

A scenic landscape photograph showing a group of people walking along a grassy path that runs parallel to a rocky coastline. In the background, a large, ancient stone castle sits atop a hill under a cloudy sky. A black and white dog is walking towards the camera in the foreground.

Take a stroll along England's coast

John Truswell

The stretches are: -

Highcliffe to Calshot (HCS)

Calshot to Gosport (CCG)

Gosport to Portsmouth (GPM)

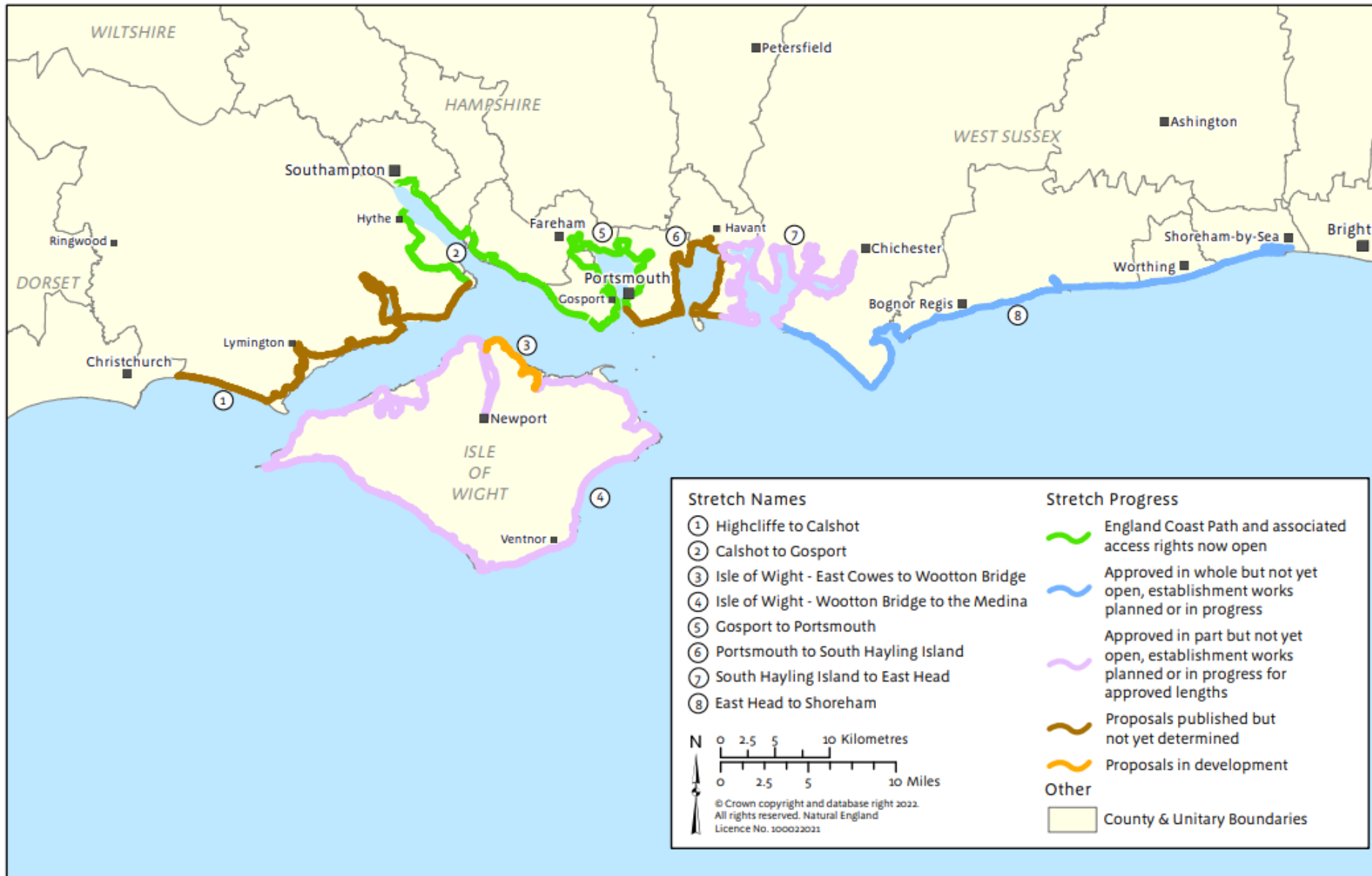
Portsmouth to South Hayling (PSH)

South Hayling to Easthead (SHE)

Easthead to Shoreham (EHS)

