

Status: Point in time view as at 01/10/2020.

Changes to legislation: Marine and Coastal Access Act 2009, Schedule 20 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 20

Section 304

ESTABLISHMENT AND MAINTENANCE OF THE ENGLISH COASTAL ROUTE ETC

Extension of Chapter 3 of Part 1 of the CROW Act

- 1 (1) Chapter 3 of Part 1 of the CROW Act (means of access) applies in relation to section 15 route land as it applies in relation to access land.
- (2) Functions conferred by that Chapter which are exercisable in relation to any land by the access authority in relation to the land (including those exercisable by virtue of sub-paragraph (1)) are also exercisable in relation to the land by Natural England for the purposes of the coastal access duty.
- (3) In this paragraph—
“access land” has the same meaning as in Chapter 3 of Part 1 of the CROW Act;
“section 15 route land” means land—
(a) over which the English coastal route (or any part of it) passes, and
(b) which, for the purposes of section 1(1) of the CROW Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act.

Agreements relating to establishment and maintenance of route

- 2 (1) Where, in respect of any land, it appears to Natural England that it is appropriate for works within sub-paragraph (3) to be carried out for the purposes of the coastal access duty, Natural England may enter into an agreement with the owner or occupier of the land as to the carrying out of the works.
- (2) Where, in respect of any land, it appears to the access authority in relation to that land that it is appropriate for works within sub-paragraph (3) to be carried out for the purpose of assisting Natural England to discharge the coastal access duty, the access authority may enter into an agreement with the owner or occupier of the land as to the carrying out of the works.
- (3) The works within this sub-paragraph are—
(a) the clearance or maintenance of land for the purpose of facilitating the use of the English coastal route by the public for journeys on foot;
(b) the removal, for that purpose, of any obstruction of the route;
(c) the clearance or maintenance of land which is coastal margin for the purpose of facilitating the exercise by the public of any right to enter or remain on the land on a bicycle or on horseback which is conferred by section 2(1) of the CROW Act (by virtue of the removal or relaxation of any of the general restrictions in Schedule 2 to that Act);

Status: Point in time view as at 01/10/2020.

Changes to legislation: *Marine and Coastal Access Act 2009, Schedule 20 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (d) the drainage or levelling of land, or the improvement of its surface, for the purpose mentioned in paragraph (a) or, if the land is coastal margin, the purpose mentioned in paragraph (c);
 - (e) the construction, removal, repair or improvement of any wall, rail, fence or other barrier or any posts, or the planting of any hedge.
- (4) An agreement under this paragraph may provide—
- (a) for the carrying out of works by the owner or occupier or by the contracting authority, and
 - (b) for the making of payments by the contracting authority as a contribution towards, or for the purpose of meeting, costs incurred by the owner or occupier in carrying out any works for which the agreement provides.
- (5) Sub-paragraph (6) applies if the owner or occupier of any land fails to carry out within the required period any works which the owner or occupier is required by an agreement under this paragraph to carry out.
- (6) The contracting authority may take all necessary steps for carrying out the works, but it may do so only after giving at least 21 days' notice of its intention to do so to the owner or occupier required by the agreement to carry out the works.
- (7) Where the contracting authority carries out any works by virtue of sub-paragraph (6), the authority may recover the relevant expenses from the person by whom, under the agreement, the cost of carrying out the works (after deduction of the authority's contribution) would fall to be borne.
- (8) In this paragraph—
- “contracting authority” means—
 - (a) in relation to an agreement under sub-paragraph (1), Natural England, and
 - (b) in relation to an agreement under sub-paragraph (2), the access authority by which the agreement is made;
 - “relevant expenses”, in relation to works carried out under sub-paragraph (6) by a contracting authority, means the amount of any expenses reasonably incurred by the authority in carrying out the works, reduced by its contribution under the agreement;
 - “the required period” means—
 - (a) the period specified in, or determined in accordance with, the agreement as that within which the works must be carried out, or
 - (b) if there is no such period, a reasonable period.

Establishment and maintenance of route in absence of agreement

- 3 (1) This paragraph applies where—
- (a) it appears to Natural England that, for the purposes of the coastal access duty, it is necessary for works within paragraph 2(3) to be carried out on any land, or
 - (b) it appears to the access authority in relation to any land that, for the purpose of Natural England discharging the coastal access duty, it is necessary for such works to be carried out on that land.
- (2) In this paragraph—

Status: Point in time view as at 01/10/2020.

Changes to legislation: Marine and Coastal Access Act 2009, Schedule 20 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“the relevant authority” means—

- (a) in a case within sub-paragraph (1)(a), Natural England, and
- (b) in a case within sub-paragraph (1)(b), the access authority in question;

“the required works” means the works within paragraph 2(3) which the relevant authority considers it necessary to carry out for the purposes mentioned in sub-paragraph (1)(a) or (b).

