

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

South Bents to Amble

27 November 2017

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Introduction

On 24 March 2017 Natural England submitted a coastal access report relating to the coast from South Bents to Amble (“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”). The coastal access report is available at www.gov.uk

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 objections¹.

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

- (a) South Bents to Amble - Natural England’s coastal access report submitted to the Secretary of State on 24 March 2017;
- (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, and the summary of other representations made, and Natural England’s comments on those representations which it sent to the Secretary of State on 16 June 2017.

In this notice –

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

¹ 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; and
- (c) “Schedule” means Schedule 1A to the 1949 Act, inserted by Schedule 19 to the 2009 Act.

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 an objection was made but which the appointed person determined not to be an admissible objection.

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. He 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 with one minor modification as covered in Annex B, and included on revised map 6d at Annex C.

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 a copy of this notice and the reports on the objections given to him by the appointed person. Natural England has also made available:

- (a) South Bents to Amble - 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 16 June 2017;
- (c) Summary of other representations, and Natural England’s comments on those representations, which it sent to the Secretary of State on 16 June 2017.

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/SBA/01

Hemscott Hill Farm, Widdrington, NE61 5EQ

W. Bell

The land to which the objection relates is the route section SBA-6-S006.

Objection Reference: MCA/SBA/03

2 Hemscott Hill Cottages, Widdrington, NE61 5EQ

P. Hornsey

The land to which the objection relates is the route section SBA-6-S006.

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 number: MCA\South Bents to Amble\R\1\SBA0183

Name of representation: National Grid

Report chapter and route sections: Chapters 3-3F

Chapters 4A-4B

Secretary of State conclusions and observations:

Secretary of State welcomes the National Grid's support for the proposal route and notes that it will be aligned along existing rights of way that already pass under overhead pylon cables. He requests that Natural England to discuss with the National Grid any future works which may be required on the pylons or cable and, if necessary, to consider the need for any temporary restrictions of access whilst such works are undertaken. If work is likely to affect a public right of way, the local access authority should also be contacted.

Representation number: MCA\South Bents to Amble\R\2\SBA2642

Name of representation: Private individual

Report chapter and route sections: Chapter 6 Map 6d Map F

Chibburn Links east of SBA-6-S011 MU

Secretary of State conclusions and observations:

Secretary of State notes the representation and that route section SBA-6-S011 is incorrectly depicted on the map 6d in the report and that it should appear as a "Trail using other existing walked route". He approves the report subject to the revised map 6d, which is at **Annex C** to the notice.

He further approves the report subject to the modification at paragraph 6.3.7 to read:

Natural England proposes to restrict or exclude access relevant to this length of coast, as follows:

Access to the land to the seaward side of route section SBA-6-S011 is to be excluded by direction under s25(1)(b) of the CROW Act during the period 1st September to 1st June each year to protect the public from livestock.

He further approves route section SBA-6-S011.

Representation number: MCA\South Bents to Amble\R\3\SMT3066

Name of representation: RSPB

Report chapter and route sections: Access and Sensitive Features Appraisal

SBA-006-S001 to SBA-006-S028

Secretary of State conclusions and observations:

Secretary of State welcomes the RSPB's support and requests that Natural England consider future needs of these sensitive features in the future and, if necessary, to use its powers under the Countryside and Rights of Way Act 2000 to restrict access to this area. He notes that the England Coast path proposals cannot at this stage effect funding of wardens through the EU LIFE Little Tern Project.

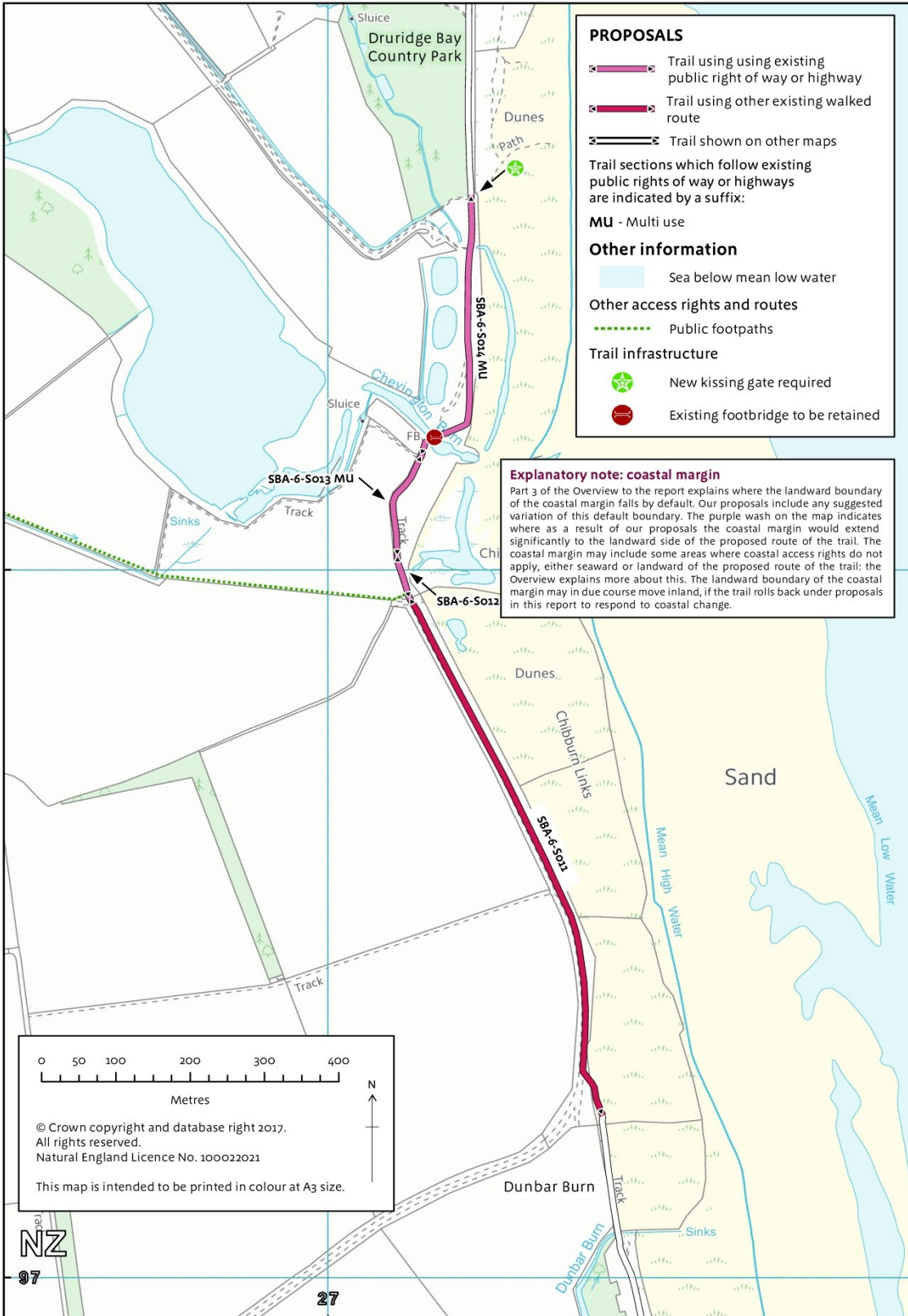
Annex C: Revised map 6d

This is the approved revision of map 6d in Natural England's original coastal access report.



Coastal Access - South Bents to Amble - Natural England's Proposals
Chapter 6: Cresswell to Amble

Revised Map 6d Dunbar Burn to Druridge Bay Country Park (south)



Revised Map 6d Dunbar Burn to Druridge Bay Country Park (south)

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