

Coastal Access Report – Whitehaven to Silecroft, Cumbria



Natural England's Summary of Other Representations, with comments

1. Introduction

This document categorises, summarises and comments on representations we have received on this report which have not come from those persons or bodies whose representations we are required to send in full to the Secretary of State.

2. Background

Natural England's report setting out its proposals for improved access to the coast between Whitehaven and Allonby was submitted to the Secretary of State on 15th October 2014. This began an eight week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

In total Natural England received 21 representations, of which 9 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations have been submitted separately together with Natural England's comments where relevant. This document summarises and, where relevant, comments on the 12 representations submitted by other individuals or organisations, referred to here as 'other' representations.

Before making a determination in respect of a coastal access report, the Secretary of State must consider both documents relating to 'full' and 'other' representations.

3. Categorising representations

The following tables categorise the 'other' representations by several themes:

REPORT CHAPTER	Number of representations	Unique identifiers for reps
Chapter 1	2	MCA\Whitehaven Silecroft\R\4\WHS0067 MCA\Whitehaven Silecroft\R\19\WHS0810
Chapter 2	4	MCA\Whitehaven Silecroft\R\3\WHS0809 MCA\Whitehaven Silecroft\R\5\WHS0670 MCA\Whitehaven Silecroft\R\10\WHS0709 MCA\Whitehaven Silecroft\R\21\WHS0774
Chapter 3	2	MCA\Whitehaven Silecroft\R\1\WHS0302 MCA\Whitehaven Silecroft\R\11\WHS0709
Chapter 4	2	MCA\Whitehaven Silecroft\R\12\WHS0709 MCA\Whitehaven Silecroft\R\18\WHS0559

None specified/entire report	2	MCA\Whitehaven to Silecroft\R\2\WHS0808 MCA\Whitehaven Silecroft\R\17\WHS0785
Total representations	12	

OVERALL REPORT (Themes)	Number of representations	Unique identifiers for reps
The route	6	MCA\Whitehaven Silecroft\R\3\WHS0809 MCA\Whitehaven Silecroft\R\4\WHS0067 MCA\Whitehaven Silecroft\R\11\WHS0709 MCA\Whitehaven Silecroft\R\17\WHS0785 MCA\Whitehaven Silecroft\R\18\WHS0559 MCA\Whitehaven Silecroft\R\19\WHS0810
The landward boundary of the coastal margin (spreading room)	2	MCA\Whitehaven Silecroft\R\4\WHS0067 MCA\Whitehaven Silecroft\R\19\WHS0810
Need for local restrictions or exclusions	0	
Alternative route(s)	0	
Discretion to include an estuary	0	
'Roll back'	2	MCA\Whitehaven Silecroft\R\4\WHS0067 MCA\Whitehaven Silecroft\R\19\WHS0810
Safety	1	MCA\Whitehaven Silecroft\R\1\WHS0302
Management	3	MCA\Whitehaven to Silecroft\R\2\WHS0808 MCA\Whitehaven Silecroft\R\5\WHS0670 MCA\Whitehaven Silecroft\R\21\WHS0774
Infrastructure/establishment	3	MCA\Whitehaven Silecroft\R\4\WHS0067 MCA\Whitehaven Silecroft\R\10\WHS0709 MCA\Whitehaven Silecroft\R\17\WHS0785

