



House of Commons  
Environment, Food and Rural  
Affairs Committee

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# Draft Marine Bill: Coastal Access Provisions

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**Ninth Report of Session 2007–08**

*Volume I*

*Report, together with formal minutes*

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## Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

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### Committee staff

The current staff of the Committee are Chris Stanton (Clerk), Nerys Welfoot (Second Clerk), Sarah Coe (Committee Specialist—Environment), Marek Kubala and Joanna Dodd (Inquiry Managers), Andy Boyd and Briony Potts (Committee Assistants) and Mandy Sullivan (Secretary).

### Contacts

All correspondence should be addressed to the Clerk of the Environment, Food and Rural Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 5774; the Committee's e-mail address is: [efracom@parliament.uk](mailto:efracom@parliament.uk). Media inquiries should be addressed to Laura Kibby on 020 7219 0718.

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## Summary

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The Government proposes to legislate to give people right of access on foot all around the English coast. It wants to create a long distance route with areas of “spreading room” for recreation. We accept the case for encouraging greater coastal access. However, the draft legislation requires amendment and modification before we can be satisfied it is sensible and fair.

We are uneasy that the Bill places so much emphasis on simply trusting Natural England to “get it right” in terms of determining the alignment of the route and extent of spreading room. We believe landowners and occupiers, in particular, are entitled to more concrete safeguards—especially as the Government intends to strike a “fair balance” between public and private interests. Adoption of the recommendations we make in this Report would provide some safeguards.

The lack of a formal appeal process is a fundamental weakness of the Bill. We consider the right of landowners and occupiers to have an independent, third-party appeal process to be an important element of the fair balance between public and private interests that the Government is aiming to achieve. The Bill should provide for such a process. The Bill should also give Natural England the power to offer compensation to owners and occupiers who can demonstrate financial loss as a result of the coastal access provisions where such compensation is necessary to achieve the fair balance between public and private interests that the Bill requires. We agree with the Government that parks and gardens should be excepted land under the proposals.

We are still to be convinced that £5 million a year for 10 years is enough to create access land all around England. If Natural England has got its sums wrong, either the trail will not be completed or some other area of Natural England’s work have to be abandoned or delayed. The Government should also clarify responsibility for long-term maintenance before the Bill is introduced.

Many of the concerns expressed about these proposals seem to stem from a fear of the unknown about how Natural England will implement the policy on the ground. Whilst we acknowledge that Natural England will require some flexibility because every stretch of the coast is different, we believe that the more detail Natural England can provide early on about how it intends to implement the policy in common coastal scenarios, the less such concerns will be expressed. Natural England should therefore produce a detailed draft of its Scheme before Parliament starts to consider the Bill. Natural England should have a statutory duty written into the Bill to conduct a review of the lessons it has learned from early implementation of the proposals. We recommend this review take place one year after establishment works have started on the ground.

# 1 Introduction

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1. The Government published its Draft Marine Bill on 3 April 2008.<sup>1</sup> Most of the draft Bill concerns the introduction of a new framework for the seas based on marine spatial planning, but Part 9 of the Bill contains proposals to give people access on foot to land all around the English coast.

2. The Government announced in July 2007 that the proposals for a Marine Bill were being considered for publication in draft and that this could be expected in early 2008. We believe that scrutiny of proposals for legislation is a core function of the Environment, Food and Rural Affairs Committee, and the Committee agreed to examine the draft bill when it appeared. We were strengthened in our view by the fact that we had looked at the case for a Marine Bill in 2003–04.<sup>2</sup> In early 2008 there were suggestions that a Joint Committee of both Houses would be set up to examine the draft bill, as had happened in 2007 with the Draft Climate Change Bill.

3. When the Bill was published in April it became clear that a Joint Committee would be set up. In order to avoid duplicating its work, we decided to examine a discrete part of the draft Bill, a part which was not in the White Paper consulted on in 2007: the coastal access provisions. Although the Joint Committee has taken some evidence on these provisions, it has concentrated on the rest of the proposals.

4. We remain dissatisfied, though, about the uncertainty that surrounds the process of pre-legislative scrutiny as was exemplified by this case. Given the amount of time and effort that goes into the drafting of bills, we are surprised at the vague and uncommunicative way in which the Government deals with the House in preparing for such scrutiny, especially as pre-legislative scrutiny is one of the principal reasons for publishing a draft bill. In principle, it should be a function of the departmental select committee responsible for the Department sponsoring the draft bill. If that committee is unable or unwilling to perform the task, then a joint committee could be necessary. In this case, however, the Committee wrote to the Secretary of State for Environment, Food and Rural Affairs in November 2007 and January 2008 to tell him that we wished to undertake the role. **It is for the House to decide how it conducts pre-legislative scrutiny, not for the Government to determine. When the Government is preparing draft bills in the future, it should inform the Liaison Committee which should recommend, in consultation with the relevant departmental select committee, how pre-legislative scrutiny should be conducted.**

5. On 24 April 2008 we issued an invitation for people and organisations to send us their views on the coastal access provisions in the draft Bill. We asked for views on the following specific areas:

- The Government’s vision for coastal access, and the extent to which the draft Bill provides for it;

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1 *Draft Marine Bill*, Cm 7351, April 2008

2 Environment, Food and Rural Affairs Committee, Sixth Report of Session 2003–04, *Marine Environment*, HC 76

- Whether new legislation is the best or most cost-effective means of providing increased access to the coast;
- The case for exceptions to, and deviations from, a route giving continuous access to the coast itself;
- Whether the draft Bill strikes the right balance between the rights of access and the rights of owners and occupiers, and whether there should be compensation in any circumstances for the creation of coastal access rights;
- The proposals for coastal access in estuaries;
- What classes of land should be excepted from access rights;
- The proposed arrangements for limiting liability; and
- Whether there should be access rights for other users such as cyclists or horse riders.

6. We received 74 written memoranda. We had an informal private briefing from Natural England (the body which will be responsible for drawing up the proposals for access to the coast), and took oral evidence from the Department for Environment, Food and Rural Affairs, Natural England, and a number of organisations with an interest in the draft Bill or experience of the access issues involved. We also undertook a visit to the north Essex coast near Walton-on-the-Naze in order to see at first hand specific examples of some of the complex issues raised by the Government's proposals. We are very grateful to all those who took the trouble to help us with our inquiry.

7. As well as pre-legislative scrutiny by Parliament, the proposals in the Bill have been undergoing a public consultation process. Defra asked for comments by 26 June 2008.

## 2 Background to the proposals

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### History

8. Two main existing pieces of legislation are relevant to coastal access in England: the National Parks and Access to the Countryside Act 1949 ('the 1949 Act') and the Countryside and Rights of Way Act 2000 ('the CROW Act').

#### 1. National Parks and Access to the Countryside Act 1949 ("the 1949 Act")

The 1949 Act allowed the creation of:

(i) **long-distance routes**, now known as "national trails"—these are usually extensive journeys that can be made on foot or horseback, and include the South West Coast Path and the Norfolk Coast Path;

(ii) **access agreements/orders for open country**—on land which included the foreshore and coast. Very few access agreements were made under the 1949 Act, which was one of

the motivations for the Countryside and Rights of Way (CROW) Act.

## 2. Countryside and Rights of Way Act 2000 (“the CROW Act”)

The CROW Act 2000 created the right of access on mountain, moor, heath, down and registered common. There were difficulties with implementing the Act in certain areas but, in general, less conflict occurred between the interests of users, landowners and wildlife than had been expected. The CROW Act also provided the right of access to the coast at a later date by a section 3 Order.

## The Government’s vision

9. 70% of the English coast is currently available for access, although this is highly fragmented with around 1000 points around the coast where access (by foot) is interrupted. 30% of the coast has no known legal or other recognised access at all.<sup>3</sup> A commitment to improve coastal access was included in the Defra Five Year Strategy in December 2004.<sup>4</sup> In addition, the Labour Party made an election manifesto commitment in April 2005 that “improving access to coastal areas will be an early priority for a Labour third term”.<sup>5</sup> Subsequently, the Government developed its vision as follows:

A coastal environment where rights to walk along the length of the English coast lie within a wildlife and landscape corridor that offers enjoyment, understanding of the natural environment and a high quality experience; and is managed sustainably in the context of a changing coastline.<sup>6</sup>

Defra says that improving access will “give people the confidence and certainty that wherever they arrive at the coast there will be clear, well managed access in either direction, and they would be able to enjoy a rich and varied natural environment”.<sup>7</sup>

10. In July 2005, Ministers proposed that action to improve coastal access should be an early “flagship” initiative for Natural England, helping to demonstrate how access, landscape and wildlife benefits can be integrated in a positive and practical way.<sup>8</sup>

## Consideration of options

### *Natural England’s advice to Government*

11. In February 2007, Natural England submitted a report to Government which looked at a number of options for achieving coastal access in England.<sup>9</sup> The study found:

3 The average length of these ‘no known’ access sections is 1.5 miles, and the maximum length without any known access is almost 23 miles. Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007, pp 27–28.

4 Defra, *Delivering the Essentials of Life: Defra’s Five Year Strategy*, Cm 6411, December 2004, p 12.

5 *Draft Marine Bill [Policy Paper]*, Cm 7351, April 2008, p 55

6 *Ibid.*

7 “Access to the Coast: Frequently Asked Questions”, *Defra website*, 30 June 2008, [www.defra.gov.uk](http://www.defra.gov.uk)

8 Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007, p i.

9 Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007.

