

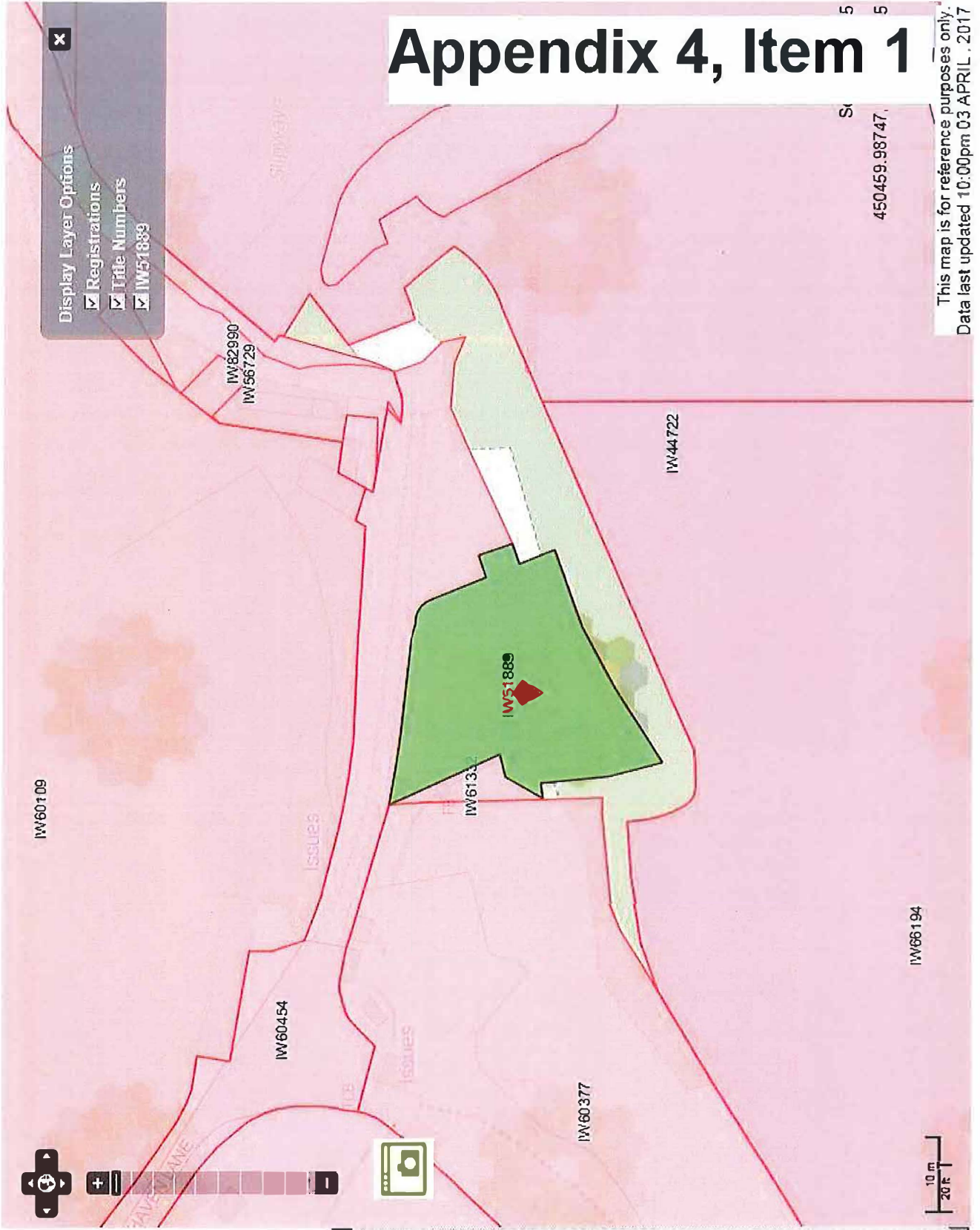


Postcode  Title number

or

**Titles (1 of 1 loaded)**

Title number	Estate information	Address
IW51889	Freehold	BEACH COTTAGE CASTLEHAVEN LANE NITON UNDERCLIFF VENTNOR PO38 2ND



Display Layer Options

- Registrations
- Title Numbers
- IW51889

# Appendix 4, Item 1

Slipway  
5  
5  
450459.98747

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Data last updated 10:00pm 03 APRIL . 2017

