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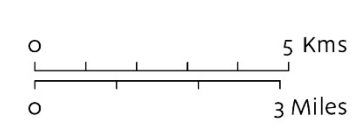


England Coast Path Stretch: Silecroft to Silverdale

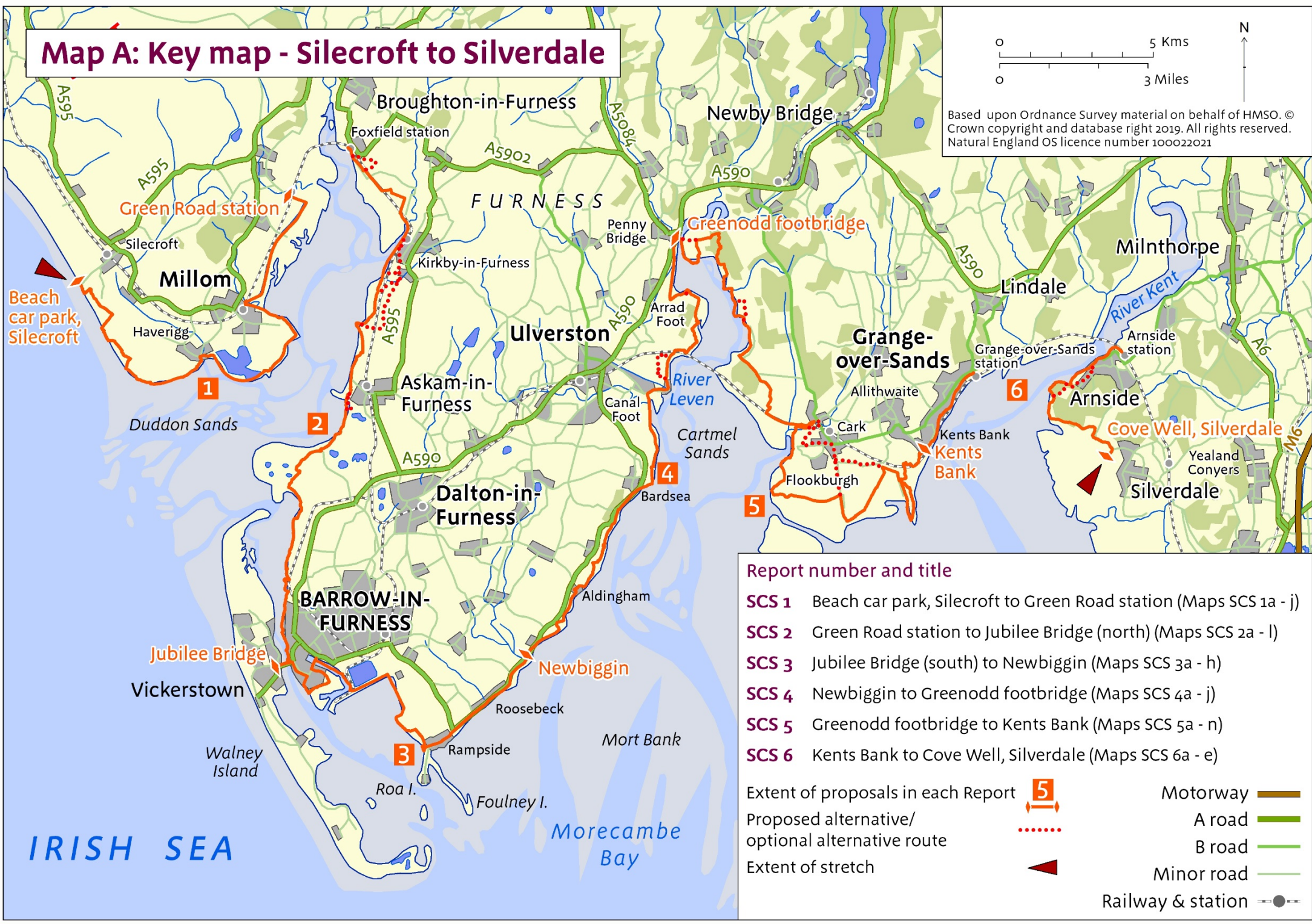
Overview of Natural England's statutory reports to the Secretary of State for Environment, Food and Rural Affairs



Map A: Key map - Silecroft to Silverdale



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Report number and title

- SCS 1** Beach car park, Silecroft to Green Road station (Maps SCS 1a - j)
- SCS 2** Green Road station to Jubilee Bridge (north) (Maps SCS 2a - l)
- SCS 3** Jubilee Bridge (south) to Newbiggin (Maps SCS 3a - h)
- SCS 4** Newbiggin to Greenodd footbridge (Maps SCS 4a - j)
- SCS 5** Greenodd footbridge to Kents Bank (Maps SCS 5a - n)
- SCS 6** Kents Bank to Cove Well, Silverdale (Maps SCS 6a - e)

Extent of proposals in each Report

Proposed alternative/ optional alternative route

Extent of stretch

Motorway

A road

B road

Minor road

Railway & station

Report numbers and titles

- SCS 1: Beach car park, Silecroft to Green Road railway station (Maps SCS 1a to SCS 1j)
- SCS 2: Green Road station to Jubilee Bridge (north), Vickerstown (Maps SCS 2a to SCS 2l)
- SCS 3: Jubilee Bridge (south), Vickerstown to Newbiggin (Maps SCS 3a to SCS 3h)
- SCS 4: Newbiggin to Greenodd footbridge (Maps SCS 4a to SCS 4j)
- SCS 5: Greenodd footbridge to Kents Bank (Maps SCS 5a to SCS 5n)
- SCS 6: Kents Bank to Cove Well, Silverdale (Maps SCS 6a to SCS 6e)

Using the Key Map

Map A (opposite) shows the whole of the Silecroft to Silverdale stretch divided into shorter numbered lengths of coast.

Each number on Map A corresponds to the report which relates to that length of coast.

To find our proposals for a particular place, find the place on Map A and note the number of the report which includes it.

If you are interested in an area which crosses the boundary between two reports, please read the relevant parts of both reports.

Printing

If printing, please note that the maps which accompany reports 1 to 6 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the report you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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Please read first!

This Overview document sets out the context for Natural England's proposals to improve public access to and along the stretch of coast between Silecroft and Silverdale. It explains key common principles and background underlying the detailed proposals that we make in our compendium of linked but legally separate statutory reports, each covering a single length of coast within the stretch. Each of these reports should be read in conjunction with this Overview.

Taken together, these reports explain how we propose to implement the England Coast Path ("the trail") on this stretch of coast, and detail the likely consequences in terms of the wider 'Coastal Margin' that will be created if our proposals are approved by the Secretary of State. Our reports also set out:

- any proposals we think are necessary for restricting or excluding coastal access rights to address particular issues, in line with the powers in the legislation; and
- any proposed powers for the trail to be capable of being relocated on particular sections (through "roll-back"), if this proves necessary in the future because of coastal change.

So although this Overview has multiple reports associated with it, each report relating to a particular part of the stretch makes free-standing proposals, and seeks approval for them by the Secretary of State in their own right under section 52 of the National Parks and Access to the Countryside Act 1949.

We have carefully considered any potential environmental impacts of improving public access to this stretch of coast, and made any necessary adjustments to our proposals prior to publication in order to address these. Considerations in relation to environmental matters are explained in Section 6 of this Overview and relevant reports for each length of coast. Links are provided to relevant separately published documentation where appropriate.

The reports are published on our web pages as a series of separate documents, alongside this Overview and more general information about how the Coastal Access programme works.

Each report is accompanied by detailed **Proposals Maps** for the relevant length of coast. The maps are numbered according to the part of the report to which they relate. For example, maps SCS 1a to SCS 1j illustrate the proposals in report SCS 1, which deals with the length from Silecroft to Green Road Station.

Introduction

1. Improving coastal access

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route (“the trail”) around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route which, in appropriate places, people will also be able to enjoy on foot. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters¹, as far as the first bridge or tunnel with pedestrian access, or as far as any point between the two.

To secure these objectives, we must submit statutory reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the associated coastal margin. The reports must follow the approach set out in our methodology (the Coastal Access Scheme), which – as the legislation requires – has been approved by the Secretary of State for this purpose.

This Overview and the related compendium of reports relate to the coast of Cumbria between Silecroft and Silverdale. Taken together, our report proposals would make the following key improvements to the existing arrangements for access to this part of the coast:

- New sections of coastal path would be created in strategic places to link existing coastal paths into a continuous route along this stretch of coast for the first time;
- For the first time, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

This is a significant opportunity to improve public access to this stretch of coast in these ways, with benefits for residents, businesses and visitors. More people will have easier and more extensive access to the coastal environment for open-air recreation, which is widely acknowledged to have significant benefits for human health and well-being.

Once approved and established, this part of the England Coast Path will be managed as part of the family of National Trails.

¹ section 301 of the Marine and Coastal Access Act 2009

2. The determination process

Each of the reports for this stretch is submitted in accordance with our statutory duty under section 296 of the Marine and Coastal Access Act 2009 ('the 2009 Act') to improve access to the English coast.

Publication of the reports has been advertised locally and online in accordance with the requirements of the coastal access legislation.

Following publication:

- Any person may make representations to Natural England about any of the reports; and
- Any owner or occupier of affected land may make an objection to Natural England.

In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice for Silecroft to Silverdale, which can be viewed here www.gov.uk/government/publications/england-coast-path-from-silecroft-to-silverdale-comment-on-proposals together with more information about how to make representations or objections.

The Planning Inspectorate will consider any objections and any related representations before passing recommendations to the Secretary of State, who in turn will consider both representations and objections and then make a decision as to whether to approve our proposals. Chapter 3 of our Coastal Access Scheme explains these processes in more detail (see Annex A: Bibliography).

The Secretary of State may confirm the proposals in each report in full, confirm some with modifications, or reject some or all of them. If the conclusion is that some modification to our proposed approach is required, further consideration may need to be given as to whether any further environmental assessment is necessary. We may need to prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by any rejected proposals. The same procedures for representation and objection would apply to the amended report.

Once proposals for the stretch have been confirmed, there will be a preparation period before the new access rights come into force. This period is to enable any necessary physical establishment of the trail to be carried out and to put in place any necessary local management arrangements (including any approved local access restrictions or exclusions).

Once the preparation period is complete, the rights will be brought into force by order on a date decided by the Secretary of State. Normally one single commencement date is used for the whole stretch. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 2 to 4 of each report explain more about the further steps that will be taken to establish the route, provisions for its future maintenance and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for this part of the coast have been approved.

3. Understanding the proposals and accompanying maps

Before looking at the proposals and accompanying maps, it will help you if you read the following notes and then look carefully at the key to the maps.

Our Proposals:

The proposals are divided into six reports, each relating to a particular length of coast on this stretch. Each report is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the report to which they relate. For example, maps SCS 1a to SCS 1j illustrate the proposals described in report SCS 1.

Each report comprises four parts:

- **Part 1: Introduction** – This sets the context for our proposals for that length of coast.
- **Part 2: Proposals Narrative** - This summarises our alignment proposals in general, including any proposed use of our discretions to align the route along an estuary, or recommended changes to the default landward coastal margin. It also summarises the main access management measures that will need to be introduced and the overall accessibility (ease of use for all) of this length of coast, for all users. Additionally, it may identify any future changes of which we are aware that are likely to impact on this part of the coast, and explain how our proposals deal with this change. In each report the Part 2 Proposals Narrative, in conjunction with the Part 3 Proposals Tables and the Part 4 Proposals Maps, sets out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.
- **Part 3: Proposals Tables** – These line-by-line listings set out in more detail our formal proposals to the Secretary of State for the length of coast in question, and should be read in conjunction with the Proposals Narrative and the relevant Proposals Maps.
- **Part 4: Proposals Maps** – These show in map form the proposals set out in the Proposals Narrative and Proposals Tables.

Part 3 Proposals Tables explained

These notes explain how the various tables found in each report work:

- In the first table or set of tables, we set out detailed information for each section of coast under the following column headings:
 - **Map(s)** – This column indicates which of the report maps to view alongside the details in the other columns in the same row.
 - **Route section number(s)** – This is the unique identification number for the route section concerned. In some cases, two or more adjacent route sections will be amalgamated into a single row in the table, if all other displayed details happen to be identical.
 - **Current status of route section(s)** – This describes the current status of the route we have proposed and whether it has any existing access rights. Public highways, including public rights of way such as footpaths, are excepted from new coastal access rights because the existing public rights to use such highways will remain in force, and the trail is able to make use of these. Other sections of the proposed trail that do not currently have any access rights or where access is currently permitted by the landowner will become subject to new coastal access rights if our proposals are approved. These new rights, and any national or local restrictions on them, will not affect any existing access arrangements for cyclists, horse-riders or other types of recreational user that may currently exist at the local level - for example by formal agreement with, informal

permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.

- Roll-back proposed? – This indicates whether we propose that, in the event of significant coastal erosion or other geomorphological processes or significant encroachment by the sea, a section of trail which is affected by such factors should be capable of being repositioned in the future in accordance with this formal proposal, without needing further confirmation of the change at that time by the Secretary of State. Roll-back may be used to adjust the trail either in direct response to such changes or in order to link with other parts of the route that need to roll back in response to such changes. The column also indicates whether the ‘roll-back’ requirement is likely to give rise to a normal or more complex change on this section. (In the case of more complex outcomes, further details are provided in the ‘Roll-back implementation’ table). Section 4.10 of the Coastal Access Scheme explains in more detail how roll-back works.
- Landward margin contains default coastal land type? – Certain coastal land types are automatically included in the coastal margin where they fall landward of the trail if they touch it at some point. These coastal land types are: foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land. This column identifies where one of the coastal land types is present in the landward coastal margin.
- Proposal to specify landward boundary of margin – This sets out any proposals for the default landward boundary of the coastal margin on this section to be altered or clarified - see iv below in the Notes on Maps.
- Reason for any proposed use of landward boundary discretion – This provides an explanation for any such proposal to alter or clarify the default margin on this section. This may be either because we are proposing a clear boundary around land that in our view would be margin by default, because it matches the description of ‘coastal land’ explained at paragraph 4.8.8 of the Scheme; or because we propose using our discretion to add land to or remove it from the default margin, as described at paragraphs 4.8.11 of the Scheme.
- Explanatory notes – This contains any additional information which may help further explain the proposal for this route section or group of sections.
- Where there is an alternative route or optional alternative route we set out the details of those routes in a separate table. The table includes columns that describe the landward and seaward boundaries of the alternative route strip. Alternative routes/optional alternative routes have a default width of two metres either side of the approved line. We propose specific landward and/or seaward boundaries to the route strip where doing so would add further clarity to the extent of access rights along the route, by working with the grain of what is already there. It should be noted that where the alternative route/optional alternative route follows an existing path corridor, the trail may adopt a variable width as dictated by existing physical features.
- Each report also includes a table that sets out any other options that were considered during our initial planning (in relation to the route and the coastal margin), and explains why they did not form part of our proposals.
- The final table or set of tables for each report provides further details of any situation where local circumstances mean that implementation of roll-back is likely to be more complex. We identify the key issue and our expected resolution.

Annotated examples of these various tables are given below, to illustrate how they are used.

In each report the Part 3 Proposals Tables, in conjunction with the Part 2 Proposals Narrative and the Part 4 Proposals Maps, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

Examples of tables found in each report, with explanation of their contents:

Example table 1: Section details

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
ABC 1a	ABC-1-S003	Public footpath	No	No			
ABC 1b	ABC-1-S011	Public footway (shared use)	No	No	Pavement Edge	Clarity and cohesion	
ABC 1c	ABC-1-S018	Other existing walked route	Yes	Beach			
ABC 1d	ABC-1-S045	Other existing walked route	No	Bank	Edge of path	Clarity and cohesion	Top break of slope provides the greatest clarity for walkers

The route section number(s), as shown on the Proposals Map(s).

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

If column 5b proposes any change or clarification to the landward extent of the margin, this column says why.

This column may offer further explanation of a more complex situation involving the margin.

The relevant Proposal Map(s) for the route section(s).

This column specifies the current access status of the proposed trail section.

We indicate here whether the landward coastal margin for this route section includes a default coastal land type.

This column shows any proposal we are making to align the landward boundary of the coastal margin for this route section with the physical feature shown. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in column 5a, would be its landward boundary instead.

Example table 2: Alternative routes and optional alternative route details

1	2	3	4	5a	5b	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Proposal to specify seaward boundary of alternative route strip	Proposal to specify landward boundary of alternative route strip	Explanatory notes
ABC 2a	ABC-2-A001	Public Footpath	No			
ABC 2b	ABC-2-OA001	Public Footway (shared use)	No	Pavement edge	Pavement edge	
ABC 2b	ABC-2-OA002	Other existing walked route	Yes	Fence	Various	The landward boundary corresponds with various features including a wall, fence and bramble hedge.

The route section number(s), as shown on the Proposals Map(s).

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

This column may offer further explanation of a more complex situation, e.g. involving the boundaries of the route strip.

The relevant Proposal Map(s) for the route section(s).

This column specifies the current access status of the proposed trail section.

These columns show any proposal we are making to align either or both boundaries of the alternative route strip with a physical feature on the ground. No text in either column means that the edge of this section of the alternative route strip would be that of the trail itself.

This table is only included in reports where we are proposing alternative / optional alternative routes.

Example table 3: Other options considered

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
ABC 3b	ABC-3-S011 to ABC-3-S019	We considered aligning the trail along the route of the existing public footpaths through the boat yard and along the flood bank.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> it offers a safer and more convenient route with a newly created tarmac surface which is accessible to all. it avoids passing through the working area of the boat yard. the surface of the existing footpath along the flood bank is uneven and often waterlogged. <p>Under our proposals, the public footpaths would remain available for people to use but would not form part of the designated trail.</p>
ABC 3c	ABC-3-S017 to ABC-3-S020	We considered aligning the trail along the route of the existing public footpath on the cliff edge around the western edge of Cranham Hill.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> it avoids increased footfall on the fragile limestone grassland flora which is designated as a SAC and SSSI feature. it is comparable, in terms of the safety and convenience of walkers. <p>Under our proposals, the public footpath would remain available for people to use but would not form part of the designated trail.</p>

The relevant Proposal Map(s) for the route section(s).

The route section number(s), as shown on the Proposals Map(s).

This column describes other options we considered for the route or margin for the identified route section(s).

This column summarises the reason(s) that the other options we considered were not preferred.

This table is only included in reports where we have considered other options.

Example table 4: Roll-back implementation – more complex situations

Map(s)	Route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
ABC 4f	ABC-4-S040 to ABC-4-S045	Super Camp Holiday Village	<p>If it is no longer possible to find a viable route seaward of the specified campsite, we will choose a new route after detailed discussions with all relevant interests, either</p> <p>(a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it.</p> <p>In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.</p>

The relevant Proposal Map(s) for the route section(s).

The route section number(s), as shown on the accompanying map(s).

This column identifies any areas that could cause us to consider a more complex solution to roll back than would normally be required.

This column summarises our expected approach to roll back in these circumstances.

This table is only included in reports where we are proposing complex rollback.

Part 4 Proposals Maps explained

The notes that follow will help explain the maps provided for each report.

