

King Charles III England Coast Path Stretch:

Isle of Wight (East Cowes Ferry to Wootton Bridge, Isle of Wight 1)

Overview of Natural England's statutory Isle of Wight 1 report to the Secretary of State for Environment, Food and Rural Affairs (Report IOW 1).





2 King Charles III England Coast Path | Isle of Wight | Overview for report 1

Using the Key Map

The Key Map Ai (opposite) shows the whole of the Isle of Wight divided into shorter numbered lengths of coast.

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

To find our proposals for a particular place, find the place on Map Ai and note the number of the report which includes it. Reports IOW 2 to IOW 10 were published independently of IOW 1, and the proposals are approved by the Secretary of State and therefore no longer available for comment.

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 Report 1 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 you are interested in and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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Please read first!

In order to make our proposals to implement the King Charles III England Coast Path for the coast of England, Natural England has divided the coast into a number of 'Stretches'. The whole of the Isle of Wight forms one such stretch of coast and our proposals for the King Charles III England Coast Path are contained within ten reports. We have chosen to publish our proposals for this Stretch in two tranches.

- One tranche covered the longer section of coast clockwise between Wootton Bridge and the East Cowes Ferry (see Map A and reports IOW 2 to IOW 10). There is also a separate Overview document specific to these 9 reports. <https://www.gov.uk/government/publications/england-coast-path-on-the-isle-of-wight-comment-on-proposals> . These reports have all been approved by the Secretary of State and are not available for further comment.
- The final tranche covers the shorter section of coast between East Cowes Ferry and Wootton Bridge, and this IOW1 Overview document is published alongside its single accompanying report (IOW 1).

This Overview document therefore sets out the context for Natural England's proposals to improve public access to and along the coast of the Isle of Wight from East Cowes Ferry clockwise to Wootton Bridge. It explains key common principles and background underlying the detailed proposals that we make in our separate statutory report. It is an Overview document relating to just one coastal access report.

Taken together, this Overview and the accompanying report IOW 1 explains how we propose to implement the King Charles III England Coast Path ("the trail") on this section of the coast on the Isle of Wight and details 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 report also sets 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.

This overview and its associated report makes free-standing proposals and seeks approval for them by the Secretary of State 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 the Overview and relevant reports for each length of coast. Links are provided to relevant separately published documentation where appropriate.

The report is published on our web pages as a separate document alongside this Overview and more general information about how the Coastal Access programme works.

Each report is accompanied by detailed Proposals Maps for the relevant length of coast. The maps are numbered according to the part of the report to which they relate. For example, maps IOW 1a to IOW 1e illustrate the proposals in report IOW1, which deals with the length East Cowes Ferry to Wootton Bridge.

Introduction

1. Improving coastal access

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

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

Report IOW 1, which is published alongside this Overview, relates to the coast of the Isle of Wight between East Cowes Ferry and Wootton Bridge (see Map Aii). Reports IOW 2 to 10 were published on 18 March 2020 alongside a separate Overview document. IOW 1 completes our proposals for the entire Isle of Wight coast. Taken with that previous compendium of report proposals, those in this report would make the following key improvements to the existing arrangements for access to the Isle of Wight coast:

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

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

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

¹ section 301 of the Marine and Coastal Access Act 2009

Map Aii: Key Map - Isle of Wight 1

1 Report IOW 1: East Cowes Ferry to Wootton Bridge (Maps IOW 1a to 1e)



2. The determination process

Our IOW 1 report is submitted in accordance with our statutory duty under section 296 of the Marine and Coastal Access Act 2009 ('the 2009 Act') to improve access to the English coast.

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

Following publication:

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

In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice which can be viewed here

<https://www.gov.uk/government/collections/england-coast-path-isle-of-wight> together with more information about how to make representations or objections.

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

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

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

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

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

3. Understanding the proposals and accompanying maps

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

Our Proposals:

The proposals are divided into reports, each relating to a particular length of coast. This, the IOW 1 report, is accompanied by detailed maps for this length of coast.

The 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. 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:
 - Maps – This column indicates which of the report maps to view alongside the details in the other columns in the same row.
 - Route section numbers – 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 sections – 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.
- The 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 the 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 the report the Part 3 Proposals Table, 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 Isle of Wight 1, 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 the report, with explanation of their contents:

Example table 1: Section details

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

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

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

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

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

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

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

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

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

Example table 2: Alternative routes and optional alternative route details

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

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

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

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

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

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

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

Example table 3: Other options considered

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

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

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

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

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

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

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

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

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

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

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

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 the 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

At the start of the process for developing the Trail and associated coastal access rights, the island was considered as one stretch report. As it became appreciated that some sections may progress on a different timescale the section between East Cowes Ferry and Wootton Bridge developed on a different timescale. It shares common processes. The preparation stage involved Natural England working closely with the access authority to develop an understanding of the whole stretch around the Isle of Wight and carry out initial familiarisation visits. We held discussions with representatives of national and local organisations with a strategic interest in the Isle of Wight coast. This included discussions with those we are required by legislation to consult at this stage:

- The Isle of Wight Local Access Forum
- Council officers, including where relevant ecology, geology, historic environment, planning, transport and countryside ranger staff
- Town and parish council representatives
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast
- local officers of Historic England

We also informed representatives of specific interest groups regarding our proposals for the Isle of Wight, including:

- the Ramblers Association
- Bird Aware Solent
- Hampshire and Isle of Wight Wildlife Trust
- the Open Spaces Society
- the British Mountaineering Council
- the National Farmers Union
- the Country Land and Business Association

- HM Coastguard
- the National Trust
- the Isle of Wight National Landscape

We publicised on our website the start of work on the Isle of Wight stretch of the King Charles III England Coast Path and this held a record of progress for the individual reports and their timescale. We also provided an opportunity for all other interested parties to submit to us their views on local issues and opportunities.

We engaged with internal specialists and relevant organisations locally and considered 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 common to all coastal access reports involved us contacting, and discussing our initial thoughts with relevant owners, occupiers and other legal interests.

Natural England has been working on the developing our proposals for the Isle of Wight including between East Cowes and Wootton Bridge since 2017. Over this time we have invited the majority of landowners to 'walk the course', met with a range of landowners and groups regarding IOW 1, provided iterative maps and commentary on our developing thoughts and received comprehensive feedback on options for alignment. In most cases separate site meetings were held with the individuals and businesses concerned. In the interests of efficiency, we also held a small number of larger meetings to discuss our proposals with groups of people with a common legal interest, for example where homes or businesses occupy areas of a coastal estate.

