

www.gov.uk/englandcoastpath

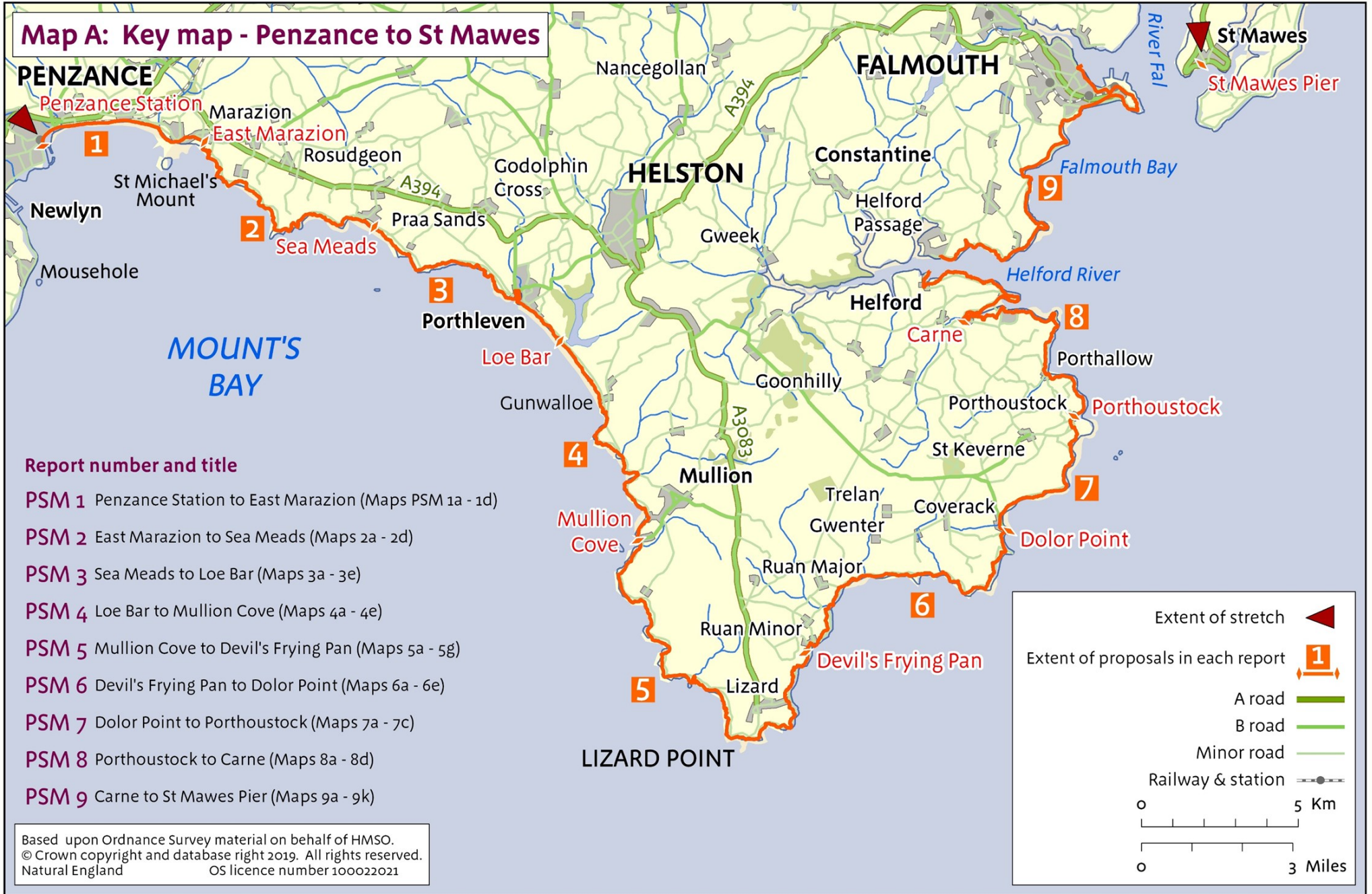


England Coast Path Stretch: Penzance to St Mawes

Overview to Natural England's statutory reports to the Secretary of State for Environment, Food and Rural Affairs




Map A: Key map - Penzance to St Mawes





Report number and title


- PSM 1** Penzance Station to East Marazion (Maps PSM 1a - 1d)
- PSM 2** East Marazion to Sea Meads (Maps 2a - 2d)
- PSM 3** Sea Meads to Loe Bar (Maps 3a - 3e)
- PSM 4** Loe Bar to Mullion Cove (Maps 4a - 4e)
- PSM 5** Mullion Cove to Devil's Frying Pan (Maps 5a - 5g)
- PSM 6** Devil's Frying Pan to Dolor Point (Maps 6a - 6e)
- PSM 7** Dolor Point to Porthoustock (Maps 7a - 7c)
- PSM 8** Porthoustock to Carne (Maps 8a - 8d)
- PSM 9** Carne to St Mawes Pier (Maps 9a - 9k)


Based upon Ordnance Survey material on behalf of HMSO.
 © Crown copyright and database right 2019. All rights reserved.
 Natural England OS licence number 100022021


Extent of stretch 

Extent of proposals in each report 

A road 

B road 

Minor road 

Railway & station 

0 5 Km

0 3 Miles

Report number and title

PSM 1: Penzance Station to East Marazion (Maps PSM 1a to PSM 1d)

PSM 2: East Marazion to Sea Meads (Maps PSM 2a to PSM 2d)

PSM 3: Sea Meads to Loe Bar (Maps PSM 3a to PSM 3e)

PSM 4: Loe Bar to Mullion Harbour (Maps PSM 4a to PSM 4e)

PSM 5: Mullion Harbour to Devil's Frying Pan (Maps PSM 5a to PSM 5g)

PSM 6: Devil's Frying Pan to Dolor Point (Maps PSM 6a to PSM 6e)

PSM 7: Dolor Point to Porthoustock (Maps PSM 7a to PSM 7c)

PSM 8: Porthoustock to Carne (Maps PSM 8a to PSM 8d)

PSM 9: Carne to St Mawes Pier (Maps PSM 9a to PSM 9k)

Using the Key Map

Map A (opposite) shows the whole of the Penzance to St Mawes 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 9 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the 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.

Contents

Report number and title	3
Using the Key Map	3
Printing	3
Contents	4
Please read first!.....	5
Introduction.....	6
1. Improving coastal access	6
2. The determination process	7
3. Understanding the proposals and accompanying maps	8
Our Proposals:.....	8
Part 3 Proposals Tables explained	8
Part 4 Proposals Maps explained	13
4. Preparation of the report	15
Stage 1 - Prepare	15
Stage 2 - Develop.....	16
Key issues along this stretch.....	17
5. Discretion to include part or all of an estuary or estuaries.....	17
Helford estuary	18
Map A2 showing estuarial limit of Helford River	21
Fal estuary.....	22
Map A3 showing estuarial limit of River Fal.....	25
6. Other considerations on this stretch	26
Map B: Existing public access on Penzance to St Mawes.....	30
Map C: Key statutory environmental designations on Penzance to St Mawes	31
Map D: Key statutory landscape designations on Penzance to St Mawes	32
Other issues	33
7. Future changes	33
8. Restrictions and exclusions	35
Map E: Map showing overall effect of directions to restrict or exclude access on Penzance to St Mawes	36
Annex A: Bibliography	37
Information about Natural England's coastal access programme:	37
Information about the statutory framework for coastal access:	37
Environmental legislation referred to in the reports:.....	37
Other published information used in the preparation of the report:	37
Annex B: Glossary of terms	39
Annex C: Excepted land categories	44
Annex D: National restrictions.....	45
Countryside and Rights of Way Act 2000.....	46

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 Penzance and St Mawes. 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 PSM 1a to PSM 1d illustrate the proposals in report PSM 1, which deals with the length from Penzance Station to East Marazion.

