

2012 No. 1559

COUNTRYSIDE, ENGLAND

The Access to the Countryside (Coastal Margin) (Weymouth Bay) Order 2012

Made - - - -

18th June 2012

The Secretary of State, in exercise of the powers conferred by section 3A(10) of the Countryside and Rights of Way Act 2000(a), makes the following Order:

Citation and application

1.—(1) This Order may be cited as the Access to the Countryside (Coastal Margin) (Weymouth Bay) Order 2012.

(2) This Order applies in relation to England only.

End of access preparation period

2.—(1) In relation to land which is coastal margin as a result of the relevant approval, the date appointed as the date on which the access preparation period(b) ends is 29th June 2012.

(2) For the purposes of this article—

(a) “approval” means an approval under section 52(1) of the National Parks and Access to the Countryside Act 1949(c), and “the relevant approval” is the approval by the Secretary of State(d) of the relevant report, with modifications, on 26th January 2012; and

(b) “report” means a report submitted by Natural England to the Secretary of State under sections 51 and 55A(e) of the National Parks and Access to the Countryside Act 1949, containing proposals for a long-distance route, and “the relevant report” is the report

(a) 2000 c. 37. Section 3A(10) was inserted by section 303(1) and (5) of the Marine and Coastal Access Act 2009 (c. 23).

(b) The term “access preparation period” is defined in section 3A(10) of the Countryside and Rights of Way Act 2000.

(c) 1949 c. 97. Section 52(1) was amended by the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11, Part 1 paragraph 10(f).

(d) 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).

(e) Relevant amendments to section 51 were made by the Countryside Act 1968 (c. 41), section 21(2); the Local Government Act 1972 (c.70), Schedule 30; the Environment Act 1995 (c. 25), Schedule 10, paragraph 2(5); the Countryside and Rights of Way Act 2000, Schedule 5, Part II, paragraph 12(1), (2), (3) and (4) and Schedule 7, paragraph 1; and the Natural Environment and Rural Communities Act 2006, Schedule 11, Part 1, paragraph 10(e). Section 55A of the National Parks and Access to the Countryside Act 1949 was inserted by section 302(1) of the Marine and Coastal Access Act 2009.

submitted on 22nd March 2011 entitled Coastal Access Weymouth Bay, relating to a long-distance route from Rufus Castle, Portland to Lulworth Cove.

Richard Benyon

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

18th June 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 3A(10) of the Countryside and Rights of Way Act 2000 (c. 37) (“the CROW Act”). It applies in relation to land in England only.

The Order appoints the date 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 under sections 51 and 55A of the National Parks and Access to the Countryside Act 1949 (c. 97) (“the 1949 Act”) (“coastal access report”). The coastal access report in question relates to the long-distance route known as Weymouth Bay, which runs from Rufus Castle, Portland to Lulworth Cove.

Until the end of the access preparation period (defined in section 3A(10) of the CROW Act), the right of access under section 2(1) of the CROW Act does not apply to land which, by virtue of an order made under section 3A(1) of that Act, becomes coastal margin as a result of the Secretary of State’s approval under section 52(1) of the 1949 Act of a coastal access report (see section 3A(6) of the CROW Act).

The Access to the Countryside (Coastal Margin) (England) Order 2010 (SI 2010/558), made under section 3A(1) of the CROW Act, provides that land is coastal margin if amongst other things it is land over which the line of an approved section of the English coastal route (i.e. a route in “relevant approved proposals”) passes; land seaward of that line (as far as the seaward extremity of the foreshore); or land otherwise adjacent to and within 2 metres of that line; and taken as a whole the land within these descriptions is coastal land (defined in section 3(3) of the CROW Act as (a) the foreshore; and (b) land adjacent to the foreshore (including in particular any cliff, bank, barrier, dune, beach or flat which is adjacent to the foreshore)). (The term “relevant approved proposals” is defined in section 3A(10) of that Act as “approved proposals relating to a long-distance route” (an expression in turn to be construed in accordance with sections 52(3) and 55(4) of the 1949 Act), being a route “which is or forms part of the English coastal route”).

On 22nd March 2011 Natural England submitted to the Secretary of State its coastal access report (entitled Coastal Access Weymouth Bay) setting out the proposals for a long-distance route from Rufus Castle, Portland to Lulworth Cove. The Secretary of State approved this report, with modifications, on 26th January 2012.

A copy of this report and the Secretary of State’s notice of approval are available online at: <http://www.defra.gov.uk/rural/countryside/access/>.

A separate 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. It may be found at www.defra.gov.uk.

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