



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 9

COASTAL ACCESS

Implementation of the coastal access duty

302 Long-distance routes

(1) After section 55 of the 1949 Act insert—

“55A Proposals relating to the English coastal route

- (1) Pursuant to the coastal access duty, Natural England may prepare and submit a report under section 51 containing proposals for a route (whether or not the requirements of section 51(1) are satisfied).
- (2) For the purposes of subsection (1) it is immaterial whether the route or any part of it is already a route in approved proposals relating to a long-distance route.
- (3) In subsections (4) and (5) “preliminary activity” means activity which Natural England considers would facilitate the preparation by it of a report under section 51 pursuant to the coastal access duty.
- (4) Where Natural England considers it necessary or expedient for preliminary activity to be carried out as respects any land, it must—
 - (a) consider whether it would be appropriate for the access authority in relation to that land to carry out any of the preliminary activity, and
 - (b) if it concludes that it would be so appropriate, take all reasonable steps to enter into an agreement with the access authority for that purpose.

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- (5) An access authority may, as respects any land in its area, enter into an agreement with Natural England under which the access authority undertakes to carry out preliminary activity.
- (6) In this section “the coastal access duty” means the duty imposed on Natural England and the Secretary of State by section 296(1) of the Marine and Coastal Access Act 2009.

55B Route subject to erosion etc

- (1) This section applies in relation to a report under section 51 prepared pursuant to the coastal access duty.
- (2) Where Natural England considers that the area through which the route passes is an area to which subsection (3) applies, the report may set out proposals for the route, or any part of it, to be determined at any time in accordance with provision made in the proposals (rather than as shown on a map).
- (3) This subsection applies to an area if it is or may be—
 - (a) subject to significant coastal erosion or encroachment by the sea, or
 - (b) subject to significant physical change due to other geomorphological processes.
- (4) The provision made by virtue of subsection (2) may, in particular, provide for the route to be determined by reference to the edge of a cliff or boundary of a field (as it exists from time to time).
- (5) Where the report contains proposals under subsection (2), the map included in the report in accordance with section 51(2) must show the route as determined, at the time the report is prepared, in accordance with those proposals.
- (6) Natural England must consult the Environment Agency before exercising its powers under subsection (2) in respect of an area which is or may be—
 - (a) subject to significant coastal erosion or encroachment by the sea, or
 - (b) subject to significant physical change due to other geomorphological processes in relation to which the Agency has functions.

55C Alternative routes

- (1) This section applies in relation to a report under section 51 prepared pursuant to the coastal access duty.
- (2) The report may include, in relation to the route (“the ordinary route”) or any part of it, a proposal under subsection (3) or (4).
- (3) A proposal under this subsection is a proposal for an alternative route which is to operate as a diversion from the ordinary route, or part, during one or both of the following—
 - (a) any specified period (or periods), and
 - (b) any period during which access to the ordinary route or part is excluded by reason of a direction under Chapter 2 of Part 1 of the CROW Act (exclusion or restriction of access).

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- (4) A proposal under this subsection is a proposal for an alternative route which is to operate as an optional alternative to the ordinary route, or part, during any period for which the ordinary route, or part, might reasonably be regarded as unsuitable for use by reason of—
- (a) flooding,
 - (b) the action of the tide,
 - (c) coastal erosion or encroachment by the sea, or
 - (d) the effect of any other geomorphological process.
- (5) In subsection (3)(a) “specified” means—
- (a) specified in, or determined in accordance with, the proposal, or
 - (b) determined in accordance with the proposal by—
 - (i) a person specified in the proposal, or
 - (ii) a person determined in accordance with the proposal, details of whom are notified to Natural England in accordance with the proposal.
- (6) Sections 51(2) and 55B apply in relation to an alternative route as they apply in relation to the ordinary route.

