay-to-penzance-comment-on-proposals) for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation.

c) Interests of owners and occupiers

In discharging our coastal access duty we must aim to strike a fair balance between the interests of the public in having rights of access over coastal land, and the interests of owners and occupiers of land over which any coastal access rights would apply. This was a key driver in the design of our proposals, which were discussed in detail with the owners and occupiers of the affected land, and are reflected in the reports insofar as they were relevant to the individual lengths of coast described.

Rural coast

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

Most of the rural coast is designated as part of the Cornwall Area of Outstanding Natural Beauty, with large areas also part of the Cornwall and West Devon Mining Landscape World Heritage Site. Access along the existing route of the South West Coast Path through these areas is well established, with access to the beach and foreshore in places.

The issues highlighted by owners and occupiers in these parts of the stretch are 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 gardens, buildings and their curtilage. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

Some landowners also expressed concerns over liability within the coastal margin. Another provision in the coastal access legislation is a reduced level of owner/occupier liability which will apply to both natural and manmade features within the coastal margin. This additional measure was taken to limit any potential liability to landowners as a result of the coastal access legislation. This reflects a key principle of the legislation that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

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

Urban coast

Interspersed along the rural coastline are a number of coastal settlements and harbours including Perranporth, Porthtowan, Portreath, Sennen, Mousehole and Newlyn, as well as the larger towns of Newquay, Hayle, St Ives and Penzance. Tourism is important to the coastal economy in these settlements throughout the year, with numerous attractions, holiday parks and sandy beaches attracting large numbers of visitors.

The railway branch line from St Erth runs close to the coast between Hayle and St Ives, skirting the western edge of the Hayle estuary and stopping off at small coastal settlements along its route.

The concerns of owners/occupiers in these areas related mostly to the privacy and security of residents particularly those lying within the coastal margin to the seaward side of the trail. As explained under the 'Rural Coast' heading these issues are largely addressed by the 'excepted land' provisions in the coastal access legislation.

Within these urban areas, the trail, for the most part, follows the existing South West Coast Path National Trail as currently walked and managed.

d) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the Cornwall and Isles of Scilly 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 along the open, rural coast between Newquay and St Ives 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 the initial route has been approved. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports.





The granite cliffs of Penwith are not usually subject to significant rates of coastal erosion. In this area we have only identified a possible requirement for roll back where the route is very close to the cliff edge and data shows potential future vulnerability.

The developed areas of Newquay, Perranporth, Hayle, St Ives, Mousehole, Newlyn and Penzance are defended and unlikely to be affected significantly by coastal processes in the foreseeable future. We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