OVERALL REPORT (Who made the representation)	Number of representations	Unique identifiers for reps
Individuals	4	MCA\Whitehaven Silecroft\R\1\WHS0302 MCA\Whitehaven Silecroft\R\2\WHS0808 MCA\Whitehaven Silecroft\R\5\WHS0670 MCA\Whitehaven Silecroft\R\18\WHS0559
Public bodies	0	
Voluntary and membership groups	6	MCA\Whitehaven Silecroft\R\3\WHS0809 MCA\Whitehaven Silecroft\R\12\WHS0709 MCA\Whitehaven Silecroft\R\19\WHS0810 MCA\Whitehaven Silecroft\R\21\WHS0774
Landowners and occupiers	8	MCA\Whitehaven Silecroft\R\1\WHS0302 MCA\Whitehaven Silecroft\R\2\WHS0808 MCA\Whitehaven Silecroft\R\4\WHS0067 MCA\Whitehaven Silecroft\R\12\WHS0709 MCA\Whitehaven Silecroft\R\17\WHS0785 MCA\Whitehaven Silecroft\R\18\WHS0559 MCA\Whitehaven Silecroft\R\19\WHS0810 MCA\Whitehaven Silecroft\R\21\WHS0774

4. Summary of ‘other’ representations

Whole Report:

Organisation/ person making representation:	<i>Thomas Todd</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\R\2\WHS0808</i>
Route section(s):	<i>None specifically indicated.</i>
Summary of representation: The representation relates to the absence of facilities along much of the proposed route. It is suggested that this might be addressed by asking residents to provide facilities.	
Natural England’s comment: The representation is not directly related to our proposals, nor is it seeking any change to our proposals. Whilst we can see the benefits to walkers from the suggestion, we are not in a position to make such requests. In practice, we expect local businesses and communities to decide what additional visitor facilities are appropriate. These do not form part of the proposals in our report.	

Organisation/ person making representation:	<i>National Grid Plc/ Gaganpreet Gata-Aura</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\R\17\WHS0785</i>
Route section(s):	<i>None specifically indicated.</i>
Summary of representation: The representation contains general advice about the need to protect National Grid's infrastructure and to ensure public safety. Various assets are mentioned and identified on attached maps, together with details of a recent consultation about routes for new power transmission infrastructure. No specific conflicts are identified, in terms of proposed route, although there is a suggestion that, in general, it would be preferable to route the trail away from pylons or other installations, above or below ground. The representation also mentions that it may well be necessary to seek exclusions or restrictions in the future, in order to allow NG or other bodies to carry out works safely. Maps attached to the representation do not show any infrastructure in the immediate vicinity of land covered by Natural England’s proposals; however, these maps and accompanying letter have been appended to this report.	
Natural England’s comment: Natural England welcomes the constructive nature of the Representation, and the general support for the principle of enhanced coastal access. During the route planning stage, we were not made aware of any potential conflicts between the actual power transmission infrastructure present, and the proposals being developed for new access. Following commencement of new access rights, it will be possible for local exclusions or restrictions to be put in place, if necessary, if unforeseen conflicts between the two are identified at any particular locations.	

Chapter 1:

Organisation/ person making representation:	<i>The Land Restoration Trust (Sarah Palgrave-Neath)</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\RI4\WHS0067</i>
Route section(s):	<i>WHS-1-S001 to WHS-1-S028</i>
<p>Summary of representation: All substantive comments are provided as annotations on paper copies of report maps 1a, 1b & 1c (Attached to this document as Annex maps A1, A2 & A3). Comments on infrastructure mostly relate to the need for way-markers, but also questioning need for new gates in various locations. The specific mention of a gap is also questioned, on the basis that there is no fence in that location.</p> <p>Comments on the route include suggesting that the initial route should be further inland at one point, to avoid a potential land-slip, that the route doesn't appear to follow the definitive footpath in various places, and that the proposed route should cut across a small headland, using an existing desire line.</p> <p>Comments on the margin include suggestions to propose a slightly different boundary feature in two locations and to add a more extensive area of landward margin nearby.</p>	
<p>Natural England's comment:</p> <p>Detail about way-markers has been omitted from the report maps, to allow readers to focus on the route itself. They will be installed in many if not all of the locations indicated.</p> <p>New kissing gates have been proposed in place of existing stiles or unsuitable gates, and where we understand that previously existing fences are to be replaced in the near future. The 'gap' identified on the map is between large boulders, rather than in a fence.</p> <p>In the area of the possible landslip, roll-back has been proposed and the path will move accordingly, when necessary. It is currently regarded as safe and appropriate by the local authority.</p> <p>In various places, the definitive line of a right of way does not tally with the only walked line on the ground - hence we have proposed the latter for the route of the trail. The legislation emphasises the desirability of the route "adhering to the periphery of the coast and providing views of the sea." We have therefore generally proposed (following discussions with landowners) a route at the seaward edge of all fields, especially where there is no other walked line.</p> <p>Having discussed the representations relating to the margin with the National Trust Ranger, Chris Gommershall (who represents both the National Trust and the Land Restoration Trust, for the purposes of land management), we would support modification of our proposals to the following effect in three locations:</p> <ul style="list-style-type: none"> • Landward of section WHS-1-S003, the margin boundary should coincide with the existing boundary fences, as indicated on Appendix map A1 • Landward of section WHS-1-S004, the margin boundary should coincide with the vehicle barrier and stone bollards, as indicated on Appendix map A1 • Landward of section WHS-1-S006, the margin boundary should coincide with the existing field boundary fences and walls, as indicated on Appendix map A1. 	