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 Penzance and St Mawes. 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 places which will significantly improve the existing coast path (the South West Coast Path) along this stretch of coast;
- For the first time, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, 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 Penzance to St Mawes, which can be viewed here www.gov.uk/government/publications/coastal-access-in-cornwall-from-penzance-to-st-mawes-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 9 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 PSM 1a to PSM 1d illustrate the proposals described in report PSM 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. There is one table for sections of the trail that follow the existing South West Coast Path as currently walked and managed and a separate table (if appropriate) for sections of the path that follow a new route.
- **Part 4: Proposals Maps** – These show in map form the proposals set out in the Proposals Narrative and Proposals Tables.

Part 3 Proposals Tables explained

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.

Part 4 Proposals Maps explained

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. For sections of the trail that differ from the existing South West Coast Path it also enables 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 part of the South West Coast Path. Some of these differences may be attributed to adaptation of the path over time to cope with coastal erosion and other processes, whilst others appear to arise from anomalies in the way the rights were originally recorded on the definitive map. In such places, the maps in this report depict our proposed route to coincide with the path currently used and managed as part of the South West Coast Path, rather than the public right of way recorded on the Definitive Map. This line is displayed as accurately as possible at the scale of the report map. The legal definitive map is held on paper copy by Cornwall Council and a working copy is available to view online at <https://map.cornwall.gov.uk/website/ccmap>. 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&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 means the excepted land provisions do not apply there and may also be used to relax or remove 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, sensitive features and opportunities for improving the existing South West Coast Path, in conjunction with key organisations; and
- Stage 2: Develop – checking the alignment with Cornwall Council and National Trust as a desk based exercise, 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 (CCAF);
- Cornwall Council and Cormac officers, including ecology, geology, historic environment, planning, transport and countryside ranger 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;
- the Ministry of Defence, in relation to defence interests on this stretch of coast;
- officers from the Cornwall Area of Outstanding Natural Beauty (AONB) partnership; and
- local parish councils in relation to significant trail improvements.

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

- the South West Coast Path Association;
- the Ramblers Association;
- the Open Spaces Society;
- the British Mountaineering Council;
- The Disabled Ramblers;
- Cornwall Rolling Ramblers;
- Sustrans Cornwall;
- 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 South West Peregrine Group, Cornwall Seal Group Research Trust, Cornwall Wildlife Trust, The Botanical Society of Britain and Ireland (BSBI) Recorders Colin French and Ian Bennallick, Helford Marine Conservation Group, British Trust for Ornithology and Royal Society for the Protection of Birds (RSPB) - 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 met with relevant owners and occupiers, asked for their views and invited them to join us when we visited the land to 'walk the course' so that we could discuss options for alignment.

We also took reasonable steps to identify and contact any owners, occupiers or other legal interests who could foreseeably be affected in the future as a result of any roll-back that may prove necessary). See part 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 Penzance to St Mawes stretch includes the Helford and Fal estuaries.

a) Introduction

This part of the Overview:

- introduces the core statutory duties and considerations for the national programme as a whole in relation to exercising the discretion to include part, or all, of an estuary within our proposals;
- describes the overall nature of the estuary system(s) found in this part of England, identifying the geographical limits of our discretion to align the trail around the Helford and Fal estuaries included within this stretch of coast;
- goes on to explain in more detail how each of the specific estuary considerations set out at section 301 of the 2009 Act affects our view of the options for the Helford and Fal 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) to f)** below in relation to the Helford and Fal 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 two estuaries within the Penzance to St Mawes stretch form part of an extensive collection of estuaries in West Cornwall. Fal and the Helford are among the county’s largest estuaries due to tectonic tilting to the south. They are defined as rias – a flooded or drowned river valley - with a complex sets of tributaries and sub-tributaries.

The Helford catchment encompasses numerous streams and creeks including the Helford River and the smaller Gillan Creek inlet just to its south. The estuary flows into Falmouth Bay. The village of Gweek located 6km west of the Helford ferry crossing is at the head of the ria while the main source of the Helford River is near the market town of Helston approximately 4km west of Gweek. Gillan Creek is approximately 1.5km long and flows from the village of Carne.

The Fal estuary is a vast estuary made up of a complex collection of rivers and creeks that come together before flowing into Falmouth Bay. With a total shoreline of approximately 127km it includes rivers such as Penryn River, Restrounguet Creek, River Fal and Truro River. Of these the River Fal is the longest, flowing from its source at Goss Moor approximately 35km to the north.

Helford estuary

Geographical limits of our discretion

The seaward limit of the Helford estuary runs from Nare Point to Rosemullion Head. Several bridges cross the creeks and rivers that form the estuary, the furthest upstream being at Gweek. A public footpath crosses Gillan Creek along stepping stones which are only accessible at low tide. A ferry between Helford and Helford Passage provides the only crossing point across the main river.

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

A ferry for foot passengers operates from Helford village on the southern shore of Helford River to Helford Passage on the northern shore. It runs between Good Friday or the 1st April, whichever is earlier, to 31st October seven days a week between 9:30 and 5pm. The service is extended into the evening during peak summer holiday season. The ferry is removed from the water during the winter period due to practical and health and safety reasons. The existing route of the South West Coast Path runs to the ferry crossing point at each side of the river.

A small on-call ferryboat runs across Gillan Creek in summer at high tide when the local boatman is available.

ii) Character of the Estuary

Estuary width

The Helford estuary is 2.7km at its widest at the seaward limit. From here it narrows gradually and separates out into a number of smaller creeks and inlets which contract to only a few meters wide. In general the coastal feel of the estuary is more prominent between its mouth and Groyne Point where the river splits into a number of smaller creeks. The Helford ferry crossing point is approximately 600m wide. The stepping stone section traversing Gillan Creek at low tide is approximately 150m across.

Topography of the shoreline

The estuary consists of a wide network of streams and inlets which flow into seven creeks – including Gillan Creek - and the Helford River. The estuary has a convoluted shoreline that is approximately 47 km in length. The topography of the entire estuary is characterised by steep slopes with extensive mature broadleaved woodland fringing the shoreline. Above the band of woodland, the steep slopes provide far reaching views of the surrounding countryside.

The estuary is heavily influenced by the tide which reveals extensive areas of ecologically important intertidal mudflats, predominantly landward of the ferry crossing point. Seaward of the ferry crossing, the coast is dotted with small coves and remote sand and shingle beaches.

Nature of affected land

The north coast, between the seaward limit of the estuary and the ferry crossing, and the south coast, between the seaward limit of the estuary and Gillan Creek, is dominated by narrow rough coastal slopes and secluded coves backed by pastureland. Above the dense woodland fringes along the shoreline, small upland ridges support a mix of pastoral and arable farmland in between the estuary's inlets and creeks. Far reaching views above the band of woodland provide a distinctive coastal feel.

Settlement is sparse with small historic nucleated villages at Port Navas, Gweek, Helford Passage and Helford, and St Anthony-in-Meneage on Gillan Creek, and numerous small quays and jetties dotted along the estuary.

Features of interest

The area's main interest feature is the busy estuarial waters where recreational boats and yachts join shellfish boats, fishing boats and ferries. Many of the boats moor at Gweek at the head of the ria, whilst others moor in the river itself or in the tidal creeks at characteristic small quays and jetties.

