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STATUTORY INSTRUMENTS

2018 No. 815

COUNTRYSIDE, ENGLAND

The Access to the Countryside (Coastal Margin) (South Bents to Amble) Order 2018

Made - - - - 5th July 2018

Coming into force in accordance with article 1(1).

The Secretary of State makes this Order in exercise of the powers conferred by section 3A(10) of the Countryside and Rights of Way Act 2000(1).

Citation, commencement and interpretation

- 1.—(1) This Order may be cited as the Access to the Countryside (Coastal Margin) (South Bents to Amble) Order 2018 and comes into force on the day after the day on which it is made.
 - (2) In this Order, "the Act" means the National Parks and Access to the Countryside Act 1949(2).

End of access preparation period

- **2.**—(1) In relation to land which is coastal margin as a result of the relevant approval, the day appointed as the day on which the access preparation period(3) ends is 25th July 2018.
 - (2) In this article—

"the relevant approval" means the approval by the Secretary of State(4) under section 52(1) of the Act(5) of the relevant report on 31st October 2017;

- (1) 2000 c. 37; section 3A was inserted by the Marine and Coastal Access Act 2009 (c. 23), section 303(5).
- (2) 1949 c. 97
- (3) The term "access preparation period" is defined in section 3A(10) of the Countryside and Rights of Way Act 2000.
- (4) The functions of the Secretary of State under sections 51 and 52 of the National Parks and Access to the Countryside Act 1949 were originally vested in the Minister of Town and Country Planning in relation to England and Wales (see section 114(1) of that Act). The Minister of Town and Country Planning was renamed the Minister of Local Government and Planning by the Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 1) Order 1951 (S.I. 1951/142), and was further renamed the Minister of Housing and Local Government by the Minister of Local Government and Planning (Change of Style and Title) Order 1951 (S.I. 1951/1900). The Minister of Land and Natural Resources Order 1965 (S.I. 1965/143) transferred (so far as relevant) the functions of the Minister of Housing and Local Government to the Minister of Land and Natural Resources. The Ministry of Land and Natural Resources was dissolved by the Ministry of Land and Natural Resources (Dissolution) Order 1967 (S.I. 1967/156) and the functions of that Minister (so far as relevant) were transferred to the Minister of Housing and Local Government. The Ministry of Housing and Local Government was dissolved, and the functions of that Minister were transferred to the Secretary of State, by the Secretary of State for the Environment Order 1970 (S.I. 1970/1681).
- (5) Section 52(1) was amended by the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11, Part 1, paragraph 10(f).

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"the relevant report" means the report entitled "Coastal Access South Bents to Amble" submitted by Natural England to the Secretary of State under sections 51 and 55A of the Act(6) on 24th March 2017(7)

> Gardiner of Kimble Parliamentary Under Secretary of State Department for Environment, Food and Rural

5th July 2018

Section 51 was amended by the Countryside Act 1968 (c. 41), section 21(2), the Local Government Act 1972 (c. 70), Schedule 30, the Environmental Protection Act 1990 (c. 43), Schedule 8, paragraph 1(7), the Environment Act 1995 (c. 25), Schedule 10, paragraph 2(5), the Countryside and Rights of Way Act 2000, Schedule 5, Part 2, paragraph 12 and Schedule 7 paragraph 1, and the Natural Environment and Rural Communities Act 2006, Schedule 11, Part 1, paragraph 10(e). Section 55A was inserted by the Marine and Coastal Access Act 2009, section 302(1).

The South Bents to Amble report is available at www.gov.uk or may be obtained by writing to Coastal Access Delivery Team

⁽North East), Natural England, Mail Hub, County Hall, Spetchley Road, Worcester, WR5 2NP.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints the day on which the access preparation period ends in relation to land which is coastal margin as a result of the approval by the Secretary of State of Natural England's proposals contained in a report relating to coastal access along the long-distance route from South Bents to Amble. A copy of the Secretary of State's notice of approval is available at www.gov.ukor may be obtained by writing to the Commons and Access Implementation Team at the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR.

An impact assessment has not been prepared in respect of this Order because the assumptions underlying the Order were reflected in the impact assessment which was prepared for the Marine and Coastal Access Act 2009 (c. 23). It is available at www.gov.uk, or may be obtained by writing to the Commons and Access Implementation Team at the Department for Environment, Food and Rural Affairs at the address given above.

www.gov.uk/natural-england

Chapter 1:

South Bents to Shields Ferry

England Coast Path: South Bents to Amble - Natural England's Proposals



Part 1.1: Introduction

Start Point:	South Bents (grid reference: NZ 4074 6122)		
End Point:	Shields Ferry (grid reference: NZ 3591 6709)		
Relevant Maps:	1a to 1h		

Understanding the proposals and accompanying maps:

The Trail:

- 1.1.1 Generally follows existing walked routes, including public rights of way, along most of this length.
- 1.1.2 Mainly follows the coastline quite closely and maintains good views of the sea.
- 1.1.3 Along section SBA-1-S005 the proposed route follows an existing public footpath. At 'Souter Point' the definitive line is still shown on the map, but due to erosion this is no longer a viable route. The proposed route follows the walked line, which is being managed as the public footpath.
- 1.1.4 From sections SBA-1-S025 to SBA-1-S028 an inland diversion, which offers good views of the coast and River Tyne, is necessary to take the trail past an area of light industry, which offers no coastal views.
- 1.1.5 This part of the coast includes the following sites, designated for nature conservation or heritage preservation (See map C of the Overview):
 - Durham Coast Special Area of Conservation (SAC)
 - Northumbria Coast Ramsar site
 - Durham Coast Site of Special Scientific Interest (SSSI) for its geological /wildlife interest

We have assessed the potential impacts of access along the proposed route (and over the associated spreading room described below) on the features for which the affected land is designated and on any which are protected in their own right.

1.1.6 The levels and patterns of public access along this length of coast would be unlikely to change significantly as a result of our proposals and we have therefore concluded that our proposals would not be likely to have any significant impact on these features.

In relation to those nature conservation sites listed above, refer to our published Access and Sensitive Features Appraisal for more information.

See part 5b of the Overview - 'Natural environment' - for more information.

Accessibility:

1.1.7 Generally, there are few artificial barriers to accessibility on the proposed route, which makes use of existing surface paths wherever these meet the criteria in the Coastal Access Scheme.

