

Glossary of terms used in the scheme

Part A of the Glossary explains the core terms used in the Scheme, notably at section 2.1, to describe the framework for alignment. Part B explains other terms used in the Scheme.

In both parts we use the word “means” to introduce explanations of terms with a statutory origin and other well established terminology. Elsewhere we indicate what a particular term is used in the Scheme to describe. The terms and their explanation are simply for guidance and are not intended to have any legal effect.

Any terms shown in bold type within each explanation are included as a separate entry elsewhere in the glossary

A. Glossary of core alignment terms

alignment is the term the Scheme uses to describe the choices we make about the proposed route of **the trail** and the landward boundary of the **coastal margin**.

alignment solutions is the term the Scheme uses to describe using local **alignment** decisions to address potential concerns about **coastal access rights**. Section 6.4 of the Scheme describes how this is done. Chapters 7 and 8 set out the potential relevance of specific alignment solutions to issues relating to particular coastal land covers, landforms or land uses.

coastal access rights is the term the Scheme uses to describe the rights of public access to the coast provided under section 2(1) of **CROW** as a result of the provisions of the **2009 Act** and the **Order**. Coastal access rights are normally rights of access on foot for open-air recreation. These rights are by default subject to **national restrictions** and may additionally be subject to **directions** which **restrict** or **exclude** them locally. Section 2.2 of the Scheme explains more about the nature and management of coastal access rights.

coastal margin means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the **Order**. Its main component is land subject to the **coastal access rights**, but it also contains other land, including land that is not accessible to the public. A landowner may also voluntarily include land in the coastal access margin by making a **dedication**. Section 2.1 of the Scheme explains these other categories of land and how they fit in.

dedication means any voluntary dedication of land by the owner or long leaseholder under section 16 of **CROW** so that it will be subject to access rights under that Act. A dedication may also make provision for specific **national restrictions** that would otherwise apply over the affected land to be removed or relaxed.

Land within the **coastal margin** that was previously dedicated as access land under CROW becomes subject to the coastal access regime, including the national restrictions and the reduced level of liability operating on other parts of the margin with **coastal access rights**. On certain land, a dedication may be used to ‘opt in’ to the coastal access regime land where it would not otherwise apply. Section 4.7 of the Scheme explains these scenarios in more detail.

excepted land means any land that falls within one of the descriptions set out in Schedule 1 of **CROW**, as amended for the coast by the **Order**. Where land within these descriptions falls within the **coastal margin**, no **coastal access rights** will apply to it unless it is included in the margin by voluntary **dedication**.

The Schedule allows for the trail to cross certain categories of land (that are otherwise excepted land) on an **access strip** to which coastal access rights will apply.

The excepted land provisions do not affect any other public access rights or permissions that may apply on excepted land. In particular, public rights of way are treated as excepted land

and the existing rights remain in force along them.

Figure 1 in section 2.1 of the Scheme sets out in detail the descriptions of excepted land, including those which may be crossed by an access strip.

landward spreading room – see **spreading room**.

ordinary route means the route normally followed by the **trail**. In some cases the trail may instead follow an **alternative route** or **temporary route** at times.

section 15 land means land with public access rights under:

- section 193 of the Law of Property Act 1925;
- a local or private Act;
- a management scheme made under Part I of the Commons Act 1899; or
- an access agreement or access order made under Part V of the National Parks and Access to the Countryside Act 1949,

or land subject to, or potentially subject to, public access under section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Where section 15 land forms part of the **coastal margin** (which it may do in any of the ways explained in section 4.7 of the Scheme), these rights apply instead of the **coastal access rights**. Figure 1 in Section 2.1 of the Scheme shows the relationship of section 15 land to the coastal access regime in more detail.

spreading room is the term the Scheme uses to describe any land, other than the **trail** itself, which forms part of the **coastal margin** and which has public rights of access. In addition to land with **coastal access rights** it therefore includes areas of **section 15 land**.

Spreading room may be either seaward or landward of the trail. **Landward spreading room** is spreading room adjacent to and landward of the trail. Section 4.7 of the Scheme explains in more detail the ways in which land may become spreading room.

Spreading room may be subject to **directions** that **restrict** or **exclude** the coastal access rights locally from time to time. However, the Scheme does not use the term to describe land which is subject to a direction which excludes access for the long-term.

