

# Coastal Access – *Silecroft to Silverdale SCS1*

## Representations with Natural England’s comments



**November 2020**

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### **1. Introduction**

This document records the representations Natural England has received on the proposals in length report SCS1 from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for Silecroft to Silverdale they are included here in so far as they are relevant to lengths SCS1 only.

### **2. Background**

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Silecroft to Silverdale, comprising an overview and six separate length reports, was submitted to the Secretary of State on 8 January 2020. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received 16 representations pertaining to length report SCS1, of which 11 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These ‘full’ representations are reproduced in Section 3 in their entirety, together with Natural England’s comments. Also included in Section 3 is a summary of the 5 representations made by other individuals or organisations, referred to as ‘other’ representations. Section 4 contains the supporting documents referenced against the representations.

### 3. Representations and Natural England's comments on them

## Length Report 1

#### *Full representations*

**Representation number:**

MCA/SCS(W)/R/1/3452

**Organisation/ person making representation:**

Environment Agency – [redacted]

**Route section(s) specific to this representation:**

All sections where there are local wildlife sites and sea defences – SCS1 to SCS6

**Representation in full:**

Thank you for consulting us on the above proposals on 8 January 2020.

We have no objection to the proposed coastal access improvements, and we are generally supportive of the proposed powers to roll back the path in response to future coastal change.

The submitted nature conservation assessment does not include an assessment of the impacts to all local wildlife sites affected by the proposals and therefore we recommend this is included in the assessment. GIS layers of local wildlife sites are available from County Councils who oversee most local wildlife and biological heritage sites. The Environment Agency can provide GIS layers of these local wildlife sites. Local wildlife site information can also be obtained from the Local Record Centres for which there may be a charge.

In accordance with the Environmental Permitting (England and Wales) Regulations 2016, an environmental permit may be required for flood risk activities within 16 meters of a sea defence structure. However in this particular case, as the Environment Agency do not own and/or maintain these defences, a permit would not be required. We have therefore not reviewed the proposals in relation to the impact on sea defences.

The Local Planning Authority should satisfy themselves that any new development does not affect the integrity of the sea defence, and the applicant should be aware that the consent of the owner/maintainer may be required and they should consult them as appropriate.

#### **Natural England's comments**

Natural England is grateful for the general message of support for its proposals.

Natural England no longer has access to the digital data relating to Local Wildlife Sites and their boundaries. Instead, we made enquiries of Cumbria Wildlife Trust and the Arnsdale & Silverdale Area of Outstanding Natural Beauty team about any concerns that they might have in over such sites, in relation to our coastal access proposals, during the initial planning stages for the project. No concerns were advised to us at that time in relation to this stretch of coast.

We are also grateful for the advice about Environmental Permitting regulations and confirmation that no such permit will be required for works on this stretch. We would expect Cumbria County Council to liaise closely with all relevant authorities, including local planning authorities, prior to and during the establishment phase of this project.

**Relevant appended documents (see section 4):**

None

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**Representation number:**

MCA/SCS(W)/R/3/3335

**Organisation/ person making representation:**

Cumbria & Lakes Local Access Forum – [redacted]

## Route section(s) specific to this representation:

### Representation in full

In the light of the unreliability of the train service on the Barrow to Carlisle line, we urge Natural England to reconsider their options on the estuary crossings. We ask that the bridge options are kept formally in place as a first choice solution if and when funds become available. If the rail crossings are adopted we urge that taxi contacts and bus timetables are prominently displayed at each railway station.

### Natural England's comments

Natural England is grateful to the Local Access Forum for the sensible advice within the representation. We will monitor the regularity and convenience of the railway service, as we approach commencement on this stretch of coast. As we have stated in our proposals, in the event of a significant reduction in convenience, we would expect to consider the need to vary our proposals.

Particularly with regard to the Duddon Estuary, we will continue to engage with other organisations, with a view to any potential for a new bridge to be delivered other than exclusively via the coastal access programme.

### Relevant appended documents (see section 4):

Cumbria & Lakes Local Access Forum Letter

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### Representation number:

MCA/SCS(W)/R/6/3471

### Organisation/ person making representation:

RSPB – [redacted]

## Route section(s) specific to this representation:

### Representation in full

#### Section SCS 1D, SCS-1-S028 to SCS-1-S033 – Haverigg Hawes and Bullstone Beds

Bullstone Bed/Haverigg Hawes – No coastal margin exclusion appears to be in place seaward of the trail on sensitive SAC habitat and SPA feature breeding habitat and supporting habitat despite LSE being identified within HRA. Limited areas landward of the trail have exclusions under s24 at Black Dub. However, the seaward extent of the trail containing the most sensitive embryonic dune and vegetated shingle habitats which support ground nesting bird species such as Ringed Plover and Little tern have no restrictions (Directions map SCS 1B).

#### **Exclusions under S26 should be in place seaward of the trail SCS-1-S028 to SCS-1-S033 to mitigate the impacts of the ECP and protect the area of SAC habitat and supporting SPA habitat from damage, trampling and disturbance.**

Bullstone Bed/Haverigg Hawes is an accreting shingle point bar system and is likely the best example of a naturally prograding shingle (H1220) and embryonic dune habitat (H2110) in Cumbria. The area is seaward of the trail and not clearly marked on maps due to consisting of a complex transitional habitat with a large intertidal component but can be seen clearly on aerials/satellite photographs. Current patterns of access are informal and due to it being an accreting coastal habitat and relatively newly formed. This unpermitted access cannot be considered established or permissive.

In terms of ecological significance, this area has been identified within the HRA (section D2, p41 & p43) as being of importance. Trampling of feature groups; perennial vegetation of stony banks and sand dune – notably fore dune (embryonic dunes) is identified as an LSE within the HRA screening. The HRA (table 2a) asserts that the ECP avoids aligning (and by proxy avoids encouraging access via inclusion in coastal margin) in embryonic dune habitats in order to prevent damage/reduce risk to sensitive SAC/SSSI habitat features. This does not appear to have been the case when considering route proposals for areas seaward of the trail at Haverigg Hawes/Bullstone Bed. **I.E the pathways for impact are clear and have been identified within the HRA process but no mitigation has been proposed for these impacts.**

Table SCS 1.2 (p121) incorrectly asserts that Ringed Plover breed within the fenced grazing enclosures in Haverigg Bent Dunes and Black Dub. The core areas of breeding Ringed plover on the site are seaward of the trail on Bullstone Bed with a minimum of 8 pairs ringed plover and a pair of Little tern (SPA feature) in 2017 and 2018 (RSPB surveys - attached) nesting on the shingle and embryonic dune habitats within the proposed coastal margin. However, the nesting success and chick productivity of these species is known to be very low, likely due to disturbance. The site has been identified in the HRA (Table 7b, p60) as a nesting site for Little tern within the SPA. However, unlike the other Little tern nesting sites mentioned (Hodbarrow Lagoon, Foulney and South Walney) no mitigation measures have been put in place to protect this SPA species feature or the site as an important location for ground nesting birds.

More generally, mitigation for this section (HRA table 10a, p84) does not adequately cover the impacts to habitats and species for which an LSE has been identified. Instead, the mitigation and exclusions are concerned with livestock management landward of the trail and ensuring the ECP does not interfere with the “specialist campsite” activities assumed to be referring to the nudist beach at Black Dub. Little of the mitigation described is appropriate to the LSE identified within the HRA

**I.E Impacts on the European habitat and species features resulting from section SCS-1-S028 to SCS-1-S033 have not been adequately mitigated despite being screened as having potential LSE. This section of the route is not compliant with the HRA and will have likely significant impacts on the integrity of the European site.**

### **Section SCS 1G – 1 H, Borwick Rails**

The RSPB strongly supports the s26 access exclusion at Borwick Rails to reduce risk of impact to ground nesting birds, post breeding aggregations of tern species and wintering wader roosts. Fully agree with the reasoning behind this exclusion.

### **Section SCS 3D , Foulney Island**

The RSPB Strongly supports the proposed s26 and s25a exclusions on Foulney Island and the intertidal mud and skears down to Foulney Twist. However, the limited s26 exclusion allowing public access to Foulney Island during winter (16th August – 31st March) with dogs on leads is not considered adequate mitigation for impacts to non-breeding (wintering) birds that roost on Foulney. The expected increase in use of the ECP route with the resulting increase in footfall and risk of disturbance does not appear to have been considered in this case. Given that higher recreational pressure is expected, the current limitations on access may no longer be appropriate. A year-round exclusion under s26 would be more appropriate and consistent with other nature reserves locally such as at South Walney which support similarly large numbers of non-breeding SPA birds.

