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England Coast Path Stretch: Isle of Wight

Overview to Natural England's compendium of statutory reports to the Secretary of State for this stretch of coast (Reports IOW 2 – IOW 10)










Map A: Key map - Isle of Wight

Report number and title

- 2** Report IOW 2: Wootton to Culver Down (Maps IOW 2a to 2k)
- 3** Report IOW 3: Culver Down to Binnel Bay (Maps IOW 3a to 3j)
- 4** Report IOW 4: Binnel Bay to Chilton Chine (Maps IOW 4a to 4i)
- 5** Report IOW 5: Chilton Chine to Colwell Chine (Maps IOW 5a to 5j)
- 6** Report IOW 6: Colwell Chine to Hamstead Point (Maps IOW 6a to 6f)
- 7** Report IOW 7: Hamstead Point to Thorness Bay (Maps IOW 7a to 7g)
- 8** Report IOW 8: Thorness Bay to Gurnard Luck (Maps IOW 8a to 8b)
- 9** Report IOW 9: Gurnard Luck to West Cowes Chain Ferry (Maps IOW 9a to 9c)
- 10** Report IOW 10: The Medina (Maps IOW 10a to 10g)

Extent of proposals in each chapter

-  Report IOW 3
- A road 
- B road 
- Minor road 
- Railway & station 

N

0 2 Miles

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Report number and title

IOW2: Wootton Bridge to Culver Down (Maps IOW 2a to IOW 2k)

IOW3: Culver Down to Binnel Bay (Maps IOW 3a to IOW 3j)

IOW4: Binnel Bay to Chilton Chine (Maps IOW 4a to IOW 4j)

IOW5: Chilton Chine to Colwell Chine (Maps IOW 5a to IOW 5j)

IOW6: Colwell Chine to Hamstead Point (Maps IOW 6a to IOW 6f)

IOW7: Hamstead Point to Thorness Bay (Maps IOW 7a to IOW 7g)

IOW8: Thorness Bay to Gurnard Luck (Maps IOW 8a to IOW 8b)

IOW9: Gurnard Luck to West Cowes chain ferry (Maps IOW 9a to IOW 9c)

IOW10: The Medina (Maps IOW 10a to IOW 10g)

Using Key Map

Map A (opposite) shows the Isle of Wight 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 2 to 10 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the report you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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Please read first!

In order to make our proposals to implement the England Coast Path for the coast of England, Natural England has divided the coast into 66 'stretches'. The Isle of Wight forms one such stretch of coast and is comprised of ten reports. Unusually, we have chosen to publish our proposals for this Stretch in two tranches:

- This Overview is included as part of the first tranche and covers the section of coast clockwise between Wootton Bridge to the East Cowes Ferry Terminal (see Map A and reports IOW 2 to IOW 10)
- A second Overview document will be published later this year alongside report IOW 1 which covers the length of coast between East Cowes and Wootton Bridge.

This Overview document sets out the context for Natural England's proposals to improve public access to and along the coast of the Isle of Wight from Wootton Bridge clockwise to the East Cowes ferry terminal. 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 first tranche of 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 portion of the Isle of Wight 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 IOW 2a to IOW 2k illustrate the proposals in report IOW2, which deals with the length Wootton Bridge to Culver Down.

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.

Reports IOW 2 to IOW 10, which are published alongside this Overview, relate to the coast of the Isle of Wight between Wootton Bridge clockwise to the East Cowes Ferry terminal (see Map A). The remaining report (IOW 1) will be published later this year alongside a separate Overview document. This will complete our proposals for the entire Isle of Wight coast.

This compendium of report proposals would make the following key improvements to the existing arrangements for access to the Isle of Wight coast:

- New sections of coastal path would be created in strategic places to link existing coastal paths into a continuous route along this stretch of coast;
- For the first time, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

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

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 associated with this Overview document are 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, which can be viewed here

www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast 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. 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 IOW 2a to IOW 2k illustrate the proposals described in report IOW2.

Each **report** comprises four parts:

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

Notes on how our Part 3 Proposals Tables work

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

- In the first table or set of tables, we set out detailed information for each section of coast under the following column headings:
 - Map(s) – This column indicates which of the report maps to view alongside the details in the other columns in the same row.
 - Route section number(s) – This is the unique identification number for the route section concerned. In some cases, two or more adjacent route sections will be amalgamated into a single row in the table, if all other displayed details happen to be identical.
 - Current status of 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.

- 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.
- 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:

Example table 1: Section details

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

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

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

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

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

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

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

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

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

Example table 2: Alternative routes and optional alternative route details

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

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

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

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

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

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

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

Example table 3: Other options considered

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

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

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

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

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

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

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

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

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

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

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

Notes on how our Part 4 Proposals Maps work

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

The proposed route of the trail:

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

The coastal margin:

- iii The proposed route of the trail shown on the maps is important in understanding the extent of the coastal margin that would apply to either side of it. Under the legislation:
 - the coastal margin is a single, continuous corridor of land which includes the trail itself;
 - the margin includes all land seaward of the trail land - although not all of that land would be subject to a new right of access (see point vi below);
 - the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land (see Annex B: Glossary of terms).
- iv We have the discretion to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature on the ground – even if the effect of doing so is to add land into the margin, or to remove land from it. We may use this discretion:
 - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used where appropriate to define the landward extent of the trail land on that section of the route: such features cannot be depicted on the maps at the scale used, but they are described in the Proposals Tables;
 - to clarify or adjust the boundaries of a landward area included by default as margin, in order to create a better ‘fit’ with the circumstances on the ground; or
 - to propose in some places that additional areas of land should be added to the coastal margin landward of the trail: land which is affected by such proposals is indicated on the maps with a purple wash and described in parts 2&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 disappplies the excepted land provisions within it, and may also make provision for the removal or relaxation of specific **national restrictions** that would otherwise apply. 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 conjunctions with the Part 2 Proposals Narrative and the Part 3 Proposals Tables, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

4. Preparation of the report

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

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

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

Stage 1 - Prepare

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

- The Isle of Wight Local Access Forum;
- County and District Council officers, including ecology, geology, historic environment, planning, transport and countryside ranger staff;
- Town and Parish Council representatives
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast;
- local officers of Historic England, in relation to historic features on this stretch of coast; and
- the Ministry of Defence, in relation to defence interests on this stretch of coast.

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

- the Ramblers Association;
- Bird Aware Solent
- Hampshire and Isle of Wight Wildlife Trust
- the Open Spaces Society;
- the British Mountaineering Council;
- the National Farmers Union;
- the Country Land and Business Association;
- HM Coastguard;
- the National Trust;
- the Isle of Wight Area of Outstanding Natural Beauty

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 Historic England, Royal Society for the Protection of Birds, English Heritage - 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.

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

In most cases this was done through separate site meetings with the individuals and businesses concerned. In the interests of efficiency we also held a small number of larger meetings to discuss our proposals with groups of people with a common legal interest, for example where homes or businesses occupy adjacent coastal frontages.

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

This part of the Isle of Wight stretch includes the estuarial waters of Wootton Creek, Bembridge Harbour, the Western Yar, Newtown Harbour and The Medina.

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 five 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 these estuary systems;
- 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 i)** below in relation to Wootton Creek, Bembridge Harbour, The Western Yar, Newtown Harbour and The Medina.

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 Isle of Wight borders the Solent; the largest estuarine system of the south coast of the UK. The components of this system include the West and East Solent and their approaches, the eastern harbours of Portsmouth, Langstone and Chichester, Southampton Water, the Medina and other tributary rivers such as the River Beaulieu, Lymington and the Yar.

There are six estuaries located on the north and north-eastern coasts of the Isle of Wight. These are the Medina, Western Yar, Bembridge, Newtown, Wootton Creek and King’s Quay. The Medina is the longest estuary on the Isle of Wight and extends nearly 7km between Cowes and Newport. It is an important waterway for industry, transport and recreation

The statutory estuary criteria

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

e) Wootton Creek

Geographical limits of our discretion

The seaward limit of the estuarial waters of Wootton Creek, coincides with Wootton Hard on the western side, and Fishborne ferry terminal on the eastern side of its mouth. The first bridge with pedestrian access is the Wootton Bridge crossing on the A3054. This is the landward extent of the estuarial waters approximately 1.5km inland.

i) Ferry services

There is no ferry service across Wootton Creek. However there is a ferry service between Fishborne and Portsmouth on the mainland.

ii) Character of the Estuary

Estuary width

The width of Wootton Creek is variable. At its mouth the estuary is approximately 200m wide, composed of mudflats and salt marsh. It then narrows to a few metres wide at its landward extent, in relation to proposed trail, at the A3054 road bridge.

Topography of the shoreline

Wootton Creek is a small estuary extending some 1750 metres / 1.1 miles inland from the Solent. Positioned on the north coast of the island, the estuary is sheltered from the prevailing south westerly winds and shingle banks flank its entrance to the sea. The surrounding area is low lying and the creek is relatively straight in appearance and navigable to the road bridge.

Nature of affected land

The seaward extent of the estuary at its western side is more rural in nature with a holiday, park private houses, woods and farmland. Further south on the western side there is another holiday village and the town of Wootton creating a more urban feel.

Situated on the eastern seaward side of the estuary is the Fishbourne ferry. Ferries ply the deepened channel from here across Spithead to Portsmouth.

Further south on the eastern side the banks of the estuary are flanked by private houses and gardens extending to the shoreline. Towards the A3054 road bridge there is a slightly more urban feel at the Kite Hill area of houses, gardens and marine buildings. Mudflats extend along its shoreline on both sides at low tide

Features of interest

Historically Wootton Creek has also been called Fishbourne Creek and Wootton Haven, the banks of the estuary are largely in residential use with small boatyard/employment sites and other boat sheds. There are numerous moorings, jetties, pontoons and slipways on both sides of the shore, this creates a busy and active marine and sailing environment.

iii) Recreational Benefit

A route around Wootton Creek links Wootton Bridge with the coast and other nearby interest features such as the beach at Woodside. On the west side of the Creek, the IOW Coast Path is currently aligned some way inland on this section of coast, often utilising busy roads. An estuary route here could form part of wider improvements to the existing Isle of Wight Coastal Path in this area by bringing the trail closer to the coast and off of busy roads. The Eastern side of the Creek is currently well served by the IOW Coast Path.

iv) Excepted land

Much of the western and eastern shore is likely to be excepted land, consisting of private houses and gardens, marinas, ports and holiday parks. This would make a waterside route around the Creek impossible.

v) Options for Wootton Creek

- Option 1 – align the trail around the Creek to the first public foot crossing at Wootton Bridge. This will create a more coastal route and take walkers off of the busy Brock's Copse Road (the current line of the IOW Coast Path to the west). An estuary route would predominantly make use of existing routes.
- Option 2 –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 Wootton Hard and Fishbourne Ferry Terminal.

Proposed route of the trail

Our proposal is to align the trail around the Creek to the first public foot crossing at Wootton Bridge (option 1). This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. Whilst a truly waterside route is unachievable, this option would deliver improvements to the existing access situation in the area.

Please note that Wootton Bridge is the break between Reports IOW 1 and IOW 2. As discussed earlier in this Overview, report IOW 1 is being published later this year and will include the coast to the west of Wootton Bridge, including the west bank of Wootton Creek.

f) Bembridge Harbour

Geographical limits of our discretion

The seaward limit of the estuarial waters of Bembridge Harbour broadly coincides with Nodes Point to the north, and Bembridge Point to the south. The estuarial waters of the harbour extend landwards to the B3395 Embankment Road - a distance of approximately 1.2 km. The first crossing with pedestrian access is the causeway across Old Mill Ponds and the footbridge at Yar Quay.

Estuary waters continue in part landward beyond this road for some distance via various creeks, lagoons and channels.

i) Ferry services

There is no ferry service across Bembridge Harbour

ii) Character of the Estuary

Estuary width

The width of Bembridge Harbour is narrow at its entrance measuring approximately 300 metres depending on the state of the tide. At its widest it is nearing 1km wide creating an enclosed landscape even at its widest extent. Despite its enclosed nature, the large size of the harbour contributes to a coastal feel.

