

“Northern Ireland fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;	5
“Scottish fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the boat is to be treated as belonging;	5
“sea fishing” includes fishing for or taking shellfish;	
“shellfish” includes crustaceans and molluscs of any kind;	10
“vessel” includes any ship or boat or any description of vessel used in navigation;	
“Wales” has the same meaning as in the Government of Wales Act 2006 (c. 32);	
“Welsh fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Wales as the port to which the boat is to be treated as belonging.	15

PART 9

COASTAL ACCESS 20

The coastal access duty

272 The coastal access duty

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|---|----|
| (1) Natural England and the Secretary of State must exercise the relevant functions in order to secure the following objectives. | |
| (2) The first objective is that there is a route for the whole of the English coast which— | 25 |
| (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and | |
| (b) (except to the extent that it is completed by ferry) passes over land which is accessible to the public. | 30 |
| (3) The second objective is that, in association with that route (“the English coastal route”), a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with that route or otherwise, except to the extent that the margin of land is relevant excepted land. | 35 |
| (4) The duty imposed on Natural England and the Secretary of State by subsection (1)— | |
| (a) is referred to in this Part as the coastal access duty, and | |
| (b) is to be discharged by them in such stages and within such period as appear to them to be appropriate. | 40 |
| (5) For the purposes of this section land is accessible to the public if it is— | |
| (a) land which is available to the public for the purposes of open-air recreation, by virtue of provision made under section 3A of the CROW Act and subject to any exclusions or restrictions imposed by or under Part 1 of that Act (access to the countryside), | 45 |

- (b) land in England which, for the purposes of section 1(1) of that Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act, or
 - (c) excepted land in England which is accessible to the public by virtue of any enactment or rule of law. 5
- (6) Nothing in this section requires Natural England or the Secretary of State, in discharging the coastal access duty so far as it relates to the objective in subsection (3), to exercise functions so as to secure that any land becomes land within subsection (5)(b) or (c).
- (7) For the purposes of the coastal access duty, a person is to be regarded as enabled to make a journey by ferry even if that journey can be made at certain times, or during certain periods, only. 10
- (8) In this section –
 - “the 1949 Act” means the National Parks and Access to the Countryside Act 1949 (c. 97); 15
 - “the CROW Act” means the Countryside and Rights of Way Act 2000 (c. 37);
 - “excepted land” has the same meaning as in Part 1 of the CROW Act;
 - “relevant excepted land” means excepted land other than land within subsection (5)(c); 20
 - “the relevant functions” means –
 - (a) in relation to Natural England –
 - (i) its functions under this Part, Part 4 of the 1949 Act (long-distance routes) and Part 1 of the CROW Act (access to the countryside), and 25
 - (ii) such of its other functions as it considers it appropriate to exercise for the purpose of securing the objectives in subsections (2) and (3), and
 - (b) in relation to the Secretary of State –
 - (i) the Secretary of State’s functions under this Part, Part 4 of the 1949 Act and Part 1 of the CROW Act, and 30
 - (ii) such of the Secretary of State’s other functions as the Secretary of State considers it appropriate to exercise for the purpose of securing the objectives in subsections (2) and (3). 35

- 273 General provision about the coastal access duty**
- (1) In discharging the coastal access duty, Natural England and the Secretary of State must comply with the requirements of this section.
 - (2) They must—
 - (a) consider the safety and convenience of those using the English coastal route, and 5
 - (b) have regard to the desirability of that route adhering to the periphery of the coast and providing views of the sea.
 - (3) They must aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land. 10
 - (4) For this purpose a person has a relevant interest in land if the person—
 - (a) holds an estate in fee simple absolute in possession in the land,
 - (b) holds a term of years absolute in the land, or
 - (c) is in lawful occupation of the land. 15
- 274 The coastal access scheme**
- (1) Natural England must—
 - (a) prepare a scheme setting out the approach which it will take when discharging the coastal access duty, and
 - (b) submit the scheme to the Secretary of State. 20
 - (2) The Secretary of State may—
 - (a) approve the scheme, with or without modifications, or
 - (b) reject the scheme and give Natural England a notice requiring it to prepare and submit a new scheme under subsection (1).
 - (3) The scheme must be submitted to the Secretary of State within the period of 12 months beginning with the day on which this section comes into force or, in a case within subsection (2)(b), within the period specified in the notice. 25
 - (4) Natural England may, with the approval of the Secretary of State, revise a scheme approved under this section.
 - (5) Before preparing or revising a scheme under this section, Natural England must consult such persons as it considers appropriate. 30
 - (6) Natural England must as soon as reasonably practicable publish—
 - (a) the scheme approved by the Secretary of State, and
 - (b) where that scheme is revised, the revised scheme.
 - (7) In discharging the coastal access duty, Natural England must act in accordance with the scheme approved under this section (or, where that scheme has been revised, the revised scheme). 35
 - (8) Until such time as there is an approved scheme under this section, Natural England may not prepare or submit proposals under section 51 or 55 of the 1949 Act (proposals for long-distance routes) pursuant to the coastal access duty. 40

275 The English coast

- (1) In this Part “the English coast” means the coast of England adjacent to the sea, including the coast of any island in the sea comprised in England (other than an excluded island).
- (2) An island is “excluded” if it is neither— 5
 - (a) an accessible island, nor
 - (b) an island specified by the Secretary of State by order for the purposes of this paragraph.
- (3) An island is “accessible” if it is possible to walk to the island from the mainland of England, or from another island within subsection (2)(a) or (b), across the foreshore or by means of a bridge, tunnel or causeway. 10
- (4) For the purposes of subsection (3), it is possible to walk to an island even if it is possible to do so at certain times, or during certain periods, only.
- (5) An island may be specified by an order under subsection (2)(b) only if the Secretary of State is satisfied that the coast of the island is of sufficient length to enable the establishment of one or more long-distance routes along its length capable of affording the public an extensive journey on foot. 15
- (6) For the purposes of the objective in section 272(2) (the English coastal route), the means of access to an accessible island is (to the extent that it would not otherwise be the case) to be regarded as part of the English coast. 20
- (7) This section is subject to section 289 (Isles of Scilly).

