

NOTICE BY THE APPOINTED PERSON UNDER PARAGRAPH 10 OF SCHEDULE 1A TO THE NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949: OBJECTION ABOUT A COASTAL ACCESS REPORT

On 8 July 2015 Natural England submitted a 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 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009. The report relates to the section from Lyme Regis to Rufus Castle.

A person has been appointed^(a) for the purpose of considering an objection which has been received in relation to the report. Details of that objection are given below.

The appointed person is minded to determine that the proposals in the report fail, in the respects specified in the objection, to strike a fair balance^(b) as a result of the matter or matters specified in that objection.

A. Land in the report to which the objection relates:

Land at Littlesea Holiday Park route sections LRR-8-S013 to LRR-8-S025.

B. Reference to the relevant section of the report to which the objection relates:

Chapter 8 – Chickerell Hive Point to Ferry Bridge (grid references SY 6422 7910 to SY 6669 7626)

C. Details of the objection, including details of:

- (a) the matter(s) specified in the objection as the ground(s) on which that objection was made, and
(b) any modifications proposed by the objection:

The objection is made on the grounds set out in paragraphs 3(3)(a),(b) and (d) of Schedule 1A of the 1949 Act that the proposals in the report, fail to strike a fair balance as a result of:

- i) the position of the route (3(3)(a));
- ii) the inclusion of proposals (in relation to an area subject to significant coastal erosion, encroachment by the sea or significant physical change due to other geomorphological processes) providing for the route to be determined in accordance with provision made in the proposals (rather than as shown on a map), or the nature of any such proposal (3(3)(b)), and;
- iii) the inclusion of, or failure to include, proposals that certain boundaries of certain areas should coincide with a specified physical feature, or the nature of any such proposal (3(3)(d)).

Width of Trail

The objector prefers the England Coast Path to be routed around the outside of Littlesea Holiday Park which is privately owned. The objector has concerns for an access strip of default dimensions of 4 metres through the holiday park. The company seeks discretion to reduce the width of this strip through the holiday park. This is land used as part of its open space provision for paying guests.

Coastal Margin

The path within LRR-8-S014 and LRR-8-S013 has been routed along the coastline away from the existing South West Coast Path creating a very large coastal margin of land. In effect this dedicates a significant parcel of land to public access when it is currently used by paying guests as part of the amenity space for varied activities at the Holiday Park. A minimum level of amenity space is required as part of its caravan licence.

Boundary of Trail

The objector is concerned that in some instances (e.g. LRR-8-S017 and LRR-8-S019) the landward boundary is not defined by any physical feature. This is of concern because the objector, by reference to their mission statement, is required to provide a 'safe, secure and appealing environment.' The lack of a physical boundary at some locations creates a risk that users will stray from the trail with the potential to access visitor facilities. The objector asks that NE explore options for delineating the landward boundary where no physical feature exists.

Rollback Position

The objector is concerned about the provisions in place to deal with rollback of the path as a consequence of coastal erosion. The objector is concerned that the report states that rollback can take place without further approval from the Secretary of State. The rerouting of the route has the potential to segregate the Holiday Park into operationally ineffective parcels and to physically separate closely interconnected parts of the Park. Any rollback proposals must be discussed with the objector at the earliest stages. The report should recognise that, in any scenario resulting in the roll back of the route, consultation will need to take place with the owners of the Holiday Park even if there is what seems to be a viable route seaward of the licenced area.

Local Economy

The Holiday Park is a significant employer in the area and attracts guests who spend a significant amount of money within the local economy. Unintended consequences of the route proposals could include the objector being unable to sustain the quality of its existing facility. This may have adverse impacts upon the local economy given the scale of operations at the Holiday Park

D. Details of Natural England's comments on the objection, including any relevant alternative modifications^(d):

Width of Trail

The legislation by default secures access rights to the land 2 metres either side of the route providing for the trail to be 4 metres wide in normal circumstances. However, there is a discretion to propose that the landward extent of the coastal margin if fixed to a physical feature may have the effect of making the margin wider or narrower than the default width.