Topography of the shoreline

The shoreline of the harbour is bordered by the main road along the southern and eastern sides. At the western side of the harbour there is a causeway and path across Old Mills Ponds. At low tide areas of mud are exposed at the western, eastern and southern borders.

Nature of affected land

Extending both west and east of the harbour are popular sandy beaches, whilst the southern landward extent of the harbour consists of mudflat and some salt marsh. The Eastern River Yar flows into the harbour from the south west.

To the east is St Helens and to the west is the town of Bembridge, these areas are more urban in nature, whilst the land to the south is largely rural. The land use around the harbour is mixed with marinas, boat clubs, jetties and pontoons. To the south east corner of the harbour, bordering Embankment Road are a number of large houseboats.

Features of interest

Historically the harbour has undergone a series of land claims and in 1874-79 an area of tidal silt was claimed to form Brading Marshes. Bembridge Harbour today has a wide variety of estuarine habitats including mudflats, sandflats, lagoons and shingle spits. The combination of these habitats makes the area particularly valuable and rich in flora and fauna. It is a popular walking location and popular for a number of water based recreational activities such as sailing, canoeing and paddle boarding. There is an activity centre based in the harbour.

iii) Recreational Benefit

It is possible to walk around the harbour by following a series of interlinking walking routes across St Helen's Duver and Embankment Road. It is also possible to cross the harbour over the causeway at the Old Mill Ponds. These routes around the harbour maintain good sea views.

The harbour offers several cafes, shops and restaurants for visitors to enjoy. There is also an activity centre and considerable sailing interest within the harbour.

iv) Excepted land

Bordering the road and seaward of it, there are areas likely to be excepted land, consisting of private houses, house boats, marinas, port and smaller industrial areas. Despite this it would be possible to align a trail in close proximity to the harbour.

v) Options for Bembridge Harbour

- Option 1 – align the trail around the harbour, crossing at the existing causeway and the bridge at Yar Quay. This is the most coastal route and uses existing walked routes and public rights of way.
- Option 2 – stop at the mouth of the harbour (from Nodes Point in the west to Bembridge Point in the east), at the limit of the estuarial waters/open coast. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Nodes Point and Bembridge Point.

Proposed route of the trail

Our proposal is to align the trail along the coast to St Helen's Duver and around the harbour (option 1). The trail will cross the harbour at the causeway and join and follow Embankment Road on the southern side. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way.

g) The Western Yar

Geographical limits of our discretion

The seaward limit of the estuarial waters of the Western Yar estuary, broadly coincides with its mouth (the north-east corner of Norton Grange to the west and Yarmouth Castle to the east). The first public foot crossing is at the A3054 Yar Bridge, beyond which the estuarial waters continue for approximately 3km inland.

i) Ferry services

There is no ferry service across the estuary. However the estuary has a regular car and foot passenger ferry that runs from Yarmouth to Lymington on the mainland.

ii) Character of the Estuary

Estuary width

The width of the estuary between at its mouth is approximately 700 metres at which point the estuary has a 'coastal feel'. The estuary narrows further inland at which point it is more riverine in nature.

Topography of the shoreline

The shoreline of the Western Yar estuary is punctuated by inlets, tributaries other distinctive features such as creeks and channels along its shores until it narrows and reaches inland to the Causeway to the north east of Freshwater.

Nature of affected land

The estuary valley is predominantly rural and shows evidence of a long history of agriculture. Its creeks, channels and promontories are fringed by mudflats and saltmarsh and there are extensive flats which are revealed at low tide. The banks of the River Yar, which links the main harbour towards Freshwater, are more riverine in character, as it is fringed by reeds and open banks.

The western and eastern sides of the harbour at its mouth are predominantly urban and defended. The land use along the harbour edge is mixed, including the port and industrial areas, boatyards/marinas, private houses and gardens.

Features of interest

The popular historic town of Yarmouth is located on the coast to the east of the estuary.

The estuary valley is of great significance for nature conservation and the majority is designated as a Site of Special Scientific Interest (SSSI). The estuary is also included within the Island's Area of Outstanding Natural Beauty (AONB), which has similar status to a National Park and is part of the Solent European Marine Site. There are several nature reserves where visitors are welcome. Those areas are of considerable wildlife interest, particularly for bird watchers.

The natural assets of the area are complemented by a range of facilities which include a wide range of marine services available in the harbour, the town and Saltern Quay.

iii) Recreational Benefit

The Western Yar estuary is a valuable resource for the local community and visitors. It is widely used for a variety of recreational activities from walking and birdwatching to sailing and fishing. The proximity of the estuary to the Solent means it is a popular location for visiting yachtsmen and a number of local clubs and organisations use its sheltered waters.

The estuary benefits from having a circular footpath around it which follows a former railway line along its eastern shore, crosses the estuary at the Causeway and then follows field boundaries on the higher ground to the west. The estuary walk is well way-marked and there are several connections with the Rights of Way Network.

The Harbour Master manages water-based recreation activity and enforces the 4 knot speed limit within the estuary. Angling takes place on Yarmouth pier and along the seafront. Angling and bait digging in the Harbour are controlled under byelaw and within the estuary, angling requires access across private land.

iv) Excepted land

Parts of the western and eastern shore at the mouth of the estuary are covered by private houses, buildings, ports and marinas. Much of that land will be excepted land. However this excepted land should not prevent the alignment of a trail that is in close proximity to the estuary/sea.

v) Options for The Western Yar

- Option 1 – align the trail across the Yar Bridge, which is the first pedestrian crossing point and therefore the limit of our estuary discretion. This offers the most convenient route whilst still maintaining coastal views.
- Option 2 – stop at the mouth of the harbour, at the limit of the estuarial waters/open coast. This option makes no practical sense because the estuarial water limits fall so close to the Yar Bridge.

Proposed route of the trail

Our proposal is to align the trail along the coast on the western side, seaward of Norton Grange Holiday Park and then follow existing public rights of way to join the A3054. Walkers will cross The Western Yar by means of the Yar Bridge, which is the first pedestrian crossing point (option 1). On the eastern side the trail will follow Bridge Road and Quay Street to link up to Yarmouth High Street. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way.

h) Newtown Harbour

Geographical limits of our discretion

The Newtown Estuary is located on the northern coast of the Isle of Wight between the Medina and the Western Yar and forms an integral part of the Solent's estuarine system. The seaward limit of the estuarial waters of Newtown Harbour coincide broadly with Hamstead Point to the west and with the Ministry of Defence danger area of Newtown Ranges, to the east. This is a complex "crows foot" estuary with several creeks and inlets which is bridged in several locations. The first crossing points with pedestrian access are

at Hamstead Drive, Shalfleet Mill, Newtown Bridge and Clammerkin Bridge towards the southern landward extent of the estuarial waters.

i) Ferry services

There is no ferry service across the estuary.

ii) Character of the Estuary

Estuary width

The estuary is typical of a “crows foot” estuary, branching out from its mouth in to several separate tributaries. The mouth of the estuary is flanked by shingle and sand banks and is narrow at approximately 65 metres. The landward extent of the estuarial waters extend over 3km landward. Some of the creeks and inlets on both sides contract to only a few metres wide.

Topography of the shoreline

The shoreline of the Newtown estuary is punctuated by points, inlets, tributaries and other distinctive features along its southern, eastern and western shores.

Nature of affected land

The whole of the estuary (broadly, from Hamstead Point, to the south to Lower Hamstead), Shalfleet and Newtown is predominantly rural farmland and natural, composed of a series of creeks and channels. There is also a Military Firing Range along most of the eastern edge of the estuary. The undeveloped coastline of Newtown results in a very natural estuary system which allows the coastline to evolve with natural processes such as sea level rise. It is fringed by shingle beaches at its mouth, saltmarsh, mudflats and some areas of ancient woodland. The extensive mudflats are revealed at low tide.

Features of interest

Newtown estuary is a National Nature Reserve and supports nationally important and threatened wildlife. The estuary is a particularly significant feeding and over-wintering ground for waders and other wildfowl.

The landscape of the Newtown estuary has changed little over the centuries and it is an area rich in features of historical interest including the Old Town Hall at Newtown. Newtown, also known as Francheville, was established as a ‘Free Town’ by the Bishop of Winchester in 1256. The site was chosen because of its deep and sheltered harbour, saltworks and shellfish beds.

The estuary came under the protection of the National Trust in 1965. Local yachtspeople and naturalists raised funds for its purchase following a proposal to develop a nuclear power station at Hamstead. It remains a beautiful, tranquil and unspoilt area of the Island.

iii) Recreational Benefit

It is possible to walk around parts of the harbour by following a series of interlinked walking routes and using the roads. These include extensive detours from the water’s edge, which offer no coastal views for the vast majority of the route. The detours inland involve lengthy sections on narrow country roads. There is a local desire for a round harbour walk that follows the shoreline more closely and avoids following the busy roads.

An estuary route might also address local aspirations to create an off road route between Newtown Village and Thorness Bay; currently the Isle of Wight Coast Path is aligned along the busy A road with little or no verge.

In places there are existing restrictions on shoreline access to consider alongside the practical considerations above, including controls for wildlife protection, public safety, MoD ranges and privacy.

These would present additional challenges to the aspiration for a truly coastal route around the harbour's edge.

iv) Excepted land

Much of the northern/eastern shore of Clamerkin Lake is excepted land as it is bordered by the MOD firing range and Jersey Camp, which is under a Military Lands Byelaw which excludes access. Within Newtown Village there is a small area of private houses and gardens close to the shoreline which is excepted land. We are not aware of any other extensive areas of excepted land along this shoreline.

v) Options for Newtown Estuary

- Option 1 – align the trail around the harbour. This would help to fulfil local aspirations to improve existing routes around the harbour by reducing the amount of road walking.
- Option 2 – stop at the mouth of the estuary, at the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Hamstead Point and Burnt Wood.

Proposed route of the trail

Our proposal is to align the trail around the harbour (option 1). We propose to create new access around Western Haven Creek aligning close to the shore and within National Trust owned fields at Shalfleet. We also propose to create new access, close to the coast at Clammerkin Farm and between here and Porchfield. The remainder of the trail will closely follow the existing Isle of Wight Coast Path or other existing public rights of way. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way.

i) The Medina Estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the Medina Estuary broadly coincides with Cowes Yacht Haven to the east and Cowes Venture Waterfront Quays in the west. The first pedestrian crossing available is the West Cowes Floating Bridge chain ferry between Birmingham Road on the west to Bridge Square on the east. We have exercised our discretion to as described above to extend the trail to the next available pedestrian crossing point at the A3020 Medina Way and via Sea Street.

i) Ferry services

There is a regular chain ferry service across the mouth of The Medina. The ferry runs regularly 365 days per year and, unless there are exceptional circumstances, is only closed for a refit for two weeks in the autumn in alternate years.

ii) Character of the Estuary

Estuary width

The width of the Medina Estuary is variable. At its mouth it is approximately 600 metres wide. The river maintains a width of between 200 metres to 300 metres for most of its length, with mudflats and saltmarsh exposed at low tide, only narrowing as it enters the town of Newport.

Topography of the shoreline

The Medina lies in a wide shallow valley with a gentle incline on either side. The build-up of sediment has formed characteristic mudflats that support a large number of species, including shellfish, algae and locally and regionally important species of worm. These are important sources of food for fish and bird populations. The river is relatively straight with few tributaries or creeks that could otherwise prevent aligning a direct path within close proximity of the coast

Nature of affected land

The middle and upper reaches of the Medina are largely bordered by agricultural land, hedgerows and woods. In contrast the mouth of the estuary (Cowes) and its lower reaches (Newport) are urban and are lined by docks, boatyards, marinas and houses. The diversity of the Medina and surrounding area provides numerous habitats that support a wide range of species and form an excellent environment for large numbers of wintering waterfowl and wading birds. There are also extensive flats which are revealed at low tide.