- in 2005 there were 72 million visits to the coast (outside seaside towns) generating £1.4 billion spend and going for a walk was more popular than visiting the beach;<sup>10</sup>
- half of the English public said they did not visit the coast frequently but would like to visit more (based on research undertaken by Ipsos MORI in 2006);<sup>11</sup>
- access to the countryside brought health and well-being benefits;<sup>12</sup>
- the South West Coast Path had a positive impact on the local economy (£300 million per annum, Natural England said in evidence).<sup>13</sup>

12. Natural England considered four different policy options to achieve coastal access:

- create a national trail by public rights of way (that is, negotiating public path creation agreements under the Highways Act 1980 with relevant landowners);
- use the CROW Act to create open access (through a s3 Order);
- voluntary approach to create permissive access, for example through agri-environment schemes; and
- new legislation.<sup>14</sup>

Natural England recommended to Government that new legislation would be necessary to meet the Government's aims. New legislation should "combine the best features of existing mechanisms" in enabling the creation of both a coastal route *and* accompanying access land for "spreading room" (an accessible margin of land which may lie on either side of the trail).<sup>15</sup> New legislation would also give Natural England the "necessary flexibility to take account of circumstances on each stretch of the coast", such as re-alignment of the route at a later date in the case of coastal erosion. None of the other three policy options, Natural England said, could "deliver the Government's vision, create the right mix of national momentum with local delivery and design, and future proof coastal access against coastal change".<sup>16</sup>

### **Defra's consultation and appraisal of options**

13. Following Natural England's advice, Defra undertook a formal consultation on the four policy options considered by Natural England.<sup>17</sup> The Department published a summary of

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10 Based on research by the England Leisure Visits Survey 2005. Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007, p 11.

11 Ibid. Although, in evidence, the Country Land and Business Association and National Farmers' Union pointed out that the Ipsos MORI survey also found that "the majority are happy with the existing access they have to the coast" and "overall, there appears to be good access to the coast" [Ev 27, para 2.5; Ev 34, para 8].

12 Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007, p 96.

13 Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007, p 65. Q 2

14 Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007, p 98.

15 Definition of spreading room in Natural England, *Coastal access: Natural England's outline scheme*, April 2008, p 2.

16 Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007, p iv.

17 Defra, *Consultation on Proposals to improve access to the English coast*, June 2007.

the 749 responses in December 2007.<sup>18</sup> The majority of respondents to the consultation agreed with Natural England's assessment that new legislation was necessary to achieve the Government's vision and that existing mechanisms had disadvantages.<sup>19</sup> In September 2007, the Secretary of State, the Rt Hon Hilary Benn MP, announced that the Government intended to legislate so that the public would have the right to walk around the English coast for the first time.<sup>20</sup> This new legislation will be introduced through Part 9 of the Marine Bill.

## What Part 9 of the Bill does

14. The coastal access provisions in Part 9 of the Draft Marine Bill would place a duty on the Secretary of State and Natural England to secure a long distance route ("the English coastal route") and nearby land available for open-air recreation ("spreading room"), together referred to as "coastal margin".<sup>21</sup> Within this margin people will be able to walk along the length of the English coast, and in addition will have access to suitable coastal land such as beaches, cliffs, rocks and dunes, for open-air recreation on foot. Defra estimates that the proposals would add 2,300 km (range from 2,050 to 2,560 km) of new or improved access, and would increase visits to the coast by 6–10%.<sup>22</sup>

15. Under the proposals, Natural England would be required to consult owners and occupiers, local authorities, local access forums, the Secretary of State (in relation to defence and national security), the Historic Buildings and Monuments Commission and the Environment Agency, to decide the most appropriate alignment of the trail and the extent of spreading room.<sup>23</sup> Natural England would then report the route to the Secretary of State stretch by stretch (the size of area has not been determined, but could possibly be at county level).<sup>24</sup> Certain classes of land are excepted altogether from the route and spreading room, including ports, Ministry of Defence land, and parks and gardens.<sup>25</sup> Natural England was unable to give us precise figures as to how much land would be excepted, and what difference this would make to the completed coastal pathway.

16. The draft Bill states that Natural England must prepare a scheme (referred to as the "Coastal Access Scheme") within one year to set out the general approach it will take when carrying out its coastal access duty. The Coastal Access Scheme would have to be developed in consultation with interested parties and submitted to the Secretary of State for approval, rejection or modification.<sup>26</sup> Natural England published a 21-page "Outline Scheme" in April 2008 alongside the publication of the Draft Bill. The Outline Scheme set

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18 Defra, *Summary of responses to the consultation on proposals to improve access to the English coast*, December 2007.

19 Defra, *Summary of responses to the consultation on proposals to improve access to the English coast*, December 2007, pp 2–4.

20 See Defra, *Draft Marine Bill: overview of part 9, Coastal Access*, para 9.

21 *Draft Marine Bill*, April 2008, clause 272 (2–3)

22 Defra, *Draft Marine Bill [Impact Assessment]*, April 2008, p 108

23 *Draft Marine Bill*, April 2008, clause 277 [55B (4)]; Ev 106-107 [Defra], para 4.

24 *Draft Marine Bill*, April 2008, clause 277 [55C]

25 See Defra, *Draft Marine Bill: overview of part 9, Coastal Access*, April 2008, Annex.

26 *Draft Marine Bill*, April 2008, clause 274

out some of the key principles on which Natural England proposes alignment should be based (for example, safety and enjoyment and protection of the coastal environment), and how principles will be applied in certain coastal scenarios, such as land subject to coastal erosion. Natural England told us the Outline Scheme was “a pretty full first stab”, and that the final Coastal Access Scheme would not be drastically different.<sup>27</sup>

### 3 Is new legislation the most appropriate method by which to create coastal access?

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17. Most individuals and organisations submitting evidence to our inquiry supported the principle of creating more coastal access. There was some disagreement, however, about whether the Government’s decision to introduce new legislation to create a coastal corridor around the whole English coast was the best way to achieve this. The Country Land and Business Association (CLA) said new legislation was “unnecessary” because increased access to the coast could be delivered through existing mechanisms, either by voluntary agri-environment schemes such as Higher Level Stewardship (HLS) or by creating new routes through the Highways Act 1980.<sup>28</sup> It said the South West Coast Path was “a very good example” of using the Highways Act successfully to create coastal access, through consensual negotiations between local authorities and landowners.<sup>29</sup> This reflects a very different method from the Bill, in terms of its voluntary nature and because compensation was often paid. The National Farmers’ Union (NFU) told us the Government’s approach was not cost-effective and lacked public support.<sup>30</sup> It also preferred the use of existing voluntary agri-environment schemes, such as the Countryside Stewardship Scheme and HLS, as these schemes were “a good deal for all”—they created access, improved the environment, and recompensed owners for land lost or taken out of production.<sup>31</sup> The NFU said 578 of the 2,349 HLS agreements (about a quarter) had included access options, 30 of which were on or adjacent to the coast. These 30 agreements had provided 31 km of linear access and 35 hectares of open access.<sup>32</sup>

18. The Local Government Association was doubtful about the desirability of a long-distance route around the English coast. It said work undertaken by local authorities showed the majority of pedestrian countryside users found easy-to-follow short circular

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27 Q 8

28 Ev 27, para 1.3

29 Q 102

30 The NFU said research generally showed that people preferred circular routes when going for walks, and that Ipsos MORI polling undertaken on behalf of Natural England showed “the majority are happy with the existing access they have to the coast” (Ev 33-34, paras 2, 7-8).

31 Q 105

32 Ev 52, para 5

routes most attractive; long distance walking routes, on the other hand, had “limited appeal”.<sup>33</sup> Norfolk County Council made a similar point.<sup>34</sup>

19. Other witnesses, however, supported the Government’s new legislation policy option and raised doubts about the effectiveness of existing measures in creating coastal access. The Ramblers’ Association told us the Government’s vision could never solely be achieved by voluntary measures, which were “expensive” and “ineffective”, or by improvements to the public path network under the Highways Act.<sup>35</sup> The RSPB said voluntary measures were “insecure” and creating new rights of way through the Highways Act was “difficult and inflexible in the face of sea-level rise”.<sup>36</sup> Devon County Council told us it faced difficulties joining up nine “significant gaps” in the South West Coast Path—mainly due to issues of compensation—and it welcomed the new legislation as being “a very positive move to help us fill in these missing gaps”.<sup>37</sup> The Minister pointed out that the overwhelming majority of respondents to Defra’s consultation paper said the Government should legislate.<sup>38</sup>

20. We note that Defra’s own Impact Assessment (cost-benefit analysis) of Natural England’s four coastal access policy options—based on a Regulatory Impact Assessment carried out by consultants Asken Ltd in June 2007—only gave the new legislation “coastal corridor” policy option<sup>39</sup> the third highest benefit:cost ratio. Both options 1 (using the Highways Act) and 2 (using the CROW Act) had higher benefit:cost ratios, with option 4 (voluntary mechanisms, such as agri-environment schemes) having the lowest.<sup>40</sup> When asked why the Government had chosen the policy option with the third highest benefit:cost ratio, the Minister said the analysis had not taken account of the benefits associated with spreading room and the ability to re-align the route in the case of coastal erosion.<sup>41</sup> The CLA pointed out to us, however, that no assessment at all had been made about the apparent public benefits from spreading room.<sup>42</sup> Lord Montagu and Ralph Montagu, owners of the Beaulieu Estate in the New Forest National Park, believed that Natural England attached “too much importance to the concept of spreading room within the framework of the legislation”.<sup>43</sup>

### *Our views*

21. There are likely to be economic, health and social benefits from more people visiting, and enjoying, the coast. The South West Coast Path is a very good example of the benefits

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33 Ev 142, para 3

34 Ev 164, para 3

35 Ev 74, paras 2.5, 3.4

36 Ev 63, para 15

37 Ev 92, para 2; Qq 311, 317.

38 Q 372

39 Closest to final proposal.

40 *Draft Marine Bill [Impact Assessment]*, Defra, April 2008, pp 99, 115

41 Q 374. Although we note that Defra judged that no change was required to revise its Impact Assessment following Asken’s work last year (Ev 124 [Defra]).

42 Ev 29, para 6.3

43 Ev 164

increased coastal access can bring, and we hope this can be replicated elsewhere in England. We recognise the benefits which arise from good quality coastal access.