**Exclusions under s26 should be in place year-round for Foulney Island Nature reserve. LSE has been identified within the HRA as a result of increased recreational use due to the ECP being established. The proposed mitigation is inadequate as it simply replicates the existing access management on site I.E simply maintaining existing access management will no longer be suitable given the expected increase in access and related impacts from the ECP.**

### **SCS 4 – Directions Map 4E, Carter Pool**

The RSPB supports the proposed s26 access exclusions for Carter Pool. This area has regional importance for moulting Shelduck along with being utilised by notable numbers of non-breeding waders as a winter roost. The reasoning behind the s26 exclusion is well evidenced and justified.

### **SCS 5 – Directions Map 5O, Chapel Island**

The RSPB fully supports the s26 exclusion of Chapel island to protect the breeding Eider colony and breeding Little Egret from disturbance.

## **Natural England’s comments**

Natural England is grateful for the message of support from the RSPB for parts of the proposals and for the extent of the information provided in the representation. We also acknowledge that there was a slight error in our HRA, in relation to the Haverigg Hawes/Bullstone Bed area; however, our conclusions were based on the correct information rather than on the way the information was set out in the HRA. We have subsequently rectified this error and an updated version of the HRA will be published shortly.

We note the additional concerns with regards to restrictions or exclusions and our responses are as follows:

Firstly, we must consider the need for restrictions or exclusions carefully, on a case by case basis. On the one hand, we must ensure that our proposals won’t have a significantly detrimental impact on protected sites and features, whilst on the other hand, we must always make use of the least restrictive option available, in terms of mitigation and access management. To do otherwise would be unreasonable. Secondly, a key part of our assessment is around the prediction of change to existing levels and patterns of use arising from our proposals; in some cases, we can conclude that there will be negligible change (if sites are already extremely popular and our proposals effectively make no difference to the access arrangements) – whilst we might also expect a reduction in footfall in some areas, as a result of careful path alignment, improvements to existing paths and more effective route marking (all of which will tend to steer visitors along the preferred routes). Such measures are often much more likely to be effective than barriers and formal restrictions.

The concerns that we have addressed at Haverigg Bent Dunes and Black Dub are around the effects on nature conversation that might be brought about by disruption to conservation livestock grazing.

We stand by the conclusions in our published Habitats Regulations Assessment and Nature Conservation Assessment; however, we should clarify that we are obliged to review any long-term restrictions on a regular basis, and may modify them as necessary. We can and will put further directions to exclude or restrict access in place at any time in the future, if the situation changes. As explained above, we will always aim to ensure that any such measures are necessary and proportionate – not least since this is key in persuading visitors to abide by such restrictions (the more wide-ranging and severe the access restrictions, the less likely we are to see full and effective compliance).

## **Relevant appended documents (see section 4):**

- Haverigg Survey 2017 (breeding bird survey of site 9/5/17 conducted by [redacted], RSPB Conservation Officer)
- Haverigg Survey 2018 (breeding bird survey of site 26/4/18 conducted by [redacted], RSPB Conservation Officer)

NB. Surveys have previously been supplied to Natural England Coastal Access team as part of the call for evidence process.

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**Representation number:**

MCA/SCS(W)/R/7/3475

**Organisation/ person making representation:**

Lake District National Park Authority – [redacted]

**Route section(s) specific to this representation:**

Duddon & Kent estuaries (SCS2, SCS6); plus all areas within NP boundary.

**Representation in full**

**Representations in relation to all sections of the proposed ECP within the Lake District National Park**

**General comments**

The Lake District National Park Authority welcomes the opportunity to give representations on the above proposals. We fully support the creation of the English Coastal Path (ECP) within the Lake District National Park.

Our observations will be limited to the sections of ECP within the boundary of the Lake District National Park.

We appreciate the challenges of trying to deliver the ECP within this part of Cumbria due to the vast tidal range, associated hazards, high ecological status and inundation of the land by the water for extended periods of time.

**Procedural observations**

With regard to the preparation of your report, we would like to ascertain the level of consultation that has taken place with regard to any potential impact of the historic and cultural environment along the proposed route, or by future “roll back”. We provided Natural England with data layers within our possession but have not been informed as to how these have been utilised. Our specialist advisors are available for consultation.

As a Planning Authority we would also like to be informed as soon as possible if any of the proposed engineered access solutions which may require planning consent as we may be able to provide preliminary advice.

We are also designated as a UNESCO World Heritage Site so it may be prudent for Natural England to explore how this route will be accommodated on the ground and celebrated on this part of the ECP. Our World Heritage Officer will be able to give guidance.

**Representations in relation to Report SCS A2a and Report SCS6 A2c****The English Coastal Path option decision to rely on the existing train service to provide crossing of the Duddon and Kent Estuaries.**

Clearly the reliance on a train service in order to undertake the route is far from ideal and is unlikely to meet user expectations. We note that Natural England have clarified they have opted to utilise the train service to provide two key estuarine crossings. However, they have stated, they will consider whether to review this option at a future point if the train service ceases or through a reduction in services or if other solutions can be delivered by future initiatives. We would wish to see a review option and associated process triggers and responsibilities clearly established and defined in any legal documentation before approval. Thus, not excluding future investment, land management opportunities or any possibilities provided by developments under the Cumbria Coastal Strategy.

In addition, we would wish to see Natural England work with ourselves, partners and other interested parties to actively seek and explore any future alternatives. Whether it be a new route, crossing points or additions to any existing infrastructure, we would expect to be able to accommodate multiuser interests in addition to meeting the requirements of the ECP. An estuarine cycle way and footpath would provide sustainable travel options and would be of economic, health and cultural benefit.

**Natural England's comments**

Natural England is grateful to the National Park Authority for the information provided and for the general message of support within the representation.

A number of LDNPA officers were involved in the development and consultation processes prior to publication of the report, as well as historic environment staff from the county council and Historic England.

We are also grateful for the offer of continued engagement over the detail and in relation to future roll-back of the route, where necessary. We would expect Cumbria County Council to apply for planning consent where necessary, in the preparation for the establishment phase.

We note the concerns expressed over the reliance on train services and the consequent lack of continuous walking routes around both Duddon and Kent estuaries. The Secretary of State may well decide to draw attention to these points in any approval of the proposals - perhaps in relation to the need to review the convenience of the train service as we approach commencement on the stretch.

We confirm that we are keen to engage with potential partners over the opportunities that might arise by the delivery of new bridges, particularly over the upper Duddon Estuary, in the future.

**Relevant appended documents (see section 4):**

None

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**Representation number:**

MCA/SCS(W)/R/12/3480

**Organisation/ person making representation:**

Cumbria County Council – [redacted]

**Route section(s) specific to this representation:**

Whole stretch but focus on estuaries.

**Representation in full**

The main concern of the Authority is that the guidance given by the planning inspectorate on section 2 of the route from Whitehaven to Silecroft hasn't been adhered to on the Silecroft to Silverdale section. Principally the route being proposed not being a continuous route, with the Duddon and Kent Estuaries being omitted from the route and a short train journey being proposed to cross them. In the council's opinion a limited train service is not a ferry.

Not only do the Authority think that this isn't in the spirit of a National Trail but it will also omit some of the finest coastal access in the county, something we are lead to believe is the main objective of the new England Coast Path.

The Authority support the development of the England Coastal Path as it is opening up previously inaccessible area of coast line in Morecambe Bay and will spread the economic value of the route throughout the Bay. However, the Authority is strongly opposed to the route not extending up the Duddon and Kent estuaries to the first bridging point or where the estuary can be bridged. This would greatly enhance the economic value of the trail in Cumbria and the approach being adopted presently by Natural England is an opportunity missed.

**Natural England's comments**

Natural England is grateful for the views of Cumbria County Council, in its role as Access Authority.

We acknowledge that a continuous walking route around both the Duddon and the Kent estuaries would have been preferable, all other factors taken into account. However, we believe that the proposed route, as far as the railway stations at Grange-over-Sands and Arnside in the case of the Kent, and as far as the stations at Green Road and Foxfield in the case of the Duddon, is entirely consistent with the advice in the approved Coastal Access Scheme. We will monitor the regularity and convenience of the railway service, as we approach commencement on this stretch of coast. As we have stated in our proposals, in the event of a significant reduction in convenience, we would expect to consider the need to vary our proposals. We have also made it clear that we are willing to work with other potential partners over initiatives to deliver greater access improvements (most obviously, a new cycle and footbridge over the upper Duddon Estuary) that might provide the basis on which to extend the benefits of the ECP. To date, no such plans are forthcoming.

