

**COASTAL ACCESS IN
SELECTED EUROPEAN COUNTRIES**

**Prepared for
THE COUNTRYSIDE AGENCY**

**by
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Additional support was provided by Arthur Howcroft and Roy Hickey.

COASTAL ACCESS IN SELECTED EUROPEAN COUNTRIES

READERS' GUIDE

The contents of this report are illustrated below. Readers are encouraged to read the entire report to gain a full understanding of coastal access in the selected countries. Those who do not have time to read all of the report may wish to read the **Summary**, but will gain a more comprehensive insight into coastal access in the selected countries and aspects of relevance to discussions on future coastal access in England by reading **section 2: Overview of Coastal Access Arrangements in the Selected Countries**. In particular, **section 2.5** presents the **Key Findings from the Review of Coastal Access**.

SUMMARY

Key contents and findings.

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country-by-country review of coastal access,
comparative review across the countries
and key findings.

3 – 10. ACCESS TO THE COAST

Country papers* and position papers** on coastal access in –

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- France* (s. 4)
- Netherlands* (s. 5)
- Scotland* (s. 6)
- Sweden* (s. 7)
- Ireland** (s. 8)
- N. Ireland** (s. 9)
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COASTAL ACCESS IN SELECTED EUROPEAN COUNTRIES

1. INTRODUCTION

1.1 THE REPORT

This report presents the results of a review of coastal access arrangements in selected European countries and a comparative overview of these arrangements. It was commissioned by the Landscape and Recreation Division of the Countryside Agency on behalf of the Natural England partners and was prepared by a team of experts in coastal access in each of the selected countries, coordinated by a lead consultant in the UK.

The review has been prepared to inform discussions on possible options for enhancing access to the coasts of England, by briefly documenting and comparing the contexts, traditions, rights, legislation, planning and management of access along, and to, the coasts of the selected countries. This review focuses on access on foot, but discusses provision for related recreational activities on the coast (e.g. cycling). In investigating access on/to the coast, it has covered –

- access along, and to, foreshores, beaches, dunes, cliffs and other shoreline areas
- access arrangements in relation to typical land uses adjoining the coast, such as urban areas, farmland, uncultivated land, nature reserves and golf courses
- access on public and private paths, tracks and roads at the coast, and in its vicinity.

Following this **Introduction** (section 1), this report presents –

- **a comparative overview of coastal access arrangements in the selected countries** - including supplementary information on coastal access in England (section 2)
- **detailed ‘country papers’ on coastal access in Denmark, France, Netherlands, Scotland and Sweden** (sections 3 - 7)
- **less detailed ‘position papers’ on coastal access in Ireland, Northern Ireland and Portugal** (sections 8 - 10).

The reasons for this approach are explained below.

1.2 CHOICE OF COUNTRIES FOR REVIEW

From the outset, it was agreed that several European countries should be studied in some detail, insofar as the limited timescale and budget permitted. The choice of countries was influenced by a number of considerations -

- a. countries which could provide examples of positive approaches to the protection, provision and management of coastal access
- b. countries where the coastal and societal contexts have some similarities and relevance to those in England. For example, parts of the coasts of the selected countries are under varying pressures from development and all have land uses adjoining their coasts, which are broadly similar to those in England, including urban areas, agriculture, tourism and recreation, and nature conservation
- c. countries where information was readily accessible, through known experts, and where language and culture would not be a significant barrier to understanding.

For the above reasons, and the more specific aspects outlined below, coastal access has been investigated in the following countries (in the order of presentation in this report) –

- a. **Denmark** – Denmark offered the opportunity to investigate a situation where traditional rights of access have been 'lost', but are being restored incrementally and where these rights are balanced by responsibilities and restrictions to safeguard property rights, prevent nuisances, etc.. Also, coastal protection and planning legislation seek to protect a coastal 'corridor' from development, for conservation and recreational benefits.
- b. **France** – France has introduced legislation to protect a more limited coastal 'corridor' than Denmark and has an active programme to provide linear access along France's coastlines. Coastal access has to be viewed against the context in France where private property rights are extremely important.
- c. **Netherlands** – the Dutch coast is extremely vulnerable to inundation by the sea and coastal defences, nature conservation, the protection of water supplies and recreation provision, are important considerations in the planning and management of the coast. There are few public rights of access and coastal access is mainly available through provision by public landowners, acquisitions and agreements.
- d. **Scotland** – traditional rights of access to Scotland's coasts and countryside were secured through legislation in 2003. This legislation should ensure that Scotland has some of the most publicly accessible coasts and countryside in Europe - although there remain some constraints, in practice. Scotland's access rights are balanced by responsibilities on access users and land managers, and agreements or similar arrangements are required, where new paths are to be constructed.
- e. **Sweden** - especially around Stockholm, but also in other parts of Sweden, the coast is under pressure for residential and other development. Allemansrätten – the public rights of access - and shoreline protection legislation seek to secure coastal access and the natural values of the coast. These access rights are balanced by responsibilities and constraints to protect the environment, property and other users' interests.

Following discussions, it was agreed that the consultancy team should prepare less detailed papers on a further 3 countries –

- f. **Ireland** – access to Ireland's coasts and wider countryside is largely restricted to *de facto* and permissive access, or public provision through ownership or non-statutory agreements. Access is not available to many sections of the coast. This situation results largely from the primacy of private property rights and absence of legislative or other programmes to support access. Ireland has been included in this study to illustrate a country where coastal access is often frustrated by landownership issues
- g. **Northern Ireland** – mechanisms to secure access to Northern Ireland's coasts are similar to those in England. However, until more recent years, there has been little pressure for new access, and public rights of way and other access have been 'lost', due to actions by landowners, the inaction of some local authorities, and cumbersome and ineffective procedures provided by Northern Ireland's access legislation. Nevertheless, there is access to much of the coast, as a result of formal agreements and purchases by local authorities and the National Trust, or on a *de facto* or permissive basis.
- h. **Portugal** – most land is privately owned in Portugal, but almost all coastal areas, including the foreshore and all land from high tide level landward for 50 metres, are part of the Maritime Public Domain and subject to a legal right of public access. Further legislation protects the coastal zone from development, which may adversely affect coastal access rights.

1.3 THE REVIEW PROCESS

This review has primarily taken the form of a desk study. The country papers and position papers were prepared by experts in coastal access in each country, working to a common brief and structure provided by the lead consultant, following discussions with representatives of the Countryside Agency. On completion of the initial drafts, the country authors and lead consultant edited these and added supplementary information.

Information for the preparation of the papers was drawn from published and unpublished reports, national legislation, policy and planning documents prepared by the respective Governments, national agencies and regional and local authorities, Websites and information on coastal routes and related recreational provision. Throughout the review, information was sought from key informants in public and voluntary organisations (see Appendices).

Finally, the lead consultant prepared the comparative overview of coastal access across the 8 selected countries - where appropriate, referring to aspects of coastal access in England.

It was recognised from the outset that a fully comprehensive review of access across several European countries could not be undertaken in the 4-month timescale. Also, there are inevitable differences in the style and emphasis of the individual country authors and each of the countries investigated has its own traditions, cultural attitudes and legal frameworks in respect of recreational access, property rights and related issues. Nevertheless, research for this review suggests that it represents the most comprehensive comparative study currently available in respect of access for walking to many Western Europe's sea coasts – especially the North Sea coasts.

1.4 ACKNOWLEDGEMENTS

The lead consultant acknowledges with gratitude the information and assistance provided by a wide range of organisations and individuals during this review (see Appendices), the support of the Countryside Agency's representatives and, in particular, the contributions of the authors of each country/position paper; notably –

- Denmark - Arne Bondo-Andersen
- France - Maud Relion, Marie Jaouen and Maxime Sizaret
- Ireland - Michael Cregan
- Netherlands - Han van der Voet and colleagues in *Stichting Wandelplatform-LAW*
- N. Ireland - Judith Annett
- Portugal - Jorge Cancela
- Scotland - Peter Scott
- Sweden - Sven Ståhl.

Additional support was provided by Arthur Howcroft and Roy Hickey .

2. OVERVIEW OF COASTAL ACCESS ARRANGEMENTS IN THE SELECTED EUROPEAN COUNTRIES

2.1 THE COMPARATIVE OVERVIEW

This sub-section presents a summary and comparative overview of the principal contents of the individual country information presented in subsequent sections of this report. In particular, it provides, in brief summary formats, –

- **an introduction to the national contexts for coastal access** (s.2.2)
- **a country-by-country overview of coastal access arrangements and their effectiveness** (s. 2.3)
- **a comparative assessment of coastal access across the selected countries** (s. 2.4)
- **key findings from the review of coastal access** – which are considered to be of particular relevance to deliberations on future arrangements for coastal access in England (s. 2.5).

The initial sub-sections (s. 2.2 and 2.3) provide information and assessments of coastal access in the selected countries in the order in which the more detailed ‘country papers’ for Denmark, France, Netherlands, Scotland and Sweden (section 3 to 8), and briefer ‘position papers’ for Ireland, Northern Ireland and Portugal (sections 8 to 10), are presented in this report. The country-by-country summary (s. 2.3) and comparative assessments (s. 2.4) adopt a similar sequence of topics to the country and position papers, but are more selective in their contents and highlight key aspects, rather than presenting more comprehensive information and discussion, as in sections 3 to 10. Where appropriate, references to aspects of coastal access in England are included in the comparative assessments and key findings sections.

