

**Department for Environment, Food and Rural Affairs**

# **Notice by the Secretary of State under section 52 of the National Parks and Access to the Countryside Act 1949: Durham, Hartlepool & Sunderland**

**July 2013**

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# Introduction

On 17 December 2012 Natural England submitted a coastal access report relating to Durham, Hartlepool & Sunderland (“the coastal access report”) to the Secretary of State for Environment, Food and Rural Affairs under section 51 of the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”) pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009 (“the 2009 Act”).

A person was appointed under paragraph 4(2) of Schedule 1A to the 1949 Act, inserted by Schedule 19 to the 2009 Act (“the Schedule”), for the purpose of considering whether the proposals in the coastal access report failed, in the respects specified in the objections received by Natural England under paragraph 3 of that Schedule in relation to that report, to strike a “fair balance” as a result of the matter or matters specified in those objections<sup>1</sup>.

In reaching his determination under section 52 of the 1949 Act the Secretary of State has considered:

- a. Coastal Access Durham, Hartlepool & Sunderland - Natural England’s coastal access report submitted to the Secretary of State on 17 December 2012; and
- b. in accordance with paragraph 16(1)(d) of the Schedule, representations made by a person within paragraph 2(2)(b) to (f) of the Schedule, and the summary of other representations made, and Natural England’s comments on those representations which it sent to the Secretary of State on 29 April 2013.

In this notice –

(a) “objection” means an objection about the coastal access report which is made under paragraph 3 of the Schedule; and

(b) “representation” means a representation about the coastal access report which is made under paragraph 7 of the Schedule.

The Secretary of State has determined to approve the proposals set out in the coastal access report so far as they relate to those parts of the route (and associated coastal margin) in relation to which no objections were made, and to which objections were made but which the appointed person determined not to be admissible objections.

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<sup>1</sup> A “fair balance” means a fair balance between the interests of the public in having rights of access over land, and the interests of any person with a relevant interest in the land, as set out in section 297(3) of the 2009 Act and paragraph 1(b) of the Schedule. A person has “a relevant interest in the land” if he is the owner of the land, holds a term of years absolute in the land, or is in lawful occupation of the land: see section 55J(2) of the 1949 Act.

The conclusions and observations of the Secretary of State in relation to the representations listed in the **Annex** to this notice are set out in the fourth column of that Annex.

The Secretary of State has made a copy of this notice available at [www.gov.uk/defra](http://www.gov.uk/defra).

Natural England has made available at <http://www.naturalengland.org.uk/ourwork/access/coastalaccess/default.aspx> a copy of:

- a. Coastal Access Durham, Hartlepool & Sunderland - the coastal access report;
- b. Representations made by a person within paragraph 2(2)(b) to (f) of the Schedule, and Natural England's comments on those representations which it sent to the Secretary of State on 29 April 2013;
- c. Summary of other representations, and Natural England's comments on those representations which it sent to the Secretary of State on 29 April 2013.

## Annex

The Secretary of State has considered, in relation to the coastal access report, the following representations made under paragraph 7 of the Schedule.

<b>Representation No.</b>	<b>Name of representation</b>	<b>Report Chapter and route section(s)</b>	<b>Secretary of State's conclusion and observation</b>
MCA\North Gare to South Bents\R\1	Private individual	General	Secretary of State notes representation which supports Natural England's overall proposals.
MCA\North Gare to South Bents\R\2	Durham Local Access Forum	General	Secretary of State notes the representation about the protection and extension of higher rights (cyclists and horse riders) and that, should local negotiations by user groups indicate that the landowner is content for a rolling back 'on foot' route to be available to higher rights users too, Natural England would consider the scope for giving a direction under paragraph 7 of Schedule 2 to Countryside and Rights of Way Act 2000 to secure such higher rights for as long as such consent is in place.
MCA\North Gare to South Bents\R\3	Campaign for the Protection of Rural England	Chapter 5	Secretary of State notes representation which supports Natural England's overall proposals.
MCA\North Gare to South Bents\R\4	Campaign for the Protection of Rural England	Chapter 4	Secretary of State notes representation which supports Natural England's overall proposals. Since this area of coast is actively eroding, and has been identified as such in Natural