Apart from these water based activities the accessible interest features are limited to the Seal Sanctuary at Gweek, a permissive footpath at Frenchman's Creek (made famous in a novel by Daphne Du Maurier), a hotel and golf course on the north bank between Porth Navas and Helford Passage, and the gardens of Trebah and Glendurgan. Otherwise the area feels remote and untouched.

iii) Recreational Benefit

Apart from through water based activities (rowing, sailing, and fishing) access to the area around the estuary is very limited due to its remoteness and limited existing rights of way. The existing South West Coast Path route and public footpaths immediately west of Helford Village provide the full extent of public access. In addition National Trust provide permissive access to Frenchman's Creek.

The road network is characterised by narrow sunken country lanes which, due to safety reasons, is not popular for walking.

Given the lack of existing access to the shoreline, the recreational benefit of a trail around the estuary would be significant. However, the lack of existing access, coupled with some very steep and difficult terrain, would make the establishment of a waterside trail challenging.

iv) Excepted land

Not much of the shoreline is likely to be excepted as it is mostly woodland with few waterside settlements. The main excepted areas will be buildings and gardens in the urban areas at Helford, Helford Passage, Gweek, Porth Navas and St Anthony-in-Meneage where any proposed route would have to follow public roads.

v) Options for Helford estuary

- Option 1 – align the trail around the estuary. This would help fulfil aspirations to improve access around the estuary. However, due to the current very limited existing rights of ways in the area and the convoluted nature of the shoreline with numerous steep sided inlets and creeks which do not currently have pedestrian crossing points, this option would be difficult and costly to implement.
- Option 2 – align the trail as far as the seasonal ferry service between Helford Village and Helford Passage. The ECP would follow a route similar to the current route of the South West Coast Path. This would allow continuous access along the open coast for walkers in the spring and summer. In winter months when the ferry is not in operation walkers would have to follow an informal 21km inland route around the estuary following narrow sunken country lanes with no coastal views. Infrequent public transport or taxi to the other side of the estuary is also a possibility.
- Option 3 – pursue Option 2 but work to facilitate an extension of the seasonal ferry service to also run during winter months. This would allow year-round access to the open coast. However, due to practical and health and safety issues linked with operating the ferry through the winter the running costs for this solution would be prohibitively expensive and the service would frequently have to be stopped because of unfavourable weather conditions.
- Option 4 – pursue Option 2 and install a formal alternative route around the estuary using public footpaths and lanes. However, existing rights of way in the area are very limited and local lanes are not considered appropriate in safety terms to be formalised as an alternative route.
- Option 5 - 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 Nare Point and Rosemullion Head.

Proposed route of the trail

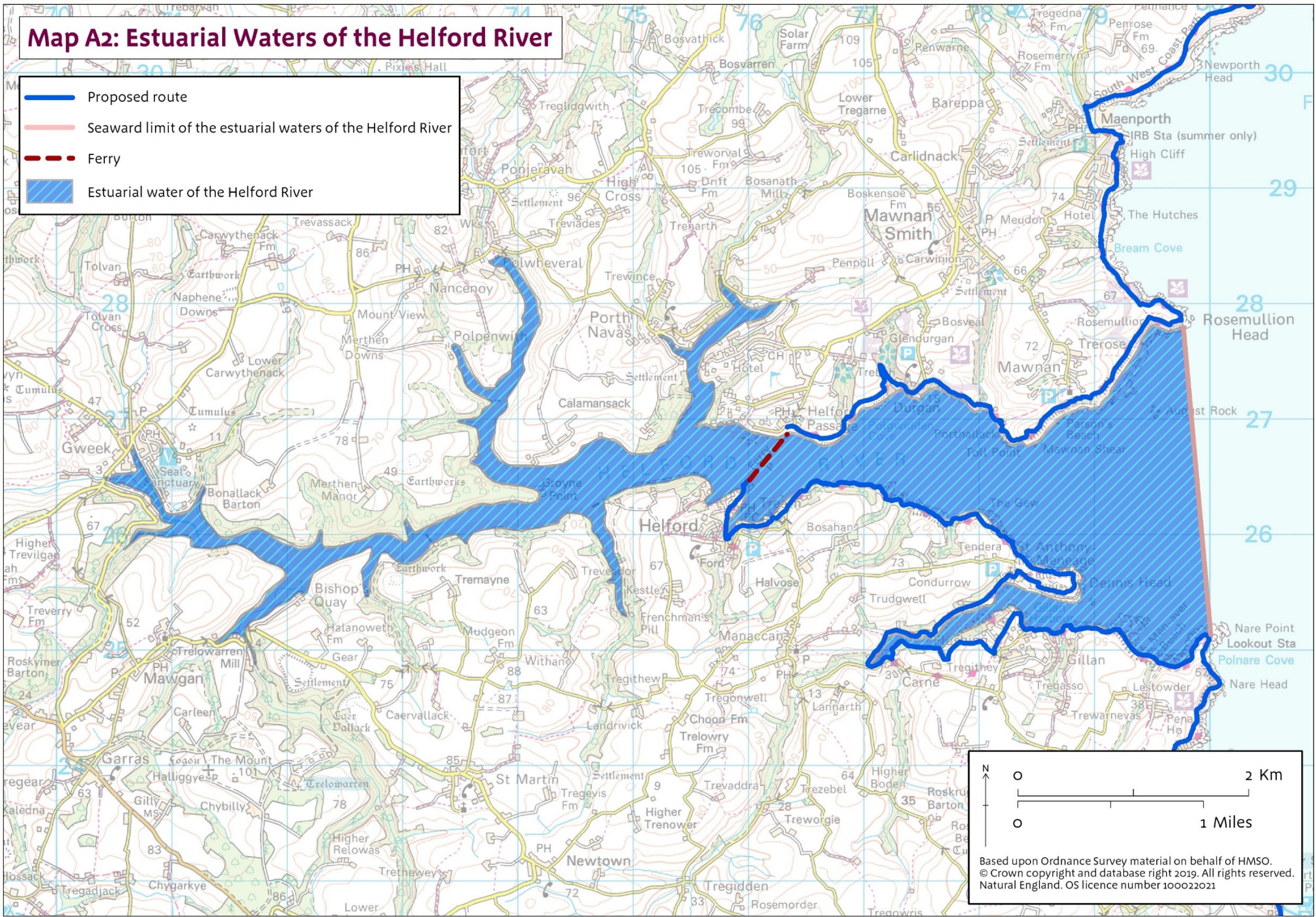
There is a clear local desire for a walked route around the Helford Estuary, as exemplified by the current (2016-21) Cornwall AONB management plan. We are clear that such a route would bring major new recreational benefits if one could be created, and would address the fact that the current ferry service is seasonal, with no apparent prospect of it becoming full time. However our preliminary investigation of the options for an estuary route have confirmed that there are limited existing rights of way through the area, with a narrow road network that is both unsuitable for use as a national trail, and too far from the estuary. The terrain closer to the estuary is often steep and heavily wooded and in parts there are significant issues in relation to current land use around the river itself. All of these considerations would make an estuary route a complex undertaking that could not be achieved within the current timescale of the national programme.

Accordingly we are proposing Option 2 and are not, for now, proposing to extend the England Coast Path beyond the ferry points that currently service the South West Coast Path. However we remain open to the possibility of establishing an estuary route here in the future if this can be resourced. This would require us to submit a variation report to the Secretary of State. See report PSM 9 for more details. In the meantime, we will undertake to work with Cornwall Council and the ferry operator to ensure that suitable information on the ground is available regarding getting around the estuary.

Should the ferry service cease altogether in the future or become less suitable for the purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

Map A2: Estuarial Waters of the Helford River

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



N

0 2 Km

0 1 Miles

Based upon Ordnance Survey material on behalf of HMSO.
© Crown copyright and database right 2019. All rights reserved.
Natural England. OS licence number 100022021

Fal estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the Fal estuary runs from Penarrow Point to Messack Point. The seaward extent of the Fal estuary coastal waters runs between Penance Point and St Anthony Head and encompasses the internationally important deep water harbour at Falmouth. Bridges with pedestrian access cross the extremities of the individual creeks and rivers at places such as Penryn, Mylor Bridge, Truro and Tresillian; furthest upstream are the bridges at Truro and Tresillian.