The effect of the first and third changes above is to include an additional area of land within the coastal margin. The Land Restoration Trust and the National Trust, who lease and manage the land respectively, are content for us to suggest this modification to our original proposal. Similarly, the land owners are content with the proposal to include this land within the coastal margin.

The recommended modifications are shown more clearly in the Appendices as map B1.

The recommended modification relating to the coastal margin landwards of WHS-1-S006 was also put forwards by the Ramblers – please refer to Natural England's comments on 'Full' representations.

Organisation/ person making representation:	<i>The National Trust (Tom Burditt)</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\R\19\WHS0810</i>
Route section(s):	<i>WHS-1-S008 to WHS-1-S028</i>
<p>Summary of representation: Substantive comments are provided as annotations on paper copies of report maps 1a, 1b & 1c (Attached to this document as Annex maps A1, A2 & A3), reinforced by additional information on the representation form. Comments on infrastructure mostly relate to the need for way-markers, but also questioning need for new gates in various locations. The specific mention of a gap is also questioned, on the basis that there is no fence in that location.</p> <p>Comments on the route include suggesting that the initial route should be further inland at one point, to avoid a potential land-slip, that the route doesn't appear to follow the definitive footpath in various places, and that the proposed route should cut across a small headland, using an existing desire line.</p> <p>Comments on the margin include suggestions to propose a slightly different boundary feature in two locations and to add a more extensive area of landward margin nearby.</p> <p>Further comments include a request that signage should be considered carefully, so as to make best use of the infrastructure already on site and to ensure that the design is appropriate to the setting.</p> <p><i>[Note that the National Trust and the Land Restoration Trust submitted identical supporting maps with their representations. Whilst the National Trust also provided comments on the accompanying representation form, the majority of these reiterate the same points raised on the maps. Therefore, in relation to these duplicated comments, Natural England's response is the same for both cases. Any further comments made by the National Trust are also covered below.]</i></p>	
<p>Natural England's comment: Way-markers have been omitted from the report maps, to allow readers to focus on the route itself. They will be installed in many if not all of the locations indicated. We will liaise closely with the National Trust and Cumbria County Council over the exact style and location of all signage to be erected on site, as part of the establishment works.</p> <p>New kissing gates have been proposed in place of existing stiles or unsuitable gates, and where we understand that fences are to be replaced in the near future. The 'gap' identified on the map is between large boulders, rather than in a fence.</p>	

In the area of the possible landslip, roll-back has been proposed and the path will move accordingly, when necessary. It is currently regarded as safe and appropriate by the local authority.

In various places, the definitive line does not tally with the only walked line on the ground - hence we have proposed the latter for the route of the trail. The legislation emphasises the desirability of the route "adhering to the periphery of the coast and providing views of the sea." We have therefore generally proposed a route at the seaward edge of all fields, especially where there is no other walked line, following discussions with landowners.

