

www.gov.uk/englandcoastpath

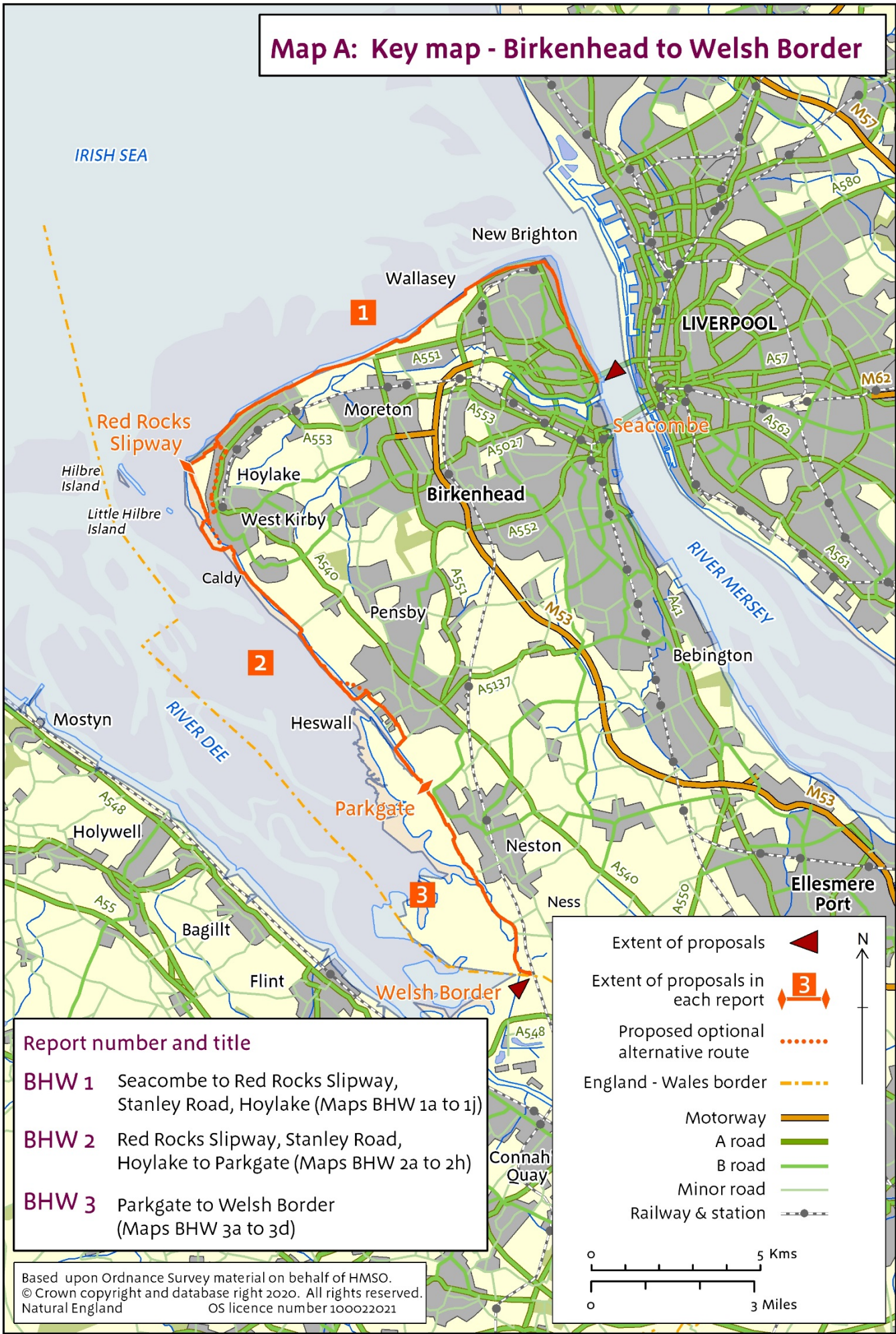
NATURAL
ENGLAND

England Coast Path Stretch: Birkenhead to the Welsh border

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



Map A: Key map - Birkenhead to Welsh Border



| Report number and title | |
|-------------------------|--|
| BHW 1 | Seacombe to Red Rocks Slipway, Stanley Road, Hoylake (Maps BHW 1a to 1j) |
| BHW 2 | Red Rocks Slipway, Stanley Road, Hoylake to Parkgate (Maps BHW 2a to 2h) |
| BHW 3 | Parkgate to Welsh Border (Maps BHW 3a to 3d) |

| | | |
|-------------------------------------|--|---|
| Extent of proposals | | N |
| Extent of proposals in each report | | |
| Proposed optional alternative route | | |
| England - Wales border | | |
| Motorway | | |
| A road | | |
| B road | | |
| Minor road | | |
| Railway & station | | |

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Report number and title

BHW 1: Seacombe Ferry Terminal, Birkenhead to Red Rocks, Hoylake (Maps BHW 1a to 1j)

BHW 2: Red Rocks slipway, Stanley Road Hoylake to 'The Boat House' Public House, Parkgate (Maps BHW 2a to 2h)

BHW 3: 'The Boat House' Public House, Parkgate to the Welsh border (Maps BHW 3a to 3d)

Using the Key Map

Map A (opposite) shows the whole of the Birkenhead to Welsh border 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 BHW 1 to BHW 3 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the report you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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Please read first!

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

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

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

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

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

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

Each report is accompanied by detailed **Proposals Maps** for the relevant length of coast. The maps are numbered according to the part of the report to which they relate. For example, maps BHW 1a to 1j illustrate the proposals in report BHW 1, which deals with the length from Seacombe Ferry Terminal, Birkenhead to Red Rocks Slipway, Stanley Road, Hoylake.

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 around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where in appropriate places people will be able to spread out and explore, rest or picnic. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters¹, as far as the first bridge or tunnel with pedestrian access, or as far as any point between the two.

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

This Overview and the related compendium of reports relate to the coast of Wirral and Cheshire West & Chester between Birkenhead and the Welsh border. Taken together, our report proposals would make the following key improvements to the existing arrangements for access to this part of the coast:

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

This is a significant opportunity to improve public access to this stretch of coast in these ways, with benefits for residents, businesses and visitors. 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

2. The determination process

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

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

Following publication:

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

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

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

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

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

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

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

3. Understanding the proposals and accompanying maps

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

Our Proposals

The proposals are divided into 3 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 BHW 1a to BHW 1j illustrate the proposals described in report BHW 1: Seacombe Ferry Terminal, Birkenhead to Red Rocks Slipway, Stanley Road, Hoylake.

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.

Part 3 Proposals Tables explained

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.

This table is only included in reports where we are proposing alternative / optional alternative routes.

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.

This table is only included in reports where we have considered other options.

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.

This table is only included in reports where we are proposing complex rollback.

Part 4 Proposals Maps explained

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

The proposed route of the trail:

- i The thickness of the line used to depict the proposed route on the maps is intended to make it easy to find on the map. Different shading on the line differentiates 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 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 means the excepted land provisions do not apply there and may also be used to relax or remove specific national restrictions that would otherwise apply. Parts 4.8.20 to 4.8.23 of the Coastal Access Scheme explain these provisions in more detail.