276 River estuaries

- (1) This section applies in a case where the continuity of any part of the English coast is interrupted by a river.
- (2) Natural England may, for the purpose of ensuring the continuity of the route which is required to be secured under clause 272, exercise its functions as if the references in the coastal access provisions to the sea included the relevant upstream waters of the river. 25
- (3) In subsection (2)— 30

“coastal access provisions” means—

 - (a) this Part (other than this section), and
 - (b) sections 55A to 55H of the 1949 Act;

“relevant upstream waters”, in relation to a river, means the waters from the seaward limit of the estuarial waters of the river upstream to—

 - (a) the first bridge or tunnel by means of which the public may cross the river on foot, or 35
 - (b) if it appears to Natural England that a ferry provides a more direct and convenient means by which the public may cross the river than that first bridge or tunnel, the place at which the ferry crosses the river. 40
- (4) In deciding whether to exercise the power conferred by subsection (2) in relation to a particular river, Natural England must comply with the requirements of section 273(2) and (3).

- (5) Anything done pursuant to subsection (2) is to be regarded as done pursuant to, and for the purpose of discharging, the coastal access duty.
- (6) Subsections (1) to (5) apply in relation to the Secretary of State as they apply in relation to Natural England.
- (7) A decision by Natural England to exercise the power conferred by subsection (2) in relation to a river – 5
 - (a) is without prejudice to any decision by the Secretary of State (by virtue of subsection (6)) as to whether or not to exercise the power conferred by subsection (2) in relation to the river, and
 - (b) does not affect the requirements of section 273(2) and (3) as they apply, by virtue of subsection (4), in relation to such a decision by the Secretary of State. 10

Implementation of the coastal access duty

277 Long-distance routes

After section 55 of the 1949 Act insert – 15

“55A Proposals relating to the English coastal route

- (1) Pursuant to the coastal access duty, Natural England may prepare and submit a report under section 51 containing proposals for a route (whether or not the requirements of section 51(1) are satisfied).
- (2) For the purposes of subsection (1) it is immaterial whether the route or any part of it is already a route in approved proposals relating to a long-distance route. 20
- (3) Subsections (4) to (6) apply in relation to a report under section 51 prepared pursuant to the coastal access duty.
- (4) Where Natural England considers that the area through which the route passes is or may be subject to significant coastal erosion or encroachment by the sea – 25
 - (a) the report may set out proposals for the route, or any part of it, to be determined at any time in accordance with provision made in the proposals (rather than as shown on a map), and 30
 - (b) if the report does so, the map included in the report in accordance with section 51(2) must show the route as determined in accordance with that provision at the time the report is prepared.
- (5) The provision made by virtue of subsection (4)(a) may, in particular, provide for the route to be determined by reference to the edge of a cliff or boundary of a field (as it exists from time to time). 35
- (6) The report may include, in relation to the route (“the ordinary route”) or any part of it, a proposal for an alternative route which is to operate as a diversion from the ordinary route or part during – 40
 - (a) any specified period (or periods) of each year, and
 - (b) any period during which access to the ordinary route or part is excluded by reason of a direction under Chapter 2 of Part 1 of the CROW Act (exclusion or restriction of access).

- (7) In subsection (6)(a) “specified” means –
- (a) specified in, or determined in accordance with, the proposal, or
 - (b) determined in accordance with the proposal by –
 - (i) a person specified in the proposal, or
 - (ii) a person determined in accordance with the proposal, details of whom are notified to Natural England in accordance with the proposal. 5
- (8) Section 51(2) and subsections (4) and (5) of this section apply in relation to an alternative route as they apply in relation to the ordinary route.
- (9) In this section “the coastal access duty” means the duty imposed on Natural England and the Secretary of State by section 272(1) of the Marine Act 2008. 10
- 55B Coastal margin**
- (1) This section applies in relation to a report prepared under section 51 pursuant to the coastal access duty. 15
- (2) The proposals set out in the report may include –
- (a) a proposal for any part of the landward boundary of the relevant coastal margin to coincide with a physical feature identified in the proposal,
 - (b) where those proposals include an alternative route, a proposal for any part of the landward or seaward boundary of the alternative route strip to coincide with a physical feature so identified, or 20
 - (c) a proposal for the landward or seaward boundary of any area excluded from any description of excepted land to coincide with a physical feature so identified. 25
- (3) The report must set out such proposals (if any) as Natural England considers appropriate as to the directions to be made by it under Chapter 2 of Part 1 of the CROW Act for the exclusion or restriction of the right of access that would arise under section 2(1) of that Act in relation to any land, if the proposals in the report were to be approved. 30
- (4) Before preparing the report, Natural England must (in addition to complying with section 51(4)) –
- (a) take reasonable steps to consult persons with a relevant interest in affected land, 35
 - (b) consult any body of a kind mentioned in section 51(4) in whose Park or area affected land is situated (but which is not required to be consulted under section 51(4)),
 - (c) consult each London borough council for an area in which affected land is situated, 40
 - (d) consult each local access forum for an area in which affected land is situated,
 - (e) consult the Secretary of State in relation to any interests of defence or national security which may be affected by the proposals which Natural England is minded to include in the report, 45
 - (f) consult the Historic Buildings and Monuments Commission for England in relation to any interests in the preservation of any

