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STATUTORY INSTRUMENTS

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**2010 No. 558**

**The Access to the Countryside (Coastal Margin) (England) Order 2010**

*Descriptions of land*

**Descriptions of coastal margin**

**3.**—(1) Land in England is coastal margin for the purposes of Part 1 of the CROW Act (access to the countryside) if it falls within one or more of the following descriptions.

(2) The first description of land is—

- (a) land over which the line of an approved section of the English coastal route passes,
- (b) land which is adjacent to and within 2 metres either side of that line, and
- (c) land which is seaward of the line of an approved section of the English coastal route and lies between land within sub-paragraph (b) in relation to that approved section and the seaward extremity of the foreshore,

if the land within sub-paragraphs (a) to (c), taken as a whole, is coastal land.

(3) The second description of land is land which—

- (a) is landward of the line of an approved section of the English coastal route,
- (b) is—
  - (i) foreshore, cliff, bank, barrier, dune, beach or flat, or
  - (ii) land of any other kind, which is treated by section 15(1) as being accessible to the public apart from the CROW Act, and
- (c) when taken together with land within the first description in relation to the approved section, is coastal land.

(4) The third description of land is—

- (a) land over which the line of an official alternative route which is for the time being in operation passes, and
- (b) land which is adjacent to and within 2 metres either side of that line.

(5) The fourth description of land is—

- (a) land over which the line of a temporary route passes, and
- (b) land which is adjacent to and within 2 metres either side of that line,

to the extent that the land is within section 55I(4)(d) of the 1949 Act<sup>(1)</sup> (land over which the owner has agreed the temporary route may pass).

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<sup>(1)</sup> Section 55I was inserted by section 302 of the 2009 Act.

### **Cases where route determined in accordance with provision in the proposals**

4.—(1) This article applies where relevant approved proposals contain a proposal of the kind mentioned in section 55B of the 1949 Act<sup>(2)</sup> (power to determine the route in accordance with provision made in the report) in relation to an approved section of the English coastal route or part of an approved section.

(2) In article 3(2) the references to the line of an approved section of the English coastal route are, in relation to that section or part, references to the line of the section or part as it has effect from time to time in accordance with the relevant approved proposals.

### **Cases where landward boundary of coastal margin to coincide with physical feature**

5.—(1) This article applies where relevant approved proposals contain a proposal under section 55D(2)(a) of the 1949 Act<sup>(3)</sup> for the landward boundary of the relevant coastal margin, or any part of that boundary, to coincide with a physical feature identified in the proposal.

(2) The landward boundary of the relevant coastal margin or part is (despite article 3(2) and (3)) to coincide with that feature.

(3) It is immaterial whether the effect of this article is—

- (a) to include land as coastal margin, or
- (b) to exclude part of an area of coastal land from being coastal margin.

### **Cases where official alternative route determined in accordance with provision in the proposals**

6.—(1) This article applies where, by virtue of section 55C(6) of the 1949 Act<sup>(4)</sup> (application to alternative routes of power conferred by section 55B etc), relevant approved proposals contain a proposal of the kind mentioned in section 55B of that Act<sup>(5)</sup> in relation to an official alternative route or part of an official alternative route.

(2) In article 3(4), the references to the line of an official alternative route are, in relation to that official alternative route or part, references to the line of the route or part as it has effect from time to time in accordance with the relevant approved proposals.

### **Cases where landward or seaward boundary of alternative route strip to coincide with physical feature**

7.—(1) This article applies where relevant approved proposals contain a proposal under section 55D(2)(b) of the 1949 Act<sup>(6)</sup> for the landward or seaward boundary of an alternative route strip in relation to an official alternative route, or any part of such a boundary, to coincide with a physical feature identified in the proposal.

(2) The boundary in question is (despite article 3(4)) to coincide with that feature.

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(2) Section 55B was inserted by section 302 of the 2009 Act.

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

(4) Section 55C was inserted by section 302 of the 2009 Act.

(5) Section 55B was inserted by section 302 of the 2009 Act.

(6) Section 55D 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, Cross Heading: Descriptions of land.