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

4. Preparation of the report

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

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

- Stage 1: Prepare – defining the extent of the coastal stretch with access authorities and identifying the key issues 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 Merseyside Local Access Forum;
- officers from Wirral MBC and Cheshire West and Chester Council (over subjects including ecology, geology, historic environment, planning & transport) and countryside ranger staff;
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast;
- local officers of Historic England and the Merseyside Environmental Advisory Service, 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;
- the Open Spaces Society;
- H.M. Coastguard and the RNLI;
- The Dee Estuary Conservation Group (DECG);
- Wirral Wildlife;
- Friends of Hilbre Island;
- Dee Estuary Conservation Volunteers;
- Neston Town Council;
- Dee Wildfowling and Wetlands Management Club;
- Merseytravel;
- Flintshire County Council;
- Natural Resources Wales;
- the National Farmers Union (NFU);
- the British Association for Shooting and Conservation, and

- the Country Land and Business Association (CLA).

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 Cheshire Wildlife Trust and the Royal Society for the Protection of Birds, 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 addition, we held a public 'drop-in' session at Wirral Country Park, Thurstaston, in October 2017, at the start of the work on this stretch of coast in order to give owners and occupiers an early opportunity to discuss the project in more detail and to allow us to explain how we would be managing the work. The CLA and NFU were also invited to participate in this event.

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

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

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

Key issues along this stretch

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

The proposed Birkenhead to the Welsh border stretch includes parts of the estuaries of the river Mersey and river Dee. The remaining part of the Mersey Estuary is within the Cleveleys to Pier Head, Liverpool stretch - for more information, please refer to our report for that stretch, when it is published.

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 parts of the River Mersey and River Dee estuaries included within this stretch of coast;
- goes on to explain in more detail how each of the specific estuary considerations set out at section 301 of the 2009 Act affects our view of the options for the estuaries of the River Mersey and River Dee;
- 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) & f) below in relation to the estuaries of the River Mersey and the River Dee.

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 Wirral is a peninsula in northwest England. It is bounded to the west by the River Dee, through which passes the boundary with Wales, and to the east by the River Mersey. The Irish Sea lies to its north.

e) River Mersey

Geographical limits of our discretion

The seaward limit of the transitional waters of the River Mersey is between the container depot at Seaforth (Liverpool) and Perch Rock at New Brighton, on the Wirral. The first bridge with pedestrian access is approximately 30km upstream at Runcorn.

The statutory estuary criteria

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

i) Ferry services

There is a frequent, daily pedestrian ferry service between Pier Head (Liverpool) and Birkenhead, offering a service from early morning to late afternoon / evening all year round. There is also a train line that runs from Liverpool Lime Street to Birkenhead and other stations on the Wirral peninsula; this can be accessed close to Pier Head, and used should the ferry service be disrupted due to bad weather.

ii) Character of the Estuary

Estuary width

The width of the Mersey estuary is variable although from Pier Head, Liverpool to Birkenhead, the river is only 900m wide. Further upstream at Ellesmere Port, the estuary widens to approximately 4km.

Topography of the shoreline

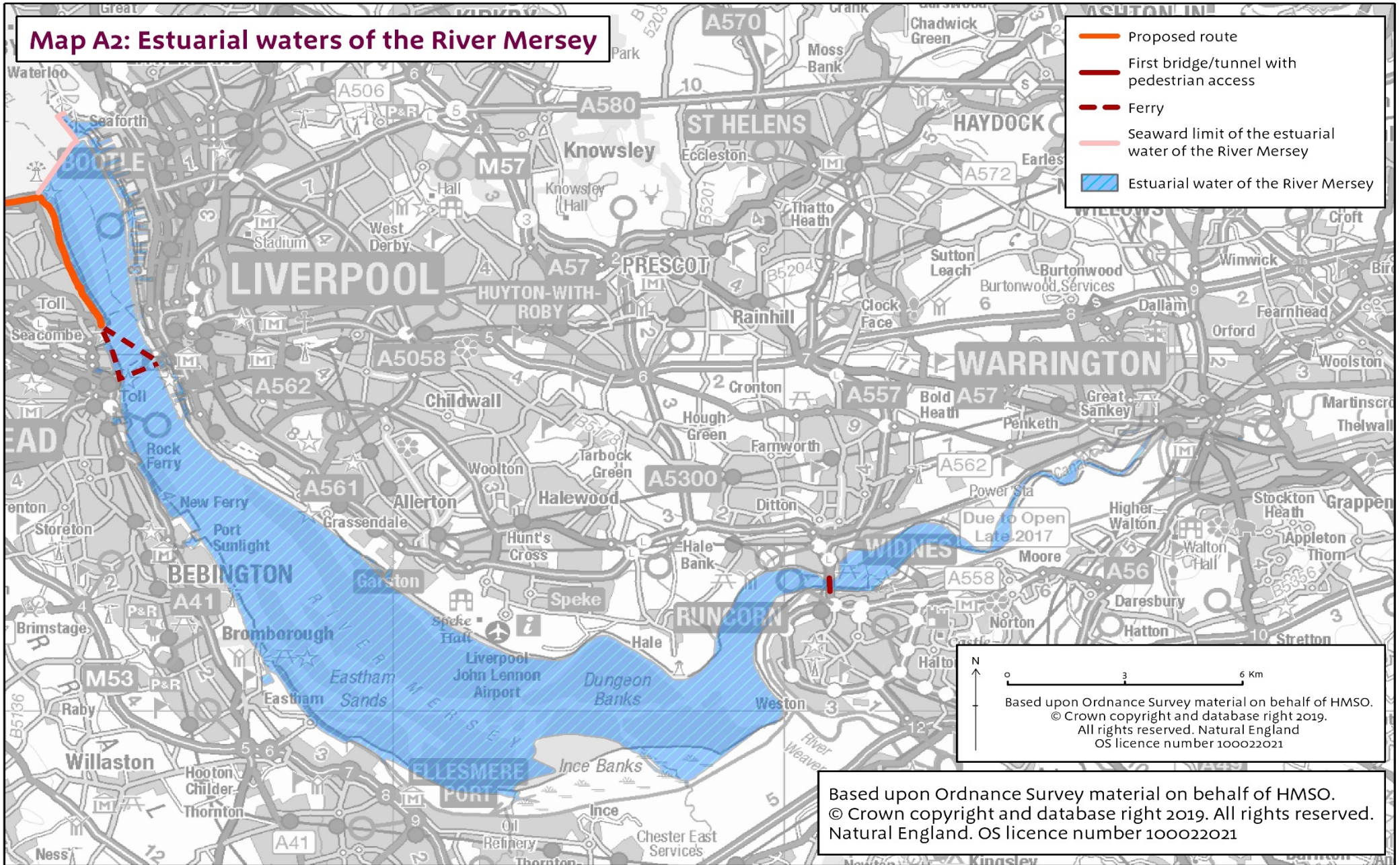
The Mersey is a tidal river with the second highest tidal range in the UK. It originates at the confluence of the River Tame and the River Goyt, in the town centre of Stockport and flows west towards Liverpool.

Towards the mouth of the estuary, the topography is dominated by the large bend between Liverpool and Runcorn. There is a large headland on the south bank, opposite the Liverpool John Lennon airport, and another on the north bank, opposite Runcorn.

