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Coastal Access Modification Report GAL-MR2

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

Location affected: Raby Cote/Raby Grange, Abbeytown, Cumbria

Natural England's Modification Report to the Secretary of State

July 2022



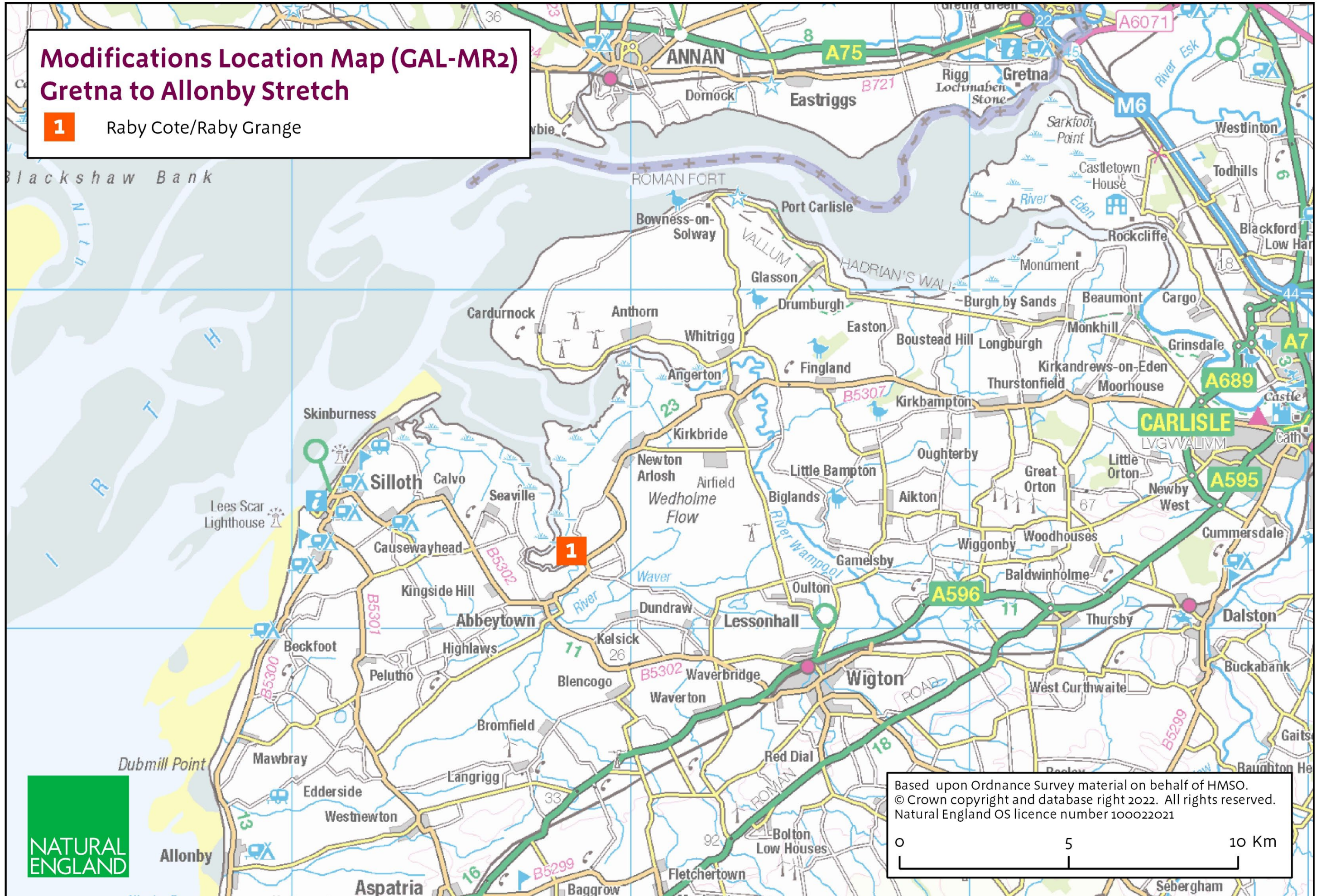
Purpose of this report

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 a separate Modification Report (MR), so that they can be considered alongside the rest of Natural England’s original proposals. The proposed change in the vicinity of Raby Cote and Raby Grange is shown on the Ordnance Survey base map below, headed Modifications Location Map.
5. This changed proposal is set out below and is 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) [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) [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.

