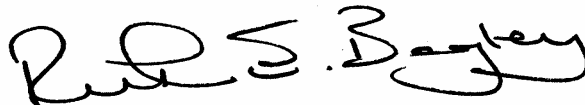


Date of issue: 4<sup>th</sup> November 2008

<b>MEETING</b>	<b>LOCAL ACCESS FORUM</b> Laurie Tucker (Chair), Councillors Dodds and Parmar, Toby Evans, Ian Houghton, Margaret Innis, Les James, Malcolm Hellings and Ken Wright
<b>DATE AND TIME:</b>	WEDNESDAY, 12TH NOVEMBER, 2008 AT 5.30 PM
<b>VENUE:</b>	MAYOR'S CONFERENCE ROOM, TOWN HALL, BATH ROAD, SLOUGH
<b>DEMOCRATIC SERVICES OFFICER: (for all meeting enquiries)</b>	TERESA CLARK 01753 875018
<b>LOCAL ACCESS FORUM SECRETARY</b>	JACQUI WHEELER, RIGHTS OF WAY OFFICER 01753 477479

**NOTICE OF MEETING**

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**RUTH BAGLEY**  
Chief Executive

**NOTE TO MEMBERS**

This meeting is an approved duty for the payment of travel expenses.

**AGENDA**

**PART 1**



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
1.	Apologies		
2.	Declarations of Interest (Members are reminded of their duty to declare personal and prejudicial interests as set out in the Slough Local Access Forum Terms of Reference)		
3.	Minutes of the last Meeting held on 17th July 2008 (5 mins)	1 - 8	
4.	Matters Arising (10 mins)		
5.	Membership Update (5 mins)		
6.	Baylis to Town Centre Walking and Cycling Route (10 mins)	-	All
7.	England Access Forum (30 mins)	9 - 44	
8.	Letter from Suffolk LAF (15 mins)	45 - 46	
9.	Future Work Programme (10 mins)		
10.	AOB (5 mins )		
11.	Date of next Meeting- 11th February 2009, 5.30 p.m. Venue- Committee Room 2, Town Hall		

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Minicom Number for the hard of hearing – (01753) 875030



**Local Access Forum – Meeting held on Thursday, 17th July, 2008 at  
Committee Room 2, Town Hall, Bath Road, Slough**

**Present:-**

**LAF Members**

David Coe  
Councillor Dodds, Slough Borough Council  
Margery Hitchman  
Ian Houghton  
Margaret Innis  
Councillor Parmar, Slough Borough Council  
Parish Councillor Laurie Tucker, (Vice-Chair)

**Observers**

None

**Officers, Slough Borough Council**

Savio De Cruz, Principal Engineer Transport  
Bruce Hickman, Community Parks Projects Officer  
Nahid Moghul, Community Parks Projects Officer  
Gerald Pleace, Parks Development Officer  
Clare Robinson, Sustrans Bike It Officer  
Vinay Vyas, Community Safety Project Officer  
Jacqui Wheeler, LAF Secretary

**Apologies for Absence:-** Toby Evans, Malcolm Hellings and Ken Wright

**1. Election of Chair**

Laurie Tucker was elected as the new chair of the Slough Local Access Forum. His term of office will be as set down in the Terms of Reference.

**2. Election of Vice Chair**

Ian Houghton was elected as the new vice chair of the Slough Local Access Forum. His term of office will be as set down in the Terms of Reference.

**3. Declarations of Interest**

There were none.

## Local Access Forum - 17.07.08

### 4. Minutes of the last Meeting held on 26th February 2008

The minutes of the last meeting held on 26<sup>th</sup> February, 2008 were approved as a correct record with the exception that the meeting ended at 08.15pm rather than 10.15pm.

### 5. Matters Arising

#### Bridleway

**Jacqui Wheeler** referred to the report in the meeting papers updating the position with the new bridleway. A site meeting to visit the route took place in April 2008. Works were subsequently ordered to deal with surface issues, vegetation clearance, vandalism/graffiti and signage. **JW** will visit again soon to check the works and assess any further remedial works. A letter is to be sent chasing the Highways Agency about raising the height of the M4 bridge parapets and thereafter publicising the route to members of the public will be the focus of this project. **Jacqui Wheeler to note.**

#### Cycle Training

**Clare Robinson** the Sustrans Bike It Officer explained that Bike It is the Sustrans training scheme which aims to encourage schools to improve the cycling awareness and ability of children through playground training, events, and assemblies. **Laurie Tucker** asked if the scheme was for both primary and secondary schools. **CR** advised that it was and that she was provisionally accredited to deliver off road and on-road cycle training.

**Ian Houghton** asked if there would be any training provided for adults. **CR** answered yes, training was to be provided for council employees in the future. Several members felt that Police Community Support Officers would benefit from cycle training. **Cllr Dodds** suggesting that the police could be asked about this. **Laurie Tucker** volunteered to contact the police on this matter. **Laurie Tucker to note.**

#### Cinder Track

**Jacqui Wheeler** referred to the report in the meeting papers, the updated list of ongoing works for the Cinder Track. The main points to note were as follows; a new inspection of the track needed to be arranged soon, an upgrade of the route was being planned this year as part of the walking and cycling strategy (See agenda item 7 – Savio Decruz) and graffiti removal was being progressed. **JW** would circulate a date for the visit to members and invite officers from Environmental Services, Housing and Community Safety (including the relevant Community Safety Wardens). **Jacqui Wheeler to note.**

Several members expressed their concerns about the state of the Cinder Track with rubbish, dog fouling and fly tipping being cited. **JW** indicated the

## Local Access Forum - 17.07.08

importance of the Cinder Track as a major off-road thorough fare was recognised by the LAF and that is why it is a rolling item on the work programme with regular inspections by members. Community Wardens were now issuing Penalty Charge Notices to any persons caught allowing their dogs to foul. The wardens are aiming to target the Cinder Track in the near future dependant on resources. The lack of any substantial budget to improve the route was also acknowledged by the Forum. Members felt strongly that the budget for maintenance of this route in particular ought to be increased.

Concerning graffiti removal, **JW** advised that disclaimer letters would be sent to all properties backing onto the Track between Cumberland Avenue and Sheffield Road with a month for any responses. The painting over of graffiti would then be due to start at the beginning of September 2008.

### Checking Accessibility – Canal Tow Path

**Gerald Pleace** told the meeting that at a recent site meeting along the towpath, British Waterways had been referring to the list of problems forwarded to them by the LAF as a result of the previous LAF audit. It was agreed this was a positive outcome that British Waterways were taking notice of the LAF's advice.

It was also agreed that the other section of the towpath between Goodman Park and Langley would be walked in the summer and a date would be circulated to all Members. **Jacqui Wheeler to note.**

### Discovering Lost Ways

Concerning the possible claim of a route in Poyle, **Laurie Tucker** advised that local residents were still interested in completing an application for a Modification Order to be made to add the path to the Definitive Map and Statement. A meeting with the Developers whose hoarding is currently blocking the route resulted in them agreeing to move the hoarding but within no fixed timescale.

### Gating Orders Update

There is no further update on the Weston Road Gating Order proposal.

**Vinay Vyas** and **Nahid Moghul** introduced themselves as newly appointed Community Safety Officers and **VV** went on to explain that there is a proposal for a gating order on the path between Mildenhall Road and Lerwick Drive, due to anti-social behaviour and a serious stabbing incident recently at this location. Local residents seem to be in favour and a consultation will be carried out to gauge support as per the Gating Order Regulations.

**Cllr Dodds** reported an issue in Bunton Meade and Summerlea, Cippenham, where a short cut used by a local pensioner through a garage site has recently been gated off preventing access. She asked if the man could be

## Local Access Forum - 17.07.08

given a key. **Vinay Vyas** agreed that he would investigate this issue with **Anne Farmer** on her return from leave. **Vinay Vyas to note.**

### Walking and Cycling Interactive Map

**Jacqui Wheeler** informed the meeting that up to date OS aerial photography is now available for this project. Most of the data required had now been digitised and work is progressing on putting together the text info. It is anticipated that the map will be completed by the end of the summer.

## 6. Membership Update

Malcolm Hellings, Toby Evans and Ken Wright have been officially confirmed as members of the Slough Local Access Forum. This means that the current membership total stands at 10. The contact list will be updated and circulated to all members. **Jacqui Wheeler to note.**

## 7. Baylis to Town Centre Walking and Cycling Route

**Savio Decruz** advised the Forum about the implementation of a walking and cycling route from Baylis to the Town Centre. Route M from the Walking Strategy forms part of this larger walking and cycling route that will provide links to several schools and green open spaces in the area via substantially off road access.

**SD** described the route leading from Canterbury Avenue in the north along the Cinder Track south through Godolphin Playing Fields and Baylis Park, then linking to the Town Centre via Salt Hill Park and the Bath Road. It is intended that a secondary route is also implemented from the train station along the A4 to the junction with Upton Court Road, then linking with the Linear Park via Upton Court Road and the Castlevue entrance to Upton Court Park.

The size of this scheme dwarfs previous projects that the Council has completed, such as; the route from the Train Station to Lascelles Park and the streamside route through Windsor Meadows leading to Montem Primary School. This scheme has been submitted to Sustrans a national charity which manages large amounts of government funding for projects which fulfil the aim of encouraging more children to walk or cycle to school. Sustrans have made it clear they are willing to provide 160,000 funding which has to be matched.

Schools that will be reached by this scheme are; Penn Primary, Baylis Court Godolphin Primary and Junior, Herschel Grammar and Castlevue. **SD** explained that through targeting children, new habits could be created that would stay with them into adulthood, which is a good investment for sustainable transport. **Clare Robinson** commented that she is already working with Godolphin School who have signed up to the Bike It scheme and this project will provide further encouragement for them.

## Local Access Forum - 17.07.08

**SD** advised that the Cinder Track faced several ongoing problems that would need to be tackled with the backing and involvement of the local community. He explained that a major part of the project would be consulting with the local community with the aim of getting them onboard to claim ownership of the route for the sake of ongoing maintenance and the overall success of the scheme .

One of the major problems is the broken fencing of several properties backing onto the Track. **SD** advised that direction was needed on what to do about this issue. The Council may set a dangerous precedent if it repairs and puts up new fencing along this route, however, the current state of the fencing lets the route down.

Graffiti along the Track is another recurring issue and one that has to be tackled. A new product is currently being trialled that could reduce the ongoing removal costs of graffiti. It is a water based nano technology that coats a surface so that future graffiti can be removed easily with soap and water.

**SD** explained that getting young people to take ownership could be achieved by the proposed improvements to the subway tunnel between Baylis Road and Salt Hill Park. These include murals to cover the facade of the tunnel, painting the inside and new lighting to create a feeling of lightness. It would be necessary to get Network Rail approval for all works but **SD** stated that they were already happy with the general principle.

To have this scheme done properly local residents would need to invest their ideas and enthusiasm in it. **Ian Houghton** asked if the North Slough Forum had been contacted. **SD** said that Cllr Swindlehurst will be consulted and the scheme would be taken to the Baylis and Stoke ward NAG (Neighbourhood Action Group). Letter drops to local residents will also be carried out to ask about problems.

It was thought that Residents Associations and other local groups would feed into the NAG groups. For future consultation purposes **Margaret Innis** informed the meeting that in the Chalvey area the Chalvey Community Forum is the Neighbourhood Action Group for that area. This is recognised by the Police.

**JW** explained that the Cinder Track as a public footpath would be upgraded to a public bridleway status to legalise the cycling use of this route. The LAF would be consulted on this in due course.

### 8. **Public Path Extinguishment Orders- BR6a, FP22, FP18, Slough and FP4 Colnbrook with Poyle**

With reference to the report on this matter in the meeting papers, **JW** informed members that for each of the Orders, the Forum had to decide whether or not to object to the making of the Order and if so, what the reasons are for objecting.

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A vote was taken to decide the issue after a discussion on each of the Orders. **Laurie Tucker** stated that a majority decision would be accepted.

### **Bridleway 6a Slough**

In favour = 5                  Against = 0                  Abstention = 1

**The LAF decided in favour of the making of the Order for Bridleway 6a Slough**

### **Footpath 22 Slough**

**Ian Houghton** argued that the alternative route for this footpath through the park ought to be protected, as there were no guarantees that it might not be developed in the future.

There was some discussion surrounding the maintenance liability for the path should it be extinguished as the ownership would be in question, however these did not constitute legally relevant objections to the Order. The vote results were as below.

In favour = 3                  Against = 1                  Abstention = 2

**The LAF decided in favour of the making of the Order for Footpath 22 Slough with a recommendation that the footpath is diverted along the alternative route through the park.**

### **Footpath 18 Slough**

There was some discussion surrounding the question of whether or not the path could still be of use to the public even as a dead end. The vote results were as below.

In favour = 4                  Against = 1                  Abstention = 1

**The LAF decided in favour of the making of the Order for Footpath 18 Slough.**

### **Footpath 4 Colnbrook with Poyle**

**Laurie Tucker** and **Dave Coe**, residents of Colnbrook both agreed that the path was not needed or used by members of the public. **DC** stated that the surface of the small link path between the Crown Meadow estate and Springfield Road, just north of the entrance to this path required some attention. **JW** is to speak to **DC** and arrange a site visit if required. **Jacqui Wheeler to note.**

**Ian Houghton** stated that it goes against the grain to close footpaths.



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In favour = 5

Against = 1

Abstention = 0

**The LAF decided in favour of the making of the Order for Footpath 4 Colnbrook with Poyle.**

### 9. Future Work Programme

It was agreed that the work programme has to be relevant and reflect the issues that members want to look at. **Laurie Tucker** advised that all members need to go through the work programme and if there's anything they feel ought to be added they should contact **JW**.