22. It is clear that creating coastal access on a large scale solely through existing mechanisms would be a lengthy process. The new legislation proposed by Government is imaginative in its use of existing mechanisms and could be a quicker, and more consistent, way to create access. The Government's proposals to create "spreading room" alongside a coastal trail would, in effect, create a linear park around the English coast. This could provide an additional attraction to visitors. However, **the draft legislation requires amendment and modification before we can be satisfied it is sensible and fair.**

23. The evidence we received indicated a difference of opinion as to whether there was sufficient public demand for these proposals. The Government should take due note of this difference of opinion.

24. We acknowledge that the CROW Act implementation has demonstrated that access imposed by legislation can work and believe this will be the most effective way of securing coastal access.

## 4 The role of Natural England

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### *Discretion given to Natural England*

25. The coastal access provisions set out in Part 9 of the Draft Marine Bill are only a framework for how the policy will be implemented. Natural England would be given considerable discretion to determine, at a later date, the alignment of the English coastal route and spreading room, albeit in accordance with the Coastal Access Scheme's guidelines and in consultation with "persons with a relevant interest in the land" and other specified organisations.<sup>44</sup> Apart from the inclusion in the Bill of a duty for Natural England and the Secretary of State to "aim to strike a fair balance between the interests of the public in having right of access over land and the interests of any person with a relevant interest in the land" (a duty that some witnesses described as vague and lacking in specificity),<sup>45</sup> very few other formal safeguards to protect landowners and occupiers are included in the Bill. When we asked Natural England whether landowners were simply required to trust the organisation (regarding the possible review of previous CROW Act exclusions and restrictions), Natural England agreed, saying that was "a good starting point for this whole initiative".<sup>46</sup>

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44 *Draft Marine Bill*, April 2008, clause 277

45 *Draft Marine Bill*, April 2008, clause 273 (3). The NFU said the statement "must be supported by adequate provision within the Bill in order to be meaningful" (Ev 35, para 16). The CLA told us there was "no indication within the draft Bill or the Outline Scheme as to how the interests of the business will, in practice, be balanced against the public interest" (Ev 26, Executive Summary).

46 Q 67

26. We were interested to hear whether witnesses were content with Natural England being given so much discretion to implement the proposals, or whether the Bill could be more prescriptive in some regards. Views were mixed. The NFU told the Committee it had “real concerns” about the discretionary powers given to Natural England.<sup>47</sup> It wanted further detail in the Bill to spell out exactly how Natural England should aim to achieve a fair balance between public and private interests—for example, the inclusion of a provision that “coastal businesses will suffer no significant loss of income from the introduction of coastal access rights”.<sup>48</sup> The CLA told us it was doubtful about Natural England’s ability in this area:

Natural England are not practitioners; they do not manage land. In nature conservation they have strong knowledge but in terms of managing land, and managing access in particular, physically, they do not have to do it.<sup>49</sup>

27. Other witnesses were more positive. The Ramblers’ Association was confident Natural England could “get it right” provided it undertook full consultation at the local level. It believed it necessary for Natural England to have so much flexibility in its powers because each section of the coastline was different.<sup>50</sup> The National Trust also believed Natural England would, on the whole, be able to implement the proposals successfully, although the Trust was concerned Natural England could take too many decisions “behind closed doors”.<sup>51</sup> The RSPB said it was inevitable that a more flexible system would grant Natural England greater power, although it noted that two checks and balances were included in the proposals: the Coastal Access Scheme and the reports Natural England had to produce for each section of the coast, both of which were subject to consultation and approval by the Secretary of State.<sup>52</sup>

28. The Minister told us he was comfortable about giving Natural England such powers. It already designated Sites of Special Scientific Interest, managed areas of Outstanding Natural Beauty, and took important decisions about the natural environment. He believed Natural England would adopt a “commonsense approach” in implementing the coastal access proposals.<sup>53</sup>

29. As part of our visit to the north Essex coast near Walton-on-the-Naze, we saw first-hand specific examples of some of the complexities Natural England will face, including agricultural land, private dwellings, factories, marinas, boat yards, campsites, commercial premises and sporting interests.

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47 Q 104

48 Ev 35, para 16

49 Q 103

50 Qq 220, 223.

51 Qq 156, 161

52 Q 163

53 Qq 372, 404–405

### *Our views*

30. Natural England will have a difficult task in determining the alignment of the trail and spreading room, in consultation with local interests, along the whole English coast. We have no doubt that Natural England will do its utmost to minimise the impacts of alignment on landowners and occupiers, wildlife, and sites of environmental importance. Some conflict, however, is inevitable. In light of this, **we are uneasy that the Bill places so much emphasis on simply trusting Natural England to “get it right”.** We believe **landowners and occupiers, in particular, are entitled to more concrete safeguards—especially as the Government intends to strike a “fair balance” between public and private interests. We believe that adoption of the recommendations we make later in this Report would provide some safeguards.**

31. It was clear from our inquiry that many of the concerns expressed by witnesses—whether in relation to route alignment, spreading room, habitat conservation, dog management or others—partly stemmed from a fear of the unknown about how Natural England would implement the policy on the ground. Whilst we acknowledge that Natural England will require some flexibility because every stretch of the coast is different, we believe that the more detail Natural England can provide early on about how it intends to implement the policy in common coastal scenarios, the less such concerns will be expressed. We are not convinced that the 21-page Outline Scheme provides enough detail of this kind.

32. We note that the Outline Scheme contains helpful diagrams of how Natural England would realign the route in a typical coastal erosion scenario. Natural England should include more of these types of examples in its final Scheme. These principles would guide Natural England during the implementation stage and, importantly, give stakeholders a clearer idea about the likely impact of the proposals.

33. **Natural England’s Scheme should include clear explanations and diagrams about how it intends to align the route, and determine the extent of spreading room, for each “common” coastal scenario—such as coastal landowner, arable land, Site of Special Scientific Interest, and so on. Some complex examples should be included as well. Natural England should also produce a detailed draft of its Scheme before the final version of the Bill is published, taking into account some of these scenarios. This scheme should also specify the size of each stretch of the coast on which Natural England will be reporting, and provide further detail about what approach Natural England will take when it intends to change the alignment of an existing coastal path.**

34. **The provisions about estuaries are very vague and leave excessive authority to Natural England. The Bill should include a clear specification about where the trail should cross estuaries.**

35. Natural England will inevitably learn a great deal from implementing the route and spreading room on the stretches of the coast it concentrates on first. **Natural England should have a statutory requirement written into the Bill to conduct a review of the lessons it has learned from early implementation of the route and spreading room. We recommend this review take place one year after establishment works have started on the ground.**

36. After 10 years, Natural England, or its successor, should report to Parliament about the progress it has made with the implementation of the proposals and when it expects work will be completed.

### *Parliamentary scrutiny*

37. Much of the actual detail of the coastal access proposals will not be subject to any form of parliamentary scrutiny. Natural England's Coastal Access Scheme will undergo consultation with key stakeholders before being finalised, and is then submitted to the Secretary of State for approval, rejection or modification. Defra told us it did not consider it appropriate for the scheme to be subject to parliamentary scrutiny because it was a "document of some generality" which "operates at a very preliminary stage".<sup>54</sup>

38. The proposed level of parliamentary scrutiny of the real detail of these proposals is poor, especially when compared to the powers given to the Secretary of State. We are not convinced by the argument that the generality of Natural England's final Scheme precludes it from being subject to parliamentary scrutiny. This will be an important document and Members of Parliament should be allowed to give their views about it in debate. The Bill should provide that the Secretary of State can only approve the Scheme after Parliament has given its approval via the affirmative resolution procedure.

## 5 Appeal process

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39. It is not intended that any formal appeal process regarding exclusions and restrictions be available under the current coastal access proposals. The lack of a formal appeals process differs from other access legislation. The Highways Act 1980 allows for a Public Path Creation Order to be examined by the Planning Inspectorate if a landowner makes an objection.<sup>55</sup> Section 30 of the CROW Act 2000 gives landowners a right to appeal against the relevant authority (currently Natural England) to the Secretary of State, again, administered by the Planning Inspectorate. Only a total of 21 appeals have been made under section 30 of the CROW Act, of which seven were wholly or partially successful.<sup>56</sup> However, a further 3,172 appeals were made under section 6 of the Act against the provisional mapping of land as registered common land or open country (such mapping will not be done in the case of coastal access).<sup>57</sup>

40. Clause 278(5) of the draft Marine Bill inserts a new section 3A into the CROW Act, which allows the Secretary of State to specify, by Order, that the section 30 appeal

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54 Ev 104, Q 1

55 Q 120

56 Ev 227 [Planning Inspectorate]

57 The mapping was a one-off exercise, and the appeal process was again administered by the Planning Inspectorate. Three quarters of the 3,172 mapping appeals were wholly or partially successful. This led to the removal of some 2% of the total area that had been provisionally mapped by the Countryside Agency (Ev 23 (DMB 56b) [Natural England]).

mechanism for exclusions and restrictions under the CROW Act does not apply in the case of coastal margin. Defra have already produced a draft of this Order, which confirms that the section 30 appeal mechanism will not apply.<sup>58</sup> Instead, the Government has decided to employ what it describes as the “lighter procedure” used for the 1949 Act, whereby people with an interest in the land are given opportunity to make representations to the Secretary of State if they wish to object to Natural England’s proposals.<sup>59</sup> The Secretary of State will be under a duty to consider those representations, and has power under section 52(1) of the 1949 Act to propose modifications to the route should he consider that the privacy of landowners has been adversely affected.<sup>60</sup>

41. Both Defra and Natural England believed that the 1949 Act “representations” to the Secretary of State mechanism was sufficient and that the CROW Act appeal process with the Planning Inspectorate was unnecessary for these proposals, partly because Natural England would undertake more extensive negotiations with landowners and occupiers prior to the alignment of the route and spreading room and would seek to avoid any serious intrusions into the privacy of landowners.<sup>61</sup> This view was supported by the Ramblers’ Association.<sup>62</sup> The Minister said “we do not want to go down the Planning Inspectorate route”, which, he believed, “did not help very much with CROW”. Under the proposed system, he said, MPs would be able to make queries, and obtain answers, directly to, and from, the Secretary of State about specific exclusions and restrictions in their constituencies. This had not been possible with the CROW Act because the Secretary of State first had to wait for a decision by the Planning Inspectorate.<sup>63</sup>

42. Many witnesses were dissatisfied with the lack of an “independent” appeal process. Several said that this omission severely curtailed the Government’s aim to strike a fair balance between private and public interests.<sup>64</sup> The CLA said:

The whole process from the drafting of the legislation and preparation of the scheme through to its implementation on the ground is controlled entirely by Defra and its agency. For this reason it is a necessity for there to be a right of appeal by the landowner or occupier aggrieved as a result of the impact on his business or property.<sup>65</sup>

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58 Defra, *Coastal access: proposed order under section 3A of the Countryside and Rights of Way Act 2000*, para 19. See <http://www.defra.gov.uk/marine>.