- monument, structure or other thing, mentioned in section 26(3)(b) of the CROW Act which may be affected by those proposals, and
- (g) consult the Environment Agency in relation to any interests in flood defence which may be affected by those proposals. 5
- (5) A body within subsection (4)(b), (c) or (d) must provide Natural England with such information as it may reasonably require for the purposes of the report.
- (6) Where the Secretary of State is consulted under subsection (4)(e), the Secretary of State must – 10
- (a) provide Natural England with such information as it may reasonably require as to any exclusion or restriction of the right of access to affected land under section 2(1) of the CROW Act which the Secretary of State proposes to make provision for under section 28 of that Act (defence and national security), and 15
 - (b) notify Natural England if the Secretary of State is of the opinion that this information, or any part of it, ought not to be disclosed by it on the grounds of the public interest in defence and national security.
- (7) Subject to subsection (8), the report must contain such of the information provided under subsection (6)(a) as Natural England considers relevant for the purposes of the report. 20
- (8) The report may not contain information which Natural England has been notified under subsection (6)(b) ought not to be disclosed by it.
- 55C Consideration of reports made pursuant to the coastal access duty 25**
- (1) In this section “coastal access report” means a report submitted under section 51 pursuant to the coastal access duty.
- (2) The Secretary of State may by regulations –
- (a) require Natural England to advertise coastal access reports;
 - (b) require Natural England to give notice of coastal access reports to such persons as may be specified in the regulations or to take reasonable steps to give such notice; 30
 - (c) make provision for –
 - (i) persons who have a relevant interest in affected land,
 - (ii) each local access forum for an area in which affected land is situated, 35
 - (iii) the Historic Buildings and Monuments Commission for England, and
 - (iv) the Environment Agency,to be given an opportunity to make representations to Natural England about matters which relate to coastal access reports and are of a kind specified in the regulations. 40
- (3) Regulations under subsection (2) may include provision about –
- (a) the form and manner in which coastal access reports are to be advertised or notice of coastal access reports is to be given; 45
 - (b) the timing of any advertisement or the giving of any notice;

- (c) the form and manner in which, and period within which, representations may be made.
- (4) Where, in relation to a coastal access report, representations are made in accordance with regulations under subsection (2)(c), Natural England must— 5
- (a) consider the representations, and
 - (b) send a copy of the representations, together with its comments on them, to the Secretary of State.
- (5) Natural England must also submit to the Secretary of State a report summarising any other representations made to it in respect of a coastal access report after it is advertised in accordance with subsection (2)(a). 10
- (6) Before making a determination under section 52 in respect of a coastal access report, the Secretary of State must consider—
- (a) any representations and comments received in relation to the report in accordance with subsection (4)(b), and 15
 - (b) any report received in relation to the coastal access report in accordance with subsection (5).
- (7) The power under section 52 to approve proposals contained in a coastal access report includes a power to approve those proposals (with or without modifications) so far as they relate to one or more parts of the route only, and reject the remaining proposals. 20
- (8) As soon as reasonably practicable after making a determination under section 52 in respect of a coastal access report, the Secretary of State (in addition to complying with section 52(2))—
- (a) must— 25
 - (i) take reasonable steps to notify persons with a relevant interest in affected land, or
 - (ii) if the Secretary of State considers it appropriate, publish details of the determination in such manner as the Secretary of State considers likely to bring it to the attention of those persons, and 30
 - (b) must notify each relevant interested body.
- (9) In subsection (8) “relevant interested body” means—
- (a) a body of a kind mentioned in section 52(2) in whose Park or area affected land is situated (but which is not required to be notified under section 52(2)), 35
 - (b) a London borough council for an area in which affected land is situated,
 - (c) a local access forum for an area in which affected land is situated, 40
 - (d) the Historic Buildings and Monuments Commission for England, and
 - (e) the Environment Agency.

55D Directions under Part 1 of the CROW Act

- (1) This section applies where approved proposals relating to a long-distance route contain proposals as regards a direction to be made by Natural England under Chapter 2 of Part 1 of the CROW Act for the 45

exclusion or restriction of the right of access that would otherwise arise under section 2(1) of that Act.

- (2) Natural England must make the direction in accordance with those proposals.
- (3) Subsection (2) is without prejudice to any power Natural England may have to revoke or vary the direction after it is made. 5

55E Ferries for the purposes of the English coastal route

- (1) This section applies where—
 - (a) pursuant to the coastal access duty, approved proposals relating to a long-distance route include proposals for the provision and operation of a ferry, and 10
 - (b) an approach route to the ferry is not a highway.
- (2) The reference in section 53(1) to the highway authority for either or both of the highways to be connected by the ferry is to be read as including the highway authority in whose area the approach route is situated. 15
- (3) In this section “approach route”, in relation to a ferry, means a part of the English coastal route to be connected to another part of that route by the ferry.

55F Variation pursuant to the coastal access duty 20

- (1) In the case of a report made by Natural England under section 55(1) pursuant to the coastal access duty—
 - (a) the procedural requirements apply with the necessary modifications, and
 - (b) section 55(3) does not apply. 25
- (2) The Secretary of State may by regulations provide—
 - (a) for the procedural requirements to apply in relation to a direction under section 55(2) with the modifications specified in the regulations, and
 - (b) for section 55(3) not to apply in relation to the direction. 30
- (3) The Secretary of State may not make a direction under section 55(2) pursuant to the coastal access duty at a time when there are no regulations under subsection (2) in force.
- (4) For the purposes of this section—
 - “modify” includes amend, add to or revoke, and “modification” is to be construed accordingly; 35
 - “the procedural requirements” means sections 51(4) and (5), 52(1) and (2), 55B(4) to (8) and 55C.

