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

by Sue Arnott FIPROW

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

Date 3 December 2018

Marine and Coastal Access Act 2009
Objections by [redacted & [redacted]
to Coastal Access Proposals by Natural England
Relating to the England Coast Path: Kingswear to Lyme Regis

Site visit made on 6 February 2018

File Ref(s): MCA/Kingswear to Lyme Regis/KLR-1-S005- S007

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Case details:

- On 30 March 2017, Natural England submitted a report to the Secretary of State for Environment, Food and Rural Affairs setting out the proposals for improved access to the coast between Kingswear and Lyme Regis under section 51 of the National Parks and Access to the Countryside Act 1949.
 - Natural England submitted its report in accordance with its duty under section 296 of the Marine and Coastal Access Act 2009 to improve access to the English Coast.
 - Nine objections were received to proposals affecting land between Kingswear and Sharkham Point, in particular sections KLR-1-S005 to KLR-1-S007 and KLR-1-S011. Those relating to sections KLR-1-S005 to KLR-1-S007 are dealt with in this Report.
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Objection Reference: MCA\Kingswear to Lyme Regis\O\4\KLR1679

Land at Beacon Lodge, Kingswear, Devon, TQ6 0BU

- An objection dated 24 May 2017 was made by [redacted]. The land to which the objection relates is the coastal margin seaward of route section KLR-1-S005 near Beacon Lodge as shown on Map 1a in Chapter 1 of Natural England's report.
 - The objection is made under paragraph 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 on the grounds that the proposals fail to strike a fair balance in such respects as are specified in the objection.
 - **Summary of Recommendation:** I recommend that the Secretary of State makes a determination that the proposals do not fail to strike a fair balance in relation to the matters within paragraph 3(3)(d), (e) and (f) of Schedule 1A of the 1949 Act.
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Objection Reference: MCA\Kingswear to Lyme Regis\O\5\KLR1679

Land at Inverdart Boathouse, Kingswear, Devon, TQ6 0BU

- An objection dated 24 May 2017 was made by [redacted]. The land to which the objection relates is the coastal margin seaward of route section KLR-1-S005 & KLR-1-S006 near Inverdart Boathouse as shown on Map 1a in Chapter 1 of Natural England's report.
 - The objection is made under paragraph 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 on the grounds that the proposals fail to strike a fair balance in such respects as are specified in the objection.
 - **Summary of Recommendation:** I recommend that the Secretary of State makes a determination that the proposals do not fail to strike a fair balance in relation to the matters within paragraph 3(3)(d), (e) and (f) of Schedule 1A of the 1949 Act.
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Objection Reference: MCA\Kingswear to Lyme Regis\O\6\KLR1679

Land at Brookhill Gardens, Kingswear, Devon, TQ6 0BU

- An objection dated 24 May 2017 was made by [redacted]. The land to which the objection relates is the coastal margin seaward of route section KLR-1-S007 near Brookhill Gardens as shown on Map 1a in Chapter 1 of Natural England's report.
- The objection is made under paragraph 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 on the grounds that the proposals fail to strike a fair balance in such respects as are specified in the objection.
- **Summary of Recommendation:** I recommend that the Secretary of State makes a determination that the proposals do not fail to strike a fair balance in relation to the matters within paragraph 3(3)(d), (e) and (f) of Schedule 1A of the 1949 Act.

**Objection Reference: MCA\Kingswear to Lyme Regis\O\7\KLR0863
Land at Beacon Lodge, Kingswear, Devon, TQ6 0BU**

- An objection dated 24 May 2017 was made by [redacted]. The land to which the objection relates is the coastal margin seaward of route section KLR-1-S005 near Beacon Lodge as shown on Map 1a in Chapter 1 of Natural England's report.
 - The objection is made under paragraph 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 on the grounds that the proposals fail to strike a fair balance in such respects as are specified in the objection.
 - **Summary of Recommendation:** I recommend that the Secretary of State makes a determination that the proposals do not fail to strike a fair balance in relation to the matters within paragraph 3(3)(d), (e) and (f) of Schedule 1A of the 1949 Act.
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**Objection Reference: MCA\Kingswear to Lyme Regis\O\8\KLR0863
Land at Inverdart Boathouse, Kingswear, Devon, TQ6 0BU**

- An objection dated 24 May 2017 was made by [redacted]. The land to which the objection relates is the coastal margin seaward of route section KLR-1-S005 & KLR-1-S006 near Inverdart Boathouse as shown on Map 1a in Chapter 1 of Natural England's report.
 - The objection is made under paragraph 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 on the grounds that the proposals fail to strike a fair balance in such respects as are specified in the objection.
 - **Summary of Recommendation:** I recommend that the Secretary of State makes a determination that the proposals do not fail to strike a fair balance in relation to the matters within paragraph 3(3)(d), (e) and (f) of Schedule 1A of the 1949 Act.
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**Objection Reference: MCA\Kingswear to Lyme Regis\O\9\KLR0863
Land at, Brookhill Gardens, Kingswear, Devon, TQ6 0BU**

- An objection dated 24 May 2017 was made by [redacted]. The land to which the objection relates is the coastal margin seaward of route section KLR-1-S007 near Brookhill Gardens as shown on Map 1a in Chapter 1 of Natural England's report.
 - The objection is made under paragraph 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 on the grounds that the proposals fail to strike a fair balance in such respects as are specified in the objection.
 - **Summary of Recommendation:** I recommend that the Secretary of State makes a determination that the proposals do not fail to strike a fair balance in relation to the matters within paragraph 3(3)(d), (e) and (f) of Schedule 1A of the 1949 Act.
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Preliminary Matters

1. I have been appointed to report to the Secretary of State for Environment, Food and Rural Affairs on objections made in accordance with paragraph 4(3) of Schedule 1A of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) to Natural England's Report on the Kingswear to Lyme Regis section of the England Coast Path (the Report).
2. On 30 March 2017 Natural England (NE) submitted to the Secretary of State its Report, setting out proposals for improved access to the Devon and Dorset coast between Kingswear and Lyme Regis. The period for making formal representations and objections to the Report closed on 25 May 2017.
3. Ten objections were received to the Report, all of which I deemed to be admissible. This report concerns six of these objections being those submitted in

- relation to sections KLR-1-S005 to KLR-1-S007 between Kingswear and Sharkham Point (to which Chapter 1 of the Report refers). It includes the gist of submissions made by the objectors, the response of NE, and my conclusions and recommendation. Numbers in square brackets refer to paragraphs in this report.
4. A further 3 objections relate to section KLR-1-S011 to the south east of Kingswear (also addressed in Chapter 1 of the Report) and the remaining one to section KLR-5-S017 between Dawlish Warren and Cockwood (addressed in Chapter 5 of the Report). These are considered in two separate reports.
 5. In addition to the objections, a total of 225 representations¹ were submitted relating to the Report, 211 of which concern sections KLR-1-S005 to KLR-1-S007: from Dart Harbour Stakeholder Group, from the Country Land and Business Association (CLA), from Kingswear Parish Council, from [redacted], from 199 other individuals and 4 from each of the two objectors. I shall consider these alongside the objections.
 6. I carried out a site inspection on 6 February 2018 for which I was accompanied [redacted] (Senior Advisor for Devon and Cornwall) and [redacted] (Lead Advisor for Coastal Access) for Natural England and objectors [redacted] and [redacted].

Main Issues

7. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (the 2009 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.
8. The second objective is that, in association with the England Coast Path (ECP), 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.
9. In discharging the coastal access duty there must be regard to:
 - (a) the safety and convenience of those using the ECP 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.
10. NE's Approved Scheme 2013² (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.

¹ When assessing whether the proposals strike a fair balance, only those representations which are relevant to the matters specified in admissible objections can be considered.