Features of interest

Commercial and economic use of the estuary includes commercial shipping, ferry services, marine services, commercial fishing; and tourism. The estuary supports a wide range of services including boat building and repair, sailmakers, engineers, chandlers and mooring facilities which provide an interesting view in to the maritime history of the area. The main location for these activities is Cowes but there are also support services based in Newport and at Island Harbour. Cowes enjoys an international reputation as the home of yachting and its historical significance and profile help to attract new industry and international events to the Island. This contributes significant income to the Island, particularly through tourism. The Medina is not only a significant feature of the Island but is also an important part of its history being once the main route for deliveries and exports to/from Newport. It is these historic and maritime interests along with the beautiful scenery and rural experiences which would be of interest to walkers.

iii) Recreational Benefit

It is possible to walk around the estuary by following a series of interlinking popular public rights of way and the Medina cycleway on the western bank. On the eastern bank these public rights of way end at Whippingham but it is possible to continue to East Cowes following paved minor roads.

There are local aspirations to include The Medina as part of the England Coast Path and we have received significant support for this from local Parish Councils, The Isle of Wight Council, local residents and The Ramblers. Inclusion would enable greater scope for promotion of the route and attract visitors to an increased number of destinations as it will include a number of places of interest including the capital town of the Island. This will boost the Island's economy and support the Isle of Wight Council's current regeneration plans and policies.

iv) Excepted land

Parts of the western and eastern shore at the north of the estuary are likely to be excepted land, consisting of private houses, marinas, port and industrial areas. On the southern extent of the Medina on both sides, there are occasional dwellings on or near the shoreline but with no extensive areas of excepted land. Even upon entering Newport it is still possible to maintain a route along the coast.




v) Options for The Medina Estuary

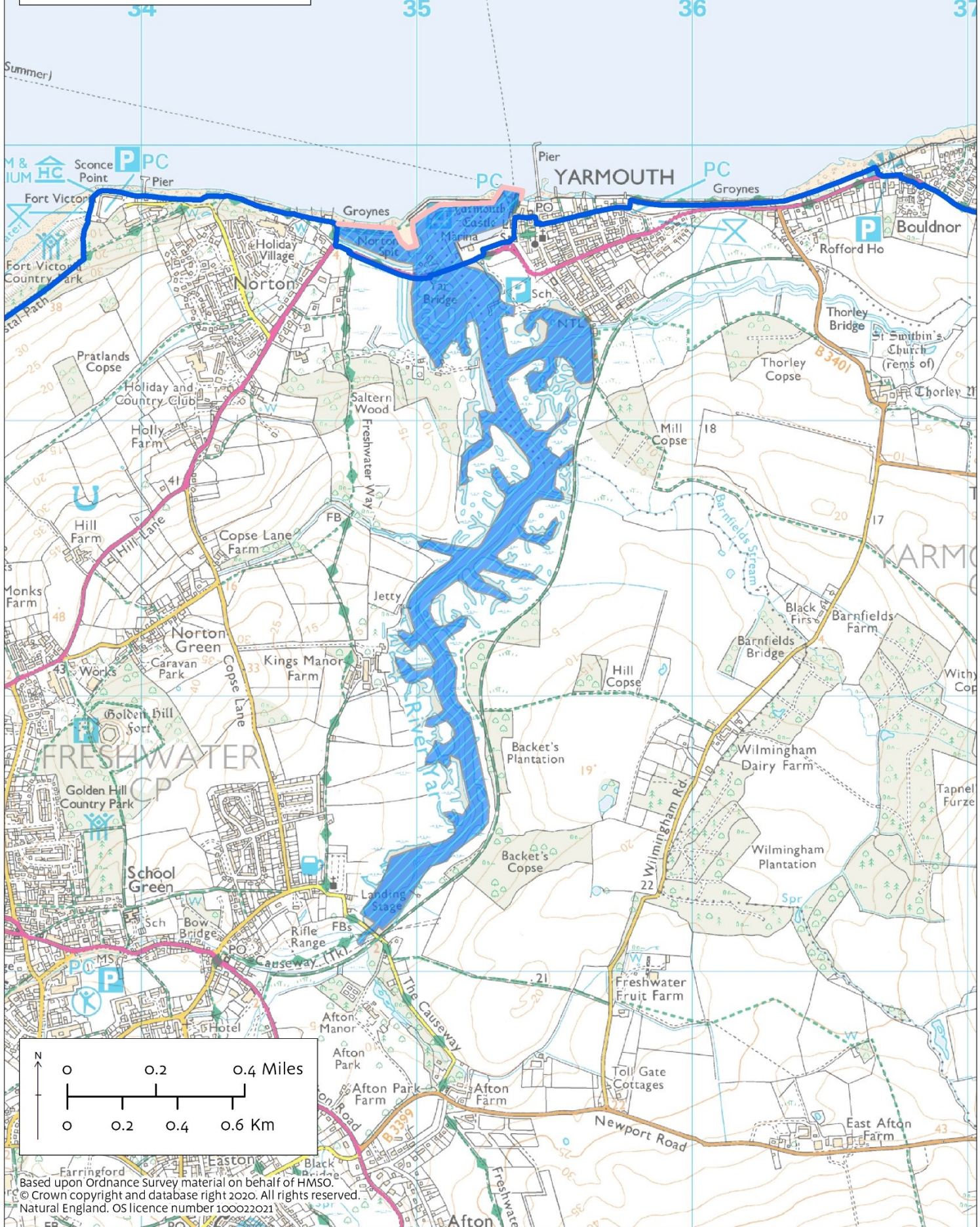
- Option 1 – align the trail around the estuary. This would help to fulfil local aspirations to improve existing routes around the harbour and connect the island's capital, Newport, to the coastal path. This would bring economical and recreational benefit to the town by making it part of the National Trail.
- Option 2 – Use the existing regular ferry service. 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 – stop at the mouth of the estuary, at the limit of the estuarial waters/open coast. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Cowes Venture Waterfront Quay and Cowes Yacht Haven.

Proposed route of the trail

Our proposal is to align the trail around The Medina estuary as far as the bridge crossing in Newport. The trail will follow the existing cycleway on the western side and existing public rights of way on the eastern side. There will be no significant diversions from the coast, infrastructure works or upgrading of the trail required. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. Should walkers wish to, they may use the chain ferry to cross The Medina as an informal alternative route. There is overwhelming and unprecedented local support for the inclusion of the estuary in the scheme. Local Parish Councils and the Isle of Wight Council fully support the inclusion of the Medina Estuary as part of the England Coast Path.

Map A2: Estuarial Waters of Western Yar

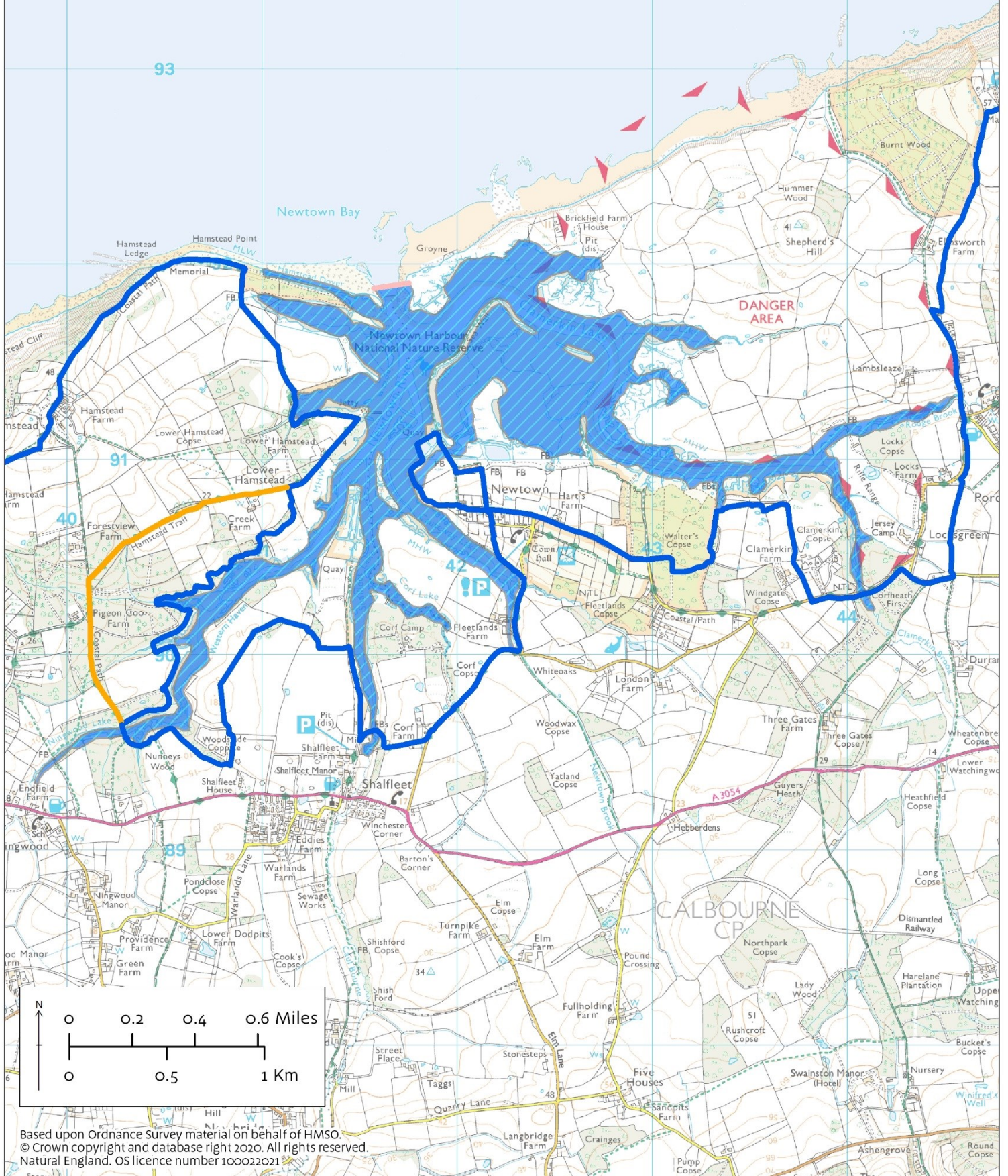
-  Proposed route
-  Seaward limit of the estuarial waters of the Western Yar
-  Estuarial water of Western Yar



Farringford
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Map A3: Estuarial Waters of the Newtown River

- Proposed route
- Alternative route
- Seaward limit of the estuarial waters of Wootton Creek
- Estuarial water of Wootton Creek



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Map A4: Estuarial Waters of the River Medina

