

**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^(a) 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^(b) as a result of the matter or matters specified in that objection.

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

Eden Bank Farm, Beaumont

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

Chapter 2 of Natural England's report: Doudle Beck to St Ann's Well, Beaumont (Map 2c), route section ref. GAL-2-SO34 to GAL-2-SO39

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 grounds set out in paragraphs 3(3)(a),(c)(d) and (f) 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 3(3)(a); the inclusion of, or failure to include, proposals for an alternative route, or the position of such a route or any part of it 3(3)(c); the inclusion of, or failure to include, proposals that certain boundaries of certain areas should coincide with a specified physical feature, or the nature of any such proposal 3(3)(d); and the exercise of a discretion conferred on Natural England by section 301(2) or (3) of the Marine and Coastal Access Act 2009, or the failure to exercise a discretion conferred by section 301(3) of that Act (discretions which relate to a case where the continuity of any part of the coast is interrupted by a river)3(3)(f).

Summary of objections

1. Eden Bank Farm is a dairy farm situated in the centre of Beaumont and has very little land at the home farmstead, the majority of land being situated away from the farmstead. This has management consequences in that the fields at the farmstead are used in a more intensive way than grazing fields, with uses including the collection of animals, nursing sick animals, keeping animals in isolation, putting the bull (dairy or beef) to cows, keeping an eye on cows about to calf or with calves at foot and holding stock for the vet. The field closest to the farmstead (through which section GAL-2-S039 would pass) is the only field adjacent to accommodation/handling buildings and is the only field which can be properly supervised. It is possible that this field may be "excepted land" as it is within the curtilage of land covered by buildings.
2. The HSE warns farmers to avoid running cows with calves in fields with public footpaths and according to HSE figures 18 members of the public on public footpaths were killed by bulls/cows/cows with calves in the last 15 years, with 56 farm workers suffering the same fate. To put the coastal footpath through this field would have a major impact on farm management, would reduce the useable area of an already

small field considerably, would be impractical and would put the public at risk. If it is decided to align the path here there should be a restriction on members of the public with dogs (on a lead or not).

3. The proposed route (at section GAL-2-S034) would also prevent use in an adjoining field of about 200m of land for strip grazing and prevent access down to the riverside for cattle (at sections GAL-2-S035/36). Using the existing Hadrian's Wall Path (HWP) in this location (down steps to river bank and on to the footbridge) would allow half of the field to be used unencumbered for strip grazing.
4. There is an available public right of way along the eastern edge of the field on the far side of the hedgerow which, until it was closed in 2012 was the national HWP. People came from all over the world to walk it. It was constructed about 40 years ago and was closed in 2012 due to a small slip of material on about 4m of the path probably caused by a tree growing on the edge of the bank becoming wind blown and falling down towards the river. Since this time there has been no maintenance or repair and it is therefore not surprising that NE found it in a state of disrepair especially given the storms in Cumbria since that time. Prior to 2012 thousands of people walked the path (Cumbria County Council (CCC) estimate 15000 per year, mainly from USA and Canada) and more resources should be devoted to this section.
5. The proposed route does not attempt to take advantage of the riverine scenery afforded by the HWP. A walk through a field of dairy cows and dung pats with no views of the river is of no recreational benefit and far removed from a coastal walk. There has been no consideration of the criteria of the Approved Scheme or the common meaning of a coastal path experience modified by the fact that in this location it is by a river.
6. There are a few flights of steps on the HWP but thousands of people have negotiated them in the past. The steps down to the river have not been walked or maintained for 6 years but even so are more negotiable than other sets of steps on the route. In particular the steps at GAL-2-S007 are very dangerous and slippery and there are steep steps leading up from the river, which anyone with reduced mobility would be unable to negotiate. Access for the disabled should not be used to support a route when that point cannot be reached because of infrastructure before it (GAL-2-SO31) which cannot be negotiated by those of reduced mobility. Furthermore the proposed route refers to the provision of stepping stones which would in fact be a steep and slippery stone staircase which would be hazardous to even a slightly disabled person.
7. Part of the proposed route is on top of the course of the Roman Wall and the establishment of it could cause damage to the archaeology and historic setting.
8. The route should be modified to follow the walked line of the HWP before it was closed. That route affords better views of the river, would be safer for walkers and would not interfere with farm management. There would be no disturbance to the site of the Scheduled Ancient Monument.

