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Mr Robert Seely, MBE MP
Northwood House
Ward Avenue
Cowes
Isle of Wight
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27th March 2019

Re: Coastal Path in Whippingham Heights, Whippingham, Isle of Wight

Dear Mr Seely

Whippingham Parish Council has been approached by residents of Whippingham Heights, shown below, expressing concern that the proposed England Coast Path (ECP) will, as it passes through their small community, reduce the privacy and security that they currently enjoy and possibly the market value of their property as well.

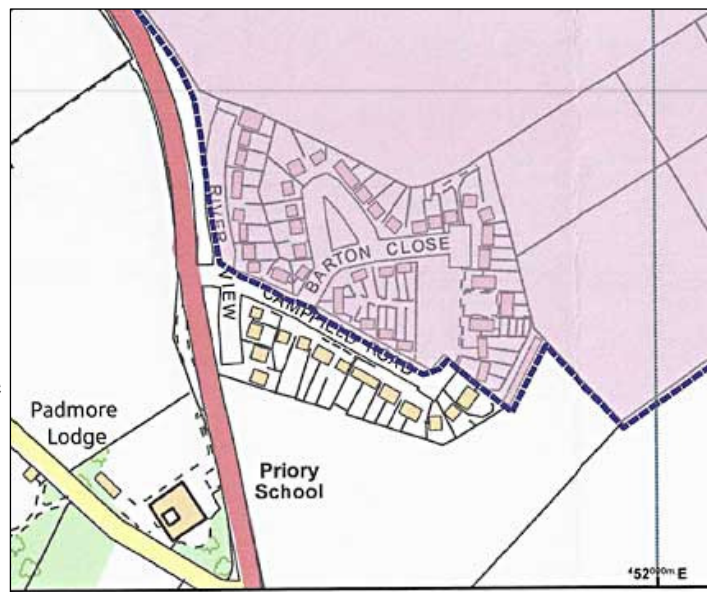
This part of the plan, copied from Natural England (NE) proposals graphically sets out their concerns. The dotted blue-black line indicates the alignment of the proposed path.

At the end of Campfield Road the proposed ECP leaves the estate by passing between two properties as can be seen in the photograph and enters farmland. The width of the access to the garages at the back of the properties is only slightly wider than the width of one car.

The residents are understandably concerned and had hoped that the definition of

'excepted land' as set out by Lord Gardiner of Kimble, the Minister responsible for the path, ie; "Land (other than coastal margin) within 20 metres of a dwelling" might have given residents some relief, given that the house on the right in the photograph is outside the proposed coastal margin. On the surface it would appear to create a 20m radius 'bubble' to protect dwellings from intrusion by persons other than the landowners.

Natural England however, who are close to concluding Stage 2 of their proposals for this



section of the ECP seem to take a different view but have failed to explain, in any meaningful way why this is the case.

We are not clear whether NE's position on this matter is an interpretation of the law or whether the definition referred to by Lord Gardiner has been removed from the list of excepted land by further legislation and we understand from Parish residents that NE have failed to respond to this questions when this matter has been raised.

In Schedule 1, Part 1 of CROW Act 2000, the list of excepted land describes a number of areas of land that have a particular character prior to creating and or aligning a coast path and that is sufficient to give that land protection assuming that the landowner doesn't wish to create any rights of way, eg; Land covered by a park or garden, or Land covered by buildings or the curtilage to that land and NE appear to accept these designations. Dwellings also appear in that list and were protected by the 20m rule and they also appear in the amending legislation Access to the Countryside (Coastal Margin) (England) Order 2010 SI No 558.

We recognise that this part of the Isle of Wight is a complicated section of the ECP and that it is a challenge for NE. If the December 2018 Minutes of the Local Access Forum are accurate, it has become even more difficult for NE as their capacity is being stretched by staff seconded to work on Brexit matters. We also appreciate that you, too, will be under a heavy workload given the present concerns before Parliament.

Due to the lack of meaningful communication between Natural England and residents of Whippingham Heights, we have concerns about the processes and procedures employed by Natural England in trying to fulfill their duty to create an ECP under the Marine and Coastal Access Act 2009 and we think it is important that NE acts in a proper manner to ensure a fair balance between the rights of landowners and the rights of the public.

Given that the window of opportunity to make Objections or Representations to NE seems likely to close in the next 10 weeks or so we hope that you will be able to support residents and the Parish Council by seeking urgent clarification of excepted land in relation to dwellings.

Yours sincerely

Valerie Taylor

Whippingham Parish Clerk