

Coastal Access Variation Report: Whitehaven to Silecroft WHS-VR2 – Coulderton and Nethertown



Representations with Natural England's comments

1. Introduction

This document records the representations Natural England has received on this report. It also sets out any Natural England comments on these representations.

2. Background

Natural England's report setting out its proposals to vary the England Coast Path at Coulderton and Nethertown between Whitehaven and Silecroft was submitted to the Secretary of State on 1st August 2018. This began an eight week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

In total Natural England received four representations, all of which were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are submitted in their entirety here together with Natural England's comments where relevant. No representations by other individuals or organisations, referred to as 'other' representations, have been received.

Before making a determination in respect of a coastal access report, the Secretary of State must consider documents relating to 'full' and 'other' representations.

3. Representation and comment record

Representation number	MCA\Whitehaven Silecroft\R\23\WHS0080
Organisation/ person making representation	Redacted , Historic England
Report chapter	Map VR2a - Coulderton
Route section(s)	WHS-VR2-S001 to S005
Representation in full <i>Record the representation here in full. Do not summarise.</i>	
I confirm that Historic England has no comments to make on the proposed variation.	
Specialist input <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
Natural England's comments <i>Enter Natural England's comments here with as much detail as possible.</i>	
We are grateful for [the] representation confirming Historic England have no comments to make regarding the proposed variation at Coulderton and Nethertown.	

Representation number	MCA\Whitehaven Silecroft\R\24\WHS0080
Organisation/ person making representation	Redacted , Historic England
Report chapter	Map VR2b - Nethertown
Route section(s)	WHS-VR2-S006 to S016
Representation in full <i>Record the representation here in full. Do not summarise.</i>	
I confirm that Historic England has no comments to make on the proposed variation.	
Specialist input <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
Natural England's comments <i>Enter Natural England's comments here with as much detail as possible.</i>	
We are grateful for [the] representation confirming Historic England have no comments to make regarding the proposed variation at Coulderton and Nethertown.	

Representation number	MCA\Whitehaven Silecroft\R\25\WHS0013
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Organisation/ person making representation	Redacted , The Ramblers and Open Spaces Society
Report chapter	VR2a - Coulderton
Route section(s)	WHS-VR2-S001 to S005
Representation in full <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
<p>The reasons given by Natural England for the proposed variation are a more pleasant walking experience and reduced impacts on land management practices.</p> <p>The currently approved route (WHS-2-S009 to WHS-2-S011) follows field edges on the seaward side of the fields. This route climbs to 50m above sea level and we believe offers extensive views of the hinterland to the England Coast Path in this location, including to the western fringe of the Lake District National Park. In the context of the route from Sellafield to Whitehaven, it offers perhaps some of the best visual quality.</p> <p>Whilst the work of Network Rail in stabilising and drainage of the bank above the railway line is welcome, it does not provide sufficient reason for a substandard proposed re-routing of the trail. The surface geology of the proposed alignment is unstable boulder clay and the path, in parts, crosses compacted earth which will prove uncomfortably slippery following rain or covering in sea spray in winter. We suspect the path, using this alignment, would prove to be a significant maintenance issue in the years to come.</p> <p>The proposal includes additional steps, which seems to run contrary to Natural England's commitments in Section 4.3 of the Approved Scheme not to introduce additional barriers to access for those with reduced mobility. In addition, this appears contradictory to the reasons Natural England has given for variation VR2b, which is to accommodate the less mobile. Those of more limited mobility will find the existing approved route more readily accessible.</p> <p>We therefore believe that the proposed variation will not provide a more pleasant walking experience.</p> <p>Use of the seaward edge of the fields appears not to impinge unduly on the land management activities and this has been accepted by the SoS as reaching a 'fair balance'.</p> <p>There are significant additional capital costs associated with the proposed route, as well as the potential for higher maintenance costs.</p> <p>We therefore strongly recommend that the Secretary of State does <u>not</u> approve the variation proposed by Natural England.</p>	
Specialist input <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	Redacted , Cumbria County Council Countryside Access Officer
<p>"We can confirm that our onsite assessment of the route is as you have described. Our standard designs details aim to minimise the maintenance liability and will be tailored to the specific location. Where possible we will bench the surface to create sloping ramps rather than steps."</p>	
Natural England's comments <i>Enter Natural England's comments here with as much detail as possible.</i>	

Please note that a single representation was received in relation to each of the two variations proposed; each of these is submitted jointly on behalf of the Ramblers and the Open Spaces Society. We have consequently not duplicated our response to each of these.

We thank [The Ramblers and Open Spaces Society] for [their] comments and respond as follows.

The main issues raised are: views from the path, suitability of surface underfoot, and suitability for less mobile walkers; and whether NE's proposals create a fair balance.

Firstly, with regards accessibility for less mobile walkers, we do seek to ensure the infrastructure is not the limiting factor in relation to the terrain, and given the need for fair balance (for example in the use of stock-proof kissing gates rather than pedestrian gates).

