

Department for Environment, Food and Rural Affairs

Notice by the Secretary of State under section 52 [and 55(1)] of the National Parks and Access to the Countryside Act 1949

Coulderton and Nethertown in Cumbria

December 2019

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Introduction

Under the duty in section 296(1) of the Marine and Coastal Access Act 2009 (“the duty”), (“the 2009 Act”):

On 16 April 2014 Natural England published proposals for a stretch of the English Coastal Path under section 51(1) of the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”) named Whitehaven to Silecroft (“the Whitehaven to Silecroft proposals”)

On 28 September 2015 the Secretary of State gave notice under Section 52(2) that the Whitehaven to Silecroft proposals were approved (“the approved coastal access provisions”).

On 1 August 2018, under section 55(1) of the 1949 Act, Natural England submitted a coastal access variation report relating to proposed changes to the approved coastal access provisions (“the coastal access variation report”) to the Secretary of State for Environment, Food and Rural Affairs.

The coastal access variation report proposed changes to the approved coastal access provisions.

In reaching her determination under section 52 of the 1949 Act the Secretary of State has considered:

- a. Proposed Changes to the England Coast Path at Coulderton and Nethertown, Cumbria - Natural England’s coastal access variation report submitted to the Secretary of State on 1 August 2018;
- b. in accordance with paragraph 16(1)(d) of the Schedule, representations made by a person within paragraph 2(2)(b) to (f) of the Schedule, and the summary of other representations made, and Natural England’s comments on those representations which it sent to the Secretary of State on 8 October 2018. In this notice –

(a) “objection” means an objection about the coastal access report which is made under paragraph 3 of the Schedule; and

(b) “representation” means a representation about the coastal access report which is made under paragraph 7 of the Schedule.

Secretary of State’s approval of coastal access proposals

The Secretary of State has determined to approve the proposals set out in the coastal access variation report so far as they relate to those parts of the route (and associated coastal margin) in relation to which no objections were made.

The conclusions and observations of the Secretary of State in relation to the representations are set out in **Annex A** to this notice.

The Secretary of State has made available at www.gov.uk a copy of this notice and a copy of all representations made by a person within paragraph 2(2)(b) to (f) of the Schedule, and Natural England's comments on those representations, which were sent to the Secretary of State on 8 October 2018.

Natural England has also made available Proposed Changes to the England Coast Path at Coulderton and Nethertown, Cumbria – Natural England's report.

Annex A: Conclusions and observations on representations

The Secretary of State has considered, in relation to the coastal access variation report, the following representations made under paragraph 7 of the Schedule.

Representation No. MCA\ Whitehaven Silecroft\R\23\WHS0080

Name of representation: Historic England

Report chapter and route section(s):

Variation 1: Coneyside, near Coulderton/Map VR2a

WHS-VR2-S001 to S005

Secretary of State's conclusion and observation:

Secretary of State thanks Historic England for their representation and notes that they have no comment to make regarding the proposed variation at Coulderton.

Representation No. MCA\ Whitehaven Silecroft\R\24\WHS0080

Name of representation: Historic England

Report chapter and route section(s):

Variation 2: South of Nethertown/Map VR2b

WHS-VR2-S006 to S016

Secretary of State's conclusion and observation:

Secretary of State thanks Historic England for their representation and notes that they have no comment to make regarding the proposed variation at Nethertown.

Representation No. MCA\ Whitehaven Silecroft\R\25\WHS0013

Name of representation: The Ramblers and Open Spaces Society

Report chapter and route section(s):

Variation 1: Coneyside, near Coulderton/Map VR2a

WHS-VR2-S001 to S005

Secretary of State's conclusion and observations:

Secretary of State thanks the Ramblers and Opens Spaces Society for their representation and notes the specialist advice from Cumbria County Council. In respect of the accessibility of the stretch she notes that while steps can pose an additional barrier to some, the terrain itself is not easily accessible for those with reduced mobility. She understands that those flatter areas along the proposed route are unlikely to be any more slippery than the approved route and notes that flagstones are to be used on wetter areas. She observes that a significant portion of the approved route between Pow Beck and Nethertown is aligned along the cliff top and that the proposed route retains views of the sea. She recognises that the proposed route was not available at the time of making the original proposals and that it has the effect of taking three enclosures out of the coastal margin. In conclusion she approves route sections WHS-VR2-S001 to S005.