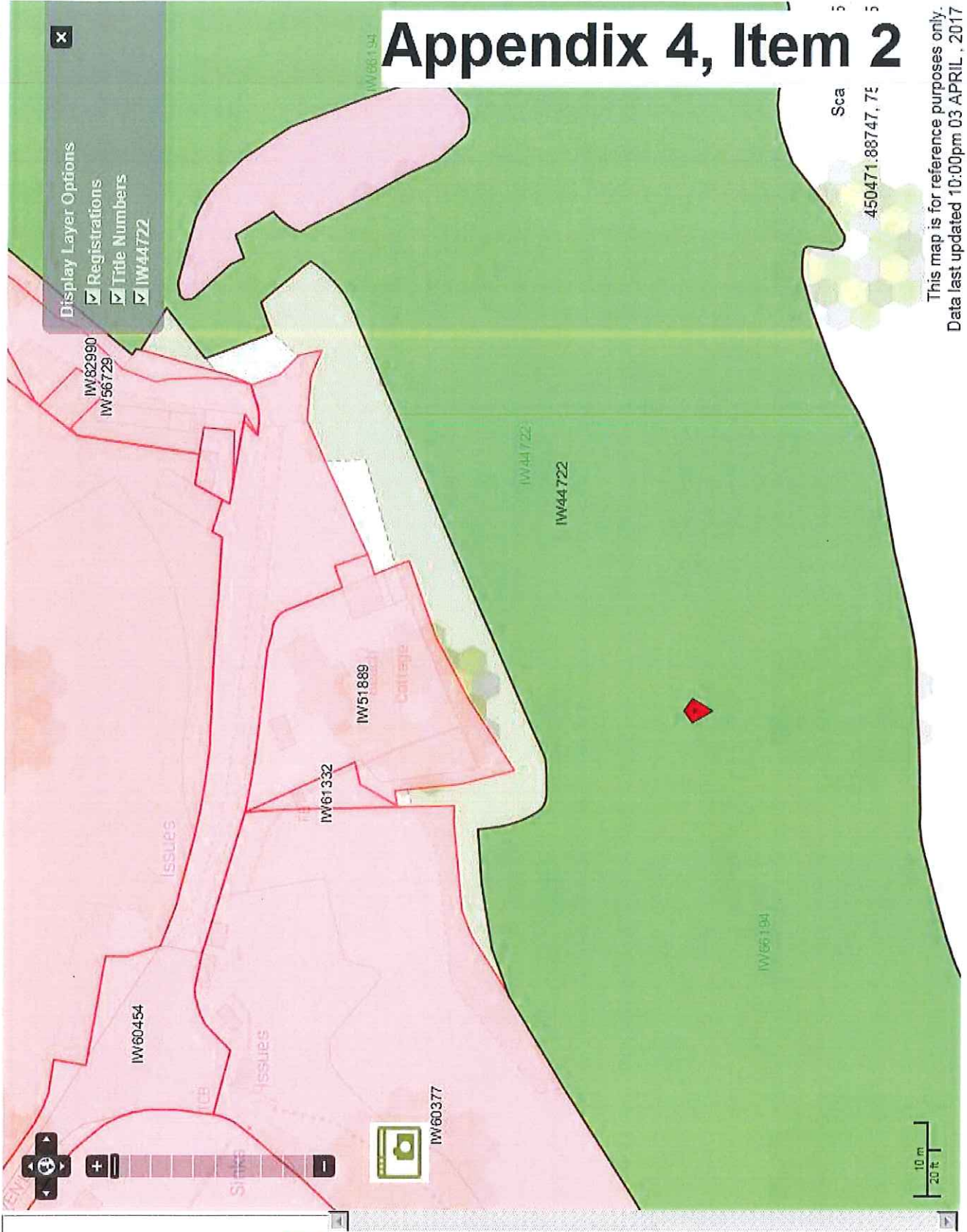
Postcode  Title number

or

**Titles (2 of 2 loaded)**

Title number	Estate information	Address
IW44722	Leasehold	FORESHORE AT ST LAWRENCE, VENTNOR
IW66194	Freehold	FORESHORE AT ST CATHERINES POINT, VENTNOR

# Appendix 4, Item 2



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## Shoreline Management Plans – Sea Level Rise & Coastal Erosion The Crown Estate – Briefing Note

### 1. Who is this briefing note intended for?

This note is intended primarily for anyone involved in the Shoreline Management Plan process (SMP), including representatives of the Environment Agency and local authorities involved in coastal management and realignment and anyone else interested and involved in this subject area. It is not intended as a statement of The Crown Estate's policy but as an aide memoire to boundary issues which arise.