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.

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 which are also published alongside our proposals.

After further discussions with key local and national organisations we refined our proposals before moving onto Stage 3, Propose - which is the focus of these reports.

Key issues along this stretch

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

This part of the Isle of Wight stretch includes part of the estuarial waters of Wootton Creek and The River Medina. The use of our discretion to propose that the trail extends upstream from the seaward limit of the estuarial waters has already been approved in reports IOW 2 and IOW10 by the Secretary of State for these two rivers. The following section provides background information and context, building on this extant approval.

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 part of the Wootton Creek estuary and The Medina
- 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 Medina and Wootton Creek
- 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.

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 subsection **e)** below in relation to Wootton Creek.

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

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

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

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

Kings Quay is located a short distance to the north-west of Wootton Bridge. Although this is a relatively major waterbody, it is not included on the Environment Agency’s Water Framework Directive Transitional (Estuarine) and Coastal Waterbodies dataset, which according to section 309 of the Marine and Coastal Access Act, is the dataset that Natural England must use to identify estuarial waters.

The statutory estuary criteria

e) Wootton Creek

Geographical limits of our discretion

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

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 Wootton Creek. However, there is a ferry service between Fishbourne and Portsmouth on the mainland. Fishbourne is covered in report IOW 2 which was submitted to the Secretary of State on 18 March 2020.

ii) Character of the Estuary

Estuary width

The width of Wootton Creek is variable. At its mouth the estuary is approximately 200m wide, composed of mudflats and salt marsh. It then narrows to approximately ten metres wide at the A3054 road bridge.

Topography of the shoreline

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

Nature of affected land

Near its mouth on its western side, Wootton Creek is mostly residential but retains a rural feel, largely because of the presence of sparsely located properties that are separated by large gardens and woodland. The roads servicing these properties are quiet which adds to this rural feel.

Moving upstream, the estuary retains this rural feel on its western side, where a single thin strip of waterfront residential and holiday properties with private jetties separate the river from a relatively large area of mixed farmland.

Mudflats extend along its shoreline on both sides of the estuary at low tide.

The small town of Wootton Bridge is located at the head of the estuary and it has a maritime feel to it, with many boats moored alongside the private jetties that stretch out into the water.

Features of interest

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

Upstream beyond the bridge is The Old Mill Pond, which is flanked by a hotel and a caravan park.

iii) Recreational Benefit

A route around the spur of land created by Kings Quay and Wootton Creek would link Wootton Bridge with the open coast, including the popular beach at Woodside. On this western side of Wootton Creek, the Isle of Wight Coastal Path follows rights of way and roads bypassing this headland. The Trail alignment along the creek and to the beaches of the open coast reduces the area of coastal margin, whilst bringing users of the Trail to this very coast to the north of Wootton

iv) Excepted land

Much of the western shore is likely to be excepted land consisting of private houses, gardens, holiday parks and small areas of industry, making an onward journey impractical.

v) Options for Wootton Creek

Option 1 – align the trail around the area of land between Kings Quay and Wootton Bridge town, across the open coast at Woodside and along the western flank of Wootton Creek to utilise the first public foot crossing of Wootton bridge. This would provide a more coastal route and offer walkers the opportunity to avoid using a longer length of Brocks Copse Road, that the Isle of Wight Coastal Path utilises. It links directly to a section of open coast and allows the public, via the Trail and associated spreading room, easier access to sea views and associated beaches.

Option 2 – align the trail as far as the seaward limit of the estuarial waters on the western approach to the estuary, at Wootton Hard. Walkers would have an interrupted journey along the Trail.

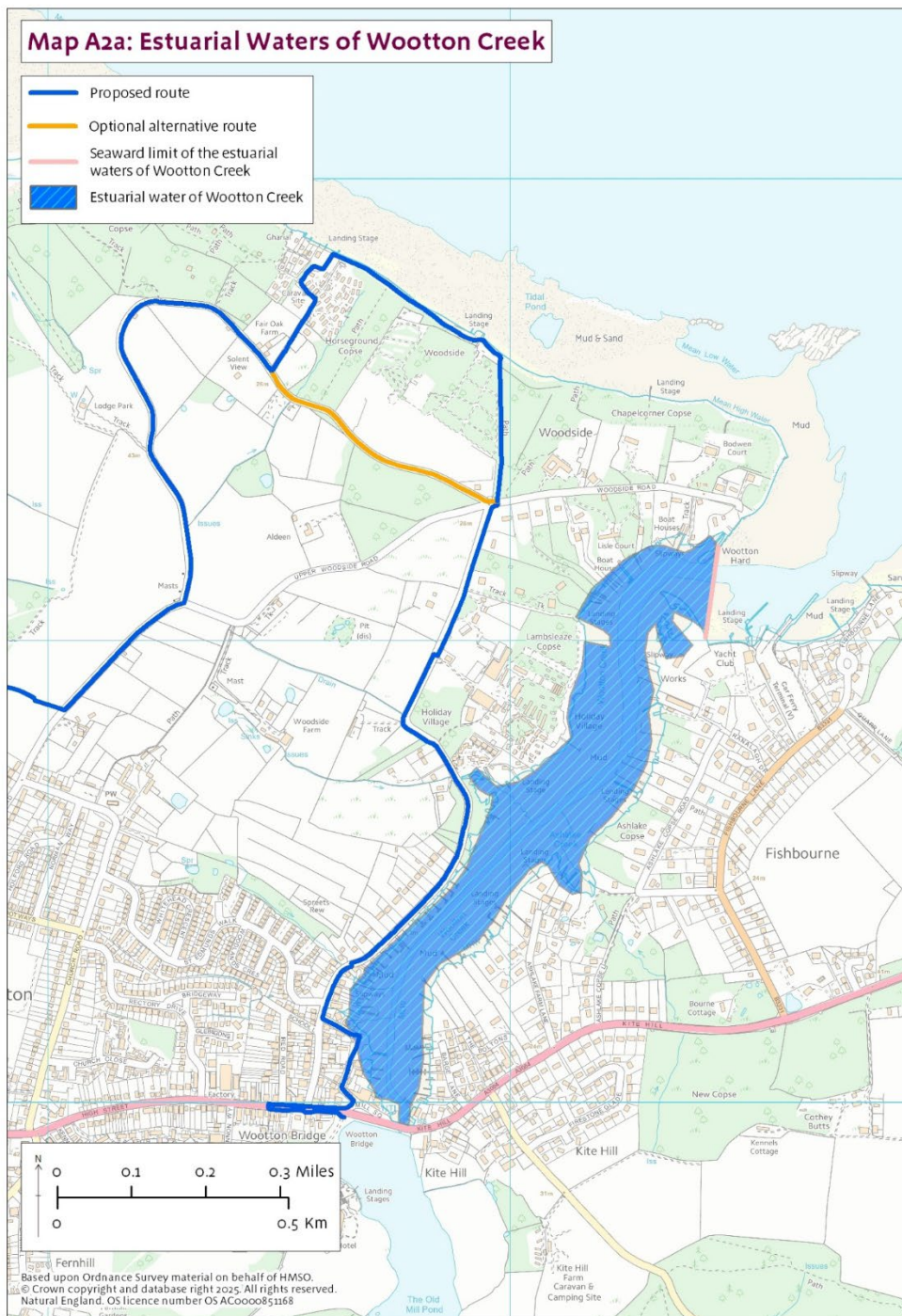
Option 3 – to align through Wootton Bridge town and along Footways to the junction of Palmer's Road and then along Brocks Copse Road, following the same route as the Isle of Wight Coastal Path, or variations thereof utilising coastal access rights to create new routes across farmed land.