Representation No. MCA\ Whitehaven Silecroft\R\26\WHS0013

Name of representation: The Ramblers and Open Spaces Society

Report chapter and route section(s):

Variation 2: South of Nethertown/Map VR2b

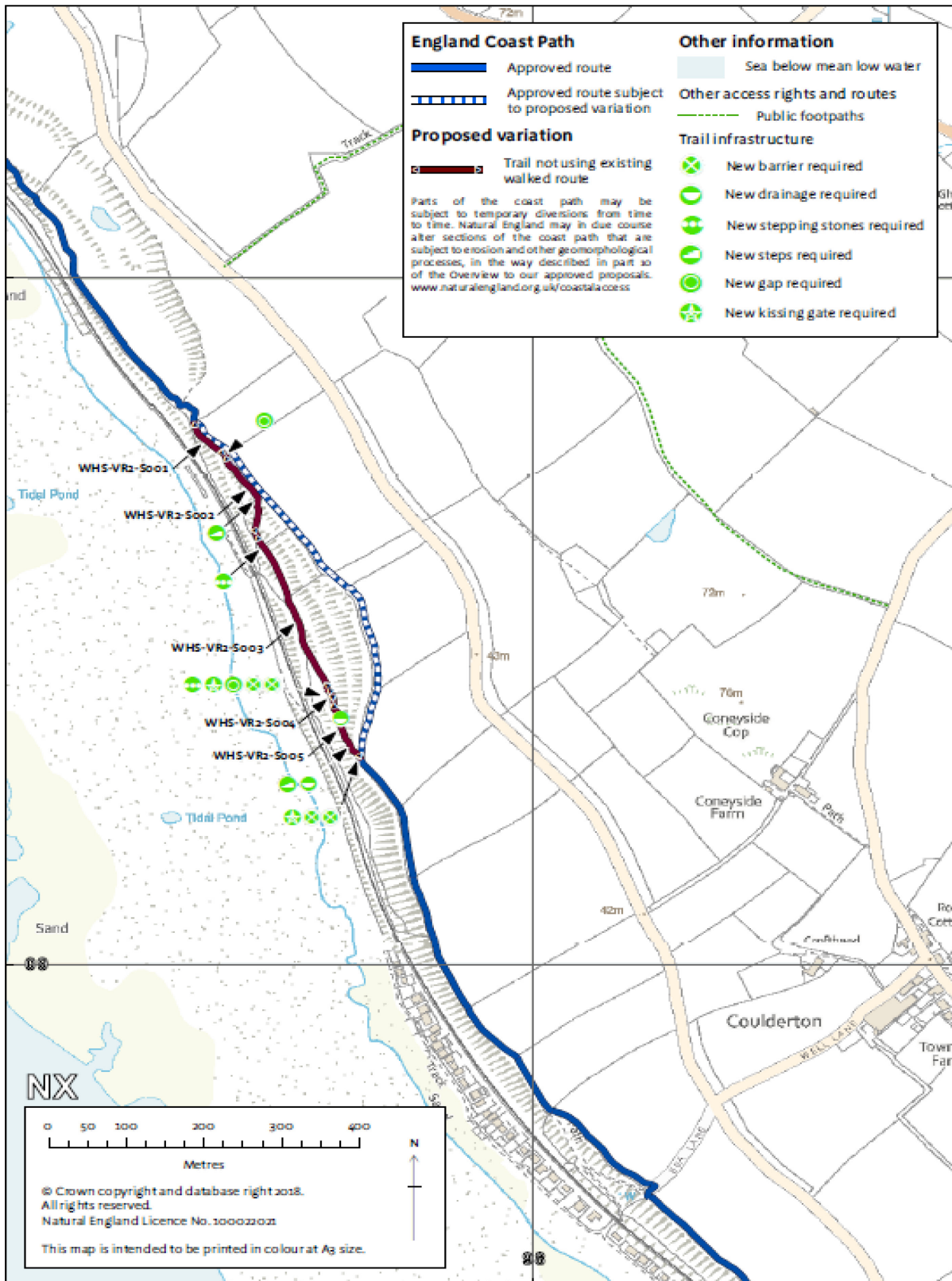
WHS-VR2-S006 to S016

Secretary of State's conclusion and observation:

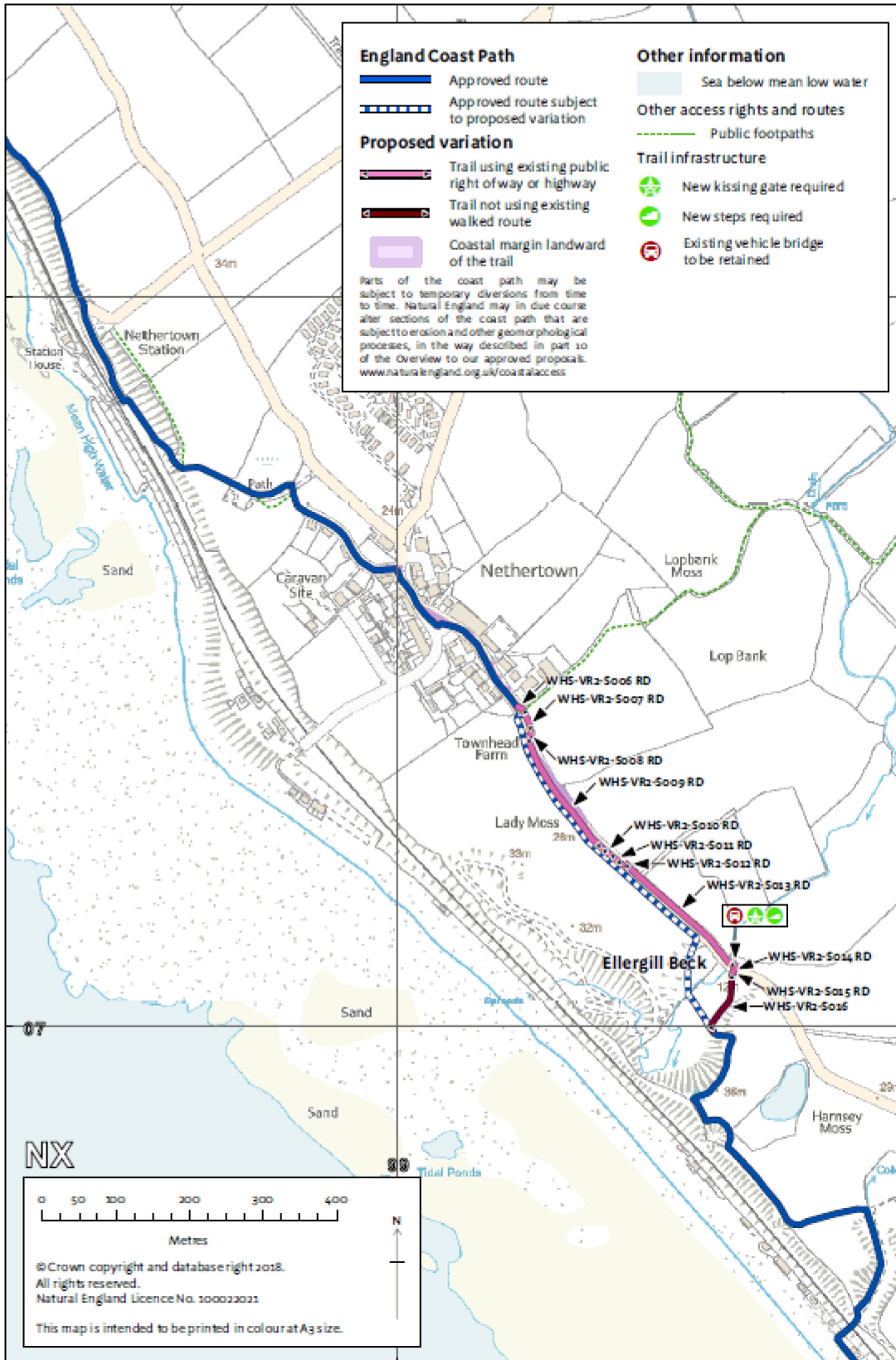
Secretary of State thanks the Ramblers and Opens Spaces Society for their representation. She observes that that the approved route has become subject to significant poaching by cattle and the proposed variation will enable walkers to move along the route with less hindrance to a point where the route becomes more coastal. She notes that Natural England conducted a site visit with Cumbria County Council to assess the proposed variation where it is aligned along a roadside verge and that the presence of grass verges makes this section safer to walk than other sections of road in the area. She acknowledges the net loss of some uncut verge area on this section but observes that in the context of the local area's road network, the loss here would not outweigh the benefits of realigning the trail away from the field and along the route of the proposed variation. In conclusion she approves route sections WHS-VR2-S006 to S016 and the direction to

exclude access under section 24 and section 25 of the Countryside and Rights of Way Act 2000 as shown on Map VR2c.

