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Coastal Access Modification Report GAL-MR1

Proposed changes to the submitted England Coast Path proposals
for Gretna to Allonby

Location affected: **Burgh Marsh/Burgh-by-Sands, Cumbria**

Natural England's Modification Report to the Secretary of State

9th May 2022



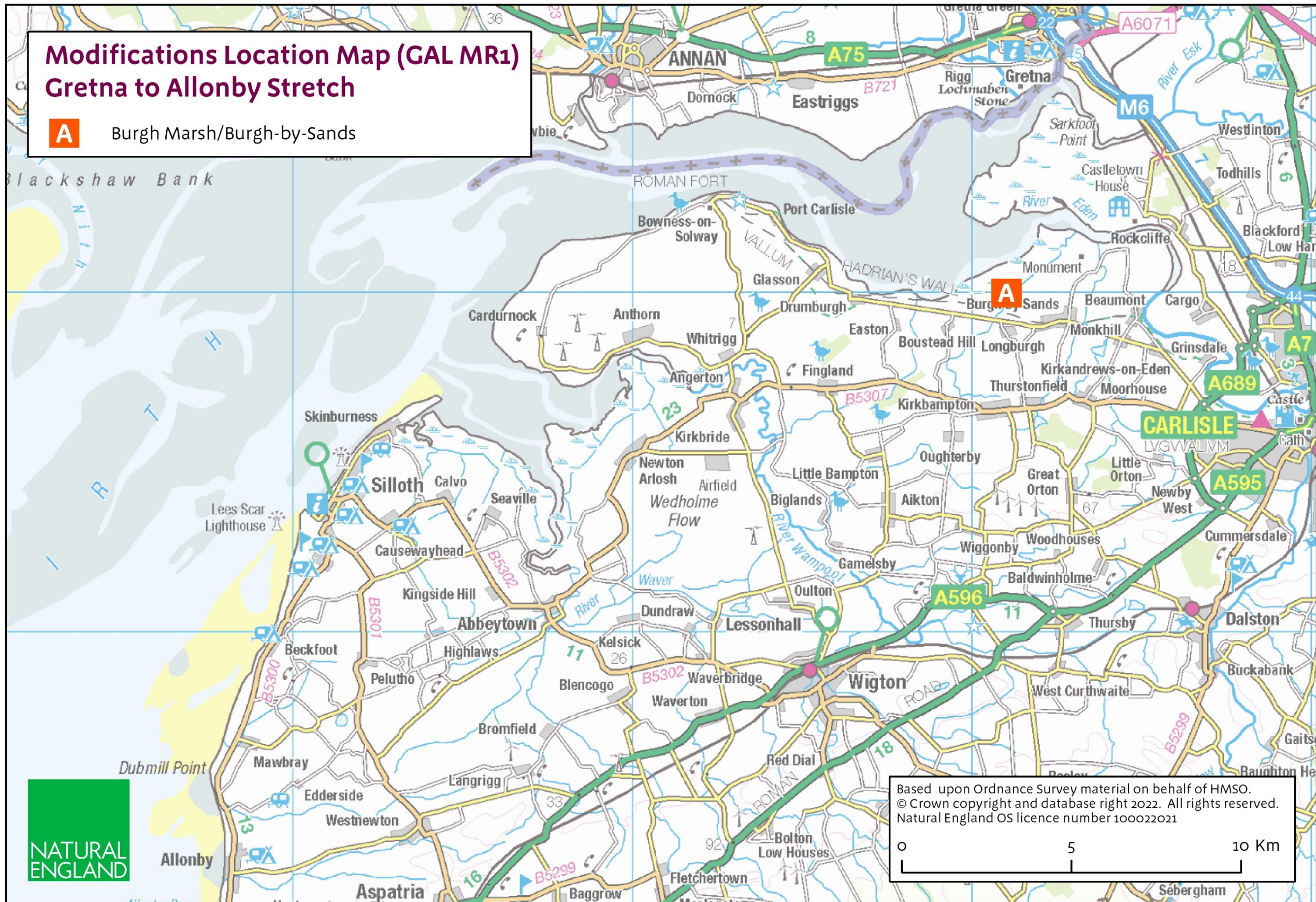
Purpose of this report

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.
2. On 25th July 2016, Natural England submitted a report to the Secretary of State for the Environment, Food and Rural Affairs, setting out proposals for improved access to the coast from Gretna to Allonby, Cumbria. 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, Natural England has reviewed the impact of its proposals on European protected sites on the coast from Gretna to Allonby, and has provided an updated version of its Habitats Regulations Assessment (HRA)¹ to the Secretary of State in order to enable determination of its proposals (as proposed to be modified by this report) and of the related objections and representations/summary representations. Public rights of access to this stretch therefore have yet to commence.
3. Since submission of its report, it has become clear to Natural England that, because of altered circumstances, various changes are necessary to the route it originally proposed for the England Coast Path on this stretch.
4. Some of these changes can, in Natural England’s view, be effected through the Secretary of State’s determination of representations and objections that have already been received. However, other changes that are now considered necessary cannot be dealt with in this way, and need to be proposed now through separate Modification Reports (MRs), so that they can be considered alongside the rest of Natural England’s original proposals. The proposed changes in the general area of Burgh Marsh/Burgh-by-Sands are shown on the Ordnance Survey base map below, headed Modifications Location Map.
5. These changed proposals are set out below and are subject to a fresh objections and representations process; to advice by a person appointed by the Secretary of State about any objections that are received to the proposals; and then to determination by the Secretary of State alongside Natural England’s original proposals.
6. It is therefore recommended that for determination purposes, Natural England’s original report relating to this stretch, which can be viewed here [<https://www.gov.uk/government/consultations/england-coast-path-from-gretna-to-allonby-comment-on-proposals>], should be read as proposed to be amended by this MR.

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 many of the issues discussed within this MR.

¹ Thus the updated version of the HRA replaces the HRA element of the previously published Access and Sensitive Features Appraisal.



Part A: Proposed modification at Burgh-by-Sands/Burgh Marsh

Start Point: Grid reference: NY 3161 6225

End Point: Grid reference: NY 2839 5949

Relevant Maps: GAL MR1a, MR1b, MR1c.

Section numbers from original proposals no longer being proposed:
GAL-2-S069 and most westerly end of GAL-2-S068

A.1 Introduction

Reason for and consequences of proposed modification:

A.1.1 Our original alignment of the ECP in this area, as proposed in Natural England's original report followed a new route across the central part of Burgh Marsh, before joining a historic track across the western part of the marsh, approximately on the line of Hadrian's Wall (which is no longer evident in this location) and eventually linking with the minor road and optional alternative route on the adjacent flood embankment.

A.1.2 This part of our original proposals was subject of one owner/occupier objection and several representations, which stated that original route was dangerous and would cause disturbance to wildlife. These were considered during a hearing in Wigton, in November 2017. As a result of the Appointed Person's recommendations, we were asked by Defra to consider whether other options for the alignment of the ECP in this area might be preferable overall. As a result of that consideration, we have identified a different alignment which we do believe to be preferable, as proposed below.