Proposed route of the trail

Our proposal is to align the trail around Wootton Creek estuarial waters to the first public foot crossing at Wootton Bridge (option 1). This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost-effective way. Whilst a truly waterside route is unachievable, this option would deliver improvements to the existing access situation in the area. It reduces the area of coastal margin were a more inland route to be taken, another core consideration placed on Natural England when aligning the trail away from more direct coastal routes.

On 18 March 2020 we submitted our report for IOW 2. This report included our proposal to exercise our estuary discretion on the east side of Wootton Creek and to cross the bridge at Wootton Bridge. Option 1 outlined above would complete a route around the estuary.

Map A2a: Estuarial Waters of Wootton Creek



f) The River Medina

Geographical limits of our discretion

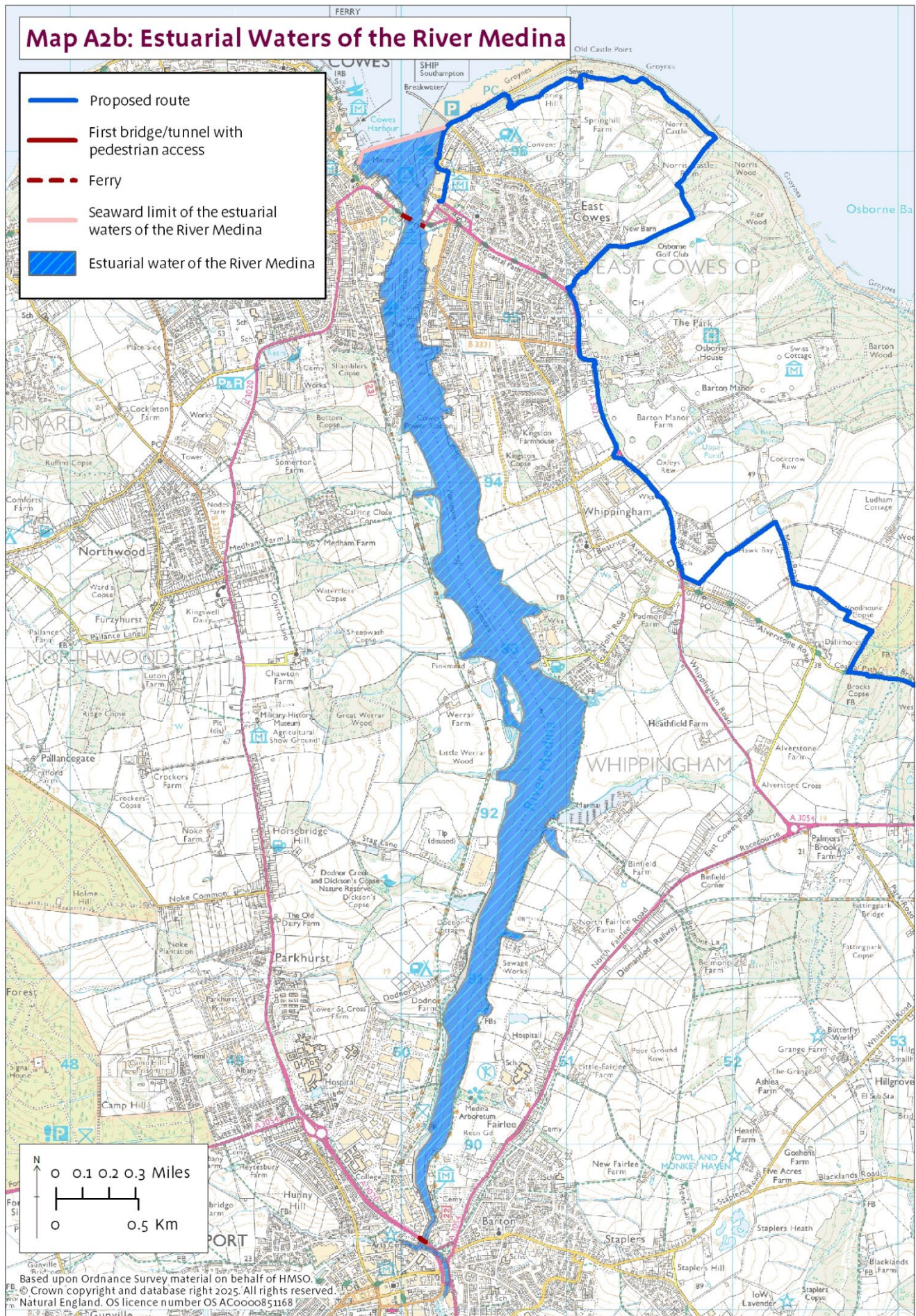
The seaward limit of the estuarial waters of the Medina Estuary broadly coincides with Cowes Yacht Haven to the east and Cowes Venture Waterfront Quays in the west. The first pedestrian crossing available is the West Cowes Floating Bridge chain ferry between Birmingham Road on the west to Bridge Square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

The estuary character and use of the discretion afforded to Natural England in relation to the River Medina estuary is explained in detail within the Overview Report that accompanies sections Isle of Wight 2 to Isle of Wight 10, published on 18 March 2020. Isle of Wight 10 report "The Medina" covers the proposals from West Cowes Chain Ferry to East Cowes Ferry and the majority of the route around the estuary and was approved in May 2025.