The statutory estuary criteria

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

i) Ferry services

The pedestrian ferry service between Falmouth and St Mawes runs 364 days a year (no service Christmas Day), up to three times an hour in the summer and once an hour in the winter, unless there are unfavourable weather conditions or an exceptionally low tide. The length of the ferry route between Falmouth and St Mawes is 4.5km.

The ferry service is located upstream of the Fal estuary's mouth but seaward of the limit of its formal estuarial waters – see Map A3.

7.5km further upstream there is also a regular chain ferry service– the King Harry Ferry - across the River Fal between Trelissick and the Roseland Peninsula. The ferry runs every 20 minutes, 7 days a week unless there are exceptional circumstances. Due to the convoluted nature of the shoreline, aligning the route to this ferry would require the creation of a walking route approximately 42km long.

ii) Character of the Estuary

Estuary width

The coastal feel of the estuary extends inland for approximately 7 km until it narrows at Turnaware Point. The coastal feel is primarily due to the estuary's significant width which at 1.6km makes it more akin to the open coast than to a river system. The widest point of the estuary is just south of Trefusis Point where it is 3.7km wide between Falmouth and the Roseland Peninsula. This is where the internationally important deep water harbour is located.

The vast network of creeks and rivers that form the tributaries to the sizable estuary include Penryn River, Restronguet Creek, and River Fal which branches off into Truro River at Tregothnan Deer Park. These tributaries vary in width from between 200 to 500 metres. They gradually narrow as they near their source.

Topography of the shoreline

The wide network of creeks and rivers gives the estuary a convoluted 'crow's foot' appearance. As a result, the total estuary shoreline measures approximately 127km in length. This means that any trail designed to navigate around the entire estuary would involve a significant inland diversion.

The topography is similar to that of the Helford Estuary. Typical of a ria it is characterised by steep slopes with extensive mature broadleaved woodland fringing the shoreline. In some areas the woodland has been cleared and pasture extends to the water, often with scrubby vegetation. Above the band of woodland, the steep slopes provide far reaching views of the surrounding countryside.

The estuary changes appearance daily, the low tides revealing silted up creeks and intertidal mudflats with coastal saltmarsh vegetation that grades to wetland, wet grassland and wet woodland in places such as at Tresillian, southwest of Tregony and at Perranworthal.

Nature of affected land

The western fringe of the mouth of the estuary is dominated by Pendennis Castle protruding on the cliffs over industrial Falmouth harbour below. In contrast, St Anthony Head on the eastern side of the mouth is characterised by cliffs and grass covered coastal slopes. Overall, the western side of the estuary is more developed and urban than the eastern side with Falmouth and Penryn to the south, and Truro to the north. Busy road, rail and river transport links between these settlements, docks, shipping and industrial and waterfront development give the western side of this area a very busy feel which is far from tranquil, except in the more isolated creeks. On the eastern side of the estuary, pretty villages many with medieval churches nestle at the heads of tranquil creeks providing a more rural feel. Outside of the urban areas the landscape is mostly open farmland with some woodland closer to the estuary. Overlooking the estuary are also a significant number of estates with distinctive ornamental and conifer planting.

Features of interest

Falmouth is a popular visitor destination with a vast array of museums, shops and restaurants on offer throughout the year. Easy access to the town's popular beaches on the seaward side of town also attracts many visitors in summer. Within the estuary there are regular boat trips up the Fal and Truro River in the summer and a number of businesses offer various water sports (kayaking, paddle boarding, sailing etc) activities. There are also a host of river-fronted eating and drinking establishments which offer a tranquil setting from which to watch the estuary's fabulous wildlife. National Trust own a number of properties with Trelissick Garden in particular attracting many visitors.

iii) Recreational Benefit

Disparate sections of the estuary's 127km shoreline have existing rights of way – a total of 30km. However these sections are not joined up, mainly this is where progress is interrupted by creeks and inlets that would provide lengthy detours. There are additional potential access difficulties along the west coast where busy A-roads cross creeks and rivers on bridges with no obvious alternative access provisions.

Given the limited existing access to the shoreline, the recreational benefit of a trail around the estuary would be significant. However, the convoluted crow's foot nature of the shoreline and difficult terrain in places, would make the establishment of a waterside trail challenging and costly.

iv) Excepted land

There is likely to be a significant amount of excepted land in the urban areas, particularly along the western shoreline between Falmouth and Truro. Alongside buildings and their curtilage/gardens there is also some industry, for example Falmouth Docks that would prevent a waterside alignment in some places. Outside of the urban areas there is very little excepted land.

v) Options for Fal Estuary

- Option 1 – align the trail around the estuary – a total route length of approximately 100km, a quarter of which would follow existing rights of way and permissive paths through National Trust owned land. This would significantly improve access around the estuary, however, considering the extent of the estuary, the convoluted nature of the shoreline, and the numerous steep sided inlets and creeks which do not currently have pedestrian crossing points, this option would be difficult and costly to implement.
- Option 2 – align the trail as far as the regular ferry between Falmouth and St Mawes, following the current route of the South West Coast Path. This would allow continuous access along the open coast for walkers, but would not offer any improvements to existing access around the estuary.
- Option 3 – align the trail upstream as far as the regular King Harry ferry service between Trelissick Garden and the Roseland Peninsula. This would create a new trail approximately 55km in length, of which a third would follow existing rights of way and permissive paths through National Trust owned land. This would improve access along the estuary however would require the installation of a

crossing over the Restronguet Creek; the construction of which would be difficult to achieve and expensive to implement.