**Relevant appended documents (see section 4):**

None

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**Representation number:**  
**MCA/SCS(W)/R/9/3477**

**Organisation/ person making representation:**  
Cumbria County Council South Lakes Committee – [redacted]

**Route section(s) specific to this representation:**

### **Representation in full**

Cumbria County Council's Local Committee for South Lakeland, which is made up of 18 elected councillors, has given Natural England's coastal access proposals due time and consideration. However, they have found the engagement process with Natural England extremely problematic with it being totally immovable; unwilling to listen, to consider alternative views or to find compromise.

Last year, a representative of Natural England attended a Local Committee meeting to discuss and share the proposals. During that session, the councillors raised their very valid concerns on a number of specific areas around the coastal route and discussed alternatives. Councillors also offered to meet Natural England on site. However, none of this was considered and the proposals were submitted to the Secretary of State with no regard for local knowledge and experience.

The Local Committee collectively represents all of the residents across South Lakeland and as individuals has detailed knowledge of the land, its people, the way the land is used and also travelled across.

Specific concerns expressed by the Local Committee include:

The Local Committee is particularly opposed to the Coastal Path relying on the rail service as the only way across the estuaries. Over a year ago when councillors met with your officer, [redacted], a request was made to address this but it continues to be included as a proposal with no amendment. This will prove a major disincentive to walkers of the path who would need to rely on infrequent and unreliable trains to continue their expedition. The train line is not an appropriate substitute for a path around the estuary which should be available to use any time of day.

It is very difficult to arrange a long-distance walk which relies on public transport connections which may not be met, which would result in people being stranded at unmanned stations without adequate updated information.

The effectiveness of the Coastal Path is seriously compromised and its use limited if this is not adequately addressed.

Greater imagination and thought could be put into the Coastal Path which would ensure the investment benefits many generations to come. This includes putting more effort into solving the problems around the estuaries would also be of benefit for cyclists.

For example at the Duddon estuary there is a quiet lane northeast from Hallthwaites that joins the busy A595. There are plenty of cycling options from Broughton-in-Furness but there is a missing link either side of Duddon Bridge where cyclists are forced to use the A595.

Similarly around the Kent Estuary - there are several quiet lanes either side of the River Kent that, if linked together, could provide miles of flat, easy cycling for families, especially if these could be tied into a cyclepath along the disused railway from Hincaster and Heversham to Arnside.

A footbridge attached to the short viaduct over the Duddon could be a viable option and would save on distance which would avoid steep hills, the busy road and the bridge on the A595 between Foxfield and Green Rd.

Morecambe Bay is a wider expanse of course but surely not without the bounds of possibility.

Of great concern to the Local Committee is the lack of meaningful and comprehensive consultation with a range of stakeholders but with landowners in particular. While no one is against the coastal path, the engagement has been perceived as a tick box exercise with the placement of the path predetermined and a 'fait accompli'. Stakeholders want the best route which adheres to the original idea of hugging the coast and providing a true coastal route. Many of Natural England's proposals and land solutions are costly to deliver but will also create significant ongoing maintenance costs, which the Council may need to pick up.

For example, at Aldingham, the route is proposed to come in land across prime arable and dairy grazing ground. Some of the fields have bulls in as well as some crossing very boggy ground. Natural England proposes to drain this land at significant cost. However, at this location it is more than possible to use the beach as the main route, which is currently already used by walkers. Very high tides may prevent walkers from taking this route on occasion but this still

remains the most viable, cost effective and appropriate solution. If the path were to come in land as proposed, walkers will need to navigate fencing, gating and it will require the construction of some very steep steps.

The impact on the farming community is significant as farmers in that area practice high animal welfare and are extremely worried about the impact of disease spread by dogs, sheep worrying etc.

Further to this there is great concern that the proposed path will take walkers directly in front of the windows of the homes on Lethey Lane.

In summary, with a new imaginative look at the Aldingham area a route can be identified that is not only the most accessible, easier to deliver and maintain, but has less impact on existing businesses and residents.

The Local Committee is requesting that all of the above points are given the due consideration they deserve and that the decision on the Silcroft to Silverdale proposal is deferred while all of these issues are fully explored and solutions sought with local stakeholders.

## **Natural England's comments**

Natural England acknowledges the various concerns expressed in the representation from the local area committee. Our response is as follows:

The alignment of the ECP is full of compromise, by necessity; there are a wide range of often conflicting views in relation to all but the least contentious parts of the proposals. We try to take all of these views into account, set against other constraints such as overriding obligations under environmental legislation. Our approach, including on matters of engagement and especially in relation to estuaries, is detailed in the Coastal Access Scheme, which is a statutory document and one that we are obliged to follow. In particular, in deciding whether and how to exercise our discretion in relation to estuaries, we must appraise the benefits of doing so against the costs and other considerations. The decisions relating to the estuaries of both the Duddon and the Kent are fully explained in our published reports - and are consistent with the intentions relayed to the local area committee in 2019. Furthermore, the County Council, as access authority, has been involved in the delivery of the ECP programme in Cumbria from the outset, with active input on many decisions from experts within the Countryside team and Cumbria Highways. Updates have been provided on a regular basis to those councillors in coastal wards, by the Countryside team manager.

In relation to some of the specific alignment concerns raised:

Natural England acknowledges that a continuous walking route around both the Duddon and the Kent estuaries would have been preferable, all other factors taken into account. However, we believe that the proposed route, as far as the railway stations at Grange-over-Sands and Arnside in the case of the Kent, and as far as the stations at Green Road and Foxfield in the case of the Duddon, is entirely consistent with the advice in the approved Coastal Access Scheme. We will monitor the regularity and convenience of the railway service, as we approach commencement on this stretch of coast. As we have stated in our proposals, in the event of a significant reduction in convenience, we would expect to consider the need to vary our proposals. We have also made it clear that we are willing to work with other potential partners over initiatives to deliver greater access improvements (most obviously, a new cycle and footbridge over the upper Duddon Estuary) that might provide the basis on which to extend the benefits of the ECP. To date, no such plans are forthcoming.

We completely reject the assertion of a 'tick box exercise' in relation to landowners. We are required to make reasonable efforts to identify and engage with all owners and occupiers of land likely to be affected - and this is something that we take very seriously. The overwhelming amount of officer time dedicated to each stretch project relates to meetings and site visits with owners and occupiers - in some cases, we may visit the same areas on multiple occasions, to listen to concerns and identify a solution that works for both walkers and owners/occupiers. This is not to say that we will remove those concerns entirely, but the success of this strategy is borne out by the relatively low numbers of objections that we receive, compared with the large numbers of those entitled to object to our proposals. The objections process is intended to ensure that our decisions and proposals can be considered independently (but still in accordance with the coastal access scheme) by an appointed inspector, prior to any decision by the Secretary of State.

## **Relevant appended documents (see section 4):**

None

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## **Representation number:**

MCA/SCS(W)/R/10/3481

## **Organisation/ person making representation:**

Cumbria County Council Copeland Committee – [redacted]



## **Route section(s) specific to this representation:**

### **Representation in full**

Cumbria County Council's Local Committee for Copeland, which is made up of 12 elected Councillors, has given Natural England's coastal access proposals due time and consideration.

This year, Local Committee heard of the Natural England proposals and discussed them. During that session, the councillors raised their very valid concerns on a number of specific areas around the coastal route and discussed alternatives.

The Local Committee collectively represents all the residents across Copeland and as individuals has detailed knowledge of the land, its people, the way the land is used and also travelled across.

Specific concerns expressed by the Local Committee include:

The Local Committee is particularly opposed to the Coastal Path relying on the rail service as the only way across the estuaries. This will prove a major disincentive to walkers of the path who would need to rely on infrequent and unreliable trains to continue their expedition. The train line is not an appropriate substitute for a path around the estuary which should be available to use any time of day.

It is very difficult to arrange a long-distance walk which relies on public transport connections which may not be met, which would result in people being stranded at unmanned stations without adequate updated information.

The effectiveness of the Coastal Path is seriously compromised and its use limited if this is not adequately addressed.

Greater imagination and thought could be put into the Coastal Path which would ensure the investment benefits many generations to come. This includes putting more effort into solving the problems around the estuaries would also be of benefit for cyclists.

For example at the Duddon estuary there is a quiet lane northeast from Hallthwaites that joins the busy A595. There are plenty of cycling options from Broughton-in-Furness but there is a missing link either side of Duddon Bridge where cyclists are forced to use the A595.

A footbridge attached to the short viaduct over the Duddon could be a viable option and would save on distance which would avoid steep hills, the busy road and the bridge on the A595 between Foxfield and Green Rd.

The Local Committee is requesting that the above point is given due consideration and that the decision on the Silecroft to Silverdale proposal is deferred while the potential for this is fully explored and solutions sought with local stakeholders.