55G Temporary diversions

- (1) This section applies where Natural England or the Secretary of State gives a direction by virtue of Chapter 2 of Part 1 of the CROW Act which excludes the right of access under section 2(1) of that Act, for any period (“the exclusion period”), in relation to any land over which (or any part of which) the English coastal route or any official alternative route passes. 40
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- (2) This section does not apply if the direction by virtue of that Chapter is expressed to have effect indefinitely.
- (3) Natural England may give a direction under this section specifying a route (“the temporary route”) which is to apply for the duration of the exclusion period or such part of it as is specified in the direction. 5
- (4) The temporary route specified by Natural England may pass only –
- (a) over land which is access land for the purposes of Part 1 of the CROW Act,
 - (b) over land which, for the purposes of section 1(1) of that Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act, 10
 - (c) along a highway, or
 - (d) over any other land the owner of which has agreed to the temporary route (so far as it passes over that land).
- (5) A direction under this section – 15
- (a) must be in writing, and
 - (b) may be revoked or varied by a subsequent direction under this section.
- 55H Interpretation of sections 55A to 55H**
- (1) In sections 55A to 55G and this section – 20
- “affected land” means –
- (a) land over which the route, or any alternative route, to which the proposals relate passes, and
 - (b) any other land which – 25
 - (i) is relevant coastal margin, or an alternative route strip in relation to such an alternative route, and
 - (ii) is not excepted land;
- “alternative route” is to be construed in accordance with section 55A(6);
- “alternative route strip”, in relation to an alternative route, means – 30
- (a) in a case where the proposal for the alternative route has not yet been approved under section 52, the land which would become coastal margin during the operation of that route if the proposals in the report were to be so approved (without modifications), and 35
 - (b) in the case of an official alternative route, the land which would become coastal margin during the operation of that route;
- “the coastal access duty” has the meaning given by section 55A; 40
- “coastal margin” has the same meaning as in Part 1 of the CROW Act;
- “the CROW Act” means the Countryside and Rights of Way Act 2000 (c. 37);
- “the English coastal route” means the route secured pursuant to the coastal access duty; 45
- “excepted land” has the same meaning as in Part 1 of the CROW Act;

- “local access forum” means a local access forum established under section 94 of the CROW Act;
- “official alternative route” means an alternative route of the kind mentioned in section 55A(6) which is contained in approved proposals relating to a long-distance route; 5
- “owner”, in relation to land, means the person who holds an estate in fee simple absolute in possession in the land;
- “relevant coastal margin”, in relation to proposals, means—
- (a) in a case where the proposals have not yet been approved under section 52, land which would become coastal margin if the proposals were to be approved (without modifications) under that section (disregarding the alternative route strip in relation to any alternative route), and 10
 - (b) in a case where the proposals have been so approved (with or without modifications), land which becomes coastal margin as a result of the proposals having been so approved (disregarding the alternative route strip in relation to any official alternative route). 15
- (2) For the purposes of sections 55A to 55G, a person has a relevant interest in land if the person— 20
- (a) is the owner of the land,
 - (b) holds a term of years absolute in the land, or
 - (c) is in lawful occupation of the land.”
- 278 Access to the coastal margin** 25
- (1) Part 1 of the CROW Act (access to the countryside) is amended as follows.
- (2) In section 1—
- (a) in subsection (1) (definition of “access land”) omit “or” at the end of paragraph (d) and after that paragraph insert— 30
 - “(da) is coastal margin, or”,
 - (b) in subsection (2), after the definition of “the appropriate countryside body” insert—
 - ““coastal margin” means land which is of a description specified by an order under section 3A;”,
 - (c) in that subsection, in the definition of “open country”, in paragraph (b) after “land” insert “or coastal margin”, and 35
 - (d) in subsection (3), after “2006” insert “(but is not coastal margin)”.
- (3) In section 2 (rights of public in relation to access land)—
- (a) in subsection (3), for “prohibition” to the end substitute “relevant statutory prohibition”, and 40
 - (b) after that subsection insert—
 - “(3A) In subsection (3) “relevant statutory prohibition” means—
 - (a) in the case of land which is coastal margin, a prohibition contained in or having effect under any enactment, and
 - (b) in any other case, a prohibition contained in or having effect under any enactment other than an enactment contained in a local or private Act.” 45

- (4) In section 3 (power to extend to coastal land) –
- (a) at the end of the heading insert “: Wales”, and
 - (b) in subsection (1) for “Secretary” to “Wales)” substitute “Welsh Ministers”, and
 - (c) in that subsection after “include” insert “as respects Wales”. 5
- (5) After that section insert –
- “3A Power to extend to coastal land etc: England**
- (1) The Secretary of State may by order specify the descriptions of land in England which are coastal margin for the purposes of this Part.
- (2) An order under subsection (1) may, in particular – 10
- (a) describe land by reference to it being –
 - (i) land over which the line taken by the English coastal route passes,
 - (ii) land which is adjacent to and within a specified distance of that line, or 15
 - (iii) land which is adjacent to land within sub-paragraph (ii), if the land described under paragraphs (i) to (iii), taken as a whole, is coastal land;
 - (b) in relation to cases where a proposal of the kind mentioned in section 55A(4) of the 1949 Act (power to determine the route in accordance with provision made in the report) is contained in relevant approved proposals, describe land by reference to the line taken by the English coastal route as it has effect from time to time in accordance with that proposal; 20
 - (c) in relation to cases where a proposal of the kind mentioned in section 55A(6) of that Act (provision of alternative route for particular periods etc) is contained in relevant approved proposals, describe land by reference to it being – 25
 - (i) land over which the line taken by an official alternative route which is for the time being in operation passes, or 30
 - (ii) land which is adjacent to and within a specified distance of that line, whether or not it is coastal land;
 - (d) in relation to cases where a proposal of the kind mentioned in section 55B(2)(a) or (b) of that Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of an area of coastal margin is to coincide with a physical feature as provided for in that proposal (and for this purpose it is immaterial if the effect is to include other land as coastal margin or to exclude part of an area of coastal land); 35
 - (e) in relation to cases where a direction under subsection (3) of section 55G of that Act (temporary diversions) specifies a route which (or any part of which) passes over land within subsection (4)(d) of that section, describe land by reference to it being – 45
 - (i) land over which the line taken by that route (so far as it passes over land within subsection (4)(d) of that section) passes, or
 - (ii) land which is adjacent to and within a specified distance of that line (so far as it so passes), 50