Proposed route of the trail

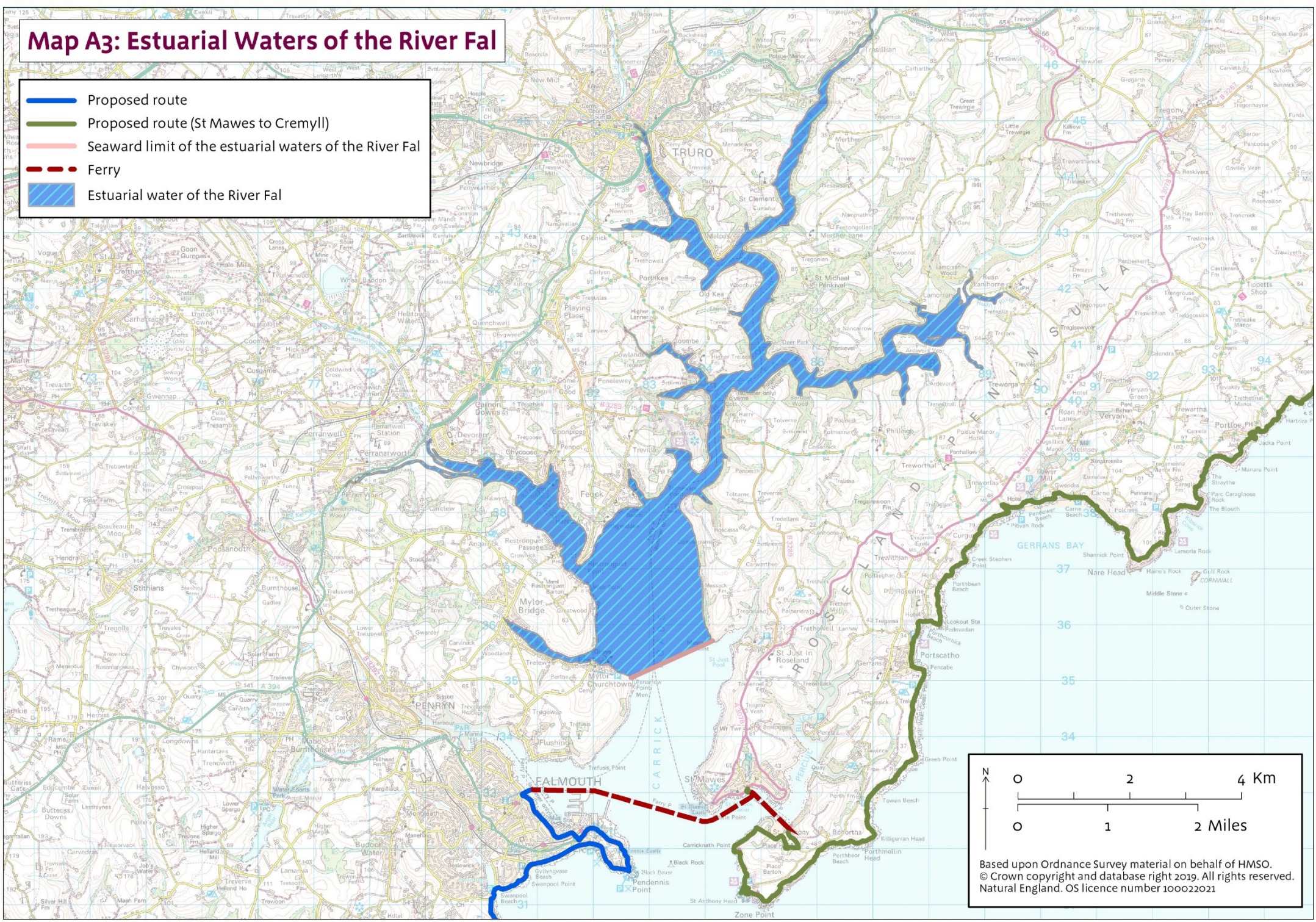
We propose to follow Option 2 to align the trail as far as the ferry crossing between Falmouth and St Mawes. This is the most direct route and avoids walkers having to make a significant detour around the estuary system. Our proposal fulfils the core objective of the legislation – to create a continuous route around the coast – in a simple and cost effective way.

Most England Coast Path users would in our view choose to use the full time ferry service in order to continue their journey around the coast, rather than making the convoluted and lengthy detour around this estuary, for its own sake. While for some other users (and particularly those living locally) there would be some additional recreational benefits from being able to walk around the estuary, we consider that the significant cost of installing a route, together with the additional impacts this would cause on those occupying land around the river would not be justified in the circumstances. Accordingly we concluded that overall the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

Should the service cease altogether in the future or become less suitable for the purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

Map A3: Estuarial Waters of the River Fal

- Proposed route
- Proposed route (St Mawes to Cremyll)
- Seaward limit of the estuarial waters of the River Fal
- Ferry
- Estuarial water of the River Fal



N

0 2 4 Km
0 1 2 Miles

Based upon Ordnance Survey material on behalf of HMSO.
© Crown copyright and database right 2019. All rights reserved.
Natural England. OS licence number 100022021

6. Other considerations on this stretch

a) Recreational Issues

Map B gives an overview of existing public access to the Cornish coast between Penzance and St Mawes, 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 relatively good linear coastal access throughout this stretch of coast. For the most part it maintains relatively close proximity to the sea, but there are points where it moves inland and loses sea views for significant distances (for example, on the eastern side of the Lizard Peninsula at Rosenithon – see report PSM 7 - and at Porthkerris and along Gillan Creek - see report PSM 8 for both). We address these issues in the relevant reports. Elsewhere, the proposed route of the trail would follow much of the route currently managed as the South West Coast Path. 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.

There are significant areas of coastal land adjoining the South West Coast Path - between Cudden Point in the west and Lowland Point in the east - currently subject to statutory access rights. A large proportion of these areas are owned by the National Trust and 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. In addition, within the Lizard Peninsula, a large proportion of open access land is managed as part of the Lizard National Nature Reserve (NNR). The NNR boundary is shown on Map C: Key statutory environmental designations.

All land seaward of the proposed route – and where they touch the trail, 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 ‘Part 4 Proposals Maps explained’). This would extend access rights more widely than at present along the coast and include much of the existing access land described in the preceding paragraph.

Where existing access land would not qualify as coastal margin in the ways described above, we have 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. This also includes areas that are currently informally open to the public. The 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.

Local user groups raised a number of issues along this stretch, in particular issues regarding the trail’s proximity to the coast, walker safety (on narrow public roads), year round accessibility, inadequate signage and sections that are particularly difficult to walk due to surface, gradient and/or width of path. These issues are addressed in the relevant stretch reports.

b) Protection of the environment

The coast between Penzance and St Mawes is highly designated for its natural and cultural heritage - in particular the Lizard Peninsula with its unique geology, flora and fauna is among the most densely designated areas of the country.

Marine designations along this stretch of coast include the Mounts Bay Marine Conservation Zone (MCZ) between Longrock and Cudden Point, Lizard Point Special Area of Conservation (SAC) which follows the coast between Gunwalloe Fishing Cove and Poltesco, Manacles MCZ along the east coast of the Lizard between Dean Quarry and West of England Quarry, and the Fal and Helford SAC which includes coast and estuaries between West of England Quarry and St Mawes. Notified marine species of particular interest include Stalked jellyfish, Giant Goby and the diverse under boulder communities which are all found within the intertidal rock habitat.

A total of nineteen Sites of Special Scientific Interest (SSSI), designated for their terrestrial and intertidal interest features, are located along the coast between St Michaels Mount in the west and Swanpool in the east. They are designated for their biological as well as the geological importance. In addition, The Lizard Special Area of Conservation (SAC), which follows the coast from Gunwalloe Fishing Cove in the west to Lowland Point in the east, is notified for open coastal habitats such as maritime grassland and coastal heath. Over 250 species of national or international conservation importance are found on the Lizard, including plants such as Cornish Heath and invertebrates such as the rare Mason Wasp.

The geological designations along the stretch are located between St Michaels Mount in the west and Dennis Head in the east. On the Lizard they are centred mainly at the peninsula's southern area, which comprises metamorphic and igneous rocks, including serpentinite, schist and gabbro. Granite gneiss is faulted up against Devonian slates, along a boundary running roughly between Mullion Island and Nare Point.

The unique and varied geology of the Lizard peninsula provides the right conditions for a number of rare plants species including Pennyroyal, Land Quillwort and Wild Asparagus.

The overall importance of the Lizard from a nature conservation perspective is highlighted by the presence of the Lizard National Nature Reserve (NNR) which covers approximately 30 square kilometres and encompasses approximately 22km of coast path – about a third of the total length of coast path on the Lizard (60km). See Map C: Key statutory environmental designations on the stretch.

Most of the coast within this stretch forms part of the Cornwall Area of Outstanding Natural Beauty. The only areas not included are the predominantly urban sections between Penzance and Marazion in the west and between Swanpool and Falmouth in the east. The coastal area around Rinsey and Trewavas is part of the Cornwall and West Devon Mining Landscape World Heritage Site and between St Michaels Mount and Falmouth there are a significant number of Scheduled Ancient Monuments. See Map D: Key landscape designations on the stretch.

The landscape along this stretch can broadly be grouped into three areas: the Mounts Bay area, Lizard Peninsula, and Falmouth Bay. The Mounts Bay area comprises the urban areas of Penzance, Marazion, Praa Sands and Porthleven. It is characterised by wide sandy beaches and a rocky coastline consisting of coves and headlands. It includes the small tidal island of St Michaels Mount and the unique Loe Pool separated from the sea by a wide shingle and sand bar. Both are popular tourist destinations particularly in the summer.