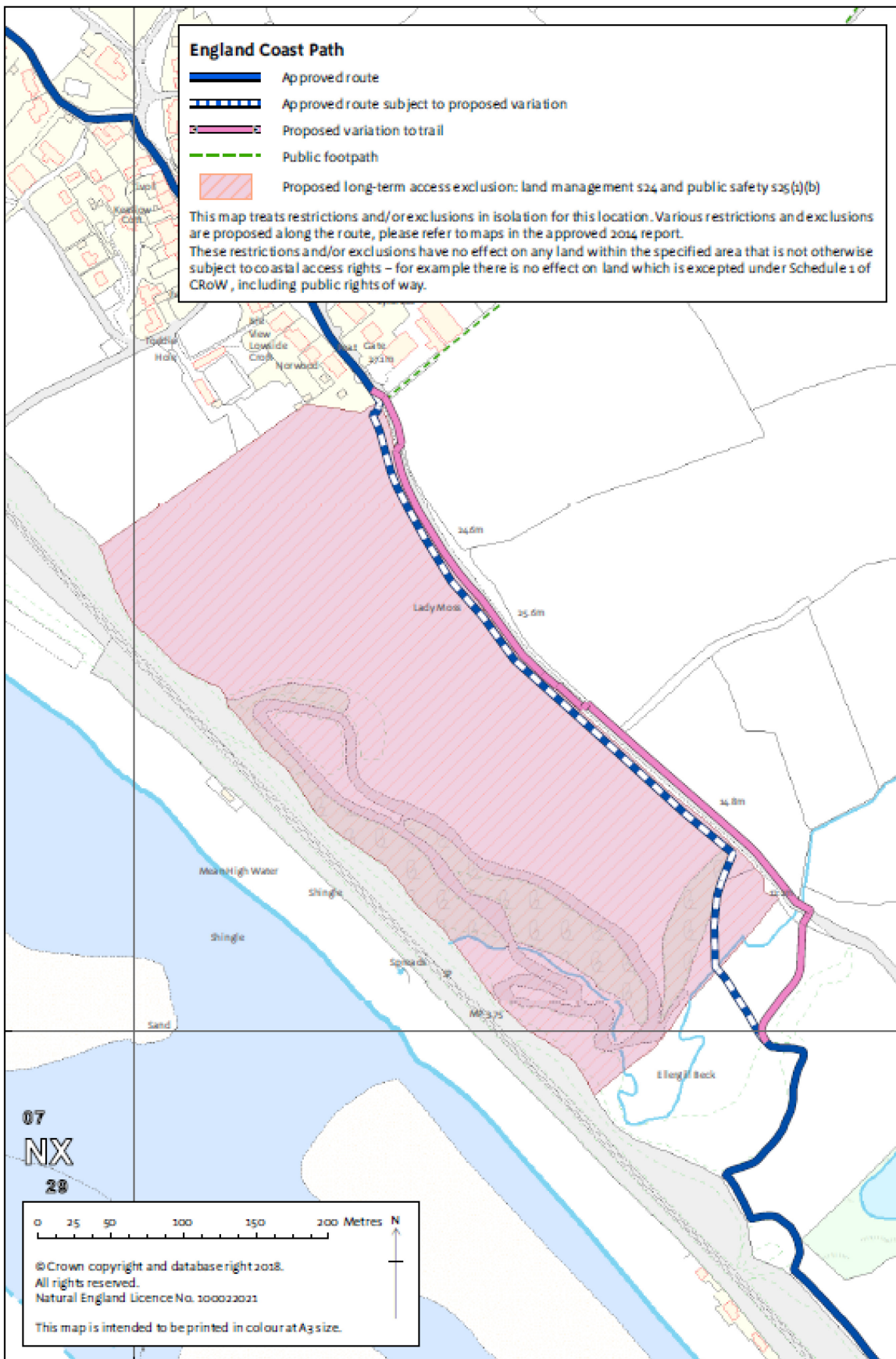
Annex B: Approved variation



Annex C: Approved variation



Annex D: Approved direction



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