55D Coastal margin

- (1) This section applies in relation to a report prepared under section 51 pursuant to the coastal access duty.
- (2) The proposals set out in the report may include—
- (a) a proposal for any part of the landward boundary of the relevant coastal margin to coincide with a physical feature identified in the proposal,
 - (b) where those proposals include an alternative route, a proposal for any part of the landward or seaward boundary of the alternative route strip to coincide with a physical feature so identified, or
 - (c) a proposal for the landward or seaward boundary of any area excluded from any description of excepted land to coincide with a physical feature so identified.
- (3) The report must contain—
- (a) a map showing the landward boundary of the relevant coastal margin, or
 - (b) a description of that boundary which is sufficient to identify the relevant coastal margin.
- (4) Where a map is contained in a report pursuant to subsection (3)(a), Natural England must provide a person with a relevant interest in affected land, on request, with a copy of that map.
- (5) The report must set out such proposals (if any) as Natural England considers appropriate as to the directions to be made by it under Chapter 2 of Part 1 of the CROW Act for the exclusion or restriction of the right of access that would arise under section 2(1) of that Act in relation to any land if the proposals in the report were to be approved.

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- (6) Before preparing the report, Natural England must (in addition to complying with section 51(4))—
- (a) take reasonable steps to consult persons with a relevant interest in affected land,
 - (b) consult any body of a kind mentioned in section 51(4) in whose Park or area affected land is situated (but which is not required to be consulted under section 51(4)),
 - (c) consult each London borough council for an area in which affected land is situated,
 - (d) consult each local access forum for an area in which affected land is situated,
 - (e) consult the Secretary of State in relation to any interests of defence or national security which may be affected by the proposals which Natural England is minded to include in the report,
 - (f) consult the Historic Buildings and Monuments Commission for England in relation to any interests in the preservation of any monument, structure or other thing, mentioned in section 26(3)(b) of the CROW Act which may be affected by those proposals, and
 - (g) consult the Environment Agency in relation to any interests in flood defence, or in the management of the effects of coastal erosion or encroachment by the sea, which may be affected by those proposals.
- (7) A body within subsection (6)(b), (c) or (d) must provide Natural England with such information as it may reasonably require for the purposes of the report.
- (8) Where the Secretary of State is consulted under subsection (6)(e), the Secretary of State must—
- (a) provide Natural England with such information as it may reasonably require as to any exclusion or restriction of the right of access to affected land under section 2(1) of the CROW Act which the Secretary of State proposes to make provision for under section 28 of that Act (defence and national security), and
 - (b) notify Natural England if the Secretary of State is of the opinion that this information, or any part of it, ought not to be disclosed by it on the grounds of the public interest in defence and national security.
- (9) Subject to subsection (10), the report must contain such of the information provided under subsection (8)(a) as Natural England considers relevant for the purposes of the report.
- (10) The report may not contain information which Natural England has been notified under subsection (8)(b) ought not to be disclosed by it.

55E Consideration of reports made pursuant to the coastal access duty

Schedule 1A contains—

- (a) provision about the procedure to be followed when a report is submitted under section 51 pursuant to the coastal access duty;
- (b) provision which, in relation to such reports, supplements the provision made by section 52.

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55F Directions under Part 1 of the CROW Act

- (1) This section applies where approved proposals relating to a long-distance route contain proposals as regards a direction to be made by Natural England under Chapter 2 of Part 1 of the CROW Act for the exclusion or restriction of the right of access that would otherwise arise under section 2(1) of that Act.
- (2) Natural England must make the direction in accordance with those proposals.
- (3) Subsection (2) is without prejudice to any power Natural England may have to revoke or vary the direction after it is made.

55G Ferries for the purposes of the English coastal route

- (1) This section applies where—
 - (a) pursuant to the coastal access duty, approved proposals relating to a long-distance route include proposals for the provision and operation of a ferry, and
 - (b) an approach route to the ferry is not a highway.
- (2) The reference in section 53(1) to the highway authority for either or both of the highways to be connected by the ferry is to be read as including the highway authority in whose area the approach route is situated.
- (3) In this section “approach route”, in relation to a ferry, means a part of the English coastal route to be connected to another part of that route by the ferry.

55H Variation pursuant to the coastal access duty

- (1) In the case of a report made by Natural England under section 55(1) pursuant to the coastal access duty—
 - (a) the procedural requirements apply with the necessary modifications, and
 - (b) section 55(3) does not apply.
- (2) The Secretary of State may by regulations provide—
 - (a) that, in relation to a direction under section 55(2) pursuant to the coastal access duty, the procedural requirements apply with the modifications specified in the regulations, and
 - (b) that section 55(3) does not apply in relation to such a direction.
- (3) The Secretary of State may not make a direction under section 55(2) pursuant to the coastal access duty at a time when there are no regulations under subsection (2) in force.
- (4) For the purposes of this section—

“modify” includes amend, add to or repeal, and “modification” is to be construed accordingly;

“the procedural requirements” means sections 51(4) and (5), 52(1) and (2), 55D(6) to (10) and 55E, Schedule 1A and regulations under that Schedule.

