

Coastal Access – Silverdale to Cleveleys lengths SDC2, SDC4 and SDC6



Representations with Natural England's comments

January 2021

Contents

1. Introduction.....	1
2. Background	1
3. Layout.....	2
4. Representations and Natural England's comments on them.....	2
Length Report SDC2	2
Length Report SDC4	18
Length Report SDC6	33
5. Supporting documents.....	46

1. Introduction

This document records the representations Natural England has received on the proposals in length reports SDC2, SDC4 and SDC6 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 Silverdale to Cleveleys they are included here in so far as they are relevant to lengths SDC2, SDC4 and SDC6 only.

2. Background

Natural England's compendium of reports setting out its proposals for improved access to the coast from Silverdale to Cleveleys, 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 19 representations pertaining to length reports SDC2, SDC4 and SDC6, of which 14 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 4 in their entirety, together with Natural England's comments. Also included in Section 4 is a summary of the five representations made by other individuals or

organisations, referred to as 'other' representations. Section 5 contains the supporting documents referenced against the representations.

3. Layout

The representations and Natural England's comments on them are separated below into the lengths against which they were submitted. Each length below contains the 'full' and 'other' representations submitted against it, together with Natural England's comments. Where representations refer to two or more lengths, they and Natural England's comments will appear in duplicate under each relevant length. Note that although a representation may appear within multiple lengths, Natural England's responses may include length-specific comments which are not duplicated across all lengths in which the representation appears.

4. Representations and Natural England's comments on them

Length Report SDC2

Full representations

Representation number:

MCA/SDC(W)/R/1/1599

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 – SDC1 to SDC6

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. We invited various organisations to contribute to our understanding of potential issues relating to protected sites and

species, including Local Wildlife Sites. However, the only additional information supplied to us in relation to such Local Wildlife Sites was from the Arnsdale and Silverdale AONB Partnership, in relation to Silverdale Coastal Cliffs & The Lots Biological Heritage Site. Our Nature Conservation Assessment does cover the Silverdale site, and identifies the need to obtain planning consent with regard to planned establishment works in this area. We can confirm that we have obtained pre-application advice previously, and will ensure that full consent is in place prior to any works being undertaken.

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 Lancashire 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 5):

None

Representation number:

MCA/SDC(W)/R/3/1606

Organisation/ person making representation:

RSPB – [redacted]

Route section(s) specific to this representation:

Various on SDC1, SDC2, SDC5

Representation in full

SDC 1, Map 1, Quakers Stang to Scout Crag

The RSPB supports the proposed route alignment through this section. The proposals draw from extensive collaborative discussions between the RSPB reserves team at Leighton Moss and the Natural England ECP team. The establishment of a surfaced path around the perimeter of Barrow Scout (SDC-1-S032 to SDC-1-S036) will provide a suitable access route whilst reducing disturbance risk or damage to the sensitive wildlife habitats within Inner marsh and Barrow Scout which are owned and managed by the RSPB as a nature reserve. The exclusions under S24 for Inner marsh and/or s26 for Barrow Scout are appropriate and well evidenced.

SDC 1 Map 1D – Scout Crag to Cotestones

The RSPB supports the alignment of the trail through Section SDC-1-S055 to SDC-1-S057 **providing that all proposed mitigation measures, including fencing and exclusions that have been identified within the HRA and are required to ensure the integrity of the SPA are implemented.** Table 15 within the HRA accurately describes the risks and potential impacts to the SPA (and SSSI) features resulting from this section. The mitigation proposed within the HRA to install and maintain a suitable barrier fence seaward of the trail across this section along with suitable signage and supported by s25/s26 exclusions is considered appropriate to manage the risk.

SDC-2-S015 to S021, Morecambe Promenade

The RSPB fully supports the exclusion of access onto the coastal rock groynes under s26. These mitigation measures are required and appropriate to prevent impacts to SPA non-breeding birds which utilise the groynes as high tide roosts.

SDC-2-S005 to SDC-2-S034, Directions Map SDC 2A – SDC 2 C (25a exclusions)

The RSPB fully supports the proposed s25 exclusions covering areas of intertidal. These areas are important for feeding and roosting for a suite of SPA bird species.

SDC -2-S072, Directions Map SDC 2G - Red Nab

The RSPB fully supports the s26 exclusion over Red Nab. This feature has been identified within the HRA as being of notable importance to non-breeding Mediterranean gull. Mitigation measures proposed are required and appropriate to prevent impacts to the SPA.

SDC-5-S041 to S043, Directions Map SDC 5F - Cocker Bridge to Fluke Hall

The RSPB supports the 1st September to 31st March seasonal access restriction and alternate route proposed. The adjacent fields and marsh as identified within the HRA holds nationally significant numbers of non-breeding SPA species, notably Pink-footed geese and Whooper Swan. We agree that the access restriction is the only feasible method of mitigation to prevent unreasonable levels of disturbance to the SPA feature.

The RSPB support the proposed fencing as mitigation measure for spring/summer access to flood bank and ensure compliance with the access restrictions. This section is of importance to both breeding and non-breeding birds. The saltmarsh at Pilling is one of a few core sites within Morecambe Bay that supports breeding Redshank and Curlew and these species would be at risk without adequate mitigation in place.

Natural England's comments

Natural England is grateful to the RSPB for the message of support for its proposals. We can confirm that we fully expect to implement all of the measures identified within our Habitats Regulations Assessment and Nature Conservation Assessment, and repeated in our coastal access proposals. In the case of such measures at Warton Common, their implementation is subject to a s38 application process, the outcome of which has yet to be determined.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC(W)/R/5/0019

Organisation/ person making representation:

Ramblers – [redacted]

Route section(s) specific to this representation:

All report directions

Representation in full

We support the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We also accept 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 balance of restrictions regarding dogs or dogs on leads. That said, the lack of any proposed monitoring and, in particular, enforcement of these restrictions, is of great concern and has led to undue and unfair restrictions being proposed for ECP walkers. There is a need to clarify notices and these should provide dog walkers 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 ECP other than long-distance walkers.

One of the many benefits is putting people back into contact with nature, with the accompanying 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 the extensive use of Directions, is constructing significant barriers that could result in 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 restrictions proposed 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 damaging behaviours, rather than restricting enabling 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 that, in parts of this consultation, people are being kept away from walking on sea walls & embankments and from slightly elevated positions overlooking the seaward side of the path. Yet in comparable and more sensitive, in respect of potential disturbance to wildlife, locations in other parts of England the choice of route actually uses such obvious route choice features and for which in the north-west appear to be treated as very differently. Take for example the proposed route near Flookburgh (SCS-5-S059 to S068 and Alternative route) where path users are to be kept below the embankment on the landward side, partially fenced in, and possibly excluded at some times of the year to enable people to shoot birds which, at other times, the presence of walkers on the

embankment is said to disturb. Compare this with the route proposed around the Wash, for example in Lincolnshire. The route around Frampton Marsh and Freiston (to the SE and E of Boston). Here the route uses regularly walked (by walkers and ornithologists) embankments through RSPB reserves, routes which are currently well used. Here they are often used as places from which to observe rare and unusual birds both on the lagoons and the saltmarshes. These sites are at least as, if not more, sensitive than Flookburgh. It appears NE's proposals are more dependent on the advice from individual ecologist colleagues who do not appear to follow a rational and national scheme of appraisal. The issue of balance has, in our submission, failed to appropriately weigh the needs of walkers and natural historians.

We are also concerned over consistency in using grazing and salt marshes for spreading room and do not believe the Scheme has been appropriately followed in parts of the proposals for sections of the ECP. There are sections of the proposed route which are on terrain which are going to be more problematic to use in terms of potential safety and surface sustainability than some of the marshes NE deem inappropriate to use for the spreading room adjacent to the route of the ECP. The tidal effects may apply to parts of the eastern side of Morecambe Bay and could prevent walkers from using this land, which forms a section of the proposed ECP, for a significant part of each year. We are concerned that a consistent approach has not been demonstrated in selecting which saltmarshes are to be used for the ECP and which are to have Directions applied to exclude the public.

We have further strong concerns over the areas of s1 CROW access land, mostly registered Common Land, from which NE propose to exclude the public. The Marine and Coastal Access Act was not intended to curtail the rights of walkers granted under s1 of CROW, 2000. NE have concluded, in their consultations, that some land is 'Unsuitable for Public Access'. Given that this was not a criteria 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. Indeed the use of these powers will exclude natural historians, who gain access to these areas via the ECP, from carrying out their valid activities. A more proportionate approach would be to warn visitors, via signage, of the risks involved in accessing these areas and possibly advising of less risky areas nearby to exercise their open access right.

Most of the maps depicting the proposed Directions to exclude users of the ECP are qualified by the following statement (e.g. see p45 of the Silverdale to Cleveleys 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, especially so for wildlife, as the Directions proposed can only apply to bona fide users of the ECP. In essence the use of CROW, 2000 powers to restrict access will result in the loss of significant access to s1 and s15 access land under that Act in these two sets of ECP proposals.

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.

The mapping basis used for many of these Directions is 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 many omit to cover spreading room which now exists and is adjacent to the Direction land, and these allow access to ECP walkers!

SPECIFIC DIRECTION & RESTRICTION PROPOSALS - SILVERDALE TO CLEVELEYS

SDC1A: We are strongly against the proposed direction as our preferred route (see our second representation) uses this strip of land. We strongly support the Blue route on the Other Options Considered Map SDC1: Quaker Stang to Cotestones and consider that this is both safe and appropriate for walkers to enjoy.

SDC1B: We are strongly against the proposed direction as this land is, at low tide, used by hundreds of people each year and provides an interesting low tide coastal walk. There is a PROW partially through the land and the Direction is a significant discrimination against ECP walkers.

SDC1C: Cross bay walkers have a fixed point on each shore with a variable PROW depending on the state of the substrate in the estuary. They will come ashore at variable places across the low-tide flats and thus to say this land is 'unsuitable' for public access is untenable. Some of the saltmarsh (north-east corner of map) is of interest to natural historians and, when accessed from the ECP, suitable for their use. Part of this land is registered common land and already subject to S1 CROW Access rights. The proposed Direction is discriminatory against ECP walkers and would unfairly restrain walkers from rights granted under s1 of CROW, 2000.

SDC1D and 1E: Given that this land is, apart from a margin on the eastern edge of the land, totally unsuitable for public access we offer no comments. Again we note that our preferred route for the ECP will use the eastern edge of 1E. Suitable screening, which the RSPB are known to provide in parts of this reserve and elsewhere nationally is more than capable of avoiding disturbing wildlife. We note that NE actively considered three routes for the ECP through these areas.

SCD1F: We find this Direction totally unacceptable given that NE have recently revised the access restrictions and that there has been no change of circumstances in this short time that calls for such restrictions to be reimposed. We note that one of the landowners, some of whose senior members encourage access to parts of this area, do not enforce the current 'no dog' restrictions. These problems are likely to continue in the future while walkers and naturalists are excluded. Indeed, we note that the RSPB has, in effect, encouraged dog walkers to use most of this area by erecting fencing on the Common to protect a smaller, sensitive site rather than discouraging the misuse of the land. Given that this Direction is unlikely to result in wildlife being protected, we consider that it does not meet the criteria required by the CROW Act.

SCD2A: It is unlikely this area would be of interest to walkers for most of the land shown. Only occasional dog walkers venture out onto this land. However, cross bay walkers have a fixed point on each shore with a variable 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. So whilst area SDC 2A will exclude ECP walkers there will be many hundreds of people weekly, thousands in a year, who will be allowed on this area. Again, this would restrain walkers from using rights granted under s1 of CROW, 2000. Part of this area proposed for the Directive is s1 Access land as it is registered Common Land and, additionally, part benefits from being s15 land under CROW, 2000. The intent of the Marine and Coastal Access Act was not to remove the rights of the public gained by the CROW Act.

SCD2B & 2C: It is unlikely this area would be of interest to ECP walkers for most of the area shown. Dog walkers and other holiday makers do frequently venture out onto this land.

SCD2D & 2E & 2F: These fishtail groynes are used by people to look at the bay and its wildlife but we agree at high tides they are important bird roosting sites. Given that dog walkers and tourists will still use these groynes and that the tide controls when and where people access these areas, the restrictions appear academic and unenforceable.

SCD2G: This land is rarely accessed by walkers though sometimes those with a nature conservation interest may use the fringes. Ornithologists may be found, on occasions, on this land. The largest use is made by dog walkers, mainly from the adjacent caravan site. Any use by ECP walkers would be rare and therefore they would have virtually no impact on the wildlife.

SCD3A & 3F: Dog restrictions will not stop much more significant use by dog walkers from the adjacent caravan site and local residents. The restrictions appear academic and unenforceable.

SCD3B & 3G: The map is too tightly drawn on the landward edges it should be redrawn to exclude the saltmarsh and shingle of interest to naturalists. However, given that people already access the areas from existing PROWs, the Direction appears unenforceable and discriminatory.

SCD3C: Walkers are most unlikely to use this area and the restriction will be unlikely to discourage naturalists interested in the saltmarsh. However, most people who want to access this area can do so from the public highway and the Direction is thus unenforceable and discriminatory against users of the ECP.

SCD3D & SDC 3I: We consider this Direction to be totally unacceptable. We are unaware of any problems raised by naturalists on this area nor from walkers who, from necessity largely have to keep to the landward side of this fascinating landscape. The land is registered common land and this proposed Direction would restrain walkers from rights granted under s1 of CROW, 2000 with no evidence that the existing right of open access has caused any problems to date. This applies to the use of the track on map 3I. We have not commented on the dog restrictions. We note the track (Map 3I) offers one of few potentially, albeit infrequently, used routes to explore this area.

SCD3E: This area is unlikely to be of any interest to walkers whilst naturalists will make a restricted use of this area without regard to the restrictions. We therefore consider that this Direction is neither enforceable nor the least restrictive option.

SCD3F: This map appears out of context and the Direction has already been covered by Directions Map 2G. However, the use of walkers of our proposed route (see our second representation) may find they have to walk the ECP on parts of this area as the substrate of the path changes with tidal influences. The nature of the substrate will dictate what access is possible in this area and the need for the Direction is academic and unenforceable.

SCD3H: We have no problems with this restriction but we strongly support a different route for the ECP (see our second representation).

SCD4A & 4B: Walkers will rarely want access to this land but we note it may be of some interest to naturalists on the areas of saltmarsh. The eastern portion of this land is registered Common Land and our concerns, regarding the use of Directions to enforce the loss of CROW access land, applies here. The restriction is unnecessary from a walkers' perspective whilst existing users will continue to use this land. The proposed Directive is therefore academic and unenforceable.

SCD5B: The land appears largely to cover s1 access land, being a registered common. This year round exclusion is therefore unacceptable as no problems from the use of this land have been reported. Naturalists are potential users of the saltmarsh. This Direction is an area of land which would prevent ECP walkers from rights granted under s1 of CROW, 2000. It was not the intention of the Marine and Coastal Access Act to curtail existing freedoms of open access.

SCD5C: Whilst walkers are unlikely to go beyond the seaward edge of the sea defence wall natural historians may occasionally use the saltmarsh. Bird watchers may enjoy the use of the ECP in this area. Given that parts of the Direction land are used by large numbers of dog owners and other visitors, especially residents of adjacent caravan sites, this proposal is discriminatory against ECP users. It is also unenforceable. We do not consider that this meets the criteria required for the least restrictive option.