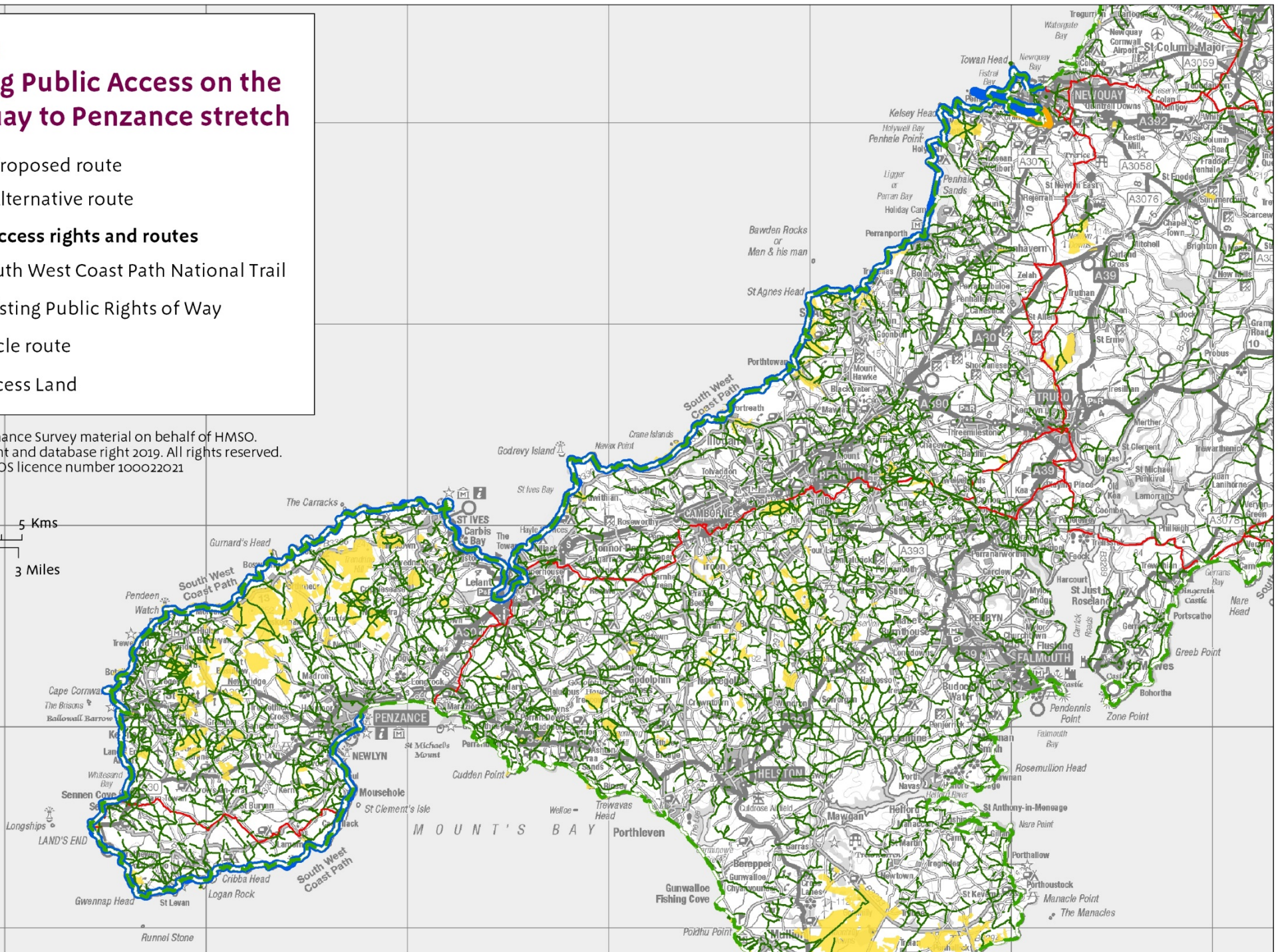
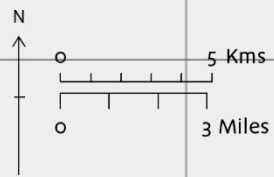
Map B: Existing Public Access on the Newquay to Penzance stretch

-  Proposed route
-  Alternative route

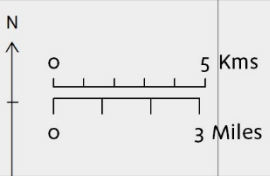
Existing access rights and routes

-  South West Coast Path National Trail
-  Existing Public Rights of Way
-  Cycle route
-  Access Land

