Beach Access Obstructed by Unauthorised Coastline Modification

On 28th May 2014 the Central Planning Authority refused an application by Jeremy Beck, represented by attorney Samuel Jackson, to ‘excavate and place boulders along the shoreline’ of his property in South Sound. He effectively sought to extend his property out in to the water 20 feet by way of rock groynes and fill/imported sand. The CPA’s stated reasons for denying the application were that it did not comply with the 75ft setback requirement from the coastal boundary and the proposed works were ‘not in keeping with the visual and physical character of the shoreline in the immediate area and will detract from the ability of the nearby owners and the general public to enjoy the amenity of the area’.

Despite the application being denied, the landowner proceeded with the development work (or very similar work) in mid June 2014 and placed large boulders and fill extending his properties in to the sea (and on to seabed which is Crown property in a Marine Replenishment zone). The shoreline modification has effectively blocked public access along the beach in South Sound (one now has to climb up and down over large rock groynes on either end of the property).

Department of Planning and Department of the Environment officers became aware of the unauthorized works, visited the site and engaged in discussions with the owner in mid June 2014. On 25th June 2014 the Central Planning Authority issued an enforcement notice. The DoP later suspended this enforcement notice for inexplicable reasons. Officials from the DoE continued to seek updates from the DoP however nothing appears to have been done by the DoP.

Then in early May 2015 Mr. Beck proceeded with further unauthorized work and began the construction of what appears to be a seawall, further blocking public access along the South Sound beach and increasing the potential of coastal erosion in the area.

We request that Mr. Jeremy Beck remove the unauthorized rocks, sand and seawall and respect the laws, policies and decisions of the Cayman Islands and its institutions and the people of the Cayman Islands right to public access along beach coastlines.

We also take this opportunity to clarify to all coastal landowners that their coastal boundaries cannot be fixed permanently. Coastal boundaries are ambulatory and change over time with natural erosion and accretion. For any modification to a coastal property that requires CPA approval, a survey which is no older than 6 months old must be submitted to the CPA, to establish the coastal boundary at the time of the application (which is the mean high water mark). The Development & Planning Regulations were amended in 2014 to clarify this point:

3 (3) An application for planning permission with any setback adjacent to the sea shall include a Mean High Water Mark survey physically defined on ground no more than six months prior to the application being submitted, and the survey plan shall be authenticated by and registered with the Department of Lands and Survey.

The relevance to this case is that a 2005 survey of the property was presented to the CPA (in 2014), however the property’s coastline had eroded subsequently and the area where the structures were proposed to be placed was, in 2014, no longer the property of the Mr. Beck but rather seabed and Crownland.

Yours sincerely,

Katrina Jurn

For and on behalf of Protect South Sound