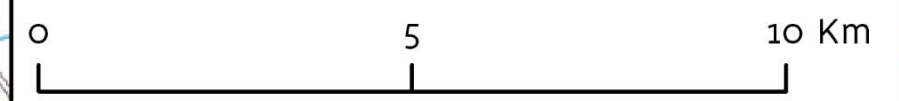
¹ Thus the updated version of the HRA replaces the HRA element of the previously published Access and Sensitive Features Appraisal.

Modifications Location Map (GAL-MR2) Gretna to Allonby Stretch

1 Raby Cote/Raby Grange



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Part A: Proposed modification at Raby Cote/Raby Grange

Start Point:	Grid reference: NY 18303 52250
End Point:	Grid reference: NY 18170 51966
Relevant Map:	GAL 4g
Section numbers from original proposals no longer being proposed:	Part of GAL-4-S018

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 (see paragraph 6, above), followed the line of a disused railway, between a minor road and the northern bank of the River Waver.

A.1.2 This part of our original proposals was subject of an objection and several representations, which were considered during a hearing in Wigton, in November 2017. As a result of the presiding inspector's recommendations, we were asked by Defra to consider whether other options for the alignment of the ECP in this area are available. As a result of that consideration, we have identified a slightly different alignment, as outlined below. This route would be more evenly divided between land holdings at Raby Cote and Raby Grange (in contrast to the previously proposed route which was mostly over land at Raby Grange).

A.2 Proposals Narrative

The Trail:

A.2.1 Our proposal (see map GAL-MR2a) is, from north to south, to re-route the path shown as the northern part of section GAL-4-S018 in our original report. The realigned trail would extend for an approximate length of 310 metres at a maximum of 15 metres westward of the original route proposed.

A.2.2 The revised route would follow a newly constructed path parallel to and immediately west of the disused railway, as indicated by section GAL-MR2-S001 on map GAL-MR2a. At either end of the revised section, the route remains as proposed originally.

Refer to map below – GAL-MR2a

Protection of the environment:

A.2.3 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' map below – GAL-MR2b

A.2.4 This proposed route passes through fields which are close to the Solway Firth SPA and Upper Solway Flats & Marshes Ramsar site / SSSI. Non-breeding bird features of these designated sites

(barnacle and pink footed geese) use these fields in large numbers. Walkers and dogs can cause disturbance to these features. Where the proposed route is aligned at the edge of fields, we will install a stock proof fence to reduce the risk of disturbance. The fence will be maintained by the access authority or a trail partnership.

A.2.5 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 Solway Firth SPA and Upper Solway Flats & Marshes Ramsar site / SSSI and is fully compatible with conservation of Upper Solway Flats & Marshes Ramsar SSSI.

Accessibility:

A.2.6 Whilst we would hope to make the trail as accessible as possible, the terrain and the requirement to cross the River Waver by a new bridge are likely to limit accessibility to some extent:

- The path surface will be mainly natural, as would have been the case with the original proposals.
- Kissing gates would be installed throughout, at field boundaries.
- The new footbridge over the River Waver (forming part of our original proposals) would be constructed with a deck height of approximately 2m above ground level, in order to provide adequate clearance over highest water levels. We believe that the only practical solution for access to the bridge is a flight of steps to either side, because a ramp at suitable gradient would extend for some 20m away from the bridge.

A.2.7 It would be possible to bypass this part of the England Coast Path by following the minor road, the B5307 and existing public footpath between Abbeytown and the southern bank of the River Waver (as described in the first row of table A.3.2).

Where we have proposed exercising statutory discretions:

Landward boundary of the coastal margin:

A.2.8 The extent of the coastal margin is only slightly changed as a result of the proposed route realignment; where the newly proposed route runs parallel to the disused railway, the landward extent of the coastal margin would now be coincident with the existing fence to the landward side of the route.

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.2.9 Access rights to the seaward margin would be subject to the excepted land rules and the national restrictions on coastal access rights. Proposed directions to exclude access affecting parts of the coastal margin in this vicinity remain as proposed in the original report.