The Trail proposals in Isle of Wight 1 East Cowes Ferry to Wootton Bridge that accompanies this Overview, continues along a final short section of estuarial waters not included in the now approved report Isle of Wight 10. This final stretch of estuarial water is around 500m of trail length or 450m of water frontage. The character of the estuary is as described in the Overview for reports 2 to 10 and not repeated here. The frontage in this final area mainly being waterside industries such as boatyards, some residential and as it nears the more open coast the Trail picks up on the start of the Esplanade walkway, with its more coastal feel and public recreational use.

As explained in the Overview for Reports 2 to 10, Natural England's proposal is to align the trail around The River Medina estuary as far as the bridge crossing in Newport. The Trail will follow the existing cycleway on the western side and existing public rights of way on the eastern side. There will be no significant diversions from the coast, infrastructure works or upgrading of the trail required. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way.

Map A2b: Estuarial Waters of the River Medina



6. Other considerations on this stretch

a) Recreational Issues

We have considered interrelationships between our proposals and the Isle of Wight Rights of Way Improvement Plan (IOW ROWIP). Our proposals will supplement the ambitions described in this plan by enhancing provision of access at the coast.

Map B gives an overview of existing public access to the coast between East Cowes Ferry terminal and Wootton Bridge, showing public rights of way, access land and the Isle of Wight Coastal Path along the stretch.

The Isle of Wight Coastal Path already services this part of the Isle of Wight as can be seen on Map B. At no point along its length is it in close proximity to the sea, as it follows publicly accessible highways and these (roads and rights of way) are absent closer to the coastline. There are therefore very few sea views on this stretch of the local long distance coastal path route. The Isle of Wight Coastal Path follows for the most part busier roads and passes through residential areas in this area.

There is an existing promenade that links East Cowes to Castle Point at East Cowes Beach, but the promenade stops after approximately 900m due to a cliff slip that has blocked further access along the promenade to Castle Point.

In the village of Woodside, near Wootton, there is tourist accommodation and a holiday park. There is also a popular beach on the open coast at Woodside Bay which is a private beach however members of the public do access the beach at times but there is signage and a fence at the western extent to deter access towards Kings Quay.

The proposed route of the King Charles III England Coast Path would utilise some pavement walking that is the same as the promoted route of the Isle of Wight Coastal Path. In most areas we are proposing to create new sections of National Trail to take walkers off the main roads and where land uses allow closer to the coast. If the Secretary of State approves our proposed route for the Trail along these lengths of coast, the Isle of Wight Council may wish to consider if the Isle of Wight Coastal Path should be remapped to follow the alignment of the King Charles III England Coast Path.

Map B shows that there is only one area of existing Open Access Land on this section of the Isle of Wight coast at Woodhouse Copse. The introduction of coastal margin seaward created by the King Charles III England Coast Path would be a significant expansion of access rights to the area influenced by this report. However, some of this area would be unavailable for access either because it is operated as a paid for tourist attraction or for instance because it is land used as parkland or buildings and curtilage and therefore is excepted land under Schedule 1 to the Countryside and Rights of Way Act 2000. Some of this area is also highly sensitive to public access in some areas due to the land management undertaken and on other areas for instance due to its international recognition as a special wildlife area and restrictions on coastal access rights are sought which help to protect this sensitive wildlife and to meet international obligations.

There are local aspirations to create a coastal route from East Cowes to Wootton Bridge, where historically there has been little coastal access at the three large historic estates and associated parklands and gardens in the area: Norris Castle, Osborne House and Barton Estate. Natural England was also told that walkers would like a route around King's Quay and along the coastline at Woodside.

We have proposed a more coastal alignment at Norris Castle, utilising the coastal edge of the estate, until its shared boundary with Osborne House estate.

Osborne House is the former residence of Queen Victoria and is managed by English Heritage as a paid for tourist attraction. It also contains areas of land used as parkland and a golf course both of which are land uses that are exempt from coastal access rights (see Figure 1 of The Scheme, Annex 1, ref 2). Despite extensive discussions it did not prove possible for us to negotiate a route through the grounds. As a result, the majority of the trail passes to the landward side of the Osborne House grounds.

In the Barton Estate area, between the Osborne House grounds and Palmers Brook/Kings Quay, the route passes through farmed land and along selected farm tracks, which also service some of the residential properties in this area. As explained in the report various potential route alignments were considered in this area. We have aligned on the edge of some arable fields and grazing land. This allows linkage to some hard standing trackways to create an onward journey. In some areas fencing is proposed to reduce the interaction between the public and livestock.

Extensive investigations by the Isle of Wight Highway Authority noted concerns related to road walking by users of a National Trail, considering the enhanced standards such a trail anticipates for users and the potential for increased user numbers perhaps not accustomed to the local area. National Trails try to avoid road walking where possible, and careful consideration was given to how this can be achieved in the area between Whippingham and Wootton Bridge. This has considered the notified wildlife sites in this area, particularly with the bird life susceptible to disturbance by the public and their dogs, as well as areas of ancient woodland which although not notified is a habitat where the delivery of a trail was carefully reflected upon against other alignment options.

South and east of King's Quay the alignment passes inland and climbs onto higher ground near Palmer's Farm which will provide distant and panoramic views of the sea and the intervening farmland and woods. The section of route on higher land to the east of Palmer's Brook route had the support of the landowner at the time of the original investigation. It has since changed ownership and the plans for the land are still developing, with the potential for a more nature-focussed land use. At the time of proposal we are not currently proposing to restrict public access over this area of coastal margin beyond the measures we have proposed that protect the notified wildlife sites (see protection of the environment section below).

Map B: Existing public access between East Cowes Ferry and Wootton Bridge



b) Protection of the environment

The north-east coast of the Isle of Wight coast consists mainly of semi-natural ancient woodland and plantation woodland that reaches to the shoreline. The northern part of this area of coast is dominated by three large coastal estates, which contain areas utilised for a mix of farming enterprises. There are several areas of thin sandy or shingle beaches scattered along the coast but there is currently no general right of public access to these beaches nor any way for the public to easily reach them.

Two water bodies punctuate the coast – King's Quay which contains Palmer's Brook and Wootton Creek. King's Quay is wooded on all sides and contains areas of intertidal salt marsh and flat which are internationally important habitats for the birdlife of this coast. The estuarine and tidal waters of Wootton Creek are urbanised in the surrounds and are used extensively by recreational crafts as well as the ferry service to the mainland that operates from its mouth. Mudflats are exposed at low tide.