### **Natural England's comments**

Natural England acknowledges that a continuous walking route around both the Duddon and the Kent estuaries would have been preferable, all other factors taken into account. However, we believe that the proposed route, as far as the railway stations at Grange-over-Sands and Arnside in the case of the Kent, and as far as the stations at Green Road and Foxfield in the case of the Duddon, is entirely consistent with the advice in the approved Coastal Access Scheme.

As detailed in our SCS Overview, we considered other options for the Duddon; with expert advice from both the Countryside Team at Cumbria County Council and Cumbria Highways, we looked at the viability of either utilising the existing Duddon Bridge as part of an extended ECP route, or installing a new footbridge over the upper estuary. The possibility of a walkway attached to the railway viaduct was discounted due to the excessive costs that would have arisen as a direct result of project delivery via Network Rail. It is not possible to make modifications to railway structures other than via such an approach.

We will monitor the regularity and convenience of the railway service, as we approach commencement on this stretch of coast. As we have stated in our proposals, in the event of a significant reduction in convenience, we would expect to consider the need to vary our proposals. We have also made it clear that we are willing to work with other potential partners over initiatives to deliver greater access improvements (most obviously, a new cycle and footbridge over the upper Duddon Estuary) that might provide the basis on which to extend the benefits of the ECP. To date, no such plans are forthcoming.

### **Relevant appended documents (see section 4):**

None

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**Representation number:**

MCA/SCS(W)/R/13/3229

**Organisation/ person making representation:**

Ramblers – [redacted]

**Route section(s) specific to this representation:**

Directions/Restrictions/Exclusions

**Representation in full**

We recognise the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We accept also the principle that, where appropriate, some use may be made of salt-marshes for the route of the ECP in line with the guidance given in the Approved Scheme paras 7.8 pp77-79, and para 7.15 pp96-100.

We have not commented on the restrictions regarding dogs. However, because there are no provisions for monitoring or enforcement of these restrictions, in some areas this has led to undue and unfair restrictions being proposed on ECP walkers who do not have a dog. We are also concerned that the various documents in this consultation have an inconsistent approach to the wording of proposed notices. We would favour notices, when used, to be consistent along the ECP and for dog walkers to be provided with more detailed advice and information than 'dogs should be under control'.

The ECP will not only be used by walkers but the route will prove a substantial benefit to those, such as ornithologists, botanists and other people interested in natural history. This representation recognises the wider audience to benefit from the establishment of the ECP and the attendant spreading room.

One of the many benefits is putting people back into contact with nature, with associated improvements in health and wellbeing. Connection to coastal wildlife is one of the great benefits that could arise from walking the ECP. However, we are concerned that NE, through its proposed (in our view excessive) use of Directions, is constructing significant barriers and potentially leading to a widening gulf between humanity and nature.

We are fully supportive of the need to manage the coastal margin to protect, and support the recovery of, vulnerable bird species and other wildlife. However, as set out below, we consider that the proposed restrictions give a misleading impression of how these areas of land are currently used by a range of parties (not only walkers) and where the risks to wildlife originate. Addressing these damaging behaviours, rather than restricting access on foot to the coastal margin, would (in our view) provide better protection for wildlife while helping to tackle the problems brought about by a disconnection of our society from nature, including coastal habitats. We consider that NE is being forced to rely on exclusionary directions due to a lack of resource to promote the Countryside Code and responsible access, in a way that was not the intention of the Marine and Coastal Access Act.

We are concerned over consistency in using grazing and salt marshes for the route of the ECP (see references in first para above). We do not believe the Approved Scheme has been appropriately followed in parts of the proposals for this section of the ECP, especially around the Leven Estuary (SCS 3, 4, & 5). There are sections of the proposed route which are on terrain that would be more problematic to use in terms of potential safety and sustainability issues than some of the marshes NE deem inappropriate for the public to access as spreading room (please see our separate representation on the Leven estuary route). The balance of the saltmarsh on which exclusions apply and for which the route has been proposed appear to be based on speed of implementation of the route rather than consistent ecological advice or concerns over the well-being of users.

Most of the exclusion maps are qualified by the following statement in the consultation document (see p48 of the Silecroft to Silverdale Overview):

*"These (restriction) 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."*

In short walkers or naturalists using the ECP will be discriminated against whilst other people can continue to exercise disruptive activities, potentially so for wildlife. The restrictions proposed can only apply to bona fide users of the ECP. Some parish councils have also commented to us about this issue. Additionally, the use of Directions to exclude access will result in the loss of significant access to CRoW Act 2000 s1 and s15 access land in this ECP proposal. In short we do not believe that, on this section of coast, the statutory duty on NE set by the Marine and Coastal Access

Act, 2009 - 'to improve access to the English coast' [s301] has been achieved; indeed ECP walkers are, in several places, potentially losing access gained under the CROW Act, 2000.

We consider cases where the proposed ECP aligns with existing PROWs, and these are adjacent to areas subject to Directions to exclude, impractical - particularly where the areas are accessed regularly from the PROW though local custom.

Further, NE have concluded, in their consultations, that some land is 'Unsuitable for Public Access'. Given that this was not a criterion for s1, s15 or s16 of CROW mapping, and that ECP path walkers would seldom diverge from main route, the use of this power appears disproportionate and inconsistent. Indeed, the use of these powers will exclude natural historians, who gain access to these areas when using the ECP, from carrying out their valid activities. Whilst we suspect most natural historians would ignore these restrictions, and given that no one is likely to monitor or prevent them from going in these areas, the proposals again appear discriminately and unfairly directed at ECP walkers.

The historic mapping basis used for many of these Directions is also out of date. The river channels have changed substantially, sand banks have moved position and continue to do so on an almost daily basis. Consequently, many of the Direction maps include semi-permanent stretches of water and omit sandbanks, adjacent to the Direction land, and therefore allows access to ECP walkers! The position at Arnside (Directions Map SCS 6C) is a classic example of this dilemma.

#### SPECIFIC DIRECTION & RESTRICTION PROPOSALS: SILECROFT TO SILVERDALE

SCS 1A: Most people avoid this nudist colony (i.e. land management issue); however, the fascinating botany of the sand dunes of this restricted area need to be accessed via the ECP. The nudists frequently wander out of this area and into the path of beach and, potentially, ECP walkers, which strongly suggests that there is no high degree of privacy needed and the Direction fails to meet the test given in the Approved Scheme para 8.19.9.

SCS1C: The area is suitable for those looking at the natural history of the saltmarsh. Cross bay walkers have a fixed point on each shore with a variable alignment of the PROW depending on the state of the substrate in the estuary. They will come ashore at variable places across the saltmarsh and thus to say this land is 'unsuitable' for public access is untenable. The ECP route was well used as a local 'promenade' by the people of Millom and some access to the saltings was frequently made. Although we appreciate that the users of the ECP may be a much wider cross-section of the walking public than the current local users of the saltings, we find the proposal is unfairly discriminatory to ECP walkers.

SCS1D: This area is well used by local dog walkers and, possibly increasingly, by naturalists. We understand this is an area where local residents take their dogs to chase rats! A breeding season for birds Direction would be more appropriate but would need to be monitored and enforced.

SCS2A: Existing published, although out of print, walking routes use this area. Geologists may find Angerton Point of interest. Comments in SCS1A above about cross bay walking PROWs can apply here. We note these PROW routes have been omitted from the consultation map. Given the largely sandy substrate of this estuary the conclusion that the land is 'unsuitable' for public access cannot be sustained. The land is also registered Common Land and therefore the removal of s1 Access Rights under CROW, 2000 is untenable.

SCS2B, and SCS2C: Same comments as 2A in respect of cross bay PROWs and a sandy substrate makes crossing this area a delight. Again, Map 2C fails to show cross bay PROWs. This is a widely used area by local people and therefore very discriminatory to exclude ECP users. SCS2B covers some registered Common Land and the removal of s1 rights under CROW is unacceptable.

SCS2D: Hardly likely to be used by walkers except for some parts of the PROWs which cross this area and where following the actual definitive line of the paths are not always possible.

SCS3A: Hardly of interest to most people. Some naturalists may wish to explore the fringes of this area but this can be achieved by using the PROW which forms the same route as the ECP.

SCS3B: Please note that landward extremity of this area by Rampside is well used by locals including dog walkers in places. Potential interesting area for naturalists particularly on the western and northern Exclusion areas.

SCS3C: We consider this Direction academic from a walkers and naturalists point of view. Indeed, the map base is many decades old and the existence of sand banks varies almost daily. The exclusion of some current intertidal land is a strong possibility making this mapping exercise inaccurate.

SCS3D: We offer no comments.

SCS3E: There is a regularly used walk through this area with existing and effective management controls in place during the bird breeding season provided by Cumbria Wildlife Trust (CWT). In fact a PRow could be readily claimed for this route based on historic usage. CWT encourage visits in all seasons, not least in the bird breeding season. The presence of people walking the narrow route could actually deter predators (fox, gulls, crow) which are affecting the success of tern breeding populations. This Direction is an unwelcome and disproportionate proposal that seeks to divorce ECP walkers from nature.

