England Coast Path Stretch: Birkenhead to the Welsh border



Report BHW 3: 'The Boat House' Public House, Parkgate to the Welsh border

Part 3.1: Introduction

Start Point:'The Boat House' Public House, Parkgate (grid reference: SD 2752 7876)End Point:The Welsh border (grid reference: SD 3056 7328)Relevant Maps: BHW 3a to BHW 3d

3.1.1 This is one of a series of linked but legally separate reports published by Natural England under section 51 of the National Parks and Access to the Countryside Act 1949, which make proposals to the Secretary of State for improved public access along and to this stretch of coast between Birkenhead to the Welsh border.

3.1.2 This report covers length BHW 3 of the stretch, which is the coast between 'The Boat House' Public House (PH), Parkgate to the Welsh border, near Burton Point. It makes free-standing statutory proposals for this part of the stretch, 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.

3.1.3 The report explains how we propose to implement the England Coast Path ("the trail") on this part of the stretch, and details 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 report also sets 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 ("rollback"), if this proves necessary in the future because of coastal change.

3.1.4 There is also a single Overview document for the whole of this stretch of coast, explaining common principles and background. This and the other individual reports relating to the stretch should be read in conjunction with the Overview. The Overview explains, among other things, how we have considered any potential environmental impacts of improving public access to this part of the coast, and this report, and other separately published assessments we refer to, then provides more detail on these aspects where appropriate.

Part 3.2: Proposals Narrative

The trail:

3.2.1 Generally follows existing walked routes, including public rights of way, pavements and cycleways along most of this length.

3.2.2 Mainly follows the coastline quite closely and maintains good views of the sea.

Protection of the environment:

In this part of the report, we explain how we have taken account of environmental protection objectives in developing our proposals for improved coastal access.

3.2.3 The following designated sites affect this length of coast:

- Dee Estuary Special Area of Conservation (SAC)
- Dee Estuary Special Protection Area (SPA)
- The Dee Estuary Ramsar site
- Dee Estuary Site of Special Scientific Interest (SSSI) for its wildlife interest

Map C in the Overview shows the extent of key statutory designations along the stretch of coast between Birkenhead and Welsh Border.

3.2.4 Table 1 brings together design features included in our access proposals to help to protect the environment along this length of the coast.

Map(s)	Route section number(s)	Design features of the access proposals	Reason included
BHW 3c & 3d	BHW-3-S042 to BHW-3-S044	The following design features are described elsewhere in this report: Coastal access rights would be excluded over the saltmarsh (south of Denhall Quay to Burton Point). See paragraphs 3.2.19 and Directions map BHW 3C in the Overview.	To reduce the risk of disturbance to breeding, roosting and feeding waterbirds
BHW 3b to 3d	BHW-3-S014 to BHW-3-S048	Signage and information explaining the sensitivity of the saltmarsh and asking people to keep to the path at:	To reduce the risk of disturbance to breeding, roosting and feeding waterbirds
		Moorside Lane;	
		Old Quay (Little Neston);	
		Marshlands Road;	
		Denhall Quay;	

Table 1: Measures to protect the environment

Map(s)	Route section number(s)	Design features of the access proposals	Reason included
		Junction of Denhall Lane / Station Road; and Burton Point.	

3.2.5 Natural England is satisfied that the proposals for coastal access in this report are made in accordance with relevant environmental protection legislation. In respect of cultural heritage, we have taken advice from Historic England and others before confirming this conclusion. For more information about how we came to this conclusion in respect of the natural environment, see the following assessments of the access proposals that we have published separately:

- A Habitats Regulations Assessment relating to any potential impact on the conservation objectives of European sites; and
- Our Nature Conservation Assessment, in which we document our conclusions in relation to other potential impacts on nature conservation.

Part 6b of the Overview includes some contextual information about protecting the environment along this length of coast.

Accessibility:

3.2.6 There are few artificial barriers to accessibility on the proposed route.

3.2.7 Between Moorside and Little Neston, the existing public right of way that follows the back edge of the marsh will be improved with new boardwalks, stone flagging on certain sections, scrub clearance and drainage in order to make it easier to use. We envisage this happening before the new access rights come into force as part of the physical establishment work described below.

3.2.8 Following discussions with Natural Resources Wales and Flintshire County Council, amendments will also be made to the existing Wales Coast Path to ensure that the proposed trail will join up with the Wales Coast Path at the border between England and Wales.

See part 6a of the Overview - 'Recreational issues' - for more information.