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55I Temporary diversions

- (1) This section applies where Natural England or the Secretary of State gives a direction by virtue of Chapter 2 of Part 1 of the CROW Act which excludes the right of access under section 2(1) of that Act, for any period (“the exclusion period”), in relation to any land over which (or any part of which) the English coastal route or any official alternative route passes.
- (2) This section does not apply if the direction by virtue of that Chapter is expressed to have effect indefinitely.
- (3) Natural England may give a direction under this section specifying a route (“the temporary route”) which is to apply for the duration of the exclusion period or such part of it as is specified in the direction.
- (4) The temporary route specified by Natural England may pass only—
 - (a) over land which is access land for the purposes of Part 1 of the CROW Act,
 - (b) over land which, for the purposes of section 1(1) of that Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act,
 - (c) along a highway, or
 - (d) over any other land the owner of which has agreed to the temporary route (so far as it passes over that land).
- (5) Natural England must consult the Environment Agency before giving a direction where the temporary route specified passes over land of a type described in subsection (4)(d).
- (6) A direction under this section—
 - (a) must be in writing, and
 - (b) may be revoked or varied by a subsequent direction under this section.

55J Interpretation of sections 55A to 55J

- (1) In sections 55A to 55I, Schedule 1A and this section—
 - “access authority” has the same meaning as in Part 1 of the CROW Act;
 - “affected land” means—
 - (a) land over which the route, or any alternative route, to which the proposals relate passes, and
 - (b) any other land which—
 - (i) is relevant coastal margin, or an alternative route strip in relation to such an alternative route, and
 - (ii) is not excepted land;
 - “alternative route” is to be construed in accordance with section 55C;
 - “alternative route strip”, in relation to an alternative route, means—
 - (a) in a case where the proposal for the alternative route has not yet been approved under section 52, the land which would become coastal margin during the operation of that route if the proposals

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in the report were to be so approved (without modifications), and

(b) in the case of an official alternative route, the land which would become coastal margin during the operation of that route;

“the coastal access duty” has the meaning given by section 55A;

“coastal margin” has the same meaning as in Part 1 of the CROW Act;

“the CROW Act” means the Countryside and Rights of Way Act 2000 (c. 37);

“the English coastal route” means the route secured pursuant to the coastal access duty;

“excepted land” has the same meaning as in Part 1 of the CROW Act;

“local access forum” means a local access forum established under section 94 of the CROW Act;

“official alternative route” means an alternative route which is contained in approved proposals relating to a long-distance route;

“owner”, in relation to land, means the person who holds an estate in fee simple absolute in possession in the land;

“relevant coastal margin”, in relation to proposals, means—

(a) in a case where the proposals have not yet been approved under section 52, land which would become coastal margin if the proposals were to be approved (without modifications) under that section (disregarding the alternative route strip in relation to any alternative route), and

(b) in a case where the proposals have been so approved (with or without modifications), land which becomes coastal margin as a result of the proposals having been so approved (disregarding the alternative route strip in relation to any official alternative route).

(2) For the purposes of sections 55A to 55I and Schedule 1A, a person has a relevant interest in land if the person—

- (a) is the owner of the land,
- (b) holds a term of years absolute in the land, or
- (c) is in lawful occupation of the land.

(3) Any power conferred by sections 55A to 55I or Schedule 1A to make regulations includes—

- (a) power to make different provision for different cases, and
- (b) power to make incidental, consequential, supplemental or transitional provision or savings.”

(2) After Schedule 1 to the 1949 Act insert the Schedule set out in Schedule 19 to this Act.