- whether or not it is coastal land.
- (3) For the purposes of subsection (2) it is immaterial whether the English coastal route is in existence at the time the order is made.
- (4) An order under subsection (1) may modify the provisions of this Part in their application to land which is coastal margin. 5
- (5) Provision made by virtue of subsection (4) may, in particular –
- (a) confer functions on the Secretary of State or Natural England;
 - (b) if providing for any description of land which is coastal margin to be excluded from any description of excepted land –
 - (i) describe that land as mentioned in subsection (2)(a)(i) to (iii), (b) or (c), or 10
 - (ii) in relation to cases where a proposal of the kind mentioned in section 55B(2)(c) of the 1949 Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of that land (or any part of it) is to coincide with a physical feature as provided for in that proposal; 15
 - (c) provide that no appeal may be made under section 30 against decisions relating to land which is coastal margin, and provide for the review of decisions under Chapter 2 by the Secretary of State in specified circumstances and the making of representations by persons in connection with such reviews. 20
- (6) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1) – 25
- (a) section 2(1) does not apply in relation to the land by reason of it being coastal margin until the end of the access preparation period in relation to the land,
 - (b) any direction given under Chapter 2 in relation to the land may be expressed to take effect immediately after the end of that period, and 30
 - (c) until the end of that period, the land is not to be regarded as coastal margin –
 - (i) for the purpose of determining whether it is open country or registered common land, or 35
 - (ii) for the purposes of section 1(6AA) of the Occupiers' Liability Act 1984 (duty of occupier of coastal margin to persons other than the occupier's visitors).
- (7) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1), any exclusion or restriction under Chapter 2 of access to the land by virtue of section 2(1) ceases to have effect at the end of the access preparation period. 40
- (8) Subsection (7) does not apply to any exclusion or restriction resulting from a direction under Chapter 2 which takes effect after the end of the access preparation period. 45

- (9) Subsections (6) and (7) do not apply to land if, at the time it becomes coastal margin by virtue of an order under subsection (1), it is already dedicated as coastal margin under section 16.
- (10) In this section –
- “the 1949 Act” means the National Parks and Access to the Countryside Act 1949; 5
 - “access preparation period”, in relation to any land, means the period which –
 - (a) begins when the land becomes coastal margin, and
 - (b) ends with the day appointed by the Secretary of State by order under this subsection in relation to that land; 10
 - “approved proposals relating to a long-distance route” is to be construed in accordance with sections 52(3) and 55(4) of the 1949 Act;
 - “coastal land” has the same meaning as in section 3; 15
 - “the English coastal route” means the route secured (or to be secured) pursuant to the coastal access duty (within the meaning of section 272 of the Marine Act 2008);
 - “modify” includes amend, add to or revoke;
 - “official alternative route” has the meaning given by section 55H of the 1949 Act; 20
 - “relevant approved proposals” means approved proposals relating to a long-distance route which is or forms part of the English coastal route;
 - “specified” means specified in an order under subsection (1); 25
- and references to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) are to be interpreted in accordance with section 21(2) and (3).”
- (6) In section 16 (dedication of land as access land) –
- (a) after subsection (2) insert – 30
 - “(2A) Where a person makes a dedication under this section in respect of land within subsection (2B), that dedication may also dedicate the land as coastal margin.
 - (2B) The land within this subsection is –
 - (a) land which is coastal margin, and 35
 - (b) any other land in England which is adjacent to land which is coastal margin.
 - (2C) Where land is dedicated as coastal margin –
 - (a) in the case of land within subsection (2B)(b), it is to be treated as coastal margin for the purposes of any provision made by or by virtue of this Part (other than section 1), and 40
 - (b) if –
 - (i) disregarding this paragraph, it would be excepted land, and 45
 - (ii) it is not land which is accessible to the public by virtue of any enactment or rule of law (other than this Act),

- it is to be treated for the purposes of any provision made by or by virtue of this Part as if it were not excepted land.”
- (b) in subsection (6), omit “and” at the end of paragraph (c) and after that paragraph insert— 5
- “(ca) in the case of land within subsection (2B), enable a dedication previously made under this section in respect of the land (otherwise than by virtue of subsection (2A)) to be amended, by the persons by whom a dedication could be made, so as to provide that the land is dedicated as coastal margin for the purposes of subsection (2C), 10
- (cb) provide for any exclusion or restriction under Chapter 2 of access by virtue of section 2(1) which has effect in relation to land which is within subsection (2B)(b) immediately before it is dedicated as coastal margin to cease to have effect at the time the dedication takes effect, and”, and 15
- (c) after subsection (6) insert—
- “(6A) In subsection (6)(cb) the reference to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) is to be interpreted in accordance with section 21(2) and (3).” 20
- (7) In section 44 (orders and regulations under Part 1), in subsection (3) after “section 3” insert “or 3A(1)”. 25
- (8) In section 45 (interpretation of Part 1), after the definition of “the appropriate countryside body” insert—
- ““coastal margin” has the meaning given by section 1(2);”.