Inevitably, any such comparative overview over-simplifies the complex mix of landscape, land use, historical, cultural, legal and other factors influencing the provision, management and enjoyment of coastal access in the selected countries. Many of these aspects are mentioned in this overview and discussed more fully in subsequent sections of this report. However, the full extent to which such factors influence the availability of coastal access and society’s attitudes towards, and enjoyment of, such access is often difficult to appreciate by those from other countries and with different cultural backgrounds and experiences.

Key factors influencing the availability and quality of coastal access in each country include –

- landscape qualities, characteristics** (e.g. beaches, cliffs, industrialised coasts) **and constraints** (e.g. coastal erosion, cliffs with no easy access to the shore)
- the balance between private property rights and public rights of access** – and how the latter may have been secured, eroded, lost or regained over past and recent history
- the basis for access** – commonly, this comprises a mixture of common law, statutory legislation and non-legal arrangements, such as permissive access or informal agreements. In some cases, access legislation is restrictive – regulating where access is available and under what conditions; more often, it has a more positive focus – providing access for a range of activities, subject to certain conditions and exclusions
- cultural aspects** - for example, Scandinavian society’s outdoor ethos and traditional respect of the countryside, the extent to which Danish and Dutch coastal users accept signing and instructions regarding access rights and restrictions, and the historical legacy of struggles for land tenure on the generally negative attitudes of Irish farmers (north and south of the Border) towards public access on private land.

These and related factors are discussed in more detail below.

2.2 NATIONAL CONTEXTS FOR COASTAL ACCESS

Figure 2.1 summarises some key statistics for each of the selected countries, insofar as these are available. Comparisons using such data must be regarded as illustrative, as definitions and the dates of data collection vary between countries and between datasets.

Figure 2.1 Key Comparative Statistics for Selected Countries

Country	Population (pop. density)	Coastline (incl. islands)	Land uses					Land in Private Ownership
			Total area	Urban	Agriculture	Forests/ woods	Other	
England	50.1 m. 385 pers./km ²	4,090 km	130,280 km ²	22,030 km ² (17%)	97,060 km ² (75%)	11,190 km ² (9%)	(see urban area)	95%
Denmark	5.4 m. 124 pers./km ²	7,475 km	43,090 km ²	1,900 km ² (4%)	27,000 km ² (63%)	5,010 km ² (12%)	1,980 km ² (5%)	95%
France	60.2 m. 108 pers./km ²	5,500 km	549,435 km ²	26,373 km ² (5%)	329,112 km ² (60%)	193,401 km ² (36%)		n.a.
Ireland	3.9 m. 55 pers./km ²	5,800 km	70,280 km ²	1,372 km ² (2%)	49,196 km ² (70%)	6,690 km ² (10%)	13,022 km ² (19%)	n.a.
Netherlands	16.3 m. 483 pers./km ²	622 km	33,790 km ²	5,690 km ² (17%)	23,260 km ² (69%)	4,835 km ² (14%)		56%
N. Ireland	1.7 m. 124 pers./km ²	650 km	13,480 km ²	1,970 km ² (15%)	10,680 km ² (79%)	830 km ² (6%)	(in other categories)	n.a.
Portugal	9.9 m. 111 pers./km ²	850 km	90,500 km ²	2,490 km ² (3%)	29,730 km ² (33%)	33,490 km ² (38%)	23,290 km ² (26%)	95%
Scotland	5.1 m. 65 pers./km ²	10,192 km	77,960 km ²	2,760 km ² (4%)	60,780 km ² (78%)	12,940 km ² (16%)	1,480 km ² (2%)	n.a.
Sweden	9.0 m. 20 pers./km ²	7,600 km	410,335 km ²	12,877 km ² (3%)	34,666 km ² (8%)	235,065 km ² (57%)	127,730 km ² (31%)	72%

Note: These data are illustrative and not directly comparable due to differences in definitions, date of data collection, etc..

The data show some key similarities or differences between the selected countries –

- a. population and population density** – France, with over 60 million people, has the largest population (England: 50 m). The other countries have much smaller populations – ranging from just over 16 million in the Netherlands to under 2 million in N. Ireland.

Population densities vary dramatically - from the Netherlands (483 persons/km²; England: 385 persons/km²), to countries with 100 to 130 persons/km² – Denmark, N. Ireland, Portugal and France, and to Scotland with 65 persons/km², Ireland with 55 persons/km² and Sweden with only 20 persons/km². However, even countries with low population densities have major conurbations at the coast (e.g. Glasgow, Dublin, Stockholm)

- b. coastlines** – data for coastlines vary significantly, depending on how the coastline is defined (e.g. Sweden's mainland and main islands coasts are around 7,600 km, but, if all bays, inlets and islands are included, the total coastline is over 43,000 km). In addition to Sweden, Scotland (10,192 km), Denmark (7,475 km), Ireland (5,800 km) and France (5,500 km) have the longest coastlines (England: 4,090 km). Portugal, N. Ireland and the Netherlands have much shorter coastlines – ranging from 850 km to 622 km.

- c. land areas** – France (549,435 km²) and Sweden (410,335 km²) are significantly larger than the other countries (England: 130,280 km²). Portugal, Scotland and Ireland are mid-sized, while Denmark, the Netherlands and N. Ireland are much smaller countries

- d. land uses** – land use data are for the entire countries and are seldom available solely for the coasts. Agriculture comprises between 60% and 80% of the total land area of all the selected countries (England; 75%), except for Portugal (33%) and Sweden (8%). Forests and woodlands are more significant land uses in Sweden (57%) and Portugal (38%), than in the other countries (England: 9%).

While urban and other built-up areas comprise significant areas of Ireland (14%) and the Netherlands (14%) (England: 17%), the data for N. Ireland (and England) are likely to include 'other lands', which are not included in the data for the other countries, the urban areas of which comprise between 2% to 4% of the total land area. Again, it is noted that major urban areas are often located at the coast, or on estuaries.

- e. **land ownerships** – most of the countries (for which land ownership data are available) have very low levels of land in the ownerships of public bodies (mostly 5%, or less) or voluntary organisations (mostly under 2%). Exceptions are the Netherlands (39% publicly-owned; 5% owned by voluntary organisations) and Sweden (19%; 9%).

These national data often hide key characteristics of some countries' coasts, for example –

- predominance of coastal protection, nature conservation and water supply land uses on the coast of the Netherlands
- extent of voluntary organisations' ownerships of coastal lands in the Netherlands, N. Ireland, Scotland and Sweden (detailed data for coastal ownerships are not available).

These and related aspects are identified below and discussed in subsequent sections.

Coastlines and Coastal Landscapes

The above data highlight some major variations in the lengths of coastline of the countries studied. Islands, bays, sea lochs and major estuaries contribute significantly to the lengths of some of these coastlines. However, the length of a specific coastline does not necessarily signify the coast's importance to the country's economies, societies and security. For example, the Netherlands has a relatively small coastline, but without its coastal defences, around two-thirds of the Netherlands would be inundated by the sea, and the coasts of Portugal and the Netherlands, like those of countries with longer coasts, generate significant tourism revenues.

Coastal landscapes vary dramatically and include –

- **low relief coastal plains, with extensive salt-/mud-flats, beaches, and dune systems** – especially on the Netherlands and Denmark's coasts, but, also, the less-exposed coasts of other countries, including parts of the coasts of France and Portugal, and, for example, Morecambe Bay and The Fens in England. In some countries (e.g. Ireland, Sweden, France), the coastal plains comprise **raised beaches** with different characteristics to those nearer sea level
- **dramatic sea cliffs and rocky shores, often fully exposed to the Atlantic Ocean, North Sea or Celtic Sea** – including parts of the coasts of Ireland, N. Ireland, Northern France, Portugal, Scotland and Sweden – and England (e.g. Cornwall)
- **skerries and larger islands** – including the archipelagos off the coasts of Sweden and Scotland, larger island groups, such as the Friesian Islands (Denmark), Wadden Islands (Netherlands), Orkneys and Shetlands (Scotland) and the major islands comprising much of Denmark
- **major estuary landscapes** – often including extensive mudflats, or urban, port and industrial landscapes, such as the Delta complex in the Netherlands, the Gironde and Loire Estuaries in France, and the Thames and Humber Estuaries in England
- **bays, sea lochs and fjord-type landscapes** – for example, Ireland's bays (e.g. Galway Bay), N. Ireland's sea loughs and Scotland's fjord-like sea lochs.

While some countries have 'hard' coasts (e.g. robust cliffs) and others have low tidal ranges and low levels of erosion (e.g. Baltic coasts of Denmark and Sweden), the Netherlands' coast and parts of other countries' coasts (e.g. Western Jutland in Denmark, Atlantic coasts of France and Portugal) are highly susceptible to erosion.

Definitions of *foreshore*, *coast*, etc.

Not all countries have formal definitions of the *foreshore*, *coast* or *shore*. Definitions include –

- **foreshore** – the Scottish Law Commission (2001) has defined this as ... *the area of the shore between the high and low water mark of ordinary spring tides. The area of the shore must be regularly covered by the tides.* The Limitation (Northern Ireland) Order 1989 adopts a similar definition, but refers also to tidal rivers and estuaries and their bays, creeks, etc. Some other countries have simpler definitions of the *foreshore*
- **shore** - Sweden's Environmental Code defines the *shore*, for planning and protection purposes, as ... *Land and water ... up to 100 metres from the shoreline at the normal average water level* (this may be extended to 300 metres)
- **seashore** – the Civic Government (Scotland) Act 1982 defines the *seashore* as ... *land between the low water mark and the high water mark of ordinary spring tides and every cliff, bank, barrier, dune, beach, flat, esplanade or other land above the said high water mark adjacent to the shore, and to which the public have right of access*
- **coastal areas** – for coastal planning purposes, Portugal's Decree-Law No. 309/93 defines *coastal areas* as extending from 30 metres below sea level to 500 metres landward of the maximum high tide level.