However, there are places where it may not be entirely suitable for people with reduced mobility because:

- The trail would follow an uneven grass or bare soil path along the cliff top;
- There are steps in places where it would be necessary to ascend/descend between sections SBA-1-S027 to SBA-1-S030.
- 1.1.8 At the intersections of SBA-1-S007 FP, SBA-1-S008 FP and SBA-1-S009 the existing chicanes will be removed, as they are rusty and in poor condition. We envisage this work happening before the new access rights come into force as part of the physical establishment work described in part 6 of the Overview.

See part 5a of the Overview - 'Recreational issues' - for more information.

Where we have proposed exercising our discretion:

The discretions referred to below are explained in more detail in part 10 of the Overview.

- 1.1.9 Estuary: This report proposes that the trail should include a route around the estuary of the River Tyne, extending upstream from the open coast as far as the Shields ferry crossing. See part 10a of the Overview. The trail covered by this chapter includes part of this estuary route.
- 1.1.10 Landward boundary of the coastal margin: We have used our discretion on some sections of the route to map the landward extent of the coastal margin to an adjacent physical boundary such as a fence line, pavement or track to make the extent of the new access rights clearer. See Table 1.2.1 below.

See also part 3 of the Overview - 'Understanding the proposals and accompanying maps', for an explanation of the default extent of the coastal margin and how we may use our discretion to adjust the margin, either to add land or to provide clarity. See also Annex C of the Overview - 'Excepted land categories'.

1.1.11 Restrictions and/or exclusions: Access rights to the spreading room would be subject to the national restrictions on coastal access rights listed in Annex D of the Overview. These restrictions would not apply to public rights of way.

See part 9 of the Overview - 'Restrictions and exclusions' - for details.

- 1.1.12 Establishment: Some physical establishment of the trail would be necessary, in accordance with the general approach described in part 6 the Overview.
 - At the intersections of SBA-1-S007 FP, SBA-1-S008 FP and SBA-1-S009 the existing chicanes will be removed, as they are rusty and in poor condition.
- 1.1.13 Ongoing management: Ongoing management and maintenance would be necessary in accordance with the general approach described in part 7 of the Overview.

See parts 6 - 'Physical establishment of the trail' and 7 - 'Maintenance of the trail' of the Overview for more information.

Future Change:

- 1.1.14 Part of the route of the trail on this length of coast would be able to change, without further approval, from the Secretary of State in response to coastal erosion or other geomorphological processes, or encroachment by the sea. This would happen in accordance with the criteria and procedures for 'roll back' set out in part 8 of the Overview. See table 1.2.1 below for details of the sections likely to be affected in the foreseeable future.
- 1.1.15 At the time of preparing the report, we do not foresee any other need for future changes to the access provisions proposed for the length of coast described in this chapter.

See parts 5e - 'Coastal processes' and 8 - 'Future changes' of the Overview for more information.

Part 1.2: Commentary on Maps

See Part 3 of Overview for guidance on reading and understanding the tables below

1.2.1 Section Details - Maps 1a to 1h: South Bents to Shields Ferry

Notes on table:

 $Column \ 2-an \ asterisk \ (*) \ against \ the \ route \ section \ number \ means \ see \ also \ table \ 1.2.2: Other \ options \ considered.$

Column 5 – 'Yes – normal' means roll-back approach is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future.

1	2	3	4	5	6a	6b	7
Map(s)	Route section number(s)	Current status of this section	Current surface of this section	Roll-back proposed? (See Part 8 of Overview)	Landward boundary of margin (See maps)	Reason for landward boundary discretion	Proposed exclusions or restrictions (see Part 9 of Overview)
1a	SBA-1-S001 FW	Public footway (pavement)	Tarmac	Yes: Normal	Pavement edge	Clarity and cohesion	None
	SBA-1-S002 FW	Public footway (pavement)	Tarmac	Yes: Normal	Pavement edge	Clarity and cohesion	None
	SBA-1-S003 FP	Public footpath	Gravel	Yes: Normal	Landward edge of trail	Not used	None
1b	SBA-1-S004 FP	Public footpath	Gravel	Yes: Normal	Fence line	Clarity and cohesion	None
	SBA-1-S005	Other existing walked route	Gravel	Yes: Normal	Fence line	Clarity and cohesion	None
	SBA-1-S006 FP	Public footpath	Gravel	Yes: Normal	Fence line	Clarity and cohesion	None
	SBA-1-S007 FP	Public footpath	Gravel	Yes: Normal	Fence line	Clarity and cohesion	None
1c	SBA-1-S008 FP	Public footpath	Gravel	Yes: Normal	Various	Clarity and cohesion	None
	SBA-1-S009	Other existing walked route	Grass	Yes: Normal	Landward edge of trail	Not used	None
1d	SBA-1-S010	Other existing walked route	Grass	Yes: Normal	Landward edge of trail	Not used	None
	SBA-1-S011	Other existing walked route	Grass	Yes: Normal	Landward edge of trail	Not used	None
	SBA-1-S012	Other existing walked route	Grass	Yes: Normal	Landward edge of trail	Not used	None
	SBA-1-S013 FP	Public footpath	Grass	Yes: Normal	Landward edge of trail	Not used	None
1e	SBA-1-S014 FP	Public footpath	Gravel	Yes: Normal	Landward edge of trail	Not used	None
1f	SBA-1-S015 FP	Public footpath	Tarmac	Yes: Normal	Landward edge of trail	Not used	None
	SBA-1-S016 FP	Public footpath	Gravel	Yes: Normal	Landward edge of trail	Not used	None
	SBA-1-S017	Other existing walked route	Tarmac	Yes: Normal	Landward edge of track	Clarity and cohesion	None
1g	SBA-1-S018	Other existing walked route	Tarmac	No	Pavement edge	Clarity and cohesion	None
	SBA-1-S019	Other existing walked route	Block paving	No	Promenade edge	Clarity and cohesion	None