Nature of affected land

The river banks on both sides of the estuary are predominantly developed. There are few typical coastal land forms, but the shoreline is rocky for a short distance downstream of Garston on the north bank. There are extensive areas of marshland, sandbanks and mudflats along the southern bank of the river, between Ellesmere Port and Frodsham.

Map A2: Estuarial waters of the River Mersey



Features of interest

There are many features of interest along this stretch, in particular at Liverpool, where the historic docks have special maritime significance. On the Wirral side of the estuary, there are various tourist attractions around the ferry terminals and an extensive waterfront promenade heading north from Seacombe ferry terminal through to New Brighton and then onwards to Hoylake. Birkenhead docks and shipyards dominate the area, some of which is now unused and is due to be redeveloped as part of the 'Wirral Waters' regeneration scheme.

iii) Recreational Benefit

It is possible to walk reasonably close to the river on the eastern bank of the estuary by following the existing promenade as far as Otterspool. However, the opportunity to continue further south along the bank of the river is then interrupted by Garston docks, industrial land and Liverpool John Lennon Airport. South of the airport, from Hale, there are existing opportunities for access close to the river all the way through to Widnes. This is the location of the Silver Jubilee Bridge which is the first public crossing point over the River Mersey (and Manchester Ship Canal) on foot.

On the western side of the River Mersey, there are limited opportunities for creating better public access. The existing promenade that extends from Birkenhead to New Brighton is already accessible to the public. Further upstream however, large parts of the land on the western side of the Mersey are dominated by extensive areas of docks, shipyards and other industry with only the areas of marsh from Ince to Frodsham providing any real opportunities for creating better access close to the river.

The practical considerations of aligning close to the types of land listed above, including controls for wildlife protection, public safety and privacy, would present significant additional challenges to the aspiration for a truly coastal route around the estuary.

iv) Excepted land

Although there are areas of agricultural land between Ince and Frodsham, large parts of the eastern side of the Wirral peninsula consists of buildings, other structures and industry which would be excepted land.

v) Options for the River Mersey

- Option 1 – end the trail at the seaward limit. However there is no means to cross the river at this point.
- Option 2 – align the trail as far as the Silver Jubilee Bridge at Runcorn, where pedestrians can cross the river on foot. This would provide a link to the open coast for more communities and create a potential circular route around the wide stretch of the river from Birkenhead to Runcorn. However, this option would require significant inland detours around port and industrial facilities.
- Option 3 – align the trail upstream to the Mersey Ferry terminal at Seacombe. This would provide a convenient means to cross the river and would incorporate nearby features of historic interest such as the historic docks.

Proposed route of the trail for the Mersey estuary

Our proposal is to align the trail along the estuary from the seaward limit of the transitional waters of the River Mersey at Perch Rock, New Brighton to the ferry terminal at Seacombe. Walkers following the England Coast Path may then cross the River Mersey by means of the ferry service to Pier Head, Liverpool. The ability to use the ferry fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. The additional local benefits of option 2 (to extend the trail as far as the first pedestrian crossing at Runcorn) are potentially significant, but in our view – given the existence of the regular ferry service – it would not justify the substantial additional cost to the national implementation programme. Should the service cease altogether in the future or become less suitable for

the purpose, Natural England will review its trail alignment and, if appropriate, will prepare a separate variation report to the Secretary of State, to ensure an uninterrupted journey along the trail.

This decision is consistent with our proposals for the adjoining Cleveleys to Pier Head stretch, which includes the remaining parts of the Mersey Estuary, from the Port of Liverpool to Pier Head, Liverpool. Please refer to the separately published report(s) for more information on our proposed estuary discretion application over these other parts of the Mersey Estuary.

f) River Dee

Geographical limits of our discretion

The seaward limit of the transitional waters of the River Dee is between Hilbre Point, near Hoylake, and the northernmost point of mainland Wales, Point of Ayr at Talacre, Flintshire. The first bridge with pedestrian access (which is also close to the current line of the Wales Coast Path) is the Hawarden railway bridge at Shotton, but this is located across the border in Wales. The border between England and Wales intersects with the coast near to the Sealand Rifle Range, close to Burton Point, across an extensive area of saltmarsh.

The statutory estuary criteria

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

i) Ferry services

There is no ferry service across the Dee Estuary.

ii) Character of the Estuary

Estuary width

The inland extent of the estuary lies near Shotton and, after a narrow 'canalised' section, it then broadens out to several miles wide, forming the boundary between the Wirral peninsula in north-west England and Flintshire in north-east Wales. At the north western corner of the peninsula, the estuary has a distinctly coastal feel from Hoylake to Heswall, with clear, long range views out to the open coast. From Heswall to the Welsh border, the large expanses of saltmarsh means that the river is not readily visible from the land.

Topography of the shoreline

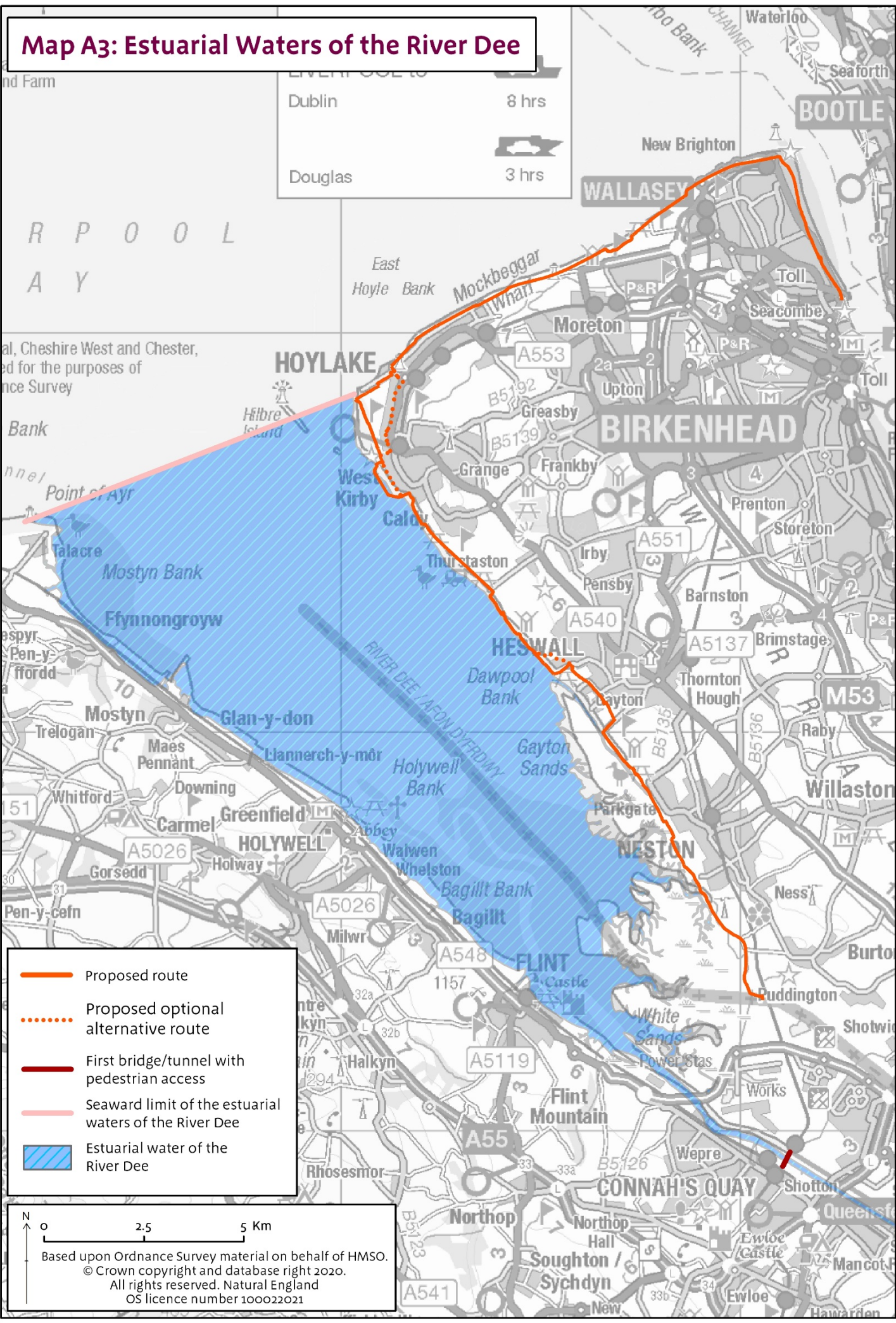
The Dee Estuary lies on the boundary between England and Wales. It is a large, funnel-shaped, sheltered estuary that supports extensive areas of intertidal sand-flats, mud-flats and saltmarsh. At the northern tip of the estuary near Hoylake, extensive areas of intertidal sand-flats and mud flats extend out for some distance at low tides. A small accreting saltmarsh and dune system at Red Rocks SSSI are replaced by coastal cliffs that extend southwards from West Kirby through to Heswall. From here, the coast is generally low-lying, with saltmarsh and mudflats dominating the topography of the shoreline all the way to the border with Wales.






