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Proposed changes to the England Coast Path at **Esk Boathouse, Castletown, Cumbria**

Natural England's Variation Report to the Secretary of State

Coastal Access Variation Report GAL VR10

9th May 2022



Part 1: Purpose of this report

1.1 Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the coast; the other to creating an associated “margin” of land for the public to enjoy, either in conjunction with their access along the route line, or otherwise.

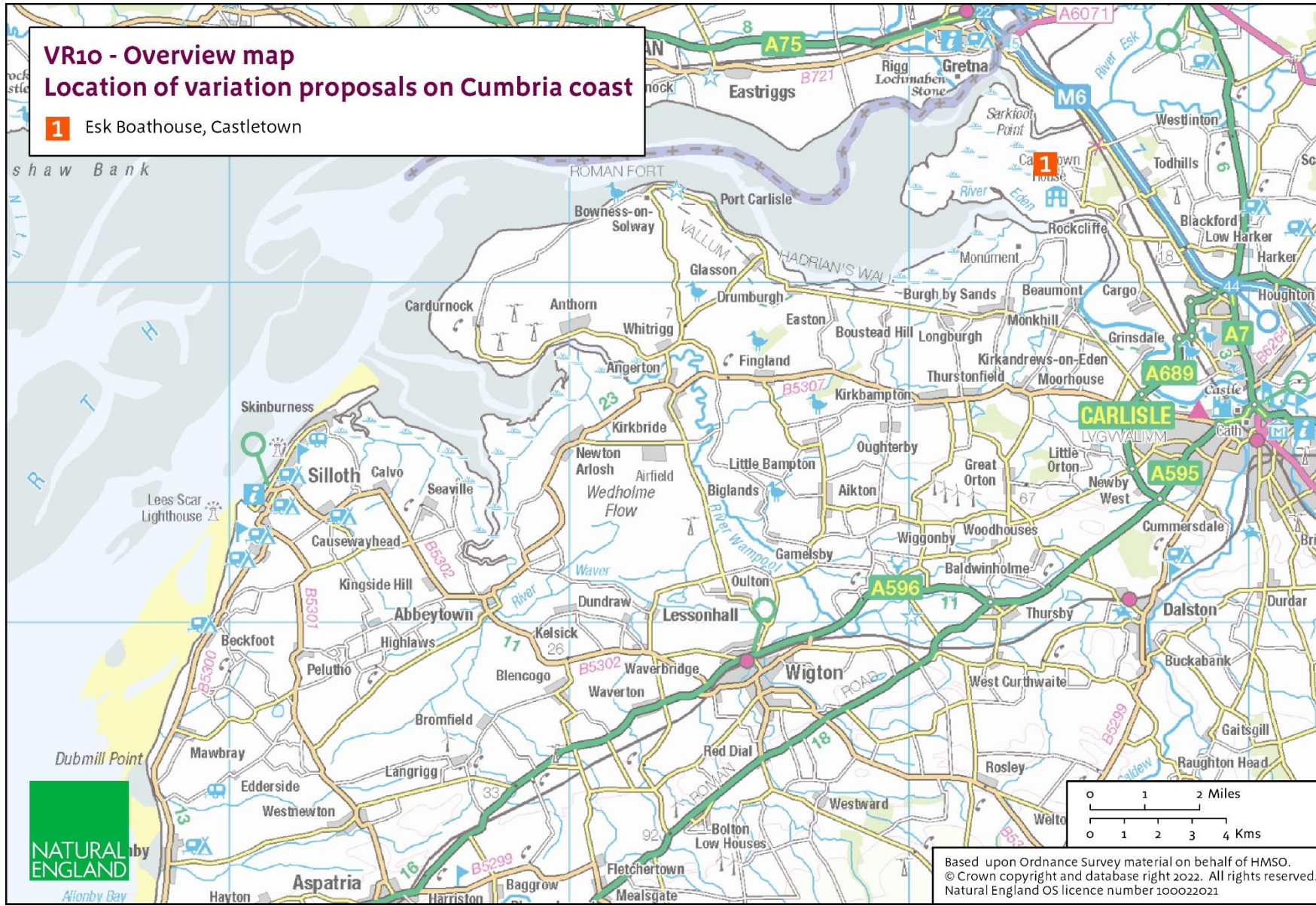
1.2 On 1st October 2021, the Secretary of State approved Natural England’s proposals relating to the coast between Gretna and Kirkandrews-on-Eden, which formed part of our proposals for the Gretna to Allonby stretch [<https://www.gov.uk/government/consultations/england-coast-path-from-gretna-to-allonby-comment-on-proposals>]. Whilst the proposals have been approved, Natural England and Cumbria County Council are currently working to prepare the trail for public use and, as such, the coastal access rights for this stretch have yet to commence.