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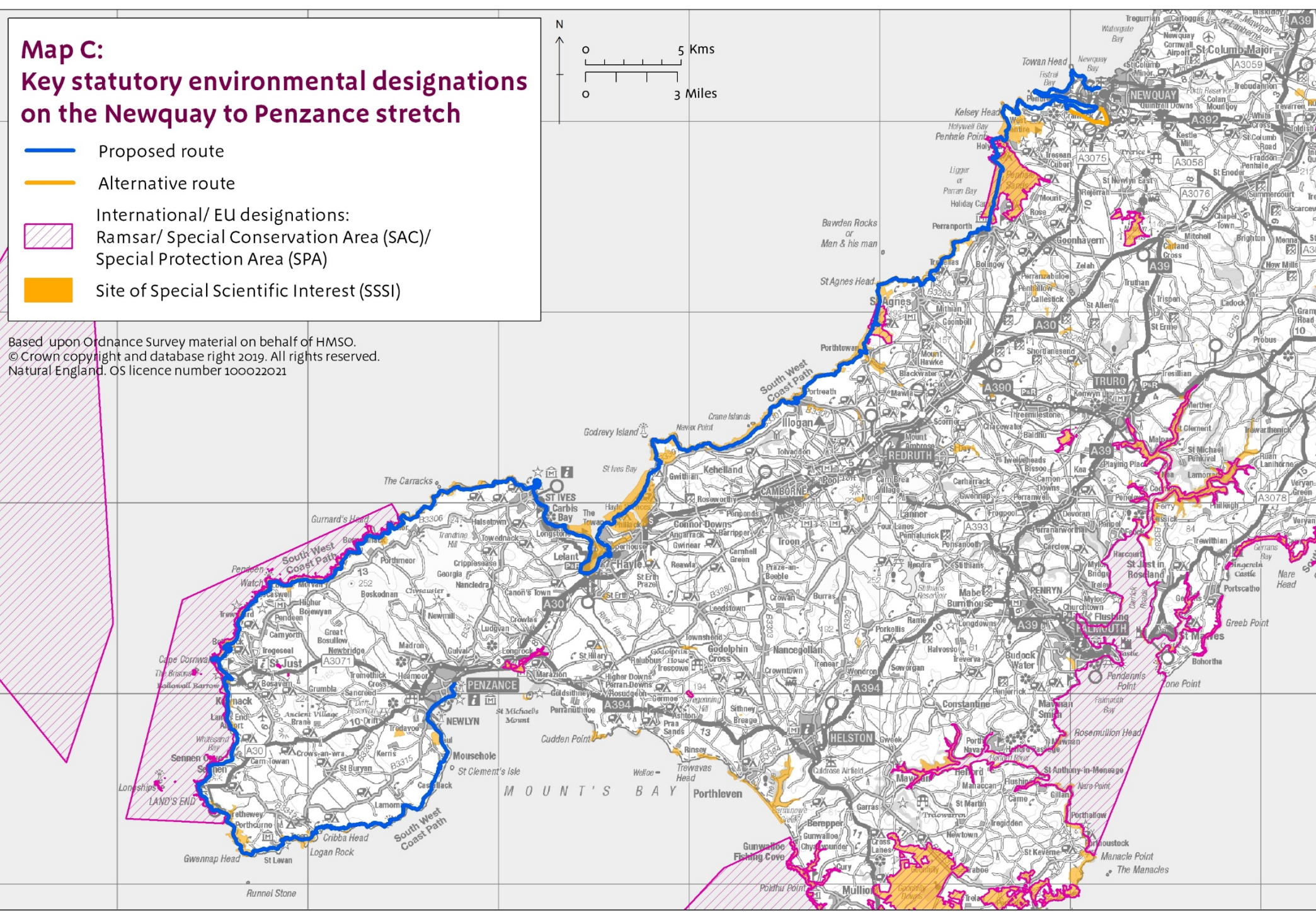


Map C: Key statutory environmental designations on the Newquay to Penzance stretch








- Proposed route
- Alternative route
- International/ EU designations:
 Ramsar/ Special Conservation Area (SAC)/
Special Protection Area (SPA)
- Site of Special Scientific Interest (SSSI)

