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STATUTORY INSTRUMENTS

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**2010 No. 1976**

**The Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010**

**PART 4**

**SECRETARY OF STATE'S PROPOSALS FOR MODIFICATIONS**

**Procedure where the Secretary of State is minded to approve proposals with a relevant modification**

**11.**—(1) This regulation applies where the Secretary of State is minded, as contemplated in paragraph 16(4) of the Reports Schedule, to approve proposals with a relevant modification.

(2) In this regulation a “relevant modification” means a modification other than a modification made in accordance with a recommendation under paragraph 11(7)(b) or (c) or (8)(a) or (b) of that Schedule.

(3) Where this regulation applies, the following provisions apply with the modifications specified in paragraphs (4) to (7)—

(a) the following provisions of the Reports Schedule—

- (i) paragraph 1,
- (ii) paragraph 2(1) and (2),
- (iii) paragraph 3(1) to (6),
- (iv) paragraph 4,
- (v) paragraph 5,
- (vi) paragraph 6(1), (2)(a), (b) and (d) and (3),
- (vii) paragraph 7(1),
- (viii) paragraph 8,
- (ix) paragraph 9,
- (x) paragraph 10(1) to (5) and (7),
- (xi) paragraph 11,
- (xii) paragraph 12,
- (xiii) paragraph 13,
- (xiv) paragraph 16(1) and (3), and
- (xv) paragraph 18; and

(b) the provisions of these Regulations, except regulation 10 (consultation by the Secretary of State on possible modifications) and this regulation.

- (4) Any reference in a provision specified in paragraph (3) to proposals in a coastal access report (however expressed) is taken to mean those proposals as modified by the relevant modification, but limited to those parts of the proposals—
- (a) so modified, or
  - (b) affected by that modification.
- (5) For the purposes of paragraph (4)—
- (a) any reference to a coastal access report (however expressed) is taken to be a reference to the proposals in that report; and
  - (b) a part of the proposals is taken to be affected by the relevant modification if that modification affects the question of whether a fair balance is struck in respect of that part.
- (6) For the purposes of the construction of any reference to “affected land”, in section 55J(1)(1) of the 1949 Act—
- (a) in paragraph (a) of the definition of “affected land” and paragraph (a) of the definition of “relevant coastal margin”, “the proposals” is taken to mean the proposals as modified by the relevant modification;
  - (b) and, accordingly, the words “(without modifications)” in paragraph (a) of the definition of “relevant coastal margin” are taken to be omitted.
- (7) Any reference in a provision specified in paragraph (3) to any other such provision is taken to be a reference to that other provision as applied by that paragraph.