

**NOTICE BY THE APPOINTED PERSON UNDER PARAGRAPH 10 OF  
SCHEDULE 1A TO THE NATIONAL PARKS AND ACCESS TO THE  
COUNTRYSIDE ACT 1949: OBJECTION ABOUT A COASTAL ACCESS  
REPORT**

On 25 July 2016 Natural England submitted a coastal access report to the Secretary of State for Environment, Food and Rural Affairs under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009. The report relates to Gretna to Allonby.

A person has been appointed<sup>(a)</sup> for the purpose of considering an objection which has been received in relation to the report. Details of that objection are given below.

The appointed person is minded to determine that the proposals in the report fail, in the respects specified in the objection, to strike a fair balance<sup>(b)</sup> as a result of the matter or matters specified in that objection.

**A. Land in the report to which the objection relates:**

Arlosh House

**B. Reference to the relevant section of the report to which the objection relates:**

Chapter 4 of Natural England's report: eastern Corner of Newton marsh to sheepfold track (Map 4b)

**C. Details of the objection, including details of:**

(a) the matter(s) specified in the objection as the ground(s) on which that objection was made, and  
(b) any modifications proposed by the objection:

The objection is made on the ground set out in paragraph 3(3)(a) of Schedule 1A to the 1949 Act; that the proposals in the report fail to strike a fair balance as a result of the position of any part of the proposed route.

**Summary of objection**

1. Severe danger to walkers of drowning on the marsh due to high tides and areas of quicksand.
2. Danger to stock and walkers due to possibility of startled stampeding cattle.
3. Depreciation of farm value and no compensation.
4. Increase in liability.
5. Disturbance to wildlife.
6. Difficult to provide disabled access on a tidal saltmarsh.
7. Increase in litter.
8. Impact on shooting of wild geese to protect crops and smaller birds.
9. The nearby B5307 which is an advertised cycle route would be far safer. There are observation points along the road.

**D. Details of Natural England's comments on the objection, including any relevant alternative modifications<sup>(c)</sup>:**

1. Most areas of low-lying coast will be subject to flooding and NE agrees that the proposed main route will periodically be affected by floods. An optional alternative route is provided for use at times when the main route becomes unsuitable. Appropriate signage will alert walkers to the potential dangers of walking on the saltmarsh and remind them to check tide timetables.
2. The coast path will often cross land grazed by cattle and the situation is not unique or particularly unusual. The proposals are consistent with the approach contained in the Scheme, parts 8.1 and 8.2. Rights would be restricted so that dogs must be kept on a lead all year round.
3. Occupier's liability is specifically and considerably reduced in relation to visitors on land covered by coastal access rights (section 4.2.2 of the Scheme). It is set at the same lower level owed to trespassers provided the visitor is only exercising the statutory right of access. Section 306 of the Marine and Coastal Access Act 2009 extends this exclusion of

liability for land which is coastal margin in respect of a risk resulting from any physical feature. This does not affect liability under animals' legislation.

4. The Access and Sensitive Features Appraisal concludes that any impacts on protected sites and species are not likely to be significant, when viewed against the protected sites as a whole and the distribution of such species across the whole of the Solway estuary. The alignment of the route and associated restrictions of access for people and dogs on either s25A or s26 grounds will separate walkers from the most sensitive areas.
5. NE accepts that access for those with reduced mobility will be constrained by practical limitations such as the nature of the terrain. Kissing gates of a design optimum for those with reduced mobility to be installed.
6. NE is not required to consider additional facilities for litter and dog waste bins as part of its proposals. This will be a matter for the local authority to consider.
7. Wildfowling and other shooting quite commonly occur on the coast. The primary responsibility for preventing injury lies with those shooting. Shooters have to assume that members of the public are present and take all necessary precautions even at times when they are unlikely to encounter visitors. People using shotguns should be able to see the whole area where their shot could fall and must not shoot if anyone enters that zone of risk. Coastal access rights on this part are restricted to the proposed line of the trail at the back edge of the marsh. Directions to exclude access for limited periods, backed up by a temporary inland route will be available if the situation justifies this approach.
8. Issues relating to depreciation of farm value, lack of compensation, provision of public conveniences are raised but not recognised as grounds for objection to the proposals.
9. The nearby road fails to meet the key criteria within the scheme – namely that the route should normally adhere to the periphery of the coast and provide views of the sea ((para 4.1.1). It would also have the effect of creating a very large area of coastal margin. The proposed route minimises the extent of the margin and therefore any impact on local farming practices, whilst offering the most enjoyable route for walkers.

