

# ENGLAND'S FORBIDDEN SHORES

With Wales committed to a national coastal path and Scotland already enjoying the legal right to walk along almost all its coast, why are visitors to England's shoreline still technically considered trespassers? Investigative journalist and Who Owns Britain? author Kevin Cahill explores who owns England's coastline, who governs access to it, and how the politicians plan to improve the situation.

**T**he English seaside holiday is as traditional as donkey rides and fish and chips. So people are often surprised when they learn that they have no legal right to walk along England's beaches.

"As an island nation, the coast is a vital part of England's heritage, yet current access to it is patchy at best," explains Justin Cooke, head of access at the Ramblers' Association. "There is no right to walk on the foreshore between mean low and high tides, so even a child building a sandcastle may technically be trespassing."

So who owns and controls England's coast, and what is the government doing to encourage greater access?

## Mysterious coastline

Grappling the scale of the issue is difficult since nobody really knows how long England's coastline is. A tally of English coastal county councils figures gives a total of 3,000km/1,875 miles, yet the Ordnance Survey puts it closer to 5,580km/3,488 miles. Adding to the complication is the number and variety of laws that apply to the coast and which parts they cover. One study found that Britain's coast is dealt with by over 240 government, local authority and other agencies, and by no less than 80 acts of

Parliament. In addition to which, England and Wales has 45 heritage sites covering about 1,500km/938 miles of coastline.

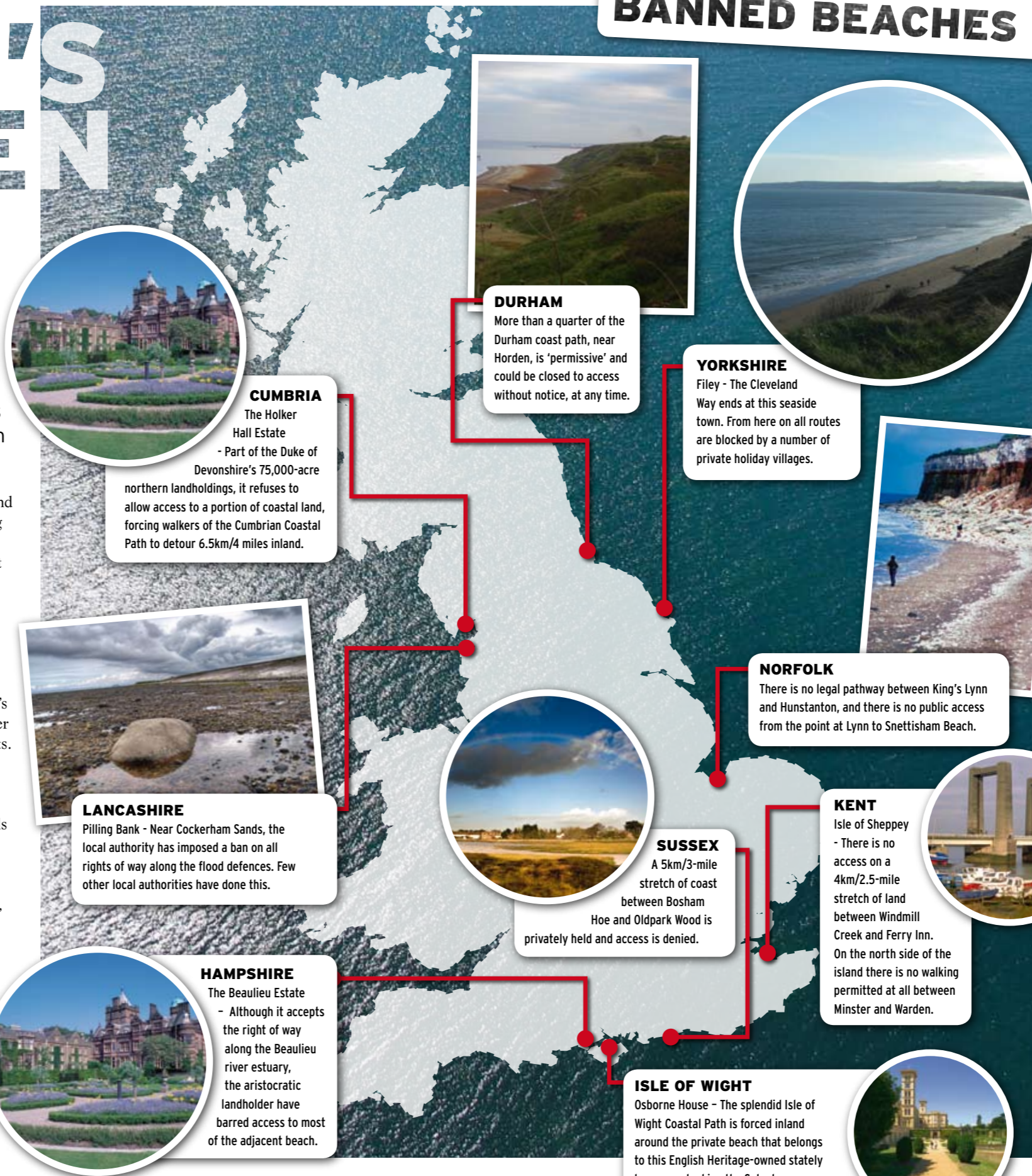
What is certain is that England's coast is one of the most heavily developed and urbanised in the world. There are over 120 seaside towns in all (45 with populations above 8,000), and almost one third of it is developed in one form or another. All this has a severe impact on access: last year, a survey of England's east coast by Natural England found over one third had no recognised access rights.