Isle of Wight (IOW lengths 2 to 10 and IOW 1)





England Coast Path



- **“Coastal Access Duty”:**
 - Walking route for whole English coast
 - Associated coastal “margin”

- **Key criteria:**
 - Safety, convenience of path
 - Path near coast and views of sea
 - Continuity - keeping interruptions to minimum
 - Aim to strike fair public/private balance

Our approach



- Primary legislation was required to meet the need
- Couldn't start from blank sheet - limited Bill clauses
- Adapted existing powers and rights instead
- Flexible powers to deal with all coastal circumstances
- Delivery role for NE and access authorities
- Result is legally complex - but does the job



Key laws and what they do:

➤ **Marine and Coastal Access Act 2009**

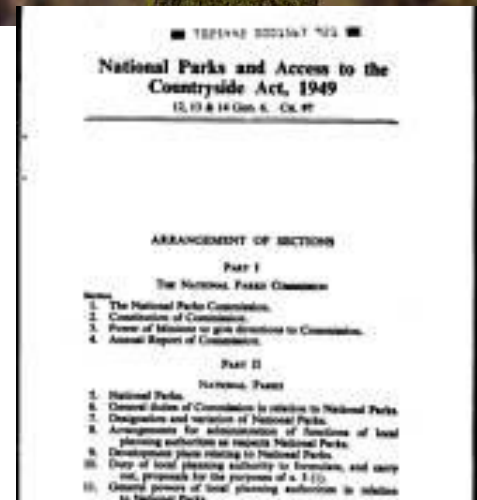
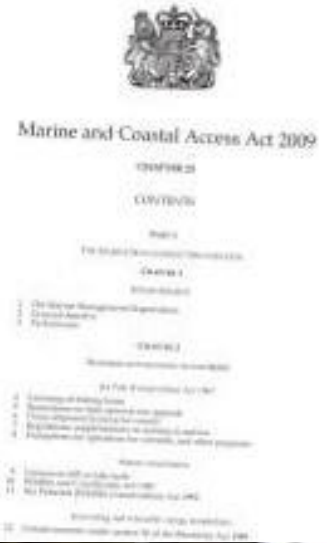
Sets the core duties and customises the other two acts for use on the coast

➤ **Countryside and Rights of Way Act 2000**

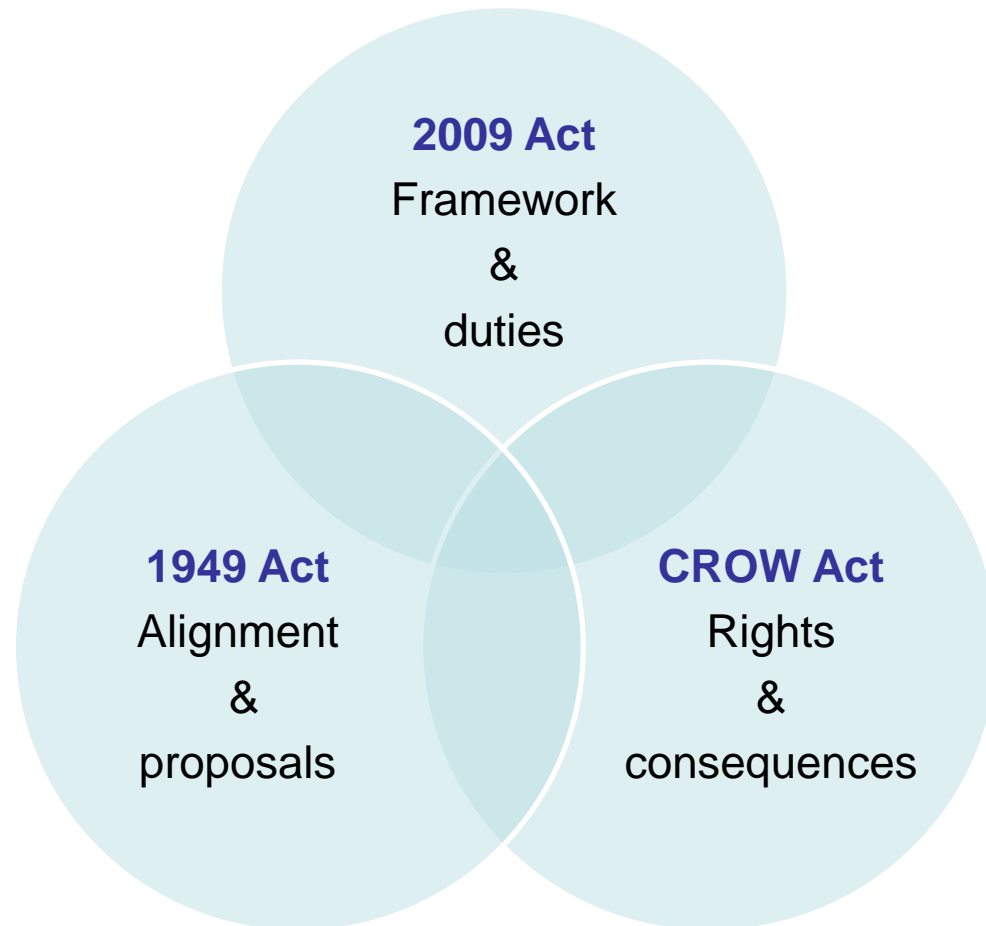
Provides the access rights and control regime