SCD5D: If this is common land our comments about loss of s1 CROW lands also applies here.

SCD5E: This is one of the most discriminatory of the proposals. In essence it is saying naturalists and walkers cannot use the area which the hundreds of dog walkers and other visitors (especially from the nearby caravan sites) can continue to walk out to Plover Scar lighthouse and other parts of the foreshore and beach at low tides! ECP walkers could claim they were walking the PROW, not the ECP, and gain access to the land thus making the Directive totally unenforceable. A more practical approach to protection of wildlife in this area should be taken that is targeted at the source of any existing issues, rather than a blanket ban on walkers.

SCD5F: This proposal is, in respect of public access, totally unacceptable as the draconian restrictions (fencing in of the route and lack of whole-year round usage from Cockerbridge to Sand Side), the seasonal restriction (Sand Side to Wrampool) and the proposed fencing (Wrampool to Wrampool Bridge) are not in the spirit of the ECP. This area is perhaps less sensitive than the example quoted in our second representation of the Lincolnshire Wash. The alternative route is poor and does not fully meet with the concept or legislation for the coastal path. We note that part of the area is used for shooting the wildfowl that peaceful walkers are being separated on for fear of disturbance.

SCD6A & 6B: This area will be of little interest to ECP walkers and the restrictions appear both academic and failing to meet the criterion of the least restrictive option.

Natural England's comments

Natural England welcomes the general message of support from the Ramblers. In response to the individual comments made:

We recognise the importance of appropriate signs, so as to provide the clearest message to visitors, including those with dogs. We will continue to develop the messages for such signs, ahead of the establishment phase.

We agree with the general principle that it is better to manage individual behaviours rather than put in place wide-ranging restrictions that will affect all users. However, where we are not confident that we can effectively manage behaviours in a targeted way (due to lack of resource within access authorities, for example), we have no other option but to put in place directions, in order to comply with legislation relating to sites and species protected at national and international level.

We note the concern over possible lack of consistency at a national level; however, each protected site must be considered carefully on a case by case basis, and it is therefore likely that different ECP solutions will be adopted, even where the context might be, at first sight, very similar. Whilst always aiming for the best alignment decisions and the least restrictive option, we have an absolute obligation to demonstrate that we have confidence in our proposals not having a significant effect or impact on the integrity of sites.

We further note concerns over apparent inconsistency in directions to exclude access under s25A; the analysis of such areas is not an exact science, although we have attempted to make it as objective as possible. We have taken

into account advice from specialist third parties, such as HM Coastguard and the RNLI, before making any such decisions. All such long term directions must be periodically reviewed - we will always take into account the best available evidence whenever such a review is being undertaken. Our decisions on the application of such directions are necessarily based on the situation with regards to visitors with lack of critical local knowledge, as opposed to local people who are more likely to understand the nature of tides, quick-sands etc.

We acknowledge that we should not lightly take a decision to reduce access over previously accessible areas of CROW land, which would fall within the coastal margin in the future. The most significant example of this is at Warton Common, where the current CROW restrictions are due to be reviewed (in 2020). The directions that form part of the mitigation package alongside our coastal access proposals take account of the best available information, which would also be used in the review of the current CROW restrictions. As we would expect the access situation to change as a result of any approved and commenced new coastal access rights, our proposed coastal access directions must also take this into account. Our proposed directions to exclude access under s25A have been mapped against the best available data for CROW s15 land (there is no definitive data set for all such land) and we are confident that there is no overlap between the two.

We note the concern about apparent selective effect of proposed directions; however, this is a direct result of the legislation - any directions under the MCA Act 2009 can only apply to access rights under that same act.

We accept that the mapping basis for our reports does not always match the true situation on the ground. This is unavoidable, particular where natural changes are occurring on a daily basis. We have generally described restrictions in relation to features such as river channels, and the expectation is that visitors will continue to recognise such features as boundaries, even where they migrate.

We note the preference, in both this and the SDC 1 representation, for a main ECP route following the seaward side of the railway between Quaker Stang and Cotestones. We discounted this option as we could not conclude that it would not have an impact on the integrity of the protected site and due to technical difficulties over the nature of the ground and the levels of inundation.

We appreciate that the proposed ECP main route and associated management measures in the vicinity of the Pilling embankment are not perhaps such a significant improvement for walkers as might have been anticipated. However, these decisions, along with all others relating to route and alignment and management measures, have taken into account the conclusions of our HRA and NCA documents. The documents are laid out in such a way as to allow the reader to directly refer to the factors which have necessarily guided our decision-making in each instance. We have an overriding duty to ensure that sensitive features and sites are protected and we must adopt the precautionary approach where there is significant doubt as to the outcome. This will often mean that the overall benefits to walkers are not perhaps quite so unfettered and ideal as they otherwise might have been.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC(W)/R/6/0016

Organisation/ person making representation:

The Open Spaces Society – [redacted]

Route section(s) specific to this representation:

All report directions

Representation in full

We support the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We also accept 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 balance of restrictions regarding dogs or dogs on leads. That said, the lack of any proposed monitoring and, in particular, enforcement of these restrictions, is of great concern and has led to undue

and unfair restrictions being proposed for ECP walkers. There is a need to clarify notices and these should provide dog walkers 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 ECP other than long-distance walkers.

One of the many benefits is putting people back into contact with nature, with the accompanying 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 the extensive use of Directions, is constructing significant barriers that could result in 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 restrictions proposed 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 damaging behaviours, rather than restricting enabling 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 that, in parts of this consultation, people are being kept away from walking on sea walls & embankments and from slightly elevated positions overlooking the seaward side of the path. Yet in comparable and more sensitive, in respect of potential disturbance to wildlife, locations in other parts of England the choice of route actually uses such obvious route choice features and for which in the north-west appear to be treated as very differently. Take for example the proposed route near Flookburgh (SCS-5-S059 to S068 and Alternative route) where path users are to be kept below the embankment on the landward side, partially fenced in, and possibly excluded at some times of the year to enable people to shoot birds which, at other times, the presence of walkers on the embankment is said to disturb. Compare this with the route proposed around the Wash, for example in Lincolnshire. The route around Frampton Marsh and Freiston (to the SE and E of Boston). Here the route uses regularly walked (by walkers and ornithologists) embankments through RSPB reserves, routes which are currently well used. Here they are often used as places from which to observe rare and unusual birds both on the lagoons and the saltmarshes. These sites are at least as, if not more, sensitive than Flookburgh. It appears NE's proposals are more dependent on the advice from individual ecologist colleagues who do not appear to follow a rational and national scheme of appraisal. The issue of balance has, in our submission, failed to appropriately weigh the needs of walkers and natural historians.

We are also concerned over consistency in using grazing and salt marshes for spreading room and do not believe the Scheme has been appropriately followed in parts of the proposals for sections of the ECP. There are sections of the proposed route which are on terrain which are going to be more problematic to use in terms of potential safety and surface sustainability than some of the marshes NE deem inappropriate to use for the spreading room adjacent to the route of the ECP. The tidal effects may apply to parts of the eastern side of Morecambe Bay and could prevent walkers from using this land, which forms a section of the proposed ECP, for a significant part of each year. We are concerned that a consistent approach has not been demonstrated in selecting which saltmarshes are to be used for the ECP and which are to have Directions applied to exclude the public.

We have further strong concerns over the areas of s1 CROW access land, mostly registered Common Land, from which NE propose to exclude the public. The Marine and Coastal Access Act was not intended to curtail the rights of walkers granted under s1 of CROW, 2000. NE have concluded, in their consultations, that some land is 'Unsuitable for Public Access'. Given that this was not a criteria 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. Indeed the use of these powers will exclude natural historians, who gain access to these areas via the ECP, from carrying out their valid activities. A more proportionate approach would be to warn visitors, via signage, of the risks involved in accessing these areas and possibly advising of less risky areas nearby to exercise their open access right.

Most of the maps depicting the proposed Directions to exclude users of the ECP are qualified by the following statement (e.g. see p45 of the Silverdale to Cleveleys 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, especially so for wildlife, as the Directions proposed can only apply to bona fide users of the

ECP. In essence the use of CROW, 2000 powers to restrict access will result in the loss of significant access to s1 and s15 access land under that Act in these two sets of ECP proposals.

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.

The mapping basis used for many of these Directions is 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 many omit to cover spreading room which now exists and is adjacent to the Direction land, and these allow access to ECP walkers!

SPECIFIC DIRECTION & RESTRICTION PROPOSALS - SILVERDALE TO CLEVELEYS

SDC1A: We are strongly against the proposed direction as our preferred route (see our second representation) uses this strip of land. We strongly support the Blue route on the Other Options Considered Map SDC1: Quaker Stang to Cotestones and consider that this is both safe and appropriate for walkers to enjoy.

SDC1B: We are strongly against the proposed direction as this land is, at low tide, used by hundreds of people each year and provides an interesting low tide coastal walk. There is a PROW partially through the land and the Direction is a significant discrimination against ECP walkers.

SDC1C: Cross bay walkers have a fixed point on each shore with a variable PROW depending on the state of the substrate in the estuary. They will come ashore at variable places across the low-tide flats and thus to say this land is 'unsuitable' for public access is untenable. Some of the saltmarsh (north-east corner of map) is of interest to natural historians and, when accessed from the ECP, suitable for their use. Part of this land is registered common land and already subject to S1 CROW Access rights. The proposed Direction is discriminatory against ECP walkers and would unfairly restrain walkers from rights granted under s1 of CROW, 2000.

SDC1D and 1E: Given that this land is, apart from a margin on the eastern edge of the land, totally unsuitable for public access we offer no comments. Again we note that our preferred route for the ECP will use the eastern edge of 1E. Suitable screening, which the RSPB are known to provide in parts of this reserve and elsewhere nationally is more than capable of avoiding disturbing wildlife. We note that NE actively considered three routes for the ECP through these areas.

SDC1F: We find this Direction totally unacceptable given that NE have recently revised the access restrictions and that there has been no change of circumstances in this short time that calls for such restrictions to be reimposed. We note that one of the landowners, some of whose senior members encourage access to parts of this area, do not enforce the current 'no dog' restrictions. These problems are likely to continue in the future while walkers and naturalists are excluded. Indeed, we note that the RSPB has, in effect, encouraged dog walkers to use most of this area by erecting fencing on the Common to protect a smaller, sensitive site rather than discouraging the misuse of the land. Given that this Direction is unlikely to result in wildlife being protected, we consider that it does not meet the criteria required by the CROW Act.

SDC2A: It is unlikely this area would be of interest to walkers for most of the land shown. Only occasional dog walkers venture out onto this land. However, cross bay walkers have a fixed point on each shore with a variable 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. So whilst area SDC 2A will exclude ECP walkers there will be many hundreds of people weekly, thousands in a year, who will be allowed on this area. Again, this would restrain walkers from using rights granted under s1 of CROW, 2000. Part of this area proposed for the Directive is s1 Access land as it is registered Common Land and, additionally, part benefits from being s15 land under CROW, 2000. The intent of the Marine and Coastal Access Act was not to remove the rights of the public gained by the CROW Act.

SDC2B & 2C: It is unlikely this area would be of interest to ECP walkers for most of the area shown. Dog walkers and other holiday makers do frequently venture out onto this land.

SDC2D & 2E & 2F: These fishtail groynes are used by people to look at the bay and its wildlife but we agree at high tides they are important bird roosting sites. Given that dog walkers and tourists will still use these groynes and that the tide controls when and where people access these areas, the restrictions appear academic and unenforceable.

SDC2G: This land is rarely accessed by walkers though sometimes those with a nature conservation interest may use the fringes. Ornithologists may be found, on occasions, on this land. The largest use is made by dog walkers, mainly from the adjacent caravan site. Any use by ECP walkers would be rare and therefore they would have virtually no impact on the wildlife.

SCD3A & 3F: Dog restrictions will not stop much more significant use by dog walkers from the adjacent caravan site and local residents. The restrictions appear academic and unenforceable.

SCD3B & 3G: The map is too tightly drawn on the landward edges it should be redrawn to exclude the saltmarsh and shingle of interest to naturalists. However, given that people already access the areas from existing PROWs, the Direction appears unenforceable and discriminatory.

SCD3C: Walkers are most unlikely to use this area and the restriction will be unlikely to discourage naturalists interested in the saltmarsh. However, most people who want to access this area can do so from the public highway and the Direction is thus unenforceable and discriminatory against users of the ECP.

SCD3D & SDC 3I: We consider this Direction to be totally unacceptable. We are unaware of any problems raised by naturalists on this area nor from walkers who, from necessity largely have to keep to the landward side of this fascinating landscape. The land is registered common land and this proposed Direction would restrain walkers from rights granted under s1 of CROW, 2000 with no evidence that the existing right of open access has caused any problems to date. This applies to the use of the track on map 3I. We have not commented on the dog restrictions. We note the track (Map 3I) offers one of few potentially, albeit infrequently, used routes to explore this area.

SCD3E: This area is unlikely to be of any interest to walkers whilst naturalists will make a restricted use of this area without regard to the restrictions. We therefore consider that this Direction is neither enforceable nor the least restrictive option.

SCD3F: This map appears out of context and the Direction has already been covered by Directions Map 2G. However, the use of walkers of our proposed route (see our second representation) may find they have to walk the ECP on parts of this area as the substrate of the path changes with tidal influences. The nature of the substrate will dictate what access is possible in this area and the need for the Direction is academic and unenforceable.

SCD3H: We have no problems with this restriction but we strongly support a different route for the ECP (see our second representation).

SCD4A & 4B: Walkers will rarely want access to this land but we note it may be of some interest to naturalists on the areas of saltmarsh. The eastern portion of this land is registered Common Land and our concerns, regarding the use of Directions to enforce the loss of CROW access land, applies here. The restriction is unnecessary from a walkers' perspective whilst existing users will continue to use this land. The proposed Directive is therefore academic and unenforceable.

SCD5B: The land appears largely to cover s1 access land, being a registered common. This year round exclusion is therefore unacceptable as no problems from the use of this land have been reported. Naturalists are potential users of the saltmarsh. This Direction is an area of land which would prevent ECP walkers from rights granted under s1 of CROW, 2000. It was not the intention of the Marine and Coastal Access Act to curtail existing freedoms of open access.

SCD5C: Whilst walkers are unlikely to go beyond the seaward edge of the sea defence wall natural historians may occasionally use the saltmarsh. Bird watchers may enjoy the use of the ECP in this area. Given that parts of the Direction land are used by large numbers of dog owners and other visitors, especially residents of adjacent caravan sites, this proposal is discriminatory against ECP users. It is also unenforceable. We do not consider that this meets the criteria required for the least restrictive option.

SCD5D: If this is common land our comments about loss of s1 CROW lands also applies here.

SCD5E: This is one of the most discriminatory of the proposals. In essence it is saying naturalists and walkers cannot use the area which the hundreds of dog walkers and other visitors (especially from the nearby caravan sites) can continue to walk out to Plover Scar lighthouse and other parts of the foreshore and beach at low tides! ECP walkers could claim they were walking the PROW, not the ECP, and gain access to the land thus making the Directive totally unenforceable. A more practical approach to protection of wildlife in this area should be taken that is targeted at the source of any existing issues, rather than a blanket ban on walkers.