A.2 Proposals Narrative

The Trail:

A.2.1 Our proposal (see maps GAL-MR1a to MR1c) is, from east to west, to re-route the path shown as the western end of GAL-2-S068 and all of GAL-2-S069 in our original report. The realigned trail would extend for an approximate length of 3,700 metres, at a maximum of 490 metres landward of the original route proposed.

A.2.2 The revised route would continue along the higher coastal grazing land west of the King Edward I monument, before leaving the marsh and following the seaward edge of agricultural land towards the road, just west of Dykesfield. From this point, the route would follow what was originally proposed as part of the optional alternative route, along the top of the flood embankment, just landward of the road, towards Drumburgh.

A.2.3 The newly proposed main route west of Dykesfield runs parallel with, and just a few metres away from, the Hadrian's Wall Path National Trail. If this modification is approved by the Secretary of State, Natural England expects to subsequently vary the route of Hadrian's Wall Path National Trail between Dykesfield and Drumburgh, so as to match the proposed route of the England Coast Path (i.e. both

paths would be aligned on the flood embankment rather than the road, as is currently the case for the Hadrian's Wall Path).

Refer to maps below – GAL-MR1a/1b/1c.

Protection of the environment:

A.2.4 The sections of trail affected by this modification pass through nationally and internationally designated sites for nature conservation. 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

Refer to 'Key Statutory Environmental Designations' maps below – MR1d/1e/1f

A.2.5 The trail passes through saltmarsh habitat, which is a feature of the SAC/SSSI. This habitat can be sensitive to trampling damage. The modified proposals would reduce the amount of trail through this saltmarsh by approximately 1.9km, compared with the previously published proposals. The route has been designed to minimize the impact on the saltmarsh habitat by aligning on existing embankments or paths wherever possible. Small sleeper bridges (rather than culverts & path surfacing) would be installed in wet areas to minimize permanent loss of habitat and so that the route will not impact on the hydrology of the site. The area through which much of the modified trail would be aligned is predominantly grazing marsh, rather than true saltmarsh. The vegetation is robust and will withstand an increase in footfall.

A.2.6 Burgh Marsh is used by breeding and non-breeding birds, which are features of the SPA and Ramsar sites, and could be disturbed by walkers and dogs. The route has been designed to avoid areas frequently used by these features. Much of the modified route would be within a fenced corridor (for land management reasons); this will also reduce the risk of disturbance to any birds that are using the areas near the trail. The fencing will be maintained by the landowner. We have updated the HRA to include the modification.

A.2.7 Natural England is therefore satisfied that modifying its proposals in the way described in this report will not lead to them having an adverse effect on the site integrity of the Solway Firth SPA / SAC or Upper Solway Flats & Marshes Ramsar site and is fully compatible with conservation of Upper Solway Flats & Marshes SSSI.

Accessibility:

A.2.8 Whilst we would hope to make the trail as accessible as possible, the terrain is likely to limit accessibility to some extent:

- The path surface will be mainly natural.
- As with the original proposals, small sleeper bridges will be required in some locations, to cross ditches or low-lying areas that are typically very wet. We will design and construct these bridges (and any other ECP infrastructure) to be as accessible as possible.
- Stockproof kissing gates would be mainly installed at field boundaries, although small pedestrian gates may be used adjacent to bridges at boundaries.

- The natural features and ground conditions in this area are likely to prove difficult for some walkers with limited mobility; however, overall, we would expect the realigned route to be at least as accessible as the original route, and probably more accessible.

A.2.9 The existing Hadrian's Wall Path provides an alternative for those with limited mobility, between Beaumont and Dykesfield. Various existing public footpaths, tracks and minor roads also connect the proposed ECP route with the Hadrian's Wall Path, providing more alternatives.

Where we have proposed exercising statutory discretions:

Landward boundary of the coastal margin:

A.2.10 The landward extent of the coastal margin is only slightly changed as a result of the proposed route realignment; due to the previously proposed landward margin having already been aligned to the landward edge of the salt marsh. Where the newly proposed route is not aligned on the open marsh, the landward extent of the coastal margin would now be just to the landward side of the route, mostly coincident with a new fence. At no point would the coastal margin be reduced by our revised proposals.

It should be noted that an area landward of the trail north east of Dykesfield continues to be shown as common land on some maps; however, it was in part deregistered in 2016. In this location the landward margin is mapped to the fence as detailed in table A.3.1 below.

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.

Restrictions and/or exclusions:

A.2.11 Access rights to the seaward margin would be subject to the excepted land rules and the national restrictions on coastal access rights. We do not propose any additional local restrictions or exclusions, other than those within our original published report.

Where the proposed new route is aligned on the open marsh, it would continue to be subject to the existing proposed restriction with the effect that all dogs should be kept on leads at all times of the year.

Refer to 'Restrictions and Exclusions' maps below – GAL-MR1g/1h/1i.

Alternative routes:

A.2.12 The proposed change to the main route, covered by this report, does not remove the requirement for the optional alternative route which forms part of our original proposals. However, that optional alternative route would be slightly shortened if this modification is approved, as the main trail would then, in part, follow what was previously proposed as optional alternative route between Dykesfield and the western boundary of Burgh Marsh.

Coastal erosion:

A.2.13 Part 7 of the Overview to the original stretch report explains that Natural England can propose that the route of the trail should be able to change in the future, without further approval from the Secretary of State, in response to coastal change, and the proposals in this respect are then set out in that report.

A.2.14 Column 4 of table A.3.1 indicates where roll-back has been proposed in relation to a modified route section. Where this is the case, the route, as initially determined at the time this modification report was prepared, is to be at the centre of the line shown on map GAL-MR1a as the proposed modified route of the trail.

A.2.15 If at any time in the future any part of a modified 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 7 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.

On sections for which roll-back is not proposed in table A.3.1, the modified route is to be at the centre of the line shown on maps GAL-MR1b and MR1c as the proposed route of the trail.

Establishment of the trail:

A.2.16 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.

A.2.17 Our estimate of the capital costs for these works is £89,125. This is an increase of around £31,625 compared to the original route set out in our report to the Secretary of State in 2016. This is mainly due to the fact that there will be a greater requirement for path creation work and the installation of other infrastructure items such as gates and fences. Cost of materials has also risen considerably since we published our original proposals.

A.2.18 Summary of cost implications:

- Original cost estimate for establishment of submitted route (section GAL-2-S069 and part of GAL-2-S068) = £57,500
- Cost estimate for establishment of proposed modified route = £89,125
- Likely increase = £31,625

A.2.19 These estimates are informed by information held by the owners of the land and the access authority.