The proposed route of the trail:

- i. The thickness of the line used to depict the proposed route on the maps is intended to make it easy to find on the map. Different shading on the line differentiates between sections of the route that would use existing rights of way, sections that appear to follow other existing walked lines on the ground, and sections that do neither. The thickness of the line on the map is not an indication of the width of the actual trail on the ground. The proposed route simply follows the centre of the line shown. The legislation makes the default width of the trail four metres, but its actual width varies in practice according to the detail included section by section in our proposals.
- ii In places there are differences between the line of public rights of way recorded on the local Definitive Map that is maintained by the local highway authority, and paths currently used and managed on the ground as public rights of way. Some of these differences may be attributed to adaptation of the path over time to cope with coastal erosion and other processes, whilst others appear to arise from anomalies in the way the rights were originally recorded on the definitive map. The maps in this report show the public rights of way as recorded on the definitive map, and depict them as accurately as possible at the scale used. See part 4.7 of the Scheme for further information.

The coastal margin:

- iii The proposed route of the trail shown on the maps is important in understanding the extent of the coastal margin that would apply to either side of it. Under the legislation:
 - the coastal margin is a single, continuous corridor of land which includes the trail itself;
 - the margin includes all land seaward of the trail land - although not all of that land would be subject to a new right of access (see point vi below);
 - the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land (see Annex B: Glossary of terms).
- iv We have the discretion to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature on the ground – even if the effect of doing so is to add land into the margin, or to remove land from it. We may use this discretion:
 - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used where appropriate to define the landward extent of the trail land on that section of the route: such features cannot be depicted on the maps at the scale used, but they are described in the Proposals Tables;
 - to clarify or adjust the boundaries of a landward area included by default as margin, in order to create a better ‘fit’ with the circumstances on the ground; or
 - to propose in some places that additional areas of land should be added to the coastal margin landward of the trail: land which is affected by such proposals is indicated on the maps with a purple wash and described in parts 2&3 of each report.

Further explanation of these powers can be found at part 4.8 of the Coastal Access Scheme. Our proposals take full account of any views expressed by the owner or occupier of affected land about whether the powers should be used in any of these ways.

- v Land which forms part of the coastal margin would be subject to access rights, other than:
 - any **excepted** land, such as land covered by buildings or their gardens or curtilage: Annex C summarises in full the categories of excepted land under the legislation; or
 - any land where coastal access rights would be **excluded** under our statutory powers: we indicate in the report where we already know of circumstances that make this necessary, and make any proposals accordingly.
- vi **Spreading room** is the term used in the reports to describe any land, other than trail land, which would form part of the coastal margin and would have public rights of access. It does not therefore include any excepted land within the margin, or any existing access land on the landward side of the trail that is omitted from the margin.

Annex B (Glossary of terms) includes a full definition of these terms which you may find helpful in understanding the report.

Voluntary access dedication

- vii Land that was previously dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000 (CROW) will become subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. There is also provision in the legislation for a land owner or long leaseholder to dedicate other land voluntarily as coastal margin if it lies adjacent to it or within it. Dedicating land as coastal margin means the excepted land provisions do not apply there and may also be used to relax or remove specific national restrictions that would otherwise apply. Parts 4.8.20 to 4.8.23 of the Coastal Access Scheme explain these provisions in more detail.

In each report the Part 4 Proposals Maps, in conjunction with the Part 2 Proposals Narrative and the Part 3 Proposals Tables, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

4. Preparation of the report

To secure the twin objectives under the legislation we have followed the approach set out in our Coastal Access Scheme, as approved by the Secretary of State on 9 July 2013. Chapter 3 of this detailed document sets out the stages of implementation we must follow.

In line with this, before making the proposals in this compendium of reports for the stretch, we conducted extensive preliminary work in two main stages:

- Stage 1: Prepare – defining the extent of the coastal stretch with access authorities and identifying the key issues and opportunities, including sensitive features, in conjunction with key organisations; and
- Stage 2: Develop – checking the alignment on the ground, sharing our initial thoughts with land owners and offering to ‘walk the course’ with them, planning for the protection of key features, talking further with key interests and reality checking our proposals.

Stage 1 - Prepare

This stage involved us working closely with access authorities to develop an understanding of the stretch, agree its exact extent and carry out initial familiarisation visits. We held discussions with representatives of national and local organisations with a strategic interest in this stretch of coast. This included discussions with those we are required by legislation to consult at this stage:

- the Cumbria Local Access Forum (reconstituted as the Cumbria and Lakes Local Access Forum);
- County and District Council officers, including ecology, geology, historic environment, planning, transport and countryside ranger staff;
- officers of the Lake District National Park Authority;
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast; and
- local officers of Historic England, in relation to historic features on this stretch of coast;

We also held discussions with representatives of specific interest groups:

- the Morecambe Bay Partnership and in particular the Morecambe Bay Wildfowlers Liaison Group;
- the Royal Society for the Protection of Birds (RSPB);
- Cumbria Wildlife Trust (CWT);
- the Arnside and Silverdale AONB partnership;
- the Woodland Trust;
- the Amphibian and Reptile Conservation Trust (ARC);
- the Royal National Lifeboat Institution (RNLI);
- HM Coastguard and Bay Rescue;
- The Guides to the Sands for both the Kent and Leven estuaries;
- Cumbria Geo-Conservation Group;
- North West Coastal Connections;
- Duddon Estuary Partnership;
- Copeland and Barrow Coastal Communities Teams;
- Local Police Community Support Officers;

- the Ramblers;
- the Open Spaces Society;
- the British Mountaineering Council;
- the National Farmers Union (NFU); and
- the Country Land and Business Association (CLA).

We publicised on our website the start of work on the stretch and provided an opportunity for all other interested parties to submit to us their views on local issues and opportunities.

We also engaged with relevant specialists both within Natural England and from other organisations to consider any potential for impacts on key sensitive features.

In addition to these discussions we took into account a wide variety of information, plans and strategies that we considered relevant to the alignment process. Those that are published on the internet are listed in Annex A: Bibliography.

We then took all reasonable steps to identify owners, occupiers and those with a legal interest in the land which could be affected.

Stage 2 - Develop

This stage involved us contacting and discussing our initial thoughts with relevant owners, occupiers and other legal interests.

We asked for their views and invited them to join us when we visited the land to ‘walk the course’ so that we could discuss options for alignment based on mapped summaries of our emerging proposals.

In most cases this was done through separate site meetings with the individuals and businesses concerned. In the interests of efficiency we also held a small number of larger meetings to discuss our proposals with groups of people with a common legal interest, for example where homes or businesses occupy adjacent coastal frontages, e.g. for the residents of the Black Huts at Sandscale Haws (Report SCS 2 of the proposals).

We held four public drop-in meetings in April and May 2016, at the start of the work on this stretch of coast (in Millom, Bardsea, Grange-over-Sands and Milnthorpe), in order to give owners and occupiers an early opportunity to discuss the project in more detail and to allow us to explain how we would be managing the work. The CLA and NFU were invited to participate in these events and the CLA were able to attend the Milnthorpe and Bardsea meetings.

We also took reasonable steps to identify and contact any owners, occupiers or other legal interests who could foreseeably be affected in the future as a result of any roll-back that may prove necessary). **See part 7 – Future Changes – below.**

We then held further detailed discussions with internal and external specialists to refine our thinking on protecting key sensitive features, carrying out any necessary assessments.

After further discussions with key local and national organisations we refined our proposals and checked them on the ground before moving onto Stage 3 – Propose, which is the substance of these reports.

Key issues along this stretch

5. Discretion to include part or all of an estuary or estuaries

The proposed Silecroft to Silverdale stretch includes the estuaries of the rivers Duddon & Leven and part of the estuary of the River Kent. The remaining part of the Kent Estuary is within the Silverdale to Cleveleys stretch – refer to our separately published proposals relating to this stretch for more information.

a) Introduction

This part of the Overview:

- introduces the core statutory duties and considerations for the national programme as a whole in relation to exercising the discretion to include part, or all, of an estuary within our proposals;
- describes the overall nature of the estuary system(s) found in this part of England, identifying the geographical limits of our discretion to align the trail around the Duddon, Leven and Kent estuaries included within this stretch of coast;
- goes on to explain in more detail how each of the specific estuary considerations set out at section 301 of the 2009 Act affects our view of the options for the Duddon, Leven and Kent estuaries;
- sets out the options for estuary trail alignment which we have identified as a result of this analysis, and;
- describes and explains our chosen proposal in each case.

b) Estuary discretion

Under the 2009 Act there is no requirement for the trail to extend up any estuary further than the seaward limit of estuarial waters that is explained below under “Geographical limits of our discretion”.

But Natural England has a discretion to propose that the trail should extend from the seaward limit as far as the first bridge over which, or tunnel through which, there is a public right of way, or a public right of access, by virtue of which the public are able to cross the river on foot, or as far as any specified point in between. In exercising its discretion, Natural England must have regard to the core national duties and considerations described in Part B and Chapter 10 of the Coastal Access Scheme.

c) Core national duties and considerations relevant to estuaries

Section 296 of the 2009 Act places a legal duty (the Coastal Access Duty) on Natural England and the Secretary of State to secure a walking route around the whole of the open coast of England, together with an associated margin of land for the public to enjoy either in conjunction with their use of the route, or otherwise.

Section 297 goes on to require both, in discharging this duty, to have regard among other things to the desirability of ensuring that so far as reasonably practicable, interruptions to this route are kept to a minimum. This is a key consideration for the whole of the national delivery programme for coastal access. The whole concept of the England Coast Path relies on delivering continuity of the route so far as reasonably practicable for the whole country. Although proposing a route around each estuary is a discretion rather than a legal duty, if the presence of an estuary would interrupt this **continuity of access** along the open coast then this will constitute a strong prima facie reason for the trail to serve the estuary too, at least to the extent necessary to enable users to continue their onward journey around the coast.

The Scheme notes at paragraph 10.1.4 that because the seaward limit of estuarial waters is an arbitrary point from an access perspective, we are likely to use our discretion at most estuaries to extend the trail upstream to a more convenient point than this seaward limit. Paragraph 10.1.5 then adds “We will always give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian

public access” – both for reasons of continuity, and with a view to any additional recreational benefits that might result within the estuary itself from doing so.

Chapter 10 of the Scheme explains the **statutory estuary criteria** that section 301(4) of the 2009 Act requires to be taken into account in deciding whether or not to include an estuary in our proposals. These are discussed in more detail in subsection e) to g) below in relation to the Duddon, Leven and Kent estuaries.

The other key considerations, including achieving a fair balance with the interests of owners and occupiers, are discussed in part 6 of this Overview.

d) Overall nature of estuary systems in this part of England

Morecambe Bay, in North West England, is the confluence of four principal estuaries; the Leven, Kent, Lune and Wyre. Collectively these form the largest single area of continuous intertidal mudflats and sandflats in the UK. The Duddon Estuary sits apart from the main area of Morecambe Bay, but is now part of a single Special Protection Area (SPA) complex – ‘Morecambe Bay and Duddon Estuary’.

e) Duddon Estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the River Duddon falls approximately between Millom and Dunnerholme, as shown on Map SCS A2a. The first bridge with pedestrian access is at Duddon Bridge (A595).

There are several tributaries that merge with the Duddon below Duddon Bridge. The first bridges with pedestrian access over each of these tributaries are:

- Black Beck – vehicle bridge near Low Shaw Farm (north of Green Road station);
- A small tributary of the Duddon – public footpath near Lady Hall (north of Green Road station);
- River Lickle – public footpath bridge near High Cross (east of Broughton in Furness);
- Galloper Pool – minor road bridge seawards of railway, near Foxfield (See Report SCS 2); and
- Kirkby Pool – various public rights of way, north of Kirkby-in-Furness (see Report SCS 2).

The statutory estuary criteria

We have considered below each of the section 301 criteria under the headings given in Chapter 10 of the Scheme.

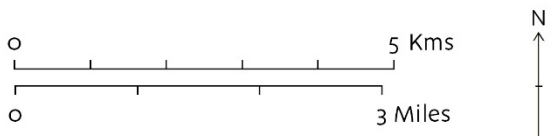
i) Ferry services

There is no existing ferry service across the estuary.

However, a regular train service runs 7 days a week (except Christmas Day and Boxing Day) between Green Road and Foxfield stations. These stations are only a short distance from the open coast, with Foxfield station being right beside the coast. Walkers might use this train service to cross the estuary and continue their onward journey, in much the same way as they might make use of a ferry service to cross other estuaries around the country.

Map A2: Estuarial Waters of the Duddon Estuary

- Proposed route —
- Proposed alternative/optional alternative route ⋯
- First bridge with pedestrian access ●
- Seaward limit of the estuarial waters of the River Duddon —
- Estuarial waters of the River Duddon ▨
- A road —
- B road —
- Minor road —
- Railway & station —●—



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ii) Character of the Estuary

Estuary width

The Duddon Estuary widens gradually to approximately 3.2 kilometres (2 miles) at its seaward limit but then narrows to some 2.2 kilometres (1.3 miles) between Borwick Rails Harbour and Dunnerholme.

Approximately 1.75 kilometres (1 mile) upstream of the existing railway viaduct, the width of the estuary is only 40 metres. Occasional high tides combined with adverse weather cause the surrounding low-lying marshland to flood, creating huge expanses which are then impassable.

The lower estuary, south of the railway viaduct, has a distinctly coastal character, not least due to its width. To some extent this coastal character continues north of the railway viaduct, although the character rapidly becomes more riverine upstream, particularly as the estuary narrows. The normal tidal limit lies more than half a kilometre downstream of Duddon Bridge.

Topography of the shoreline

The low-lying shoreline of the Duddon Estuary incorporates large areas of salt marsh and lowland mosses. There are several small tributaries which are fed from the surrounding fells and create wider areas of flooded landscape at times of peak rainfall. On the western side of the estuary a flood embankment runs the entire distance from Millom to Duddon Bridge. On the eastern side of the estuary, the area around the confluence of the rivers Lickle and Duddon is low-lying, unprotected by any embankment and liable to reasonably frequent flooding.

Nature of affected land

The Duddon Estuary is flanked by low lying coastal salt marsh and floodplain grazing marshes for most of its length from Millom in the west to Dunnerholme in the east, much of which is extensively grazed. There are extensive flats which are revealed at low tide, from Haverigg to Sandscale Haws National Nature Reserve (NNR).

The river follows a course of about 24 kilometres (15 miles), rapidly descending from steep-sided fells; this is likely to contribute to fairly frequent flooding of the pasture and other low-lying land in the general vicinity of Duddon Bridge.

There are many scattered hamlets in the farmland around the area, with Foxfield, Sand Side (Kirkby-in-Furness) and Millom being the only larger settlements very close to the coast.

Features of interest

The Lakeland Fells provide an appealing backdrop to the estuary in many locations, particularly looking north from the lower estuary and the Duddon catchment was Wordsworth's favourite valley in the Lake District. The higher ground around the estuary includes areas of access land and is crossed by various public rights of way, which would present some impressive viewpoints, often over the whole of the estuary.

The Duddon Estuary as a whole is of considerable wildlife interest and has many layers of environmental designation (see part 6 of the Overview for details).

Duddon Mosses NNR lies on the eastern side of the estuary.

iii) Recreational Benefit

Millom and Askam-in-Furness are the main urban areas on the edge of the estuary, with the market town of Broughton-in-Furness lying just a short distance away from the eastern side of the upper estuary. The residents of these settlements are likely to derive significant benefit from any new access provision in their vicinity.

A network of public rights of way links many settlements around the estuary, along with longer-distance links around the wider area. However, the path network is somewhat fragmented around the upper estuary,

particularly on the western side. Other than Duddon Bridge itself, which carries the A595 (the main coastal road) and has no footway, the first available pedestrian crossing is at Rawson Bridge, a further 1.5km inland from Duddon Bridge. In this respect, the estuary represents a significant barrier to recreational access around the coast; the creation of a safe walking route around and across the upper estuary would therefore undoubtedly be popular. We are aware of aspirations for improvements to the footpath and cycle path network in the area, including the possibility of a new bridge over the Duddon Estuary, probably downstream of Duddon Bridge; however, at this time, there are no firm proposals.

There is very little public access on the estuary's eastern side from Duddon Bridge to Kirkby Pool. From Sand Side it is possible to walk on tidal sections, or between the settlements, down to Dunnerholme.

Several historic bridleways and byways enter or cross the estuary; without the services of a guide, these routes are dangerous to use. This is because of the high speed of incoming tides, the shifting pattern of sediments and the resulting difficulty in predicting the location of quicksand. Consequently, HM Coastguard and Bay Rescue services are frequently called upon to rescue those without good local knowledge who have found themselves in difficulties.

Having taken advice from various parties (see Preparation of the reports, above), we believe these areas of marsh and flat to be unsuitable for a new right of public access; consequently, if these flats were to fall within the coastal margin, we would propose section 25A directions to exclude access to them. However, even if this were the case, walkers would still benefit from panoramic views over these areas from an estuary route.

iv) Excepted land

Any parts of the coastal railway that might fall within the coastal margin would be excepted from new access rights and would necessarily constitute a barrier to access in many places. There are very few houses or other buildings around the estuary, between the railway and the coast. The agricultural land around the estuary is primarily pasture, rather than arable, and there are no other extensive areas of potential excepted land within what might constitute the coastal margin.

v) Options for the Duddon Estuary

Natural England's discretion to propose that the route should extend upstream beyond the seaward limit of the estuarial waters gives rise to a number of alignment options:

- Option 1 – Make no coastal access proposals in relation to the estuary. The England Coast Path would end at the seaward limit of the Duddon Estuary, at Millom, and restart at Dunnerholme on the other side of the estuary. Given the lack of a ferry service, this option would not allow continuous access along the coast for walkers, and would not offer any improvements to existing access further into the estuary.
- Option 2 – To exercise our discretion so that the trail should extend around the estuary using existing bridges where appropriate and new bridges where necessary. This would help fulfil local aspirations to create new and improve existing routes around the estuary. Such improvements would however need to take account of the unique characteristics of the shoreline, its existing uses and nature conservation sensitivities. As an alternative to Duddon Bridge, it might be possible to install a new bridge at some point downstream of Duddon Bridge, where the river channel is relatively narrow. A second bridge would be required at Kirkby Pool to improve on an existing access and safety issue.
- Option 3 – To exercise our discretion so as to align the trail as far as Green Road station and Foxfield station, on either side of the estuary. This solution would allow walkers to continue their journey via the regular train service. This option would also involve the installation of a medium-sized bridge adjacent to the railway viaduct, over Kirkby Pool, but would not deliver any access improvements upstream between the two stations and Duddon Bridge.

Proposed route of the trail: Duddon Estuary

Our proposal is to align the trail as far upstream as Green Road and Foxfield railway stations on either side of the estuary. In doing so, we also propose to cross the various other tributaries of this estuary, either via existing or new bridges. Between these railway stations, walkers may cross the estuary by means of the regular trains. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. The additional local benefits of option 2 are potentially significant. However, we have concluded that it is not feasible to create a safe pedestrian route over Duddon Bridge itself. We have investigated the possibility of installing a new pedestrian bridge over the channel, at some point north of its narrowing, which would also require the creation of roughly 7.6km of new access. Even in this vicinity, the required size of the bridge would be considerable and the cost would be high; an estimated costing, provided by Cumbria County Council in 2016, suggests a minimum of £365,000 plus costs of around £6,000 per km of the new access to connect on either bank, giving an estimate of over £410,000. We have therefore concluded that the cost to the public purse would outweigh the benefits of a new coastal path around the upper Duddon Estuary.

