Draft Order laid before Parliament under section 44(3) of the Countryside and Rights of Way Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

COUNTRYSIDE, ENGLAND

The Access to the Countryside (Coastal Margin) (England) Order 2010

Made - - - -	***
Coming into force - -	***

The Secretary of State makes the following Order in exercise of the powers conferred by section 3A of the Countryside and Rights of Way Act 2000(**1**).

In accordance with section 44(3) of that Act(**2**), a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Preliminary

Citation, commencement and application

1.—(1) This Order may be cited as the Access to the Countryside (Coastal Margin) (England) Order 2010.

(2) This Order comes into force on 6th April 2010.

(3) This Order applies in relation to England only.

General interpretation

2. In this Order—

"alternative route strip", in relation to an official alternative route, means the land which becomes coastal margin during the operation of that route;

"approved section of the English coastal route" means a route in relevant approved proposals (other than an official alternative route);

"the CROW Act" means the Countryside and Rights of Way Act 2000;

(**1**) 2000 c.37. Section 3A was inserted by section 303(5) of the Marine and Coastal Access Act 2009 (c. 23) ("the 2009 Act").
(**2**) Section 44 is amended by section 303(8) of the 2009 Act.

"relevant coastal margin", in relation to relevant approved proposals, means the land which becomes coastal margin by virtue of article 3(2) or (3) as a result of the proposals being approved;

"temporary route" means a route for the time being having effect by virtue of a direction under section 55I of the 1949 Act(**3**).

Descriptions of land

Descriptions of coastal margin

3.—(1) Land in England is coastal margin for the purposes of Part 1 of the CROW Act (access to the countryside) if it falls within one or more of the following descriptions.

(2) The first description of land is—

(a) land over which the line of an approved section of the English coastal route passes,

(b) land which is adjacent to and within 2 metres either side of that line, and

(c) land which is seaward of the line of an approved section of the English coastal route and lies between land within sub-paragraph (b) in relation to that approved section and the seaward extremity of the foreshore,

if the land within sub-paragraphs (a) to (c), taken as a whole, is coastal land.

(3) The second description of land is land which—

(a) is landward of the line of an approved section of the English coastal route,

(b) is—

(i) foreshore, cliff, bank, barrier, dune, beach or flat, or

(ii) land of any other kind, which is treated by section 15(1) as being accessible to the public apart from the CROW Act, and

(c) when taken together with land within the first description in relation to the approved section, is coastal land.

(4) The third description of land is—

(a) land over which the line of an official alternative route which is for the time being in operation passes, and

(b) land which is adjacent to and within 2 metres either side of that line.

(5) The fourth description of land is—

(a) land over which the line of a temporary route passes, and

(b) land which is adjacent to and within 2 metres either side of that line,

to the extent that the land is within section 55I(4)(d) of the 1949 Act(**4**) (land over which the owner has agreed the temporary route may pass).

Cases where route determined in accordance with provision in the proposals

4.—(1) This article applies where relevant approved proposals contain a proposal of the kind mentioned in section 55B of the 1949 Act(**5**) (power to determine the route in accordance with

(**3**) Section 55I was inserted by section 302 of the 2009 Act. For the definition of "the 1949 Act" see section 3A(10) of the CROW Act.
(**4**) Section 55I was inserted by section 302 of the 2009 Act.
(**5**) Section 55B was inserted by section 302 of the 2009 Act.

provision made in the report) in relation to an approved section of the English coastal route or part of an approved section.

(2) In article 3(2) the references to the line of an approved section of the English coastal route are, in relation to that section or part, references to the line of the section or part as it has effect from time to time in accordance with the relevant approved proposals.

Cases where landward boundary of coastal margin to coincide with physical feature

5.—(1) This article applies where relevant approved proposals contain a proposal under section 55D(2)(a) of the 1949 Act(**6**) for the landward boundary of the relevant coastal margin, or any part of that boundary, to coincide with a physical feature identified in the proposal.

(2) The landward boundary of the relevant coastal margin or part is (despite article 3(2) and (3)) to coincide with that feature.

(3) It is immaterial whether the effect of this article is—

(a) to include land as coastal margin, or

(b) to exclude part of an area of coastal land from being coastal margin.