² Approved by the Secretary of State on 9 July 2013

11. NE and the Secretary of State must 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.
12. The objections have been made under paragraphs 3(3)(d), (e) and (f) of Schedule 1A to the 1949 Act: that Natural England's report fails to strike a fair balance in relation to (d) 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; (e) the inclusion or failure to include, proposals as to the directions to be made under Chapter 2 of Part 1 of the Countryside and Rights of Way Act 2000 (the 2000 Act) for the exclusion or restriction of a right of access in relation to land to which the report relates or the terms of any such proposal, and (f) the exercise of a discretion conferred on Natural England by section 301(2) or (3) of the 2009 Act, or the failure to exercise a discretion conferred by section 301(3) of that Act, discretions which relate to a case where the continuity of any part of the coast is interrupted by a river.
13. My role is to consider whether or not a fair balance has been struck by NE 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. I shall make a recommendation to the Secretary of State accordingly.

The Coastal Route

14. The part of the proposed trail that is the subject of Chapter 1 of the Report runs from Kingswear (grid reference: SX 8813 5102) to Sharkham Point (grid reference: SX 9335 5459) as shown on maps 1a to 1e. The Report describes this as mainly following the coastline quite closely and maintaining good views of the sea *"apart from through Kingswear where the path moves inland to avoid an area affected by erosion and the eastern area of Kingswear where the path is landward of private residences"*.
15. For the whole of this length, the trail is proposed to follow the existing South West Coast Path generally along public rights of way or public highways, with only one optional alternative section³.
16. The section of trail to which these objections refer (KLR-1-S005, KLR-1-S006 and KLR-1-S007) lies to the south east of the village of Kingswear. Although the sea is visible in places between trees, arguably this stretch lies within the estuary of the River Dart, facing Warfleet (south of Dartmouth) on the western bank. In fact the trail is proposed to continue westwards to the ferry that operates daily between Kingswear and Dartmouth.
17. The sections of the trail at issue here follow a hard-surfaced vehicular-width road that is, for the most part, enclosed by stone walls or fences on both sides. On the seaward side of section KLR-1-S005, a section of Beacon Road diverges from the proposed trail within the coastal margin below Beacon Lodge; this vehicular highway has been closed since 2012 following a landslip directly below the road. Firm plans for its future repair are yet to be finalised.
18. A public footpath is recorded on the definitive map leading from the proposed trail (section KLR-1-S005) down to Lighthouse Beach below. However access

³ At Man Sands, relating to section KLR-1-S046 to KLR-1-S048

from the path onto the beach has been prohibited since a gate was erected and locked in 1999 by the owner to prevent public use of the shore.

19. Although none of the objections challenge the adoption of the South West Coastal Path (SWCP) as the trail route, the objectors are concerned about the consequential effect on their properties of public access to the coastal margin on the seaward side of the trail.

The Objections

20. The six objections are submitted by [redacted] (3) and [redacted] (3). These relate to three separate areas along two sections of the proposed trail: KLR-1-S005 (2) and KLR-1-S007 (1). Since both [redacted] and [redacted] rely on similar grounds in relation to each of the three separate areas, I shall consider their objections together in each case.

Trail section KLR-1-S005

MCA\Kingswear to Lyme Regis\O\4\KLR1679

MCA\Kingswear to Lyme Regis\O\7\KLR0863

21. These two objections relate to the proposed trail section KLR-1-S005 and to the land, garden and foreshore at Beacon Lodge. Photographs have been submitted with these objections.
22. Representations *MCA\Kingswear to Lyme Regis\R\218\KLR1679* and *MCA\Kingswear to Lyme Regis\R\221\KLR0863* were also submitted by the objectors and relate to the same matters as those outlined below.
23. The objectors explain that this land and the foreshore form part of private gardens within the curtilage of Beacon Lodge and have been planted and tended for over 42 years. After being decimated by Dutch Elm Disease, the original elms within the grounds were re-placed by the objectors with eucalyptus, oak, sycamore and various types of palm trees (many of which came from Agatha Christie's Greenway Gardens). As such, this is excepted land as per Natural England's guidelines.
24. When Lighthouse Beach was open (to the public) with permission, there was virtually no wildlife in the area other than seagulls. Over the years this has changed dramatically so that now kingfishers, oyster catchers, bats, seals, herons, dolphins, owls and many other elements of wildlife are seen here. Lower down the foreshore at low tide there is a multitude of marine species which should be registered as a marine reserve and left undisturbed.
25. Lighthouse Beach is a garden and has been used to collect seaweed for fertilizer and food, and to store building materials used in the construction of Inverdart Boathouse, heavy plant, scaffolding and other materials. It has been planted with salt tolerant varieties of plant.
26. If the beach was included in these proposals, the objectors submit it would have a seriously negative effect on the privacy, security and associated enjoyment of their home. Further, any potential rental opportunities would be drastically reduced and there would be a serious diminution of the capital value of Beacon Lodge. NE should have walked the area before using its discretion to extend the trail further upstream and should have inspected the land prior to issuing these proposals.

27. When exercising its powers in sub-section (4)(f)⁴, NE has failed to consider all matters in Section 301(4) of the 2009 Act
28. NE's proposals have not struck a fair balance between private and public interests.

Suggested modifications

29. The objectors suggest that the proposal be modified so as to indicate on Map 1a in Chapter 1 (Kingswear to Sharkham Point), by means of shading or delineation in red, that the area associated with Beacon House, comprising private gardens and foreshore to mean low water springs, is excluded from the coastal margin and not subject to public access.

MCA\Kingswear to Lyme Regis\O\5\KLR1679

MCA\Kingswear to Lyme Regis\O\8\KLR0863

30. These two objections also relate to the proposed trail section KLR-1-S005 but refer to the Inverdart Boathouse which is located on the south eastern side of Lighthouse Beach. Photographs have been submitted with these objections.
31. Representations MCA\Kingswear to Lyme Regis\R\219\KLR1679 and MCA\Kingswear to Lyme Regis\R\222\KLR0863 were also submitted by the objectors and relate to the same matters as those outlined above.
32. The objectors explain that Inverdart Boathouse and dock is constructed partly on the foreshore which is privately owned to the mean low water springs. The beach and the dock are within the curtilage and/or are part of the garden. Behind are gardens leading to the road above, which are all terraced and planted. This is all excepted land to mean low water springs as per (Natural England)'s guidelines.
33. When planning permission was granted for the Boathouse these proposals were not flagged up; if they had, the objectors would not have proceeded with the project. It has taken over 20 years to complete this "landmark building". It was awarded the Daily Telegraph/Homebuilding and Renovating Magazine Overall Winner and Best Traditional House Award in 2013. Having spent over 20 years completing the property, it is now ready to be rented as an exclusive luxury eco-house where the natural environment may be observed and appreciated without interference. If these proposals are successful, this would cause a diminution of not only the capital value of the property but also its rental value.
34. The points made in paragraphs 24 and 27 are re-stated in relation to Inverdart Boathouse.
35. Again, NE's proposals have not struck a fair balance between private and public interests.

Suggested modifications

36. The objectors suggest that the proposal be modified so as to indicate on Map 1a in Chapter 1 (Kingswear to Sharkham Point), by means of shading or delineation in red, that the area associated with Inverdart Boathouse, comprising private gardens and foreshore to mean low water springs, is excluded from the coastal margin and not subject to public access.

