

## Department for Environment, Food and Rural Affairs Consultation on Proposals to improve access to the English Coast Response proforma

Please use this proforma to answer the questions in the above document. The closing date for the submission of responses is **Tuesday 11 September 2007**.

Responses should be clearly marked in the subject field **Consultation on access to the English coast** and should be sent:

- by email to: [coast.consultation@defra.gsi.gov.uk](mailto:coast.consultation@defra.gsi.gov.uk)
- or by post to: Andrew Crawford , Coast and Open Access Team, Zone 1/01, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB

The email address may also be used for general queries relating to this consultation. Please mark the subject field **Consultation on access to the English coast**.

To help us analyse responses, please provide details of yourself or your organisation (\*if appropriate below)

In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses. If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request.

You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

Defra's confidentiality statement in full can be found at <http://www.defra.gov.uk/corporate/consult/coast-access/letter.htm>

Name	Ann Sevier
Organisation/company *	New Forest Access Forum
Job title *	Chair
Department *	
Address	c/o New Forest National Park Authority South Efford House Milford Road Lymington SO41 0JD
Email *	<a href="mailto:access.forum@newforestnpa.gov.uk">access.forum@newforestnpa.gov.uk</a>
Telephone *	01590 646665
Fax *	01590 646669
Website *	<a href="http://www.newforestnpa.gov.uk/index/lookingafter/la-newforestaccessforum">www.newforestnpa.gov.uk/index/lookingafter/la-newforestaccessforum</a>
Date of response	

NB: on the form below, please leave the response box blank for any questions that you do not wish to answer. Responses including any general comments you might wish to make are welcome on any number of the questions.

For each question it would be helpful if you could please indicate whether you agree, disagree or are uncertain by marking the box (as appropriate).

Chapter 2: Vision and Outcomes					
1 Do you support this vision? If not, what vision do you have for improving access along the English coast?					
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
<p>We do not support the vision as it is worded, and feel that the right to walk <b>the length</b> of the coast is a distraction from the real need, which is felt to be to improve the overall experience, to enable easier and cheaper access to the coast, and to close a number of strategic gaps in coastal accessibility.</p> <p>Whilst we can offer support to the majority of the aspiration of this vision, we believe that achieving the right to walk the entire length of the English coast is an unrealistic goal and have some reservations about the desirability of this ambition. The vision should acknowledge that there will be exceptions where coastal access will not be possible, for a variety of reasons including defence, public safety and the protection of wildlife.</p> <p>Some members expressed strong support for the aspiration of the vision, but we have reservations about the proposed implementation, as detailed in the responses to later questions.</p>					
2 Do you have any comments on Outcome 1?					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
<p>We think that the wording of Outcome 1 should be amended to read:</p> <p>“It will be possible to walk along and enjoy a much increased length of the English Coastline”</p> <p>Point 3 should be changed to:</p> <p>“A flexible approach is taken to ensure that, when coastal change occurs, it does not prevent lawful access to the affected section of the coast”</p> <p>Point 5 - We are not persuaded that the overall impact on local business would be positive; this is particularly so in rural areas.</p>					
3 Do you have any comments on Outcome 2?					

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>4 Do you have any comments on Outcome 3?</b>			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>We believe that Outcome 3 is only likely to happen with positive, adequately funded, actions to offset negative effects. As the proposals stand, this is a potential outcome only.</p> <p>Whilst there will be good opportunities to benefit wildlife in some areas, such as the intensively farmed areas identified in the consultation document, in other areas – in particular soft coastline and shingle – new public access is likely to be of significant disbenefit to wildlife unless it is sensitively and well managed. However, many management tools, such as signage and barriers, can lead to a degree of urbanisation that detracts from the sense of remoteness.</p>			
<b>5 Do you have any comments on the relative importance of the three Outcomes?</b>			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>We believe that the three stated outcomes are of equal importance.</p>			
<b>Chapter 3: Factfinding and conclusions drawn</b>			
<b>6 Are there any other sources of information you are aware of which you consider should contribute to the evidence base?</b>			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Hampshire County Council has commissioned an audit of existing coastal access in the county.