Nature of affected land

There are extensive saltmarsh and mudflats around the estuary and, in the north-west corner of the Wirral peninsula, the three sandstone islands of Hilbre with their important cliff vegetation and maritime heathland and grassland can be found. Part of the coastline near Thurstaston also contains the best known example of clay cliff and bank habitat in Merseyside. Land use along the western side of the estuary is mixed. Some arable and livestock farming takes place along the coast near Heswall and grazing takes place across large parts of the saltmarsh.

Map A3: Estuarial Waters of the River Dee

| | |
|---------|-------|
| Dublin | 8 hrs |
| Douglas | 3 hrs |



-  Proposed route
-  Proposed optional alternative route
-  First bridge/tunnel with pedestrian access
-  Seaward limit of the estuarial waters of the River Dee
-  Estuarial water of the River Dee

N
 0 2.5 5 Km
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Features of interest

There are several features of interest along the Dee Estuary. Walkers can access the sandstone islands at Hilbre at low tide and the saltmarsh that extends from Heswall all the way down to the Welsh border offers excellent opportunities for bird watching. The estuary is a major wildlife area and is amongst the most important in Europe for its populations of waders and wildfowl. The RSPB reserve at Burton also offers good opportunities to get close to nature.

The towns and historic villages of West Kirkby, Heswall, Neston and Parkgate offer a variety of visitor facilities and attractions.

iii) Recreational Benefit

It is already possible to walk along much of the western side of the Wirral peninsula by following the Wirral Way (from West Kirby to Neston) and a series of existing public footpaths, cycleway and other routes at the back edge of the marsh and foreshore.

However, the Wirral Way (a multi user route along a disused railway line), is in parts located some way inland and does not always provide good views of the coast. There are practical considerations for creating new sections of the trail closer to the coast (such as impact on wildlife protection, public safety, marina use and privacy) that need to be addressed in order for a more coastal route along the estuary to be created.

iv) Excepted land

Although there are areas of agricultural land, parts of the western side of the Wirral peninsula consist of private houses, boatyards, golf courses, caravan parks and an MoD shooting range, all of which would be excepted land.

v) Options for the River Dee

- Option 1 – end the trail at the seaward limit. However there is no means to cross the estuary at this point.
- Option 2 – align the trail as far as the border between England and Wales on the outskirts with Chester, where walkers would be able to join the Wales Coast Path on the northern banks of the River Dee. This option would require a significant inland detour approximately 2-3km away from the coast due to the position of the border with Wales and other land uses - the railway line with few crossing points, the RSPB reserve at Burton and various industrial facilities at Deeside.
- Option 3 – align the trail as far as the border between England and Wales, near to Burton Point. This would also enable walkers to join up with the Wales Coast Path by following an existing walking and cycling route (approximately 5km) through the existing Deeside industrial estate.

Proposed route of the trail for the Dee Estuary

Our proposal is to align the trail as far as the border with Wales, at Burton Point. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way, whilst also allowing a relatively easy link to be made with the Wales Coast Path via the existing walking and cycle route through the industrial estate at Deeside. This would allow walkers to continue their journey towards Chester or along the North Wales coast.

The proposed route of the trail will follow existing rights of way and promoted routes (such as the Wirral Way) where appropriate but it will also incorporate new sections of path where no suitable routes currently exist. The following factors were central to our proposal to align the route along the eastern side of the Dee Estuary:

- The estimated costs of establishing the proposed route are not excessively high, partly as a result of the relatively straightforward alignment proposed along this side of the estuary;

- Whilst we are proposing to exclude access to various parts of the coastal margin, walkers would still benefit from panoramic and spectacular views over those areas from many parts of the proposed route. In some places, new rights would exist over the coastal margin.

Any additional local benefits of option 2 – given the significant inland detour that would be needed to avoid the industrial estate and to remain on the right side of the border with Wales - would not justify the substantial additional cost to the national implementation programme.

6. Other considerations on this stretch

a) Recreational Issues

We have considered interrelationships between our proposals and the relevant Rights of Way Improvement Plans. Our proposals will supplement the ambitions described in this plan by enhancing provision of access at the coast.

Map B gives an overview of existing public access to the coast between Birkenhead (Seacombe ferry terminal) and the border between England and Wales (near Burton Point) showing public rights of way, access land and promoted routes along the stretch.

The existing promenade between Birkenhead to Hoylake already offers excellent linear access close to the coast. A network of existing paths through the Red Rocks SSSI (near Hoylake) provides good access to West Kirby where another promenade and path around the boating lake offers further access opportunities close to the coast. Recreational routes within the Wirral Country Park at Thurstaston, via the Wirral Way (a multi user route along a disused railway line) and via the Dee Marshes cycle route also provide reasonably good public access along the western side of the Wirral peninsula as can be seen on Map B.

For the most part, these routes provide relatively easy access for people of all abilities in close proximity to the sea - but there are points where, in the case of the Wirral Way, it moves further inland and loses sea views for significant distances. We address these issues in the relevant report relating to the places where they occur.

The official line of the Wales Coast Path currently crosses the River Dee at Hawarden before heading towards Chester. Discussions have been held with Natural Resources Wales and Flintshire County Council to ensure that a new 'link' route for the Wales Coast Path (approx. 5km) would be created so that the two national coastal paths will join up at the English - Welsh border.

