

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 13 SEPTEMBER 2007

DEFRA CONSULTATION ON PROPOSALS TO IMPROVE ACCESS TO THE ENGLISH COAST: NEW FOREST NATIONAL PARK AUTHORITY RESPONSE

Report by: Sarah Manchester, Countryside Access Officer

Summary:

The Department for Environment, Food and Rural Affairs (Defra) is seeking views on proposals to improve access to the English coast. This paper summarises the proposals and options, and outlines the Authority's draft response to the consultation document. The Defra consultation was issued in June 2007 and closed on 11 September 2007; an interim response has been submitted, pending members' approval.

Recommendation:

To approve the response to the Defra consultation at Annex 1 of this report, subject to any comments.

Resources:

None

Papers:

NFNPA 202/07: Cover paper
NFNPA 202/07: Annex 1 – consultation questions and responses
NFNPA 202/07: Annex 2 – Map of Public Access and Private Ownership
NFNPA 202/07: Annex 3 - New Forest Access Forum consultation response

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1 Background

- 1.1 When the Government launched The Countryside and Rights of Way Act 2000, it signalled its intention to improve the availability and management of public access to the coast. Improving access to coastal areas was confirmed as an early priority for the Government's third term.
- 1.2 Defra asked Natural England to prepare recommendations on how access to the coast can be improved. Natural England published its advice to Defra in February 2007. Defra's consultation is based on the options and advice that were provided by Natural England. The full consultation document is available at www.defra.gov.uk/consultations.
- 1.3 The consultation period ran until 11 September. Staff have prepared and submitted a provisional response which is attached at **Annex 1**. Any comments or amendments raised at this meeting will be forwarded to Defra.

2 The proposals

- 2.1 Defra ministers have developed the following vision for:

“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.”

2.2 The outcomes arising from the realisation of this vision are:

- i) secure access along the length of the English coastline, accepting that this may be subject to some exceptions, whilst considering coastal change;
- ii) a more accessible coastline, by creating physical routes to access the coast and by encouraging more people to enjoy the coast;
- iii) improvements for coastal wildlife and landscape by integration of activities.

2.3 Natural England examined four options for achieving coastal access and these are offered for comment:

- a) use of the Highways Act 1980 (using rights of way)
- b) Section 3 of the Countryside and Rights of Way Act 2000
- c) voluntary measures to create permissive access
- d) new legislation to create a coastal access corridor.

2.4 The advice concluded that no existing mechanisms (ie - the first three options) would provide the means to realise the vision. Natural England therefore recommends the provision of a new coastal access corridor implemented through new legislation.

2.5 Natural England's detailed recommendations are that:

- Government should legislate to create a new approach to access tailored to the circumstances of the coast;
- legislation should create statutory powers for Natural England to align a coastal access corridor around the whole English Coast (including around estuaries, normally up to the first permanent crossing point), to create access where it does not exist and improve it where it needs improving, and to repeat the process later on any stretch of coast where considered necessary. There would be no intervention on stretches of coast where good quality access already exists;
- the access corridor would include new areas of "spreading room" along the coast, and could also formalise existing beach access;
- Natural England's powers would include undertaking any necessary establishment work on the ground, such as installing gates and bridges;
- all of Natural England's powers would be exercised under a statutory methodology, approved by the Secretary of State. There would be a right of appeal against failure to act in accordance with the statutory methodology;
- Natural England would undertake nature conservation assessments as part of the planning process, to avoid significant damage to any features of importance;

- Natural England would undertake much of the planning and implementation through *Access Authorities*, where they were willing to take it on. Natural England would do it themselves where the access authority was unwilling to act. Natural England would fund the necessary work irrespective of who undertook it;
- local solutions would be designed in consultation with local interests, including local access forums and land managers;
- this would require an implementation programme which Natural England provisionally estimated would cost an average of around £5m per year over a 10 year creation phase;
- there should be a working presumption against paying compensation for public access along the coast;
- the reduced level of occupier's liability introduced for CROW Act access land should also apply to coastal access;
- there is a need for complementary work, by Natural England and others, to enhance coastal landscapes and wildlife.