These waterbodies include important habitats including freshwater swamp, brackish reedbeds, saltmarshes, shingle spits and intertidal mudflats. They are feeding grounds for brent geese and other water birds and waders. The offshore areas are used regularly as winter feeding grounds for grebes, sea duck and divers and for terns during the summer.

King's Quay is particularly important as it demonstrates a transition of habitats from terrestrial to marine and freshwater to saltwater, which is unusual in England. The shoreline here is also important geologically for its exposure of Osborne Beds in which abundant fossil fish, fruits and seeds are found. Wootton Creek and the open coast to the east support significant numbers of turnstones, gadwalls, mallards, little egrets and brent geese.

Terrestrially, the woodlands around King's Quay support a very rich ground flora. Where there have been landslips, these have been colonised by an interesting mix of shrubs, adding to the diversity of the plant assemblage. Landward of the trail at Wootton is Briddlesford Copse, which is an ancient woodland complex that supports an internationally important breeding population of Bechstein's bat, alongside the rare barbastelle bat, dormouse and red squirrels.

The absence of public rights of way and open access land in the area mean that there are very few areas of this coastline that are currently available for public access.

The stretch features the important historical sites of Osborne House and Norris Castle. The Osborne and Norris estates provide important heritage tourism amenity and the parts of the shoreline are popular with recreational anglers.

There is a range of internationally and nationally important nature conservation sites present, including:

- Solent and Southampton Water Special Protection Area (SPA) and Ramsar site
- Solent and Dorset Coast SPA
- Solent Maritime Special Area of Conservation (SAC)
- Briddlesford Copses SAC
- King's Quay Shore Site of Special Scientific Interest (SSSI)
- Ryde Sands and Wootton Creek SSSI

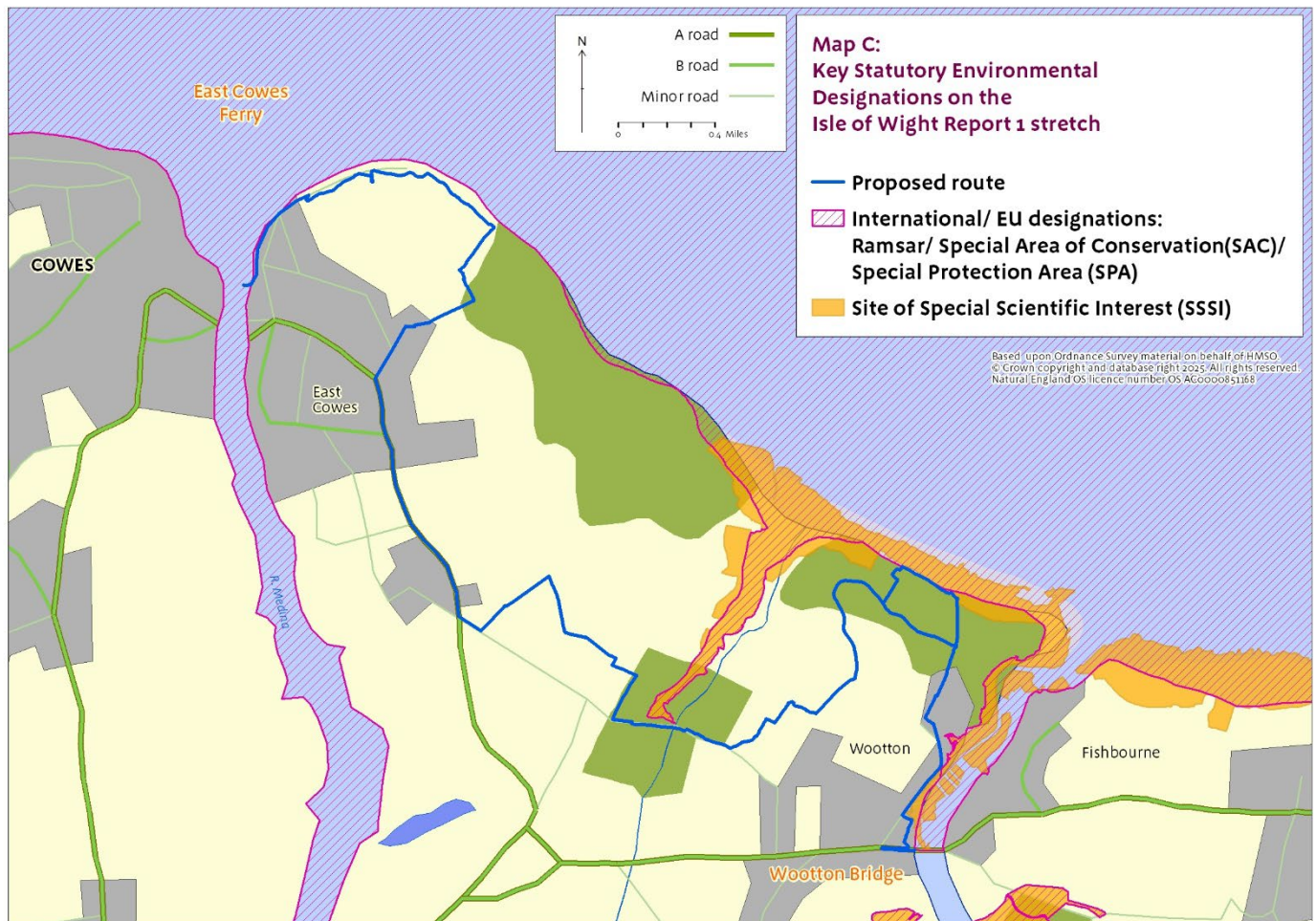
As a result of the proposals described in this Overview and the associated report access to the area will be improved and there will be greater certainty and clarity about the rights people have within the coastal margin. Use of the coast for outdoor recreation can, if not carefully managed, add to environmental 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 to ensure compliance with legislation to protect the environment.

A key feature for parts of the Isle of Wight coastline is that during the winter months it supports internationally recognised populations of non-breeding waterbirds. The areas of soft mud exposed at low tide particularly at King's Quay and Wootton Creek, and the coast between them, are the main feeding areas but the birds also need suitable undisturbed places to roost at high tide. The Solent Recreational Mitigation Strategy has been developed by the Solent Recreation Mitigation Partnership (SRMP) of local authorities and conservation bodies. It provides a strategic solution to minimise the effects of increased visitor pressure on the Solent European sites arising from new residential development. The Strategy seeks to provide mitigation in perpetuity, in line with the Habitats Regulations. It incorporates communications, marketing and education initiatives, a team of coastal rangers, SANG (suitable alternative natural greenspace) and SAMM (strategic access management and monitoring). Natural England has worked closely with the Bird Aware Solent team delivering this strategy to ensure consistency of approach to managing recreation.