Land is not described as spreading room in the Scheme if it falls into one of the descriptions of **excepted land**, although it may become spreading room if it loses its excepted status as a result of a change of use, or if the owner voluntarily dedicates it as coastal margin. Highways are treated as excepted land under the provisions of the Order, but may cross spreading room or form part of the **trail**.

the trail is the term the Scheme uses to describe the strip of land which people walk on when following the long-distance route created for the purposes of section 296 of the 2009 Act. The route itself is shown as a line on a map. The line over which the route passes and the land adjacent to it – normally the land within 2 metres of the line on either side – becomes coastal margin. This strip of land is what the Scheme calls “the trail”.

B. Glossary of other terms used in the Scheme

access strip is the term the Scheme uses to describe a strip of land by means of which the **trail** may cross specific categories of **excepted land** where so indicated in schedule 1 of **CROW**. Figure 2 in section 2.1 of the Scheme explains these provisions in more detail.

access authority means the access authority for coastal access land, as defined by CROW section 1(2). This is the local highway authority except for land within a National Park, where it is the National Park Authority.

alternative route means a route proposed to the Secretary of State as part of our report for a stretch of coast, for use by the public at times when access to part of the **ordinary route** is excluded under a **direction**. The associated term **optional alternative route** denotes an alternative route which the public has the option to use at times when the **ordinary route** (even though not formally closed) is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Figure 16 in chapter 6 of the Scheme explains alternative routes in more detail. Paragraphs 4.9.15 to 4.9.18 explain more about the potential use of optional alternative routes.

2009 Act means the Marine and Coastal Access Act 2009. Part 9 of the 2009 Act includes provisions to improve public access to the coast. There are supplementary provisions relating to:

- consideration of coastal access reports, objections and representations by the Secretary of State – in Schedule 1A of the 1949 Act (inserted by Schedule 19 of the 2009 Act);
- the establishment and maintenance of the English coastal route – in Schedule 20 of the 2009 Act.

Section 1.1 of the Scheme includes a brief overview of the main provisions, which are explained in more detail in subsequent chapters. The 2009 Act is published by the Office of Public Sector Information at: <http://www.statutelaw.gov.uk/Home.aspx>

1949 Act means the National Parks and Access to the Countryside Act 1949. The 1949 Act includes provisions and procedures for the creation of long-distance routes (now more commonly known as **National Trails**). These provisions were amended and added to by the **2009 Act** for the purpose of identifying the coastal trail. The 1949 Act is published by the Office of Public Sector Information at: <http://www.statutelaw.gov.uk/Home.aspx>

appropriate assessment means, for the purposes of the Scheme, an assessment of the implications of a plan or project for a **European site** in view of the site's conservation objectives, made in accordance with Article 6.3 of the **Habitats Directive**. Natural England is required to conduct an appropriate assessment where it concludes that the introduction of **coastal access rights** is likely to have a significant effect on the conservation objectives for a European site. Section 4.8 of the Scheme explains in more detail how we will fulfil this requirement where it is relevant.

assistance dog means a dog trained by an accredited organisation to assist a disabled person.

Birds Directive means the European Community Council Directive 79/409/EEC on the conservation of wild birds.

building has the same meaning given in Schedule 1 of CROW, as amended for the coast by the **Order**. The term includes any structure or erection and any part of a building. For this purpose "structure" includes any tent, caravan or other temporary or moveable structure. It does not include any fence or wall, anything which is a means of access (as defined by CROW section 34 – for example steps or bridges), or any slipway, hard or quay.

coastal access report means a report prepared by Natural England under section 51 of the **1949 Act**. It must set out proposals to the Secretary of State for the alignment of the **trail**, the

boundary of any **landward spreading room** and the management of the resulting **coastal access rights** on a stretch of the English coast. Figure 7 in chapter 3 of the Scheme describes the contents of a coastal access report in more detail.