Having discussed the comments relating to the margin with the National Trust Ranger, Chris Gommershall (who represents both the National Trust and the Land Restoration Trust, for the purposes of land management), we agree that our proposals should be modified in relation to the landward boundary of the coastal margin, in three locations:

- Landward of section WHS-1-S003, the margin boundary should coincide with the existing boundary fences, as indicated on Appendix map A1
- Landward of section WHS-1-S004, the margin boundary should coincide with the vehicle barrier and stone bollards, as indicated on Appendix map A1
- Landward of section WHS-1-S006, the margin boundary should coincide with the existing field boundary fences and walls, as indicated on Appendix map A1.

The effect of the first and third changes above is to include an additional area of land within the coastal margin. The Land Restoration Trust and the National Trust, who lease and manage the land respectively, are content for us to suggest this modification to our original proposal.

Similarly, the land owners are content with the proposal to include this land within the coastal margin.

The recommended modifications are shown more clearly in the Appendices as map B1.

The recommended modification relating to the coastal margin landwards of WHS-1-S006 was also put forwards by the Ramblers – please refer to Natural England's comments on 'Full' representations.

Chapter 2:

Organisation/ person making representation:	<i>Beckermeth with Thornhill Parish Councils (Peter Manning)</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\R\3\WHS0809</i>
Route section(s):	<i>WHS-2-S047 to WHS-2-S066</i>
Summary of representation: Confirmation of support for our proposals.	
Natural England's comment: Natural England is grateful for the support for its proposals. No change is sought and no further action required.	

Organisation/ person making representation:	<i>David Beaton & Rosemary de Moura</i>
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Unique reference number:	<i>MCA\Whitehaven Silecroft\R\5\WHS0670</i>
Route section(s):	<i>WHS-2-S043</i>
Summary of representation: The representation relates to the damage done to the track, which carries the proposed route, during last winter's storms - and to the requirement for repair works/ongoing maintenance. The Representation concludes that, as the track will benefit the wider public as well as private users, NE should contribute towards the maintenance costs. The representation is supported by other documents (Attached to this document as Appendix map A4 and Appendix letter A5).	
Natural England's comment: The representation does not seem to seek any changes to either the proposed route or the associated coastal margin. During previous conversations with Mr Beaton, it has been explained that the county council will be responsible for maintaining the England Coast Path (supported by an annual grant from Natural England), but to the National Trail standard required for walkers rather than as a vehicular track. Any maintenance works undertaken by the county council would be likely to be of some benefit also to local residents, and thus might be considered as a maintenance contribution from Natural England.	

Organisation/ person making representation:	<i>Amphibian and Reptile Conservation (ARC)/Ruth Popely</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\R\10\WHS0709</i>
Route section(s):	<i>WHS-2-S051 to WHS-2-S054 and WHS-2-S057 to WHS-2-S060</i>
Summary of representation: The representation focuses on the perceived risk to natterjack toads and their habitat. Concerns are raised about possible adverse effects arising from infrastructure (and the time of year of establishment works) associated with the England Coast Path. There is a request to see drawings of any infrastructure and the results of any environmental impact assessment (EIA) in connection with works.	
Natural England's comment: Natural England has taken full account of advice provided by its nature conservation specialists. ARC were consulted extensively during the planning stages and as part of the Access & Sensitive Features Appraisal. Cumbria County Council will be managing establishment works on behalf of NE, and will be obliged to comply with the relevant legislation and best practice whilst carrying out this work. This would include any requirement to gain consents for works. The record of our completed Access & Sensitive Features Appraisal is attached at Appendix C.	