The British Trust for Ornithology has undertaken a number of wetland bird surveys.

Hampshire County Council manages a number of coastal sites. It is felt that visitor numbers to, and visitor satisfaction with, these sites has increased substantially following management improvements to the infrastructure and availability of information. The Council may be able to provide information which could contribute to the evidence of a need for coastal access, and for the type of access that is most desired by the public.

**7 Do you agree with Natural England’s overall picture of the current access situation on the coast? Any there any other studies that might support these conclusions or add to them?**

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	---	----	--------------------------	----------	--------------------------

We agree with the bullet points listed in Box 1, but would like to expand on point 5.

Point 5 should include mention of the need for management to ensure that the wildlife interest is not harmed, particularly in those areas that are not farmed cliff edges where intensive agriculture may be rolled back. A process should be established to mitigate any adverse effects resulting from new access rights. Where new access is created, there will also be a potential for erosion and for the fragmentation, or even loss, of habitat.

**8 Do you agree with Natural England’s strategic conclusions? If not, what aspects of Natural England’s strategic conclusions do you disagree with, and why?**

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
-----	--------------------------	----	---	----------	--------------------------

We are undecided whether the vision is correct (see Q1).

We do not agree that the stated Outcome 3 is a given – in order to ensure that it happens, it will need additional funding. This funding appears to have not been accounted for within the costs analysis.

Point 9 – We do not believe that there is sufficient evidence to show that there will be a positive impact on the coastal economy – particularly in rural areas. We suspect that there would not be a positive impact on the economy of the New Forest.

Point 10 – The issue of liability needs to be looked at in closer detail. Mudflats and salt marshes in particular are inherently dangerous places and even a reduced level of liability might prove too great. The principle that people are responsible for their own safety must be given the highest importance, and must be effectively communicated.

**9 Are there any other perspectives or factors that you think should be considered?**

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	---	----	--------------------------	----------	--------------------------

The issue of compensation should be addressed within the strategic conclusions.

The issue of on-going maintenance of any new access should be addressed within the strategic conclusions.

The safeguarding of privately owned property, in particular dwellings, should be addressed within the strategic conclusions.

**Chapter 4: Work undertaken on benefits and costs**

10 Do you have any comments on the benefits and costs identified in the partial Regulatory Impact Assessment?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

We feel that the costs, and the size of the job, have been significantly under-estimated.

11 Are there any other benefits and costs that are relevant to the options which should be considered?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

The costs of maintenance and the costs of appropriate wardening should be considered.

It is important that any additional maintenance burden does not impact on the maintenance of existing rights of way and countryside access, both on the coast and inland.

**Chapter 5: Option 1 – Highways Act 1980**

12 Do you agree with Natural England's assessment of option 1 – use of the Highways Act 1980?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

We agree with the assessment of option 1, that the Highways Act 1980 as it stands cannot in isolation achieve the desired outcomes.

However, we feel that a combination of the first three options, applied with due consideration to best fit local circumstances, could well be the most desirable means of achieving improved access to and along the coast.

13 Do you agree with our assessment of the likely scale of effect?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
-----	--------------------------	----	--------------------------	----------	---

We are not able to validate the figures provided.

**Chapter 6: Option 2 - Section 3 of the Countryside and Rights of Way Act 2000**

14 Do you agree with Natural England's assessment of option 2 – the use of section 3 of the Countryside and Rights of Way Act 2000?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	---	----	--------------------------	----------	--------------------------

See Q 12.

15 Do you agree with our assessment of the likely scale of effect?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
-----	--------------------------	----	--------------------------	----------	---

We are not able to validate the figures provided.

**Chapter 7: Option 3 – Voluntary measures to create permissive access**

16 Do you agree with Natural England’s assessment of option 3 – the use of voluntary measures to create permissive access?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

See Q 12.

