

## Countryside and Rights of Way (CROW) Act 2000

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTIONS RESTRICTING COASTAL ACCESS RIGHTS

Prepared by Natural England

**Access authority:** Westmorland and Furness Council  
**Relevant authority:** Natural England  
**Local access forum:** Cumbria

**Direction references:** 2017038345 to 2017039359

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Land Parcel Name	Direction Reference	Details of restriction on original direction
<b>Section 24 – land management</b>		
South Walney Nature Reserve	2017038351	CROW section 24 No Public Access Year round
<b>Section 25A – unsuitable for access</b>		
North End Marsh	2017038345	CROW section 25A No Public Access Year round
Christy Pool to North Point	2017038350	CROW section 25A No Public Access Year round

<b>Land Parcel Name</b>	<b>Direction Reference</b>	<b>Details of restriction on original direction</b>
<b>Section 26 – nature conservation</b>		
<b>North Walney NNR / adjacent to airfield</b>		
Walney airfield - trail	2017038346	CROW section 26(3)(a) Dogs on leads Year round
Walney airfield - margin	2017038347	CROW section 26(3)(a) Dogs on leads Year round
<b>North east Walney – North Scale to Lenny Hill</b>		
North Scale to Lenny Hill – trail	2017038348	CROW section 26(3)(a) No Public Access Winter only (1 <sup>st</sup> Sept to 31 <sup>st</sup> March annually)
North Scale to Lenny Hill - margin	2017038349	CROW section 26(3)(a) No Public Access Winter only (1 <sup>st</sup> Sept to 31 <sup>st</sup> March annually)
<b>South Walney</b>		
Hare Hill to Scar End Point - trail	2017038352	CROW section 26(3)(a) Dogs on leads Year round
Fields adjacent to South Walney Nature Reserve - margin	2017038353	CROW section 26(3)(a) No Public Access Year round
<b>East Walney</b>		

Land Parcel Name	Direction Reference	Details of restriction on original direction
Rape Haw to Creephaw Marsh	2017038354	CROW section 26(3)(a) Dogs on leads Year round
Biggar Sands – trail - winter	2017038355	CROW section 26(3)(a) No Public Access Winter only (1 <sup>st</sup> Sept to 31 <sup>st</sup> March annually)
Biggar Sands – margin - winter	2017038356	CROW section 26(3)(a) No Public Access Winter only (1 <sup>st</sup> Sept to 31 <sup>st</sup> March annually)
Biggar Sands – trail - summer	2017038357	CROW section 26(3)(a) Dogs on leads Summer only (1 <sup>st</sup> April to 31 <sup>st</sup> August annually)
Biggar Sands – margin - summer	2017038358	CROW section 26(3)(a) Dogs on leads Summer only (1 <sup>st</sup> April to 31 <sup>st</sup> August annually)
Biggar Dyke to Tummer Hill	2017038359	CROW section 26(3)(a) Dogs on leads Year round

Natural England has now decided how to proceed following its review of the long-term directions to restrict coastal access rights in association with the King Charles III England Coast Path on Walney Island. A consultation was held between 11/12/2024 and 08/01/2025 with statutory consultees and the general public. We received feedback from a number of consultees including the Ramblers, Open

Spaces Society, landowners, conservation managers and members of the public. Our decisions are made in line with the [Coastal Access Scheme](#).

In summary the feedback was as follows:

All parties offered support for existing dogs on leads restrictions, and some (but not all) offered additional support for one or more total access exclusions (such as at South Walney Nature Reserve). The section 25A and some s26 exclusions and restrictions triggered some concerns that they were unnecessary and that the additional walkers the King Charles III England Coast Path attracted would create such a minimal change to existing access levels that to exclude Coastal Access rights is ineffective and discriminatory to KCIIIIECP walkers. It was felt they could miss out on more opportunities to connect with nature in comparison with local walkers exercising existing 'traditional' or 'permissive' rights. For some directions, it is suggested the situation should be monitored in order to confirm that the restriction or exclusion is being equitably enforced across both visitors and local walkers.

### **Outcome of the review:**

Natural England's decision is to leave the original suite of directions unchanged in the way they were originally proposed and extend the end dates, where necessary.

### **Section 24 – land management**

2017038351 – South Walney Nature Reserve

Cumbria Wildlife Trust has for many years charged a fee to the general public (either on site entry, or via memberships) for access to South Walney Nature Reserve in order to maintain necessary funding for the running of the reserve. The s24 exclusion was applied to enable the existing management and charging arrangements to continue and thus to not adversely impact the site or business operations, in line with the 'fair balance' principle in section 5.3 (Income) of the Coastal Access Scheme. The situation on the ground has not changed and therefore the need for the exclusion remains as it stands. The direction will be extended to an end date of 10<sup>th</sup> February 2031.