Commencement Information

II S. 302 wholly in force at 12.1.2010; s. 302 in force for specified purposes at Royal Assent see s. 324(1)(c); s. 302 in force in so far as not already in force at 12.1.2010 see s. 324(2)(d)

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303 Access to the coastal margin

- (1) Part 1 of the CROW Act (access to the countryside) is amended as follows.
- (2) In section 1—
 - (a) in subsection (1) (definition of “access land”) omit “or” at the end of paragraph (d) and after that paragraph insert—

“(da) is coastal margin, or”,
 - (b) in subsection (2), after the definition of “the appropriate countryside body” insert—

““coastal margin” means land which is of a description specified by an order under section 3A;”,
 - (c) in that subsection, in the definition of “open country”, in paragraph (b) after “land” insert “ or coastal margin ”, and
 - (d) in subsection (3), after “2006” insert “ (but is not coastal margin) ”.
- (3) In section 2 (rights of public in relation to access land)—
 - (a) in subsection (3), for “prohibition” to the end substitute “ relevant statutory prohibition ”, and
 - (b) after that subsection insert—

“(3A) In subsection (3) “relevant statutory prohibition” means—

 - (a) in the case of land which is coastal margin, a prohibition contained in or having effect under any enactment, and
 - (b) in any other case, a prohibition contained in or having effect under any enactment other than an enactment contained in a local or private Act.”
- (4) In section 3 (power to extend to coastal land)—
 - (a) at the end of the heading insert “ : Wales ”,
 - (b) in subsection (1) for “Secretary” to “Wales)” substitute “ Welsh Ministers ”, and
 - (c) in that subsection after “include” insert “ as respects Wales ”.
- (5) After that section insert—

“3A Power to extend to coastal land etc: England

- (1) The Secretary of State may by order specify the descriptions of land in England which are coastal margin for the purposes of this Part.
- (2) An order under subsection (1) may, in particular—
 - (a) describe land by reference to it being—
 - (i) land over which the line taken by the English coastal route passes,
 - (ii) land which is adjacent to and within a specified distance of that line, or
 - (iii) land which is adjacent to land within sub-paragraph (ii),
 if the land described under paragraphs (i) to (iii), taken as a whole, is coastal land;

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- (b) in relation to cases where a proposal of the kind mentioned in section 55B of the 1949 Act (power to determine the route in accordance with provision made in the report) is contained in relevant approved proposals, describe land by reference to the line taken by the English coastal route as it has effect from time to time in accordance with that proposal;
 - (c) in relation to cases where a proposal of the kind mentioned in section 55C of that Act (alternative routes) is contained in relevant approved proposals, describe land by reference to it being—
 - (i) land over which the line taken by an official alternative route which is for the time being in operation passes, or
 - (ii) land which is adjacent to and within a specified distance of that line,whether or not it is coastal land;
 - (d) in relation to cases where a proposal of the kind mentioned in section 55D(2)(a) or (b) of that Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of an area of coastal margin is to coincide with a physical feature as provided for in that proposal (and for this purpose it is immaterial if the effect is to include other land as coastal margin or to exclude part of an area of coastal land);
 - (e) in relation to cases where a direction under subsection (3) of section 55I of that Act (temporary diversions) specifies a route which (or any part of which) passes over land within subsection (4)(d) of that section, describe land by reference to it being—
 - (i) land over which the line taken by that route (so far as it passes over land within subsection (4)(d) of that section) passes, or
 - (ii) land which is adjacent to and within a specified distance of that line (so far as it so passes),whether or not it is coastal land.
- (3) For the purposes of subsection (2) it is immaterial whether the English coastal route is in existence at the time the order is made.
- (4) An order under subsection (1) may modify the provisions of this Part in their application to land which is coastal margin.
- (5) Provision made by virtue of subsection (4) may, in particular—
- (a) confer functions on the Secretary of State or Natural England;
 - (b) if providing for any description of land which is coastal margin to be excluded from any description of excepted land—
 - (i) describe that land as mentioned in subsection (2)(a)(i) to (iii), (b) or (c), or
 - (ii) in relation to cases where a proposal of the kind mentioned in section 55D(2)(c) of the 1949 Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of that land (or any part of it) is to coincide with a physical feature as provided for in that proposal.