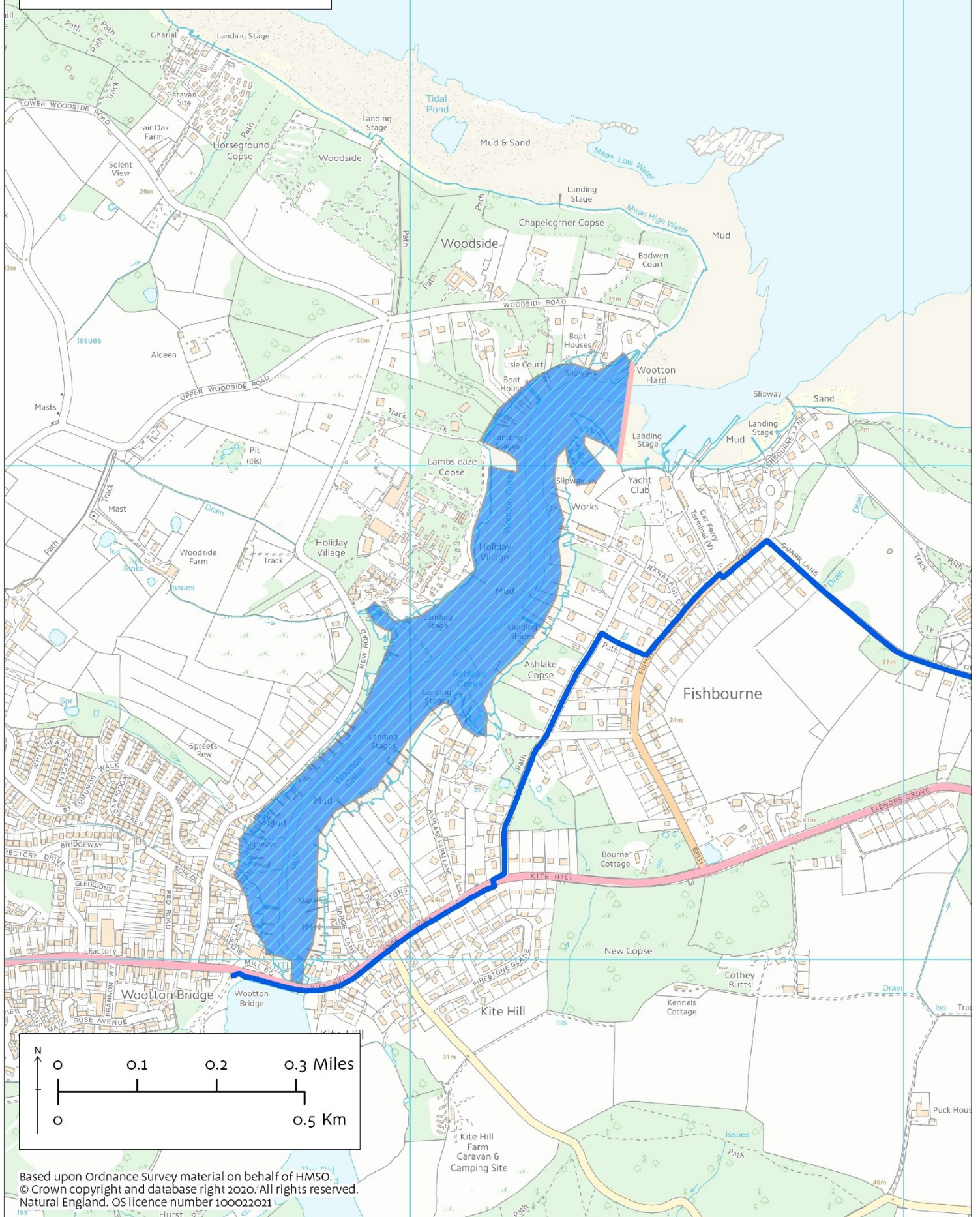
-  Proposed route
-  Seaward limit of the estuarial waters of the River Medina
-  Estuarial water of the River Medina



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Map A5: Estuarial Waters of Wootton Creek

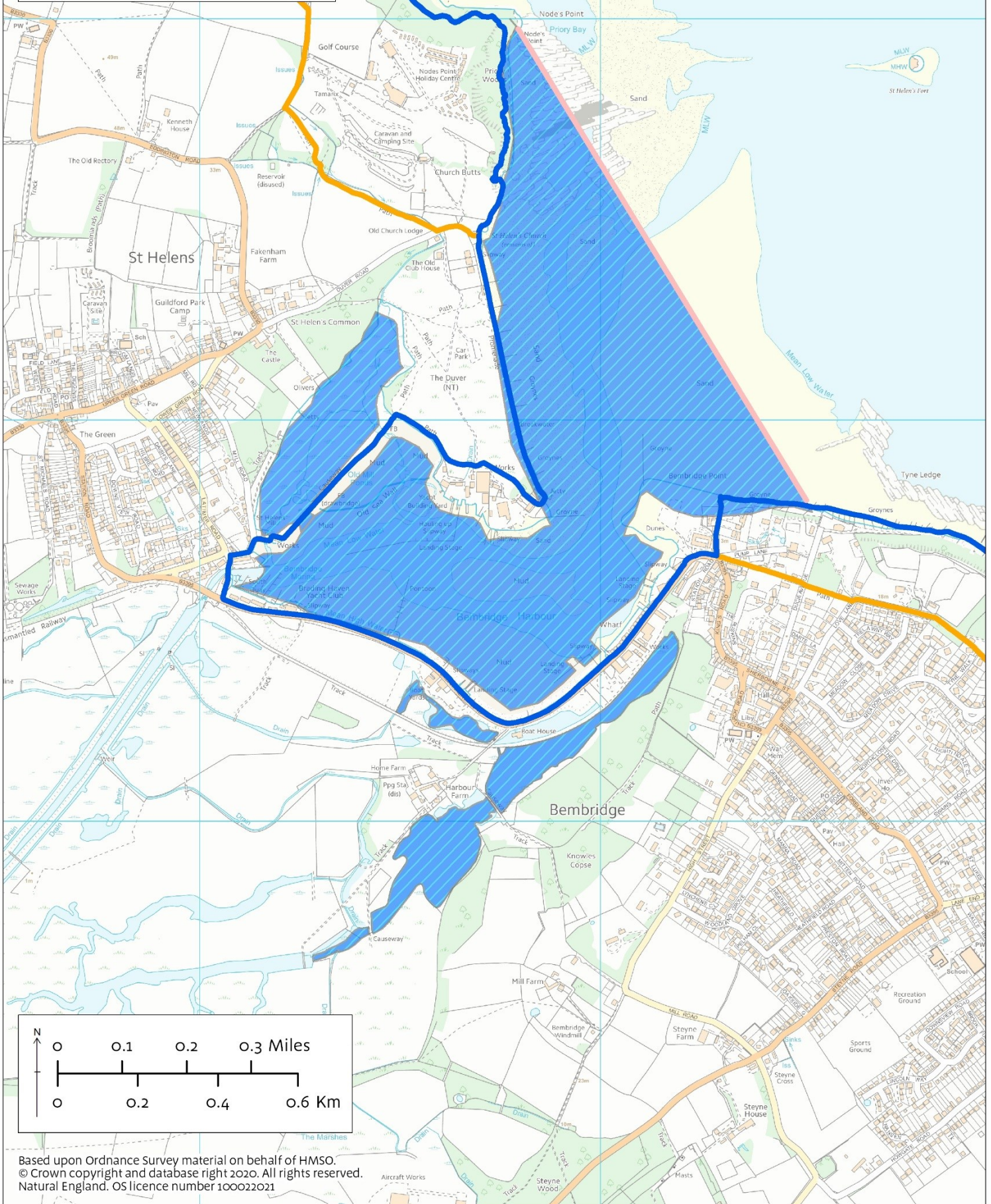
-  Proposed route
-  Seaward limit of the estuarial waters of Wootton Creek
-  Estuarial water of Wootton Creek



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Map A6: Estuarial Waters of Bembridge Harbour

- Proposed route
- Optional alternative route
- Seaward limit of the estuarial waters of Wootton Creek
- Estuarial water of Wootton Creek



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6. Other considerations on this stretch

a) Recreational Issues

We have considered interrelationships between our proposals and the Isle of Wight Rights of Way Improvement Plan (IOW ROWIP). Our proposals will supplement the ambitions described in this plan by enhancing provision of access at the coast. For example, we will help to fulfil the ROWIP ambition to improve accessibility to those with mobility difficulties by replacing all stiles with gates.

Map B gives an overview of existing public access to the Isle of Wight coast, showing public rights of way, access land and promoted routes along the stretch, including the Isle of Wight Coast Path (a locally promoted route supported by the Isle of Wight Council).

The Isle of Wight Coast Path already affords relatively good linear coastal access through the Isle of Wight stretch as can be seen on Map B: Existing public access on the Isle of Wight. 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, around Newtown Harbour – see report IOW7). The map also shows where there are public rights of way along the Isle of Wight coast. However, some of these are no longer viable walking routes due to the effects of erosion (for example, between Binnel Point and St Catherine's Point in the south – see report IOW4). We address both these issues in the relevant reports relating to the places where they occur.

In addition, in some places the existing access passes along beaches, which are flooded at high tides making them impassable. Where this happens, such as between Seagrove Bay and St Helen's Duver, we have suggested formalising an optional alternative route, proposing a new route or improving the existing infrastructure to allow access at all states of the tide.

The proposed route of the trail would follow much of the route currently managed as the Isle of Wight Coast Path. However, in areas such as those described above, where the Isle of Wight Coast Path deviates inland, we are proposing to create new sections of path to take walkers closer to the coast. If the Secretary of State approves our proposed route for the England Coast Path along these lengths of coast, the Isle of Wight Council will ensure that the Isle of Wight Coast Path coincides with the proposed route for the England Coast Path in places where the two diverge.

In addition to the linear routes, there are existing wider access rights to some areas of land, shown as access land on map B. These are areas of CRoW open access land and include: Culver Down, St Catherine's Point, between Brook Bay and Freshwater Bay, Tennyson Down, Headon Warren and Bouldnor Wood. The majority of these areas are owned by The National Trust. They include areas on the seaward side of the trail, which would become accessible by default under the legislation, as well as extensive areas on the landward side, which we have proposed include as additional coastal margin with the support of The National Trust. The exception to this is Bouldnor Wood, where we will not be proposing to use our discretion to include the CROW open access land in the landward margin, but instead limit the extent of the landward margin to either coincide with nearby physical features or remain as the default trail width of 2 meters either side of the route. Further details about these decisions can be found in the relevant length reports.

Local walkers asked for us to investigate routing the England Coast Path from Woody Bay to Binnel Bay and re-opening public footpath 124 up to Undercliff Drive, which had closed due to land slip. This route is also an aspiration of the Isle of Wight Council. This alignment has been included in our proposals and further details can be found in length report IOW4.

There are local aspirations to create an off-road route between Newtown Village and Thorness Bay at Newton Harbour. The current Isle of Wight Coast Path aligns along the busy A road, with little or no verge.

This aspiration has been investigated and improvements are suggested in our proposals – see length report IOW7.

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

- inclusion of RSPB permissive path at Brading Marshes as part of the England Coast Path – see report IOW 2
- addition of infrastructure to re-open public footpath SS3 from the trail of the England Coast Path to Luccombe Bay beach, within the coastal margin – see report IOW 3;
- establishment of a coastal path from Binnel Point to St Catherine’s Point, where existing public rights of way are currently severed due to erosion – see report IOW 4;
- addition of a bridge over Chilton Chine – see report IOW 4
- establishment of a coastal, low tide route seaward of Linstone Chine Holiday Park – see report IOW 6;
- establishment of a route around Gurnard Luck tip and to the beach following public footpath CS16 - see report IOW 8.

b) Protection of the environment

The Isle of Wight has a varied landscape as a consequence of its geological history. The south-west coastline is defined by soft, slumping cliffs and chines with an open coastal plain of arable farmland. The south-east predominantly consists of extensive sandy beaches and the urban areas of Ventnor, Shanklin and Sandown. There is a nationally significant concentration of chalk grassland sites, characterised by open, rolling arable lands across the south coast. The slumping cliffs and chalk grassland support nationally important species of plants and invertebrates, some unique to the Isle of Wight.

The north coast consists mainly of cliffs and is shaped by numerous harbours, estuaries, creeks and shingle beaches. The estuaries support a mixture of saltmarsh, tidal mudflats, marshes, ancient woodland and coastal heath, which are important habitats for the birdlife found on this coast. There are also areas of saline coastal lagoon supporting nationally-scarce invertebrate and plant species. There are several large urban areas on the north coast, including the three main ports of Yarmouth, Cowes and Fishborne. The other main urban areas are Newport, Ryde and Bembridge.

The stretch features many important historical sites including Yarmouth Castle, Fort Victoria and the Needles Old Battery.

