

# Public Document Pack

County Offices  
Newland  
Lincoln  
LN1 1YL

12 October 2015

## **Joint meeting between Mid-Lincolnshire and South Lincolnshire & Rutland Local Access Forums**

A Joint meeting between Mid-Lincolnshire and South Lincolnshire & Rutland Local Access Forums will be held on **Tuesday, 20 October 2015** at **6.00 pm** in **Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of the business set out on the attached Agenda.

Yours sincerely



Tony McArdle  
Chief Executive

## **Membership of the Forums**

### **Mid Lincolnshire Local Access Forum**

Councillor Denis Hoyes (Lincolnshire County Council), Councillor Daniel McNally (Lincolnshire County Council), Councillor Iain Colquhoun (North East Lincolnshire Council), Sandra Harrison (Landowners), Ray Shipley (Landowners), Chris Padley (Users of Local Rights of Way), Dr Chris Allison (Users of Local Rights of Way), Sheila Brookes (Users of Local Rights of Way), Deborah North (Users of Local Rights of Way), Colin Smith (Users of Local Rights of Way), Richard Graham (Other Interests), David Mills (Other Interests), Katherine Mills (Other Interests), Peter Skipworth (Other Interests), 3 vacancies (Landowners), 1 vacancy (Other Interests)

### **South Lincolnshire and Rutland Local Access Forum**

Councillor Ray Wootten (Lincolnshire County Council), Councillor David Brailsford (Lincolnshire County Council), Councillor William Cross (Rutland County Council) Bryan Bowles (Landowners), Rosemary Harris (Landowners), Audrey Morley (Landowners), Andrew Childs (Users of Local Rights of Way), Alec Hill (Users of Local Rights of Way), Sam Tate (Users of Local Rights of Way), John Williams (Users of Local Rights of Way), Ian Cox (Other Interests), Dr Rebecca Johnson (Other Interests), John Law (Other Interests), Paul Marshall (Other Interests), Barbara Smitheringale (Other Interests), 1 vacancy (Users of Local Rights of Way), 2 vacancies (Land Owners)



**JOINT MEETING BETWEEN MID-LINCOLNSHIRE AND SOUTH LINCOLNSHIRE &  
RUTLAND LOCAL ACCESS FORUMS AGENDA  
TUESDAY, 20 OCTOBER 2015**

Item	Title	Report Reference
1	<b>Apologies for Absence</b>	
2	<b>Presentation by Natural England on proposals for the England Coast Path in Lincolnshire</b>	
3	<b>The Proposed Effects of the Deregulation Act 2015</b> <i>(A report by Chris Miller, Countryside Access and Definitive Map Manager, on the provisions affecting public rights of way work in the Deregulation Act 2015 and likely consequences)</i>	(Pages 5 - 12)
4	<b>Lost Ways Sub-Group - Remit</b> <i>(A report by John Laws, a member of the South Lincolnshire and Rutland Local Access Forum, in connection with the proposed terms of reference of the Sub-Group to examine Lost Ways)</i>	(Pages 13 - 14)

**Democratic Services Officer Contact Details**

Name: **Steve Blagg**  
Direct Dial **01522 553788**  
E Mail Address [steve.blagg@lincolnshire.gov.uk](mailto:steve.blagg@lincolnshire.gov.uk)

**Please Note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

All papers for council meetings are available on:  
[www.lincolnshire.gov.uk/committeerecords](http://www.lincolnshire.gov.uk/committeerecords)

**This page is intentionally left blank**

# The England Coast Path

Lucy Heath

Senior Specialist, England Coast Path,  
Natural England



# What are we going to cover?

- National context
- Background and legislation
- Coastal access rights in detail
- Coastal access on the Lincolnshire coast