Where we have proposed exercising statutory discretions:

3.2.9 **Estuary:** This report proposes that the trail should contain sections aligned on the estuary of the River Dee, extending upstream from the open coast. Natural England proposes to exercise its functions as if the sea included the estuarial waters of that river as far as the border between England and Wales, near Burton Point. The remaining parts of the Dee estuary are covered by our proposals in Report BHW 2: Red Rocks Slipway, Stanley Road to 'The Boat House' Public House (PH), Parkgate.

See part 5 of the Overview for a detailed analysis of the options considered for this estuary and our resulting proposals.

3.2.10 **Landward boundary of the coastal margin:** We have used our discretion on some sections of the route to map the landward extent of the coastal margin to an adjacent physical boundary such as a fence line, edge of pavement or track to make the extent of the new access rights clearer. See section 3.3.1 below.

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3.2.11 The Proposals Tables show where we are proposing to alter the default landward boundary of the coastal margin. These proposals are set out in columns 5b and 5c of table 3. Where these columns are left blank, we are making no such proposals, so the default landward boundary applies. See the note relating to Columns 5b & 5c [above Table 3] explaining what this means in practice.

See also part 3 of the Overview - 'Understanding the proposals and accompanying maps', for a more detailed explanation of the default extent of the coastal margin and how we may use our discretion to adjust the margin, either to add land or to provide clarity.

3.2.12 **Restrictions and/or exclusions:** We have proposed to exclude access by direction under the Countryside and Rights of Way Act (2000) in certain places along this section of coast.

Exclusion of access for land management purposes:

3.2.13 The area of marsh in the vicinity of Burton Marsh Farm through to Burton Point / Welsh Border is grazed at times of low tides throughout the year. At exceptional high tides the livestock are hefted / moved off the marsh onto and subsequently behind the proposed line of the England Coast Path, in order to ensure their safety. Experience in other areas of the coast has shown that people and free-roaming dogs are likely to disrupt this activity, resulting in loss of livestock. Therefore the following exclusion is proposed:

3.2.14 Access to the line of the England Coast Path on route sections BHW-3-S044 to BHW-3-S048 is to be excluded, for up to 20 days each year, by outline direction under section 24 of the Countryside and Rights of Way Act (2000), for the purpose of land management. The restriction will have no legal effect on land where coastal access rights do not apply. See Directions Map BHW 3A.

3.2.15 In practice, this arrangement will be put in place for the minimum number of days each year and the minimum duration on each of those days as is necessary to move stock safely between either side of the proposed route. Due to the particular local circumstances, it is not possible to propose a convenient alternative route that might be navigated by walkers within the expected average duration of a path closure affecting the main route. For this reason, notices will advise walkers of their options – either to make use of existing minor roads and public rights of way indicated on an attached map, or to wait until the main route is re-opened, in order to continue their journey.

Exclusion of access to the saltmarsh / flat:

3.2.16 Areas of saltmarsh at Parkgate and Neston have deep channels and creeks, some of which would not be readily apparent to walkers and can pose a significant risk. The mudflats at Parkgate and Neston are soft and sinking in nature. The RSPB, RNLI and Coastguard have all indicated that the saltmarshes and flats are unsuitable for public access as they are subject to frequent tidal inundation. RNLI and Coastguard data also indicates incidents of people being rescued from these areas. Therefore the following exclusion is proposed:

3.2.17 Access to the land in the coastal margin seaward of route sections BHW-3-S001 to BHW-3-S044 is to be excluded all year round, by direction under section 25A of the Countryside and Rights of Way Act (2000), as it is unsuitable for public access. These exclusions do not affect the route itself and will have no legal effect on land where coastal access rights do not apply. See Directions Map BHW 3B.

Exclusion of access for nature conservation purposes:

3.2.18 The area of marsh in the vicinity of Denhall House Farm through to Burton Point is important all year round for a number of bird species that are susceptible to disturbance. The area is important for breeding birds including lapwing, redshank, shoveller, avocet and gargany. Wintering birds use the area in high numbers including all the SPA waders, pintail, wigeon, teal, lapwing, black-tailed godwit, hen

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harrier, short eared owl and merlin. This is explained in the Habitat Regulations Assessment and Nature Conservation Assessment for this site which will be published alongside this report. Therefore the following exclusion is proposed:

3.2.19 Access to the land in the coastal margin seaward of route sections BHW-3-S042 to BHW-3-S044 is to be excluded all year round, by direction under section 26(3)(a) of the Countryside and Rights of Way Act (2000), to prevent disturbance to birds. This exclusion does not affect the route itself and will have no legal effect on land where coastal access rights do not apply. See Directions Map BHW 3C.