**All to note.**

**JW** stated that a member survey will be sent out to all members to find out views on how the meetings are run and how things could be improved. Results will feed into the work programme. **Jacqui Wheeler to note.**

### 10. AOB

#### **Bridleway 17 (Wood Lane) to Eton Wick**

**Jacqui Wheeler** suggested that the Slough Local Access Forum send a letter to Eton College requesting them to agree to dedicate extra land to increase the width of this path. It was agreed that **JW** would draft a letter to this effect and also one to ask the Royal Borough of Windsor and Maidenhead's LAF to do the same. **Jacqui Wheeler to note.**

#### **English Access Forum (EAF)**

**JW** explained that the EAF has been established as a national forum designed to feed local issues up to national level and vice versa. The EAF is due to meet on 23<sup>rd</sup> September 2008.

#### **Bikeability**

**Clare Robinson** explained that Bikeability is the new version of the national standard. Schools she is currently working with under the Bike It scheme will be offered Bikeability first. **CR** has desk space at SBC and is funded for four years. She intends to trial cycle training with Level 1 being on the playground and level 2 being on road training. Parents would be expected to pay £5 as the scheme is subsidised.

#### **Art @ the Centre (new High Street layout)**

**Ian Houghton** raised concerns over the level of cycle parking stands that will be available in the new design of the High Street. Cycle stands have previously always been full so the need for extra ones is evident. **Savio Decruz** stated that the Council was committed to improving cycling facilities in the High Street and he will raise concerns about the lack of cycle stands with Joe Carter, Head of Transport.

**IH** had spoken to Cllr Swindlehurst and understands that cycle stands have to be concentrated in certain areas. The new High Street is due to be finished in March 2009 so there is still time to alter the scheme. **Savio Decruz to note.**

## **Local Access Forum - 17.07.08**

**Dave Coe** raised concerns about cyclists riding in the High Street which is not allowed. It was suggested that signage is needed outside Wilkinson's to make it clear that cycling is not allowed in the High Street.

### **11. Date of Next Meeting**

Two new meeting dates have been agreed since the meeting.

**Wednesday 12<sup>th</sup> November 2008 at 5.30 p.m.- Venue- Mayors Conference Room, Town Hall, Slough.**

**Wednesday 11<sup>th</sup> February 2009 at 5.30 p.m.- Venue- Committee Room 2, Ground Floor, Town Hall, Slough.**

(Note: The Meeting opened at 5.30 pm and closed at 7.30 pm)

SLOUGH LOCAL ACCESS FORUM – 12<sup>th</sup> NOVEMBER 2008

REPORT ON: ENGLAND ACCESS FORUM AND THE MEETING OF LAF MEMBERS IN THE SOUTH EAST – 6<sup>TH</sup> OCTOBER 2008 AT NATURAL ENGLAND OFFICES, LONDON

## **1. PURPOSE OF REPORT**

To inform members of the reason for the meeting and what was agreed at the meeting on the 6<sup>th</sup> October by representatives of LAFs in the South East Region. Members also need to confirm that Margery Hitchman will continue to represent the Slough LAF at future meetings of SE LAF members.

## **2. BACKGROUND**

2.1 The need for a national representative body for local access forums has been recognised for some time. It was originally thought by LAFs that the existing National Countryside Access Forum (NCAF) would perform this role, but this group is made up of representatives from the major user organisations eg; the BHS and the Ramblers Association and designed to give advice to Natural England from that viewpoint and so it **can not** represent the views of the 81 Local Access Forums.

2.2 After pressure from Local Access Forums' nationally, Natural England have seen the light and agreed that a new forum is required made up of 2 members of LAFs from each of the Regions in England along with representatives of Natural England. The **England Access Forum** or **EAF**, aims to be the national voice for LAF's working in partnership with Natural England and providing balanced views and feedback on relevant access issues to Natural England and DEFRA.

2.3 The inaugural meeting of the EAF was held on 15<sup>th</sup> May 08 with a subsequent meeting on 23<sup>rd</sup> Sept 08. At these meetings the South East was represented by Matthew Balfour of Kent LAF, Alan Marlow of Hampshire and David Brookshaw of Brighton and Hove LAF on a temporary basis. Minutes of these meetings together with the EAF constitution are available to view at <http://www.naturalengland.org.uk/leisure/access/eaf/default.htm>

2.4 In order to effectively represent the 81 LAFs across the country, each Region has decided to have a meeting to agree communication arrangements between the LAFs and the regional meeting and between the regional meeting and the EAF; and vice versa. Each Region also needed to formally appoint its representatives to the EAF. The meeting to achieve these aims took place on 6<sup>th</sup> October 2008 for the South East Region.

## **3. Outcomes of the Meeting of LAF Members in the South East**

3.1 It was agreed that Matthew Balfour of Kent and Alan Marlow of Hampshire would continue to be the South East representatives on the English Access Forum.

3.2 It was agreed that SE Region communication would be via email exchange between Chairmen of the LAFs and the members representing each LAF for the SE. It

was felt that even though some people are not on email that this is the quickest, most effective way of communicating.

3.3 There are to be two meetings of the SE LAF members every year. It is intended that one of the meetings will be a training type event. There will also be two newsletters a year to be circulated amongst regional LAF membership.

3.4 The South East Region is the largest region in the UK with 17 separate LAFs. There has to be a single point of contact for all matters to do with the SE Region LAF meeting and consequently the EAF. Margery Hitchman is happy to continue to be the representative for the Slough LAF at the regional meeting. This needs to be agreed by the membership of the Slough LAF. **Action**

3.5 Jacqui Wheeler can support Margery's attendance at these meetings by accompanying her if and when necessary. If Margery is unable to attend any future meetings another member would need to attend in her place on an adhoc basis. It would be useful to know who would be willing to attend if it became necessary. **Action**

#### **4. Support from Natural England**

4.1 Natural England has accepted that there is a need for Local Access Forums to engage with each other at a regional level and with Natural England. There are three levels of support required;

- a. Natural England staff time
- b. Resources to employ part-time regional co-ordinators to help LAFs coordinate and organise themselves at a regional level
- c. Resources to provide professional training to LAF members to support the effective delivery of LAF business.

These needs will be addressed as follows:

- a. Sufficient staff time will be allocated to enable each LAF to have a named NE staff contact within their local NE area office. There will be regular exchange of ideas and information including discussions on LAF effectiveness and training and sharing good practice at a regional level.
- b. Natural England has agreed to fund a part-time regional co-ordinator in each region. The regional co-ordinators will normally be selected from LAF Secretaries or other experienced professional with Highways Authorities. **The Regional Co-ordinator for the South East region is Cath Hart who also works as the LAF Secretary for the Hampshire LAF.**
- c. Training needs will be identified by discussions between the regional coordinators and Natural England regional staff. There needs to be a sense of joint ownership and responsibility for training activities.

#### **5. Issues that have regional and national significance**

5.1 The following issues were raised at the meeting and agreed to be issues where the feelings of LAF's ought to be discussed at the national level, that is; at the England Access Forum.

Thames Basin Heath – this affects Bracknell Forest and Surrey

The Marine Bill – this will give Natural England new powers to improve access around the whole of the English coastline and to create a long distance route, the “English Coastal route”. The Bill is due to be put before Parliament this autumn with a draft Outline Scheme to be published by Natural England at the same time. The outline scheme will guide decisions at local level on where the new rights will apply, and the SE LAF members agreed that this is an important issue requiring discussion among all LAFs in the region. After all, everyone enjoys a visit to the seaside! Slough LAF needs to decide what action to take on this. **Action.**

Gating Orders – This was agreed to be an issue for all LAFs in the South East. As statutory consultees for Gating Orders, the SE LAF members meeting felt it would need to get a consensus of how LAFs deal with Gating Orders. **Action.**

Shared Use of Routes – The meeting felt that it would be useful to get some sort of agreement on attitudes towards shared use routes within the SE. But what does shared use mean in Slough? And how does the Slough LAF feel about it? **Action.**

Money for Implementation of ROWIP's – It was agreed at the meeting that this was an important issue for LAFs. Some areas LAFs have been undertaking their own lost ways projects to find routes that they feel ought to be recorded as public and then tying these in with their ROWIPs to identify a current need for a particular route. Funding could then be bid for to put the new routes on the Definitive Map and Statement.

## **6. List of LAF members who attended the Meeting**

Bracknell Forest LAF	Richard Mosses
Brighton & Hove LAF	David Brookshaw
Buckinghamshire LAF	John Elfes
Hampshire LAF	Alan Marlow
Kent LAF	Matthew Balfour
Medway LAF	Rita Hunt
Mid and West Berkshire LAF	Jane Kiely (includes; Reading and Wokingham)
New Forest LAF	Alistair Duncan
Slough LAF	Margery Hitchman
Surrey LAF	Graham Butler
West Sussex & South Downs LAF	Glyn Jones

## **Appendices**

- 1. EAF Constitution**
- 2. Minutes & Agenda of the Meeting of LAF Members in the South East – 6<sup>th</sup> Oct 08**
- 3. Coastal Access Draft Outline Scheme**

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**ENGLAND ACCESS FORUM - CONSTITUTION**

**Its purpose is to:**

- provide balanced views and feedback to Natural England about all relevant access matters;
- exchange information;
- co-ordinate effective joint lobbying across Government;
- provide accurate information on policy initiatives and feedback on their implications and implementation; and
- to exchange best practice.

**It will be organised as follows:**

- the forum will meet three times per year, March/April, October/November and one other, normally in the summer;
- there will be 16 Local Access Forum (LAF) representatives, two from each region, and a smaller number of Natural England representatives comprising an Executive Director and senior colleagues sufficient to provide support, advice and expertise;
- decisions or recommendations made by the Forum will not be attributable to Natural England or binding on it;
- the process for nomination of LAF representatives is to be agreed within each region;
- The term of office for all individuals will be up to three years, but not exceeding their period of office as an individual member of a LAF;
- the Chair will be appointed from the LAF representatives;
- venues will be in Natural England offices around the country;
- the secretariat will be provided by Natural England who will liaise with the Chair. Papers can come from either the LAFs or Natural England;
- communication between LAFs and the forum will be through LAF Regional Co-ordinators who will be involved in raising agenda items, disseminating papers, etc;
- Natural England will reimburse travel expenses according to its transport and subsistence policies; i.e. travel by sustainable means on public transport at standard rates. A simple mechanism for claiming expenses will be used;
- appropriate liaison will be fostered with equivalent UK and European bodies.

The value of LAF volunteer time and additional professional support that the LAF representatives can draw on is recognised as a vital contribution to the Forum.

## **Additional points**

- the Forum must be a constructive partnership not an occasion for LAFs simply to hold Natural England to account. The emphasis is on understanding and working together;
- LAF representatives will not be mandated delegates;
- there can be substitution for LAF representatives but every effort should be made to ensure continuity;
- each LAF region is free to determine how its two members are chosen;
- opportunities for regional development and inter-regional liaison will be encouraged;
- LAF regions will be encouraged to submit agenda items drawn from LAFs and to discuss agenda items prior to meetings. LAF Regional Co-ordinators have a key role to play in this and in disseminating ourcomes.
- A Working Group will progress business between meetings as described in Annex 1.

## **Annex 1 The Working Group**

### **Background**

- At the 'meeting after the meeting' on 15<sup>th</sup> May it was unanimously agreed that a group be set up to support the Chair in managing the business of EAF and in dealing with matters arising between meetings, with a report on matters requiring ratification to the next full meeting.
- Nominations were sought and it was remitted to the Chair to secure the best balance reflecting different interest, expertise and geographical spread. The proposed group of five with two reserves was submitted to all EAF members and approved.

### **Developments.**

- EAF members agreed subsequent to the May meeting that the Chair should seek a meeting with NE to clarify issues which had arisen. This took place on 27<sup>th</sup> June. Matthew Balfour and the Chair met in Sheffield with James Marsden and Ciaran Gannon. The Minute was circulated widely and was submitted to and welcomed by EAF members.

### **NE committed to**

- support and maintain EAF as an effective national representative forum for LAFs to engage with and advise Natural England on this basis;
- develop a 2 year forward programme of policy development and delivery issues (e.g. draft report of National Trails review) on which we wish to consult and be advised by EAF.



## **EAF LAF members committed to**

- establish a sub-group of 4-5 of its members (DG to inform us of the names) to ensure quick turnaround of consultations/requests for advice from Natural England between meetings of EAF as a whole;
- acknowledge that NE will wish to consult/seek advice on documents which are 'works in progress' and this implies a need for mutual trust and confidence that such documents will be treated on a "this is what we are minded to say/do, what do you think?" basis.

James Marsden undertook to consult with the group at the earliest stages of policy consultation without prejudicing the freedom of either party at later stages of consultation. The need for confidentiality was emphasised for obvious reasons.

