

SCHEDULE 1

Amendments of Part 1 of the CROW Act

PART 3

Exclusion or restriction of access

- 15.**—(1) In section 21 of the CROW Act (interpretation of Chapter 2)—
- (a) in subsection (5)—
 - (i) before paragraph (a) insert—

“(za) in relation to any land which is coastal margin, means Natural England,”
 - (ii) in that paragraph, after “land” insert “(other than coastal margin)”
 - (b) in subsection (6)(a), after “section 16” insert “(other than land which is coastal margin)”, and
 - (c) after subsection (7) add—

“(8) Where there is access to an area of coastal margin by virtue of section 2(1), Natural England may—

 - (a) if the land is in a National Park, authorise the National Park authority, or
 - (b) if the land consists wholly or predominantly of woodland, authorise the Forestry Commissioners,

to exercise in relation to the land such of Natural England’s functions under this Chapter as Natural England may specify.

(9) An authorisation given for the purposes of subsection (8) may be—

 - (a) for a period specified in the authorisation, or
 - (b) for an indefinite period,

and may be revoked at any time by Natural England.”.
- 16.** In section 22 of that Act (exclusion or restriction at discretion of owner and others), after subsection (8) add—

“(9) Nothing in this section applies in relation to land which is coastal margin.”.
- 17.** In section 23 of that Act (restrictions on dogs at discretion of owner), after subsection (5) add—

“(6) Nothing in this section applies in relation to land which is coastal margin.”.
- 18.**—(1) Section 24 of that Act (land management) is amended as follows.
- (2) For subsection (1) substitute—

“(1) The relevant authority may make a land management direction in relation to any land (“the designated land”).

(1A) The relevant authority may exercise their powers under subsection (1)—

 - (a) in any case, on the application of any person interested in the designated land, and
 - (b) if the designated land is coastal margin, without any such application having been made.

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- (1B) A land management direction is a direction which—
- (a) where the designated land is coastal margin—
 - (i) excludes or restricts access to the designated land during a specified period, or
 - (ii) authorises a specified person to exclude or restrict in the manner specified in the direction access to the designated land, or to such part or parts of that land as the specified person may determine in accordance with the direction, during a specified period, and
 - (b) in any other case, excludes or restricts access to the designated land during a specified period.
- (1C) The relevant authority may not make a land management direction unless—
- (a) in the case of a direction within subsection (1B)(a), they are satisfied that the exclusion or restriction under this section of access to the designated land to the extent provided for in or by the direction is necessary for the purposes of the management of the designated land or any adjoining land;
 - (b) in the case of a direction within subsection (1B)(b), they are satisfied that the exclusion or restriction under this section of access to the designated land to the extent provided by the direction is necessary for the purposes of the management of the land by the applicant.
- (1D) Before making a land management direction under subsection (1B)(a) in a case where an application has not been made under subsection (1A)(a), the relevant authority must take reasonable steps to consult any person who—
- (a) holds an estate in fee simple absolute in possession in the designated land (or any part of it),
 - (b) holds a term of years absolute in that land (or any part of it), or
 - (c) is in lawful occupation of that land (or any part of it).
- (1E) Subsection (1D) does not apply if the direction is made in accordance with section 55F(2) of the National Parks and Access to the Countryside Act 1949⁽¹⁾ (directions set out in report approving proposals for English coastal route).
- (1F) The reference in subsection (1B)(a) to a specified period includes a reference to—
- (a) a specified period in every calendar year;
 - (b) a period which is to be determined by the relevant authority in accordance with the direction;
 - (c) a period which is to be determined by a specified person in accordance with the direction and, where the direction so requires, notified to the relevant authority by the specified person in accordance with the direction;
 - (d) an indefinite period.”.
- (3) In subsection (2) for “subsection (1)” substitute “subsection (1B)(b)”.
- (4) After subsection (4) add—
- “(5) Subsections (3) and (4) do not apply in relation to land management directions under subsection (1B)(a).
 - (6) In this section references to access to land are to access by virtue of section 2(1).”.
- 19.** In section 25 of that Act (avoidance or risk of fire or of danger to the public)—

(1) 1949 c.97. Section 55F was inserted by section 302 of the 2009 Act.