3.2.20 The directions we give are intended to avoid any new public rights being created over the area in question in view of the specific land management activities listed above, the nature conservation sensitivities and the hidden dangers to which new users of the land would be subject because of the saltmarsh habitat and the local patterns of tidal inundation.

These directions will not prevent or affect:

- any use of the land by existing right (e.g. horse riders, cyclists etc): such use is not covered by coastal access rights;
- use of any registered rights of common or of any individual or local rights that operate at common law or by Royal Charter etc; or
- any use that people already make of the land with the express permission of the landowner, or where such permission is implied by existing signage, site management arrangements etc.

Any such use that already takes place locally is <u>not</u> prohibited or limited by these arrangements - though it remains open to the landowner, as now, to vary any existing permissions.

Where there is a clear and significant pattern of use of an area of land or a coastal route by local people or the wider public for open-air recreation, without any recognised legal right or express or implied permission for them to do so, we have scrutinised particularly carefully any suggestion that such use should be ended or limited under the new arrangements. CROW exclusions of or restrictions on such use are imposed only as a last resort, if the need is pressing and there is clear evidence that the situation cannot be sufficiently improved through improved access management measures on the ground. See section 6.5 of the Coastal Access Scheme for more information on such management measures.

3.2.21 Discussions have also been held with the Ministry of Defence in relation to the Sealand Firing Range which spans the English and Welsh border near Burton. Parts of the range are already covered by military byelaws that restrict access rights but the Ministry of Defence have indicated that they are also intending on using their powers under s28 of CROW to propose a direction to exclude coastal access rights from a specified area of land due to the land being used for military purposes.

See part 8 of the Overview - 'Restrictions and exclusions' - for a summary for the entire stretch.

3.2.22 **Coastal erosion:** Natural England is able to propose that the route of the trail would be able to change in the future, without further approval from the Secretary of State, in response to coastal change. This would happen in accordance with the criteria and procedures for 'roll-back' set out in part 7 of the Overview.

Natural England may only propose the use of this roll-back power:

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

3.2.23 We have chosen not to make any such proposal in this report. Accordingly the route is to be at the centre of the line shown on maps BHW 3a to 3d as the proposed route of the trail.

Other future change:

3.2.24 At this point we do not foresee any other need for future changes to the access provisions that we have proposed within this report.

See parts 7 - 'Future changes' of the Overview for more information.

Establishment of the trail:

3.2.25 Below we summarise how our proposed route for the trail would be physically established to make it ready for public use before any new rights come into force.

Establishment works will only start on this length of coast once these proposals have been approved by the Secretary of State. The works may therefore either precede or follow the start of establishment works on other lengths of coast within the stretch, and detailed in their separate reports.

3.2.26 Our estimate of the capital costs for physical establishment of the trail on the proposed route is \pounds 63,935 and is informed by:

- information already held by the access authority;
- the conclusions of our deliberations in relation to potential impacts on the environment; and
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

3.2.27 There are two main elements to the overall cost:

- New signs and information boards will be needed on the trail, including a special interpretation feature at the border;
- The surfaces and access furniture of the existing paths and footways on the proposed route are generally of a suitable standard for the trail, but there are some places where new surfacing and drainage would enhance the convenience of the trail. More significant items of establishment works are shown on the relevant maps accompanying this report.

Table 2 shows our estimate of the capital cost for each of the main elements of physical establishment described above.

Table 2: Estimate of capital costs

Item	Cost
Signs & interpretation	£ 18,000
Fencing	£ 1,500
Surfacing, boardwalks and drainage	£ 28,620
Border feature	£ 10,000
Project management	£ 5,815
Total	£63,935 (Exclusive of any VAT payable)

3.2.28 Once the Secretary of State's decision on our report has been notified, and further to our conversations with land managers during the route planning stage, Cheshire West and Chester Council will liaise with affected land owners and occupiers about relevant aspects of the design, installation and maintenance of the new signs and infrastructure that are needed on their land. Prior to works being carried out on the ground, all necessary permissions, authorisations and consents will be obtained. All such works would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

Maintenance of the trail:

3.2.29 Because the trail on this length of coast will form part of the National Trail being created around the whole coast of England called the England Coast Path, we envisage that it will be maintained to the same high quality standards as other National Trails in England (see The New Deal; Management of National Trails in England from April 2013: details at Annex A of the Overview).

3.2.30 We estimate that the annual cost to maintain the trail will be £1,325 (exclusive of any VAT payable). In developing this estimate we have taken account of the formula used to calculate Natural England's contribution to the maintenance of other National Trails.