CROW means the Countryside and Rights of Way Act 2000. **Coastal access rights** take effect by virtue of CROW section 2(1). Certain provisions in CROW are amended or added to by the **2009 Act** and the **Order** for the purposes of the coast. Chapter 2 of the Scheme provides an overview of how the amended CROW provisions apply to the coast. CROW is published by the Office of Public Sector Information at: <http://www.statutelaw.gov.uk/Home.aspx>

direction means a direction under chapter II of **CROW** Part 1 to impose **local restrictions** or **local exclusions** on the use of the **coastal access rights**.

the estuary criteria is the term the Scheme uses for the criteria set out in section 301(4) of the 2009 Act. Natural England must consider these criteria, alongside the more general ones set out in section 297 and any other relevant local factors, in deciding what if any improved access provisions to recommend to the Secretary of State in relation to any particular estuary. Section 10.2 of the Scheme considers the estuary criteria in more detail.

estuarial waters are defined in section 309 of the **2009 Act** as any waters within the limits of transitional waters within the meaning of Council Directive 2000/60/EC (the European Community Water Framework Directive). Transitional waters are defined in Schedule 1 of the Directive as “bodies of surface water in the vicinity of river mouths which are partially saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows”. The Environment Agency has mapped their **seaward limit** on each English estuary. Section 10.1 of the Scheme explains the relevance of estuarial waters to our recommendations for coastal access at estuaries.

European site means a site:

- classified as a Special Protection Area (SPA) for birds under the **Birds Directive**; or
- designated as a Special Area of Conservation (SAC) under the **Habitats Directive**; or
- proposed to the European Commission as a site eligible for designation as a SAC for the purposes of Article 4.4 of the Habitats Directive (a candidate SAC).

Natural England is required in the circumstances described under **appropriate assessment** above to conduct such an assessment of the implications of the introduction of **coastal access rights** for European sites. It is Government policy, stated in Planning Policy Statement 9 and Circular ODPM 06/2005 that, whilst not European sites as a matter of law, the following sites should be subject to the same procedures and protection as European sites:

- Any potential SPA (pSPA); and
- Any site listed as a Wetland of International Importance especially as Waterfowl Habitat under the Ramsar Convention on Wetlands of International Importance 1971 (a Ramsar site).

For this purpose, any reference in the Scheme to a European site or sites should be taken to include all the categories of site above.

exclude/exclusion – see **local exclusion**

farm tenant means a tenant within the terms of section 2(4) of CROW. This is a tenant under a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 or a tenancy to which the Agricultural Holdings Act 1986 applies.

flood and coastal risk management is an umbrella term used to describe any aspect of both:

- the consideration of risks to people and the developed, historic or natural environment posed by flooding and coastal erosion; and

- the development of plans and strategies for practical measures to manage and monitor the risks.

Sections 4.9 and 8.20 explain more about our approach to flood and coastal risk management.

foreshore is not defined in the **2009 Act** or **the Order**. In the Scheme it is taken to mean the land between mean low water and mean high water.

guide posts is a term the Scheme uses to describe simple posts used to mark a particular route or boundary, which can be put in and removed with minimal cost or effort – see figure 15 in chapter 6 of the Scheme.

guide fencing is a term the Scheme uses to describe simple temporary fencing which can be put up and taken down with minimal cost or effort – see figure 15 in chapter 6 of the Scheme.

Habitats Directive means the European Community Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

health and safety at work legislation is the term used in the Scheme to refer to:

- regulation 3 of the Management of Health and Safety at Work Regulations 1999 (S.I. 1999/3242), which requires employers and the self-employed to conduct an assessment of any risks to the public arising from their undertakings; and
- section 3 of the Health and Safety at Work etc. Act 1974 (c.37), which requires them to conduct their undertakings in such a way as to ensure, so far as is reasonably practicable, that people are not exposed to risks to their health and safety;

and all other relevant legislation.

implementation is the term the Scheme uses to describe the full process for implementation of the coastal access provisions. It includes consultation about and preparation of a **coastal access report** for each **stretch** of coast, preparation for commencement of proposals in each confirmed report, and ongoing management, maintenance and **reassessment** of the resulting access. Chapter 3 provides an overview of the implementation process.

informal management is the term the Scheme uses to describe a range of practical, informal techniques which can be used to minimise any conflicts between public access and land management or other objectives. Informal management has no legal effect and there is no compulsion on the public to cooperate with it, but if done well it often proves highly effective. Section 6.5 of the Scheme explains our general approach to the use of informal management and includes examples of common techniques in figure 17. Chapters 7 and 8 explain how informal management can be used to address a range of specific issues.

infrastructure is the term the Scheme uses to describe the works and other physical measures necessary to facilitate public use of the **coastal access rights**, such as steps, gates and signs.

least restrictive option is the term the Scheme uses to describe the principle that where specific intervention is necessary to address potential impacts from the **coastal access rights**, our policy will be to adopt the least restrictive option on public access that will strike an appropriate balance at reasonable cost. Section 6.3 of the Scheme describes the application of this principle in more detail.