There is a large area of land with other existing rights of access along the northern coast of the Wirral at Leasowe Common, and at Heswall Fields, which is a National Trust site on the coast just to the north of Heswall. Other areas of access land exist but these are all located somewhat inland from the coast. These are shown as existing access land on Map B. The majority of this spreading room is owned by local authorities or the National Trust. It includes land on both the seaward and landward side of the trail, which would become accessible either by default under the legislation, or where we are minded to use our discretion to propose additional spreading room, with the support of the affected land owner.

Local user groups asked for improvements to be made to surfacing of existing public rights of way along the coast, particularly from Parkgate to Little Neston. This issue is addressed in the relevant report BHW 3: The 'Boat House' Public House, Parkgate to the Welsh border.

b) Protection of the environment

There are extensive areas of sand and mudflats and, particularly around the Dee estuary, large areas of saltmarsh along this stretch of coast.

The intertidal flats between Birkenhead and West Kirby are of international importance for their wildlife, including large populations of wintering and migratory waterbirds. Characterised by low lying, urban and defended land, this section of the coast has extensive areas of intertidal mud and sandflats, distinct areas of rocky shore and some small areas of saltmarsh on the north Wirral foreshore. These features form part of the Liverpool Bay SPA, the Mersey Narrows and North Wirral Foreshore SPA and Ramsar site and the Dee Estuary SAC (see Map C) which supports large numbers of feeding waders at low tide and also includes important high tide roost sites.

At Hoylake, the open coast of north Wirral meets the Dee Estuary - a large, funnel shaped, sheltered estuary that is dominated by large areas of saltmarsh, intertidal sand-flats and mud flats that stretch out for some distance towards the coastline of north Wales. During the winter, the intertidal flats, saltmarshes and fringing habitats including coastal grazing marsh/fields, provide feeding and roosting sites for internationally important numbers of ducks and waders. In summer the site also supports nationally important breeding colonies of two species of tern. The estuary is also important during migration periods, particularly for wader populations moving along the west coast of Britain.

This section of the Wirral coastline are recognised as part of the Dee Estuary SAC, SPA and Ramsar sites (see Map C).

Another important feature on the eastern side of the Dee Estuary are the Dee Cliffs SSSI which contain the best known example of clay cliff and bank habitat in Merseyside. The area also has some marl pits, which have a rich flora and fauna and an area of herb-rich neutral grassland.

Much of the coastline around the Wirral is already popular with visitors – the beaches already draw many visitors but other attractions such as the promenade that runs from Birkenhead to Hoylake, the rejuvenated New Brighton resort, internationally famous golf courses, coastal country parks and the Wirral Way are an equally important draw for tourists. The larger settlements at West Kirby and Parkgate on the Dee Estuary are popular tourist destinations in their own right with West Kirby being a centre for various watersports activities and the starting point for a walk out to explore the sandstone islands of Little Eye, Middle Eye and Hilbre Island, across the sand flats.

This stretch of coast is valued as an important recreation and conservation resource. Sensitive sites sit side by side with the popular beach and other coastal attractions. A key challenge for conservation is integrating demand for greenspace from nearby seaside towns with the protection and enhancement of the internationally, nationally and locally important habitats and species.

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

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

- A single Habitats Regulations Assessment relating to any potential impact on the conservation objectives of affected sites from the proposals we make in each report for the stretch. This assessment considers any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.
- Our Nature Conservation Assessment for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation.

Each of the above documents is published alongside our coastal access proposals, at the following address: www.gov.uk/government/publications/england-coast-path-birkenhead-to-the-welsh-border-comment-on-proposals

Once a route for the trail has been confirmed by the Secretary of State, we will hold further discussions with relevant bodies with a duty to protect these features, as appropriate, about any works on the ground that are necessary to prepare for commencement of the access rights.

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.

The proposed route has been carefully discussed with owners and/or occupiers so as to minimise any potential disruption to land management practices. Significant lengths of the coast are already accessible to the public and where possible we have made use of existing promenades, footpaths, pavements and cycleways.

In a few areas, we have proposed a line for the route that will create new access but we have planned this in accordance with the scheme to minimise any disruption to the owners of the land.

Where the proposed route follows existing walked lines across areas of saltmarsh on the Dee estuary, we have aligned the route towards the landward edge of the marsh which tends to be slightly higher above mean high water, and as a result, slightly drier underfoot.

Although relatively few issues were raised with us directly during the planning stages of our work, we might expect that the main concerns from individual landowners and occupiers are likely to be around the operational needs of any 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 lawful 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.

Discussions have also been held with the Ministry of Defence in relation to the Sealand Firing Range which spans the English and Welsh border near Burton. Parts of the range are already covered by military byelaws that restrict access rights but the Ministry of Defence have indicated that they are also intending on using their powers under s28 CROW to propose a direction to exclude coastal access rights from a specified area of land due to the land being used for military purposes.

d) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the North West England and North Wales Shoreline Management Plan 2 (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).

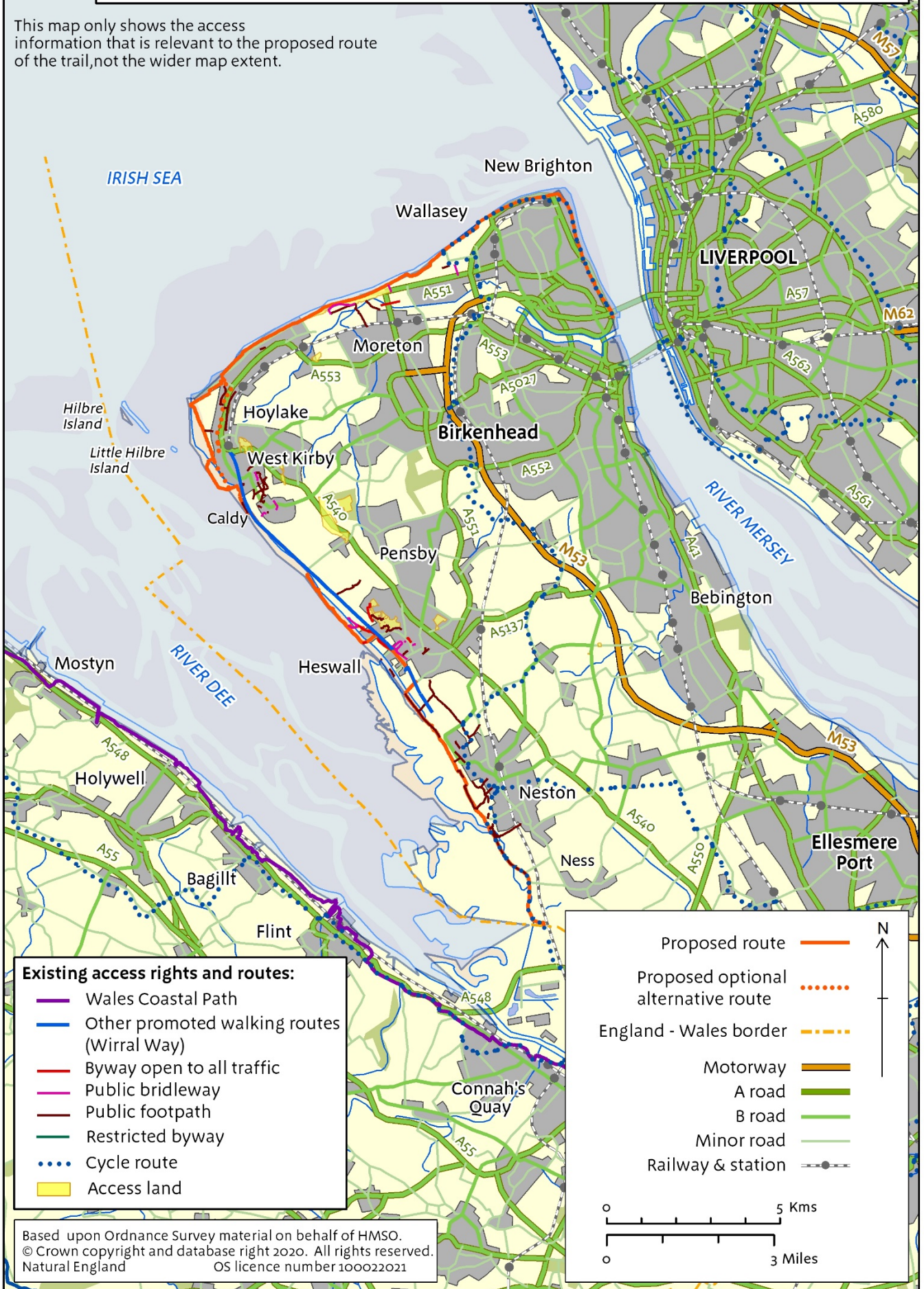
The developed areas of Birkenhead, New Brighton, Wallasey, Hoylake, West Kirby, Parkgate and Neston are protected by sea defences and harbour walls and are therefore unlikely to be affected significantly by coastal processes in the foreseeable future. We have not made any specific proposals to enable the trail to adapt to coastal change on these parts of the coast.