In developing our detailed proposals for coastal access we have taken account of environmental protection objectives and these are, where relevant, discussed in more detail in report IOW 1 that we have published separately, and within:

- A single Habitats Regulations Assessment (HRA) relating to any potential impact on the conservation objectives of affected European sites from the proposals we make in the IOW 1 report.
- Our Nature Conservation Assessment for the stretch, relating to any potential impacts on the notified features of the Sites of Special Scientific Interest not already considered by the HRA.

Map C: Key statutory environmental designations between East Cowes Ferry and Wootton Bridge



The area between East Cowes and Palmer's Brook has historically been dominated by three estates. Two of these, Norris and Osborne have retained sufficient characteristics of their managed landscapes to be noted on English Heritage's Register of Parks and Gardens. The main purpose of the Register is to celebrate designed landscapes of note and encourage appropriate protection. It is hoped that drawing attention to sites in this way will increase awareness of their value and encourage those who own them, or who otherwise have a role in their protection and their future, to treat these special places with due care.

Established under the National Heritage Act 1983, the Register (administered by Historic England) now includes many hundreds of sites in both urban and rural locations. A registered park or garden is not protected by a separate consent regime. However, where planning permission is sought for development affecting a registered park or garden, the Local Planning Authority will consider the impact of the proposals on the site's special character and give great weight to its conservation. The National Planning Policy Framework defines registered parks and gardens as designated heritage assets, meaning that substantial harm to, or total loss of, a registered park or garden should be 'exceptional' or 'wholly exceptional', depending on the site's grade.

Section 8.17 of the Coastal Access Scheme provides information regarding visitor attractions within the coastal margin and notes "Where a charge is levied on the public for entry to a managed visitor attraction, coastal access rights are unlikely to apply. The trail will typically be on the seaward side of the attraction or, where it passes on the landward side, the attraction is likely to fall into one of the categories of excepted land". This excepted land category includes land covered by buildings (including structures such as piers and fairground rides) or the curtilage of such land; and land used as a park or garden "(although some land with 'park' or 'garden' in its name may not qualify as excepted land if it is used for a different purpose – see figure 22)".

Figure 22 of the Coastal Access scheme explains:

As well as municipal recreation grounds or play areas, the term 'park' may include the landscaped grounds around a house, such as a country house. A park may include ornamental gardens, water features or other manmade scenic vistas. In applying this description, we will look for evidence:

- i) that the land was specifically designed and laid out for: the exclusive recreation and visual enjoyment of the occupants of the house in question and their guests, or the recreation and enjoyment of the general public – as in the case of an urban or municipal park;
- ii) that the land is still primarily in use for recreation and enjoyment, either by the owner of the house and/or their private guests, or by the general public; this includes parks which are opened to the public at certain times or for which in some cases an entry charge is levied (see section 8.17 on visitor attractions); and
- iii) that the land is an enclosed area with clearly defined boundaries.

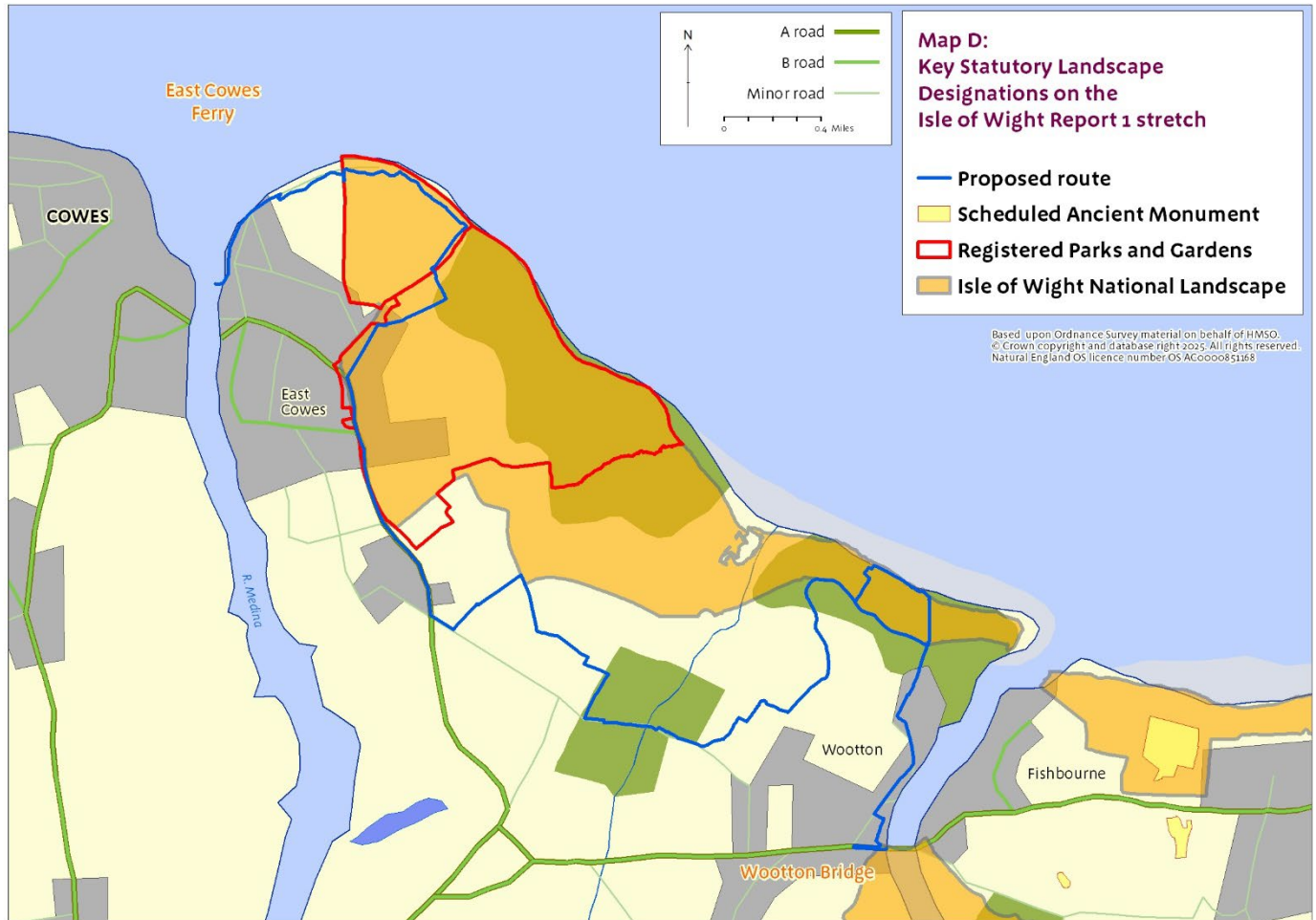
In relation to the first of these criteria, many historic parks are registered on a list compiled by English Heritage. Some may appear on databases compiled by other relevant organisations, such as the Association of Garden Trusts. We will also consider any other evidence that the owner is able to supply that land was laid out for this purpose. There may be cases of land originally laid out as a park that is no longer used for that purpose. Where this is the case, the criteria we will use for alignment purposes will be those relating to the current rather than the historic use of the land