Refer to 'Restrictions and Exclusions' map below – GAL-MR2c

Coastal erosion:

A.2.10 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.2.11 Column 4 of table 2.3.1 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 the MR was prepared, is to be at the centre of the line shown on map GAL-MR2a as the proposed modified route of the trail.

A.2.12 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.

Establishment of the trail:

A.2.13 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.2.14 Our estimate of the capital costs for these works is £9,500. This is an increase of around £8,300 compared to the original route set out in our report to the Secretary of State in July 2016. This is mainly due to the requirement for the path to be fenced, within land at Raby Cote.

A.2.15 Summary of cost implications:

- Original cost estimate for establishment of submitted route (section GAL-4-S018) = £1,200
- Cost estimate for establishment of proposed modified route = £9,500
- Likely increase = £8,300

A.2.16 These estimates are informed by information advice from the access authority.

A.2.17 There are 3 main elements to the overall capital costs:

- New stock-fencing - £6,500
- New kissing gates - £2,400
- New steps - £600

A.2.18 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.

A.2.19 Any future discussions with the owners of land at Raby Cote, should these proposals be approved, may well lead to the installation of additional gates between the newly created path corridor and adjacent fields, allowing the land within the corridor to be occasionally grazed (at times when walkers are unlikely to be using this part of the path). Any such additional gates would incur some further cost.

Maintenance of the trail:

A.2.20 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: Map GAL-MR2a - Raby Cote/Raby Grange

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 2017 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	6
Map(s)	New route section number(s)	Current status of route section(s)	Roll-back proposed? (See part 8 of 2017 report Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin	Reason for landward boundary proposal	Explanatory notes
GAL-MR2a	GAL-MR2-S001	Not an existing walked route	Yes – see table 2.3.2	No	Fence	Clarity and cohesion	

Table A.3.2 Other options considered: Map GAL-MR2a – Raby Cote/Raby Grange

Map(s)	New route section numbers(s)	Other option(s) considered	Reasons for not proposing this option
GAL-MR2a	GAL-MR2-S001	We considered aligning the trail along the minor road and the B5307 (via 'New Bridge') and the existing public footpath between Abbeytown and Rumbling Bridge.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it is closer to the sea than a route following public highways; ■ the considered option would have created a very substantial area of coastal margin, including both the newly proposed modification and the previously proposed route; 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-MR2a	GAL-MR2-S001	We considered aligning the trail along the minor road and the B5307 to the southern side of 'New Bridge', with a new route generally along the southern bank of the River Waver between New Bridge and the disused railway line.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it is closer to the sea than a route following public highways to New Bridge and along the southern bank of the Waver; ■ the considered option would have created a very substantial area of coastal margin, including both the newly proposed modification and the previously proposed route; 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-MR2a	GAL-MR2-S001	We considered again a route along the marsh edge, to the west of Raby Cote, linked to a new bridge in viable locations (including the location proposed originally).	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it would not have an adverse impact on the integrity of the adjacent protected site (Upper Solway Flats & Marshes SPA); ■ in contrast, any route along the estuary edge would be highly likely to have an adverse impact on designated features of that site (roosting birds, which are commonly found on Raby Cote Marsh and adjacent land); 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.

Map(s)	New route section numbers(s)	Other option(s) considered	Reasons for not proposing this option
GAL-MR2a	GAL-MR2-S001	We considered whether there might be other routes through land at Raby Cote, between the estuary and the disused railway.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ no obvious potential routes exist on the ground; ■ any such new route would be more likely to have an adverse impact on land management; 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-MR2a	GAL-MR2-S001	We previously considered the possibility of a new bridge over the estuary, north of Raby Cote.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ any such new route would require the creation of a footbridge approximately 250m in length; ■ additionally, raised walkways across the marsh to either side of the bridge, totalling approximately 700m in length would be required in order to ensure that the bridge might be reached at all states of the tide; ■ the cost of such measures, even if deemed to be acceptable within the Special Protection Area, would be likely to exceed £5m; and ■ we have now concluded that, overall, the proposed modification strikes the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