A.2.20 There are four main elements to the overall capital costs:

- We need to manually improve the top surface of the low bund, so as to provide a suitable walking surface (estimated cost £2,150);
- We need to install a number of small to medium sized bridges – both over open ditches and in places where the bund dips significantly (estimated cost £65,000);
- We need to install 840m of new fencing, to protect the elevated path and to adequately segregate walkers from livestock (estimated cost £16,800); and
- We need to install various types of gate (estimated cost £2,750).

A.2.21 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:

A.2.22 As for the previously proposed route, ongoing maintenance of the trail would be necessary from time to time. This modification would make no significant change to our overall estimate for the originally submitted route, as set out in our report to the Secretary of State on 25th July 2016.

Part A.3: Proposals Tables

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

Table A.3.1: Maps GAL-MR1a to MR1c - Beaumont to Drumburgh

Key notes on table:

1. Column 4 – ‘No’ means no roll-back is proposed for this route section. ‘Yes – normal’ means roll-back is proposed and is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future as any coastal change occurs.
2. Column 4 – ‘Yes – see table A.3.3’ 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.
3. Column 5a - Certain coastal land types are included automatically in the coastal margin where they fall landward of the trail if they touch it at some point. The relevant land type (foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land – see Glossary in Annex B to the 2016 Overview) is shown in this column where appropriate. “No” means none present on this route section.
4. Columns 5b and 5c – Any entry in these columns means we are proposing to align the landward boundary of the coastal margin on this route section with the physical feature(s) shown in 5b, for the reason in 5c. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in 5a, that would be its landward boundary instead.

1	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
GAL-MR1a	GAL-MR1-S001	Not an existing walked route	Yes – see table 2.3.2	No	Fence at landward edge of marsh	Clarity and cohesion
GAL-MR1a	GAL-MR1-S002	Not an existing walked route	Yes – see table 2.3.2	No	Fence	Clarity and cohesion
GAL-MR1a	GAL-MR1-S003	Not an existing walked route	Yes – see table 2.3.2	No	Fence	Clarity and cohesion
GAL-MR1a	GAL-MR1-S004	Not an existing walked route	Yes – see table 2.3.2	No		
GAL-MR1a	GAL-MR1-S005	Not an existing walked route	Yes – see table 2.3.2	No	Fence	Clarity and cohesion
GAL-MR1a	GAL-MR1-S006	Not an existing walked route	Yes – see table 2.3.2	No	Fence	Clarity and cohesion
GAL-MR1a	GAL-MR1-S007	Not an existing walked route	Yes – see table 2.3.2	No		
GAL-MR1a	GAL-MR1-S008	Not an existing walked route	Yes – see table 2.3.2	No	Fence at landward edge of marsh	Clarity and cohesion
GAL-MR1a	GAL-MR1-S009	Not an existing walked route	Yes – see table 2.3.2	No	Fence	Clarity and cohesion
GAL-MR1b	GAL-MR1-S010	Not an existing walked route	No	No		
GAL-MR1b	GAL-MR1-S011	Not an existing walked route	No	No		
GAL-MR1c	GAL-MR1-S012	Not an existing walked route	No	No		

A.3.2 Other options considered: Maps GAL-MR1a to MR1c – Beaumont to Drumburgh

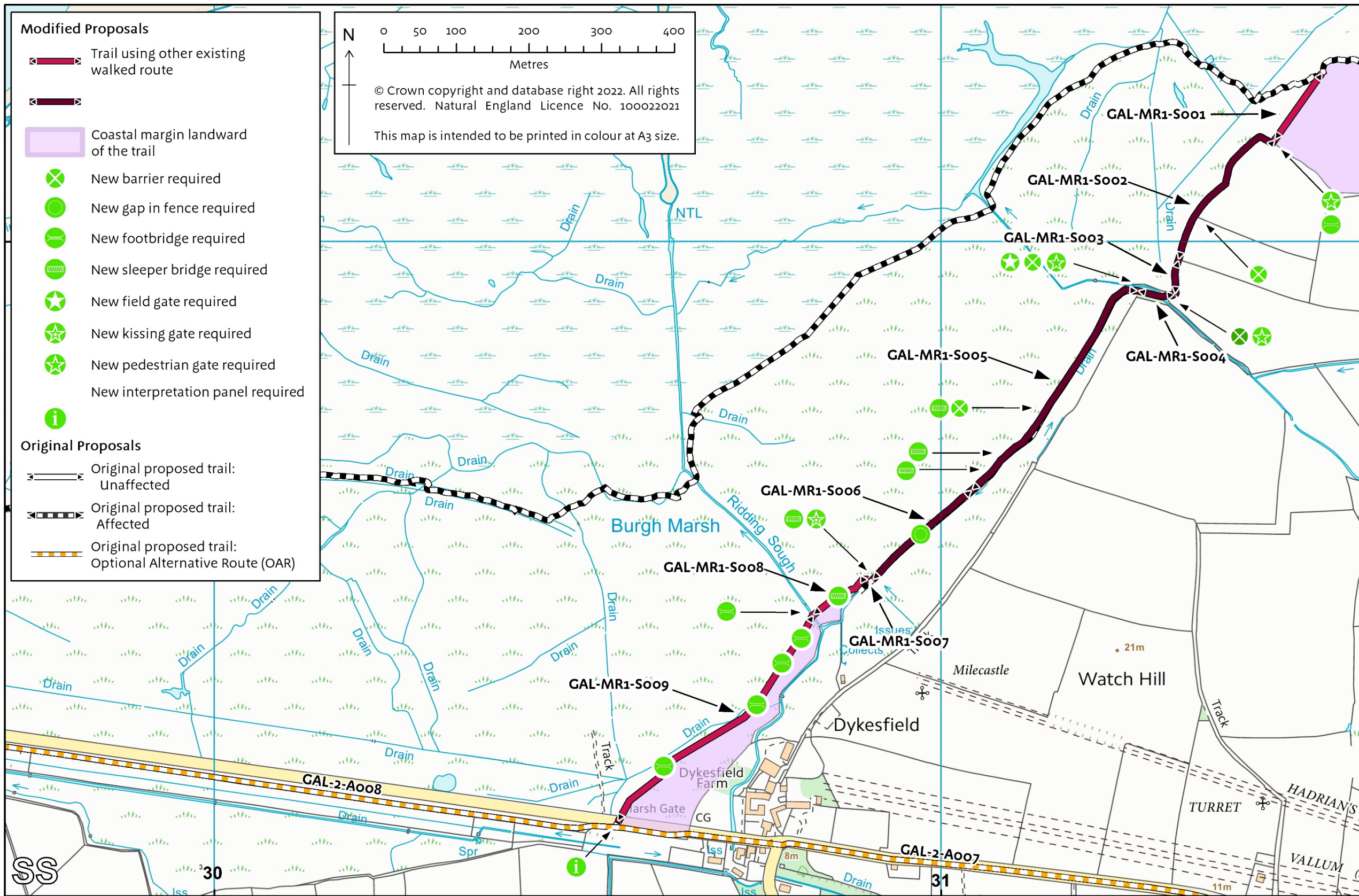
Map(s)	New route section numbers(s)	Other option(s) considered	Reasons for not proposing this option
GAL-MR1a	GAL-MR1-S001 to S009 (and GAL-2-S042 to S067)	We considered aligning the trail along the existing Hadrian's Wall Path, between Beaumont and Dykesfield.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it is closer to the sea and maintains views of the sea; ■ this proposal is made with the support of the landowner; ■ it is closer to the sea than the public footpath and would afford better sea views; and ■ we concluded that, overall, the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.
GAL-MR1a	GAL-MR1-S001 to S009	We considered aligning the trail along the existing public footpath that links section GAL-2-S068 with the road through Burgh-by-Sands, close to the wastewater treatment works, as well as various other existing public footpaths in the area.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it is closer to the sea and maintains views of the sea; ■ this proposal is made with the support of the landowner; ■ the use of any of the existing public footpaths would have created a significantly greater area of default coastal margin, much of it in intensive agricultural use; and ■ we concluded that, overall, the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.
GAL-MR1a	GAL-MR1-S001 to S009	We considered a similar alignment to that proposed but utilising the existing agricultural track which extends for some 500m north of Dykesfield.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it is closer to the sea and maintains views of the sea; ■ this proposal is made with the support of the landowner; ■ use of the track would have placed walkers in close proximity to regular movements of stock and agricultural vehicles; and ■ we concluded that, overall, the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

