



Assessment of England Coast Path proposals between Silverdale and Cleveleys

On Leighton Moss SPA & Ramsar

January 2020

Contents:

| | |
|--|----|
| Summary | 2 |
| PART A: Introduction and information about the England Coast Path | 8 |
| PART B: Information about the European Site(s) which could be affected | 11 |
| PART C: Screening of the plan or project for appropriate assessment | 13 |
| PART D: Appropriate Assessment and Conclusions on Site Integrity | 18 |
| PART E: Permission decision with respect to European Sites | 25 |
| References to evidence..... | 26 |

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

Summary

I) Introduction

This is a record of the Habitats Regulations Assessment (‘HRA’) undertaken by Natural England (in its role of competent authority) in accordance with the assessment and review provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (‘the Habitats Regulations’).

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. This assessment considers the potential impacts of our detailed proposals for coastal access from Silverdale to Cleveleys on Leighton Moss Special Protection Area (SPA) and Ramsar.

The assessment of these proposals on Morecambe Bay and Duddon Estuary (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar is in a separate HRA document.

This assessment should be read alongside Natural England’s related Coastal Access Reports which between them fully describe and explain its access proposals for the stretch as a whole. The Overview explains common principles and background and the reports explain how we propose to implement coastal access along each of the constituent lengths within the stretch. These Reports can be viewed here:

www.gov.uk/government/publications/england-coast-path-from-silverdale-to-cleveleys-comment-on-proposals

II) Background

Leighton Moss SPA / Ramsar site is outside of the project area. The boundary of the SPA and Ramsar site is 140m to the landward of the proposed England Coast Path (ECP), and is separated from the path by a fence, a road, another fence / hedgerow and a field. Therefore the areas designated as SPA and Ramsar are unaffected by our proposals.

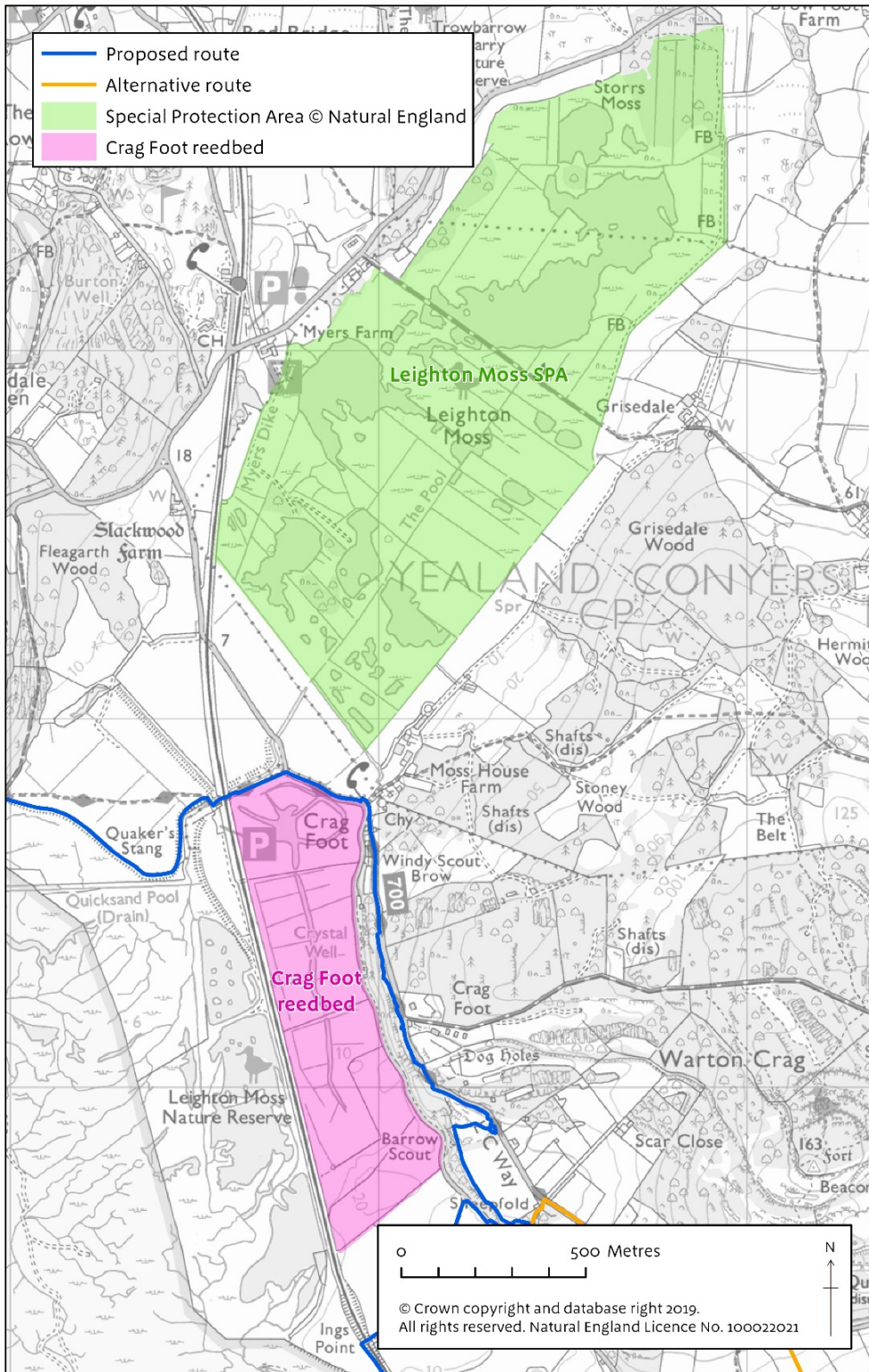
The proposed route of the ECP is aligned next to an area of reed bed at Crag Foot. This reed bed is outside of the boundary of the Leighton Moss SPA / Ramsar site, and is supporting habitat for the following SPA and Ramsar site qualifying features:

- breeding bittern, bearded tit and marsh harrier; and
- non-breeding teal and shoveller.

This assessment considers the impacts of the coastal access proposals on the reed bed at Crag Foot, which is supporting habitat for SPA / Ramsar site qualifying features.

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Map showing Leighton Moss SPA / Ramsar site, and location of the reedbed at Crag Foot



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

III) Our approach

Natural England’s approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in part 4.9 of ‘Coastal Access: Natural England’s Approved Scheme 2013’ [Ref 1].

Our final published proposal for a stretch of England Coast Path is preceded by detailed local consideration of options for route alignment, the landward extent of the coastal margin and any requirement for management measures, including restrictions, exclusions or seasonal alternative routes. The proposal is thoroughly considered before being finalised and initial ideas may be modified or rejected during the iterative design process, drawing on the range of relevant expertise available within Natural England.

Evidence is also gathered as appropriate from a range of other sources which can include information held locally by external partners or from the experience of local land owners, environmental consultants and occupiers. The approach includes looking at any current visitor management practices, either informal or formal. It also involves discussing our emerging conclusions as appropriate with key local interests such as land owners or occupiers, conservation organisations or the local access authority. In these ways, any nature conservation concerns are discussed early and constructive solutions identified as necessary.

The conclusions of this assessment are approved by a member of Natural England staff who is not a member of the coastal access programme team and who has responsibility for protected sites.

This ensures appropriate separation of duties within Natural England.

IV) Aim and objectives for the design of our proposals

The new national arrangements for coastal access will establish a continuous well-maintained walking route around the coast and will clarify where people can access the foreshore and other parts of the coastal margin. These changes will influence how people use the coast for recreation and our aim in designing our detailed proposals has been to secure and enhance opportunities for people to enjoy their visit whilst ensuring appropriate protection for affected European sites.

A particular concern during the development of our proposals for this stretch of coast has been to avoid disturbance of birds using the reed bed at Crag Foot. Our aim has been to secure and enhance opportunities for people to enjoy their visit to the coast and actively engage with the natural environment whilst ensuring appropriate protection for the designated site features.

Objectives for design of our detailed local proposals have been to:

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

- avoid exacerbating disturbance at sensitive locations by making use of established coastal paths;
- where there is no suitable established and regularly used coastal route, develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals;
- clarify when, where and how people may access the foreshore and other parts of the coastal margin on foot for recreational purposes;
- work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations; and
- where practical, incorporate opportunities to raise awareness of the importance of the area for birds, and how people can contribute to nature conservation efforts to protect them.

V) Conclusion

We have considered whether our detailed proposals for coastal access between Cove Well, Silverdale, and Wild Duck Hall, Bolton-le-Sands, might have an impact on Leighton Moss SPA and Leighton Moss Ramsar. In Part C of this assessment, we identify the possible risks to the relevant qualifying features and conclude that proposals for coastal access, without incorporated mitigation, may have a significant effect on these sites. In Part D we consider these risks in more detail, taking account of avoidance and mitigation measures incorporated into our access proposal, and conclude that there will not be an adverse effect on the integrity of either site. These measures are summarised in Table 1 below.

**Assessment of Coastal Access proposals under regulation 63 of
the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

Table 1. Summary of risks and consequent mitigation built in to our proposals

| Risk to conservation objectives | Relevant design features of the access proposal |
|---|---|
| <p>Breeding bittern, bearded tit, marsh harrier</p> <ul style="list-style-type: none"> • Disturbance to breeding birds, following changes in recreational activities as a result of the access proposal, leads to reduction in population and/or contraction in the distribution of Qualifying Features within the site. • More frequent trampling in areas of reed bed, following changes in recreational activities as a result of the access proposal, leads to a loss of extent of supporting habitat. | <p>S26(3)(a) access exclusion on the reed bed at Crag Foot and surrounding fields</p> <p>Fencing between the ECP and the reed bed</p> <p>Signage at potential entrance points to the reed bed advising of access exclusion.</p> |
| <p>Non-breeding teal & shoveller</p> <ul style="list-style-type: none"> • Repeated disturbance to foraging or resting non-breeding birds, following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of Qualifying Features within the site. • More frequent trampling in areas of reed bed, following changes in recreational activities as a result of the access proposal, leads to a loss of extent of supporting habitat. | <p>S26(3)(a) access exclusion on the reed bed at Crag Foot and surrounding fields</p> <p>Fencing between the ECP and the reed bed</p> <p>Signage at potential entrance points to the reed bed advising of access exclusion.</p> |

VI) Implementation

Once our coastal access proposals have been confirmed by the Secretary of State, we will work with Lancashire County Council to ensure any works on the ground are carried out with due regard to the conclusions of this appraisal and relevant statutory requirements.

