

## 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>

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Date of response	10/90/7

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).

<b>Chapter 2: Vision and Outcomes</b>					
<b>1</b> Do you support this vision? If not, what vision do you have for improving access along the English coast?					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
We agree that the prospect of being able to walk around the coast of England is an attractive one, but improvements should benefit more than just the walking population. Therefore the vision should aim at 'rights to access the length of the English Coast. However, our work on the Rights of Way Improvement Plan for West Sussex indicates that there are other priorities to address in the coming years. We are concerned that the pursuit of this vision will deflect funding and other resources from the important task of improving the existing rights of way network.					
<b>2</b> Do you have any comments on Outcome 1?					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
In principle this is a reasonable objective					
<b>3</b> Do you have any comments on Outcome 2?					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
In general, an acceptable objective, but strictly dependent on local conditions and sensitivities. If there is a local need, we would expect it to be highlighted on the local Rights of Way Improvement Plan.					
<b>4</b> Do you have any comments on Outcome 3?					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
The impact on wildlife along the coast is a major concern: therefore this element is essential and implementation of improved/extended access must be dependent on the landscape and wildlife being adequately protected and managed.					
<b>5</b> Do you have any comments on the relative importance of the three Outcomes?					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
The conservation of our coast is paramount. Whether there is a priority between access to the coast or along the coast is a local matter.					

### Chapter 3: Factfinding and conclusions drawn

6 Are there any other sources of information you are aware of which you consider should contribute to the evidence base?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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It is a good overall statement; there is no doubt that (as with many other services) there is considerable variations in quality and extent of coastal access around the country. If continuity is the key objective, this might be achieved by targetting of resources.

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	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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This section is very aspirational, but only realistic if substantial funds are available to back up the rhetoric.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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We are disappointed that the exercise has been confined to access on foot - presumably by those who are reasonably mobile. A document like this should cover access for those with mobility problems and should directly embrace Higher Rights.

### 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"/>
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- a) These are huge sums of money, best used to improve present system
- b) Nonetheless, to achieve the full vision would cost far more as often new surfacing and bridges would be needed
- c) It is wrong to show compensation paid to landowners as a "benefit" to them - it is only refunding a loss

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"/>
<p>Potential benefits to public transport networks should be acknowledged - especially if linked to sustainable routes and cycle tracks.</p> <p>Comments on Question 10</p> <p>a) These are huge sums of money, best used to improve present system</p> <p>b) Nonetheless, to achieve the full vision would cost far more as often new surfacing and bridges would be needed</p> <p>c) It is wrong to show compensation paid to landowners as a "benefit" to them - it is only refunding a loss</p>			
<b>Chapter 5: Option 1 – Highways Act 1980</b>			
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"/>
<p>Local evidence shows that the vision will not be achieved using this approach as there is a reluctance for LAs to use compulsory powers, despite clear local need. However, it is important to see that the Highways Act is a flawed vehicle for change and we believe that it should be substantially revised in line with the modern world, making the whole system more flexible and sensitive to changing circumstances. A better Highways Act would benefit not only access to the coast, but to the wider countryside.</p>			
13 Do you agree with our assessment of the likely scale of effect?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If these figures are right, between 1402 and 2039 new agreements/orders are not achievable.			
<b>Chapter 6: Option 2 - Section 3 of the Countryside and Rights of Way Act 2000</b>			
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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>Access Areas identified under the CROW Act were based on habitat descriptions and relatively straightforward; there is no similar definition of coastal land and if that means going back to the first physical feature, then the system would not be credible. Landowners would be affected to an unreasonable extent and there would be a major management problem.</p>			
15 Do you agree with our assessment of the likely scale of effect?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**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"/>
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The voluntary approach is always attractive but is unlikely to deliver against a timescale as there will always be resistance somewhere. However, our main concern is that this approach - i.e. targetting funding such as agri-environmental schemes - will divert vital funds away from other priorities in the countryside.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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**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"/>
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We accept that, of the three options offered, Option 4 is the only one likely to deliver the Vision. Such legislation should be sufficiently broad to deliver other means of improving access beyond simply providing an access corridor. However, this approach will only be successful if there is a commitment of substantial funding, ring fenced to this programme - experience of local government central funding suggests that this will not happen.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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20 Do you believe it is important to formalise access to beaches?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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We do think it important to clarify rights of access to beaches - both on foot and horseback. It is also important to improve information at a local level.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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This needs to be sound but flexible to ensure local solutions will meet local needs. The methodology needs to encourage a wider view of access to the coast including disabled access and Higher Rights - see comments under Question 39.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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The conservation assessment would be better carried out at a local level and must tie in with locally developed coastal zone policies

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"/>
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Funded fully by NE

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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This may be appropriate if the local authority is politically motivated, but not if it is unwilling because NE is not guaranteeing adequate resources.