Part 3.3: Proposals Tables

See Part 3 of Overview for guidance on reading and understanding the tables below

3.3.1 Section Details: Maps BHW 3a to BHW 3d – 'The Boat House' PH, Parkgate to the Welsh border

Key notes on table 3:

- 1. Column 2 an asterisk (*) against the route section number means see also Table 3.3.2: Other options considered.
- 2. Column 4 'No' means no roll-back is proposed for this route section.
- 3. Column 5a Certain coastal land types are included automatically in the coastal margin where they fall landward of the trail if they touch it at some point. The relevant land type (foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land see Glossary) is shown in this column where appropriate. "No" means none present on this route section.
- 4. Columns 5b and 5c Any entry in these columns means we are proposing to align the landward boundary of the coastal margin on this route section with the physical feature(s) shown in 5b, for the reason in 5c. 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 5a, that would be its landward boundary instead.

1 Map(s)	2 Route section number(s)	3 Current status of route section(s)	4 Roll-back proposed? (See Part 7 of Overview)	margin	5b Proposal to specify landward boundary of margin (See maps)	5c Reason for landward boundary proposal	6 Explanatory notes
BHW 3a	BHW-3-S001	Public footpath	No	No			
BHW 3a	BHW-3-S002	Public highway	No	No			
BHW 3a	BHW-3-S003	Public footway (pavement)	No	No	Landward edge of pavement	Clarity and cohesion	
BHW 3a	BHW-3-S004 and *BHW-3-S005	Public footway (pavement)	No	No	Landward edge of pavement	Clarity and cohesion	
BHW 3a	*BHW-3-S006	Public footpath	No	No	Wall	Clarity and cohesion	

Table 3: Section details

1 Map(s)	2 Route section number(s)	3 Current status of route section(s)	4 Roll-back proposed? (See Part 7 of Overview)		5b Proposal to specify landward boundary of margin (See maps)	5c Reason for landward boundary proposal	6 Explanatory notes
BHW 3a	*BHW-3-S007	Public footpath	No	No	Hedgerow	Clarity and cohesion	
BHW 3a	*BHW-3-S008	Public highway	No	No	Landward edge of road	Clarity and cohesion	
BHW 3a	*BHW-3-S009	Public footpath	No	No	Landward edge of path	Clarity and cohesion	
BHW 3a	*BHW-3-S010 and BHW-3-S011	Public footway (pavement)	No	No	Landward edge of pavement	Clarity and cohesion	
BHW 3a	*BHW-3-S012	Public highway	No	No			
BHW 3a	*BHW-3-S013	Public footpath	No	No	Landward edge of path	Clarity and cohesion	
BHW 3b	*BHW-3-S014 to BHW-3-S016	Public footpath	No	No	Fence line	Clarity and cohesion	
BHW 3b	BHW-3-S017	Public footpath	No	No	Wall	Clarity and cohesion	
BHW 3b	BHW-3-S018 to BHW-3-S025	Public footpath	No	No			
BHW 3b	BHW-3-S026	Public footpath	No	No	Wall	Clarity and cohesion	
BHW 3b	BHW-3-S027	Public footpath	No	No	Fence line	Clarity and cohesion	

1 Map(s)	2 Route section number(s)	3 Current status of route section(s)	4 Roll-back proposed? (See Part 7 of Overview)	margin contains coastal land type?	5b Proposal to specify landward boundary of margin (See maps)	5c Reason for landward boundary proposal	6 Explanatory notes
BHW 3b	BHW-3-S028	Public footpath	No	No	Landward edge of path	Clarity and cohesion	
BHW 3b	BHW-3-S029	Public footpath	No	No	Fence line	Clarity and cohesion	
BHW 3b	BHW-3-S030	Public footpath	No	No	Various		Boundary features include fence then wall
BHW 3b	BHW-3-S031 to BHW-3-S033	Public footpath	No	No	Wall	Clarity and cohesion	
BHW 3b	BHW-3-S034	Public highway	No	No			
BHW 3b	BHW-3-S035 to BHW-3-S040	Public highway	No	No	Landward edge of road	Clarity and cohesion	
BHW 3c	BHW-3-S041	Cycle track (pedestrian)		No	Landward edge of path	Clarity and cohesion	
BHW 3c	BHW-3-S042	Cycle track (pedestrian)	No	No	Landward edge of track	Clarity and cohesion	
BHW 3d	BHW-3-S043	Public highway	No	No	Landward edge of road	Clarity and cohesion	
BHW 3d	BHW-3-S044	Cycle track (pedestrian)	No	No	Landward edge of track	Clarity and cohesion	

