



The Planning Inspectorate

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

Marine and Coastal Access Act 2009

Objection by [redacted]

Regarding Coastal Access Proposals by Natural England

Relating to Amble to Bamburgh

Site visit made on 12 February 2020

File Ref: MCA/ABB4/0/2

Objection Ref: MCA/ABB4/0/2 Clifftop Caravan Park, Seahouses

- 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.
- An objection to Report ABB4, Linkhouse, Beadnell to Bamburgh, was made by [redacted] of Northumbrian Leisure Limited on 20 September 2019. The land in the report to which the objection relates is route sections ABB-4-S009 to ABB-4S013 as shown on Map 4b.
- The objection is made under paragraph 3(3)(b) 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, subject to the modification set out in Annex A, the proposals set out in the report do not fail to strike a fair balance.

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 one of those objections and the other 2 are dealt with in a separate report. One representation relevant to the route sections the subject of this report was received.
3. I carried out a site inspection on 12 February 2020 accompanied by the objector 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 2013¹ ("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. The proposed route passes seaward of the Clifftop Caravan Park on an existing public footpath. Due to the possibility of coastal erosion, the report contains provision for roll-back which would mean that a new route would be determined by NE without the requirement for further reference to the Secretary of State. The roll-back provision is stated to be "normal".

The Objection

11. The objection relates solely to the provision for roll-back. [Redacted] is concerned that the route could be realigned through the caravan park which currently has no public access. He states that this would eliminate the safety, privacy and quiet enjoyment which is currently offered to residents and their families, for which they pay a premium. He asks for a legally binding document to be entered into to ensure that in the case of route realignment, a new route is created around the caravan park, or will follow a

¹ Approved by the Secretary of State on 9 July 2013

route agreed with the landowner so that a safe, secure and private area can be maintained for residents that does not incur the threat of a public right of way allowing members of the public to access the caravan park.

The Response by Natural England

12. NE does not feel that the request for a legally binding document is justified. However, it is accepted that provision for Complex, rather than Normal, Rollback should have been made in this instance. A modification to the report is proposed which would relate to Route Sections ABB-4-S009 to ABB-4-S013 and would set out the likely approach to roll-back as follows: "If it is no longer possible to find a viable route seaward of the specified caravan park, we will choose a new route after detailed discussions with all relevant interests, either (a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it. In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public". The proposed modification is set out in full in Annex A to this report.

Discussion and Conclusions

13. Land which is, or forms part of, a regulated caravan or camping site is excepted land. However, NE may propose that the trail itself should cross such an area on an access strip. This has the effect that the strip itself is not excepted from the coastal access rights but any land which forms part of the coastal margin is fully excepted from such rights. It is therefore possible that roll-back of the trail would have the effect that the trail would pass through the caravan park on an access strip.
14. The caravan park is surrounded by fencing and has security gates. The existing public footpath, which would become the trail, passes seaward of the site, separated from the site by fencing. The caravan park can only be accessed by owners of caravans and their invitees and I accept that the owners of caravans are likely to appreciate the privacy and security which this arrangement affords. I also note that the site is closed for a short period each year and that if the trail passed through the site this could raise additional security issues.
15. The Overview to the reports states that ordinarily, where roll-back has been proposed and becomes necessary "we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we have provided further information within the tables as Part 3 of the relevant report".
16. In this case, the report does not provide further information. However, the strip of land between the coastal fence to the caravan site (which would form the landward boundary of the coastal margin of the trail) and the nearest caravans is not extensive. In the event of coastal erosion which necessitated roll-back of the trail, it seems unlikely that it would be possible to realign it seaward of the caravans other than perhaps in the short term. Such rollback would also have the effect that walkers passed considerably closer to the

caravans than is currently the case, and, unless the boundary fence was moved, would mean that the route passed within the caravan site. Any other route within the caravan park would fail to provide views of the sea, as well as impacting on the privacy and security of the owners of the caravans. It would also be likely to result in a realignment of adjacent sections of the trail, which may not be straightforward given the presence of neighbouring private streets.

17. It is difficult to envisage where the trail could roll back to within the caravan site. The report recognises that there are circumstances where the route has to be repositioned landward of an area of excepted land or area from which NE consider that it is necessary to exclude access. It may well be that coastal erosion which necessitated roll-back of the trail meant that the trail had to pass landward of the caravan park.

18. Given that the extent and effect of coastal erosion in the future is unknown I consider that it is important to maintain a degree of flexibility. I agree with NE that it would not be appropriate to enter into a legally binding agreement. However, I am in full agreement that this is a case where local circumstances will require more detailed consideration. The modification proposed by NE acknowledges this and provides reassurance to the landowner that detailed discussions would take place before any roll-back took place and that full regard would be given to his interests. With this modification I am satisfied that the proposals strike a fair balance between the interests of the public and the interests of those with a relevant interest in affected land.

Representations

19. 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. There is no reason to doubt that these principles would be adhered to if roll-back became necessary on this section.

Recommendation

20. Having regard to these and all other matters raised, I conclude that the proposals, as proposed to be modified as set out in Annex A to this report, 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

ANNEX A

Maps(s)	Route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
ABB 4b	ABB-4-S009FP ABB-4-S010FP ABB-4-S011FP ABB-4-S012FP ABB-4-S013FP	Clifftop Caravan Park	<p>“If it is no longer possible to find a viable route seaward of the specified caravan park, we will choose a new route after detailed discussions with all relevant interests, either (a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it.</p> <p>In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public”.</p>