**Assessment of Coastal Access proposals under regulation 63 of
the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

VII) Thanks

The development of our proposals has been informed by input from people with relevant expertise within Natural England and other key organisations. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process. We are particularly grateful to the RSPB, whose contributions and advice have helped to inform development of our proposals.

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

PART A: Introduction and information about the England Coast Path

A1. Introduction

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 whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where in appropriate places people will be able to spread out and explore, rest or picnic.

To secure these objectives, we must submit reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the associated coastal margin. The reports must follow the approach set out in our methodology (the Coastal Access Scheme), which – as the legislation requires – has been approved by the Secretary of State for this purpose.

Where implementation of a Coastal Access Report could impact on a site designated for its international importance for wildlife, called a ‘European site’¹, a Habitats Regulations Assessment must be carried out.

The conclusions of this screening are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

Natural England’s approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in the Coastal Access Scheme [Ref 1]. Note that, following a ruling by the Court of Justice of the European Union (Case C-323/17 – usually cited as *People over Wind*), we have issued a technical memorandum concerning the application of this methodology where assessment under the Habitats Regulations is required.

A2. Details of the plan or project

This assessment considers Natural England’s proposals for coastal access along the stretch of coast between Silverdale and Cleveleys. Our proposals to the Secretary of State for this stretch of coast are presented in a series of reports that explain how we propose to implement coastal access along each of the constituent lengths within the stretch.

¹ Ramsar sites and proposed Ramsar sites; potential Special Protection Areas (pSPA); candidate Special Areas of Conservation (cSAC); and sites identified, or required, as compensatory measures for adverse effects on European sites are treated in the same way by UK government policy

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

This assessment is concerned with Coastal Access Report SDC 1 Cove Well, Silverdale to Wild Duck Hall. Report map SDC 1c and restriction map 1D in the SDC 1 Coastal Access Report show relevant details of the access proposals.

Our proposals for coastal access have two main components:

- alignment of the England Coast Path; and
- designation of coastal margin.

England Coast Path

A continuous walking route around the coast – the England Coast Path National Trail - will be established by joining up existing coastal paths and creating new sections of path where necessary. The route will be established and maintained to National Trail quality standards. In certain locations, the coastal path will be able to ‘roll back’ as the occasional cliffs on this stretch erode or slip, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

Coastal Margin

An area of land associated with the proposed trail will become coastal margin, including all land seawards of the trail down to mean low water. In certain locations, coastal margin will also apply to land on the landward side of the trail.

Coastal margin is typically subject to new coastal access rights, though there are some obvious exceptions to this. The nature and limitations of the new rights, and the key types of land excepted from them, are explained in more detail in Chapter 2 of our Coastal Access Scheme [Ref 1]. Where there are already public or local rights to do other things, these are normally unaffected and will continue to exist in parallel to the new coastal access rights. The exception to this principle is any pre-existing open access rights under Part 1 of the Countryside and Rights of Way Act 2000 (CRoW) over land falling within the coastal margin: the new coastal access rights will apply in place of these.

Where public access on foot already takes place on land within the margin without any legal right for people to use the land in this way, the new coastal access rights will secure this existing use legally. Access secured in this way is subject to various national restrictions. It remains open to the owner of the land, should they wish, to continue tolerating other types of established public use not provided for by coastal access rights.

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Promotion of the England Coast Path

The Coast Path will be promoted as part of the family of National Trails. On the ground, the path will be easy to follow, with distinctive signposting at key intersections and places people can join the route. Directional way markers incorporating the National Trail acorn symbol will be used to guide people along the route. The coastal margin will not normally be marked on the ground, except where signage is necessary to highlight dangers that might not be obvious to visitors, or clarify to the scope and/or extent of coastal access rights.

Information about the Coast Path will be available on-line, including via the established National Trails website that has a range of useful information, including things for users to be aware of, such as temporary closures and diversions. The route is depicted on Ordnance Survey maps using the acorn symbol. The extent of the coastal margin is also depicted, together with an explanation about coastal access, where they do and don't apply and how to find out about local restrictions or exclusions.

Maintenance of the England Coast Path

The access proposals provide for the permanent establishment of a path and associated infrastructure, including additional mitigation measures referred to in this assessment and described in the access proposals. The England Coast Path will be part of the National Trails family of routes, for which there are national quality standards. Delivery is by local partnerships and there is regular reporting and scrutiny of key performance indicators, including the condition of the trail.

Responding to future change

The legal framework that underpins coastal access allows for adaptation in light of future change. In such circumstances Natural England has powers to change the route of the trail and limit access rights over the coastal margin in ways that were not originally envisaged. These new powers can be used, as necessary, alongside informal management techniques and other measures to ensure that the integrity of the site is maintained in light of unforeseen future change.