The stretch has a range of internationally and nationally important nature conservation sites, including:

- Solent and Southampton Water Ramsar
- Solent and Southampton Water SPA
- Solent and Dorset Coast SPA
- Solent Maritime SAC
- South Wight Maritime SAC
- Solent and Isle of Wight Lagoons SAC
- Isle of Wight Downs SAC
- Ryde Sand and Wootton Creek SSSI
- Brading Marshes to St Helen’s Ledges SSSI
- Priory Woods SSSI

- Whitecliff Bay and Bembridge Ledges SSSI
- Bembridge School and Cliffs SSSI
- Bembridge Down SSSI
- Bonchurch Landslips SSSI
- Compton Chine to Steephill Cove SSSI
- Compton Down SSSI
- Headon Warren and West High Down SSSI
- Colwell Bay SSSI
- Yar Estuary SSSI
- Bouldnor and Hamstead Cliffs SSSI
- Newtown Harbour SSSI
- Thorness Bay SSSI
- Yarmouth to Cowes MCZ
- The Needles MCZ
- Bembridge MCZ

These are shown on Map C and listed in the individual length reports.

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.

A key feature for parts of the Isle of Wight coastline is that during the winter months, it supports internationally recognised populations of non-breeding waterbirds. The extensive areas of soft mud exposed at low tide are the main feeding areas but the birds also need suitable undisturbed places to roost and several species use inland areas that provide supporting habitat for feeding and resting.

The Solent Recreational Mitigation Strategy has been developed by the Solent Recreation Mitigation Partnership (SRMP) of local authorities and conservation bodies.

It will provide a strategic solution to minimise the effects of increased visitor pressure on the Solent European sites arising from new residential development. The Strategy seeks to provide mitigation in-perpetuity, in line with the Habitats Regulations. It incorporates communications, marketing and education initiatives, a team of coastal rangers, SANG (suitable alternative natural greenspace) and SAMM (strategic access management and monitoring).

We have worked closely within this team delivering this strategy to ensure consistency of approach to managing recreation.

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

- A single Habitats Regulations Assessment [<https://www.gov.uk/government/publications/england-coast-path-on-the-isle-of-wight-comment-on-proposals>] relating to any potential impact on the

conservation objectives of affected sites from the proposals we make in each report for this tranche. This assessment considers any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.

- Our Nature Conservation Assessment [<https://www.gov.uk/government/publications/england-coast-path-on-the-isle-of-wight-comment-on-proposals>] for the tranche, 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.

Some owners and occupiers of boatyards had concerns about the safety of walkers through their site, as well as about whether their ability to operate working dockyards and marinas would be affected by the new access rights. Some of the larger active boatyards have been given directions to exclude access and details of these can be found in Part 8 of this Overview.

Issues raised by owners and occupiers across urban areas of the stretch generally related to the operational needs of businesses or to the privacy of residents. These issues are to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights, including land covered by buildings and their curtilage, and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

Some owner or occupiers had concerns relating to depiction of the coastal margin on Ordnance Survey maps. Specifically that excepted land and directions to exclude access are not removed from the mapped coastal margin. Whilst this is primarily a matter for the Ordnance Survey, we do not believe that it would be possible to accurately depict some areas of excepted land/directions on the OS maps due to their scale and because of the fact that land use is subject to change. However, owners and occupiers are within their rights to erect signs indicating the extent of excepted land or directions to exclude or restrict access, so long as they are not misleading.

In rural areas, the needs of farming and other rural business operations were the main considerations to emerge from our discussions with owners and occupiers. In general, the existing public access provisions are already managed effectively alongside adjacent land uses. Some of the main issues encountered were the perceived impacts of the trail on livestock, especially horses and cattle, as well as security and the possibility of inappropriate recreational activities by trail visitors. Where possible we have proposed that the trail is aligned away from these areas.

Issues were also raised regarding disturbance of wildlife at sensitive sites, with potential for increased numbers of walkers and dogs. In discussing with local nature conservation organisation and local ecologists, we have chosen a suitable alignment and taken necessary measures, which takes into consideration the points raised on this subject.

d) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the Isle of Wight Shoreline Management Plan (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from relevant local authorities, we have identified the 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.

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).

IOW 2

From Wootton Bridge to Ryde the trail is aligned along roads and lanes, set back from the shoreline. From Ryde, the shoreline is defended with continuous sea walls, rock revetment and private defences up to Horestone Point. St Helen's Duver and around to Bembridge Point is also defended by a combination of a sea wall, private, leisure and industrial related infrastructure. As such, we have not made any specific proposals to enable the trail to adapt to coastal change along this section of the coast.

Some groyne defences have been constructed between Bembridge Point and Foreland, however this section of the coast up to Culver Down headland is typically undefended with shingle beach and then eroding cliffs. We therefore propose to recommend that the trail is able to roll back along this section of the coast.

IOW 3

Sections of coast from Culver Down to Yaverland, through Luccombe landslip and from Ventnor Bay to Binnel Point are largely undefended with the trail aligned on the cliff top. For these sections of coast we propose to recommend the trail is able to roll back to adapt to coastal change.

The remainder of the coast covered in this report is defended by seawalls, revetments and groynes with a "hold the existing defence line" policy. As such, we have not made any specific proposals to enable the trail to adapt to coastal change on these sections of coast.

IOW 4 & 5

These lengths of the coast are mostly undefended and erosion threatens infrastructure and properties at various points. There is a "no active intervention" management policy from St Catherine's to Totland, with the exception of Freshwater Bay which is "hold the existing defence line". As such, we propose to recommend that the trail is able to roll back along this entire stretch of coast, except for at Freshwater Bay which is defended by a seawall.

From Totland Bay to Colwell Bay there is a continuous seawall defence with a "hold the existing defence line" policy. Therefore, we have not made any specific proposals to enable the trail to adapt to coastal change on these sections of coast.

IOW 6

This length of coast up to Bouldnor is relatively well defended. Fort Albert is protected by steel sheet piling and concrete defences extend to Round Tower Point. East of Fort Victoria there is a seawall which fronts Norton Grange. From here to Bouldnor the trail is aligned along the A road, other minor roads and the seawall fronting Yarmouth Common. The area is defended by a series of seawalls and revetments. As

such, we have not made any specific proposals to enable the trail to adapt to coastal change on these sections of coast.

The areas either side of Fort Albert are eroding and the coastline from Fort Albert to Fort Victoria has a “no active intervention” management policy. This is also the case for the coastline between Bouldnor and Hamstead which is undefended. As such, we propose to recommend that the trail is able to roll back along these sections of coast.

IOW 7 & 8

The shoreline of Newtown Harbour is undefended with the exception of masonry walls and embankments at Shalfleet Quay and Newtown Quay. Where the route is aligned along open coast or within fields with no defences, we propose to recommend that the trail is able to roll back. However, for sections of the trail that are set back from the shoreline and/or on roads, for example Corf Farm to Newtown Bridge and Clamerkin to Thorness Bay Holiday Centre, we have not made any specific proposals to enable the trail to adapt to coastal change.

From Thorness Bay to Gurnard Luck there are no defences present and there is a “no active intervention” management policy. As such, we propose to recommend that the trail is able to roll back on this section of the coast.

IOW 9

At Gurnard Luck, defences are in place, with the exception of an undefended coastal slope “Gurnard Cliff”. The coastal defences fronting Marsh Road are in poor condition, and have previously failed causing active erosion. As such, we propose to recommend that the trail is able to roll back on the sections that align on the seawall fronting Marsh Road and through the woods at Gurnard Cliff.

Defences extend from Gurnard eastwards to Cowes and the mouth of the Medina Estuary, mostly in the form of a sea wall backed by roads. From the Promenade to Cowes Floating Bridge the coast has mainly private, ad-hoc defence which forms part of the leisure and industrial marine infrastructure. Therefore, we have not made any specific proposals to enable the trail to adapt to coastal change on this section of the coast.

IOW 10

The coastline from Cowes Floating Bridge to Medina Wharf is defended and fronted by sailing and industrial marine facilities and commercial wharf. As such, we have not made any specific proposals to enable the trail to adapt to coastal change in these sections of the coast.

The west side of the Medina from the beginning of the cycleway to Blackhouse Quay is typically undefended. There are some sailing, residential and industrial defended frontages, for example the Vestas Marine Transfer Facility. However we propose that the trail is able to roll back along this section of the coast.

Newport Harbour is defended with harbour-side walls surrounding the tidal harbour and therefore, we have not made any specific proposals to enable the trail to adapt to coastal change on this section of the coast.

From Seaclose Park to The Folly Inn, the shoreline is typically undefended, with the exception of Island Harbour Marina that incorporates a tidal lock and limited defences near the Folly Inn. We propose to recommend that the trail is able to roll back along this section of the coast.

Further north of The Folly Inn, the route is aligned further inland then along minor roads. This section of the coast consists of private, leisure and industrial related defences and infrastructure. As such, we have not made any specific proposals to enable the trail to adapt to coastal change in these sections of the coast.



**Map B:
Existing Public Access on the
Isle of Wight stretch**

- CRoW SECTION 15 Land
- Sustrans National Routes
- Bridleway
- Footpath
- Access Land © Natural England

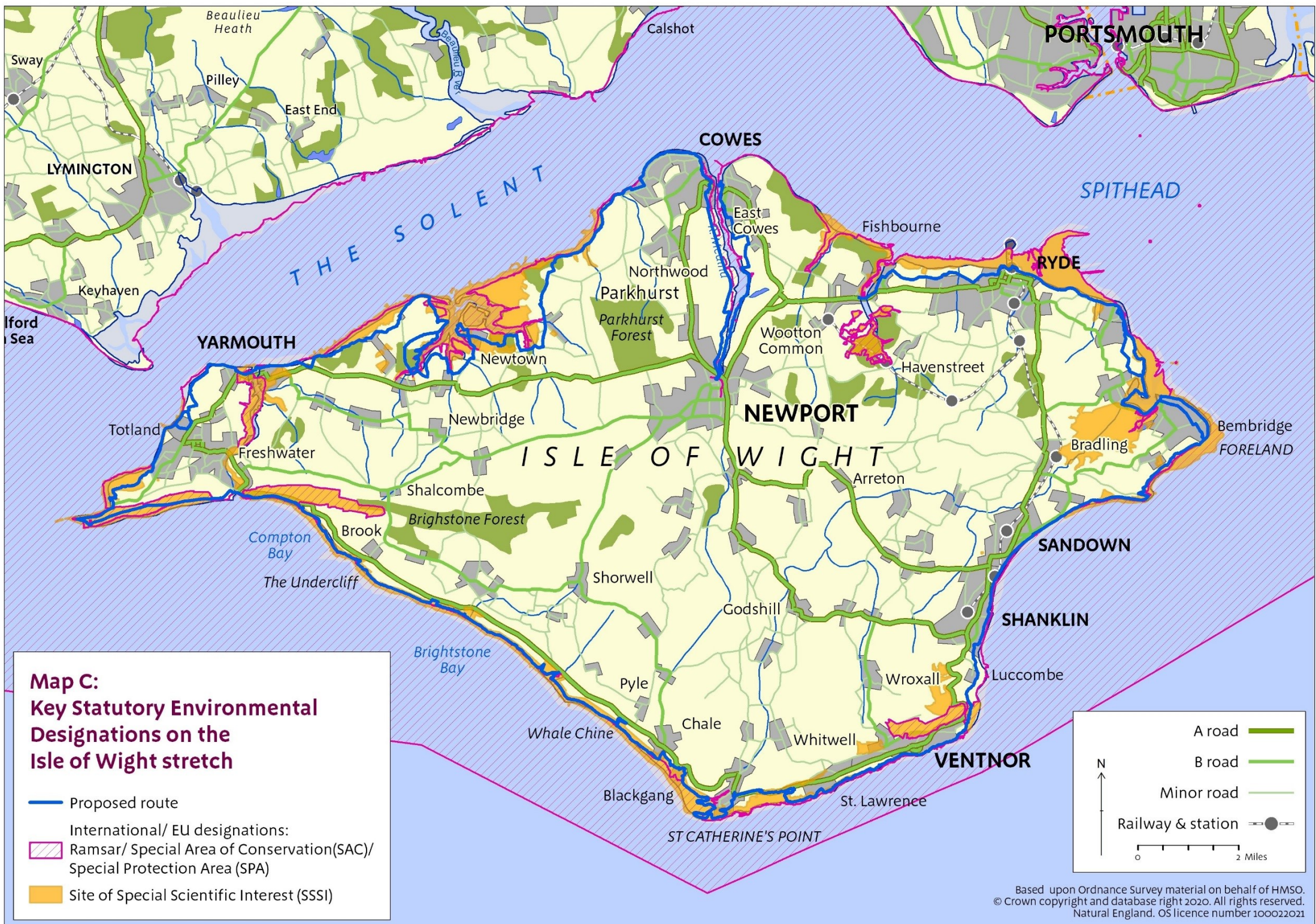
Proposed route	
A road	
B road	
Minor road	
Railway & station	