Organisation/ person making representation:	<i>Ian F Hawkes (Braystones local residents' group)</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\R\21\WHS0774</i>
Route section(s):	<i>WHS-2-S043</i>
Summary of representation: The representation focuses on the issue of maintaining the vehicular access track along the	

top of the foreshore, over which the proposed route lies. Mr Hawkes points out that the cost of maintenance is currently borne by local residents and has enquired as to whether some contribution towards these costs might be made, if the proposals for the route of the coast path should be approved.

Natural England's comment:

Natural England has previously explained to Mr Hawkes that the local access authority will normally be responsible for the maintenance of the approved route, to the National Trail standard for walkers, although this would not encompass maintenance to any higher standard that might be required to support other (vehicular) use.

Chapter 3:

Organisation/ person making representation:	<i>Dennis G Holliday</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\R\1\WHS0302</i>
Route section(s):	<i>Not specifically listed, but assumed to relate mainly to route in vicinity of Holmerook.</i>
Summary of representation: The representation suggests that it will be necessary to fully advise walkers of the potential dangers posed to them by stock, particularly if those walkers have dogs with them. It is further suggested that this advice might be provided by various means, including the erection of signs on the route.	
Natural England's comment: We note the concerns relating to the safety of walkers in the vicinity of stock. We will discuss and agree required signage with the access authority, prior to establishment and commencement of rights.	

Organisation/ person making representation:	<i>Amphibian and Reptile Conservation/Ruth Popely</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\R\11\WHS0709</i>
Route section(s):	<i>WHS-3-S005 to WHS-3-S008 and WHS-3-S010 to WHS-3-S012</i>
Summary of representation: The representation focuses on the perceived risk to natterjack toads and their habitat. Concerns are raised about possible adverse effects arising from infrastructure (and the time of year of establishment works) associated with the England Coast Path. There is a specific concern that the trail passes close to a breeding pool, adjacent to WHS-3-S005. The representation also includes a suggestion that the trail should follow Shore Road, Drigg, rather than being aligned across the dune area. Issues arising from recently introduced cattle and proposed infrastructure are cited. There is a request to see drawings of any infrastructure and the results of any Environmental Impact Assessment in connection with works.	
Natural England's comment: Natural England has taken full account of advice provided by its nature conservation	

specialists. ARC were consulted extensively during the planning stages and as part of the Access & Sensitive Features Appraisal. Cumbria County Council will be managing establishment works on behalf of NE, and will be obliged to comply with the relevant legislation and best practice whilst carrying out this work. This would include any requirement to gain consents for works.

We are content that any apparent conflicts between stock and infrastructure can be mitigated by careful design. We do not believe that there is any reason to avoid a route through the Drigg dunes area, which would seem to provide a far preferable walking experience to visitors than would the nearby Shore Road. Much of the Drigg dunes area is already accessible to the public, and well-used.

The record of our completed Access & Sensitive Features Appraisal is attached at Appendix C.

Chapter 4:

Organisation/ person making representation:	<i>Amphibian and Reptile Conservation/Ruth Popely</i>
Unique reference number:	<i>MCA\Whitehaven Silecroft\12\WHS0709</i>
Route section(s):	WHS-4-S002 to WHS-4-S029, WHS-4-S033 to WHS-4-S037 and WHS-4-S046 to WHS-4-S057

Summary of representation:

The representation focuses on the perceived risk to natterjack toads and their habitat. Concerns are raised about possible adverse effects arising from infrastructure (and the time of year of establishment works) associated with the England Coast Path. Also, specific concerns are expressed about the possible introduction of amphibian disease to the area, as a result of new access. This is followed by a recommendation that no new access should be allowed, in order to reduce the risk. There is a request to see drawings of any infrastructure and the results of any EIA in connection with works. A further concern expressed is that the construction of a new path in the area covered by this chapter would impact on the future works by ARC or landowners for the benefit of amphibians.