1.3 Since the approval of the report, it has become clear that a change is necessary to the route of the England Coast Path. This report contains Natural England’s proposals relating to a change at the Castletown Estate, which is at the location shown on the Variation Location Map below.

1.4 In order for this proposed change to come into force it must be approved by the Secretary of State.

1.5 The original stretch Overview

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/537589/gretna-allonby-overview.pdf provides vital context to the proposal set out in this VR.



Part 2: Proposed variation at Esk Boathouse

Start Point:	Grid reference: NY 3421 5635
End Point:	Grid reference: NY 3338 5635
Relevant Maps:	GAL VR10a, VR10b and VR10c

2.1 Introduction

Reason for variation:

2.1.1 Natural England’s original proposals for the coast between Gretna and Allonby were published in July 2016. However, a European Court judgment handed down in April 2018, known colloquially as ‘People over Wind’, affected how the impact of such proposals on environmentally protected sites could be assessed. As a consequence, the Secretary of State was unable to approve any part of the proposals until October 2021. Subsequently, whilst preparing for establishment of the approved parts of this stretch, we became aware of changes in land management relating to the movement of livestock between fields at the Castletown Estate, near to Rockcliffe, which has necessitated the proposal of some fairly minor changes to the approved route.

Proposed variation:

2.1.2 The approved route of the ECP in the vicinity of Esk Boathouse would have connected a new path along the top of the flood embankment to a route across a field to the landward side of the embankment via a bridge (over an agricultural track) and a flight of steps. A new path would have been constructed across the middle of the field to the nearby minor road. See sections GAL-1-S046 to GAL-1-S048 in Chapter 1 of the original Gretna to Allonby report.

2.1.3 The proposed variation would involve the creation of a gently sloping ramp, between the top of the embankment and a slightly repositioned new path along the southern boundary of the same field, before joining with an existing track which leads back to the same minor road.

2.1.4 As a consequence of these proposed changes, all land seaward of the trail would become part of the coastal margin. This would increase the size of the coastal margin in the area, which would now include all of the field to the south of Esk Boathouse.

2.1.5 We believe that the changes would not in any way reduce the enjoyability of this part of the ECP; however, as a result of the simplified overall design and the substitution of a gently sloping ramp for the intended steps, a considerable length of the ECP in this area should be available to those with reduced mobility, including users of small off-road mobility vehicles.

Considering the options:

2.1.6 We have worked closely with the access authority and with Estate managers in the development of this proposal, taking into account land management requirements (particularly the movement of livestock) and accessibility factors. We have sought advice from representatives of national and local

organisations with a strategic interest in this length of coast – the Cumbria and Lake District Local Access Forum, the Disabled Ramblers, the Ramblers and the Open Spaces Society.

2.1.7 Below we set out the alignment options that we considered:

- We considered various options for linking the embankment-top path (GAL-1-S049) and the minor road leading to Esk Boathouse (GAL-1-S046), using some combination of existing and new tracks. In our view, the proposed revised route provides the best overall experience for walkers whilst also minimising impacts on land management operations. The proposed route is reasonably direct and convenient, whilst still avoiding key livestock holding and movement areas.
- We discussed again with Estate managers whether it might be possible to continue the route along the top of the embankment to the north of Esk Boathouse, linking directly to the road-end. However, as before, we concluded that this option would present very real safety and stock management issues which could not be easily and effectively managed.