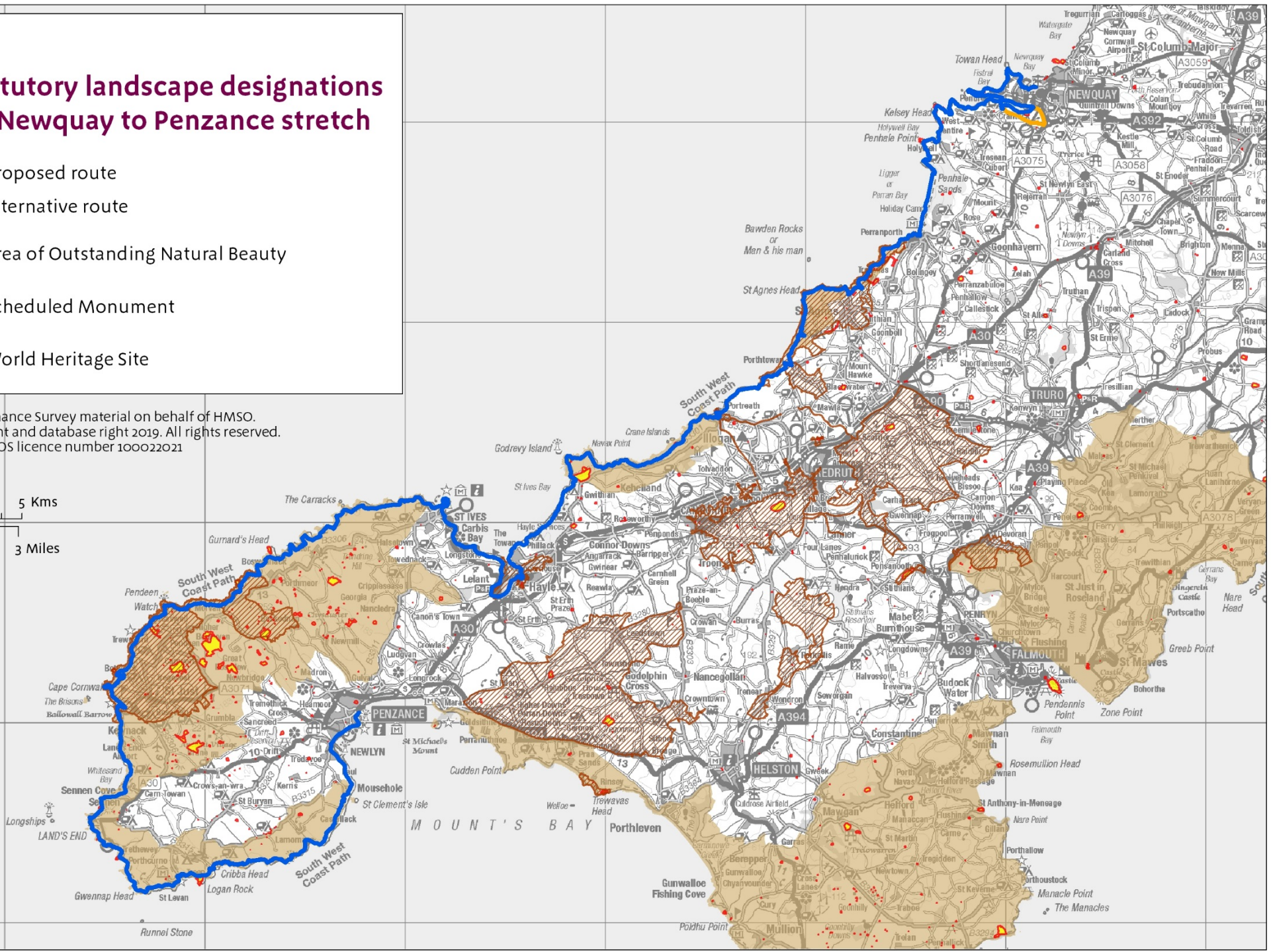
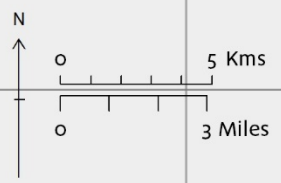
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Map D: Key statutory landscape designations on the Newquay to Penzance stretch

-  Proposed route
-  Alternative route
-  Area of Outstanding Natural Beauty
-  Scheduled Monument
-  World Heritage Site

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Other issues

7. Future changes

Below we explain the procedures for future changes to the coastal access provisions, once proposals have been approved by the Secretary of State. Where the need for future changes was foreseeable at the time of preparing the proposals we have indicated this in the relevant reports.

Roll-back

Reports NQP 1 to NQP 8 include proposals for specified parts of the route to 'roll back' either:

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

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

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

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

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

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

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

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

Ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we have provided further information within the tables in Part 3 of the relevant report. This and the above information is intended as a guide only, based on information available to us at the time of writing, and on expert advice provided by the access authority,

Environment Agency and others. We have taken and will continue to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.

Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make any other changes to the route of the trail (or to propose non-automatic changes to the landward boundary of the coastal margin) – for example if the land was subject to new build development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports. Potential developments of which we are already aware that could potentially affect the route on the stretch are summarised below.

- At Godrevy (route sections NQP-3-S097 and NQP-3-S098 on map NQP 3k), the National Trust are looking into relocating the road linking the main car park with the farm and overflow car park to a more landward location away from the eroding cliff edge. In talks with the Trust we have expressed our desire to keep the route of the England Coast Path close to the sea and seaward of any new road. As the plans progress we will remain in contact with the National Trust to determine a suitable route for the trail.
- At North Quay, Hayle (route sections NQP-4-S024 to NQP-4-S027 on map NQP 4c) outline permission has been granted for a mixed use development of this area. We have agreed a route for the England Coast Path in this area on the upper quay in consultation with the developers and the Harbour Authority. Should the development plans alter in the future we will enter into further discussions with the interested parties to ensure the route of the England Coast Path is fully considered.
- At South Quay, Hayle (route sections NQP-4-S030 to NQP-4-S038 on map NQP 4d) planning permission has been granted for a retail and residential development. The trail currently passes landward of the main quay area and supermarket. The plans for the area include the construction of a footbridge from Penpol Terrace to South Quay. This could create a more desirable route for the England Coast Path in this area and once constructed we will talk to the interested parties to discuss this further.