The Isle of Wight National Landscape (formerly the Area of Outstanding Natural Beauty when first engaged regarding plans for the England Coast Path) was designated in 1963. The total area designated is 191 square kilometres, which is approximately half the land surface of the Island. Unusually, the National Landscape area is not continuous and is made up of five distinct land parcels across the Island.

The Isle of Wight National Landscape Management Plan 2025 – 2030 sets priorities for delivery to Promote guidance to access and recreational users of the AONB for them to have better understanding of their impact on the landscape on the newly established King Charles III England Coast Path National Trail.

Promote increased accessibility to the designated landscape for less abled, minority and deprived communities and fulfil the requirements of the DEFRA Protected Landscapes Targets and Outcomes Framework.

Map D: Key statutory landscape designations between East Cowes Ferry and Wootton Bridge



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 various owners and occupiers of the affected land during ‘walking the course’ and other processes. Some areas of land were unable to be visited by Natural England, as we normally rely on landowner permissions and acceptance to do so. The proposals are made utilising best available information for these areas.

The coastal margin from East Cowes Ferry to Wootton Bridge is predominantly rural in character.

The issues raised by owners and occupiers on this part of the stretch generally related to the operational needs of businesses, the privacy of residents and nature conservation. 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. Annex C: Excepted land categories set out these provisions in more detail.

English Heritage own part of the Osborne Estate which is one of the most visited properties in its portfolio. It had concerns that the introduction of coastal access rights in the area would impact on its ability to manage the estate as a commercial business and that there would be issues relating to security. Security was also an issue raised regarding Norris Castle by the owners.

In areas outside of the Osborne Estate, the needs of farming and other rural business operations were the main considerations to emerge from our discussions with owners and occupiers. Some of the main issues

raised were the possible impacts from dogs, the loss of land available for crops/grazing, impacts on commercial forestry, issues of privacy, maintaining farm biosecurity, public safety in terms of potential contact with livestock and nature conservation concerns. Where possible we have proposed that the trail is aligned away from these areas.

Issues were also raised regarding disturbance of wildlife at sensitive sites, with potential for increased numbers of walkers and dogs. We have chosen a suitable alignment and taken necessary measures, which takes into consideration the points raised on this subject. This is discussed in more detail in the HRA and NCA.

In some places on this part of the stretch we make specific recommendations to address issues raised by owners and occupiers. Such recommendations are set out in the report which relates to the affected length of coast.

d) Coastal processes

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

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

- on, or to the landward side of sea defences which would protect it
- landward of the roads which would be protected under the policies set out in the Shoreline Management Plan 2
- a significant distance inland away from the impacts of coastal processes.

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).

This section of coastline between East Cowes Point and Wootton Bridge is characterised by gentle wooded coastal slopes with scattered residential developments at Osborne, the wider Barton Estate and Woodside. The IOW shoreline management plan has a policy of no active intervention between Castle Point (East Cowes) and Wootton Bridge. On some of these lengths of coast we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once they have approved the initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the accompanying report.

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 report.

Roll-back

The IOW 1 report 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 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 alignment we will take into account:

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

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

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

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

Ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we have provided further information within the tables in Part 3 of the report. This and the above information is intended as a guide only, based on information available to us at the time of writing, and on expert advice provided by the access authority, Environment Agency and others. We have taken and will continue to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.

Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make any other changes to the route of the trail (or to propose non-automatic changes to the landward boundary of the coastal margin) - for example if the land was subject to new build development.

Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports. Potential developments of which we are already aware that could potentially affect the route on the stretch are summarised below.

- There are aspirations to develop land known as the Norris Estate on the northeast side of the Isle of Wight to the east of East Cowes.
- There are [tentative] plans for land at Palmers Farm to be managed as a nature reserve.
- Landward of sections IOW-1-S049 to IOW-1-S051, there is planning permission for a residential development. The permission includes a s106 agreement to establish a multi-use path along a route similar to the proposed alignment. If once the s106 is enacted there are significant differences between the alignments, we will consider if a variation report should bring the trail onto the shared path.
- Sections IOW-1-S002 to IOW-1-S004 pass through land subject to a planning application. We will consider a variation report if the development affects the proposed alignment.

However, even without a variation report:

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

8. Restrictions and exclusions

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

Below, we summarise the proposed directions to exclude or restrict coastal access rights detailed in the report.

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

Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
Where applicable saltmarsh and flat between route section IOW-1-S001 and IOW-1-S078 See Directions Map IOW 1A and 1B	No Public Access	Unsuitable for Public Access	Saltmarsh and flat S25A	Year round
King's Quay shingle spit in the margin of route section IOW-1-S045 See Directions Map IOW 1A	Exclusion	Sensitive Wildlife	Nature conservation 26(3)(a)	Year round
High Health Herd Status cattle pastures in the margin of section IOW-1-S041. See Directions Map IOW 1C	Exclusion	Land management	Land management 24	Year round
Little Canada Adventure Centre in the margin between route section IOW-1-S065 and IOW-1-S067. See Directions Map IOW 1B	Exclusion	Land management	Land management 24	Year round

These directions will not prevent or affect:

- any use of the land by existing right: such use 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.

