

**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:**

North View 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-SO40 and GAL-2-SO41

**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. The Hadrian's Wall Path (HWP) has been subject to erosion – increased usage, combined with ongoing lack of maintenance has destabilised the bank. The path is now closed as it has proved unviable to repair and maintain. It has been successfully rerouted suggesting that that is a viable and acceptable alternative route
2. The proposed new route crosses a fruit orchard which is the curtilage of the adjacent buildings. There are concerns about the crop being taken.
3. The land is regularly used for cows with young calves, sheep with lambs and to pen stock. There are safety concerns for the stock and for visitors.
4. The land is also used for baled silage and is subject to frequent vehicular access and operations.
5. No provision appears to have been made for ongoing maintenance and repairs to the proposed route and erosion will lead to it being relocated, taking more land.

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

1. Section GAL-S-041 is an existing public right of way and located on the outside of the field boundary fence, where walkers would be separated from any activity taking place within the field itself.
2. The diversion of the HWP was only ever envisaged to be temporary. The route is not in close proximity to the sea or estuary and would lead to all the land between the road and estuary becoming part of the coastal margin. It is possible that NE would not be able to find adequate reasons to grant a direction to exclude access from this land.
3. NE do not agree that the land forms part of the curtilage of adjacent buildings. Access would be restricted to the line of the trail and there would be no right to take fruit from the trees.
4. The situation with regard to walkers and/or dogs in close contact with livestock is not

unique or particularly unusual. The proposals are consistent with the approach contained in the Scheme, at parts 8.1 and 8.2.

5. The path will often cross land where vehicles and machinery are being used and the concerns are not particularly unique or unusual. The proposals are consistent with the approach contained within the Scheme at part 8.13. The trail will be along the edge of the field/orchard closest to the river and visitors are likely to avoid areas where work is taking place. Operators of machinery will normally be expected to check for approaching visitors and stop work temporarily to allow people to pass through safely.
6. These sections of the trail will be subject to “roll-back” due to the erosion taking place along the river. If the trail did “roll back” NE do not consider that it would affect the ability of the landowner to manage his land, given how it is currently managed. NE will work with local access authorities to meet maintenance and management requirements.

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:

The erosion/ land-slip on this part of the riverbank was the cause of the original diversion of the HWP. NEs view backed by advice from Cumbria County Council is that it is not possible to re-establish a safe and reasonably convenient national trail on the slope above the river due to the extreme instability of the slope below.

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”.