legal interest means an “interest” in land as defined in section 45(1) of **CROW**. It includes any estate in land and any right over land (whether exercisable by virtue of ownership of an estate or interest in land, or by virtue of a licence or agreement). It includes rights of common and sporting rights. Holders of legal interests, who may be individuals or organisations, may apply to the **relevant authority** for a **direction** to restrict or exclude access to land with **coastal access rights** once the Secretary of State has approved it as such. Section 6.6 of the Scheme explains these provisions in more detail.

local exclusion, exclusion and **exclude** are terms the Scheme uses to refer to local exclusion of the **coastal access rights** by **direction** (as opposed to the **national restrictions** that apply on all coastal access land by default). In this way the use of the rights may where necessary either be excluded completely, or restricted in specified ways by means of a **local restriction**. Section 6.6 of the Scheme explains the provisions in detail and our approach to their use.

local access forum means a local access forum established under section 94 of **CROW**. Natural England is required to consult relevant local access forums in the preparation of each coastal access report, and to invite representations from them on its final report – see chapter 3 of the Scheme for details.

local restriction, restriction and **restrict** – see “**local exclusion**”.

livestock has the meaning given in section 45 of **CROW** – cattle, sheep, goats, swine, horses or poultry. For the purposes of this definition “cattle” means bulls, cows, oxen, heifers or calves; “horses” include asses and mules; and “poultry” means domestic fowls, turkeys, geese or ducks. Where we use the term ‘livestock’ in the Scheme, we mean only those animals included within this definition.

managed realignment is a term the Scheme uses to describe a decision by the Environment Agency or others to allow the shoreline to move backward or forward in a managed way, for example limiting movement by building new flood defence works on the landward side of the original ones. Section 4.9 explains more about our approach to coastlines which are subject to this policy.

national restrictions is the term the Scheme uses to describe the “general restrictions” that must be observed by people exercising **coastal access rights**. They are set out in Schedule 2 of **CROW**, as amended by the **Order**. Specific national restrictions may be removed or relaxed by Natural England for a particular area of land if the land owner or **farm tenant** (as the case may be) for the time being consents to this; or a voluntary **dedication** by the land owner or long leaseholder may do the same on a permanent basis. Section 2.2 of the Scheme explains more about the national restrictions which apply to the coastal access rights.

National Trail means a long-distance route approved by the Secretary of State under section 52 of the **1949 Act**. The Scheme uses the term to refer to long-distance routes other than the walking route which Natural England has a duty to secure under section 296 of the **2009 Act** – see **trail**.

objection means an objection by a person with a **relevant interest** in affected land to Natural England about a proposal in a **coastal access report**. An objection must be made on certain specified grounds, in accordance with the provisions in Schedule 1A of the **1949 Act** (as inserted by Schedule 19 of the **2009 Act**). Stages 6 and 7 of the implementation process described in chapter 3 of the Scheme provide an overview of the procedures for considering objections.

open country refers to land conclusively mapped as such under **CROW** for access purposes. Where such land is included within the **coastal margin** under proposals approved by the Secretary of State (or included in the margin by voluntary **dedication**), it ceases to be regarded as open country for the purposes of **CROW**, and instead becomes subject to the coastal access regime. Paragraph 3.3.33 of the Scheme explains in more detail the effect of this change.

optional alternative route – see **alternative route**.

Order means the Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), made under section 3A of **CROW**. It sets out descriptions of land which are **coastal margin** and amends Part I of **CROW** in certain key respects for the purposes of coastal access. The effect of these changes is reflected by the relevant glossary entries and the more detailed explanations in relevant sections of the Scheme. The Order is published by the Office of Public Sector Information at: <http://www.statutelaw.gov.uk/Home.aspx>

outline direction is the term the Scheme uses to mean a **direction** that allows the precise timing or, under certain circumstances, the precise location of any actual **restriction** or **exclusion** under the direction to be determined later by a specified person. Section 6.7 of the Scheme explains outline directions in more detail.