3 The extent of existing coastal access and potential impacts in the New Forest National Park

- 3.1 The attached map illustrates current access provision and land ownership along the National Park coastline of approximately 34 miles (**Annex 2**). There are approximately 18 miles with some form of public access, in the form of public rights of way, permissive paths, or publicly accessible land. A number of different bodies have responsibility for maintaining the public access.
- 3.2 The main foci and honey pot sites for coastal access are Calshot Spit, Lepe Country Park, Buckler's Hard and the coastal path between Lymington and Hurst Castle including Hurst Spit. Hampshire County Council, which currently manages around eight miles of the publicly accessible land has a strong track record of enabling sustainable and sympathetic access to the coast and these are generally where the highest quality of existing access is found. At several other locations, although access is physically possible, the number of visitors is restricted by a permit system (at Needs Ore, for example), limited vehicle access, lack of car parks or non-existent public transport. The situation is complicated by the fact that Ashlett Creek, Calshot, Buckler's Hard/Beaulieu, Lymington and Keyhaven also serve as major gateways for recreational sailing and watersports on the Solent.
- 3.3 The Authority is responsible both for conserving and enhancing the special qualities of the coast and for promoting its understanding and enjoyment. The limited opportunities for access to and along the coast of the New Forest is identified as one of the 10 main issues in the Rights of Way Improvement Plan for the area.

- 3.4 Virtually the entire coast is designated for its importance for nature conservation as either RAMSAR or Natura 2000 sites (sites protected for birds and / or habitats of European importance). A very careful assessment of the impacts of extending coastal access on these interests will have to be made. Specific management may be required to ensure that there is no adverse impact on the wildlife interest. This may be achieved through allowing access but physically restricting the number of people able to enjoy the right at any one time (see 3.5 below).
- 3.5 The proposals are likely to have most impact on the relatively undeveloped and privately-owned sections of coast between Lymington and Calshot which include the North Solent National Nature Reserve. These areas are currently relatively lightly used but there is likely to be considerable latent demand for access if new facilities are provided. At present, the number of visitors would appear to be restricted by the low key nature of existing provision and promotion, a lack of car parks and limited parking opportunities, a sparse public transport network and the long walk-in from the nearest car parks or bus stops. The Authority may wish to consider whether it would wish to maintain the character of this quiet and unspoilt stretch of coast to provide a contrast with the other access opportunities available, particularly given the nature conservation interests.
- 3.6 There are also a number of private houses and gardens located along the foreshore and the coastal strip inland between Lymington and Calshot. An extension of access rights to the coast will raise difficult issues over potential loss of privacy and property rights. Flexibility on all sides and a degree of pragmatism in how the access corridor is developed will be needed, particularly in the light of the potential impact of changing sea levels.

4 Response

- 4.1 The consultation seeks answers to 43 questions. The questions and the responses to each are set out in **Annex 1** to this report.
- 4.2 In developing the response, and following discussions with the New Forest Access Forum, the following comments and issues are identified by the Forum as being of prime importance to the National Park:
- i) the vision and outcomes set out by Government are complementary to National Park purposes and the Authority welcomes the proposals to extend access to the coast subject to certain safeguards for conservation and to protect in a reasonable way, the privacy of landowners and residents;
 - ii) as the Access Authority, the Authority would be best placed to and would welcome the opportunity to undertake the planning and

- implementation of the new coastal access corridor with guidance from Natural England on conservation issues, subject to having adequate resources and the flexibility to develop the new rights to meet local needs and address local concerns;
- iii) sufficient resources must be made available for the long-term management of any new access created. This should take into account the costs of any required assessments of protected areas and of any wardening, information provision and any other management needed to deal either with the potential adverse impacts in those areas or to maximise the benefits of new access;
 - iv) the consultation document does not contain detailed information about implementation. It is essential that the statutory methodology is put out for further consultation as it is developed;
 - v) the impact on archaeological interests and other aspects of cultural heritage must also be considered in any actions to improve access;
 - vi) where there is a requirement for new infrastructure such as surfacing, bridges and gates this must be kept to a minimum and design should be to the highest possible standards. Any materials used should be of an appropriate nature that are visually in keeping and sympathetic to the local landscape and environment;
 - vii) the co-operation of all interests will be essential if the new rights are to be introduced successfully and to best advantage. Any new legislation should have a degree of flexibility to enable Access Authorities to implement the extended rights in a manner that is appropriate to local circumstances; taking into account the sensitivity of local issues whilst delivering the spirit of the Government's intentions to provide sustainable access rights to the coast. The proposals must incorporate provision for how access will be managed in the light of expected coastal change and rising sea levels.
 - viii) Decisions on whether the quality of access is satisfactory should rest with local Access Authorities following guidance and support from local access forums, land managers and other stakeholders.
- 4.3 The New Forest Access Forum has a statutory role in advising the National Park Authority on access issues. Their helpful comments and views have been taken into account in the preparation of this response. The Forum has submitted a separate response to the consultation which is attached as **Annex 3**.

Recommendation:

To approve the response to the Defra consultation at Annex 1 of this report, subject to any comments.

NFNPA 202/07 Annex 1

**Department for Environment, Food and Rural Affairs
Consultation on proposals to improve access to the English Coast**

Authority response overleaf

Map of public access and private ownership

**Department For Environment, Food and Rural Affairs
Consultation on proposals to improve access to the English Coast**

New Forest Access Forum response overleaf