SCD5F: This proposal is, in respect of public access, totally unacceptable as the draconian restrictions (fencing in of the route and lack of whole-year round usage from Cockerbridge to Sand Side), the seasonal restriction (Sand Side to Wrampool) and the proposed fencing (Wrampool to Wrampool Bridge) are not in the spirit of the ECP. This area is perhaps less sensitive than the example quoted in our second representation of the Lincolnshire Wash. The alternative route is poor and does not fully meet with the concept or legislation for the coastal path. We note that part of the area is used for shooting the wildfowl that peaceful walkers are being separated on for fear of disturbance.

SCD6A & 6B: This area will be of little interest to ECP walkers and the restrictions appear both academic and failing to meet the criterion of the least restrictive option.

Natural England's comments

Natural England welcomes the general message of support from the Open Spaces Society. In response to the individual comments made:

We recognise the importance of appropriate signs, so as to provide the clearest message to visitors, including those with dogs. We will continue to develop the messages for such signs, ahead of the establishment phase.

We agree with the general principle that it is better to manage individual behaviours rather than put in place wide-ranging restrictions that will affect all users. However, where we are not confident that we can effectively manage behaviours in a targeted way (due to lack of resource within access authorities, for example), we have no other option but to put in place directions, in order to comply with legislation relating to sites and species protected at national and international level.

We note the concern over possible lack of consistency at a national level; however, each protected site must be considered carefully on a case by case basis, and it is therefore likely that different ECP solutions will be adopted, even where the context might be, at first sight, very similar. Whilst always aiming for the best alignment decisions and the least restrictive option, we have an absolute obligation to demonstrate that we have confidence in our proposals not having a significant effect or impact on the integrity of sites.

We further note concerns over apparent inconsistency in directions to exclude access under s25A; the analysis of such areas is not an exact science, although we have attempted to make it as objective as possible. We have taken into account advice from specialist third parties, such as HM Coastguard and the RNLI, before making any such decisions. All such long term directions must be periodically reviewed - we will always take into account the best available evidence whenever such a review is being undertaken. Our decisions on the application of such directions are necessarily based on the situation with regards to visitors with lack of critical local knowledge, as opposed to local people who are more likely to understand the nature of tides, quick-sands etc.

We acknowledge that we should not lightly take a decision to reduce access over previously accessible areas of CROW land, which would fall within the coastal margin in the future. The most significant example of this is at Warton Common, where the current CROW restrictions are due to be reviewed (in 2020). The directions that form part of the mitigation package alongside our coastal access proposals take account of the best available information, which would also be used in the review of the current CROW restrictions. As we would expect the access situation to change as a result of any approved and commenced new coastal access rights, our proposed coastal access directions must also take this into account. Our proposed directions to exclude access under s25A have been mapped against the best available data for CROW s15 land (there is no definitive data set for all such land) and we are confident that there is no overlap between the two.

We note the concern about apparent selective effect of proposed directions; however, this is a direct result of the legislation - any directions under the MCA Act 2009 can only apply to access rights under that same act.

We accept that the mapping basis for our reports does not always match the true situation on the ground. This is unavoidable, particular where natural changes are occurring on a daily basis. We have generally described restrictions in relation to features such as river channels, and the expectation is that visitors will continue to recognise such features as boundaries, even where they migrate.

We note the preference, in both this and the SDC 1 representation, for a main ECP route following the seaward side of the railway between Quaker Stang and Cotestones. We discounted this option as we could not conclude that it would not have an impact on the integrity of the protected site and due to technical difficulties over the nature of the ground and the levels of inundation.

We appreciate that the proposed ECP main route and associated management measures in the vicinity of the Pilling embankment are not perhaps such a significant improvement for walkers as might have been anticipated. However, these decisions, along with all others relating to route and alignment and management measures, have taken into account the conclusions of our HRA and NCA documents. The documents are laid out in such a way as to allow the reader to directly refer to the factors which have necessarily guided our decision-making in each instance. We have an overriding duty to ensure that sensitive features and sites are protected and we must adopt the precautionary approach where there is significant doubt as to the outcome. This will often mean that the overall benefits to walkers are not perhaps quite so unfettered and ideal as they otherwise might have been.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC2/R/2/0019

Organisation/ person making representation:

Ramblers – [redacted]

Route section(s) specific to this representation:

SDC-2-S006

Other reports within stretch to which this representation also relates:

N/A

Representation in full

In general we welcome the proposal by NE for a continuous route for the ECP from Silverdale to Cleveleys. Some of this stretch of coast has been historically difficult for walkers and others to access and a number of the proposals for the route go some way to meeting the needs of the range of users for an ECP. However, there are a number of proposals we find unsatisfactory and we remain unconvinced that they provide an appropriate balance between the requirements of users and other interests. We highlight those matters below.

We support NE's proposed route from SDC-2-S001 to SDC-2-S005.

SDC-2-S006: We would strongly recommend that reconsideration be given to routing the ECP in the fields above the shoreline along the existing walked path (seaward edge of field) and the PRow.

We support NE's proposed route from SDC-2-S007 to SDC-2-072.

Natural England's comments

Natural England is grateful for the general support for its proposals. Section SDC-2-S006 does in fact follow the seaward edge of the field, rather than being aligned on the marsh beyond. It was aligned here, despite the existence of a nearby public footpath, at the request of the farmer. We believe that this alignment is also optimum for walkers.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC2/R/3/0016

Organisation/ person making representation:

The Open Spaces Society – [redacted]

Route section(s) specific to this representation:

SDC-2-S006

Other reports within stretch to which this representation also relates:

N/A

Representation in full

In general we welcome the proposal by NE for a continuous route for the ECP from Silverdale to Cleveleys. Some of this stretch of coast has been historically difficult for walkers and others to access and a number of the proposals for the route go some way to meeting the needs of the range of users for an ECP. However, there are a number of proposals we find unsatisfactory and we remain unconvinced that they provide an appropriate balance between the requirements of users and other interests. We highlight those matters below.

We support NE's proposed route from SDC-2-S001 to SDC-2-S005.

SDC-2-S006: We would strongly recommend that reconsideration be given to routing the ECP in the fields above the shoreline along the existing walked path (seaward edge of field) and the PRoW.

We support NE's proposed route from SDC-2-S007 to SDC-2-072.

Natural England's comments

Natural England is grateful for the general support for its proposals. Section SDC-2-S006 does in fact follow the seaward edge of the field, rather than being aligned on the marsh beyond. It was aligned here, despite the existence of a nearby public footpath, at the request of the farmer. We believe that this alignment is also optimum for walkers.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC2/R/4/0040

Organisation/ person making representation:

EDF Energy – [redacted]

Name of site:

Heysham Nuclear Power Station

Report map reference:

SDC 2h

Route sections on or adjacent to the land:

SDC-2-S053 , SDC-2-S054 , SDC-2-S055 , SDC-2-S056 , SDC-2-S057 , SDC-2-S058 , SDC-2-S059 , SDC-2-S060, SDC-2-S061, SDC-2-S062, SDC-2-S063, SDC-2-S064, SDC-2-S065, SDC-2-S066, SDC-2-S067, SDC-2-S068, SDC-2-S069, SDC-2-S070, SDC-2-S071, SDC-2-S072

Other reports within stretch to which this representation also relates

N/A

Representation in full

EDF is the owner and operator of the Heysham power stations. We understand and support the legal duty, under section 296 of the Marine and Coastal Access Act 2009, on Natural England to secure a route around the whole of the English coast within a margin of land for the public to enjoy. We also though believe that issues arising from routing the England Coast Path through our landholding at Heysham need to be very carefully considered, to ensure that there is no impact on the security, safe operation and future decommissioning of the power stations, and given that a significant proportion of this land is within a nominated site in the Government's National Policy Statement for Nuclear Power Generation (NPS EN-6) (as shown edged red on the accompanying plan). We request that the following points are formally considered as part of this determination stage:

1. We are concerned about the potential for impacts on our two power stations of the route between SDC-2-S053 and SDC-2-062, given that this is along the approach road to both stations, and needs to remain unobstructed at all times for our nuclear licence compliance.

2. As such, we request that alternative routes to the use of the station approach road are considered; in particular we request that the potential for the creation of a new off-road pedestrian route along the eastern side of Money Close Lane is considered and taken forward – from point SDC-2-S048 to the start of section SDC-2-S067, at which point the route could then continue as currently proposed on our landholding through to SDC-2-S072.
3. During the implementation phase of the new Coast Path, we would need this to take full account of our requirements in respect to the safe and secure operation of the power stations (including during maintenance outages and future decommissioning), as well as full account of the emergency planning arrangements for both power stations, in which Lancashire County Council has a role.
4. In line with Point 3, we would require all implementation works, including any intrusive works, on our landholding to be agreed with ourselves in advance, and fully risk assessed by us to ensure there is no impact on our power station services, infrastructure and safety cases.
5. We also note that, as proposed, a number of road crossings will be required along this route, and ask that full consideration be given to the safety of users of the route at these crossings, including the use of any zebra (or similar) crossings, as required to ensure public safety.
6. We request that any designation of ‘coastal margin’ on our land is reviewed and, where possible, restricted or exempted under the provisions of the Countryside and Rights of Way Act 2000.
7. We request that any new way-marking only demarcates the Coast Path itself, and all reasonable provisions are made to ensure no one strays beyond the Coast Path (noting our comment in respect to the ‘coastal margin’ in para 6 above). It should also be noted that our sites at Heysham are policed by the Civil Nuclear Constabulary, in line with the provisions of The Nuclear Industries Security Regulations 2003; this should be made explicit in all relevant documents, maps and authorisations, as appropriate, so that it is clear to all relevant parties.
8. We request confirmation that Lancashire County Council, on behalf of Natural England would be responsible for maintenance of all infrastructure installed for the Coast Path.

Natural England and the Secretary of State will also be aware that some of the land around Heysham power stations is identified as a nominated site in the National Policy Statement for Nuclear Power Generation (NPS EN-6). EDF would like to highlight that coastal access rights (under section 296 of the Marine and Coastal Access Act 2009) do not prevent any land from being developed or redeveloped in the future. Therefore, in the event that the nominated site at Heysham comes forward for nuclear development, the land is likely to become ‘excepted’ land. In such circumstances it is likely that changes to the Coast Path would have to be made to accommodate the new nuclear power station development. Given the national importance of any new nuclear power station development at this location, EDF believes that this provision should be made explicit in all relevant documents and authorisations so that it is clear to all relevant parties.

Natural England’s comment:

Natural England is grateful for the clarification of various points, within the representation.

In relation to points 1&2 above, our published proposals were discussed with EDF during the planning stage; we were not then made aware of any significant outstanding issues and we still believe that the proposed route is the most appropriate one.

We would indeed expect all establishment works to be discussed and agreed in advance, including design of road crossings. Signage will be sufficiently clear to guide walkers along the path and will not promote access away from the path onto EDF land. We can confirm that LCC will be responsible for maintenance.

Relevant appended documents (see Section 5):

Map: Heysham Nominated Site (NPS-EN6)

Representation number:

MCA/SDC2/R/5/1503

Organisation/ person making representation:

Historic England – [redacted]

Route section(s) specific to this representation:

SDC-2-S026 & S027

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Historic England has no objection to, or issues with, the Coast Path proposals as they affect the High Cross in St Peter's Churchyard and St Patrick's Early Christian Chapel and associated graveyard scheduled monuments.

Natural England's comments

Natural England is grateful to Historic England for this confirmation.

Relevant appended documents (see section 5):

None

Other representations**Representation ID:**

MCA/SDC(W)/R/2/1596

Organisation/ person making representation:

Disabled Ramblers – [redacted]

Name of site:

All areas

Report map reference:

All

Route sections on or adjacent to the land:

All

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 Lancashire 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 5):

Disabled Ramblers Notes on Infrastructure

Representation ID:
MCA/SDC(W)/R/4/0171

Organisation/ person making representation:
United Utilities – [redacted]

Name of site:
Not specified

Report map reference:
Map A (Overview)

Route sections on or adjacent to the land:
Not specified

Summary of representation:
The representation advises that the proposals should not interfere with United Utility's ability to undertake its business.

Natural England's comment:
Natural England is content that there is no significant risk of disruption to UU's business as a result of the published proposals. Lancashire County Council will hold further discussions with owners and occupiers, prior to undertaking establishment works.

Relevant appended documents (see Section 5):
None

Representation ID:
MCA/SDC2/R/1/1414

Organisation/ person making representation:
Bolton-le-Sands Parish Council – [redacted]

Name of site:
Wild Duck Hall to Red Bank Farm

Report map reference:
SDC 2a

Route sections on or adjacent to the land:
SDC-2-S001 , SDC-2-S002 , SDC-2-S003, SDC-2-S004, SDC-2-S005 , SDC-2-S006

Other reports within stretch to which this representation also relates
N/A

Summary of representation:
The representation raises a number of questions about management of new access rights, including in relation to grazing, dogs, litter, disturbance to birds and repairs/maintenance.

Natural England's comment:
The local authority (Lancashire County Council) has powers to manage the new access rights and is also expected to maintain the path itself, assisted by financial grants from Natural England, until such time as a Trail Partnership might be formed. Under national restrictions, dogs must be kept on leads in the vicinity of stock and additional

restrictions may also be put in place, relating to bird nesting season. There are no provisions with the coastal access programme for additional litter bins; this will be a matter for local authorities to resolve, as necessary. Our published Habitats Regulations Assessment and Nature Conservation Assessment explain why we concluded that there is low risk of increased disturbance to birds in this area.

Relevant appended documents (see Section 5):

None

Length Report SDC4

Full representations

Representation number:

MCA/SDC(W)/R/1/1599

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 – SDC1 to SDC6

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. We invited various organisations to contribute to our understanding of potential issues relating to protected sites and species, including Local Wildlife Sites. However, the only additional information supplied to us in relation to such Local Wildlife Sites was from the Arnsdale and Silverdale AONB Partnership, in relation to Silverdale Coastal Cliffs & The Lots Biological Heritage Site. Our Nature Conservation Assessment does cover the Silverdale site, and identifies the need to obtain planning consent with regard to planned establishment works in this area. We can confirm that we have obtained pre-application advice previously, and will ensure that full consent is in place prior to any works being undertaken.

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 Lancashire 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 5):

None

Representation number:

MCA/SDC(W)/R/3/1606

Organisation/ person making representation:

RSPB – [redacted]

Route section(s) specific to this representation:

Various on SDC1, SDC2, SDC5

Representation in full

SDC 1, Map 1, Quakers Stang to Scout Crag

The RSPB supports the proposed route alignment through this section. The proposals draw from extensive collaborative discussions between the RSPB reserves team at Leighton Moss and the Natural England ECP team. The establishment of a surfaced path around the perimeter of Barrow Scout (SDC-1-S032 to SDC-1-S036) will provide a suitable access route whilst reducing disturbance risk or damage to the sensitive wildlife habitats within Inner marsh and Barrow Scout which are owned and managed by the RSPB as a nature reserve. The exclusions under S24 for Inner marsh and/or s26 for Barrow Scout are appropriate and well evidenced.