NE has met with the objector and has clarified that whilst the access rights might extend to 4 metres it was unlikely that NE would carry out any alterations to the existing route to a width of 4 metres. Subsequent correspondence from the objector indicates that they are content with the clarification given by NE.

Coastal Margin

NE notes that this objection relates to the proposal for the hedge landward of the trail (route sections LRR-8-S013, LRR-8-S014 and LRR-8-S015) to be the landward boundary of the coastal margin. The effect of the proposal is the inclusion of grassland between the trail and the hedge within the coastal margin. Part of this land is used regularly for tent pitches. NE understood that the objector was in agreement to this proposal but following the objection notes the opposition to the inclusion of the land.

NE agrees that to approve the proposal would run counter to the approach to the use of discretion in section 4.8 of the Coastal Access Scheme and consequently considers that the proposal fails to strike a fair balance.

Boundary of Trail

NE notes that the disputed proposal in this instance is not to exercise discretion to include a proposal for the landward boundary of the coastal margin to coincide with a specified feature.

At a subsequent meeting with the objector it was agreed that NE had proposed an unsuitable boundary in respect of LRR-8-S013 to LRR-8-S015. NE takes the view that the proposals in respect of these sections fails to strike a fair balance. In respect of LRR-8-S018 NE concludes that a suitable boundary is proposed and, from subsequent correspondence from the objector, NE understands that the objector does not object in respect of this section.

As regards the section LRR-8-S017 no suitable physical feature is available and NE takes the view that the proposal strikes a fair balance. However, NE notes that this section, following part of the existing South West Coast Path, runs along the seaward edge of a grassed area used as an overflow car park. As part of the establishment works additional waymarks will be installed to keep people to the seaward

edge of the grassed area. NE confirm that the Holiday Park would in future be able to install a physical boundary but in the absence of any current feature it is not possible to propose one for the boundary of the coastal margin. As such the coastal access rights would be the default 2 metres landward of the centreline of the route.

In respect of the section LRR-8-S019 no suitable physical feature is available and NE takes the view that the proposal strikes a fair balance. Nevertheless NE note that the proposed trail runs across the lower part of a field used for Park residents. NE agreed with the objector that it would be more desirable for the route to follow the seaward boundary of the field. This would discourage walkers from straying into the field and enable the Holiday Park to erect temporary fencing when the land is being used for events. The route would be clearly waymarked to keep the public to the field edge.

NE understand from subsequent correspondence that the objector is content with the above position in relation to LRR-8-S017 and LRR-8-S019.

NE agrees that in respect of route sections LRR-8-S016, LRR-8-S020 and LRR-8-S021 the proposals fail to identify a suitable boundary feature where such a feature is available. As such the proposals do not strike a fair balance and NE have proposed suitable modifications.

Roll Back

NE expects that where erosion affects the section of the trail subject to the objection then any effect will be small scale. NE notes that the objection is on the basis that where a change is necessary for this purpose then, in accordance with the Coastal Access Scheme, there is discretion to determine the new route without recourse to the Secretary of State. However, part 8 of the overview to the report makes it clear the commitment to take into account local factors including views from those with a relevant interest in the land. Table 8.2.3 of chapter 8 explains the process in the event that no viable route could be found along the seaward edge of the affected land and the commitment to strike a fair balance in reaching a judgement. Regard will also be given to the general criteria at part B of the Coastal Access Scheme and in this case section 8.19. These are overarching requirements that would apply in the event roll back proves necessary. Where adjustments are required for other reasons then any changes must be by means of variation proposals to the Secretary of State.

NE do not support the modification proposed by the objector and conclude that the proposal strikes a fair balance and that the principles of the scheme have been correctly applied.

Local Economy

NE uses its best endeavours to ensure that coastal businesses suffer no significant loss of income in consequence of the introduction of access rights. NE understands that the objector views the coast path as an asset for Park residents but one which should be managed effectively in order to limit any potential effects. NE considers that, with the appropriate modifications, as detailed below, the proposals strike a fair balance.

Modifications

LRR-8-S013, LRR-8-S014 and LRR-8-S015

NE ask that the proposal for the landward boundary of the coastal margin to coincide with the existing hedge is rejected. The effect of the modification being that the landward boundary of the coastal margin would be 2 metres landward of the centre line of the trail.

