

**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:

Burgh Marsh

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

Chapter 2 of Natural England's Report: Lane to Casson Dyke Farm to King Edward 1st Monument (Map 2f), King Edward 1st Monument to Burgh Marsh (centre)(Map 2g), Burgh Marsh (centre) to Boustead Hill (Map 2h) and Boustead Hill to Easton Marsh cattle grid (Map 2i).

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 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. Danger to life. Unpredictable, fast flowing tides can cover the marsh in a very short time. Wind speed, direction and land saturation have a huge effect on tidal height, timing and force. Even with information boards showing expected heights of high tides there is a huge element of unpredictability. It is easy to become cut off by creeks which fill very quickly and even locals get caught out.
2. Contact should be made with local life boat services to ensure that they can provide adequate cover in an emergency.
3. Increased foot fall from walkers and dogs will inevitably affect nesting birds and other wildlife in this sensitive habitat.
4. There will be an increase in litter, particularly dog waste. There are no bins on the route.
5. The route requires many new bridges and kissing gates. With the ferocious tides these will need constant repair and replacement as they get washed away. This will be costly.
6. The Hadrian's Wall Path also crosses the area. Although it is being proposed as an "alternative route" it would make more sense to make this the only route. Walkers would then be safe from all tides on top of the flood bank crossing the marsh, all the problems associated with extra walkers in the marsh will be avoided and costs will be drastically reduced.

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

1. Most areas of low-lying coast will be subject to flooding due to a combination of tides and adverse weather. NE agrees that due to the nature of the coast on the Solway estuary, much of which is extremely low-lying, the proposed main route will periodically be affected by floods. At these times the optional alternative route along the road can be used. Information boards will alert walkers to the potential dangers of walking on the salt marsh, will remind them to check tide timetables and will contain maps showing access/egress points. NE has taken many factors into account including the alignment of the Cumbria Coastal Way and the tendency of the marsh to flood from the landward edge on a rising high tide which clearly presents a significant risk to less knowledgeable visitors. Burgh Marsh is already accessible under CROW 2000 and NE is not aware of any significant issues that have arisen during the last 10 years or more of public access rights over this area. NE believes that whilst there is a potential risk that walkers may encounter rising tides, it should be possible to retreat to drier ground from any part of the proposed route and it should be possible to negotiate intervening drains. Although the corner of the marsh around Dykesfield, between the proposed trail and the road/higher ground is probably often difficult to cross on foot, this area is relatively small and it will take walkers only a few minutes to pass this area before easier means of egress to higher, drier ground becomes available. NE believes that the proposed route is consistent with para 7.1.5 of the approved Scheme.
2. NE has consulted with various stakeholders including the coastguard.
3. NE is confident that its proposals will not lead to any significantly increased disturbance or damage to wildlife. The restriction currently in force over Burgh Marsh requiring dogs to be kept on leads to protect ground nesting birds is proposed to be replaced by a similar restriction throughout the year.
4. NE is not required to consider additional facilities as part of its proposals (para 4.3.12 of the Scheme). The provision of bins will be for local authorities to consider.
5. The proposals involve the installation of many new small footbridges across the marsh. NE believes that the costs of installation and maintenance are proportionate to the public benefits to be accrued by following a route over the marsh rather than along roads some distance inland. Cumbria County Council has designed a small footbridge that should require minimal maintenance.
6. With regard to the proposed modification, this would take the coastal path a considerable distance inland. This would not be consistent with the criteria within the approved Scheme but would also create a massive area of additional coastal margin, most of which would be farmland. This would be a much easier and cheaper solution but NE does not believe that it would strike a fair balance.

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

The AP notes that the route proposed by the objector from the western end of GAL-2-SO69 at Easton Marsh cattle grid until near Dykesfield would be along the flood bank which, due to its height, provides views of the estuary. Other parts of the route proposed by the objector are, as stated by NE, a considerable distance inland.

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”.