Cases where official alternative route determined in accordance with provision in the proposals

6.—(1) This article applies where, by virtue of section 55C(6) of the 1949 Act(**7**) (application to alternative routes of power conferred by section 55B etc), relevant approved proposals contain a proposal of the kind mentioned in section 55B of that Act(**8**) in relation to an official alternative route or part of an official alternative route.

(2) In article 3(4), the references to the line of an official alternative route are, in relation to that official alternative route or part, references to the line of the route or part as it has effect from time to time in accordance with the relevant approved proposals.

Cases where landward or seaward boundary of alternative route strip to coincide with physical feature

7.—(1) This article applies where relevant approved proposals contain a proposal under section 55D(2)(b) of the 1949 Act(**9**) for the landward or seaward boundary of an alternative route strip in relation to an official alternative route, or any part of such a boundary, to coincide with a physical feature identified in the proposal.

(2) The boundary in question is (despite article 3(4)) to coincide with that feature.

Modifications of Part 1 of the CROW Act

Modifications of Part 1 of the CROW Act

8. The Schedule contains amendments of Part 1 of the CROW Act (access to the countryside) which modify the way in which that Part applies in relation to land which is coastal margin.

In the Schedule—

Part 1 contains amendments of Schedule 1 to that Act (excepted land for purposes of Part 1),

(**6**) Section 55D was inserted by section 302 of the 2009 Act.
(**7**) Section 55C was inserted by section 302 of the 2009 Act
(**8**) Section 55B was inserted by section 302 of the 2009 Act.
(**9**) Section 55D was inserted by section 302 of the 2009 Act.

Part 2 contains amendments of Schedule 2 to that Act (restrictions to be observed by persons exercising right of access),

Part 3 contains amendments of Chapter 2 of Part 1 of that Act (exclusion or restriction of access), and

Part 4 contains other amendments of that Part.

Signed by authority of the Secretary of State

Name
Parliamentary Under Secretary of State
Address Department for Environment, Food and Rural
Date Affairs

SCHEDULE 1 Article 8

Amendments of Part 1 of the CROW Act

PART 1

Excepted land for purposes of Part 1 of the CROW Act

1. Schedule 1 to the CROW Act is amended as follows.

2. In paragraph 1 (land on which soil has been disturbed by ploughing etc), at the end add "(other than land which is coastal margin and is, or forms part of, a coastal route strip)".

3. In paragraph 3 (land within 20 metres of a dwelling), after "Land" insert "(other than coastal margin)".

4. In paragraph 7 (land used for the purposes of a golf course, racecourse or aerodrome), at the end add "(other than, in the case of land used for the purposes of a golf course, land which is coastal margin and is, or forms part of, a coastal route strip)".

5. For paragraph 8(**10**) (land covered by works used for the purposes of a statutory undertaking etc) substitute—

"**8.** Land which does not fall within any of the preceding paragraphs and is covered by—

(a) works used for the purposes of a statutory undertaking (other than flood defence works, or sea defence works, on land which is coastal margin), or

(b) works used for the purposes of an electronic communications code network,

or the curtilage of any such land.".

6. In paragraph 10 (land within 20 metres of building for housing livestock), after "Land" insert "(other than coastal margin)".

7. In paragraph 12 (land habitually used for training of racehorses), after "Land" insert "(other than coastal margin)".

8. After paragraph 13 insert—

"**13A.** Land which is coastal margin and is, or forms part of, a regulated caravan or camping site (other than land which is, or forms part of, a coastal route strip).

13B. Land which is coastal margin and is, or forms part of, a highway (within the meaning of the Highways Act 1980(**11**)).

13C. Land which is coastal margin and is, or forms part of, a burial ground (other than land which is, or forms part of, a coastal route strip).

13D. Land which is coastal margin and—

(a) is or forms part of a school playing field, or

(b) is land otherwise occupied by a school and used for the purposes of that school.".

9. In paragraph 14—

(a) renumber the existing provision as sub-paragraph (1),

(b) before the definition of "building" insert—

(**10**) Paragraph 8 was amended by the Communications Act 2004, section 406(1) and Schedule 17, paragraph 165(1) and (3).
(**11**) 1980 c. 66.