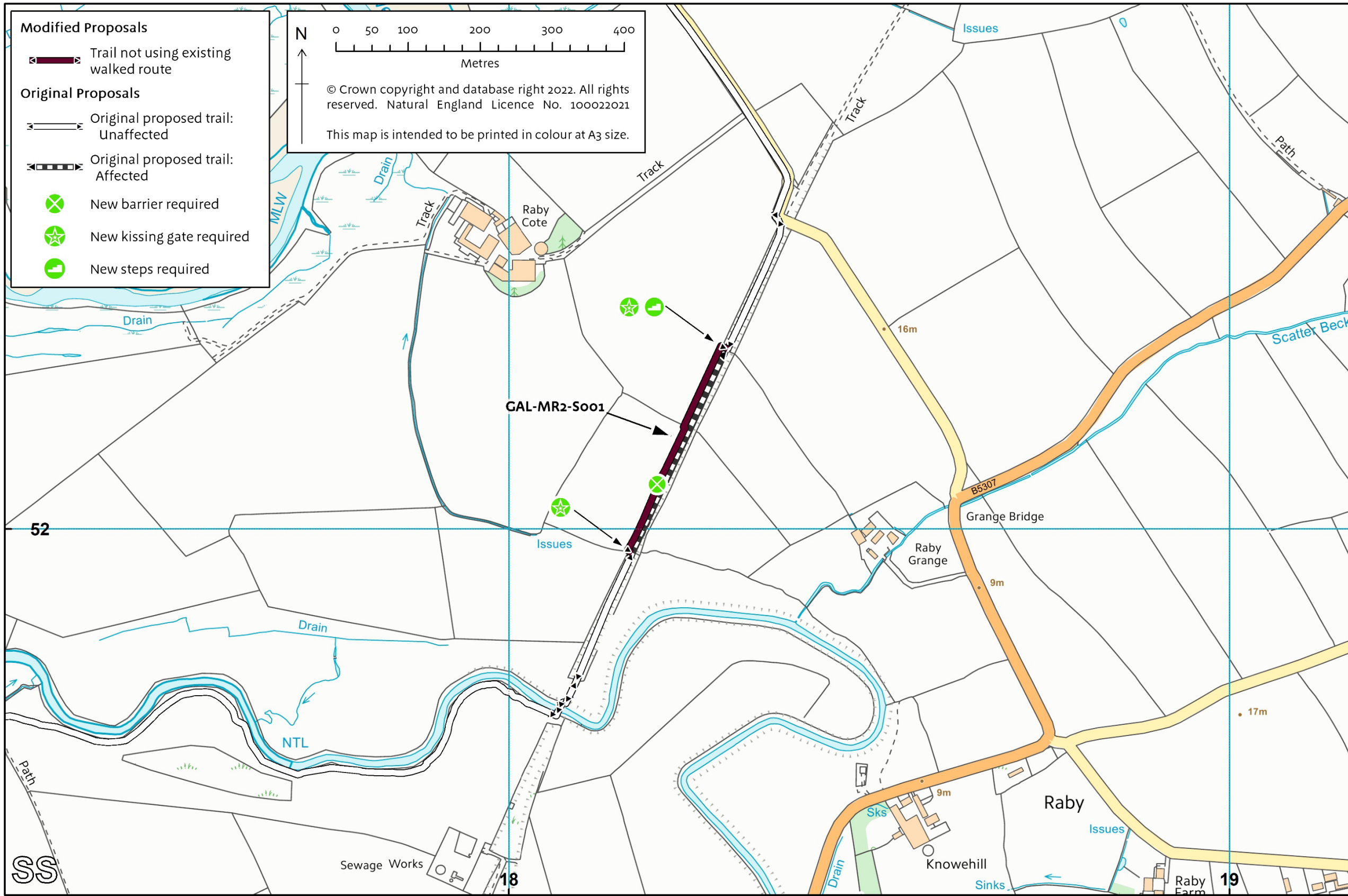
Note: Any public rights of way not forming part of the proposed trail would remain available for people to use under their pre-existing rights.

