

**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**

**Camber to Folkestone**

**September 2015**

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# Introduction

On 19 September 2014 Natural England submitted a coastal access report relating to the stretch of coastal land from Camber to Folkestone (“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 her determination under section 52 of the 1949 Act the Secretary of State has considered:

- a. Camber to Folkestone - Natural England’s coastal access report submitted to the Secretary of State on 19 September 2014;
- b. in accordance with paragraph 16(1)(a) of the Schedule, the objections which the appointed person determined to be admissible objections;
- c. in accordance with paragraph 16(1)(b) of the Schedule, Natural England’s comments on the admissible objections which it sent to the Secretary of State;
- d. in accordance with paragraph 16(1)(c) of the Schedule, the report given to the Secretary of State by the appointed person in respect of the objections which the appointed person determined to be admissible objections; and
- e. 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 7 April 2015.

In this notice –

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

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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.

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

## Secretary of State’s approval of coastal access proposals

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 or representations were made, and to which objections were made but which the appointed person determined not to be admissible objections.

In the respects specified in the objections set out at **Annex A** to this notice, the Secretary of State determines that the proposals set out in the coastal access report **do not fail** to strike a “fair balance” as a result of the matters specified in the objection. She therefore approves the proposals set out in the coastal access report, so far as they relate to that part of the route (and associated coastal margin) to which those objections relate.

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

The Secretary of State has made available at [www.gov.uk](http://www.gov.uk) a copy of this notice and the reports given to her by the appointed person. Natural England has also made available at [www.gov.uk](http://www.gov.uk):

- a. Camber to Folkestone - 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 7 April 2015;
- c. Summary of other representations, and Natural England’s comments on those representations, which it sent to the Secretary of State on 7 April 2015.

## **Annex A: objections which did not fail to strike a “fair balance”**

In the respects specified in the objections set out below, the Secretary of State has determined that Natural England’s proposal in the coastal access report did not fail to strike a “fair balance” as a result of the matters specified in those objections.

### **Objection Reference: MCA/Camber to Folkestone/03**

20 The Suttons, Camber, TN31 7SA

J. O’Shaughnessy

The land to which the objection relates are the route sections CFK-1-S006 to S007.

### **Objection Reference: MCA/Camber to Folkestone/04**

3 The Suttons, Camber, TN31 7SA

Mr D. Diett

The land to which the objection relates is the route section CFK-1-S026.

### **Objection Reference: MCA/Camber to Folkestone/05**

7 The Suttons, Camber, TN31 7SA

C. Payne

The land to which the objection relates is the route section CFK-1-S020.

### **Objection Reference: MCA/Camber to Folkestone/06**

2 The Suttons, Camber, TN31 7SA

Mr C. Kingsnorth

The land to which the objection relates is the route section CFK-1-S027.

### **Objection Reference: MCA/Camber to Folkestone/07**

9 The Suttons, Camber, TN31 7SA

Mr and Mrs R and T Cowan

The land to which the objection relates is the route section CFK-1-S018.

**Objection Reference: MCA/Camber to Folkestone/08**

15 The Suttons, Camber, TN31 7SA

Mr and Mrs Alexander

The land to which the objection relates is the route section CFK-1-S012.

**Objection Reference: MCA/Camber to Folkestone/09**

5 The Suttons, Camber, TN31 7SA

Mr A. Hampstead

The land to which the objection relates is the route section CFK-1-S022.

## **Annex B: conclusions and observations on representations**

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

### **Representation No: MCA\Camber to Folkestone\R1\CFK0650**

Name of representation: MOD – Defence Infrastructure Organisation

Report chapter and route section:

Chapter 1

CFK-1-SO63

Secretary of State's conclusion and observation:

Secretary of State notes that the maps in Natural England's report are compiled for legal purposes and are not intended to be used as walking maps. She further notes that these sections will be marked clearly as restricted byways on any public maps that Natural England produces in the future and that the proposed alignment will create new coastal access rights that are public rather than permissive.

Secretary of State notes that if on completion of the MoD's Military Byelaws review new byelaws extend over any part of the coastal route that is not a right of way Natural England will need to submit a variation report. She approves routes section CFK-1-SO63.

### **MCA\Camber to Folkestone\R2\CFK0753**

Name of representation: Private individual

Report chapters and route sections:

Chapters 1 and 2

CFK-1-S058 to CFK-1-S068 and CFK-2-S001 to CFK-2-S006

Secretary of State's conclusion and observation:

Secretary of State notes that the representation proposed a different route across Dungeness in order to promote tourism and the environmental awareness potential of Europe's biggest shingle desert. She notes however, that Natural England considered the proposed alignment would involve a more inland route than the proposed trail and one that was substantially longer and harder to walk as it was over deep shingle. In addition she notes that the route would be likely to have an adverse effect on the protected shingle

habitat. She approves route sections CFK-1-S058 to CFK-1-S068 and CFK-2-S001 to CFK-2-S006.

