

England Coast Path

For detailed information see

[England Coast Path in the south west of England - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

England Coast Path in Devon

Combe Martin to Marsland Mouth; Cremyll to Kingswear and Kingswear to Lyme Regis stretches

Secretary of State's decisions

On 13 January 2021, the Secretary of State's Decision Notices on the stretches from Combe Martin to Marsland Mouth and Cremyll to Kingswear were received. There is partial approval as some sections of those routes are not yet determined.

The Decision Notice for Kingswear to Lyme Regis in full was received on 18 March 2021 following Planning Inspectorate decisions on some objections.

The right of access to the approved stretch of coast does not come into effect at this stage. Natural England will be working with the local authority to establish any infrastructure works before an Order is made by the Secretary of State under the 2009 Act to bring the rights into effect. The existing South West Coast Path trail remains open.

The Notice by the Secretary of State and the accompanying coastal access report with Natural England's comments detail the responses to all representations made by individuals, organisations and landowners and occupiers. The formal objections made by landowners and occupiers are dealt with separately.

Secretary of State's responses to the Devon Countryside Access Forum's representations

This summary includes just the comments on the Forum's representations and particularly pertinent issues. There are full reports on all the representations from interested parties and these are available on the weblink above.

Responses to general DCAF's representations on the Combe Martin to Marsland Mouth and Cremyll to Kingswear sections

1. Complex roll-back

The Devon Countryside Access Forum notes the significant number of more complex rollback locations which have been identified in the reports. There is concern that there is no limit to how far inland roll-back might apply, given excepted land and environmental obligations. The Forum agrees that simple roll-back should take place. The Devon Countryside Access Forum advises that it does not seem appropriate for roll-back to take place in the complex situations cited in the reports. Roll-back does not provide any statutory process for consultation, and could impact on landowners hitherto unaware that their land could be affected

The Devon Countryside Access Forum advises that it would be more appropriate to publish variation reports in these instances to formally allow landowners and others, such as the DCAF, to make objection or representation.

Natural England's comments

In our published Overview document we explain that ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we provided further information about the situation in the relevant report. We call this 'complex rollback'; such situations may include where the trail can't roll back in the normal way because of an obstruction, excepted land or because of environmental considerations. We have taken and will continue to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.

Secretary of State's conclusion and observation

Secretary of State notes roll back is an important feature of the England Coast Path which will ensure continuity of the trail along eroding sections of coastline. Welcomes Natural England's engagement with those likely to be affected and expects Natural England to honour the commitment to consult fully with all affected parties before implementing complex roll back in future.

2. Signage and waymarking

The Devon Countryside Access Forum expects, as part of the implementation process, that signage and way-marking will be clear, especially at points of decision where paths may go in different directions. Signage should reflect the nature of the path and be appropriate to the landscape to avoid sign clutter or urbanisation. Users should be encouraged to have maps available, especially away from residential areas.

Natural England's comments

We welcome the positive engagement from Devon Countryside Access Forum (DCAF) during the development of our proposals. As part of the implementation process we, together with the relevant access authority, will ensure that signage is clear and appropriate, particularly at junctions.

Secretary of State's conclusion and observation

Secretary of State encourages Natural England's commitment to work with the access authority in making sure signage is clear and appropriate.

3. Disability access

The Devon Countryside Access Forum is aware that many sections of the coast path include man-made obstacles such as path furniture (stiles, steps and gate design), narrow chicanes or lack of drop kerbs which make access difficult for people with limited mobility. There are other instances where upgrades to path

surface, width or drainage could make access easier. The Forum advises that Natural England considers this in implementing the England Coast Path in Devon and works with land managers and other partners to secure improvements. It may be possible to identify particular stretches of path where the gains to access would be most beneficial. While the Forum recognises that issues of topography might make accessing some areas challenging, there are often many simple actions which can be taken to improve access for disabled people.

To give an example, the kerb in this photo (supplied) on the existing South West Coast Path makes access through the gate difficult but could be replaced at modest cost with a ramp.