SCS3F: Apart from a few local fishermen this proposal is largely academic as far as walkers and naturalists are concerned. See our mapping comments under 3C above.

SCS4A: We consider this Direction to be academic and not to represent accurately the surface of the exposed substrate at low tide - as this varies from tide to tide. See also mapping concerns under 3C above.

SCS4B, & SCS4C: Difficulties of access make this a largely academic proposal.

SCS4D, & SCS4E: Although this land is awkward to access it would not be used by ECP walkers but may be of interest to botanists (so the access is suitable). The sought for protections would be naturally achieved without any Direction.

SCS4F & 4G: Unlikely to be accessed other than by natural historians and where the saltmarsh may need some future monitoring.

SCS5A; & SCS 5B; & SCS 5C: We offer no comment.

SCS5D: We expect the dates for shooting to be published and publicised early in each calendar year to allow people to plan their walking on this section of the ECP.

SCS5E: We offer no comment.

SCS5F: We have serious concerns with parts of this Direction, especially where access for natural historians seeking to enter Old Park Wood and the adjacent, (western side) interesting limestone grassland. This is one of the most fascinating and delightful areas of the Cumbrian coastline from which ECP walkers will be unduly excluded. We note the shooting area to the east of this site but believe the area of the restriction is far too extensive. A seasonal restriction could be applied when shooting may take place. We have made strong representations about the proposed route (SCS-5-S031 and S032) through this part of the Holker Estate (see separate representation).

SCS5G: We have no problem with the northern and western part of this restriction: it is of no interest to walkers or naturalists. However, we object to the eastern section near Mearness Point should NE's chosen line for the ECP be accepted by the Secretary of State. We have raised strong concerns about the proposed route in this locality. The selected route is difficult for people of limited mobility to walk, indeed it is often impassable. The low-tide option, should the route of the ECP be confirmed, is for less able users to walk on the sands below the rocky outcrops and this area should not therefore be covered by a Direction.

SCS5H: The sandy area is of virtually no interest to walkers or naturalists and this proposed restriction is thus academic.

SCS5L: Again, whilst walkers will not use this area a few naturalists will find it of interest.

SCS5J: This area is used in cross-bay walks and the PRow, which has fixed points on either bank, cannot be followed accurately. The map fails to show this PRow. The need for flexibility for the walking route means that this restriction will be regularly flouted, and it is thus unreasonable a restriction to contemplate. ECP walkers and naturalists will hardly use this unless they are walking to Chapel Island. The proposal appears to be discriminatory to ECP users.

SCS5K: Again walkers are most unlikely to use parts of this unless they are to visit the sometimes exposed ancient fishing garths. Naturalists may want access to the grazed saltmarsh but this can be achieved by using the existing PRow. The proposed route of the Direction is thus discriminatory in respect of ECP walkers. In one case, north and east of Humphrey Head, published walking routes cross this area albeit close to the shore. Cross-bay walkers will also need the flexibility to cross to Kent's Bank station, depending on the state of the substrate, on parts of this area. It is unclear if the proposed exclusion area includes the railway embankment where there is a regularly used route. These concerns could be accommodated by redrawing the boundaries of the map. Indeed, the map of the inappropriately mapped sand banks (and which do not now exist exactly as mapped) and includes areas which are likely continuously covered by water.

SCS5L: We have no comments on the proposed dog restriction but strongly object to the long-term public access restriction as this severely compromises a previously agreed route for the ECP and which we are again suggesting in

our consultation response. There is a walked route through this area and, we understand, the NE site manager had no objection to the route of the ECP coming through this area. Should our ECP route suggestion be accepted by NE then most of this land would no longer qualify as spreading room.

SCS5M: We object to the landward boundary. The exclusion zone should be such to allow geologists and botanists and other interested parties walking the ECP to visit the limestone cliffs - some of these are designated a SSSI for geological reasons. Other areas contain plants which can only be readily seen in one other place on the Cumbria coast and botanists need access from the ECP via the beach.

SCS5N: We object as this regularly accessed former sea defence wall will continue to be used by people staying at the caravan park with dogs yet walkers and naturalists will be excluded. We do not accept that this is an appropriate method of land management. The existing access by dog walkers should be addressed and public access to the coastal margin enabled.

SCS5O: We strongly object to this fascinating historic and natural site being restricted for access to ECP walkers. This limestone island is visited by many hundreds of people a year in a controlled fashion and just to stop ECP users the right to visit is hugely discriminatory.

SCS5P: We strongly object to this discriminatory proposal for land which is used by many hundreds of people a year. An adjustment of the boundary to the west of the embankment and from around point and removal of the eastern section would then make the proposal acceptable. We have made strong representations about the proposed route of the ECP in this area (see separate representation).

SCS6A: We strongly object as this area provides the opportunity for a significantly enhanced route, which is more in keeping with the aims of coastal access legislation than that proposed (see separate representation). If our route was adopted then this land would not be part of the spreading room and it would use a smaller area of these fields for the route of the ECP.

SCS6B: This Direction is largely academic as very few people use this area of sand. However, we note that the area of saltmarsh, currently receding, will (in a few years' time) start to cover this area again. Such areas are currently and frequently accessed by visitors and locals and the proposal for the Direction will become discriminatory on ECP users.

SCS6C: We consider that this Direction will be ineffective and a discriminatory restriction on ECP walkers given the number of day trippers and local dog walkers who use large parts of this area every day. This Direction relies on a base map which is out of date, the river channel having moved west. This means there is now a larger strip of spreading room between the river and the proposed Direction land, which ECP walkers can use for access!

SCS6D: We strongly object as this land is, at low tide, used by hundreds of people each year and provides an interesting, if in places rough, low tide coastal walk. Again, it is unfairly discriminatory against ECP walkers as it can be readily accessed by users of the PROW which is aligned on the same route as the ECP. This Direction relies on a base map which is out of date, the river channel having moved substantially west. This means there is no a larger strip of spreading room land between the river and the proposed Direction land, which ECP walkers can use for access!

## **Natural England's comments**

Natural England is grateful to the Ramblers for the detailed response in relation to the stretch proposals as a whole, including directions to exclude or restrict access.

Firstly, a response to more generic points:

The proposed directions to exclude or restrict access can only relate to any new coastal access rights under the legislation, which is why we include messages of clarification in our proposals. There is no intention to disadvantage any particular groups or individuals, but we are obliged to propose such directions as might be necessary, taking into account expert advice and the guidance in the approved coastal access scheme. In particular, when considering any directions under s25A, we must consider those visitors unlikely to have local knowledge about tides, location of quicksand etc.

In making such proposals for exclusions or restrictions under s25A, we aim to be as objective as possible and guided by evidence; however, we accept that this is not an exact science, either in terms of the degree of suitability or otherwise for access, or the geographical extent. We aim to balance a recognition of historic use and amenity value against the best information available to us.

We are aware that the OS base mapping does not reflect the situation on the ground; this is inevitable, given the constant change on many parts of the coast. Any such exclusions are mapped, as far as is possible, against recognisable features such as river channels - with the expectation that visitors will recognise those features as boundaries, even if they have subsequently migrated.

A response to any detailed points not addressed by the above:

SCS 1A: The proposed exclusion reflects discussions with the Lakeland Outdoor Club and is intended to reduce the risk of any distress to its members and visiting walkers.

SCS 2A: Any CROW access land that falls within the approved coastal margin will see rights of access under CROW being replaced by new coastal access rights, and consequent changes may occur in the regime of applicable restrictions and exclusions.

SCS 3E: As detailed in our proposals and published Nature Conservation Assessment/Habitats Regulations Assessment, the proposed direction at Foulney is intended to largely mirror existing arrangements and protect key populations of protected birds. CWT is able to continue inviting visitors to the area, irrespective of the proposed direction.

SCS 5F: The directions for land management at the Holker Estate, including those at Old Park Wood, were carefully considered against the legitimate land management activities of the Estate.

SCS 5O: There is no reason to suggest that organised visits will not continue, irrespective of any direction proposals by NE. Such measures are intended to protect sensitive features on the island.

SCS 6A: The exclusion and consequent inland diversion are intended to protect vulnerable flora within the Site of Special Scientific Interest, as explained in our published Nature Conservation Assessment. The measures seek to prevent both direct damage by trampling and also any reduction in the effectiveness of the conservation grazing regime in this area.