1	2	3	4	5	6a	6b	7
Map(s)	Route section number(s)	Current status of this section	Current surface of this section	Roll-back proposed? (See Part 8 of Overview)	Landward boundary of margin (See maps)	Reason for landward boundary discretion	Proposed exclusions or restrictions (see Part 9 of Overview)
1 g	SBA-1-S020	Other existing walked route	Block paving	No	Promenade edge	Clarity and cohesion	None
	SBA-1-S021	Other existing walked route	Concrete	No	Pavement edge	Clarity and cohesion	None
1h	SBA-1-S022	Other existing walked route	Block paving	No	Promenade edge	Clarity and cohesion	None
	SBA-1-S023	Other existing walked route	Block paving	No	Pavement edge	Clarity and cohesion	None
	SBA-1-S024	Other existing walked route	Block paving	No	Pavement edge	Clarity and cohesion	None
	SBA-1-S025	Other existing walked route	Block paving	No	Wall	Clarity and cohesion	None
	SBA-1-S026	Other existing walked route	Gravel	No	Wall	Clarity and cohesion	None
	SBA-1-S027	Other existing walked route	Concrete	No	Landward edge of trail	Not used	None
	SBA-1-S028 FW	Public footway (pavement)	Tarmac	No	Pavement edge	Clarity and cohesion	None
	SBA-1-S029 RD	Public highway	Tarmac	No	Landward edge of trail	Not used	None
	SBA-1-S030 FW*	Public footway (pavement)	Tarmac	No	Pavement edge	Clarity and cohesion	None
	SBA-1-S031	Other existing walked route	Block paving	No	Pavement edge	Clarity and cohesion	None
	SBA-1-S032	Other existing walked route	Block paving	No	Pavement edge	Clarity and cohesion	None
	SBA-1-S033	Other existing walked route	Boardwalk or raised walkway	No	Landward edge of trail	Not used	None
	SBA-1-S034 MU	Multi-use route	Block paving	No	Pavement edge	Clarity and cohesion	None

1.2.2 Other options considered: Map 1h: South Pier to Shields Ferry

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option as the route
1h	SBA-1-S030 FW	We considered aligning the trail along River Drive and Wapping Street.	 We opted for the proposed route because: The proposed route is more pleasant and affords good views of the River Tyne and Tynemouth. Our proposal met with approval from the Local Access Authority. Under our proposals, the public footpath would remain available for people to use as part of the spreading room, but would not form part of the designated trail.

Part 1.3: Chapter 1 - Formal Proposals

- Below are our formal proposals to the Secretary of State for the length of coast shown on maps 1a to 1h.
- They should be read in conjunction with the relevant maps.
- The commentary above explains the practical effect of these proposals.

Formal Proposals - South Bents to Shields Ferry

Discretion to include an estuary

1.3.1 Natural England proposes to exercise its functions as if the sea included the estuarial waters of the River Tyne as far as the Shields Ferry, as indicated by the extent of the trail shown on map 1h.

Proposed route of the trail

- 1.3.2 In relation to route sections SBA-1-S001 FW to SBA-1-S017, the route is to be at the centre of the line shown on maps 1a to 1f as the proposed route of the trail.
- 1.3.3 If at any time any part of a route section listed in the previous paragraph needs, in Natural England's view, to change as a result of coastal erosion or other geomorphological processes or encroachment by the sea, in order for the overall route to remain viable, the new route for the part in question will be determined by Natural England without further reference to the Secretary of State. This will be done in accordance with the criteria and procedures described under the title 'Roll-back' in part 8 of the Overview and section 4.10 of the Coastal Access Scheme. If this happens, the new route will become the approved route for that section for the purposes of the Order which determines where coastal access rights apply.

Landward boundary of coastal margin

- 1.3.4 Adjacent to route sections; SBA-1-S004 FP and SBA-1-S007 FP, the landward boundary of the coastal margin is to coincide with the existing boundary fence which, at the time of writing this report, is landward of the trail on map 1b.
 - Adjacent to route sections; SBA-1-S025 and SBA-1-S026 the landward boundary of the coastal margin is to coincide with the existing boundary wall which, at the time of writing this report, is landward of the trail on map 1h.
- 1.3.5 Adjacent to route sections: SBA-1-S001 and SBA-1-S002, SBA-1-S018, SBA-1-S021, SBA-1-S023, SBA-1-S024, SBA-1-S028 FW, SBA-1-S030 FW, SBA-1-S031, SBA-1-S032 and SBA-1-S034 MU the landward boundary of the coastal margin is to coincide with landward edge of the pavement shown as the trail on maps 1a, 1g and 1h.
 - Adjacent to route sections: SBA-1-S019 and SBA-1-S020, SBA-1-S022 the landward boundary of the coastal margin is to coincide with landward edge of the promenade shown as the trail on maps 1g and 1h.
 - Adjacent to route sections: SBA-1-S017 the landward boundary of the coastal margin is to coincide with landward edge of the track shown as the trail on map 1f.
 - Adjacent to route sections: SBA-1-S008 FP landward boundary of the coastal margin is to coincide with landward edge of the wall and track (various) shown as the trail on map 1c.

