



Report to the Secretary of State for Environment, Food and Rural Affairs

by [redacted] BA (Hons) Solicitor, MRTPI

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Date 25 November 2025

Marine and Coastal Access Act 2009

Objections by [redacted]

Regarding Coastal Access Proposals by Natural England

Relating to Gretna to Allonby

Site visit made on 3 March 2025

File Refs: MCA/GAL/MR3/O/1/0917 and MCA/GAL/MR3/O/2/0917

Objection Ref MCA/GAL/MR3/O/1/0917**Objection by [redacted]****Coastal Access – Gretna to Allonby**

- On 25 July 2016 Natural England submitted a Coastal Access Report (Original Report) to the Secretary of State for Environment, Food and Rural Affairs under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009 (the 2009 Act).
- Natural England submitted a Modification Report to the Secretary of State for Environment, Food and Rural Affairs on 14 August 2024 proposing to amend the original proposals at Longcroft and Whitrigg.
- Natural England submitted its reports in accordance with its duty under the 2009 Act to improve access to the English Coast.
- The objection concerns the Modification Report GAL-MR3 Longcroft/Whitrigg, Kirkbride and relates to route section GAL-MR3-S001 shown on Map GAL-MR3a.

Summary of Recommendation: I recommend that the Secretary of State makes a determination that the proposals set out in the report do not fail to strike a fair balance.

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Procedural Matters

1. I have been appointed to report to the Secretary of State on objections made to Natural England's (NE) reports. On 24 December 2024 I determined that the objections were admissible under paragraph 5 of Schedule 1A to the 1949 Act.
2. This report summarises the submissions made by [redacted] (H), the response of NE and my conclusions and recommendation. For simplicity and clarity I refer to the first objection as 1/0917 and the second objection as 2/0917. Both objections concern NE's modification report GAL-MR3 and map GAL-MR3a.

Site Visit

3. I carried out a site inspection on 3 March 2025 in [redacted]'s presence. The inspection had been arranged as a visit to be accompanied by [redacted] and NE, however [redacted] was unwilling to allow access to NE to any part of his land over which the proposed route lies. Consequently, I completed the visit in [redacted]'s presence and viewed the proposed alignment of the path and the immediate surroundings. I met subsequently with NE on 14 March 2025 to summarise the result of my visit. As the purpose of the visit was to look at physical features only, I am satisfied that no prejudice has been caused thereby.

Other representations

4. No other representations relevant to objections 1/0917 or 2/0917 were received.

Main Issues

5. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (the Act) and requires NE and the Secretary of State to exercise their relevant functions to secure a route for the whole of the English coast which:
 - (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
 - (b) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.
6. The second objective is that, in association with the English coastal route ("the trail"), a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin whilst the trail is the path corridor through the coastal margin. The trail is referred to as the King Charles III England Coast Path.
7. Section 297 of the Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:
 - (a) the safety and convenience of those using the trail,
 - (b) the desirability of that route adhering to the periphery of the coast and providing views of the sea, and
 - (c) the desirability of ensuring that so far as reasonably practicable interruptions to that route are kept to a minimum.
8. They must also aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.
9. Section 301 of the Act applies to river estuaries and states that NE may exercise its functions as if the references to the sea included the relevant upstream waters of a river. The relevant upstream waters are the waters from the seaward limit of the estuarial waters of the river, upstream to the

first public foot crossing or a specified point between the seaward limit and the first such crossing. Section 301(4) of the Act sets out additional statutory criteria (the Estuary Criteria) which must be taken into account when deciding whether, and if so how, to exercise the discretion to extend the trail along an estuary. The Estuary Criteria are

- (a) the nature of the land which would become part of the coast,
- (b) the topography of the shoreline adjacent to those waters,
- (c) the width of the river upstream to that limit,
- (d) the recreational benefit to the public of the coastal access duty being extended to apply in relation to the coast adjacent to those waters,
- (e) the extent to which the land bordering those waters would, if it were coastal margin, be excepted land,
- (f) whether it is desirable to continue the English coastal route to a particular physical feature or viewpoint and
- (g) the existence of a ferry by which the public may cross the river.

10. NE's Approved Scheme 2013¹ ("the Scheme") is the methodology for implementation of the England Coast Path and associated coastal margin. It forms the basis of the proposals of NE within the Report.
11. My role is to consider whether or not a fair balance has been struck by the proposed modifications. I shall make a recommendation to the Secretary of State accordingly.