(The Disabled Ramblers' made detailed comments on all sections with photographs)

Natural England's comments

After the publication of our proposals we had discussions with the Disabled Ramblers who raised issues at a number of locations in relation to steps, gates (either being too narrow or only opening in one direction) and other artificial obstructions that make access by buggy, Trumper and other similar vehicles difficult if not impossible. In some of our reports ... we have identified locations where we have agreed to replace or install new infrastructure to improve access.

Where the Disabled Ramblers have identified additional locations where they consider accessibility can be improved/modified, we will discuss their suggestions with the access authority and the landowners. Should these suggestions be workable/appropriate, we would agree who would fund such work (whether it is the access authority or Natural England). A separate central government contribution is made annually to the South West Coast Path National Trail Partnership which is available to help with the costs of replacing infrastructure such as gates if the access authority agrees they are necessary.

Because of current access restrictions (relating to lockdown restrictions and site visits), it may not be possible to agree specific new projects until the establishment phase of the process.

Secretary of State's conclusion and observation

Secretary of State encourages Natural England to continue working with the access authority, Disabled Ramblers, landowners and other interested parties to improve the accessibility of the trail where possible.

Combe Martin to Marsland Mouth

The Secretary of State has decided to approve the proposals regarding CMM1 to CMM3, CMM5 to CMM7, CMM9, CMM10 and his decision is outlined in the notice which is available at <https://www.gov.uk/government/publications/coastal-access-section-52-notice-for-combe-martin-to-marsland-mouth>. The Natural England Report is on [Coastal Access – Cremyll to Kingswear lengths \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Parts of the route not yet determined are CMM4 – Cock Rock, Croyde to Velator and CMM8 – Kipling Tors, Westward Ho! to Barton Wood.

a) Length Report and route section(s):

Length Report 1, CMM-1-S025 Watermouth Castle to the Warren

Length Report 1, map CMM 1d Lantern Hill

Length Report 2, CMM-2-S012 to CMM-2-S013 Shag Point

Length Report 2, CMM-2-S035 to CMM-2-S041 Morteheo

Length Report 10, CMM-10-S021 Dyer's Lookout

Secretary of State's conclusion and observation

Secretary of State welcomes the DCAF's support for Natural England's proposals.

b) Length Report and route section(s): CMM-5-S007 Barnstaple

Although Natural England is proposing a route over the first crossing point of the river, CMM5S007, in accordance with the legislation, the Devon Countryside Access Forum recognises the economic importance of signing walkers to Barnstaple and advises that appropriate and detailed signs to amenities and the town are installed. Length Report 5, CMM-5-S007 Barnstaple.

Natural England's comments

We welcome the positive engagement from Devon Countryside Access Forum during the development of our proposals and the supportive comments expressed in their representation. At the junction of route sections CMM-5-S005 and CMM-5-S006, the proposed England Coast Path and the 'Barnstaple' section of the current South West Coast Path (SWCP) will formally diverge – as explained in paragraph 5.2.5 of Length Report CMM 5.

We can confirm that appropriate signage will be used to advise walkers that they can continue to follow the SWCP to access the amenities available in Barnstaple.

Secretary of State's conclusion and observation

Secretary of State welcomes Natural England's proposal to include appropriate signage informing walkers of the retained South West Coast Path route into Barnstaple.

Additional matters of interest

c) Home Farm Marsh – The Gaia Trust. Dog exclusion.

Maps CMM6c and CMM6d Route sections on or adjacent to the land: Section CMM-6-S006

Home Farm Marsh is owned by the Gaia Trust and managed as a nature reserve. Its key focus is to create a safe haven for winter roosting ducks and waders as well as for ground nesting birds. As part of the management of the reserve, the Gaia Trust have for a number of years imposed a 'no dogs' policy. All six representations supported the proposal to restrict access to Home Farm Marsh by means of a direction under section 26(3)(a) of the Countryside and Rights of Way Act (2000). Under this direction access to the land in the coastal margin adjacent to route section CMM-6S006 is to be excluded for people with dogs (except assistance dogs) all year round in order to prevent disturbance to birds.