SDC 1 Map 1D – Scout Crag to Cotestones

The RSPB supports the alignment of the trail through Section SDC-1-S055 to SDC-1-S057 **providing that all proposed mitigation measures, including fencing and exclusions that have been identified within the HRA and are required to ensure the integrity of the SPA are implemented.** Table 15 within the HRA accurately describes the risks and potential impacts to the SPA (and SSSI) features resulting from this section. The mitigation proposed within the HRA to install and maintain a suitable barrier fence seaward of the trail across this section along with suitable signage and supported by s25/s26 exclusions is considered appropriate to manage the risk.

SDC-2-S015 to S021, Morecambe Promenade

The RSPB fully supports the exclusion of access onto the coastal rock groyne under s26. These mitigation measures are required and appropriate to prevent impacts to SPA non-breeding birds which utilise the groyne as high tide roosts.

SDC-2-S005 to SDC-2-S034, Directions Map SDC 2A – SDC 2 C (25a exclusions)

The RSPB fully supports the proposed s25 exclusions covering areas of intertidal. These areas are important for feeding and roosting for a suite of SPA bird species.

SDC -2-S072, Directions Map SDC 2G - Red Nab

The RSPB fully supports the s26 exclusion over Red Nab. This feature has been identified within the HRA as being of notable importance to non-breeding Mediterranean gull. Mitigation measures proposed are required and appropriate to prevent impacts to the SPA.

SDC-5-S041 to S043, Directions Map SDC 5F - Cocker Bridge to Fluke Hall

The RSPB supports the 1st September to 31st March seasonal access restriction and alternate route proposed. The adjacent fields and marsh as identified within the HRA holds nationally significant numbers of non-breeding SPA species, notably Pink-footed geese and Whooper Swan. We agree that the access restriction is the only feasible method of mitigation to prevent unreasonable levels of disturbance to the SPA feature.

The RSPB support the proposed fencing as mitigation measure for spring/summer access to flood bank and ensure compliance with the access restrictions. This section is of importance to both breeding and non-breeding birds. The saltmarsh at Pilling is one of a few core sites within Morecambe Bay that supports breeding Redshank and Curlew and these species would be at risk without adequate mitigation in place.

Natural England's comments

Natural England is grateful to the RSPB for the message of support for its proposals. We can confirm that we fully expect to implement all of the measures identified within our Habitats Regulations Assessment and Nature Conservation Assessment, and repeated in our coastal access proposals. In the case of such measures at Warton Common, their implementation is subject to a s38 application process, the outcome of which has yet to be determined.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC(W)/R/5/0019

Organisation/ person making representation:

Ramblers – [redacted]

Route section(s) specific to this representation:

All report directions

Representation in full

We support the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We also accept 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 balance of restrictions regarding dogs or dogs on leads. That said, the lack of any proposed monitoring and, in particular, enforcement of these restrictions, is of great concern and has led to undue and unfair restrictions being proposed for ECP walkers. There is a need to clarify notices and these should provide dog walkers 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 ECP other than long-distance walkers.

One of the many benefits is putting people back into contact with nature, with the accompanying 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 the extensive use of Directions, is constructing significant barriers that could result in 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 restrictions proposed 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 damaging behaviours, rather than restricting enabling 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 that, in parts of this consultation, people are being kept away from walking on sea walls & embankments and from slightly elevated positions overlooking the seaward side of the path. Yet in comparable and more sensitive, in respect of potential disturbance to wildlife, locations in other parts of England the choice of route actually uses such obvious route choice features and for which in the north-west appear to be treated as very differently. Take for example the proposed route near Flookburgh (SCS-5-S059 to S068 and Alternative route) where path users are to be kept below the embankment on the landward side, partially fenced in, and possibly excluded at some times of the year to enable people to shoot birds which, at other times, the presence of walkers on the embankment is said to disturb. Compare this with the route proposed around the Wash, for example in Lincolnshire. The route around Frampton Marsh and Freiston (to the SE and E of Boston). Here the route uses regularly walked (by walkers and ornithologists) embankments through RSPB reserves, routes which are currently well used. Here they are often used as places from which to observe rare and unusual birds both on the lagoons and the saltmarshes. These sites are at least as, if not more, sensitive than Flookburgh. It appears NE's proposals are more dependent on the advice from individual ecologist colleagues who do not appear to follow a rational and national scheme of

appraisal. The issue of balance has, in our submission, failed to appropriately weigh the needs of walkers and natural historians.

We are also concerned over consistency in using grazing and salt marshes for spreading room and do not believe the Scheme has been appropriately followed in parts of the proposals for sections of the ECP. There are sections of the proposed route which are on terrain which are going to be more problematic to use in terms of potential safety and surface sustainability than some of the marshes NE deem inappropriate to use for the spreading room adjacent to the route of the ECP. The tidal effects may apply to parts of the eastern side of Morecambe Bay and could prevent walkers from using this land, which forms a section of the proposed ECP, for a significant part of each year. We are concerned that a consistent approach has not been demonstrated in selecting which saltmarshes are to be used for the ECP and which are to have Directions applied to exclude the public.

We have further strong concerns over the areas of s1 CROW access land, mostly registered Common Land, from which NE propose to exclude the public. The Marine and Coastal Access Act was not intended to curtail the rights of walkers granted under s1 of CROW, 2000. NE have concluded, in their consultations, that some land is 'Unsuitable for Public Access'. Given that this was not a criteria 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. Indeed the use of these powers will exclude natural historians, who gain access to these areas via the ECP, from carrying out their valid activities. A more proportionate approach would be to warn visitors, via signage, of the risks involved in accessing these areas and possibly advising of less risky areas nearby to exercise their open access right.

Most of the maps depicting the proposed Directions to exclude users of the ECP are qualified by the following statement (e.g. see p45 of the Silverdale to Cleveleys 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, especially so for wildlife, as the Directions proposed can only apply to bona fide users of the ECP. In essence the use of CROW, 2000 powers to restrict access will result in the loss of significant access to s1 and s15 access land under that Act in these two sets of ECP proposals.

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.

The mapping basis used for many of these Directions is 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 many omit to cover spreading room which now exists and is adjacent to the Direction land, and these allow access to ECP walkers!

SPECIFIC DIRECTION & RESTRICTION PROPOSALS - SILVERDALE TO CLEVELEYS

SDC1A: We are strongly against the proposed direction as our preferred route (see our second representation) uses this strip of land. We strongly support the Blue route on the Other Options Considered Map SDC1: Quaker Stang to Cotestones and consider that this is both safe and appropriate for walkers to enjoy.

SDC1B: We are strongly against the proposed direction as this land is, at low tide, used by hundreds of people each year and provides an interesting low tide coastal walk. There is a PROW partially through the land and the Direction is a significant discrimination against ECP walkers.

SDC1C: Cross bay walkers have a fixed point on each shore with a variable PROW depending on the state of the substrate in the estuary. They will come ashore at variable places across the low-tide flats and thus to say this land is 'unsuitable' for public access is untenable. Some of the saltmarsh (north-east corner of map) is of interest to natural historians and, when accessed from the ECP, suitable for their use. Part of this land is registered common land and already subject to S1 CROW Access rights. The proposed Direction is discriminatory against ECP walkers and would unfairly restrain walkers from rights granted under s1 of CROW, 2000.

SDC1D and 1E: Given that this land is, apart from a margin on the eastern edge of the land, totally unsuitable for public access we offer no comments. Again we note that our preferred route for the ECP will use the eastern edge of 1E. Suitable screening, which the RSPB are known to provide in parts of this reserve and elsewhere nationally is more than capable of avoiding disturbing wildlife. We note that NE actively considered three routes for the ECP through these areas.

SCD1F: We find this Direction totally unacceptable given that NE have recently revised the access restrictions and that there has been no change of circumstances in this short time that calls for such restrictions to be reimposed. We note that one of the landowners, some of whose senior members encourage access to parts of this area, do not enforce the current 'no dog' restrictions. These problems are likely to continue in the future while walkers and naturalists are excluded. Indeed, we note that the RSPB has, in effect, encouraged dog walkers to use most of this area by erecting fencing on the Common to protect a smaller, sensitive site rather than discouraging the misuse of the land. Given that this Direction is unlikely to result in wildlife being protected, we consider that it does not meet the criteria required by the CROW Act.

SCD2A: It is unlikely this area would be of interest to walkers for most of the land shown. Only occasional dog walkers venture out onto this land. However, cross bay walkers have a fixed point on each shore with a variable 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. So whilst area SDC 2A will exclude ECP walkers there will be many hundreds of people weekly, thousands in a year, who will be allowed on this area. Again, this would restrain walkers from using rights granted under s1 of CROW, 2000. Part of this area proposed for the Directive is s1 Access land as it is registered Common Land and, additionally, part benefits from being s15 land under CROW, 2000. The intent of the Marine and Coastal Access Act was not to remove the rights of the public gained by the CROW Act.

SCD2B & 2C: It is unlikely this area would be of interest to ECP walkers for most of the area shown. Dog walkers and other holiday makers do frequently venture out onto this land.

SCD2D & 2E & 2F: These fishtail groynes are used by people to look at the bay and its wildlife but we agree at high tides they are important bird roosting sites. Given that dog walkers and tourists will still use these groynes and that the tide controls when and where people access these areas, the restrictions appear academic and unenforceable.

SCD2G: This land is rarely accessed by walkers though sometimes those with a nature conservation interest may use the fringes. Ornithologists may be found, on occasions, on this land. The largest use is made by dog walkers, mainly from the adjacent caravan site. Any use by ECP walkers would be rare and therefore they would have virtually no impact on the wildlife.

SCD3A & 3F: Dog restrictions will not stop much more significant use by dog walkers from the adjacent caravan site and local residents. The restrictions appear academic and unenforceable.

SCD3B & 3G: The map is too tightly drawn on the landward edges it should be redrawn to exclude the saltmarsh and shingle of interest to naturalists. However, given that people already access the areas from existing PROWs, the Direction appears unenforceable and discriminatory.

SCD3C: Walkers are most unlikely to use this area and the restriction will be unlikely to discourage naturalists interested in the saltmarsh. However, most people who want to access this area can do so from the public highway and the Direction is thus unenforceable and discriminatory against users of the ECP.

SCD3D & SDC 3I: We consider this Direction to be totally unacceptable. We are unaware of any problems raised by naturalists on this area nor from walkers who, from necessity largely have to keep to the landward side of this fascinating landscape. The land is registered common land and this proposed Direction would restrain walkers from rights granted under s1 of CROW, 2000 with no evidence that the existing right of open access has caused any problems to date. This applies to the use of the track on map 3I. We have not commented on the dog restrictions. We note the track (Map 3I) offers one of few potentially, albeit infrequently, used routes to explore this area.

SCD3E: This area is unlikely to be of any interest to walkers whilst naturalists will make a restricted use of this area without regard to the restrictions. We therefore consider that this Direction is neither enforceable nor the least restrictive option.

SCD3F: This map appears out of context and the Direction has already been covered by Directions Map 2G. However, the use of walkers of our proposed route (see our second representation) may find they have to walk the ECP on parts of this area as the substrate of the path changes with tidal influences. The nature of the substrate will dictate what access is possible in this area and the need for the Direction is academic and unenforceable.

SCD3H: We have no problems with this restriction but we strongly support a different route for the ECP (see our second representation).

SCD4A & 4B: Walkers will rarely want access to this land but we note it may be of some interest to naturalists on the areas of saltmarsh. The eastern portion of this land is registered Common Land and our concerns, regarding the use of Directions to enforce the loss of CROW access land, applies here. The restriction is unnecessary from a walkers'

perspective whilst existing users will continue to use this land. The proposed Directive is therefore academic and unenforceable.

SCD5B: The land appears largely to cover s1 access land, being a registered common. This year round exclusion is therefore unacceptable as no problems from the use of this land have been reported. Naturalists are potential users of the saltmarsh. This Direction is an area of land which would prevent ECP walkers from rights granted under s1 of CROW, 2000. It was not the intention of the Marine and Coastal Access Act to curtail existing freedoms of open access.

SCD5C: Whilst walkers are unlikely to go beyond the seaward edge of the sea defence wall natural historians may occasionally use the saltmarsh. Bird watchers may enjoy the use of the ECP in this area. Given that parts of the Direction land are used by large numbers of dog owners and other visitors, especially residents of adjacent caravan sites, this proposal is discriminatory against ECP users. It is also unenforceable. We do not consider that this meets the criteria required for the least restrictive option.

SCD5D: If this is common land our comments about loss of s1 CROW lands also applies here.

SCD5E: This is one of the most discriminatory of the proposals. In essence it is saying naturalists and walkers cannot use the area which the hundreds of dog walkers and other visitors (especially from the nearby caravan sites) can continue to walk out to Plover Scar lighthouse and other parts of the foreshore and beach at low tides! ECP walkers could claim they were walking the PROW, not the ECP, and gain access to the land thus making the Directive totally unenforceable. A more practical approach to protection of wildlife in this area should be taken that is targeted at the source of any existing issues, rather than a blanket ban on walkers.

SCD5F: This proposal is, in respect of public access, totally unacceptable as the draconian restrictions (fencing in of the route and lack of whole-year round usage from Cockerbridge to Sand Side), the seasonal restriction (Sand Side to Wrampool) and the proposed fencing (Wrampool to Wrampool Bridge) are not in the spirit of the ECP. This area is perhaps less sensitive than the example quoted in our second representation of the Lincolnshire Wash. The alternative route is poor and does not fully meet with the concept or legislation for the coastal path. We note that part of the area is used for shooting the wildfowl that peaceful walkers are being separated on for fear of disturbance.

SCD6A & 6B: This area will be of little interest to ECP walkers and the restrictions appear both academic and failing to meet the criterion of the least restrictive option.

Natural England's comments

Natural England welcomes the general message of support from the Ramblers. In response to the individual comments made:

We recognise the importance of appropriate signs, so as to provide the clearest message to visitors, including those with dogs. We will continue to develop the messages for such signs, ahead of the establishment phase.

We agree with the general principle that it is better to manage individual behaviours rather than put in place wide-ranging restrictions that will affect all users. However, where we are not confident that we can effectively manage behaviours in a targeted way (due to lack of resource within access authorities, for example), we have no other option but to put in place directions, in order to comply with legislation relating to sites and species protected at national and international level.

We note the concern over possible lack of consistency at a national level; however, each protected site must be considered carefully on a case by case basis, and it is therefore likely that different ECP solutions will be adopted, even where the context might be, at first sight, very similar. Whilst always aiming for the best alignment decisions and the least restrictive option, we have an absolute obligation to demonstrate that we have confidence in our proposals not having a significant effect or impact on the integrity of sites.

We further note concerns over apparent inconsistency in directions to exclude access under s25A; the analysis of such areas is not an exact science, although we have attempted to make it as objective as possible. We have taken into account advice from specialist third parties, such as HM Coastguard and the RNLI, before making any such decisions. All such long term directions must be periodically reviewed - we will always take into account the best available evidence whenever such a review is being undertaken. Our decisions on the application of such directions are necessarily based on the situation with regards to visitors with lack of critical local knowledge, as opposed to local people who are more likely to understand the nature of tides, quick-sands etc.

We acknowledge that we should not lightly take a decision to reduce access over previously accessible areas of CROW land, which would fall within the coastal margin in the future. The most significant example of this is at

Warton Common, where the current CROW restrictions are due to be reviewed (in 2020). The directions that form part of the mitigation package alongside our coastal access proposals take account of the best available information, which would also be used in the review of the current CROW restrictions. As we would expect the access situation to change as a result of any approved and commenced new coastal access rights, our proposed coastal access directions must also take this into account. Our proposed directions to exclude access under s25A have been mapped against the best available data for CROW s15 land (there is no definitive data set for all such land) and we are confident that there is no overlap between the two.