## Private beaches

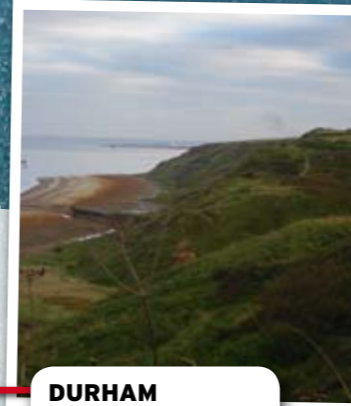
One culprit is the growing problem of private beaches - many adjacent to hotels and holiday villages. In its 2005 Coast series, the BBC looked at how many private beaches there were in the West Country. As with the length of the coast, the figures were contradictory.

The Marine Conservation Guide to Good Beaches found about 170 private beaches in Devon and Cornwall. But Devon County Council claimed there were over 200 beaches in Devon alone, with access to only three-quarters of these. Cornwall County Council recorded 300 beaches in the county, with access to 247 of them.

This all begs the question of access



**CUMBRIA**  
The Holker Hall Estate  
- Part of the Duke of Devonshire's 75,000-acre northern landholdings, it refuses to allow access to a portion of coastal land, forcing walkers of the Cumbrian Coastal Path to detour 6.5km/4 miles inland.



**DURHAM**  
More than a quarter of the Durham coast path, near Horden, is 'permissive' and could be closed to access without notice, at any time.



**YORKSHIRE**  
Filey - The Cleveland Way ends at this seaside town. From here on all routes are blocked by a number of private holiday villages.



**NORFOLK**  
There is no legal pathway between King's Lynn and Hunstanton, and there is no public access from the point at Lynn to Snettisham Beach.



**LANCASHIRE**  
Pilling Bank - Near Cockerham Sands, the local authority has imposed a ban on all rights of way along the flood defences. Few other local authorities have done this.



**SUSSEX**  
A 5km/3-mile stretch of coast between Bosham Hoe and Oldpark Wood is privately held and access is denied.



**KENT**  
Isle of Sheppey - There is no access on a 4km/2.5-mile stretch of land between Windmill Creek and Ferry Inn. On the north side of the island there is no walking permitted at all between Minster and Warden.



**HAMPSHIRE**  
The Beaulieu Estate  
- Although it accepts the right of way along the Beaulieu river estuary, the aristocratic landholder have barred access to most of the adjacent beach.



**ISLE OF WIGHT**  
Osborne House - The splendid Isle of Wight Coastal Path is forced inland around the private beach that belongs to this English Heritage-owned stately home overlooking the Solent.

beyond coastal land to the actual beaches themselves for walkers and the general public. And in turn, raises the even more complicated and less documented issue of who actually owns or holds England's coast, in the broadest sense.

## Who owns England's coast?

A little over half of Britain's foreshore - that portion of the land between the mean low and high tide which is walkable at low tide - is owned by the Queen and administered by the government. The 45% of the foreshore no longer in the hands of the Crown Estate has been leased or sold over the centuries to the two other Duchies (Lancaster and Cornwall) and to port and dock authorities and some private landowners. (Officially, the Queen owns all land in Britain; all other landowners are either freeholders or leaseholders.)

Then there's the land between the high water mark and 200 meters inland, holdership of which can be divided into three broad categories. Firstly, private holders of a quarter to a third of this land. These are the great historic landed estates, such as the Clinton Estate in Devon, and also include the Church of England. Secondly, the government who hold about a third of the coast through agencies such as the Ministry of Defence and the Environment Agency. Thirdly, cities and towns which hold at least one third of the English coast.

The issue of ownership/holdership is critical. It indicates where the government has real power to impose legislation (such as on its own agencies), and where it will have to negotiate (with private landowners and the town and city boroughs).

## COASTAL ACCESS IN SCOTLAND & WALES

Scotland currently has some of the best access legislation in Europe with walkers given a statutory right to walk on almost all foreshore and cliffs. For more information, read the Scottish Outdoor Access Code at [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com).

The Welsh Assembly has decided to create a coastal path along Wales' shoreline and is working to complete any gaps by 2012. Ramblers Wales is hopeful this will eventually lead to their preferred option of a coastal corridor in line with the proposals for England. Visit [www.ramblers.org.uk/wales](http://www.ramblers.org.uk/wales) for further details.

