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**Changes to legislation:** There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Cross Heading: Determinations under section 52. (See end of Document for details)

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1A

#### COASTAL ACCESS REPORTS

##### Textual Amendments

- F1** [Sch. 1A](#) inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d)(2)(d), [Sch. 19](#) (with s. 308)

#### *Determinations under section 52*

- 16 (1) Before making a determination under section 52 in respect of a coastal access report, the Secretary of State must consider—
- (a) any objection about the report which the appointed person has determined is an admissible objection,
  - (b) Natural England's comments under paragraph 6 on any such objections,
  - (c) any report under paragraph 11 in respect of any such objection,
  - (d) any representations made about the coastal access report, or summary of such representations, and any comments on those representations, received under paragraph 8, and
  - (e) any information or document a copy of which is sent to the Secretary of State under paragraph 12(2).
- (2) The power under section 52 to approve proposals contained in a report submitted under section 51 pursuant to the coastal access duty includes a power to approve those proposals (with or without modifications) so far as they relate to one or more parts of the route only, and reject the remaining proposals.
- (3) Where a report required to be considered under sub-paragraph (1)(c) contains a statement of a finding of fact, the Secretary of State in making the determination is bound by that finding unless the Secretary of State is satisfied—
- (a) that the finding involves an assessment of the significance of a matter to any person with a relevant interest in land or to the public,
  - (b) that there was insufficient evidence to make the finding,
  - (c) that the finding was made by reference to irrelevant factors or without regard to relevant factors, or
  - (d) that the finding was otherwise perverse or irrational.
- (4) The Secretary of State may, by regulations, make provision about the procedure to be followed where the Secretary of State is minded to approve proposals with modifications other than modifications made in accordance with a recommendation under paragraph 11(7)(b) or (c) or (8)(a) or (b).

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- (5) For the purposes of sub-paragraph (4) a modification is to be regarded as made in accordance with a recommendation under paragraph 11(7)(b) or (c) or (8)(a) or (b) if it is not materially different from a modification which could be so made.
- (6) Regulations under sub-paragraph (4) may, in particular, apply any provision of this Schedule (with or without modifications).
- (7) Any requirement imposed by virtue of sub-paragraph (4) is in addition to the duty to consult imposed by section 52(1).]

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