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

A.3.3 Roll-back implementation – more complex situations: Maps GAL-MR1a to MR1c - Beaumont to Drumburgh

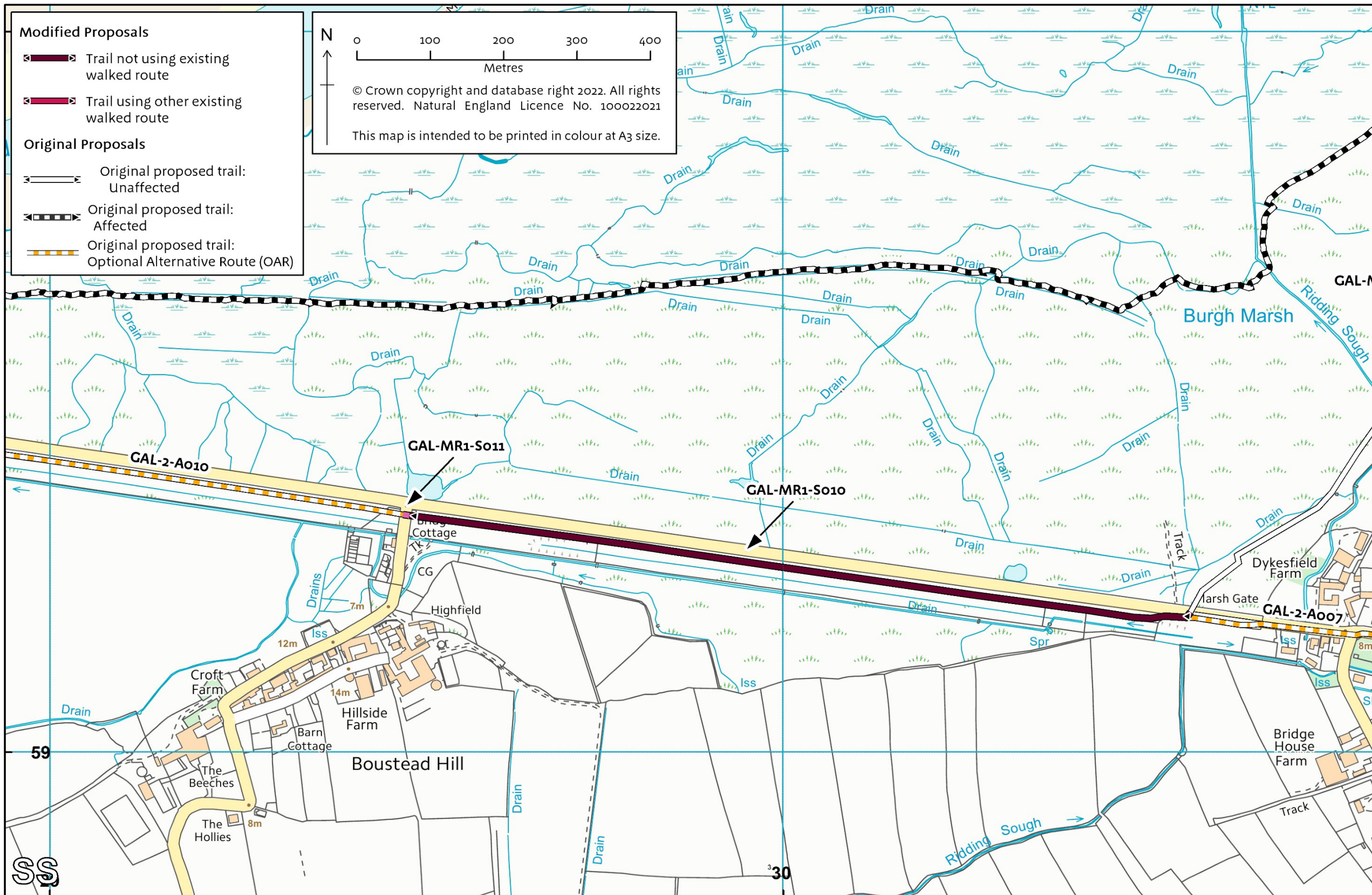
Map(s)	New route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
GAL-MR1a to MR1c	GAL-MR1-S001 to S009	Upper Solway Flats & Marshes SPA/SSSI, Solway Firth SAC,	<p>If it is no longer possible to find a viable route seaward of a designated site (e.g. SSSI, SAC, SPA) whose designated features are sensitive to public access, or where the existing route already passing through such a site must be altered, 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 the site, if appropriate or (b) if necessary, be routed landward of it.</p> <p>In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.</p>