NE subsequently invited comments from the group on the first draft of the Recreation Policy and this was given in the shape of a consolidated document very much reflecting practical grass-roots experience, James Marsden described the report as 'very helpful' appreciating the quick turnaround required and met.

When items were being considered for the September 23<sup>rd</sup> Meeting, it quickly became clear that there a lot of them – welcome but presenting a logistical problem. A solution could be to sort the items into

- Those for decision
- Policy Development
- Access Issues with National implications
- Other issues

The fourth category could if necessary be dealt with in the following way:

- The working group should consider those items for which there is not sufficient time for them to be dealt with in the Forum itself.
- Papers relating to these items be first circulated to all EAF members so they have the opportunity to feed in comments.
- The Working Group consider the items, by meeting where necessary.
- Resulting advice or decisions would go back to all EAF members for approval and ratification.
- If there is a subject uniquely close to the heart of any EAF member, that member may attend by arrangement with the Chair.

## **Recommendation**

It is essential that business can be managed, conducted and progressed between full meetings

It is accordingly recommended that the remit and membership of the working group be confirmed as:

- Assisting the Chair with managing the business between meetings.
- Offering confidential advice to NE on the terms outlined in the Minute of 27-07-08, previously circulated.
- Considering items remitted from full EAF meetings and previously circulated to all members for comment.
- Nominations for membership when required will be remitted to the Chair who will seek to secure the best balance reflecting different interest, expertise and geographical spread, membership to be confirmed at Forum meetings.

30 September 2008

**Meeting of LAF members in the South East**

6<sup>th</sup> October, 11am-3pm (lunch provided)

Natural England Offices, Ashdown House, nr Victoria station, London SW1E 6DE

**1. Welcome and introductions**

- Welcome from Matthew and Alan
- 2 mins from each person attending – your name & LAF, subjects considered recently

**2. England Access Forum to date**

- Report on the establishment and scope of EAF
- Summary of outcomes from meetings to date
- Future meeting plans/agendas

**3. Interaction between South East LAFs and England Access Forum**

- How do our LAFs wish to be involved with EAF?
- Size of South East vs other regions (do we ask for additional representation?)
- What is the ideal feedback and input mechanism to/from EAF?
- How do we appoint/elect representatives?

**LUNCH**

**4. The Way Forward**

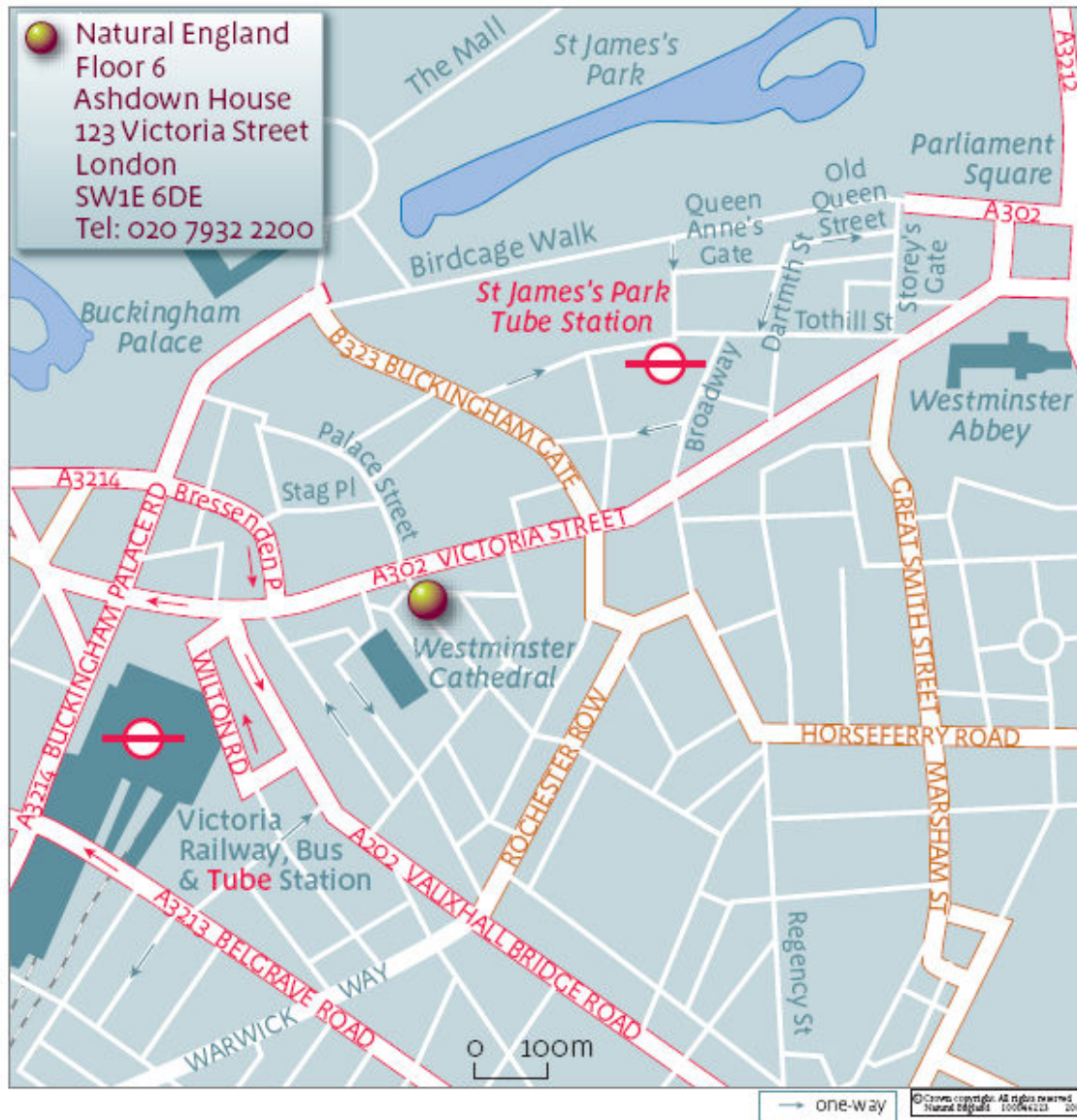
- **The group to elect representatives to England Access Forum**
- Further meetings of today's group? (Do people want them?, how often?, what objectives?, what subjects to include on agenda?) or alternative communication
- Support available from Natural England SE
- Communication with the region's existing LAF officer group

**5. Other topics**

- Opportunity to raise any issues for advice or wider discussion

(Queries to: Cath Hart [cath.hart@hants.gov.uk](mailto:cath.hart@hants.gov.uk)

01962 847221)



## LONDON OFFICE

### HOW TO GET TO US

#### Ashdown House

*From Victoria* - Take the Wilton Road exit from Victoria station, bear right into Victoria Street. Ashdown House can be found on the right midway down Victoria Street, past Westminster Cathedral and opposite Westminster City Hall.

*From St James's Park Station* - Take the Broadway exit out of the St James Park Station. Turn right down the Broadway, past New Scotland Yard towards Victoria Street. Turn right into Victoria Street and Ashdown House is on the left opposite Westminster City Hall.

To help plan your journey, you may find this website useful:

[www.transportdirect.info](http://www.transportdirect.info)

**SE LAF Regional Meeting Minutes**  
**6<sup>th</sup> October 2008**  
**Ashdown House, London**

**Present**

Mathew Balfour (Kent LAF) (Chairman), Dave Brookshaw (Brighton and Hove LAF/ South Downs LAF), Graham Butler (Surrey LAF), Alastair Duncan (New Forest LAF), John Elfe (Buckinghamshire LAF), Cath Hart (Regional LAF Secretary), Margery Hitchman (Slough LAF), Rita Hunt (Medway LAF), Glynn Jones (West Sussex LAF/ South Downs LAF), Jane Kiely (Mid and West Berkshire LAF), Alan Marlow (Hampshire LAF), Richard Mosses (Bracknell Forest LAF), Nicola Trafford (Natural England), Jacqui Wheeler (Slough Borough Council)

**Apologies**

Peter Brown (West Sussex LAF), Kevin Haugh (Natural England)

**Interaction between South East LAFs and England Access Forum**

It was agreed that regional SE LAF meetings should be held twice yearly and that other communication should be by e-mail. Each LAF should have a nominated contact. E-mails and information should also be copied to the LAF secretary to forward if the nominated contact was absent. The regional LAF newsletter could also be used to circulate information. Cath Hart suggested that this should continue on a twice yearly basis. Sub-groups could be set up where there were sub-regional issues such as the Thames Basin Heaths or where a quick response was needed.

Cath Hart was asked by the group to take on the role of regional LAF co-ordinator. She accepted subject to her authority, Hampshire County Council, being in agreement and no other SE LAF secretary expressing interest in the post.

Kevin Haugh is the Natural England contact for LAFs in the South East.

It was decided that the South East should not at the moment ask for greater representation on the England Access Forum.

The group confirmed the appointment of Matthew Balfour and Alan Marlow as the South East representatives to the England Access Forum. If Matthew or Alan are unable to attend, Cath Hart will send round an email to the group offering the place at the meeting.

**Other Topics**

**Thames Basin Heaths**

It was suggested that relevant LAFs form a subgroup to deal with Thames Basin Heaths issues. The SE planning authorities also have a Thames Basin Heaths subgroup. It would be useful for the group to liaise with them.

**Marine Bill**

**Action: Cath Hart to circulate the latest papers on the marine bill to the group.**

**Action: Nicola Trafford to find out the schedule for the Natural England SE coastal audit process.**

**Action: Nicola Trafford to investigate inviting a member of the Natural England Coastal Access team to the next regional LAF meeting.**

#### Gating Orders

Some LAFs are interested in gating orders.

**Action: Cath Hart to circulate SE officers' information on gating orders to the group.**

#### Access

**Action: Nicola Trafford to let the group know the timetable for the decadal review of open access land in the South East.**

#### Implementation of ROWIPs

The Hampshire LAF has set up a Discovering Lost Ways project. They have found that some of the "lost ways" meet some of the desire lines of the RoWIP.

LAFs could provide useful support to councils in ROWIP implementation by encouraging them to seek out sources of funding.

#### Natural England Review of Trails and Routes

**Action: All to e-mail Cath Hart with comments on the review, Cath to collate and forward to Natural England.**

#### London Region

There are no LAFs in London but it has been suggested that representatives from the London Boroughs might like to join the group.

#### **Date of Next Meeting**

Dates for the next meeting will be fixed once the dates of future England Access Forum meetings are known. The next meeting of the England Access Forum is expected to be in March/ April 09.



# Coastal Access

## Natural England's outline scheme



“Government should legislate to create an approach that combines the best features of existing mechanisms – offering customised powers to make sense of the unique coastal situation, and to ensure the necessary flexibility to the circumstances on each section of the coast.”

**From Natural England's advice to Government, February 2007.**

The Natural England enquiry service is the first point of contact for enquiries about the outline scheme:

**Enquiries**  
**Natural England**  
**Northminster House**  
**Peterborough**  
**PE1 1UA**  
**Telephone: 0845 600 3078**  
**Fax: 01733 455103**  
**Email: [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)**

There is an online enquiry form at:

**[www.naturalengland.org.uk/contact/enquiries.htm](http://www.naturalengland.org.uk/contact/enquiries.htm)**

**Natural England** works for people, places and nature, to enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promote access, recreation and public well-being; and contribute to the way natural resources are managed so that they can be enjoyed now and in the future.

Natural England works towards the delivery of four strategic outcomes, which together deliver on our purpose to conserve, enhance and manage the natural environment for the benefit of current and future generations.

- A healthy natural environment: England's natural environment will be conserved and enhanced.
- Enjoyment of the natural environment: more people enjoying, understanding and acting to improve, the natural environment, more often.
- Sustainable use of the natural environment: the use and management of the natural environment is more sustainable.
- A secure environmental future: decisions which collectively secure the future of the natural environment.

For further details about Natural England, its objectives, targets, and ways of working visit our website:

**[www.naturalengland.org.uk](http://www.naturalengland.org.uk)**



# Coastal Access

## Natural England's outline scheme

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# Part A

## Introduction

### 1. The scheme

#### 1.1. Context and purpose

- 1.1.1. Part 9 of the draft Marine Bill ("the draft Bill") aims to improve public access to, and enjoyment of, the English coastline by creating clear and consistent public rights along the English coast for most types of open-air recreation on foot. It will allow existing coastal access to be secured and improved and new access to be created in coastal places where it does not now exist.
- 1.1.2. Clause 277 of the draft Bill empowers Natural England to prepare recommendations, in the form of reports to the Secretary of State, on where the new public rights should apply, within parameters set out elsewhere in Part 9.
- 1.1.3. The draft Bill requires Natural England's recommendations for coastal access to be in accordance with a scheme approved by the Secretary of State [clause 274(7)].
- 1.1.4. This outline of the scheme is being published at the same time as Government publishes the draft Marine Bill, to help inform consideration of the draft Bill during the period of pre-legislative scrutiny.
- 1.1.5. In the scheme, the term "alignment" refers to the detailed process by which Natural England will decide what access provision to recommend to the Secretary of State, in accordance with the approved scheme.