The following factors were central to our proposal to align the route partially around the estuary:

- Our proposal provides a relatively convenient means of continuing a coastal journey for walkers, given the very close proximity of the two key railway stations to the coast and the proposed route of the ECP (and taking into account the regularity of train services).
- The estimated costs of establishing a continuous route around the entire estuary are excessively high, due mostly to the requirement for a new bridge over the River Duddon. Any such new bridge would facilitate only a relatively short distance of additional coast path.
- The national average cost per km of England Coast Path is in the order of £2,000 (with a higher average in Cumbria of around £6,000); a continuous estuary route, including a new bridge, would see this cost rise to approximately £54,000 per km for the additional estuary route.
- The character of the estuary is progressively less coastal and more riverine, particularly north of the railway viaduct.

Should the train service cease altogether in the future or become less suitable in the future, as a means of continuing the onward journey (perhaps as a result of a service reduction or timetable changes), or a new bridge be delivered by some other initiative, Natural England will consider whether to review the trail alignment and, if appropriate, will prepare a separate variation report to the Secretary of State for the England Coast Path to ensure an uninterrupted journey along the trail.

f) Leven Estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the River Leven is as shown on Map SCS A2b. This extends from Baycliff in the west to Cowpren Point and beyond, on the sandbank in the east. The first crossing point with pedestrian access is the Greenodd footbridge.

There are tributaries that merge with the Leven downstream of the Greenodd footbridge. The first bridges with pedestrian access over these tributaries are:

- Dragley Beck – on the minor road near to Salt Cotes Farm (See Report SCS 4)
- Ulverston Canal – on the minor road at Canal Foot (See Report SCS 4)
- The River Crake – on the roadside path at Greenodd (See Report SCS 4)
- The River Eea - on a public footpath adjacent to Cark Farm (See Report SCS 5)

The statutory estuary criteria

We have considered below each of the section 301 criteria under the headings given in Chapter 10 of the Scheme.

i) Ferry services

There is no existing ferry service across the estuary.

However, a regular train service seven days a week (except Christmas Day and Boxing Day) crosses the Leven between Ulverston and Cark. Ulverston station is 2.3 kilometres (1.4 miles) from the coast. Cark station is located between the villages of Cark and Flookburgh, approximately 1 kilometre from the coast and some 600 metres on foot from the proposed main route of the trail.

ii) Character of the Estuary

Estuary width

The Leven Estuary widens gradually, taking in Ulverston and Cartmel Sands, to a width of 4.8 kilometres (3 miles) at its widest. On the north side of the railway viaduct, the estuary is approximately 0.72 kilometres (0.45 miles) wide. Further upstream, the estuary remains a similar width, until it narrows between Barrow End Rocks and Mearness Point to reach only 175m wide (between Mean High Water Marks) at Greenodd footbridge.

The width of the estuary contributes to the predominantly coastal character that extends at least as far north as Greenodd footbridge.

Topography of the shoreline

The surrounding land rises up from the estuary in places, with extensive areas of agricultural land (much of which is pasture) behind the Leven Viaduct and disused railway embankments.

New land has also been created as a result of ironworks slag disposal near to Canal Foot, Ulverston.

Neither shore line is particularly convoluted, which would allow any proposed trail to follow the coast reasonably closely. This, along with the existence of a suitable bridge at Greenodd, leads us to conclude that the establishment costs are not likely to be excessively high, when compared with other parts of the coast.

Nature of affected land

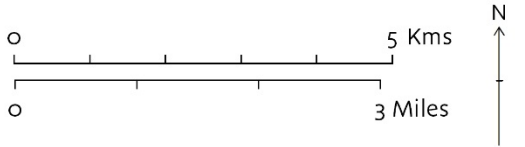
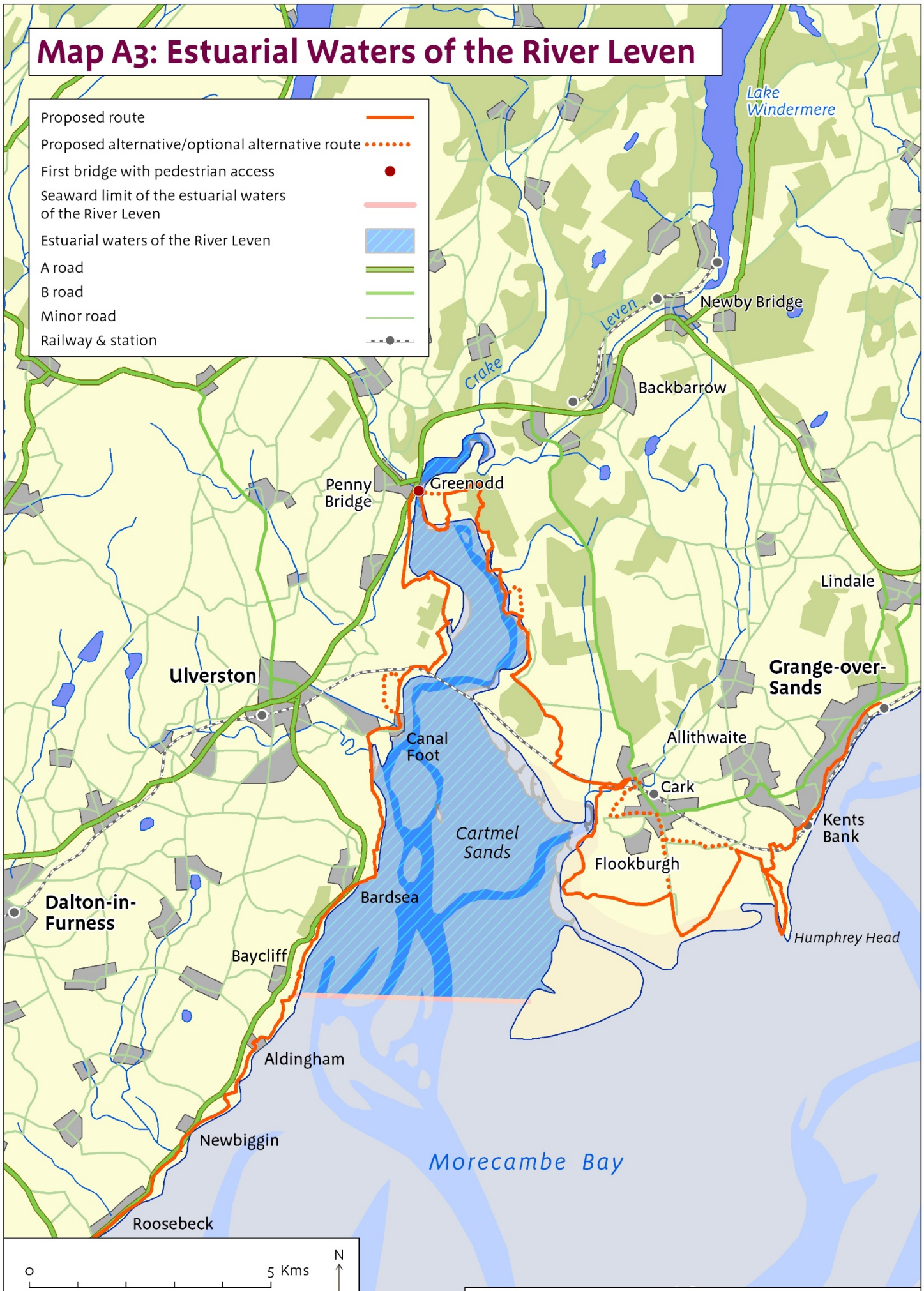
The Leven Estuary as a whole is of considerable wildlife interest and has many layers of environmental designation (see part 6 of the Overview for details).

Extensive flats are revealed at low tide, from Roa Island to around the Cartmel Peninsula; these flats are known to contain patches of quicksand. Dangers that are unlikely to be apparent to visitors include the high speed of incoming tides, the shifting pattern of sediments and the resulting difficulty in predicting the location of quicksand. Consequently, HM Coastguard and Bay Rescue services are frequently called upon to rescue those without good local knowledge who have found themselves in difficulties. Therefore, having taken advice from various parties (see Preparation of the report in the Overview), we believe these flats to be unsuitable for public access and have consequently proposed to exclude new access rights, by direction, under section 25A of CROW 2000.

On the sides of the estuary, there are significant areas of coastal salt marsh and coastal and floodplain grazing marshes most notably at Ashes Point and Sand Gate / Capeshead. There are several woodlands

Map A3: Estuarial Waters of the River Leven

- Proposed route —
- Proposed alternative/optional alternative route ⋯
- First bridge with pedestrian access ●
- Seaward limit of the estuarial waters of the River Leven —
- Estuarial waters of the River Leven
- A road —
- B road —
- Minor road —
- Railway & station —●—



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On the sides of the estuary, there are significant areas of coastal salt marsh and coastal and floodplain grazing marshes most notably at Ashes Point and Sand Gate / Capeshead. There are several woodlands alongside the coast, including Roudsea Wood (part of Roudsea Wood and Mosses NNR) and Sea Wood Site of Special Scientific Interest (SSSI).

Few settlements exist close to the coast, with only Bardsea, Canal Foot and Greenodd on the Furness Peninsular, along with a few scattered dwellings on the coast near Baycliff. On the eastern side of the estuary, there are further scattered farms and other buildings, along with a caravan site at Barker Scar.

Features of interest

In the middle of the channel lies Chapel Island, accessible on foot at some states of the tide by parties accompanied by an official guide. The island holds significant nature conservation interest, with breeding eider ducks and other species.

Roudsea Wood and Mosses NNR lies to the eastern end of the Greenodd footbridge; an estuary route would give coastal walkers improved access to this fascinating coastal woodland.

Plumpton Hall (owned by the National Trust) lies near the Leven viaduct, with views across the estuary.

The western side of the estuary in particular is used by recreational anglers who at high tide fish for flat fish.

Any proposed estuary route would result in a number of excellent viewpoints. On the western side there are spectacular views in the area between the railway viaduct and Plumpton Cottage Farm. On the eastern side of the estuary, viewpoints would likely include Skelwith Hill, Little Arrad and Park Head.

iii) Recreational Benefit

An estuary route would include significant lengths of new path, where no public access rights or permissive paths currently exist. It would link the periphery of Ulverston to the estuary north of the railway viaduct and thence to the Cartmel Peninsula and would also secure a public right of access over an existing popular permissive walking route connecting Greenodd footbridge to Mearness Point.

There are aspirations to open a new off-road cycle route as an alternative to the busy A590, between Greenodd and Canal Foot. For more details see the section on future change and Report SCS 4. Any such development could further increase the benefits of an estuary route by providing an off-road, circular walking route from Ulverston.

It seems likely that people would enjoy new access around the estuary as the variety of natural or semi natural landforms and habitats create beautiful vistas.

iv) Excepted land

The main areas of excepted land around this estuary would be in the urban and industrial zone at Canal Foot and Old Park Wood caravan site. There are very few houses and farms close to the water's edge. We are proposing a range of restrictions and exclusions over the coastal margin (see part 8 of the Overview), however, these would mostly affect the parts of the coastal margin that are less likely to be attractive to visitors.

v) Options for the Leven Estuary

Natural England's discretion to propose that the route should extend upstream beyond the seaward limit of the estuarial waters gives rise to a number of alignment options:

- Option 1 – Make no coastal access proposals in relation to the estuary. The England Coast Path would end at the seaward limit of the Leven Estuary at Baycliff and restart at Cark on the other side of the estuary. This would not allow continuous access along the coast for walkers, and would not offer any improvements to existing access further into the estuary.

- Option 2 - To exercise our discretion so that the trail should extend around the estuary to Greenodd footbridge, which is the first public foot crossing. This would help to fulfil local aspirations to improve public access to the estuary. Such improvements would however need to take account of the unique characteristics of the shoreline, its existing uses and nature conservation sensitivities.
- Option 3 – To exercise our discretion as far upstream as some other points between the seaward limit of the estuary and the first foot crossing. This would most likely be as far as Canal Foot or, potentially to Ulverston, and to Cark. This solution might allow walkers to continue their journey via the regular train service between Ulverston and Cark. However, this option would not offer any significant access improvements.

Proposed route of the trail: Leven Estuary

Our proposal is to align the trail as far upstream as the Greenodd footbridge, where walkers may cross the River Leven. In doing so, we also propose to cross the various other tributaries of this estuary, either via existing or new bridges. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost-effective way and opens up new sections of the coast to public access. Not only have we concluded that the recreational benefits are likely to be significant, but we have estimated that the establishment costs of our proposals for the Leven Estuary (average, per km) would be similar to our estimated establishment costs for the stretch as a whole, per km (approximately £15,300/km). In our view, the advantages of our proposals outweigh the costs.

The following factors were central to our proposal to align the route partially around the estuary:

- The separation of the stations from the coast and the proposed trail tends to reduce the convenience of an alignment only as far upstream as Ulverston and Cark for those who are intent on longer distance walking in particular.
- The estimated costs of establishing the proposed route are not excessively high, partly as a result of the relatively straightforward alignment proposed around much of the estuary and partly due to the presence of the existing footbridge at Greenodd, which is ideally situated to carry the proposed route across the estuary and because of the conclusion to use the existing tracks through Roudsea Wood & Mosses NNR.
- Whilst we are proposing to exclude access to many parts of the coastal margin, walkers would still benefit from panoramic and spectacular views over those areas from many parts of the proposed route. In some places, new rights would exist over the coastal margin.
- The character of the estuary, which we believe to be distinctly coastal, at least as far upstream as Greenodd footbridge.

There are currently local aspirations for pedestrian access alongside the Leven Viaduct at Plumpton, but a feasibility and economic benefits study has yet to be undertaken and the projected costs and timeframe do not make this a viable option for the England Coast Path currently. In the event that this initiative becomes a reality, Natural England will consider whether it should propose to vary any previously approved route for the England Coast Path in this area.

g) Kent Estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the River Kent extends from the mudflats in the vicinity of Flookburgh in the west to Morecambe in the south, as shown on Map SCS A2c. Report SCS 6 details the extent to which we intend to exercise our discretion in relation to that part of the estuary between the tip of the Cartmel Peninsula and the southern extent of the stretch at Cove Well, Silverdale. We explain our plans in relation to the remainder of the estuary in our proposals relating to the stretch of coast between Silverdale and Cleveleys.

The first crossing point with pedestrian access is at Levens Bridge on the A6 (see Report SCS 6). In addition there are two larger tributaries that flow into the estuary of River Kent. The first pedestrian crossing points over these tributaries are as follows:

- The River Gilpin – at Sampool Bridge on the A590
- The River Bela - at Milnthorpe Bridge on the B5282

There are also several other locations where it would be necessary for a coastal route to cross minor tributaries, just above estuarial limit, to create a continuous route around this estuary.

The statutory estuary criteria

We have considered below each of the section 301 criteria under the headings given in Chapter 10 of the Scheme.

i) Ferry services

There is no existing ferry service across the estuary.

However, a regular train service operates seven days a week (except Christmas Day and Boxing Day) over the Kent Estuary, between Grange-over-Sands to the west and Arnside to the north east. Both of these stations are located next to the estuary.

ii) Character of the Estuary

Estuary width

The width of the estuary is variable, widening rapidly south of Arnside Point. At its widest it spans more than 10 kilometres (6 miles) wide and creates a very open landscape. Creeks, channels and inlets join the estuary at various points, mostly only a few metres wide. At Silverdale (the southern extent of the stretch covered by this report), the estuary is more than 6 kilometres (3.7 miles) wide. This contributes to a character that is considerably more coastal than riverine as far north as Heversham.

North of Heversham, the estuary is much narrower. The normal tidal limits for the rivers Gilpin and Kent are approximately 1km upstream of their confluence. Throughout this part of the estuary, the character is more riverine than coastal.

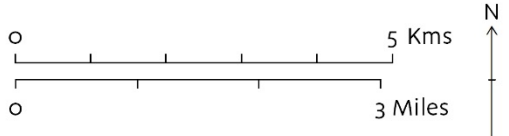
Topography of the shoreline

The shoreline of the Kent Estuary is punctuated by several inlets and tributaries, the largest of which is the river Gilpin near Heversham. Often wooded, limestone outcrops and farmland dominate this estuary as well as significant areas of settlement beside the water at Grange-over-Sands, Arnside and Morecambe. Areas of linear settlement along the estuary are accompanied by some small industrial developments and farmland, interspersed with areas of salt marsh. The Kent railway viaduct lies approximately two thirds of the way from the seaward limit of the estuary towards the upper tidal limit.

The upper estuary, from a point roughly west of Heversham, is more complex; the confluence of the rivers Kent and Gilpin increases the difficulty in creating a coast path route that would be reasonably convenient and direct, around the estuary as a whole. Taking into account likely difficulties in securing a reasonably direct route in the vicinity of Levens Hall and an expected requirement to create a new route over the River Bela, we have concluded that the costs of establishing a continuous route around the upper Kent Estuary would be considerable.

Map A4: Estuarial waters of the River Kent

- Proposed route —
- Proposed alternative/optional alternative route ⋯
- Proposed route - Silverdale to Cleveleys stretch - - -
- First bridge with pedestrian access ●
- Seaward limit of the estuarial waters of the River Kent —
- Estuarial waters of the River Kent ▨
- A road —
- B road —
- Minor road —
- Railway & station -●-



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Nature of affected land

Extensive flats are revealed at low tide, around shifting channels, between Lancaster Sound and Morecambe; these flats are known to contain patches of quicksand. Other dangers unlikely to be readily apparent to visitors include the high speed of incoming tides, the shifting pattern of sediments and the resulting difficulty in predicting the location of quicksand. Consequently, HM Coastguard and Bay Rescue services are frequently called upon to rescue those without good local knowledge who have found themselves in difficulties.

Having taken advice from various parties (see Preparation of the report in the Overview), we believe that these flats are unsuitable for a new right of public access; consequently, if these flats were to fall within the coastal margin, we would propose section 25A directions to exclude access to them. However, even if this were the case, walkers would still benefit from panoramic views over these areas from an estuary route.

There are many wooded, rocky outcrops around this estuary, interspersed by low-lying areas of farmland which link into the Lyth Valley beyond. Kents Bank, Grange-over-Sands, Sandside and Arnside are the only large settlements close to the coast although there are many scattered farmsteads and other properties within the area that might become the coastal margin (dependent on approved trail alignment), including Levens Hall beside the first crossing point of the River Kent. Holiday accommodation, in the form of caravan sites, lodges, holiday parks and hotels / B&Bs can be found right around the estuary from Lakeland Leisure Park in Flookburgh to New Barns and Far Arnside Holiday Park.

Features of interest

There are several features of interest around the estuary, including Humphrey Head, Crag Wood and Foulshaw Mosses. The Arnside and Silverdale AONB, including Arnside Knott and Grubbins Wood, is also located beside the estuary. These important sites for wildlife beside the estuary are managed by Cumbria Wildlife Trust, the Woodland Trust, the National Trust and the RSPB. The Kent Estuary as a whole is of considerable wildlife interest and has many layers of environmental designation (see part 6 of the Overview for details).