### 2. The Crown Estate and the marine environment

Approximately half of the UK foreshore and around half of the tidal riverbeds are owned by the Crown and managed by The Crown Estate, in addition to virtually the entire UK seabed out to 12 nautical miles. The Crown Estate is governed by The Crown Estate Act 1961. The Crown Estate is a landowner and not a regulatory authority.

### 3. Legal and practical background:

- Foreshore has a legal definition which is the area between mean high water (MHW) and mean low water (MLW) (and MHW springs / MLW springs in Scotland) and as such it is effectively a moveable freehold, subject to the doctrine of accretion and diluvion (explained below).
- Diluvion is the gradual, imperceptible and natural erosion of land above MHW causing the land to become foreshore. The newly created foreshore becomes owned by the owner of the adjacent foreshore. Accretion is the opposite of this process whereby foreshore is subject to natural deposition of material which causes it to increase in height above MHW, rendering it non tidal. In such instances this former foreshore becomes owned by the owner of the adjoining land above MHW. A sudden or man-made change such as reclamation would not affect the ownership boundaries which would be treated as they were immediately before such construction occurred.
- Because so much of the coast has been affected by human intervention, e.g. seawalls, groynes, dredging etc., it is a moot point in many areas as to whether a natural line of MHW still exists in practice.
- There is a legal presumption<sup>†</sup> that the Crown owns all UK foreshore unless it can be shown that it has been the subject of a Crown grant or has been adversely possessed over a period of 60 years or more (burden of proof resting on the claimant).

Shoreline Management Plans – Sea Level Rise & Coastal Erosion  
The Crown Estate – Briefing Note

- Other owners of foreshore include, for example, the Duchies of Cornwall and Lancaster, Local Authorities, RSPB, National Trust, MoD and some is in the ownership of private individuals.
- All owners of foreshore are covered by the same moveable freehold legal rules, as are all owners of the adjoining land above the mean high water mark. There are a few fixed boundaries, as a result of ‘fixed boundary sales’ but they are rare.
- In some locations around the UK The Crown Estate also owns and manages agricultural property adjoining the coast.

**4. Context of shoreline management plans:**

- Coastal defence authorities cannot now carry out works without the aid of a shoreline management plan.
- Shoreline management plans tend to include some or all of these four main policies:
  - I. Hold the line – *maintain or upgrade the level of protection provided by existing coastal defences.*
  - II. Advance the line – *build new defences seaward of the existing defence line.*
  - III. Managed realignment – *allow retreat of the shoreline inland, with management to control or limit that movement.*
  - IV. No active intervention – *a decision not to invest in providing or maintaining defences.*

**5. The legal implications of shoreline planning:**

- Where realignment of the foreshore or bed has arisen by a sudden natural incursion of tidal water, or by artificial means, the title boundary remains where it would have been had a sudden natural incursion or artificial realignment not taken place.<sup>††</sup>
- The legal rules of a moveable freehold and changing shoreline would resume effect after the point of any deliberate inundation.
- This interpretation can work in either direction, for example coastal defences such as groynes may have caused a build up of the foreshore through deposits above the MHW leaving such land in the ownership of the Crown. Deliberate inundation would not necessarily mean the land becomes part of The Crown

## Shoreline Management Plans – Sea Level Rise & Coastal Erosion The Crown Estate – Briefing Note

Estate and there are instances where The Crown Estate has agreed boundaries prior to inundation in realignment schemes, for example at Abbots Hall and Wallasea Island, in Essex.

- In principle if coast protection works are removed or allowed to fall into disuse the realignment could be considered artificial. This would however also apply to the original construction of those works and therefore the removal of them simply returns foreshore to its natural state and the two artificial realignments would in effect be cancelling each other out.
- In practice, agreeing boundaries can be problematical given the difficulty in establishing the true natural tide marks and a pragmatic approach is required.