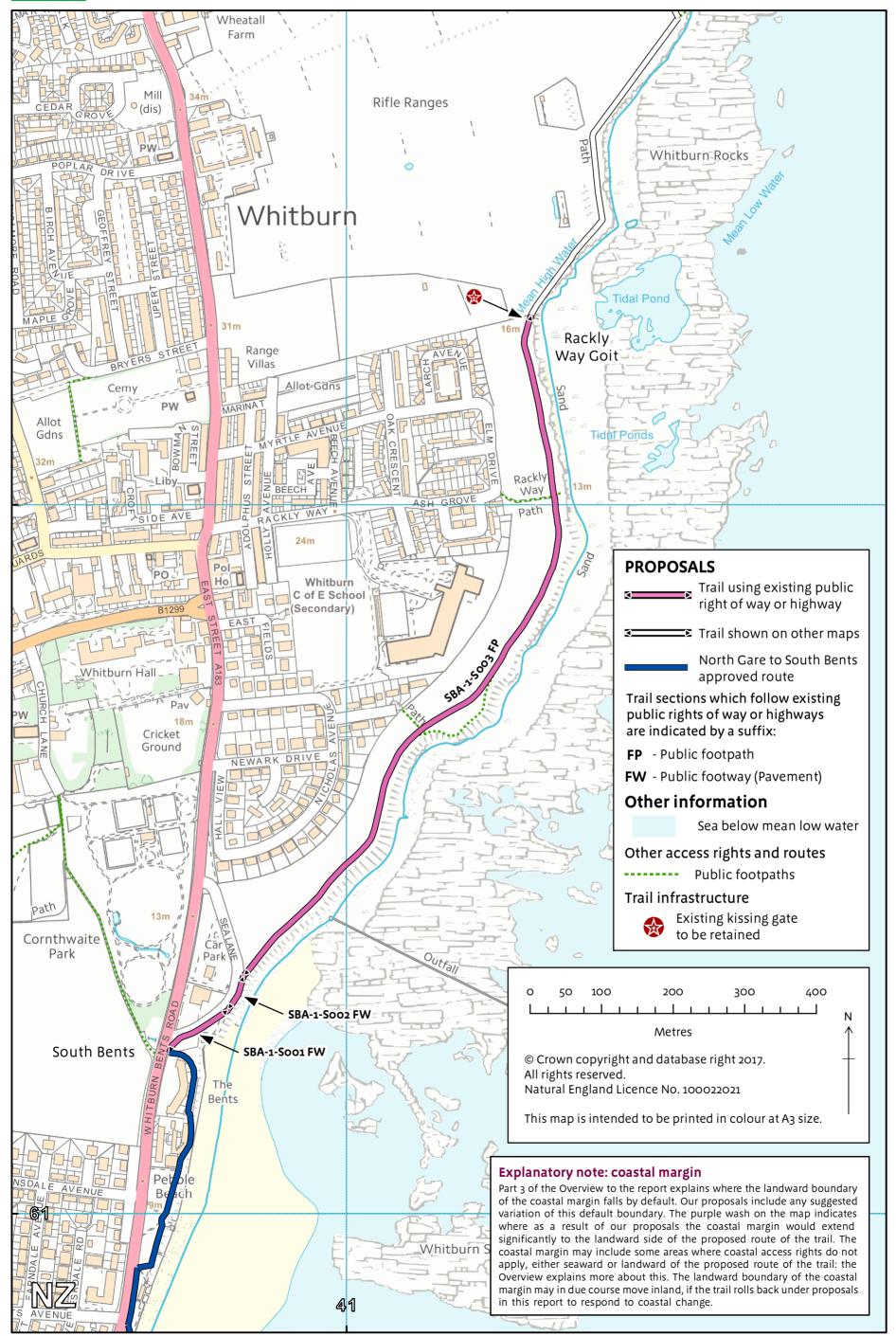
Local restrictions and exclusions

1.3.6 At the time of writing this report, there are no proposals for local restrictions or exclusions in relation to this length of coast.