➤ **National Parks & Access to Countryside Act 1949**

Provides the path alignment powers and the extra new powers that were needed



To sum it up...



Key terms



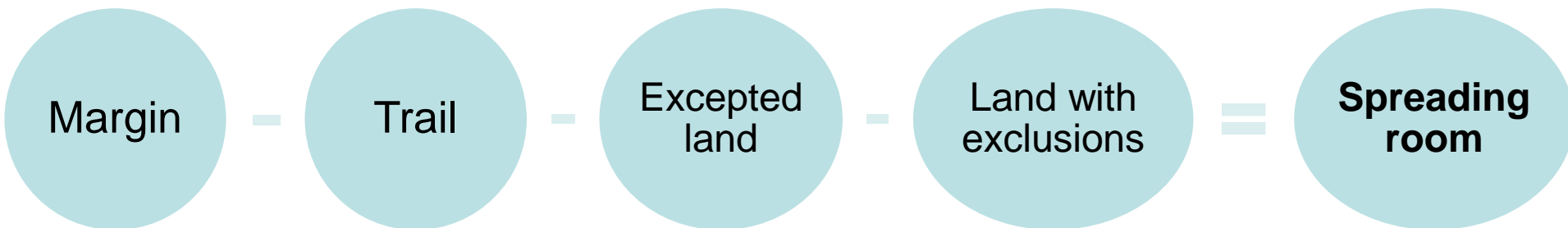
- The route
- Trail
- Coastal margin
- Excepted land
- Directions
- Spreading room

Spreading room

- Term used in the Scheme, but not in the legislation
- Refers to land within the margin, other than the trail itself, which has public access rights.

It includes....

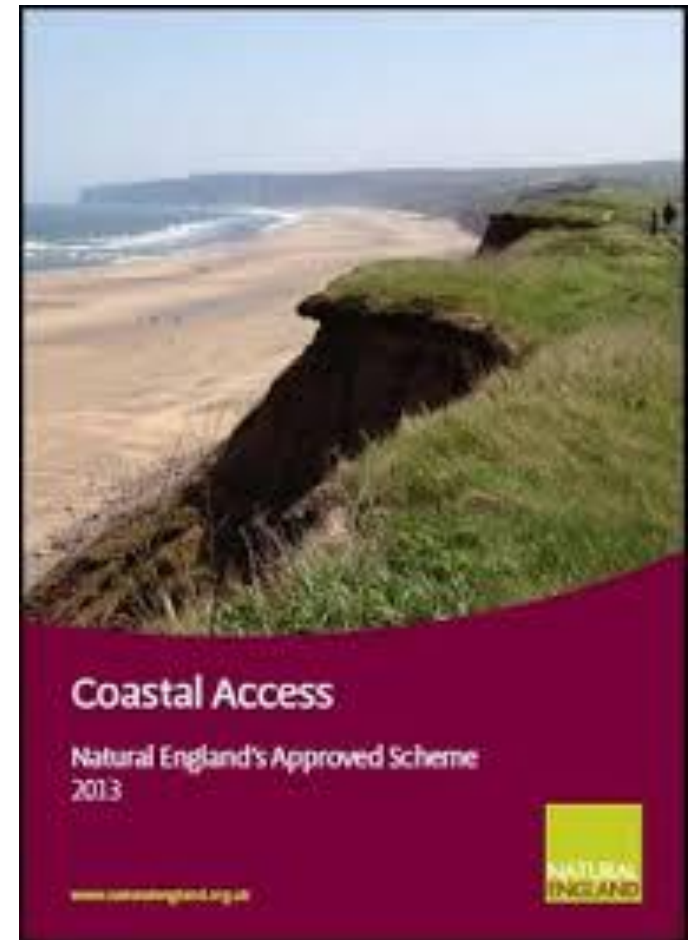
- Land with coastal access rights (unless subject to long-term exclusions)
- Section 15 land