France and Portugal share the concept of the **Maritime Public Domain** – a coastal strip in State control and with public rights of access on foot in France and wider rights of passage, navigation and fishing in Portugal. France's Maritime Public Domain includes its territorial seas, foreshore, beaches and the *lais et relais* – areas historically covered by the sea (e.g. mudflats, dunes) (Figure 4.3). In Portugal, the Maritime Public Domain includes all coastal areas up to 50 metres above high tide level (Figure 10.2).

Land uses and ownerships

Amongst the main land uses of coastal areas are –

- **urban and industrial areas** – cities, ports, industries and tourism and leisure developments are often located at the coast. For example, one-third of Denmark's coast is 'built-up' and much of the Netherland's coast is urbanised. Even in Sweden, some 30% of the mainland coast is considered to be affected by some form of development
- **ports and other maritime industries** – including fishing and fish farming
- **tourism, leisure and recreation uses** – including major resorts, especially on the coasts of Denmark, the Netherlands, France and Portugal, but including other tourism and leisure developments, such as hotels, caravan sites, marinas and golf courses. Holiday cottages and cabins are very common on Sweden's and Denmark's coasts
- **agriculture, forestry and woodlands** – in many countries, these uses directly adjoin the coastline and may influence whether the coast is readily accessible, depending on the availability of access rights, or where farmers and other owners are amenable to public access (e.g. adverse attitudes to access of many farmers in Ireland and N. Ireland)
- **nature conservation** – as discussed below, many coastal areas are of prime landscape and wildlife conservation importance and are protected through national park, nature reserve, or other designations. Also, many coastal areas are subject to special arrangements to protect their access and recreational values
- **coastal defences** – natural and man-made coastal defences are of increasing importance, as sea levels rise and storm surges are forecast to increase. Also, in some areas land is being allocated for managed coastal retreat.
- **multiple-land uses** - the central coast of the Netherland's (i.e. Noord- and Zuid-Holland) is relatively unusual in having a dunes area, which depending on landscape characteristics, often varies from around 0.5 km to 4 km in width and comprises multiple land uses, including coastal defence, recreation, conservation and water storage.

Most foreshores are in some form of public ownership and/or stewardship (cf. Crown Estate) and many more extensive coastal areas are publicly owned to protect their special values (e.g. coastal national parks in Sweden, Maritime Public Domain in France and Portugal, coastal country parks in Scotland). In France, the Coastal Protection Agency has been purchasing extensive coastal lands to secure their conservation and recreational benefits.

The roles of voluntary conservation bodies in owning and/or managing coastal lands varies significantly between the selected countries. Situations where their roles are of most significance include the National Trust's ownership and protection of around one-third of N. Ireland's coastline (and over 500 km of England's coast), various voluntary organisations' coastal properties in Scotland (e.g. National Trust for Scotland, RSPB, John Muir Trust), and *Natuurmonumenten's* and landscape trusts' coastal ownerships in the Netherlands.

Coastal Conservation

The coasts of each country are often of special landscape and natural and cultural heritage significance and are protected through inter-/national directives, legislation and designations. For example, often extensive coastal area are protected through –

- **national landscape designations** – such as National Landscapes in the Netherlands, AONBs in N. Ireland, and National Scenic Areas in Scotland
- **natural heritage designations** - including Ramsar sites, Natura 2000 sites (i.e. SPAs, SACs) and nature or wildlife parks, reserves or sanctuaries
- **national park and similar designations** – including the Netherlands' and Sweden's coastal national parks and France's regional nature parks
- **sites of cultural heritage significance** – for example, World Heritage Sites (e.g. in France, Ireland, Sweden) and the coastal *Grandes Sites de France*.

In many cases, public access and appreciation of the natural and cultural heritage of coastal areas are encouraged. However, access to some coastal wildlife reserves and sanctuaries is restricted or prohibited, often to protect sea bird or seal colonies.

Coastal Leisure, Recreation and Tourism

Coastal areas in all the selected countries are extremely popular for a range of activities – including beach activities, walking, cycling, riding, watersports, windsports, golf, wildlife watching and activity and wildlife tourism. Key themes that are evident include –

- **the scale of domestic and overseas tourism at more popular resorts and destinations** – especially on the coasts of Portugal, France, the Netherlands and Denmark, which often attract day visitors and tourist from other parts of Europe. For example, Denmark's coasts attract around 54 million day and tourist visits/year and the Netherlands' coasts attract 10.6 million short day visits/year, longer day trips and almost 9 million tourist visits/year
- **popularity of coastal walking, cycling and other pursuits** - including amongst societies which, traditionally, have been less interested in leisure walking (e.g. Portugal, Ireland, N. Ireland). Enjoyment and respect for the outdoors is a vital element of Sweden's culture and the French have strong links to the sea through watersports
- **popularity of holiday cottages** – especially on the coasts of Sweden and Denmark
- **growth of activity holidays and wildlife watching** – marine wildlife watching trips and holidays are growing niche tourism sectors.

The increasing popularity of walking and cycling as a means of travel, leisure, tourism and healthy exercise, has led to many countries to provide extensive coastal walking and cycle routes - for example, Denmark's West Coast Path (300 km), France's coastal *Grandes Randonnées*[®], coastal sections of Waymarked Ways in Ireland and N. Ireland, the Netherlands' *Deltapad* (233 km) and Sweden's *Sörmlandsleden* (1,000 km). Several of these routes are part of the 5,000 km North Sea Trail (Nortrail) and North Sea Cycle Route.

2.3 COASTAL ACCESS ARRANGEMENTS AND THEIR EFFECTIVENESS

This sub-section provides a concise insight into each country's access traditions and how access has changed over history, current access rights, legislation and other mechanisms, whether occupiers' liability is an issue, the protection of coastal access through the planning system, and the effectiveness and principal issues relating to coastal access.

DENMARK

Historical background – historically, Denmark shared the other Scandinavian countries' traditions of rights of access for walking, short visits and picking natural products, until cultivation and forestry led to public rights being replaced by private property rights and legislation in 1873 prohibited access to private land. Since the early 20th Century, access legislation has been introduced incrementally, which has restored some access rights.

Access rights and legislation - the **Protection of Nature Act 1992** (amended in 2004) is the principal statute relating to coastal access. It provides that -

- **walking, short visits and bathing are permitted on beaches and other coastal areas between low tide level and continuous non-maritime vegetation, and on uncultivated land, dune conservation areas and in forests** (between 06.00 and sunset) - except within 150 m of residential or operational buildings
- **walking and cycling are permitted on public and private roads and tracks, and on forest tracks** (depending on the surface) - unless signed to the contrary to prevent serious intrusions of privacy, nuisance to commercial activities or disturbance of wildlife
- access is prohibited on private land within 50 m of a dwelling house, or in areas, which were gardens, business land, defence structures, harbours or adjacent land, before 1916
- managers of land cannot prevent or inconvenience public access, by barriers, signs or other means, unless these can be justified on grounds of privacy, etc.
- access is at the users' own risk
- dogs must be on a lead on beaches between 1st April and 1st September and riding is not permitted on beaches without the owners' permission
- littering, dumping wastes, disturbing wildlife, causing nuisance, etc. are prohibited.

Other access mechanisms – in recent years, **access agreements** been used to enable local authorities to develop longer distance paths and **land purchases** have enabled the provision of picnic areas and other coastal amenities.

Occupiers' liability – generally, this is not a concern as the Protection of Nature Act specifies that access is at the users' own risk.

Planning measures – specific measures seek to protect the coast through -

- **coastal protection zone**, under the Protection of Nature Act 1992 - this extends 300 metres inland from the coast and only essential development is permitted in this zone
- **coastal planning zone**, under the Planning Act 1999 - this extends 3 km landward from the beach and only development which requires a coastal setting is permitted.

Key organisations – the Ministry of the Environment and the Danish Forest and Nature Agency are the principal government agencies with coastal access responsibilities. The latter Agency administers the access rules and manages some popular beaches. County and municipal authorities have coastal planning and access responsibilities. Voluntary organisations lobby for access, promote responsible access and some own land.

Information - publications and Websites inform visitors of coastal access and schools' programmes and events led by Nature Interpreters promote respect for the outdoors.

Effectiveness of coastal access provisions – the provisions for access on foot and for short stays on the foreshore, beaches and adjacent uncultivated land and forests, and for access on foot and bicycle on most roads, tracks and paths provide extensive coastal access opportunities. Land managers are not permitted to obstruct or deter access, unless for *bona fide* management reasons. Consequently, coastal access arrangements are considered to be effective and assisted by many of the public respecting the coast.

Specific issues include –

- the complexity of the legislation - as access rights and ‘rules’ may vary depending on the land use and, in some cases, whether it is in public or private ownership
- lack of precise definitions of land types – this can lead to non-compliance with the ‘rules’, or confusion as to the availability of access - especially at the margins of different types of land (e.g. boundaries of unenclosed gardens and uncultivated land)
- some landowners seeking to deter access through unlawful signing, etc. – however, this is ‘policed’ by the local authorities.