The large expanse of saltmarsh along the eastern side of the Dee Estuary is a predominantly accreting system and is unlikely to be affected significantly by coastal erosion processes in the foreseeable future. We have not made any specific proposals to enable the trail to adapt to coastal change on much of this part of the coast.

The soft cliffs that stretch south from Station Road, Thurstaston, towards Target Road, Heswall, described in report BHW 2 of the proposals, are undefended and subject to varying rates of change. On these parts of the coast we propose that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports.

Map B: Existing Public Access - Birkenhead to Welsh Border

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



- Existing access rights and routes:**
- Wales Coastal Path
 - Other promoted walking routes (Wirral Way)
 - Byway open to all traffic
 - Public bridleway
 - Public footpath
 - Restricted byway
 - Cycle route
 - Access land

Proposed route —

Proposed optional alternative route - - - - -

England - Wales border - - - - -

Motorway —

A road —

B road —

Minor road —

Railway & station —

N

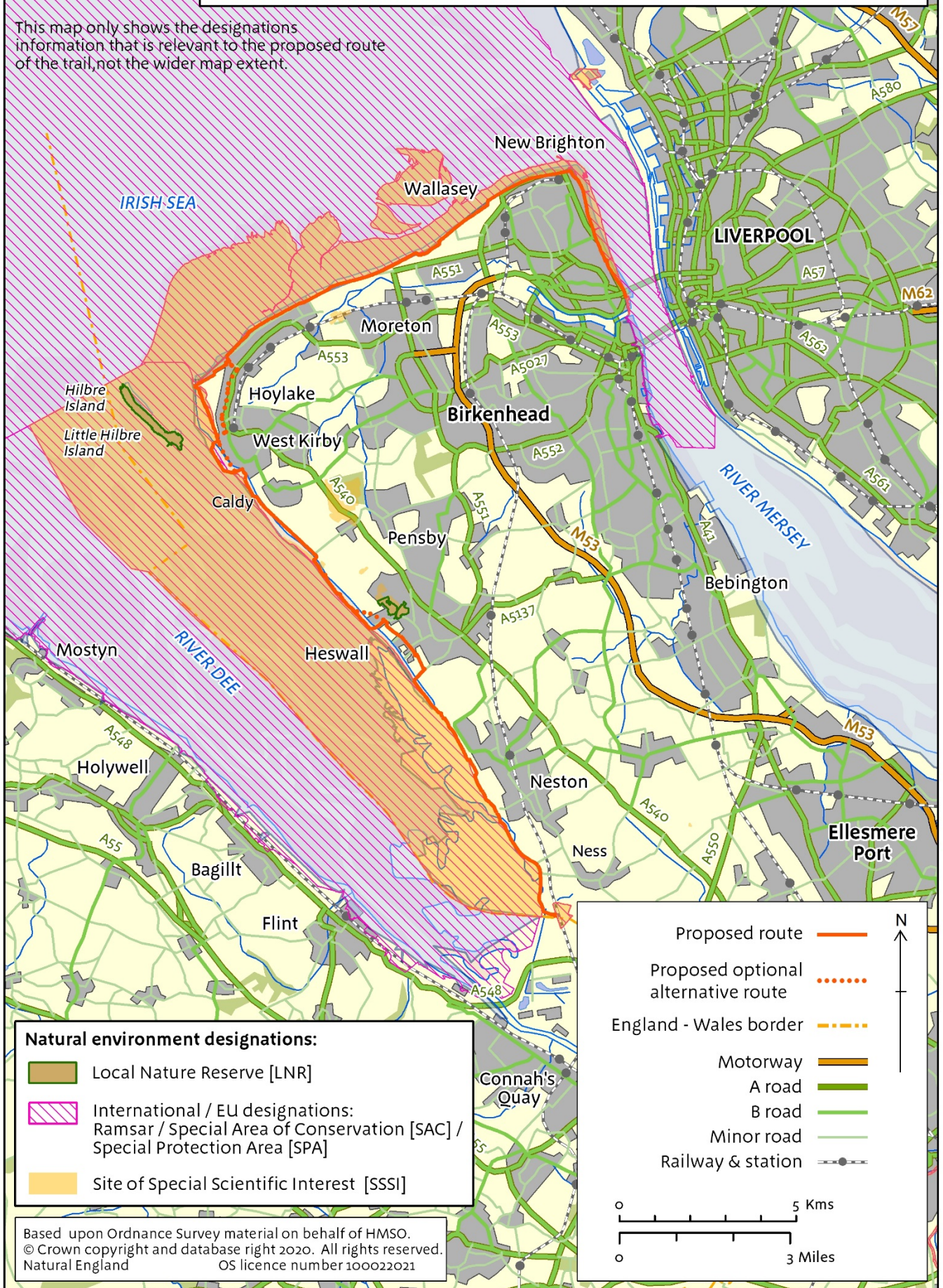
0 5 Kms

0 3 Miles

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Map C: Key Statutory Environmental Designations - Birkenhead to Welsh Border