Map GAL-MR1a - Burgh Marsh/Burgh-by-Sands



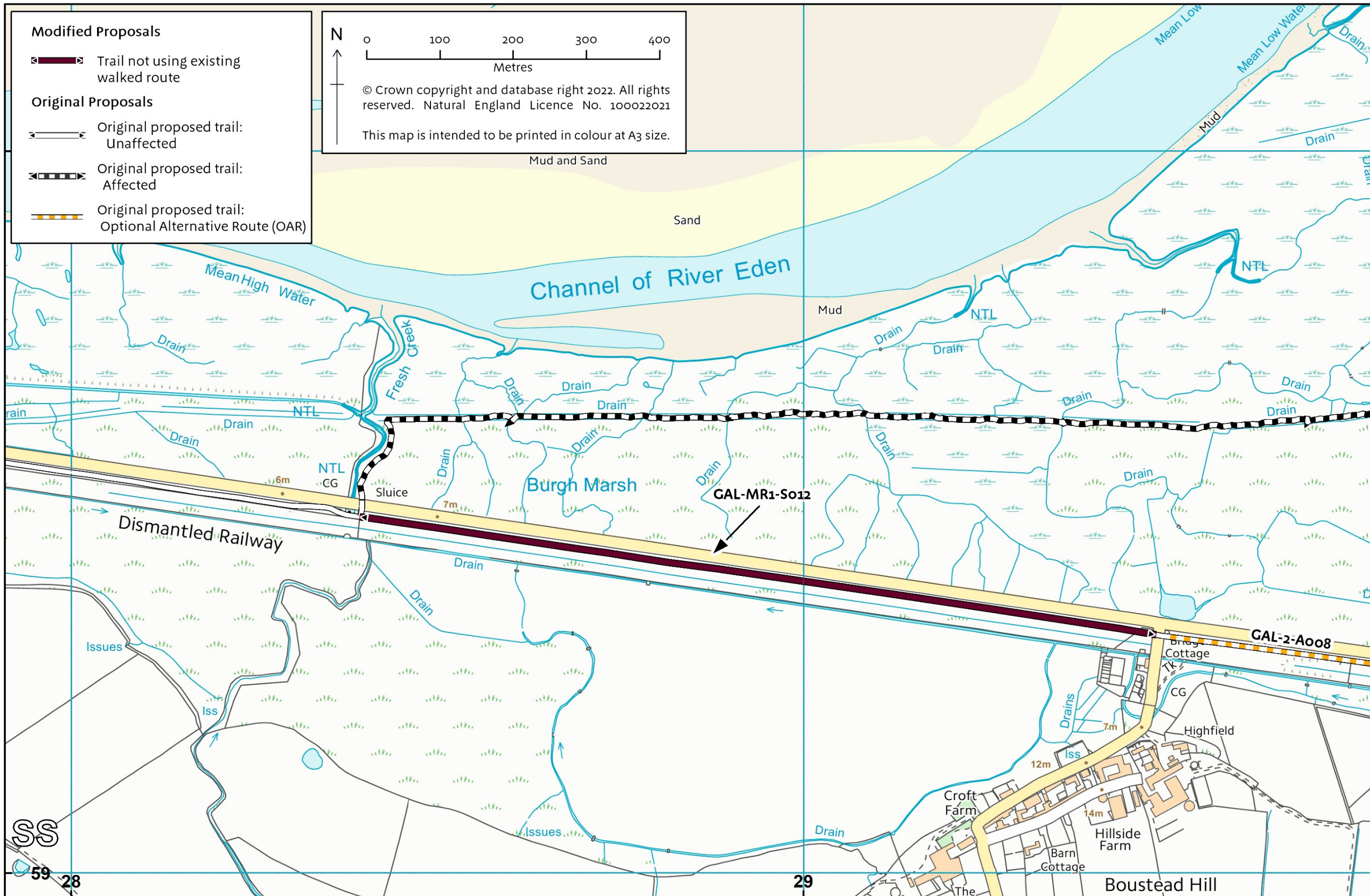


Map GAL-MR1b - Burgh Marsh/Burgh-by-Sands



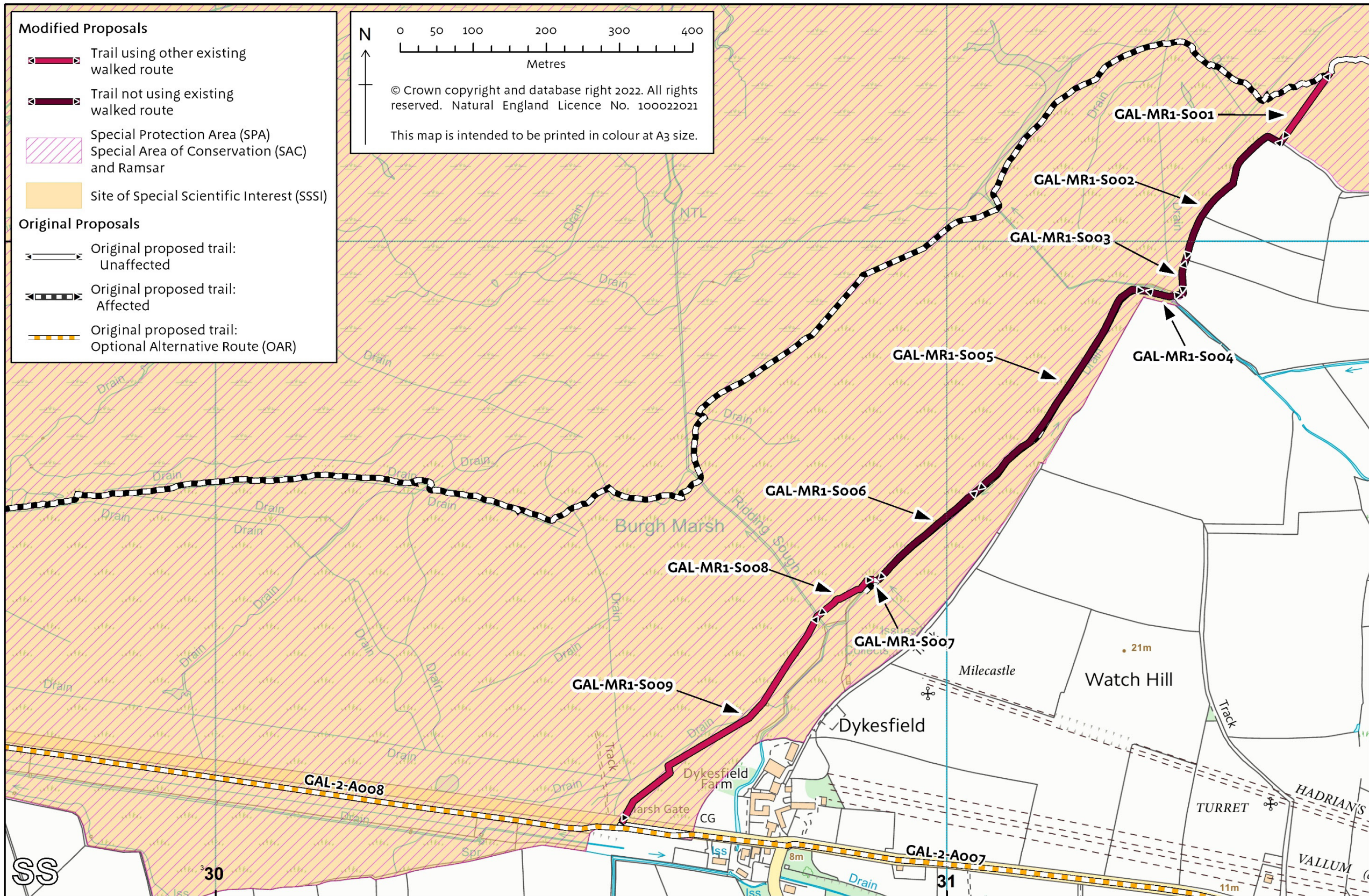
Map GAL-MR1b - Burgh Marsh/Burgh-by-Sands