#### 1.2. Contents

- 1.2.1. This is a first outline of the scheme. It sets out the key principles on which we propose alignment should be based, and shows how the principles will be applied in common coastal scenarios, but it does not include a detailed explanation of the alignment process.
- 1.2.2. The outline also indicates how coastal access rights will be managed, because the alignment principles can only be properly understood with this context.
- 1.2.3. The draft Bill proposes coastal access rights on foot only, so the scheme will not include provisions relating to "higher rights" on the coast such as horse-riding or cycling. However, we will be seeking local opportunities to improve such rights as part

of the coastal access project. We will publish separate, non-statutory criteria in due course to guide this activity.

- 1.2.4. Similarly, the scheme will not include proposals to enhance the coastal access environment, but environmental enhancement remains a key aspect of Government's vision for the coast, and a key priority for Natural England. Again we will publish separate, non-statutory criteria in due course to guide this activity.

#### 1.3. Further development

- 1.3.1. This outline is our first step towards publishing a full scheme approved by the Secretary of State.
- 1.3.2. We intend to publish a first full draft at the time the Marine Bill is introduced into Parliament.
- 1.3.3. Once the Bill receives Royal Assent, we will finalise the scheme in consultation with key interests, and submit it to the Secretary of State for approval.

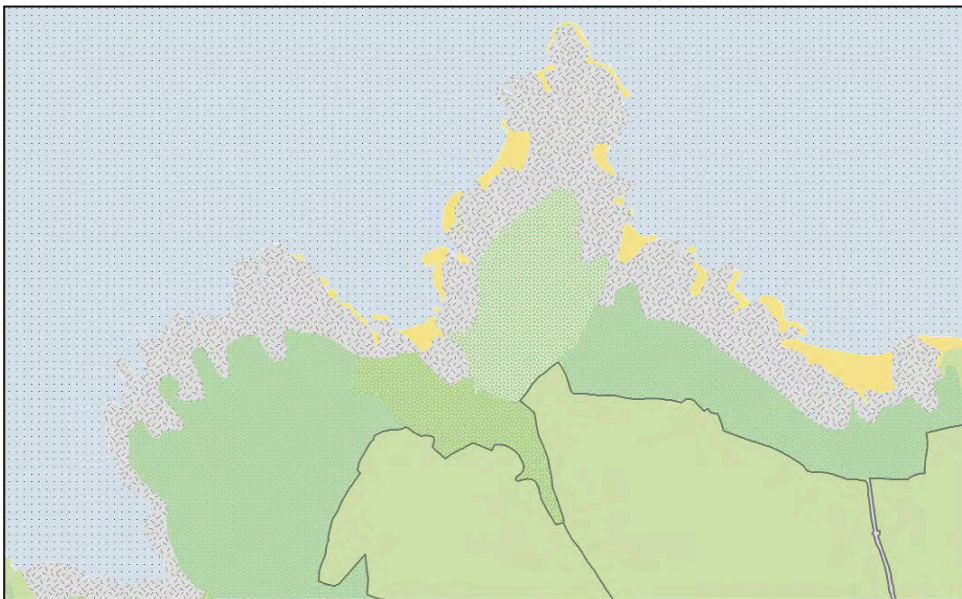
## 2. The framework for alignment

### 2.1. The land affected

- 2.1.1. Clause 272 of the draft Bill places a duty on Natural England to use its proposed powers to secure twin objectives, one relating to a long-distance walking route around the English coast, the other to an accessible margin of land in association with the route where people will be able to spread out and explore, rest or picnic should they wish to.
- 2.1.2. In the scheme, we call the long-distance route "the trail" and the accessible margin of land (which may lie on either side) "spreading room".
- 2.1.3. The route of the trail will be decided first. Where there is an existing route along the coast which meets the criteria for the trail set out in the scheme, the trail will adopt that route. But where there is none, or where an existing route is unsatisfactory, a new or improved route will be provided.
- 2.1.4. The chosen route of the trail will determine the eligibility of any land to either side of it as spreading room:
  - Land on the seaward side of the trail will automatically be spreading room<sup>(1)</sup>, unless it is outside the operation the rights (see paragraph 2.1.5) or subject to access exclusions (see section 2.2).

<sup>1</sup> Land would automatically become spreading room in the ways described here by virtue of an order under the new section 3A of CROW introduced by clause 278 of the draft Bill.

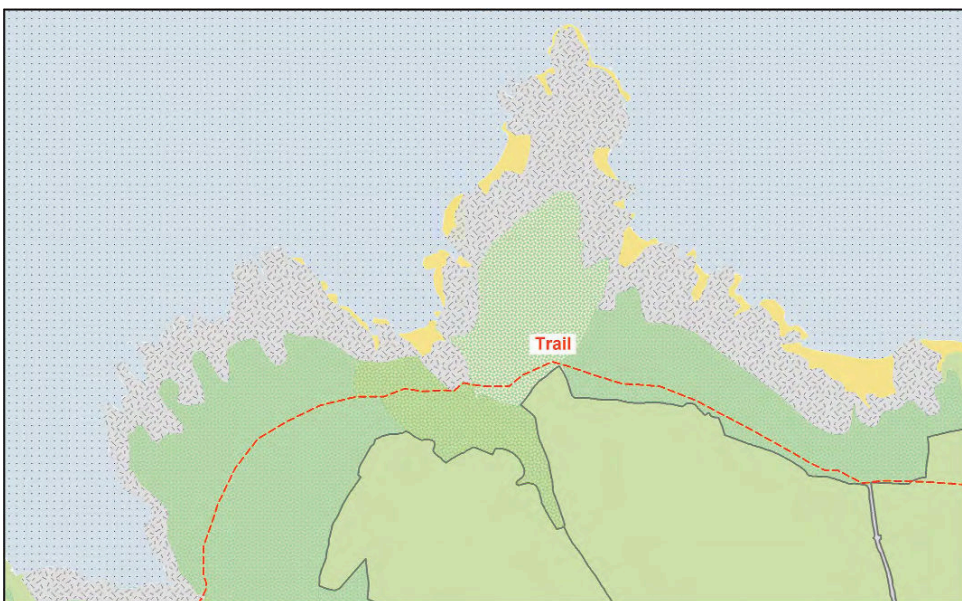
- On the landward side of the trail, typical coastal landforms such as dunes and cliffs will automatically be spreading room too, with the same provisos.
  - There will also be a discretionary power for Natural England to include other land on the landward side of the trail, by making the boundary of the spreading room coincide with a recognisable physical feature such as a fence, wall, rock outcrop or woodland edge<sup>(2)</sup>.
- 2.1.5. Certain land categories will be outside the operation of the new rights:
- those with pre-existing public access rights of the types listed in section 15 of the Countryside and Rights of Way Act 2000 (CROW); and
  - those treated by Schedule 1 of CROW as excepted land<sup>(3)</sup>.
- 2.1.6. Figures 1 to 4 illustrate how the alignment of the trail and spreading room might look in practice on a short section of coast.



**Figure 1**

A section of coast before the new rights are created. A shoreline is overlooked by sloping cliffs covered with rough grass, heath and scrub (shown in darker greens). Further inland there are fields of permanent pasture (shown in light green).

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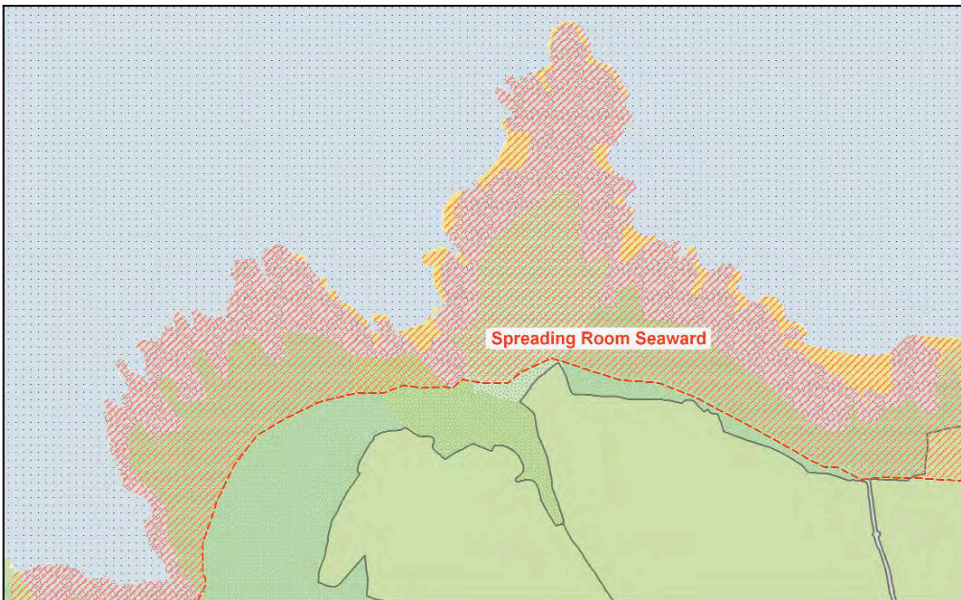
**Figure 2**

The trail is aligned along the top of the cliff.

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<sup>2</sup> This discretionary power is provided in a new section 55B(2) of the National Parks and Access to the Countryside Act 1949 ("the 1949 Act") under clause 277 of the draft Bill.

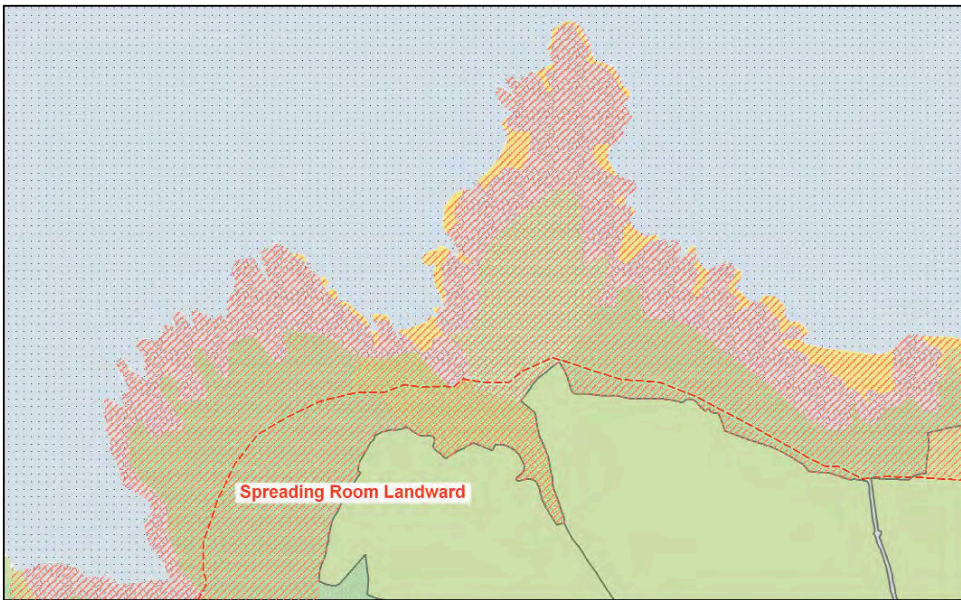
<sup>3</sup> Schedule 1 of CROW, which lists those categories of land which are to be treated as excepted land for CROW purposes, may be amended by an order under the new section 3A of CROW (introduced by clause 278 of the draft Bill).



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**Figure 3**

Spreading room on the seaward side of the trail.



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**Figure 4**

Spreading room landward of the trail.



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## 2.2. The management of coastal access rights

- 2.2.1. The new coastal access rights will take effect by virtue of CROW section 2(1). They will include most types of open-air recreation on foot such as walking, climbing and picnicking. Where the land to which they apply is already accessible under CROW, the new coastal rights will apply instead.
- 2.2.2. As on existing CROW access land, there will be national restrictions on the scope of these new rights – for example they will not include horse riding. This will not prevent such recreational uses taking place by virtue of an existing right, with the landowner's permission or by traditional tolerance.
- 2.2.3. The precise terms of these national restrictions will be different on the coast from those that currently apply under CROW. The main difference is that dogs will be required to be under close control at all times, rather than subject to the national requirements at CROW Schedule 2 paragraphs 4 to 6 <sup>(4)</sup>.
- 2.2.4. Where despite these national rules there is a need to manage the new coastal access rights at a local level, our policy will be to adopt the least restrictive option that will meet the need at reasonable cost.
- 2.2.5. In this situation it will often be possible to prevent difficulties by using informal access management, for example by posting advisory notices or asking people for their co-operation face-to-face.
- 2.2.6. Where informal access management will not meet the need, or where it would place an unreasonable cost on an affected land manager, Natural England will have powers to restrict specific activities or exclude access locally.
- 2.2.7. There are also powers in the draft Bill to divert the trail temporarily when the need arises, for example to enable works to take place.
- 2.2.8. We will aim to identify any foreseeable need for restrictions, exclusions and diversions on each section of coast as part of the initial alignment process. We will do this in consultation with those who manage the affected land.
- 2.2.9. After commencement of the new rights, further restrictions, exclusions or diversions may be necessary, if situations arise that could not be foreseen during the initial alignment process.
- 2.2.10. We have already produced detailed statutory guidance for relevant authorities on the management of open access rights under CROW<sup>(5)</sup>. Our plan is to update this guidance as necessary for use in relation to the new coastal access rights, so that it can be used alongside the scheme during the implementation process. This will cover any coastal situations not adequately covered by the existing guidance, and will reflect any modifications made to the existing CROW restrictions and exclusions regime as it applies to the new coastal access rights <sup>(6)</sup>.
- 2.2.11. On some sections of coast, existing rights will apply instead of or as well as the new rights (see paragraphs 2.1.5 and 2.2.2). These may include rights to ride horses or cycles, or other "higher rights". Access management will be possible on these sections as elsewhere, and there may be existing powers to restrict or exclude access, but there will be no new powers to restrict or exclude the existing access rights.
- 2.2.12. Local byelaws and other statutory prohibitions may also apply in relation to the new (or existing) access rights to use particular places along the coast<sup>(7)</sup>. The precise nature and content of these will vary according to the local circumstances and the nature of the statutory power in question.