- (3) If the relevant authority is satisfied that it is unable to conclude on reasonable terms an agreement under paragraph 2 with the owner or occupier of the land for the carrying out of the required works, it may give the owner or occupier a notice stating that, after the end of the specified period, it intends to take all necessary steps for carrying out the required works.
- (4) The “specified period” means the period specified in the notice, being a period of not less than 21 days beginning with the day on which the notice is given.
- (5) A notice under sub-paragraph (3) must contain particulars of the right of appeal conferred by paragraph 4.
- (6) Where a notice under sub-paragraph (3) is given to any person as the owner or occupier, the relevant authority must give a copy of the notice to every other owner or occupier of the land.
- (7) If, at the end of the period specified in the notice under sub-paragraph (3), any of the required works have not been carried out, the relevant authority may take all necessary steps for carrying out those works.
- (8) The relevant authority exercising the power conferred by sub-paragraph (7) in respect of any land must have regard to the requirements of efficient management of the land in deciding how to carry out the required works.

Appeals relating to notices under paragraph 3

- 4 (1) Where a notice under paragraph 3(3) has been given to a person in respect of any land, that person or any other owner or occupier of the land may appeal against the notice to the Secretary of State.
- (2) An appeal against a notice under paragraph 3(3) may be brought on any of the following grounds—
 - (a) that the notice requires the carrying out of any works which it is not necessary to carry out for the purposes of the coastal access duty;
 - (b) that any of the works have already been carried out;
 - (c) that the period specified in the notice as the period after which steps are to be taken to carry out the works is too short.
- (3) On an appeal under this paragraph, the Secretary of State may—
 - (a) confirm the notice with or without modifications, or
 - (b) cancel the notice.
- (4) Sections 7 and 8 of, and Schedule 3 to, the CROW Act have effect in relation to an appeal under this paragraph as they have effect in relation to an appeal under section 6 of that Act.
- (5) Regulations may make provision as to—

Status: Point in time view as at 01/10/2020.

Changes to legislation: *Marine and Coastal Access Act 2009, Schedule 20 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the period within which and manner in which appeals under this paragraph are to be brought,
 - (b) the advertising of such appeals, and
 - (c) the manner in which such appeals are to be considered.
- (6) Where an appeal has been brought under this paragraph against a notice under paragraph 3(3) given by Natural England or an access authority, it may not exercise its powers under paragraph 3(7) pending the determination or withdrawal of the appeal.

Commencement Information

- II** [Sch. 20 para. 4](#) wholly in force at 12.1.2010; [Sch. 20 para. 4](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#); [Sch. 20 para. 4](#) in force in so far as not already in force at 12.1.2010 see [s. 324\(2\)\(d\)](#)

Power for Natural England to fund works

- 5 Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in carrying out—
- (a) works of a kind which could be the subject of an agreement under paragraph 2, and
 - (b) works of a kind which could be the subject of an agreement under section 35 of the CROW Act entered into by Natural England by virtue of paragraph 1.

Erection and maintenance of notices and signs

- 6 (1) Natural England may erect and maintain notices or signs within sub-paragraph (2) on—
- (a) any land over which the English coastal route passes, and
 - (b) any other land which is within section 296(5)(a) (land which is accessible to the public by virtue of section 3A of the CROW Act).
- (2) The notices or signs within this sub-paragraph are those which—
- (a) identify, or provide information about, the English coastal route (or any part of it), or
 - (b) warn the public of the existence of obstacles or hazards along that route, and any other notices or signs which relate to the English coastal route.
- (3) Before erecting a notice or sign on any land under this paragraph, Natural England must, so far as reasonably practicable, consult the owner and (if different) the person in lawful occupation of the land.
- (4) Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in displaying notices or signs of a kind which may be erected under this paragraph.
- (5) Natural England may, in relation to any land, delegate to the access authority in relation to the land any function conferred on Natural England by this paragraph.
- (6) Nothing in this paragraph applies in relation to the English coastal route in so far as it passes along—

Status: Point in time view as at 01/10/2020.

Changes to legislation: Marine and Coastal Access Act 2009, Schedule 20 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a public right of way over which there are rights of way for mechanically propelled vehicles, or
 - (b) a footway comprised in a highway which also comprises a way within paragraph (a).
- (7) For the purposes of sub-paragraph (6)—
- “mechanically propelled vehicle” does not include a vehicle falling within paragraph (c) of section 189(1) of the Road Traffic Act 1988 (c. 52);
 - “footway” has the same meaning as in section 329 of the Highways Act 1980 (c. 66).
- 7 In section 19 of the CROW Act (notices indicating boundaries of access land etc), after subsection (4) insert—
- “(5) In the case of access land that is coastal margin, the powers conferred on an access authority by this section are also exercisable by Natural England.”

