Why Focus? …

*Is the coast different from sea or land?*

*Does it need a special focus?*

• **YES:**
  • Dynamic
  • Sustainable and resilient development objectives
  • Common Law rights
  • Many and varied institutions and user groups
Overview ... 

• Setting the Scene 
• Property Rights and Restrictions 
• Emerging Integrated Marine Policy 
• Observations and Conclusions 

Definitions, to Set the Scene... 

English Coastal Zone: 

**High water:** line of the medium high tide, between the springs and neaps ascertained by taking the average of these medium tides during the year 

**Low water:** similar, but relates to the medium low tide 

**Inter-tidal/foreshore:** lies between high-water mark and low water mark
Above High Water

**Bundle of rights:**
- Freehold, Leasehold & Licences
- Easements- Public rights to “pass and re-pass”
- Customary rights

**Restrictions:**
- Town and Country Planning
- Public health (Nuisance and Waste)

Below Low Water/ Seabed

**Rights:** Access to the water column is 3 dimensional, so seabed and afloat!

**Restrictions:** Often qualified by Public rights
- Occupation- by leases and licences,
- Conservation – Marine Nature reserves
- Safety – Protection against threat from activities: Wrecks, Recreation and Defence.
- Harbours- Byelaws, distinction from anchorage, additional benefits are provided
### Foreshore

- Crown Estates- circa 50%+
- Private, but restricted by:
  - Coast protection, and
  - Defence of the realm (byelaws)
- Public rights…..

### Public Rights over the Foreshore

#### Fishing
- To cross, reality designated, also
- Bait for own use, but
- Seaweed not allowed

#### Navigation
- Common law right to wander
- Incidental anchorage/beaching/grounding
Access?

- Above HWM - subject to land rights
- Below LWM - subject to common law rights
- Foreshore - subject to public rights

EU and National Maritime Policy

- 2007 EU LEAD - Integrated Marine Policy and detailed action plan
- By 2020, EU Marine strategy directive, member states expected to take measures to achieve and maintain Good Environmental Status (GES) in Europe's marine environment
- 2006 - England progressing through its proposals for a Marine Bill
- April 2008 entered parliamentary process, so
- 2009 Law to provide the implementation framework?
Public Access Integrated?

- Government Agency (DEFRA) coastal access is a priority, and
- Natural England flagship
- 2007- options:
  a) New rights
  b) Open access
  c) Voluntary with landowners
- Decided: none, so…..
- Framework in the Marine Bill

Property Rights

- Alienation is an important concept
- On Land… subdivisions and allocation of land enables multiple uses
- On Sea…. hunting and gathering, but
- Changing scenarios….. Mari culture, seabed mining, reclamation, tourism, trawl or dredge fishing, pollution – all will modify the water column
Planning for Society

Access Policy needs to
• Serve all sections of our communities
• Understanding our individual and collective responsibilities

Knowing that
• On sea- Traditional sense of public rights to coastal use is extremely strong
• On land- Highly institutionalised and able to prevent access

... Policy seeks to organise society to adapt and change

Stakeholders

Leads to...
• **Government** - intention ecosystem based approach to management to deliver GES
• **Landowners** – they are critical players in delivering environmental, social and economic objectives
• **Society**- recognised that in isolation they will not solve all public access objectives, but an important part
Territorial imperative of property rights is fundamental to any new policy framework.

Land Governance and Management

- **Balance** between individual freedom and community responsibility
- **Tension** between legal rules and local practice on the ground
- **Mechanics** of control over land use and development is a strategic responsibility
Above all.......Dynamic interface

Right to access to Coastal resources for Individuals and Communities

Responsibilities of all stakeholders

Conclusions

- Coastal policy for the next generations will be adaptive and change orientated that reflects “How” we need to organise,
  
But,

- An Essential component for an integrated marine access policy is to understand the influence of property rights and restriction,
Thank You

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