



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

by D M Young JP BSc (Hons) MA MRTPI MIHE

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

Date

Marine and Coastal Access Act 2009

Regarding Coastal Access Proposals by Natural England

Relating to Eastbourne to Camber

Site visit made on 28 June 2021

File Ref: MCA/EBC7/O/1/EBC0136

Objection Refs MCA/EBC7/O/1/EBC0136

Rye Golf Club Limited

- On 27 February 2020, Natural England (NE) submitted reports to the Secretary of State setting out the proposals for improved access to the coast between Eastbourne to Camber under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act).
- Natural England submitted its reports in accordance with its duty under the Marine and Coastal Access Act 2009 (the 2009 Act) to improve access to the English Coast.
- The objection, dated 5 June 2020, concerns Report EBC7, Winchelsea Beach to Camber Sands and relates to route sections EBC-7-SO12 EBC-7-SO15 as shown on Map EBC7d.
- On 17 August 2022 Natural England submitted a Coastal Access Modification Report to the Secretary of State. The proposed modification included the withdrawal of the those sections of route east of the River Rother (EBC-7-SO12-EBC-7-SO17) to which the objection from Rye Golf Club related.
- No objections were received in respect of the Modification Report

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.

Procedural and Preliminary Matters

1. On 27 February 2020, Natural England (NE) submitted reports to the Secretary of State setting out the proposals for improved access to the coast between Eastbourne to Camber under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act).
2. An objection to report EBC 7: Winchelsea Beach to Camber Sands was duly submitted by Rye Golf Club on 5 June 2020. However, following an exchange of correspondence with NE, a Modification Report (EBC-MR1) was submitted to the Secretary of State on 17th August 2022. As is made clear in this Report, the references, proposals, depictions and conclusions contained in original report are to be disregarded insofar as they relate to the length EBC 7 shown between points A-B on Map 2.
3. The effect of the above is that the following are now withdrawn:
 - the original conclusion that a full estuary route around the River Rother is not currently achievable;
 - the proposals for route sections EBC-7-S008 to S011 on the west side of the River Rother, and the inclusion of areas of coastal margin landward of most of those route sections (see Table 7.3.1 of report EBC 7)
 - the proposals under section 25A of the Countryside and Rights of Way Act 2000 for the exclusion of public access rights over the areas of salt marsh or mud flat lying seaward of route sections EBC-7-S008 to S011 on the west side of the River Rother, and
 - the proposals for route sections EBC-7-S012 to S025 to the east of the River Rother, and the depiction of areas of coastal margin landward of those route sections (which had originally been so depicted for the reasons given in Table 7.3.1 of report EBC 7)

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4. The proposals in the original report that related to the parts of length EBC 7 up to Point A (EBC-7-S001 to S007 - shown in green on Map 2) are not withdrawn. However, no objections have been received in respect of this section of the route.
 5. Following the submission of the Modification Report there was an eight-week period for interested persons to make representations and objections. Only one full representation was received during this period. This was from The Ramblers who expressed their support for the Modification Report.

Main Issues

6. 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 two objectives.
7. The first objective is that there is 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.

This is referred to in the Act as the English coastal route, but for ease of reference is referred to as "the trail" in this report.

8. The second objective is that, in association with 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 trail or otherwise. This is referred to as the coastal margin.
9. 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 the trail 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 the trail are kept to a minimum.
10. 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.
11. [If the objection relates to land by a river estuary rather than the sea] Section 301 of the Act applies to river estuaries and states that NE may exercise its functions as if the references to the sea included the relevant upstream waters of a river. [If NE's use of the estuary discretion is a fundamental part of the objection also add in the estuary criteria which are set out in s301(4)]

12. NE's Approved Scheme 2013¹ ("the Scheme") sets out the approach NE must take when discharging the coastal access duty. It forms the basis of NE's proposals within the Report.

Recommendation

13. The objection from Rye Golf Club has been effectively nullified by the submission of the Modification Report which withdrew those parts of the route to which the objection related. Accordingly, it is not necessary for me to deal with the Rye Golf Club's objection.
14. No objections have been made in respect of that part of the route which is not being withdrawn (EBC-7-S001 to S007) nor have any objections been received to the Modification Report.
15. I thereby conclude that the proposals do not fail, in the respects specified in the objection, to strike a fair balance as a result of matters within paragraph 3(3)(a), (b), (c) or (e) of Schedule 1(a) to the 1949 Act. I therefore recommend that the Secretary of State makes a determination to this effect.

Dominic Young

APPOINTED PERSON

¹ Approved by the Secretary of State on 9 July 2013