## 2.3. Natural England's reports

- 2.3.1. Under clause 277 of the draft Bill, Natural England may prepare a series of reports, each relating to a different stretch of the English coast, recommending to the Secretary of State the alignment of the trail and the extent of the spreading room on the landward side of that stretch.

<sup>4</sup> CROW Schedule 2 paragraphs 4 to 6 require dogs to be kept on short leads between 1 March and 31 July, and at all other times in the vicinity of livestock.

<sup>5</sup> Our guidance to relevant authorities administering restrictions and exclusions under Chapter II of CROW can be found at [www.openaccess.gov.uk](http://www.openaccess.gov.uk)

<sup>6</sup> Any amendments to the CROW restrictions and exclusions regime as it applies to coastal land would be by an order under the new section 3A of CROW (introduced by clause 278 of the draft Bill).

<sup>7</sup> In accordance with section 2(3) of CROW as amended by clause 278(3) of the draft Bill.

- 2.3.2. Each report must demonstrate how we have had regard to the following criteria set out in clause 273(2) and (3) of the draft Bill:
- the safety and convenience of people using the trail;
  - the desirability of the trail adhering to the periphery of the coast and providing views of the sea; and
  - the need to strike a fair balance between the public interest in having a right of access and the interests of any owner or lawful occupier of land over which the right would exist.
- 2.3.3. Part B of the outline scheme explains these principles together with other relevant considerations, including issues relating to the coastal environment and coastal change.
- 2.3.4. Each report will include:
- a map of the proposed route for the **trail**, showing any significant infrastructure that will be needed to facilitate access, such as bridges or steps;
  - an indication of the extent of any **spreading room** to either side of the trail, taking into account both land that will automatically become spreading room and any additional land that (under our discretionary power) we propose should become spreading room on the landward side of the trail; and
  - any **access management** that is necessary- including any restrictions, exclusions or diversionary routes for which we foresee a need at the time we submit the report.
- 2.3.5. We are not required by the draft Bill to identify areas of **excepted land** in our reports. However, if we think there is a danger of confusing the spreading room with excepted land on any section of the coast covered by a report, we will identify the land we consider would be excepted land in the report too, to make it clear where we propose the new coastal access rights will apply. For example, we might do this where the trail passes inland of a container port that we consider would be excepted land, if it might otherwise be necessary to exclude access to the port for operational reasons (see also section 7.2).
- 2.3.6. Part C of the outline scheme considers the relevance of each of these four elements to common circumstances on the coast.
- ### 3. Implementation
- #### 3.1. The implementation process
- 3.1.1. This section gives a brief overview of the implementation process, based on the provisions in the draft Bill. The next draft of the scheme will provide more detail, including an indication of likely timescales.
- 3.1.2. Before submitting recommendations to the Secretary of State, we will conduct extensive local consultation relating to that section of coast. In particular we will (wherever practicable) consult with owners and occupiers of affected land. We will also consult with the organisations referred to in section 51(4) and the proposed section 55B(4) of National Parks and Access to the Countryside Act 1949 ("the 1949 Act")<sup>(8)</sup>. These include the local authority, local access forum, English Heritage and the Environment Agency.
- 3.1.3. After taking local views into account, we will publish on a website the report that we intend to submit to the Secretary of State for that section of coast. We will send copies to all owners and occupiers of affected land that we have been able to identify. We will also send copies to the local access forum, English Heritage and the Environment Agency<sup>(9)</sup>.
- 3.1.4. Owners and occupiers of affected land will be able to make representations to us regarding the report, as will the local access forum, English Heritage and the Environment Agency, and any other interested parties.
- 3.1.5. Once we have taken these representations into account, we will send the report to the Secretary of State. We will include with this report any representations we have received from affected owners and occupiers and from the local access forum, English Heritage and the Environment Agency, and our comments on them. We will also summarise any other representations made to us about our report, and send this summary together with any comments that we consider appropriate to the Secretary of State.
- 3.1.6. The Secretary of State will then consider these documents. He/she may confirm the report in full or in part, or make modifications to our proposals. Where representations have been submitted, the Secretary of State is required to consider them before making a decision.

<sup>8</sup> Section 51(4) of the 1949 Act includes every National Park Authority, joint planning board, county council and county district council through whose Park or area the trail would pass. The new section 55B(4) (inserted by clause 277 of the draft Bill) includes a requirement to consult with any London Borough Council through which the trail would pass.

<sup>9</sup> This consultation is required by the proposed section 55C(2)(c) of the 1949 Act, as introduced by clause 277 of the draft Bill.

- 3.1.7. He/she would also have the option to reject some of the proposals in the report. In that case we would prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by the rejected proposals.
- 3.1.8. Once a report has been approved by the Secretary of State, some access infrastructure will often be needed on the affected stretch of coast before the rights can commence – for example signs, gates, steps, bridges or drainage. Such establishment works will normally be undertaken by the access authority, but funded by Natural England. The draft Bill sets out a process for formally agreeing these proposed works with the owner or occupier. There are also relevant agreement-making powers in CROW Part 1 Chapter 3.
- 3.1.9. We will also give any directions to restrict or exclude access, or divert the trail, that are included in the report confirmed by the Secretary of State.
- 3.1.10. The rights will be brought into force by order on each section of coast where these processes have been completed, on a date decided by the Secretary of State<sup>10</sup>.
- 3.1.11. In the future we may at any time reassess the coastal access arrangements, for example in response to a planned development or realignment of the coast. We may propose changes to the Secretary of State if we conclude that they are necessary. The process for changes to the trail route will be the same as for the initial alignment<sup>11</sup>.
- 3.2. Working principles**
- 3.2.1. Alignment will work best if there is close co-operation between Natural England and the local access authority, combining a nationally consistent approach with a detailed understanding of local circumstances. We are committed to working in this way so far as practicable.
- 3.2.2. Following further discussion with individual access authorities we will develop an operational plan, separately from the scheme. It will address issues such as the sequence in which, and priority with which, particular sections of coastal trail will be aligned.
- 3.2.3. There is no set completion date for the work in the draft Bill. We currently estimate that the initial alignment process will take about ten years to complete.



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<sup>10</sup> The date when the rights are brought into force will be decided in accordance with clause 278(5) of the draft Bill.

<sup>11</sup> The process for changes to the trail must be carried out in accordance with section 55 of the 1949 Act, and the new section 55F introduced by clause 277 of the draft Bill.

# Part B

## Key principles of alignment

Part B sets out key principles that Natural England will take into account during the alignment process.

Clause 273 of the draft Bill requires Natural England, in discharging its coastal access duty, to 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 new rights would be conferred.

The structure of part B reflects this requirement: section 4 considers principles relating to the public interest, while section 5 considers principles relating to the interests of owners and lawful occupiers.

### 4. Public interests

#### 4.1. Overview

4.1.1. In relation to the trail, Natural England is required by clause 273 of the draft Bill to:

- consider the **safety** and **convenience** of people using the trail; and
- have regard to the desirability of the trail adhering to the **periphery** of the coast and providing **views** of the sea.

4.1.2. Since in many places there will be a choice as to the route, with each option fulfilling each of these considerations to varying degrees, it will be for Natural England in its recommendations to the Secretary of State to propose the balance to be struck between them on each stretch of coast.

4.1.3. The extent to which **spreading room** should be available to the public will also be relevant to our considerations, insofar as it will be affected by our recommendations regarding:

- the route of the trail;
- places where the inland boundary of spreading room should be made to coincide with a physical feature (see 2.1.4);
- access exclusions, restrictions or diversions we think are necessary.

4.1.4. The sections that follow explain the public interest criteria above in more detail, together with two additional ones also addressed by this and associated legislation:

- enjoyment and protection of the **coastal environment**; and
- responsiveness to **coastal change**.

#### 4.2. Safety on the trail

4.2.1. Most people already understand that the coast can be a dangerous environment, and are aware of many of the risks. Our key principle is that visitors should take primary responsibility for their own safety when visiting the coast, and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

4.2.2. Accordingly, a specially low level of occupiers' liability is proposed by the draft Bill. This would absolve occupiers of potential civil liability arising from either natural or man-made features on the coast – while retaining some degree of residual liability in relation to reckless or deliberate acts or omissions by the occupier <sup>(12)</sup>.

4.2.3. In aligning the trail, we will not seek to prevent people from coming into contact with dangers that are well known or readily apparent, such as cliff edges. However, both we and the access authorities will have powers to place signs along the trail warning of potential dangers. We would expect these to be used sparingly, to warn people about dangers they could not reasonably anticipate, such as entrances to abandoned mines or unstable cliffs. No liability will attach to Natural England or access authorities for failing to erect such signs, or to Natural England or the Secretary of State for the choice of route.

4.2.4. Restrictions and exclusions will also be available where necessary to prevent danger to the public from things that have been done, or are proposed to be done on the land, such as major engineering works, but may not be used to prevent danger from natural features or natural events.

4.2.5. The trail should not be aligned along a road used regularly by motor vehicles where a reasonable alternative route can be provided. It will be particularly important to avoid busy or dangerous roads wherever practicable. The position of any road crossings that are necessary will be chosen with safety and convenience in mind.

#### 4.3. Convenience of the trail

4.3.1. For the trail to be convenient, it should be a reasonably direct route, continuous as far as practicable, and pleasant to walk along.

<sup>12</sup> The reduced liability proposed by the draft Bill would not affect existing duties on employers in relation to public safety, under the Health and Safety at Work etc Act 1974 and regulations made under that Act.



### Reasonably direct

- 4.3.2. People using the trail should not have to follow an indented coastline slavishly. The trail needs in general to be close to the sea (see 4.4) and to offer sea views (see 4.5), but also needs to enable people to make reasonable progress if their key aim is a walk around the coast.

### Continuous as far as practicable

- 4.3.3. Having arrived at the coast, people should normally be able to walk in either direction for as long as they like around the coast of England. They should normally be able to do this at all states of the tide.
- 4.3.4. The trail should also where practicable be designed to link up with routes leading to and from the coast, with public transport links and car-parks on the coast, and with river crossings.
- 4.3.5. Breaks in continuity will arise at some estuaries, if there is no convenient crossing point within reasonable distance of the coast.
- 4.3.6. The trail should avoid altogether any places where long-term or permanent access exclusions would be necessary. However, temporary or seasonal restrictions or exclusions may from time to time be necessary on the trail. Wherever possible we will use diversions where this happens, so that people can continue their journey along the coast.

### Pleasant to walk along

- 4.3.7. So far as practicable, we will design the trail to avoid excessively steep, narrow or oppressive sections, whilst accepting the natural limitations of the coastal terrain.
- 4.3.8. The width of the trail, disregarding any spreading room associated with it, will typically be 4 metres – allowing two people to walk comfortably abreast.
- 4.3.9. However, we will adopt as part of the trail sections of existing route that we consider satisfactory, when measured against the public interest criteria set out in this part of the scheme. This will result in sections that are narrower or wider than 4 metres, if it is necessary or desirable for the width to coincide with a physical feature. For example, there will be short sections where the trail passes between walls or rocks which prevent it from being of a uniform width.

### Convenience as a whole

- 4.3.10. Signs and access infrastructure will enhance the overall convenience of the trail once its route has been confirmed. They should meet the same quality standards as on other National Trails<sup>(13)</sup>, so enabling as many people as possible to enjoy the trail.
- 4.3.11. We will avoid creating any unnecessary barriers to access, by choosing the least restrictive infrastructure that is practical in the circumstances. For example we will use gaps to cross field boundaries where livestock control is not an issue, and gates rather than new stiles where livestock will be present.
- 4.3.12 We will also seek realistic and effective opportunities to improve existing coastal access arrangements for people with mobility problems, whilst accepting that such options will be constrained by practical limitations, such as the rugged nature of the terrain, and by the importance of conserving cultural heritage features, as well as landscape character.

### 4.4. Proximity of the trail to the sea

- 4.4.1. The trail should normally be close to the sea, otherwise it would fail in its primary purpose to enable people to enjoy the English coastline.
- 4.4.2. This does not mean the trail must pass along the land closest to the sea. Often the best route will be on the cliff top rather than the beach, for example, because the sea views are better and the surface is more convenient for walking.
- 4.4.3. Normally the land between the trail and the sea will be spreading room, allowing people to get closer to the sea if they want to. However, in some places the trail may be a considerable distance from the sea at low tide and closer access to the water may not be practicable or convenient or, for example, in keeping with nature conservation objectives.
- 4.4.4. Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities. Part C explains some of these circumstances in more detail.