Establishment of the trail

Establishment works to make the trail fit for use and prepare for opening, including any special measures that have been identified as necessary to protect the environment, will be carried out before the new public rights come into force on this stretch. Details of the works to be carried out and the estimated cost are provided in the access proposals. The cost of establishment works will be met by Natural England. Works on the ground to implement the proposals will be carried out by Lancashire County Council, subject to any further necessary consents being obtained, including to undertake operations on a SSSI. Natural England will provide further advice to the local authority carrying out the work, as necessary.

**Assessment of Coastal Access proposals under regulation 63 of
the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

**PART B: Information about the European Site(s) which
could be affected**

**B1. Brief description of the European Sites(s) and their
Qualifying Features**

Table 2. Qualifying features of Leighton Moss SPA and Ramsar

| Qualifying features | Leighton Moss SPA | Leighton Moss Ramsar |
|---|----------------------|----------------------------|
| Lowland Fen S4 <i>Phragmites australis</i> swamp and reed-beds. | | ✓ |
| Bittern <i>Botaurus stellaris</i> (breeding) | ✓ | ✓ |
| Bearded tit <i>Panurus biarmicus</i> (breeding) | | ✓ |
| Marsh Harrier <i>Circus aeruginosus</i> (breeding) | | ✓ |
| Teal <i>Anas crecca</i> (non-breeding) | | ✓ |
| Shoveller <i>Anas clypeata</i> (non-breeding) | | ✓ |

**B2. European Site Conservation Objectives (including
supplementary advice)**

Natural England provides advice about the Conservation Objectives for European Sites in England in its role as the statutory nature conservation body. These Objectives (including any Supplementary Advice which may be available) are the necessary context for all HRAs.

The overarching Conservation Objectives for every European Site in England are to ensure that the integrity of each site is maintained or restored as appropriate, and that each site contributes to achieving the aims of the Habitats Regulations, by either maintaining or restoring (as appropriate):

- The extent and distribution of their qualifying natural habitats,

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

- The structure and function (including typical species) of their qualifying natural habitats,
- The supporting processes on which their qualifying natural habitats rely,
- The supporting processes on which the habitats of their qualifying features rely,
- The population of each of their qualifying features, and
- The distribution of their qualifying features within the site.

Where Conservation Objectives Supplementary Advice is available, which provides further detail about the features’ structure, function and supporting processes mentioned above, the implications of the plan or project on the specific attributes and targets listed in the advice will be taken into account in this assessment.

In light of the European Sites which could be affected by the plan or project, this assessment will be informed by the following site-specific Conservation Objectives, including any available supplementary advice;

<http://publications.naturalengland.org.uk/publication/4548734637572096>

**Assessment of Coastal Access proposals under regulation 63 of
the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

**PART C: Screening of the plan or project for appropriate
assessment**

**C1. Is the plan or project either directly connected with or
necessary to the (conservation) management (of the
European Site’s qualifying features)?**

The Coastal Access Plan is not directly connected with or necessary to the management of the European or Ramsar sites for nature conservation listed in B1 above.

Conclusion:

As the plan or project is not either directly connected or necessary to the management of all of the European site(s)’s qualifying features, and/or contains non-conservation elements, further Habitats Regulations assessment is required.

**C2. Is there a likelihood [or risk] of significant [adverse]
effects (‘LSE’)?**

This section details whether those constituent elements of the plan or project which are (a) not directly connected with or necessary to the management of the European Site(s) features and (b) could conceivably adversely affect a European site, would have a **likely significant effect**, either alone or in combination with other plans and projects, upon the European sites and which could undermine the achievement of the site’s conservation objectives referred to in section B2.

In accordance with case law, this HRA has considered an effect to be ‘likely’ if it *‘cannot be excluded on the basis of objective information’* and is ‘significant’ if it *‘undermines the conservation objectives’*. In accordance with Defra guidance on the approach to be taken to this decision, in plain English, the test asks whether the plan or project *‘may’* have a significant effect (i.e. there is a risk or a possibility of such an effect).

This assessment of risk therefore takes into account the precautionary principle (where there is scientific doubt) and **excludes**, at this stage, any measures proposed in the submitted details of the plan/project that are specifically intended to avoid or reduce harmful effects on the European site(s).

Each of the project elements has been tested in view of the European Site Conservation Objectives and against each of the relevant European site qualifying features. An assessment of potential effects using best available evidence and information has been made.

**Assessment of Coastal Access proposals under regulation 63 of
the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

C2.1 Risk of Significant Effects Alone

The first step is to consider whether any elements of the project are likely to have a significant effect upon a European site ‘alone’ (that is when considered in the context of the prevailing environmental conditions at the site but in isolation of the combined effects of any other ‘plans and projects’). Such effects do not include those deemed to be so insignificant as to be trivial or inconsequential.

In this section, we assess risks to qualifying features, taking account of their sensitivity to coastal walking and other recreational activities associated with coastal access proposals, and in view of each site’s Conservation Objectives.