### 6. The Crown Estate's position:

- The Crown Estate Act imposes a statutory obligation on The Crown Estate to maintain and enhance the value of the estate, but also to have regard to the requirements of good management.
- The Crown Estate would not seek to influence policy other than in its position as a landowner, landlord (i.e. with obligations to its tenants) and stakeholder.
- The Crown Estate would seek to ensure that those involved in SMPs and managed realignment projects are aware of the title / ownership issues in order that they can be dealt with at an early stage rather than potentially delaying projects whilst ownership discussions take place.
- Where a sale of foreshore or seabed is anticipated, unless the sale is for subsequent land reclamation, or for permanent barriers to the sea, e.g. for a new harbour wall then in our experience great care should be taken if this is considered as an opportunity to fix the boundaries of the sale – experience has proved that these can be difficult to interpret and problematic in later years both for foreshore and adjoining landowners, where these differ, due to the dynamic and unpredictable changes in the shoreline. This problem may be exacerbated by predictions of mean sea level rise and increased wave height.
- Where any coastal defences are to be built on the foreshore The Crown Estate should be contacted at the address below as its permission will be required if it manages that area of the foreshore.

Shoreline Management Plans – Sea Level Rise & Coastal Erosion  
The Crown Estate – Briefing Note

**7. Summary**

The Crown Estate believes the default position of a moveable title should prevail; the concept of a moveable title whose boundary follows MHW, based on the doctrine of accretion and diluvion has stood the test of time in practical terms and legally, but there may be instances where it may endeavour to reach some form of agreement where significant changes occur.

*† The Crown is the prima facie owner of foreshore, or land between mean high water and mean low water, by virtue of prerogative right. (Halsburys Laws Vol 12 (1), 1998 Reissue, para 242). The same applies to seabed, being land below mean low water.*

*†† Halsburys laws Vol 12 (1) 1998 paras 252, 258, 263-4*

**To contact The Crown Estate:**

Telephone: +44 (0) 207 851 5080 (and ask for a member of the coastal team)

Telephone: +44 (0) 131 260 6070 (Scotland office)

Email: [enquiries@thecrownestate.co.uk](mailto:enquiries@thecrownestate.co.uk)

Write to: The Crown Estate  
Marine Department  
16 New Burlington Place  
London W1S 2HX

The Crown Estate's day to day regional management is carried out by managing agents, whose details can be found at:

<http://www.thecrownestate.co.uk/agents/>

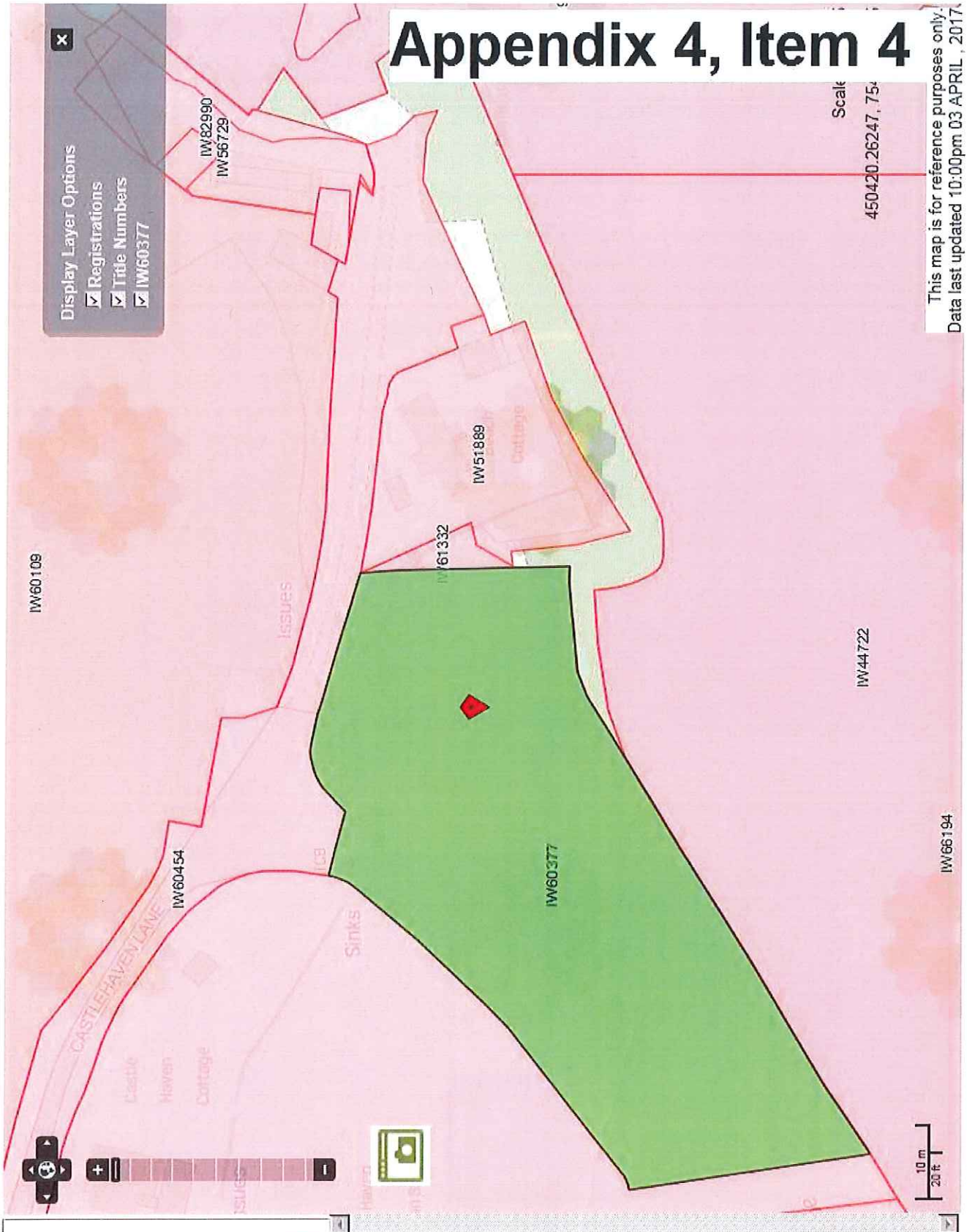
Postcode  Title number

or

**Titles (1 of 1 loaded)**

Title number	Estate information	Address
IW60377	Freehold	CASTLEHAVEN CARAVAN SITE CASTLEHAVEN LANE, NITON UNDERCLIFF, VENTNOR PO38 2ND

# Appendix 4, Item 4



Display Layer Options

- Registrations
- Title Numbers
- IW60377

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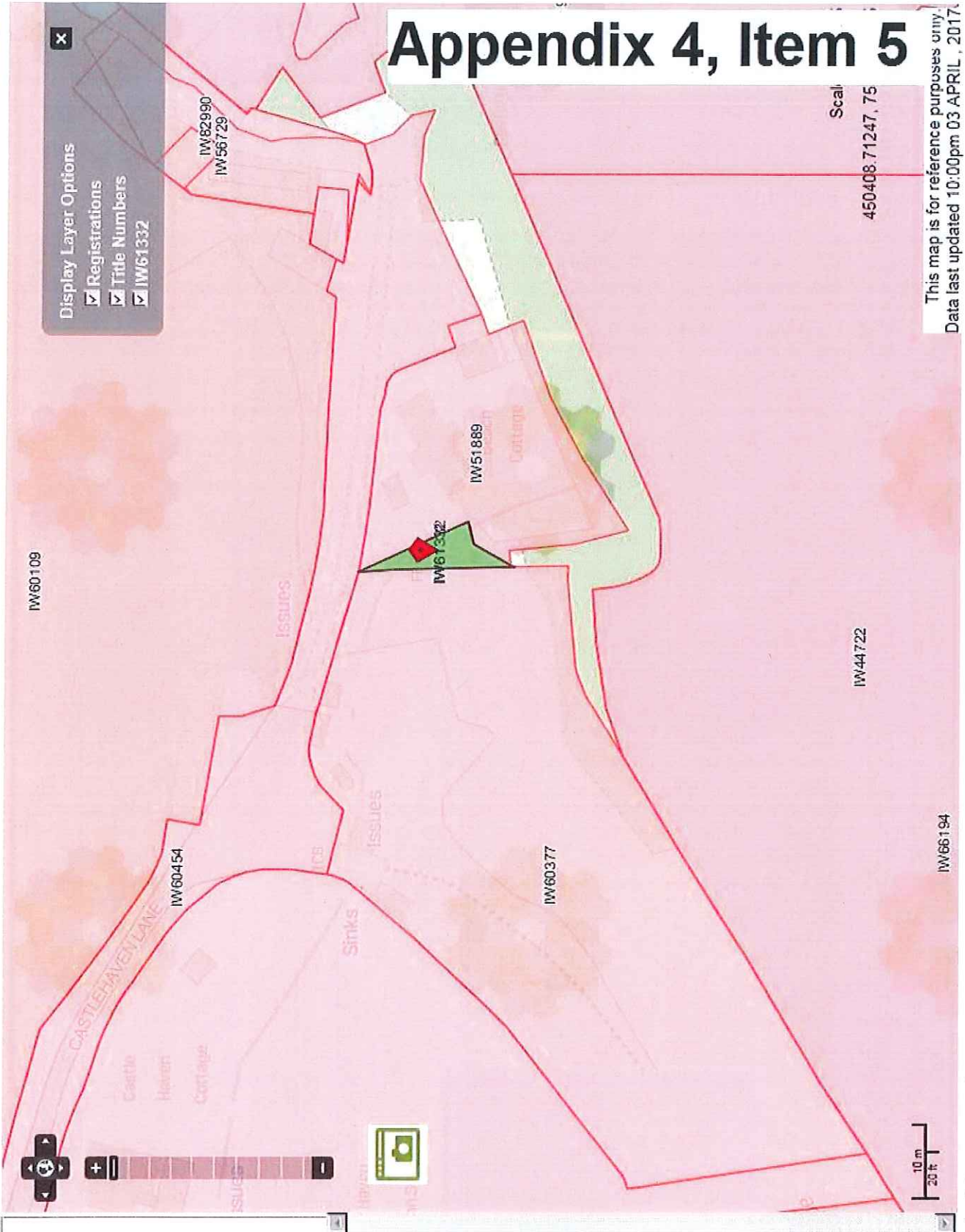
Postcode  Title number