⁴ Referred to as 'the estuary discretion'

Trail section KLR-1-S007

MCA\Kingswear to Lyme Regis\O\6\KLR1679

MCA\Kingswear to Lyme Regis\O\9\KLR0863

37. These objections relate to the proposed trail section KLR-1-S007 and refer to the Brookhill Gardens, land which is located to the south east of both Lighthouse Beach and Inverdart Boathouse. Photographs have been submitted with these objections.
38. Representations MCA\Kingswear to Lyme Regis\R\220\KLR1679 and MCA\Kingswear to Lyme Regis\R\223\KLR0863 were also submitted by the objectors and relate to the same matters as those outlined above.
39. The seaward side of the coastal path is part of the famous Brookhill Estate Gardens and these grounds lead down to a private quay, boathouse and other buildings and form part of the Italian garden. This is a part of the terraced gardens with hothouses, greenhouses and walled garden which, owing to the mild climate, was the only garden in England where oranges, lemons and other citrus fruit trees would survive and fruit in the open air. Because of the importance of these gardens they were twice visited by Queen Victoria in the 19th Century. The objectors have begun to restore this garden, a project that will take many years. It is quite clear that it is a private garden and, as such, excepted land.
40. There are a variety of bat species now present in the area where in the last fifteen or so years they have begun to roost as a result of the lack of disturbance by human and dog activity. These bats should not be disturbed and a survey is currently under way to establish precise species and numbers.
41. Any proposal for coastal access would seriously impact on the privacy of the gardens and would not strike a fair balance between private interest and public interest.
42. The point made in paragraph 27 is re-stated in relation to Brookhill Gardens.
43. It is submitted that NE's proposals have not struck a fair balance between private and public interests.

Suggested modifications

44. The coastal margin depicted on Map 1a in Chapter 1 (Kingswear to Sharkham Point), should be amended to exclude the area comprising the private gardens and foreshore to mean high water by shading such area or delineation in red to clearly indicate that this area is excluded from the coastal margin and is not subject to public access.

Response by Natural England to the objections

45. Section 297 of the 2009 Act requires NE, in discharging the coastal access duty, to aim to strike a fair balance between the occupier's interests and the public's interest in having access rights over land.
46. Natural England has followed the key principles of alignment and management as set out in the approved Coastal Access Scheme. Particularly relevant in this case are the following principles in the Scheme:

- *Land on the seaward side of the trail automatically becomes coastal margin (section 2.3.4 of the Scheme)*
 - *Excepted land⁵ categories (section 2.3.15)*
 - *The trail will make use of existing walked lines along the coast (section 4.7)*
 - *Natural England must ensure the protection of sensitive features (section 4.9)*
 - *Natural England must consider the interests of owners and occupiers, such as operational needs (section 5.2) and income (section 5.3)*
 - *Privacy (section 5.4)*
 - *Natural England's estuary discretion (section 10.1.2)*
47. Natural England maintains that an appropriate balance has been struck by its proposals between the occupiers' interests and the public's interest in having access rights over land.
48. NE comments that areas of excepted land are not separately depicted in its proposals or on the accompanying maps. NE has no responsibility for identifying such areas, nor any powers to do so.

MCA\Kingswear to Lyme Regis\O\4\KLR1679

MCA\Kingswear to Lyme Regis\O\7\KLR0863

MCA\Kingswear to Lyme Regis\O\5\KLR1679

MCA\Kingswear to Lyme Regis\O\8\KLR0863

49. All land seaward of an approved route is classified as coastal margin. Land within the margin that is covered by buildings and the curtilage of such land are excepted from the coastal access rights under Schedule 1 to CROW. Defra's guidance on excepted land⁶ states that curtilage generally means a small area, forming part and parcel with the house or building to which it is attached. In most cases, says the guidance, the extent of curtilage will be clear: typically, an enclosure around a dwelling containing a garden, garage and side passage; a walled enclosure outside a barn, or a collection of buildings grouped around a farm house and farm yard.
50. NE does not consider that the foreshore in this case forms part of the curtilage of Beacon Lodge or Inverdart Boathouse, or that it is 'land used as a garden' for the purposes of this legislation. It therefore considers that this area would be subject to coastal access rights if this part of the proposed route is approved. NE considers this would bring significant recreational benefit in being able to access once more the areas of foreshore that were traditionally available to the public.

MCA\Kingswear to Lyme Regis\O\6\KLR1679

MCA\Kingswear to Lyme Regis\O\9\KLR0863

51. Natural England agrees that Brookhill Gardens would appear to fall within the excepted land category of 'land used as a garden' and therefore would not become subject to coastal access rights. Therefore our proposals would not

⁵ Categories of land 'excepted' from coastal access rights are listed in Schedule 1 of the Countryside and Rights of Way Act 2000

⁶ Natural England's coastal access reports: Guidance on the Secretary of State's decision making process; Dec 2012

impact on the privacy of this area. Areas of excepted land are not separately depicted in our proposals or on the maps.

Relating to all 6 objections:

52. The published 'Access and Sensitive Features Appraisal' records the conclusions of Natural England's appraisal of any potential for environmental impacts from the proposals to establish the ECP on this stretch of coast. The foreshore area at this point is not a designated site and NE is not aware of the presence of any protected species in the vicinity. It sees no justification for any direction to exclude or restrict access to this area as a result of nature conservation concerns.
53. NE visited the area on 12 April 2016 and although unable to access the beach due to barriers installed by the landowners, were able to view the area from the public right of way and Beacon Road above. Representatives met with the owner of Beacon Lodge on 24 January 2017 to explain the proposals and discuss the implications for his land. At his request this meeting took place in Exeter rather than on site. NE also spoke to, or met with, all key landowners in the Kingswear area who would be affected by the proposals to discuss matters further.
54. Section 301 of the 2009 Act gives Natural England discretion to include trail proposals for the relevant part of an estuary if it interrupts the continuity of any part of the English coast. NE exercised this discretion⁷ in proposing to extend the trail a short distance from the seaward limit of the Dart to the Lower Ferry at Kingswear, to allow continuity of the trail (section 4.4.1.) This also accords with the principle of following the route of any existing national trail providing the alignment is deemed appropriate in terms of the statutory criteria and guidelines set out in the Coastal Access Scheme (section 4.7.1).

Natural England's comments on the suggested modification(s)

55. Under the legislation all land seaward of an approved route is classified as coastal margin. Areas of excepted land are not separately depicted in the proposals or on the maps for the reasons given above.
56. NE therefore disagrees with these suggested modifications to its proposals.

The Representations

57. Unless otherwise stated, the representations relate generally to KLR-1-S005 to KLR-1-S007.

[Redacted]: MCA\Kingswear to Lyme Regis\R\221\KLR0863

[Redacted]: MCA\Kingswear to Lyme Regis\R\222\KLR0863

[Redacted]: MCA\Kingswear to Lyme Regis\R\223\KLR0863

[Redacted]: MCA\Kingswear to Lyme Regis\R\218\KLR1679

[Redacted]: MCA\Kingswear to Lyme Regis\R\219\KLR1679

[Redacted]: MCA\Kingswear to Lyme Regis\R\220\KLR1679

58. The above representations rely on similar grounds to the objections. The issues raised by them have therefore been addressed in full above.

⁷ NE's detailed rationale for exercising the estuary discretion was mistakenly omitted from the published report although it was subsequently made available.

[Redacted]: MCA\Kingswear to Lyme Regis\R\226\KLR0863

[Redacted]: MCA\Kingswear to Lyme Regis\R\225\KLR1679

59. In these representations relating to section KLR-1-S005, both objectors highlight the numerous and substantial landslides on the cliff face and the grounds behind the new lighthouse on Lighthouse Beach. They submit there is a danger of further slippage in future which would affect anyone using the beach.

Dart Harbour Stakeholder Group: MCA\Kingswear to Lyme Regis\R\197\KLR2374

60. The Dart Harbour Stakeholder Group welcomes the work by NE on the coast path section from Kingswear to Lyme Regis. It will enable local people to more fully enjoy walks along the coast with opportunities for circular routes and the resulting benefits to physical and mental health.

61. The group fully supports the re-opening of Lighthouse Beach at Kingswear as part of the Coastal Access plan. This will give residents of that parish access to a beach without having to use transport. Historically the beach has been a much appreciated community asset enjoyed by parishioners in many ways.

Country Land & Business Association: MCA\Kingswear to Lyme Regis\R\224\KLR0004

62. The Country Land and Business Association (CLA) comments on the length of proposed ECP between Kingswear and Inner Froward Point (KLR-1-S001 to KLR-1-S022).

