



The Planning Inspectorate

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# **Report to the Secretary of State for Environment, Food and Rural Affairs**

**by Alison Lea MA (Cantab) Solicitor**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Date 5 March 2020**

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Marine and Coastal Access Act 2009

Objections by [redacted] and [redacted]

Regarding Coastal Access Proposals by Natural England

Relating to Amble to Bamburgh

Site visit made on 12 February 2020

File Refs: MCA/ABB4/0/1 and MCA/ABB4/0/3

### **Objection Refs: MCA/ABB4/0/1 and MCA/ABB4/0/3 [redacted]**

- On 31 July 2019, Natural England submitted reports to the Secretary of State setting out the proposals for improved access to the coast between Amble and Bamburgh under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) pursuant to its duty under the Marine and Coastal Access Act 2009.
- Objections to Report ABB4, Linkhouse, Beadnell to Bamburgh, were made by [redacted] and [redacted] on 7 August 2019 and 18 September 2019. The land in the report to which the objections relate is route sections ABB-4-S033 to ABB-4S038 as shown on Map 4c and more generally all of the route shown on Maps 4c, 4d and 4e.
- The objections are made under paragraph 3(3)(a) and 3(3)(c) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance for the reasons set out in the objection.

Summary of Recommendation: I recommend that the Secretary of State makes a determination that the proposals set out in the report do not fail to strike a fair balance.

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### **Procedural Matters**

1. On 31 July 2019 Natural England (NE) submitted reports to the Secretary of State setting out proposals for improved access to the coast between Amble and Bamburgh. The period for making formal representations and objections to the reports closed on 25 September 2019.
2. There were 3 objections to report ABB4, Linkhouse, Beadnell to Bamburgh, all of which I determined to be admissible. I have been appointed to report to the Secretary of State on those objections. This report deals with two of those objections and the other objection is dealt with in a separate report. Two representations relevant to the route sections the subject of this report were received, one of which was from one of the objectors.
3. I carried out a site inspection on 12 February 2020 accompanied by the objectors and by representatives from NE and from Northumberland County Council.

### **Main Issues**

4. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (the Act) and requires NE and the Secretary of State to

exercise their relevant functions to secure a route for the whole of the English coast which:

- (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
  - (b) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.
5. The second objective is that, in association with the English coastal route ("the trail"), a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin whilst the trail is the path corridor through the coastal margin. The trail is referred to as the England Coast Path.
6. Section 297 of the Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:
- (a) the safety and convenience of those using the trail,
  - (b) the desirability of that route adhering to the periphery of the coast and providing views of the sea, and
  - (c) the desirability of ensuring that so far as reasonably practicable interruptions to that route are kept to a minimum.
7. They must also aim to strike 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.
8. NE's Approved Scheme 2013<sup>1</sup> ("the Scheme") is the methodology for implementation of the England Coast Path and associated coastal margin. It forms the basis of the proposals of NE within the Report.
9. My role is to consider whether or not a fair balance has been struck. I shall make a recommendation to the Secretary of State accordingly.

### **The Coastal Route**

10. For the majority of the route between Seahouses and Bamburgh the trail would utilise existing tracks situated close to the beach but within the dunes. At [redacted], described as a pinch point due to the sea at high tide reaching the boundary of residential properties, the trail would head inland towards the road and pass landward of the residential properties before heading back into the dunes. In doing so it would cross the driveway to [redacted] property and then continue along a grass verge to the front of the properties. The maps are unclear as to whether or the extent to which it would then cross part of the land owned by [redacted].

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<sup>1</sup> Approved by the Secretary of State on 9 July 2013

## **The Objections**

11. [Redacted] objection states that the precise location of the route is unclear and he expresses concern that it appears to pass over a part of his land which he uses for parking. [Redacted] refers to the permissive path which has recently been installed along the verge on the western side of the B1340 between Seahouses and Bamburgh. His objection states that it is an excellent route, far better than the seaward path proposed and could be used at no extra cost to the public purse. He proposes that the report be modified to refer to this route. [Redacted] representation also suggests that the new permissive path should be used instead of the proposed route.

## **The Response by Natural England**

12. The proposed route would not pass over the land used by [redacted] for parking. It would continue on the grass verge past the northern end of his property before re-entering the dunes to the north of his property. The modification he proposes is therefore already in place.
13. The new permissive path along the B1340 was installed after NE had completed their site visits for this stretch and they were therefore not aware of it. However, it is still considered that the proposed route remains the best fit for this location. Evidence from numerous site visits shows that the proposed route is the one that people use and it maintains almost constant views of the sea and local points of interest like the Farne Islands and Bamburgh Castle.
14. The proposed route is safe and convenient as it avoids the need to cross the B1340, also reducing the amount of interruptions to the user. The B1340 can get quite busy during the peak summer holiday months, which would most likely coincide with when the proposed route would carry the most users. The proposed route does incorporate a short detour from the beach passed [redacted] and back down to the beach via the dunes. This is to avoid a section of beach in front of [redacted] which is cut off at high tides. However, for the majority of the time (whilst the tide is out) people are likely to continue along the beach.
15. The proposed route would be relatively low cost to establish. The only major works required would be a set of steps to the south of Bamburgh which would be likely to be well used by both users and non-users of the coast path so in that respect would provide good value for money. The remainder of the path would only require signage and normal on-going maintenance with some initial shrub clearance and regular grass cutting.

## **Discussion and Conclusions**

16. NE have clarified that the route would not cross the area of land used by [redacted] for parking and that it would cut back into the dunes beyond his property. I agree with NE that this clarification meets [redacted] concern and that no modification to the report is required as a result of it.

17. The permissive path is alongside the B1340 and connects with pedestrian routes in Seahouses and Bamburgh. I accept that it provides a direct and convenient route between Seahouses and Bamburgh and is likely to be well used. However, although in some places there are views of the sea, for the majority of the route, such views are obscured by the dunes. Furthermore, given that the path is on the western side of the B1340, such views are experienced in the context of the road, which, even at the time of my site visit in February, was well used by motorists.
18. By contrast, apart from the short stretch at [redacted], the proposed route adheres to the periphery of the coast, is sheltered from the road by the dunes and provides spectacular views of the sea and of the Farne Islands. At [redacted] the route remains on the eastern side of the road and at no point is it necessary to cross the B1340 which I accept is likely to be very busy at peak holiday times. I agree with NE that the proposed route is safe and convenient. Furthermore, although there would be some cost incurred in providing and maintaining the proposed route, the amount is small.
19. Taking all of these matters into account I conclude that the proposed route complies with the duty in Section 297 of the Act, in particular in relation to the desirability of the route adhering to the periphery of the coast and providing views of the sea, in a way that the path alongside the B1340 does not.

### **Representations**

20. A representation has been submitted by the Disabled Ramblers. It is not specific to the sections of trail dealt with in this report but makes the point that all reasonable steps should be taken to make the trail as easy as possible for disabled people and those with reduced mobility. NE state that in designing the route they try to make the route available to as wide a group of users as is reasonably possible and avoid creating any unnecessary barriers to access by choosing infrastructure that will have the least restrictive impact.

### **Recommendation**

21. Having regard to these and all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters raised in relation to the objection. I therefore recommend that the Secretary of State makes a determination to this effect.

*Alison Lea*

**APPOINTED PERSON**