

The Crown Estate Disclosure Log

Case no: 1179
Date received: 26 February 2020
Subject: Isle of Wight Council Regulating Lease
Request response
<p>Thank you for your request for information, which has been handled under Freedom of Information legislation. I have repeated your questions below and have added a response against each.</p> <p><i>Please provide me with a copy of the lease.</i></p> <p>I have attached a copy of the regulating lease.</p> <p><i>I need to understand how the Crown Estate can grant a lease:</i></p> <ol style="list-style-type: none"> <i>1) over land which is part of Beach Cottage, and</i> <i>2) how such a lease can still apply after MHWM has moved and the land ceased to be foreshore and the Crown Estate has published documents confirming no claims to it.</i> <p>I should perhaps provide some background and context to answer your questions. The council were entitled to construct coastal protection works, having supplied plans to The Crown Estate for approval as owners of the foreshore. The rocks forming that coastal protection are placed on the foreshore leased from us and that as a result the mean high water mark (MHWM) has moved, giving the impression that they are no longer on Crown Estate foreshore. However, the former foreshore still belongs to The Crown Estate as this is a sudden, man-made change and not the natural processes of accretion (growth by the deposit of sediment) or diluvion (land eroded by the sea). Were the works to be removed, the MHWM would revert to its original position. The correct boundary line of the foreshore is, therefore, the MHWM just prior to the rocks being put in place.</p> <p>Our lease covers the foreshore at this location, up to the (original) MHWM, and does not, therefore, cover part of Beach Cottage. The lease still applies as the original foreshore boundaries still apply, as the change was sudden and man-made.</p> <p>If you are not satisfied with my response, you may complain or appeal our decision, which will be investigated through an Internal Review. If you are not content with the outcome of the Internal Review, you have the right to refer your complaint directly to the Information Commissioner for a decision. Please note that the Information Commissioner cannot make a decision unless you have first exhausted our own complaints procedure.</p>