Table 3. Assessment of likely significant effects alone

| Site: Leighton Moss SPA, Leighton Moss Ramsar | | | | |
|--|---|---|--|---|
| Feature | Relevant pressure | Sensitivity to coastal access proposals | Assessment of risk to site conservation objectives | LSE alone? |
| Lowland Fen S4 Phragmites australis swamp and reed beds. | n/a | n/a | The reed beds within the designated site boundary will not be affected by our proposals. This is because the SPA / Ramsar site is 140m to the landward of the proposed England Coast Path (ECP), and is separated from the path by a fence, a road, another fence / hedgerow and a field. | No |
| Breeding birds: bittern, bearded tit, & marsh harrier Non-breeding birds: teal, shoveller | Trampling of supporting habitat (reedbed) | Reed beds can be self-protecting, as the dense vegetation and wet ground discourages access. However reeds are very susceptible to damage by trampling, which can lead to loss of habitat. This occurs particularly near to popular routes, or in wet areas where walkers spread out to find a drier line. Increased access to the edge of reed beds or to tracks within reed beds | The reed beds within the Leighton Moss SPA / Ramsar site boundary are not affected by the proposals. This is because the SPA / Ramsar is 140m to the landward of the proposed England Coast Path (ECP), and is separated from the path by a fence, a road, another fence / hedgerow and a field. The proposed ECP is aligned next to a reed bed at Crag Foot. This reed bed is not within the SPA / Ramsar site boundary and is separated from the reed beds within the designated site boundary by a road and a field. | Yes Access to the edge of the reed beds could cause a significant increase in trampling. |

| | | | | |
|--|---|---|--|------------|
| | | <p>can increase the area affected by trampling. Keeping visitors/walkers on one dry line, for example on a boardwalk, reduces the impact of trampling. [REF. 2.]</p> | <p>It is supporting habitat for a variety of breeding and non-breeding birds, including breeding bittern.</p> <p>The reed bed at Crag Foot will fall entirely within the coastal margin. There is a vehicle track around one edge of the reed bed (currently not accessible to the public, used for nature reserve management access) which would also fall within the coastal margin.</p> <p>There is a risk of localised damage to habitat due to trampling because the edges of the reed bed (fields and a vehicle track) would become accessible. These areas could attract people, particularly bird watchers from the RSPB reserve, as they provide views into the pools within the reed beds.</p> | |
| <p>Breeding birds: bittern, bearded tit, & marsh harrier</p> | <p>Disturbance to breeding birds caused by people walking along the edge of, or through, the reed bed at Crag Foot and by dogs entering the reed bed.</p> | <p>Bittern and marsh harrier are ground nesting birds, and therefore during the breeding season they are at risk from disturbance by people and dogs.</p> <p>Disturbance can lead to eggs or chicks chilling, trampling of nests, eggs and chicks, or direct predation of nest or young by dogs. There is also a risk of increased predation of eggs and chicks, due to adults being disturbed from the nest leaving the nest more vulnerable to predation.</p> <p>Bearded tits build nests off the ground in reed beds, however they can still be disturbed by</p> | <p>The proposed ECP is aligned next to a reed bed at Crag Foot which, although not within the SPA or Ramsar site boundary, is supporting habitat for these birds. The reed bed will fall entirely within the coastal margin.</p> <p>There is a vehicle track around one edge of the reed bed (currently not accessible to the public, used for nature reserve management access) which would also fall within the coastal margin.</p> <p>There is a risk of increased disturbance to breeding birds if people or dogs leave the line of the ECP and enter the reed bed or walk to the edges of the scrapes.</p> <p>This is due to direct disturbance from people walking close to</p> | <p>Yes</p> |

| | | | | |
|--|---|---|---|------------|
| | | <p>people and dogs while nesting.</p> <p>Birds breeding in the middle of the reed bed will be less sensitive to disturbance by people and dogs, due to the impenetrable nature of the vegetation.</p> <p>However birds breeding nearer to the edge of the reed bed could be disturbed by people and dogs.</p> | <p>areas where the birds nest or forage, and by dogs entering the reed bed.</p> | |
| <p>Non-breeding birds: teal, shoveller</p> | <p>Disturbance to non-breeding birds caused by people walking along the edge of, or through, the reed bed at Crag Foot and by dogs entering the reed bed.</p> | <p>Birds within the reed bed will be less sensitive to disturbance by people and dogs, due to the impenetrable nature of reed beds. When the birds are on open water they could be flushed by people or dogs. Regular displacement may lead to a reduction in available habitat.</p> | <p>The proposed ECP is aligned next to a reed bed at Crag Foot which, although not within the SPA or Ramsar site boundary, is supporting habitat for these birds. The reed bed will fall entirely within the coastal margin.</p> <p>There is a vehicle track around one edge of the reed bed (currently not accessible to the public, used for nature reserve management access) which would also fall within the coastal margin.</p> <p>If the reed bed, adjacent fields to the south and vehicle track become spreading room there is a risk of increased disturbance because people and dogs would be in close proximity to areas of open water.</p> | <p>Yes</p> |

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

Conclusion:

- The plan or project alone is likely to have a significant effect on the following qualifying features:
 - Breeding bittern, bearded tit, marsh harrier
 - Non-breeding teal, shoveller
 -
- The plan or project alone is unlikely to have a significant effect on the following qualifying features:
 - Lowland Fen S4 Phragmites australis swamp and reed-beds.