N

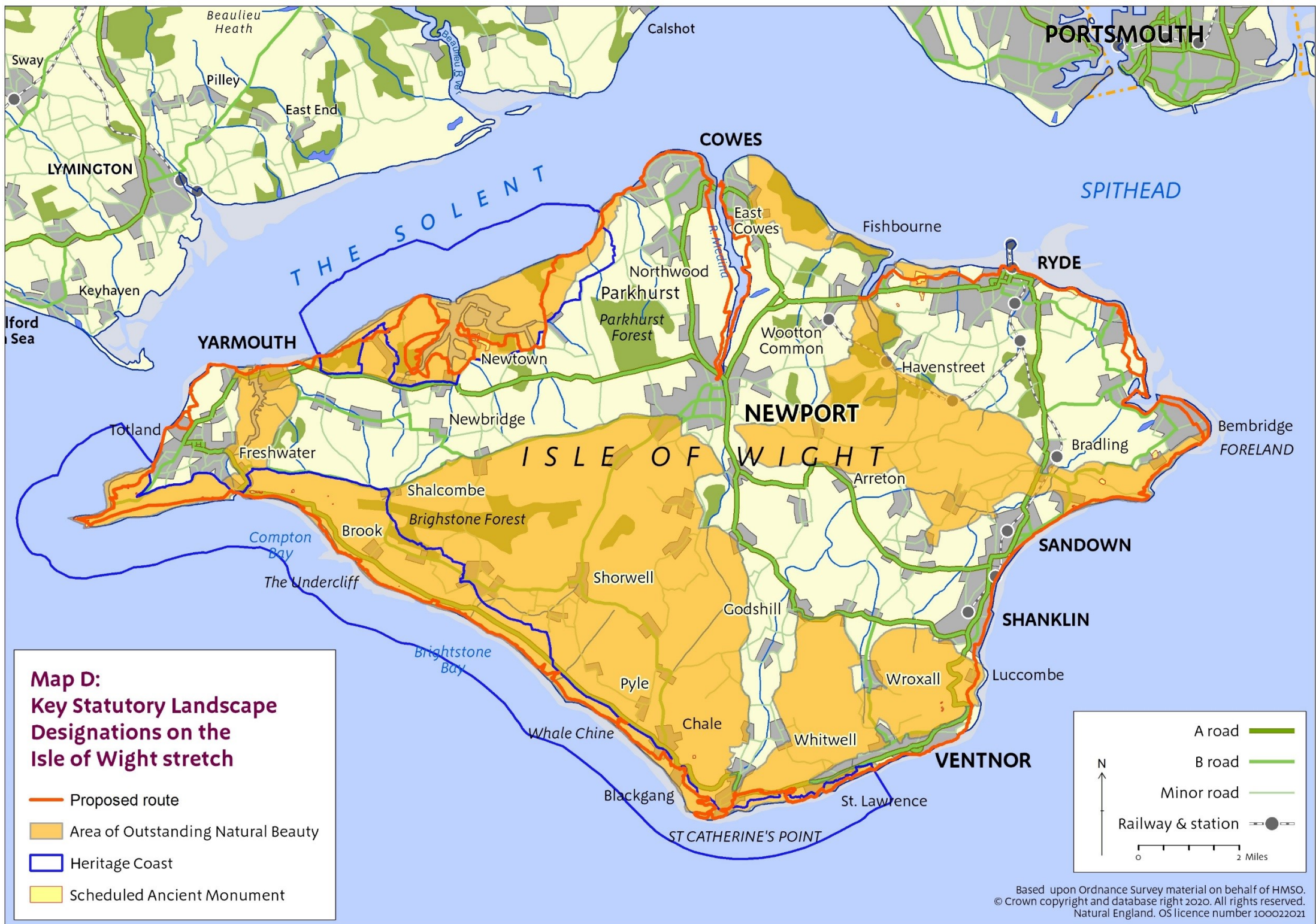
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0 2 Miles

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**Map D:
Key Statutory Landscape
Designations on the
Isle of Wight stretch**

- Proposed route
- Area of Outstanding Natural Beauty
- Heritage Coast
- Scheduled Ancient Monument

N

↑

A road —

B road —

Minor road —

Railway & station

0

1

2 Miles

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Other issues

7. Future changes

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

Roll-back

Reports IOW2 to IOW10 include proposals for specified parts of the route to 'roll back' either:

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

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

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

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

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

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

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

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

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

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

Other changes

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

■ **Ryde Esplanade Regeneration Plan**

The Isle of Wight and Ryde Town Councils have recently been investigating and consulting with local people about upgrading the esplanade between St Thomas Street and Appley Park (IOW 2, Map 2d). Currently there is no set design for this area but when this is decided upon in the future it may be necessary to realign the proposed route.

■ **Medina Yard development, Cowes**

A mixed use development of over 500 new homes, business workspaces, shops and restaurants (IOW 10, Map 10a). This development was granted planning permission on the 27th March 2018, but has yet to commence construction. The future development brings with it public walkways and routes, which provides the potential for a more seaward alignment of the route and one which is better integrated into the new amenities associated with the development. However at present it is not possible to determine where any such route could be aligned.

■ **Newport Harbour Regeneration**

A mixed use development of predominantly residential, office and commercial outlets is currently at the initial design and consultation phase (IOW 10, Map 10d) and it may be sometime before a planning application is submitted. In the future this development could see a new bridge installed more seaward than the current crossing point, as well as alterations to nearby roads and walkways along the shoreline of the Medina. The proposed route is aligned inland along paved roads, so there would be potential for realignment to offer better sea views and access to amenities such as restaurants and shops, if the development is completed.

■ **Land at Folly Works, East Cowes**

This development is comprised of over 80 homes, as well as business units, a jetty, shop and a café (IOW 10, Map 10f). The development has been granted planning permission but construction has not yet commenced. The proposed route is aligned inland through fields, however there could be an opportunity to realign the trail in order to offer better sea views.

■ **Housing Development beside Cowes Power Station**

A residential development for approximately 20 dwellings at the western end of Saunders Way adjacent to Cowes Power Station (IOW 10, Map 10g). This has had some initial work completed, including the road and associated walkway. No further work has been completed in the last few years and the likelihood of future development is not clear. The proposed route has been aligned, to best match the layout of the new pavement. In the future it is understood that the residential development will have access to Kingston Road northwest of the site but at present no formal connection has been made. The future completion of the development may require the need to vary the route of the coastal path to match the roadside walkway, removing it from Cadets Walk entirely. This would have the benefit of making the route more convenient for walkers.

However, even without a variation report:

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

8. Restrictions and exclusions

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

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

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
IOW 2	The salt marsh and mudflats on the east bank of Wootton Creek and fronting Quarr Abbey	Exclusion	Unsuitable for public access	Salt marsh or flat 25A	All year
IOW 2	Quarr Abbey	Exclusion	Land management	Land management 24	All year
IOW 2	The salt marsh and mudflats within Bembridge Harbour	Exclusion	Unsuitable for public access	Salt marsh or flat 25A	All year
IOW 2	Bembridge Harbour boat yards	Exclusion	Land management	Land management 24	All year
IOW 2	Tackt-Isle Adventures activity centre, Bembridge Harbour	Exclusion	Land management	Land management 24	All year
IOW 6	The salt marsh and mudflats at Norton Spit	Exclusion	Unsuitable for public access	Salt marsh or flat 25A	All year
IOW 6	The mudflats at Bouldnor	Exclusion	Unsuitable for public access	Salt marsh or flat 25A	All year
IOW 7	The salt marsh and mudflats within Newtown Harbour and on the foreshore between Newtown Harbour	Exclusion	Unsuitable for public access	Salt marsh or flat 25A	All year

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
	and Thorness Holiday Park.				
IOW 7	Newtown Harbour shingle spits	Exclusion	Sensitive wildlife	Nature conservation 26(3)(a)	All year
IOW 7	Hamstead and Western Haven	Exclusion	Disturbance to game	Land management 24	1 st August to 30 th September
IOW 7	Hamstead and Western Haven	Exclusion	Sensitive wildlife	Nature conservation 26(3)(a)	1 st October to 1 st March
IOW 7	Western Haven Creek main route	Keep dogs on leads	Sensitive wildlife	Nature conservation 26(3)(a)	When main route is open
IOW 7	Shalfleet fields	Keep dogs on leads	Land management	Land management 24	All year
IOW 7	Corf Scout Camp	Exclusion	Land management	Land management 24	All year
IOW 7	Hart's Farm	Exclusion	Sensitive wildlife	Nature conservation 26(3)(a)	All year
IOW 7	Burnt Wood	Exclusion	Sensitive wildlife	Nature conservation 26(3)(a)	All year




Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
IOW 7	Pasture field adjacent Burnt Wood	Exclusion	Sensitive wildlife	Nature conservation 26(3)(a)	All year
IOW 8	The salt marsh and mudflats fronting Thorness Bay	Exclusion	Unsuitable for public access	Salt marsh or flat 25A	All year
IOW 9	The salt marsh and mudflat seaward of Birmingham Road, Cowes	Exclusion	Unsuitable for public access	Salt marsh or flat 25A	All year
IOW 10	The salt marsh and mudflats within the Medina Estuary	Exclusion	Unsuitable for public access	Salt marsh or flat 25A	All year

These directions will not prevent or affect:

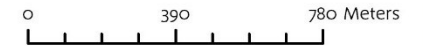
- any existing local use of the land by right: such use is not covered by coastal access rights;
- any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or any rights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