Grange-over-Sands and Arnside are popular destinations, with shops, cafés, ornamental gardens and places to stay.

The area is historically used by recreational anglers, who continue to fish for flatfish around high tides.

iii) Recreational Benefit

An estuary route would require the creation of several sections of new access, some of which will secure a legal right of access over existing walked routes, or create access to areas which were previously unavailable.

The lower part of the Kent Estuary is in close proximity to a number of residential areas and so any proposed route would be easily accessible for a great many people. A coastal railway also follows this part of the coast, quite closely in places, with stations at Cark, Kents Bank, Grange-over-Sands, Arnside and Silverdale. There are also several formal and informal car parks close to the coast, further increasing the ease of access to an estuary route.

There are longstanding aspirations to secure a new pedestrian access route alongside the Kent Viaduct between Arnside and Grange-over-Sands. Local people would also like to see the creation of safer routes for cyclists on NCN route 700 as an alternative to the routes that currently use Levens Bridge and Milnthorpe Bridge. However, the projected costs and timeframe do not make this a viable option for the England Coast Path Programme. For more details see part 7 on other changes.

iv) Excepted land

There would be very limited areas of excepted land within the coastal margin defined by an anticipated route alignment around the estuary. Such areas would include the coastal railway, caravan sites and other

buildings. We also anticipate the need for a restriction to exclude access at Far Arnside SSSI, see part 8 for details.

v) Options for the Kent Estuary

Natural England's discretion to propose that the route should extend upstream beyond the seaward limit of the estuarial waters gives rise to a number of alignment options:

- Option 1 – Make no coastal access proposals in relation to the estuary. The England Coast Path would end at the seaward limit of the Kent Estuary at Humphrey Head (and re-start in our report for the adjacent stretch of coast between Silverdale to Cleveleys). Given the lack of a ferry service, this option would not allow continuous access along the coast for walkers and would not offer any improvements to existing access further into the estuary.
- Option 2 - To exercise our discretion along all parts of the estuary within this stretch of coast, so that the trail would extend as far inland as Levens Bridge. This would help fulfil local aspirations to create new and improve existing routes around the estuary. Such improvements would however need to take account of the unique characteristics of the shoreline, its existing uses and nature conservation sensitivities. The remaining part of the Kent Estuary would need to be included in our Silverdale to Cleveleys proposals which are published separately.
- Option 3 – To exercise our discretion so as to align the trail as far upstream as the railway stations at Grange-over-Sands and Arnside. This solution would allow walkers to continue their journey via the regular train service. This option would not offer any access improvements around the upper estuary.

Proposed route of the trail: Kent Estuary

Our proposal is to align the trail as far up the estuary as Grange-over-Sands and Arnside stations, (covered in Report SCS 6), between which points walkers may use the regular trains. In doing so, we also propose to cross the various other tributaries of the lower estuary, either via existing or new bridges. This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. The additional local benefits of option 2 are potentially significant, but we have concluded that they are disproportionate to the likely costs of creating such a route. This is particularly true for the upper reaches of the Gilpin and Kent, where the character is distinctly less coastal.

The following factors were central to our proposal to align the route partially around the estuary:

- The proximity of the stations to the coast and the proposed trail tends to increase the convenience of the train service as a means of continuing a coastal journey.
- The estimated costs of establishing a continuous route would be excessively high, due particularly to the requirement for a new bridge over the River Bela and expected complex establishment requirements near Sandside.
- The character of the estuary is progressively less coastal and more riverine, particularly north of the confluence of the Gilpin and the Kent.

Should the train service become less convenient to walkers in the future, as a means of continuing their onward journey (perhaps as a result of a service reduction or timetable changes), Natural England will review the trail alignment and, if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

In the event that an initiative to create a new walking (and possibly cycling) route alongside the railway viaduct becomes a reality at some point, Natural England will similarly consider whether it should propose to vary any previously approved route for the England Coast Path in this area.

6. Other considerations on this stretch

a) Recreational Issues

We have considered interrelationships between our proposals and the Cumbria Rights of Way Improvement Plan. Our proposals will supplement the ambitions described in this plan by enhancing provision of access at the coast and this project is aligned with the 'miles without stiles' strand of the Cumbria Countryside Access Strategy.

Map B gives an overview of existing public access to the Cumbria coast between Silecroft and Silverdale, showing public rights of way, access land and other promoted routes along the stretch.

The Cumbria Coastal Way, which originally extended along the entire length of the Cumbrian coast, is no longer shown on new Ordnance Survey maps. However, electronic versions of the guide book and GPS walking routes are still available. Parts of the route not designated as public rights of way were enabled by permissive agreement, some of which may now have lapsed. Significant parts of the route lay over the foreshore; we have considered whether these meet the criteria for the England Coast Path according to the Coastal Access Scheme (7.11 & 7.12), making other proposals where necessary, such as along the coast near Aldingham and Baycliff in Report SCS 4.

Locally promoted routes also exist in some places, including the Cistercian Way and Westfield Trail from Barrow-in-Furness (see Report SCS 3 of the proposals), around Mearness Point, Old Park Wood, Humphrey Head and Grubbins Wood, as well as a permit-holders only route through Roudsea Wood & Mosses NNR (see Reports SCS 5 and SCS 6 of the proposals).

In addition to these promoted routes, there are other existing walked routes in places that are not shown on the map but which we have also taken into consideration. In such places, where there is a choice between two or more existing walked routes along the coast, we describe the options in the commentaries to the relevant maps in each chapter and explain the reasons for our choice. The parts of the route that do not correspond to public rights of way and are outside the areas of access land, would become subject to a right of access for the first time.

Some existing routes along this stretch of coast (including both statutory and promoted routes) are no longer viable due to the effects of erosion, or are thought to not offer a sustainable option for the England Coast Path. We describe these occurrences in the commentaries to the relevant maps in each chapter.

There are places on this stretch of coast where there is no existing walked route which offers sea views, a proximity to the sea and which is accessible at all states of the tide. Our proposals make significant improvements to the former Cumbria Coastal Way, most notably:

- Silecroft Golf Club – see Report SCS 1 of the proposals.
- From Herd House Moss (Angerton) to Kirkby-in-Furness, including Duddon Mosses NNR – see Report SCS 2 of the proposals.
- Between Sowerby Lodge and Salthouse Pool (Barrow-in-Furness) – see Reports SCS 2 and SCS 3 of the proposals.
- From Canal Foot to Plumpton, where the route would be difficult for some walkers and is subject to a prolonged period of tidal inundation, we are proposing an optional alternative route and from Plumpton through to Greenodd rest area, where we have proposed a significant new section of route – see Report SCS 4 of the proposals.
- Much of Report SCS 5 from the eastern side of Greenodd footbridge to Cark, including Roudsea Wood and Mosses NNR, and from West Plain Farm to Kents Bank station. There are current permissive access agreements along some of this section, although these could be removed at any time.

- At Far Arnside – see Report SCS 6 of the proposals.

The open coast between Silecroft and Silverdale is divided by three estuaries (of the rivers Duddon, Leven and Kent). These are discussed above in part 5 of the Overview.

There are extensive areas of land with other existing rights of access at the Open Access land on Sea Pasture & Shaw Meadow SSSI, Silecroft, between Herd House Moss, Angerton Moss and Kirkby Pool, along the coast from Roosebeck to Bardsea and at Aldingham, shown as existing access land on Map B. Where these fall within the proposed coastal margin, any existing rights under the Countryside and Rights of Way Act 2000 will be replaced by coastal access rights. However, we have proposed to exclude new rights of access from areas of salt marsh and flat within the coastal margin in the vicinity of Angerton Moss and Kirkby Pool, as we do not believe that these areas are suitable for such a right (see part 8 of the Overview).

The spreading room described within the proposals would include all other unrestricted parts of the coastal margin, as well as suitable additional land where there are currently no secure public rights of access - for example as default coastal land types under the legislation at Haverigg Dunes, the dune systems at The Lots and Sandscale Haws NNR. We are also using our discretion to propose additional landward spreading room at Barrow Slag Banks in agreement with landowners (see Report SCS 2 of the proposals).

There are several locations for coastal rock-climbing within this stretch where we have considered how our proposals would affect access. These are at Dunnerholme in Report SCS 2, and Barker Scar and Humphrey Head in Report SCS 5. The British Mountaineering Council (BMC) will advertise any voluntary climbing restrictions on their website. These were agreed by Natural England's predecessor at commencement of Open Access rights – see the Access and Sensitive Features Appraisal.

Several aspirations of local landowners and users emerged from our discussions and have been considered as part of our overall approach to the implementation of the proposals described in this Overview. These include:

- Establishment of an improved pedestrian (and cyclist) crossing over the River Duddon, together with connecting paths – see parts 5 and 7 of the Overview;
- Establishment of pedestrian walk-ways alongside the Ulverston and Grange-over-Sands to Arnside railway viaducts – see parts 5 and 7 of the Overview;
- Greater access for equestrian users around the Bardsea area – see Report SCS 4 of the proposals;
- Use of historic crossing routes across Morecambe Bay – see part 5 of the Overview;
- Establishment of a cycle track between Canal Foot and Greenodd – see part 8 of the Overview.

However, we have not been able to fully address such aspirations for reasons set out elsewhere in the proposals.

Should an improved pedestrian crossing over the River Duddon, or pedestrian walkways across the Rivers Leven and Kent be delivered by other means, we would consider proposing variations.

b) Protection of the environment

The coastline between Silecroft and Silverdale is highly designated for its landscape, wildlife and cultural heritage assets.

The area is of international importance for its estuarine, raised bog and woodland habitats, breeding seabirds and populations of wintering and migratory waterbirds. It forms part of the Morecambe Bay Special Area of Conservation, Morecambe Bay and Duddon Estuary SPA and Morecambe Bay and Duddon Estuary Ramsar sites. It includes Duddon Mosses SAC (Report SCS 2) and Roudsea Woods and Mosses SAC (Report SCS 5). It also includes a range of sites designated for their limestone grassland, limestone

pavement and other biological or geological features, and sites where the European Protected Species natterjack toad, great crested newt and hazel dormouse are found.

Typically, this stretch of coast is dominated by farmland and includes large areas of salt marsh and floodplain grazing marsh. Extensive sand and mud flats are revealed at low tide. There are large sand dune systems at Haverigg and Sandscale Haws in the Duddon Estuary (Reports SCS 1 & 2).

Parts of the Leven and Kent Estuaries are characterised by limestone outcrops such as Barker Scar, Humphrey Head and Arnside Knott and include some areas covered by Limestone Pavement Orders. (Reports SCS 5 & 6)

The area is famous for the internationally important numbers of birds using the intertidal flats and saltmarshes, and for seabirds and waterbirds breeding at key protected sites such as Hodbarrow Nature Reserve (Report SCS 1), Foulney Island (Report SCS 3) and Chapel Island (Report SCS 5).

There are several scheduled monuments around the coast such as Moat Hill motte and bailey castle, Moat Farm moated site (Report SCS 4) and the features of the former RAF airfield at Cark (Report SCS 5).

See overview map SCS C for the statutory environmental designations on this stretch.

The landscape of this stretch is of national importance – parts of the stretch lie within the Lake District National Park & World Heritage Site, at Silecroft (see Report SCS 1), near Greenodd footbridge (end of Report SCS 4), around Mearness Point and Roudsea Wood (Report SCS 5). The final part of the stretch (Report SCS 6) is within Arnside and Silverdale AONB which has a distinctive limestone scenery, highly valued for its geology, rich wildlife and cultural heritage. Many locations along the coastline of this stretch have spectacular seascape views across the tidal sand and mudflats towards the mountains of the Lake District and the Bowland Fells.

See Overview map SCS D for the key landscape designations on the Silecroft to Silverdale stretch.

The stretch also includes many popular tourist destinations, with various visitor facilities and attractions including: Haverigg (Report SCS 1), Askam beaches and Sandscale Haws (Report SCS 2), Piel Island (accessed via ferry from Roa Island, in the coastal margin covered in Report SCS 3), the section of coast between Sea Wood SSSI and Priory Crossing on the Furness peninsula (Report SCS 4), Grade I Registered Park and Garden at Holker Hall and Humphrey Head promontory (Report SCS 5) and Grange-over-Sands and Arnside (Report SCS 6).

As a result of the proposals described in this Overview and the associated reports for each length of coast, the quality of coastal paths will be improved and there will be greater certainty and clarity about the rights people have within the coastal margin. Use of the coast for outdoor recreation can, if not carefully managed, add to environmental pressures such as the presence of people causing disturbance to wildlife or new paths leading to removal and fragmentation of habitat or damage to cultural or historic features. Part of the process we go through on each length of coast when we are developing our detailed proposals is about finding ways to avoid or reduce such impacts and to ensure compliance with legislation to protect the environment. This includes consideration of potential effects arising from the works that would be necessary to establish and/or maintain the proposed route, including the use of local vernacular in the design of access signage and furniture, local materials used for path surfacing and alignment of the route to complement any designed and/or protected landscapes.

In developing our detailed proposals for coastal access we have taken account of environmental protection objectives and these are, where relevant, discussed in more detail in the relevant report for each length of coast and the following documents that we have published separately:

- A Habitats Regulations Assessment relating to any potential impact on the conservation objectives of Morecambe Bay and Duddon Estuary SPA, Morecambe Bay SAC, Morecambe Bay Ramsar site

and Duddon Estuary Ramsar site from the proposals we make in each report for both parts of Morecambe Bay, covered in the Silecroft to Silverdale and Silverdale to Cleveleys stretches. This assessment considers any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.

- Two further separate Habitats Regulations Assessments relating to any potential impact on the conservation objectives of Duddon Mosses SAC and Roudsea Wood & Mosses SAC from the proposals we make in the relevant reports for Morecambe Bay, covered in the Silecroft to Silverdale stretch. These assessments consider any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.
- Our Nature Conservation Assessment for both parts of Morecambe Bay, covered in the Silecroft to Silverdale and Silverdale to Cleveleys stretches, in which we document our conclusions in relation to any other potential impacts on nature conservation.

Each of the above documents is published alongside our coastal access proposals, at the following address: www.gov.uk/government/publications/england-coast-path-from-silecroft-to-silverdale-comment-on-proposals

Once a route for the trail has been confirmed by the Secretary of State, we will hold further discussions with relevant bodies with a duty to protect these features, as appropriate, about any works on the ground that are necessary to prepare for commencement of the access rights.

c) Interests of owners and occupiers

In discharging our coastal access duty we must aim to strike a fair balance between the interests of the public in having rights of access over coastal land, and the interests of owners and occupiers of land over which any coastal access rights would apply. This was a key driver in the design of our proposals, which were discussed in detail with the owners and occupiers of the affected land during 'walking the course' and other processes.

Rural Coast

The majority of the coast in this area is rural in character, interspersed with settlements of various sizes. Most of the rural land is used for grazing which extends into the salt marshes and dunes.

Morecambe Bay itself becomes a huge expanse of sand and mudflat at low tide and this gives a unique character to the area.

There are many holiday home and caravan sites on the coastal fringe along this stretch, including at Silecroft and Haverigg (Report SCS 1), Askam-in-Furness (Report SCS 2), Rampside (Report SCS 3), Newbiggin (Report SCS 4), Old Park Wood and West Plain (Report 5) and Silverdale and Far Arnside (Report SCS 6), most of which will benefit from easy access to the proposed coast path.

The issues raised by owners and occupiers on this stretch generally related to suitability of land subject to flooding / tidal inundation, land management and the operational needs of businesses. These issues are to a large extent addressed by route alignment.

Urban Coast

There are numerous larger settlements within this stretch, including;

- Silecroft, Haverigg and Millom (Report SCS 1);
- Foxfield, Kirkby-in-Furness, Soutergate, Askam-in-Furness and Barrow-in-Furness (Report SCS 2);
- The continuation of Barrow-in-Furness, Rampside, Newbiggin (Report SCS 3);
- Baycliff, Bardsea and Canal Foot (Report SCS 4)

- Cark and Flookburgh (Report SCS 5); and
- Grange-over-Sands and Arnside (Report SCS 6).

The trail would pass most of these settlements on their seaward sides; however, at Barrow-in-Furness (Reports SCS 2 and SCS 3), Aldingham (Report SCS 4), as well as Cark and Flookburgh (Report SCS 5), the proposed main trail, or optional alternative route, will take walkers further in to these settlements. Traditional promenades allow a seaward route through the tourist areas of Grange-over-Sands and Arnside (Report SCS 6) whilst in Barrow-in-Furness (Report SCS 3), the Channelside Walk, Town Quay and Cavendish Dock provide well established walked routes which avoid the urban centre. However, in the industrial area of Barrow Island, the proposed route is further inland (to avoid areas of excepted land). At Canal Foot, Ulverston, (Report SCS 4) industrial land and recreational grounds fall into the proposed coastal margin but will be excepted from new coastal access rights.

The issues raised by owners and occupiers within urban areas on this stretch generally related to the operational needs of businesses or to the privacy of residents. These issues are to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

In general, the existing public access provisions are already managed effectively alongside other land uses, but there are places where we have been able, through discussion with relevant interests, to identify small adjustments to the existing coastal route which better integrate recreational benefits with the interests of owners and occupiers. These are described in the relevant chapters of the proposals.

d) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is North West Shoreline Management Plan (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from relevant local authorities, we have identified the parts of the coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

In general where the coast is defended with some certainty, we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be:

- on, or on the landward side of sea defences which would protect it; or
- landward of the roads and railway which would be protected under the policies set out in the Shoreline Management Plan 2.
- landward of areas of excepted land which means erosion is not anticipated.

However, in some cases we have identified a possible requirement for roll-back even in scenarios like this, to ensure that we can maintain continuity of the trail should a nearby section of the trail be affected by coastal change (see Part 4.10 of the approved Scheme).

Where the proposed route is aligned inland for unavoidable reasons (south of Silcroft; at Black Dub; at Duddon Mosses NNR, on the Westfield Trail approaching Roa Island; at Canal Foot, through Roudsea Wood and Mosses NNR; from Kirkhead to Grange-over-Sands; from High Frith to Park Head; and from Far Arnside to Cove House Well - described in the relevant parts of each SCS Report), these areas are not subject to significant rates of coastal erosion. We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

Through the developed areas of Haverigg, Millom, Askam-in-Furness, Barrow-in-Furness, Grange-over-Sands and Arnside, described in the relevant parts of each SCS Report, the proposals are unlikely to be affected significantly by coastal processes in the foreseeable future. We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

Similarly some parts of the coast are not subject to significant rates of coastal erosion due to man-made sea defences or hard cliffs. This includes sections at Hodbarrow, Millom Marsh, Foxfield, Angerton, from Cape Head to Cark, Humphrey Head, and from Park Point to Far Arnside (described in reports SCS 1, SCS 2, SCS 5 and SCS 6). We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

Elsewhere, the route follows the open, rural coast, where the land is largely undefended and subject to varying rates of change. On these lengths of coast we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once he has approved the initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant part of each SCS Report.

e) Other substantive issues

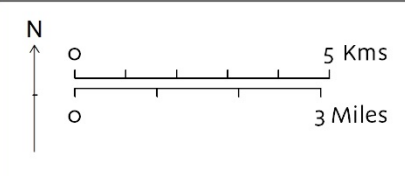
Morecambe Bay and Duddon Estuary SPA covers an approximate area of 68,550ha of land, coast and sea and is an internationally important area for wildlife due to the massive extent of the intertidal sand and mud flats. These areas are used by fishermen, anglers and thousands of people for recreation. In some places the sand and mud exposed at low tide creates wide areas of coastal margin across which historic rights of way contend with fast tides, quicksand and shifting channels.