C2.2 Risk of Significant Effects in-combination with the effects from other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable risks of effects (from a proposed plan or project) that are not themselves considered to be significant alone which must be further assessed to determine whether they could have a combined effect significant enough to require an appropriate assessment.

In C2.1 the qualifying features on which the access proposals might have an effect alone are identified – these are considered further in Part D of this assessment. For all other features, no other appreciable risks arising from the access proposals were identified that have the potential to act in combination with similar risks from other proposed plans or projects to also become significant. It has therefore been excluded, on the basis of objective information, that the project is likely to have a significant effect in-combination with other proposed plans or projects.

C3. Overall Screening Decision for the Plan/Project

On the basis of the details submitted, Natural England has considered the plan or project under Regulation 63(1)(a) of the Habitats Regulations and made an assessment of whether it will have a likely significant effect on a European site, either alone or in combination with other plans and projects.

In light of sections C1 and C2 of this assessment above, Natural England has concluded:

As the plan or project is likely to have significant effects (or may have significant effects) on some or all of the Qualifying Features of the European Site(s) ‘alone’, further appropriate assessment of the project ‘alone’ is required.

**Assessment of Coastal Access proposals under regulation 63 of
the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

PART D: Appropriate Assessment and Conclusions on Site Integrity

D1. Scope of Appropriate Assessment

In light of the screening decision above in section C3, this section contains the Appropriate Assessment of the implications of the plan or project in view of the Conservation Objectives for the European Site(s) at risk.

The Sites and the Qualifying Feature for which significant effects (whether ‘alone’ or ‘in combination’) are likely or cannot be ruled out and which are initially relevant to this appropriate assessment are:

Table 4. Scope of Appropriate Assessment

| Environmental pressure | Qualifying Feature(s) affected | Risk to Conservation Objectives |
|--|--|--|
| Trampling of vegetation | <ul style="list-style-type: none"> • Breeding bittern, bearded tit and marsh harrier • Non-breeding teal and shoveller | More frequent trampling in areas of reed bed, following changes in recreational activities as a result of the access proposal, leads to a loss of extent of supporting habitat. |
| Disturbance of breeding birds | <ul style="list-style-type: none"> • bittern, bearded tit, marsh harrier | Disturbance to breeding birds, following changes in recreational activities as a result of the access proposal, leads to reduction in population and/or contraction in the distribution of qualifying features within the site. |
| Disturbance of non-breeding birds | <ul style="list-style-type: none"> • teal, shoveller | Repeated disturbance to foraging or resting non-breeding birds, following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site. |

D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Leighton Moss SPA is situated on the north-west coast of Lancashire within the Morecambe Bay Limestone National Character Area (NCA Profile 020) and lies adjacent to Morecambe Bay. Leighton Moss holds the largest area of reed-bed in northern England.

The Leighton Moss RSPB reserve is located on the site of a former raised mire drained for agricultural purposes and has since been allowed to flood and develop as a reed bed providing habitat for species at the north western limit of their British range such as bittern and bearded tit.

At the time of its classification, the SPA supported 4 breeding pairs of bittern, which represented approximately 20% of the British breeding population.

Leighton Moss SPA / Ramsar site is outside of the project area. The boundary of the SPA and Ramsar site is 140m to the landward of the proposed England Coast Path (ECP), and is separated from the path by a fence, a road, another fence / hedgerow and a field. Therefore the areas designated as SPA and Ramsar are unaffected by our proposals.

The proposed route of the ECP is aligned next to an area of reed bed at Crag Foot. This reed bed is outside of the boundary of the Leighton Moss SPA / Ramsar site, and is supporting habitat for the following SPA and Ramsar site qualifying features:

- breeding bittern, bearded tit and marsh harrier; and
- non-breeding teal and shoveller.

This assessment considers the impacts of the coastal access proposals on the reed bed at Crag Foot, which is supporting habitat for SPA / Ramsar site qualifying features.

D3. Assessment of potential adverse effects considering the plan or project 'alone'

This section considers the risks identified at the screening stage in section C and assesses whether adverse effects arising from these risks can be ruled out, having regard to the detailed design of proposals for coastal access.

In reviewing the ability of any incorporated measures to avoid harmful effects, Natural England has considered their likely effectiveness, reliability, timeliness, certainty and duration over the full lifetime of the plan or project. A precautionary view has been taken where there is doubt or uncertainty regarding these measures.

D3.1 Design of the access proposal to address possible risks

Current situation

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

The reed bed at Crag Foot is owned and managed by the RSPB as part of the Leighton Moss nature reserve. There is currently no public access to the reed bed. Signs at access gates inform people that there is no public access.

The reed bed is within the Arnside and Silverdale Area of Outstanding Natural Beauty, which is a popular area for walkers, with a well-used network of public rights of way.

A road runs along the side of the reed bed, and there is a pavement along the one section of the road which is currently the route of the Lancashire Coastal Way.

Detailed design and assessment of risk

The reed bed at Crag Foot falls within the proposed coastal margin. Increased access in this area could lead to increased disturbance of breeding and non-breeding birds, increased trampling of the vegetation and loss of supporting habitat for the birds.