However, even without a variation report:

- i We would be able to impose new or modify existing local restrictions or exclusions on coastal access rights as necessary, and people with a legal interest in the land would be able to apply to us for such directions under certain circumstances – see chapter 6 of the Coastal Access Scheme.
- ii Further work could be carried out where necessary either to establish or maintain the route, or to provide any means of access to the coastal margin, using powers and procedures set out in Schedule 20 of the Marine and Coastal Access Act 2009 and chapter 3 of Part 1 the Countryside and Rights of Way Act 2000.
- iii. If at any time the use of affected land should change, the normal rules in relation to excepted land would apply, so for example land newly covered by buildings and their curtilage, and land in the course of development, would automatically become excepted from the coastal access rights – see Annex C: Excepted Land Categories.



8. Restrictions and exclusions

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

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

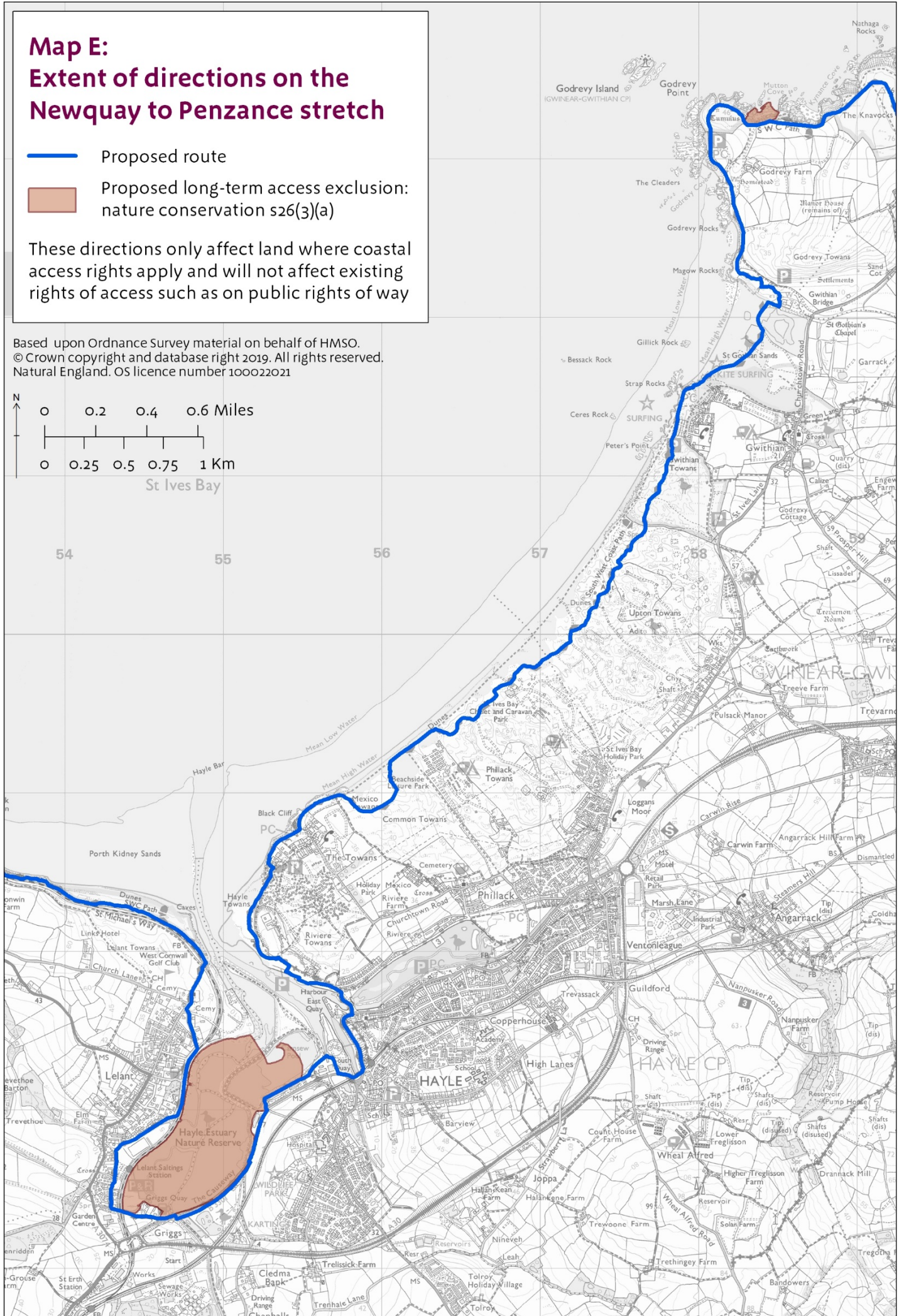
Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
NQP 3	Godrevy - The foreshore seaward of route sections NQP-3-S090 & NQP-3-S091	No public access	Sensitive wildlife	Nature conservation s26(3)(a)	All year-round
NQP 4	Hayle Estuary - The coastal margin seaward of route sections NQP-4-S043 to NQP-4-S053	No public access	Sensitive wildlife	Nature conservation s26(3)(a)	All year-round