59 Ev 107-108, para 5. Under the current 1949 Act procedure, a proposal for a long distance route, once approved, goes to the highways authority to create a legal right of way under the Highways Act 1980; an approved proposal is not itself creating a right of way.

60 Ev 105-106, para 3

61 Defra, *Coastal access: proposed order under section 3A of the Countryside and Rights of Way Act 2000*, para 19; Qq 70, 73.

62 Q 224

63 Q 450

64 For example, Bolitho Estates [Ev 141, para 19], Peter Tunstall-Behrens [Ev 137], Pentewan Sands Ltd [Ev 174, para 5.4].

65 Ev 31, para 11.1

The CLA believed an “independent body (e.g. the Planning Inspectorate) should convene the right of appeal as is provided in the CROW Act”.<sup>66</sup> In oral evidence, it expanded on this point:

What concerns us is that Natural England will get very frustrated by the difficulty of getting a corridor through [an area] because of one particular business, [...] and they will just say, “Okay, the footpath has got to go there and that is that”. What we are saying is that it needs more thought, it needs an independent mind to see whether the landowner is pulling the wool or whether Natural England are pushing it further than they should. Obviously, Natural England wants to complete this path because that is what they are charged with doing, and the landowner or the rural or coastal business does not want to be out of pocket as a result of it. It seems to me a classic argument for having an independent appeal process.<sup>67</sup>

43. The NFU also believed there needed to be “some provision for appeal where there are substantial disagreements between Natural England and those with an interest in the land, or where businesses and properties are compromised”. It pointed out that very few appeals had been made by farmers under section 30 of the CROW Act, which it believed showed it worked.<sup>68</sup> Devon County Council said a proper right of appeal would be “important” for landowners because “they want to be able to have their opportunity to make sure their concerns are aired publicly”.<sup>69</sup> The National Trust said a “more formal” appeals process could be beneficial.<sup>70</sup> Bolitho Estates, the Historic Houses Association, the Countryside Alliance, Devon Countryside Access Forum, Lord Montagu and Ralph Montagu, and the British Holiday Homes and Parks Association all also wanted the inclusion of a formal appeal process.<sup>71</sup>

44. We note that the lack of a third-party appeal process may mean land owners consider their only recourse to be judicial review, if they believe they have not received a fair hearing and that the route unfairly prejudices their interests. The CLA agreed this eventuality could occur without the option of an “independent” appeal process.<sup>72</sup>

### *Our views*

45. **The lack of a formal appeal process is a fundamental weakness of the Bill.** As it stands, Defra and Natural England have control of the whole process from policy development to implementation on the ground. Neither organisation has provided us with a convincing explanation why there cannot be a proper third-party appeal process as well as a requirement for consultation with landowners and occupiers. **We consider the right of landowners and occupiers to have an independent, third-party appeal process to be**

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66 Ev 31, para 11.2

67 Q 114

68 Ev 33, para 3; Q 144

69 Q 346

70 Q 161

71 Ev 141, para 19; Ev 219, para 4.3; Ev 188, para 12; Ev 198, para 9; Ev 164; Ev 204, para 8.

72 Q 144

**an important element of the fair balance between public and private interests that the Government is aiming to achieve. The Bill should provide for such a process.**

**46. Should an appeal process be allowed, the Government should ensure the costs involved with using it are minimised.**

## 6 Compensation

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47. The draft Bill contains no statutory power to compensate occupiers for potential loss of privacy, enjoyment and use of land. This follows the advice given by Natural England to Government in 2007 that there should be a “working presumption against paying compensation for public access along the coast”.<sup>73</sup> In its written evidence, Natural England said that compensation should not be necessary because any adverse effects on property owners and land managers from the proposals would be kept to an “absolute minimum”, partly because of the negotiations that will take place with owners/occupiers prior to alignment of the route and spreading room. It said that “[L]egal consideration that we and Defra have given to the matter since the submission of our advice in February 2007 reinforces this view [...] that compensation should not be payable in respect of the coastal rights created or secured by the Bill.”<sup>74</sup> Natural England added in oral evidence, however, that “[...] the subject of compensation is a matter for Government”.<sup>75</sup>

48. Many organisations and individuals submitting evidence believed compensation should be paid in certain circumstances. The CLA provided several examples in its written evidence which it said demonstrated businesses and property owners stood to lose from the proposals (for example, a Cumbrian golf course, and a large coastal holiday house in Cornwall which could suffer an estimated loss of capital value at 10%).<sup>76</sup> The NFU said it understood the general policy of no compensation, but says there were “many examples” where a proposed coastal route would cause “both direct and indirect loss of income or land” and “adequate compensation” would be required in those circumstances”.<sup>77</sup> Other witnesses, including the National Trust, Cumbria County Council and the Cumbria Local Access Forum, and Devon County Council, also all said compensation should be payable in certain defined instances.<sup>78</sup> The Ramblers’ Association also acknowledged it would “support compensation being paid in the case of demonstrable and significant losses”—although it added that such circumstances were “hard to envisage”.<sup>79</sup> The Royal Institution of Chartered Surveyors told us that:

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73 Natural England, *Improving Coastal Access: Our Advice to Government*, February 2007, para 19

74 Ev 3, paras 21–23

75 Q 59

76 Ev 28, paras 4.2–4.3

77 Ev 35, paras 18–19

78 Ev 53, Executive Summary; Ev 91, para 4; Ev 93, para 5.

79 Ev 75, para 6.5

The draft bill does not strike the right balance between rights of access and the rights of owners and occupiers. The RICS believes that insufficient attention is paid to the principle of fair and equitable treatment to landowners and occupiers (in accordance with the Human Rights Act and European Convention on Human Rights) and that more research should be undertaken on the question of compensation. This should include dialogue with the Valuation Office Agency so that business disturbance levels (including farming) can be assessed as well as the impact on capital values of land and property. The RICS believes that further research needs to be undertaken before any decision is taken on compensation.

Another issue which should be taken into account is the impact on farming caused by the introduction of a right to compulsory access. Once more, this will not necessarily be offset by the ‘generic’ benefits previously mentioned by the government and may impact upon the capital values of land and property (both business and residential).<sup>80</sup>

49. Defra does acknowledge that some landowners and businesses are likely to be affected financially. In its Impact Assessment of the proposals, it states:

- There are likely to be some residential properties that would command a lower value were public access rights to be created on or across part of the property
- There may be a negative impact on the small number of businesses which derive competitive benefit from availability of exclusive access.

In both cases, Defra said that careful alignment should ensure such impacts were minimised.<sup>81</sup>

50. Although there are no provisions for compensation in the Draft Bill, it would not be impossible for Natural England to provide some form of *ex gratia* compensation in particular circumstances outside the express provisions of the Bill, should it wish to do so. Natural England did say in oral evidence that compensation should not “normally” be necessary, but subsequently confirmed it was “not expecting there to be circumstances where our implementation proposals would warrant compensation”.<sup>82</sup>

51. Article 1 of Protocol No. 1 to the European Convention on Human Rights states that the right of every natural or legal person to peaceful enjoyment of their possessions will not “in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest”. Assuming that in a particular case the loss of use of land is not considered *de facto* expropriation—i.e. that it is considered a ‘control of use’ case—there is no absolute right to compensation. In its written evidence, Defra maintains that providing coastal access would represent “control of use” of private land, and not acquisition.<sup>83</sup>

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80 Ev 170, section 4

81 *Draft Marine Bill [Impact Assessment]*, Defra, April 2008, pp 112 and 119

82 Q 60; Ev 24 (DMB 56c), para 3.

83 Ev 106, para 3, Q4

### Our views

52. Defra and Natural England clearly believe that there is no case for paying compensation merely for a loss of privacy, enjoyment and use of land required for the extension of coastal access. In general we agree.