Map GAL-MR1c - Burgh Marsh/Burgh-by-Sands



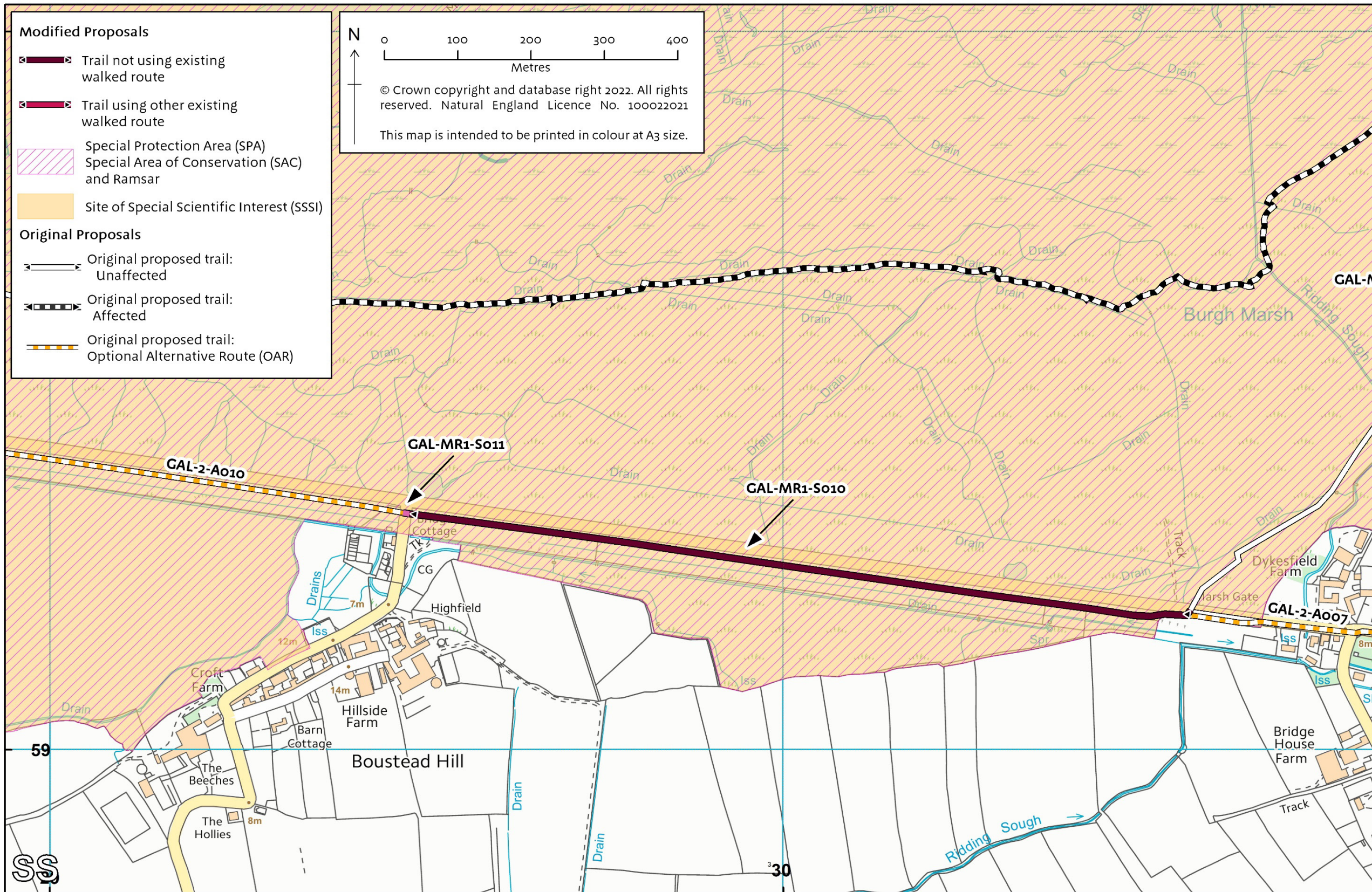
Map GAL-MR1c - Burgh Marsh/Burgh-by-Sands

Map GAL-MR1d - Key Statutory Environmental Designations



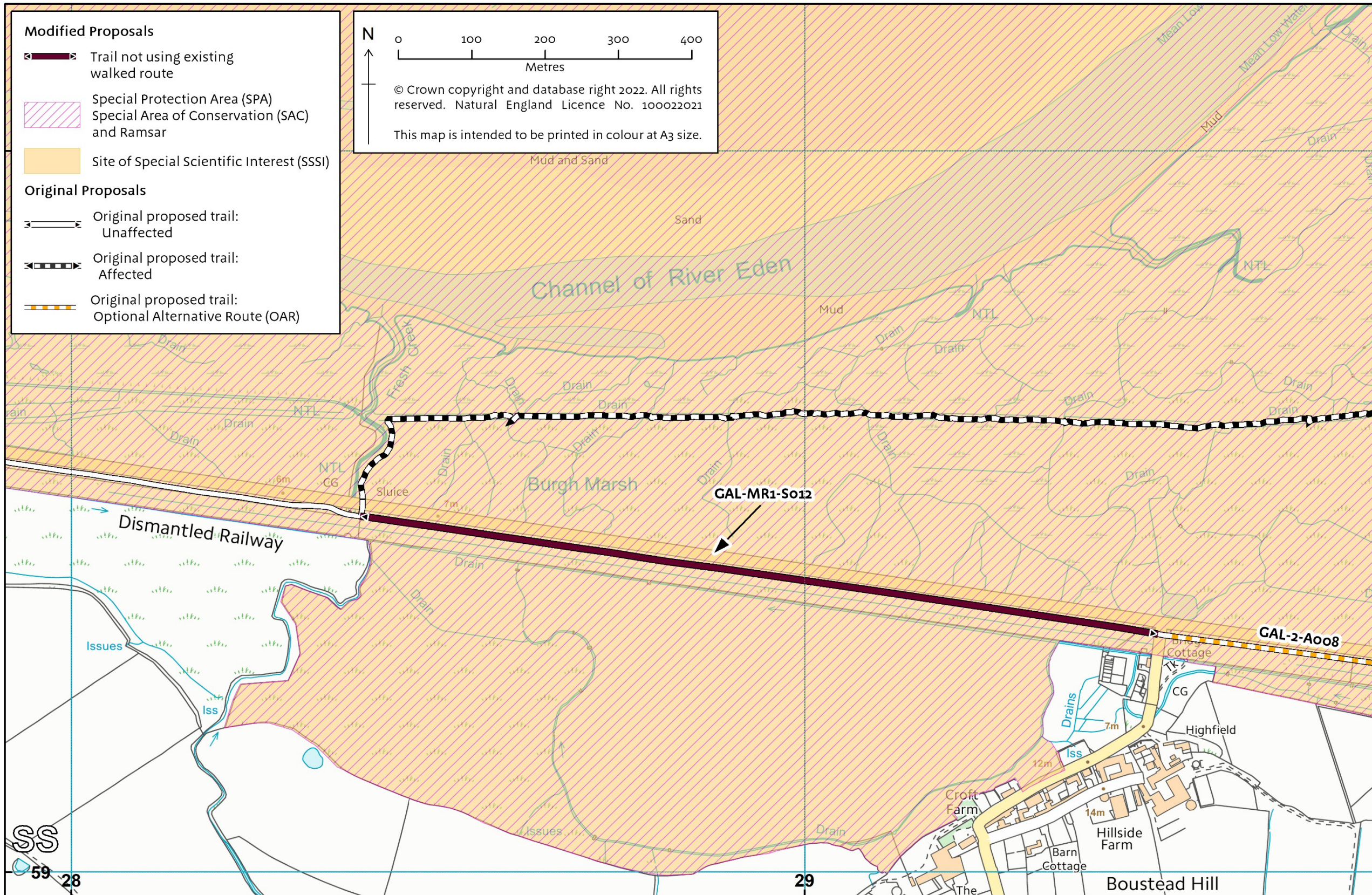
Map GAL-MR1d - Key Statutory Environmental Designations