#### **Relevant appended documents (see section 4):**

None

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#### **Representation number:**

MCA/SCS(W)/R/14/0016

#### **Organisation/ person making representation:**

The Open Spaces Society – [redacted]

#### **Route section(s) specific to this representation:**

Directions/Restrictions/Exclusions

#### **Representation in full**

We recognise the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We accept also the principle that, where appropriate, some use may be made of salt-marshes for the route of the ECP in line with the guidance given in the Approved Scheme paras 7.8 pp77-79, and para 7.15 pp96-100.

We have not commented on the restrictions regarding dogs. However, because there are no provisions for monitoring or enforcement of these restrictions, in some areas this has led to undue and unfair restrictions being proposed on ECP walkers who do not have a dog. We are also concerned that the various documents in this consultation have an inconsistent approach to the wording of proposed notices. We would favour notices, when used, to be consistent along the ECP and for dog walkers to be provided with more detailed advice and information than 'dogs should be under control'.

The ECP will not only be used by walkers but the route will prove a substantial benefit to those, such as ornithologists, botanists and other people interested in natural history. This representation recognises the wider audience to benefit from the establishment of the ECP and the attendant spreading room.

One of the many benefits is putting people back into contact with nature, with associated improvements in health and wellbeing. Connection to coastal wildlife is one of the great benefits that could arise from walking the ECP. However, we are concerned that NE, through its proposed (in our view excessive) use of Directions, is constructing significant barriers and potentially leading to a widening gulf between humanity and nature.

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this section of the ECP, especially around the Leven Estuary (SCS 3, 4, & 5). There are sections of the proposed route which are on terrain that would be more problematic to use in terms of potential safety and sustainability issues than some of the marshes NE deem inappropriate for the public to access as spreading room (please see our separate representation on the Leven estuary route). The balance of the saltmarsh on which exclusions apply and for which the route has been proposed appear to be based on speed of implementation of the route rather than consistent ecological advice or concerns over the well-being of users.

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SCS5L: Again, whilst walkers will not use this area a few naturalists will find it of interest.

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SCS5L: We have no comments on the proposed dog restriction but strongly object to the long-term public access restriction as this severely compromises a previously agreed route for the ECP and which we are again suggesting in our consultation response. There is a walked route through this area and, we understand, the NE site manager had no objection to the route of the ECP coming through this area. Should our ECP route suggestion be accepted by NE then most of this land would no longer qualify as spreading room.

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SCS5P: We strongly object to this discriminatory proposal for land which is used by many hundreds of people a year. An adjustment of the boundary to the west of the embankment and from around point and removal of the eastern section would then make the proposal acceptable. We have made strong representations about the proposed route of the ECP in this area (see separate representation).

SCS6A: We strongly object as this area provides the opportunity for a significantly enhanced route, which is more in keeping with the aims of coastal access legislation than that proposed (see separate representation). If our route was adopted then this land would not be part of the spreading room and it would use a smaller area of these fields for the route of the ECP.

SCS6B: This Direction is largely academic as very few people use this area of sand. However, we note that the area of saltmarsh, currently receding, will (in a few years' time) start to cover this area again. Such areas are currently and frequently accessed by visitors and locals and the proposal for the Direction will become discriminatory on ECP users.

SCS6C: We consider that this Direction will be ineffective and a discriminatory restriction on ECP walkers given the number of day trippers and local dog walkers who use large parts of this area every day. This Direction relies on a base map which is out of date, the river channel having moved west. This means there is now a larger strip of spreading room between the river and the proposed Direction land, which ECP walkers can use for access!

SCS6D: We strongly object as this land is, at low tide, used by hundreds of people each year and provides an interesting, if in places rough, low tide coastal walk. Again, it is unfairly discriminatory against ECP walkers as it can be readily accessed by users of the PROW which is aligned on the same route as the ECP. This Direction relies on a base map which is out of date, the river channel having moved substantially west. This means there is no a larger strip of spreading room land between the river and the proposed Direction land, which ECP walkers can use for access!

## **Natural England's comments**

Natural England is grateful to the Open Spaces Society for the detailed response in relation to the stretch proposals as a whole, including directions to exclude or restrict access.

Firstly, a response to more generic points:

The proposed directions to exclude or restrict access can only relate to any new coastal access rights under the legislation, which is why we include messages of clarification in our proposals. There is no intention to disadvantage any particular groups or individuals, but we are obliged to propose such directions as might be necessary, taking into account expert advice and the guidance in the approved coastal access scheme. In particular, when considering any directions under s25A, we must consider those visitors unlikely to have local knowledge about tides, location of quicksand etc.

In making such proposals for exclusions or restrictions under s25A, we aim to be as objective as possible and guided by evidence; however, we accept that this is not an exact science, either in terms of the degree of suitability or otherwise for access, or the geographical extent. We aim to balance a recognition of historic use and amenity value against the best information available to us.

We are aware that the OS base mapping does not reflect the situation on the ground; this is inevitable, given the constant change on many parts of the coast. Any such exclusions are mapped, as far as is possible, against recognisable features such as river channels - with the expectation that visitors will recognise those features as boundaries, even if they have subsequently migrated.

A response to any detailed points not addressed by the above:

SCS 1A: The proposed exclusion reflects discussions with the Lakeland Outdoor Club and is intended to reduce the risk of any distress to its members and visiting walkers.

SCS 2A: Any CROW access land that falls within the approved coastal margin will see rights of access under CROW being replaced by new coastal access rights, and consequent changes may occur in the regime of applicable restrictions and exclusions.

SCS 3E: As detailed in our proposals and published Nature Conservation Assessment/Habitats Regulations Assessment, the proposed direction at Foulney is intended to largely mirror existing arrangements and protect key populations of protected birds. CWT is able to continue inviting visitors to the area, irrespective of the proposed direction.

SCS 5F: The directions for land management at the Holker Estate, including those at Old Park Wood, were carefully considered against the legitimate land management activities of the Estate.

SCS 5O: There is no reason to suggest that organised visits will not continue, irrespective of any direction proposals by NE. Such measures are intended to protect sensitive features on the island.

SCS 6A: The exclusion and consequent inland diversion are intended to protect vulnerable flora within the Site of Special Scientific Interest, as explained in our published Nature Conservation Assessment. The measures seek to prevent both direct damage by trampling and also any reduction in the effectiveness of the conservation grazing regime in this area.

#### **Relevant appended documents (see section 4):**

None

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#### **Representation number:**

MCA/SCS1/R/1/3229

#### **Organisation/ person making representation:**

Ramblers – [redacted]

#### **Route section(s) specific to this representation:**

Whole route SCS1

#### **Other reports within stretch to which this representation also relates:**

SCS 2

#### **Representation in full**

SCS 1 Silecroft to Green Road

We support Natural England's proposals for SCS-1-S001 to SCS -1-S080. However, we strongly suggest that the route should not go to Green Road station but continue to Duddon Bridge (west side) and then on to Foxfield Station (east side of estuary). Please see our separate representation on SCS 2 Green Road railway station to Jubilee Bridge.

#### **Natural England's comments**

Natural England is grateful for the message of support from the Ramblers.

The comments about the Duddon Estuary are deemed to relate to the adjacent length and report - SCS 2, and will be considered in the representation from the Ramblers relevant to that length.

**Relevant appended documents (see section 4):**

None

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**Representation number:**

MCA/SCS1/R/2/0016

**Organisation/ person making representation:**

The Open Spaces Society – [redacted]

**Route section(s) specific to this representation:**

Whole route SCS1

**Other reports within stretch to which this representation also relates:**

SCS 2

**Representation in full**

SCS 1 Silecroft to Green Road

We support Natural England's proposals for SCS-1-S001 to SCS -1-S080. However, we strongly suggest that the route should not go to Green Road station but continue to Duddon Bridge (west side) and then on to Foxfield Station (east side of estuary). Please see our separate representation on SCS 2 Green Road railway station to Jubilee Bridge.

**Natural England's comments**

Natural England is grateful for the message of support from the Open Spaces Society.

The comments about the Duddon Estuary are deemed to relate to the adjacent length and report - SCS 2, and will be considered in the representation from the Ramblers relevant to that length.

**Relevant appended documents:**

None

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***Other representations***

**Representation ID:**

MCA/SCS(W)/R/2/3352

**Organisation/ person making representation:**

Cumbria GeoConservation – [redacted]

**Name of site:**

Local Geological Sites on SCS

**Report map reference:**

**Route sections on or adjacent to the land:**

**Summary of representation:**

The representation is supportive of NE's proposals. It lists a number of Local Geological Sites through which the proposed route passes. These would appear to be distributed along the entire stretch, relating to each of the report lengths within the stretch. Finally, it raises the hope that ECP-related signage and information can help to raise awareness of these sites and their significance.

