



THE TURKS AND CAICOS ISLANDS NATIONAL BEACH ACCESS POLICY



1. Background

The beaches of the Turks and Caicos Islands provide great economic and social gain to the islands. This is depicted through the numerous awards in the tourism industry and the number of local residents and tourists that flock to the beaches on a daily basis. Within the islands the beaches are public places that are open to use by all. It is for this reason that the maintenance of the beach accesses across the islands is of paramount importance to the Government.

According to report completed by the committee in the Turks and Caicos Islands there are approximately 83 public beach access that are so designated under the law for the use and enjoyment for the people of the Turks and Caicos Islands. These beaches are governed by beach licences issued under the National Parks Regulations. There are several beach access which are publicly accessible over the years but have not been officially designated as public beach accesses.

As tourism continues to grow in the Turks and Caicos Islands, the volume of beach vending activity has also significantly increased throughout the years. There has also been a marked increase in application for the use of and development on the beach accesses. Noting the significant interest in the development of the beach accesses as well as the Government's mandate to provide clear access to the beaches and coastline, Cabinet instituted a moratorium of the development of all beach accesses (Cabinet action minute 17/54) so that a comprehensive study on the use, development, management and maintenance could be conducted. The Government established a committee to identify the number of beach accesses across the islands and determine the type of development that can be support at each access (see annex 1). This committee comprised of a multi-disciplinary team with representatives from a cross section of government agencies, including:

- Ministry of Tourism, Environment, Maritime, Heritage, Disaster Management and Gaming (MTE)
- Department of Environment and Coastal Resources (DECR)
- Crown Land Unit (CLU)
- Department of Planning (DoP)
- Survey and Mapping Department (SMD)
- Turks and Caicos Islands Investment Agency (InvestTCI)
- Environmental Health Department (EHD)
- Department of Agriculture (DOA)

Through the study the committee also assessed whether the beach accesses were achieving what they were originally designed to do, which is safeguarding the current and future generation continued use and enjoyment of the coast for recreation. The work led by the DECR culminated with the production of reports on all beach accesses and recommendations concerning the

development, right of access to private beach accesses, and maintenance and management of beach accesses across the islands. That report and recommendations form the basis of this policy.

2. Purpose of Beach Access Development Policy

The primary purpose of Public Beach Access Development Policy is to safeguard the current and future generation's continued use and enjoyment of the coast for recreation, to preserve, protect and establish beach accesses, where possible, and to ensure that the public is afforded full and fair access to the beaches.

There is currently no national policy guiding commercial development on beaches nor development of the accesses on a whole. The Turks and Caicos Islands Government through Ministry of Tourism/DECR is embarking on an island wide program to upgrade public beach accesses as they are not only natural resources but important sources of livelihood for many and have the potential for income generation via restaurants, water sports, fishing, vending and other recreational activities.

3. Governing statutes/laws

There is no one specific law that speaks to beach accesses and beach access development in the Turks and Caicos Islands.

However, in the Turks and Caicos Islands several pieces of legislation highlight the importance of preservation, conservation and restoration of our Natural Resources of current and future generations and are the basis for the development of his policy.

The protection, conservation and protection of our National Resources are enshrined in TCI constitution (2011) Although not specific to Beach Access and the enjoyment of such, the Constitution itself ensures that we must do all that is necessary so that present and future generations are able to enjoy these resources. This is one fundamental principle of this policy

1. **TCI Constitution (2011)**, Section 18 provides for the protection of the environment for the present and for the future generations, while promoting justifiable economic and social development.
2. **The National Parks Ordinance** – Section 4 (5) regulates development within Protected Areas with respect to the Physical Planning Ordinance; wherein those regulations apply to build development on beach access lane that lie within Protected Areas. A number of the beach accesses are located adjacent to a National Park. Any development in or directly adjacent are required to follow strict

development guidelines. Therefore, development on the beach access within the vicinity of a National Park would fall in this area.