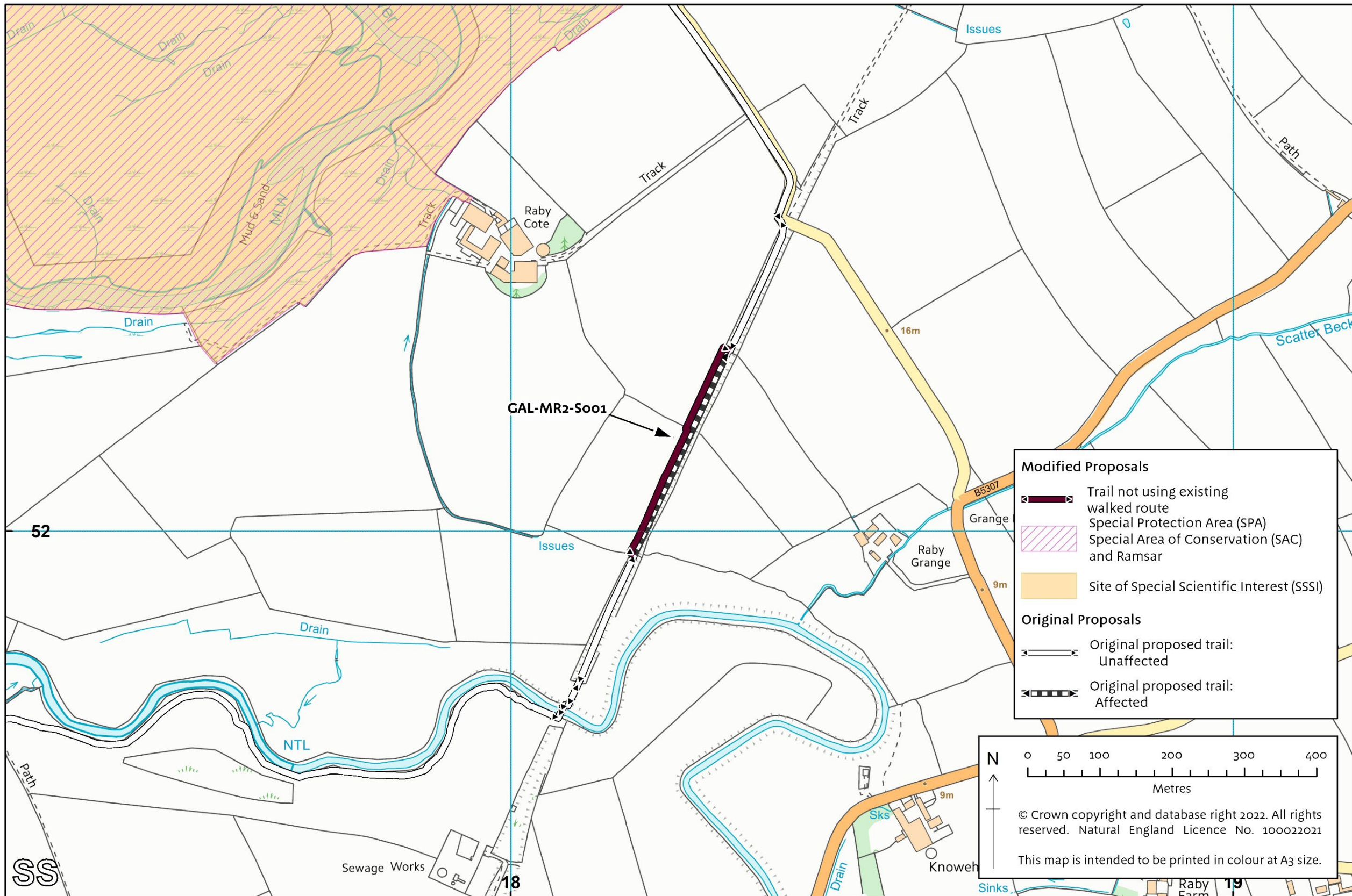
A.3.3 Roll-back implementation – more complex situations: Map GAL-MR2a - Raby Cote/Raby Grange

Map(s)	New route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
GAL-MR2a	GAL-MR2-S001	Features linked to nearby protected sites (including the adjacent goose refuge area).	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

Map(s)	New route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
			<p>(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>

