

**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:

Raby Grange

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

Chapter 4 of Natural England's report: Salt Cotes to River Waver Crossing (Map 4g) GAL-4-S018 and GAL-4-S019

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 coastal path is meant to be as near to the coast as possible. The proposed route deviates well away from the coast along an old railway line.
2. At times of high tides and flooding the whole field including the proposed route floods quite deeply making it dangerous/impossible for walkers to use. There are also areas of quicksand.
3. Where the proposed route comes up from the railway next to a narrow fenced space where cattle are kept, cattle could get spooked by passing walkers and dogs putting both cattle and walkers in potential danger. Letters from livestock auctioneers advise that public safety and animal welfare could be severely compromised as the parcel of land is fenced on 3 sides with no escape option for either livestock or the public. In times of flooding the livestock use the elevated old railway as an escape route.
4. Many birds, including geese, herons and swans nest and breed along the proposed route, more so than on the marsh.
5. It would be better if the path came across from Newton Arlosh Marsh to Border Marsh (also known as Red Flat Marsh) making use of the public footpath down to Skinburness Hotel as proposed by the Skinburness and Calvor Marsh Committee.

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

NE were not permitted onto the land prior to drawing up the proposals which were therefore based on limited views from adjoining land and references to sources of information such as aerial photographs and maps.

1. The route should be close to the coast but a wide range of factors must be taken into account, including the interests of the public and owners/occupiers, potential impacts on sensitive features, safety and convenience, as well as constraints such as the availability of river crossings (part 4.5 of the Scheme) and the desirability that the route is relatively direct (4.3.1)
2. Notices will be installed at key locations either side of the Waver estuary advising walkers that the route may be affected by high tides or extreme weather events. Walkers will be able to continue their journey via existing rights of way, minor roads and the nearby "New bridge". This was not proposed as the main route as it would not be compliant with the approved Scheme, not least since it would lead to much larger areas of land falling within the coastal margin.
3. When NE eventually visited the site after the proposals had been published, young cattle were encountered in the narrow strip of land on the disused railway and they moved out of the way. Paragraph 8.2.13 of the Scheme notes that exceptionally NE may avoid aligning the route through small areas occupied by cattle. The northern part of the disused railway line is relatively narrow, but it forms part of a significantly larger enclosure. Paths through such areas are relatively common and issues arising are rare.
4. It is accepted that many species of birds associated with the Special Protection Area often roost and feed over a wide area of land outside the protected site. The advice from NE nature and conservation was that the area of Rabycote marsh, just to the west, is the most important site for geese in this general vicinity.
5. NE has not received a proposed modification from the Skinburness and Calvo Marsh Committee. The modification appears to involve bridging the estuary further downstream. Initial advice from Cumbria County Council was that whilst it may be possible to bridge downstream, the proposed location was regarded as the most favourable taking into account the stability of the banks and other such factors. In addition a bridge in the vicinity of Brownrigg and Raby Cote would require the creation of a new path along the western bank of the Waver across an area of saltmarsh that NE considers unsuitable for public access. Additionally any such proposal would be likely to cause significant disturbance to the barnacle geese recorded as using Rabycote marsh at certain times of year.

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;

1. A new bridge was considered at some point between the junctions of sections GAL-4-S027 and GAL-4-S028. NE did not ask for a full geophysical survey as NE had already concluded that an increase in access over Rabycote marsh would be unacceptable for nature conservation reasons.
2. Much of the land farmed at Raby Cote is in arable rotation and thus excepted from new access rights. NE was therefore obliged to identify a suitable route further inland than might otherwise have been the case.
3. The location proposed by the objector was not considered to be an option due to the width of the river channel in that area. Any bridge here would have to span in excess of 100m, entailing significant engineering challenges and a cost many times greater than the proposed location. The furthest point downstream considered potentially appropriate for a new bridge, from a purely technical installation point of view was the junction between sections GAL-4-S027 and GAL-4-S028, close to Rumbling Bridge.
4. The area of marsh seaward of the proposed trail as far south as section GAL-4-S016, including the area of marsh immediately west of Raby Cote farm, is unsuitable for access due to the nature of the marsh and the existence of various muddy creeks. The area is similar in appearance to the bulk of Newton and Saltcoates Marsh to the north.

Conversely south of this point and over Rabycote Marsh, the appearance was found to be more that of stable grazing marsh with no significant hidden dangers.

5. There is evidence to suggest that Rabycote Marsh, as well as the immediately adjoining agricultural fields, are the prime locations for Pink-footed and Barnacle geese, mostly over the winter months. NE were unable to conclude that any proposal involving a route through this area would be unlikely to have a significant effect, therefore NE were obliged to draw up the proposals accordingly. Whilst the Rabycote marsh area and adjoining fields are within the coastal margin, NE consider that access levels and patterns in this area are unlikely to change significantly as a result of the proposals.

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”.