The Lizard Peninsula is primarily characterised by a flat exposed plateau which is bounded by incised coastal valleys to the west and sandy beaches to the east. The east coast landscape is also dominated by both disused and active quarries. The peninsula is sparsely inhabited, its main coastal urban areas including Mullian Cove, Lizard village, Cadgwith, Coverack, Porthoustock, and Porthallow, The country's most southerly point is at Lizard Point. Although popular with visitors, it has been kept natural and low key.

From the Helford estuary to Falmouth the landscape is more open, dominated by beaches and coves, and the bustling university town of Falmouth with its internationally important deep water harbour and well-regarded museums. Hotels and holiday accommodation abound this stretch of coast which is very busy in the summer.

Tourism is a major contributor to the economy of this stretch with visitors drawn to the coast and its numerous attractions in particular the South West Coast Path and hotspots such as St Michaels Mount and Lizard Point. Recreational activities include walking, cycling and water based pastimes such as surfing and sailing. The most popular beaches include the beaches between Penzance and Marazion, at Praa Sands, and near Falmouth at Maenporth, Swanpool and Gyllyngvase.

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:

- Habitats Regulations Assessments (www.gov.uk/government/publications/coastal-access-in-cornwall-from-penzance-to-st-mawes-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. These assessments consider 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/coastal-access-in-cornwall-from-penzance-to-st-mawes-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 during ‘walking the course’ and other processes.

Urban Coast

The coast at Penzance, Marazion, Praa Sands, Porthleven, Cadgwith, Coverack, Porthoustock, Porthallow, Helford, Helford Passage, Maenporth and Falmouth is predominantly urban in character albeit generally with sea views and areas of beach, harbours, foreshore and other coastal land. Tourism plays an important part in the economies of these towns and villages.

Within these urban areas, the proposed trail generally follows the existing South West Coast Path National Trail as currently walked and managed. An exception is at Penzance train station where the trail would follow the more coastal sea defences rather than the current permissive multiuse trail next to the railway tracks.

The issues highlighted by owners and occupiers in these parts of the stretch generally related to the privacy of residents particularly those within the coastal margin to the seaward side of the trail. The issue of privacy is to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

Rural Coast

Outside of the areas detailed above, the coast is mainly rural in character and consists primarily of grass and heath covered coastal cliffs interspersed by scenic headlands and picturesque coves with small secluded beaches. The stretch has a significant area of mining heritage in particular between Rinsey Head and Porthleven, and a section dominated by coastal quarries, both disused and active, between Coverack and Porthallow. The Lizard Peninsula in particular is characterised by gently undulating heathland plateaus, cut by narrow steep river valleys. Tourism is a major contributor to the economy of the area, with the South West Coast Path being a popular facility for visitors to West Cornwall.

Access along the existing route of the South West Coast Path is well established. Where we have proposed improvements to the existing route we have held detailed discussions with affected owners in order to arrive at proposals which we consider strike a fair balance between public and private interests. The issues raised generally related to the operational needs of businesses or to the privacy of residents. The proposed changes to the existing route are described in the relevant reports.

We have also held detailed discussions with the National Trust as they are a major landowner along the rural coastline. Together we have identified improvements to the existing South West Coast Path as currently walked and managed at Rinsey Head and Gillan Creek which bring the route closer to the coast. These improvements are described in the relevant reports of the proposals.

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 Cornwall Council, we have identified the parts of the coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

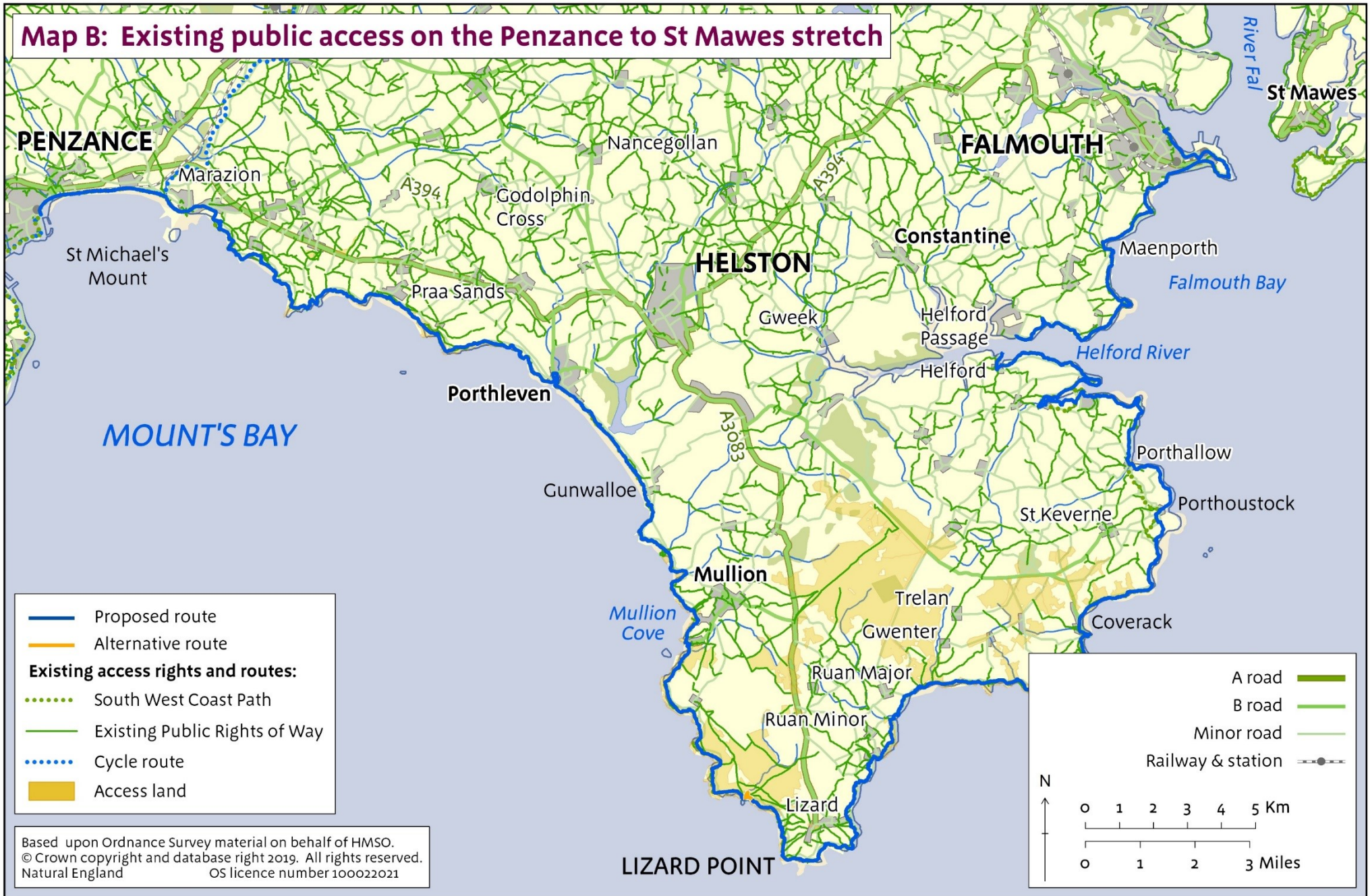
In general where the coast is defended with some certainty, we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be:

- 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 2.
- along urban sections such as at Marazion, Porthleven, Cadgwith, Coverack, Porthallow, Maenporth, Swanpool and Falmouth where the long term plan is to continue to provide protection against flooding, a Shoreline Management Policy known as 'hold the line'.