17 Do you agree with our assessment of the likely scale of effect?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
-----	--------------------------	----	--------------------------	----------	-------------------------------------

We are not able to validate the figures provided.

**Chapter 8: Option 4 – proposal for new primary legislation**

18 Do you agree that the Government should introduce new primary legislation to allow for a tailored access regime around the coast? If not, which of the options would you prefer?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

We consider that different forms of new access should be implemented in different areas, to suit the local circumstances. We agree that it is likely that some new primary legislation will be required in order to achieve the desired results.

19 Do you think that spreading room (such as headlands, viewpoints or uncultivated land) along the coast is important?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	----------	--------------------------

The route itself is of prime importance. There should be a power for the authority charged with implementing the new right to enter into agreements to provide spreading room.

Spreading room is important in certain locations only, for example to appreciate a good view or to have a picnic. In particular, it is not necessary to have spreading room across all areas of uncultivated land adjacent to the coast.

20 Do you believe it is important to formalise access to beaches?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

It is not necessary to provide new access to all beaches.

It is important that people are well informed about the extent of any new access rights, so if the new rights do not include access to beaches this must be made clear. It is also important that people are well informed about which beaches they do have access to, and that this is clearly apparent to all concerned.

21 Do you have any comments on the proposal for a statutory methodology?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

The statutory methodology will be of prime importance, the exercise cannot be undertaken without one.

There should be extensive consultation on the methodology, which must be comprehensive and cover all aspects of the new right, not just the identification of the coastal access corridor. The methodology must be rigorous, and it must be able to be applied in a way that fits all the different local circumstances.

22 Do you agree there should be a right of appeal against Natural England's application of the statutory methodology?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

There should be a right of appeal for everyone, including landowners and the public. Any appeal should be based on fact. Appeals should operate to a strict timetable and there should be no indefinite deferral of decisions.

23 Do you have any views on this approach to protecting important wildlife and habitats?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

Nature conservation assessments are crucial to avoid damage to any Natura 2000 sites. As well as addressing current issues, any protection must be future proofed. Consideration should be given to whether an appropriate assessment is required.

Nature conservation assessments should be independent and transparent. They must be undertaken, and any necessary management practices put in place, prior to any implementation of new coastal access rights. Funding must be made available for both the assessments, and for any necessary management.

We envisage an important role for local, regional and national wildlife groups in working with Natural England to undertake the assessments.

24 Do you agree that planning and implementation should be undertaken through access authorities wherever possible and funded by Natural England?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

Yes.

25 Do you agree that Natural England should have powers to do such work itself where the access authority was unwilling to act?

Yes

✓

No

Not sure

Yes – but Natural England must use the same procedures as the access authorities.

26 Do you think it is important that local solutions should be designed in consultation with local interests?

Yes

✓

No

Not sure

Yes - this is of prime importance.

27 Are there any partners that you consider Natural England should particularly involve in its consultations?

Yes

✓

No

Not sure

In addition to the bodies listed in Box 7 of the consultation document:

The National Trust  
The Environment Agency  
The National Union of Farmers  
The Country Land and Business Association  
The Ministry of Defence  
Coastal defence authorities, where these are not the access authority

28 Should any legislation enable conditions to be placed on access if necessary (eg seasonal diversions to protect sensitive species or permanent diversions as a result of coastal change and realignment)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

Yes – the legislation should allow for conditions to be imposed for a variety of reasons.

29 If so, should it be the responsibility of Natural England or the access authority to plan for and implement such conditions?

This should be the responsibility of the access authority.

There should be provision for appeal against decisions made to implement, or to not implement, conditions.

Provision should be made for sanctions against those who disregard conditions, with clear direction on enforcement.

30 Do you agree 10 years is a reasonable timescale for implementation? If not, what period should the implementation programme be over?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

We think that 10 years is a good aspiration. There has to be a time table – but implementation will be dependent on funding.