The Coastal Route and the report on the original proposal

12. I have the benefit of Inspector Lea's report dated 13 March 2018 which in part dealt with [redacted]'s objections to route sections GAL-3-S032 and GAL-3-S033 as originally proposed. The report concluded that the proposals failed to strike a fair balance as a result of the matters raised in the objections but a modification that aligned the primary trail along an alternative route would provide more limited views of the estuary but may meet the coastal access requirements (proposed to be available when the main route through Longcroft and Whitrigg marshes, between sections S028 and S036 are affected by high tides, and which would follow the minor road from Anthorn to Whitrigg Bridge)
13. Inspector Lea also recommended that since the route as modified would fail to connect with the proposed route from Anthorn, consideration would need to be given to a connecting route. Consideration would also need to be given to management of the coastal margin. Therefore she recommended that, if minded to approve the proposals, the Secretary of State should consider whether a modification which aligned the primary route along the alternative route would meet the coastal access requirements.
14. The proposed trail between Gretna and Allonby is almost entirely above the seaward limit of the Solway Firth's estuarial waters, the terrain and natural

¹ Approved by the Secretary of State on 9 July 2013

environment of which pose a number of particular challenges. Much of the estuary is dominated by large areas of saltmarsh and mudflats, as are the river estuaries leading from the Solway Firth. Considerable parts of the Solway Firth are designated for nature conservation or heritage preservation, including the Solway Firth Special Area of Conservation, the Upper Solway Flats and Marshes Special Protection Area, the Upper Solway Flats and Marshes Ramsar Site, the Upper Solway Flats and Marshes Site of Special Scientific Interest and Scheduled Monuments associated with the Hadrian's Wall World Heritage Site.

15. In relation to estuaries, the Approved Scheme states that careful consideration will always be given to the option of extending the trail as far as the first bridge or tunnel as that is in keeping with the duty to have regard to the desirability of ensuring, so far as reasonably practicable, that interruptions to the trail are kept to a minimum and the requirement to consider any other recreational benefits that would accrue. However, in all circumstances, consideration is given to whether the cost would be proportionate to the extra public enjoyment of the coast that would result.
16. The Approved Scheme notes at section 10.4.1 that several Estuary Criteria relate to its overall character. It states that when considering an estuary in relation to those criteria, NE will look for particular stretches or features of the river or adjoining land that are more characteristic of the coast than of a river, and therefore more relevant to the Coastal Access Duty.
17. NE had proposed to align the trail along the entire southern side of the Solway Firth. The proposed trail followed the landward edge of the marsh. NE considered aligning the trail along the riverside edge of Longcroft and Whitrigg marshes. That proposed route was chosen because it was more direct and avoided areas of nature conservation interest, thereby reducing the risk of increased disturbance to birds.
18. An optional alternative route was proposed when parts of the main route through Longcroft and Whitrigg marshes were not available; the alternative route would follow the minor road from Anthorn to Whitrigg Bridge.
19. NE state in the Report that the interests of owners and occupiers of land over which any coastal access rights would apply was a "key driver in the design of our proposals which were discussed in detail with the owners and occupiers of the affected land during "walking the course" and other processes". Unfortunately NE have not had access to the land owned by the objector due to a breakdown in relations early on in the process and have therefore never "walked the course". The proposals are based on views from nearby land and data sources such as aerial photographs and maps.

NE's proposed modifications

20. Referring to map GAL-MR3a one can see that in place of the originally proposed trail along the bottom of [redacted]'s land through Longcroft Marsh, it is now proposed to provide an alternative route through the eastern side of one of [redacted]'s fields, comprising three contiguous sections S001, S002 and S003. This alternative route would connect that part of the trail S004 which is to use the existing public right of way or

highway along the road to Beckbrow Cottage where the originally proposed trail through Longcroft Marsh would have ended.

Objection 1/0197 (section GAL-MR3-S001)

21. The objection concerns the Modification Report GAL-MR3 Longcroft/Whittrigg, Kirkbride and relates to route section GAL-MR3-S001 shown on Map GAL-MR3a. As with objection 2/0917, H proposed his own modification that the path should follow the highway and avoid any fields with livestock.
22. [redacted] supplied Land Registry information and stated that he owns land crossed by the trail. His livestock includes dairy heifers with a Holstein Fresian bull serving these heifers all year round. To include a public footpath in this field would not, in his view be in the best interests of public safety as he could not guarantee that the public would be safe whilst walking in this field.
23. There is also a permanent drinking trough supplying water to the livestock in this area of the proposed route. Fencing this footpath off from the field would not, in [redacted]'s view be feasible due to tidal flooding of marsh and dislodging fence posts and fencing. The proposed footpath stops at GAL-MR3-S001, a dead-end. There is an ongoing objection, reference GAL-S032, where the link section of this costal path has not been approved. There is no evidence of a footpath west of GAL-S032. It would be safer for the public to use the highway as to enter the field with livestock endangers their safety.