63. The CLA criticises the implementation process (stage 2) as set out in the Scheme which it says has not been followed. The path and its associated coastal margin have not been walked with landowners in areas where significant changes to access rights are proposed. This has resulted in a failure to provide a fair balance between public and private interests.

64. The CLA also challenges NE's decision to exercise its discretion to extend public access up the Dart Estuary as far as the lower ferry. The Report lacks a full explanation of the rationale for choosing to do so. In simply adopting the SWCP as the coastal trail, NE has failed to make a proper assessment of the impact that extending coastal access could have on affected properties.

65. There has been no evaluation of the difficulty of preventing the public from entering the curtilage of property in situations where no hard boundaries can be established; there has been no assessment of the impact on privacy or security, contrary to the provisions of the Scheme; there is no consideration given to the impact of public access on property values or a property's letting value.

66. The CLA questions why NE did not stop coastal access at the mouth of the river given that much of the coastal margin will be 'excepted' from access rights. Section 301(4)(e) of the 2009 Act requires NE to have regard to the extent to which the land bordering the relevant upstream waters of the river would, if it were coastal margin, be excepted land. Yet, other than a brief sentence⁸, there is no indication in the Report that any assessment has been made.

67. Designating the route as coastal trail through Kingswear raises unnecessary anxieties with landowners over the extent of access rights in relation to land. If

⁸ Quoted at paragraph 14 above

continuity was felt to be important, this could be maintained by designating a trail through Kingswear as an alternative route to meet the ferry.

68. Further, the CLA notes the instability of much of the Kingswear coast with recent landslips rendering land within the proposed coastal margin unstable and unsafe. It questions why NE has not pursued a direction to exclude access for public safety reasons under section 25 of the 2000 Act.
69. In summary NE should have made a full assessment of the impact of extending access up the estuary, given the amount of excepted land and significant public danger in having access to the coastal margin. It should have considered implementing an alternative route to provide continuity of access around the estuary. Alternatively, if exercising its discretion to extend around the estuary, it should have made directions to exclude access on public safety grounds, or for land management reasons: the land being unsuitable for public access, impinging on privacy, creating conflict where there are no clear boundaries to define garden and curtilage associated with dwellings and other buildings, leading to an unfair balance, contrary to section 297 of the 2009 Act.

Kingswear Parish Council: MCA\Kingswear to Lyme Regis\R\81\KLR2186

70. Kingswear Parish Council represents the residents of Kingswear. As a result of the continued lobbying of Councillors by residents, the Council supports the proposed Coastal Access to Lighthouse Beach (via KLR-1-S005).

[Redacted]: MCA\Kingswear to Lyme Regis\R\133\KLR2315

71. In his representation, [redacted] submits that the proposed route (KLR-1-S005) should follow Beacon Road which is a particularly attractive, interesting and historic part of the Coast path instead of going up Church Hill.

Private individuals (199): References as set out in Appendix A to this Report

72. These representations are made by residents and visitors (to KLR-1-S005) expressing the wish to access the only beach local to Kingswear, access to which has been blocked by the landowner since 1999. They say that the public had access, by right, to Lighthouse Beach for over 100 years via the registered public right of way (no. 8 on the definitive map) until access off the path onto the beach was blocked by the owner. They submit that opening this beach will benefit the local community and visitors.
73. Additional information is submitted in the form of a History of Lighthouse Beach and a geotechnical report for Lighthouse Beach.

Response by Natural England to the representations

[Redacted]: MCA\Kingswear to Lyme Regis\R\218\KLR1679

[Redacted]: MCA\Kingswear to Lyme Regis\R\219\KLR1679

[Redacted]: MCA\Kingswear to Lyme Regis\R\221\KLR0863

[Redacted]: MCA\Kingswear to Lyme Regis\R\222\KLR0863

74. Responses to the above representations have already been set out in relation to objections *MCA\Kingswear to Lyme Regis\O\4\KLR1679*, *MCA\Kingswear to Lyme Regis\O\5\KLR1679*, *MCA\Kingswear to Lyme Regis\O\7\KLR0863* above, and *MCA\Kingswear to Lyme Regis\O\8\KLR0863*.

[Redacted]: MCA\Kingswear to Lyme Regis\R\226\KLR0863

[Redacted]: MCA\Kingswear to Lyme Regis\R\225\KLR1679

75. Both NE and the access authority (Devon County Council) have powers to erect signs along the trail warning of potential dangers. These powers are used sparingly to warn or to protect people from dangers they could not reasonably anticipate. NE will consider whether signage is required to warn visitors of any potential safety issues in the Lighthouse Beach area.
76. At a meeting on 24 January 2017 NE provided the landowner with details of the reduced occupiers' liability provided under the Coastal Access Scheme.

Dart Harbour Stakeholder Group: MCA\Kingswear to Lyme Regis\R\191\KLR2374

77. NE is grateful for the expression of support from the Dart Harbour Stakeholder Group.
78. If its proposals are approved, Lighthouse Beach would become subject to coastal access rights once the legislation comes into force on this stretch of coast. NE agrees that this would provide significant recreational benefit to the local community.

Country Land & Business Association: MCA\Kingswear to Lyme Regis\R\224\KLR0004

79. NE does not agree with the CLA's view that landowners were not effectively consulted and that affected land was not properly considered through site visits. A familiarisation visit was undertaken in the area on 12 April 2016 although some areas were viewed from adjacent land because of their current inaccessibility. The Scheme acknowledges that the process may be varied according to circumstances. In this case letters were sent to each affected landowner. NE met or talked with all key owners of significant areas of coastal margin in the Kingswear area with further site visits taking place in July and October 2016. All reasonable measures were taken to discuss the proposals with affected landowners prior to publication of the Report including meeting or holding discussions with all landowners who so requested.
80. Under the 2009 Act there is no requirement for the trail to extend up any estuary further than the seaward limit of the estuarial waters. NE has a discretion to propose that the trail should extend from the seaward limit as far as the first bridge over which, or tunnel through which, there is a public right of way, or a public right of access, by virtue of which the public is able to cross the river on foot, or any specified point in between.
81. The seaward limit of the transitional waters on the River Dart coincides with Combe Point to the west and Inner Froward Point to the east of the estuary. At this point the estuary is around 2km wide. On both sides of the estuary the land is largely rural towards the estuary mouth. Further upstream are the settlements of Dartmouth on the western bank and Kingswear to the east. Both have significant historic and maritime interest and are popular with visitors, offering a variety of facilities and attractions.
82. Much of the eastern shore of the estuary in the Kingswear area is likely to be excepted land, consisting mostly of private houses and gardens. There are areas of foreshore which may become available to walkers under coastal access.
83. Three possible options were considered here.

84. Option 1: Align the trail around the estuary.

This would extend to around 40km and would require substantial additional cost and time to create access although this may present potentially significant local benefits by linking up various settlements along the coast. However the upper reaches of the estuary are not coastal in nature. For these reasons this was not judged to be the best option.

85. Option 2: Stop at the mouth of the estuary.

This alignment would provide no real benefit to the walker and would appear on the ground to be ending or beginning at an arbitrary point with no delineation or point of interest. It would also be at odds with the principles of ensuring continuity of the trail and of following the alignment of an existing national trail if the route is deemed appropriate in terms of the statutory criteria and guidelines set out in the Scheme.

86. Option 3: Align the trail as far as the lower ferry.

The lower ferry between Dartmouth and Kingswear is the first crossing point on the River Dart and falls just over 2km upstream from the seaward limit of the estuarial waters. The ferry operates regularly seven days a week all year apart from Christmas Day. Continuity of the ECP is one of NE's key considerations. Section 4.4.1 of the Scheme refers to the principle in section 297(2) of the 2009 Act: that "*so far as reasonably practicable, interruptions to the route around the English coast should be kept to a minimum*". Choosing this alignment for the ECP would fulfil this core objective in a simple and cost effective way. This alignment and the associated coastal margin would provide significant recreational benefit to the public in being able to access once more the areas of foreshore that were traditionally available to them.