Alternative Routes

1.3.7 There are no proposals for alternative routes in relation to this length of coast.

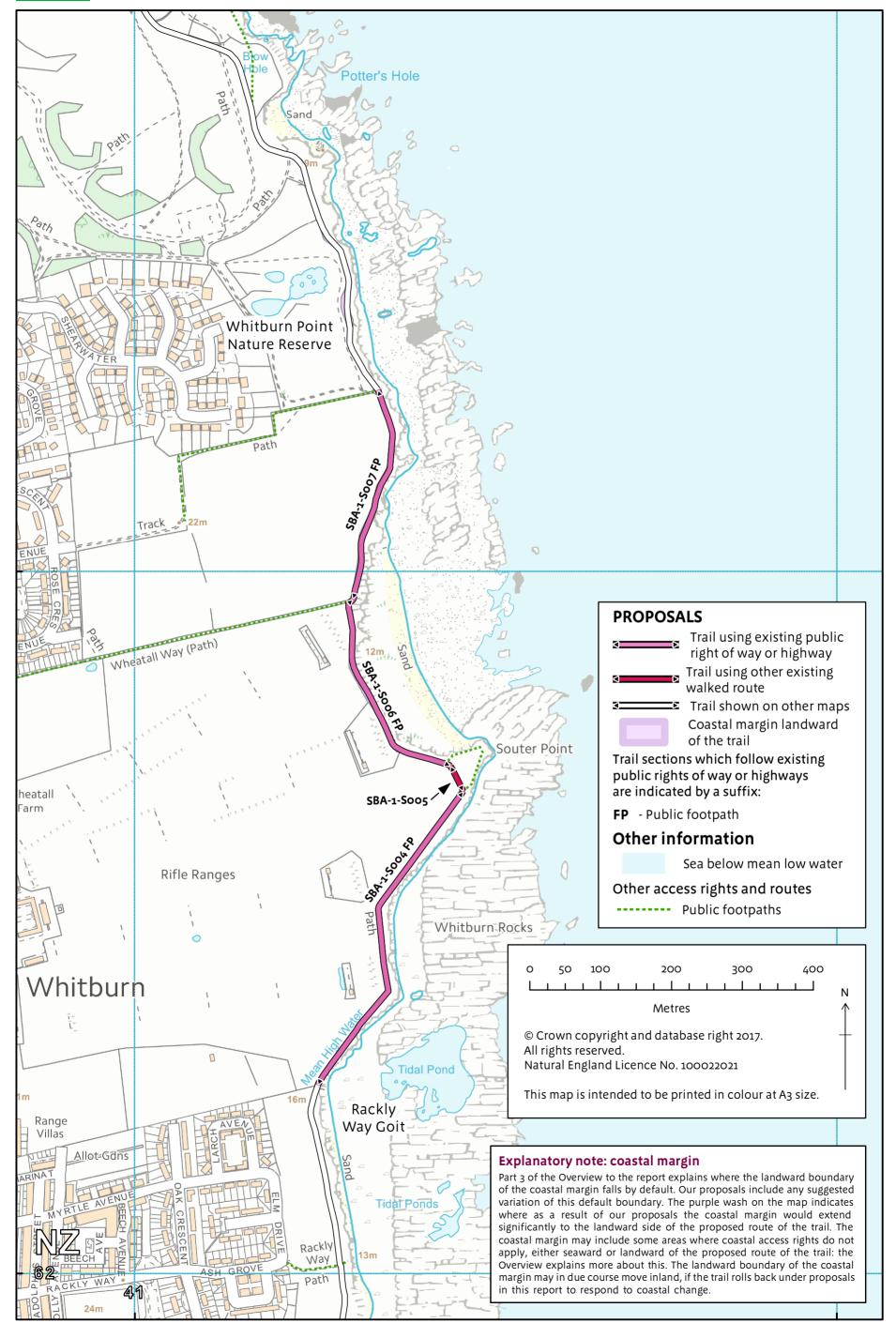
Map 1a South Bents to Rackly Way Goit



Appendix 15 Page 509



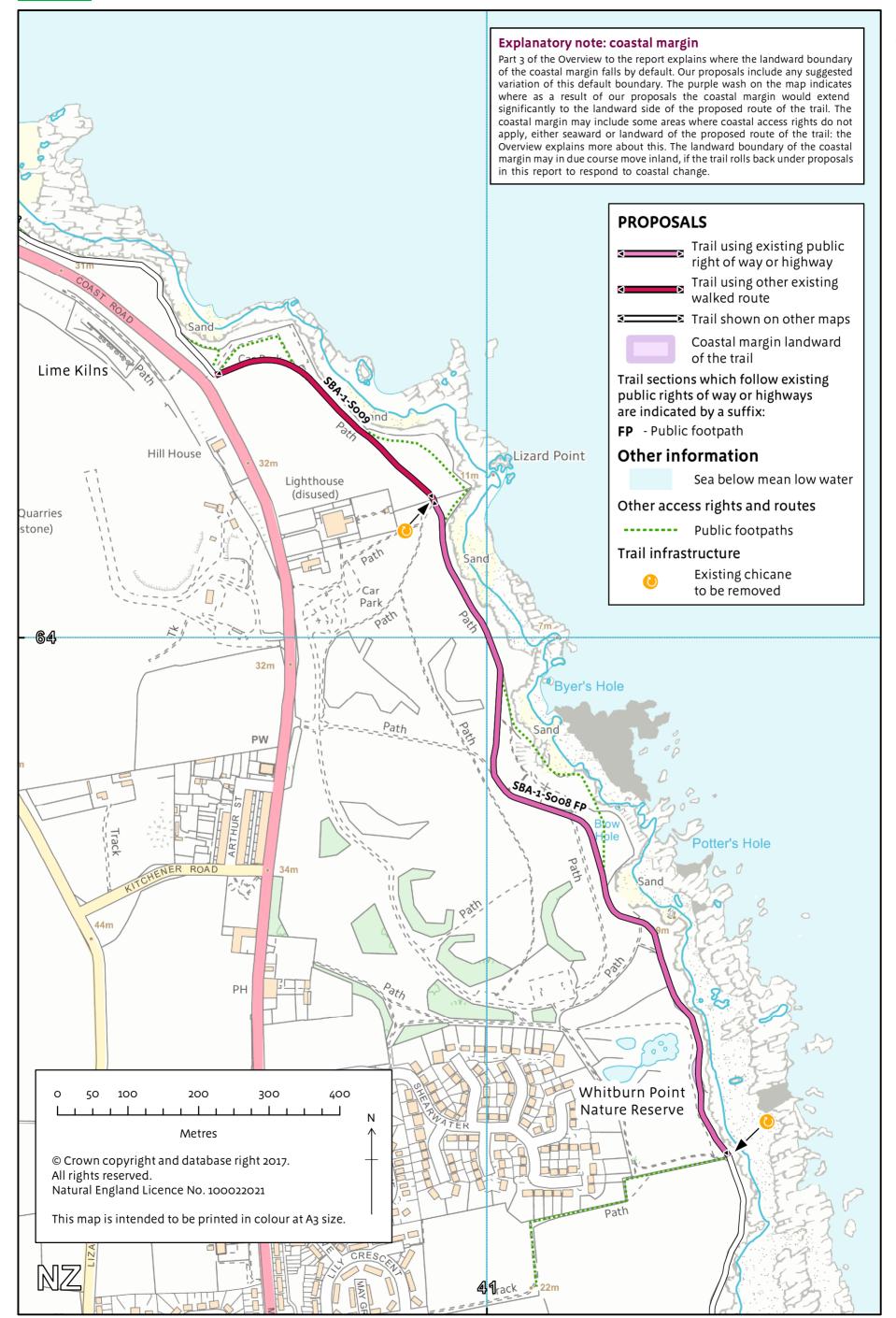
Map 1b Rackly Way Goit to Whitburn Point Nature Reserve



Appendix 15 Page 510



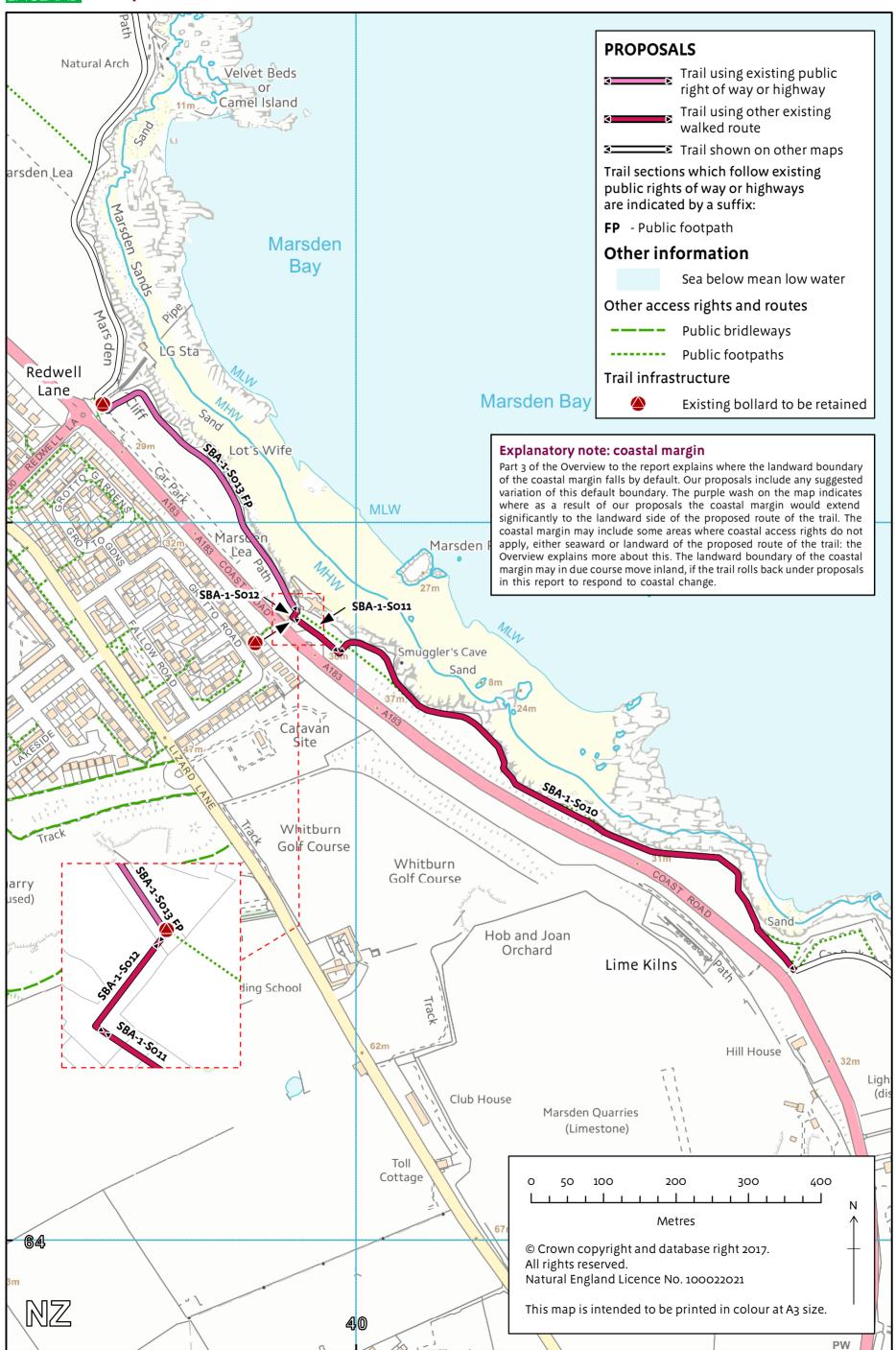
Map 1c Whitburn Point Nature Reserve to Lime Kilns