3. **Coast Protection Ordinance Cap. 10.06 sec. – Section 3 (1) and (2)** restricts movement of substrate and earth works from any coastal area, while also giving opportunity for granting approval of such by the Governor; both which affect the creating of physical access lanes and the blocking of access lanes with material moved on the coastal site. As development is proposed (construction of buildings etc.) the coast protection ordinance must be considered.
4. **Crown Land Ordinance 9.08 –:**
 - Section 5(e); Specifically applying to beach access lanes located upon Crown Land, advises that natural living and mineral resources on Crown Land be conserved wherever possible in the management of the land;
 - Section 8; Advises that Crown Land that was sold or granted in a manner inconsistent with the Ordinance be recovered by the Government, which applies to come coastal access lanes.
 - Section 10; Notes conditions on disposal of Crown Land specifically relating to issues relating to easement, of which beach access lanes are an example.
 - Section 24; Notes the restrictions on disposal and development on Crown Land that is also a Protected Area, specifically applying to those beach access lanes that fall within Protected Areas.
 - Section 28; Advises on developing and maintaining access to and through Crown Land for recreational and local and commercial tourism use, including licensing and leasing of Crown Land for these purposes.
5. **Physical Planning Ordinance** –Regulates development of all kinds, including use of land and coastal setbacks, which affects beach access lanes and the use of the land on which they sit whether or not on Crown Land or Protected Areas.

Development Manual- Section 4.1.11 advises that accesses to recreational areas be developed with accessibility as a main priority, with designs focused on allowing free flow of foot and vehicular traffic where appropriate, and that built development within these zones not impede such access, and that appropriate landscaping is maintained.

4. Objective of the Policy

It is the objective of the Turks and Caicos Islands Government through this Policy to establish a programme that provides for development, re-development, management and maintenance of beach accesses all across the Turks and Caicos Islands.

Another objective of the Policy is to ensure that appropriate public amenities are available while at the same time enhancing the local economy through the utilization of beach accesses, to support appropriate commercial enterprise for Turks & Caicos Islanders that do not diminish or extinguish the access or degrade the environmental quality of the surrounding area.

The implementation of this Policy will ensure that Turks and Caicos Islanders, Residents and visitors have free and unobstructed right to pass and repass over beach accesses, which are situated on private property, but have long been used by the General Public to access the beach.

5. Responsible Body

Although the majority of the beaches accesses across the islands are located on Crown land, historically, the Department of Environment & Coastal Resources (DECR) managed these sites. This policy therefore seeks to formalize this arrangement. Consequently, the Ministry responsible for Environment through DECR shall oversee the implementation of this policy.

The technical expertise of other Government departments/agencies will be employed for specific components of the management and administration of beach accesses that aligns with that department mandate. For example, the Public Works Department, which has responsibility for the upkeep roadways, are integral to the maintenance of the beach access lanes and the repair of public facilities at the accesses. Non-Governmental Organizations (NGOs), the private sector and local communities, as stakeholders, shall be provided with the opportunity to be involved in the implementation of the policy.

6. Definitions

1. **Beach Access-** This is a lane or road that is used to access a beach or coastal area. There are three categories of beach accesses; **Beach Access Lane/Corridor**, **Commercial Beach Access** and a **Beach Access with Parking**.
2. **Beach Vending Policy** – Policy to manage the vending processes on the Beaches of the Turks and Caicos Islands
3. **Beach** - means the territory between the ordinary high and low water mark. This term also refers to the associated sand dunes.
4. **Coast**-This is the area where the land meets the sea, this also encompasses the land area up to 100ft. from the low water mark and is inclusive of all sand dunes.
5. **Hammerhead Access** – This an access lane that end in T-shape, which may allow for parking and other facilities.

6. **Beach Lane**- This is a narrow foot path that provides access to the beach. It does not facilitate vehicular traffic.
7. **Beach Vending** - means the activity of selling goods or rendering services. For the purpose of this policy refers to the business of selling or causing to be sold or transferred, for cash, goods and services on a beach or beach access. Beach Vending includes: Food (snacks) and drinks, hair braiding, selling souvenirs, mobile vending structures, beach rentals (chairs, umbrellas, floating devices), motorized and non-motorized water sport vehicles or crafts such as water scooters, water bikes, diving, party boats, (horseback riding on the beach); and another other beach or water sport activity specified by the Turks and Caicos Island Government (TCIG).
8. **Development** – This is the construction of infrastructure on the beach access this is inclusive of Beach Vending, Water sports activities, etc.
9. **National Parks Regulations- This is the Legislation**
10. **Sand Dunes** – accreted, piled sand, typically undulating and vegetated with native coastal plants, situated from the high water back inland to the coastal coppice, back-dune marsh or swamp, or limestone thicket habitat.
11. **Boardwalks** – Wooden structures consisting of a raised plank walkway on parallel wooden beams, anchored into the ground with cement footings to minimise foot traffic on sand and prevent vehicular access.
12. **Invasive species** – Non-native species of plants that are known to colonize coastal habitats including but not limited to *Casuarina equisetifolia*, *Casuarina glauca*, *Scaevola taccada*, *Pennisetum setaceum*, *Pennisetum purpureum*, *Leucaena leucocephala*, and *Cenchrus tribuloides*.
13. **Turtle nesting** – Activity of marine turtles emerging from the ocean and digging holes and depositing eggs in the beach or dune area, and the following natural incubation period of those eggs through hatching, hatchling emergence, and arrival of hatchlings to the ocean.
14. **Vendor** - means an individual who transfers goods for sale.