However, as was set out in the approved 2014 proposals for Chapter 2 of the Whitehaven to Silecroft stretch: *"...whilst there are few artificial barriers to accessibility on the proposed route, much of this length will not be easily accessible by people with reduced mobility. This is due to undulating terrain with some steeper slopes, steps and sections on sand dunes & shingle ... Between St Bees and Nethertown, and in various other locations, the creation of a new path will involve installation of many stock-proof gates."* (Paras 2.1.8 and 2.1.9 – "Accessibility")

The original proposed route between Pow Beck (St Bees) and Nethertown Station, already involved a number of other fairly steep slopes which would be difficult to avoid without aligning the trail on the road. The proposals for Chapter 2 were fully supported in the Ramblers Association representation at that stage (no representation appears to have been received from the Open Spaces Society) and were subsequently approved. While we appreciate that steps can pose an additional barrier to some, the terrain itself is, regardless, not easily accessible for those with reduced mobility, and the use of steps improves those areas of ground which we do deem to be overly slippery. Where it seems wise or necessary to introduce steps we will, wherever possible, opt for long, back-filled steps – these are typically on a low overall gradient and introducing a small rise in between each individual step.

Parts of this variation which are not underpinned by proposed steps are on flatter areas and are unlikely to be any more slippery than the approved route on high, exposed slopes would be after the introduction of footfall erosion. At the south eastern end of the proposed variation, flagstones are proposed across a wetter area, along with drainage and fencing to improve conditions underfoot and prevent cattle damage. Additionally, the slopes and ground quality were assessed on site by Cumbria County Council, before plans for steps were drawn up, and while [the representative] comments on the increased installation and potential maintenance costs of the varied route, we would point out that this investment on our part illustrates our confidence in the proposals. It is worth noting that the proposed variation at Nethertown (map VR2b) results in a notable saving, offsetting the additional expenditure at Coulderton.

With regards views from the upper fields, we acknowledge that relocating the trail to a lower level would result in a reduction of inland views. However, the trail is still aligned on the cliff top for a good distance between Pow Beck and Nethertown (and indeed beyond, over St Bees Head), and the diversion onto the coastal slopes is still scenically very enjoyable, being closer to the sea and retaining views of it, and passing through sections of gorse with a much more quintessentially 'wild' coastal feel which will be very attractive to many. We consider this variety of scenery to be an appealing feature of the route.

Finally, the principle of 'fair balance'. As it has been noted, the proposed variation to the route was not available at the time of making original proposals due to works being carried out by Network Rail and the uncertainty surrounding them, this being the reason for not exploring the possibility sooner. However, if available this would have been likely to be our proposed route, similar to the approved length just to the north. At the time, the approved route held the least impact on the landowner because it was the closest available route to the sea, as also noted in the Planning Inspector's response to the objection raised by the landowners. In realigning the trail to the seaward side of this, three individual grazing enclosures at the top of the cliff would be removed from the influence of coastal access measures. This is likely to be of benefit to the land owners/managers, particularly given the presence of bulls, and cows with calves, concerns which were formally raised in the landowners' objection to our original proposals. Whilst it may be deemed acceptable to have access through

grazing land, it is not without its concerns on both sides as we know some walkers also feel uncomfortable walking through livestock. The new route would take the main trail away from the more intensively stocked and managed higher fields, and fencing will, for part of the varied route, separate walkers and livestock.

Given that the approved route plus spreading room would impact five separate enclosures compared with two in the proposed variation (and that a sixth enclosure on the south side would have a greatly reduced proximity of walkers to most of the field as a result of this proposed variation); and given that accessibility to this area is naturally reduced by the terrain; we believe that this attractive new route, now it has become available, offers the best overall experience to walkers and strikes the fairest balance between public and private interests.

Representation number	MCA\Whitehaven Silecroft\R\26\WHS0013
Organisation/ person making representation	Redacted , The Ramblers and Open Spaces Society
Report chapter	VR2b – Nethertown
Route section(s)	WHS-VR2-S006 to S016

Representation in full *Record the representation here in full. Do not summarise.*

We note the permanent exclusion of land west of this length of route from the coastal margin. The changes in land management practices that form Natural England's justification for the proposed variation are not fully explained. It is therefore not possible to determine why these altered activities would continue to justify total exclusion.

If the changes are the introduction of cattle then we ask the Secretary of State to note that Natural England has proposed many sections of the England Coast Path route in Cumbria, and elsewhere, through such stock grazing areas. The Approved Scheme notes (Section 8.2.2) that "A great deal of land grazed by cattle has public access, showing that the two uses are generally compatible" and (Section 8.2.11) that "The trail may cross land grazed by cattle if it is the most convenient route along the coast. On intensively managed grazing land it will normally follow the seaward edge of the field. This approach will minimise any potential contact between cattle and access users".