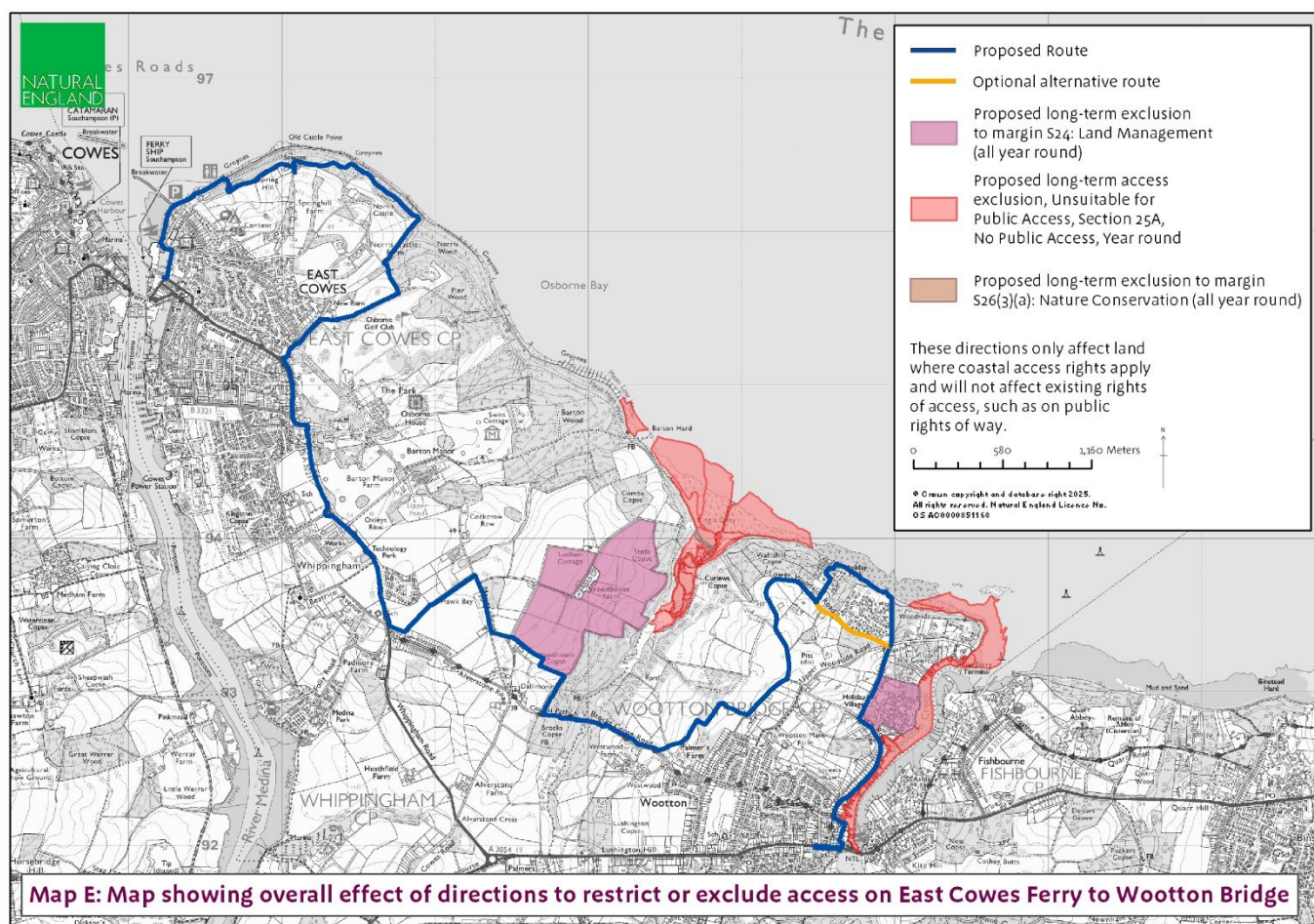
Any such use that already takes place locally is not prohibited or limited by these arrangements - though it remains open to the landowner, as now, to vary any existing permissions.

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.

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

An area of coastal margin was created in East Cowes by the proposals within IOW 10 The Medina. This would also be within the coastal margin created by IOW-1-S001 of this report. A Section 25A saltmarsh and flat direction has approved for this area, through IOW 10, in May 2025 and it therefore needs no further consideration in this IOW 1 report.

Map E: Map showing overall effect of directions to restrict or exclude access on East Cowes Ferry to Wootton Bridge



Annex A: Bibliography

Information about Natural England's coastal access programme:

Natural England

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

Information about the statutory framework for coastal access:

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:

A register of coastal climbing sites in England

British Mountaineering Council

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

Sustrans

[Home - Sustrans.org.uk](http://Sustrans.org.uk)

Isle of Wight Shoreline Management Plan Isle of Wight County Council

[Plans and strategies \(iow.gov.uk\)](http://iow.gov.uk)

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

Isle of Wight County Council

[1376-IWC-Draft-Rights-of-Way-Improvement-Plan-2018.pdf \(iow.gov.uk\)](#)

Isle of Wight – ‘Island Planning Strategy’

[Island Planning Strategy \(iow.gov.uk\)](http://iow.gov.uk)

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

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

The Solent Recreational Mitigation Strategy

Solent Recreation Mitigation Partnership/Bird Aware

[Home - Bird Aware Solent](#)

[Solent Wader and Brent Goose Strategy](#)

[Coastal bird conservation, waders and brent geese data and mapping \(wordpress.com\)](#)

Natural England’s Conservation Advice packages

Advice on the conservation of internationally designated nature conservation sites

[Designated Sites View](#)

Annex B: Glossary of terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

excepted land – see Annex C.

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

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

gate is used in several ways in the reports:

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

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

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

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

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

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

margin (see coastal margin)

national restrictions – see Annex D.

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

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

ordinary route means the line normally followed by the trail.

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

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

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

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

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

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

restrict/restriction – see “exclude/exclusion”.

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

Scheme explains in more detail how this works, and part 6(d) of this Overview explains this in the context of the stretch.

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

section 15 land means land with public access rights under:

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

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

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

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

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

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

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

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

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

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

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

Annex C: Excepted land categories

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

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

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

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

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

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

Annex D: National restrictions

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

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

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

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

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

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

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

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

General restrictions

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

(b) engaging in any activities which –

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

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

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

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

3 Regulations may amend paragraphs 1 and 2.

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

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

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

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

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

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

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

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

(3) The first condition is that –

(a) the dog is on a lead, or

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

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

(a) on access land, or

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

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

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

(2) In this paragraph –

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

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

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

Front cover photo:
[Sea Views / credit Natural England]

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ISBN: ISBN 978-1-78367-415-2

Catalogue Code: NE823

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

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