Objection 2/0197 (section GAL-MR3-S002 and GAL-MR3-S003)

24. [redacted] repeated his objection in relation to GAL-MR3-S001 with some elaboration. His livestock included dairy heifers as well as a Holstein Fresian bull which served heifers year-round. Thus, to include a public footpath in this field would not be in the best interests of public safety. The roadside field owned by [redacted] was used as a maternity area for heifers and cows close to their time of calving. To have the public in this area during the critical time of calving would be a nuisance and due to the unpredictable nature of the mothers, a danger to the public and contrary to good animal welfare.
25. Further, in the proposed section there was shelter and shade provided by the tree-line for the livestock that use this area frequently on both sides of the watercourse where feeding, calving, administering medication and ongoing welfare inspections were undertaken. Protected species, ie buzzards nested in this area and a rookery which H said should not be disturbed by the public. The field was frequently used by large flocks of lapwings, curlew and barnacle geese which would also be disturbed by the public.
26. There was also a permanent drinking trough for livestock in the area of proposed footpath. The public would interfere with herding and separating individual beasts whilst driving them towards the farmyard. The proposed route would diminish the value of [redacted]'s farm and private garden area which would be overlooked by the footpath resulting in personal safety concerns.

NE's Comments

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27. The area through which the proposed section S001 passes has not previously shown signs of being grazed or agriculturally managed recently. NE would organise and pay for the slight relocation of the drinking trough if its current location was problematical.
 28. Given the lack of evidence of grazing in the area crossed by section S001 there was no reason why fencing along the proposed route would be needed. NE did not believe it necessary to segregate walkers on the ECP from livestock, many public rights of way cross fields with livestock which rarely caused issues. A landowner or occupier could fence alongside the route if considered necessary, as long as the fencing followed best practice and did not obstruct public rights of access.
 29. NE's proposed route, published in 2016 was not yet approved but was no longer open to objections. It followed an existing walked route from Anthorn eastwards, close to the side of the Wampool Estuary which it is agreed is not recorded as a public right of way. The path is less distinct as it approaches Longcroft. NE aligns the coast path along rights of way or other walked routes where they meet the criteria in chapter 4 of the Approved Scheme but the coastal access legislation allows for the creation of new routes where no suitable paths exist on the ground.
 30. With regard to S002 and S003, NE agrees that it may be necessary to segregate walkers from livestock in this area, subject to confirmation that a dairy bull is habitually kept in this field but otherwise the field is large enough to allow walkers and livestock to avoid each other. If necessary however, NE would install sufficiently robust fencing at its expense, which would then become the property of the landowner.
 31. Much of these two sections would be aligned in a narrow strip of land under mature trees, at the eastern edge of the field. This area was previously fenced off, as evidenced by Ordnance Survey mapping and the remains of fencing on the ground in places. There was little evidence that it had been traditionally managed in the same way as the wider pasture of which it now forms a part, possibly due to the presence of mature trees. NE would expect to reinstate this fencing about on its original alignment, but continue it as far north as the roadside boundary hedge, thus creating a narrow strip of c3,000m² out of a total field size of c75,000m². It would agree the exact alignment with the owner to keep the corridor as narrow as can be safely and reasonably managed, and move the field gate at the roadside sideways by c1m to allow the coast path to join the highway via a pedestrian gate.
 32. With NE's modified proposals some half of the combined length of S002 and S003 would be partly screened by the remnants of a former hedge which might be restored with new hedge infilling, if necessary. Additionally, the southwestern boundary of the larger enclosure includes a large and mature hedge, so the relatively small area occupied by the path would not be essential to be retained for use as described.
 33. NE's published Habitats Regulations Assessment and Nature Conservation Assessment detail its findings in relation to protected sites and species potentially affected by new coastal access rights. It was highly unlikely that any of the bird species mentioned would suffer significant disturbance due to a new public access in this area as these birds would be coexisting with

traffic on the adjacent road and subject to general land management practices.

34. NE added that it was common for footpaths to pass by private gardens, schools and other places used by children and it was unaware of evidence to suggest such access would present a risk to children. Nor was it aware of evidence to suggest the coast path would significantly affect land values.
35. As to [redacted]'s suggested modification, the minor road east from Anthorn was already proposed as an optional alternative route if the proposed main route were affected by high tides. As a highway it could be used by the public at any time but would be a less than ideal alignment for the main route when considering the criteria at paragraphs 4.1 to 4.6 of the Approved Scheme, especially since the road is set further inland than parts of the proposed route and does not provide comparable views or a coastal experience. Furthermore, it would create a much larger area of coastal margin (all land between the road and the seaward extent of the foreshore). The owner and manager of a large part of the land potentially affected, between the road and proposed path section GAL-3-S030, has previously objected that this would be an unfair imposition, whilst being content with the alignment of the trail close to the side of the estuary.