or

**Titles (1 of 1 loaded)**

Title number	Estate information	Address
IW61332	Freehold	LAND ON THE WEST SIDE OF BEACH COTTAGE CASTLEHAVEN LANE, NITON UNDERCLIFF, VENTNOR PO38 2ND

# Appendix 4, Item 5



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COMMONS REGISTRATION ACT 1965



Reference No. 218/U/26

In the Matter of Castle Haven, Niton, Isle of Wight.

## DECISION

This reference relates to the question of the ownership of land known as Castle Haven, Niton, being the land comprised in the Land Section of Register Unit No. VG 4 in the Register of Town or Village Greens maintained by the Isle of Wight County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Ryde on 15 May 1981.

At the hearing the Niton Parish Council was represented by Mrs M French, a former Chairman, who informed me that the land in question had no known owner.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Isle of Wight County Council, as registration authority, to register the Niton Parish Council as the owner of the land under section 8(3) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

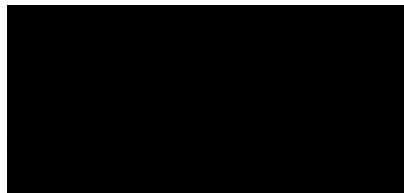
Dated this

22nd

day of

May

1981.



Chief Commons Commissioner

Note: This section contains the registration of the land comprised in this register unit.