87. The presence of the existing national trail (SWCP) via the lower ferry also informed the decision to propose this alignment. Section 4.7.1 of the Scheme states: "*Where there is an existing national trail along the coast, - or another clear walked line along the coast, whatever its status - we normally propose to adopt it as the line for the England Coast Path so long as it is safe and practicable for the public to use; it can be used at all times; and the alignment makes sense in terms of the other statutory criteria and principles set out in this Scheme.*"

88. The CLA suggests designating a trail through Kingswear as an alternative route to meet the ferry⁹. However the Scheme does not allow for an alternative route for the ECP to be prescribed where there is no ordinary route. A crossing point or ferry at the mouth of the estuary would be needed for this to be an option.

89. For the reasons given above, NE considers that option 3 is the preferred option and thus is proposed in the Report as the route of the ECP. NE believes this alignment fulfils the principles of the Scheme and strikes a fair balance between public and private interests.

90. On the matter of public safety, NE highlights the underlying principle of the Scheme that "*visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they*

⁹ An 'alternative route' would not give rise to spreading room on the seaward side of the trail.

- wish to take*¹⁰. The aim is to minimise any safety measures that would restrict public access or enjoyment. Where there are site specific safety concerns within the coastal margin, NE may monitor these locations, usually through the access authority, and may deem it appropriate to erect signage warning of dangers.
91. The CLA suggests that a direction to exclude access to part of the coastal margin should have been pursued on safety grounds. However such directions cannot be implemented to address dangers from natural features, for example eroding cliffs. NE has no separate powers to exclude access to land, either because of natural hazards or because it is deemed unsuitable for access¹¹. Coastal access rights within the margin are nonetheless subject to the excepted land categories listed in Schedule 1 to the 2000 Act.
92. As regards the impact of the proposals on landowners, NE recognises that the Scheme states (at section 5.4.1): "*Coastal access rights become available to enjoy open-air recreation on some land which was previously only available for the enjoyment of the owner or occupier or invited guests. However, there are specific provisions under (the 2000 Act) intended to protect privacy in key respects: buildings and the area surrounding buildings (known as curtilage), and land used as a garden or park, are excepted from coastal access rights*". These provisions afford appropriate protection against any impact on property value.
93. NE acknowledges that it may be difficult for walkers to identify the extent of a property's curtilage and consequently where spreading room ends. It is for the landowner rather than NE to consider where they believe the curtilage of their property ends; this may be asserted by, for example, displaying appropriate signage (such as 'private – garden'). This may also help to alleviate issues around privacy and security.
94. NE published its 'Access and Sensitive Features Appraisal' to record the conclusions from its assessments of any potential for environmental impacts from the proposals along this stretch of coast. On the basis of objective information it concluded that there is no justification for any direction to exclude or restrict access to this area as a result of nature conservation interests.
95. In summary, NE considers it has followed the key principles of alignment and management as set out in the approved Scheme. Further, it believes that the proposed route in this area is both consistent with the approved Scheme and strikes a fair balance between private interests and the rights of walkers.

Kingswear Parish Council: MCA\Kingswear to Lyme Regis\R\81\KLR2186

96. NE is grateful for this expression of support for its proposals.
97. If the proposals are approved, Lighthouse Beach would become subject to coastal access rights once the legislation comes into force on this stretch of coast.

[Redacted]: MCA\Kingswear to Lyme Regis\R\133\KLR2315

98. NE comments that Beacon Road is a public road which has been closed since December 2012 due to a landslip on the cliff directly below the highway. Devon County Council (DCC) has led on identifying solutions for this area and plans

¹⁰ Section 4.2.1 of the Scheme

¹¹ Except in relation to salt marsh and flats

have been drawn up to stabilise the cliff. NE met with representatives of DCC on site in April 2016 to discuss the potential for Beacon Road to re-open. Funding is yet to be confirmed for the significant engineering works required but contributions have been offered by DCC and two of the three landowners.

99. Beacon Road would better meet the objectives of the Coastal Access Scheme and would have been NE's preferred route for the ECP due to its proximity to the sea and coastal views. However, as the road is currently impassable with no agreed timescale for the works to allow the route to re-open, NE has not included this route in its proposals (as noted in Table 1.2.3 in the Report). Should Beacon Road re-open to walkers in the future, NE would consider proposing a variation of the route of the ECP to follow this lower, more direct and scenic route.

Private individuals (199): References as set out in Appendix A to this Report

100. Lighthouse Beach is an area of privately owned foreshore in Kingswear. A public right of way extends from Beacon Road to the edge of the foreshore down a set of steep steps. At the end of the steps, access to the beach is now blocked by wire fencing and a locked metal gate. The landowner completed the construction of a large house on the east side of the beach in 2013.
101. Under the Coastal Access Scheme all areas of beach/foreshore seaward of, or adjacent to, the trail form part of the accessible coastal margin by default. Lighthouse Beach is seaward of the proposed line of the trail so, if NE's proposals are approved, Lighthouse Beach would become subject to coastal access rights once the legislation comes into force on this stretch of coast. It would provide a significant recreational benefit to the public if they are once more able to access this area of foreshore.
102. Devon County Council, as the local access authority, would have the power (under Chapter III of the 2000 Act Part 1) to seek the landowner's agreement to the removal of the fencing and gate in question once the ECP proposals came into force, in order to enable the public to realise these benefits once more. In the absence of such agreement, they would have the power to give the landowner notice of intent to remove the obstruction in question, subject to any appeal by the landowner under Section 38 of that Act. Devon County Council is aware of the significant local demand for access to the beach to be reinstated.

Discussion

103. As noted in paragraph 12 above, the objections have been made under paragraphs 3(3)(d), (e) and (f) of Schedule 1A to the 1949 Act on the premise that Natural England's report fails to strike a fair balance on three grounds.
- Paragraph 3(3)(d) refers to the boundaries of coastal margin in certain circumstances (none of which relate to arguments made in any of the objections or representations).
 - Paragraph 3(3)(e) refers to the intention to place exclusions or restrictions on access if the proposals are approved.
 - Paragraph 3(3)(f) deals with what has been referred to as 'the estuary discretion' [54].
104. None of the six objections considered in this report or the associated representations directly challenge the route chosen for the ECP, this being the

already established line of the South West Coast Path. No alternative routes are proposed, although one of the representations submits that the ECP (and KLR-1-S005 in particular) should instead follow the section of Beacon Road that is currently closed for safety reasons [71]. NE agrees that once restoration works are carried out to stabilise the road, it will propose to re-align the route of the ECP onto it [99] although no timescale has been attached to this.

105. There are two main strands to the objectors' submissions: firstly, that land in their possession on the seaward side of the proposed trail is, or should be, excluded from the public access provisions which apply to coastal margin and that maps of the Scheme should be modified to show clearly this, and secondly, that NE should not have exercised its estuary discretion by proposing to continue the coastal route beyond the sea limit and into the Dart estuary to the ferry at Kingswear. These arguments relate to paragraphs 3(3)(e) and (f) respectively.
106. I propose to consider these in reverse order so as to address the more general point first.

The Estuary discretion

107. In addition to the brief point made by the objectors [at 27, 34 & 42], representations from the CLA [64] enlarge upon the same argument. NE responded with its reasons for choosing the option [80-89] which is now the route proposed in the Report. The route chosen, described above as option 3 [86], satisfies several of the criteria for line selection as set out in the Scheme. This adheres to fundamental Scheme principles such as ensuring continuity of the trail, following the alignment of an existing national trail where feasible, utilising an existing daily ferry service, and taking account of other recreational benefits that may accrue from doing so [9, 50,102].
108. NE acknowledges that much of the coastal margin on the eastern shore of the estuary consists of private houses and gardens and is therefore likely to be 'excepted land', but it notes there are also areas of foreshore which may become available to walkers as a result of the Scheme [82].
109. Commenting on the alternative suggested by the CLA, (that the ordinary route of the ECP should stop at the point where it effectively enters the estuary and instead a designated 'alternative route' is proposed through Kingswear to the ferry) NE points out that an 'alternative' cannot be proposed unless there is first an 'ordinary route' in place [89].
110. Having regard to this particular element of the Scheme, I could not recommend this suggested modification. Nevertheless, it is true the proposal leaves a significant number of residential properties falling on the seaward side of the coastal path (and therefore within the coastal margin) which could potentially be accessible to the public.