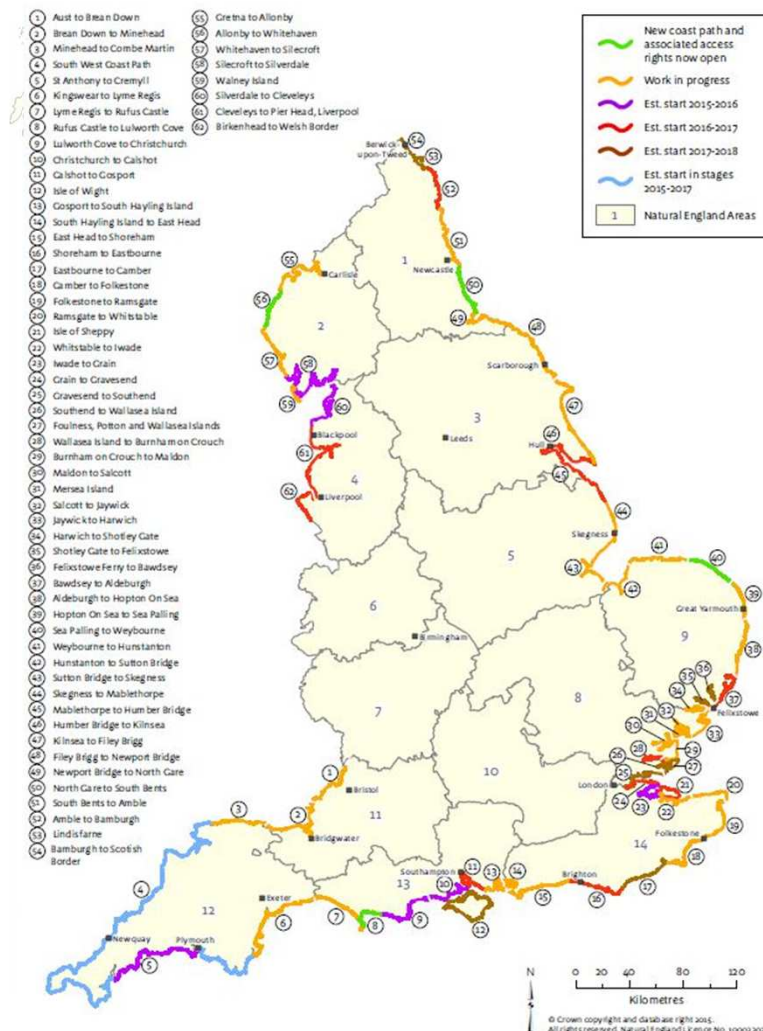
***“I’m pleased to announce today that the government  
will be putting the funding in place to ensure  
the path is completed by 2020.”***

**Nick Clegg, DPM, 3<sup>rd</sup> September 2014**





# The ECP Delivery model



An expanded team:

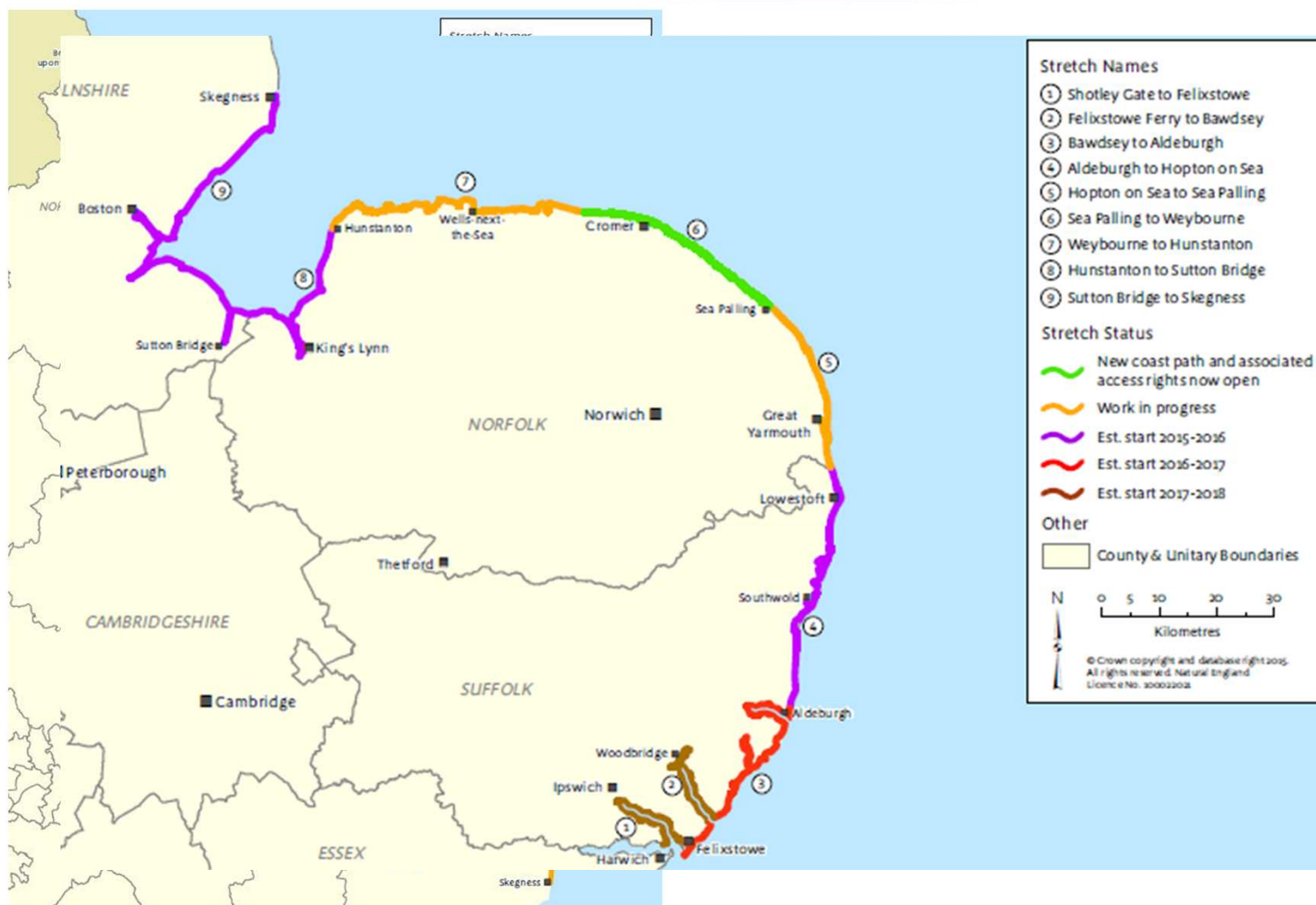
- 8 area-based 'Hubs'
- Small national team