Registration authority  
ISLE OF WIGHT

# Register of

TOWN OR VILLAGE GREENS

Register unit No. VG. 4.  
Edition No. 1

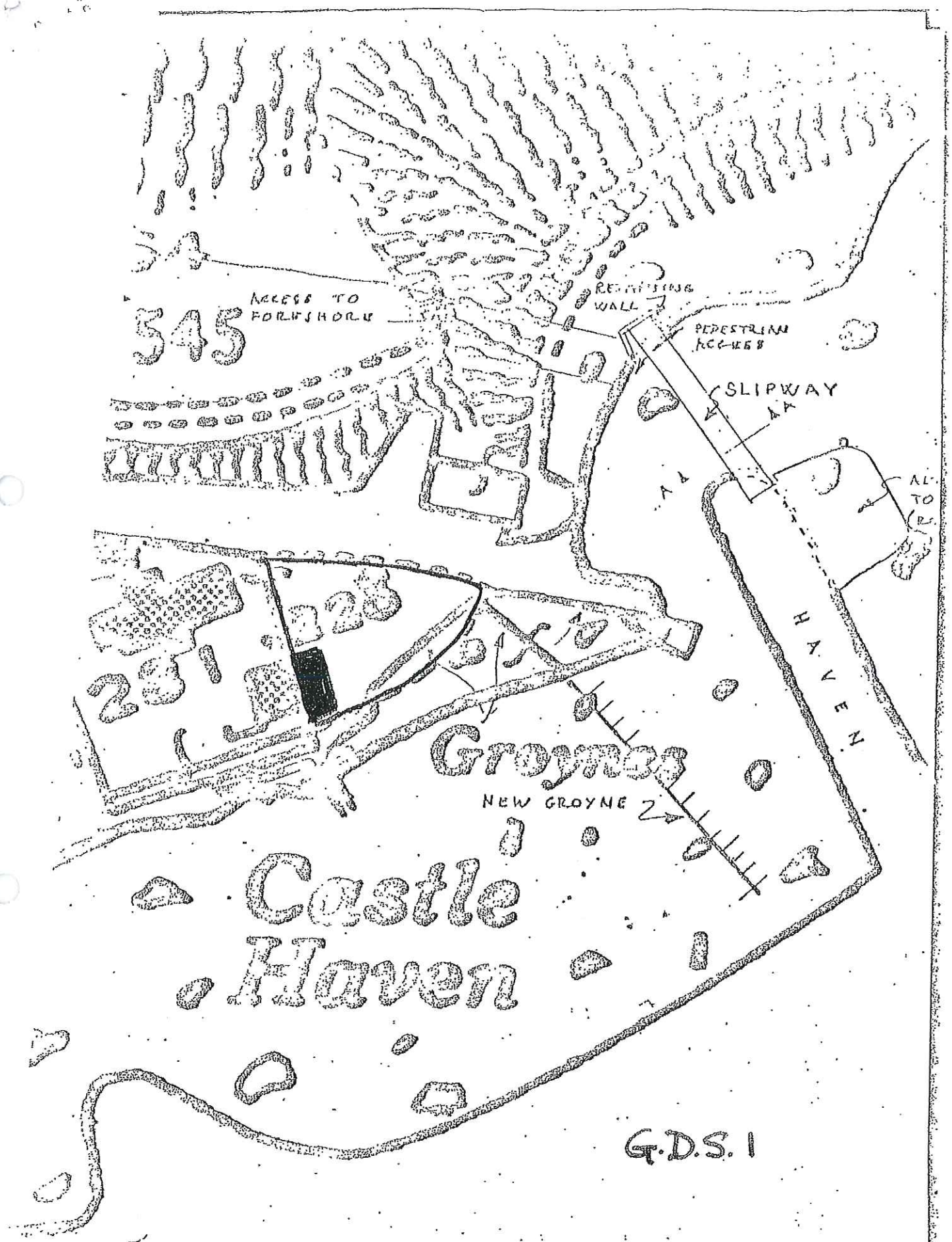
See Overleaf  
for Notes

LAND SECTION—Sheet No. 7

No. and date of entry	Description of the land, reference to the register map, registration particulars, etc.
7 29.4.1968	<p>The piece of land called Castle Haven situated in the Parish of Niton in the County of the Isle of Wight numbered 281 on the Ordnance Map (1908 Edition) of that Parish as marked with a green verge line inside the boundary of Sheet SZ 57NW of the Register Map and distinguished by the number of its register unit. Registered pursuant to application No. 7 made the 24th day of April, 1968 by the Niton Parish Council, c/o their Clerk, Mr. N. Graham, 81 Clatterford Road, Carisbrooke Isle of Wight.</p>
27 28.6.1968	<p style="text-align: center;"><del>(Registration Provisional)</del></p> <p>The piece of land called Castle Haven situated in the Parish of Niton in the County of the Isle of Wight numbered 281 on the Ordnance Map (1908 Edition) of that Parish as marked with a green verge line inside the boundary of Sheet SZ 57NW of the Register Map and distinguished by the number of its register unit. Registered pursuant to application No. 27 made on the 25th day of June, 1968 by Mr. J. C. Foulsham of Vale End, Albury, Guildford, Surrey, c/o Holloway Blount &amp; Duke, 24 Lincoln Inn Fields, London, W.C.2.</p>
7 27 7.3.1979	<p style="text-align: center;">(Registration Provisional)</p> <p>The registration at entry No.7 above which was disputed became final on the 4th day of April 1978 with the following modifications that the hut coloured black on the register should be removed from the register.</p>

SEE Plan attached.

(File stored in Strong Room)



345

ACCESS TO FORKSHOLE

REPAIRING WALL

PEDESTRIAN ACCESS

SLIPWAY

281 228

Groynes

NEW GROYNES

H.A.V.E.N.

Castle Haven

G.D.S. 1