53. The CLA told us that it would not be easy to prove a loss of value.<sup>84</sup> But it is conceivable that there may be cases where a person is able clearly to demonstrate a financial loss as a result of the coastal access provisions. We know that Natural England intends to work closely with property owners in order to align the route carefully and sensitively when it seeks a fair balance between the interests of the public and those of owners or occupiers of the land concerned, but it may prove to be impossible to align a route along the coast without causing financial loss to an owner or occupier. In such cases, the lack of a power to give compensation will make it very difficult for Natural England to achieve the fair balance it is required to secure. Natural England may be able offer compensation under its existing powers, but this would be an irregular way of doing things and would be likely to favour those people with access to the most expensive professional advice. Any system of compensation should be transparent and consistent. **The Bill should give Natural England the power to offer compensation to owners and occupiers who can demonstrate financial loss as a result of the coastal access provisions where such compensation is necessary to achieve the fair balance between public and private interests that the Bill requires.**

## 7 Parks and gardens

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54. The Government proposes that parks and gardens be treated as excepted land, as they are under the CROW Act. This means that there would be no power to align the trail across them or to include them in the spreading room.<sup>85</sup>

55. Natural England told the Committee that it disagreed with Government that all parks and gardens should automatically be treated as excepted land.<sup>86</sup> It said there were about 5,000 parks and gardens on the English coast (as an indicative figure), some of them extensive.<sup>87</sup> There was no precision as to what constituted a garden or a park. The term ‘park’ was often used to describe the whole of the land held in hand around a country house, regardless of its land cover and usage— it might be used for arable crops rather than just being pasture land with specimen trees. In some cases the category could include historic parkland even without a house. The exclusion of parks and gardens, it said, would mean that:

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84 Q 148

85 Defra, *Coastal access: proposed order under section 3A of the Countryside and Rights of Way Act 2000*, para 6

86 Ev 3, para 26

87 Ev 22

Natural England’s capacity to make sense of the alignment of the coastal trail in all the circumstances on a particular section of coast would be significantly impaired. This could mean that the public benefits of the project would be substantially reduced, and that some of the most long-standing and well-documented obstructions to access along the coast itself would remain unresolved.<sup>88</sup>

56. In oral evidence Natural England explained further:

... the effect of treating parks and gardens as exempted land is effectively that it ties one hand behind Natural England’s back, because whatever the commonsense approach might be, it will not be able to engage with anything that falls within one of those descriptions. [...] It takes away the very flexibility that the legislation is intended to create for Natural England.<sup>89</sup>

57. Although it is not proposing parks or gardens should become open access land, Natural England believes “there is a good case to be made for a power to align a ‘way through’ such areas in cases where Natural England considers this is necessary and meets the other criteria set out in the draft Bill”, by creating a 4-metre wide trail but not spreading room—similar to the Government’s proposals for cropped land and golf courses.<sup>90</sup> Natural England’s final Coastal Access Scheme would then need to “set out in some considerable detail the approach Natural England will take if it did engage with a park or garden”.<sup>91</sup>

58. The day after the evidence session with Natural England, the CLA issued a very critical press release saying it was “astonishing” that “up to 5,000 gardens and parks could be hit”.<sup>92</sup> The President of the CLA told us that:

Originally, as I understood it, Natural England were happy to except parks and gardens, and when they gave you evidence they came up with a different view. I assume they have changed their minds because they have identified areas where they think it would be quite difficult to get a corridor through because there is a business or private property or whatever in the way. Again, that is where you need to look very closely at each particular area on the coast to see if you can find another way through without charging through the back of somebody’s garden, reducing the value of that property or whatever. It seems to me very Draconian to do it that way.<sup>93</sup>

59. The Ramblers’ Association, however, told the Committee it supported Natural England’s proposed change:

We feel that parks and gardens should not be excepted land. The trail should be able to go through them where that is the most sensible solution, given all the circumstances, and that certainly does not mean invading anybody’s privacy, but it is

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88 Ev 4, para 28

89 Qq 13, 24

90 Ev 4, para 29

91 Q 37

92 “CLA attacks Natural England plan to traipse over private gardens in coastal access shock”, CLA press release, 5 June 2008

93 Q 115

just that, if you had to avoid every park and garden, it could mean the route had to go inland a long way, it might have to go closer to somebody else's property and it just would not be the most sensible solution.<sup>94</sup>

60. Devon County Council told us it was experiencing particular difficulties filling two “gaps” of the South West Coast Path which fell under the category of “garden”.<sup>95</sup> It suggested to us that the criteria for defining parks and gardens be developed to take account of factors such as:

- visibility and distance from residence
- use of the land at the date of publication of the draft Bill as either formal gardens i.e. lawns, flower beds, herbaceous borders, or for the growing of vegetables
- effective screening of path by timber fencing or hedging—expensive options such as masonry walls and earth banks may need to be excluded.

It also believed that land recorded on the Rural Land Register should not be regarded as garden.<sup>96</sup>

61. The Minister reiterated to us Defra's policy that parks and gardens would remain excepted land:

I foresee a great deal of conflict, I foresee a great deal of uncertainty, and I think it would take up a great deal of the time and effort of Natural England if parks and gardens were not excepted. That is my judgement. I understand that there will be others who say that we should have ploughed on and not made parks and gardens an exception.<sup>97</sup>

When I went to the south west, I saw a number of examples of gardens of different sizes that would make it very difficult to make a judgment call as to where you would have the definition. When it is a fine judgment call, there will be winners and losers. That is an equation for more tension, hostility and all of that weighed heavily on my mind in coming up with the decision that I have taken.<sup>98</sup>

62. He added that it was also possible for landowners to dedicate routes through parks and gardens as permissive rights of way, and that he hoped that that would be done more in the future.<sup>99</sup>

### *Our views*

63. Natural England's concerns about the exception of parks and gardens from the scheme are understandable from its own point of view. Sometimes the exception will mean that the

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94 Q 227

95 Q 317

96 Ev 103

97 Q 441

98 Q 444

99 Qq 442, 445–6

trail will have to skirt property and move away from the coast. But any alternative to the Government’s policy would not be publicly acceptable and would be a recipe for worry, confusion and conflict. Although Natural England assures us that it would not put a trail through ordinary back gardens,<sup>100</sup> not excepting parks and gardens as a category would expose many people to the fear that their own privacy would be affected by a trail passing through their garden. **We agree with the Government that parks and gardens should be excepted land under the coastal access proposals. Nevertheless, Natural England may attempt to negotiate voluntary access agreements with landowners of parks and gardens if this produces the most appropriate alignment.**

## 8 Cost

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64. The Government’s recent record in estimating the implementation costs of access legislation has not been encouraging. Implementation of the CROW Act cost £69 million against an original estimate of £28 million. Defra said the under-estimate was mainly a result of the complicated and expensive mapping procedure used for CROW: there were “difficulties of mapping access land that were hard to assess until the work commenced”.<sup>101</sup> Such extensive mapping will not be carried out for land designated as coastal margin (we discuss mapping in more detail in paragraphs 77–81).

65. Natural England estimates that the cost of the coastal access provisions over ten years will be £50 million—£5 million a year for 10 years.<sup>102</sup> This estimate was partly based on work by two independent consultants: RPA Ltd, which collected data about the average maintenance and management costs for existing national trails, and Asken Ltd, whose work for Defra identified the benefits and costs of improving access and on whom they would fall.<sup>103</sup> Natural England also used indicative costs for installation of infrastructure based on existing agri-environment scheme payments or on payments under the Access Management Grant Scheme.<sup>104</sup> About £13 million of the £50 million will be spent on field staff and support. This includes the funding of at least one full-time project officer, and other administrative staff, in each of the 48 coastal access authorities.<sup>105</sup> It also includes £14.7 million for establishment works to facilitate new access and upgrades to existing access,<sup>106</sup>

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100 Qq 23, 29

101 “Access to the Coast: Frequently Asked Questions”, *Defra website*, 30 June 2008, [www.defra.gov.uk](http://www.defra.gov.uk).

102 Natural England, *Improving coastal access: Our advice to Government*, February 2007, p viii

103 Ev 24, para 5; Natural England Board, 21 February 2007, Paper Number NEB P07 03 [“Improving Coastal Access”], Annex 6; Defra, *Consultation on Proposals to Improve Access to the English coast*, June 2007, p 46.

104 Ev 24, para 2

105 The project officer would be based in the access authority for 3 years on average—with variation of the actual term of employment according to the actual size and complexity of each authority’s coastline. Ev 124 [Defra]; Ev 25 [Natural England].

106 Cost estimate of £4,945 per km for establishment of works to facilitate new access is based on work undertaken by independent consultants. Cost estimate of £3,185 per km for improvements to existing access. Ev 125 [Defra].

and about £6 million for the maintenance of the route during the ten year implementation period, and other costs.<sup>107</sup>

66. Many witnesses expressed concern that the £50 million amount was not enough. The National Trust described the amount as an “absolute shoestring”, which was “far too low”.<sup>108</sup> Potential access authorities expressed concerns. The Local Government Association, Norfolk County Council, West Sussex County Council, and the Cumbria Countryside Access Partnership Board (the working partnership between Cumbria County Council and Cumbria Local Access Forum) all had doubts about whether £50 million was sufficient.<sup>109</sup> Devon County Council said its experience of working on coastal paths was that they often cost far more than originally supposed.<sup>110</sup>

67. Natural England and Defra were confident that £50 million was sufficient. Natural England told us the estimate was “robust”, although a “detailed national audit of existing coastal access arrangements” was scheduled to finish in spring 2009 which would “provide a further opportunity to test these cost assumptions”.<sup>111</sup> The Minister said he was “very comfortable” with the £50 million estimate, saying it had “not been plucked out of the air” by Natural England. Presentations he had received from officials had reassured him that £50 million would deliver the project.<sup>112</sup>

**68. The development of the coastal pathway requires sound establishment in the first instance. We are not convinced that £50 million over ten years is the correct sum for the job. Whilst the Bill is amended in the light of the consultation exercise, Defra should re-evaluate Natural England’s assumption regarding the cost of developing the pathway. Once the exercise is completed a detailed schedule of the proposal’s cost should be published.**

## 9 Long-term maintenance

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69. The £50 million estimate will cover the maintenance costs during the implementation period of the proposals (years 1–10).<sup>113</sup> The exact details of who will be responsible for maintenance from year 11 onwards—including the funding of that maintenance—have not yet been determined, and is not set out in the draft Bill. It is likely that access authorities

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<sup>107</sup> Maintenance cost estimate of £580 per km per year. Ev 125 [Defra].

<sup>108</sup> Q 196; Ev 54, section 3.

<sup>109</sup> Ev 142, para 6; Ev 164, para 5; Ev 177, section 3; Q 348.

<sup>110</sup> Q 353. The cost of establishing some new coastal routes in Devon had ranged between £5,000 and £10,000 per km—excluding the cost of two footbridges, landowner mitigation works, and compensation payments to landowners. Natural England’s own working estimate for the funding of establishment works to facilitate access is £4,945 per km, which includes the establishment of steps, bridges, drainage, signs and notices. Devon County Council acknowledged, however, that its costs were “likely to be considerably higher than most new routes created through the Coastal Access proposals as we have been constrained on the choice of route by the need to seek agreement with the landowners” (Ev 103).

