

**Evidence presented by Marine Conservation Society to the  
Environment, Food and Rural Affairs Select Committee Inquiry into the coastal  
access provisions of the draft Marine Bill**

**May 2008**

**1. The Marine Conservation Society (MCS)** is the UK charity dedicated to the protection of our seas, shores and wildlife. MCS campaigns for clean seas and beaches, sustainable fisheries, protection of marine life and their habitats, and the sensitive use of our marine resources for future generations.

2. MCS has been campaigning for a Marine Bill for many years to cover marine conservation, marine planning, inshore fisheries reform and establish a marine management organisation.

**3. Executive summary:** MCS supports access to the coast and countryside provided it does not result in a significant effect on an areas coastal habitats and species. As with all recreation we believe that there are some habitats that are too sensitive throughout the year, or at certain times of year, to permit open access. We therefore recommend that some sites must be closed to access either permanently or seasonally and others supervised by a coastal ranger. We oppose spreading room onto sensitive habitats. We also call for compensation for additional coastal access provided for in the bill in the form of habitat restoration at nearby or alternative locations along the coastal margin.

**4. The Government's vision for coastal access, and the extent to which the Draft Bill provides for it**

The Government's vision is for "a wildlife and landscape corridor". MCS has concerns that the only locations where there is likely to be a "wildlife corridor" is where spreading room is permitted across saltmarsh, sand dunes, mudflats etc. MCS believes that there should be a presumption against "spreading room" across saltmarsh, sand dunes etc to prevent such "wildlife corridors" becoming damaged and degraded. MCS is disappointed that the proposals in Natural England's Outline Scheme to deliver a wildlife corridor with environmental enhancement and habitat restoration programmes have not been carried through into the draft Bill or associated documents. The proposals in the draft Bill will now degrade areas where there is a "wildlife corridor" and not improve areas where there is not a "wildlife corridor". The vision is also for "understanding of the natural environment", which MCS wholeheartedly agree with but we are unclear as to how many resources to deliver interpretation and wardening will be provided to implement this.

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**Caring for our seas, shores and wildlife - now and for future generations.**

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## **5. The case for exceptions to, and deviations from, a route giving continuous access to the coast itself**

MCS believes that there are some habitats or species that are so sensitive to disturbance or trampling, or rare, or representative that only a few sites should be open to coastal access and otherwise deviations should be found. Other areas may only need to be closed during certain times of the year and others still could have access if wardened. Examples of such habitats include the following Annex I habitats, as listed under the Habitats Directive and all of which are Priority BAP habitats: Coastal saltmarsh, Coastal sand dunes, Coastal vegetated shingle and Mudflats. MCS believe the precautionary principle should be implemented and Natural England should not be saddled with an onerous burden of proof prior to excluding such areas.

MCS believe that nature conservation interests should be consulted at an early stage in the route identification.

## **6. Whether the Draft Bill strikes the right balance between the rights of access and the rights of owners and occupiers, and whether there should be compensation in any circumstances for the creation of coastal access rights**

MCS believe that a coastal corridor of environmental enhancement should be developed inland of the coastal path where there is farmland, with compensation provided to the landowner in the form of set aside/ RPS payments. MCS believe that this should provide some of the necessary compensation for wildlife of the impacts of increased access on the coast. MCS welcomed the proposal for a coastal corridor in previous proposals and believes that clause 277 should be amended to require Natural England to detail what steps they will take to improve habitat management in their coastal access scheme. MCS believe that habitat enhancement should be a key part of the Coastal Access package.

## **7. The proposals for coastal access in estuaries**

MCS would like to see estuaries excluded from the Coastal Access provisions due to the sensitive nature of estuarine habitats and species. MCS are particularly concerned and surprised that most land seaward should be considered appropriate as spreading room (while land inland is not), despite the sensitivities of many coastal and intertidal habitats particularly in estuaries. We believe that providing spreading room will be inappropriate in most estuaries, due to the sensitivity of habitats such as saltmarsh, to trampling and bird feeding and roosting grounds to disturbance.

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## **8. What classes of land should be excepted from access rights**

The following unless wardened:  
Annex I habitats listed under the Habitats Directive  
Priority BAP habitats  
Habitats supporting priority BAP species

## **9. The proposed arrangements for limiting liability**

MCS propose that clearer guidance should be given with regard to limiting liability as to whether groynes, long sea outfalls, sea walls etc are included.

## **10. Whether there should be access rights for other users such as cyclists or horse riders.**

No, MCS believes that in most instances cyclists and horses would increase the disturbance of wildlife or the impact on the coast, by widening and intensifying the impact zone for example.

## **11. Relevant interests**

MCS believes that 'conservation interests' should be considered 'relevant interests' that the SoS and Natural England should take account of in c. 273(4).

## **12. Funding**

MCS believes that the funds proposed are not sufficient for Natural England and the Local Authorities to undertake the necessary mapping, conservation assessments, habitat restoration and consultation necessary to deliver Coastal Access.

## **13. Erosion and Sea Level Rise**

MCS supports permitting the coastal path to be moved inland if sea defences are realigned or coastlines erode.

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