In line with the guidance provided by the approved coastal access scheme, we have proposed that new access rights should be excluded from substantial areas of the proposed coastal margin. This is to protect would-be visitors who may be entirely unfamiliar with the hidden dangers associated with the vast extent of the intertidal flats and also with some parts of the coastal salt marsh. Such dangers include the very rapid rate of incoming tides and areas of quicksand. These proposed exclusions relate only to new rights under the Marine and Coastal Access Act 2009 and do not in any way affect pre-existing rights or patterns of access. In reaching these conclusions, we have taken into account those who know the areas in question and are familiar with the risks – including the Coastguard, the RNLI, Bay Rescue, the official Guides to the Sands and local wildfowling groups.

At one location within this stretch a landowner has agreed to make a dedication under section 16 of CROW. This will allow the route to pass over an area that would otherwise be excepted land. See 4.2.7 and table 4.3.3 in Report SCS 4 for details.

Map B: Existing public access on the Silcroft to Silverdale stretch

This map only shows the designations information that is relevant to the proposed route of the trail, not the wider map extent.

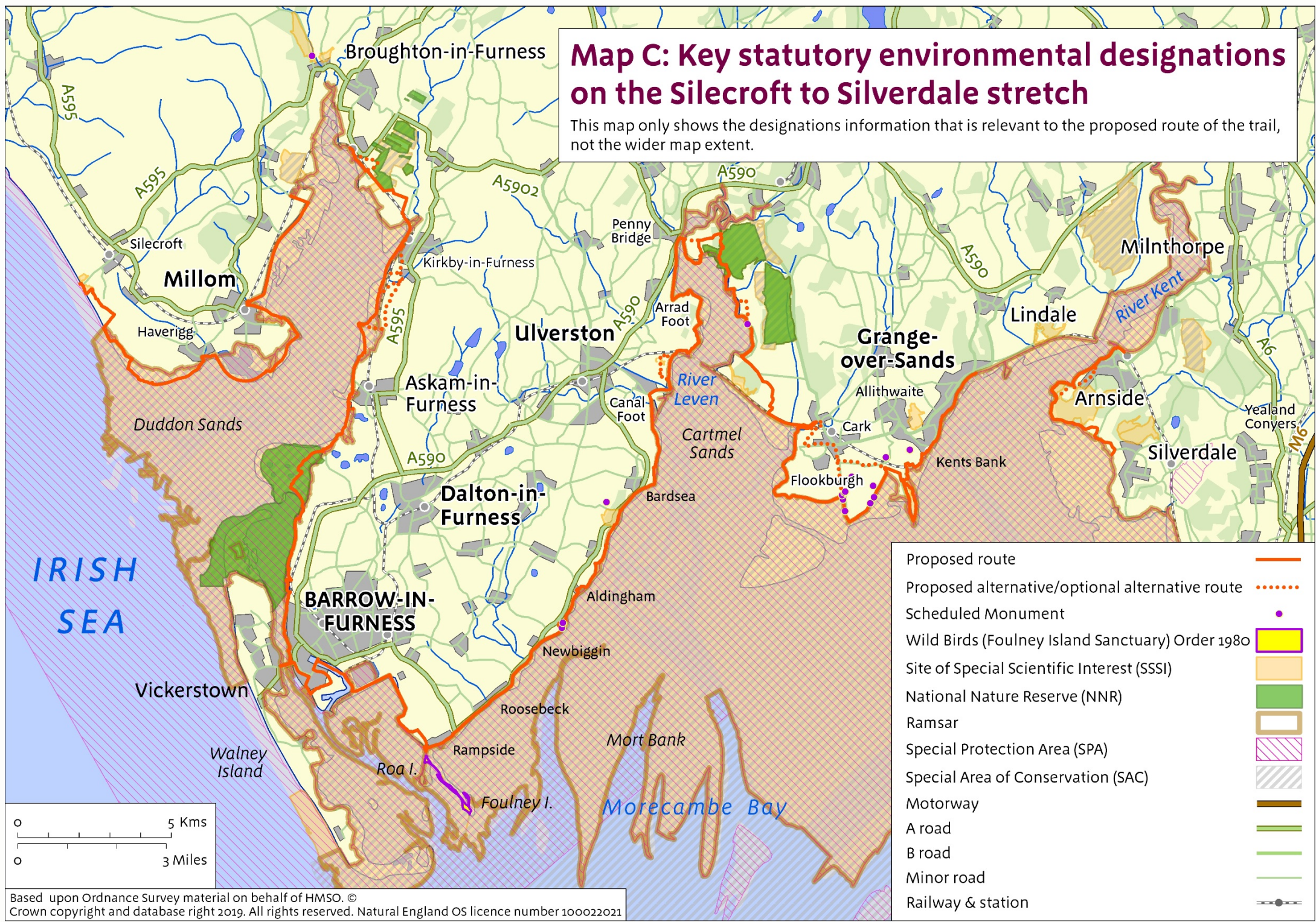


- Proposed route —
- Proposed alternative/optional alternative route ⋯
- Existing access rights and routes:
- England Coast Path approved route - - -
- National Cycle Network ⋯
- Other public rights of way - - -
- Access land
- Motorway —
- A road —
- B road —
- Minor road —
- Railway & station —●—

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Map C: Key statutory environmental designations on the Silecroft to Silverdale stretch

This map only shows the designations information that is relevant to the proposed route of the trail, not the wider map extent.

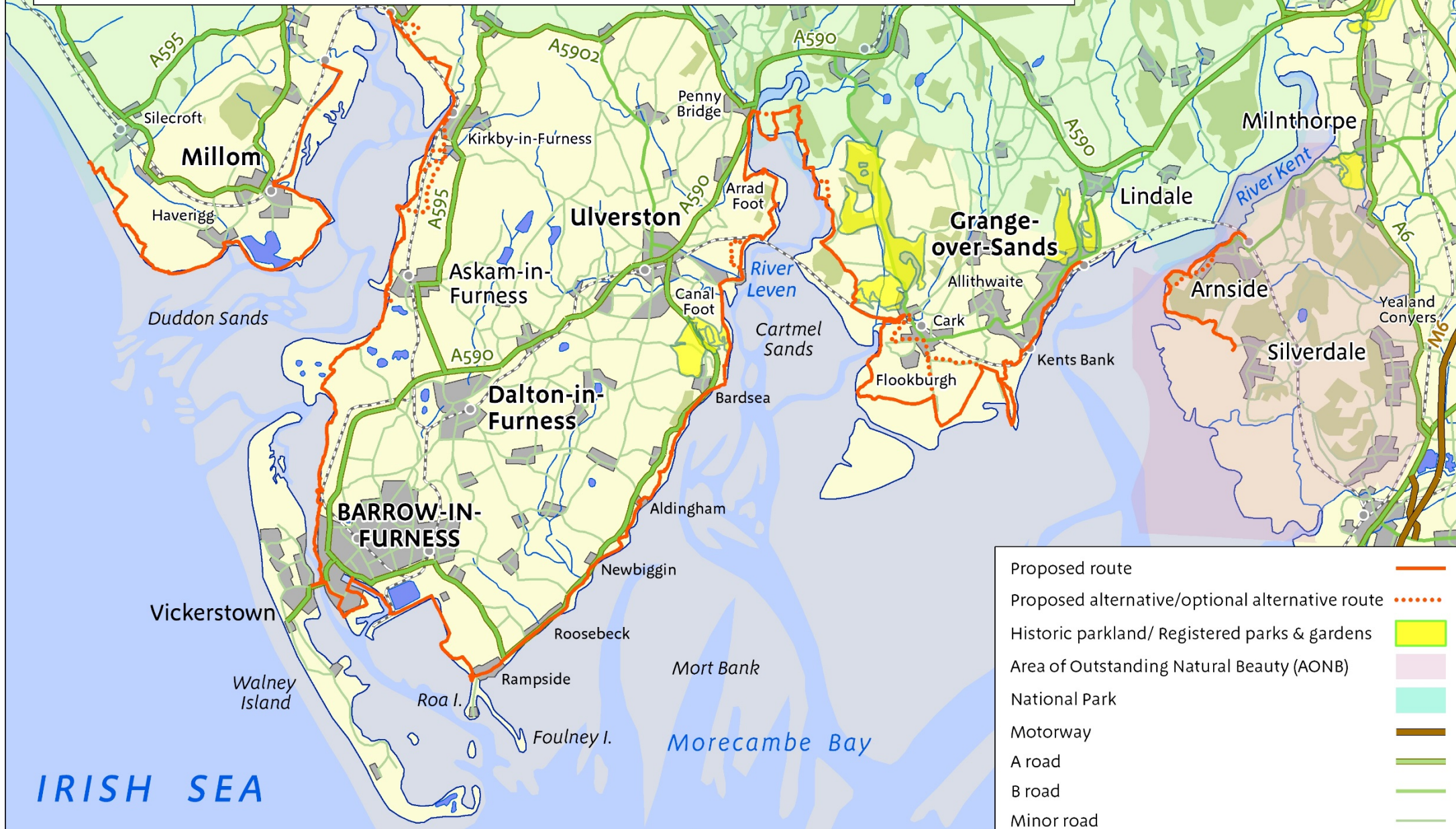
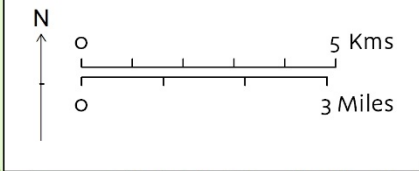


- Proposed route ————
- Proposed alternative/optional alternative route ······
- Scheduled Monument ●
- Wild Birds (Foulney Island Sanctuary) Order 1980 ■
- Site of Special Scientific Interest (SSSI) ■
- National Nature Reserve (NNR) ■
- Ramsar ■
- Special Protection Area (SPA) ■
- Special Area of Conservation (SAC) ■
- Motorway ————
- A road ————
- B road ————
- Minor road ————
- Railway & station ————

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Map D: Key landscape designations on the Silcroft to Silverdale stretch

This map only shows the designations information that is relevant to the proposed route of the trail, not the wider map extent.



Proposed route	—
Proposed alternative/optional alternative route
Historic parkland/ Registered parks & gardens	■
Area of Outstanding Natural Beauty (AONB)	■
National Park	■
Motorway	—
A road	—
B road	—
Minor road	—
Railway & station	—

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Other issues

7. Future changes

Below we explain the procedures for future changes to the coastal access provisions, once proposals have been approved by the Secretary of State. Where the need for future changes was foreseeable at the time of preparing the proposals we have indicated this in the relevant reports.

Roll-back

All SCS reports include proposals for specified parts of the route to 'roll back' either:

- in direct response to coastal erosion or other geomorphological processes, or significant encroachment by the sea; or
- in order to link with other parts of the route that need to roll back as a direct result of coastal erosion or other geomorphological processes, or significant encroachment by the sea.

Where sections of the approved route need to change for these reasons in order to remain viable, the new route will be determined by Natural England without any requirement for further reference to the Secretary of State. Coastal erosion can happen at any time and so, in some cases, this provision may need to be invoked between approval of the report and commencement of new access rights.

In particular, so far as we consider it necessary in order to maintain the viability of the route as a whole, we may determine that any part of the route is to be repositioned landward of any physical boundary feature, area of excepted land or area from which we consider it necessary to exclude access e.g. a protected site designated for its conservation value.

In determining the new route, we will take into account:

- the local factors present at that time, including any views expressed by people with a relevant interest in affected land;
- the terms of the Coastal Access duty (see Annex B: Glossary of terms), including the requirement to aim to strike a fair balance between the interests of the public and the interests of any person with a relevant interest in the land; and
- the criteria set out in part B of the Coastal Access Scheme.

Any changes to the route in accordance with these proposals will come into force on a date decided by us. On this date, coastal access rights will come into force as necessary along any new alignment. The date of change will follow any necessary physical establishment work, including any installation of signs to enable the public to identify the modified route on the ground. We will take reasonable steps to ensure that anyone with a relevant interest in land directly affected by the change is made aware this date.

In places where the trail rolls back in this way in response to coastal change, the landward extent of the coastal margin may also move inland automatically:

- with the trail itself, or
- because a landward area of section 15 land (see Annex B: Glossary of terms) or foreshore, cliff, dune, or beach, or a bank, barrier or flat, newly touches the trail when it rolls back, with the result that it automatically becomes part of the margin under the terms of the legislation.

Ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we have provided further information within the tables in Part 3 of the relevant report. This and the above information is intended as a guide only, based on information available to us at the time of writing, and on expert advice provided by the access authority,

Environment Agency and others. We have taken and will continue to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.

Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make any other changes to the route of the trail (or to propose non-automatic changes to the landward boundary of the coastal margin) - for example if the land was subject to new build development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports. Various aspirations have been brought to our attention and are listed below; however, where there is little evidence to suggest that they are likely to proceed in the near future, we have not described them further under 'Other future change' in the relevant reports.

- A new means of providing pedestrian access alongside the Leven and Kent viaducts and a potential pedestrian / cycle bridge across the Duddon Estuary (see part 5 of the Overview).
- Any development of Millom Ironworks and Hodbarrow Piers (see Report SCS 1 of the proposals).
- Potential solar farm developments north of Barrow-in-Furness (see Report SCS 2 of the proposals).
- Improvement to coastal defences associated with the A5087 which may offer a future opportunity to realign the route away from the foreshore just north of Moat Farm (see Report SCS 4 of the proposals).
- Changes to the layout of the industrial area at Canal Foot (see Report SCS 4 of the proposals).
- Further development at Lakeland Leisure Park, Flookburgh (see Report SCS 5 of the proposals).

However, even without a variation report:

- i We would be able to impose new or modify existing local restrictions or exclusions on coastal access rights as necessary, and people with a legal interest in the land would be able to apply to us for such Directions under certain circumstances – see chapter 6 of the Coastal Access Scheme.
- ii Further work could be carried out where necessary either to establish or maintain the route, or to provide any means of access to the coastal margin, using powers and procedures set out in Schedule 20 of the Marine and Coastal Access Act 2009 and chapter 3 of Part 1 the Countryside and Rights of Way Act 2000.
- iii. If at any time the use of affected land should change, the normal rules in relation to excepted land would apply, so for example land newly covered by buildings and their curtilage, and land in the course of development, would automatically become excepted from the coastal access rights – see Annex C: Excepted Land Categories.

8. Restrictions and exclusions

In certain circumstances we can restrict or exclude access to the trail and margin. The legal term for an exclusion or restriction is a direction.

Below, we summarise the Directions to exclude or restrict coastal access rights proposed by these reports.

Refer to Part 6.7 and Figure 19 of the approved Coastal Access Scheme for more information.

Report reference	Location/extent (see relevant map for more information)	Type of Direction	Purpose of Direction	Grounds and relevant section of CROW	Duration
SCS 1	Part of the coastal margin at Black Dub – Directions Map SCS 1A	No Public Access	Land Management	Land management s24	Between Maundy Thursday and September 30 th each year
SCS 1	Part of the route at Black Dub and Haverigg Bent Hills – Directions Map SCS 1B	Keep Dogs on Leads	Land Management	Land management s24	All year round
SCS 1	Part of the coastal margin at Black Dub and Haverigg Bent Hills – Directions Map SCS 1B	No Dogs	Land Management	Land management s24	All year round
SCS 1	Intertidal areas of the coastal margin at Millom Marsh and Duddon Sands – Directions Map SCS 1C	No Public Access	Unsuitable for Public Access	Salt marsh and flat s25A	All year round
SCS 1	Part of the coastal margin at Borwick Rails Harbour – Directions Map SCS 1D	No Public Access	Sensitive Wildlife	Nature conservation 26(3)(a)	All year round
SCS 2	Intertidal areas of the coastal margin at Angerton Marsh,	No Public Access	Unsuitable for Public Access	Salt marsh and flat s25A	All year round

Report reference	Location/extent (see relevant map for more information)	Type of Direction	Purpose of Direction	Grounds and relevant section of CROW	Duration
	Sand Side Marsh, Kirkby Pool, Dunnerholme, Scarth Bight and Walney Channel – Directions Maps SCS 2A to 2D				
SCS 3	Intertidal areas of the coastal margin at Walney Channel, Roosecote Sands, Foulney Island and East Side Scar – Directions Map SCS 3A to 3C	No Public Access	Unsuitable for Public Access	Salt marsh and flat s25A	All year round
SCS 3	Part of the coastal margin at Foulney Island – Directions Map SCS 3D	Dogs on Leads	Sensitive Wildlife	Nature conservation s26(3)(a)	Between August 16 th and March 31 st each year
SCS 3	Part of the coastal margin at Foulney Island – Directions Map SCS 3E	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	Between April 1 st and August 15 th each year
SCS 3	Part of the coastal margin at Foulney Island – Directions Map SCS 3F	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 4	Intertidal areas of the coastal margin at Mort Bank, Canal Foot, Ashes Wood Marsh and Greenodd Sands – Directions Maps SCS 4A to 4D	No Public Access	Unsuitable for Public Access	Salt marsh and flat s25A	All year round

Report reference	Location/extent (see relevant map for more information)	Type of Direction	Purpose of Direction	Grounds and relevant section of CROW	Duration
SCS 4	Part of the coastal margin at Canal Foot – Directions Map SCS 4E	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 4	Part of the route between Ashes Wood Marsh and Nab Point – Directions Map SCS 4F	Dogs on Leads	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 4	Part of the route at Nab Point – Directions Map SCS 4G	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	Between September 1 st and March 31 st each year
SCS 4	Part of the coastal margin between Ashes Wood and Arrad Marsh – Directions Maps SCS 4F and 4G	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 5	Part of the route and optional alternative route at High Frith and Low Frith (Hazelhurst Point) – Directions Map SCS 5A	Keep Dogs on Leads	Land Management	Land management s24	All year round
SCS 5	Part of the route at Sand Gate Marsh – Directions Map SCS 5B	Keep Dogs on Leads	Land Management	Land management s24	All year round
SCS 5	Part of the route at Lakeland Leisure Park – Directions Map SCS 5C	Keep Dogs on Leads	Land Management	Land management s24	All year round

Report reference	Location/extent (see relevant map for more information)	Type of Direction	Purpose of Direction	Grounds and relevant section of CROW	Duration
SCS 5	Part of the route at East Plain and Cark Airfield – Directions Map SCS 5D	No Public Access	Land Management	Land management s24	For up to 5 days each year
SCS 5	Part of the route and coastal margin at Abbot Hall – Directions Map SCS 5E	Keep Dogs on Leads	Land Management	Land management s24	All year round
SCS 5	Part of the route at Old Park Wood – Directions Map SCS 5F	Keep Dogs on Leads	Land Management	Land management s24	All year round
SCS 5	Part of the coastal margin at Old Park Wood – Directions Map SCS 5F	No Public Access	Land Management and Public Safety	Land management 24 and Public safety s25(1)(b)	All year round
SCS 5	Intertidal areas of the coastal margin at Mearness Farm, Roudsea Wood and Mosses National Nature Reserve, Old Park Wood, Cartmel Sands, Low Marsh, Out Marsh, Cartmel Wharf and Humphrey Head – Directions Maps SCS 5G to 5K	No Public Access	Unsuitable for Public Access	Salt marsh and flat s25A	All year round
SCS 5	Part of the route at Roudsea Wood and Mosses National Nature Reserve –	Keep Dogs on Leads	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round