<sup>111</sup> Ev 3, para 20

<sup>112</sup> Qq 381, 401, 404.

<sup>113</sup> Ev 25 (DMB 56e) [Natural England]; Q 475 [Minister].

will be primarily responsible, although Defra says Natural England will contribute from year 11 onwards on “a basis yet to be agreed”.<sup>114</sup>

70. Several witnesses expressed concerns about the long-term maintenance of the route. Devon County Council expressed concern that the proposals could be an “additional burden” on local authorities, because both the route and spreading room would require continual maintenance, such as seasonal vegetation cutting, and inspection. It wanted the issue of maintenance to be clarified early. Cumbria County Council also wanted a “clear, unequivocal answer early on” about maintenance.<sup>115</sup>

71. Other witnesses believed it was unnecessary at this stage to clarify responsibility for maintenance from year 11 onwards. The Ramblers’ Association acknowledged long-term maintenance was a “grey area” but it did not believe clarification was a prerequisite for the legislation. Instead, discussions could be held “early on in that ten-year period”.<sup>116</sup> The Minister said he recognised the concerns expressed by local authorities about long-term maintenance. He said the Government had a responsibility to ensure local authorities would be “resourced” to carry out their new functions, although he did not give any answers about when decisions concerning long-term maintenance would be made.<sup>117</sup>

**72. The Government should clarify responsibility for, and the estimated costs involved in providing, long-term maintenance before the Bill is introduced. If assurances on this cannot be given ahead of the introduction of the Bill then the Government should not proceed with the measure until this is clarified.**

## 10 Liability

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### Reduced occupiers’ liability

73. The CROW Act amended section 1 of the Occupiers’ Liability Act 1984 by removing the liability of occupiers in respect of risks arising from natural features of the landscape. This exclusion of liability is subject to certain safeguards and does not apply if the danger is due to anything done by the landowner with the intention of creating that risk, or being reckless as to whether that risk is created. Clause 288 of the draft Marine Bill extends this exclusion of liability, as regards land which is coastal margin, to include man-made features. This was deemed necessary because coastal land includes many man-made features, such as war-time defences.<sup>118</sup>

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<sup>114</sup> Ev 110 [Defra], para 7. Also Q 475 [Minister].

<sup>115</sup> Qq 349–351

<sup>116</sup> Qq 303, 300

<sup>117</sup> Q 475

<sup>118</sup> Explanatory Notes to the *Draft Marine Bill*, Cm 7351, April 2008, p 370

74. Most witnesses, including the CLA and NFU, welcomed the extension of reduced occupiers' liability, and recognised that the public must take some responsibility for their own actions when visiting the coast.<sup>119</sup>

### *Our views*

75. We note that simply opening up land that was not previously available for access increases the chances of people either intentionally or accidentally trespassing on nearby private land. It seems landowners would be subject to a higher level of liability on their private land (under the Occupiers' Liability Act 1984) than on the new coastal margin access land: they would be held liable, for example, if they did not take reasonable care that trespassers did not suffer injury on their land if there was a known danger.<sup>120</sup> This could potentially create an odd situation whereby landowners had to start dealing with hazards off the access land in preference to those on the access land.

**76. We support the Bill's proposals to extend the reduction of occupier's liability to include man-made as well as natural features. However, in its Response, the Government should clarify the liability position of landowners on their private, non-access land, who may now experience a higher number of trespassers because of the opening-up of nearby access land.**

### **Mapping of spreading room**

77. Natural England will include a basic map of the trail as part of each report it produces for each stretch of the coast, along with "an indication of the extent of any spreading room to either side of the trail".<sup>121</sup> However, coastal margin land will not be subject to the same level of detailed mapping as CROW access land, and Defra said the access corridor would be "identified by description and signs on the ground rather than maps".<sup>122</sup>

78. Both the CLA and NFU wanted more precise mapping to take place. The CLA noted that the landowner's liability towards people entering the land would change in different situations depending on whether the person concerned was a trespasser, invited visitor, or is using a public right of way, CROW Act land, or proposed coastal access land—"as such landowners need to be sure about what their liability is in each location". It did not believe signage alone would provide sufficient clarity to either landowners or walkers.<sup>123</sup> The NFU made a similar point, saying clarity on legal responsibility would be "essential" to protect the landowner/occupier and user, and called for "precise maps of the coastal margin".<sup>124</sup>

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119 Ev 32, para 12.1; Ev 37, para 29.

120 Open access and public liability, Open Access [Natural England] website, October 2005, [www.openaccess.gov.uk](http://www.openaccess.gov.uk).

121 Natural England, *Coastal access: Natural England's outline scheme*, April 2008, p 6

122 One of the key reasons why the Government and Natural England decided not to choose the CROW Act policy option to create coastal access was that the mapping of land required under that Act was considered too complex in the context of coastal land. Mapping was also one of the main reasons why the final cost of implementing the CROW Act was £69 million against the original estimate of £28 million. "Access to the Coast: Frequently Asked Questions", *Defra website*, 30 June 2008, [www.defra.gov.uk](http://www.defra.gov.uk).

123 Ev 31, paras 10.1–10.4

124 Ev 38, paras 34–35

79. We questioned Natural England about the liability and mapping concerns expressed by the CLA and NFU. The Minister said he was confident that description at the beginning of the process would be sufficient. To provide maps, he said, would be “very expensive” and unnecessary.<sup>125</sup> Natural England, however, told us that maps of spreading room might be produced in occasional circumstances if Natural England was unable to give “legal clarity with words”.<sup>126</sup>

### *Our views*

80. We agree that landowners might require an official detailed map of the boundaries of spreading room to ensure they are aware of their liability situation. **The Bill should state that Natural England has an obligation to ensure landowners and walkers have a clear understanding about the extent of spreading room. Landowners and occupiers should be able to make representations (in the same way that they can about the alignment of the route and spreading room) if they believe this is not clear, and formally to request the production of a local map.**

81. **The Government should also hold discussions with Ordnance Survey and Natural England to establish how the former intends to deal with the creation of the coastal pathway. If Ordnance Survey does create maps of the access routes, it must be clearly established what status in law these will have in the event of any legal action resulting from the public’s use of the access facilities.**

### *Spreading room*

82. **Natural England should hold discussions with farmers and coastal businesses about the practicalities of spreading room and produce further advice to Government about the implications of spreading room, for example for livestock farmers and coastal businesses.**

### *Animals*

83. Mr. Stephen Crabb MP introduced a Private Member’s Bill (Animals Act 1971 (Amendment) Bill) during Session 2006–2007 to clarify the liability of keepers of animals. The Bill—which was four clauses long—aimed to ensure that responsible animal owners cannot be unfairly forced to pay compensation, where they have taken all reasonable steps to prevent accidents. Under current law, owners of animals such as horses and cattle can face huge compensation claims, even when it is accepted that an accident involving one of their animals was not their fault. The Bill, however, ran out of Parliamentary time so was not able to progress to the statute book.

84. Several witnesses, including the NFU, CLA, and Ramblers’ Association expressed disappointment that Mr Crabb’s Bill was not able to progress to the statute book.<sup>127</sup> The CLA and NFU both wanted the failed Bill to be incorporated into the Marine Bill, if

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125 Q 458

126 Q 45

127 Ev 37, para 31; Ev 32, para 12.3; Ev 76, para 9.4.

possible.<sup>128</sup> When questioned on this matter, Natural England acknowledged animal owner liability was a “real issue” that required resolving in the future, but believed it might be difficult to incorporate Mr Crabb’s Bill into the Marine Bill because of scope.<sup>129</sup> The Minister, however, appeared more open to this possibility. He told us he would like Mr Crabb’s proposals on the statute book “whether it is this or other means”, and did not rule out the possibility of changing the Bill’s long title to enable Mr Crabb’s Bill to become part of a new, wider Marine Bill.<sup>130</sup>

**85. As this is still only a Draft Bill, we recommend the scope of the Bill be widened to include amendment of the Animals Act 1971 along the lines of the Animals Act 1971 (Amendment) Bill of Session 2006–07.**

## 11 Dog management

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86. The Marine Bill proposes a change, in the case of land designated ‘coastal margin’, from the CROW Act provisions relating to dog management. The CROW Act requires dogs to be kept on short leads between 1 March and 31 July, and at all other times in the vicinity of livestock. In the context of coastal margin, dogs will simply be required to be “under close control at all times”. Natural England glosses this further by saying that “[d]ogs 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”.<sup>131</sup>

87. The requirement for “close control” already applies on public rights of way. Some witnesses, such as the CLA, the NFU and the Kennel Club, called for clarification about what “close control” means.<sup>132</sup> The CLA pointed out both the risks of dogs worrying livestock and the risk of them fouling crops next to the coastal path—it gave an example of a farmer on the Lancashire coast whose contract with a supermarket stipulated that dogs should be excluded from the area where the vegetables were grown.<sup>133</sup>

88. In its written evidence, the RSPB said it was concerned that the Bill proposed a “significant change in the “default” position regarding national restrictions relating to dogs”. It said the term “close control” was “poorly understood and very ambiguous”, and pointed out that many areas of spreading room land would be grazed, and were of high wildlife importance, including for breeding ground-nesting birds. The RSPB therefore believed there was a “strong case for maintaining, as the default position, the CROW Act

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128 Ev 52, para 6(d); Ev 32, para 12.3.

129 Q 78

130 Qq 464–465

131 Natural England, *Coastal access: Natural England’s Outline Scheme*, April 2008, pp 5, 20.

132 Ev 32, para 13.2; Ev 37, para 33. The Kennel Club suggests that guidance should refer to specific behaviours such as “always keeping your dog in sight” or “not letting your dog approach or chase farm animals and wildlife” (Ev 145, para 7.2).