<sup>13</sup> The Countryside Agency (2004): "Quality Standards for National Trails in England" (CA 183) available at [www.nationaltrails.co.uk](http://www.nationaltrails.co.uk)

#### 4.5. Views of the sea from the trail

- 4.5.1. The route of the trail should normally offer views of the sea, because they are a key part of many people's enjoyment of the coast.
- 4.5.2. Views from the trail may be interrupted by vegetation, landforms, buildings or coastal defence structures. Where this happens, there will sometimes be spreading room beside the trail which people can use to get a better sea view.
- 4.5.3. The trail may also lose sight of the sea temporarily in order to follow a safer or more convenient route, or to take account of other uses of the land.
- 4.5.4. On low-lying coast, it may not be possible to see the sea from the trail at some states of the tide.

#### 4.6. Availability of spreading room

- 4.6.1. Some areas of coast – beaches in particular – are very popular places to visit, but may not provide the most convenient route along the coast, or the place with the most panoramic sea views. The route should be chosen to make areas like beaches accessible from the trail, where possible, either by touching them at a convenient point of entry, or by linking to a secondary route which leads to them.
- 4.6.2. Although land seaward of the trail will generally be spreading room, some of it may in fact be excepted land for the purposes of CROW access rights. In addition, Natural England may exclude the right of access from any spreading room where necessary, to the extent that the draft Bill provides.
- 4.6.3. Areas of spreading room that are inherently dangerous may not have access denied to them for that reason (see 4.2.4). Indeed, for some people – climbers for example – that quality is part of the appeal of the coastal environment.

- 4.6.4. Natural England has a discretionary power to include as spreading room other land on the landward side of the trail up to a recognisable physical feature. We will do this where we consider it would secure or enhance public enjoyment of the coast or improve clarity on the ground, provided that inclusion of the land is in keeping with its other uses. Spreading room created in this way might for example give access to a place to rest and picnic or an enhanced sea view, or it might simply make the access position clearer and more cohesive on the ground.

#### 4.7. Enjoyment and protection of the coastal environment

- 4.7.1. Coastal access rights will create more opportunities for the public to enjoy the natural and cultural environment of the coast and to understand it better.
- 4.7.2. Often these opportunities can be realised without taking any special measures to protect the coastal environment. However, we will assess the potential effects of the coastal access rights on nature conservation and heritage features along each stretch of coast. Where we find that there is potential for significant conflict, we will identify measures to reconcile the two. As part of this process, we will take advice from English Heritage, as required by the draft Bill<sup>(14)</sup>.
- 4.7.3. This principle is in keeping with Natural England's statutory purpose to conserve, enhance and manage the natural environment for the benefit of present and future generations<sup>(15)</sup>.
- 4.7.4. In the case of Natura 2000 sites<sup>(16)</sup>, Natural England has a further duty (in accordance with the Habitat Regulations<sup>(17)</sup>) to consider the implications of the new coastal access rights for them. Where it considers that the introduction of new rights of access at these sites would be likely to have a significant effect on the features to which their designation relates, it must carry out an appropriate assessment before finalising its proposals.
- 4.7.5. If it cannot conclude that there will be no adverse effect on the features of concern, it must act to prevent such an effect happening.

<sup>14</sup> This consultation is required by the new section 55B(4) of the 1949 Act, as introduced by clause 277 of the draft Bill.

<sup>15</sup> The Natural Environment and Rural Communities Act 2006, section 2(1).

<sup>16</sup> Natura 2000 sites include Special Protection Areas for birds classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive), and Special Areas of Conservation designated under Council Directive 92/43/EEC(c) on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive).

<sup>17</sup> The Conservation (Natural Habitats &c.) Regulations 1994, Regulation 48.

4.7.6. The range of available solutions will include:

- signs explaining to the public how they can observe and enjoy a feature of interest without damaging it, and reminding them of any statutory obligations;
- routing the trail away from a sensitive area, or creating a seasonal diversion; or
- specific local restrictions or exclusions on public use of spreading room <sup>(18)</sup>.

#### 4.8. Responsiveness to coastal change

4.8.1. This section considers how the new access rights should respond to coastal change. Coastal defence requirements are considered specifically in section 7.1.

4.8.2. Coastal defence priorities will not be changed by the creation of the new access rights. The trail will need to adapt to changes in the coastline either because:

- the coastline is already eroding; or
- there is a strategy of managed coastal realignment, or non-intervention with coastal processes, which will lead to change occurring.

#### Coast that is already eroding

4.8.3. Some sections of coastline are eroding rapidly, year after year. There is no sense in the trail following a fixed route in these places, unless it makes sense to align one a significant distance back from where the erosion is occurring.

4.8.4. The draft Bill enables us to describe the trail on these stretches in such a way that its position automatically rolls back as the coast retreats, for example by being a fixed distance inland of the edge of an eroding cliff<sup>(19)</sup>.

4.8.5. Where we describe the route in this way, the map submitted to the Secretary of State in Natural England's report will show its starting position against the current coastline. The map will also show any points which may trigger a formal reassessment of the route when it reaches them, for example a potential interface with developed land.

4.8.6. Figures 5 and 6 show how the automatic roll-back process might work in practice. Figure 7 shows the potential effect of a formal reassessment of the route on the same section of coast.



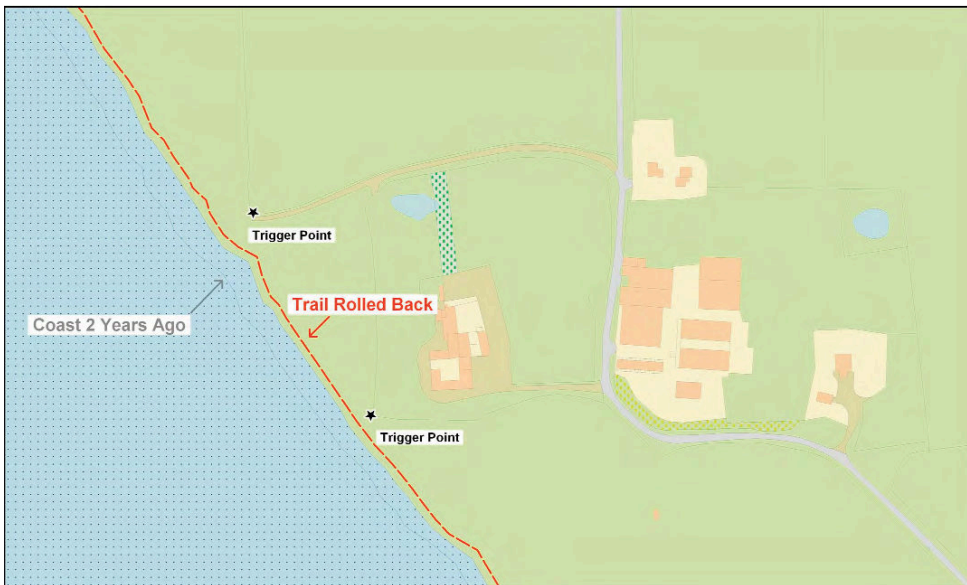
**Figure 5**

The trail aligned on an eroding cliff, with field corners marked as potential trigger points for a future reassessment of the route.

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<sup>18</sup> Natural England may exclude or restrict coastal access using powers under section 26 of the Countryside and Rights of Way Act 2000.

<sup>19</sup> This provision would be made by the new section 55A(4) of the 1949 Act, as introduced by clause 277 of the draft Bill.



**Figure 6**

2 years after initial alignment: the trail has automatically rolled back as the cliff has eroded.

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**Figure 7**

5 years after initial alignment: the trail has rolled back as far as a field corner previously identified as a potential trigger for reassessment. This scenario shows how the trail could be repositioned at this stage to avoid a house and garden.

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### Coastal realignment

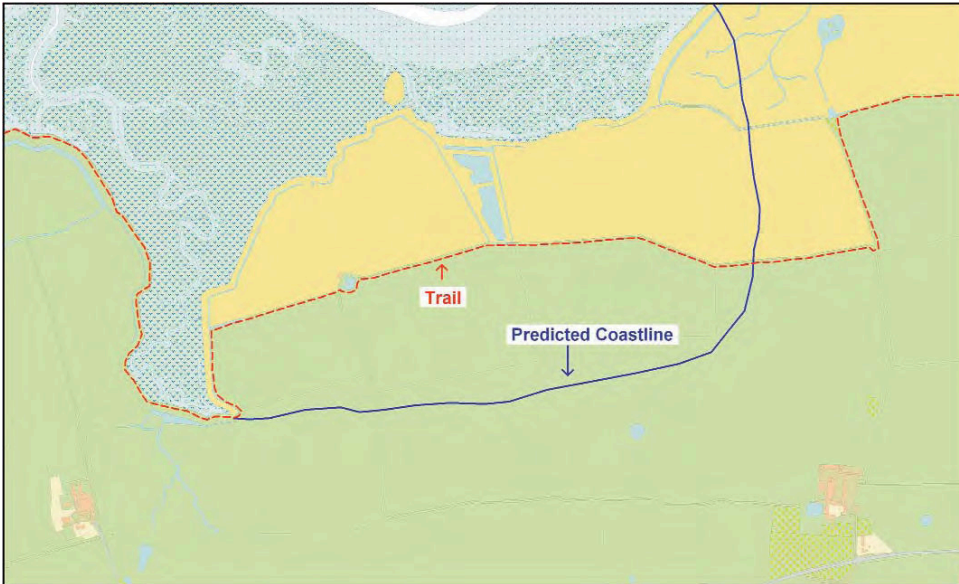
- 4.8.7. Where the shoreline is defended by banks or barriers, it may appear quite stable in the short-term, but it could be subject to significant changes in the future if there is a strategy of managed realignment or non-intervention. Natural England will therefore need to take careful account of local shoreline management plans during the alignment process, working closely with the Environment Agency and other relevant bodies.
- 4.8.8. Where significant changes to the shape of the shoreline are planned, Natural England will consider carefully at the outset the best route for the trail. We may align the trail

along the future predicted line of the coast, provided this is known with sufficient certainty, or we may rely on the power given to us in the draft Bill to reposition the trail once the coastline has changed<sup>(20)</sup>.

- 4.8.9. Where we decide that a trail along the current coastline is appropriate, it will be necessary to reposition it when the change occurs. We may therefore consult local people on both present and future trail routes during the initial alignment process.
- 4.8.10. Figures 8, 9, and 10 illustrate how the trail might be repositioned to adapt to managed coastal realignment<sup>(21)</sup>.

<sup>20</sup> The power to propose a variation to an existing route is provided under section 55(1) of the 1949 Act.

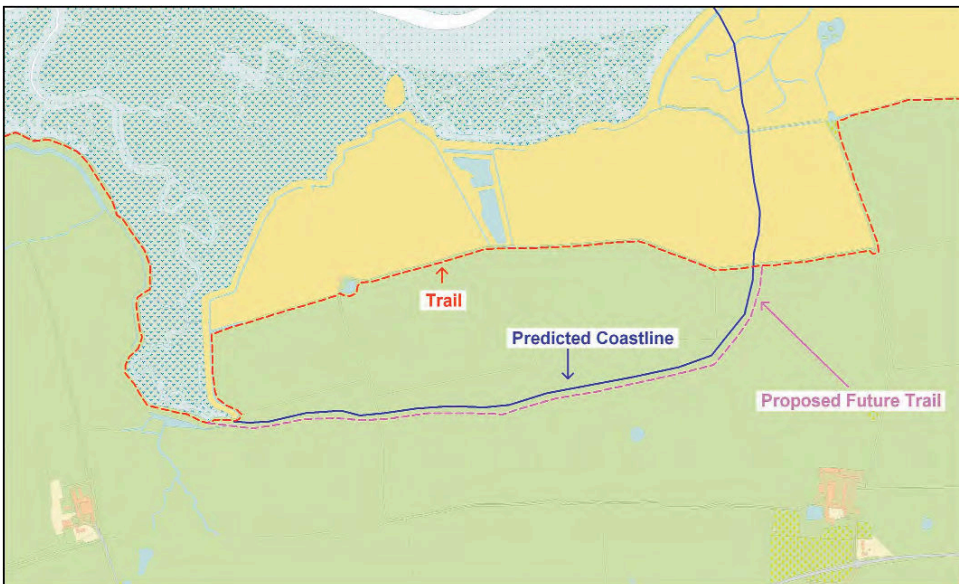
<sup>21</sup> We have adopted the term “repositioning” to describe a variation by order to the route of the trail. This will avoid confusion with the process of managed coastal realignment – an established term used to describe the process of a change in the coastline effected by allowing the sea to penetrate behind coastal defence structures. Sometimes it will be necessary for us to reposition the trail as a result of managed coastal realignment.



**Figure 8**

The trail aligned along a section of coast subject to managed realignment.