FRANCE

Historical background – traditionally, there has been public access within the Maritime Public Domain (i.e. foreshore and *lais et relais* - see above) and on paths along the coast, including Customs Paths (late-18th Century to early-20th Century). Legislation in the 1970s and 1980s defined the Maritime Public Domain and provided for the Pedestrian Right of Way along the Coastline and Public Rights of Way across/to the Shore

Access rights and legislation - the **Law of 31st December 1976** and the **Planning Code** provide for –

- **access on foot and for navigation within the Maritime Public Domain** (see section 4) – the boundaries of which are identified by the *Préfet* and marked on the ground
- **walking on the Pedestrian Right of Way along the Coastline** – a 3 metre wide servitude along the landward boundary of the Maritime Public Domain
- suspension of the Pedestrian Right of Way along the Coastline, where an existing public path is available, to enable fishing or boat building/repair businesses, in the vicinity of a national defence installation, if a protected site is at risk, or where the ground is unstable
- exemption from the Pedestrian Right of Way within 15 metres, or the curtilage, of a dwelling built before 1976
- the *Maire* or *Préfet* has a duty to sign and maintain the Pedestrian Right of Way
- landowners must not obstruct walkers’ access on the Pedestrian Right of Way.

The **Coastline Act 1986** provides for the planning and enhancement of the coast, including –

- **creation of a Public Right of Way across/to the Shore** - where there is no alternative public path within 500 metres distance.

Other access mechanisms – The Law of 22nd July 1983 requires the *Départements* (cf. county authorities) to prepare **Plans for Walking and Hiking Routes** and to maintain and sign these, or to delegate these duties to the *communes*. Paths may be created along coastal defences. **Acquisitions by the Coastal Protection Agency** to protect natural, cultural or other special values amount to around 10% (880 km) of the coast. These areas are inalienable and most have public access, unless this is restricted to protect wildlife. The French Ramblers’ Association has developed sections of the Pedestrian Right of Way along the Coast and incorporated some of these in **Grande Randonnées**[®] and coastal cycle paths are being developed as part of the **Veloroutes Voies Vertes** initiative.

Occupiers’ liability - the Planning Code specifies that a landowner has no liabilities for damages to, or by, users of the Pedestrian Right of Way along the Coastline, unless he/she has caused the damage or accident. The Government or *commune* is responsible for any accident resulting from the routeing or poor maintenance of a Pedestrian Right of Way along the Coastline or of a Public Right of Way across/to the Shore.

Planning measures – under the Coastline Act 1986, **development is prohibited within a 100 m ‘corridor’ above high water level, except within urban areas and for essential infrastructure.** These controls seek to protect the Maritime Public Domain, the Public Right of Way along the Coastline, and landscape, wildlife and cultural values. Paths identified in the Plans for Walking and Hiking Routes are protected through the planning process.

Key organisations – the Ministry for Infrastructure, Transport and Housing is responsible for overseeing the coastal access legislation, which is implemented by the *Départements* and *communes*. The Coastal Protection Agency has purchased coastal areas and manages these areas for conservation and public appreciation. Local authorities and the French Ramblers’ Association have developed sections of the Pedestrian Right of Way and other coastal paths.

Information – waymarking of the Pedestrian Right of Way is undertaken by each *commune*. Published information and Websites provide information on coastal paths.

Effectiveness of coastal access provisions – while property rights have high priority in France, around 60% of the coast is accessible as a result of ‘open access’ on the Maritime Public Domain, the Pedestrian Right of Way along the Coastline (in effect, a 3 metre wide access ‘corridor’) and the Public Right of Way across/to the Shore. These rights are supplemented by paths recorded in Plans for Walking and Hiking and lands acquired by the Coastal Protection Agency.

Key issues relating to coastal access include gaps in the Pedestrian Right of Way along the Coastline, due to urban development, private properties, military uses and natural hazards (e.g. eroding cliffs), and the costs of creating and maintaining paths on the Pedestrian Right of Way, which often fall on poorly funded *communes*. High intensities of coastal visits and intensive recreational pressures often require visitor management initiatives and sometimes result in inter-user conflicts.

NETHERLANDS

Historical background – although the Netherlands has strong traditions of private property rights, many coastal lands are owned by public, quasi-public or voluntary organisations, due to their importance for coastal defence, water storage, conservation and/or recreation. Historically, public access has been available to the foreshore and beaches and on some roads, tracks and paths.

Access rights and legislation - these provide for -

- **access for walking and recreation on foreshores and beaches** - based on common law rights and public ownership
- **rights of way for walking and cycling on public roads and cycleways, and on some private roads and tracks** – these are protected, also, through the **Highways and Road Traffic Acts**
- **access for walking and cycling on private estates** - under the **Estates Act 1995**, in return for dispensations on estate duties and capital taxes. Such access is usually subject to restrictions (e.g. no access within the curtilage of private properties)
- **restrictions on access and recreation in coastal and dune areas** – byelaws under the **Flood Protection Act 1996** protect natural and man-made sea defences and restrictions under the **Nature Conservation Act 1998** protect wildlife.

Other access mechanisms – acquisitions of land by public authorities, water boards and conservation organisations (e.g. *Natuurmonumenten*, landscape trusts) provide access to many coastal areas, and **agreements** between landowners, public authorities and/or the National Federation of Walking Organisations provide the basis for many sections of longer paths on dikes and other land. Coastal access is often subject to **visitor management mechanisms, such as** byelaws, signing, zoning, closed areas and permits.

Occupiers' liability – this is not a current issue, as it is assumed that users enjoy the coast at their own risk, although this is not specified in law. Insurance cover may be provided where long distance or other paths are provided by agreements.

Planning measures – provinces' and municipalities' plans may include policies and proposals for protecting or enhancing coastal access – especially long distance paths and cycle routes, but coastal protection zones are only defined for coastal defence purposes.

Key organisations – several organisations administer and implement coastal access, including the Ministry of Agriculture, Nature and Food Quality, provincial and municipal authorities, water boards (coastal defences), water companies and conservation organisations. The National Federations of Walking Organisations and Cycling Organisations have developed and promote longer distance walking and cycling routes as part of country-wide access networks.

Information – on-site information and visitor centres, Websites, and publications provide information on access routes and opportunities.

Effectiveness of coastal access provisions – extensive public and voluntary sector land ownerships, often extending over a wide strip of beach and dune areas, provide opportunities for walking, cycling and often other recreational activity. There are continuous long distance walking and cycling routes along the entire coast, except for some estuaries, industrial areas and ports.

Coastal access issues include high intensities of recreation in many beach and dune areas and these have resulted in extensive use of urban-type signs and regulations, which, although often essential to protect coastal defences, water storage and wildlife, are 'alien' to visitors used to less restrictive management regimes (cf. UK's coasts). While walking and cycling are well-catered for, riding and other land-based activities are often restricted, and, in some areas, urban and other developments limit access to the coast.

SCOTLAND

Historical background - traditional access 'freedoms' and common law rights have provided extensive *de facto*, permissive and legal access to the countryside, coasts and many roads, tracks and paths. In recent decades, common law rights have been complemented by statutory provisions, agreements and permissive access. This mixture of arrangements, combined by inadequacies in access law and its application by local authorities, have often resulted in a lack of clarity and hindered the creation of path networks and development of activity tourism, etc.. Following recognition of the need for change, the Land Reform (Scotland) Act 2003 has established wide-ranging statutory rights of access.

Access rights and legislation - the **Land Reform (Scotland) Act 2003** has strengthened access legislation by –

- **providing Scotland-wide access rights, for walking and other recreational and related activities**
- **requiring users to exercise these rights responsibly** - as defined in the *Scottish Outdoor Access Code* – e.g. requiring that dogs be kept under control, and not exercising access rights in ways which intruding on privacy, disturb wildlife, damage crops, etc.
- **excluding specific areas from access rights** - including the curtilage of dwellings, farmyards, school grounds, playing fields and military land
- **requiring access users to take responsibilities for their own actions**
- **obliging managers to manage land in ways which respect and do not to interfere with access rights.**

The Land Reform legislation requires local authorities to prepare **Core Path Plans** and gives them powers to create and manage **core paths** for access on foot, by bicycle and/or horse.

Common law and other statutes provide for –

- **access to the foreshore** - for access and recreation
- **access on public rights of way** – mostly for access on foot, but, in some cases, by bicycle or horse. Planning authorities have duties to assert and protect rights of way
- **various access mechanisms** – including public path creation agreements and orders, planning agreements and land acquisition
- **byelaws and management rules** – primarily to prevent nuisances (e.g. noise, litter) and damage, including to natural or cultural heritage features.

Other access mechanisms – land acquisitions by public authorities and voluntary bodies (e.g. National Trust for Scotland, John Muir Trust) provide considerable area-wide and linear access on the coast. **Non-statutory agreements** are often used to provide, improve and sign paths and sections of longer distance walking and cycling routes. **Land Management Contracts** provide payments to farmers for creating or improving access. **Country parks** and **coastal paths and cycle routes**, including sections of the North Sea Trail (Nortrail), are being provided by many local authorities, countryside/coastal trusts and voluntary bodies.

Occupiers' liability - the Land Reform (Scotland) Act 2003 does not alter land managers' or occupiers' duties of care or liabilities, but the Scottish Outdoor Access Code states that those exercising access rights must take responsibility for their own actions. This has sought to reassure landowners, but many have continuing concerns over liability.