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

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

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Local Access Forums will have a pivotal role to play. Likewise RA, BHS, Sustrans, CLA, NFU and conservation boards and EA.

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"/>
29 If so, should it be the responsibility of Natural England or the access authority to plan for and implement such conditions?					
The access authority is best placed and is locally accountable					
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"/>
Subject to resources being available NOT being diverted from other countryside access activities we think this a reasonable target for completion.					
31 Do you have any comments on Natural England's assessment of costs?					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
The sums sound impressive, but when scaled down to a county by county allocation, is inadequate taking all costs into account					
32 Do you agree that compensation should not be paid in respect of the new right of access?					
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
We feel very strongly that this approach is wrong in principle. In many areas, farming is barely viable and the loss of land without compensation could well spell the end of a business. The impact of public access on livestock, additional maintenance costs, picking up litter, etc all translate into costs to individual farmers and landowners. The introduction of this legislation would certainly be referred to the European Court.					
33 If you disagree, in what circumstances do you think compensation should be paid, and why?					
Wherever the new access corridor results in loss of earning capacity and extra management costs. Compensation would be in addition to the refunding of necessary accommodation works. In West Sussex, often there is intensive arable farming right up to the edge of the low cliffs - on an arable farm, the conversion to grassland of the access corridor would amount to the compulsory purchase of the land.					
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"/>

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"/>		
The fact that the consultation acknowledges the importance of the coastal landscape and ecology is welcomed as is the commitment to aim to protect, enhance and manage the zone. However, unless the Government genuinely produce new money, the targetting of grants and other funding to achieve this coastal conservation is only going to deprive other areas of the countryside of much needed funding.					
36 Do you have any other general comments on Natural England's proposals for new primary legislation?					
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
37 Do you agree with Natural England's assessment of the outcomes its recommended approach would deliver?					
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
It paints an attractive picture which we believe to be idealistic and unrealistic unless substantial funding can be guaranteed and ring fenced.					
38 Do you agree with our assessment of the likely scale of effect?					
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
<b>Chapter 9: Other issues</b>					
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 checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
We believe that this consultation should embrace wider needs for improved coastal access - both for disabled visitors and for Higher Rights. We believe that the methodology should require that local solutions should always incorporate Higher Rights where that is suitable and where a local need exists. This approach could be a significant contribution to the development of sustainable networks. For horse riders, improved access to and along the coast are equally important. The methodology should also require access authorities to address the needs of disabled visitors.					
40 Do you have any information on demand for, and opportunities to provide for higher rights?					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		

We refer you to Sustrans' The National Cycle Network Route User Monitoring Report 2006 pages 14 and 15.

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"/>
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There is a need for more local information on access to emergency services and good practice

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"/>
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We strongly support the exclusion of salt marshes and mudlands on ecological and safety grounds. However, there is a concern that, without signage, visitors will not recognise the distinction between salt marsh/mudflats and other low lying coastland, to which they do have access.

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

- a) The most important issue to crack is to resolve the problem of paths lost through erosion: whichever option is adopted a solution to this is essential - whether through amendment of the Highway Act or some roll back provision.
- b) It would be a more rounded consultation if it had recognised the link with public transport and had brought the operators into the picture.
- c) A major concern is the cost implications and responsibilities for managing the enhanced public access - a wardening service will be essential in some areas.
- d) There is little reference to dogs - an important issue, especially in nesting seasons; they should be kept on leads, but this needs to be enforced.
- e) There must be a clear relationship with Rights of Way Improvement Plans and LTPs
- f) Defra must adopt more joined up thinking - in particular current Coastal Zone Management Plans refer to public access : these various initiatives need to be co-ordinated. Similarly if access to the coast is to benefit the whole population, consideration must be given to integrating with car parking and public transport.
- g) A key issue regarding access to the coast has been its over development. Will the new access corridor have a status in planning terms ie will it give automatic protection to undeveloped coast?
- h) In West Sussex more that 6-% of the coast is developed ie housing and commercial uses. While for the most part linear access is available it is often of poor quality and any new initiative should enable improvements to be implemented: in other words it should not only be rural areas to benefit from the programme.