7. Guiding Principles

To achieve the objectives of this Policy, the Government recognizes the following as principles for the sustainability beach accesses.

1. The public has an inherent right of access to and along all beaches and shorelines.

There exists a cultural value of active visitation to the beach as part of traditional, historical and/or customary practices. Therefore, the public should at all times be allowed full and reasonable access to the beaches. The Government is therefore committed that

- a. Public access must be retained and development should not be allowed to impede beach accesses.
- b. Closure of any existing public beach access or parking area should not be permitted unless equivalent or better dedicated public access/parking is established;
- c. Where beach accesses are privately held but the public have long enjoyed uninterrupted use of the access, the Turks and Caicos Islands Government shall seek to secure the access for public use.
- d. Areas that are zoned as beaches should be free of any impediments or obstacle which would obstruct the access, including but not limited to gates, fences, security guards, misleading signage, rock walls, hedging or other barriers.

2. Means of access to the beach should be readily available and secured so as to maximize access along the coast and should not be overly burdensome for the potential beachgoer to utilize.

To this end the Government will ensure that;

- a) Opportunities for new beach accesses must be provided and as such where beachfront properties are being developed or subdivided, the provision for four (4) beach access per mile shall be incorporated.

- i. If these accesses are located on private land, TCIG should engage the proprietor to consider either transferring the access to the Crown or registering a public easement against the title to allow for public access to the beach/ coastline.
- ii. In the case of re-development or expansion of existing developments the four (4) accesses per mile should be incorporated, as far is possible.

3. Public facilities, including parking areas, showers, bathrooms, changing areas and other amenities enhances public enjoyment of the beach

Restroom (including change area), shower and foot washing facilities are necessary amenities in a world-class tourist destination. Currently, these amenities are not available at most beach accesses and are only provided to the public through resorts and hotels. However, in most instance these facilities are is restricted to use by hotel guests or customers. To this end,

- a. Where appropriate, public facilities will be made available in a manner that mitigates the adverse impacts, environmental, social or otherwise of public access.
- b. Generally, the Government has the primary authority to develop and maintain public access to and along the shorelines. However, NGO's, the private sector and community associations
- c. For the purpose of development, beach accesses will be grouped in the following categories. into either of the three (3) following categories:

Beach Access Lane/Corridor - This is a narrow pathway leading to the coast or beach. This Access does not have parking available and is not conducive to development other than boardwalks, foot-washes, etc.

Commercial Beach Access- This access is wide enough to allow vehicular traffic and is large enough permit the development public facilities such as parking, restroom, etc. and can at the same time support commercial activity.

Beach Access with Parking - This is an access that has the ability to accommodate vehicular traffic and parking but is unable to facilitate commercial activity.

- d. Development of beach access will follow the below guidelines.

Criteria for Developing a Beach Access for Non – Commercial Activity

The development of beach accesses shall focus primarily on improving the recreational elements in order to maximize usage of the access while minimizing degrading impact on the natural environment. Where there are commercial opportunities, the development SHALL not obstruct the use and enjoyment of the access by the public. The development of any beach access SHALL ensure the following:

- i. The development must not obstruct the beach access.
- ii. Planning permission must be obtained for any development of a beach access.
- iii. Any development should be within the constraints of the Beach Vending Policy
- iv. Due to the sensitive dune vegetation and to prevent erosion, any development, including boardwalk, must be elevated above the dunes.
- v. Views of the ocean from the access must be preserved.
- vi. The development should not go above a single-story structure, however applications for alternate structure may be considered.
- vii. Environmentally friendly types of construction and landscaping must be employed and be approved by the Department of Environment and Coastal Resources and Planning Departments.
- viii. The use of invasive species to landscape the access is not permitted.
- ix. The design of the proposed development shall comply with planning standards and aesthetics and be hurricane resistant or removable.
- x. The development shall comply with parking requirements as detailed in the Development Manual.