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- (6) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1)—
- (a) section 2(1) does not apply in relation to the land by reason of it being coastal margin until the end of the access preparation period in relation to the land,
 - (b) any direction given under Chapter 2 in relation to the land may be expressed to take effect immediately after the end of that period, and
 - (c) until the end of that period, the land is not to be regarded as coastal margin—
 - (i) for the purpose of determining whether it is open country or registered common land, or
 - (ii) for the purposes of section 1(6AA) of the Occupiers' Liability Act 1984 (duty of occupier of coastal margin to persons other than the occupier's visitors).
- (7) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1), any exclusion or restriction under Chapter 2 of access to the land by virtue of section 2(1) ceases to have effect at the end of the access preparation period.
- (8) Subsection (7) does not apply to any exclusion or restriction resulting from a direction under Chapter 2 which takes effect after the end of the access preparation period.
- (9) Subsections (6) and (7) do not apply to land if, at the time it becomes coastal margin by virtue of an order under subsection (1), it is already dedicated as coastal margin under section 16.
- (10) In this section—
- “the 1949 Act” means the National Parks and Access to the Countryside Act 1949;
- “access preparation period”, in relation to any land, means the period which—
- (a) begins when the land becomes coastal margin, and
 - (b) ends with the day appointed by the Secretary of State by order under this subsection in relation to that land;
- “approved proposals relating to a long-distance route” is to be construed in accordance with sections 52(3) and 55(4) of the 1949 Act;
- “coastal land” has the same meaning as in section 3;
- “the English coastal route” means the route secured (or to be secured) pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);
- “modify” includes amend, add to or repeal;
- “official alternative route” has the meaning given by section 55J of the 1949 Act;
- “relevant approved proposals” means approved proposals relating to a long-distance route which is or forms part of the English coastal route;

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“specified” means specified in an order under subsection (1);
and references to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) are to be interpreted in accordance with section 21(2) and (3).”

(6) In section 16 (dedication of land as access land)—

(a) after subsection (2) insert—

“(2A) Where a person makes a dedication under this section in respect of land within subsection (2B), that dedication may also dedicate the land as coastal margin.

(2B) The land within this subsection is—

- (a) land which is coastal margin, and
- (b) any other land in England which is adjacent to land which is coastal margin.

(2C) Where land is dedicated as coastal margin—

- (a) in the case of land within subsection (2B)(b), it is to be treated as coastal margin for the purposes of any provision made by or by virtue of this Part (other than section 1), and
- (b) if—
 - (i) disregarding this paragraph, it would be excepted land, and
 - (ii) it is not land which is accessible to the public by virtue of any enactment or rule of law (other than this Act),

it is to be treated for the purposes of any provision made by or by virtue of this Part as if it were not excepted land.”

(b) in subsection (6), omit “and” at the end of paragraph (c) and after that paragraph insert—

“(ca) in the case of land within subsection (2B), enable a dedication previously made under this section in respect of the land (otherwise than by virtue of subsection (2A)) to be amended, by the persons by whom a dedication could be made, so as to provide that the land is dedicated as coastal margin for the purposes of subsection (2C),

(cb) provide for any exclusion or restriction under Chapter 2 of access by virtue of section 2(1) which has effect in relation to land which is within subsection (2B)(b) immediately before it is dedicated as coastal margin to cease to have effect at the time the dedication takes effect, and”

(c) after subsection (6) insert—

“(6A) In subsection (6)(cb) the reference to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) is to be interpreted in accordance with section 21(2) and (3).”

(7) In section 20 (codes of conduct and other information)—

(a) in subsection (1), omit “and” at the end of paragraph (a) and after paragraph (b) insert “, and

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- (c) that, in relation to access land which is coastal margin, the public are informed that the right conferred by section 2(1) does not affect any other right of access that may exist in relation to that land.”, and
- (b) after that subsection insert—
 - “(1A) The duty imposed by subsection (1) to issue and revise a code of conduct may be discharged, in relation to access land which is coastal margin, by (or in part by) issuing and revising a separate code relating to such access land only.”
- (8) In section 44 (orders and regulations under Part 1), in subsection (3) after “section 3” insert “ or 3A(1) ”.
- (9) In section 45 (interpretation of Part 1), after the definition of “the appropriate countryside body” insert—
 - ““coastal margin” has the meaning given by section 1(2);”.

Commencement Information

12 [S. 303](#) wholly in force at 12.1.2010; [s. 303](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#); [s. 303](#) in force in so far as not already in force at 12.1.2010 see [s. 324\(2\)\(d\)](#)

304 Establishment and maintenance of the English coastal route etc

Schedule 20 (establishment and maintenance of the English coastal route etc) has effect.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)