Report reference	Location/extent (see relevant map for more information)	Type of Direction	Purpose of Direction	Grounds and relevant section of CROW	Duration
	Directions Map SCS 5L				
SCS 5	Part of the coastal margin at Roudsea Wood and Mosses National Nature Reserve – Directions Map SCS 5L	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 5	Part of the coastal margin at High Frith and Low Frith (Hazelhurst Point) – Directions Map SCS 5M	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 5	Part of the coastal margin at Barker Scar – Directions Map SCS 5N	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 5	Part of the coastal margin at Chapel Island – Directions Map SCS 5O	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 5	Part of the coastal margin at Out Marsh – Directions Map SCS 5P	No Public Access	Sensitive Wildlife	Nature conservation s26(3)(a)	All year round
SCS 6	Part of the coastal margin at Far Arnside – Directions Map SCS 6A	No Public Access	Land Management	Land management s24	All year round
SCS 6	Intertidal areas of the coastal margin at Kents Bank,	No Public Access	Unsuitable for Public Access	Salt marsh and flat s25A	All year round

Report reference	Location/extent (see relevant map for more information)	Type of Direction	Purpose of Direction	Grounds and relevant section of CROW	Duration
	Grange over Sands, Arnside and Silverdale – Directions Maps SCS 6B to SCS 6D				

These Directions will not prevent or affect:

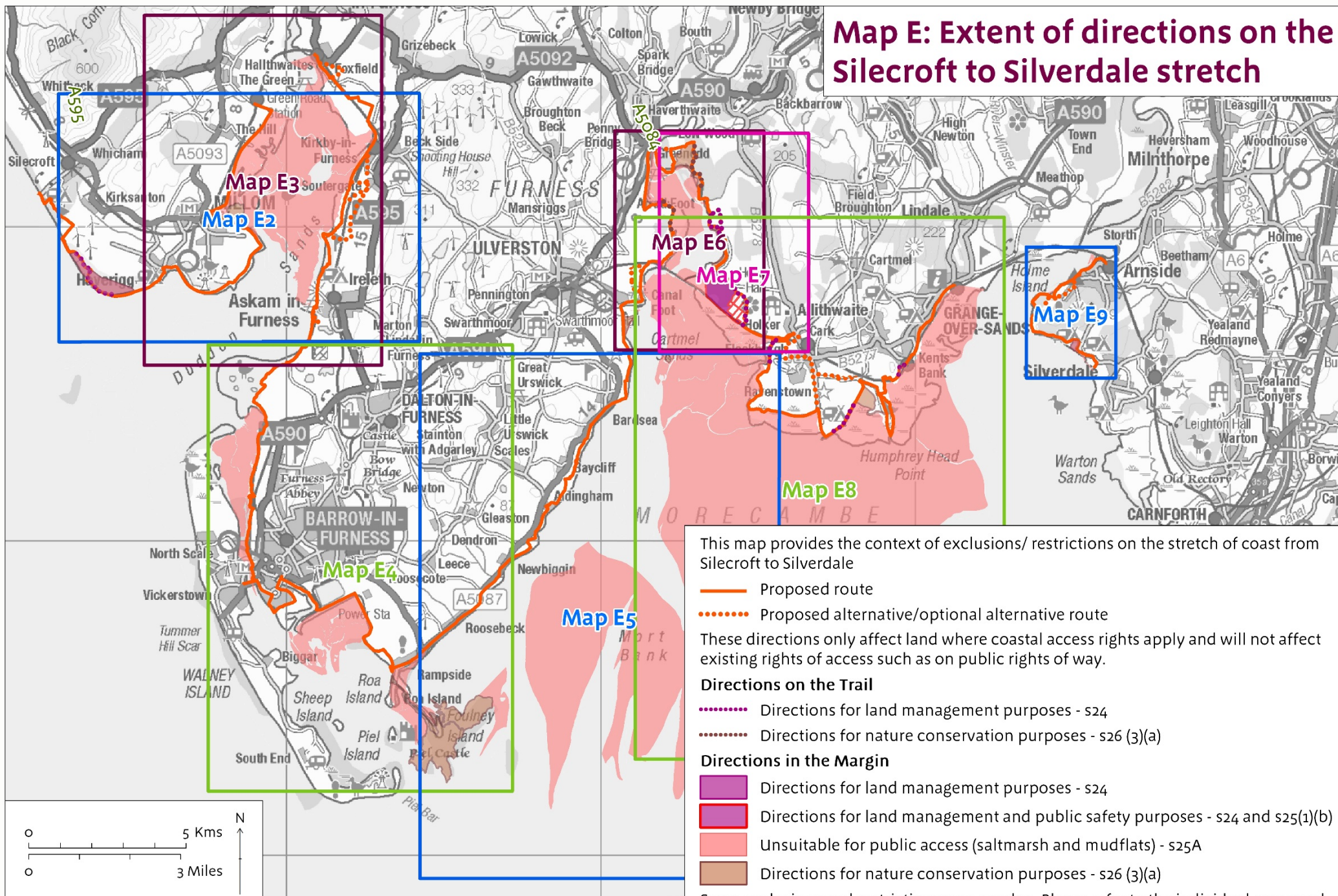
- any existing local use of the land by right where such use is not covered by coastal access rights;
- any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or any rights at common law or by Royal Charter etc

Any such use is not prohibited or limited by these arrangements.

Where land already has open access rights for the public under Part 1 of the CROW Act (the right to roam over mountain, moor, heath, down and registered common), those pre-existing rights are replaced by coastal access rights wherever the land in question falls within the coastal margin. Where that happens, our report may in some circumstances propose to exclude the replacement rights, even where they were not excluded previously, based on an updated analysis of relevant powers and requirements.

The maps below provide a summary of the effect of the proposed directions to exclude or restrict access. For a more detailed view, please refer to the Directions maps attached to the individual reports.

Map E: Extent of directions on the Silcroft to Silverdale stretch



This map provides the context of exclusions/ restrictions on the stretch of coast from Silcroft to Silverdale

- Proposed route
- Proposed alternative/optional alternative route

These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way.

Directions on the Trail

- Directions for land management purposes - s24
- Directions for nature conservation purposes - s26 (3)(a)

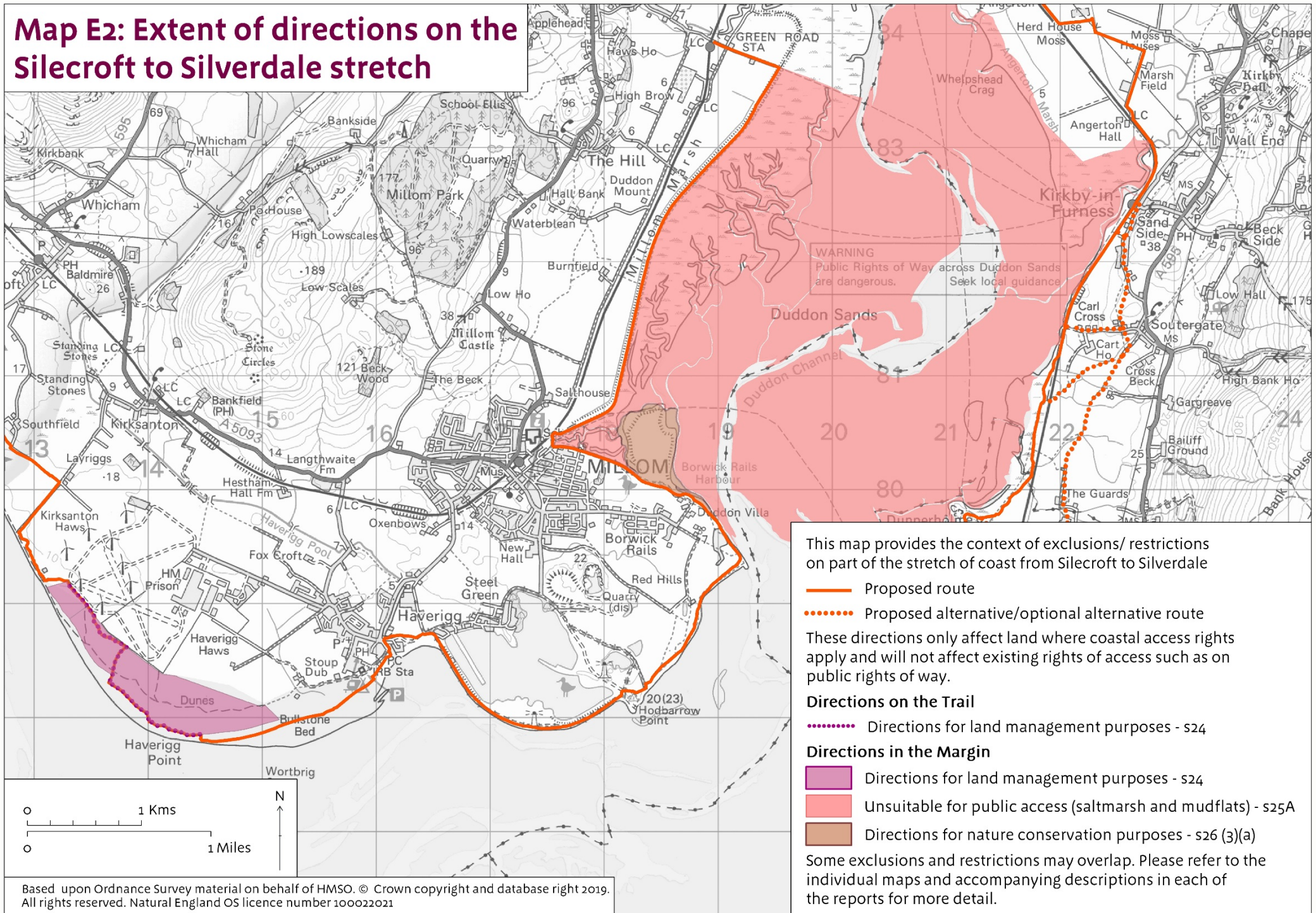
Directions in the Margin

- Directions for land management purposes - s24
- Directions for land management and public safety purposes - s24 and s25(1)(b)
- Unsuitable for public access (saltmarsh and mudflats) - s25A
- Directions for nature conservation purposes - s26 (3)(a)

Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.

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Map E2: Extent of directions on the Silecroft to Silverdale stretch



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Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.

Map E3: Extent of directions on the Silecroft to Silverdale stretch

This map provides the overview of exclusions/restrictions on part of the stretch of coast from Silecroft to Silverdale.

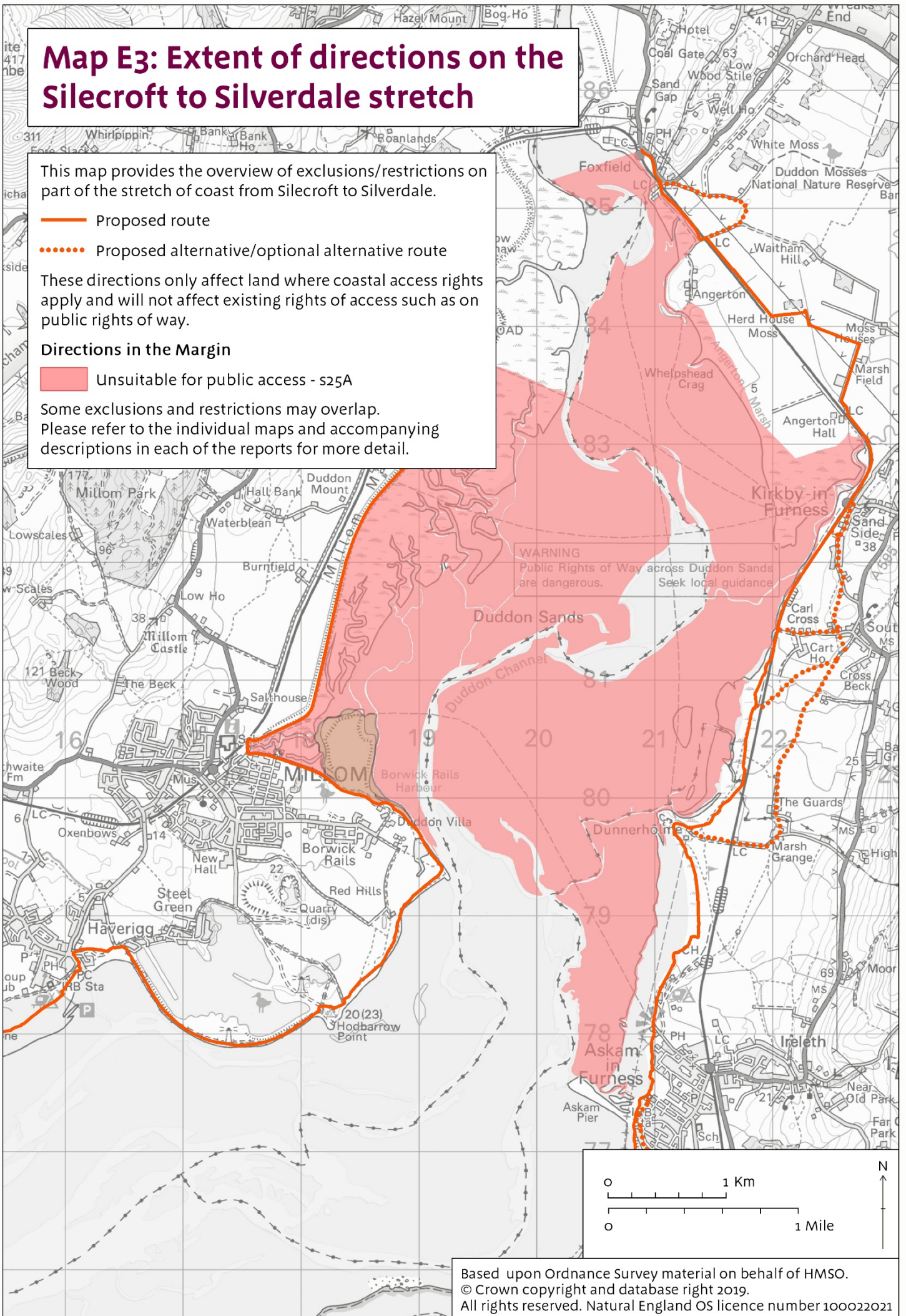
- Proposed route
- ⋯ Proposed alternative/optional alternative route

These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way.

Directions in the Margin

Unsuitable for public access - s25A

Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.



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Map E4: Extent of directions on the Silecroft to Silverdale stretch


This map provides the overview of exclusions/restrictions on part of the stretch of coast from Silecroft to Silverdale.

 Proposed route

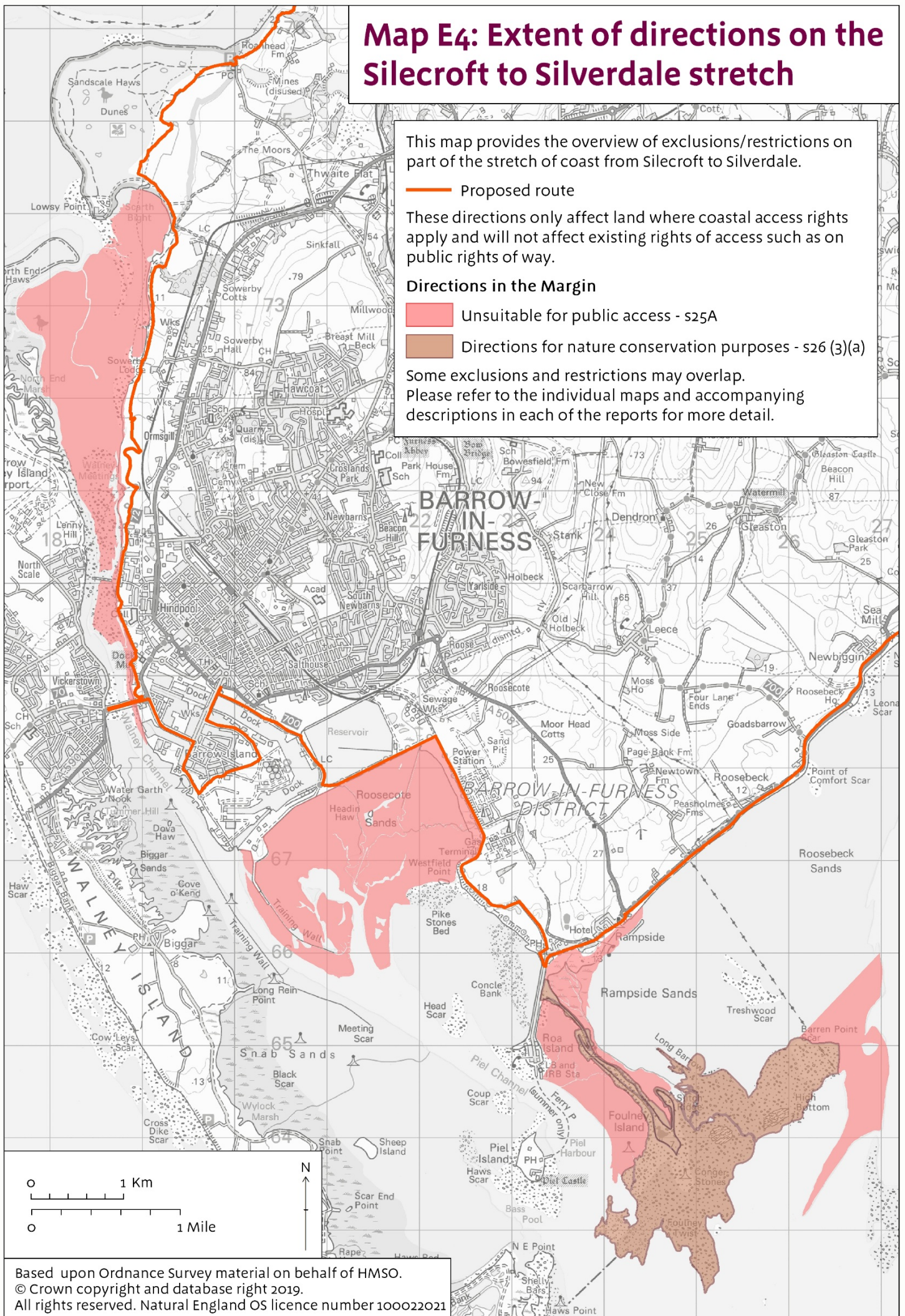
These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way.

