

## **Coastal Access Forum**

### **Statement on the Marine and Coastal Access Bill**

The Coastal Access Forum, comprising the organisations undersigned, has agreed the following statement on the coastal access proposals as set out in the Marine and Coastal Access Bill, Natural England's Draft Coastal Access Scheme and the Draft Section 3A Order.

The Coastal Access Forum believes that the government's proposals for coastal access do not sufficiently take account of the needs of those with an interest in land<sup>1</sup> along the coast or reflect their concerns. Improved coastal access could offer opportunities for businesses situated in coastal areas and the local communities which they support. Despite welcome improvements in the bill resulting from changes made in the House of Lords, the proposals still fail to sufficiently consider the social, economic and environmental investment which has been made by many of these businesses. The Forum considers that the proposals can be improved in order to provide a better balance between the needs of all the parties concerned.

The Forum therefore urges government to consider very carefully the issues outlined below:

#### **Right of Appeal**

The Forum welcomes the government's introduction of a right of objection. However, the Forum believes that this right of objection should be available to all those with an interest in land, as defined under CROW legislation, and including holders of sporting rights, profits of land and holders of private rights of way.

We would urge government to ensure that the right of objection is fairly applied and available to all those with a legal estate or interest in the land.

The Forum believes that there may be circumstances in which an impasse is reached, whereby Natural England is unable to propose any coastal access route which does not have a significant detrimental effect on an individual or an individual business. In such circumstances, if it is ultimately decided that the coastal access route should proceed to the detriment of the individual or individual businesses, the Bill should make provision for recompense to the affected business/individual, where such loss can be proven and where there is no alternative for coastal access.

#### **Review of Coastal Access Report**

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<sup>1</sup> Interest in land means having a legal estate or legal interest in the land or is in lawful occupation of the land.

The Forum is concerned that no process currently exists to require Natural England to review coastal access reports. Review of reports will be essential to accommodate changes in what is a naturally dynamic landscape and ensure that economic activity on the coast does not stagnate. This was recognised by the Minister in discussions at Committee Stage.

The Forum believes that there should be a process setting out how the review of reports by Natural England will be undertaken. This may include a formal review process every few years.

In addition, the Forum believes that the Bill should be amended to enable those with an interest in land to have a right to apply for a review of a report. This would not require Natural England to undertake the review, but would require them to consider it. This measure would not place an onerous burden on Natural England (in the way that a requirement to review the report might).

### **Coastal Margin**

The Forum believes that there should be no automatic presumption of coastal margin, but that it should be restricted to areas where access can be accommodated, e.g. existing open headlands, public beaches. The provision of coastal margin is an area of great concern to members of the organisations represented on the Forum – much more so than provision of the coastal access route itself. The Forum believes that areas of coastal margin should be identified and justified within the coastal access reports. The proposal that there will be a blanket coastal margin around the English coast is a misrepresentation of what will happen on the ground, as many areas will be subject to restrictions/exclusions or be excepted. It would therefore aid public understanding if the Bill made clear that areas of coastal margin which will be available for the public to enjoy will be positively identified, rather than presumed.

### **Coastal Erosion**

The Forum has deep concerns about the impacts of the coastal margin on businesses affected by coastal erosion. For example, in some locations businesses are already compromised as they see their assets crumbling into the sea; to compound these difficulties with the provision of a coastal access corridor rolling back and encroaching further into the property could undermine the business' viability.

### **Compensation**

The Forum believes that there may be occasions, especially when a fair balance between the interests cannot be achieved, when compensation for a proven loss should be made. Provision for such compensation should be included in the Bill.

### **Estuaries**

The Forum recognises that estuaries can present very different problems for access provision than coast. They are often highly developed with commercial or residential property, or may be subject to sensitive environmental constraints. Where continuity is desired, in addition to the requirements set out in the bill, consideration should be taken

of the presence of existing public rights of way, the practicality of establishing a route and the impact of any associated coastal margin.

## **Excepted Land**

The Forum is concerned that some categories of excepted land have been changed, that proposals for others have not yet been addressed and that there is insufficient recognition of private and business interests on the coast. In particular we are concerned about the following landforms and land uses:

### Parks and Gardens

The Forum believes that parks and gardens must be excepted from coastal access. The Forum finds it inconceivable that government proposes permitting public access through private parks and gardens relying almost exclusively on Natural England's discretion to define the route.

### Land Within 20 metres of a Dwelling or of a Building Used for Housing Livestock

The Forum believes that land within 20 metres of a dwelling or a livestock building should be excepted land. The Forum does not accept that simply because some public rights of way or public roads come within 20 metres of dwellings or livestock buildings, that that is a justification for allowing for a similar proximity to be imposed on other dwellings or livestock buildings within the coastal margin.

### Golf Courses and Camping and Caravan Sites

The Forum believes that golf courses and camping and caravan sites should be excepted land.

### Cultivated Agricultural Land

The Forum believes that cultivated agricultural land should be excepted land. Cultivated agricultural land can be defined in the legislation and should include land used for growing arable crops, horticultural crops and grass leys grown from seed.

### Mudflats and Saltmarsh

The Forum believes that for the purposes of avoiding public confusion and the resulting danger the public may place themselves in, that mudflats and saltmarsh should be excepted land.

## **Dogs**

The Bill should provide that dog keepers, when exercising access rights on either the coastal route or margin must keep dogs under effective control. Effective control requires the dog to be in sight of its keeper so that the keeper is aware of its actions, and to return reliably and promptly when necessary (which may require the use of a lead).

## **Conclusion**

The Coastal Access Forum believes that, in order to work on the ground, amendments must be made to the coastal access proposals so as to provide a fair balance between private and public interests. It is incumbent on government to ensure that coastal businesses, which may benefit from improved coastal access, are not adversely affected by proposals for improved coastal access.

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Association of Leading Visitor Attractions  
British Marine Federation  
British Association of Leisure Parks, Piers and Attractions  
British Association for Shooting and Conservation  
British Holiday & Home Parks Association  
Central Association of Agricultural Valuers  
Country Land and Business Association  
Historic Houses Association  
National Farmers Union  
Tourism Alliance  
Visitor Attractions Forum