Natural England's comment:

Natural England has taken full account of advice provided by its nature conservation specialists. ARC were consulted extensively during the planning stages and as part of the Access & Sensitive Features Appraisal. Cumbria County Council will be managing establishment works on behalf of NE, and will be obliged to comply with the relevant legislation and best practice whilst carrying out this work. This would include any requirement to gain consents for works.

We do not agree that the risk of disease to amphibian populations arising from walkers specifically is sufficient to prevent the introduction of new access rights on this part of the coast. Furthermore, we believe that it will be fully possible to manage access alongside any works in the future to improve or safeguard amphibian habitat. These views are supported by our completed Access & Sensitive Features Appraisal which is attached at Appendix C.

Organisation/ person making representation:	<i>Mr & Mrs J Whittle</i>
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Unique reference number:	<i>MCA\Whitehaven Silecroft\R\18\WHS0559</i>
Route section(s):	<i>WHS-4-S051 to WHS-4-S053</i>
<p>Summary of representation:</p> <p>The representation relates to the alignment of the route on land adjacent to that owned by Mr & Mrs Whittle. They believe that the proposed alignment will allow walkers to approach too close to their property and thus cause them a loss of privacy. They do not believe that Natural England has taken sufficient heed of the interests of landowners and residents in developing their proposals. They also express concerns about their safety and security, including that of young children staying at the property and playing in the garden. The representation states that there are 'many obvious alternatives' to the proposed route, and includes a suggestion that the route should be amended to remain at a lower level to a point slightly further south, before ascending the coastal slope, thus moving the proposed route further away from the property's southern boundary.</p>	
<p>Natural England's comment:</p> <p>Natural England has worked hard to find an alignment solution that is acceptable to the Whittles and other owners/occupiers in this area, whilst still meeting the requirements of the approved Scheme. Coastal Access Delivery team advisors made several visits to the area, and engaged closely with Mr & Mrs Whittle to identify the best possible route. We believe that the proposed route offers the best balance between public and private interests.</p> <p>During the route planning stage, we looked carefully at the coastal slope south of the Whittles's property and took expert advice from both Natural England nature conservation colleagues and Cumbria County Council. We do not believe that a more southerly route up the coastal slope is possible because of a serious risk to the stability of the slope that would be posed by construction of a path or steps. The proposed route is something of a compromise, but was chosen to lead walkers away from the Whittle's property below the level of the house and surrounding land, thus minimising any loss of privacy.</p> <p>We had considered and may have preferred a route (for section WHS-4-S051) continuing to the top of the slope on land immediately adjacent to the Whittle's southern boundary. However, we recognise that this would have brought walkers in close proximity to the family residence, and so identified a lower level route, leading away from the property. The land in the Whittle's ownership, immediately adjoining the proposed route appears to be rough pasture rather than garden.</p> <p>The Whittle's garden falls entirely outside of the proposed coastal margin and would not be accessible to the public under our proposals. Furthermore, the garden and adjoining rough pasture are separated from the proposed route by existing fences; further clarity on the extent of public access rights can be provided by appropriate signage and way-markers.</p> <p>Whilst the adjacent beach may not benefit from any legal right of access currently, it is well-used by the public, seawards and to both north and south of the Whittle's property. In practice, we do not believe that our proposals, if approved, will significantly affect the safety or security of the Whittles and their property.</p>	

Please refer to separate appendices

Appendix A: Information provided by those submitting representations

- Map A1 supplied by National Trust/Land Restoration Trust
- Map A2 supplied by National Trust/Land Restoration Trust
- Map A3 supplied by National Trust/Land Restoration Trust
- Map A4 supplied by David Beaton and Rosemary De Moura
- Letter A5 supplied by David Beaton and Rosemary De Moura
- Letter/maps A6 supplied by National Grid PLC

Appendix B: Recommended modifications to our proposals

Map B1 of recommended modifications to our proposals (in relation to changes suggested by the National Trust/Land Restoration Trust)

Appendix C: Access and Sensitive Features Appraisal

- Record of the completed Access and Sensitive Features Appraisal