**Natural England's comment:**

We welcome the support for our proposals from Cumbria GeoConservation. When we start to prepare the detailed messages and content of signs to be installed on the stretch, we will be pleased to work with the organisation and others, to consider what messages relating to geological sites might be included. We will also aim to facilitate this sort of information being available via National Trails and England Coast Path related web pages, where feasible.

**Relevant appended documents (see Section 4):**

Cumbria GeoConservation Letter

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**Representation ID:**

MCA/SCS(W)/R/4/3447

**Organisation/ person making representation:**

Disabled Ramblers

**Name of site:**

Whole stretch

**Report map reference:****Route sections on or adjacent to the land:****Summary of representation:**

The representation, relating to the entire stretch, expresses concerns that NE's proposals may not be compliant with various standards and items of legislation, including the Equality Act 2010. Specifically, there are concerns that some of the infrastructure specified within the reports may well be the limiting factor for less able path users (rather than that limiting factor being the terrain or other natural features). It cites specific examples of factors that may limit access for users of all-terrain mobility scooters. The representation also expresses a willingness to offer further advice and assistance.

**Natural England's comment:**

Natural England is grateful to the Disabled Ramblers for the advice and offers of assistance. We have aimed to take such considerations on board, along with numerous other factors, when making alignment and infrastructure decisions about the ECP. However, we accept that we should further review the infrastructure requirements in particular, when planning for the establishment phase. We will also encourage Cumbria County Council to consider compliance with the best practice and legislation cited in the representation, as the authority develops its detailed plans for establishment. We would expect to take up the offer of further assistance from the Disabled Ramblers, as we progress through the above steps.

**Relevant appended documents (see Section 4):**

Disabled Ramblers notes on infrastructure.

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**Representation ID:**

MCA/SCS(W)/R/5/0058

**Organisation/ person making representation:**

Copeland Borough Council – [redacted]

**Name of site:****Report map reference:**

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),

MAP: SCS1 AND SCS2

**Route sections on or adjacent to the land:**

## The Duddon Estuary and The Duddon Bridge

### **Summary of representation:**

The representation focuses primarily on the lack of a continuous proposed route around the upper Duddon Estuary. A range of information is provided to support the case for a continuous route to be enabled, as well as some concerns specifically about the suitability of the train service as a means of completing an onward journey for walkers.

### **Natural England's comment:**

Natural England is grateful to Copeland Borough Council for the information provided. We acknowledge that a continuous walking route would have been preferable, all other factors taken into account. However, we believe that the proposed route, as far as the railway stations at Green Road and Foxfield, is entirely consistent with the advice in the approved Coastal Access Scheme. We will monitor the regularity and convenience of the railway service, as we approach commencement on this stretch of coast. As we have stated in our proposals, in the event of a significant reduction in convenience, we would expect to consider the need to vary our proposals.

We also remain willing to engage with other interested parties, in the hope that a means might be identified for delivering a new bridge over the upper Duddon Estuary, other entirely via the coastal access programme.

### **Relevant appended documents (see Section 4):**

None

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### **Representation ID:**

MCA/SCS(W)/R/8/3476

### **Organisation/ person making representation:**

Friends of the Lake District – [redacted]

### **Name of site:**

### **Report map reference:**

### **Route sections on or adjacent to the land:**

See Ramblers and Open Spaces Society Representations

### **Summary of representation:**

The representation essentially supports those submitted by the Ramblers and Open Spaces Society. It mentions the separate aspirations for a review of the boundary of the Lake District National Park.

### **Natural England's comment:**

Natural England's response is as for the representations from the Ramblers and Open Spaces Society.

### **Relevant appended documents (see Section 4):**

None

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### **Representation ID:**

MCA/SCS(W)/R/11/3478

### **Organisation/ person making representation:**

Woodland Trust – [redacted]

### **Name of site:**

Ancient Semi-Natural Woodland (ASNW) and Plantation on Ancient Woodland Sites (PAWS)

### **Report map reference:**

### **Route sections on or adjacent to the land:**

SCS-2-S065/ SCS-2-S066/SCS-2-S067 (Within High Wood)  
SCS-4-S108/ SCS-4-S109/ SCS-4-S110 (Within Ashes Wood) SCS-5-S017 (Within Roudsea Wood)  
SCS-5-S071/ SCS-5-S072/ SCS-5-S073 (Within Humphrey Head Wood)  
SCS-6-S036 (Within Frith Wood)

**Summary of representation:**

The representation cites specific areas of ancient woodland, and specific trees within these areas, which may be impacted by the proposals. It goes on to make some recommendations as to avoidance of damage to such trees.

**Natural England's comment:**

Natural England is very grateful for the detailed information provided by the Woodland Trust, which will be more carefully considered and shared with the access authority, before and during the establishment phase. We will naturally wish to ensure that we do no damage to ancient trees and minimise any works within ancient woodlands.

**Relevant appended documents (see Section 4):**

Ancient Woodland Protection statement

## 4. Supporting documents

### MCA/SCS(W)/R/3/3335 - Cumbria & Lakes Local Access Forum – [redacted]

**Cumbria & Lakes  
Joint Local Access Forum**

c/o Cumbria County Council  
Parkhouse Building  
Kingmoor Business Park  
Carlisle  
Cumbria CA6 4SJ

[www.cumbrialaf.org.uk](http://www.cumbrialaf.org.uk)

[Countryside.Access@cumbria.gov.uk](mailto:Countryside.Access@cumbria.gov.uk)

February 17<sup>th</sup> 2020

[northwest.coastalaccess@naturalengland.org.uk](mailto:northwest.coastalaccess@naturalengland.org.uk)

North West Coastal Access Team,  
Natural England,  
Murley Moss Business Village,  
Oxenholme Road,  
Kendal, LA9 7RL.

Dear [Redacted]

**Representation on Natural England's Coastal Access Report Silecroft to Silverdale**

The Cumbria and Lakes Joint Local Access Forum (CALJLAF) is a statutory advisory body representing a range of interests including land ownership, farming and conservation with a remit to advise on matters affecting countryside and urban access and recreation within its defined boundary.

This letter constitutes representation from the Cumbria and Lakes Joint Local Access Forum to Natural England in accordance with section 94 (5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

This representation is made on behalf of the CALJLAF.

The CALJLAF approves the thorough consideration given by NE to decisions on the best access options for this stretch of South Cumbria coast. The proposals will deliver substantial gains in coastal access, providing new paths closer to the coastal margin than previous PROW, opening up new access opportunities. The LAF appreciates the efforts made to meet the concerns of landowners. We further support the intention to replace stiles with gates.

While the CALJLAF supports the overall proposals in the Coastal Access Report: Silecroft to Silverdale, we regret the decisions to break the route at the Duddon and Kent estuaries. The LAF has concerns about the proposals that walkers should take trains from Green Road to Foxfield and from Grange to Arnside. The LAF would prefer to see Option 2 adopted; that is for the England Coast Path to continue around each estuary. While we note that the A595 Duddon road bridge crossing is unsafe for pedestrian use, a footpath to this bridge would give walkers

[Redacted]

an option to continue their route, should there be no trains available. We would further support consideration of an access route from Grange station to the west end of the Arnside viaduct, to link with a potential walkway on the railway viaduct, should money become available for this key link across the Kent estuary.

The LAF support for the Coastal Access Report is with the proviso that there is in fact a 7 day-a-week reliable rail service across these estuaries. The current timetable for trains between Green Road and Foxfield shows a 2 hour gap on a Sunday between 14.10 and 16.00, a time likely to be used by walkers with the last train departing at 19.29. A Northern Rail poster outside Grange-over-Sands railway station reports that 320 trains were cancelled in the Lancashire/ Cumbria Local area between 10 November and 7 December 2019 and we understand that the Northern Trains Franchise has recently been cancelled and as a result details of future services are not known.

In the light of the unreliability of the train service on the Barrow to Carlisle line, we urge Natural England to reconsider their options on the estuary crossings. We ask that the bridge options are kept formally in place as a first choice solution if and when funds become available. If the rail crossings are adopted we urge that taxi contacts and bus timetables are prominently displayed at each railway station.

The CALJLAF requests to be kept informed.

Yours sincerely

[Redacted]

**Chairman – Cumbria and Lakes Joint Local Access Forum**

[Redacted]



**MCA/SCS(W)/R/6/347 - RSPB – [redacted]**

Haverigg Survey 2017

This image has been redacted due to containing sensitive information

Haverigg Survey 2018

This image has been redacted due to containing sensitive information



10 February 2020

[northwest.coastalaccess@naturalengland.org.uk](mailto:northwest.coastalaccess@naturalengland.org.uk)  
North West Coastal Access Team,  
Natural England,  
Muirley Moss Business Village,  
Oxenholme Road,  
Kendal, LA9 7RL.