We acknowledge comments regarding an extension of the trail to Coastguard Cottages; however, the trail alignment was consulted on at proposal stage and sits outside of this consultation's scope. Coastal Access exclusions do not prevent access to Coastguard Cottages using traditional or permissive access on the road, as detailed on King Charles III England Coast Path signage on the ground.

## **Section 25A – saltmarsh and flats**

2017038345 – North End Marsh

2017038350 – Christy Pool to North Point

Section 25A directions are necessary where salt marsh or flats may be difficult or hazardous to walk on, e.g. where there are hidden channels, fast incoming tides, quicksand, deep muds, and where there is a time- and tide-limited opportunity to rectify an error or request assistance, as guided by part 7.15 (Salt marsh and flats) of the Coastal Access Scheme. The necessary strong awareness of these can only be gained through experience and familiarity. As Coastal Access grants rights to people who may be completely unfamiliar with the nature of these sites, we must also consider their safety as in part 4.2.5 (Safety) of the Scheme. As such, these exclusions are designed to protect walkers and were developed in consultation with the RNLi and Coastguard. In the absence of any material change on the ground, these directions will be maintained as they are.

Whilst the directions relate to salt marsh and mud flat, if they were ever to be removed, any underlying ecological issues would need to be assessed accordingly, as recognised in our original Coastal Access proposals. Signage on the ground makes it clear that it is a sensitive habitat vulnerable to public access, and that we have not applied any new access rights to the land. Those walking past these signs risk, as they always have, trespass and damaging a protected site and/or species.

Regarding the accessible nature of Piel and Sheep Islands, advice from the RNLi and Coastguard, various tourism promotional materials including from Westmorland and Furness Council and Visit Barrow, and the changeability of safe routes and conditions underfoot on estuarine marshes, sands and flats mean the s25A over the island walk routes should remain. It is recommended locally that these should only be attempted with a local expert and as such would be undertaken under any existing permissive and traditional rights they hold.

It is suggested that on road sections on the east of the island, no accessible space exists adjacent to the road; however, the strip of land immediately adjacent to the road is only covered by directions applying a requirement to keep dogs on leads rather than a total exclusion (2017038354 and 2017038359).

These directions will be extended until 10<sup>th</sup> February 2076.

## **Section 26 - nature conservation**

2017038346 – Walney Airfield – trail

2017038347 – Walney Airfield – margin

2017038348 – North Scale to Lenny Hill - trail

2017038349 – North Scale to Lenny Hill - margin  
2017038352 – Hare Hill to Scar End Point - trail  
2017038353 – Fields adjacent to South Walney Nature Reserve - margin  
2017038354 – Rape Haw to Creephaw Marsh  
2017038355 – Biggar Sands – trail - winter  
2017038356 – Biggar Sands – margin - winter  
2017038357 – Biggar Sands – trail – summer  
2017038358 – Biggar Sands – margin – summer  
2017038359 – Biggar Dyke to Tummer Hill

All of these directions were implemented in order to avoid disturbance to breeding and/or wintering birds on and around the island, in line with the need to protect sensitive features as set out in parts 4.9 (Protection of Sensitive Features) and 6.6 (Directions to restrict or exclude access) of the Scheme.

When we made our original proposals, we carried out an Access and Sensitive Features Assessment which concluded that all these locations are sensitive enough to warrant restrictions and exclusions for the of avoidance of disturbance to wintering and breeding birds. Following consultation with site managers and experts as part of this review, and being only five years into the new access rights, we are advised that the original evidence remains relevant and that it is too soon to reasonably discount any directions given the presence of numerous protected species and habitats. While walkers have been able to access Walney Island under the new rights since 2020, the adjacent mainland stretch through Barrow is not yet open, and it is possible many aspiring Coastal Access users will await the opening of adjacent KCIIECP stretches in order to tackle a longer route. At that time, new Coastal Access rights will apply to both sides of Walney Channel with the potential to change access levels and patterns, and consequently the behavioural patterns of wildlife responding to such change.

Signage on the ground makes it clear that it is a sensitive habitat and that we have not applied any new access rights to the land. Those knowingly walking past these signs risk trespass, damaging protected sites, and enforcement action from the relevant agencies. Where sites and species are being damaged, site management lies with landowners and site managers; the role of restrictions here is to avoid adding to existing site pressures.

We have noted as per one response that the Coastal Margin and corresponding restriction boundary adjacent to Walney Airfield does not correlate with the previous Open Access boundary at the northern end of the airfield. We can confirm that the landward Coastal Margin boundary is mapped to the current airfield fence.

The directions will be extended to an end date of 10<sup>th</sup> February 2031.

### **All directions**

We will continue to keep the need for these directions under review.

Where a direction restricts access indefinitely, for more than five years, for part of every year, or for part of at least six consecutive years, we have a statutory duty to review it within five years of the date of its issue.

Date review completed: 4<sup>th</sup> February 2025