Appendix 15 Page 511

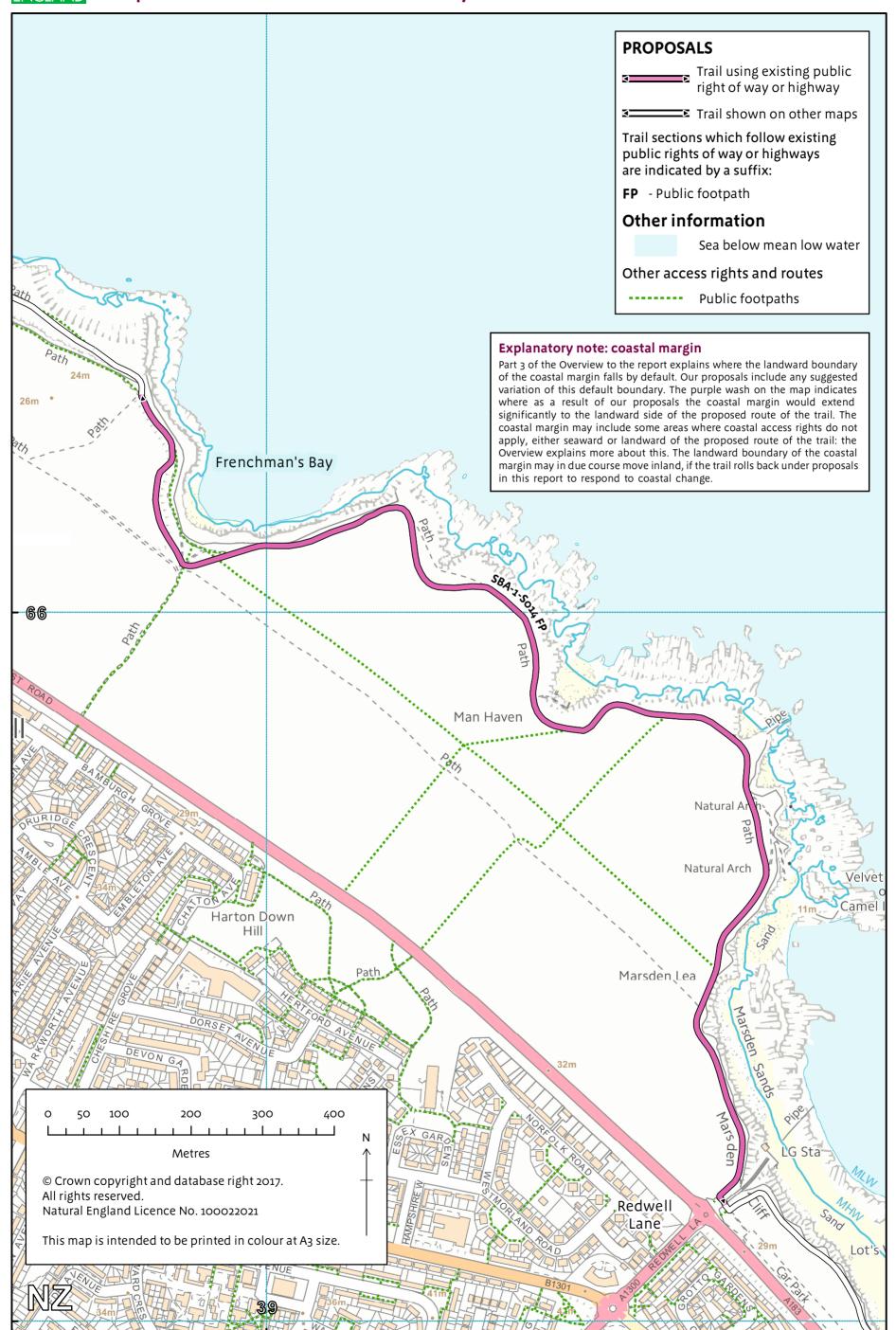


Map 1d Lime Kilns to Redwell Lane





Map 1e Redwell Lane to Frenchman's Bay



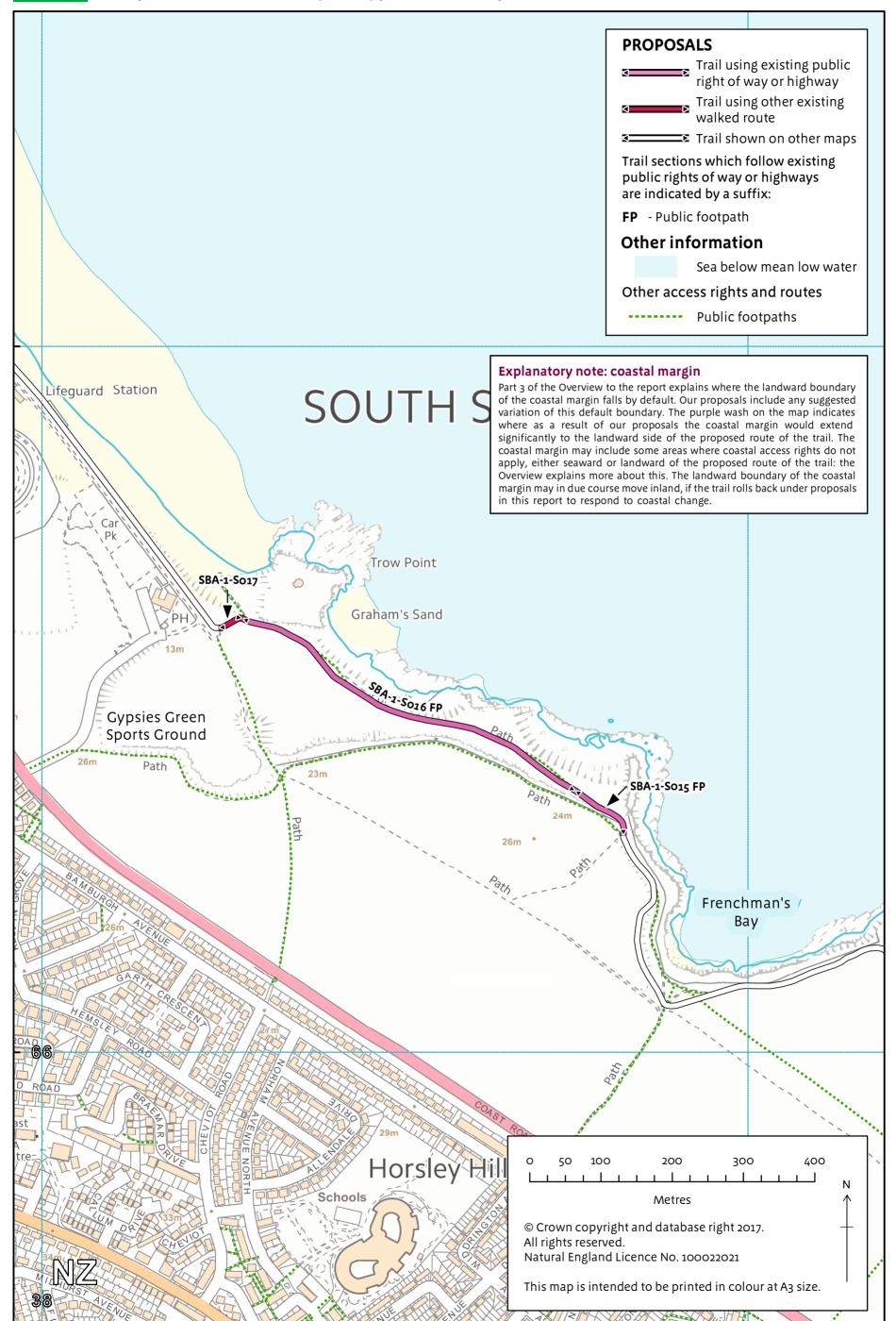
Appendix 15 Page 513

Page 514



Coastal Access - South Bents to Amble - Natural England's Proposals Chapter 1: South Bents to Shields Ferry