Target to deliver:

- 65 stretches over 5 years



# North East and East hubs



# Our advice to Government in 2007



- Postcode lottery of rights at present and of management standards
- Huge variety of different coastal situations
- That user certainty and confidence is key
- Arrangements must be future-proof and flexible
- A need for national momentum, local involvement...



# Based on this we concluded that...



- Existing legal mechanisms can't address all this
- Need to combine their best features in a new customised law for coast
- Secure and consistent coastal access corridor
- Mix of old and new path + 'spreading room'
- Statutory methodology
- New powers of path rollback and realignment





# Relevant legislation



## Marine and Coastal Access Act 2009

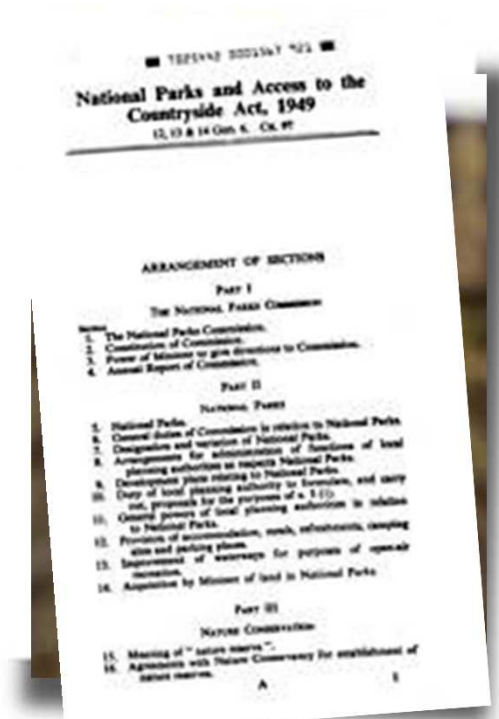
- Sets the core duties for Natural England working with Access Authorities to improve public access to and enjoyment of the English coastline
- Aim to create a clear and consistent walking route and associated coastal margin
- Customises the acts below for use on the coast:

## ■ Countryside and Rights of Way Act 2000

Provides the access rights and control regime

## ■ National Parks and Access to Countryside Act 1949

Provides the path alignment powers and the extra new powers



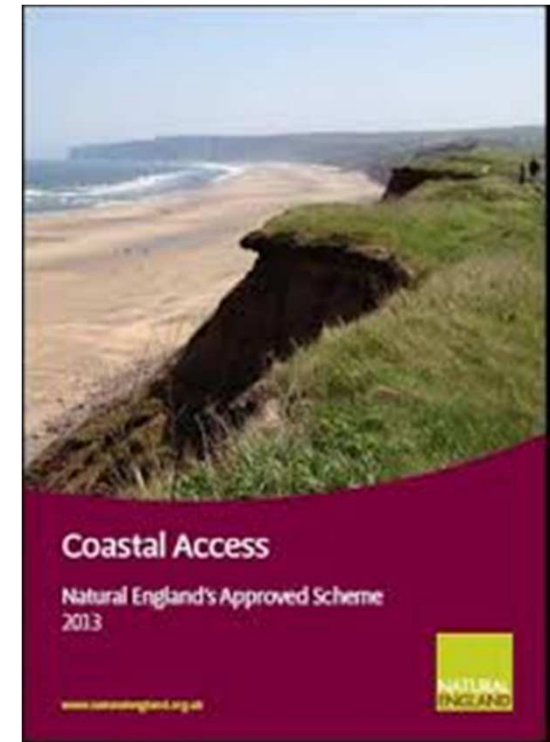
# Coastal Access Duty



“**Walking** route for whole English coast - the England Coast Path (ECP) and associated coastal “**margin**” accessible on foot.

## Coastal Access: Approved Scheme 2013

- Statutory guidance we follow.
- Key criteria and features:
  - Safety, convenience of path
  - Path near to coast and views of the sea
  - Continuity – minimum interruption
  - Use of existing walked lines
  - Aim to strike a fair balance between public and private interests
  - Uniquely low occupiers’ liability



# Key terms and features



- The trail
- The coastal margin (or the margin)
- Excepted land
- Spreading room
- Roll-back
- National rules and local management arrangements





# The trail



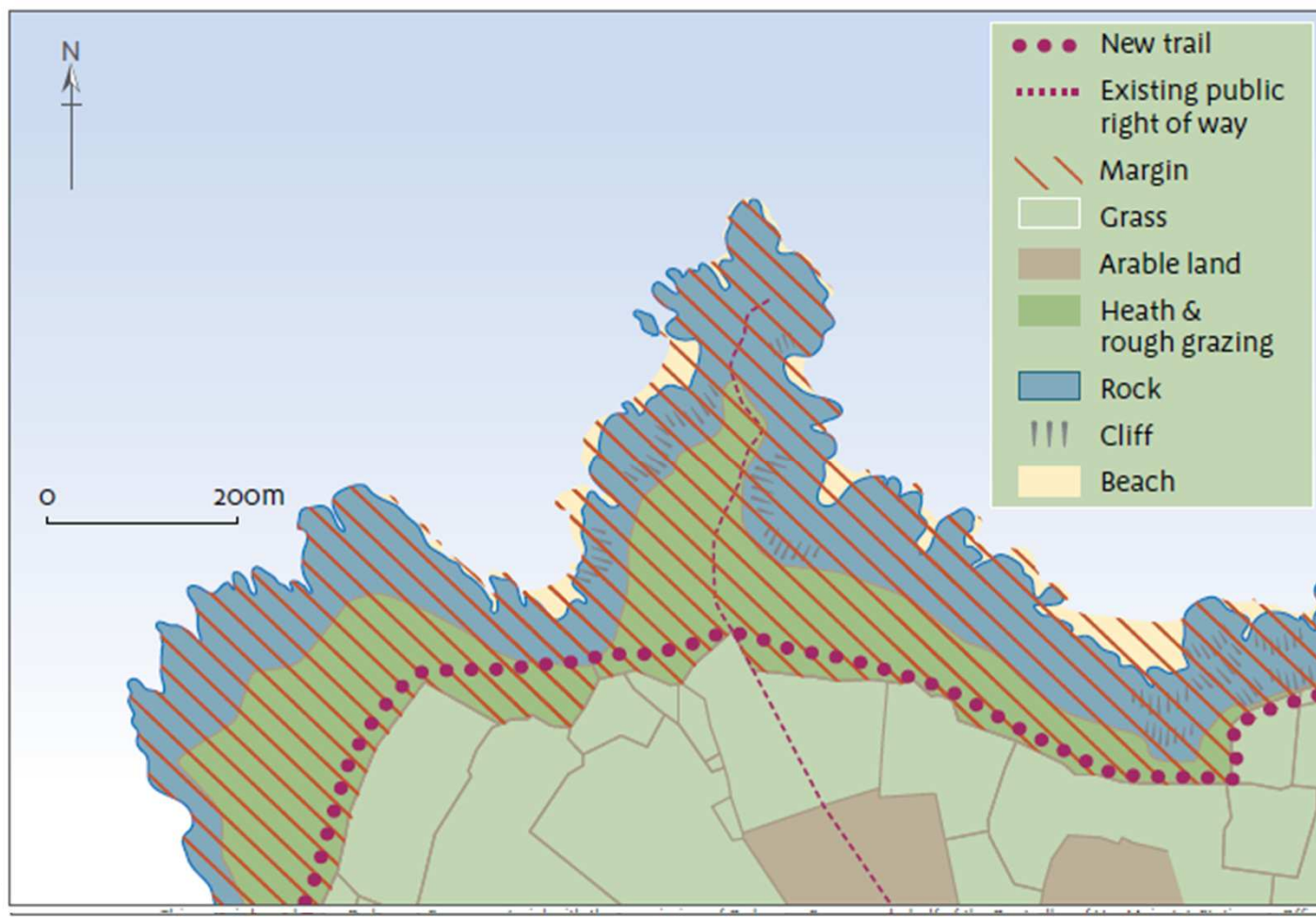
- Path that the route follows
- Usually will follow an existing walked line on the ground
- Approval by Secretary of State of route proposals in stretch reports
  - Creation on new public rights that are not currently PRow
  - National trail status
  - Land 2m either side of the route (4m wide)
- Open-air recreation on foot
- Higher access rights retained where they already exist