Directions in the Margin

 Unsuitable for public access - s25A

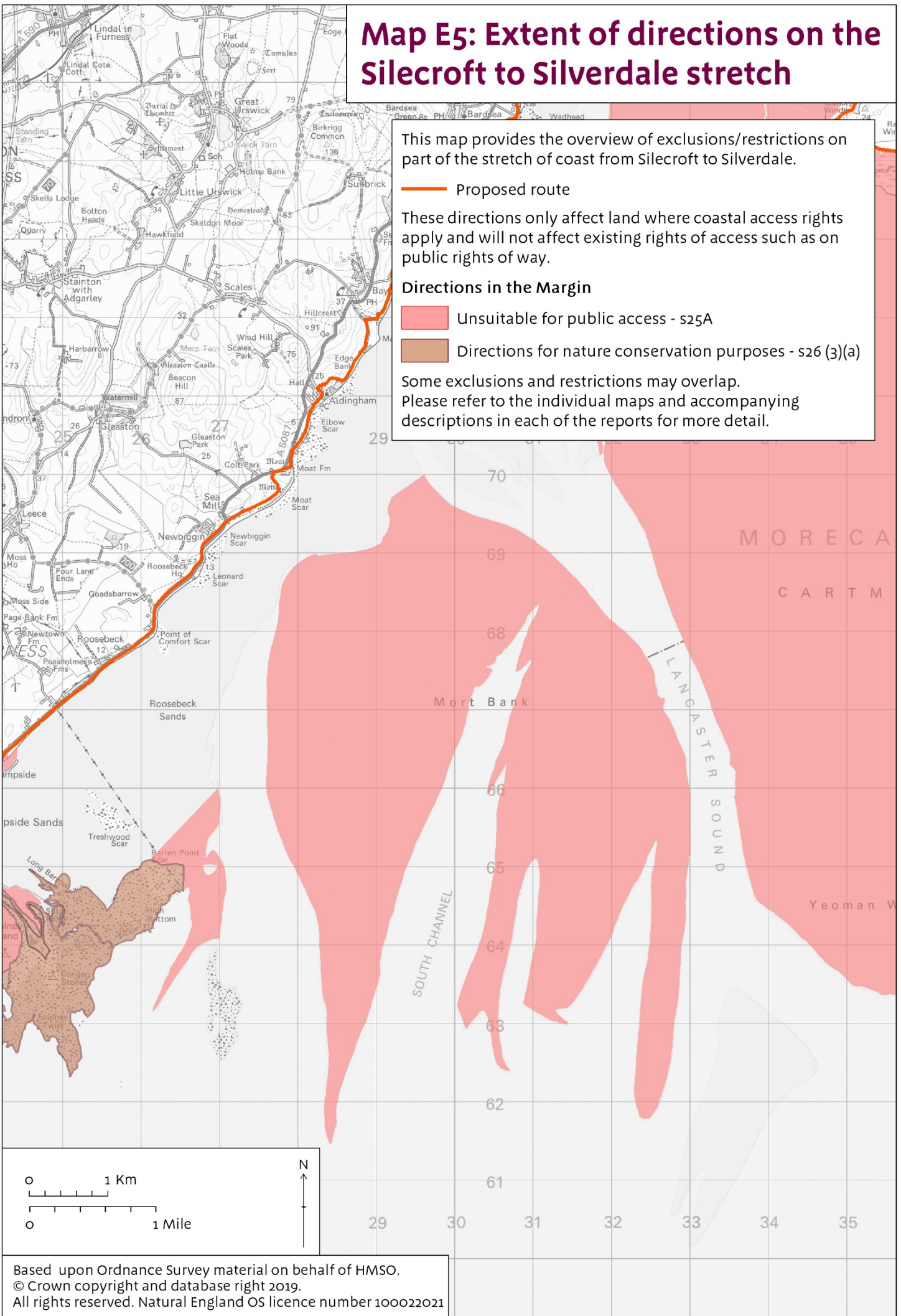
 Directions for nature conservation purposes - s26 (3)(a)

Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.



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Map E5: Extent of directions on the Silecroft to Silverdale stretch



This map provides the overview of exclusions/restrictions on part of the stretch of coast from Silecroft to Silverdale.

— Proposed route

These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way.

Directions in the Margin

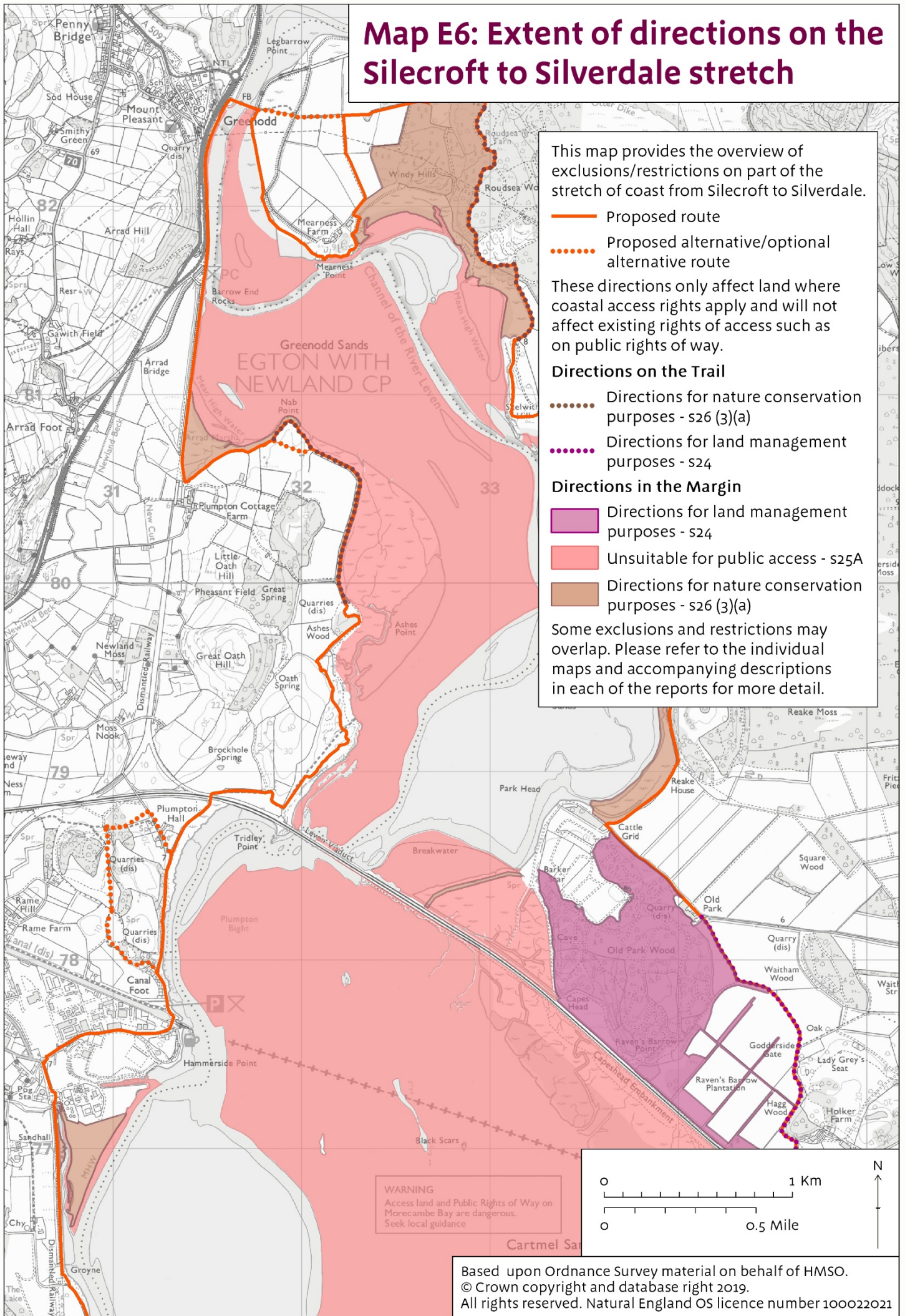
Unsuitable for public access - s25A

Directions for nature conservation purposes - s26 (3)(a)

Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.

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Map E6: Extent of directions on the Silecroft to Silverdale stretch



This map provides the overview of exclusions/restrictions on part of the stretch of coast from Silecroft to Silverdale.

- Proposed route
- ⋯ Proposed alternative/optional alternative route

These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way.

Directions on the Trail

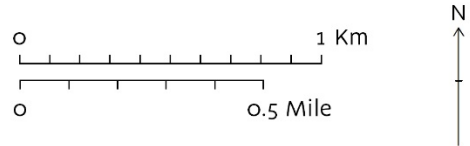
- ⋯ Directions for nature conservation purposes - s26 (3)(a)
- ⋯ Directions for land management purposes - s24

Directions in the Margin

- Directions for land management purposes - s24
- Unsuitable for public access - s25A
- Directions for nature conservation purposes - s26 (3)(a)

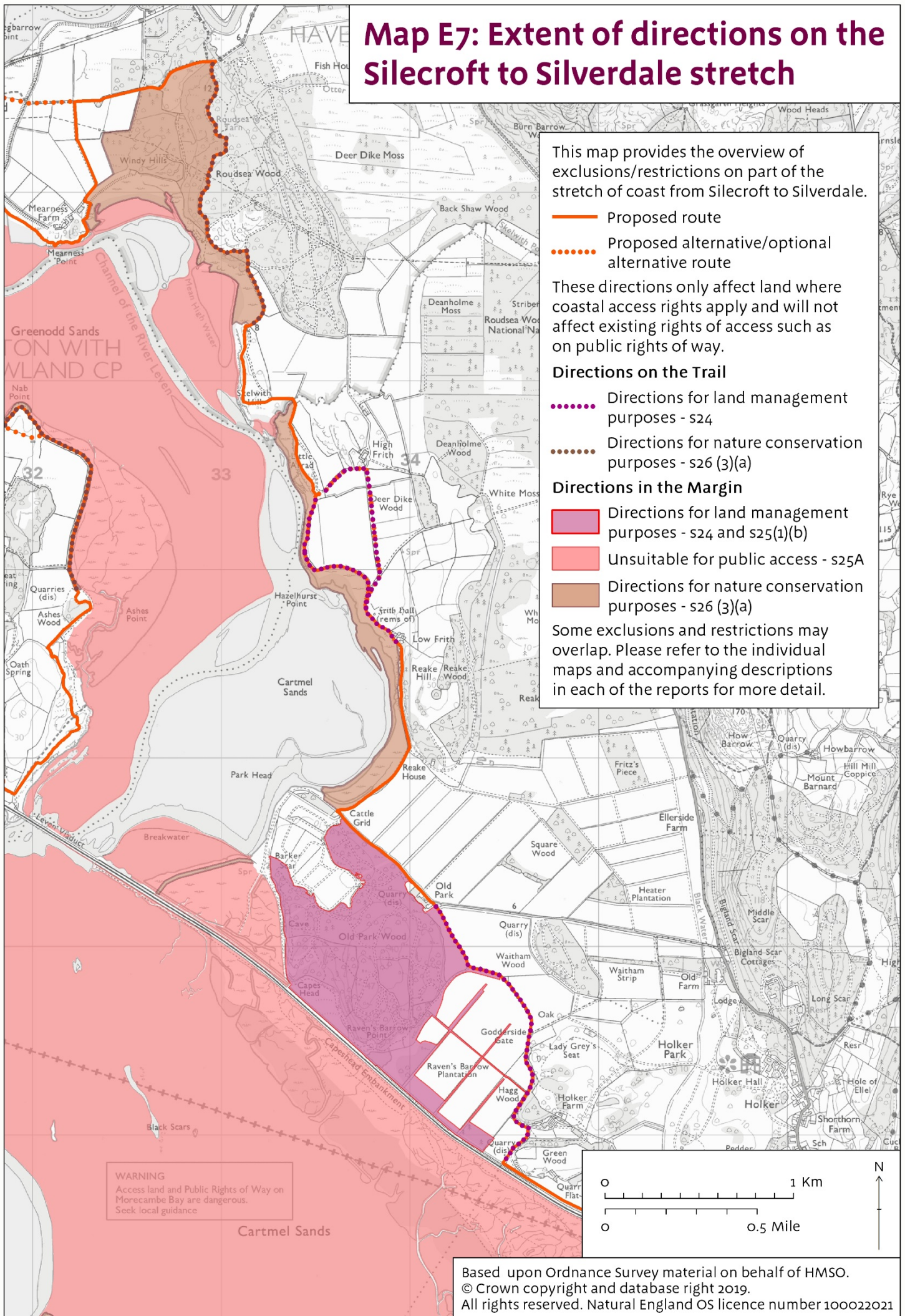
Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.

WARNING
Access land and Public Rights of Way on Morecambe Bay are dangerous. Seek local guidance



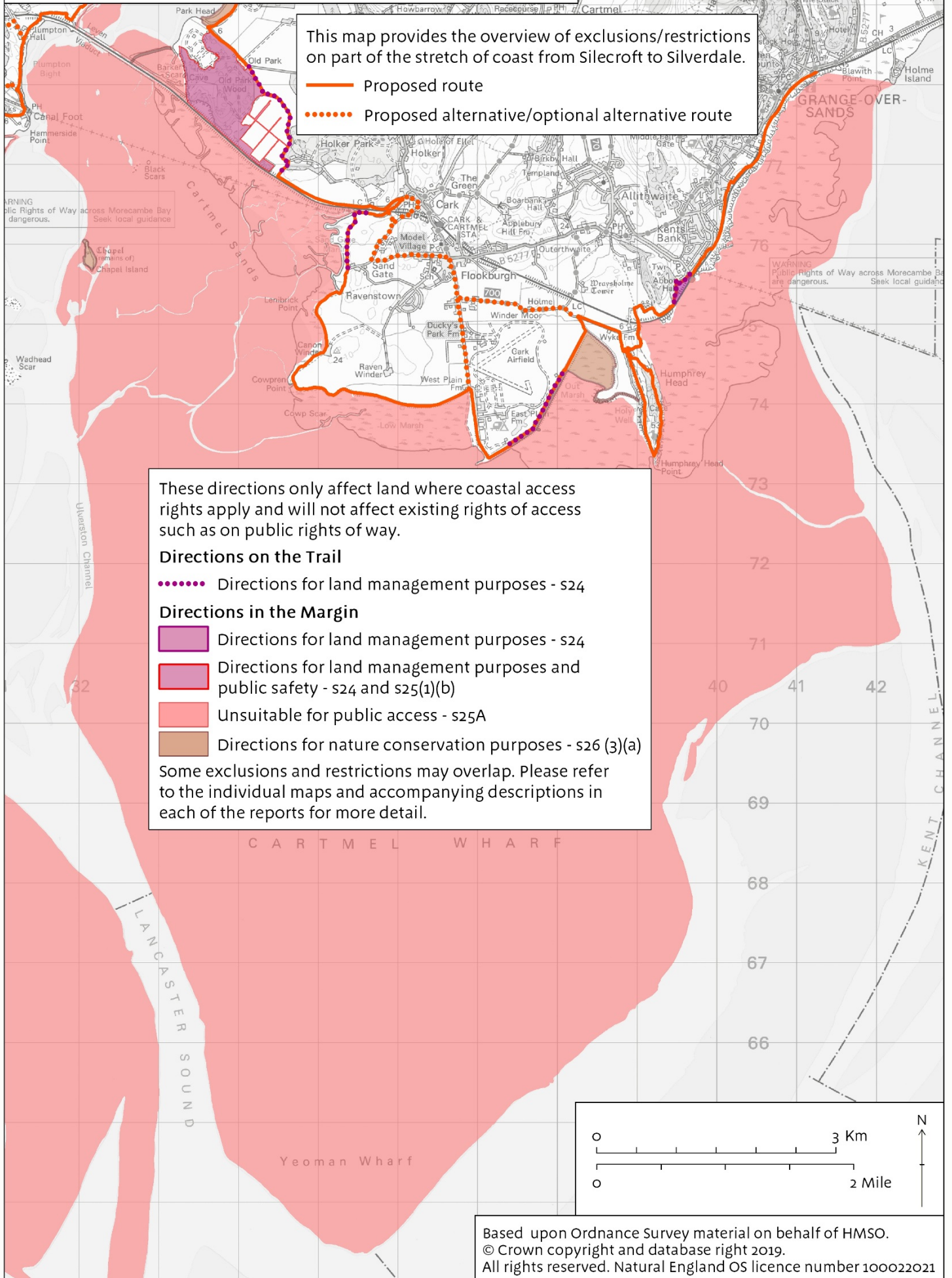
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Map E7: Extent of directions on the Silecroft to Silverdale stretch

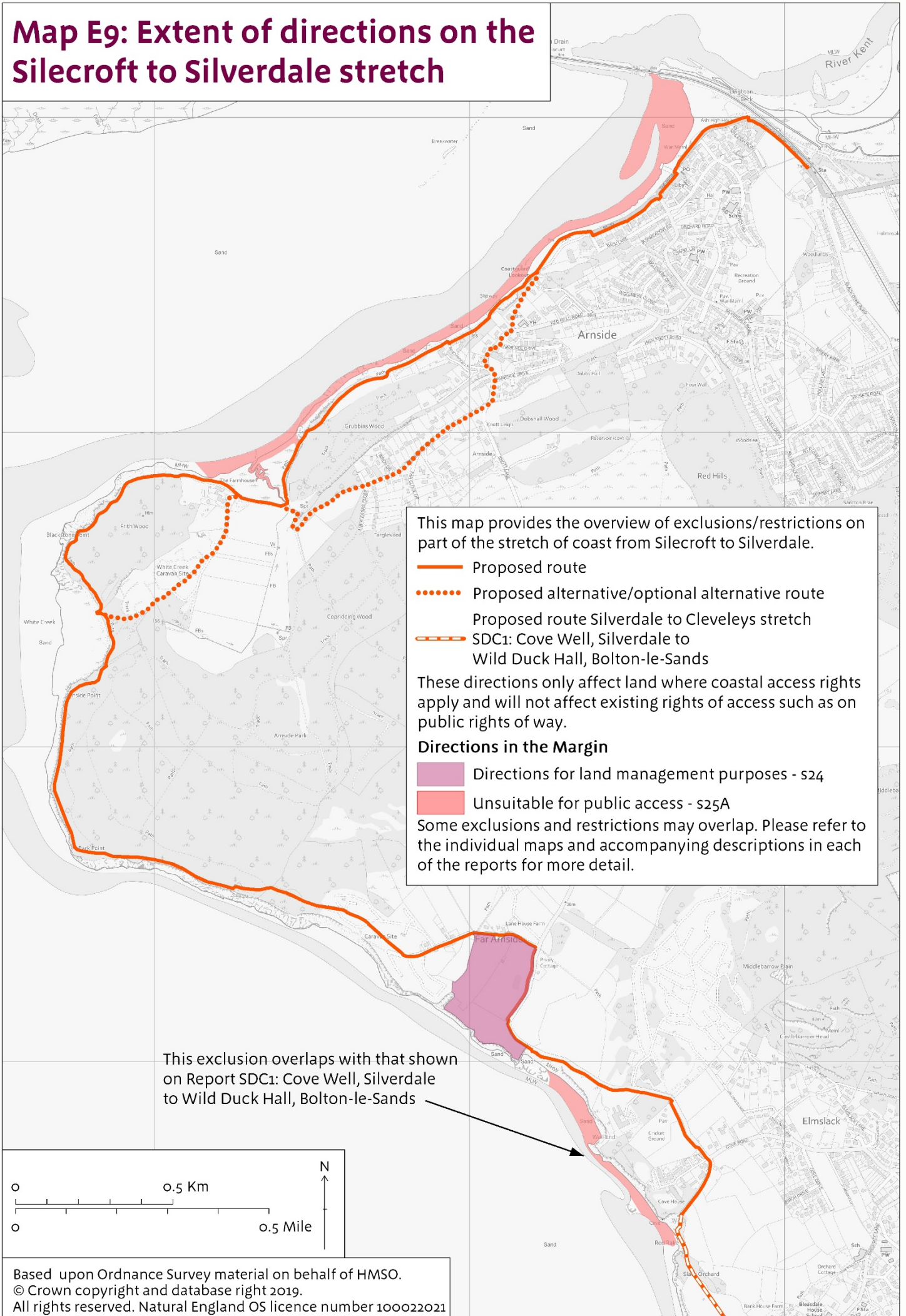


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Map E8: Extent of directions on the Silecroft to Silverdale stretch