We note the concern about apparent selective effect of proposed directions; however, this is a direct result of the legislation - any directions under the MCA Act 2009 can only apply to access rights under that same act.

We accept that the mapping basis for our reports does not always match the true situation on the ground. This is unavoidable, particular where natural changes are occurring on a daily basis. We have generally described restrictions in relation to features such as river channels, and the expectation is that visitors will continue to recognise such features as boundaries, even where they migrate.

We note the preference, in both this and the SDC 1 representation, for a main ECP route following the seaward side of the railway between Quaker Stang and Cotestones. We discounted this option as we could not conclude that it would not have an impact on the integrity of the protected site and due to technical difficulties over the nature of the ground and the levels of inundation.

We appreciate that the proposed ECP main route and associated management measures in the vicinity of the Pilling embankment are not perhaps such a significant improvement for walkers as might have been anticipated. However, these decisions, along with all others relating to route and alignment and management measures, have taken into account the conclusions of our HRA and NCA documents. The documents are laid out in such a way as to allow the reader to directly refer to the factors which have necessarily guided our decision-making in each instance. We have an overriding duty to ensure that sensitive features and sites are protected and we must adopt the precautionary approach where there is significant doubt as to the outcome. This will often mean that the overall benefits to walkers are not perhaps quite so unfettered and ideal as they otherwise might have been.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC(W)/R/6/0016

Organisation/ person making representation:

The Open Spaces Society – [redacted]

Route section(s) specific to this representation:

All report directions

Representation in full

We support the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We also accept 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 balance of restrictions regarding dogs or dogs on leads. That said, the lack of any proposed monitoring and, in particular, enforcement of these restrictions, is of great concern and has led to undue and unfair restrictions being proposed for ECP walkers. There is a need to clarify notices and these should provide dog walkers 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 ECP other than long-distance walkers.

One of the many benefits is putting people back into contact with nature, with the accompanying 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 the extensive use of Directions, is constructing significant barriers that could result in 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 restrictions proposed 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 damaging behaviours, rather than restricting enabling 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 that, in parts of this consultation, people are being kept away from walking on sea walls & embankments and from slightly elevated positions overlooking the seaward side of the path. Yet in comparable and more sensitive, in respect of potential disturbance to wildlife, locations in other parts of England the choice of route actually uses such obvious route choice features and for which in the north-west appear to be treated as very differently. Take for example the proposed route near Flookburgh (SCS-5-S059 to S068 and Alternative route) where path users are to be kept below the embankment on the landward side, partially fenced in, and possibly excluded at some times of the year to enable people to shoot birds which, at other times, the presence of walkers on the embankment is said to disturb. Compare this with the route proposed around the Wash, for example in Lincolnshire. The route around Frampton Marsh and Freiston (to the SE and E of Boston). Here the route uses regularly walked (by walkers and ornithologists) embankments through RSPB reserves, routes which are currently well used. Here they are often used as places from which to observe rare and unusual birds both on the lagoons and the saltmarshes. These sites are at least as, if not more, sensitive than Flookburgh. It appears NE's proposals are more dependent on the advice from individual ecologist colleagues who do not appear to follow a rational and national scheme of appraisal. The issue of balance has, in our submission, failed to appropriately weigh the needs of walkers and natural historians.

We are also concerned over consistency in using grazing and salt marshes for spreading room and do not believe the Scheme has been appropriately followed in parts of the proposals for sections of the ECP. There are sections of the proposed route which are on terrain which are going to be more problematic to use in terms of potential safety and surface sustainability than some of the marshes NE deem inappropriate to use for the spreading room adjacent to the route of the ECP. The tidal effects may apply to parts of the eastern side of Morecambe Bay and could prevent walkers from using this land, which forms a section of the proposed ECP, for a significant part of each year. We are concerned that a consistent approach has not been demonstrated in selecting which saltmarshes are to be used for the ECP and which are to have Directions applied to exclude the public.

We have further strong concerns over the areas of s1 CROW access land, mostly registered Common Land, from which NE propose to exclude the public. The Marine and Coastal Access Act was not intended to curtail the rights of walkers granted under s1 of CROW, 2000. NE have concluded, in their consultations, that some land is 'Unsuitable for Public Access'. Given that this was not a criteria 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. Indeed the use of these powers will exclude natural historians, who gain access to these areas via the ECP, from carrying out their valid activities. A more proportionate approach would be to warn visitors, via signage, of the risks involved in accessing these areas and possibly advising of less risky areas nearby to exercise their open access right.

Most of the maps depicting the proposed Directions to exclude users of the ECP are qualified by the following statement (e.g. see p45 of the Silverdale to Cleveleys 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, especially so for wildlife, as the Directions proposed can only apply to bona fide users of the ECP. In essence the use of CROW, 2000 powers to restrict access will result in the loss of significant access to s1 and s15 access land under that Act in these two sets of ECP proposals.

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.

The mapping basis used for many of these Directions is 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 many omit to cover spreading room which now exists and is adjacent to the Direction land, and these allow access to ECP walkers!

SPECIFIC DIRECTION & RESTRICTION PROPOSALS - SILVERDALE TO CLEVELEYS

SDC1A: We are strongly against the proposed direction as our preferred route (see our second representation) uses this strip of land. We strongly support the Blue route on the Other Options Considered Map SDC1: Quaker Stang to Cotestones and consider that this is both safe and appropriate for walkers to enjoy.

SDC1B: We are strongly against the proposed direction as this land is, at low tide, used by hundreds of people each year and provides an interesting low tide coastal walk. There is a PROW partially through the land and the Direction is a significant discrimination against ECP walkers.

SDC1C: Cross bay walkers have a fixed point on each shore with a variable PROW depending on the state of the substrate in the estuary. They will come ashore at variable places across the low-tide flats and thus to say this land is 'unsuitable' for public access is untenable. Some of the saltmarsh (north-east corner of map) is of interest to natural historians and, when accessed from the ECP, suitable for their use. Part of this land is registered common land and already subject to S1 CROW Access rights. The proposed Direction is discriminatory against ECP walkers and would unfairly restrain walkers from rights granted under s1 of CROW, 2000.

SDC1D and 1E: Given that this land is, apart from a margin on the eastern edge of the land, totally unsuitable for public access we offer no comments. Again we note that our preferred route for the ECP will use the eastern edge of 1E. Suitable screening, which the RSPB are known to provide in parts of this reserve and elsewhere nationally is more than capable of avoiding disturbing wildlife. We note that NE actively considered three routes for the ECP through these areas.

SDC1F: We find this Direction totally unacceptable given that NE have recently revised the access restrictions and that there has been no change of circumstances in this short time that calls for such restrictions to be reimposed. We note that one of the landowners, some of whose senior members encourage access to parts of this area, do not enforce the current 'no dog' restrictions. These problems are likely to continue in the future while walkers and naturalists are excluded. Indeed, we note that the RSPB has, in effect, encouraged dog walkers to use most of this area by erecting fencing on the Common to protect a smaller, sensitive site rather than discouraging the misuse of the land. Given that this Direction is unlikely to result in wildlife being protected, we consider that it does not meet the criteria required by the CROW Act.

SDC2A: It is unlikely this area would be of interest to walkers for most of the land shown. Only occasional dog walkers venture out onto this land. However, cross bay walkers have a fixed point on each shore with a variable 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. So whilst area SDC 2A will exclude ECP walkers there will be many hundreds of people weekly, thousands in a year, who will be allowed on this area. Again, this would restrain walkers from using rights granted under s1 of CROW, 2000. Part of this area proposed for the Directive is s1 Access land as it is registered Common Land and, additionally, part benefits from being s15 land under CROW, 2000. The intent of the Marine and Coastal Access Act was not to remove the rights of the public gained by the CROW Act.

SDC2B & 2C: It is unlikely this area would be of interest to ECP walkers for most of the area shown. Dog walkers and other holiday makers do frequently venture out onto this land.

SDC2D & 2E & 2F: These fishtail groynes are used by people to look at the bay and its wildlife but we agree at high tides they are important bird roosting sites. Given that dog walkers and tourists will still use these groynes and that the tide controls when and where people access these areas, the restrictions appear academic and unenforceable.

SDC2G: This land is rarely accessed by walkers though sometimes those with a nature conservation interest may use the fringes. Ornithologists may be found, on occasions, on this land. The largest use is made by dog walkers, mainly from the adjacent caravan site. Any use by ECP walkers would be rare and therefore they would have virtually no impact on the wildlife.

SDC3A & 3F: Dog restrictions will not stop much more significant use by dog walkers from the adjacent caravan site and local residents. The restrictions appear academic and unenforceable.

SDC3B & 3G: The map is too tightly drawn on the landward edges it should be redrawn to exclude the saltmarsh and shingle of interest to naturalists. However, given that people already access the areas from existing PROWs, the Direction appears unenforceable and discriminatory.

SCD3C: Walkers are most unlikely to use this area and the restriction will be unlikely to discourage naturalists interested in the saltmarsh. However, most people who want to access this area can do so from the public highway and the Direction is thus unenforceable and discriminatory against users of the ECP.

SCD3D & SDC 3I: We consider this Direction to be totally unacceptable. We are unaware of any problems raised by naturalists on this area nor from walkers who, from necessity largely have to keep to the landward side of this fascinating landscape. The land is registered common land and this proposed Direction would restrain walkers from rights granted under s1 of CROW, 2000 with no evidence that the existing right of open access has caused any problems to date. This applies to the use of the track on map 3I. We have not commented on the dog restrictions. We note the track (Map 3I) offers one of few potentially, albeit infrequently, used routes to explore this area.

SCD3E: This area is unlikely to be of any interest to walkers whilst naturalists will make a restricted use of this area without regard to the restrictions. We therefore consider that this Direction is neither enforceable nor the least restrictive option.

SCD3F: This map appears out of context and the Direction has already been covered by Directions Map 2G. However, the use of walkers of our proposed route (see our second representation) may find they have to walk the ECP on parts of this area as the substrate of the path changes with tidal influences. The nature of the substrate will dictate what access is possible in this area and the need for the Direction is academic and unenforceable.

SCD3H: We have no problems with this restriction but we strongly support a different route for the ECP (see our second representation).

SCD4A & 4B: Walkers will rarely want access to this land but we note it may be of some interest to naturalists on the areas of saltmarsh. The eastern portion of this land is registered Common Land and our concerns, regarding the use of Directions to enforce the loss of CROW access land, applies here. The restriction is unnecessary from a walkers' perspective whilst existing users will continue to use this land. The proposed Directive is therefore academic and unenforceable.

SCD5B: The land appears largely to cover s1 access land, being a registered common. This year round exclusion is therefore unacceptable as no problems from the use of this land have been reported. Naturalists are potential users of the saltmarsh. This Direction is an area of land which would prevent ECP walkers from rights granted under s1 of CROW, 2000. It was not the intention of the Marine and Coastal Access Act to curtail existing freedoms of open access.

SCD5C: Whilst walkers are unlikely to go beyond the seaward edge of the sea defence wall natural historians may occasionally use the saltmarsh. Bird watchers may enjoy the use of the ECP in this area. Given that parts of the Direction land are used by large numbers of dog owners and other visitors, especially residents of adjacent caravan sites, this proposal is discriminatory against ECP users. It is also unenforceable. We do not consider that this meets the criteria required for the least restrictive option.

SCD5D: If this is common land our comments about loss of s1 CROW lands also applies here.

SCD5E: This is one of the most discriminatory of the proposals. In essence it is saying naturalists and walkers cannot use the area which the hundreds of dog walkers and other visitors (especially from the nearby caravan sites) can continue to walk out to Plover Scar lighthouse and other parts of the foreshore and beach at low tides! ECP walkers could claim they were walking the PROW, not the ECP, and gain access to the land thus making the Directive totally unenforceable. A more practical approach to protection of wildlife in this area should be taken that is targeted at the source of any existing issues, rather than a blanket ban on walkers.

SCD5F: This proposal is, in respect of public access, totally unacceptable as the draconian restrictions (fencing in of the route and lack of whole-year round usage from Cockerbridge to Sand Side), the seasonal restriction (Sand Side to Wrampool) and the proposed fencing (Wrampool to Wrampool Bridge) are not in the spirit of the ECP. This area is perhaps less sensitive than the example quoted in our second representation of the Lincolnshire Wash. The alternative route is poor and does not fully meet with the concept or legislation for the coastal path. We note that part of the area is used for shooting the wildfowl that peaceful walkers are being separated on for fear of disturbance.

SCD6A & 6B: This area will be of little interest to ECP walkers and the restrictions appear both academic and failing to meet the criterion of the least restrictive option.

Natural England's comments

Natural England welcomes the general message of support from the Open Spaces Society. In response to the individual comments made:

We recognise the importance of appropriate signs, so as to provide the clearest message to visitors, including those with dogs. We will continue to develop the messages for such signs, ahead of the establishment phase.

We agree with the general principle that it is better to manage individual behaviours rather than put in place wide-ranging restrictions that will affect all users. However, where we are not confident that we can effectively manage behaviours in a targeted way (due to lack of resource within access authorities, for example), we have no other option but to put in place directions, in order to comply with legislation relating to sites and species protected at national and international level.

We note the concern over possible lack of consistency at a national level; however, each protected site must be considered carefully on a case by case basis, and it is therefore likely that different ECP solutions will be adopted, even where the context might be, at first sight, very similar. Whilst always aiming for the best alignment decisions and the least restrictive option, we have an absolute obligation to demonstrate that we have confidence in our proposals not having a significant effect or impact on the integrity of sites.

We further note concerns over apparent inconsistency in directions to exclude access under s25A; the analysis of such areas is not an exact science, although we have attempted to make it as objective as possible. We have taken into account advice from specialist third parties, such as HM Coastguard and the RNLI, before making any such decisions. All such long term directions must be periodically reviewed - we will always take into account the best available evidence whenever such a review is being undertaken. Our decisions on the application of such directions are necessarily based on the situation with regards to visitors with lack of critical local knowledge, as opposed to local people who are more likely to understand the nature of tides, quick-sands etc.

We acknowledge that we should not lightly take a decision to reduce access over previously accessible areas of CROW land, which would fall within the coastal margin in the future. The most significant example of this is at Warton Common, where the current CROW restrictions are due to be reviewed (in 2020). The directions that form part of the mitigation package alongside our coastal access proposals take account of the best available information, which would also be used in the review of the current CROW restrictions. As we would expect the access situation to change as a result of any approved and commenced new coastal access rights, our proposed coastal access directions must also take this into account. Our proposed directions to exclude access under s25A have been mapped against the best available data for CROW s15 land (there is no definitive data set for all such land) and we are confident that there is no overlap between the two.

We note the concern about apparent selective effect of proposed directions; however, this is a direct result of the legislation - any directions under the MCA Act 2009 can only apply to access rights under that same act.

We accept that the mapping basis for our reports does not always match the true situation on the ground. This is unavoidable, particular where natural changes are occurring on a daily basis. We have generally described restrictions in relation to features such as river channels, and the expectation is that visitors will continue to recognise such features as boundaries, even where they migrate.