Cremyll to Kingswear

The Secretary of State has decided to approve the proposals regarding CKW2 to CKW4, CKW6 to CKW8 and his decision is outlined in the notice which is available at <https://www.gov.uk/government/publications/coastal-access-section-52-notice-for-cremyll-to-kingswear> The Natural England report is on [Coastal Access – Cremyll to Kingswear lengths \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Parts of the route not yet determined are CKW1 – Cremyll to Mount Batten, CKW5 – Mothecombe Beach to the Avon Estuary (this includes the Erme Estuary) and CKW9 – Torcross to Kingswear.

d) Length Report and route section(s): ferries

The Devon Countryside Access Forum advises that comprehensive information about ferries and alternative options should be available to assist people undertaking a long-distance walk.

Natural England's comments

As part of the implementation process we, together with the access authority and the South West Coast Path Association, will seek to ensure that information about ferries and alternative options will be available to assist people using the coast path and those undertaking long distance walks. Our reports include an estimate of the capital costs for physical establishment of the new trail and one element of the overall cost for report CKW2 is for a number of new signs and information boards which would be needed on the trail particularly at the start and end points of the alternative route around the Yealm Estuary.

Secretary of State's conclusion and observation

Length reports 3 to 9 (note Secretary of State's observations pertain to lengths CKW2 to CKW4 and CKW6 to CKW8 only)

Secretary of State welcomes Natural England's commitment to provide information on ferries and alternative routes to walkers and encourages that all additional signs and information boards are appropriately designed.

e) Length report 3: Yealm Estuary

The use of the ferry crossing is supported. However, the Devon Countryside Access Forum is disappointed that Natural England has not been able to take the alternative route closer to the estuary. It recommends that Natural England explore the potential of increasing the ferry service, for example at weekends in the winter.

Natural England's comments

We welcome the positive engagement from Devon Countryside Access Forum during the development of our proposals. In developing our proposals we considered in detail a number of other options for the Yealm Estuary, as set out in section 5g of the Overview document and in table 3.3.2 of report CKW3. Our proposal is for the 'ordinary' route of the England Coast Path to incorporate the ferry crossing and an 'alternative' route will be in place for when the ferry is not running.

The proposed alternative route will make use of existing public highways, an existing walked permissive route and rights of way including parts of the Erme-Plym Trail. It would extend to Wapplewell, Brixton and Yealmpton which are the first public foot crossings over the River Yealm and its tributaries. We looked at a number of options for the alternative route including: aligning through Wembury Wood and then along a permissive path through Hollacombe Woods; and using the network of lanes nearest the Yealm between the A379, Puslinch Bridge, past Wrescombe and Newton Downs and then down Parsonage Road and Bridgend Hill. The reasons for not proposing these options are set out in table 3.3.2 of report CKW3. Our proposed alternative route uses those existing walked routes located closest to the estuary, even though in places it is quite a considerable distance from it. However even if the path was close to the estuary in many places the woody vegetation along much of the banks is such that even when only a few metres away from the estuary, the views of it are minimal.

We note the point raised by the Devon Countryside Access Forum about exploring the potential for increasing the hours of operation of the ferry service. The ferry across the mouth of the Yealm estuary between Warren Cottage and Ferry Wood operates a seasonal service from 1st April until 30th September and runs every day between 10 am and 4 pm. Service may be restricted to the core hours of 10 am to 12 noon and 3 pm to 4 pm each day, during bad weather or quieter times. The ferry is run as a commercial operation and we judged its availability to be adequate to be designated as the ordinary route. Increasing the existing hours of operation beyond this is not considered viable and additional funding is not available to provide for an extension to this service. See Part 5 of the Overview document for a detailed analysis of our decision to use the ferry crossing at the Yealm.

Secretary of State's conclusion and observation

Secretary of State considers that Natural England fully explored other options for the alternative route around the estuary and notes the reasons set out for its proposals. Notes Natural England does not consider extending the operating time of the ferry to be viable.

f) Length report 6, maps 6a to 6e: Avon Estuary

The Devon Countryside Access Forum strongly supports proposals for the Avon Estuary, provided that the anticipated improvements to the ferry service are put in place. The alternative route runs relatively close to the estuary and is the current alternative route for the South West Coast Path.