1 Map(s)	2 Route section number(s)	3 Current status of route section(s)	4 Roll-back proposed? (See Part 7 of Overview)	margin	5b Proposal to specify landward boundary of margin (See maps)	5c Reason for landward boundary proposal	6 Explanatory notes
BHW 3d	BHW-3-S045 to BHW-3-S047	Cycle track (pedestrian)	-	No		Clarity and cohesion	
BHW 3d	BHW-3-S048	Cycle track (pedestrian)	No	No		Clarity and cohesion	

3.3.2 Other options considered: Maps BHW 3a to BHW 3d – 'The Boat House' PH, Parkgate to the Welsh border

Table 4: Other options considered

Map(s)	Route section numbers(s)	Other option(s) considered	Reasons for not proposing this option
BHW 3a & 3b	BHW-3-S005 to BHW-3-S014	We considered aligning the trail on the edge of the saltmarsh between Parkgate and Moorside Lane	We opted for the proposed route because: it is reasonably direct and follows easier terrain especially for those with limited mobility; and it reduces the possibility of disturbance to
			birds, impact on the saltmarsh habitat and other species on the designated site.
			We therefore concluded that, overall, the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

Note: Any public rights of way not forming part of the proposed trail would remain available for people to use under their pre-existing rights.

Part 3.4: Proposals Maps

Table 5: Map index

Map reference	Map title		
BHW 3a	'The Boat House' Public House, Parkgate to Moorside Lane, Neston		
BHW 3b	Moorside Lane, Neston to Denhall Quay, Neston		
BHW 3c	Denhall Quay, Neston to Denhall Lane, Neston		
BHW 3d	Denhall Lane, Neston to the England / Wales border (near Burton Point)		
Directions Map BHW 3A	Part of the route in the vicinity of Burton Marsh Farm through to Burton Point / Welsh Border: Proposed direction under s24 CROW		
Directions Map BHW 3B	Dee estuary saltmarsh and mudflats: Proposed direction under s25A CROW		
Directions Map BHW 3C	Burton Marsh: Proposed direction under s26(3)(a) CROW		



PROPOSALS

Trail Sections



Maps that show sections of the trail that follow the existing South West Coast Path as currently walked and managed use the following trail categories. Information on the existing status and infrastructure is not shown.



Trail using existing South West Coast Path

Alternative or optional alternative route using existing South West Coast Path

Trail sections which follow existing public rights of way or highways are indicated by a suffix:

- BW Public bridleway
- BY Public byway
- CP Cycletrack (pedestrian)
- CT Cycletrack (cycles only)
- FP Public footpath
- FW Public footway (Pavement)
- **RB** Restricted byway
- RD Public road

Coastal Margin

Explanatory note

Part 3 of the Overview to the report explains where the landward boundary of the coastal margin falls by default. Our proposals include any suggested variation of this default boundary. The purple wash on the map indicates where as a result of our proposals the coastal margin would extend significantly to the landward side of the proposed route of the trail. The coastal margin may include some areas where coastal access rights do not apply, either seaward or landward of the proposed route of the trail: the Overview explains more about this. The landward boundary of the coastal margin may in due course move inland, if the trail rolls back under proposals in this report to respond to coastal change.

Coastal margin landward of the trail



Coastal margin landward of the trail which is existing access land

Other Information

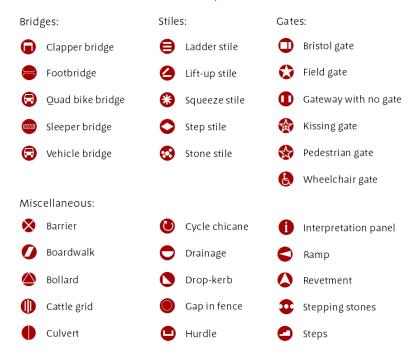
Other access rights and routes

- ---- Public bridleways
- ► ➡ ➡ Public byways
- Public footpaths
- ··· Restricted byways
- South West Coast Path
- Sustrans national routes