Dear [Redacted]

**Representation on Natural England's Coastal Access Report Silcroft to Silverdale**

Cumbria GeoConservation is a voluntary geological conservation group working to record and protect important Local Geological Sites (LGS), formerly RIGS. Cumbria GeoConservation seeks to make the geology of Cumbria and LGS better known to the public.

Cumbria GeoConservation is pleased to have been involved in discussions with NE in the 'Prepare' and 'Develop' phases of the development of this route. We support the report on the proposed route of the England Coast path. This new stretch of coastal access will pass through the LGS listed below, and will improve access to Ashes Wood LGS.

It is hoped that mention of the geological significance of these sites may be made on NE signage, and links to our web site included in NE literature about the England Coast Path. Knowledge of the geology of the Cumbrian coast should enhance the walkers' experience. Perhaps in future a book on the geology of the Cumbrian England Coast Path may be written.

For information/ reminder, the LGS along this stretch are, Hodbarrow Point, Dummerholme Point, Rampside Marsh, Sandscale Haws, Moat Scar, Sea Wood Mine, Wadhead Hill, Plumpton quarries, Ashes Wood, Cart Lane, Arnside Foreshore, Blackstone Point and Far Arnside Shoreline.

Full details of these designations are held by Cumbria Biodiversity Data Centre (CBDC) [www.cbdc.org.uk](http://www.cbdc.org.uk)

We wish to be kept informed of future developments.

Yours faithfully,

[Redacted]

- **Mobility Vehicles**
  - **Legal Maximum Width of Category 3 mobility vehicles: 85cm** Same width is needed all the way up to pass through any kind of barrier to allow for handlebars, armrests and other bodywork.
  - **Length:** Mobility vehicles vary in length, but **173cm is a guide minimum length.**
- **Gaps** should be 1.1 minimum width on a footpath (BS5709:2018)
- **Pedestrian gates** The minimum clear width should be 1.1m (BS5709:2018)
- **Manoeuvring space** One-way opening gates need more manoeuvring space than two-way opening ones and some mobility vehicles may need a three metre diameter space.
- **The ground** before, through and after any gap or barrier must be flat otherwise the resulting tilt effectively reduces the width

## Infrastructure

Infrastructure on the route of the England Coast Path should be assessed by Natural England for suitability for those with limited mobility, and particularly for those riding large or all-terrain mobility vehicles. The assumption should always be that these individuals will be alone, and will need to stay sitting on their mobility vehicle, ie they will not be accompanied by someone who could open a gate and hold it open for them. The principle of the least restrictive option should always be applied.

- **New infrastructure**  
New infrastructure should comply with Bristol Standard with BS 5709: 2018 Gaps, Gates and Stiles.
- **Existing infrastructure**  
The creation of the England Coast Path provides a perfect opportunity to improve the trail to make it as accessible as possible. Unsuitable existing infrastructure could be removed now and, where necessary, replaced with new, appropriate infrastructure in line with BS 5709: 2018 Gaps, Gates and Stiles.

## Gaps

A Gap is always the preferred solution for access, and the least restrictive option (BS 5709:2018). The minimum clear width of gaps on footpaths should be 1.1metres (BS 5709:2018).

## Bollards

On a footpath, these should be placed to allow a gap of 1.1metres through which large mobility vehicles can pass.

**Pedestrian gates** A two-way, self-closing gate closing gate with trombone handle and Centrewire EASY LATCH is the easiest to use – if well maintained and if a simple gap is unacceptable. Yellow handles and EASY LATCH allow greater visibility and assist those with impaired sight too.

<https://centrewire.com/products/easy-latch-for-2-way-gate/> One-way opening gates need more manoeuvring space than two-way and some mobility vehicles may need a three metre diameter space to manoeuvre around a one-way gate. The minimum clear width of pedestrian gates should be 1.1metres (BS 5709:2018).

## Field gates

Field gates are too large and heavy for those with limited mobility to use, so should always be twinned with an alternative such as a gap, or pedestrian gate. However if this is not possible, a York 2 in 1 Gate <https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing two-way opening and yellow handles and EASY LATCH.

## Bristol gates

These are a barrier to mobility vehicles, as well as to pushchairs, so should be replaced with an appropriate structure. If space is limited, and a pedestrian gate not possible, a York 2 in 1 Gate <https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing two way opening, and yellow handle and EASY LATCH for the public access gate.

### **Kissing gates**

A two-way, self-closing gate is preferable to a kissing gate, but in certain situations a kissing gate might be needed. Many kissing gates can be used by smaller pushchairs and small wheelchairs, but are impassable by mobility scooters. Unless existing kissing gates are already there those that are specifically designed for access by large mobility vehicles, they should be replaced with an appropriate structure which complies with British Standard BS5709: 2018 Gaps Gates and Stiles, preferably a two-way pedestrian gate (see above). If kissing gates really must be used, Disabled Ramblers recommend the [Centrewire Woodstock Large Mobility](#) kissing gate, fitted with a RADAR lock, which can be used by those riding mobility vehicles. NB this is the only kissing gate that is large enough to be used by all-terrain and large mobility vehicles.

#### Note about RADAR locks on Kissing gates

Often mobility vehicle riders find RADAR locks difficult to use, so they should only be used if there is not a suitable alternative arrangement. Here are some of the reasons why:

- Rider cannot get off mobility vehicle to reach the lock
- Rider cannot reach lock from mobility vehicle (poor balance, lack of core strength etc)
- Position of lock is in a corner so mobility vehicle cannot come alongside lock to reach it, even at an angle
- RADAR lock has not been well maintained and no longer works properly.
- Not all disabled people realise that a RADAR key will open the lock, and don't know how these kissing work. There must be an appropriate, informative, label beside the lock.

### **Board walks, Footbridges, Quad bike bridges**

All of these structures should be designed to be appropriate for use by large mobility vehicles, be sufficiently wide and strong, and have a toe boards (a deck level edge rail) as edge protection. On longer board walks there may also be a need to provide periodic passing places.

### **Sleeper bridges**

Sleeper bridges are very often 3 sleepers wide, but they need to be at least 4 sleepers wide to allow for use by mobility vehicles.

### **Steps**

Whenever possible, step free routes should be available to users of mobility vehicles. Existing steps could be replaced, or supplemented at the side, by a slope or ramp. Where this is not possible, an alternative route should be provided. Sometimes this might necessitate a short diversion, regaining the main route a little further on, and this diversion should be signed.

### **Cycle chicanes and staggered barriers**

Cycle chicanes are, in most instances, impassable by mobility vehicles, in which case they should be replaced with an appropriate structure. Other forms of staggered barriers, such as those used to slow people down before a road, are very often equally impassable, especially for large mobility vehicles.

### **Undefined Barriers, Motorcycle barriers, A frames, K barriers etc.**

Motorcycle barriers are to be avoided. Often they form an intimidating, narrow gap. Frequently put in place to restrict the illegal access of motorcycle users, they should only ever be used after very careful consideration of the measured extent of the motorcycle problem, and after all other solutions have been considered. In some areas existing motorcycle barriers are no longer

necessary as there is no longer a motorcycle problem: in these cases the barriers should be removed.

If no alternative is possible, the gap in the barrier should be adjusted to allow riders of large mobility vehicles to pass through. Mobility vehicles can legally be up to 85 cm wide so the gap should be at least this; and the same width should be allowed all the way up from the ground to enable room for handle bars, arm rests and other bodywork. K barriers are often less intimidating and allow for various options to be chosen, such as a shallow squeeze plate which is positioned higher off the ground. <http://www.kbarriers.co.uk/>

### **Stepping stones**

Stepping stones are a barrier to users of mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with a suitable alternative such as a footbridge (which, if not flush with the ground should have appropriate slopes at either end, not steps). If there are good reasons to retain the stepping stones, such as historic reasons, a suitable alternative should be provided nearby, in addition to the stepping stones.

### **Stiles**

Stiles are a barrier to mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with suitable alternative infrastructure. If there are good reasons to retain the stile, such as historic reasons, an alternative to the stile, such as a pedestrian gate, should be provided nearby, in addition to the stile.

### **Urban areas and kerbs**

In urban areas people with reduced mobility may well be using pavement scooters which have low ground clearance. Where the trail follows footways (eg pavements) it should be sufficiently wide for large mobility vehicles, and free of obstructions. The provision and correct positioning of dropped kerbs at suitable places along the footway are essential. Every time the trail passes over a kerb, a dropped kerb should be provided.

Disabled Ramblers February 2020

### **MCA/SCS(W)/R/11/3478 – Woodland Trust – [redacted]**

Ancient Woodland is afforded protection under the National Planning Policy Framework (Paragraph 175c) which states the following: *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists;*” wholly exceptional is defined as: *“For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”*