Natural England's comments

We welcome the positive engagement from the Devon Countryside Access Forum during the development of our proposals.

There is currently a limited seasonal ferry service across the mouth of the estuary between Cockleridge Ham and Bantham. The Bantham Estate has provided assurances that the service is due to increase by the time the coastal access rights commence, to run throughout the year, except on Christmas Day, Boxing Day and during adverse weather conditions. Our proposal is to use our discretion to align the trail to follow the existing South West Coast Path (SWCP) which will utilise the improved ferry service. We will also align an alternative route along the current Avon Estuary Walk around the estuary that users can use when the ferry is not in service, for instance in the evenings and during adverse weather conditions.

We note the point raised by the Devon Countryside Access Forum that the anticipated improvements in the ferry service need to be put in place. The ferry is run as a commercial operation and we judged its availability, particularly with the increased hours of operation, to be adequate for it to form part of the ordinary route of the ECP. However, should the ferry service cease altogether or become less suitable for purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

Secretary of State's conclusion and observation

Secretary of State notes Natural England expects the expanded ferry service to be in place before coastal access rights come into force on this stretch.

Additional matters of interest

g) Representation ID: MCA/CKW2/R/1/CKW2879 – horse riding

Summary of representation: Request that bridleways are added into the plans to allow off road paths for local riders.

Natural England's comments

Part 9 of the Marine and Coastal Access Act 2009 aims to improve public access to, and enjoyment of, the English coastline by creating clear and consistent public rights along the English coast for open-air recreation on foot. Our proposals do not create any additional rights of access for cyclists or horse-riders above those that already exist. On some sections of coast, existing rights will apply instead of or as well as the coastal access rights. These may include rights to ride horses or other "higher rights". There is also a mechanism within the legislation that allows owners to remove or relax the national restrictions via a direction. This would allow cycling or horse riding to take place on the stretch of the England Coast Path within their ownership. However to date no owners on this stretch have chosen to do this.

h) Directions Map CKW4a route sections CKW-4-S020 to CKW-4-S029. Shooting at Carswell Estate

There is the necessity for a year-round total exclusion in the coastal margin on the Carswell Estate for the following reasons (see paragraphs 4.2.13 & 4.2.14 of report CKW4):

- Disturbance to game during the pre-shoot season
- Disturbance to game during the shoot season
- Disruption to shooting during the shoot season
- Disturbance to released English Grey Partridge between February and August. (Section s24 of the Countryside and Rights of Way Act 2000).

It is not a public safety exclusion.

Kingswear to Lyme Regis

The Secretary of State's Decision Notice is on [Notice by the Secretary of State under section 52 of the National Parks and Access to the Countryside Act 1949: Kingswear to Lyme Regis - GOV.UK \(www.gov.uk\)](#) and the Natural England report is on [Coastal access - Kingswear to Lyme regis: Representations with Natural England's comments \(publishing.service.gov.uk\)](#)

i) Permissive access. Chapters 1-9. Generic comment

Concern was expressed by the Devon Countryside Access Forum that permissive sections of the existing South West Coast Path are being converted to permanent access. This could have a wide-ranging impact on the provision of permissive access more generally if landowners suspect a route is likely to become a public right of way. Natural England is requested to consider this as part of the requirement for there to be a fair balance.

Natural England's comments

Natural England notes the concerns expressed by the DCAF in relation to permissive sections of the route. Under the legislation existing permissive sections of the route would become subject to coastal access rights. However, no additional public rights of way will be created as part of the implementation of

the England Coast Path and there are no wider implications for existing permissive access outside the coastal margin.

Secretary of State's conclusion and observation

Secretary of State notes the representation and Natural England's comments. Welcomes clarification that permissive paths outside of the coastal margin will be unaffected.