2.2 Proposals Narrative

The Trail:

2.2.1 The proposed variation to the approved trail (from east to west):

- Would follow an existing agricultural track in a generally westerly direction, away from the minor road between Gun Cottage and Esk Boathouse; then follow a newly created track (suitable for both agricultural use, walkers and users of mobility vehicles) in a north-westerly direction towards the embankment, alongside an existing field boundary; and would finally connect with the approved route by means of a gently sloping ramp on the landward flank of the flood embankment;
- Includes three sections of new path;
- Follows the coastline as closely as is possible in this area. Views of the sea are restricted landward of the embankment, which would largely have been the case with the original route; and
- Extends for a length of 435 metres at a maximum of 200 metres south of the approved route.

Map VR10a shows details of the proposed change to the route.

Protection of the environment:

2.2.2 In this part of the report, we explain how we have taken account of environmental protection objectives in developing our proposals to vary the line of the trail.

2.2.3 The sections of trail affected by this variation pass through an area of farmland which is adjacent to national and international designated sites.

2.2.4 The following designated sites affect this length of coast:

- Solway Firth SPA
- Solway Firth SAC
- Upper Solway Flats & Marshes Ramsar site

■ Upper Solway Flats & Marshes SSSI

Map VR10b - Key Statutory Environmental Designations - shows the extent of these designated sites in relation to the proposal.

2.2.5 The proposed variation runs through an area of farmland which is adjacent to the above designated sites and is used by barnacle and pink footed geese (SPA/SSSI features). The presence of walkers and dogs in these fields could cause disturbance to the geese. The path in part follows an existing track, which has hedges and fences on both sides, thus screening walkers from the adjacent fields. Slightly to the west, it then follows a new route adjacent to an existing field boundary, before re-joining the approved route on the crest of the flood embankment.

2.2.6 Where the ECP is aligned inside this field, and adjacent to the field boundary, a new stock proof fence would be installed as part of route establishment, creating a fenced corridor to prevent walkers and dogs accessing areas used by geese. A new hedge, which will provide screening as it grows, would also be installed alongside the path/fence. The fence would be maintained as part of expected ongoing ECP maintenance funding, along with other ECP-related infrastructure.

2.2.7 Natural England is satisfied that the proposals for coastal access in this variation report are made in accordance with relevant environmental protection legislation.

Accessibility:

2.2.8 The proposed trail consists predominantly of a path with a compacted aggregate surface, reverting to a natural turf surface at the flood embankment. By reducing land management concerns through this variation, we are also in a position to create a more accessible route, and are adopting a design that will accommodate standard types of small, off-road mobility vehicles. This 4.2km section of trail includes the broad top of the flood embankment south of Esk Boathouse, offering panoramic views over Rockcliffe Marsh and to the Solway beyond.

Where we have proposed exercising statutory discretions:

2.2.9 **Landward boundary of the coastal margin:** We have used our discretion on some sections of the varied route to map the landward extent of the coastal margin to an adjacent physical boundary such as a fence line, to make the extent of the new access rights clearer. See Table 2.3.1 below.

2.2.10 The Proposals Tables show where we are proposing to alter the default landward boundary of the coastal margin. These proposals are set out in columns 5b and 5c of table 2.3.1.

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

2.2.11 **Restrictions and/or exclusions:** Access rights to the seaward margin would be subject to the excepted land rules and the national restrictions on coastal access rights.

2.2.12 A direction to exclude access from the field between Esk Boathouse and the trail, to address land management concerns in the coastal margin seaward of route section GAL-1-S047 was previously approved. This direction has been given under section 24 of the Countryside and Rights of Way Act (2000). Natural England will alter the boundary of the direction slightly, so as to cover the now increased

area of field between Esk Boathouse and trail sections GAL-VR10-S001 & S002 that would fall within the coastal margin. As the change is broadly consistent with the published proposals, Natural England is able to alter the boundary of the approved exclusion without further reference to the Secretary of State. Therefore, map VR10c shows the revised exclusion for illustrative purposes, but does not form part of this Variation Report.

2.2.13 A direction to exclude access from the embankment in the same area, under section 26(3)(b) of the Countryside and Rights of Way Act (2000), was given in order to protect breeding and passage birds from disturbance. We will also need to slightly modify the extent of this direction, so that it extends as far south along the embankment as the point at which the route departs from the embankment top. This minor modification will be dealt with in the same way as that described in paragraph 2.2.12.