# The coastal margin



- Corridor of coastal land incorporating the trail
- Includes land seaward of the trail
- Can include specific land types landward of the trail
- Discretionary power to extend landward boundary
- Existing rights (public rights of way; Section 15 land); and new rights (“coastal access rights”)
- Includes land that is not accessible: ‘excepted land’ and land ‘excluded’ by direction

# Landward and seaward margins





# Excepted Land



Categories of land which are **excepted** from the coastal access rights under Schedule 1 of CROW include, e.g.:

- Land covered by buildings or the curtilage of such land
- Parks and gardens
- Highways including PRow

Excepted, with provision for an access strip:

- Ploughed, sown or planted land (within previous 12 months)
- Golf courses
- Regulated caravan or camping sites
- Land which is, or forms part of, a burial ground

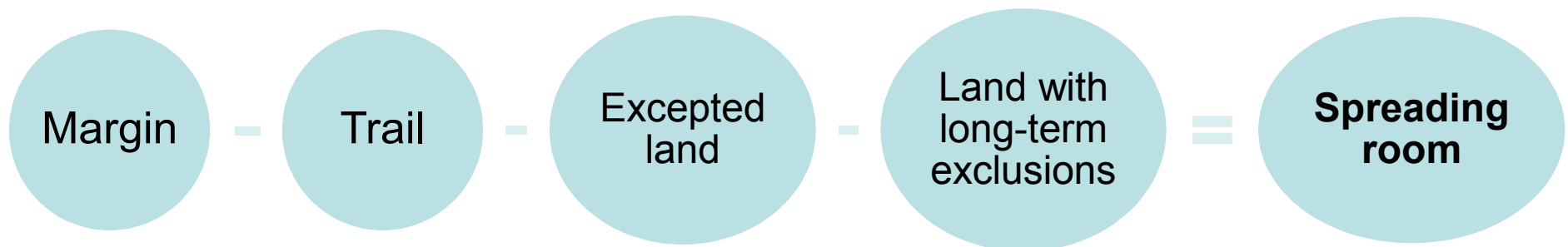
# Spreading room



Any 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



# Roll back of the trail



- Allows the path to be moved as the coast changes
- Potential roll back identified through Shoreline Management Plans
- Future-proofs the ECP

These changes may result due to;

- Erosion of the coast or breach of coastal defences
- Strategy of managed realignment/non-intervention



# National restrictions



- Vehicles (other than mobility vehicles)
- Horses and cycles (hence rights only on foot)\*
- Camping, lighting fires
- Dogs
  - New national requirement for dogs to be 'under effective control'
  - No national requirement for dogs on short leads from 1<sup>st</sup> March to 31<sup>st</sup> July, but must be on leads "in the vicinity of livestock"

# Local restrictions and exclusions



For the purposes of:

- Land management
- Fire prevention
- Nature conservation
- Heritage
- National defence
- Public safety, e.g. saltmarsh or flats

Provisions to enable continuity:

- Alternative routes
- Temporary routes

# Affect on existing access rights



Coastal access rights apply to:

**Land without any existing public access rights**

**CROW land in coastal margin**  
(instead of current rights)

**Land with existing permissive access rights**  
(which may continue in parallel)

Coastal rights don't apply to:

**Public rights of way**  
(treated as excepted land,  
for as long as they exist)

**Section 15 land on coast,**  
**e.g. urban commons**  
(we can still manage paths there)

**Core principle:** CROW restrictions may only affect the new rights

## In summary



- The **Marine and Coastal Access Act 2009**, establishes the new **coastal access duty** - to establish a **long-distance walking route** around the English coast, and to identify land beside it, the **coastal margin**, which should be accessible to the public on foot
- Natural England follows statutory guidance, the **Coastal Access Scheme**, when discharging the coastal access duty
- The approach aims to balance private and public interests together with nature conservation



Any  
questions?



# The England Coast Path

## Sutton Bridge to Mablethorpe

Emily Ledder & Roger Gerry, Natural England



# Sutton Bridge to Skegness



## Key facts;

Length: 92 km

Start point: Sutton Bridge

End point: Skegness Pier

## Contacts;

Roger Gerry

Tracy O'Shea

0300 060 0395

[eastcoastalaccess@naturalengland.org.uk](mailto:eastcoastalaccess@naturalengland.org.uk)

# Sutton Bridge to Skegness



- About 10km without existing RoW adjacent to the coast
- Mostly saltmarsh designated as SSSI/SAC/SPA/Ramsar to seaward side
- Long section with few existing facilities except in Boston & Skegness



# Skegness to Mablethorpe



## Key facts;

Length: 27 km

Start point: Skegness Pier

End point: North End car park

## Contacts;

Emily Ledder

Kirsty Pickard

**0300 060 3900**

[northeastcoastalaccess@naturalengland.org.uk](mailto:northeastcoastalaccess@naturalengland.org.uk)

# Skegness to Mablethorpe



- About 9 km without existing RoW
- Long sections of promenade
- Provide link between Chapel Point and Huttoft Car Terrace, and Lincolnshire Coastal Country Park

# Benefits and opportunities



- **Legally secure continuous route** – currently limited public rights of way in Lincolnshire
- Designated as a **National Trail (NT)** - clearly way-marked route managed to NT standards
- Access to **spreading room seaward of trail** to allow people to enjoy the area for resting, picnicking and other recreational activities
- **Linkages to existing attractions** - Lincolnshire Coastal Country Park and LWT Gibraltar Point
- **Access to quieter areas** of the coast and links between coastal towns
- **Support local businesses** who provide services for visitors and walkers
- **Improve health and wellbeing** of local community and visitors

# The process and engagement



- 1 Prepare**
  - Talk to local stakeholders and interest groups to identify main issues and opportunities
  - Write to all potentially affected landowners/interests
- 2 Develop**
  - Work with Access Authority to define a route in consultation with owners /occupiers
- 3 Propose**
  - Finalise proposals/maps in consultation with owners, stakeholders and Access Authority
  - Publish report to SoS
  - Invite objections and representations
- 4 Determine**
  - Adjudication of objections received
  - SoS decision to approve with or without modification
- 5 Open**
  - Establishment works
  - Approved map published and route opened



# Progress so far

## Stage 1 Prepare - ongoing

- Meeting stakeholders
- Stretch familiarisation
- Gathering land ownership data
- Contact letters to landowners
- Drop-in sessions
  - 10 Nov Fosdyke (3-6pm)
  - 12 Nov Friskney (10.30-1.30pm)
  - 14 Nov Long Sutton (10-1 pm)
  - 15 Dec Anderby (3-7 pm)
  - 16 Dec Skegness (10-3pm)



# Next steps



## **Stage 2 Develop – start early 2016**

- Work closely with LAA
- Investigate alignment options by “walking the course”
- ‘Strike the balance’
- Undertake sensitive feature assessments

## **Stage 3 Propose – late 2016**

## **Stage 4 Determine – mid 2017**

## **Stage 5 Open – 2018**

# Any further questions?

[www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast](http://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast)



**This page is intentionally left blank**