Map 1f Frenchman's Bay to Gypsies Green Sports Ground



Appendix 15



Map 1g Gypsies Green Sports Ground to South Pier

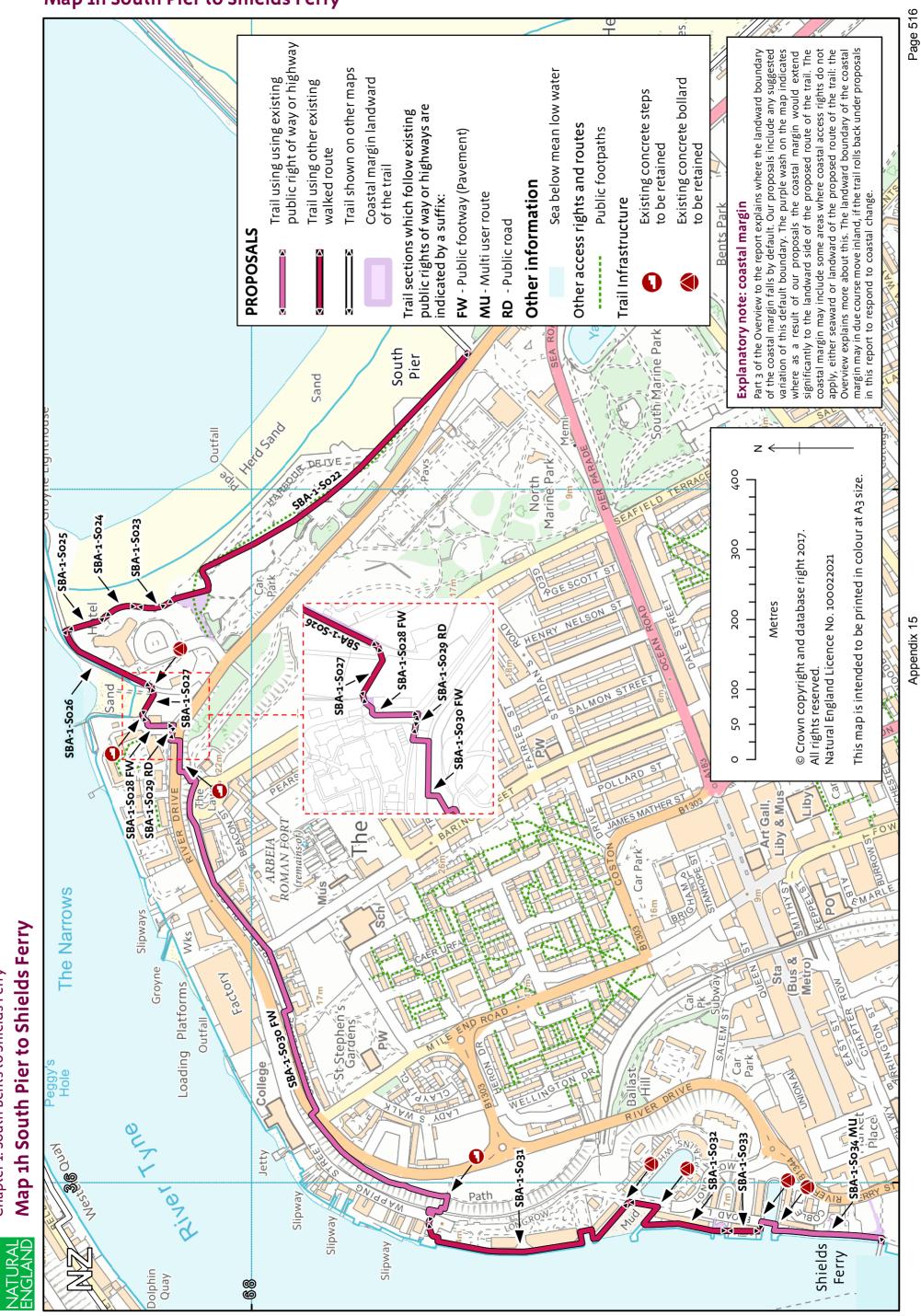


Appendix 15 Page 515

Map 1h South Pier to Shields Ferry

Coastal Access - South Bents to Amble - Natural England's Proposals Chapter 1: South Bents to Shields Ferry