The Scheme



- Statutory Scheme approved by SoS sets out the approach
- Natural England and the Secretary of State must follow what it says



Fair balance test

Compensation

Human rights

Liability



Balancing public & private interests



Public interest

- Proximity of the trail to the sea
- Views of the sea from the trail
- Existing walked routes
- Safety and convenience
- Continuity of the trail

Private interest

- Operational needs
- Income
- Privacy
- Changes of use

- Enjoyment and protection of the natural environment
- Responsiveness to coastal change – ‘*roll back*’

Occupiers' Liability Act



- Section 306 of the 2009 Act to the Occupiers' Liability Act 1984
- Uniquely low liability
- considerably lower than the duty of care owed towards trespassers on private land



Human Rights



Privacy



Coastal erosion



Normal roll back



- Path rolls back easily inland around eroding cliff sections



More complex roll back



But sometimes it hits an obstacle and needs to be realigned



Our approach to protecting sensitive species



- People over Wind
- Habitats Regulation Assessment
- Nature Conservation Assessment



People Over Wind



'People Over Wind' Ruling Blows A Hole In The Habitats ...

<https://bakerconsultants.co.uk/baker-consultants/people-over-wind...> ▼

03/05/2018 · However, the **People Over Wind** case has ruled that mitigation cannot be taken into account when considering the screening test for Likely Significant Effects. Therefore, many developments cannot now be screened out of requiring a full appropriate assessment, which requires more time and involves more consultation than would previously be spent on a 'screening request'.

Estimated Reading Time: 6 mins

Appropriate assessment - GOV.UK

<https://www.gov.uk/guidance/appropriate-assessment> ▼

22/07/2019 · The **People over Wind judgment** means that it is no longer possible to apply mitigation measures at the screening stage.

EXPLORE FURTHER

Section 5: Habitats
Regulations Assessment

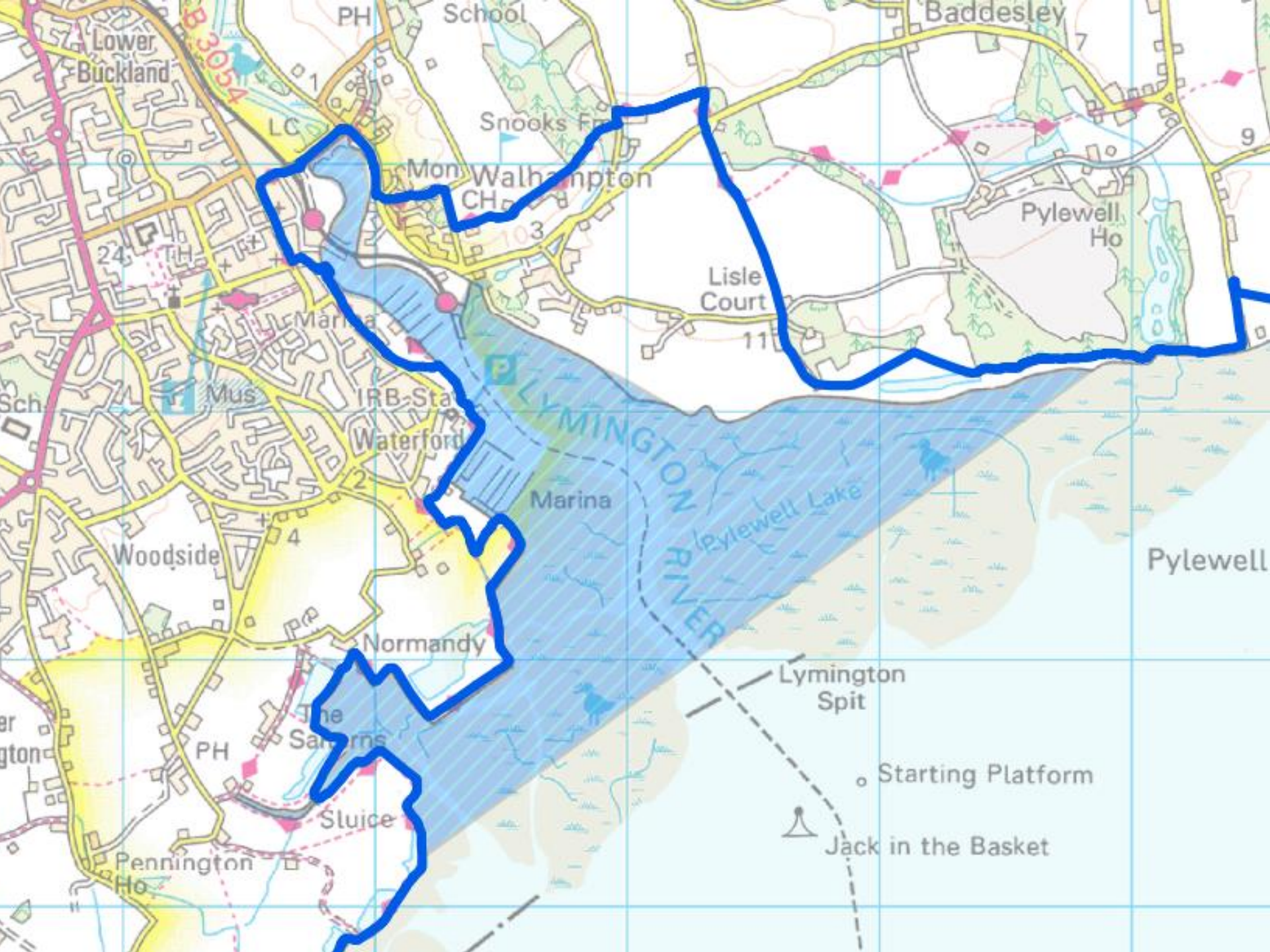
Habitats regulations
assessment -(HRA) guidanc...