We note the preference, in both this and the SDC 1 representation, for a main ECP route following the seaward side of the railway between Quaker Stang and Cotestones. We discounted this option as we could not conclude that it would not have an impact on the integrity of the protected site and due to technical difficulties over the nature of the ground and the levels of inundation.

We appreciate that the proposed ECP main route and associated management measures in the vicinity of the Pilling embankment are not perhaps such a significant improvement for walkers as might have been anticipated. However, these decisions, along with all others relating to route and alignment and management measures, have taken into account the conclusions of our HRA and NCA documents. The documents are laid out in such a way as to allow the reader to directly refer to the factors which have necessarily guided our decision-making in each instance. We have an overriding duty to ensure that sensitive features and sites are protected and we must adopt the precautionary approach where there is significant doubt as to the outcome. This will often mean that the overall benefits to walkers are not perhaps quite so unfettered and ideal as they otherwise might have been.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC4/R/2/1431

Organisation/ person making representation:

Lancashire County Councillor – [redacted]

Route section(s) specific to this representation:

SDC-4-S011 to S014

Other reports within stretch to which this representation also relates:

N/A

Representation in full

I am concerned about and object to a loss of access to current coastal areas as a result of proposed access restrictions in this area.

Some of the proposals reduce or exclude access to the coast, and so are contrary to the overall aim of increasing access. The proposed formal public paths for coastal access are acceptable and indeed to be welcomed but the proposed restrictions to areas between the path and the river/sea are inappropriate and overly restrictive.

Of particular concern: proposed exclusion of access to the salt marsh along the River Lune, as listed in paragraphs 4.2.13, 4.2.14, and 4.2.15.

Whilst a public footpath should not be routed over the salt marsh, because of high tides, local residents have traditionally and for decades walked out on the salt marsh at low tide, when it is quite safe. It is not appropriate to exclude access to the salt marsh and prevent this use.

I am concerned that while there has been concerted attempts to contact private land owners, there has been limited effort to engage with the public via public notices on the path itself, local media or via parish councils. (I gather that information was sent to out of date contacts which should/could have been checked on-line.)

Natural England's comments

As we make clear in our proposals, the proposed exclusion relates only to any new rights of access under MCA 2009. We have proposed exclusions only where we believe that it makes sense to do so. In making such decisions, we must take into account the possibility that people without good local knowledge of the areas in question might otherwise be tempted to explore areas that we believe are not generally suitable for a right of access, particularly in the absence of that key local knowledge.

Our approach to consultation is consistent with that laid out in the approved Coastal Access Scheme.

Relevant appended documents:

None

Representation number:

MCA/SDC4/R/3/0019

Organisation/ person making representation:

Ramblers – [redacted]

Route section(s) specific to this representation:

SDC-4-S001 to S020

Other reports within stretch to which this representation also relates:

N/A

Representation in full

We support NE's proposed route from SDC-4-S001 to SDC-4-S020

Natural England's comments

NE is grateful for the message of support in this representation.

Relevant appended documents:

None

Representation number:

MCA/SDC4/R/4/0016

Organisation/ person making representation:

The Open Spaces Society – [redacted]

Route section(s) specific to this representation:

SDC-4-S001 to S020

Other reports within stretch to which this representation also relates:

N/A

Representation in full

We support NE's proposed route from SDC-4-S001 to SDC-4-S020

Natural England's comments

NE is grateful for the message of support in this representation.

Relevant appended documents:

None

Representation number:

MCA/SDC4/R/5/1503

Organisation/ person making representation:

Historic England – [redacted]

Route section(s) specific to this representation:

SDC-4-S016 to S020

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Historic England has no objection to, or issues with, the Coast Path proposals as they affect the Glasson Dock scheduled monument.

Natural England's comments

Natural England is grateful to Historic England for this confirmation.

Relevant appended documents:

None

Other representations

Representation ID:

MCA/SDC(W)/R/2/1596

Organisation/ person making representation:

Disabled Ramblers – [redacted]

Name of site:

All areas

Report map reference:

All

Route sections on or adjacent to the land:

All

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 Lancashire 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 5):

Disabled Ramblers Notes on Infrastructure

Representation ID:

MCA/SDC(W)/R/4/0171

Organisation/ person making representation:

United Utilities – [redacted]

Name of site:

Not specified

Report map reference:

Map A (Overview)

Route sections on or adjacent to the land:

Not specified

Summary of representation:

The representation advises that the proposals should not interfere with United Utility's ability to undertake its business.

Natural England's comment:

Natural England is content that there is no significant risk of disruption to UU's business as a result of the published proposals. Lancashire County Council will hold further discussions with owners and occupiers, prior to undertaking establishment works.

Relevant appended documents (see Section 5):

None

Representation ID:

MCA/SDC4/R/1/1603

Organisation/ person making representation:

[Redacted]

Name of site:

Marsh along River Lune near Glasson Dock

Report map reference:

4c to 4e

Route sections on or adjacent to the land:

SDC-4-S011 to SDC-4-S014

Other reports within stretch to which this representation also relates

N/A

Summary of representation:

The representation expresses concerns about the loss of traditional access over the saltmarsh adjacent to the trail, as a result of NE's proposed directions to exclude access under s25A. There is also a suggestion that further consultation should have been carried out by posting notices on existing paths.

Natural England's comment:

As we make clear in our proposals, the proposed exclusion relates only to any new rights of access under MCA 2009. We have proposed exclusions only where we believe that it makes sense to do so. In making such decisions, we must take into account the possibility that people without good local knowledge of the areas in question might otherwise be tempted to explore areas that we believe are not generally suitable for a right of access, particularly in the absence of that key local knowledge.

In response to the suggestion that we should have posted notices, as per usual practice, on affected paths - we should clarify that we are not engaged with modifying existing public footpaths.

Relevant appended documents:

None

Representation ID:

MCA/SDC4/R/6/1422

Organisation/ person making representation:

Thurnham Parish Council

Name of site:

Marsh land near Glasson Dock

Report map reference:

Directions map SDC 4B

Route sections on or adjacent to the land:

Not specified, but taken to be SDC-4-S011 to S015

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation expresses concerns over the apparent removal of traditional access over an area of saltmarsh adjacent to the trial, as a result of NE's proposed direction to exclude access under s25A. It suggests that a 'proposal for a recognised path' within this area of margin might be affected by NE's proposal.

Natural England's comment:

As we make clear in our proposals, the proposed exclusion relates only to any new rights of access under MCA 2009. We have proposed exclusions only where we believe that it makes sense to do so. In making such decisions, we must take into account the possibility that people without good local knowledge of the areas in question might otherwise be tempted to explore areas that we believe are not generally suitable for a right of access, particularly in the absence of that key local knowledge.

We assume that the 'proposal for a recognised path' relates to a claim for a path to be added to the definite map. If this is successful, any such new public right of way would not be subject to the proposed access exclusion.

Relevant appended documents:

None

Length Report SDC6

Full representations

Representation number:

MCA/SDC(W)/R/1/1599

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 – SDC1 to SDC6

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. We invited various organisations to contribute to our understanding of potential issues relating to protected sites and species, including Local Wildlife Sites. However, the only additional information supplied to us in relation to such Local Wildlife Sites was from the Arnsdale and Silverdale AONB Partnership, in relation to Silverdale Coastal Cliffs & The Lots Biological Heritage Site. Our Nature Conservation Assessment does cover the Silverdale site, and identifies the need to obtain planning consent with regard to planned establishment works in this area. We can confirm that we have obtained pre-application advice previously, and will ensure that full consent is in place prior to any works being undertaken.

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 Lancashire 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 5):

None

Representation number:

MCA/SDC(W)/R/3/1606

Organisation/ person making representation:

RSPB – [redacted]

Route section(s) specific to this representation:

Various on SDC1, SDC2, SDC5

Representation in full

SDC 1, Map 1, Quakers Stang to Scout Crag

The RSPB supports the proposed route alignment through this section. The proposals draw from extensive collaborative discussions between the RSPB reserves team at Leighton Moss and the Natural England ECP team. The establishment of a surfaced path around the perimeter of Barrow Scout (SDC-1-S032 to SDC-1-S036) will provide a suitable access route whilst reducing disturbance risk or damage to the sensitive wildlife habitats within Inner marsh and Barrow Scout which are owned and managed by the RSPB as a nature reserve. The exclusions under S24 for Inner marsh and/or s26 for Barrow Scout are appropriate and well evidenced.

SDC 1 Map 1D – Scout Crag to Cotestones

The RSPB supports the alignment of the trail through Section SDC-1-S055 to SDC-1-S057 **providing that all proposed mitigation measures, including fencing and exclusions that have been identified within the HRA and are required to ensure the integrity of the SPA are implemented.** Table 15 within the HRA accurately describes the risks and potential impacts to the SPA (and SSSI) features resulting from this section. The mitigation proposed within the HRA to install and maintain a suitable barrier fence seaward of the trail across this section along with suitable signage and supported by s25/s26 exclusions is considered appropriate to manage the risk.

SDC-2-S015 to S021, Morecambe Promenade

The RSPB fully supports the exclusion of access onto the coastal rock groyne under s26. These mitigation measures are required and appropriate to prevent impacts to SPA non-breeding birds which utilise the groyne as high tide roosts.

SDC-2-S005 to SDC-2-S034, Directions Map SDC 2A – SDC 2 C (25a exclusions)

The RSPB fully supports the proposed s25 exclusions covering areas of intertidal. These areas are important for feeding and roosting for a suite of SPA bird species.

SDC -2-S072, Directions Map SDC 2G - Red Nab

The RSPB fully supports the s26 exclusion over Red Nab. This feature has been identified within the HRA as being of notable importance to non-breeding Mediterranean gull. Mitigation measures proposed are required and appropriate to prevent impacts to the SPA.

SDC-5-S041 to S043, Directions Map SDC 5F - Cocker Bridge to Fluke Hall

The RSPB supports the 1st September to 31st March seasonal access restriction and alternate route proposed. The adjacent fields and marsh as identified within the HRA holds nationally significant numbers of non-breeding SPA species, notably Pink-footed geese and Whooper Swan. We agree that the access restriction is the only feasible method of mitigation to prevent unreasonable levels of disturbance to the SPA feature.

The RSPB support the proposed fencing as mitigation measure for spring/summer access to flood bank and ensure compliance with the access restrictions. This section is of importance to both breeding and non-breeding birds. The saltmarsh at Pilling is one of a few core sites within Morecambe Bay that supports breeding Redshank and Curlew and these species would be at risk without adequate mitigation in place.

Natural England's comments

Natural England is grateful to the RSPB for the message of support for its proposals. We can confirm that we fully expect to implement all of the measures identified within our Habitats Regulations Assessment and Nature Conservation Assessment, and repeated in our coastal access proposals. In the case of such measures at Warton Common, their implementation is subject to a s38 application process, the outcome of which has yet to be determined.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC(W)/R/5/0019

Organisation/ person making representation:

Ramblers – [redacted]

Route section(s) specific to this representation:

All report directions

Representation in full

We support the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We also accept 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 balance of restrictions regarding dogs or dogs on leads. That said, the lack of any proposed monitoring and, in particular, enforcement of these restrictions, is of great concern and has led to undue and unfair restrictions being proposed for ECP walkers. There is a need to clarify notices and these should provide dog walkers 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 ECP other than long-distance walkers.

One of the many benefits is putting people back into contact with nature, with the accompanying 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 the extensive use of Directions, is constructing significant barriers that could result in 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 restrictions proposed 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 damaging behaviours, rather than restricting enabling 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 that, in parts of this consultation, people are being kept away from walking on sea walls & embankments and from slightly elevated positions overlooking the seaward side of the path. Yet in comparable and more sensitive, in respect of potential disturbance to wildlife, locations in other parts of England the choice of route actually uses such obvious route choice features and for which in the north-west appear to be treated as very differently. Take for example the proposed route near Flookburgh (SCS-5-S059 to S068 and Alternative route) where path users are to be kept below the embankment on the landward side, partially fenced in, and possibly excluded at some times of the year to enable people to shoot birds which, at other times, the presence of walkers on the embankment is said to disturb. Compare this with the route proposed around the Wash, for example in Lincolnshire. The route around Frampton Marsh and Freiston (to the SE and E of Boston). Here the route uses regularly walked (by walkers and ornithologists) embankments through RSPB reserves, routes which are currently well used. Here they are often used as places from which to observe rare and unusual birds both on the lagoons and the saltmarshes. These sites are at least as, if not more, sensitive than Flookburgh. It appears NE's proposals are more dependent on the advice from individual ecologist colleagues who do not appear to follow a rational and national scheme of appraisal. The issue of balance has, in our submission, failed to appropriately weigh the needs of walkers and natural historians.

We are also concerned over consistency in using grazing and salt marshes for spreading room and do not believe the Scheme has been appropriately followed in parts of the proposals for sections of the ECP. There are sections of the proposed route which are on terrain which are going to be more problematic to use in terms of potential safety and surface sustainability than some of the marshes NE deem inappropriate to use for the spreading room adjacent to the route of the ECP. The tidal effects may apply to parts of the eastern side of Morecambe Bay and could prevent walkers from using this land, which forms a section of the proposed ECP, for a significant part of each year. We are concerned that a consistent approach has not been demonstrated in selecting which saltmarshes are to be used for the ECP and which are to have Directions applied to exclude the public.

We have further strong concerns over the areas of s1 CROW access land, mostly registered Common Land, from which NE propose to exclude the public. The Marine and Coastal Access Act was not intended to curtail the rights of walkers granted under s1 of CROW, 2000. NE have concluded, in their consultations, that some land is 'Unsuitable for Public Access'. Given that this was not a criteria 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. Indeed the use of these powers will exclude natural historians, who gain access to these areas via the ECP, from carrying out their valid activities. A more proportionate approach would be to warn visitors, via signage, of the risks involved in accessing these areas and possibly advising of less risky areas nearby to exercise their open access right.

Most of the maps depicting the proposed Directions to exclude users of the ECP are qualified by the following statement (e.g. see p45 of the Silverdale to Cleveleys 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, especially so for wildlife, as the Directions proposed can only apply to bona fide users of the ECP. In essence the use of CROW, 2000 powers to restrict access will result in the loss of significant access to s1 and s15 access land under that Act in these two sets of ECP proposals.

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.

The mapping basis used for many of these Directions is 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 many omit to cover spreading room which now exists and is adjacent to the Direction land, and these allow access to ECP walkers!

SPECIFIC DIRECTION & RESTRICTION PROPOSALS - SILVERDALE TO CLEVELEYS

SDC1A: We are strongly against the proposed direction as our preferred route (see our second representation) uses this strip of land. We strongly support the Blue route on the Other Options Considered Map SDC1: Quaker Stang to Cotestones and consider that this is both safe and appropriate for walkers to enjoy.

SDC1B: We are strongly against the proposed direction as this land is, at low tide, used by hundreds of people each year and provides an interesting low tide coastal walk. There is a PROW partially through the land and the Direction is a significant discrimination against ECP walkers.

SDC1C: Cross bay walkers have a fixed point on each shore with a variable PROW depending on the state of the substrate in the estuary. They will come ashore at variable places across the low-tide flats and thus to say this land is 'unsuitable' for public access is untenable. Some of the saltmarsh (north-east corner of map) is of interest to natural historians and, when accessed from the ECP, suitable for their use. Part of this land is registered common land and already subject to S1 CROW Access rights. The proposed Direction is discriminatory against ECP walkers and would unfairly restrain walkers from rights granted under s1 of CROW, 2000.