Appendix 15



Notice of Natural England's Coastal Access Report:

On 24th March 2017 Natural England submitted a coastal access report to the Secretary of State for Environment, Food and Rural Affairs under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009. The report relates to the coast between South Bents in South Tyneside to Amble in Northumberland.

This notice is being given to you as a person or body listed in paragraph 2(2)(b) to (e) of Schedule 1A to the National Parks and Access to the Countryside Act 1949, or as a person or body listed in Schedule 1 to the Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010 (S.I. 2010/1976).

If the proposals in the report are approved in their current form by the Secretary of State, the public will be able to exercise rights of access under section 2(1) of the Countryside and Rights of Way Act 2000 for open-air recreation on foot along the English coastal route as set out in the report and over the area of associated coastal margin. These rights are subject to any exceptions (for example gardens) or restrictions set out in that Act or proposed in the report (once approved).

A copy of the report is available at https://www.gov.uk/government/collections/england-coast-path-south-bents-to-amble or may be viewed free of charge at the locations overleaf.

You are invited to make representations about the report. Any representations must be made on the form which accompanies this notice, and must be received by Natural England no later than 5pm on Friday 19th May 2017.

Forms for making representations may be obtained from Natural England at:

England Coast Path Team (north east) – South Bents to Amble report Natural England,
Mail Hub,
County Hall,
Spetchley Road,
Worcester
WR5 2NP.

Or from Natural England's website at <a href="https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast-path-improvi

Objections and/or representations should be sent to Natural England at the above postal address, or to northeastcoastalaccess@naturalengland.org.uk

24th March 2017

Location	Address	Contact number
The Word	45 Market Place, South Shields, NE33 1JF	0191 427 1818
Whitburn Library	Mill Lane, Whitburn, SR6 7EN	0191 529 3412
Whitley Bay Customer First Centre	York Road, Whitley Bay, Tyne and Wear, NE26 1AB	0191 643 5390
North Shields Library	Northumberland Square North Shields Tyne and Wear NE30 1QU	0191 643 5270
Newbiggin Library	Newbiggin Sports and and Community Centre, Woodhorn Road, Newbiggin by the Sea, NE64 6HG	01670 620250
Blyth Library	Bridge Street, Blyth, NE24 1DJ	01670 620149
Natural England, Lancaster House Reception	Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH	0300 060 0473



Notice of Natural England's Coastal Access Report: persons with a relevant interest in affected land

On 24th March 2017 Natural England submitted a coastal access report to the Secretary of State for Environment, Food and Rural Affairs under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009. The report relates to the coast between South Bents in South Tyneside and Amble in Northumberland.

This notice is being given to you as a person or body with a relevant interest (within the meaning of section 55J(2) of the National Parks and Access to the Countryside Act 1949) in land to which the report relates.

If the proposals in the report are approved in their current form by the Secretary of State, the public will be able to exercise rights of access under section 2(1) of the Countryside and Rights of Way Act 2000 for open-air recreation on foot along the English coastal route as set out in the report and over the area of associated coastal margin. These rights are subject to any exceptions (for example gardens) or restrictions set out in that Act or proposed in the report (once approved).

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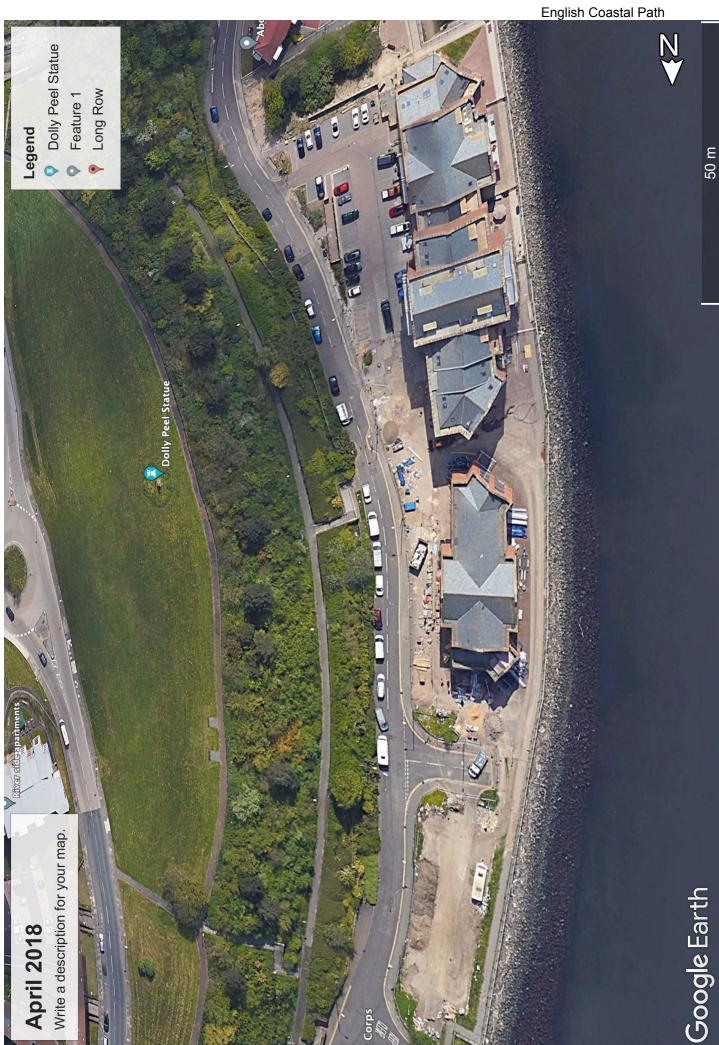
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Appendix 15

Page 521