A new section of footpath between the railway underpass (Quaker’s Stang) and the junction of New Road and Crag Road will be constructed along the edge of the reed bed. This will require 145m section of new aggregate surfaced path and 225m of new boardwalk.

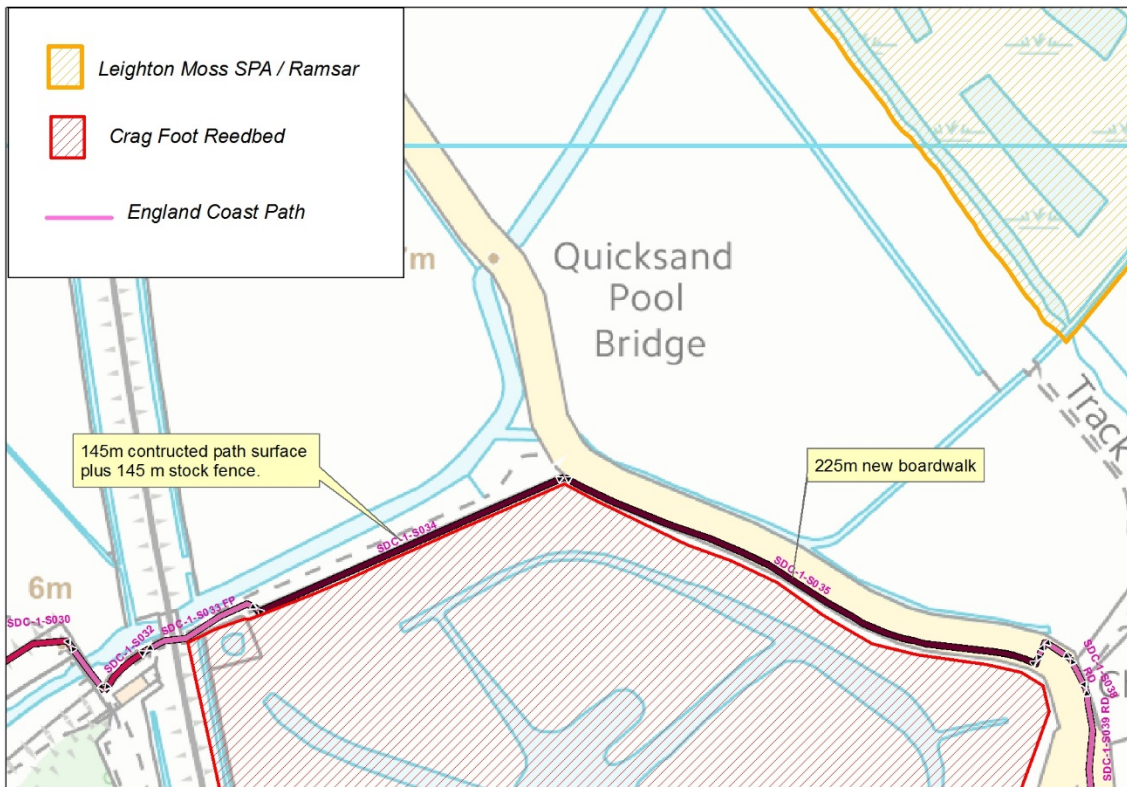
The proposed ECP is aligned along the edge of the reed bed in an area where the reeds will act as a screen to the areas of open water. There is also an existing small bund between the reed bed and the ECP. This will reduce the risk of birds being disturbed by people walking along the path.

A new fence will be installed between the new surfaced path (aggregate and boardwalk) and the reed bed. This will prevent people and dogs from accessing the reed bed and disturbing birds, and will therefore also prevent damage to the vegetation.

The boardwalk is aligned adjacent to a fairly busy road, therefore any additional noise created by people using the path is unlikely to add to any disturbance of the birds caused by noise.

Map showing detail of new fence and boardwalk

**Assessment of Coastal Access proposals under regulation 63 of
the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**



Therefore there is a low risk that people and dogs using the line of the ECP will increase disturbance to the non-breeding and breeding birds within the reed bed or cause trampling damage to the reed bed habitat adjacent to the path.

In order to protect the breeding and non-breeding bird interest, and to avoid trampling of the habitat within the coastal margin, a year round access exclusion across the coastal margin covering the reed bed and surrounding field edge is proposed (shown on Overview Report map 1D). Signage at potential entrance points will inform people of the access restriction.