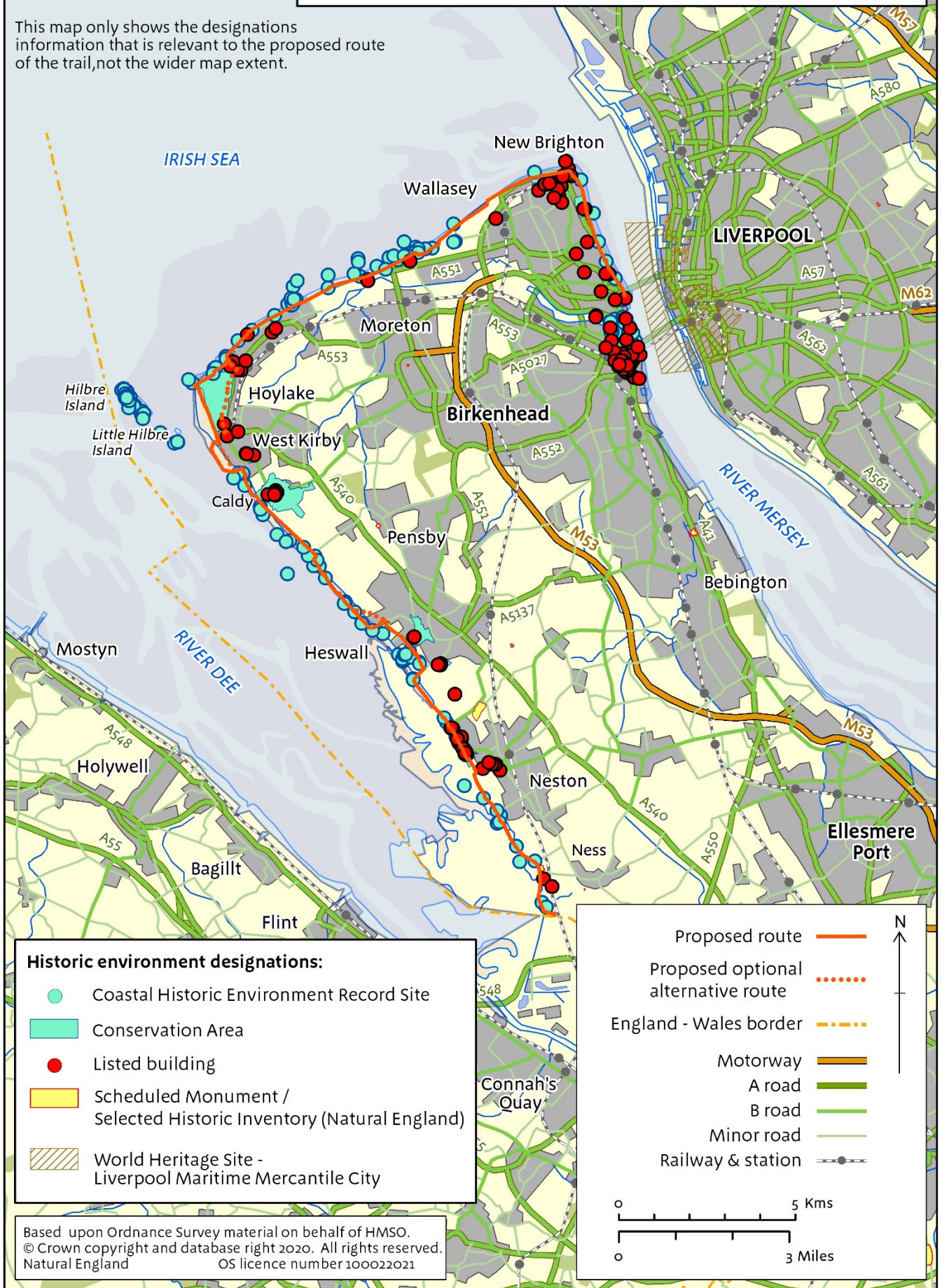
This map only shows the designations information that is relevant to the proposed route of the trail, not the wider map extent.



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Map D: Key Statutory Historic Designations - Birkenhead to Welsh Border

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



Historic environment designations:

- Coastal Historic Environment Record Site
- Conservation Area
- Listed building
- Scheduled Monument / Selected Historic Inventory (Natural England)
- World Heritage Site - Liverpool Maritime Mercantile City

Proposed route —

Proposed optional alternative route ⋯

England - Wales border - - -

Motorway —

A road —

B road —

Minor road —

Railway & station —●—

N
↑

0 5 Kms

0 3 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

The report for the section of coast between Red Rocks slipway, Stanley Road, Hoylake to 'The Boat House' Public House, Parkgate (BHW 2) includes 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 of this date.

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

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

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

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

Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make any other changes to the route of the trail (or to propose non-automatic changes to the landward boundary of the coastal margin) - for example if the land was subject to new build development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports.

However, even without a variation report:

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

8. Restrictions and exclusions

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 |
|------------------|---|-------------------|------------------------------|--------------------------------------|-------------------------|
| BHW 1 | Intertidal areas of the coastal margin on the Seacombe mudflats near Egremont – Directions Map BHW 1 | No Public Access | Unsuitable for Public Access | Salt marsh and flat s25A | All year round |
| BHW 2 | Intertidal areas of the coastal margin on the Dee Estuary saltmarsh and mudflats (Caldy Blacks to Gayton Sands) – Directions Map BHW 2 | No Public Access | Unsuitable for Public Access | Salt marsh and flat s25A | All year round |
| BHW 3 | Part of the route in the vicinity of Burton Marsh Farm through to Burton Point and the Welsh Border – Directions Map BHW 3A | No Public Access | Land Management | Land management s24 | Up to 20 days each year |
| BHW 3 | Intertidal areas of the coastal margin on the Dee Estuary saltmarsh and mudflats (Gayton Sands to Burton Point) – Directions Map BHW 3B | No Public Access | Unsuitable for Public Access | Salt marsh and flat s25A | All year round |
| BHW 3 | Part of the coastal margin in the vicinity of Denhall House Farm through to Burton Point – Directions Map BHW 3C | No Public Access | Sensitive Wildlife | Nature conservation s26(3)(a) | All year round |

These directions will not prevent or affect:

- any use of the land by existing rights such as horse riders or cyclists is not covered by coastal access rights;
- use of any registered rights of common or of any individual or local rights that operate at common law or by Royal Charter etc; or
- any use that people already make of the land with the express permission of the landowner, or where such permission is implied by existing signage, site management arrangements etc.