Establishment and maintenance of the route etc

279 Extension of Chapter 3 of Part 1 of the CROW Act

- (1) Chapter 3 of Part 1 of the CROW Act (means of access) applies in relation to section 15 route land as it applies in relation to access land. 30
- (2) Functions conferred by that Chapter which are exercisable in relation to any land by the access authority in relation to the land (including those exercisable by virtue of subsection (1)) are also exercisable in relation to the land by Natural England for the purposes of the coastal access duty. 35
- (3) In this section—
- “access land” has the same meaning as in Chapter 3 of Part 1 of the CROW Act;
- “section 15 route land” means land—
- (a) over which the English coastal route (or any part of it) passes, and 40
- (b) which, for the purposes of section 1(1) of the CROW Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act.

280 Agreements with respect to establishment and maintenance of the route

- (1) Where, in respect of any land, it appears to Natural England that it is appropriate for works within subsection (3) to be carried out for the purposes of the coastal access duty, Natural England may enter into an agreement with the owner or occupier of the land as to the carrying out of the works. 5
- (2) Where, in respect of any land, it appears to the access authority in relation to that land that it is appropriate for works within subsection (3) to be carried out for the purpose of assisting Natural England to discharge the coastal access duty, the access authority may enter into an agreement with the owner or occupier of the land as to the carrying out of the works. 10
- (3) The works within this subsection are –
 - (a) the clearance or maintenance of land for the purpose of facilitating the use of the English coastal route by the public for journeys on foot;
 - (b) the drainage or levelling of land, or the improvement of its surface, for that purpose; 15
 - (c) the removal, for that purpose, of any obstruction of the route;
 - (d) the construction, removal, repair or improvement of any wall, rail, fence or other barrier or any posts, or the planting of any hedge.
- (4) An agreement under this section may provide –
 - (a) for the carrying out of works by the owner or occupier or by the contracting authority, and 20
 - (b) for the making of payments by the contracting authority as a contribution towards, or for the purpose of meeting, costs incurred by the owner or occupier in carrying out any works for which the agreement provides. 25
- (5) Subsection (6) applies if the owner or occupier of any land fails to carry out within the required period any works which the owner or occupier is required by an agreement under this section to carry out.
- (6) The contracting authority may take all necessary steps for carrying out the works, but it may do so only after giving at least 21 days' notice of its intention to do so to the owner or occupier required by the agreement to carry out the works. 30
- (7) Where the contracting authority carries out any works by virtue of subsection (6), the authority may recover the relevant expenses from the person by whom, under the agreement, the cost of carrying out the works (after deduction of the authority's contribution) would fall to be borne. 35
- (8) In this section –
 - “contracting authority” means –
 - (a) in relation to an agreement under subsection (1), Natural England, and
 - (b) in relation an agreement under subsection (2), the access authority by which the agreement is made;
 - “relevant expenses”, in relation to works carried out under subsection (6) by a contracting authority, means the amount of any expenses reasonably incurred by the authority in carrying out the works, reduced by its contribution under the agreement; 45
 - “the required period” means –

- (a) the period specified in, or determined in accordance with, the agreement as that within which the works must be carried out, or
 - (b) if there is no such period, a reasonable period.
- 281 Establishment and maintenance of the route in absence of agreement** 5
- (1) This section applies where—
 - (a) it appears to Natural England that, for the purposes of the coastal access duty, it is necessary for works within section 280(3) to be carried out on any land, or
 - (b) it appears to the access authority in relation to any land that, for the purpose of Natural England discharging the coastal access duty, it is necessary for such works to be carried out on that land. 10
 - (2) In this section—
 - “the relevant authority” means—
 - (a) in a case within subsection (1)(a), Natural England, and 15
 - (b) in a case within subsection (1)(b), the access authority in question;
 - “the required works” means the works within 280(3) which the relevant authority considers it necessary to carry out for the purposes mentioned in subsection (1)(a) or (b). 20
 - (3) If the relevant authority is satisfied that it is unable to conclude on reasonable terms an agreement under section 280 with the owner or occupier of the land for the carrying out of the required works, it may give the owner or occupier a notice stating that, after the end of the specified period, it intends to take all necessary steps for carrying out the required works. 25
 - (4) The “specified period” means the period specified in the notice, being a period of not less than 21 days beginning with the day on which the notice is given.
 - (5) A notice under subsection (3) must contain particulars of the right of appeal conferred by section 282.
 - (6) Where a notice under subsection (3) is given to any person as the owner or occupier, the relevant authority must give a copy of the notice to every other owner or occupier of the land. 30
 - (7) If, at the end of the period specified in the notice under subsection (3), any of the required works have not been carried out, the relevant authority may take all necessary steps for carrying out those works. 35
- 282 Appeals relating to notices under section 281**
- (1) Where a notice under section 281(3) has been given to a person in respect of any land, that person or any other owner or occupier of the land may appeal against the notice to the Secretary of State.
 - (2) An appeal against a notice under section 281(3) may be brought on any of the following grounds—
 - (a) that the notice requires the carrying out of any works which it is not necessary to carry out for the purposes of the coastal access duty;
 - (b) that any of the works have already been carried out;