Excluded land

111. The objections refer to three such properties. The objectors' case is that the land concerned qualifies as 'excepted land'; if it does not, they argue it should be excluded on safety grounds, and these exclusions should be clearly depicted on the publicly available maps that show the coastal path and available spreading room.

112. The Approved Scheme allows for coastal access rights to the seaward side of the ECP (spreading room) with the exception of certain categories of land¹². This list includes (amongst others) "*land covered by buildings or the curtilage of such land*" and "*land used as a park or garden*".
113. However the Scheme is not intended to be prescriptive insofar as identifying present land uses is concerned and it recognises such use can, and will, change over time. The statutory process anticipates that it is for the landowner to decide whether the area of concern should qualify as 'excepted land' and to act accordingly, unless challenged by the access authority.
114. It is clearly not my role, or that of the Secretary of State, to make a determination on this point. Yet in order to reach a fully informed decision on whether or not the proposals strike a fair balance between the landowners' desire to maintain the privacy and economic value of their properties and the public desire for access to the foreshore, it is necessary to form a view as to whether the land is or is not 'excepted'.
115. If the objectors (being the landowners) are correct in their assertion that all three parcels of land qualify as excepted land, then it is clear that no additional public access would result from the Scheme.
116. There is little debate around their contention that Brookhill Gardens (situated on the seaward side of section KLR-1-S007) would presently qualify as "*land used as a park or garden*" and indeed, from my own observation of the site, I consider that a fair position to take. This should be a situation that might be easily managed with the installation of notices to that effect along the boundary wall that forms the seaward side of the footpath.
117. In relation to land affected by section KLR-1-S005, the objectors submit that the areas associated with Beacon House and Inverdart Boathouse on the seaward side of the proposed ECP form the curtilage of these two properties [23, 32] and therefore should qualify as 'excepted land'.
118. NE disputes this, taking the view that Lighthouse Beach does not form part of the curtilage of Beacon Lodge or Inverdart Boathouse, nor is it 'land used as a garden' for the purposes of this legislation. NE therefore considers that this area would be subject to coastal access rights if this part of the proposed route is approved [50].
119. Having had the benefit of seeing the land in question, I would agree with NE; it is hard to construe Lighthouse Beach as part of the curtilage of either Beacon House or Inverdart Boathouse within accepted definitions [49]. Guidance offered by Defra¹³ on interpretation of the term acknowledges that it is not defined, but advises that "*it generally means a small area forming part and parcel with the house or building to which it is attached. In most cases the extent of curtilage will be clear: typically, an enclosure around a dwelling containing a garden, garage or side passage; a walled enclosure outside a barn, or a collection of buildings grouped around a farm house and farm yard.*"
120. Neither would I agree that the land below Beacon House could qualify for exception on account of being a garden. Whilst the objectors describe planting

¹² These are listed in Figure 1 of the Scheme

¹³ Natural England's coastal access reports: Guidance on the Secretary of State's decision making process; Dec 2012

trees on the land below Beacon Road, it seems doubtful this area could properly be described as 'Land used as a park or garden' as explained in the guidance offered by Defra: "*As well as municipal recreation grounds or play area, the term park may include the landscaped grounds around a house, such as a country house. A park may include ornamental gardens, water features or other man-made scenic vistas. A garden is usually enclosed land near a building. It typically includes areas of lawn, flower borders and other cultivated plants.*" Further it is physically separated from Beacon Lodge by Beacon Road.

121. Although access to this woodland hillside is not clear-cut, there is a definitive public right of way leading from the coastal path, close to the junction with the closed section of Beacon Road, down to Lighthouse Beach, thereby affording access to the shore irrespective of the accessibility of the woodland at either side.
122. However, I endorse the objectors' view that Inverdart Boathouse, its associated jetty and dock, and the gardens above it probably qualify as excepted land and could be signed accordingly alongside the coastal footpath so that the public is in no doubt over its inaccessibility.
123. In summary, from my own observations, and solely for the purposes of making a reasonably informed recommendation here, my view is that the land, dock and jetty associated with Inverdart Boathouse could qualify as part of the building's curtilage and therefore as excluded land, and that Brookhill Gardens may be excluded on account of meeting the criteria for 'land used as a park or garden'. As regards Lighthouse Beach, I am inclined to the view that this would not fall into any of the qualifying categories for excluded land.

Other exclusions

124. The objectors have articulated their concerns over this beach being re-opened to the public [24, 26]. These relate to the impact they believe such access would have on a variety of nature conservation interests, and to the likely intrusion on the privacy of visitors at the exclusive holiday location, Inverdart Boathouse, and its consequential diminution in economic value. In addition, through their representations, both objectors [59] and the CLA [68] highlight the landslides above Lighthouse Beach and submit there is a danger of further slippage in future.
125. In response, NE has confirmed that, through its research, it has found no cause for concern, nor does it see any reason to exclude or restrict access to this area as a result of nature conservation concerns [52]. Any safety concerns due to dangers the public could not reasonably anticipate could be managed through signage [75]. In addition NE highlights the reduced occupiers' liability that is provided through the Scheme [76].
126. Section 5.3.3 of the Scheme states that NE "*will aim to prevent coastal businesses suffering significant loss of income from the introduction of coastal access rights. If, on the basis of the evidence available at the time, we are persuaded that significant loss of income is likely, we will include specific proposals to prevent it*". However in this case evidence has not been provided to substantiate any anticipated losses.
127. Furthermore there is no certainty that the presence of the public on Lighthouse Beach would reduce the appeal of Inverdart Boathouse to holidaymakers and therefore result in reduced bookings with the consequential business losses anticipated or a diminution of the property's value.

128. As regards the impact of the proposals on landowners' property, NE recognises that provisions in the Scheme afford appropriate protection against any impact on property value, quoting section 5.4.1: "*Coastal access rights become available to enjoy open-air recreation on some land which was previously only available for the enjoyment of the owner or occupier or invited guests. However, there are specific provisions under (the 2000 Act) intended to protect privacy in key respects: buildings and the area surrounding buildings (known as curtilage), and land used as a garden or park, are excepted from coastal access rights*" [92].
129. It is this issue which lies at the heart of the objectors' concerns. It is true that Inverdart Boathouse is only a short distance along the coast from Lighthouse Beach but it is not accessible via the shore (except at exceptionally low tides). Nonetheless, public use of the beach will have an effect on the enjoyment of this holiday property. It is this impact on private interests that must be balanced against the desire of the Scheme, wholly supported by a significant number of local people [70, 72], to re-open Lighthouse Beach to the public for enjoyment of the foreshore.
130. The question then arises as to whether, on balance, the proposal strikes a fair balance. In the circumstances here it is my view that it does.

Comments on the suggested modifications

131. As a matter of principle, the Scheme does not intend excepted land within the coastal margin of the kind listed in Schedule 1 to be shown on maps [48]. To accede to the modification suggested by the objectors would set a precedent that would need to be replicated across the Scheme nationally. It would also create difficulties where landownership changes and or where management regimes alter, all of which would require updates to the mapping. Consequently I could not recommend such a modification.
132. In its representation the CLA suggests that the ordinary route of the ECP should stop at the point where it enters the estuary and instead an alternative route is proposed through Kingswear to the ferry [67]. NE points out that an alternative cannot be proposed unless there is an ordinary route in place [88]. As I have noted at paragraph [110] above, I cannot recommend this suggested modification is pursued.