We are alarmed by the prospect of channelling walkers for such a continuous length on a narrow road which is largely used by local residents whose speed tends to be higher than reasonable from a walker safety perspective.

We are also concerned by the ecological damage to the verges. As often, in this part of the world, they constitute vital residual reservoirs for wild flowers which, in turn, are an important source of nectar for butterflies and other insects. Permanent damage to such verges should be avoided and, in any case, the lengths involved do not solve the problem of walkers and cars both being potentially in conflict on the tarmac road.

That said we are willing to accept the variations proposed as WHS-VR2-S014, WHS-VR2-015 and WHS-VR2-016, which would use a very short section of the road to bypass the deep sided gill and avoid the need for a footbridge. This will make the route more suitable for people with some mobility restrictions. Our acceptance of this part of proposed variation would be subject to the remainder of the of the proposal along the highway being withdrawn. The proposed field side path offers a safe route and should not affect users with less mobility.

We strongly urge the Secretary of State:

- to reject Natural England's variation proposal for sections WHS-VR2-S006 to WHS-VR2-S012;
- to amend WHS-VR2-S013 to allow for a diversion of WHS-VR2-S014 as per our representation; and

to accept NE's proposed variations WHS-VR2-S014, WHS-VR2-015 and WHS-VR2-016.

Specialist input *Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.*

Redacted, Cumbria County Council
Highways Officer

NE can confirm that [the Cumbria County council Highways Officer] has had sight of and agreed the account below regarding decisions made on the site visit.

Natural England's comments *Enter Natural England's comments here with as much detail as possible.*

Please note that a single representation was received in relation to each of the two variations proposed; each of these is submitted jointly on behalf of the Ramblers and the Open Spaces Society. We have consequently not duplicated our response to each of these.

We thank [The Ramblers and Open Spaces Society] for [their] comments and respond as follows.

Regarding the permanent exclusion of land west of the proposed trail variation, we can confirm that the reasons for this exclusion still stand in relation to the use of part of the land as a motorcycle scrambling track and the public safety risk associated with that use. At the time of the original route being approved, the exclusion ended at the seaward edge of the trail which for the most part ran along the landward edge of the enclosure. However, if the trail moves onto the road, then the current boundary for the exclusion would make little obvious sense; hence the adjustment to the exclusion boundary for the purposes of clarity and cohesion for walkers. The safety risks associated with the scrambling track preclude any alignment on the seaward edge of the field in question.

The land in question, since proposals were approved, has become heavily stocked with cattle which have caused significant poaching and which would be something of a hindrance to the long distance walker above and beyond normal expectations. The proposed variation to this section of trail enables walkers to move on with less hindrance to a point where the route becomes more coastal and the ground less disturbed once more, whilst retaining good views inland. We had come to the conclusion that the only way to ensure that the approved route might remain reasonably convenient to walkers would be to exclude stock by means of a new fence to the seaward edge of the majority if not the entirety of section WHS-2-S038. Not only would this represent a burden on the tenant farmer but it would not provide a good solution overall from the walker's perspective.

With regards safety, we can confirm that a site visit was conducted with Cumbria County Council Highways officers, and the entire roadside proposed variation was assessed in terms of visibility and refuge areas in both directions. Due to the presence of grass verges, this section is deemed safer to walk than other sections of road in this area, with only 48 metres of the trail enforced on tarmac (ie. no verge, or road crossings). It is also on the very fringe of Nethertown village, which sees a 30mph speed limit in force. Detailed discussions were held on site to develop a specific way-marking and verge cutting plan to clearly guide walkers on the line of best visibility, to cross in the most appropriate locations, and to act as a visible reminder to drivers to expect walkers on or near to the carriageway. During the site visit, officers spent about 90 minutes on this section of road during what would locally be described as a 'busy period', witnessing very few vehicle movements. We understand from conversations with the adjacent landowner that the majority of traffic between Sellafield and St Bees uses the B5345, as the minor road in question only links a handful of small settlements. Where larger vehicles passed us (such as farm traffic) the good visibility and slow approach allowed plenty of warning to move onto the verge.

We welcome [the] concern regarding the ecological implications of verge cutting, and acknowledge that the proposed variation results in a net loss of some uncut verge area, which we have taken into

account when assessing against other concerns within the fair balance principle. We do not believe that the relatively small loss of verge here in the context of the local area's whole road network would outweigh the benefits of aligning the trail on this new route versus the field; but would of course expect Cumbria County Council to follow any relevant ecological policies and requirements regarding verge cutting. The approved Coastal Access Scheme suggests that we should avoid aligning the trail on roads unless these provide the only or the best option; in this particular location, we believe that the roadside verges do provide the best option.

Finally we note [the] support for the alignment of proposed trail sections WHS-VR2-S014 to S016, and in part of WHS-VR2-S013.