Planning measures – national and local planning policies seek to protect and enhance access opportunities, and Core Path Plans may include key coastal paths. There are no coast-wide protection zones or similar measures to restrict coastal development.

Key organisations – the Scottish Executive Environment and Rural Affairs Department and Scottish Natural Heritage are the main national bodies with access responsibilities. Local and national park authorities implement the access legislation and develop and promote core paths and other coastal routes. Voluntary organisations own coastal land (e.g. National Trust for Scotland, RSPB), protect and sign paths (e.g. Scotways) and lobby for access (Ramblers' Assoc. Scotland). Coastal management partnerships have initiated local access initiatives.

Information – information on coastal paths is available in publications, Websites, visitor centres, etc.. The *Scottish Outdoor Access Code* sets out access rights and responsibilities.

Effectiveness of coastal access provisions – there is extensive area-wide and linear access to much of Scotland's coasts, through the provisions of the Land Reform legislation, common law, and other statutes and mechanisms, including public and voluntary sector ownership of coastal lands and the development of coastal paths and cycle routes.

Many of the inadequacies in the common and statutory laws relating to public rights of way have been overcome by the Land Reform legislation. Continuing issues include barriers posed by development, deterrent signing (often unlawful), fencing and natural hazards (e.g. cliff collapses). The latter diminish the width of paths or access 'corridors' (e.g. along cliffs) and pose issues for local authorities and others as to what safety measures should be taken. Further issues relate to conflicts between recreational activities – especially on some beaches, and the unlawful use of scramble bikes, etc. on coastal paths.

SWEDEN

Historical background - as other Scandinavian countries, Sweden has retained the traditional *Allemansrätten* - rights of access, which enable people to walk, cycle, ski, camp and sail and to pick wild products. These provide the basis for most coastal access, although development pressures have resulted in planning measures to protect the coast.

Access rights and legislation - Sweden's **Constitution** states that ... **there shall be access for all to the natural environment in accordance with the right of public access.**

Sweden's **access rights** enable –

- **walking, skiing and camping for a couple of nights on public and private land**
- **walking, cycling and riding on public and private roads, and off-road** - provided these activities do not cause erosion or endanger others
- swimming, boating, fishing with a hand-line, dog walking – provided it is kept under control, and picking berries, mushrooms, etc. for personal use.

'Rules' applying to the rights of access, including prohibitions on –

- access within the curtilage of private dwellings, to protect the occupants' privacy
- leaving litter, damaging trees or shrubs, or crossing land with crops that may be damaged
- off-road use of vehicles and use of personal watercraft
- actions by landowners or managers to deter or restrict the exercise of access rights.
- access to some wildlife areas (e.g. bird and seal sanctuaries).

Sweden's **Environmental Code** requires that –

- **those exercising access rights should treat the countryside with care and consideration** - and it sets out penalties for those causing damage, nuisance or harm
- **land and water up to 100 metres from the shoreline** (300 m in specified areas) **are to be protected to safeguard public access and wildlife.**

Other access mechanisms – there is limited need for additional mechanisms to secure access, given the extensive access rights. However, **land purchases** have enabled the creation of new national parks, nature reserves and other amenities and public authorities have created **longer distance paths and cycle routes** – often on the coast.

Occupiers' liability – traditionally, access is at the users' own risk and this has been confirmed in a recent court case. However, a public or private landowner or manager may be liable for damages resulting from inadequate maintenance of a path, bridge, or other facility.

Planning measures – the Environmental Code provides for **shoreline protection measures** to protect natural values and public access from development, fencing, etc.. **Shore protection areas** extend 100 metres landward of normal sea level and may be extended to 300 metres. Other plans seek to restrict development, which may affect coastal access.

Key organisations – the Ministry of the Environment and, particularly, the Swedish Environment Protection Agency administer the access legislation. County administrative boards, county councils and municipal authorities implement and protect the access rights and regulations. Voluntary organisations (e.g. Open Air Council, Archipelago Foundation) promote coastal and other access and contribute to the management of coastal paths.

Information – signs, publications and Websites provide information on coastal paths and the Swedish Environmental Protection Agency promotes understanding of the rights of access.

Effectiveness of coastal access provisions – Sweden's traditional rights of access are enshrined in its Constitution and the Environmental Code, are mostly respected and valued by Swedish society, and provide extensive coastal access. The access rights are balanced by obligations on users not to cause damage or disturbance and on land managers not to deter or obstruct the exercise of access rights. Additionally, paths and cycle routes often enable access along on the coast.

Issues affecting coastal access include pressures for development, including for holiday homes, and the enclosure of coastal properties. Such actions are often contrary to the shoreline protection measures, but may proceed unlawfully or be exempted from the restrictions by the respective authorities. Also, some access 'rules' are not fully adhered to (e.g. restrictions on fires, privacy areas) and, as these may vary according to local circumstances and traditions, they are often not fully understood – especially by visitors.

IRELAND

Historical background – strong cultural values attached to private property rights have taken precedence over public rights of access. Hence, coastal access has mostly been on a *de facto* or permissive basis and may be restricted at any time. Access to the foreshore is available as a right, but requires access to the foreshore. Public rights of way have often been ‘lost’ or obstructed and local authorities have seldom taken action to secure these. Concerns over occupiers’ liability have reinforced landowners’ antipathy to access. Initiatives, such as Waymarked Ways, have provided some coastal access.

Access rights and legislation – coastal access relies largely on –

- **access to the foreshore** - which is mostly available through State ownership, but may be restricted under the Foreshore Act 1933
- **public rights of way** – which local authorities are required to protect by the Roads Act 1993, and the Planning and Development Act 2000 gives planning authorities powers to create a public right of way by agreement.

Other access mechanisms – sections of **Waymarked Ways** and other promoted paths have been secured by **agreements**, but many sections are on roads. **Byelaws** often regulate activities, such as riding on beaches.

Occupiers’ liability – following landowners’ concerns, the Occupiers Liability Act 1995 created the new category of *recreational user*, towards whom landowners have a lower duty of care under the law. A landowner would have to be found guilty of ‘reckless disregard’ to face a liability claim from a recreational user.

Planning measures – planning regulations remove fencing and other enclosures of land, which has been habitually available to the public over the previous 10 years, from the scope of ‘permitted development’ for planning control purposes. Plans seek to protect or enhance access provision, but there are no country-wide measures to protect the coastal zone.

Key organisations – organisations with roles in developing and promoting coastal access include the Irish Sports Council’s National Waymarked Ways Advisory Committee, Coillte (State Forest Board), Fáilte Ireland, regional tourism authorities, local authorities and community, LEADER and tourism groups.

Information – signing, publications and Websites provide access information.

Effectiveness of coastal access provisions – while there is much *de facto* or permissive access to parts of the coast, and the foreshore is accessible through State ownership, coastal access is often unsatisfactory and insecure. Few public rights of way are recorded, or adequately protected, and many have been ‘lost’. The common law of trespass enables landowners to exclude or remove people from their land and some farmers and owners deter or prevent access, due to concerns over privacy, liability, etc..

Additional issues include residential, industrial and other land uses preventing access to the shore, coastal development resulting in the loss of access opportunities and hazards arising from coastal erosion. While some coastal paths have been created and are promoted, many are poorly maintained.

NORTHERN IRELAND

Historical background - over recent centuries, the access situation in Northern Ireland has largely ‘mirrored’ that in the Republic – largely relying on inadequately defined and poorly protected public rights of way and insecure *de facto* and permissive access arrangements.

Proposals to strengthen the access legislation have largely been thwarted by opposition from landowners, who have a strong cultural traditions of seeking to protect often small-scale land holdings from external interference and concerns relating to occupiers’ liability. More recent initiatives by some local authorities and the Countryside Access and Activities Network have created coastal sections of Waymarked Ways and other promoted routes.

Access rights and legislation - the **Access to the Countryside (Northern Ireland) Order 1983** is the principal access law. Its primary provisions relate to -

- **public rights of way** - giving local authorities duties to assert, protect and keep them open
- **public paths** – providing powers for their creation and management
- **open country access** – enabling such access to be secured through access agreements or orders, or land acquisition.

Other access mechanisms - land acquisitions by the National Trust and local authorities have provided valuable coastal access. In addition, **Waymarked Ways** and other promoted paths and cycle routes have been created through **agreements**.

Occupiers' liability - despite no history of claims relating to recreation on private land, the farming community holds strong concerns over liability, which are exacerbated by protectionist attitudes towards private land and some farmers not having public liability insurance. There is agreement on a need for change and amending legislation is being considered.

Planning measures – national and local plans and policies, including AONB designations, seek to protect the coast from development pressures and enhance access. The *Regional Planning Strategy for Northern Ireland* contains coastal policies, but there is no country-wide zone protecting the coast from development.

Key organisations – the Environment and Heritage Service and district councils are responsible for access administration and implementation and are supported by the Sports Council for N. Ireland, N. Ireland Tourist Board, Countryside Access and Activities Network - especially through its development of Waymarked Ways, countryside management trusts and community initiatives. The National Trust is a key landowner and provider of coastal access.

Information – on-site information, leaflets and Websites provide coastal access information.

Effectiveness of coastal access provisions – while access to the foreshore is often available on a permissive basis, most other coastal access relies on the National Trust's or local authorities' ownerships of coastal land and the limited availability of coastal paths and public rights of way, but much access is on a *de facto* basis and is insecure.