E. If applicable, any observations of the appointed person on any relevant alternative modifications or any modifications proposed by the objection:

The AP notes the representation from the RSPB supporting use of the alternative route as the main route. This is on the basis that in its opinion the proposed route risks causing unacceptable levels of disturbance to SPA/SSSI bird species through the introduction of access onto a site that currently has no access. The RSPB considers that the limited access restrictions and exclusions do not constitute adequate mitigation and that in the absence of sufficient data to inform or contradict the risk the precautionary principle should be followed.

The RSPB also states that it is accepted that the increased area of coastal margin which would result from adopting the alternative route as the primary route is not ideal. However, in its view, the linear nature of a route along a lane combined with signage denoting the access restrictions on the marsh as well as a pro-active approach to access management being taken by landowners will likely result in increased compliance from users of the route.

A copy of the report and a map of the area indicating the proposed line of the route and (if applicable) the boundaries of the associated coastal margin which is the subject of the objection above are available at <https://www.gov.uk/government/consultations/england-coast-path-from-gretna-to-allonby-comment-on-proposals> or may be viewed free of charge at

<b>Location</b>	<b>Address</b>	<b>Contact number</b>
Campfield Marsh visitor centre	RSPB Campfield Marsh, North Plain Farm, Bowness on Solway CA7 5AG	01697 351330
Carlisle Library	11 Globe Lane, Carlisle CA3 8NX	01228 227310
The Library, Silloth Discovery Centre	Solway Coast Discovery Centre, Liddell Street, Silloth-on-Solway, CA7 4DD	01697 333055
Kirkbride post office	Kirkbride, Wigton CA7 5JH	01697 351231
Longtown Library	Lochinvar Centre, Longtown, CA6 5UG	01228 791638

and at the Natural England offices at Murley Moss Business Village, Oxenholme Road, Kendal, Cumbria LA9 7RL

This notice invites any person to make representations to the appointed person in connection with the above objection.

Representations may be made about any of the following matters:

- (a) the objection (including any modifications proposed by the objection) (see box C above);
- (b) any relevant alternative modifications in relation to that objection (see box D above); or
- (c) any observations of the appointed person on any relevant alternative modifications or any modifications proposed by the objection (see box E above).

Any representations must be received by the appointed person no later than 17 July 2017.

Any representations must be made on the appropriate form which may be obtained from the appointed person at: The Planning Inspectorate, Rights of Way Section, Room 3G, Hawk Wing, Temple Quay House, 2 The Square, Bristol BS1 6PN

or from <https://www.gov.uk/government/collections/england-coast-path-gretna-to-allonby>

Representations should be sent to the appointed person at the above postal address, or to [RightsofWay2@pins.gsi.gov.uk](mailto:RightsofWay2@pins.gsi.gov.uk)

22 May 2017

- (a) See paragraph 4(2) of Schedule 1A to the National Parks and Access to the Countryside Act 1949.
- (b) A fair balance means a fair balance between the interests of the public in having rights of access over land, and the interests of any person with a relevant interest in the land (see paragraph 1(b) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 and section 297(3) of the Marine and Coastal Access Act 2009).
- (c) See paragraph 6(3) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 for the meaning of “relevant alternative modifications”.