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 soft cliffs along the open, rural coast described in reports PSM 2 to PSM 9 of the proposals are largely undefended and subject to varying rates of change. The natural erosion of these cliffs is integral to their designations and landscape value and the long term Shoreline Management Plan policy is one of 'no active intervention' allowing for the continued natural evolution of the coastline. On these lengths of coast we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once he has approved the initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports.

Map B: Existing public access on the Penzance to St Mawes stretch



- Proposed route
- Alternative route
- Existing access rights and routes:**
- ⋯ South West Coast Path
- Existing Public Rights of Way
- ⋯ Cycle route
- Access land

A road	—
B road	—
Minor road	—
Railway & station	—●—

N
↑

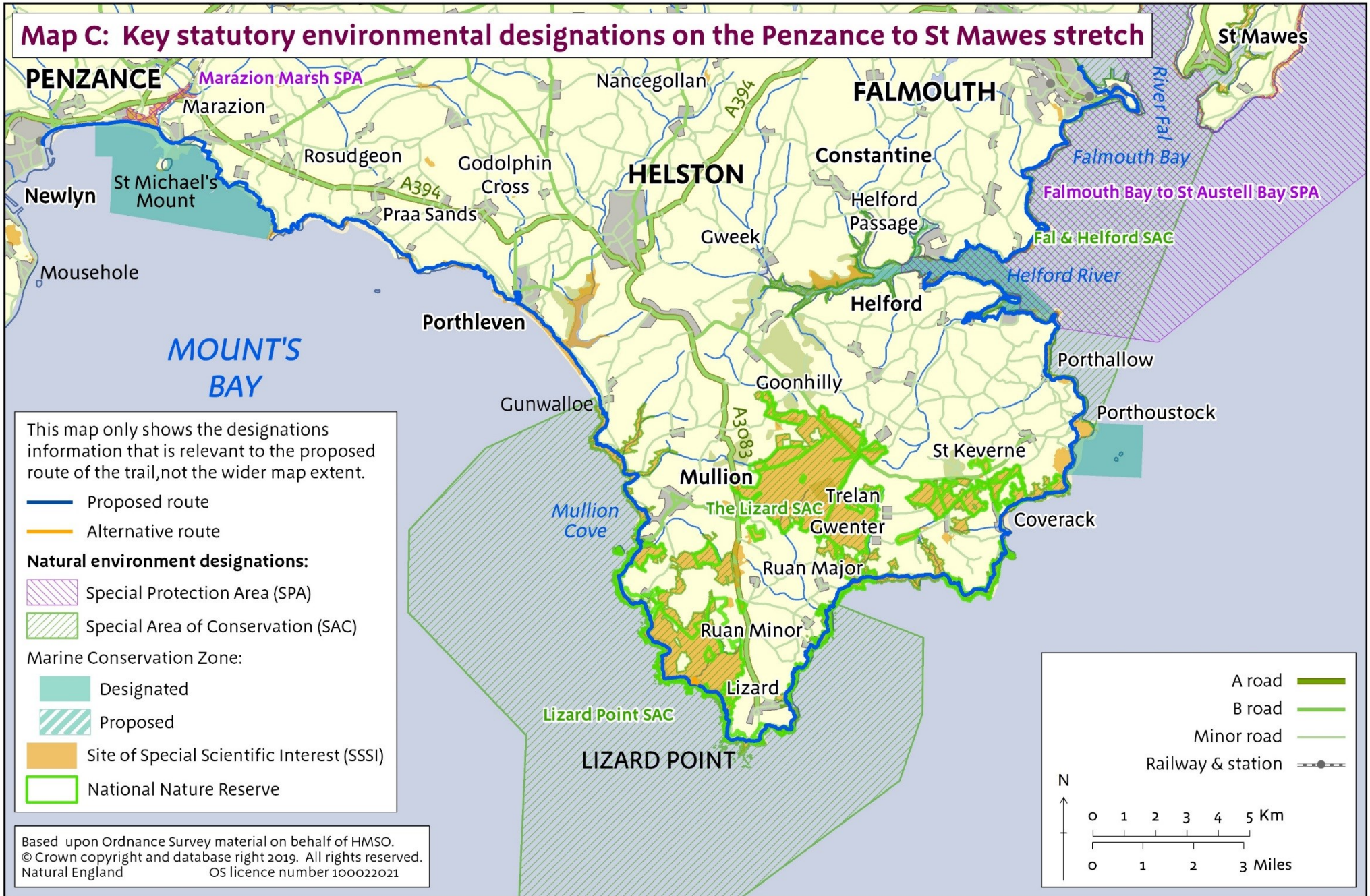
0 1 2 3 4 5 Km

0 1 2 3 Miles

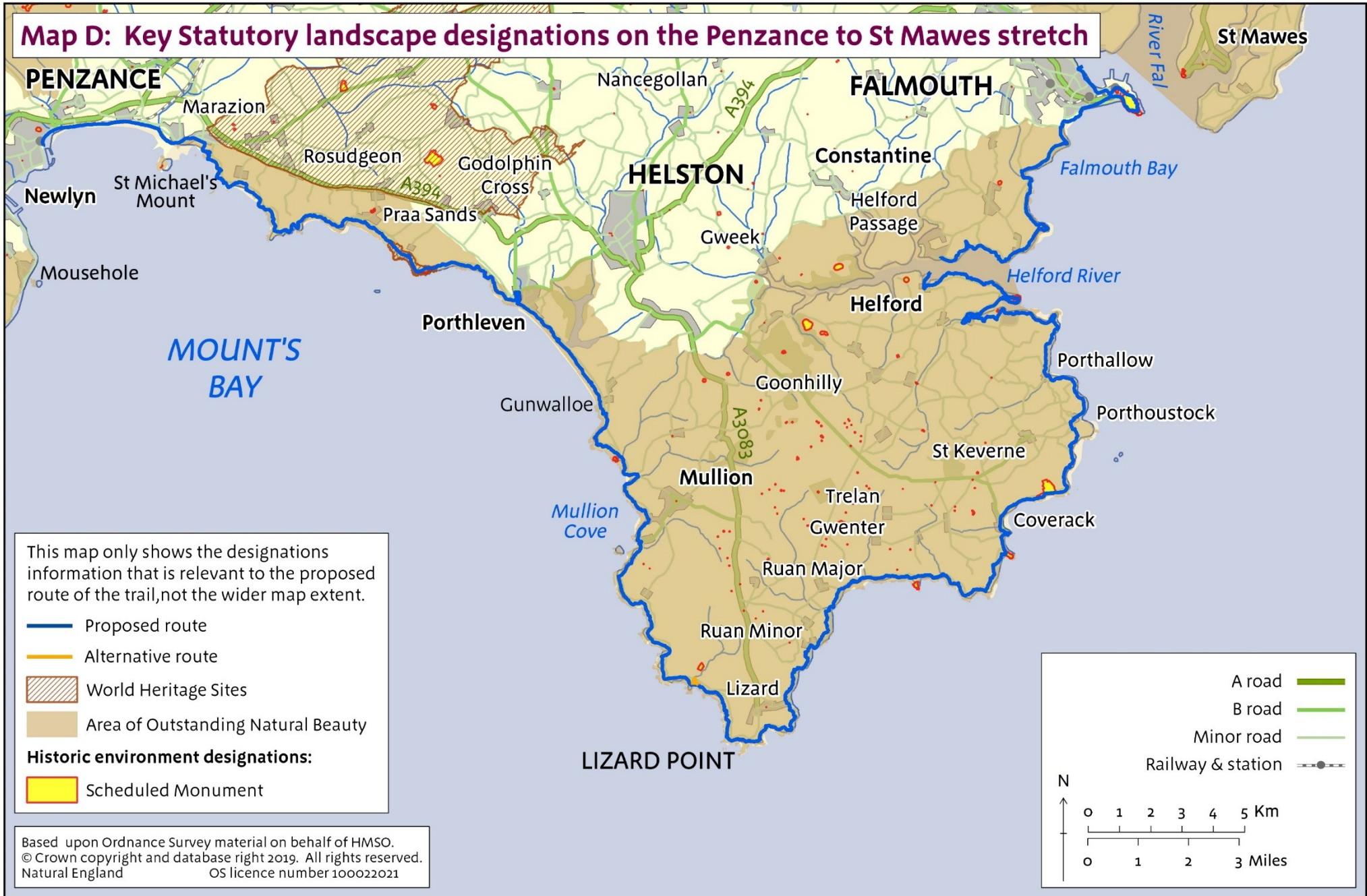
Based upon Ordnance Survey material on behalf of HMSO.
 © Crown copyright and database right 2019. All rights reserved.
 Natural England OS licence number 100022021

LIZARD POINT

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



Map D: Key Statutory landscape designations on the Penzance to St Mawes stretch



This map only shows the designations information that is relevant to the proposed route of the trail, not the wider map extent.