SDC1D and 1E: Given that this land is, apart from a margin on the eastern edge of the land, totally unsuitable for public access we offer no comments. Again we note that our preferred route for the ECP will use the eastern edge of 1E. Suitable screening, which the RSPB are known to provide in parts of this reserve and elsewhere nationally is more than capable of avoiding disturbing wildlife. We note that NE actively considered three routes for the ECP through these areas.

SDC1F: We find this Direction totally unacceptable given that NE have recently revised the access restrictions and that there has been no change of circumstances in this short time that calls for such restrictions to be reimposed. We note that one of the landowners, some of whose senior members encourage access to parts of this area, do not enforce the current 'no dog' restrictions. These problems are likely to continue in the future while walkers and naturalists are excluded. Indeed, we note that the RSPB has, in effect, encouraged dog walkers to use most of this area by erecting fencing on the Common to protect a smaller, sensitive site rather than discouraging the misuse of the land. Given that this Direction is unlikely to result in wildlife being protected, we consider that it does not meet the criteria required by the CROW Act.

SDC2A: It is unlikely this area would be of interest to walkers for most of the land shown. Only occasional dog walkers venture out onto this land. However, cross bay walkers have a fixed point on each shore with a variable 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. So whilst area SDC 2A will exclude ECP walkers there will be many hundreds of people weekly, thousands in a year, who will be allowed on this area. Again, this would restrain walkers from using rights granted under s1 of CROW, 2000. Part of this area proposed for the Directive is s1 Access land as it is registered Common Land and, additionally, part benefits from being s15 land under CROW, 2000. The intent of the Marine and Coastal Access Act was not to remove the rights of the public gained by the CROW Act.

SDC2B & 2C: It is unlikely this area would be of interest to ECP walkers for most of the area shown. Dog walkers and other holiday makers do frequently venture out onto this land.

SDC2D & 2E & 2F: These fishtail groynes are used by people to look at the bay and its wildlife but we agree at high tides they are important bird roosting sites. Given that dog walkers and tourists will still use these groynes and that the tide controls when and where people access these areas, the restrictions appear academic and unenforceable.

SDC2G: This land is rarely accessed by walkers though sometimes those with a nature conservation interest may use the fringes. Ornithologists may be found, on occasions, on this land. The largest use is made by dog walkers, mainly from the adjacent caravan site. Any use by ECP walkers would be rare and therefore they would have virtually no impact on the wildlife.

SDC3A & 3F: Dog restrictions will not stop much more significant use by dog walkers from the adjacent caravan site and local residents. The restrictions appear academic and unenforceable.

SDC3B & 3G: The map is too tightly drawn on the landward edges it should be redrawn to exclude the saltmarsh and shingle of interest to naturalists. However, given that people already access the areas from existing PROWs, the Direction appears unenforceable and discriminatory.

SDC3C: Walkers are most unlikely to use this area and the restriction will be unlikely to discourage naturalists interested in the saltmarsh. However, most people who want to access this area can do so from the public highway and the Direction is thus unenforceable and discriminatory against users of the ECP.

SCD3D & SDC 3I: We consider this Direction to be totally unacceptable. We are unaware of any problems raised by naturalists on this area nor from walkers who, from necessity largely have to keep to the landward side of this fascinating landscape. The land is registered common land and this proposed Direction would restrain walkers from rights granted under s1 of CROW, 2000 with no evidence that the existing right of open access has caused any problems to date. This applies to the use of the track on map 3I. We have not commented on the dog restrictions. We note the track (Map 3I) offers one of few potentially, albeit infrequently, used routes to explore this area.

SCD3E: This area is unlikely to be of any interest to walkers whilst naturalists will make a restricted use of this area without regard to the restrictions. We therefore consider that this Direction is neither enforceable nor the least restrictive option.

SCD3F: This map appears out of context and the Direction has already been covered by Directions Map 2G. However, the use of walkers of our proposed route (see our second representation) may find they have to walk the ECP on parts of this area as the substrate of the path changes with tidal influences. The nature of the substrate will dictate what access is possible in this area and the need for the Direction is academic and unenforceable.

SCD3H: We have no problems with this restriction but we strongly support a different route for the ECP (see our second representation).

SCD4A & 4B: Walkers will rarely want access to this land but we note it may be of some interest to naturalists on the areas of saltmarsh. The eastern portion of this land is registered Common Land and our concerns, regarding the use of Directions to enforce the loss of CROW access land, applies here. The restriction is unnecessary from a walkers' perspective whilst existing users will continue to use this land. The proposed Directive is therefore academic and unenforceable.

SCD5B: The land appears largely to cover s1 access land, being a registered common. This year round exclusion is therefore unacceptable as no problems from the use of this land have been reported. Naturalists are potential users of the saltmarsh. This Direction is an area of land which would prevent ECP walkers from rights granted under s1 of CROW, 2000. It was not the intention of the Marine and Coastal Access Act to curtail existing freedoms of open access.

SCD5C: Whilst walkers are unlikely to go beyond the seaward edge of the sea defence wall natural historians may occasionally use the saltmarsh. Bird watchers may enjoy the use of the ECP in this area. Given that parts of the Direction land are used by large numbers of dog owners and other visitors, especially residents of adjacent caravan sites, this proposal is discriminatory against ECP users. It is also unenforceable. We do not consider that this meets the criteria required for the least restrictive option.

SCD5D: If this is common land our comments about loss of s1 CROW lands also applies here.

SCD5E: This is one of the most discriminatory of the proposals. In essence it is saying naturalists and walkers cannot use the area which the hundreds of dog walkers and other visitors (especially from the nearby caravan sites) can continue to walk out to Plover Scar lighthouse and other parts of the foreshore and beach at low tides! ECP walkers could claim they were walking the PROW, not the ECP, and gain access to the land thus making the Directive totally unenforceable. A more practical approach to protection of wildlife in this area should be taken that is targeted at the source of any existing issues, rather than a blanket ban on walkers.

SCD5F: This proposal is, in respect of public access, totally unacceptable as the draconian restrictions (fencing in of the route and lack of whole-year round usage from Cockerbridge to Sand Side), the seasonal restriction (Sand Side to Wrampool) and the proposed fencing (Wrampool to Wrampool Bridge) are not in the spirit of the ECP. This area is perhaps less sensitive than the example quoted in our second representation of the Lincolnshire Wash. The alternative route is poor and does not fully meet with the concept or legislation for the coastal path. We note that part of the area is used for shooting the wildfowl that peaceful walkers are being separated on for fear of disturbance.

SCD6A & 6B: This area will be of little interest to ECP walkers and the restrictions appear both academic and failing to meet the criterion of the least restrictive option.

Natural England's comments

Natural England welcomes the general message of support from the Ramblers. In response to the individual comments made:

We recognise the importance of appropriate signs, so as to provide the clearest message to visitors, including those with dogs. We will continue to develop the messages for such signs, ahead of the establishment phase.

We agree with the general principle that it is better to manage individual behaviours rather than put in place wide-ranging restrictions that will affect all users. However, where we are not confident that we can effectively manage behaviours in a targeted way (due to lack of resource within access authorities, for example), we have no other option but to put in place directions, in order to comply with legislation relating to sites and species protected at national and international level.

We note the concern over possible lack of consistency at a national level; however, each protected site must be considered carefully on a case by case basis, and it is therefore likely that different ECP solutions will be adopted, even where the context might be, at first sight, very similar. Whilst always aiming for the best alignment decisions and the least restrictive option, we have an absolute obligation to demonstrate that we have confidence in our proposals not having a significant effect or impact on the integrity of sites.

We further note concerns over apparent inconsistency in directions to exclude access under s25A; the analysis of such areas is not an exact science, although we have attempted to make it as objective as possible. We have taken into account advice from specialist third parties, such as HM Coastguard and the RNLI, before making any such decisions. All such long term directions must be periodically reviewed - we will always take into account the best available evidence whenever such a review is being undertaken. Our decisions on the application of such directions are necessarily based on the situation with regards to visitors with lack of critical local knowledge, as opposed to local people who are more likely to understand the nature of tides, quick-sands etc.

We acknowledge that we should not lightly take a decision to reduce access over previously accessible areas of CROW land, which would fall within the coastal margin in the future. The most significant example of this is at Warton Common, where the current CROW restrictions are due to be reviewed (in 2020). The directions that form part of the mitigation package alongside our coastal access proposals take account of the best available information, which would also be used in the review of the current CROW restrictions. As we would expect the access situation to change as a result of any approved and commenced new coastal access rights, our proposed coastal access directions must also take this into account. Our proposed directions to exclude access under s25A have been mapped against the best available data for CROW s15 land (there is no definitive data set for all such land) and we are confident that there is no overlap between the two.

We note the concern about apparent selective effect of proposed directions; however, this is a direct result of the legislation - any directions under the MCA Act 2009 can only apply to access rights under that same act.

We accept that the mapping basis for our reports does not always match the true situation on the ground. This is unavoidable, particular where natural changes are occurring on a daily basis. We have generally described restrictions in relation to features such as river channels, and the expectation is that visitors will continue to recognise such features as boundaries, even where they migrate.

We note the preference, in both this and the SDC 1 representation, for a main ECP route following the seaward side of the railway between Quaker Stang and Cotestones. We discounted this option as we could not conclude that it would not have an impact on the integrity of the protected site and due to technical difficulties over the nature of the ground and the levels of inundation.

We appreciate that the proposed ECP main route and associated management measures in the vicinity of the Pilling embankment are not perhaps such a significant improvement for walkers as might have been anticipated. However, these decisions, along with all others relating to route and alignment and management measures, have taken into account the conclusions of our HRA and NCA documents. The documents are laid out in such a way as to allow the reader to directly refer to the factors which have necessarily guided our decision-making in each instance. We have an overriding duty to ensure that sensitive features and sites are protected and we must adopt the precautionary approach where there is significant doubt as to the outcome. This will often mean that the overall benefits to walkers are not perhaps quite so unfettered and ideal as they otherwise might have been.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC(W)/R/6/0016

Organisation/ person making representation:

The Open Spaces Society – [redacted]

Route section(s) specific to this representation:

All report directions

Representation in full

We support the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We also accept 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 balance of restrictions regarding dogs or dogs on leads. That said, the lack of any proposed monitoring and, in particular, enforcement of these restrictions, is of great concern and has led to undue and unfair restrictions being proposed for ECP walkers. There is a need to clarify notices and these should provide dog walkers 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 ECP other than long-distance walkers.

One of the many benefits is putting people back into contact with nature, with the accompanying 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 the extensive use of Directions, is constructing significant barriers that could result in 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 restrictions proposed 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 damaging behaviours, rather than restricting enabling 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 that, in parts of this consultation, people are being kept away from walking on sea walls & embankments and from slightly elevated positions overlooking the seaward side of the path. Yet in comparable and more sensitive, in respect of potential disturbance to wildlife, locations in other parts of England the choice of route actually uses such obvious route choice features and for which in the north-west appear to be treated as very differently. Take for example the proposed route near Flookburgh (SCS-5-S059 to S068 and Alternative route) where path users are to be kept below the embankment on the landward side, partially fenced in, and possibly excluded at some times of the year to enable people to shoot birds which, at other times, the presence of walkers on the embankment is said to disturb. Compare this with the route proposed around the Wash, for example in Lincolnshire. The route around Frampton Marsh and Freiston (to the SE and E of Boston). Here the route uses regularly walked (by walkers and ornithologists) embankments through RSPB reserves, routes which are currently well used. Here they are often used as places from which to observe rare and unusual birds both on the lagoons and the saltmarshes. These sites are at least as, if not more, sensitive than Flookburgh. It appears NE's proposals are more dependent on the advice from individual ecologist colleagues who do not appear to follow a rational and national scheme of appraisal. The issue of balance has, in our submission, failed to appropriately weigh the needs of walkers and natural historians.

We are also concerned over consistency in using grazing and salt marshes for spreading room and do not believe the Scheme has been appropriately followed in parts of the proposals for sections of the ECP. There are sections of the proposed route which are on terrain which are going to be more problematic to use in terms of potential safety and surface sustainability than some of the marshes NE deem inappropriate to use for the spreading room adjacent to the route of the ECP. The tidal effects may apply to parts of the eastern side of Morecambe Bay and could prevent walkers from using this land, which forms a section of the proposed ECP, for a significant part of each year. We are concerned that a consistent approach has not been demonstrated in selecting which saltmarshes are to be used for the ECP and which are to have Directions applied to exclude the public.

We have further strong concerns over the areas of s1 CROW access land, mostly registered Common Land, from which NE propose to exclude the public. The Marine and Coastal Access Act was not intended to curtail the rights of walkers granted under s1 of CROW, 2000. NE have concluded, in their consultations, that some land is 'Unsuitable for Public Access'. Given that this was not a criteria 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. Indeed the use of these powers will exclude natural historians, who gain access to these areas via the ECP, from carrying out their valid

activities. A more proportionate approach would be to warn visitors, via signage, of the risks involved in accessing these areas and possibly advising of less risky areas nearby to exercise their open access right.

Most of the maps depicting the proposed Directions to exclude users of the ECP are qualified by the following statement (e.g. see p45 of the Silverdale to Cleveleys 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, especially so for wildlife, as the Directions proposed can only apply to bona fide users of the ECP. In essence the use of CROW, 2000 powers to restrict access will result in the loss of significant access to s1 and s15 access land under that Act in these two sets of ECP proposals.

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.

The mapping basis used for many of these Directions is 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 many omit to cover spreading room which now exists and is adjacent to the Direction land, and these allow access to ECP walkers!

SPECIFIC DIRECTION & RESTRICTION PROPOSALS - SILVERDALE TO CLEVELEYS

SDC1A: We are strongly against the proposed direction as our preferred route (see our second representation) uses this strip of land. We strongly support the Blue route on the Other Options Considered Map SDC1: Quaker Stang to Cotestones and consider that this is both safe and appropriate for walkers to enjoy.

SDC1B: We are strongly against the proposed direction as this land is, at low tide, used by hundreds of people each year and provides an interesting low tide coastal walk. There is a PROW partially through the land and the Direction is a significant discrimination against ECP walkers.

SDC1C: Cross bay walkers have a fixed point on each shore with a variable PROW depending on the state of the substrate in the estuary. They will come ashore at variable places across the low-tide flats and thus to say this land is 'unsuitable' for public access is untenable. Some of the saltmarsh (north-east corner of map) is of interest to natural historians and, when accessed from the ECP, suitable for their use. Part of this land is registered common land and already subject to S1 CROW Access rights. The proposed Direction is discriminatory against ECP walkers and would unfairly restrain walkers from rights granted under s1 of CROW, 2000.

SDC1D and 1E: Given that this land is, apart from a margin on the eastern edge of the land, totally unsuitable for public access we offer no comments. Again we note that our preferred route for the ECP will use the eastern edge of 1E. Suitable screening, which the RSPB are known to provide in parts of this reserve and elsewhere nationally is more than capable of avoiding disturbing wildlife. We note that NE actively considered three routes for the ECP through these areas.