Other matters

133. The Secretary of State will be aware that there are no provisions within the Scheme for compensation.

Conclusions

134. In summary, the effect of the proposals on private land needs to be balanced against the aims of the 2009 Act to improve public access and enjoyment of the English coastline. In considering that balance the Secretary of State must have regard to the likely impact on the objectors and their livelihood whilst also taking account of the circumstances which have led NE to propose to follow the South West Coast Path between Inner Froward Point and Kingswear.
135. In my view the land directly associated with Inverdart Boathouse (including the jetty, dock and gardens) and the land at Brookhill Gardens are likely to be excepted from the coastal access provisions. On that basis, it would be hard to

conclude that NE had failed to strike a fair balance between public and private interests in relation to these objections.

136. The position is less clear as regards the land below Beacon Lodge including Lighthouse Beach. It is my view that the beach is unlikely to qualify as excepted land and therefore that it would become available to the public for recreational use on foot, accessed via the definitive footpath, whether or not the adjacent woodland qualifies as excepted land.
137. Balancing the overall aims¹⁴ to improve access to the coast in general through the provision of coastal margin and the desire to achieve continuity of the trail around the Dart estuary by following the South West Coast Path to the first ferry crossing, together with the strong support for re-opening Lighthouse Beach to the local community and others, against the loss of privacy for residents staying at Inverdart Boathouse and their exclusive use of the beach, I consider the public interests outweigh the private interests.

Recommendation

138. 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 objections within paragraphs 3(3)(d), (e) and (f) of the 1949 Act. I therefore recommend that the Secretary of State makes a determination to this effect.

Sue Arnott

APPOINTED PERSON

¹⁴ As noted in general terms at paragraph 7 above

APPENDIX A**Representations submitted in relation to Route section KLR-1-S005**

MCA\Kingswear to Lyme Regis\R\2\KLR2028	MCA\Kingswear to Lyme Regis\R\60\KLR2242
MCA\Kingswear to Lyme Regis\R\3\KLR1344	MCA\Kingswear to Lyme Regis\R\61\KLR2243
MCA\Kingswear to Lyme Regis\R\4\KLR0757	MCA\Kingswear to Lyme Regis\R\62\KLR2245
MCA\Kingswear to Lyme Regis\R\5\KLR2187	MCA\Kingswear to Lyme Regis\R\63\KLR2246
MCA\Kingswear to Lyme Regis\R\6\KLR1581	MCA\Kingswear to Lyme Regis\R\64\KLR2247
MCA\Kingswear to Lyme Regis\R\7\KLR1580	MCA\Kingswear to Lyme Regis\R\65\KLR2248
MCA\Kingswear to Lyme Regis\R\8\KLR2188	MCA\Kingswear to Lyme Regis\R\66\KLR2249
MCA\Kingswear to Lyme Regis\R\9\KLR2189	MCA\Kingswear to Lyme Regis\R\67\KLR2250
MCA\Kingswear to Lyme Regis\R\10\KLR2190	MCA\Kingswear to Lyme Regis\R\68\KLR2251
MCA\Kingswear to Lyme Regis\R\11\KLR2192	MCA\Kingswear to Lyme Regis\R\69\KLR2252
MCA\Kingswear to Lyme Regis\R\12\KLR2193	MCA\Kingswear to Lyme Regis\R\70\KLR2253
MCA\Kingswear to Lyme Regis\R\13\KLR2185	MCA\Kingswear to Lyme Regis\R\71\KLR2254
MCA\Kingswear to Lyme Regis\R\14\KLR2194	MCA\Kingswear to Lyme Regis\R\72\KLR2256
MCA\Kingswear to Lyme Regis\R\15\KLR2195	MCA\Kingswear to Lyme Regis\R\73\KLR2257
MCA\Kingswear to Lyme Regis\R\16\KLR2196	MCA\Kingswear to Lyme Regis\R\74\KLR2258
MCA\Kingswear to Lyme Regis\R\17\KLR2197	MCA\Kingswear to Lyme Regis\R\75\KLR2259
MCA\Kingswear to Lyme Regis\R\18\KLR2198	MCA\Kingswear to Lyme Regis\R\76\KLR2260
MCA\Kingswear to Lyme Regis\R\19\KLR2199	MCA\Kingswear to Lyme Regis\R\77\KLR2261
MCA\Kingswear to Lyme Regis\R\20\KLR2200	MCA\Kingswear to Lyme Regis\R\78\KLR2262
MCA\Kingswear to Lyme Regis\R\21\KLR2201	MCA\Kingswear to Lyme Regis\R\79\KLR2263
MCA\Kingswear to Lyme Regis\R\23\KLR2202	MCA\Kingswear to Lyme Regis\R\80\KLR2264
MCA\Kingswear to Lyme Regis\R\24\KLR2203	MCA\Kingswear to Lyme Regis\R\82\KLR2265
MCA\Kingswear to Lyme Regis\R\25\KLR2204	MCA\Kingswear to Lyme Regis\R\83\KLR2266
MCA\Kingswear to Lyme Regis\R\26\KLR2205	MCA\Kingswear to Lyme Regis\R\84\KLR2267
MCA\Kingswear to Lyme Regis\R\27\KLR2206	MCA\Kingswear to Lyme Regis\R\85\KLR2268
MCA\Kingswear to Lyme Regis\R\28\KLR2207	MCA\Kingswear to Lyme Regis\R\86\KLR2269
MCA\Kingswear to Lyme Regis\R\29\KLR2208	MCA\Kingswear to Lyme Regis\R\87\KLR2270
MCA\Kingswear to Lyme Regis\R\30\KLR2209	MCA\Kingswear to Lyme Regis\R\88\KLR2271
MCA\Kingswear to Lyme Regis\R\31\KLR2210	MCA\Kingswear to Lyme Regis\R\89\KLR2272
MCA\Kingswear to Lyme Regis\R\32\KLR2211	MCA\Kingswear to Lyme Regis\R\90\KLR2273
MCA\Kingswear to Lyme Regis\R\33\KLR2212	MCA\Kingswear to Lyme Regis\R\91\KLR2274
MCA\Kingswear to Lyme Regis\R\34\KLR2213	MCA\Kingswear to Lyme Regis\R\92\KLR2276
MCA\Kingswear to Lyme Regis\R\35\KLR2214	MCA\Kingswear to Lyme Regis\R\93\KLR2277
MCA\Kingswear to Lyme Regis\R\36\KLR2215	MCA\Kingswear to Lyme Regis\R\94\KLR2278
MCA\Kingswear to Lyme Regis\R\37\KLR1721	MCA\Kingswear to Lyme Regis\R\95\KLR2279
MCA\Kingswear to Lyme Regis\R\38\KLR2217	MCA\Kingswear to Lyme Regis\R\96\KLR2280
MCA\Kingswear to Lyme Regis\R\39\KLR2219	MCA\Kingswear to Lyme Regis\R\97\KLR2281
MCA\Kingswear to Lyme Regis\R\40\KLR2221	MCA\Kingswear to Lyme Regis\R\98\KLR2282
MCA\Kingswear to Lyme Regis\R\41\KLR2222	MCA\Kingswear to Lyme Regis\R\99\KLR2283
MCA\Kingswear to Lyme Regis\R\42\KLR2223	MCA\Kingswear to Lyme Regis\R\100\KLR2284
MCA\Kingswear to Lyme Regis\R\43\KLR2224	MCA\Kingswear to Lyme Regis\R\101\KLR2285
MCA\Kingswear to Lyme Regis\R\44\KLR2225	MCA\Kingswear to Lyme Regis\R\102\KLR2286
MCA\Kingswear to Lyme Regis\R\45\KLR2226	MCA\Kingswear to Lyme Regis\R\103\KLR2287
MCA\Kingswear to Lyme Regis\R\46\KLR2227	MCA\Kingswear to Lyme Regis\R\104\KLR2288
MCA\Kingswear to Lyme Regis\R\47\KLR1014	MCA\Kingswear to Lyme Regis\R\105\KLR2289
MCA\Kingswear to Lyme Regis\R\48\KLR2229	MCA\Kingswear to Lyme Regis\R\106\KLR2290
MCA\Kingswear to Lyme Regis\R\49\KLR2230	MCA\Kingswear to Lyme Regis\R\107\KLR2291
MCA\Kingswear to Lyme Regis\R\50\KLR2232	MCA\Kingswear to Lyme Regis\R\108\KLR2292
MCA\Kingswear to Lyme Regis\R\51\KLR2233	MCA\Kingswear to Lyme Regis\R\109\KLR2255
MCA\Kingswear to Lyme Regis\R\52\KLR2234	MCA\Kingswear to Lyme Regis\R\110\KLR2293
MCA\Kingswear to Lyme Regis\R\53\KLR2235	MCA\Kingswear to Lyme Regis\R\111\KLR2294
MCA\Kingswear to Lyme Regis\R\54\KLR2236	MCA\Kingswear to Lyme Regis\R\112\KLR2295
MCA\Kingswear to Lyme Regis\R\55\KLR2237	MCA\Kingswear to Lyme Regis\R\113\KLR2296
MCA\Kingswear to Lyme Regis\R\56\KLR2238	MCA\Kingswear to Lyme Regis\R\114\KLR2297
MCA\Kingswear to Lyme Regis\R\57\KLR1015	MCA\Kingswear to Lyme Regis\R\115\KLR2298
MCA\Kingswear to Lyme Regis\R\58\KLR2240	MCA\Kingswear to Lyme Regis\R\116\KLR2299
MCA\Kingswear to Lyme Regis\R\59\KLR2241	MCA\Kingswear to Lyme Regis\R\117\KLR2300

