

## Cover Note in relation to the Camber Access Policy

The City Solicitor met with Cllr Rob Wood to discuss an access policy produced by officers to confirm the rights of local people to access the Camber. Cllr Rob Wood had some concerns and requested some amendments, which have been duly made.

The Council will seek the views of residents and businesses at the Camber, and consider those views before adopting the policy. It is anticipated, for example, that a formal policy position will help to allay local concerns regarding young people swimming and diving by expressly stating that persons under the age of 18 without a responsible adult are trespassers at the Camber.

The access policy will formalise the current state of affairs for public access to the Camber. It will balance the rights of people visiting the Camber for leisure and the rights of people conducting business on the waterfront. On the ground that will mean that people can walk around the Camber but will have to avoid certain areas when dock operations might make it dangerous.

Although similar, the access policy is not the same as a public right of way and that is for a very good reason: public rights of way cannot strike a balance. Public rights of way very strictly limit the use of the land to people making use of the highway. That would give pedestrians absolute priority over those making use of the water and quayside to unload cargo, launch and retrieve boats, perform maintenance, access pontoons by bridgeheads and position equipment, to name only a few activities that a working quayside should accommodate.

The Council is opposed to the grant of a public right of way because it would result in a legally enforceable right for any person to complain that the right of way is obstructed by usual port activities within at least 3 metres of the quayside. The Council would then have a duty in law to prohibit the activities constituting obstructions because obstruction of a public right of way is a criminal offence. In practice, this would mean that the Camber could no longer function as a port.

Despite this, some people are still pursuing a right of way. At their request the Planning Inspectorate, based in Bristol, has instructed the Council to produce a formal Order that proposes a right of way at the Camber. The Council intends to do this before 21 February 2019. The Order will then be opened up to formal consultation for public comment. As part of that consultation, the Council will object to the Order on the basis that the Order's scope is excessive and that a public right of way would not respect port operations. After the consultation, the Planning Inspectorate will hold an inquiry to consider the Order, listen to the supporters of a public right of way, listen to the objectors and the Council, and decide whether a right of way should be granted.

In summary, the Council wants to find a balance between the public walking around the Camber for leisure and maritime users conducting business and hobbies. The best way to do this is through an access policy with public and political backing, not an inflexible right of way.