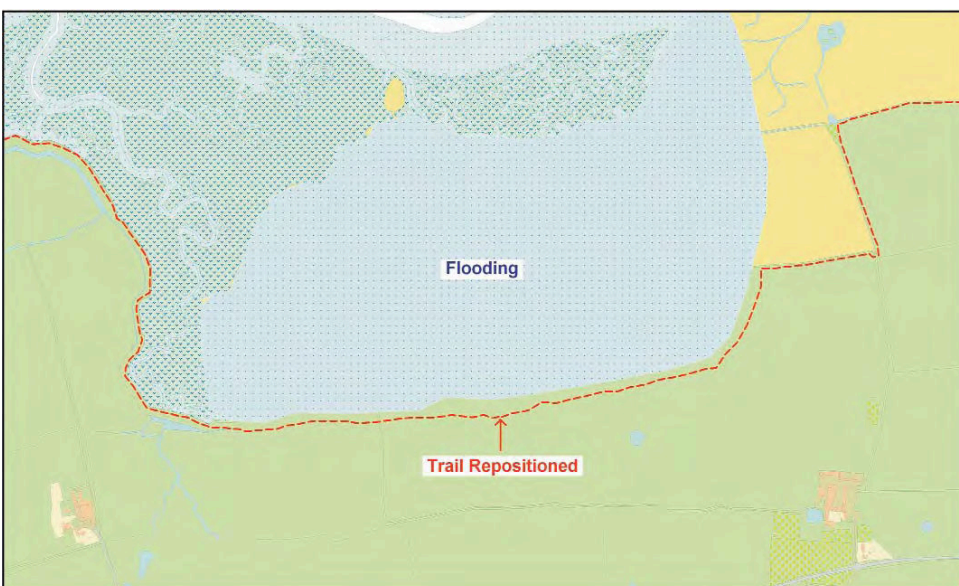
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**Figure 9**

A new route is proposed for the trail, along the predicted coastline.

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**Figure 10**

The trail is repositioned after managed coastal realignment.

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## 5. Interests of owners and occupiers

### 5.1. Overview

- 5.1.1. Section 5 introduces general principles relating to the interests of owners and occupiers.
- 5.1.2. Much of the relevant detail on this appears elsewhere:
  - Section 7 indicates how we will apply these general principles during the alignment process to take account of typical land uses on the English coast.
  - Our detailed statutory guidance for CROW relevant authorities on the management of open access rights is also highly relevant to these considerations. We intend to update it to take account of the special circumstances of the coast (see 2.2.10).

### 5.2. Operational needs

- 5.2.1. Alignment should in general ensure that coastal access rights will not interfere in any significant way with the operational needs of businesses, or public or voluntary bodies working on the coast. However, in some places this may be better achieved through access management.
- 5.2.2. The trail can be aligned in a way that is sensitive to land use: it can pass along the seaward edge of fields and avoid altogether any areas where it would otherwise be necessary to exclude access for long periods, such as areas of heavy industry.
- 5.2.3. Some work environments will be automatically excepted from the coastal access rights, for example land subject to military byelaws and land used for quarrying.
- 5.2.4. Small-scale operations can normally take place alongside public access. Where there is potential for visitors to disrupt work, the problems can often be avoided using informal access management.
- 5.2.5. Access restrictions, exclusions or diversions will be available if informal access management cannot meet operational needs. These may be on grounds of land management, public safety or (during exceptional weather or ground conditions) fire prevention<sup>(22)</sup>.
- 5.2.6. Where temporary exclusions are necessary for operational reasons, we will divert the trail wherever practicable. This will preserve continuity of access and so minimise disruption to visitors, helping to ensure that they comply with the terms of the exclusion.

### 5.3. Income

- 5.3.1. The alignment process will aim to ensure that coastal businesses suffer no significant loss of income from the introduction of coastal access rights.
- 5.3.2. Where businesses wish to charge visitors for goods or services, the coastal access rights will not prevent it. This includes for example charges for parking or deck-chair hire, entry to attractions such as theme parks, historic buildings or gardens, and permits for activities not covered under the access rights.
- 5.3.3. We are considering what approach should be taken in circumstances where an entry charge is currently levied for access of the types that would be newly provided under the legislation.

### 5.4. Privacy

- 5.4.1. There are specific provisions relating to privacy in CROW: buildings, gardens and parks, and the area surrounding buildings (known as curtilage) will be excepted from the coastal access rights. These may be supplemented by further provisions in an order under the draft Bill.
- 5.4.2. In addition, we will consider in the alignment process how our proposals may affect the privacy of people in the immediate vicinity of houses, hotels or other residences, and aim to strike a fair balance between these concerns and the interests of the public in having rights of access, as clause 273(3) of the draft Bill requires.



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<sup>22</sup> These powers will correspond in most respects with current powers under CROW sections 24 and 25.

# Part C

## Application of the key principles

Part C considers how the key principles in Part B should be applied to the circumstances of the English coast.

Chapter 6 indicates our likely approach in relation to common coastal land cover and landforms. Chapter 7 considers it in relation to coastal land uses. Sections from both chapters will often be relevant to a particular local circumstance.

Each section of these two chapters considers the following, where relevant:

- the route of the trail;
- land qualifying as spreading room;
- land categories automatically excepted from the coastal access rights ("excepted land"); and
- likely access management considerations, including any need for restrictions, exclusions or diversions of CROW rights.

### 6. Coastal land cover and landforms

#### 6.1. Beaches and rocky shores

**Beaches are among the most popular destinations on the coast, but do not usually provide the most convenient route along it.**

##### The trail

- 6.1.1. The trail should not normally be aligned on sand, shingle or rocks because they can be difficult to walk on for long distances, and may be covered at high tides.
- 6.1.2. Occasionally the trail may be aligned on a beach if the next best alternative is a significant distance from the sea. This might happen, for example, where a beach is backed by an extensive mobile dune system, if a route can be found along the beach that is reasonably firm underfoot and available at most states of the tide.

##### Spreading room

- 6.1.3. Beaches and rocky shores will normally be spreading room.

#### Excepted land

- 6.1.4. Beaches are unlikely to be excepted land unless subject to military byelaws. However, some may not be accessible on foot if the only way to them passes through excepted land, for example through a private garden or the grounds of a hotel.

#### Likely access management considerations

- 6.1.5. Beaches with coastal access rights may be subject to local byelaws, or to informal separation of different recreational activities into zones by the beach manager.
- 6.1.6. Local byelaws will continue to apply. Restrictions will be able to replicate other existing rules (such as seasonal dog controls) that appear necessary for continuation of good beach management, whether by a public authority or by the beach owner or operator. For example, dogs may be excluded from designated bathing beaches during the warmer months, as they often are now.
- 6.1.7. It may be necessary to exclude access from beaches or parts of beaches for nature conservation reasons, where informal access management will not meet the need.

#### 6.2. Flats and saltmarsh

**Some areas of flats and saltmarsh are used as beaches by local people, but more extensive inter-tidal areas of this type are generally unsuitable for open-air recreation by the public.**

##### The trail

- 6.2.1. The trail should not normally be aligned on flats and saltmarsh because there are usually safer, more convenient alternatives.

##### Spreading room

- 6.2.2. Areas of flats and saltmarsh will normally be spreading room, whether seaward or landward of the trail. However, we will often use the proposed new power under the draft Bill to exclude access from them, if in our view they are unsuitable for open-air recreation<sup>(23)</sup>.

#### Excepted land

- 6.2.3. They are unlikely to be excepted land unless subject to military byelaws.

#### Likely access management considerations

- 6.2.4. Access restrictions or exclusions may be necessary for nature conservation reasons, if informal access management will not meet the need.
- 6.2.5. Warning signs may be appropriate in areas where there is extreme danger that would not be readily apparent to the public.

<sup>23</sup> This power is an amendment to the CROW restrictions and exclusions regime (as it applies to coastal land) under the CROW section 3A Order introduced by clause 278 of the draft Bill.

### 6.3. Dunes

Access through dunes may need to be carefully managed to allow people to explore and enjoy their unique landscape and wildlife.

#### The trail

- 6.3.1. Dunes are often very mobile landscapes, making it difficult to establish a walking route through them for the medium to long-term. The trail may therefore go inland of them, even if this means a loss of sea views.
- 6.3.2. Where a dune system extends a long way inland, the trail may follow the beach in front if a suitable route can be found.

#### Spreading room

- 6.3.3. Dunes will normally be included as spreading room, whether they are seaward or landward of the trail.

#### Excepted land

- 6.3.4. Dunes that are part of the playing area of a golf course will be excepted land (see section 7.7).
- 6.3.5. Otherwise dunes are unlikely to be excepted land unless subject to military byelaws.

#### Likely access management considerations

- 6.3.6. In some cases it may be desirable to provide marked paths to help people find the best way through dunes, or to steer them away from any areas where there are nature conservation sensitivities. Such routes should be decided in consultation with local land managers.
- 6.3.7. It may be necessary to restrict dogs to leads for nature conservation reasons, if informal access management will not meet the need.

### 6.4. Cliffs

Cliff tops and cliff slopes usually provide the most convenient route along such a section of coast, and some of the best views. Cliff faces and under-cliffs provide more challenging environments for some types of user to explore.

#### The trail

- 6.4.1. The trail should normally be aligned on the cliff where there is one, because it provides the best views of the sea.
- 6.4.2. On sheer cliffs, the trail will normally be on the cliff top, a safe distance from the edge.
- 6.4.3. On gently-sloping cliff faces, the trail may be aligned closer to the sea, provided a route can be found which is sufficiently stable.

- 6.4.4. On eroding cliffs the trail should normally roll back automatically as the cliff edge moves (see paragraph 4.8.4).

#### Spreading room

- 6.4.5. Cliff faces, slopes and under-cliffs will normally be included as spreading room, regardless of the route of the trail.
- 6.4.6. Where the trail is on the cliff top, Natural England may include spreading room landward up to a recognisable physical feature such as a fence or wall.

#### Excepted land

- 6.4.7. Areas of cliff may be excepted land, for example if they are actively quarried, or have been built on.

#### Likely access management considerations

- 6.4.8. Access management may be necessary along the cliff top, in particular to prevent disruption to farming practice (see section 7.4).
- 6.4.9. Safety measures may also be necessary to deter people from approaching unstable edges.
- 6.4.10. Where Natural England considers that voluntary climbing restrictions are already effective on cliff faces used by nesting birds, these should continue to apply. Statutory restrictions will only be considered necessary in such situations if the voluntary arrangements cease to be adequate.

### 6.5. Coastal valleys<sup>(24)</sup>

Coastal valleys provide variety to a cliff top walk and may provide a convenient link from the cliff top to the foreshore.

#### The trail

- 6.5.1. The trail should follow a safe and convenient route through coastal valleys, or go around them on the land behind.
- 6.5.2. It should avoid steep descents wherever practicable and unstable ground in particular, even if visitors lose sight of the sea temporarily.

#### Spreading room

- 6.5.3. Any areas of coastal valley seaward of the trail will normally be spreading room. In valleys with shallow gradients this may provide an important link to the foreshore.

<sup>24</sup> Coastal valleys is our generic term for valleys that are often referred to by more familiar local names: dene or clough (broadly, in the north of England) and combe or chine (broadly in the south).



6.5.4. Natural England may include further spreading room landward of the trail, up to a recognisable physical feature, provided this is in keeping with any other uses of the land. We may do this, for example, to provide a clear boundary for the access rights, or to enable visitors to explore the valley further.

#### **Excepted land**

6.5.5. Parts of coastal valleys may be excepted land, for example if they include buildings or gardens.

#### **Likely access management considerations**

6.5.6. Access management may be necessary in coastal valleys, in particular where the trail crosses farmland (see sections 7.4 and 7.5).

### **6.6. Headlands**

**Headlands are a good place to stop and enjoy the view, but are not always the most convenient route along the coast.**

#### **The trail**

6.6.1. The trail may cross the neck of smaller headlands, if this is the most convenient route along the coast.

6.6.2. Normally the trail will broadly follow the perimeter of larger headlands (such as those that include field boundaries or buildings) in order to maintain sea views.

#### **Spreading room**

6.6.3. Where the trail crosses the neck of a headland, the whole headland will normally be spreading room.

6.6.4. Where the trail broadly follows the perimeter of a headland, only the land to seaward will normally be spreading room.

6.6.5. However, Natural England may if appropriate include spreading room inland of the trail up to a recognisable physical feature, provided this is in keeping with other uses of the land. We may do this, for example, to provide a clear boundary for the access rights, or to offer people views from the spine of the headland.

#### **Excepted land**

6.6.6. Headlands, or parts of them, may be excepted land, for example if they are actively quarried or built on.

#### **Likely access management considerations**

6.6.7. As on cliff tops, it may be necessary to manage coastal access rights on some headlands for reasons of public safety, land management or nature conservation.

### **6.7. Islands<sup>(25)</sup>**

**Islands will normally be excluded from the coastal access rights unless it is possible to walk to them from the mainland or from another accessible island.**

#### **The trail**

6.7.1. The trail may cross to an island and go round it if it is possible to walk there from the mainland, or from another island that is accessible from the mainland on foot, for example by a bridge or tidal causeway.

6.7.2. The Secretary of State may include other islands by order, if satisfied that their own coasts are long enough to provide a long-distance walk.

6.7.3. In considering whether, and if so how, the trail should be routed around an island, we will follow the same principles as on the mainland coast.

#### **Spreading room, excepted land and access management considerations**

6.7.4. Again the same principles will apply as on the open coast in relation to inclusion of spreading room, the status of excepted land, and access management considerations on any accessible island.

### **6.8. Coastal heath and grassland**

**Coastal heath and grassland can provide a convenient route for the trail with clear views of the sea.**

#### **The trail**

6.8.1. The trail will often pass through coastal heath or grassland, for example on cliffs or adjacent to the foreshore.

6.8.2. It should normally follow the seaward edge of any intensively-managed grassland in order to minimise disruption to farming operations (see sections 7.4 and 7.5).