(Note: Near Putsborough Sands (Combe Martin to Marsland Mouth stretch), the route of the ECP has been modified to move it off a permissive path onto the adjacent road, following representation by the landowner. The landowner is happy for walkers to continue to use the permissive path but did not wish it formally designated as the coast path).

j) Area of land between Dawlish and Cockwood subject to coastal access exclusion to protect sensitive feeding waterbirds. Exe Estuary land adjacent to the alternative route from Starcross to Exmouth. Chapter 5, KLR-5-S016 to KLR-5-S021 (Map 5d) KLR-5-A057 to KLR-5-A067 (Maps 5p and 5q)

It is vitally important that there is consistency in the provision of information about the exclusion of access between Dawlish Warren and Cockwood. There is currently a byelaw excluding dogs all year round, put in place by Teignbridge District Council. This would imply you could walk in that area without a dog. The DCAF recognises the need for an exclusion on nature conservation grounds but, if this is to be effective, members of the public will need to understand the reasons for a coastal access restriction. Similarly, on the Exmouth side of the Exe Estuary there are proposals, as yet undetermined, from the Exe Estuary Management Partnership for a voluntary exclusion which would include dog walkers and walkers as well as many other types of water and land-based uses. This is to protect bird species under the Habitats Regulations. The area in question is beach and foreshore which is well-used for recreational purposes. Again there is the risk of lack of clarity during times when the alternative route along the Exe Estuary will be used as the seasonal ferry is not running, even though the coastal margin is not included for alternative routes.

Natural England's comments.

The direction under s26(3)(a) of the CROW Act to exclude access year round between Dawlish Warren and Cockwood Harbour has been proposed to protect sensitive bird assemblages on the River Exe. The Exe Estuary Management Partnership is proposing to establish a voluntary exclusion zone on this part of the Exe and through close working with the Partnership and examination of various data we decided to mirror this zone in our proposals. Existing byelaws in this area will remain and will prevail over coastal access rights. We will continue to work with the Partnership to ensure that clarity is provided for walkers and signage in the area clearly reflects the rights afforded to them under coastal access in relation to the excluded area.

There is no coastal margin associated with alternative routes and therefore the land seaward of the trail on the Exmouth side of the Exe Estuary will not be

subject to coastal access rights. We acknowledge the need for clarity in this area in relation to the rights of walkers and will co-operate with the Partnership over local messaging for users of the route.

Secretary of State's conclusion and observation

Secretary of State notes Natural England's reasoning for the proposed exclusion within the Exe Estuary. Welcomes clarification on the status of the coastal margin in this area.

k) Starcross to Exmouth ferry Chapter 5, KLR-5-S031 (Map 5e)

The DCAF is aware that the crossing from Starcross to Exmouth, using the railway bridge and ferry, which is proposed as the designated route is not suitable for those with limited mobility. Although there is an alternative route along the Exe Estuary this is considerably longer. The DCAF advises that improvements at Starcross would widen access on this section of the England Coast Path.

Natural England's comments

Natural England's intention is that the trail should be as easy to use as possible for disabled people and others with reduced mobility (paragraph 4.3.8 of the Scheme). However we also accept that such opportunities will be constrained by practical limitations. In determining the alignment of the ECP Natural England considered potential improvements to the accessibility of the route. The route to the Starcross Ferry utilises a large metal railway bridge with steps on either side and is inaccessible to anyone with limited mobility. There is no other means of crossing the railway in this area and we were unable to identify suitable improvements that could be made to facilitate access. The alternative route between Starcross and Exmouth follows the existing Exe Estuary Trail. This is a multiuse trail suitable for users with limited mobility. We acknowledge that is a significant additional distance for anyone wanting to continue their journey. During initial consultations interested parties were invited to identify sites where accessibility could be improved and this piece of infrastructure was not raised as an issue.

Secretary of State's conclusion and observation

Secretary of State is satisfied that Natural England explored the possibility of improving accessibility at the bridge over the railway but notes any improvements would not be feasible within the scope of the England Coast Path establishment works.

l) Signage Chapter 5, KLR-5-S016 to KLR-5-S021 and KLR-5-A057 to KLR-5-A067

Secretary of State's conclusion and observation

Secretary of State notes Natural England's commitment to provide clear and consistent messaging to walkers on the ground. Encourages that any new signage should be appropriately designed.