Removal of notices and signs

- 8 (1) Any notice or sign to which this paragraph applies may be removed by—
- (a) Natural England, or
 - (b) where authorised to act on its behalf, the access authority in relation to the land on which the sign or notice is erected.
- (2) This paragraph applies to—
- (a) a notice or sign erected under paragraph 6, and
 - (b) a notice erected under section 19 of the CROW Act (notices indicating boundaries of access land, etc) in relation to land which is coastal margin.
- (3) Before removing a notice or sign on any land under sub-paragraph (1), a person must, so far as reasonably practicable, consult the owner of the land and (if different) the person in lawful occupation of the land.
- (4) Natural England may meet or contribute towards expenditure incurred or to be incurred by any person in removing notices or signs of a kind which may be erected under paragraph 6 or (in relation to land which is coastal margin) under section 19 of the CROW Act.

Powers of entry

- 9 (1) A person who is authorised by Natural England may enter any land—
- (a) for the purpose of surveying that or any other land in connection with the preparation of a report under section 51 or 55 of the 1949 Act pursuant to the coastal access duty;
 - (b) in connection with the consideration of any representations made to Natural England in respect of a report submitted under section 51 of that Act pursuant to that duty;
 - (c) for the purpose of assisting Natural England to determine whether to exercise the power conferred by section 301(2) (including the power conferred by section 301(3)(b)) (decision to treat waters of river as part of the sea);
 - (d) for the purpose of assisting Natural England to provide the Secretary of State with advice in connection with the exercise of the Secretary of State's power under section 300(2)(b) (power to specify islands).

Status: Point in time view as at 01/10/2020.

Changes to legislation: *Marine and Coastal Access Act 2009, Schedule 20 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) A person who is authorised by Natural England or the appropriate access authority may enter any land—
- (a) for the purpose of determining whether any works of the kind mentioned in paragraph 2(3) are required in respect of any land;
 - (b) for the purpose of carrying out works under—
 - (i) an agreement entered into pursuant to paragraph 2(4)(a), or
 - (ii) an agreement entered into pursuant to section 35(2)(a) of the CROW Act for the purposes of the coastal access duty;
 - (c) for the purposes of—
 - (i) carrying out works under paragraph 2(6) or 3(7),
 - (ii) carrying out works under section 36(1) or (5) of the CROW Act in connection with an agreement entered into for the purposes of the coastal access duty, or
 - (iii) carrying out works under section 37(5) of that Act for the purposes of that duty;
 - (d) for the purpose of ascertaining whether members of the public are being permitted to exercise the rights conferred on them in relation to section 15 route land by or under an enactment mentioned in section 15(1) of the CROW Act;
 - (e) in connection with an appeal under paragraph 4;
 - (f) for the purpose of erecting, maintaining or removing notices or signs under paragraph 6 or 8 or, in relation to land which is coastal margin, under section 19 of the CROW Act.
- (3) Subsections (5) to (7), (9) and (10) of section 40 of the CROW Act (powers of entry for the purposes of Part 1 of that Act) apply in relation to a person acting in the exercise of a power conferred by this paragraph, and the rights conferred by this paragraph, as they apply in relation to a person acting in the exercise of a power conferred by that section and the rights conferred by that section.
- (4) Section 41 of that Act (compensation relating to powers under section 40) has effect as if the reference to section 40 of that Act included a reference to this paragraph.
- (5) A person may not under this paragraph demand admission as of right to any occupied land, other than access land or land over which the English coastal route passes, unless—
- (a) in a case where the power of entry is exercised for the purposes of carrying out works as mentioned in sub-paragraph (2)(b) or (c)—
 - (i) the works are to be carried out on the land and a notice has been given to the occupier of the land under paragraph 2(6) or 3(3) or under section 36(1) or (3) or 37(1) of the CROW Act in connection with the works, or
 - (ii) at least 7 days' notice of the intended entry has been given to the occupier;
 - (b) in any other case, at least 24 hours' notice of the intended entry has been given to the occupier or it is not reasonably practicable to give such notice.
- (6) In this paragraph—
- “access land” has the same meaning as in Chapter 3 of Part 1 of the CROW Act;

Status: Point in time view as at 01/10/2020.

Changes to legislation: *Marine and Coastal Access Act 2009, Schedule 20 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“appropriate access authority” means the access authority in relation to the land in respect of which the right of entry is being exercised;

“section 15 route land” means land—

- (a) over which the English coastal route (or any part of it) passes, and
- (b) which, for the purposes of section 1(1) of the CROW Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act.

Interpretation of Schedule

10 (1) In this Schedule—

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

“owner” has the same meaning as in that Part.

(2) For the purposes of this Schedule—

- (a) an official alternative route, in relation to the English coastal route, is to be regarded as part of the English coastal route,
- (b) a temporary route which has effect by virtue of section 55I of the 1949 Act is to be treated as part of the English coastal route, and
- (c) where by virtue of section 3A(6)(a) of the CROW Act any land is not yet accessible under section 2(1) of that Act, the references in this Schedule to the English coastal route include any route which would form part of the English coastal route if that land were so accessible.

(3) In sub-paragraph (2)(a) “official alternative route” has the meaning given by section 55J of the 1949 Act.

Status:

Point in time view as at 01/10/2020.

Changes to legislation:

Marine and Coastal Access Act 2009, Schedule 20 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.