## BRITAIN'S COASTAL LANDOWNERS

	OWNER/HOLDER	APPROXIMATE AMOUNT OF LAND OWNED/HELD
FORESHORE IN BRITAIN	<b>Crown Estate</b>	10,230km/6,357 miles 12.65m acres
	<b>Others</b> (Including the Duchy of Cornwall, the Duchy of Lancaster, HM Government, ports and local authorities, National Trust (in NI) and private owners such as the Whitstable Oyster companies.)	8,370km/5,200 miles 10.35m acres
COASTAL PATHS IN ENGLAND & WALES	<b>The National Trust</b>	796km/495 miles <b>Cornwall:</b> 304km/189 miles <b>Devon:</b> 219km/136 miles <b>Dorset:</b> 24km/15 miles <b>Yorkshire:</b> 19km/12 miles <b>Northumberland &amp; NE:</b> 10km/6 miles <b>Wales:</b> 220km/137 miles
	<b>County councils, local authorities and port authorities</b>	3,490km/2,181 miles
	<b>Private estates and farmers</b>	2,349km/1,468 miles
	<b>HM Government</b> (MoD, DEFRA etc.)	1,920km/1,200 miles

**Positive government**

Fortunately, the government has come out clearly in favour of a legal right to coastal access. Speaking at last year's Labour party conference, Hilary Benn MP said: "We now intend to legislate so that each of us has, for the first time in our history, the right to walk around our coastline from the white cliffs of the south coast to the wild cliffs of Northumberland." The former environment secretary David Milliband went even further, saying the government would legislate for "a 'corridor' that will be erosion proof and will create a right to roam around the entire coast".

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Given that a recent survey found 87% of English people thought they already had this right to walk on the coast and all beaches, actually confirming that right looks like just good politics. But the Conservatives don't agree. A spokesperson for Peter Ainsworth MP, the Tory environment spokesman, responded: "We are very sympathetic to the idea that people should have access to the coast but are not convinced of the need for legislation. It should be achieved by negotiation."

David Fursdon, then president of the Countryside Land and Business Association and close friend of the former PM Tony Blair, was even less convinced than the Tories, calling Milliband's proposal "ideological and unnecessary".

**Campaigning for walkers**

The 'coastal corridor' idea now seems inevitable with the government's key environmental agency, Natural England, championing it and the firm support of many key coastal stakeholders, including the RSPB and the National Trust (which holds much of the South West Coastal Path). The Ramblers' Association is working in partnership with them all to

## ENGLAND'S BIGGEST PRIVATE COASTAL LANDOWNERS

APPROXIMATE ACREAGE OF OVERALL ESTATE	LANDOWNER	LOCATION	ATTITUDE TO ACCESS
<b>141,000</b> Up to 800km/500 miles of coastal path, including all of the Scillies' coast	<b>Duchy of Cornwall</b> (Prince Charles)	<b>Devon, Cornwall, Scillies + others</b>	Strong access policy with some exceptions
<b>132,000</b> Up to 80km/50 miles of coastal path	<b>Estate of the Duke of Northumberland</b>	<b>Northumberland</b>	<b>Strong access policy</b>
<b>75,000</b> Up to 80km/50 miles of coastal path	<b>Devonshire Estate</b> (Duke of Devonshire)	<b>Derbyshire and the North of England</b>	<b>Strong access policy with some exceptions</b>
<b>70,000</b> Up to 48km/30 miles of coastal path	<b>Lonsdale Estate</b> (Earl of Lonsdale)	<b>Cumbria</b>	<b>Access policy unknown</b>
<b>46,000</b> Up to 32km/20 miles of coastal path	<b>Norfolk Family Estate</b> (Duke of Norfolk)	<b>Sussex</b>	<b>Access policy unknown</b>
<b>42,000</b> Up to 80km/50 miles of coast and estuary walk	<b>Falmouth Estate</b> (Viscount Falmouth)	<b>Cornwall/Kent</b>	<b>Access policy unknown</b>
<b>25,000</b> Estimated 160km/100 miles of paths close to the coast	<b>Clinton Devon Estate</b> (Lord Clinton)	<b>Devon</b>	<b>Strong access policy</b>
<b>20,000</b> Up to 80km/50 miles of coast path	<b>Downe Estate</b> (Viscount Downe)	<b>Yorkshire</b>	<b>Access policy unknown</b>
<b>13,000</b> Extent of coastal holdings unknown	<b>Tatton Estate</b> (Sir Christopher Sykes)	<b>Yorkshire</b>	<b>Access policy unknown</b>
<b>6,000</b> Extent of coastal holdings not known	<b>Normanton Estate</b> (Earl of Normanton)	<b>Hampshire</b>	<b>Access policy unknown</b>