Additional matters of interest

m) Lighthouse Beach, Beacon Lodge and Brook Gardens Chapter 5, KLR-5-S016 and KLR-5-S017

There were a very large number of representations from individuals and organisations seeking access to Lighthouse Beach. The Country Land and Business Association, expressed concern at the intrusion on private land and impact on businesses.

These representations all come from residents and visitors expressing the wish to access the only beach local to Kingswear to which access 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 claim that opening this beach will benefit the local community and visitors.

Natural England's comments

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. Under the Coastal Access Scheme all areas of beach/foreshore seaward on 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 our 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 significant recreational benefit to the public if they were once more able to access this area of foreshore.

Devon County Council, as the local access authority, would have the power under Chapter III of CROW 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 CROW section 38. Devon CC are aware of the significant local demand for access to the beach to be reinstated.

The Planning Inspector's report

The Planning Inspector visited on 6 February 2018 to look at specific objections:

- Land at Beacon Lodge, Kingswear, Devon, TQ6 0BU (this land includes Lighthouse Beach)
- Land at Inverdart Boathouse, Kingswear, Devon, TQ6 0BU (south east side of Lighthouse Beach and an exclusive eco-holiday home)
- Land at Brookhill Gardens, Kingswear, Devon, TQ6 0BU (south east of both the above and part of the Italian gardens at Brookhill Estate)

All the above objected to land being included as coastal margin and that a fair balance had not been struck. 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 objectors suggested proposals should be modified to exclude land from the coastal margin.

Natural England's comments

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.

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

Planning Inspector's comments

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. Guidance offered by Defra 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."

Neither would I agree that the land below Beacon House could qualify for exception on account of being a garden.

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.

Planning Inspector's conclusions

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.

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.

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. Balancing the overall aims 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: 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

Secretary of State's conclusion and observation

Secretary of State notes the representations and the strong local support for access to Lighthouse Beach. Notes Natural England's comments in response, and the role of the access authority after these proposals come into force.

n) Beacon Road, Kingswear

Natural England's comments

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 has led on identifying solutions for this area and plans have been drawn up to stabilise the cliff. Natural England met with representatives of Devon CC on site in April 2016 to discuss the potential for Beacon Lane to reopen. Funding is yet to be confirmed for the significant engineering works required but contributions have been offered by Devon CC and two of the three landowners. Beacon Road would better meet the objectives of the Coastal Access Scheme and would have been Natural England's preferred route for the England Coast Path due to the proximity to the sea and coast views. However, as the road is currently impassable with no agreed timescale for the works to allow the route to reopen we have not included this route in our proposals. This is reflected in our report in Table 1.2.3. Should Beacon Road reopen to walkers in the future Natural

England would consider proposing a variation of the route of the ECP to follow this lower, more direct and scenic route.

Changes since publication of the proposals

o) Alma Bridge, Sidmouth

Secretary of State notes that since publication of proposals the Alma Bridge at Sidmouth has been dismantled and replaced by a new bridge less than 50m upriver. Natural England's report proposed to cross the River Sid using the Alma Bridge but also identified that it was due to be replaced and dismantled, and that the England Coast Path would then roll back to use the new bridge.

In view of this, Secretary of State approves the proposals subject to modification at route sections KLR-7-S045, KLR-8-S001 and KLR-8-S002. The modification is for the trail to instead use the new bridge across the River Sid which has already been adopted as the route of the South West Coast Path.

p) Dawlish Warren, Exe Estuary

Secretary of State notes that since publication of proposals there has been a small change to the boundary of the existing voluntary exclusion zone within the Exe Estuary. Natural England's published proposals included a year-round access exclusion to cover this same area, and Natural England intends to modify the extent of its proposed access exclusion to replicate the change on the ground.

In view of this, Secretary of State approves the proposals subject to modification to the coastal margin seaward of route sections KLR-5-S015 to KLR-5-S021. The modification is to reduce the area of the proposed access exclusion by 5.3ha which will replicate a change to the boundary of the existing voluntary exclusion zone.