Map E: Extent of directions on the Newquay to Penzance stretch

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

These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way

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Annex A: Bibliography

Information about Natural England's coastal access programme:

Natural England

www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast

Information about the statutory framework for coastal access:

Department for Environment, Food and Rural Affairs

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

Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

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

Marine and Coastal Access Act 2009

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

Countryside & Rights of Way Act 2000 [CROW]

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

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

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

National Parks and Access to the Countryside Act 1949

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

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

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

Environmental legislation referred to in the reports:

The Conservation of Habitats and Species Regulations 2017 (as amended)

<http://www.legislation.gov.uk/uksi/2017/1012/contents/made>

The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<http://www.legislation.gov.uk/uksi/2018/1307/contents/made>

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

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

Other published information used in the preparation of the report:

Cornwall and Isles of Scilly Shoreline Management Plan

Cornwall and Isles of Scilly Coastal Advisory Group (CISCAG) on behalf of Cornwall Council

www.cornwall.gov.uk/environment-and-planning/countryside/estuaries-rivers-and-wetlands/flood-risk/coastal-erosion-and-shoreline-management/shoreline-management-plans/shoreline-management-plan-2011-smp2/

A register of coastal climbing sites in England

British Mountaineering Council

www.thebmc.co.uk/Download.aspx?id=692

Cornwall Area of Outstanding Natural Beauty Management Plan 2016-2021

Cornwall AONB

www.cornwall-aonb.gov.uk/management-plan/

The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013-2018

www.cornwall.gov.uk/environment-and-planning/conservation/world-heritage-site/

Cornwall Countryside Access Strategy 2007

Cornwall County Council

www.cornwall.gov.uk/environment-and-planning/countryside/cornwall-countryside-access-strategy/

Cornwall Landscape Character Assessment

Cornwall Council

www.cornwall.gov.uk/environment-and-planning/cornwalls-landscape/landscape-character-assessment-2007/

The Cornish Killas National Character Area profile

Natural England

<http://publications.naturalengland.org.uk/publication/6654414139949056?category=587130>

West Penwith National Character Area profile

Natural England

<http://publications.naturalengland.org.uk/publication/3510328?category=587130>

Annex B: Glossary of terms

The terms and their explanations below are included for guidance only

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 we use to describe the choices we make about the proposed route of the **trail** and the landward boundary of the **coastal margin**.

alternative route means a route proposed to the **Secretary of State** under section 55C of the **1949 Act**, to operate as a diversion from the **ordinary route** at certain times. The associated term **optional alternative route** denotes a route which the public has the *option* to use at times when the **ordinary route** is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Neither type of alternative route creates any seaward **margin**. Paragraphs 4.10.16 to 4.10.18 of the Scheme explain more about the potential use of optional alternative routes.

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

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

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

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

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

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

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

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

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

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

estuarial waters are defined in section 309 of the **2009 Act** as any waters within the limits of transitional waters within the meaning of Council Directive 2000/60/EC (the European Community Water Framework Directive). Transitional waters are defined in Schedule 1 to the Directive as "bodies of surface water in the vicinity of river mouths which are partially saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows". The Environment Agency has mapped their **seaward limit** on each English estuary. Section 10.1 of the Scheme explains the relevance of estuarial waters to our proposals for coastal access at estuaries.

excepted land – see Annex C.