- (c) that the period specified in the notice as the period after which steps are to be taken to carry out the works is too short.
- (3) On an appeal under this section, the Secretary of State may –
- (a) confirm the notice with or without modifications, or
 - (b) cancel the notice.
- (4) Sections 7 and 8 of, and Schedule 3 to, the CROW Act have effect in relation to an appeal under this section as they have effect in relation to an appeal under section 6 of that Act.
- (5) Regulations may make provision as to –
- (a) the period within which and manner in which appeals under this section are to be brought,
 - (b) the advertising of such appeals, and
 - (c) the manner in which such appeals are to be considered.
- (6) Where an appeal has been brought under this section against a notice under section 281(3) given by Natural England or an access authority, it may not exercise its powers under section 281(7) pending the determination or withdrawal of the appeal.
- 283 Power for Natural England to fund works**
- Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in carrying out –
- (a) works of a kind which could be the subject of an agreement under section 280, and
 - (b) works of a kind which could be the subject of an agreement under section 35 of the CROW Act entered into by Natural England by virtue of section 279.
- 284 Erection and maintenance of notices and signs**
- (1) Natural England may erect and maintain notices or signs within subsection (2) on –
- (a) any land over which the English coastal route passes, and
 - (b) any other land which is within section 272(5)(a) (land which is accessible to the public by virtue of section 3A of the CROW Act)).
- (2) The notices or signs within this subsection are those which –
- (a) identify, or provide information about, the English coastal route (or any part of it),
 - (b) warn the public of the existence of obstacles or hazards along that route or on any other land which is coastal margin,
 - (c) inform the public of the effect of general restrictions under Schedule 2 to that Act of access to any area of coastal margin by virtue of section 2(1) of that Act, or
 - (d) inform the public of any exclusion or restriction, by virtue of Chapter 2 of Part 1 of that Act, of access to any area of coastal margin by virtue of section 2(1) of that Act,
- and any other notices or signs which relate to the English coastal route.

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- (3) Before erecting a notice or sign on any land under this section, Natural England must, so far as reasonably practicable, consult the owner and (if different) the person in lawful occupation of the land.
- (4) Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in displaying notices or signs of a kind which may be erected under this section. 5
- (5) Natural England may, in relation to any land, delegate to the access authority in relation to the land any function conferred on Natural England by this section.
- (6) For the purposes of this section – 10
- (a) an official alternative route, in relation to the English coastal route, is to be regarded as part of the English coastal route,
 - (b) a temporary route which has effect by virtue of section 55G of the 1949 Act is to be treated as part of the English coastal route, and
 - (c) where by virtue of section 3A(6)(a) of the CROW Act any land is not yet accessible under section 2(1) of that Act, the references in this section to the English coastal route include any route which would form part of the English coastal route if that land were so accessible. 15
- (7) Nothing in this section applies in relation to the English coastal route in so far as it passes along a right of way which is a highway other than a public footpath. 20
- (8) In this section –
- “coastal margin” means land which is coastal margin for the purposes of Part 1 of the CROW Act (including any land treated as coastal margin by virtue of section 16 of that Act); 25
 - “official alternative route” has the meaning given by section 55H of the 1949 Act.
- 285 Removal of notices and signs**
- (1) Any notice or sign erected under section 284 may be removed by – 30
- (a) Natural England, or
 - (b) where authorised to act on its behalf, the access authority in relation to the land on which the sign or notice is erected.
- (2) Before removing a notice or sign on any land under subsection (1), a person must, so far as reasonably practicable, consult the owner and (if different) the person in lawful occupation of the land. 35
- (3) Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in removing notices or signs of a kind which may be erected under section 284.
- 286 Powers of entry**
- (1) A person who is authorised by Natural England may enter any land – 40
- (a) for the purpose of surveying that or any other land in connection with the preparation of a report under section 51 or 55 of the 1949 Act pursuant to the coastal access duty;

- (b) in connection with the consideration of any representations made to Natural England in respect of a report submitted under section 51 of that Act pursuant to that duty;
 - (c) for the purpose of assisting Natural England to determine whether to exercise the power conferred by section 276(2) (decision to treat waters of river as part of the sea); 5
 - (d) for the purpose of assisting Natural England to provide the Secretary of State with advice in connection with the exercise of the Secretary of State's power under section 275(2)(b) (power to specify islands).
- (2) A person who is authorised by Natural England or the appropriate access authority may enter any land – 10
- (a) for the purpose of determining whether any works of the kind mentioned in section 280(3) are required in respect of the land;
 - (b) for the purpose of ascertaining whether members of the public are being permitted to exercise the rights conferred on them in relation to section 15 route land by or under an enactment mentioned in section 15(1) of the CROW Act; 15
 - (c) in connection with an appeal under section 282;
 - (d) for the purpose of erecting, maintaining or removing notices or signs under section 284 or 285. 20
- (3) Subsections (5) to (10) of section 40 of the CROW Act (powers of entry for the purposes of Part 1 of that Act) apply in relation to a person acting in the exercise of a power conferred by this section, and the rights conferred by this section, as they apply in relation to a person acting in the exercise of a power conferred by that section and the rights conferred by that section. 25
- (4) For the purposes of subsection (3), section 40(8) of that Act has effect as if –
- (a) the reference to “access land” included any land over which the English coastal route passes, and
 - (b) paragraph (c) were omitted.
- (5) Section 41 of that Act (compensation relating to powers under section 40) has effect as if the reference to section 40 included a reference to this section. 30
- (6) In subsection (2) –
- “appropriate access authority” means the access authority in relation to the land in respect of which the right of entry is being exercised;
 - “section 15 route land” means land – 35
 - (a) over which the English coastal route (or any part of it) passes, and
 - (b) which, for the purposes of section 1(1) of the CROW Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act. 40

Liabilities

287 Restricting liabilities of Natural England and the Secretary of State

- (1) No duty of care is owed by Natural England to any person under the law of negligence –