Farmers and other landowners continue to oppose moves to strengthen the access framework and inadequacies in the public rights of way and other access legislation have resulted in poor networks of public rights of way and the loss of many to ploughing, etc.. More recently, local authorities have been taking action to protect and improve public rights of way and create other path networks. Other access issues include erosion on some coasts, loss of some coastal land to development, and unlawful activities, such as fly-tipping and off-road use of motorbikes.

PORTUGAL

Historical background - property rights are strongly protected and, over recent centuries, coastal access has largely been restricted to public paths and *de facto* access. The Maritime Public Domain (see below) has long been regarded as public land, but, until 1971, access rights to the MPD were restricted to fishing, navigation and related uses.

Access rights and legislation - **Law 54/2005** clarifies that –

- **the Maritime Public Domain comprises the foreshore and land from high water level to 50 metres landward of this, and this is public land**
- **public rights are available within in the Maritime Public Domain for passage on foot, for fishing and for navigation.**

In addition,

- **common law provides for public paths** (cf. public rights of way) – these often provide important access to the Maritime Public Domain

- **Decree-Law 309/93** provides for the preparation of **Coastal Zone Plans** to protect coastal areas. **Coastal zones extend from 30 metres below sea level to 500 metres landward of maximum high tide level and protect these areas from development.**

Other access mechanisms – a range public and voluntary sector organisations provide and manage regional and local footpaths. Within coastal areas, these are usually within the Maritime Public Domain and do not require formal agreements. Where a hotel or other property open to the public erects a fence or other impediment to the public right of access, it is required to provide a gate or other means of access.

Occupiers' liability – this is reported as not being a current issue.

Planning measures – Coastal Zone Plans play important roles in protecting 500 metre wide coastal strips from development and defining the boundaries of the Maritime Public Domain; thereby, safeguarding the public right of passage in the MPD.

Key organisations – the Ministry of the Environment, Spatial Planning and Regional Development, Ministry for Agriculture, Rural Development and Fisheries and regional and local authorities administer and implement the coastline, access and planning legislation. These organisations, along with the Water Institute, Nature Conservation Institute, port authorities and walking clubs, develop and promote regional and local coastal paths.

Information – on-site boards, signs, publications and Websites provide access information.

Effectiveness of coastal access provisions – the coastal access legislation is based on long-established traditions of the Maritime Public Domain, which includes a public right of access on foot. The boundaries of the Maritime Public Domain may change as a result of coastal erosion or other natural changes in the coastline. Other access is provided on public paths. Protection of the 500 metre wide coastal zone from development provides important protection of the Maritime Public Domain and rights of access.

Specific issues include a lack of public paths along/to the coast and lack of information on these paths. Coastal erosion poses problems, as the creation of new paths is not permitted in coastal areas where there may be natural hazards. Also, coastal golf courses may cause hazards for coastal walkers and vandalism and non-compliance with regulations (e.g. restrictions on dogs on beaches) cause problems.

2.4 COMPARATIVE REVIEW OF COASTAL ACCESS IN THE SELECTED COUNTRIES

Whereas the previous sub-section provides a country-by-country summary of coastal access, this sub-section compares and contrasts aspects of coastal access across the selected countries and, where relevant for comparative purposes, refers to England.

Historical background to coastal access

- a. Traditionally, public and/or local rights of access to the shore and adjacent coastal areas have been essential for travel on foot, by sea and for fishing, gathering shellfish, etc..
- b. Historically, Denmark and Sweden shared traditional rights of access (*Allemansrätten*). While Sweden has largely retained these rights, Denmark lost these as private property rights grew in importance. Scotland had similar access 'freedoms', which were uncertain and subject to challenge, until the introduction of the statutory right of access in 2003.
- c. In the wider countryside of most of the other countries studied, private property rights have taken precedence over access rights and remaining access rights are largely restricted to linear public rights of way or similar routes (e.g. Portugal's public paths). This is the case on the coasts of Ireland, N. Ireland, the Netherlands and England.
- d. Traditionally State/public ownership or stewardship of each country's foreshore has provided public access for walking, navigation and, in some cases, for wider recreational activities. While such access on the foreshore is available by right in most countries – including Scotland, it is only available on a permissive basis in N. Ireland and England.

- e. The historic legacy of the Maritime Public Domain is shared by France and Portugal and offers public access to, and beyond, the foreshore - often including beaches, cliffs and/or other land (see below).
- f. Public ownership has played a major role in many countries' coasts – particularly, in the Netherlands, where coastal defences are vital for much of the country's survival.
- g. Changes in society, especially over recent decades, have led to recognition of the importance of coastal access for recreation, tourism, health and sustainable travel, and the restoration or strengthening of coastal access rights in countries such as Denmark, France and Scotland, and provision in all countries for coastal access through land acquisition and the development of paths, cycleways and other routes.

Access rights and legislation

- a. Coastal access in all the countries relies on a mixture of common law, statute law and other mechanisms (e.g. agreements, acquisition of land) and the balance between these varies between countries. Statutory legislation often recognises, reinforces and protects common law rights of access. For example, Sweden's traditional right of access is recognised in its Constitution and incorporated in the Environmental Code.

Access on the foreshore

- b. Each country's foreshore is in some form of State or public ownership or stewardship (cf. Crown Estate in England). Public access is available in all countries, as of right on foot, for navigation and, sometimes, for wider recreational activities, except in N. Ireland and England, where access to the foreshore is only available on a permissive basis.

'Open access' on the coast

- c. Sweden and Scotland (since 2003) have similar country-wide rights of access, providing the widest availability of coastal and countryside access on foot, by bicycle, on a horse and for non-motorised recreation, sports and related activities. Such access is subject to responsibilities and restrictions, to protect privacy and the natural and cultural heritage, and to avoid disruption of land management activities, etc.. Landowners and managers have obligations not to deter or interfere with the exercise of access rights.
- d. Denmark, France and Portugal have access rights for walking and short visits to beaches and varying extents of adjacent land. In Denmark, these access rights include beaches and extend from low tide levels to areas of continuous non-maritime vegetation and adjacent uncultivated land. The Maritime Public Domain, in France, extends over coastal waters, the foreshore and *lais et relais* (i.e. areas historically affected by the tide) and, in Portugal, it extends for 50 metres landward of high tide level.
- e. In the Netherlands, 'open access' is available to the foreshore and beaches (undefined) for walking and other recreational activities, but such access is often heavily regulated by byelaws, zoning, etc.. The principal legislation affecting access - the Flood Protection Act 1966 and Nature Conservation Act 1998 – mainly provide for restrictions on access, rather than access provision.
- f. Responsibilities and restrictions on 'open access' to the above countries' coasts vary, but typical examples include -
 - prohibitions on access within a privacy area around occupied dwellings – for example, curtilage (undefined) in Sweden and Scotland, within 15 metres from a dwelling built before 1976 in France, and within 150 metres of a residential building on uncultivated land or in a forest in Denmark
 - prohibitions on access in private gardens, military lands and land with crops
 - exclusions from coastal areas subject to natural hazards (e.g. France, Portugal)
 - restrictions or prohibitions on access to wildlife areas (e.g. sea bird or seal colonies)
 - requirements to keep dogs under control (most countries) and seasonal restrictions on dogs on beaches in summer in Portugal and Denmark

- restrictions on riding – for example, individual riders are not allowed on beaches in Denmark without permission and, in Sweden, groups for riders require permission
- prohibitions on activities which cause nuisance or damage (e.g. littering, vandalism).

Linear access in coastal areas

- g. France is unusual in having a specific Public Right of Way along the Coastline - in the form of a 3 metre wide servitude (i.e. access 'corridor') for access on foot, which runs along the seaward boundary of the Maritime Public Domain. Also, the Coastline Act 1986 provides for a Public Right of Way across/to the Shore, where there is no other public access to the shore within 500 metres distance.
- h. Public rights of way provide the principal legal means of linear access on the coasts of Ireland and Northern Ireland, where there are no 'open access rights (cf. much of England's coast). In both these countries, the legislation regarding public rights of way is weak and, at least until more recent years, has been inadequately implemented.
- i. Public rights of way, also, have some significance in providing access on the coasts of other countries, including the Netherlands, Portugal and Scotland - in the latter case, to provide access to any lands excluded from access rights
- j. In Sweden and Scotland, access rights cover all public and private roads, tracks and paths, subject to such access not causing damage or intruding on privacy, etc.. Similar, but slightly more restricted rights are available in Denmark.

Other legislative provisions to enable access

- k. Of all the countries studied, the UK countries are different, in regard to the extensive and often complex mechanisms relating to access provided by countryside, highways and other legislation, such as access agreements and orders, public path orders, definitive maps, etc.. In countries with countryside- or coast-wide access rights, other access mechanisms are less necessary. Scotland has both access rights and complex legislation - partly as this more comprehensive range of mechanisms was required prior to the Land Reform legislation in 2003
- l. The Netherland's Estates Act 1995 has secured access to many private estates – subject to restrictions (e.g. to protect privacy) and in return for relaxations on estate duties.
- m. Several of the countries' legislation protects coastal access, and in some cases, wider countryside access rights or path networks, through shoreline protection and planning measures (see below).