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

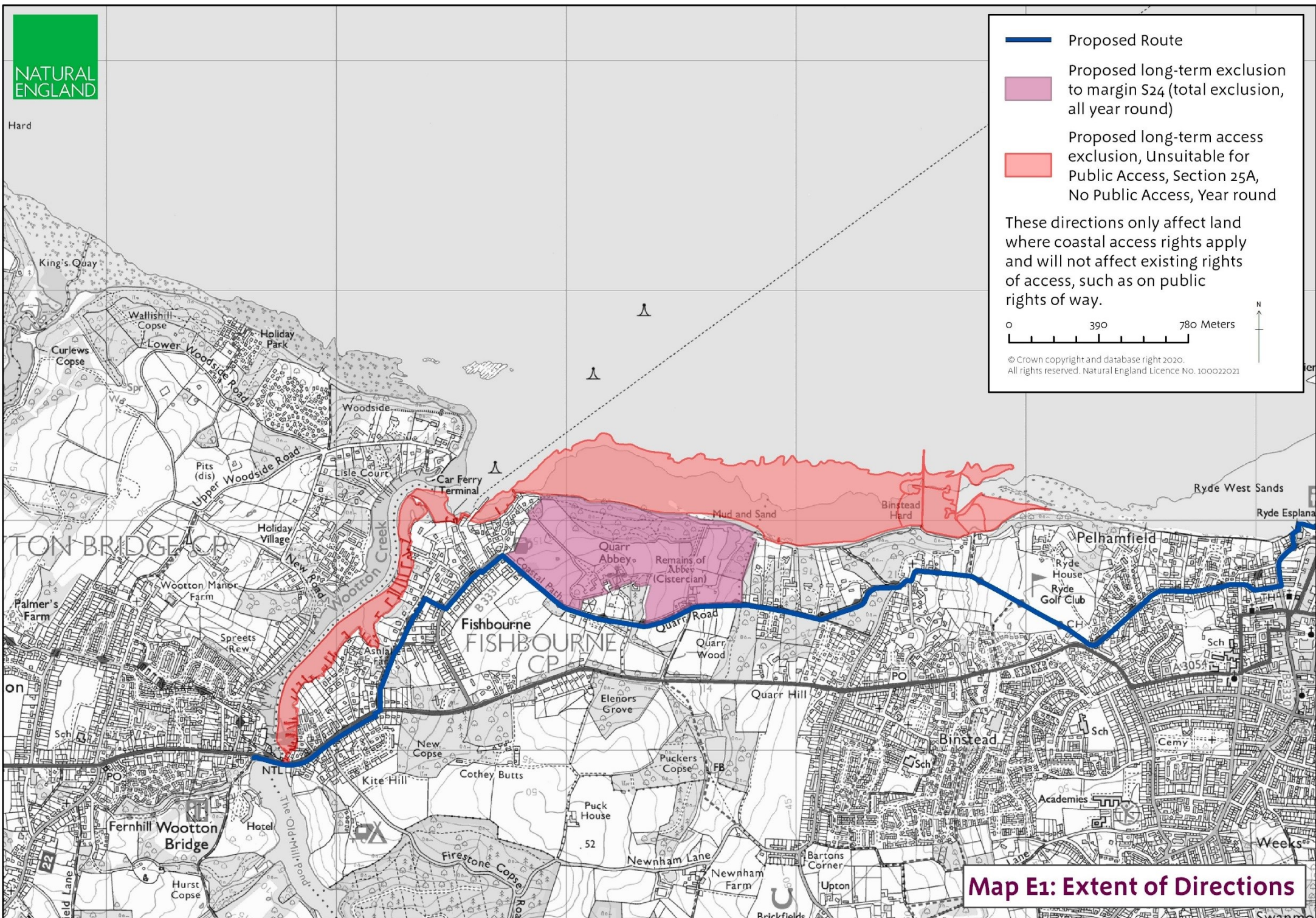
Where land already has open access rights for the public under Part 1 of the CROW Act (the right to roam over mountain, moor, heath, down and registered common), those pre-existing rights are replaced by coastal access rights wherever the land in question falls within the coastal margin. Where that happens, 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.

-  Proposed Route
-  Proposed long-term exclusion to margin S24 (total exclusion, all year round)
-  Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round





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



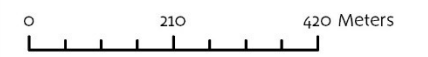
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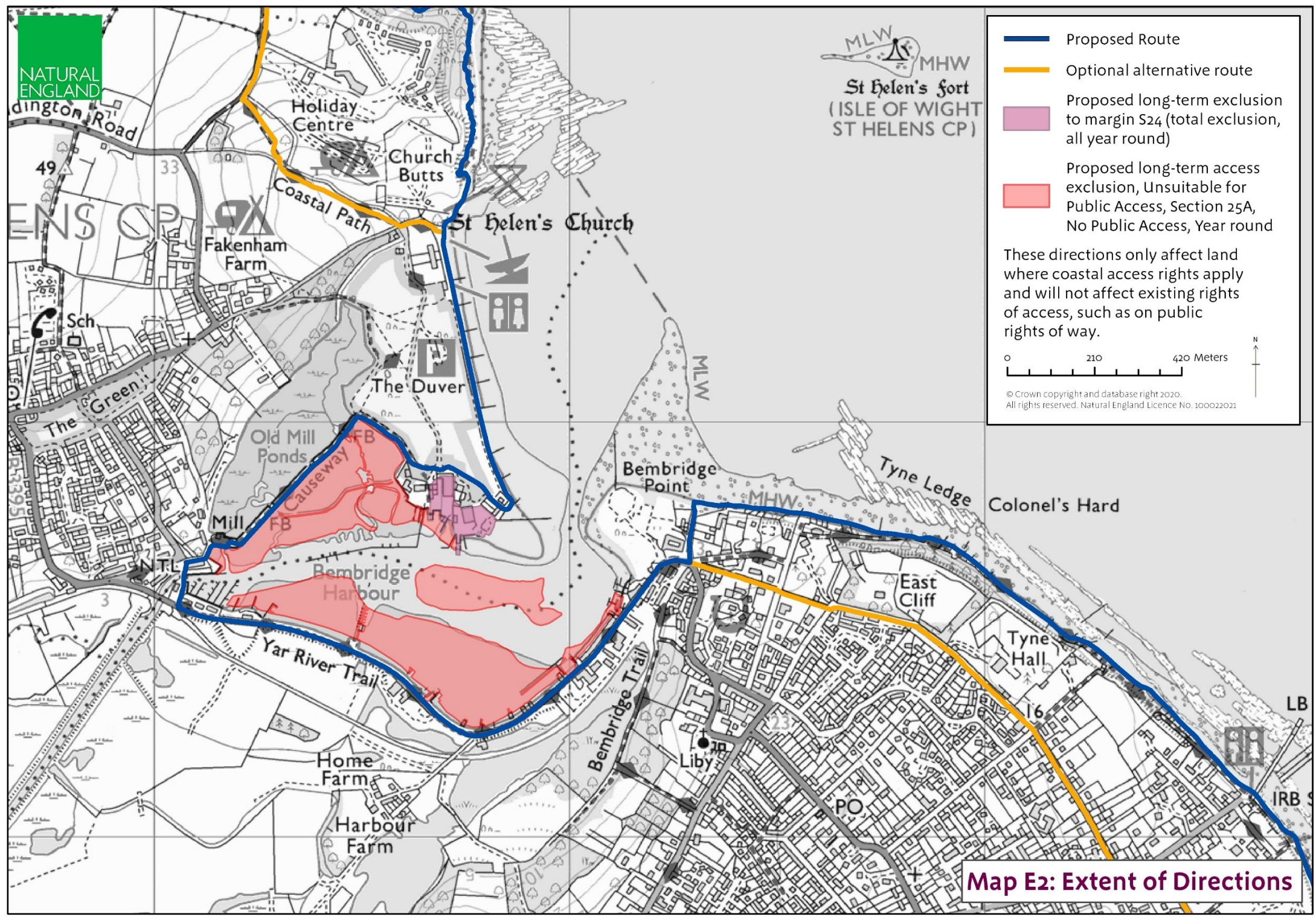
Map E1: Extent of Directions

-  Proposed Route
-  Optional alternative route
-  Proposed long-term exclusion to margin S24 (total exclusion, all year round)
-  Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

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

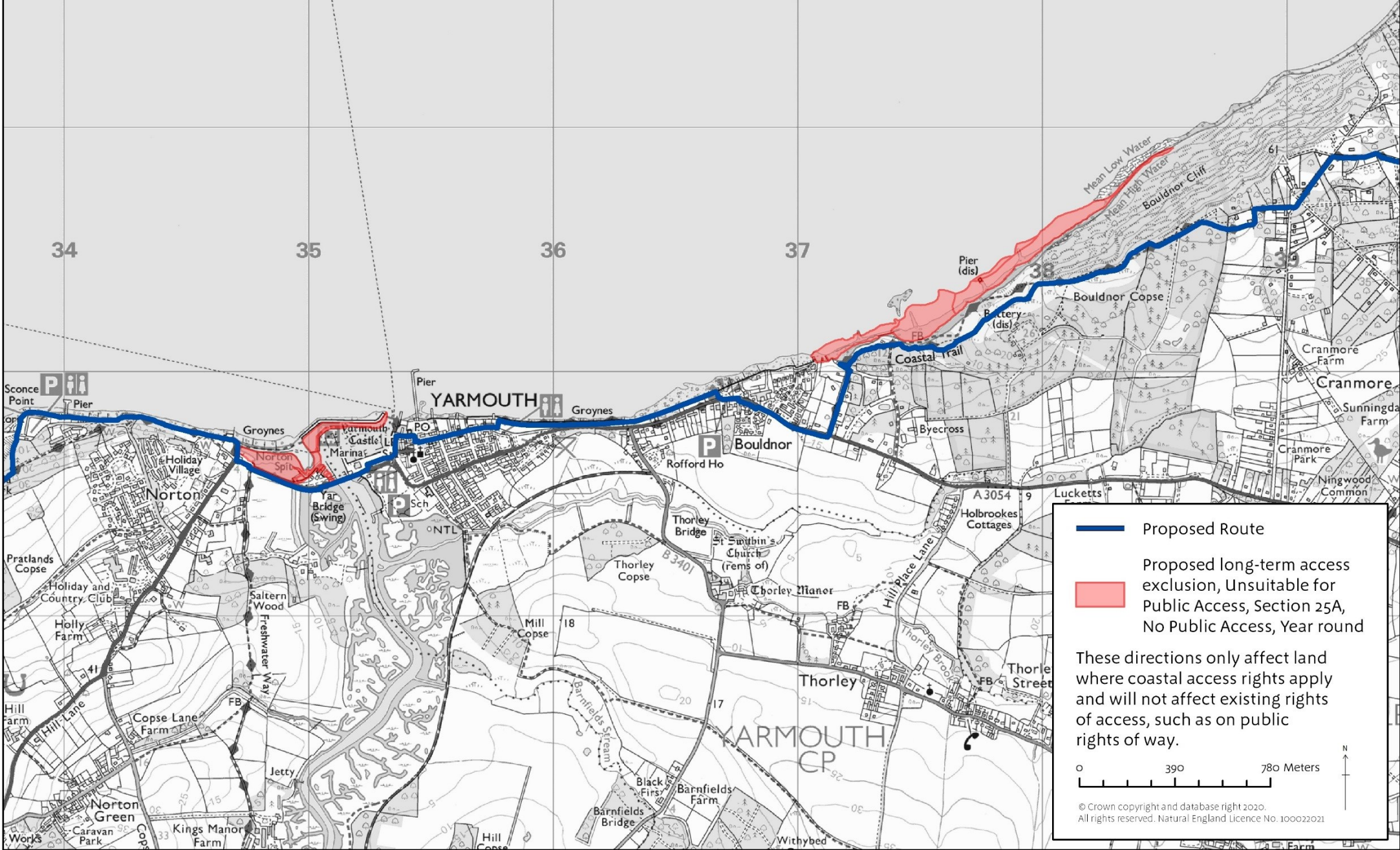


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Map E2: Extent of Directions