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

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

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

2.2.15 Column 4 of table 2.3.1 indicates where the roll-back power has been proposed in relation to a newly proposed route section. Where this is the case, the route, as initially determined at the time this report was prepared, is to be at the centre of the line shown on map VR10a as the proposed route of the trail.

2.2.16 If at any time in the future any part of a route section upon which roll-back has been specified needs, in Natural England's view, to change in order for the overall route to remain viable, the new route for the part in question will be determined by Natural England without further reference to the Secretary of State. This will be done in accordance with the criteria and procedures described under the title 'Roll-back' in part 8 of the Overview and section 4.10 of the Coastal Access Scheme. If this happens, the new route will become the approved route for that section for the purposes of the Order which determines where coastal access rights apply.

Establishment of the trail:

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

2.2.18 Our estimate of the capital costs for these works is £49,500. This would have the effect of decreasing the overall establishment cost for the Gretna to Allonby report by £12,000. These estimates are informed by information already held by the owners of the land and the access authority.

2.2.19 There are 4 main elements to the overall capital costs:

- Surfacing/path construction - £35,000
- Gates (various types) - £5,300
- Fencing - £3,400

- New hedge planting - £4,000

2.2.20 If the Secretary of State approves our report, Cumbria County Council will liaise with the affected landowners and occupiers about relevant aspects of the establishment works and installation of new signs that are needed on their land. Prior to works being carried out on the ground, all necessary permissions, authorisations and consents will be obtained. All such works would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

Maintenance of the trail:

2.2.21 Ongoing maintenance of the varied sections of trail would be necessary from time to time. This variation would make no significant change to the annual costs associated with maintaining the approved route as set out in our original report.

Part 2.3: Proposals Tables

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

Table 2.3.1: Map VR10a - Esk Boathouse

Key notes on table:

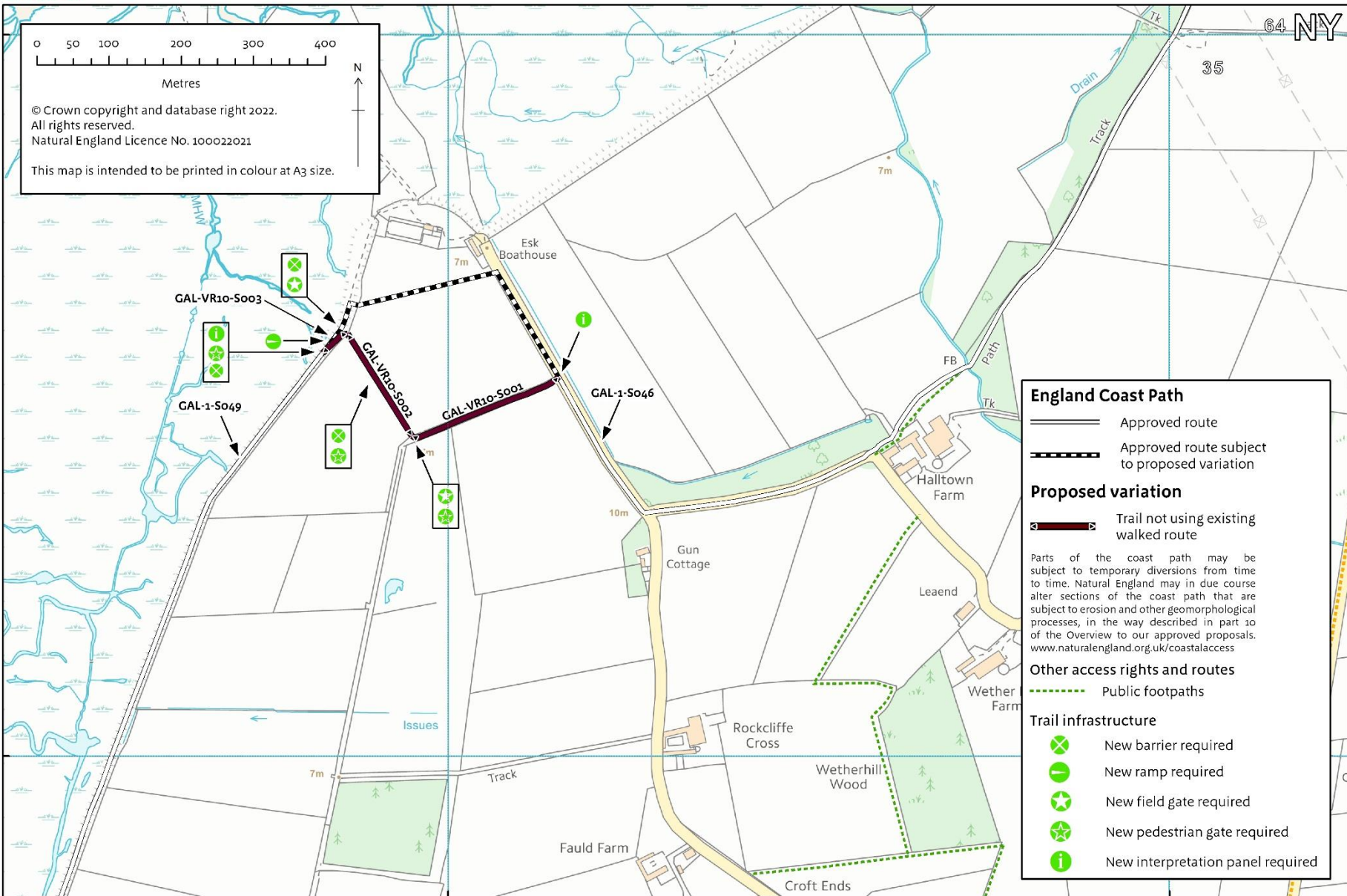
1. Column 4 – ‘Yes – see table 2.3.2’ means roll-back is proposed, but refer to that table below about our likely approach to implementing it for this route section. This is because a more complex situation exists in this case and consideration must be given to how roll-back may happen in relation to excepted land, a protected site etc.
2. Column 5a - Certain coastal land types are included automatically in the coastal margin where they fall landward of the trail if they touch it at some point. The relevant land type (foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land – see Glossary in Annex B to the 2016 Overview) is shown in this column where appropriate. “No” means none present on this route section.
3. Columns 5b and 5c – Any entry in these columns means we are proposing to align the landward boundary of the coastal margin on this route section with the physical feature(s) shown in 5b, for the reason in 5c. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in 5a, that would be its landward boundary instead.

1	2	3	4	5a	5b	5c
Map(s)	New route section number(s)	Current status of route section(s)	Roll-back proposed? (See part 8 of 2016 report Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin	Reason for landward boundary proposal
VR10a	GAL-VR10-S001	Not an existing walked route	Yes – see table 2.3.2	No	Fence	Clarity and cohesion
VR10a	GAL-VR10-S002	Not an existing walked route	Yes – see table 2.3.2	No	Fence	Clarity and cohesion
VR10a	GAL-VR10-S003	Not an existing walked route	Yes – see table 2.3.2	No		