Map E9: Extent of directions on the Silecroft to Silverdale stretch



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Annex A: Bibliography

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Natural England

www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast

The statutory framework for coastal access:

Department for Environment, Food and Rural Affairs

www.gov.uk/government/publications/marine-and-coastal-access-act-2009

Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

<http://publications.naturalengland.org.uk/publication/5327964912746496>

Marine and Coastal Access Act 2009

www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty

Countryside & Rights of Way Act 2000 [CROW]

www.legislation.gov.uk/ukpga/2000/37/contents

The Access to the Countryside (Coastal Margin) (England) Order 2010

www.legislation.gov.uk/uksi/2010/558/contents/made

National Parks and Access to the Countryside Act 1949

www.legislation.gov.uk/ukpga/Geo6/12-13-14/97

The Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010

www.legislation.gov.uk/uksi/2010/1976/contents/made

Environmental legislation referred to in the reports:

The Conservation of Habitats and Species Regulations 2017 (as amended)

<http://www.legislation.gov.uk/uksi/2017/1012/contents/made>

The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<http://www.legislation.gov.uk/uksi/2018/1307/contents/made>

Other published information used in the preparation of the report:

A register of coastal climbing sites in England

British Mountaineering Council

www.thebmc.co.uk/Download.aspx?id=692www.thebmc.co.uk/modules/RAD/View.aspx?id=2746

Humphrey Head: www.thebmc.co.uk/modules/RAD/View.aspx?id=819

Sustrans

www.sustrans.org.uk/ncn/map/route/cumbrian-coast

Cumbria Countryside Access Strategy

Cumbria County Council

www.cumbria.gov.uk/eLibrary/Content/Internet/544/932/4190193011.pdf

The Arnside and Silverdale AONB Management Plan 2014-19

Arnside and Silverdale AONB

www.arnsidesilverdaleaonb.org.uk/what-we-do/the-management-plan/

The Cumbria Coastal Way

Previously published by Cicerone Press

www.cumbriacoastalway.org.uk

The New deal; Management of National Trails in England from April 2013 (NE426)

<http://Publications.naturalengland.org.uk/publication/6238141>

Morecambe Bay Bird Disturbance and Access Management Report (May 2015)

Footprint Ecology for Morecambe Bay Partnership

Our Bay, our birds: Headlands to Headspace Waders and Wildfowl Interpretation Plan (Draft Report: December 2016)

TellTale for Morecambe Bay Local Nature Partnership

Annex B: Glossary of terms

The terms and their explanations below are included for guidance only

1949 Act means the National Parks and Access to the Countryside Act 1949. The 1949 Act includes provisions and procedures for the creation of long-distance routes (now more commonly known as National Trails). These provisions were amended and added to by the 2009 Act for the purpose of identifying the coastal trail. See Bibliography for publication details.

2009 Act means the Marine and Coastal Access Act 2009. Part 9 of the 2009 Act includes provisions to improve public access to the coast. There are supplementary provisions relating to:

- consideration of coastal access reports, objections and representations by the Secretary of State – in Schedule 1A of the 1949 Act (inserted by Schedule 19 of the 2009 Act);
- the establishment and maintenance of the English coastal route – in Schedule 20 of the 2009 Act.

Section 1.2 of the Coastal Access Scheme includes a brief overview of the main provisions, which are explained in more detail in subsequent chapters. See Bibliography for publication details.

alignment is the term we use to describe the choices we make about the proposed route of the trail and the landward boundary of the coastal margin.

alternative route means a route proposed to the Secretary of State under section 55C of the 1949 Act, to operate as a diversion from the ordinary route at certain times. The associated term optional alternative route denotes a route which the public has the option to use at times when the ordinary route is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Neither type of alternative route creates any seaward margin. Paragraphs 4.10.16 to 4.10.18 of the Scheme explain more about the potential use of optional alternative routes.

building has the same meaning given in Schedule 1 to CROW, as amended for the coast by the Order. The term includes any structure or erection and any part of a building. For this purpose “structure” includes any tent, caravan or other temporary or moveable structure. It does not include any fence or wall, anything which is a means of access (as defined by CROW section 34 – for example steps or bridges), or any slipway, hard or quay.

coastal access duty means Natural England’s duty under section 296 of the 2009 Act to secure improvements to public access to the English coast. It is explained in more detail in 1.2 of the Coastal Access Scheme.

coastal access rights is the term we use to describe the rights of public access to the coast provided under section 2(1) of CROW as a result of the provisions of the 2009 Act and the Order. Coastal access rights are normally rights of access on foot for open-air recreation. These rights are by default subject to national restrictions and may additionally be subject to Directions which restrict or exclude them locally. Section 2.4 of the Coastal Access Scheme explains more about the nature and management of coastal access rights.

coastal margin or margin means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the Order. Its main component is land subject to the coastal access rights, but it also contains other land, including some land that is not accessible to the public. A land owner may also voluntarily include land in the coastal access margin by making a dedication. Section 2.3 of the Scheme explains these other categories of land and how they fit in.

coastal processes is a term used in the reports to mean coastal erosion, encroachment by the sea or other physical change due to geomorphological processes such as landslip. Where any part of the trail could be significantly affected by coastal processes, either directly or because of the need to maintain

continuity with a part that is directly affected, we have included recommendations for it to roll back in accordance with a description in the relevant report.

CROW means the Countryside and Rights of Way Act 2000. Coastal access rights take effect by virtue of CROW section 2(1). Certain provisions in CROW are amended or added to by the 2009 Act and the Order for the purposes of the coast. Chapter 2 of the Coastal Access Scheme provides an overview of how the amended CROW provisions apply to the coast. See Bibliography for publication details.

dedicate/dedication means any voluntary dedication of land by the owner or long leaseholder under section 16 of CROW so that it will be subject to access rights under that Act. A dedication may also make provision for specific national restrictions that would otherwise apply over the affected land to be removed or relaxed.

Land within the coastal margin that was previously dedicated as access land under CROW becomes subject to the coastal access regime, including the national restrictions and the reduced level of liability operating on other parts of the margin with coastal access rights. On certain land, a dedication may be used to 'opt in' to the coastal access regime land where it would not otherwise apply. Chapter 2 of the Coastal Access Scheme explains these scenarios in more detail.

definitive map means the legal record of public rights of way. It shows public footpaths, bridleways, restricted byways, and byways open to all traffic.

Direction means a Direction under chapter II of CROW Part 1 to impose local restrictions or exclusions on the use of the coastal access rights.

Estuarial waters are defined in section 309 of the 2009 Act as any waters within the limits of transitional waters within the meaning of Council Directive 2000/60/EC (the European Community Water Framework Directive). Transitional waters are defined in Schedule 1 to the Directive as "bodies of surface water in the vicinity of river mouths which are partially saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows". The Environment Agency has mapped their seaward limit on each English estuary. Section 10.1 of the Scheme explains the relevance of estuarial waters to our proposals for coastal access at estuaries.

excepted land – see Annex C.

exclude/exclusion refer to local exclusion of the coastal access rights by Direction (as opposed to the national restrictions that apply on all coastal access land by default). In this way the use of the rights may where necessary either be excluded completely, or restricted in specified ways by means of a local restriction. Section 6.6 of the Coastal Access Scheme explains the provisions in detail and our approach to their use.

foreshore is not defined in the 2009 Act or the Order. In the reports and this Overview it is taken to mean the land between mean low water and mean high water.

gate is used in several ways in the reports:

- 'Field gate' means a wide farm gate, for vehicle access.
- 'Kissing gate' means a pedestrian access gate, sometimes suitable for wheelchairs.
- 'Wicket gate' means a narrow field gate, sometimes suitable for wheelchairs, but unsuitable for larger vehicles.

guide fencing is a term the reports may use to describe simple temporary fencing which can be put up and taken down with minimal cost or effort – see figure 18 in chapter 6 of the Coastal Access Scheme.

Habitats Regulations Assessment means an assessment made in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

the legislation is the term the reports use to describe four pieces of legislation which include provisions relevant to the implementation of our proposals: the 2009 Act, the 1949 Act, CROW and the Order. There are separate entries in the glossary which describe each of these in more detail.

a **length** is the term used to describe the part of the stretch covered by each individual report.

local access forum means a local access forum established under section 94 of CROW. Natural England is required to consult the relevant local access forum in the preparation of the reports, and to invite representations from it on its proposals – see chapter 3 of the Coastal Access Scheme for details.

margin (see coastal margin)

national restrictions – see Annex D.

National Trail means a long-distance route approved by the Secretary of State under section 52 of the 1949 Act.

objection means an objection by a person with a relevant interest in affected land (i.e. its owner or occupier) to Natural England about a proposal in a report. An objection must be made on certain specified grounds, in accordance with the provisions in Schedule 1A of the 1949 Act (as inserted by Schedule 19 of the 2009 Act). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering objections.

ordinary route means the line normally followed by the trail.

the **Order** means the Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), made under section 3A of CROW. It sets out descriptions of land which are coastal margin and amends Part I of CROW in certain key respects for the purposes of coastal access. See Bibliography for publication details.

public right of way (PRoW) means a public footpath, bridleway, restricted byway or byway open to all traffic. These public rights of way are recorded on the definitive map.

relevant interest means a relevant interest in land, as defined by section 297(4) of the 2009 Act. This is a person who:

- holds an estate in fee simple absolute in possession in the land;
- holds a term of years absolute in the land, or
- is in lawful occupation of the land.

A relevant interest must therefore own or occupy the land in question, rather than simply having some other kind of legal interest over it.

representation means a representation made by any person to Natural England regarding proposals in any of its reports. A representation may be made on any grounds, in accordance with the provisions in Schedule 1A of the 1949 Act (as inserted by Schedule 19 of the 2009 Act). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering representations.

restrict/restriction – see “exclude/exclusion”.

Roll-back is the term the Scheme uses to describe arrangements made under the provisions of section 55B of the 1949 Act, whereby we may propose to the Secretary of State in a coastal access report that the

route of a specified part of the trail which is subject to significant erosion or other coastal processes, or which links to such a section of trail, should be capable of being repositioned later in accordance with the proposals in our relevant report, without further confirmation by the Secretary of State. Section 4.10 of the Scheme explains in more detail how this works, and part 6(d) of this Overview explains this in the context of the stretch.

route section is the term used in the reports to describe short sections of the proposed route for the trail. Each route section is assigned a nationally unique serial number which we use to refer to it in the proposals and on the accompanying maps.

section 15 land means land with public access rights under:

- section 193 of the Law of Property Act 1925;
- a local or private Act;
- a management scheme made under Part I of the Commons Act 1899; or
- an access agreement or access order made under Part V of the National Parks and Access to the Countryside Act 1949;

or land subject to, or potentially subject to, public access under section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Where Section 15 land forms part of the coastal margin (which it may do in any of the ways explained in section 4.8 of the Coastal Access Scheme), these rights apply instead of the coastal access rights. Figure 6 in Section 2.4 of the Coastal Access Scheme shows the relationship of Section 15 land to the coastal access regime in more detail.

spreading room is the term we use to describe any land, other than the trail itself, which forms part of the coastal margin and which has public rights of access.

In addition to land with coastal access rights it therefore includes areas of section 15 land. Spreading room may be either seaward or landward of the trail, according to the extent of the margin. Section 4.8 of the Scheme explains in more detail the ways in which land may become spreading room. Spreading room may be subject to Directions that restrict or exclude the coastal access rights locally from time to time. However, the Scheme does not use the term to describe land which is subject to a Direction which excludes access for the long-term. Land is not described as spreading room in the Scheme if it falls into one of the descriptions of excepted land, although it may become spreading room if it loses its excepted status as a result of a change of use, or if the owner dedicates it as coastal margin. Where highways such as roads or public rights of way cross spreading room, they remain subject to the existing highway rights rather than becoming subject to coastal access rights.

statutory duty means the work an organisation must do by order of an Act of Parliament.

stretch is the whole area covered by our compendium of statutory reports making coastal access proposals to the Secretary of State, each covering one length within the stretch.

temporary route means a diversionary route which operates while access to the trail is excluded by Direction. Unlike an alternative route, a temporary route may be specified later by or under the Direction without requiring confirmation by the Secretary of State, though land owner consent is needed in some circumstances. Figure 17 in chapter 6 of the Coastal Access Scheme explains the provisions for temporary routes in more detail.

the trail is the term we use to describe the strip of land people walk along when following the route identified for the purposes of the Coastal Access Duty. See part 1.3 of the Coastal Access Scheme. Following approval by the Secretary of State of our proposals, the trail along that stretch becomes part of

the National Trail known as the England Coast Path. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the coastal margin.

variation report means a report to the Secretary of State under section 55(1) of the 1949 Act. Natural England may prepare a variation report recommending changes to coastal access proposals that have previously been approved. Figure 10 in chapter 3 of the Coastal Access Scheme explains in more detail the circumstances when a variation report is necessary.

A variation report may also be prepared by Natural England (in the context of our recommendations for the trail which we have a duty to secure under section 296 of the 2009 Act) to recommend that the route of another National Trail at the coast is modified.

Annex C: Excepted land categories

The effect of Schedule 1 to the Countryside and Rights of Way Act 2000 is that some categories of land are completely excluded from the coastal access rights, even if they fall within the coastal margin:

- land covered by buildings or the curtilage of such land;
- land used as a park or garden;
- land used for the getting of minerals by surface working including quarrying (except, under certain circumstances, the removal of sand or shingle from an area of foreshore or beach);
- land used for the purposes of a railway (including a light railway) or tramway;
- land covered by pens in use for the temporary detention of livestock;
- land used for the purposes of a racecourse or aerodrome;
- land which is being developed and which will become excepted land under certain other excepted land provisions;
- land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works) or the curtilage of such land;
- land covered by works used for an electronic communications code network or the curtilage of any such land;
- land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900;
- land which is, or forms part of, a school playing field or is otherwise occupied by the school and used for the purposes of the school; and
- land which is, or forms part of, a highway (within the meaning of the Highways Act 1980) – see below.

Some other land categories are excepted by default, but we may propose that the trail should cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights. Where land in any of these categories would form part of the coastal margin in proposals, it would therefore be fully excepted from coastal access rights. That includes:

- land on which the soil is being, or has at any time within the previous 12 months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees;
- land used for the purposes of a golf course;
- land which is, or forms part of, a regulated caravan or camping site; and
- land which is, or forms part of, a burial ground.

Highways are also excepted from the coastal access rights. This does not prevent the trail from following a public footpath or other highway, and people can continue exercising their rights to use highways that fall within the wider spreading room. Such highways form part of the coastal margin even though the access rights along them are afforded by other legislation.

Land owners may choose, under the legislation, to dedicate excepted land as a permanent part of the coastal margin. These provisions are explained in more detail in Chapter 2 of our Coastal Access Scheme.

Annex D: National restrictions

The coastal access rights which would be newly introduced under our proposals include most types of open-air recreation on foot or by wheelchair including walking, climbing and picnicking.

The scope of these coastal access rights is normally limited by a set of rules that we call in the Coastal Access Scheme the “national restrictions”.

They list some specific activities not included within the coastal access rights – for example camping, horse riding and cycling. The national restrictions on the coastal access rights are set out on the pages that follow.

The national restrictions do not prevent such recreational uses taking place under other rights, or with the landowner’s permission, or by traditional tolerance – for example on an area of foreshore where horse riding is customary. In particular, these national restrictions have no effect on people’s use of public rights of way or Section 15 land (see the entry for ‘section 15 land’ in the Glossary).

The land owner (or in some circumstances a long leaseholder or farm tenant) also has the option to include such recreational uses within the coastal access rights on a particular area of land, or on his holdings generally. He can do this:

- permanently (i.e. on behalf of himself and future owners of the land), by dedicating such rights under section 16 of the Countryside and Rights of Way Act 2000 (CROW); or
- until further notice, by agreeing that we should give a Direction under CROW Schedule 2 paragraph 7 to this effect.

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

SCHEDULE 2 RESTRICTIONS TO BE OBSERVED BY PERSONS EXERCISING RIGHT OF ACCESS (Section 2)

General restrictions

- 1 (1) Subject to sub-paragraph (2), section 2(1) does not entitle a person to be on any land if, in or on that land, he –
- (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
 - (b) uses a vessel or sailboard on any non-tidal water,
 - (c) has with him any animal other than a dog,
 - (d) commits any criminal offence,
 - (e) lights or tends a fire or does any act which is likely to cause a fire,
 - (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
 - (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
 - (h) feeds any livestock,
 - (i) bathes in any non-tidal water,
 - (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
 - (k) uses or has with him any metal detector,
 - (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
 - (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
 - (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
 - (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
 - (p) affixes or writes any advertisement, bill, placard or notice,
 - (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect –
 - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
 - (ii) of obstructing that activity, or
 - (iii) of disrupting that activity,
 - (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
 - (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
 - (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.
- (2) Nothing in sub-paragraph (1)(f) or (j) affects a person's entitlement by virtue of section 2(1) to be on any land which is coastal margin if the person's conduct (to the extent that it falls within sub-paragraph (1)(f) or (j)) is limited to permitted fishing-related conduct.
- (3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person –
- (a) having a fishing rod or line, or

(b) engaging in any activities which –

(i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and

(ii) take place on land other than land used for grazing or other agricultural purposes.

2 (1) In paragraph 1(k), “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is “lawful” if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.

3 Regulations may amend paragraphs 1 and 2.

4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.

(2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.

5 Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.

6 In paragraphs 4 and 5, “short lead” means a lead of fixed length and of not more than two metres.

6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if –

(a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and

(b) at that time, the dog is not under the effective control of that person or another person.

(2) For this purpose a dog is under the effective control of a person if the following conditions are met.

(3) The first condition is that –

(a) the dog is on a lead, or

(b) the dog is within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.

(4) The second condition is that the dog remains –

(a) on access land, or

(b) on other land to which that person has a right of access.

(5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.

6B (1) Section 2(1) does not entitle a person to be on any land which is coastal margin if, on that land, the person obstructs any person passing, or attempting to pass, on foot along any part of the English coastal route, any official alternative route or any relevant temporary route.

(2) In this paragraph –

“the English coastal route” means the route secured pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);

“official alternative route” has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949;

“relevant temporary route” means a route for the time being having effect by virtue of a Direction under section 55I of that Act to the extent that the line of the route passes over coastal margin.

Front cover photo:
Small Boats by the Duddon Estuary
A. Harker \ Natural England

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