Existing access land

Infrastructure types

For status of each, where shown on map, see colour codes below



Infrastructure status

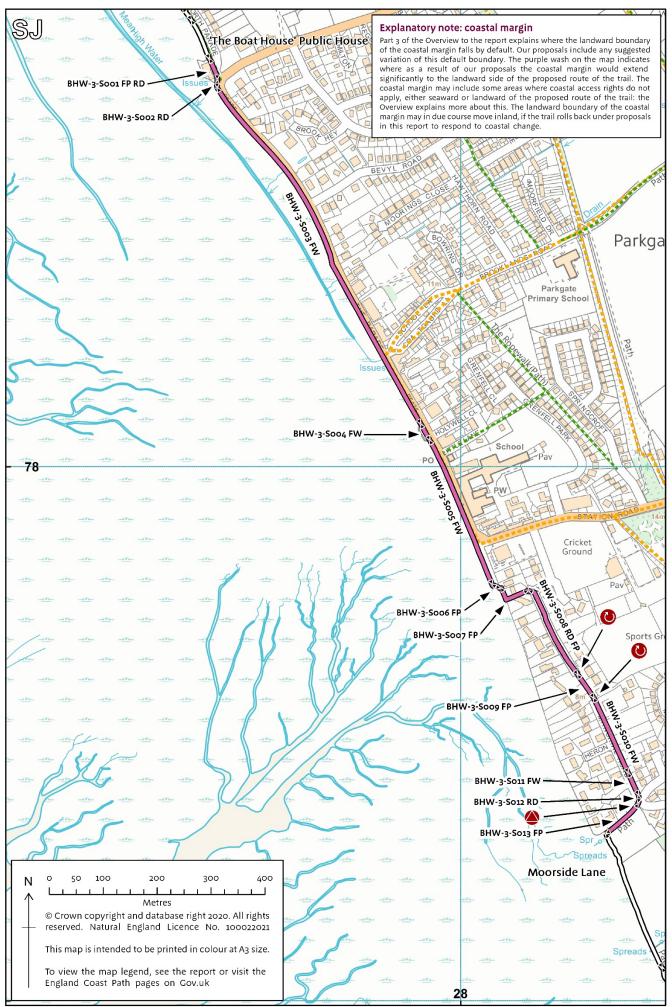
Each symbol shown on the map is colour coded as appropriate, as in this example for a set of steps:

 Existing steps to be retained
 New steps required
 Existing steps to be removed



Coastal Access - Birkenhead to Welsh Border - Natural England's Proposals Report BHW 3: Parkgate to Welsh Border

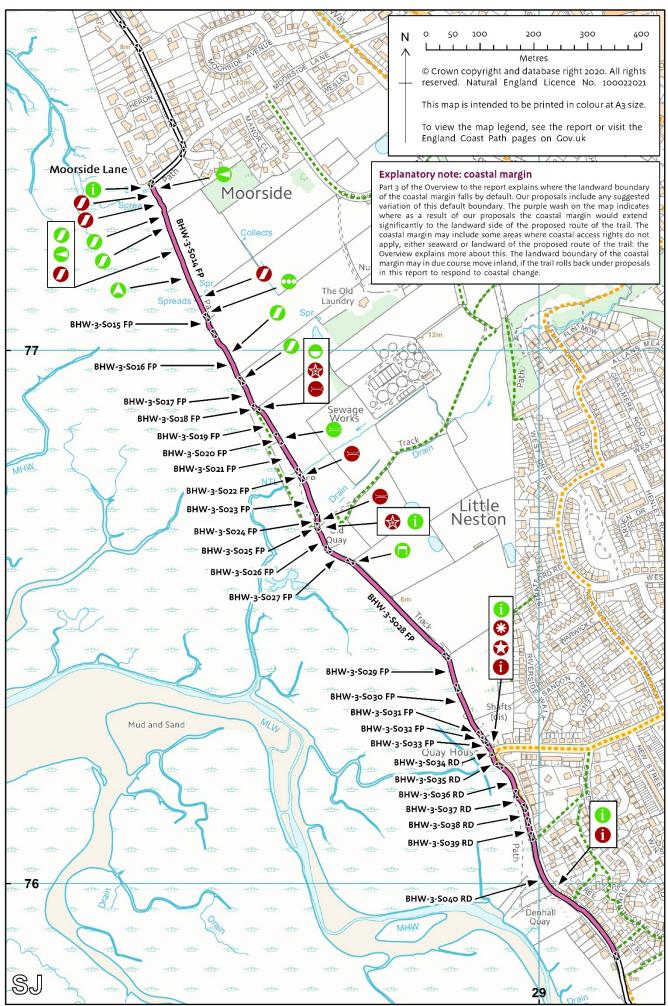
Map BHW 3a: 'The Boat House' Public House, Parkgate to Moorside Lane, Neston





Coastal Access - Birkenhead to Welsh Border - Natural England's Proposals Report BHW 3: Parkgate to Welsh Border

