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If calling ask for

Our reference

Your reference

Fiona MacLeod

19th May 2008

For the attention of the EFRA Committee inquiry

Re: Draft Marine Bill – EFRA Committee Response

I am writing on behalf of the Countryside Access Forum for West Sussex (CAFWS), **an independent statutory advisory body** set up to give access advice to a number of bodies, including all levels of government, in response to relevant consultations. The Forum is keen to contribute to this process to ensure that proposed changes meet the needs of local people and that the chance is taken to improve opportunities for both countryside and coastal access for present and future users. As a result, some new routes may be necessary and existing paths upgraded.

Before commenting on the consultation, CAFWS would like to emphasise the importance of considering the needs of the three main users of public rights of way (prows):

- **Walkers** – the need is to access the countryside, especially using circular routes of various lengths; internal paths need to link up with the wider network of prows and other means of accessing the countryside. Areas for **dog walking** must be accommodated.
- **Cyclists** – using cycle tracks and bridleways – an improved network will contribute to sustainable access to work and school
- **Horse riders** – riding is becoming a more and more important recreational activity around the urban fringe and contributes to the local economy

In addition, attention must be given to recreational access for all types of mobility impaired user groups, and Government initiatives highlighting the benefits of walking for health.

CAFWS welcomes the opportunity to comment on this document to protect and improve opportunities for people to access and enjoy the countryside and coastal areas on foot, by cycle and on horseback. Defra is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this Forum in carrying out its functions.

Appendix 1 details comments from the Coastal Plain Sub Forum. I would mention that although this is not a Forum-wide response due to the timing of the consultation, this response has been approved by the Chairman.

In closing, may I emphasise that the Forum is keen to continue to contribute to the Marine Bill process to ensure the needs of all users are met and I hope these comments are helpful.

Yours sincerely,



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Copy for information to:

Peter Brown – Chairman, CAFWS
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Lisa Creaye-Griffin, Group Manager, Rural Operations, WSCC
Jane Noble – Senior Access Officer, WSCC
All members of CAFWS and Coastal Plain Sub Forum

EFRA Committee Enquiry (via email to efracom@parliament.uk)
Houses of Parliament
London

Appendix 1

Countryside Access Forum for West Sussex (CAFWS)

Draft Marine Bill – EFRA Committee Response dated 19th May 2008

- 1. The Government's vision and the extent to which the Draft Bill provides for it.** CAFWS agrees that the prospect of a continuous path around the coast of England is attractive and many people would welcome improved access to the shoreline. However, there are major concerns over the questions of funding and long term management and maintenance. We note that the concept of the proposals has now changed with the principal focus being the establishment of a route, rather than access to coastal land, other than spreading room.
- 2. Whether new legislation is the best or most effective means of providing increased access to the coast.** The Bill provides the best way of achieving this in a reasonable timescale, although there are alternative approaches which were highlighted during the original consultation. We are doubtful whether it is achievable for the £50m if this is to cover all costs incurred by Natural England (NE) (including staff time) and by access authorities. It is unclear that it will be possible, in these turbulent times, to give guarantees as to long term funding. Experience suggests that this will not be "new" money and we would like to know which current initiatives will be sacrificed.
- 3. The case for exceptions to and deviations from a route giving continuous access to the coast itself.** CAFWS is very aware that there are many coastal areas which are inherently unsuitable for public access – on safety grounds or because it is a valuable and sensitive conservation site. Rather like the "right to roam" publicity, people will expect to have a blanket right of access to all beaches, cliffs and intertidal areas and so the communications about any restrictions will be critical. In some areas there is a real danger that this new right of access could cause real damage to conservation interests. The scheme has worked through these issues carefully, but exceptional exclusions, temporary restrictions and short term deviations can only work well with committed management structures – normally the responsibility of access authorities. We are concerned that they must be properly funded to carry out these responsibilities.

- 4. Does the Draft Bill strike the right balance.** There are many owners of dwellings and businesses who will feel threatened by the prospect of the public having close access to their property. The consultation procedures must be thorough and the NE must be sympathetic to the rights and sensitivities of landowners. As the publication of the report will be a cut-off point, landowners will need time to assess the impact on present and future uses of their land. Often the route and the spreading room can be made to work better through the active cooperation of owners and so NE must be able to be flexible in the application of the scheme. There will inevitably be occasions when a farmer or other business has to reduce his activity because of the new route – e.g. when it passes along the edge of an intensively cropped field – and when a financial loss is demonstrated, compensation should be paid. Often it will be necessary to provide infrastructure, such as fences and gates, to ensure a successful partnership – all costs should be met by NE and clarification is needed concerning their future maintenance.
- 5. Proposals for coastal access in estuaries.** The proposals to take the route to the first crossing are sensible, but where there is a lengthy distance inland to the crossing, a path without spreading room will be necessary as the land between the path and the river is unlikely to be truly coastal land.
- 6. What classes of land should be excepted from access rights.** There are serious concerns relating to coastal land with high nature conservation value, such as saltmarsh and high tide roosts. Our comments under 3 above apply here. The average visitor will not readily recognise the different categories of land – open access, excluded, excepted – and restraint will only be possible through robust and effective management by signs, barriers or wardening. The responsibility for this will inevitably fall on the access authority and will often be at significant costs: there is a strong need to identify new and ongoing funding for these new services. The initial set-up costs during the 10 year establishment period will only represent a portion of the total cost of these proposals.
- 7. Proposed limited liability.** We believe that this is the right approach. Inherently dangerous land – eg old mine workings – will need to be excluded to protect the public.
- 8. Whether there should be access rights for other users such as cyclists or horse riders.** CAFWS feels strongly that this issue must be addressed to avoid a great missed opportunity. For example, under the CROW Act, access authorities are asked to produce Rights of Way Improvement Plans and then implement them. It may often be the case that a priority may be the creation of a coastal cycle way and there could be an obvious advantage of addressing both projects as one. Establishment of multi-use paths along the coast will meet other government priorities, such as sustainable transport and tourism. Similarly, the government and Highway Authorities are working with the charity Sustrans to establish a National Cycling Network. Thus we recommend that the paragraphs under 6.11 of the Scheme should be widened, requiring NE, when researching the new route to have regard to local Rights of Way Improvement Plans (ROWIPs) and, wherever possible to incorporate a “higher status” where that can be achieved. In the design process, regard also must be given to equestrian needs as beaches are often of great value for the exercise of horses – especially in winter.