Map E3: Extent of Directions








— Proposed Route
 Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

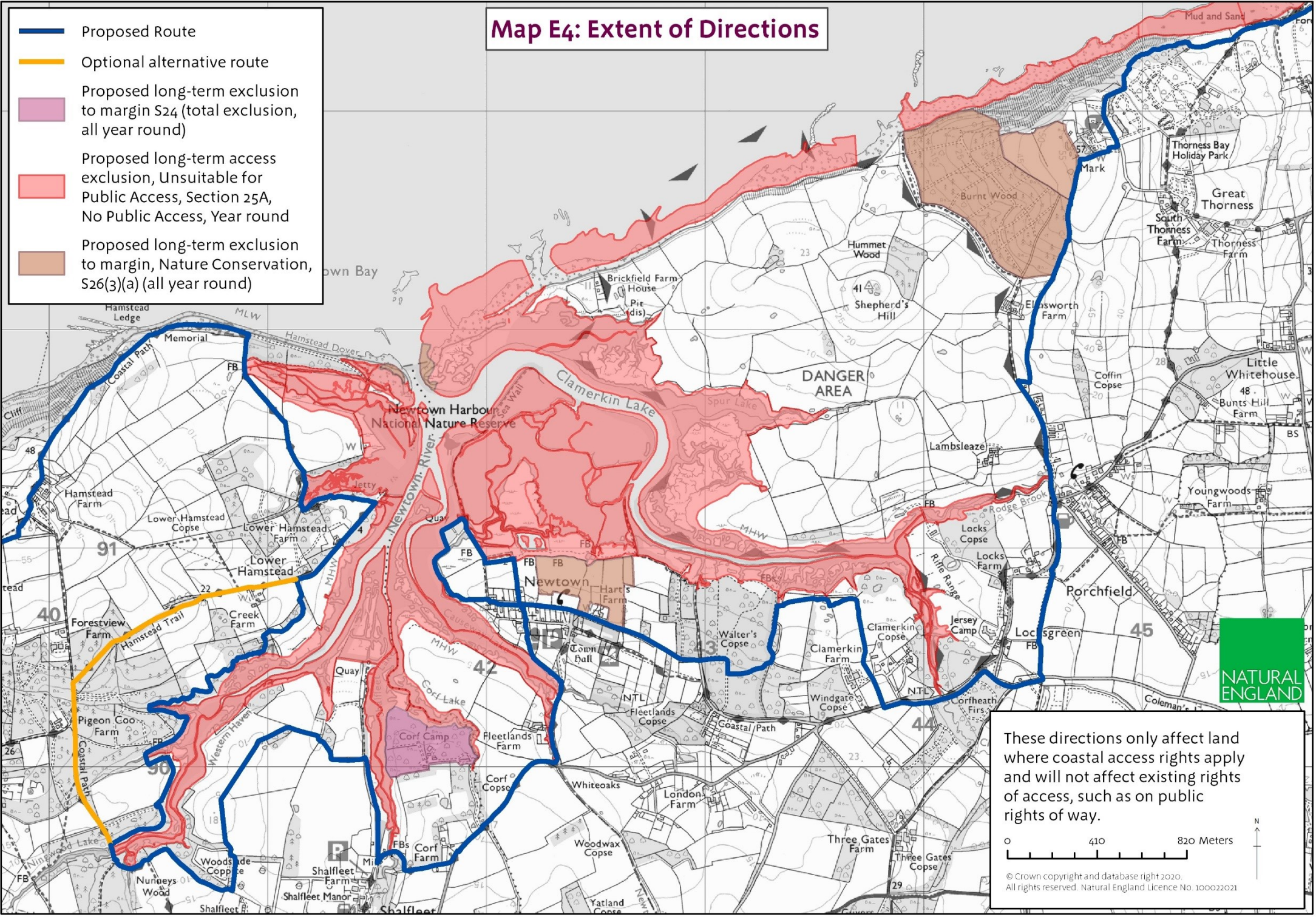
These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.

0 390 780 Meters

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Map E4: Extent of Directions

-  Proposed Route
-  Optional alternative route
-  Proposed long-term exclusion to margin S24 (total exclusion, all year round)
-  Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round
-  Proposed long-term exclusion to margin, Nature Conservation, S26(3)(a) (all year round)

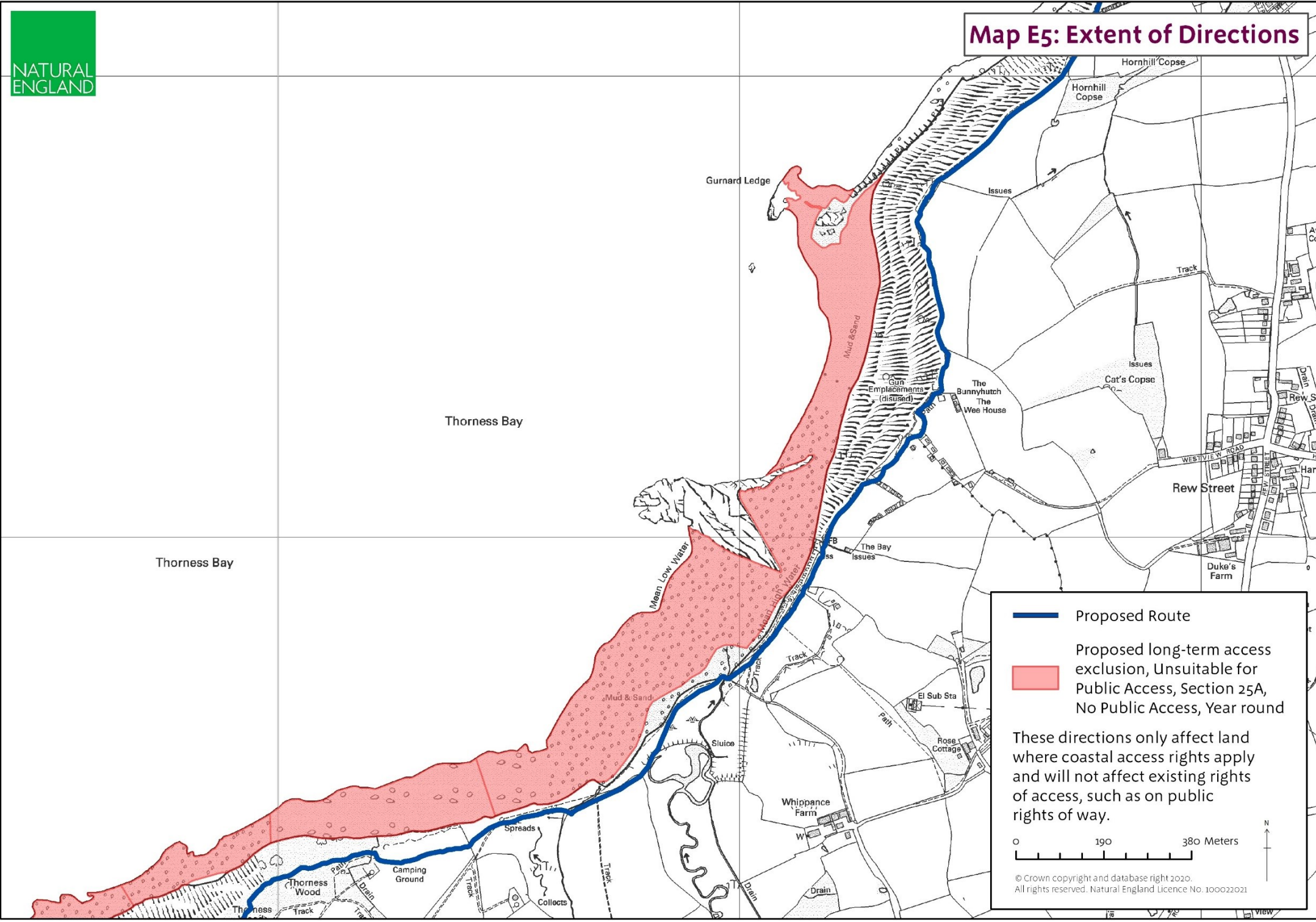



These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.


0 410 820 Meters

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Map E5: Extent of Directions



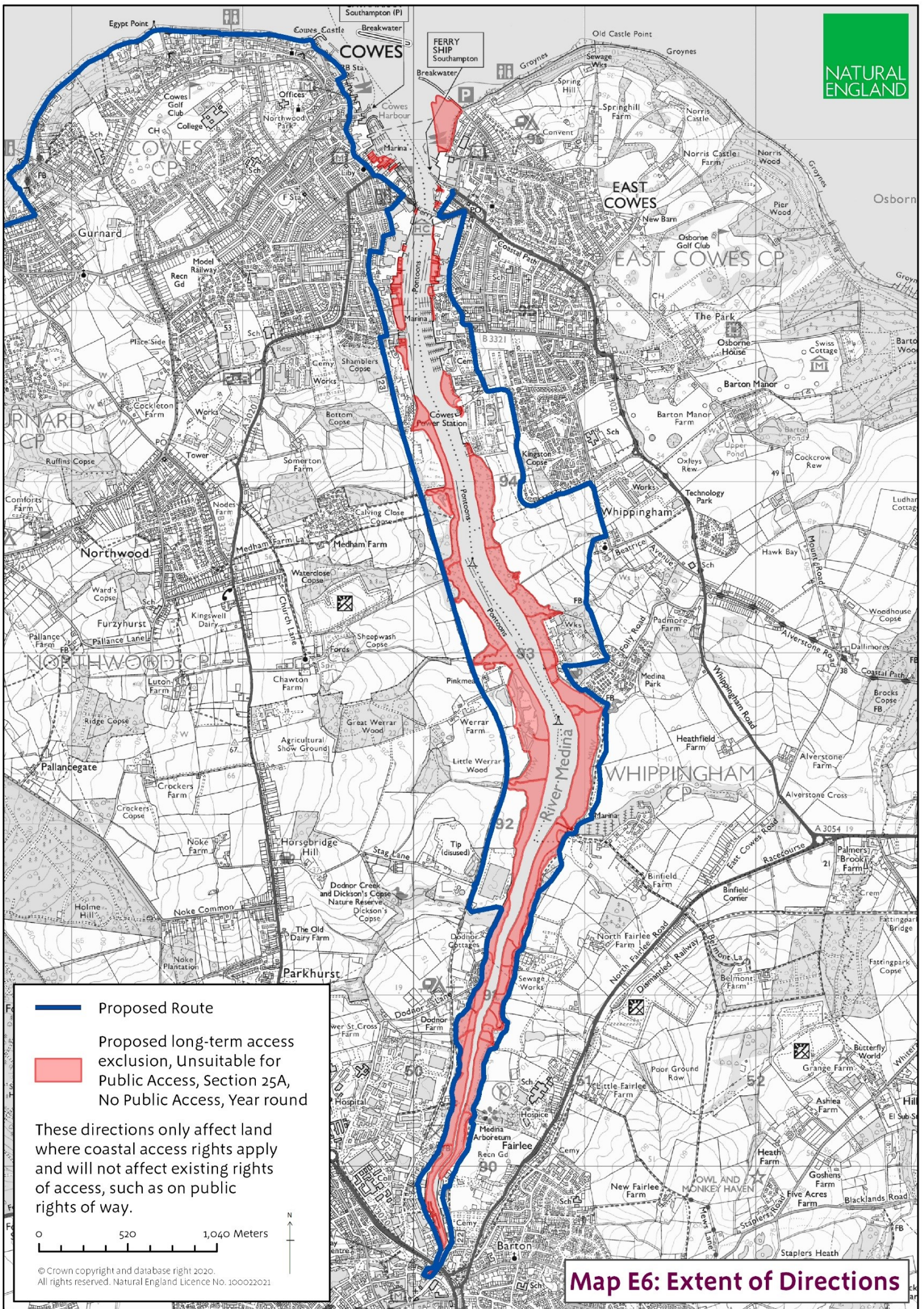
 Proposed Route

 Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

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

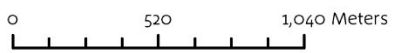
0 190 380 Meters

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- Proposed Route
- Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

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



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Map E6: Extent of Directions

Annex A: Bibliography

Information about Natural England's coastal access programme:

Natural England

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

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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

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Other published information used in the preparation of the report:

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Isle of Wight County Council

<http://www.coastalwight.gov.uk/smp/main.htm>

Isle of Wight Rights of Way Improvement Plan 2018 (draft)

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The Solent Recreational Mitigation Strategy

Solent Recreation Mitigation Partnership/Bird Aware

<https://solent.birdaware.org/strategy>

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.

section 15 land means land with public access rights under:

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

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

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

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

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

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

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

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

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

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

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

Annex C: Excepted land categories

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

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

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

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

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

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

Annex D: National restrictions

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

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

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

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

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

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

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

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

General restrictions

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

(b) engaging in any activities which –

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

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

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

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

3 Regulations may amend paragraphs 1 and 2.

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

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

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

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

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

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

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

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

(3) The first condition is that –

(a) the dog is on a lead, or

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

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

(a) on access land, or

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

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

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

(2) In this paragraph –

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

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

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

Front cover photo:
Isle of Wight / John Taylor

Enquiries about the proposals should be addressed to:

Coastal Access Delivery Team – South
Natural England

4th floor Eastleigh House

Upper Market Street

Eastleigh

Hampshire

SO50 9YN

Telephone: 0300 060 3900

Email: southcoastalaccess@naturalengland.org.uk

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