Map BHW 3b: Moorside Lane, Neston to Denhall Quay, Neston

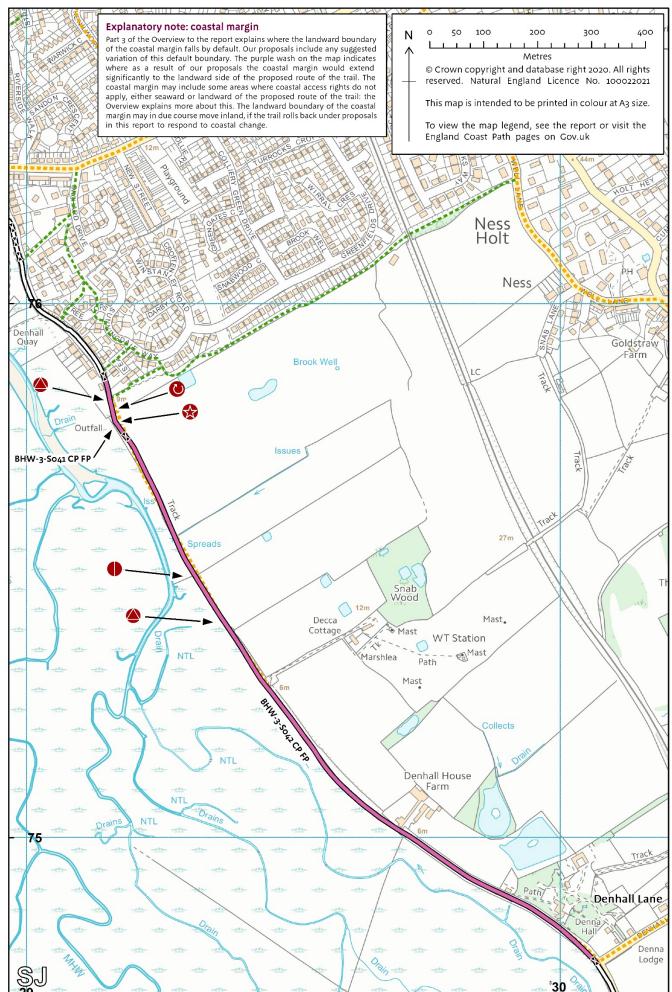




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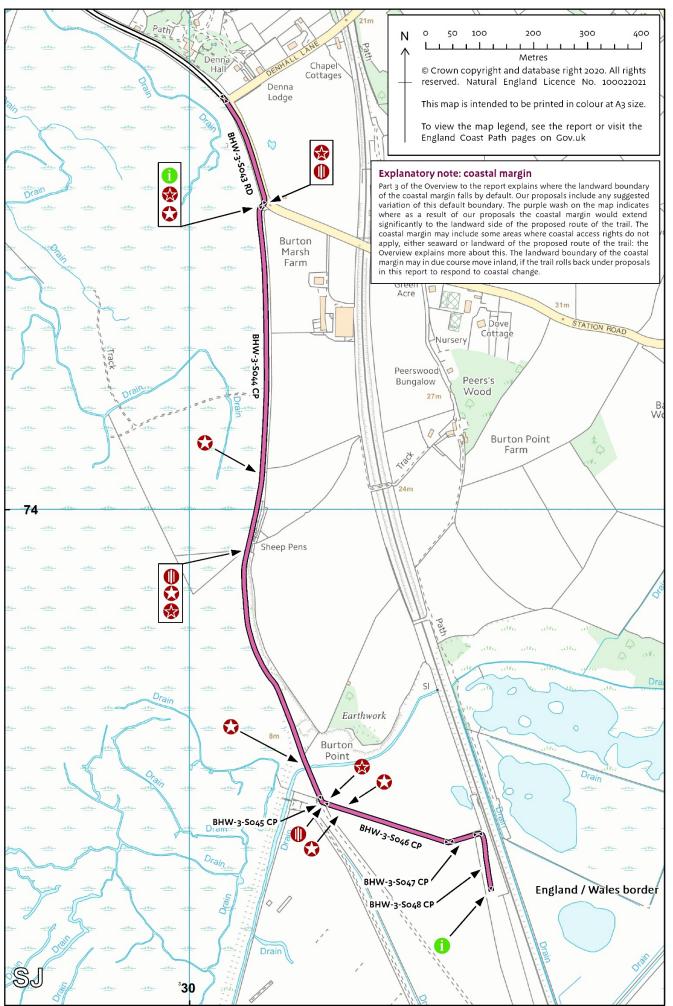
Coastal Access - Birkenhead to Welsh Border - Natural England's Proposals Report BHW 3: Parkgate to Welsh Border