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

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

gate is used in several ways in the reports:

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

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

Habitats Regulations Assessment means an assessment made in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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

a **length** is the term used to describe the part of **the stretch** covered by each individual report.

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

margin (see coastal margin)

national restrictions – see Annex D.

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

objection means an objection by a person with a relevant interest in affected land (i.e. its owner or occupier) to Natural England about a proposal in a report. An objection must be made on certain specified grounds, in accordance with the provisions in Schedule 1A of the **1949 Act** (as inserted by Schedule 19 of the **2009 Act**). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering objections.

ordinary route means the line normally followed by **the trail**.

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

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

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

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

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

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

restrict/restriction – see “exclude/exclusion”.

Roll-back is the term the Scheme uses to describe arrangements made under the provisions of section 55B of the **1949 Act**, whereby we may propose to the **Secretary of State** in a **coastal access report** that the route of a specified part of the **trail** which is subject to significant erosion or other coastal processes, or which links to such a section of trail, should be capable of being repositioned later in accordance with the proposals in our relevant report, without further confirmation by the Secretary of State. Section 4.10 of the Scheme explains in more detail how this works, and part 6(d) of this Overview explains this in the context of the stretch.

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

section 15 land means land with public access rights under:

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

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

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

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

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

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

stretch is the whole area covered by our compendium of statutory reports making coastal access proposals to the Secretary of State, each covering one **length** within the stretch.

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

the trail is the term we use to describe the strip of land people walk along when following the route identified for the purposes of the **Coastal Access Duty**. See part 1.3 of the Coastal Access Scheme. Following approval by the Secretary of State of our proposals, the trail along that **stretch** becomes part of the **National Trail** known as the **England Coast Path**. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the **coastal margin**.

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

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

Annex C: Excepted land categories

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

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

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

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

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

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

Annex D: National restrictions

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

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

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

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

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

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

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

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

General restrictions

- 1 (1) Subject to sub-paragraph (2), section 2(1) does not entitle a person to be on any land if, in or on that land, he –
- (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
 - (b) uses a vessel or sailboard on any non-tidal water,
 - (c) has with him any animal other than a dog,
 - (d) commits any criminal offence,
 - (e) lights or tends a fire or does any act which is likely to cause a fire,
 - (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
 - (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
 - (h) feeds any livestock,
 - (i) bathes in any non-tidal water,
 - (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
 - (k) uses or has with him any metal detector,
 - (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
 - (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
 - (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
 - (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
 - (p) affixes or writes any advertisement, bill, placard or notice,
 - (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect –
 - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
 - (ii) of obstructing that activity, or
 - (iii) of disrupting that activity,
 - (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
 - (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
 - (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.
- (2) Nothing in sub-paragraph (1)(f) or (j) affects a person's entitlement by virtue of section 2(1) to be on any land which is coastal margin if the person's conduct (to the extent that it falls within sub-paragraph (1)(f) or (j)) is limited to permitted fishing-related conduct.
- (3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person –
- (a) having a fishing rod or line, or

(b) engaging in any activities which –

(i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and

(ii) take place on land other than land used for grazing or other agricultural purposes.

2 (1) In paragraph 1(k), “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is “lawful” if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.

3 Regulations may amend paragraphs 1 and 2.

4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.

(2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.

5 Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.

6 In paragraphs 4 and 5, “short lead” means a lead of fixed length and of not more than two metres.

6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if –

(a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and

(b) at that time, the dog is not under the effective control of that person or another person.

(2) For this purpose a dog is under the effective control of a person if the following conditions are met.

(3) The first condition is that –

(a) the dog is on a lead, or

(b) the dog is within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.

(4) The second condition is that the dog remains –

(a) on access land, or

(b) on other land to which that person has a right of access.

(5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.

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

(2) In this paragraph –

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

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

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

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Christine White/Natural England

Enquiries about the proposals should be addressed to:

Coastal Access Delivery Team – South West

Natural England

Sterling House

Dix's Field

Exeter

EX1 1QA

Telephone: 0208 026 7602

Email: southwestcoastalaccess@naturalengland.org.uk

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