#### **Spreading room**

6.8.3. Grassland or heath on the seaward side of the trail will normally be spreading room.

6.8.4. Natural England may include spreading room landward of the trail, up to a recognisable physical feature, provided this is in keeping with other uses of the land. We may do this, for example, where it would provide a clear boundary for the access rights or offer a good sea view.

<sup>25</sup> The coastal access provisions in relation to islands are set out in clause 275 of the draft Bill.

### Excepted land

6.8.5. Coastal heath and grassland is unlikely to be excepted land unless subject to military byelaws.

### Likely access management considerations

- 6.8.6. Advisory notices may be necessary during grazing periods or agricultural operations.
- 6.8.7. Access management may be necessary where grass is being grown for hay or silage.
- 6.8.8. Dogs may be restricted to leads where livestock are present. However where there are cattle, signs should encourage dog walkers to let go of any lead if they feel threatened by the cattle.
- 6.8.9. It may also be necessary to keep dogs on leads to protect any important ground nesting bird populations.
- 6.8.10. It may be necessary to restrict access on coastal heaths during exceptional weather or ground conditions, in the interests of fire prevention.

### 6.9. Coastal woodland and scrub

Woodlands and scrub may often provide the most convenient route along the coast, with views or glimpses of the sea.

#### The trail

- 6.9.1. The trail may pass through coastal woodland and scrub, for example on cliffs or adjacent to the foreshore.
- 6.9.2. If the woodland is managed for shooting, the trail should follow the seaward edge.

#### Spreading room

- 6.9.3. Any woodland or scrub will normally be spreading room if it is on the seaward side of the trail.
- 6.9.4. Natural England may include spreading room inland of the trail up to a recognisable physical feature, provided this is in keeping with other uses of the land. We may do this, for example, where it would provide a clear boundary for the access rights or offer a good sea view.

### Excepted land

6.9.5. Woodland may be excepted land, for example if subject to military byelaws.

### Likely access management considerations

- 6.9.6. Access management may be necessary if a woodland is managed for shooting, and during any forestry operations.
- 6.9.7. Diversions may be necessary on shooting days or during forestry operations, if informal management will not meet the need.

### 6.10. Estuaries<sup>(26)</sup>

The main objective on estuaries will be to provide a convenient means to cross them, and so maintain unbroken passage along the open coast.

#### The trail

- 6.10.1. Estuaries present an obstacle to onward access along the coast.
- 6.10.2. There is no requirement in the draft Bill for the trail to cross estuaries, and in some places it may not be practicable.
- 6.10.3. However, where practicable we will align the trail as far as the first convenient pedestrian crossing point.
- 6.10.4. The crossing point could be a bridge with pedestrian access, a suitable ferry, or a foot tunnel.

#### Spreading room, excepted land and access management considerations

- 6.10.5. The same principles will apply as on the open coast in relation to inclusion of spreading room, the status of excepted land, and access management considerations

### 6.11. Coastal settlements

The trail will bring visitors into coastal villages, towns and cities, offering them services, attractions and often a rich maritime heritage. Equally it will offer local residents a link to the more natural coastal environment.

#### The trail

- 6.11.1. Where the trail passes through a settlement, it will normally use existing pedestrian routes, keeping as close to the sea as practicable.
- 6.11.2. Natural England will take account of local development plans and work with planning authorities to find opportunities to improve pedestrian access on the waterfront if needed.

#### Spreading room and excepted land

- 6.11.3. There will be limited opportunities for spreading room in built-up areas. In particular, land covered by buildings and gardens will be excepted land. However, any beaches and dunes will normally be spreading room.

#### Likely access management considerations

- 6.11.4. Signs will be especially important in built-up areas to mark the trail clearly, draw attention to points of interest, and make visitors aware of nearby services and attractions.

<sup>26</sup> The coastal access provisions in relation to estuaries are set out in clause 276 of the draft Bill.

## 7. Coastal land uses

### 7.1. Coastal defence

#### The trail

- 7.1.1. On a defended coast, the trail will often be aligned along the coastal defence structure itself, if it is safe, suitable and convenient for public access on foot.
- 7.1.2. It may in some circumstances be necessary to find an alternative route for nature conservation reasons, or to route the trail behind or in front of a bank or barrier rather than along it, to minimise disturbance to birds feeding or roosting on a confined area of habitat.
- 7.1.3. We will be able to reposition the trail where there is a strategy of managed coastal realignment or non-intervention.
- 7.1.4. Natural England will work with those responsible for the maintenance or re-alignment of the structures to ensure that public access does not compromise essential flood management and coastal defence functions.

#### Spreading room

- 7.1.5. Coastal defence banks and barriers will often themselves be included as spreading room, insofar as they do not form part of the trail.

#### Excepted land

- 7.1.6. Coastal defence infrastructure is unlikely to be excepted land, unless subject to military byelaws.

#### Likely access management considerations

- 7.1.7. Exclusions will from time to time be necessary to allow for maintenance or repairs. Normally these will be short-term. Wherever possible we will divert the trail where this happens, so that people can continue their journey along the coast.
- 7.1.8. Access management may have a role in protecting important wildlife populations on areas adjacent to coastal defence structures.

### 7.2. Ports and industry

#### The trail

- 7.2.1. It will usually be necessary for the trail to avoid ports and other industrial areas in active working use in the interests of safe and efficient operations.
- 7.2.2. Areas subject to special security measures will also be avoided.
- 7.2.3. It will sometimes be necessary to make significant inland detours, for example at large container ports.

- 7.2.4. Natural England will work with site managers when deciding the route of the trail in the vicinity of a port or industrial area.

#### Spreading room

- 7.2.5. Opportunities for spreading room will normally be limited in port and industrial areas.
- 7.2.6. There may be scope to provide access to beach or foreshore seaward of secure industrial sites, such as power stations.

#### Excepted land

- 7.2.7. Parts of port and industrial areas may be excepted land because they are formed by buildings and their curtilage.

#### Likely access management considerations

- 7.2.8. It may be necessary to exclude access to ports and industrial areas if they are not excepted land. Exclusions may be given in the interests of safe and efficient operations, or to comply with special security requirements.
- 7.2.9. Information about local industrial heritage may be included alongside any necessary safety or security notices.

### 7.3. Military use

#### The trail and spreading room

- 7.3.1. Coastal access will not compromise defence needs.
- 7.3.2. However, Natural England and the Ministry of Defence have agreed to work closely together to realise the Government's objectives for coastal access wherever possible, on land used for defence purposes.

#### Excepted land

- 7.3.3. Land subject to military byelaws is excepted from coastal access rights.

#### Likely access management considerations

- 7.3.4. Elsewhere, the Ministry of Defence will have powers to restrict or exclude access where they consider this necessary for defence reasons<sup>(27)</sup>.

### 7.4. Crops

#### The trail

- 7.4.1. The trail will skirt the seaward edge of cropped fields that represent the most convenient route along the coast.
- 7.4.2. Usually there will be a margin of un-cropped land that the trail can follow.
- 7.4.3. The trail will occupy no more than a 4-metre-wide corridor alongside the crop.
- 7.4.4. We will work with the land manager when considering the best alignment.

<sup>27</sup> Section 28 of the Countryside and Rights of Way Act 2000.

### Spreading room and excepted land

- 7.4.5. Land falling within paragraph 1 of CROW Schedule 1<sup>(28)</sup> will be excepted land, except insofar as it forms part of the trail. There will therefore be no spreading room on such land.

### Likely access management considerations

- 7.4.6. Access management may be necessary along the edge of cultivated fields to ensure that there is a clear and convenient surface to walk on. We are discussing the practicalities with national farming representatives.
- 7.4.7. It may be necessary to divert the trail at times when a field margin is in constant use, for example for fruit and vegetable harvesting.
- 7.4.8. Dogs may be restricted to leads in the vicinity of fields where crops are grown.

### 7.5. Livestock

#### The trail

- 7.5.1. The trail will often cross land with livestock on it, or land managed for grazing.
- 7.5.2. On intensively managed grazing land, the trail will often follow the seaward edge.
- 7.5.3. We will work with the land manager when considering the best alignment.

#### Spreading room

- 7.5.4. Any grazing land to the seaward side of the trail will normally be spreading room.
- 7.5.5. Natural England may include spreading room landward of the trail, up to a recognisable physical feature such as a wall or fence, if this can be successfully reconciled with grazing management.

#### Excepted land

- 7.5.6. Grazing land will not normally be excepted land unless it is subject to defence byelaws.

### Likely access management considerations

- 7.5.7. In the event of an outbreak of animal disease, any exclusion or protection zones created under animal health legislation would override coastal access rights.
- 7.5.8. It may be advisable to place signs at entry points warning people when livestock are present or when stock are being gathered or handled, and encouraging considerate behaviour. The access authority may be able to help with signs where necessary.

- 7.5.9. Dogs may be restricted to leads where livestock are present. However where there are cattle, signs should encourage dog walkers to let go of any lead if they feel threatened by the cattle.

- 7.5.10. Trail diversions may be necessary – for example when a bull is present.

### 7.6. Shooting

#### The trail

- 7.6.1. The trail will often pass through land where rough shooting takes place.
- 7.6.2. The trail will normally pass along the seaward edge of any land regularly used for driven shoots, or for shooting at manmade targets (e.g. archery, clay pigeons).
- 7.6.3. We will work with shoot managers when considering the best alignment for the trail.

#### Spreading room

- 7.6.4. There may be spreading room where shooting takes place, in particular any land seaward of the trail that is used for shooting.

#### Excepted land

- 7.6.5. Land used for shooting is unlikely to be excepted, unless subject to military byelaws (see section 7.3).

### Likely access management considerations

- 7.6.6. Wildfowling and rough shooting normally takes place at times and in areas where visitors are unlikely to be present. However, shooters have to assume at all times that members of the public may be present and take all necessary precautions to ensure their safety, in line with voluntary codes of practice<sup>(29)</sup>.
- 7.6.7. It may be necessary to manage the passage of visitors when driven or target shooting is taking place. The trail may be diverted where necessary for this purpose.

### 7.7. Golf courses

#### The trail

- 7.7.1. The trail may pass through golf courses on the coast. Often the ideal route for the trail will be along the seaward edge of the course.
- 7.7.2. The route will be chosen to balance the interests of golfers with those of the general public, taking into account the safety zone on each hole.

<sup>28</sup> Under paragraph 1 of CROW Schedule 1, land is excepted on which the soil is being, or has at any time within the previous twelve months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees.

<sup>29</sup> For example, the British Association for Shooting and Conservation (BASC) Code of Good Shooting Practice, published at [www.basc.org.uk](http://www.basc.org.uk)

7.7.3. We will work with the club managers in considering the best alignment.

**Spreading room and excepted land**

7.7.4. Any part of the course used for play will be excepted land unless it forms part of the trail itself.

7.7.5. There may be some areas owned or managed by the club – such as extensive dune systems – that are included as spreading room because they are not part of the active playing area.

**Likely access management considerations**

7.7.6. It may be advisable to put signs where the trail enters a course or crosses a playing area to warn visitors and encourage considerate behaviour. Access authorities may be able to help with signs where necessary.

7.7.7. Restrictions are unlikely to be necessary for this purpose.

**7.8. Caravan and camping sites**

**The trail**

7.8.1. The trail may pass through caravan or camping sites on the coast. Often the best route for the trail will be along the seaward edge of the site.

7.8.2. The route will be chosen to balance business interests with public interests.

7.8.3. Natural England will consult the site manager when considering the best alignment.

**Spreading room**

7.8.5. Spreading room will not be created on land used as a formal camping or caravan site. Government is considering the best means to deliver this outcome.

7.8.6. Other areas in the same ownership or management may be included as spreading room if they are not being used for camping or caravans.

**Excepted land**

7.8.7. Depending on the changes to be made under the new legislation to CROW schedule 1, some of the land in question may be excepted land.

**Likely access management considerations**

7.8.8. Signs may be needed to encourage considerate behaviour in the vicinity of the site.

7.8.9. Restrictions on particular activities may be appropriate if the trail passes through a site.



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Your Ref:  
Our Ref:  
Date: 20 October 2008

Dear Sir or Madam

A presentation was given by a Suffolk LAF member at a conference organised by The Access Company in Ely in February 2007, describing how the Forum had felt it necessary to present its case at Public Inquiry in relation to a crossing point for non-motorised users over a new section of the A14 trunk road. Discussion following on from this made it apparent that other LAFs had experience of similar problems, particularly in regard to the A14; with failure to provide safe crossing points resulting in the severance of routes and the creation of areas where the trunk road became, in effect, a barrier; with riding, walking, wheel chair use or cycling restricted to one side or the other. Delegates expressed frustration over the Highways Agency's apparent lack of obligation or inclination to address the matter.

At the conference it was suggested that this was an area in which LAFs might achieve more by working together and this letter is to ask whether this idea would receive your support. We would like to hear of any examples of LAF recommendations being adopted in respect of Highways Agency road schemes.

Our interest in this matter is urgent as Draft Orders are due to be published this autumn in connection with the A11 Trunk Road Fiveways to Thetford Improvement.

Please address your replies to me at the above address.

Thank you.

Yours faithfully

**John Pearson**  
**Chair Suffolk Local Access Forum**

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