133 Ev 32, para 13

Schedule 2 [...] requirements for spreading land, in respect of dogs”.<sup>134</sup> Wildlife and Countryside Link said that:

Dogs can cause stock worrying and disturbance to wildlife in coastal environments, notably ground nesting birds and overwintering shoreline birds. Therefore, we believe that a greater level of restrictions on dogs will be needed in many locations on the coast beyond close control.<sup>135</sup>

89. The Kennel Club and the Pet Advisory Committee both drew attention to the health benefits of dog walking and wanted any restrictions on dogs to be “sensible, balanced and reasonable”, and “credible and proportionate”. They should be locally determined and adopt the “least restrictive approach”.<sup>136</sup>

### *Our views*

90. The greater access to the coast that will be created by the Bill will also give dog owners increased opportunities for walks with their animals. **We agree that the nature of the coastal trail and spreading room suggests that the general rule should be the same as that which already applies on public rights of way, although in the vicinity of livestock and certain wildlife—and some crops—the requirement should be for them to be on short leads as it is under CROW. However the precise meaning of “close control” is not obvious or well defined, so we urge access authorities to do more to clarify the term by providing dog owners with specific examples of what it means in practice.**

91. **In its final Scheme, Natural England must demonstrate that when setting the line of the route it will keep dogs off land used for vegetable and salad crops where the farmer’s contracts stipulates that dogs must be excluded from the cropped area.**

## 12 ‘Higher rights’

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92. The draft Bill proposes coastal access rights on foot only. It does not include provisions relating to so-called ‘higher rights’ such as horse riding or cycling. Natural England’s view is that:

it would be impracticable and unreasonable for horse riding and cycling rights to apply along the length of the coast. We will be seeking local opportunities to improve such rights, with the agreement of the occupier, as part of the coastal access project. We intend to publish separate, non-statutory criteria to guide this work. We also intend to consider with Defra how existing higher rights around the coast can best be protected in the face of erosion.<sup>137</sup>

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<sup>134</sup> Ev 64, paras 20–21

<sup>135</sup> Ev 201, para 13

<sup>136</sup> Ev 143-144, 145, paras 4, 6; Ev 207, Executive summary.

<sup>137</sup> Ev 5, para 40

93. Some local authorities believed that the Bill should be more explicit in supporting ‘higher rights’ on the coast. Devon County Council “supports the principle of providing for multi-use access on the English coastal route (including horse riding and cycling) where appropriate”. It said that it already has some experience in this area: for example, the Council has established multi-use on the Tarka Trail in North Devon and has recently opened a new stage of the Exe Estuary Cycle Trail, which is set to be “an outstanding coastal route in South Devon”. It believed provision for higher rights “should be included in the Draft Marine Bill as a power rather than a duty”.<sup>138</sup> The Cumbria Countryside Access Partnership Board also believed that “higher rights for other users such as cyclists or horse riders should be expressly provided for (as options) in the Draft Bill, so that they can be used where appropriate and desirable to improve access along the coast”. It believed this “provides a stronger framework than merely seeking “local opportunities to improve these rights as part of the coastal access project”.<sup>139</sup>

94. The British Horse Society (BHS) and the cyclists’ organisation CTC naturally wanted the Marine Bill to lead to an increase in the area of the coast open to horse riding and cycling. The BHS said that only 7% of coastal rights of way were available for horse riding, as opposed to the 22% of national rights of way. It wanted the Bill to contain “a general presumption that access will be provided for all non-motorised users unless it can be shown that local circumstances militate against this”.<sup>140</sup> CTC asked as a minimum requirement for there to be “a duty to consider access by cyclists and equestrians between suitable access points (roads or tracks) unless constrained by overriding safety, environmental or land management issues”.<sup>141</sup> The Central Council of Physical Recreation wanted coastal access to “appeal to the widest range of people, for example young people, many of whom do not find walking appealing or exciting. This is indicated by the increasing ages of walkers”.<sup>142</sup>

95. Some witnesses opposed such extension of higher rights because it went beyond the original aims to provide access on foot, or on the grounds of cost, impact on wildlife and the environment, the unsuitability of the terrain on the coast or their belief that horses and bicycles would be a disturbance to walkers.<sup>143</sup>

96. Defra say that “[T]he coast is a complex environment and a blanket right of access for horseriders and cyclists would not be appropriate”, although it notes Natural England will seek local opportunities to improve such rights where appropriate.<sup>144</sup> Natural England told us part of its £50 million estimate for the proposals included provision for a fund to contribute to locally-based initiatives to deliver “wider access improvements”.<sup>145</sup>

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138 Ev 91-92, Executive summary.

139 Ev 91, para 6

140 Ev 147, paras 6, 7, 11.

141 Ev 210, executive summary, section 9.

142 Ev 195, para 8

143 Such as Michael-Sagar-Fenton (Ev 132), Jean Perraton (Ev 158), the Royal Institution of Chartered Surveyors (Ev 171), Pentewan Sands Ltd (Ev 175), and the Campaign to Protect Rural England (Ev 216).

144 “Access to the Coast: Frequently Asked Questions”, *Defra website*, 30 June 2008, [www.defra.gov.uk](http://www.defra.gov.uk); Natural England, *Coastal access: Natural England’s Outline Scheme*, April 2008, p 2.

145 Ev 24 (DMB 56d)

97. Defra and Natural England's approach to 'higher rights' is a sensible one. The focus of the proposal is for access on foot. It would not be practical or affordable to make the whole of the coastal path usable by horses and bicycles. But we agree that where local geography and environmental circumstances allow, the opportunity should be taken to improve access for such users. We do not believe that such an approach needs to be specified as a duty in the legislation. If access for other users is granted it should not be implemented until decisions on future maintenance of the pathway are agreed with the access authority.

98. While there are occasional difficulties when walkers, horse riders and cyclists share the same route, any problems from the illegal use of motor vehicles would be much more serious. Motor vehicles would cause disturbance, danger and annoyance, and would ruin the purposes of the coastal access proposals. **Natural England and access authorities must ensure as far as possible that four wheeled vehicles, including quad bikes, are physically denied access to the coastal route or spreading room.**

# Conclusions and recommendations

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## Introduction

1. It is for the House to decide how it conducts pre-legislative scrutiny, not for the Government to determine. When the Government is preparing draft bills in the future, it should inform the Liaison Committee which should recommend, in consultation with the relevant departmental select committee, how pre-legislative scrutiny should be conducted. (Paragraph 4)

## Is new legislation the most appropriate method by which to create coastal access?

2. The draft legislation requires amendment and modification before we can be satisfied it is sensible and fair. (Paragraph 22)

## Discretion given to Natural England

3. We are uneasy that the Bill places so much emphasis on simply trusting Natural England to “get it right”. We believe landowners and occupiers, in particular, are entitled to more concrete safeguards—especially as the Government intends to strike a “fair balance” between public and private interests. We believe that adoption of the recommendations we make later in this Report would provide some safeguards. (Paragraph 30)
4. Natural England’s Scheme should include clear explanations and diagrams about how it intends to align the route, and determine the extent of spreading room, for each “common” coastal scenario—such as coastal landowner, arable land, Site of Special Scientific Interest, and so on. Some complex examples should be included as well. Natural England should also produce a detailed draft of its Scheme before the final version of the Bill is published, taking into account some of these scenarios. This scheme should also specify the size of each stretch of the coast on which Natural England will be reporting, and provide further detail about what approach Natural England will take when it intends to change the alignment of an existing coastal path. (Paragraph 33)
5. The provisions about estuaries are very vague and leave excessive authority to Natural England. The Bill should include a clear specification about where the trail should cross estuaries. (Paragraph 34)
6. Natural England should have a statutory requirement written into the Bill to conduct a review of the lessons it has learned from early implementation of the route and spreading room. We recommend this review take place one year after establishment works have started on the ground. (Paragraph 35)
7. After 10 years, Natural England, or its successor, should report to Parliament about the progress it has made with the implementation of the proposals and when it expects work will be completed. (Paragraph 36)

## Parliamentary scrutiny

8. The proposed level of parliamentary scrutiny of the real detail of these proposals is poor, especially when compared to the powers given to the Secretary of State. We are not convinced by the argument that the generality of Natural England's final Scheme precludes it from being subject to parliamentary scrutiny. This will be an important document and Members of Parliament should be allowed to give their views about it in debate. The Bill should provide that the Secretary of State can only approve the Scheme after Parliament has given its approval via the affirmative resolution procedure. (Paragraph 38)

## Appeal process

9. The lack of a formal appeal process is a fundamental weakness of the Bill. We consider the right of landowners and occupiers to have an independent, third-party appeal process to be an important element of the fair balance between public and private interests that the Government is aiming to achieve. The Bill should provide for such a process. (Paragraph 45)
10. Should an appeal process be allowed, the Government should ensure the costs involved with using it are minimised. (Paragraph 46)

## Compensation

11. The Bill should give Natural England the power to offer compensation to owners and occupiers who can demonstrate financial loss as a result of the coastal access provisions where such compensation is necessary to achieve the fair balance between public and private interests that the Bill requires. (Paragraph 53)

## Parks and gardens

12. We agree with the Government that parks and gardens should be excepted land under the coastal access proposals. Nevertheless, Natural England may attempt to negotiate voluntary access agreements with landowners of parks and gardens if this produces the most appropriate alignment. (Paragraph 63)

## Cost

13. The development of the coastal pathway requires sound establishment in the first instance. We are not convinced that £50 million over ten years is the correct sum for the job. Whilst the Bill is amended in the light of the consultation exercise, Defra should re-evaluate Natural England's assumption regarding the cost of developing the pathway. Once the exercise is completed a detailed schedule of the proposal's cost should be published. (Paragraph 68)

## Long-term maintenance

14. The Government should clarify responsibility for, and the estimated costs involved in providing, long-term maintenance before the Bill is introduced. If assurances on

this cannot be given ahead of the introduction of the Bill then the Government should not proceed with the measure until this is clarified. (Paragraph 72)