<p>MCA\Kingswear to Lyme Regis\R\120\KLR2303 MCA\Kingswear to Lyme Regis\R\118\KLR2301 MCA\Kingswear to Lyme Regis\R\119\KLR2302 MCA\Kingswear to Lyme Regis\R\121\KLR2304 MCA\Kingswear to Lyme Regis\R\122\KLR2305 MCA\Kingswear to Lyme Regis\R\123\KLR2306 MCA\Kingswear to Lyme Regis\R\124\KLR2307 MCA\Kingswear to Lyme Regis\R\125\KLR2308 MCA\Kingswear to Lyme Regis\R\126\KLR2309 MCA\Kingswear to Lyme Regis\R\127\KLR0759 MCA\Kingswear to Lyme Regis\R\128\KLR1534 MCA\Kingswear to Lyme Regis\R\129\KLR2310 MCA\Kingswear to Lyme Regis\R\130\KLR2311 MCA\Kingswear to Lyme Regis\R\131\KLR2312 MCA\Kingswear to Lyme Regis\R\132\KLR2314 MCA\Kingswear to Lyme Regis\R\133\KLR2315 MCA\Kingswear to Lyme Regis\R\134\KLR0231 MCA\Kingswear to Lyme Regis\R\135\KLR2316 MCA\Kingswear to Lyme Regis\R\136\KLR2317 MCA\Kingswear to Lyme Regis\R\137\KLR2318 MCA\Kingswear to Lyme Regis\R\138\KLR2319 MCA\Kingswear to Lyme Regis\R\139\KLR2320 MCA\Kingswear to Lyme Regis\R\140\KLR2321 MCA\Kingswear to Lyme Regis\R\141\KLR2322 MCA\Kingswear to Lyme Regis\R\142\KLR2323 MCA\Kingswear to Lyme Regis\R\143\KLR2324 MCA\Kingswear to Lyme Regis\R\144\KLR2325 MCA\Kingswear to Lyme Regis\R\145\KLR2326 MCA\Kingswear to Lyme Regis\R\147\KLR2328 MCA\Kingswear to Lyme Regis\R\148\KLR2329 MCA\Kingswear to Lyme Regis\R\149\KLR2331 MCA\Kingswear to Lyme Regis\R\151\KLR0772 MCA\Kingswear to Lyme Regis\R\152\KLR2332 MCA\Kingswear to Lyme Regis\R\153\KLR2333 MCA\Kingswear to Lyme Regis\R\154\KLR2334 MCA\Kingswear to Lyme Regis\R\155\KLR2335 MCA\Kingswear to Lyme Regis\R\156\KLR2336 MCA\Kingswear to Lyme Regis\R\157\KLR2337 MCA\Kingswear to Lyme Regis\R\158\KLR2338 MCA\Kingswear to Lyme Regis\R\159\KLR2339 MCA\Kingswear to Lyme Regis\R\160\KLR2340 MCA\Kingswear to Lyme Regis\R\161\KLR2341 MCA\Kingswear to Lyme Regis\R\162\KLR2342 MCA\Kingswear to Lyme Regis\R\163\KLR2343 MCA\Kingswear to Lyme Regis\R\164\KLR2344 MCA\Kingswear to Lyme Regis\R\165\KLR2345 MCA\Kingswear to Lyme Regis\R\166\KLR2347 MCA\Kingswear to Lyme Regis\R\167\KLR2348</p>	<p>MCA\Kingswear to Lyme Regis\R\168\KLR2349 MCA\Kingswear to Lyme Regis\R\169\KLR2350 MCA\Kingswear to Lyme Regis\R\170\KLR2351 MCA\Kingswear to Lyme Regis\R\171\KLR2352 MCA\Kingswear to Lyme Regis\R\172\KLR2353 MCA\Kingswear to Lyme Regis\R\173\KLR2354 MCA\Kingswear to Lyme Regis\R\174\KLR2355 MCA\Kingswear to Lyme Regis\R\175\KLR2356 MCA\Kingswear to Lyme Regis\R\176\KLR2357 MCA\Kingswear to Lyme Regis\R\177\KLR2358 MCA\Kingswear to Lyme Regis\R\178\KLR2359 MCA\Kingswear to Lyme Regis\R\179\KLR2360 MCA\Kingswear to Lyme Regis\R\180\KLR2361 MCA\Kingswear to Lyme Regis\R\181\KLR2362 MCA\Kingswear to Lyme Regis\R\182\KLR2363 MCA\Kingswear to Lyme Regis\R\183\KLR2364 MCA\Kingswear to Lyme Regis\R\184\KLR2365 MCA\Kingswear to Lyme Regis\R\185\KLR2366 MCA\Kingswear to Lyme Regis\R\186\KLR2367 MCA\Kingswear to Lyme Regis\R\187\KLR2368 MCA\Kingswear to Lyme Regis\R\188\KLR2369 MCA\Kingswear to Lyme Regis\R\194\KLR2372 MCA\Kingswear to Lyme Regis\R\198\KLR2375 MCA\Kingswear to Lyme Regis\R\199\KLR2376 MCA\Kingswear to Lyme Regis\R\203\KLR2377 MCA\Kingswear to Lyme Regis\R\204\KLR2378 MCA\Kingswear to Lyme Regis\R\205\KLR2379 MCA\Kingswear to Lyme Regis\R\206\KLR2380 MCA\Kingswear to Lyme Regis\R\207\KLR2381 MCA\Kingswear to Lyme Regis\R\208\KLR2382 MCA\Kingswear to Lyme Regis\R\209\KLR2383 MCA\Kingswear to Lyme Regis\R\210\KLR2384 MCA\Kingswear to Lyme Regis\R\211\KLR2385 MCA\Kingswear to Lyme Regis\R\213\KLR2387 MCA\Kingswear to Lyme Regis\R\214\KLR2388 MCA\Kingswear to Lyme Regis\R\215\KLR2389 MCA\Kingswear to Lyme Regis\R\216\KLR2390 MCA\Kingswear to Lyme Regis\R\227\KLR2392</p>
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