31 Do you have any comments on Natural England's assessment of costs?

Yes

✓

No

We expect that the implementation of coastal access will have many technical difficulties and suspect that the costs will be far greater than envisaged.

32 Do you agree that compensation should not be paid in respect of the new right of access?

Yes

No

✓

Not sure

This issue needs to be re-examined.

33 If you disagree, in what circumstances do you think compensation should be paid, and why?

Compensation should be paid to any land owner whose business or personal interests are adversely affected by newly created public access.

34 Do you agree that the reduced level of occupiers' liability introduced for access land under the Countryside and Rights of Way Act 2000 should also apply to coastal access?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

The level of liability should be no more than the reduced level as introduced by the Countryside and Rights of Way Act 2000.

Many coastal environments are inherently dangerous, and careful consideration should be given to whether even this reduced level of liability is too onerous for owners and occupiers of land including mudflats, salt marshes and unstable cliffs. The emphasis must be on users to take responsibility for their own safety.

35 Do you have any comments on Natural England's proposals for complementary work to enhance coastal landscapes and wildlife?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

Complementary work of this nature will be necessary. It will require funding from sources other than agricultural payment schemes and other existing mechanisms. This additional funding should be included in the estimated costs.

36 Do you have any other general comments on Natural England's proposals for new primary legislation?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

Any proposed new primary legislation must include comprehensive consultation.

The statutory methodology should be presented for consultation at the same time as the primary legislation.

37 Do you agree with Natural England's assessment of the outcomes its recommended approach would deliver?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	----------	--------------------------

We feel that the outcomes as described are laudable.

However, we feel that the scope of the recommendations is over ambitious. Given adequate funding and the correct methodology, some of the outcomes are achievable.

38 Do you agree with our assessment of the likely scale of effect?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
-----	--------------------------	----	--------------------------	----------	-------------------------------------

We are not able to validate the figures provided.

### Chapter 9: Other issues

39 Do you believe there is a need for higher rights (rights other than a right of access on foot for open-air recreation) around the coast?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	----------	--------------------------

We agree that there is some desire for higher rights.

The need for higher rights should be looked at as a separate issue, and not considered within the context of the proposed new right for coastal access. The provision of higher rights would result in a significant increase in maintenance costs.

Many lengths of the coast are wholly unsuitable for horse and bikes. However, some stretches, such as downlands, present excellent opportunities for both. Areas with potential for higher rights should be looked at separately, and local solutions encouraged. We feel that horse riding on beaches might best be accomplished by the use of local byelaws.

40 Do you have any information on demand for, and opportunities to provide for higher rights?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

41 Do you consider there is a need for more advice or information on possible visitor safety risks being available to the public if access to the coast was improved? If so, are there any particular issues that the advice and information should cover?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

It should be stressed that individuals must take responsibility for their own safety.

We think that the provision of advice would be best addressed by the introduction of a Code of Conduct. This code should include information about issues relating to dogs, litter and fires.

The 'Safety on the Coast Path' section of the South West Coast Path website ([www.southwestcoastpath.com](http://www.southwestcoastpath.com)) is considered to be an excellent model on which to base the provision of information about visitor safety.

42 Do you agree with Natural England's advice that improving access to salt marshes and mudflats should not be a national priority in its own right?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------	----------	--------------------------

43 Are there any other issues we need to take into account in assessing how we might improve access to the English coast?

Healthy, non-motorised means of getting to the coast, including the use of public transport, should be strongly promoted. Roads that lead to the coast should ideally have separate parallel routes for pedestrians, cyclists and horse riders, with usable roadside verges being a minimum provision.

Creation of new car parks should only be done after careful consideration. Where new car parks are created, they should preferably be sited inland. This is particularly important in areas where large numbers of visitors would have a significant impact on natural resources. New car parks should have safe off-road links to the coast – and should ideally be situated on a circular route.

Coastal access should be integrated with Local Transport Plans.