Other access mechanisms

- a. Acquisition of land by public authorities and agencies is perhaps the principal means whereby coastal access is provided, other than by public rights. For example, much of the Netherlands' coast is in public ownership, France's Coastal Protection Agency has acquired around 10% of the coast for conservation and public enjoyment, the Swedish Environmental Protection Agency has acquired coastal land for national parks and nature reserves with recreation functions, and lands have been acquired by local authorities in N. Ireland and Scotland and England for coastal country parks
- b. Similarly, voluntary organisations' land ownerships can provide valuable coastal access – including, acquisitions by *Natuurmonumenten* in the Netherlands, the National Trust for Scotland and John Muir Trust in Scotland, and the National Trust in N. Ireland and England.
- c. Agri-environment schemes have encouraged farmers to provide coastal access in the Netherlands, N. Ireland, Scotland and England
- d. Voluntary agreements are a common means of enabling the development of coastal paths – especially surfaced paths and cycle routes (see e.)

- e. The creation and promotion of long distance paths are common to all the countries and important resources for tourism. For example, coastal paths in Denmark, the Netherlands, Sweden, Scotland and England - which are part of the North Sea Trail, Waymarked Ways in Ireland and N. Ireland, the Public Right of Way along the Coastline and *Grande Randonnées*[®] in France, and the *Grande Rota* in Portugal. Many such routes are part of the Europe-wide E-Path network.

Occupiers' liability

- a. Occupiers' liability is seldom an issue in mainland Europe, largely as it is widely accepted or specifically stated in legislation (e.g. Denmark's Protection of Nature Act) that access is at the users' own risk. Similarly, the *Scottish Outdoor Access Code* states that those exercising rights of access must take responsibility for their own actions.
- b. Occupiers' liability has been a major concern and is often a reason for farmers excluding or restricting public access in Ireland and N. Ireland. In response, Ireland's Occupiers Liability Act 1995 created the category of *recreational user* - towards whom the landowner has a lesser duty of care, and legislative change is being considered in N. Ireland.

Planning measures

- a. Denmark, France, Sweden and Portugal have specific legislative provisions for the protecting coastal zones (or similar) from development to safeguard the special qualities of coastal areas and coastal access. These are illustrated in Figure 2.2.
- b. Legislation in France requires the *Départements* to prepare Plans for Walking and Hiking Routes and Scotland's access legislation requires local authorities to prepare Core Path Plans. In both cases, these plans are intended to protect and enhance path networks.
- c. All of the countries have national and local land use/spatial planning frameworks, which include coastal policies; however, the extent to which these provide for, or protect, coastal access varies and many contain only fairly general policy statements.
- d. Across the countries studied, there is a wide, and increasing, range of plans for coastal areas (e.g. integrated coastal management plans, shoreline management plans). Most of these focus on issues, such as fisheries and coastal erosion, rather than access.

Figure 2.2 Specific Provisions to Protect Coasts and Coastal Access from Development

Country	Legislation	Principal Provisions
Denmark	Protection of Nature Act Planning Act	Coastal protection zone - from coastline to 300 metres landward of coastline (excluding urban areas). Development is prohibited within this zone. Coastal planning zone - 3 km landward of the beach. Development is regulated within zone.
France	Coastline Act	Coastal 'corridor' – 100m landward of high tide level (excluding urban areas). Development is prohibited except, for example, essential infrastructure
Sweden	Environmental code	Shore protection area – from shoreline (i.e. average tide level) to 100 metres landward of shoreline. Where required, this may be extended to 300 metres. Development and structures which may prevent public passage (e.g. fences) are prohibited, unless essential for fishing, farming, etc. or an exemption is been granted.
Portugal	Decree-Law No. 309/93	Coastal Areas - from 300 metres below sea level to 500 metres landward of max. high tide level (excluding harbours). Policies in Coastal Zone Plans should control development in coastal areas and protect access in the Maritime Public Domain.

Key organisations

- a. While government departments have overall responsibilities for developing coastal and access legislation and policy, it is often national agencies – such as the Danish Forest and Nature Agency, Swedish Environmental Protection Agency, Scottish Natural Heritage, N. Ireland’s Environment and Heritage Service and the Countryside Agency in England - that provide specialist support to these departments, and support or lead initiatives to gain access on the ground.
- b. France’s Coastal Protection Agency is unusual in having, as a primary function, the purchase and management of coastal lands to protect landscapes, heritage and access.
- c. County and/or local/municipal authorities are usually responsible for protecting, developing and promoting coastal access. While the extent to which public rights of way and other coastal access are available often reflects the effectiveness of the legislation, it may also reflect on political priorities and resources (e.g. financial constraints on some French *communes*’ implementation of the Pedestrian Right of Way along the Coastline, historic inaction by some local authorities in Ireland and N. Ireland to secure public rights of way).
- d. Voluntary and quasi-autonomous organisations (e.g. N. Ireland’s Countryside Access and Activities Network) may play a range of coastal access roles, such as –
 - lobbying for effective access legislation and policies
 - purchasing and managing coastal lands for conservation and access
 - negotiating, developing, managing and promoting longer distance paths, cycle routes and other access provision
 - promoting awareness of access rights and responsible access.
- e. The UK countries are unusual in regard to the extent to which countryside and coastal management services and trusts actively manage coastal areas for access and other benefits (e.g. Causeway Coast and Glens Heritage Trust in N. Ireland, Fife Coast and Countryside Trust in Scotland). The Archipelago Foundation in Sweden is one of the few examples in the other countries studied.

Information

- a. The extent of information on coastal access varies between countries, but often includes -
 - on-site information – such as map-/information-boards, path signing and waymarking, and visitor centres
 - publications – including maps, path leaflets and guidebooks, and publications promoting responsible behaviour – such as the *Scottish Outdoor Access Code* leaflets (and media campaigns) and the Swedish Environmental Protection Agency’s leaflets on access rights and responsibilities.
 - Websites – including Websites with information on walking and cycling routes and the Websites of countryside, sports and tourism agencies, recreational organisations, etc..

Effectiveness of coastal access provisions

- a. Country-wide access rights in Denmark, Scotland and Sweden and coast-wide access rights in France and Portugal associated, with the Maritime Public Domain in both countries and the Pedestrian Right of Way along the Coastline in France, enable walking and, in many cases, other recreational activities at the coast. In the Netherlands, access is widely available on the foreshore and beaches by right and public ownership, and through the ownership of the extensive dune areas by public and voluntary organisations.
- b. Access to the coasts of Ireland and N. Ireland which relies on permissive access, limited numbers of public rights of way or promoted paths, or access to lands in public or voluntary sector ownership - which are less common in Ireland and offer only permissive access in both countries.

- c. Coastal paths and cycleways in all the countries – provided on public rights of way, through land acquisitions, or by agreements – provide valuable means of walking and cycling around the coast. These are less common in Ireland and N. Ireland, and in some parts of Scotland and Sweden – in the former cases, largely through inaction by some local authorities and opposition from farmers. The Netherlands has a continuous footpath/cycle path along the entire length of its coast (except for breaks on estuaries) and the Pedestrian Right of Way along the Coastline (a servitude, not always a surfaced path) covers much of France’s Atlantic and North Sea coasts.
- d. The availability of country-wide access rights, definition of the Maritime Public Domain in relation to the shoreline, and generally more flexible approaches to access in most European countries results in no requirements for detailed definitive mapping of access rights and allows for some flexibility in boundaries to cater for natural events (e.g. coastal erosion).
- e. Historic, and sometimes more recent, development (e.g. principal and second homes, hotels, industrial areas), military lands and ports are amongst the main barriers to continuous coastal access along the countries’ coasts. Even where there are wide rights of access, these allow for exclusions to protect privacy, etc.. Also, fencing and other enclosures of properties can act as barriers to access.
- f. To protect coastal access, several countries have established shoreline/coastal protection zones (varying from 50 metres to 3 km wide) along their coasts, but excluding existing urban areas. Development is prohibited or strictly regulated in these zones (Figure 2.2), but their effectiveness often depends on the robustness of their administration and shortfalls have been identified in, for example, Sweden.
- g. Other issues relating to coastal access include the availability of resources to manage coastal access (e.g. on more rural parts of the French coast), problems arising from intensive recreational and tourism pressures and the need for wide-ranging visitor management, for example in very popular areas of the coasts of France, Denmark and the Netherlands, and mostly small-scale non-compliance with access ‘rules’ (e.g. littering, disturbance of privacy, dogs not under control).

2.5 KEY FINDINGS FROM THE REVIEW OF COASTAL ACCESS

This sub-section draws together, summarises and highlights the principal aspects relating to recreational access to the coasts of the European countries studied, which are considered to be of particular relevance to considerations of future arrangements for coastal access in England.