Map BHW 3c: Denhall Quay, Neston to Denhall Lane, Neston



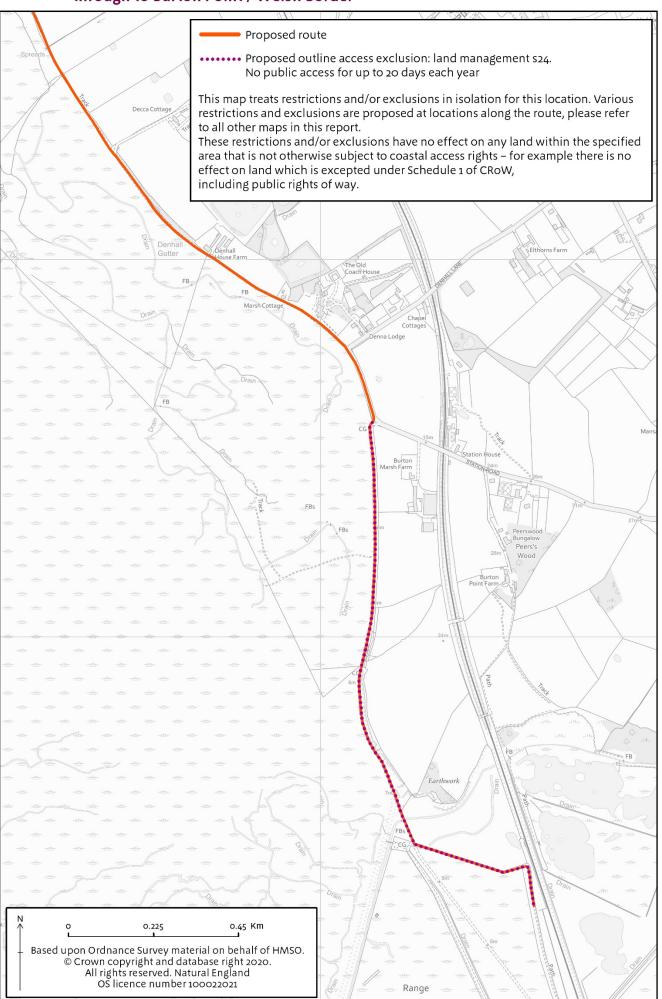


Map BHW 3d: Denhall Lane, Neston to the England / Wales border (near Burton Point)





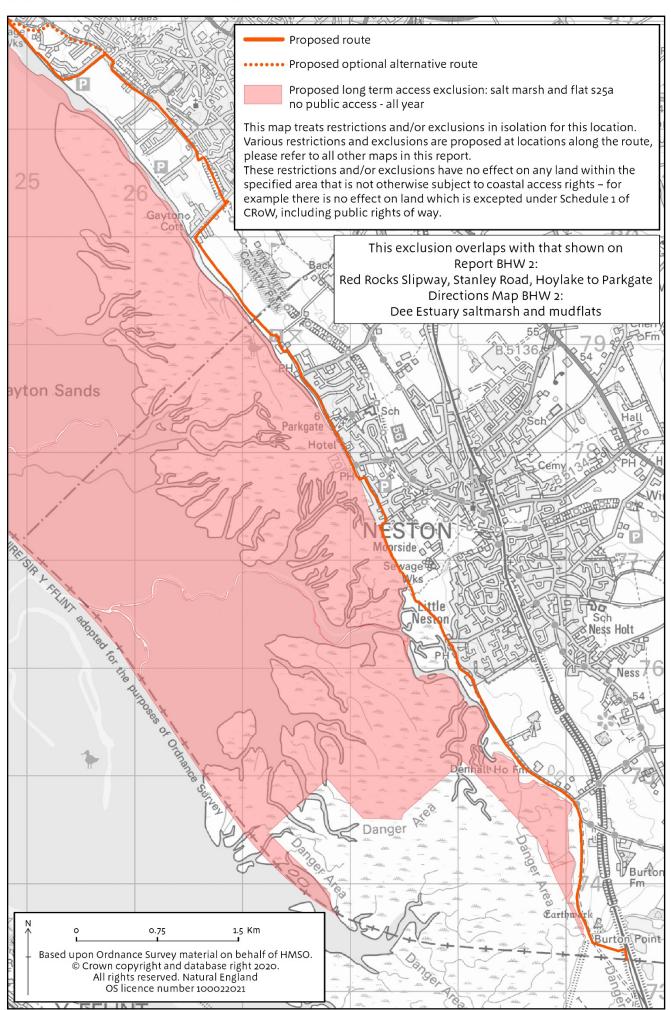
Coastal Access - Birkenhead to Welsh Border - Natural England's Proposals Report BHW 3: Parkgate to Welsh Border **Directions Map BHW 3A: Part of the route in the vicinity of Burton Marsh Farm through to Burton Point / Welsh Border**





Coastal Access - Birkenhead to Welsh Border - Natural England's Proposals Report BHW 3: Parkgate to Welsh Border

Directions Map BHW 3B: Dee Estuary saltmarsh and mudflats





Directions Map BHW 3C: Burton Marsh