Map GAL-MR1e - Burgh Marsh/Burgh-by-Sands - Key Statutory Environmental Designations



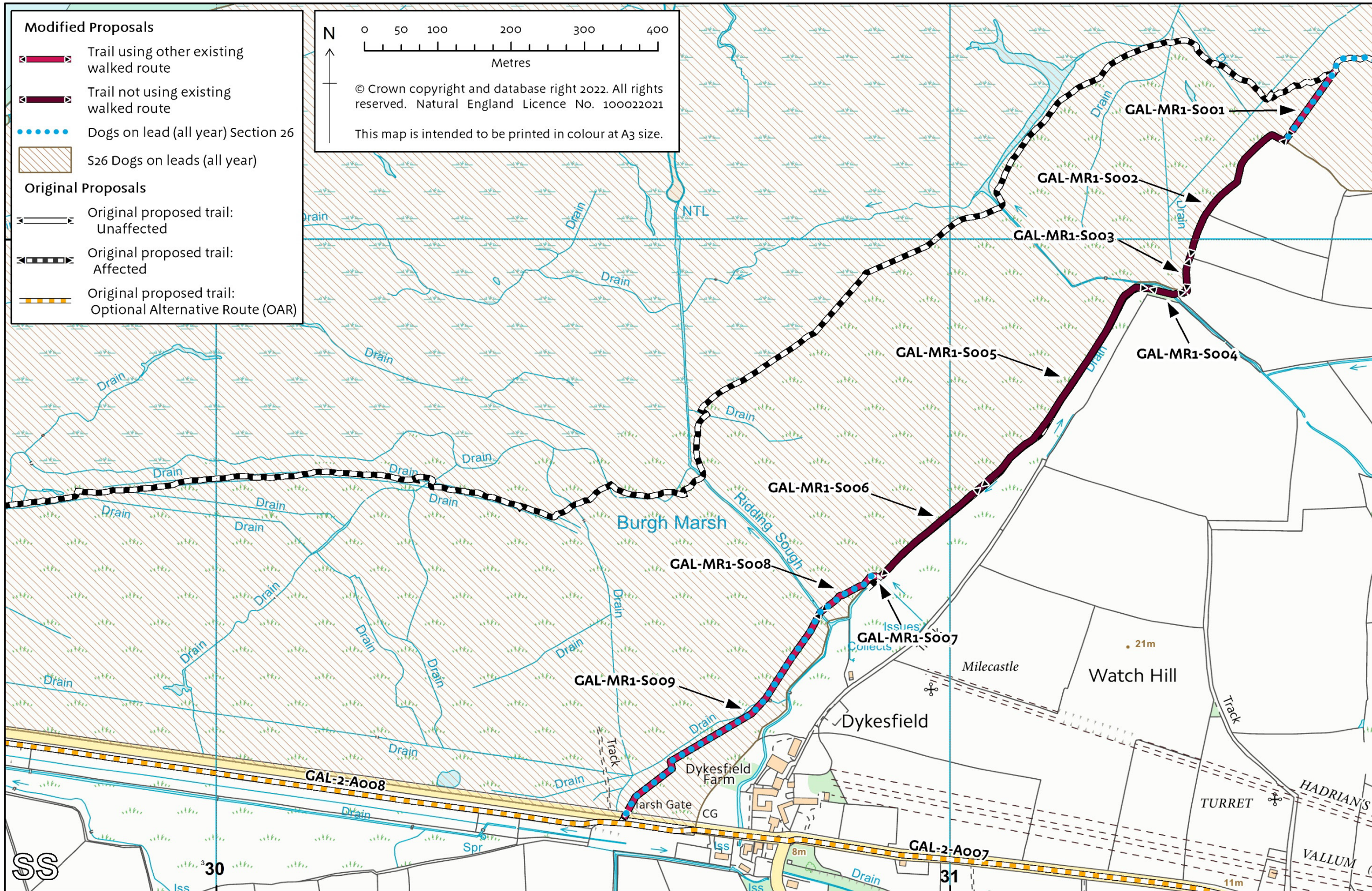
Map GAL-MR1e - Burgh Marsh/Burgh-by-Sands - Key Statutory Environmental Designations