Habitats Regulations
Assessment



Estuaries





Lower Buckland

B3054

PH

School

Baddesley

Snooks Fr

Mon Walhampton

CH

Pylewell Ho

Lisle Court

Marina

IRB Sta

Waterford

Marina

LYMINGTON RIVER
Pylewell Lake

Woodside

Normandy

The Sarns

Sluice

Lymington Spit

Starting Platform

Jack in the Basket

Pennington Ho

Pylewell

IOW Timeline as of 29/09/22

IOW 2- Need some time to work through the reps document. 2 objs to write up. NOVEMBER 2022 – Priory Woods change of alignment but can be ‘hung’ off a rep as all owners agree. St Helens Causeway, in discussion with Island Roads regarding bridging structure.

IOW 3- Submitted 25/01/2022 – quite a lot of erosion on 3 due to August flash floods – keen to have this determined

IOW 4- Submitted 03/02/2022. Approved by DEFRA ongoing establishment works – Opening approx late Sept 2023

IOW 5- Submitted 23/07/2021. Approved by DEFRA ongoing establishment works – Opening approx late Sept 2023 – A variation Report is needed for Headon Warren – Told by Defra – this is the change of alignment due to hedge owner not agreeing to creation of a gap – We were miss informed as to who owned this hedge

Also rollback nearby again at Headon Warren – Simple/normal Rollback – Report nearly completed – looking to submit early OCTOBER 2023

IOW 6- DECEMBER 2022 – Just Reps, a lot of Reps – work not yet started, also a tweak to alignment due to a planning application submitted at Fort Victoria – possibly hang off a rep – Chloe working with developers and alignment agreed – map to be sent to Chloe from developers to tweak our ECP line which will be on a boardwalk not shingle installed by the developers.

Still waiting on MMO license to carry out works to demolish the slipway and install free standing steps at Brambles Chine.

IOW 7- JANUARY 2023 – 2 X Objs. Plus reps – not started yet – also delayed due to negotiations for a change of alignment through Walters Copse

IOW 8- Submitted 15/08/2022 – Should be simple to determine

IOW 9- Submitted 15/08/2022 – Should be simple to determine

IOW 10- 2 X objections completed and QA'd. Outstanding Reps waiting on land owner response to installation of boardwalk.

WTC completed on IOW 3 & 5 2021

WTC completed on IOW 8 & 9 January 2022

WTC completed on IOW 4 February 2022

WTC IOW 10 completed September 2022

WTC remaining on IOW 2, 6, 7

A coastal landscape featuring a pebbly beach in the foreground, a wooden groyne structure extending into the water, and a vast blue sea under a bright sky. The groyne consists of a series of vertical wooden posts connected by horizontal beams, designed to reduce longshore sediment transport. The beach is covered in smooth, rounded pebbles of various shades of brown and grey. The water is a deep blue, with white foam from breaking waves visible in the distance. The sky is a pale, clear blue.

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Questions