SDC1F: We find this Direction totally unacceptable given that NE have recently revised the access restrictions and that there has been no change of circumstances in this short time that calls for such restrictions to be reimposed. We note that one of the landowners, some of whose senior members encourage access to parts of this area, do not enforce the current 'no dog' restrictions. These problems are likely to continue in the future while walkers and naturalists are excluded. Indeed, we note that the RSPB has, in effect, encouraged dog walkers to use most of this area by erecting fencing on the Common to protect a smaller, sensitive site rather than discouraging the misuse of the land. Given that this Direction is unlikely to result in wildlife being protected, we consider that it does not meet the criteria required by the CROW Act.

SDC2A: It is unlikely this area would be of interest to walkers for most of the land shown. Only occasional dog walkers venture out onto this land. However, cross bay walkers have a fixed point on each shore with a variable 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. So whilst area SDC 2A will exclude ECP walkers there will be many hundreds of people weekly, thousands in a year, who will be allowed on this area. Again, this would restrain walkers from using rights granted under s1 of CROW, 2000. Part of this area proposed for the Directive is s1 Access land as it is registered Common Land and, additionally, part benefits from being s15 land

under CROW, 2000. The intent of the Marine and Coastal Access Act was not to remove the rights of the public gained by the CROW Act.

SCD2B & 2C: It is unlikely this area would be of interest to ECP walkers for most of the area shown. Dog walkers and other holiday makers do frequently venture out onto this land.

SCD2D & 2E & 2F: These fishtail groynes are used by people to look at the bay and its wildlife but we agree at high tides they are important bird roosting sites. Given that dog walkers and tourists will still use these groynes and that the tide controls when and where people access these areas, the restrictions appear academic and unenforceable.

SCD2G: This land is rarely accessed by walkers though sometimes those with a nature conservation interest may use the fringes. Ornithologists may be found, on occasions, on this land. The largest use is made by dog walkers, mainly from the adjacent caravan site. Any use by ECP walkers would be rare and therefore they would have virtually no impact on the wildlife.

SCD3A & 3F: Dog restrictions will not stop much more significant use by dog walkers from the adjacent caravan site and local residents. The restrictions appear academic and unenforceable.

SCD3B & 3G: The map is too tightly drawn on the landward edges it should be redrawn to exclude the saltmarsh and shingle of interest to naturalists. However, given that people already access the areas from existing PRoWs, the Direction appears unenforceable and discriminatory.

SCD3C: Walkers are most unlikely to use this area and the restriction will be unlikely to discourage naturalists interested in the saltmarsh. However, most people who want to access this area can do so from the public highway and the Direction is thus unenforceable and discriminatory against users of the ECP.

SCD3D & SDC 3I: We consider this Direction to be totally unacceptable. We are unaware of any problems raised by naturalists on this area nor from walkers who, from necessity largely have to keep to the landward side of this fascinating landscape. The land is registered common land and this proposed Direction would restrain walkers from rights granted under s1 of CROW, 2000 with no evidence that the existing right of open access has caused any problems to date. This applies to the use of the track on map 3I. We have not commented on the dog restrictions. We note the track (Map 3I) offers one of few potentially, albeit infrequently, used routes to explore this area.

SCD3E: This area is unlikely to be of any interest to walkers whilst naturalists will make a restricted use of this area without regard to the restrictions. We therefore consider that this Direction is neither enforceable nor the least restrictive option.

SCD3F: This map appears out of context and the Direction has already been covered by Directions Map 2G. However, the use of walkers of our proposed route (see our second representation) may find they have to walk the ECP on parts of this area as the substrate of the path changes with tidal influences. The nature of the substrate will dictate what access is possible in this area and the need for the Direction is academic and unenforceable.

SCD3H: We have no problems with this restriction but we strongly support a different route for the ECP (see our second representation).

SCD4A & 4B: Walkers will rarely want access to this land but we note it may be of some interest to naturalists on the areas of saltmarsh. The eastern portion of this land is registered Common Land and our concerns, regarding the use of Directions to enforce the loss of CROW access land, applies here. The restriction is unnecessary from a walkers' perspective whilst existing users will continue to use this land. The proposed Directive is therefore academic and unenforceable.

SCD5B: The land appears largely to cover s1 access land, being a registered common. This year round exclusion is therefore unacceptable as no problems from the use of this land have been reported. Naturalists are potential users of the saltmarsh. This Direction is an area of land which would prevent ECP walkers from rights granted under s1 of CROW, 2000. It was not the intention of the Marine and Coastal Access Act to curtail existing freedoms of open access.

SCD5C: Whilst walkers are unlikely to go beyond the seaward edge of the sea defence wall natural historians may occasionally use the saltmarsh. Bird watchers may enjoy the use of the ECP in this area. Given that parts of the Direction land are used by large numbers of dog owners and other visitors, especially residents of adjacent caravan sites, this proposal is discriminatory against ECP users. It is also unenforceable. We do not consider that this meets the criteria required for the least restrictive option.

SCD5D: If this is common land our comments about loss of s1 CROW lands also applies here.

SCD5E: This is one of the most discriminatory of the proposals. In essence it is saying naturalists and walkers cannot use the area which the hundreds of dog walkers and other visitors (especially from the nearby caravan sites) can continue to walk out to Plover Scar lighthouse and other parts of the foreshore and beach at low tides! ECP walkers could claim they were walking the PROW, not the ECP, and gain access to the land thus making the Directive totally unenforceable. A more practical approach to protection of wildlife in this area should be taken that is targeted at the source of any existing issues, rather than a blanket ban on walkers.

SCD5F: This proposal is, in respect of public access, totally unacceptable as the draconian restrictions (fencing in of the route and lack of whole-year round usage from Cockerbridge to Sand Side), the seasonal restriction (Sand Side to Wrampool) and the proposed fencing (Wrampool to Wrampool Bridge) are not in the spirit of the ECP. This area is perhaps less sensitive than the example quoted in our second representation of the Lincolnshire Wash. The alternative route is poor and does not fully meet with the concept or legislation for the coastal path. We note that part of the area is used for shooting the wildfowl that peaceful walkers are being separated on for fear of disturbance.

SCD6A & 6B: This area will be of little interest to ECP walkers and the restrictions appear both academic and failing to meet the criterion of the least restrictive option.

Natural England's comments

Natural England welcomes the general message of support from the Open Spaces Society. In response to the individual comments made:

We recognise the importance of appropriate signs, so as to provide the clearest message to visitors, including those with dogs. We will continue to develop the messages for such signs, ahead of the establishment phase.

We agree with the general principle that it is better to manage individual behaviours rather than put in place wide-ranging restrictions that will affect all users. However, where we are not confident that we can effectively manage behaviours in a targeted way (due to lack of resource within access authorities, for example), we have no other option but to put in place directions, in order to comply with legislation relating to sites and species protected at national and international level.

We note the concern over possible lack of consistency at a national level; however, each protected site must be considered carefully on a case by case basis, and it is therefore likely that different ECP solutions will be adopted, even where the context might be, at first sight, very similar. Whilst always aiming for the best alignment decisions and the least restrictive option, we have an absolute obligation to demonstrate that we have confidence in our proposals not having a significant effect or impact on the integrity of sites.

We further note concerns over apparent inconsistency in directions to exclude access under s25A; the analysis of such areas is not an exact science, although we have attempted to make it as objective as possible. We have taken into account advice from specialist third parties, such as HM Coastguard and the RNLI, before making any such decisions. All such long term directions must be periodically reviewed - we will always take into account the best available evidence whenever such a review is being undertaken. Our decisions on the application of such directions are necessarily based on the situation with regards to visitors with lack of critical local knowledge, as opposed to local people who are more likely to understand the nature of tides, quick-sands etc.

We acknowledge that we should not lightly take a decision to reduce access over previously accessible areas of CROW land, which would fall within the coastal margin in the future. The most significant example of this is at Warton Common, where the current CROW restrictions are due to be reviewed (in 2020). The directions that form part of the mitigation package alongside our coastal access proposals take account of the best available information, which would also be used in the review of the current CROW restrictions. As we would expect the access situation to change as a result of any approved and commenced new coastal access rights, our proposed coastal access directions must also take this into account. Our proposed directions to exclude access under s25A have been mapped against the best available data for CROW s15 land (there is no definitive data set for all such land) and we are confident that there is no overlap between the two.

We note the concern about apparent selective effect of proposed directions; however, this is a direct result of the legislation - any directions under the MCA Act 2009 can only apply to access rights under that same act.

We accept that the mapping basis for our reports does not always match the true situation on the ground. This is unavoidable, particular where natural changes are occurring on a daily basis. We have generally described restrictions in relation to features such as river channels, and the expectation is that visitors will continue to recognise such features as boundaries, even where they migrate.

We note the preference, in both this and the SDC 1 representation, for a main ECP route following the seaward side of the railway between Quaker Stang and Cotestones. We discounted this option as we could not conclude

that it would not have an impact on the integrity of the protected site and due to technical difficulties over the nature of the ground and the levels of inundation.

We appreciate that the proposed ECP main route and associated management measures in the vicinity of the Pilling embankment are not perhaps such a significant improvement for walkers as might have been anticipated. However, these decisions, along with all others relating to route and alignment and management measures, have taken into account the conclusions of our HRA and NCA documents. The documents are laid out in such a way as to allow the reader to directly refer to the factors which have necessarily guided our decision-making in each instance. We have an overriding duty to ensure that sensitive features and sites are protected and we must adopt the precautionary approach where there is significant doubt as to the outcome. This will often mean that the overall benefits to walkers are not perhaps quite so unfettered and ideal as they otherwise might have been.

Relevant appended documents (see section 5):

None

Representation number:

MCA/SDC6/R/1/0019

Organisation/ person making representation:

Ramblers – [redacted]

Route section(s) specific to this representation:

SDC-6-S001 to S054

Other reports within stretch to which this representation also relates:

N/A

Representation in full

We support NE's proposed route from SDC-6-S001 to SDC-6-S054.

Natural England's comments

Natural England welcomes the message of support from the Ramblers.

Relevant appended documents:

None

Representation number:

MCA/SDC6/R/2/0016

Organisation/ person making representation:

The Open Spaces Society – [redacted]

Route section(s) specific to this representation:

SDC-6-S001 to S054

Other reports within stretch to which this representation also relates:

N/A

Representation in full

We support NE's proposed route from SDC-6-S001 to SDC-6-S054.

Natural England's comments

Natural England welcomes the message of support from The Open Spaces Society.

Relevant appended documents:

None

Other representations

Representation ID:

MCA/SDC(W)/R/2/1596

Organisation/ person making representation:

Disabled Ramblers – [redacted]

Name of site:

All areas

Report map reference:

All

Route sections on or adjacent to the land:

All

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 Lancashire 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 5):

Disabled Ramblers Notes on Infrastructure

Representation ID:

MCA/SDC(W)/R/4/0171

Organisation/ person making representation:

United Utilities – [redacted]

Name of site:

Not specified

Report map reference:

Map A (Overview)

Route sections on or adjacent to the land:

Not specified

Summary of representation:

The representation advises that the proposals should not interfere with United Utility's ability to undertake its business.

Natural England's comment:

Natural England is content that there is no significant risk of disruption to UU's business as a result of the published proposals. Lancashire County Council will hold further discussions with owners and occupiers, prior to undertaking establishment works.

Relevant appended documents (see Section 5):

None

5. Supporting documents

MCA/SDC(W)/R/2/1596 Disabled Ramblers Notes on Infrastructure

Useful figures

- **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 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

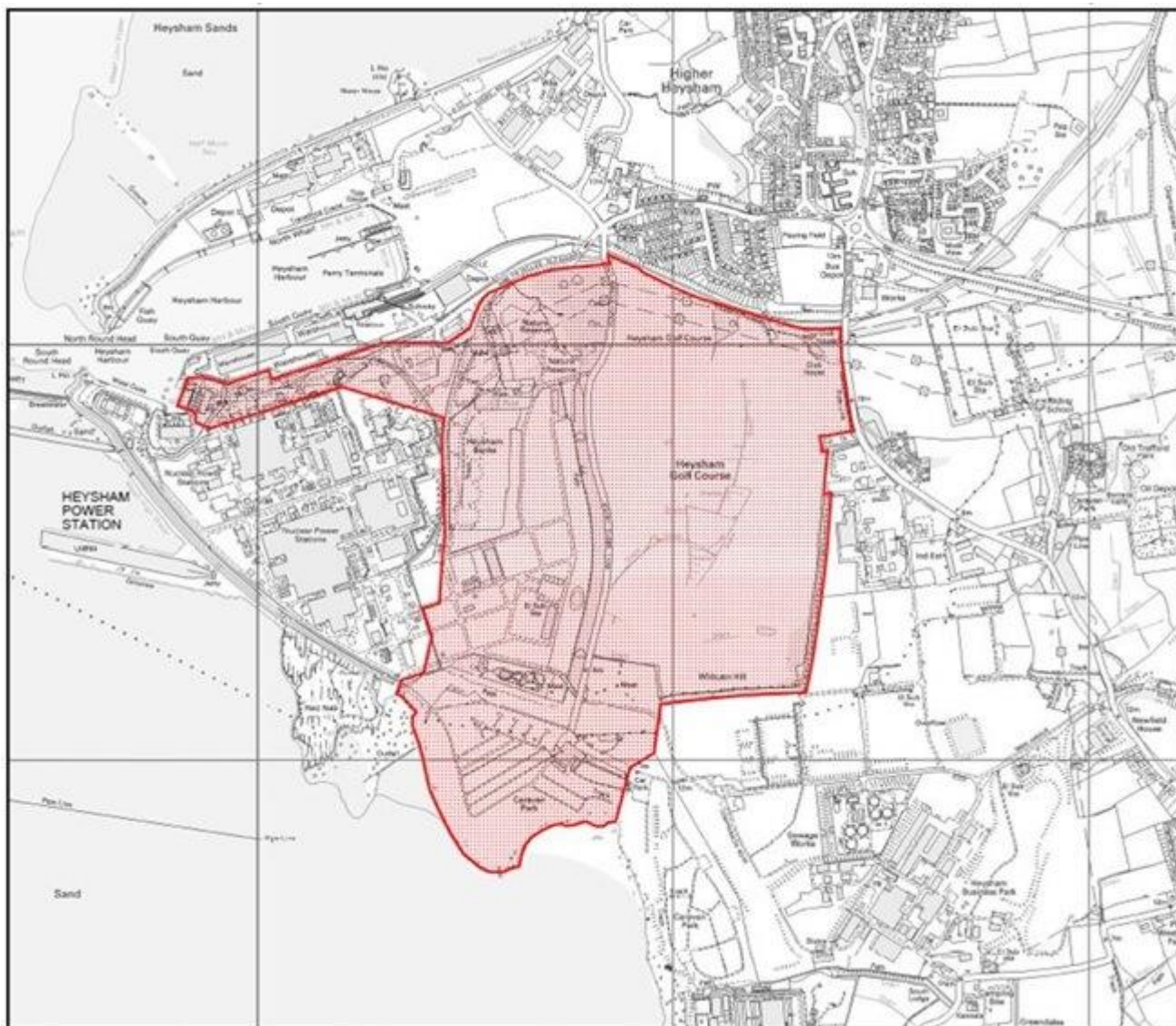
Stiles are a barrier to mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with suitable alternative infrastructure. If there are good reasons to retain the stile, such as historic reasons, an alternative to the stile, such as a pedestrian gate, should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

Map: Heysham Nominated Site (NPS-EN6)



End