Importance of coastal access and its provision

- a. **The societies of the selected countries highly value their coasts and opportunities for access to their coasts for leisure, recreation, sport and tourism.**

‘Models’ of coastal access rights and arrangements

- b. **A series of ‘models’ can be identified, which illustrate the principal arrangements whereby coastal access is available in the selected countries.** These are illustrated in Figure 2.3. **These ‘models’ illustrate some key options, which may be worthy of more detailed consideration in respect of future coastal access arrangements in England.**

Figure 2.3 Coastal Access in the Selected Countries – Summary ‘Models’

Coastal Access ‘Models’	Countries	Key Elements of Approach
Country-wide access rights	Denmark, Scotland, Sweden	<ul style="list-style-type: none"> - rights of access to foreshore, beaches, dunes, cliffs, uncultivated land, etc. on foot, for short stays and navigation (+ other recreational activities in Scotland and Sweden) - exclusions (e.g. wildlife areas, growing crops, curtilage of homes) - restrictions/conditions (e.g. no damage, dogs under control)
Maritime Public Domain	France, Portugal	<ul style="list-style-type: none"> - public ownership and rights of access on foot and for navigation on foreshore + beaches and adjacent land (depending on <i>lais et relais</i> in France; 50 m landward of high tide in Portugal)
Public ownerships of foreshore and beaches	Netherlands	<ul style="list-style-type: none"> - public ownership and rights of access to foreshores and beaches on foot, for navigation and recreation
Pedestrian Right of Way along the Coastline	France	<ul style="list-style-type: none"> - 3 m wide access servitude along landward boundary of Maritime Public Domain along entire French coast - exclusions in vicinity of dwellings in France
Access through public/voluntary sector ownerships	Netherlands, France N. Ireland	<ul style="list-style-type: none"> - Netherlands: permissive access in extensive dunes areas on foot, and cycling on paths, through public/voluntary sector ownerships - France: Coastal Protection Agency acquisition of extensive coastal areas - permissive access on coastal public/National Trust properties
Public rights of way and promoted routes	All countries	<ul style="list-style-type: none"> - public rights of way on foot +/- cycling and riding provide valuable access to coast – especially where no general rights of access - France: Public Right of Way across/to the Shore - Ireland + N. Ireland: limitations on public right of way networks - continuing/increasing development and promotion of longer distance paths for walking and cycling at the coast (e.g. Nortrail)

Note: All countries, except N. Ireland, have access rights to the foreshore

Area-wide access to coastal area

- c. All the selected countries have area-wide public rights of access for walking - and often for other recreational activities - on their foreshores and beaches, with the exceptions of Ireland and N. Ireland.** Similarly, **England lacks such rights of access.** Ireland’s public rights of access include the foreshore, but not beaches. N. Ireland has only permissive access to the foreshore and no country-wide rights of access to its beaches. In contrast to the other UK countries, Scotland had a right of access to the foreshore before the Land Reform legislation provided country-wide access rights.
- d. Many countries’ rights of access extend beyond their foreshores and beaches, to include country-wide access rights in Denmark, Scotland and Sweden, or an access ‘corridor’ in France** (e.g. Pedestrian Right of Way along the Coastline) **and Portugal** (part of Public Maritime Domain) - **exceptions are the Netherlands, N. Ireland and Ireland.** England lacks such area-wide rights of access to coastal areas - except for commons or CROW access land, which are relatively rare at the coast.
- e. Where area-wide access rights are available at the coast, these are often accompanied by restrictions and responsibilities;** for example –
- no access within the curtilage of dwellings or land with crops and restrictions on dogs
 - requirements for users to act responsibly and not cause damage or disturbance.
- f. Ownerships by public and voluntary organisations provide extensive access to the coasts of the Netherlands, France, N. Ireland and Scotland, but such access is on a permissive basis, except in Scotland.** Similarly, access to many coastal areas in England relies on permissive access on public or voluntary bodies’ lands.

Linear access along, and to, the coast

- g. **Access is/should be available on foot along the entire coasts of France, the Netherlands, Scotland, Sweden and Portugal by access rights and by continuous footpaths/cycle routes in the Netherlands.** Exceptions include some urban, industrial, port and military lands, wildlife reserves and natural barriers (e.g. estuaries). Access along the coasts of Denmark, Ireland and N. Ireland is more fragmented. This is the case in England, also.
- h. **France is exceptional, as its Pedestrian Right of Way along the Coastline provides a 3 metre wide servitude along the entire coastline and the Public Right of Way across/to the Shore ensures that there is access to the shore** – where there are no other public paths within 500 metres distance.
- i. **Public rights of way are essential means of access to the coast in those countries without general rights of access on roads, tracks and paths, including the Netherlands, Ireland, N. Ireland and Portugal.** In Ireland and N. Ireland many traditional public rights of way have been ‘lost’, their status is uncertain, or they are poorly maintained, posing problems for coastal access. In England and Wales, public rights of way are generally in better condition, but networks are often fragmented and individual routes are vulnerable to erosion.
- j. **Agreements and, less often, land acquisitions and agri-environment schemes have enabled public and voluntary organisations to develop and improve coastal paths - especially the extensive paths and cycle routes along the coasts of the Netherlands, Denmark, France, Scotland and Sweden.** There are fewer long distance coastal paths in Ireland, N. Ireland and Portugal – in the former cases, partly due to difficulties in negotiating access.
- k. **The North Sea Trail (Nortrail) and North Sea Cycle Route initiatives are seeking to provide and promote continuous walking and cycling trails around the coasts of the Netherlands, Germany, Denmark, Sweden, Scotland and England - and often include existing longer distance coastal paths.**

Planning measures to protect coastal access

- l. **Existing development, pressures for new coastal development and the enclosure of private properties adjoining the coast pose problems for protecting coastal access rights and routes.** Typical pressures are for the development of holiday homes and fencing around existing homes on Sweden’s coasts and objections to access from owners of prestigious properties on France’s coasts.
- m. **Denmark, France, Sweden and Portugal have introduced statutory shoreline or wider coastal protection measures to prohibit or restrict development on their coasts to protect coastal values and, more specifically, to protect coastal access** (Figure 2.2). The protected zones in these countries extend from 100 metres to 500 metres from the shore, and Denmark has a 3 km coastal planning zone. These protection zones exclude urban areas. In theory, these shoreline protection regulations should provide stronger protection than typical planning policies, but in Sweden, for example, there are reports of widespread exemptions and unlawful enclosures.
- n. **Wider research during this project has identified two multi-national initiatives to protect coastal zones –**
 - **The Convention on the Protection of the Marine Environment of the Baltic Sea Area’s Recommendation 15/1 on *Protection of the Coastal Strip*** recommended that the Baltic States should establish a *protected coastal strip* - of 100 to 300 metres width, within which landscape change and development should be prohibited, and a coastal planning zone of 3 km from the shore, where assessments would be required and major development and landscape change would be restricted

- **the Council of Europe's Model Law on Sustainable Management of Coastal Zones and European Conduct for Coastal Zones**, which was noted by the Deputies of the Ministers of the Council for Europe in 1999 and forwarded to the respective governments. This specifies that –
 - ... *unrestricted access to the shore, where appropriate* .. should be one of several *principles specific to coastal zones* (Article 8)
 - *Where appropriate, pedestrians shall be able to reach the shore without hindrance, free of charge* - subject to stated exceptions (Article 23)
 - *In order to implement the principle of unrestricted access to beaches and coasts, means of access shall be provided, if necessary by imposing rights of way perpendicular to the shore, on riparian properties or, if need be, expropriating land necessary for access to the shore* (Article 45)
 - *In order to guarantee unrestricted movement for the public along the shore, a pedestrian right of way 3 to 20 metres shall be established along the line of the coast from the highest sea level ...* (Article 46). This and other Articles provide for exceptions, where there are existing buildings or concessions, to protect the environment, etc..

Other key principles underlying the provision and administration of coastal access

- o. **Legislation relating to access often eschews highly definitive approaches and any specifications for boundaries relating to the coast often respect the dynamics of the coast and offer flexibility in interpretation. No country adopts a definitive mapping approach to identifying coastal areas subject to rights of access** (cf. mapping of access land in England). For example -
 - Denmark's, Sweden's and Scotland's access legislation do not define precisely where access rights or restrictions apply, preferring to leave these to interpretation 'on the ground', taking account of local circumstances and conditions
 - while the limits of France's and Portugal's Maritime Public Domain are defined in legislation, these provide some leeway for interpretation on the ground and can be modified to take account of changes in the coastline.
- p. **Coastal access rights have been secured without compensating landowners** – for example, landowners were not financially compensated for potential losses associated with the introduction of France's Pedestrian Right of Way along the Coast (Law of 31st December 1976), or Scotland's access rights [Land Reform (Scotland) Act 2003]. Similarly, no compensation has been paid in respect of CROW access areas in England.
- q. **Landowners are obliged not to interfere with access** – most countries' access legislation requires that landowners and managers should not erect barriers, deterrent signs, or otherwise interfere with or obstruct the exercise of access rights.
- r. **Access is usually at the users' own risk and occupiers' liability is seldom an issue** – most countries access legislation or 'rules' state that access is taken at the users' own risk, or conveys a similar sentiment (cf. *Scottish Outdoor Access Code*). Otherwise, this is taken for granted. Hence, litigation in respect of occupiers' liability is not a significant concern, although managers are responsible for any wilful or reckless actions leading to damages or accidents. Liability remains an issue in Ireland - despite changes in the legislation - and in Northern Ireland and, to lesser extents, in the other UK countries.
- s. **Culture of respect for the countryside in most European countries and programmes to promote responsible behaviour** – Swedish society, in particular, has a strong outdoor ethos and in Denmark and Sweden children are introduced to the outdoors and to respect the countryside from kindergarten ages. While there are some problems of littering, disrespect for 'rules' (e.g. cycling on footpaths), etc., these are seldom major issues. The Countryside Access and Activities Network (N. Ireland), Scottish Natural Heritage, Swedish Environmental Protection Agency and Danish Outdoor Council have led major campaigns to promote responsible access.

- t. **Growing recognition in all countries of the importance of coastal access, the quality provision and management of longer distance paths, and the availability of effective information on paths and other access opportunities** – particularly, in recognition of the potential contributions of these to health and tourism development. While some countries have been slower to develop longer distance coastal paths (e.g. Denmark, Ireland, N. Ireland, Portugal), initiatives are now being taken to make up ‘lost ground’. Public and voluntary organisations in most countries now have/are developing a range of publications and Websites promoting coastal walking and cycling opportunities.

SECTION 2 – APPENDIX

References

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