

Royal Town Planning Institute
41 Botolph Lane
London EC3R 8DL
Tel +44(0)20 7929 9494
Fax +44(0)20 7929 9490

Email online@rtpi.org.uk
Website: www.rtpi.org.uk

Registered Charity Numbers
England 262865
Scotland SC 037841

Patron HRH The Prince of Wales KG KT PC GCB

1st December 2009

Coastal Access Team
Department for Environment, Food and Rural Affairs
1/01 Temple Quay House
2 The Square
Bristol
BS1 6EB

Email response sent to: coast.consultation@defra.gsi.gov.uk

Dear Sir/Madam,

RESPONSE TO: Coastal Access: Consultation on proposals to amend the Countryside and Rights of Way (CROW) Act 2000 for coastal land

Thank you for the opportunity to respond to the above. The Royal Town Planning Institute (RTPI) is a membership organisation representing over 22,000 spatial planners. It exists to advance the science and art of town planning for the benefit of the public.

This document responds to the Coastal Access: Consultation on proposals to amend the Countryside and Rights of Way (CROW) Act 2000 for coastal land issued by DEFRA.

The response has been formed drawing on the expertise of members including the RTPI Environmental Planning and Protection Network and the Rural Planning Network.

In general, the RTPI welcomes the limited amendments to the CROW Act 2000 for coastal land. We would however like to raise several points:

We agree to some extent that powers under section 22 of the CROW Act for landowners to restrict or exclude access, at their discretion, for up to 28 days per year are not appropriate for coastal land. However, we believe there should be some arbitration for landowners to present their case for temporary exclusions, either on

health and safety, economic or wildlife/habitat protection grounds.

We do not agree that the relevant authority (Natural England) should be able to give directions for an exclusion or restriction of access under section 24 of the CROW Act without an application by a landowner. We believe that the landowner should at least be consulted even if Natural England is responsible for the final decision.

With regard to proposals to retain the categories of excepted land listed in paragraph 4.3, we believe that there are a number of sites where access could be granted (be it on a temporary basis) that are excluded, and we think that these should be revisited. For example, the consultation proposes that open access land within 20 metres of any dwelling will not be excepted land. We suggest that to maintain an acceptable level of privacy for residents, dwellings within the spreading room should have a 20 metre margin of excepted land and that when a dwelling is within 20 metres of the linear route, then the margin between the dwelling and the linear route should be classified as excepted land.

The consultation proposes that highways (i.e. rights of way) should become a new category of excepted land, which we assume is an attempt to prevent the situation arising where two access regimes (coastal access and highway rights) are in place over the same piece of land. The RTPI disagrees with this proposal, as we believe that making highways excepted land will in fact create more difficulties than it will resolve, in defining management responsibilities and in conveying to the public the different rights and responsibilities over the totality of coastal margin access land. It is therefore suggested that it is better not to make highways excepted land and to continue with the, albeit imperfect, situation on existing CROW access land of dual rights of access over highways.

We believe that the restriction requiring dogs to be kept on a lead between 1 March and 31 July should also be reviewed to take into account changing breeding patterns of migratory birds.

The Marine and Coastal Access Act 2009 will ensure that everyone will eventually be able to access all parts of the English coast. However, as nearly 50% of the coast currently has no right of way, this will be a long process if we are to achieve a continuous 2,500 mile public path around England. Having now established the principle, we believe that there is a need for DEFRA to provide support to coastal authorities in their work with partnership bodies and organisations, to gradually knit access together. We believe there is also a need for clarification on the situation in Wales and Scotland.

If you require any further assistance, please contact Nicola Gough, Network Manager, on 020 7929 9494 or email network.manager@rtpi.org.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Matt Thomson', enclosed in a thin black rectangular border.

Matt Thomson
Acting Director Policy and Partnerships