- (a) when preparing or submitting proposals under section 51 or 55 of the 1949 Act (long-distance routes and variations of such routes) pursuant to the coastal access duty,
 - (b) in connection with any failure by it to erect under section 284(1) a notice or sign of the kind mentioned in section 284(2)(b) (notices or signs warning of obstacles or hazards), or 5
 - (c) in connection with any failure by it to exclude or restrict access under Chapter 2 of Part 1 of the CROW Act to any land which is coastal margin, other than a failure within subsection (2).
- (2) A failure is within this subsection if it arises as a result of Natural England – 10
- (a) deciding not to act in accordance with an application under section 24 or 25 of that Act, or
 - (b) deciding not to act in accordance with representations made by a person on being consulted under section 27(5) of that Act (consultation of original applicant etc before revoking or varying a direction). 15
- (3) In subsections (1) and (2) the references to Natural England include any person acting on its behalf.
- (4) No duty of care is owed by the Secretary of State to any person under the law of negligence when –
- (a) approving proposals (with or without modifications) under section 52 or 55 of the 1949 Act pursuant to the coastal access duty, or 20
 - (b) giving a direction under section 55 of that Act, pursuant to that duty.
- (5) In this section “coastal margin” means land which is coastal margin for the purposes of Part 1 of the CROW Act (including any land treated as coastal margin by virtue of section 16 of that Act). 25

288 Occupiers’ liability

In section 1 of the Occupiers’ Liability Act 1984 (c. 3) (duty of occupier to persons other than the occupier’s visitors), after subsection (6A) insert –

- “(6AA) Where the land is coastal margin for the purposes of Part 1 of that Act (including any land treated as coastal margin by virtue of section 16 of that Act), subsection (6A) has effect as if – 30
- (a) in paragraph (a) for “natural feature” to the end there were substituted “physical feature (whether of the landscape or otherwise)”, and
 - (b) after paragraph (b) there were inserted “or 35
 - (c) a risk of that person suffering injury when using any other means of access (within the meaning of section 34 of that Act) other than in a proper manner.”

General

289 Isles of Scilly 40

- (1) Subject to the provisions of an order under subsection (2), sections 272 to 276, 279 to 287, 290 and 291 do not apply in relation to the Isles of Scilly.

- (2) The Secretary of State may by order made by statutory instrument provide for the application of any of those provisions in relation to the Isles of Scilly, subject to such modifications as may be specified in the order.
- (3) Before making an order under subsection (2), the Secretary of State must consult the Council of the Isles of Scilly. 5
- (4) The power exercisable under section 111 of the 1949 Act (application to Isles of Scilly as if a separate county) in relation to the provisions of Part 4 of that Act is exercisable in relation to that Part as amended by section 277.
- (5) The powers exercisable under section 100(1), (2) and (4) of the CROW Act (application to Isles of Scilly) in relation to provisions of Part 1 of that Act are exercisable in relation to that Part as amended by section 278. 10

290 The Crown

- (1) This Part is binding on the Crown and applies in relation to any Crown land as it applies in relation to any other land.
- (2) For this purpose “Crown land” means land an interest in which— 15
 - (a) belongs to Her Majesty in right of the Crown,
 - (b) belongs to Her Majesty in right of the Duchy of Lancaster,
 - (c) belongs to the Duchy of Cornwall, or
 - (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department. 20
- (3) The appropriate authority may enter into—
 - (a) an agreement under section 35 of the CROW Act (means of access) entered into by virtue of section 279, or
 - (b) an agreement under section 280 (establishment and maintenance of the English coastal route), 25as respects an interest in Crown land held by or on behalf of the Crown.
- (4) An agreement described in subsection (3)(a) or (b) as respects any other interest in Crown land is of no effect unless approved by the appropriate authority.
- (5) The “appropriate authority” means—
 - (a) in the case of land which belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having management of the land in question; 30
 - (b) in the case of land which belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (c) in the case of land which belongs to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; 35
 - (d) in the case of land which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department. 40
- (6) If any question arises under this section as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.

291 Interpretation of this Part

In this Part—

- “the 1949 Act” has the meaning given by section 272(8);
- “access authority”, in relation to any land, has the same meaning as in Part 1 of the CROW Act; 5
- “the coastal access duty” has the meaning given by section 272(4);
- “the CROW Act” has the meaning given by section 272(8);
- “the English coast” has the meaning given by section 275;
- “the English coastal route” has the meaning given by section 272(3);
- “estuarial waters” means any waters within the limits of transitional waters, within the meaning of the Water Framework Directive (that is to say, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy); 10
- “functions” includes powers and duties; 15
- “long-distance route” means a route provided for in approved proposals relating to a long-distance route within the meaning of section 52(3) of the 1949 Act (as read with 55(4) of that Act);
- “owner” has the same meaning as in Part 1 of the CROW Act;
- “the sea” does not include any part of a river which is upstream of the seaward limit of the river’s estuarial waters. 20

PART 10

MISCELLANEOUS

Natural England

- 292 Area in which functions of Natural England exercisable** 25
- (1) Section 1 of the Natural Environment and Rural Communities Act 2006 (c. 16) (constitution of Natural England) is amended as follows.
 - (2) In subsection (3) (area in which functions exercisable) after “in relation to England” insert “(including, where the context requires, the territorial sea adjacent to England)”. 30
 - (3) After subsection (3) insert—
 - “(3A) An order or Order in Council made—
 - (a) under section 158(3) of the Government of Wales Act 2006 (c. 32) for the purposes of determining which waters are treated as being adjacent to Wales, or 35
 - (b) under section 126(2) of the Scotland Act 1998 (c. 46) for the purposes of determining which waters are treated as being adjacent to Scotland,applies for the purposes of this section as it applies for the purposes of the Act under which it is made.”. 40