Criteria for Commercial Development of a Beach Access

In addition to the criteria listed for non-commercial developments, the following conditions SHALL be met for consideration to be given the commercial development of beach accesses.

- i. The proposed development is commercial tourism-related
- ii. Application must be mandated through the Crown Land Unit
- iii. Divestment of the beach access or any part thereof must be through a public competitive tendering process
- iv. Government reserves the right to request proposals for the development of beach accesses as it deems necessary.
- v. The proposed development does not block/impede access to the beach in any way.
- vi. The beach accesses must have a minimum width of 30 feet for vehicular access.
- vii. The size of the access is large enough to facilitate parking for the development plus equal amount of parking for the general public.

- viii. The size of the access is large enough to facilitate the construction of restroom and changing facilities.

Information Signage

Beach accesses SHALL be demarcated with uniform-styled aluminum weatherproof signs, mounted on 4x4 struts anchored in cement, with signboards easily removable for storage prior to major storm events, and should display the following:

- i. DECR and TCIG logos
- ii. General section of beach use etiquette, guidelines, safety, indemnity (lack of lifeguard), and regulations (replicable on all signs)
- iii. Name of the beach access
- iv. Demarcation of zones on map image (vending zones, swim zones, boating lanes, other use zones, and Protected Areas boundaries).
- v. Contact numbers to report violations, harassment, and emergencies
- vi. Signs should be located near regularly-emptied waste bins that are designed in such a way to prevent dumping of vending or commercial waste (small opening).

4. Not all beach and coastal areas may be suitable for heavy recreational use or significant human presence.

When beach access may impede upon sensitive ecological coastal resources, beach access may be managed or restricted if necessary to protect the sensitive ecological coastal resource.

5. Maintenance is an important factor affecting the use of a beach access.

As a world-class tourism destination the it is the intention to offer the best possible beach environment for beach users and to accomplish this in a manner that is demonstrably cost effective and environmentally sensitive. To this end,

- a) There shall be an agreed maintenance plan and schedule for the development and maintenance of all beach accesses.
- b) Funds will be appropriately allocated for the proper maintenance and upkeep of the accesses and public facilities thereon.

- c) The Government will establish partnership with NGO's, community groups, and private sector, including developer/hoteliers to aid in the development and maintenance of beach accesses.
- d) Where a new tourism development is located adjacent to a beach access, Invest TCI shall ensure that the development agreements contain terms and conditions for the development and maintenance of the beach access.
- e) Where the development and/or maintenance of the access is delegated to a private entity, pre-construction development proposal and maintenance standards must be prepared and submitted to the Planning Department and DECR for approval.
- f) The DECR shall maintain a database of all beach accesses, which should include but not limited to information on the proprietorship of the access, the public facilities located at the access, maintenance schedule and the entity responsible for maintenance.

The maintenance plan shall include the following:

1. Beach accesses should be kept in a state that is safe, attractive and sanitary.
2. Beach access roads and parking lots should be kept in good repair, with guidelines in visible paint, and weeded/ encroaching vegetation trimmed. Parking lots and roads should be free of waste, broken glass, and other hazards. Security lighting in parking areas should be kept in working order, but low and facing downward to prevent showing on beach area and possibly affecting sea turtle nesting.
3. Footpath accesses should be maintained free of vegetation that can cause tripping (roots, rhizomes) and clearly marked with barriers or fences on each side to prevent wandering onto dunes.
4. Boardwalk accesses should be kept maintained with no loose or broken boards, no emergent nails or screws, no broken beams, footings, or barriers, and without encroaching vegetation or sand blocking the pathway.
5. Signs should be kept in a readable condition, regularly washed, securely mounted, and removed for storage before major storm events.
6. Trash bins of large capacity should be built into secure structures that are designed to prevent dumping of vendor or commercial waste, and to prevent access by animals. They should be emptied at least twice per week and should be emptied immediately after any beach events in that area and upon request by DECR in high-traffic times.