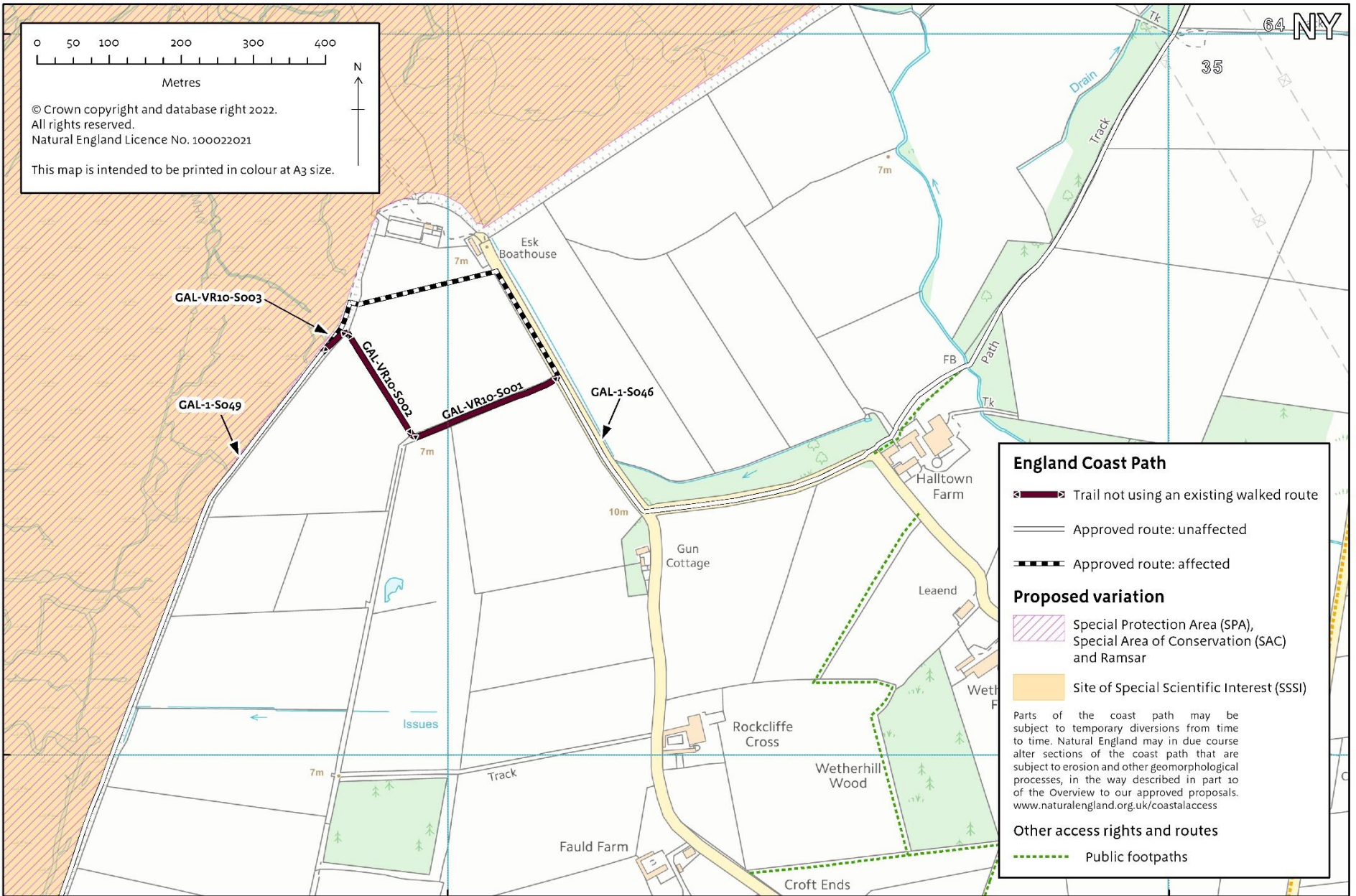
2.3.2 Roll-back implementation – more complex situations: Map VR10a - Esk Boathouse

Map(s)	New route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
VR10a	GAL-VR10-S001 to GAL-VR10-S003	Solway Firth SPA Solway Firth SAC Upper Solway Flats & Marshes Ramsar site Upper Solway Flats & Marshes SSSI	If the existing route is no longer viable through or in close vicinity of a designated site (e.g. SSSI, SAC, SPA) whose designated features are potentially sensitive to public access, we will choose a new route after detailed discussions with the relevant experts and with any potentially affected owners or occupiers, which will either (a) continue to pass through or in close vicinity to the site, if appropriate or (b) if necessary, be routed landward of it. Possible impacts on designated sites may need to be considered as part of deciding on a new alignment for the trail. Where necessary, a Habitats Regulations Assessment will be carried out.