- (a) after subsection (1) insert—
- “(1A) Subsection (1)(a) does not apply in relation to land which is coastal margin if it is—
- (a) land over which the line of an approved section of the English coastal route, an official alternative route or a temporary route passes, or
 - (b) land which is adjacent to and within 2 metres either side of such a line.”,
- (b) in subsection (2), after paragraph (b) add—
- “, and
- (c) in the case of a direction relating to land which is coastal margin, a period which is to be determined by a specified person in accordance with the direction and, where the direction so requires, notified to the relevant authority by the specified person in accordance with the direction.”, and
- (c) after subsection (5) add—
- “(6) Nothing in subsection (4) or (5) applies in relation to land which is coastal margin.
- (7) In this section—
- “approved section of the English coastal route” means a route (other than an official alternative route) in relevant approved proposals (within the meaning of section 3A);
- “official alternative route” has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949(2);
- “temporary route” means a route for the time being having effect by virtue of a direction under section 55I of that Act(3)

20. After section 25 of that Act insert—

“Salt marshes and flats

25A.—(1) The relevant authority may by direction exclude or restrict access to any land which is coastal margin consisting of salt marsh or flat if the authority are satisfied that the exclusion or restriction under this section of access to the land to the extent provided by the direction is necessary because the land, or any part of the land, is unsuitable for public access.

- (2) A direction under subsection (1) may be expressed to have effect—
- (a) during a period specified in the direction,
 - (b) during a specified period in every calendar year,
 - (c) during a period which is to be determined by the relevant authority in accordance with the direction,
 - (d) during a period which is to be determined by a specified person in accordance with the direction and, where the direction so requires, notified to the relevant authority by the specified person in accordance with the direction, or
 - (e) indefinitely.
- (3) In this section a reference to “access” to land means access by virtue of section 2(1).”.

21.—(1) Section 26 of that Act (nature conservation and heritage preservation) is amended as follows.

(2) 1949 c. 97. Section 55J was inserted by section 302 of the 2009 Act.

(3) Section 55I was inserted by section 302 of the 2009 Act.

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- (2) In subsection (2), omit “or” at the end of paragraph (c) and after that paragraph insert—
- “(ca) in the case of land which is coastal margin, during a period which is to be determined by a specified person in accordance with the direction and, where the direction so requires, notified to the relevant authority by the specified person in accordance with the direction, or”.

- (3) After subsection (4) insert—

“(4A) Subsection (4) does not apply if the direction is made in accordance with section 55F(2) of the National Parks and Access to the Countryside Act 1949(4) (directions set out in report approving proposals for English coastal route).”.

- 22.**—(1) Section 27 of that Act (directions by relevant authority: general) is amended as follows.

- (2) In subsections (1), (2) and (3) after “25” insert “, 25A”.

- (3) After subsection (6) add—

“(7) Subsection (1) does not apply if the direction is made in accordance with section 55F(2) of the National Parks and Access to the Countryside Act 1949(5) (directions set out in report approving proposals for English coastal route).

(8) Nothing in subsection (5) or (6) has effect in relation to a direction ceasing to have effect by virtue of section 3A(7) (pre-existing directions ceasing to have effect at end of access preparation period for coastal margin).”.

- 23.**—(1) Section 31 of that Act (exclusion or restriction of access in case of emergency) is amended as follows.

- (2) For subsection (1) substitute—

“(1) Regulations may make provision enabling the relevant authority—

- (a) where the authority are satisfied that an emergency has arisen which makes the exclusion or restriction of access by virtue of section 2(1) necessary for any of the purposes specified in section 24(1C)(b), 25(1) or 26(3), by direction to exclude or restrict such access, in respect of any land, for a period not exceeding three months, or
- (b) where the authority are satisfied that an emergency has arisen which makes the exclusion or restriction of access by virtue of section 2(1) necessary for any of the purposes specified in section 24(1C)(a), by direction to exclude or restrict such access, in respect of any land which is coastal margin, for a period not exceeding three months.”.

- (3) After that subsection insert—

“(1A) Nothing in subsection (1) authorises regulations to make provision which enables the relevant authority to exclude or restrict access, for the purposes specified in subsection (1)(a) of section 25, in respect of any land which is coastal margin and is within subsection (1A)(a) or (b) of that section.”.

(4) 1949 c. 97.

(5) 1949 c. 97. Section 55F was inserted by section 302 of the 2009 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Access to the Countryside (Coastal Margin) (England) Order 2010, PART 3.