## Liability

15. We support the Bill's proposals to extend the reduction of occupier's liability to include man-made as well as natural features. However, in its Response, the Government should clarify the liability position of landowners on their private, non-access land, who may now experience a higher number of trespassers because of the opening-up of nearby access land. (Paragraph 76)
16. The Bill should state that Natural England has an obligation to ensure landowners and walkers have a clear understanding about the extent of spreading room. Landowners and occupiers should be able to make representations (in the same way that they can about the alignment of the route and spreading room) if they believe this is not clear, and formally to request the production of a local map. (Paragraph 80)
17. The Government should also hold discussions with Ordnance Survey and Natural England to establish how the former intends to deal with the creation of the coastal pathway. If Ordnance Survey does create maps of the access routes, it must be clearly established what status in law these will have in the event of any legal action resulting from the public's use of the access facilities. (Paragraph 81)

## Spreading room

18. Natural England should hold discussions with farmers and coastal businesses about the practicalities of spreading room and produce further advice to Government about the implications of spreading room, for example for livestock farmers and coastal businesses. (Paragraph 82)

## Animals

19. As this is still only a Draft Bill, we recommend the scope of the Bill be widened to include amendment of the Animals Act 1971 along the lines of the Animals Act 1971 (Amendment) Bill of Session 2006–07. (Paragraph 85)

## Dog management

20. We agree that the nature of the coastal trail and spreading room suggests that the general rule should be the same as that which already applies on public rights of way, although in the vicinity of livestock and certain wildlife—and some crops—the requirement should be for them to be on short leads as it is under CROW. However the precise meaning of “close control” is not obvious or well defined, so we urge access authorities to do more to clarify the term by providing dog owners with specific examples of what it means in practice. (Paragraph 90)
21. In its final Scheme, Natural England must demonstrate that when setting the line of the route it will keep dogs off land used for vegetable and salad crops where the

farmer's contracts stipulates that dogs must be excluded from the cropped area. (Paragraph 91)

### **'Higher rights'**

22. Defra and Natural England's approach to 'higher rights' is a sensible one. The focus of the proposal is for access on foot. It would not be practical or affordable to make the whole of the coastal path usable by horses and bicycles. But we agree that where local geography and environmental circumstances allow, the opportunity should be taken to improve access for such users. We do not believe that such an approach needs to be specified as a duty in the legislation. If access for other users is granted it should not be implemented until decisions on future maintenance of the pathway are agreed with the access authority. (Paragraph 97)
23. Natural England and access authorities must ensure as far as possible that four wheeled vehicles, including quad bikes, are physically denied access to the coastal route or spreading room. (Paragraph 98)

# Formal Minutes

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**Monday 14 July 2008**

Members present:

Mr Michael Jack, in the Chair

Mr David Drew	Sir Peter Soulsby
Mr James Gray	David Taylor
Miss Anne McIntosh	Paddy Tipping
Mr Dan Rogerson	Mr Roger Williams

Draft Report (*Draft Marine Bill: Coastal Access Provisions*), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 98 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Ninth Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134.

Written evidence was ordered to be reported to the House for printing with the Report.

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

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[Adjourned till Wednesday 16 July at 2.30 p.m.]

## Witnesses

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### Wednesday 4 June 2008

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**Mr Paul Johnson**, Principal Specialist—Access and Rights of Way Legislation, Natural England Ev 5

### Monday 9 June 2008

**Mr Henry Aubrey-Fletcher**, President and **Mr Andrew Shirley**, Access Adviser, Country Land and Business Association; **Mr Paul Temple**, Vice President, **Dr Andrea Graham**, Countryside Adviser and **Mr Barney Holbeche**, Chief Parliamentary Adviser, National Farmers' Union Ev 38

**Mr Jo Burgon**, Head of Access and Recreation and **Mr Tony Burton**, Director of Strategy and External Affairs, National Trust; **Mr Gwyn Williams**, Head of Reserves and Protected Areas, RSBP Ev 65

### Wednesday 11 June 2008

**Mr Tom Franklin**, Chief Executive and **Ms Kate Ashbrook**, Chairman, Ramblers' Association Ev 77

**Mr Duncan Graham CBE**, Chairman, Cumbria Countryside Access Board; **Mr Mike Jenkins**, Public Rights of Way Manager and **Mr Lester Willmington**, Head of Highways Management, Devon County Council Ev 94

### Wednesday 18 June 2008

**Jonathan Shaw MP**, Parliamentary Under-Secretary of State (Marine, Landscape and Rural Affairs), **Ms Heloise Tierney**, Head of Coastal Access Team and **Ms Ann Bennett**, Defra Lawyer, Department for Environment, Food and Rural Affairs Ev 110

## List of written evidence

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Associated British Ports	Ev 131
Bolitho Estates	Ev 139
British Association for Shooting and Conservation	Ev 184
British Holiday & Home Parks Association	Ev 203
British Horse Society	Ev 146
British Marine Federation	Ev 198
British Mountaineering Council	Ev 151
British Ports Association	Ev 208
Burnhams Overy & Norton Wildfowlers Association	Ev 146
Campaign to Protect Rural England	Ev 215
Canoe England	Ev 160

Central Council of Physical Recreation	Ev 193
Charities' Property Association	Ev 175
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The Churches' Legislation Advisory Service	Ev 130
Coastal Access Forum	Ev 214
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Country Land and Business Association	Evs 26, 50
Countryside Access Forum for West Sussex	Ev 204
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CTC—The National Cyclists Organisation	Ev 210
Cumbria Countryside Access Board	Ev 91
Department for Environment, Food and Rural Affairs	Evs 104, 123
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Dorset County Council	Ev 151
Helena Drysdale	Ev 127
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Environment Agency	Ev 221
Historic Houses Association	Evs 217, 220
Philip Jacobs	Ev 226
The Kennel Club	Ev 142
Land Access & Recreation Association	Ev 221
Local Government Association	Ev 141
The Long Distance Walkers Association	Ev 129
Manor of Cadland	Ev 183
Marine Conservation Society	Ev 212
Gillian Mills	Ev 128
Lord Montagu and Ralph Montagu	Ev 162
National Association of Mining History Organisations	Ev 129
National Farmers' Union	Evs 33, 51
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Natural England	Evs 1, 21, 23, 24, 25
Norfolk County Council	Evs 164, 165
Northern Federation of Sea Angling Societies	Ev 182
Northumberland National Park & Countryside Local Access Forum	Ev 148
Open Spaces Society	Ev 178
Pentewan Sands Ltd	Ev 171
Jean Perraton	Ev 158
Pet Advisory Committee	Ev 206
Planning Inspectorate	Ev 227
Police Service in England	Ev 196
Public and Commercial Services Union	Ev 227
Ramblers' Association	Evs 73, 90
The Royal Institution of Chartered Surveyors	Ev 169
Royal Society for the Protection of Birds	Ev 61

Royal Yachting Association	Ev 180
Michael Sagar-Fenton	Ev 132
Save Our Seabirds Charitable Trust	Ev 202
Louise Sneyd	Ev 128
Solent Protection Society	Ev 150
Somerset Local Access Forum	Ev 129
Suffolk County Council	Ev 225
Lord Teynham	Ev 209
South West Tourism Ltd	Ev 181
Peter Tunstall-Behrens	Ev 137
United Kingdom Major Ports Group	Ev 184
Robert Walthew	Ev 182
Warrington Borough Council	Ev 133
West Sussex County Council	Ev 176
Wildlife and Countryside Link	Ev 200
Mrs Pippa Woods	Ev 224
Brian Wright	Ev 159
Youth Hostels Association	Ev 149

## List of unprinted evidence

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The following memoranda have been reported to the House, but to save printing costs they have not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives, and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

Country Land and Business Association appendices 1 & 2 (DMB 04)

Ramblers' Association appendices (DMB 26)

Royal Yachting Association appendix (DMB 39)

Natural England photographs (DMB 56a)

Campaign to Protect Rural England appendix (DMB 65)

Hampshire County Council – submission to Defra consultation, September 2007

The Crown Estates – submission to Defra consultation, September 2007

## List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2007–08

Eighth Report	British Waterways: follow-up	HC 438
Seventh Report	Implementation of the Nitrates Directive in England	HC 412
Sixth Report	The Veterinary Surgeons Act 1966	HC 348
Fifth Report	Flooding	HC 49-I (HC 901)
Fourth Report	Badgers and cattle TB: the final report of the Independent Scientific on Cattle TB	HC 130-I
Third Report	The work of the Committee in 2007	HC 250
Second Report	Climate change: the "citizen's agenda": Government response to the Committee's Eighth Report, Session 2006–07	HC 189
First Report	The UK Government's "Vision for the Common Agricultural Policy: Government response to the Committee's Fourth Report, Session 2006–07	HC 48

### Session 2006–07

Eighth Report	Climate change: the "citizen's agenda"	HC 88-I (HC 189 07–08)
Seventh Report	British Waterways	HC 345-I (HC 1059)
Sixth Report	The Implementation of the Environmental Liability Directive	HC 694 (HC 1058)
Fifth Report	Draft Climate Change Bill	HC 534-I (CM 7225)
Fourth Report	The UK Government's "Vision for the Common Agricultural Policy"	HC 546-I (HC 48 07–08)
Third Report	The Rural Payments Agency and the implementation of the Single Payment Scheme	HC 107-I (HC 956)
Second Report	Defra's Annual Report 2006 and Defra's budget	HC 132 (HC 522)
First Report	The work of the Committee in 2005–06	HC 213

### Session 2005–06

Eighth Report	Climate change: the role of bioenergy	HC 965-I (HC 131 06–07)
Seventh Report	The Environment Agency	HC 780-I (HC 1519)
Sixth Report	Bovine TB: badger culling	HC 905-I
Fifth Report	Rural Payments Agency: interim report	HC 840
Fourth Report	The Departmental Annual Report 2005	HC 693-I (HC 966)
Third Report	The Animal Welfare Bill	HC 683
Second Report	Reform of the EU Sugar Regime	HC 585-I (HC 927)
First Report	The future for UK fishing: Government Response	HC 532