**Assessment of Coastal Access proposals under regulation 63 of
the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

D3.2 Assessment of potentially adverse effects (taking account of any additional mitigation measures incorporated into the design of the access proposal) alone

Table 5. Assessment of adverse effect on site integrity alone

| Feature & Risk to conservation objectives | Relevant design features of the access proposal | Can ‘no adverse effect’ on site integrity be ascertained? (Yes/No) Give reasons. | Residual effects? |
|---|--|--|--------------------------|
| <p>Breeding bittern, bearded tit, marsh harrier</p> <ul style="list-style-type: none"> Disturbance to breeding birds, following changes in recreational activities as a result of the access proposal, leads to reduction in population and/or contraction in the distribution of qualifying features within the site. More frequent trampling in areas of reed bed, following changes in recreational activities as a result of the access proposal, leads to a loss of extent of supporting habitat. | <ul style="list-style-type: none"> S26(3)(a) access exclusion on the reed bed and surrounding fields Fencing between the ECP and the reed bed Signage at potential entrance points to the reed bed advising of access restrictions. | <p>Yes.</p> <p>The ECP has been designed to ensure that people and dogs stay on the line of the path and do not enter the reed bed. The proposed access exclusion in the coastal margin, plus the existing fencing and walls around the reed bed, mean that there is a very low risk of people and dogs entering the coastal margin and disturbing breeding birds.</p> | <p>No</p> |
| <p>Non-breeding teal & shoveller</p> <ul style="list-style-type: none"> Repeated disturbance to foraging or resting non-breeding birds, following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site. More frequent trampling in areas of reed bed, following changes in recreational activities as a result of the access proposal, leads to a loss of extent of supporting habitat. | <ul style="list-style-type: none"> S26(3)(a) access exclusion on the reed bed and surrounding fields Fencing between the ECP and the reed bed Signage at potential entrance points to the reed bed advising of access restrictions. | <p>Yes.</p> <p>The ECP has been designed to ensure that people and dogs stay on the line of the path and do not enter the reed bed. The proposed access exclusion in the coastal margin, plus the existing fencing and walls around the reed bed, mean that there is a very low risk of people and dogs entering the coastal margin and disturbing non-breeding birds.</p> | <p>No</p> |

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

Conclusion:

- The following risks to achieving the conservation objectives identified in D1 are effectively addressed by the proposals and no adverse effect on site integrity (taking into account any incorporated mitigation measures) can be concluded:
- Disturbance to breeding bittern, bearded tit and marsh harrier, following changes in recreational activities as a result of the access proposal, leads to reduction in population and/or contraction in the distribution of Qualifying Features within the site.
- Repeated disturbance to foraging or resting non-breeding teal & shoveller, following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.
- More frequent trampling in areas of reed bed, following changes in recreational activities as a result of the access proposal, leads to a loss of extent of supporting habitat for qualifying features.

D4 Assessment of potentially adverse effects considering the project ‘in-combination’ with other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable effects (from a proposed plan or project) that are not themselves considered to be adverse alone which must be further assessed to determine whether they could have a combined effect significant enough to result in an adverse effect on site integrity.

Natural England considers that in this case the potential for adverse effects from the plan or project has been wholly avoided by the incorporated or additional mitigation measures outlined in section D3. It is therefore considered that there are no residual and appreciable effects likely to arise from this project which have the potential to act in-combination with those from other proposed plans or projects. It has therefore been excluded, on the basis of objective information, that the project can have an adverse effect on site integrity in-combination with other proposed plans or projects.

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

D5. Conclusions on Site Integrity

Because the plan/project is not wholly directly connected with or necessary to the management of the European site and is likely to have a significant effect on that site (either alone or in combination with other plans or projects), Natural England carried out an Appropriate Assessment as required under Regulation 63 of the Habitats Regulations to ascertain whether or not it is possible to conclude that there would be no adverse effect on the integrity of a European Site(s).

Natural England has concluded that:

It can be ascertained, in view of site conservation objectives, that the access proposal (taking into account any incorporated avoidance and mitigation measures) will not have an adverse effect on the integrity of Leighton Moss SPA and Ramsar site either alone or in combination with other plans and projects.

**Assessment of Coastal Access proposals under regulation 63 of the
Habitats Regulations 2017 (as amended)
(‘Habitats Regulations Assessment’)**

PART E: Permission decision with respect to European Sites

Natural England has a statutory duty under section 296 of the Marine and Coastal Access Act 2009 to improve access to the English coast. To fulfil this duty, Natural England is required to make proposals to the Secretary of State under section 51 of the National Parks and Access to the Countryside Act 1949. In making proposals, Natural England, as the relevant competent authority, is required to carry out a HRA under Regulation 63 of the Habitats Regulations.

We, Natural England, are satisfied that our proposals to improve access to the English coast between Silverdale and Cleveleys are fully compatible with the relevant European site conservation objectives.

It is open to the Secretary of State to consider these proposals and make a decision about whether to approve them, with or without modifications. If the Secretary of State is minded to modify our proposals, further assessment under the Habitats Regulations may be needed before approval is given.

Certification

| | | |
|--------------------------------|---------------|-----------------------------|
| Assessment prepared by: | Sarah Wiseman | Coastal Access Lead Adviser |
| Date: | 04/12/2019 | |
| HRA approved by: | Mark Hesketh | Deputy Area Manager |
| Date: | 04/12/2019 | |

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) (‘Habitats Regulations Assessment’)

References to evidence

1. NATURAL ENGLAND. 2013. Coastal Access Natural England’s Approved Scheme 2013. Published by Natural England Catalogue Code: NE446
<http://publications.naturalengland.org.uk/publication/5327964912746496?category=50007>
2. NATURAL ENGLAND. 2009. Scientific research into the effects of access on nature conservation: Part 1: access on foot (NECR012).
<http://publications.naturalengland.org.uk/publication/41007>