Conclusions

36. Firstly, as to the coastal margin, approval of the modification of the proposals would not necessarily entail public access of the land affected. NE can issue directions to exclude public access on the basis of habitat or public safety, and I do not regard the objections on this basis to be so compelling as to reject the principle of the modified proposals. Such directions to exclude access would also potentially be on the grounds of land management and in the interests of being able to continue existing farming practices to make the affected business viable.
37. I saw that the field in question was occupied by a dairy bull and have no reason to doubt the comments of the objector in this regard. If the modified proposals are to be approved, I am of the view that it would be appropriate for NE to arrange for fencing to be provided as it has detailed in its comments.
38. At the hearing into the original proposals NE stated that in its opinion the concerns raised in relation to cattle and bulls were not unusual in this case. Consideration had been given to fencing a corridor so that cattle and walkers did not mix but, given the size of the saltmarsh, such separation was not considered necessary.
39. However, these considerations do not apply with such force to the modified proposals. As NE points out the area that would be fenced is comparatively small in relation to the holding. By leaving the short section S001 unfenced, the cattle would not be prevented from wandering in close proximity to the farm steading or being transferred there in accordance with desired farm management practice. Movement of cattle between the fields and the marsh would not be restricted. Furthermore, considering NE's detailed proposals, I see no reason why the precise alignment of the path could not accommodate a sheltering station by the tree line coincident with the watercourse.

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40. Section 5.2.4 of the Approved Scheme states that *"the legislation does not take land away from land owners or interfere with their freedom to manage it. Landowners maintain full control to manage their land as they see fit"*. I consider that unlike the fencing posited with respect to the original alignment; the modified proposals would have no significant impact on farm management practices and would not be contrary to this advice.
41. The alternative route along the road proposed by H would provide only limited views of the estuary whereas walkers may generally prefer to avoid walking along a road despite the fact that on occasion the proposed modified route would be less convenient. Alignment along the road may well minimise disturbance to birds but given the findings of NE's assessments this is not an overriding consideration.

Habitats Regulation Assessment

42. The features or sites potentially affected by these proposals are Solway Firth SPA/ SAC, Upper Solway Flats and Marshes Ramsar site, and associated SSSIs. The Secretary of State is the competent authority to make an appropriate assessment of the implications of any plan or project potentially affecting a site with regard to that site's conservation objectives.
43. With regard to European sites, an interim Habitats Regulations Assessment was carried out by NE, using procedures compliant with the associated legislation. It was concluded on the basis of objective information, that the proposals would not have a likely significant effect on any of the qualifying features, either alone or in combination with other plans or projects. In coming to a conclusion regarding likely significant effects regard should be given to the views of NE as the appropriate nature conservation body.
44. Reviewing the assessment in light of the modified proposals, it would remain the case that measures identified by NE which in its judgement would be necessary in some places on the stretch to prevent any likely significant effect on the European sites, would obtain equally in respect of the proposed modified route. In summary, the proposed modified alignment of the trail would take account of the location of key features and avoids these areas wherever possible; and appropriate signage would be installed to give information about the presence of and importance of nesting and roosting birds at specific sites along the coast.
45. Included within the measures would be: a direction to exclude access to part of Anthorn and Cardurnock Marsh not covered by the s25A direction, to operate all year; a direction to exclude access to the agricultural land located to the landward side of Anthorn and Cardurnock Marsh, to operate between September 1st and April 30th each year; a direction requiring people to keep their dogs on leads on the route on Anthorn and Longcroft Marsh to operate all year; and a direction to exclude access to the areas of Whitrigg Marsh that fall into the coastal margin, to operate all year.

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46. NE's original report relating to this stretch² should be read as proposed to be amended by its modified report (MR). The original stretch overview³ provides context to the issues discussed in the MR.
47. I therefore advise the Secretary of State that further assessment in this respect is not required.

Recommendation

48. Having regard to these and to all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters raised in the objections. The modification proposed would meet the coastal access requirements and connect with the proposed route from Anthorn.
49. Accordingly, I recommend that the Secretary of State approves the proposed modification.

[redacted]

APPOINTED PERSON

²<https://www.gov.uk/government/consultations/england-coastpath-from-gretna-to-allonby-comment-on-proposals>

³<https://assets.publishing.service.gov.uk/media/5a7f9780e5274a2e8ab4d1c7/gretna-allonbyoverview.pdf>