Map GAL-MR1f - Key Statutory Environmental Designations



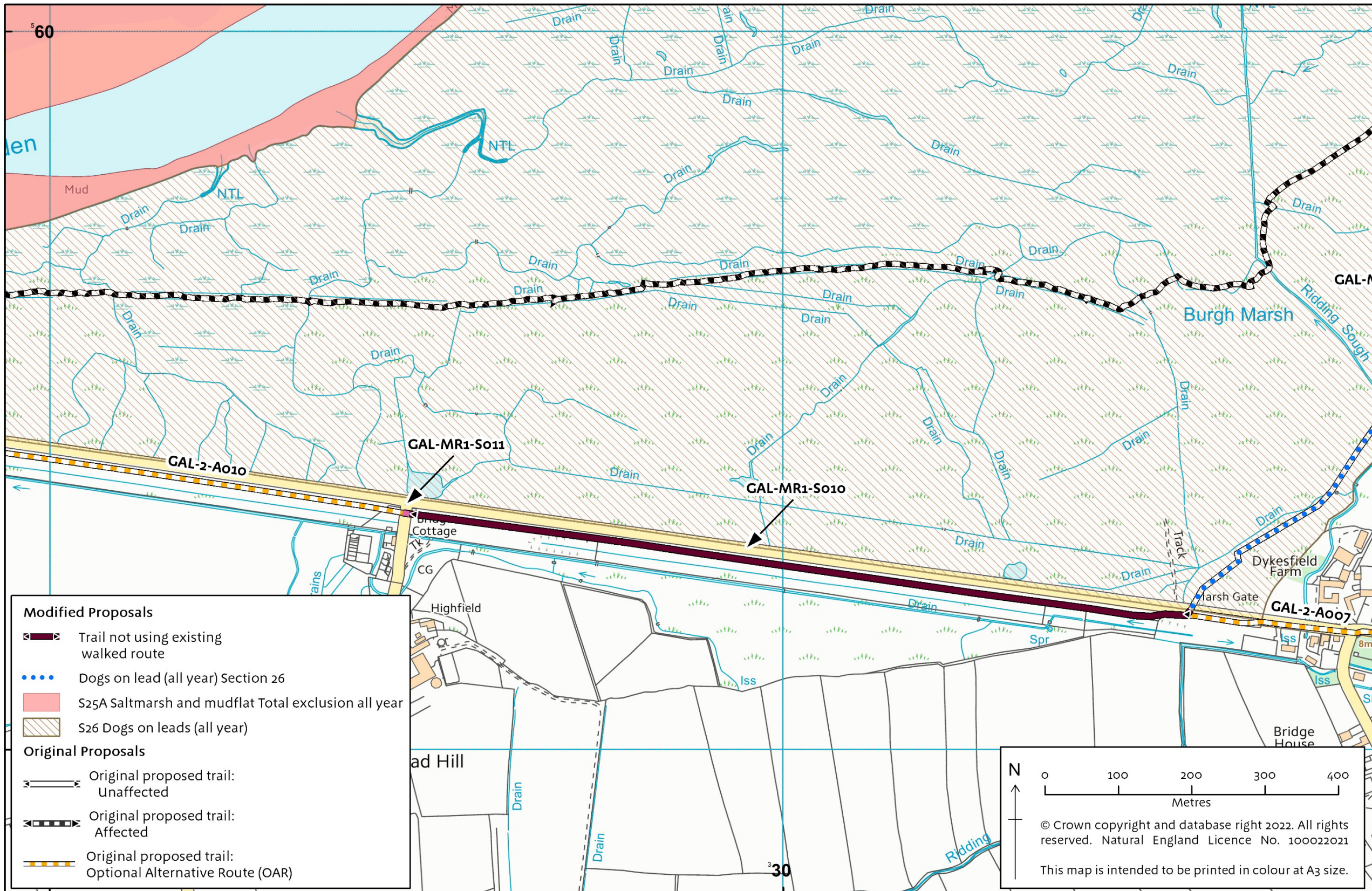
Map GAL-MR1f - Key Statutory Environmental Designations

Map GAL-MR1g - Burgh Marsh/Burgh-by-Sands - Restrictions and Exclusions

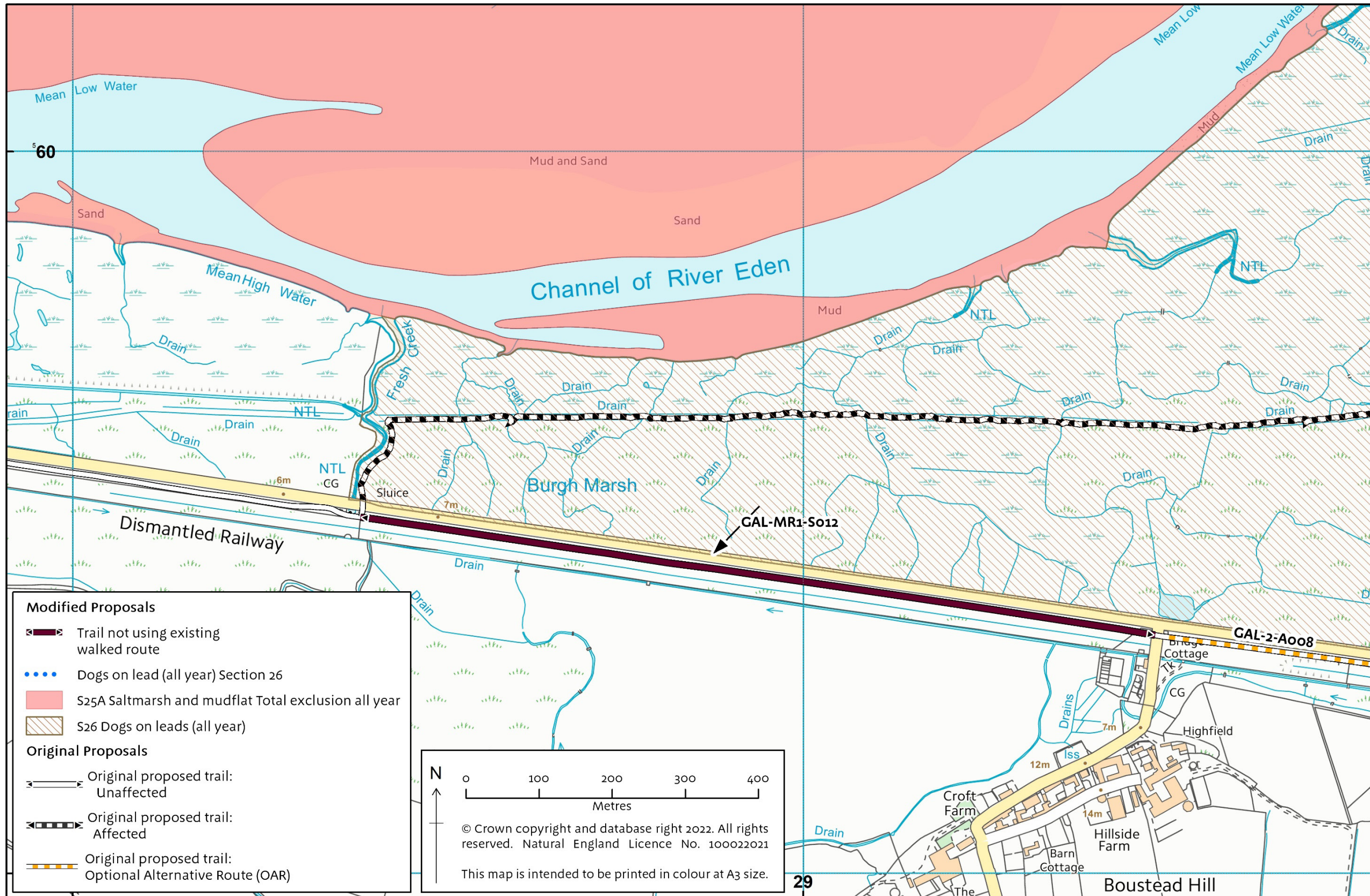


Map GAL-MR1g - Burgh Marsh/Burgh-by-Sands - Restrictions and Exclusions

Map GAL-MR1h - Restrictions and Exclusions



Map GAL-MR1i - 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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