D. Details of Natural England's comments on the objection, including any relevant alternative modifications^(c):

1. NE maintains that the proposed route is the most appropriate as it is direct, relatively accessible for people with limited mobility and is sustainable in the longer term. It is also reasonably close to the River Eden.
2. Concerns in relation to walkers and/or dogs in close contact with livestock are valid and reasonable but are neither unique nor particularly unusual. The coast path will often cross land with livestock and this is recognised in the Approved Scheme. NEs proposals are consistent with the approach contained in the Scheme at parts 8.1 and 8.2. A person with a dog must keep it on a short lead in the vicinity of livestock.
3. The route of the HWP was closed about 5 years ago due to significant landslips and erosion and a temporary diversion was put in place that routed the trail along the nearby road. CCC decided that repairing the route was not financially viable. The alignment of the route along the road would have led to all the land between the road and the estuary becoming part of the coastal margin. NE does not believe that that would be in the best interests of the landowners as it is likely that NE would not have found sufficient reason to grant a direction to exclude access from this land.
4. We have been in regular conversation with Heritage England and the Hadrian's Wall National Trail management team. Prior to the installation of any new infrastructure in the vicinity of sites of archaeological interest, further consultation will be held to ensure that any infrastructure will not damage any archaeology.
5. The route at GAL-2-SO34 to GAL-2-SO36 would be contained within an area of scrub. NE intends to create a fenced and gated corridor through this scrub specifically to avoid the existing cattle tracks that exist down the slope. These measures will not affect areas of grazing or the movement of cattle.
6. The proposed route along the eastern edge of the field at the top of the slope (section GAL-2-SO34) is the most appropriate as it is direct, relatively accessible for people with limited mobility and, in NEs view, more sustainable in the longer term than a route closer to the edge of the river at the bottom of the slope.
7. CCC has indicated that it believes the proposed alignment is on the actual line of the definitive path and that the establishment of the waymarked path along the edge of the river and associated infrastructure (steep steps) was not accompanied by the required formal modification to the definitive map.
8. Users of the HWP were previously following a route through part of the field at GAL-2-SO34 and would already have been coming into contact with any livestock being kept in the field. By aligning the route at the top of the slope it will be easier for stock and walkers to avoid coming into close proximity to each other as explained at section 8.2.9 of the Scheme. This is less likely to be the case if the route were to be aligned on land bounded by steep slopes on one side and the river bank on the other.
9. With regard to the proposed modification, maps supplied by CCC indicate that the riverside path managed until recently as HWP is not on the definitive line of the public right of way in this area. NEs proposed route follows the definitive line as closely as possible, deviating only to take account of bank erosion and path sustainability issues.

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

Following the APs site visit NE have, at the request of the AP, provided further information as follows :

Sections GAL-2-SO34 to GAL-2-SO37 - the route previously managed as the HWP is still in relatively good order, despite lack of management for some time. However the definitive map points to the conclusion that the HWP was incorrectly aligned and established in this area at some point in the past. Whilst it would be acceptable, from the point of view of public safety/convenience and probably sustainability, to align the coastal path on this same existing walked route, NEs view is that it is more appropriate to have just one walking route in this area. Since CCC has made it clear that it wishes to see the HWP on the definitive line of the public footpath, on level ground just to the top of the river bank slope, it seems logical to conclude that this is also the most appropriate route for the coastal path.

Section GAL-2-SO38 – this differs from the definitive public footpath/HWP line only in as much as is necessary to link it safely and sustainably to the proposed route sections either side.
 Section GAL-2-SO39 – the HWP in this area is just about passable with care. However, NEs view is still that it does not present a reasonably safe, convenient and sustainable route for the coastal path in the future. Additionally the former route of the HWP is inconsistent with the route of the public right of way as shown on the definitive map.

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

Location	Address	Contact number
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

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”.