PINS means the Planning Inspectorate, an Executive Agency of the Department for Communities and Local Government.

realignment – see **managed coastal realignment**.

registered common land refers to land conclusively mapped as such under **CROW** for access purposes. Where such land is included within the **coastal margin** under proposals approved by the Secretary of State (or is included in the margin by voluntary **dedication**), it ceases to be regarded as registered common land for the purposes of **CROW**, and instead becomes subject to the coastal access regime. Paragraph 3.3.33 of the Scheme explains in more detail the effect of this change.

relevant authority means the authority with powers to make **directions** to **exclude** or **restrict** the **coastal access rights** locally. Natural England is the relevant authority for **coastal access land**. It may delegate this role to the National Park Authority or the Forestry Commission under the circumstances described in paragraph 3.2.6 of the Scheme. The Ministry of Defence and the Home Office have comparable powers relating to defence and national security needs, respectively. Section 6.6 of the Scheme explains these powers in more detail.

relevant authority guidance means Natural England's guidance under **CROW** section 33 to the other relevant authorities who administer **local restrictions** and **local exclusions** on CROW rights outside the **coastal margin** – see paragraph 1.1.6 of the Scheme. The relevant authority guidance is available to view at: <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/restrictions.aspx>

relevant interest means a relevant interest in land, as defined by section 297(4) of the **2009 Act**. This is a person who:

- holds an estate in fee simple absolute in possession in the land;
- holds a term of years absolute in the land, or
- is in lawful occupation of the land.

representation means a representation made by any person to Natural England regarding a proposal in a **coastal access report**. A representation may be made on any grounds, in accordance with the provisions in Schedule 1A of the **1949 Act** (as inserted by Schedule 19 of the **2009 Act**). Stages 6 and 7 of the implementation process described in chapter 3 of the Scheme provide an overview of the procedures for considering representations.

restrict/restriction – see **local exclusion**

roll back is the term the Scheme uses to describe arrangements made under the provisions of section 55B of the **1949 Act**, whereby we may propose to the Secretary of State that the route of a specified part of the **trail** which is subject to significant erosion or other coastal processes should adapt in accordance with a written description in our **coastal access report**, without further confirmation by him. Section 4.9 of the Scheme explains these provisions in more detail.

Scheduled Monument means a site or monument of national importance given legal protection by virtue of being listed on the Schedule of Monuments under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

seaward limit means the furthest seaward extent of the **estuarial waters** of a river. This limit is mapped by the Environment Agency for each English estuary. Upstream of this limit Natural England has a discretion under section 301(2) of the **2009 Act**, but not a duty, to recommend to

the Secretary of State that the trail be extended on either side of the estuarial waters as far as:

- the first bridge or tunnel with public pedestrian access; or
- a specified point between the seaward limit and this first bridge or tunnel.

Chapter 10 of the Scheme describes the operation of these provisions in more detail.

Site of Special Scientific Interest means a site notified under section 28 of the Wildlife and Countryside Act 1981 (as amended) as nationally important for its wildlife and/or geological or physiographical features.

strategic environmental assessment means the overall requirements of European Community Council Directive 2001/42/EC, which we must follow under certain circumstances in assessing the likely impacts on the environment of the introduction of **coastal access rights**. Paragraphs 4.8.9 and 4.8.10 of the Scheme describe the circumstances when we will conduct a strategic environmental assessment.

stretch is the term the Scheme uses to describe the piece of coastline covered by a **coastal access report**. Section 3.1 outlines how the coast is divided into stretches for this purpose.

temporary route means a diversionary route which operates while access to the **ordinary route** of the trail is excluded by **direction**. Unlike an **alternative route**, a temporary route may be specified by or under the direction without requiring confirmation by the Secretary of State in the report, though land owner consent is needed in some circumstances. Figure 16 in chapter 6 of the Scheme explains the provisions for temporary routes in more detail.

variation report means a report to the Secretary of State under section 55(1) of the **1949 Act**. Natural England may prepare a variation report recommending changes to coastal access proposals that have previously been approved. Figure 8 in chapter 3 of the Scheme explains in more detail the circumstances when a variation report is necessary.

A variation report may also be prepared by Natural England (in the context of our recommendations for the **trail** which we have a duty to secure under section 296 of the 2009 Act) to recommend that the route of another **National Trail** at the coast is modified. Section 2.1 of the Scheme explains the circumstances when we will consider this option.

walking the course is the term the Scheme uses to describe the stage in the alignment process where we visit land that may be affected by our proposals to discuss the options for alignment and access management with those who own or manage the land. Stage 2 of the implementation process described in chapter 3 of the Scheme explains this aspect of the process in more detail.



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Admiring the winter
coastline at Branscombe
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Natural England is here to conserve and enhance the natural environment, for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity that it brings.

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