- Proposed route
- Alternative route
- World Heritage Sites
- Area of Outstanding Natural Beauty
- Historic environment designations:**
- Scheduled Monument

A road	—
B road	—
Minor road	—
Railway & station	

N

0 1 2 3 4 5 Km

0 1 2 3 Miles

Based upon Ordnance Survey material on behalf of HMSO.
 © Crown copyright and database right 2019. All rights reserved.
 Natural England OS licence number 100022021

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 PSM 2 to PSM 9 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.

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

In certain circumstances we can restrict or exclude access to the trail and margin. The legal term for an exclusion or restriction is a direction.

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
PSM 1	St Michaels Mount	Exclusion	Commercial activities	Land management s24	year-round
PSM 9	Trebah Garden	Exclusion	Commercial activities	Land management s24	year-round

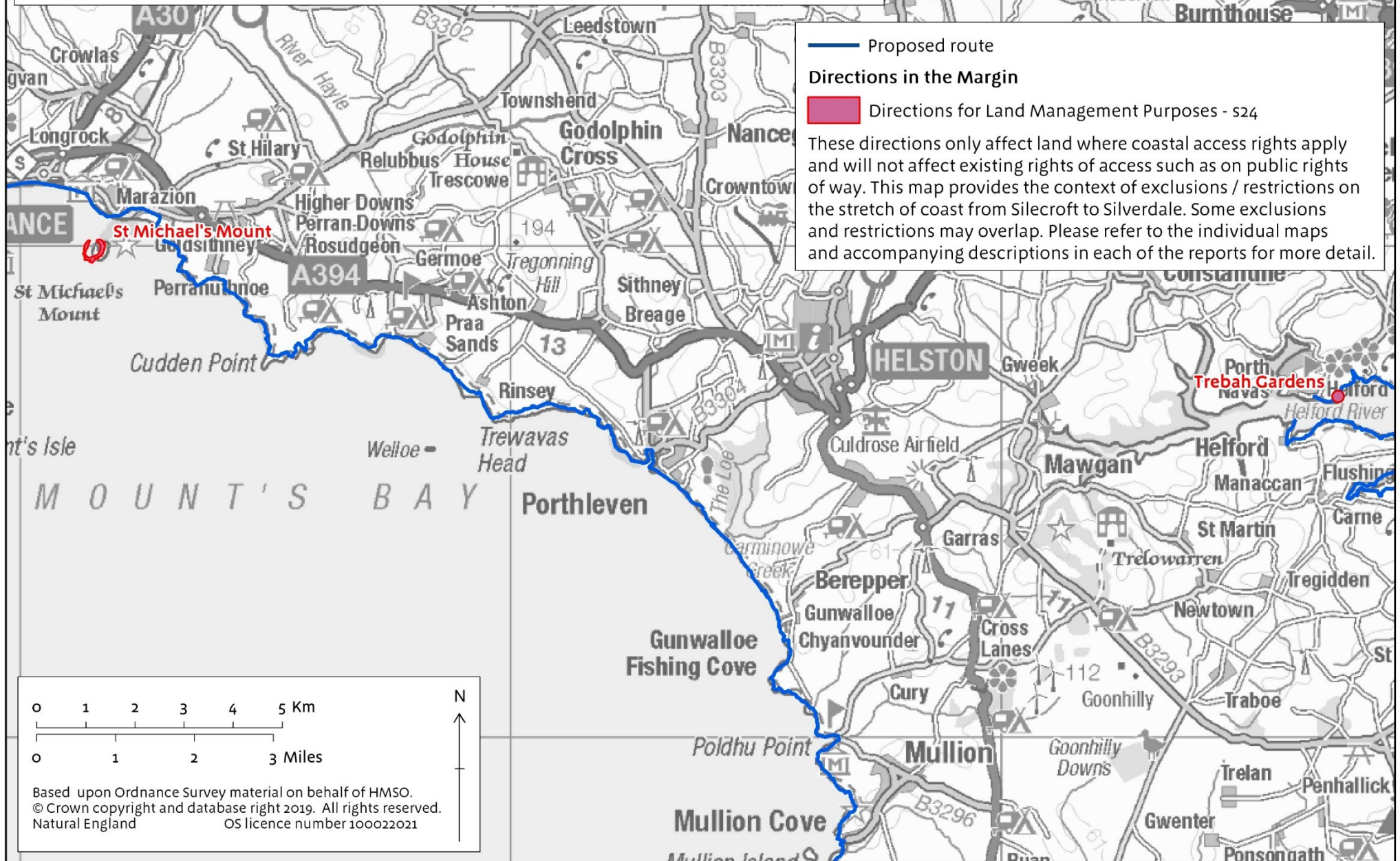
These directions will not prevent or affect:

- any existing local use of the land by right: such use is not covered by coastal access rights;
- any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or any rights at common law or by Royal Charter etc

Any such use is not prohibited or limited by these arrangements.

Where land already has open access rights for the public under Part 1 of the CROW Act (the right to roam over mountain, moor, heath, down and registered common), those pre-existing rights are replaced by coastal access rights wherever the land in question falls within the coastal margin. Where that happens, our report may in some circumstances propose to exclude the replacement rights, even where they were not excluded previously, based on an updated analysis of relevant powers and requirements.

Map E: Extent of directions on the Penzance to St Mawes stretch



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>

Other published information used in the preparation of the report:

Cornwall Council Interactive Map

<https://map.cornwall.gov.uk/website/ccmap/>

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/

Strategic Flood Risk Assessment (SFRA)

Cornwall Council

<https://map.cornwall.gov.uk/website/ccmap/index.html?wsName=sfra>

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 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>

The Lizard National Character Area profile

Natural England

<http://publications.naturalengland.org.uk/publication/6949119?category=587130>

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

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

Annex B: Glossary of terms

The terms and their explanations below are 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.

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

section 15 land means land with public access rights under:

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

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

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

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

spreading room is the term 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.

Front cover photo: Porthleven
Lone Mouritsen/Natural England

Enquiries about the proposals should be addressed to:

Coastal Access Delivery Team – South West

Natural England

Polwhele

Truro

TR4 9AD

Telephone: 0208 026 7602

Email: southwestcoastalaccess@naturalengland.org.uk

Natural England is here to conserve and enhance the natural environment, for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity it brings.

© Natural England 2019

ISBN: 978-1-78367-328-5

Catalogue Code: NE732

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

Natural England publications are available as accessible pdfs from:

www.naturalengland.org.uk/publications

Should an alternative format of this publication be required, please contact our enquiries line for more information: 0300 060 3900 or email enquiries@naturalengland.org.uk