LRR-8-S016

The landward boundary is to coincide with the hedge landward of the trail.

LRR-8-S020 and LRR-8-S021

The landward boundary is to coincide with the scrub edge landward of the path.

LRR-8-S019

The proposed route is to be modified so as to follow the seaward boundary of the land.

E. If applicable, any observations of the appointed person on any relevant alternative modifications or any modifications proposed by the objection:

NE recognise that the proposals, in certain respects, fail to strike a fair balance and propose a number of modifications as set out above. It appears from subsequent correspondence that the objector agrees with the modifications.

The objector remains concerned in relation to the rollback position. The objector proposes that the report should recognise that, in any scenario resulting in the roll-back of the route, consultation will need to take place with the owners of the Holiday Park even if there is what seems to be a viable route seaward of the licenced area. The table at 8.2.3 of the overview outlines the roll-back implementation. Any roll-back will only take place after detailed discussions with all relevant interests and any proposals will need to seek a fair balance between the interests of potentially affected owners and occupiers and the public. The overarching principles as set out in the Coastal Access Scheme at section 8.19 will also apply.

A copy of the report and a map of the area indicating the proposed line of the route and (if applicable) the boundaries of the associated coastal margin which is the subject of the objection above are available at <https://www.gov.uk/government/consultations/england-coast-path-from-lyme-regis-to-rufus-castle-comment-on-proposals> or may be viewed free of charge at

Weymouth Library	Great George Street, Weymouth, DT4 8NN	01305 762418
Wyke Regis Library	Portland Road, Wyke Regis, DT4 9BE	01305 760191
Portland Library	The Straits, Portland DT5 1HG	01305 820171
Bridport Library	South Street, Bridport DT6 3NY	01308 422778
Lyme Regis Library	Silver Street, Lyme Regis DT7 3HR	01297 443151
Burton Bradstock Library	The Old Wesleyan Chapel, Burton Bradstock, Bridport DT6 4QR	01308 897563
Lyme Regis TIC	Church Street, Lyme Regis DT7 3BS	01297 443361
Dorchester TIC	11 Antelope Walk, Dorchester, DT1 1BE	01305 267992
Weymouth TIC	Colwel Shopping Centre, School Street, Weymouth, DT4 8NJ	01305 561643
Weymouth and Portland Borough Council	Council Offices, North Quay, Weymouth, Dorset, DT4 8TA	01305 838000
West Dorset District Council	South Walks House, Dorchester, DT1 1UZ	01305 251010
Lyme Regis Town Council	Town Council Offices, Guildhall Cottage, Church Street, Lyme Regis DT7 3BS	01297 445175

Dorset County Council	County Hall, Colliton Park, Dorchester, DT1 1XJ	01305 221000
Portland Town Council	Council Offices, Fortuneswell, Portland, DT5 1LW	01305 821638

and at Natural England, First Floor, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6DG between the hours of 9am and 5pm.

This notice invites any person to make representations to the appointed person in connection with the above objection.

Representations may be made about any of the following matters:

- (a) the objection (including any modifications proposed by the objection) (see box C above);
- (b) any relevant alternative modifications in relation to that objection (see box D above); or
- (c) any observations of the appointed person on any relevant alternative modifications or any modifications proposed by the objection (see box E above).

Any representations must be received by the appointed person no later than **21 March 2016**

Any representations must be made on the appropriate form which may be obtained from the appointed person at: *The Planning Inspectorate, Rights of Way Section, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN*

or from <https://www.gov.uk/government/collections/england-coast-path-lyme-regis-to-rufus-castle>

Representations should be sent to the appointed person at the above postal address, or to RightsofWay2@pins.gsi.gov.uk.

25 January 2016

- (a) See paragraph 4(2) of Schedule 1A to the National Parks and Access to the Countryside Act 1949.
- (b) 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 (see paragraph 1(b) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 and section 297(3) of the Marine and Coastal Access Act 2009).
- (c) See paragraph 6(3) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 for the meaning of “relevant alternative modifications”.