

ACCESS NEWSLETTER

Issue 48

31 January 2011

Coastal Access Reports

Defra guidance on the procedures to be followed after Natural England submits a coastal access report to the Secretary of State

(Including the representation and objection-making process)

The Marine and Coastal Access Act 2009 introduces new powers to extend public recreational access to the English coast. It places a duty on the Secretary of State and Natural England to secure, as far as possible, a continuous, signed and managed long distance walking route along the length of the English coast. The route will be combined with an associated area of wider coastal land ("spreading room"), which will also be accessible for open-air recreation – for example, to provide an area where people can rest and enjoy the scenery, picnic or carry out bird-watching.

Before the new right of access can come into force on a stretch of coast, Natural England must firstly submit a coastal access report to the Secretary of State setting out how it proposes to implement access on that particular stretch of coast. The Secretary of State will then decide whether Natural England's report should be approved (as originally drafted or with modifications) or rejected. The Secretary of State must consider any representations and objections that Natural England has received about the proposals before making a decision.

To help people understand this process, Defra has now published guidance which explains how a Natural England report will be considered. This 'plain English' guide is designed to assist anyone who is involved in, or interested in, these procedures. It includes guidance on the process for making and considering representations and objections and also identifies the roles that the Secretary of State and the person appointed to consider objections will play. A copy of the guidance can be viewed/downloaded at:

<http://ww2.defra.gov.uk/rural/countryside/access/>

Natural England's Weymouth Bay coastal access proposals Public consultation has closed

Between 15 October 2010 and 10 January 2011, Natural England ran a public consultation that sought views on the contents of its first-ever (draft) coastal access report for the stretch of coast between Portland and Lulworth Cove in Dorset.

The draft report described how Natural England proposes to align the English coastal route and spreading room, and improve public access along this particular stretch of coast.

Comments were welcomed from anyone who is interested in the proposals.

The consultation has now closed. A total of 50 consultation responses were received from a mixture of both national and local organisations, landowners and individual members of the public. Natural England will now analyse these comments and consider whether any modifications to its draft proposals are required as a result. It hopes to submit its final coastal access report for Weymouth Bay to the Secretary of State by the end of March 2011. A copy of Natural England's final report will also be published on its web-site at the same time. Further information is available at:

<http://www.naturalengland.org.uk/ourwork/enjoying/places/coastalaccess/weymouth/default.aspx>

The Government aims to introduce the new public right of access at this first stretch of English coast in time for the sailing events of the 2012 Olympic and Paralympic Games.

Transfer of rights of way case work functions from Government Office North East to the Planning Inspectorate

Following the decision by the Government to abolish all of the regional Government Offices, all rights of way casework currently carried out by the National Rights of Way Casework Team in the Government Office North East (GONE) will transfer to the Planning Inspectorate in Bristol.

Therefore from **1 February 2011** any new appeals and new requests for directions under Schedule 14 of the Wildlife and Countryside Act 1981 should be referred to the Planning Inspectorate. In addition, orders under sections 247, 251 and 261 of the Town and Country Planning Act 1990 will also now be dealt with by the Planning Inspectorate from that date.

For Schedule 14 appeal cases, the Planning Inspectorate will be issuing inspector's decisions on behalf of the Secretary of State; previously inspector's reports were issued alongside a decision letter.

Any existing casework currently with GONE still outstanding on 1 February will transfer from them to the Planning Inspectorate and all interested parties will be notified of the transfer.

The Planning Inspectorate will not become fully operational until 4 April 2011. However, new cases submitted will be duly received and acknowledged, and existing cases may have an inspector's decision issued before that time if completed.

It should be noted that the transfer of this work relates to rights of way functions only (i.e. matters for the Secretary of State for the Environment, Food and Rural Affairs) and that the handling of National Transport casework is a matter for the Department for Transport (DfT). Information on transport casework handled by DfT can be found at:

www.dft.gov.uk/pgr/regional/casework