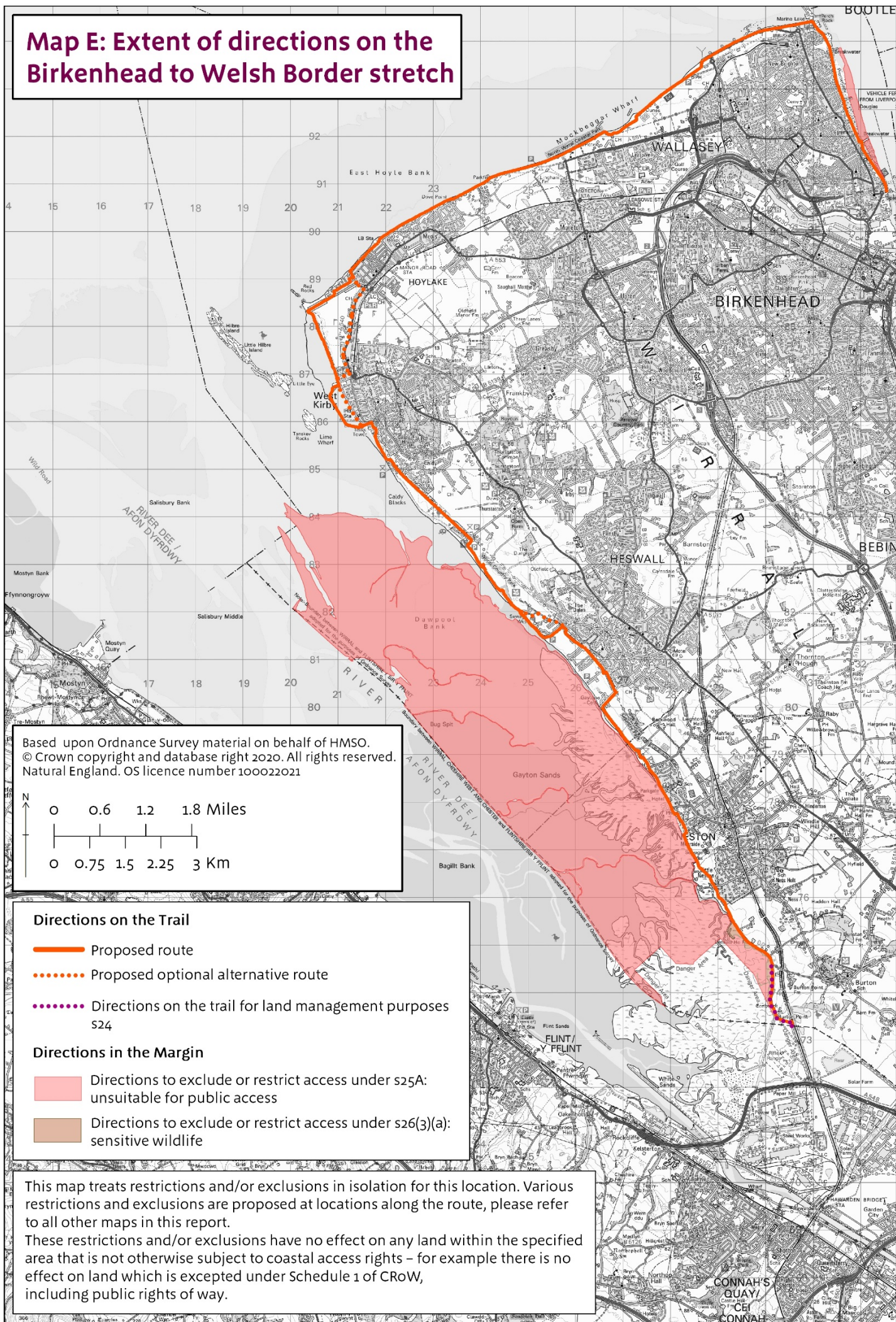
Any such use that already takes place locally is not prohibited or limited by these arrangements - though it remains open to the landowner, as now, to vary any existing permissions.

Where there is a clear and significant pattern of use of an area of land or a coastal route by local people or the wider public for open-air recreation, without any recognised legal right or express or implied permission for them to do so, we have scrutinised particularly carefully any suggestion that such use should be ended or limited under the new arrangements. CROW exclusions of or restrictions on such use are imposed only

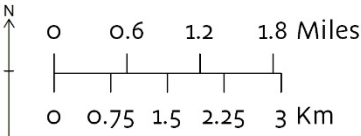
as a last resort, if the need is pressing and there is clear evidence that the situation cannot be sufficiently improved through improved access management measures on the ground. See section 6.5 of the Coastal Access Scheme for more information on such management measures.

Map E provides a summary of the effect of the proposed directions to exclude or restrict access. For a more detailed view, please refer to the Directions maps attached to the individual reports

Map E: Extent of directions on the Birkenhead to Welsh Border stretch



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- Directions on the Trail**
- Proposed route
 - ⋯ Proposed optional alternative route
 - ⋯ Directions on the trail for land management purposes s24
- Directions in the Margin**
- Directions to exclude or restrict access under s25A: unsuitable for public access
 - Directions to exclude or restrict access under s26(3)(a): sensitive wildlife

This map treats restrictions and/or exclusions in isolation for this location. Various restrictions and exclusions are proposed at locations along the route, please refer to all other maps in this report.

These restrictions and/or exclusions have no effect on any land within the specified area that is not otherwise subject to coastal access rights – for example there is no effect on land which is excepted under Schedule 1 of CROW, including public rights of way.

Annex A: Bibliography

Natural England's coastal access programme

Natural England

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

The statutory framework for coastal access

Department for Environment, Food and Rural Affairs

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

Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

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

Marine and Coastal Access Act 2009

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

Countryside & Rights of Way Act 2000 [CROW]

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

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

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

National Parks and Access to the Countryside Act 1949

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

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

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

Environmental legislation referred to in the reports

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

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

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

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

Other published information used in the preparation of the report:

Rights of Way Improvement Plan for Merseyside 2008-2018

https://democracy.wirral.gov.uk/Data/Cabinet/20080313/Agenda/ROWIP%20and%20cover_26682.pdf

North West Shoreline Management Plan 2011

www.mycoastline.org.uk/shoreline-management-plans

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

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

Wirral Circular Trail leaflet: Discover Wirral's Coast, Countryside and Heritage 2010

Annex B: Glossary of terms

The terms and their explanations below are included for guidance only

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

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

excepted land – see Annex C.

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

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

gate is used in several ways in the reports:

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

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

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

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

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

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

margin (see coastal margin)

national restrictions – see Annex D.

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

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

ordinary route means the line normally followed by the trail.

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

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

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

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

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

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

restrict/restriction – see “exclude/exclusion”.

Roll-back is the term the Scheme uses to describe arrangements made under the provisions of section 55B of the 1949 Act, whereby we may propose to the Secretary of State in a coastal access report that the

route of a specified part of the trail which is subject to significant erosion or other coastal processes, or which links to such a section of trail, should be capable of being repositioned later in accordance with the proposals in our relevant report, without further confirmation by the Secretary of State. Section 4.10 of the Scheme explains in more detail how this works, and part 6(d) of this Overview explains this in the context of the stretch.

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

section 15 land means land with public access rights under:

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

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

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

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

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

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

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

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

the trail is the term we use to describe the strip of land people walk along when following the route identified for the purposes of the Coastal Access Duty. See part 1.3 of the Coastal Access Scheme. Following approval by the Secretary of State of our proposals, the trail along that stretch becomes part of

the National Trail known as the England Coast Path. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the **coastal margin**.

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

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

Annex C: Excepted land categories

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

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

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

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

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

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

Annex D: National restrictions

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

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

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

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

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

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

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

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

General restrictions

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

(b) engaging in any activities which –

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

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

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

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

3 Regulations may amend paragraphs 1 and 2.

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

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

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

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

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

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

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

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

(3) The first condition is that –

(a) the dog is on a lead, or

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

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

(a) on access land, or

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

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

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

(2) In this paragraph –

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

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

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

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