

**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:

Longcroft Farm

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

Chapter 3 of Natural England's report, Anthorn Marsh East to Beckbrow Cottage (Map 3h).
GAL-3-S032 and GAL-3-S033

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), (b), (c), (d) and (e) 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 proposals (in relation to an area subject to significant coastal erosion, encroachment by the sea or significant physical change due to other geomorphological processes) providing for the route to be determined in accordance with provision made in the proposals (rather than as shown on a map) or the nature of any such proposal 3(3)(b); 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 inclusion of, or failure to include, proposals as to the directions to be made under Chapter 2 of Part 1 of the Countryside and Rights of Way Act 2000 for the exclusion or restriction of a right of access in relation to land to which the report relates, or the terms of any such proposal 3(3)(e).

Summary of objections

1. The location of Longcroft Farm is unique due to its close proximity to Longcroft Marsh and the channel of the River Wampool. This leads to unusual farming practices and methods being adopted to allow the business to be viable.
2. During April to October (depending on the weather) there will be up to 250 young heifers and yearlings in the fields S032 and S033. In wet months (which can be during the summer) Longcroft Marsh floods and the cattle require the higher embankment for safety. This area which is bordered by gorse land/hedgerow also provides important shelter for the cattle from the elements. The proposed route and landward margin forms part of this higher embankment and use by members of the public would either prevent the cattle from using this area or bring the cattle into close proximity with members of the public.
3. There is a water trough situated on the higher embankment and the presence of members of the public could prevent cattle accessing it. Also cattle often congregate around the water trough. It cannot be relocated on to the lower marsh land as if the marsh floods this could cause contaminants to reach the water supply to the cattle. For all of these reasons the embankment is critical as a means of safety, shelter and health management of the cattle.

4. The route is close to Longcroft Farm and the cattle come and go from the marsh to the farm steading. The route would bring members of the public and young, flighty, boisterous cattle into close contact. The public and dogs are likely to frighten the cattle which would run either towards or away from the public which could result in cattle being forced onto marsh land which could be extremely dangerous particularly at high tide. There is fencing on the seaward side of the route and a hedgerow on the landward side resulting in the route being contained within a narrow and constrained area of land.
5. The land around Longcroft Farm is limited and it would no longer be possible to allow bulls to graze.
6. The construction of a fence to the landward side of the path in order to retain cattle landward would sterilise a large part of the objector's land. The construction of a fence to the seaward boundary would only allow cattle to graze the marsh land area preventing them from accessing the embankment for safety, shelter and water and prevent them from wandering in close proximity to the farm steading which greatly assists in animal management.
7. A vet has confirmed that in her opinion, due to geographical features of the land and management issues as set out above, the route would be detrimental to cattle welfare. She also states that the herd has been "closed" for over 20 years and has a high health status and that maintaining biosecurity would be impossible.
8. During the winter months when the land is not used for grazing the high tide could flood the route and margin forcing the public to walk further landward causing further inconvenience and disruption to farming practices.
9. Wintering barnacle geese use the land during winter months and the route would disturb and interfere with their natural habitat.
10. Any re-routing of the path landward due to roll-back would encroach further onto the farming operations.
11. The alternative route proposed at times when the main route is affected by high tides should be used as the main route together with a direction excluding access all year round over the relevant coastal margin. The basis of the exclusion would be on the grounds of land management and in the interests of being able to continue existing farming practices to make the business viable.
12. NE has applied its discretionary power to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature. There do not appear to be any exceptional circumstances which allow for this and the objector disagrees with it.

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

1. The proposals were made without the benefit of being able to walk along the proposed route and NE was obliged to design the proposals based on views from nearby land and reference to data sources such as aerial photography and maps.
2. NE's preferred option would have been to align the route on land immediately above the high water mark at the outer edge of the marsh. This would have been least inconvenient for land management purposes and most enjoyable for walkers. However the intertidal area is an important roost and feeding site for a variety of bird species and would be highly susceptible to disturbance by walkers. The potential for disturbance from a route at the back edge of the marsh as proposed was not found to be significant when viewed against the protected sites as a whole and the distribution of species.
3. NE does not believe that the stock management practices are unique or particularly unusual. The coast path will often cross land grazed by cattle. NE's proposals are consistent with the approach contained in the Scheme, parts 8.1 and 8.2. NE would be willing to discuss the need for access exclusions or restrictions.

4. NE considers it unlikely that any roll-back would have a significant effect on land management. This is partly because the route is generally not adjacent to the estuary and any roll-back required would keep track with the changing alignment of the river bank.
5. With regard to boundary discretion, the additional land would seem to be largely covered by scrub and woodland, based on NEs remote observations.
6. The option of having the main route along the nearby road was considered and discounted. It is not in close proximity to the sea or estuary and would have led to all of the land between the road and the estuary becoming part of the coastal margin. It is by no means likely that NE would find adequate reasons to grant a direction to exclude access from this land.

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 states that GAL-3-S033 and GAL-3-S034 sees large aggregations of feeding geese (anecdotal reports of over 1500 individual pink-footed geese) at all states of tide and that on spring tides the area of available marsh for feeding geese is restricted to the upper sections, often within 50m of the proposed route which may result in significant disturbance and displacement effects.

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

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”.