			England's coastal access report, he considers that the rollback provisions within the Marine and Coastal Access Act 2009 may be used if there is any further erosion of the coastal route.
MCA\North Gare to South Bents\R\5	Campaign for the Protection of Rural England	Chapter 2	Secretary of State notes representation which supports Natural England's overall proposals. He notes that when creating the alignment for the new coastal route Natural England has had regard to the existing walked route and has generally proposed using such a route so long as it meets the key principles of alignment and management as set out in part B of the Coastal Access Scheme (approved under section 299 of the Marine and Coastal Access Act 2009).
MCA\North Gare to South Bents\R\6	Campaign for the Protection of Rural England	Chapter 3	Secretary of State notes representation which supports Natural England's overall proposals.
MCA\North Gare to South Bents\R\7	Campaign for the Protection of Rural England	Chapter 1	Secretary of State notes representation which supports Natural England's overall proposals.
MCA\North Gare to South Bents\R\8	Durham Bird Club	Chapter 2 Map 2.1 SSB -S052 to S056	Secretary of State notes that Natural England acknowledges that the area that Map 2.1 covers is an important one for Little Terns. He approves Natural England's alignment of the coastal route inland of the area immediately adjacent to the colony, rather than along the existing public right of way on the beach but asks Natural

			England to monitor Crimdon Beach once the new access arrangements are in place.
MCA\North Gare to South Bents\R\9	Durham Bird Club	Chapter 1 Map 1.1 SSB – S001 to S006	Secretary of State notes that Natural England acknowledges that the area that Map 1.1 covers is an important one for birds but that it concluded that no particular measures were necessary due to the current access arrangements. He asks Natural England to continue to monitor the site once the new access arrangements are in place.
MCA\North Gare to South Bents\R\10	Canoe England	General	Secretary of State notes representation which supports Natural England's overall proposals.
MCA\North Gare to South Bents\R\11	Ramblers	General	Secretary of State notes the Ramblers survey report prepared by members of the Northumbria and North Yorkshire South Durham Areas of the Ramblers.
MCA\North Gare to South Bents\R\12	RSPB	Chapter 2 Map 2.1 SSB -S052 to S056	Secretary of State notes the representation and asks Natural England to monitor Crimdon Dene site, in particular the Little Tern colony once the new access arrangements are in place.
MCA\North Gare to South Bents\R\13	Durham Heritage Coast Partnership	General	Secretary of State notes representation which supports Natural England's overall proposals.
MCA\North Gare to South Bents\R\14	Ramblers and Open Spaces Society	Chapter 5 Map 5.1 and 5.2 SSB - S193 to	Secretary of State notes that Natural England will continue to investigate the possible scope for the coastal route to go along the railway corridor at Hendon rather

		SSB - S202	than as presently proposed along roads away from the coast. He notes that a coastal route along the corridor of the railway remains a long-term objective for Natural England and its partners, including Sunderland City Council.
MCA\North Gare to South Bents\R\15	Network Rail Infrastructure Limited	Chapter 2 Maps 2.1, 2.3, 2.4 and 2.8 SSB – S055 to S060 SSB- S090 to S098 SSB- S134 to S144	Secretary of State notes that the coastal margin on maps 2.1, 2.3 and 2.4 runs across an area of land underneath two large railway viaducts. He notes that the railway line would be “excepted land” under paragraph 6 of Schedule 1 to the Countryside and Rights of Way Act 2000 and would not be subject to any new access rights.  The Secretary of State also notes that the coastal route at Hawthorn Dene on map 2.8 is a public footpath underneath a large viaduct and across a vehicle bridge and that it is not a new crossing.
MCA\North Gare to South Bents\R\15	Network Rail Infrastructure Limited	Chapter 5 Maps 5.1 SSB – S190 to S193	Secretary of State notes that the railway crossing at Hendon is an existing public road underneath the railway (in a tunnel or culvert labelled on map 5.1). He furthermore notes that no new crossing is proposed.
MCA\North Gare to South Bents\R\16	National Grid	General	Secretary of State notes representation about the future possibility of offshore and onshore energy development in coastal areas. He notes that Chapter 8 of the Coastal Access Scheme (approved under section 299 of the Marine and Coastal Access Act 2009) sets out a variety of circumstances in which this might

			be the case and suggests how such situations can be dealt with, both formally and informally. The Secretary of State furthermore asks Natural England to work closely with the National Grid in the event of such change occurring.
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