### **MCA\Camber to Folkestone\R\3\CFK0027**

Name of representation: New Romney Town Council

Report chapter and route section:

Chapter 4

CFK-4-S001 to CFK-4-S002 and CFK-4-A001 to CFK-4-A002

Secretary of State's conclusion and observation:

Secretary of State notes that the representation raised issues around the suitability of the proposed route for disabled persons, and that it utilised vehicular tracks in places. She further notes that Natural England recognise that in some places the route may not always be suitable for wheelchairs but that the only hard-surfaced options for the optional alternative route would have been to follow main roads up to 5km inland or to undertake expensive surfacing of what is a private track which Natural England did not consider justified.

Secretary of State asks Natural England to ensure that it will discuss with Kent County Council suitable signage as part of the establishment works for the England Coast Path. She approves route sections CFK-4-S001 to CFK-4-S002 and CFK-4-A001 to CFK-4-A002.

### **MCA\Camber to Folkestone\R\4\CFK0746**

Name of representation: The Ramblers

Report chapters and route sections:

Chapters 1 and 5

CFK-1-S031 and CFK-1-S068; CFK-5-S004 and CFK-5-S027

Secretary of State's conclusion and observation:

Secretary of State notes the representation and expression of support for Natural England's proposals. She further notes that as part of the establishment works along this stretch, Kent County Council will be liaising with the Ministry of Defence on signs to direct people around the firing ranges at Hythe and Lydd. She approves CFK-1-S031 and CFK-1-S068; CFK-5-S004 and CFK-5-S027.

### **MCA\Camber to Folkestone\R\5\CFK0744**

Name of representation: Littlestone Golf Club

Report chapter and route section:

Chapter 4

CFK-4-A001 and CFK-4-A002

Secretary of State's conclusion and observation:

Secretary of State notes that the new access rights along the optional alternative route will not affect the existing access rights of the owner of the affected land. She approves route sections CFK-4-A001 and CFK-4-A002.

### **MCA\Camber to Folkestone\R\6\CFK0711**

Name of representation: Sandgate Parish Council

Report chapter and route section:

Chapter 5

CFK-5-S032 to CFK-5-S042

Secretary of State's conclusion and observation:

Secretary of State notes the representation about the incorrect designation of a maintenance gangway shown on the Ordnance Survey map, She further notes that the maps in Natural England's report are compiled for legal purposes and are not intended to be used as walking maps. If Natural England uses these maps again the Secretary of State asks Natural England to remove the CW (cycleway) suffix on these sections. She approves route sections CFK-5-S032 to CFK-5-S042 .

### **MCA\Camber to Folkestone\R\7\CFK0754**

Name of representation: Private individual

Report chapter and route section:

Chapter 1

CFK-1-S031 to CFK-1-S068

Secretary of State's conclusion and observation:

Secretary of State notes the proposed route is around the MoD ranges because the ranges are covered by military byelaws and therefore are "excepted land" for which no access rights apply. She further notes that the ranges are heavily used for firing, being closed the vast majority of the time. She also notes that Natural England has forwarded the representation onto both the Ministry of Defence and Kent Countryside Access Forum to consider further. She approves route sections CFK-1-S031 to CFK-1-S068.



## **MCA\Camber to Folkestone\R\8\CFK0002**

Name of representation: The British Horse Society

Report chapters and route sections:

Chapters 1, 4 and 5

CFK-1-S034 to CFK-1-S043 and CFK-1-S046 to CFK-1-S052; CFK-4-S012 to CFK-4-S017; CFK-5-S031 to CFK-5-S042

Secretary of State's conclusion and observation:

Secretary of State notes the representation about access for horse riders. She further notes that in accordance with the coastal access duty in the Marine and Coastal Access Act 2009 Natural England's duty is to propose rights along the coast only for open-air recreation on foot. However, she notes that in preparing the report, Natural England met with the Kent Countryside Access Forum (KCAF) and East Sussex Local Access Forum (ESLAF) and horse riding interests who did not raise any specific aspirations about establishing higher rights on cycle paths but were keen to ensure all existing access to beaches was unaffected by the proposals. She further notes that Natural England has forwarded the representation to the two local access forums to investigate whether rights to ride along the cycle ways can be made available. She approves route sections CFK-1-S034 to CFK-1-S043 and CFK-1-S046 to CFK-1-S052; CFK-4-S012 to CFK-4-S017; CFK-5-S031 to CFK-5-S042.

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