

ACCESS NEWSLETTER

Issue 43

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Coastal Access

Amendments to the Countryside and Rights of Way (CROW) Act 2000 Section 3A Order update

Part 9 of the Marine and Coastal Access (MCA) Act 2009 includes provision for a section 3A Order to be made to amend the CROW Act as it applies to English coastal land. This Order is necessary for the delivery of the new coastal access rights as it will ensure that coastal land is included within the CROW Act's description of land to which the public has a right of access for the purposes of open-air recreation.

We held a public consultation on our proposals for amending the CROW Act (i.e. the contents of the section 3A Order) between 8 September and 1 December 2009 and, following analysis of the responses, our conclusion is that in general the responses supported the proposed changes. Respondents provided many helpful comments – which we are most grateful for – and we have amended the proposals in some respects as a result.

These changes were incorporated into the draft *'The Countryside (Coastal Margin) (England) Order 2010'*, which was laid before Parliament on 20 January 2010. The Order is subject to the affirmative resolution procedure – which means it must be debated and approved by both the House of Commons and the House of Lords before it can come into force.

- A summary of responses – outlining the main points raised by respondents to the consultation, together with the Government's response to them and an explanation of changes made to the original proposals – can be viewed at:
<http://www.defra.gov.uk/corporate/consult/coastal-access/index.htm>
- A copy of the draft section 3A Order and an explanatory memorandum can be viewed at:
<http://www.opsi.gov.uk/si/dsis2010>

Natural England's coastal access Scheme public consultation

Reminder of closing date:

The MCA Act 2009 requires Natural England to prepare a coastal access Scheme setting out its approach to implementation of the new coastal access rights. On 13 November 2009 Natural England launched a public consultation on the contents of its proposed Scheme.

You can view a copy of the consultation and documents outlining Natural England's proposed

Scheme and how to respond at:

<http://www.naturalengland.org.uk/ourwork/position/consultations/>

The final date for receipt of responses is **Friday 5 February 2010**.

Following the consultation, Natural England will prepare a final version of the Scheme for submission to the Secretary of State for approval. Approval of the Scheme must be received before any implementation of coastal access provisions can begin.

South Downs National Park update

Progress continues to be made on the South Downs National Park. The confirming Order was signed on 12 November 2009 which means that the National Park will definitely exist from 31 March 2010. There has been one legal challenge to the National Park which affects approximately 1.7 hectares of its total area.

An Order will be laid before Parliament in February to establish the National Park Authority from 1 April 2010 (it will take on its full functions a year later, on 1 April 2011). Recruitment of Authority members is well underway and they should all be appointed in good time.

The three County Councils within the National Park are deciding whether or not to delegate rights of way work to the National Park Authority.

English National Parks and the Broads Draft Circular consultation

Reminder of closing date:

A Defra consultation was published on 13 November 2009 seeking views on our proposals for a new National Park Circular and Vision to replace DoE Circular 12/96 in three key aspects:

- It introduces a new vision for the National Parks and the Broads over the next forty years;
- It sets out priorities for the National Park and the Broads Authorities to be pursued alongside meeting their statutory duties; it also relates to the duties of other bodies in respect of the Parks and the Broads; and
- It updates the statutory duties and functions of National Parks and the Broads Authorities as a consequence of changes to primary and secondary legislation since 1996.

The full consultation can be found at:

<http://www.defra.gov.uk/corporate/consult/nationalpark/index.htm>

The final date for receipt of responses is **Friday 5 February 2010**.