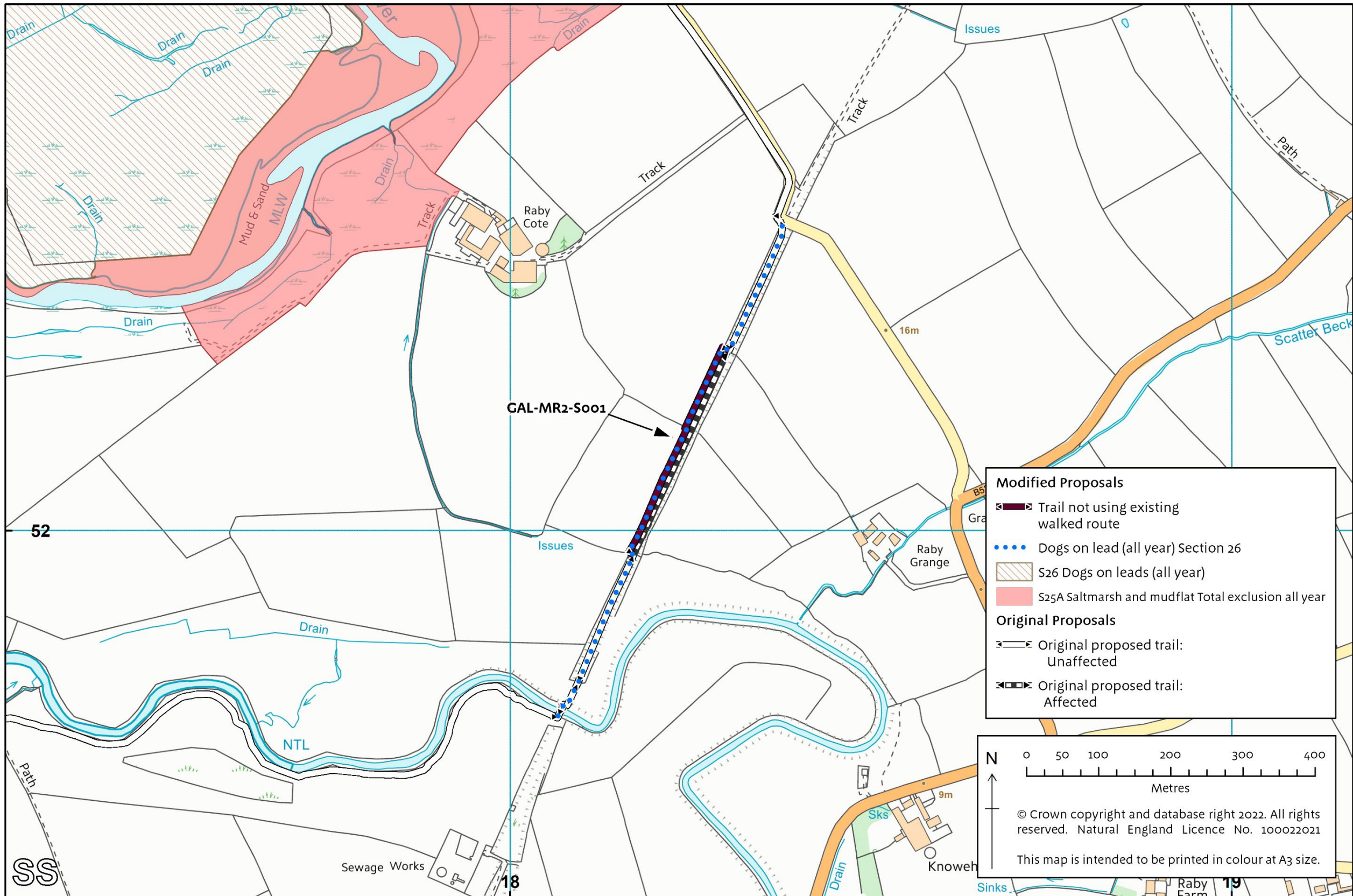
Map GAL-MR2a - Raby Cote





Map GAL-MR2b - Raby Cote - Key Statutory Environmental Designations

Map GAL-MR2c - Raby Cote - Restrictions and Exclusions



Map GAL-MR2c - Raby Cote - 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.

ISBN: 978-1-78367-371-1

Catalogue Code: NE782

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