Map VR10a - Esk Boathouse, Castletown



Map VR10b - Esk Boathouse, Castletown - Key Statutory Environmental Designations



Map VR10b - Esk Boathouse, Castletown - Key Statutory Environmental Designations

England Coast Path

- Trail not using an existing walked route
- Approved route: unaffected
- Approved route: affected

Proposed variation

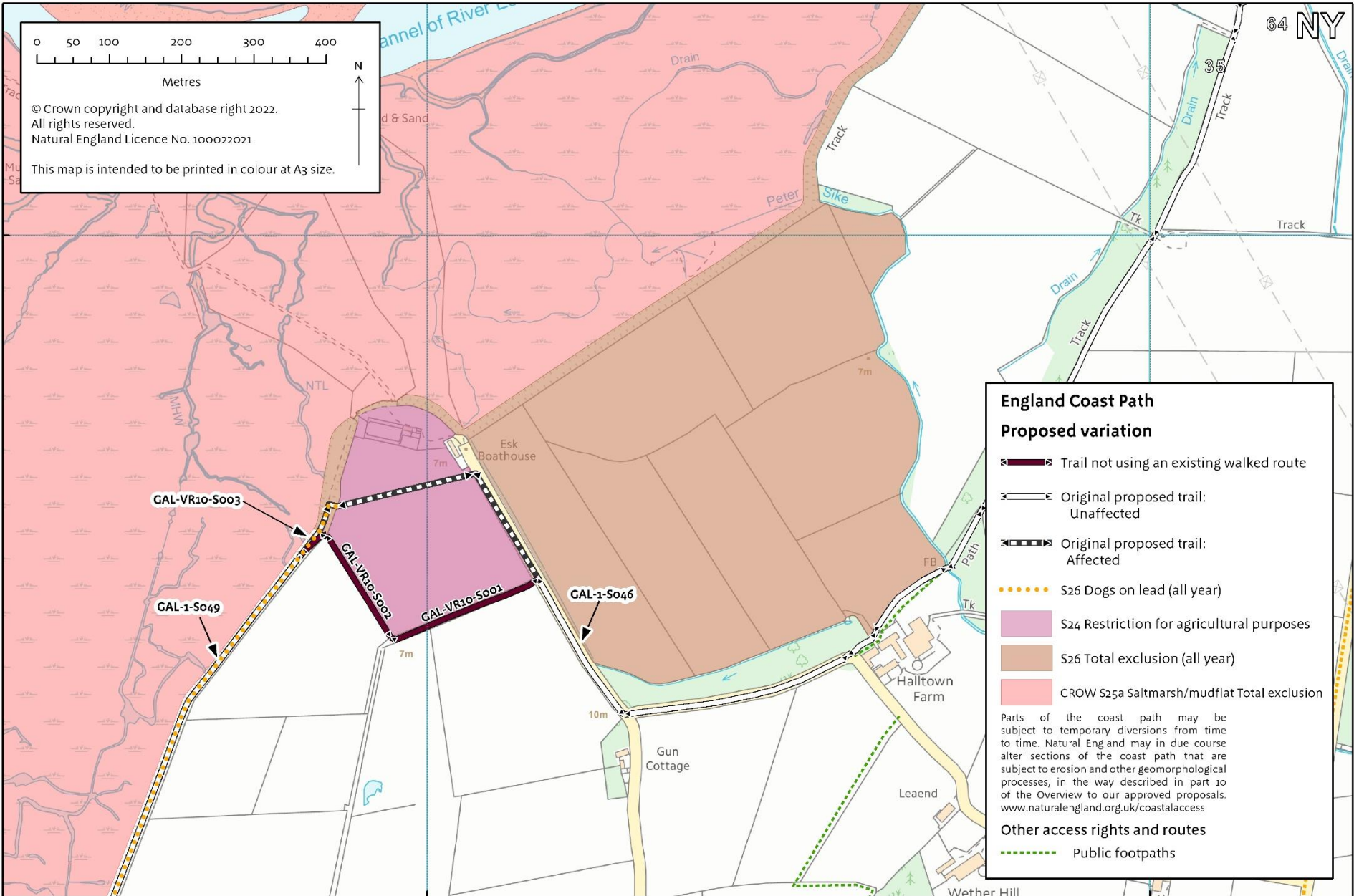
- Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar
- Site of Special Scientific Interest (SSSI)

Parts of the coast path may be subject to temporary diversions from time to time. Natural England may in due course alter sections of the coast path that are subject to erosion and other geomorphological processes, in the way described in part 10 of the Overview to our approved proposals. www.naturalengland.org.uk/coastalaccess

Other access rights and routes

- Public footpaths

Map VR10c - Esk Boathouse, Castletown - Restrictions and Exclusions



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Natural England is here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

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