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England Coast Path Stretch: Aust to Brean Down

Overview to Natural England's compendium of statutory reports to the Secretary of State for this stretch of coast



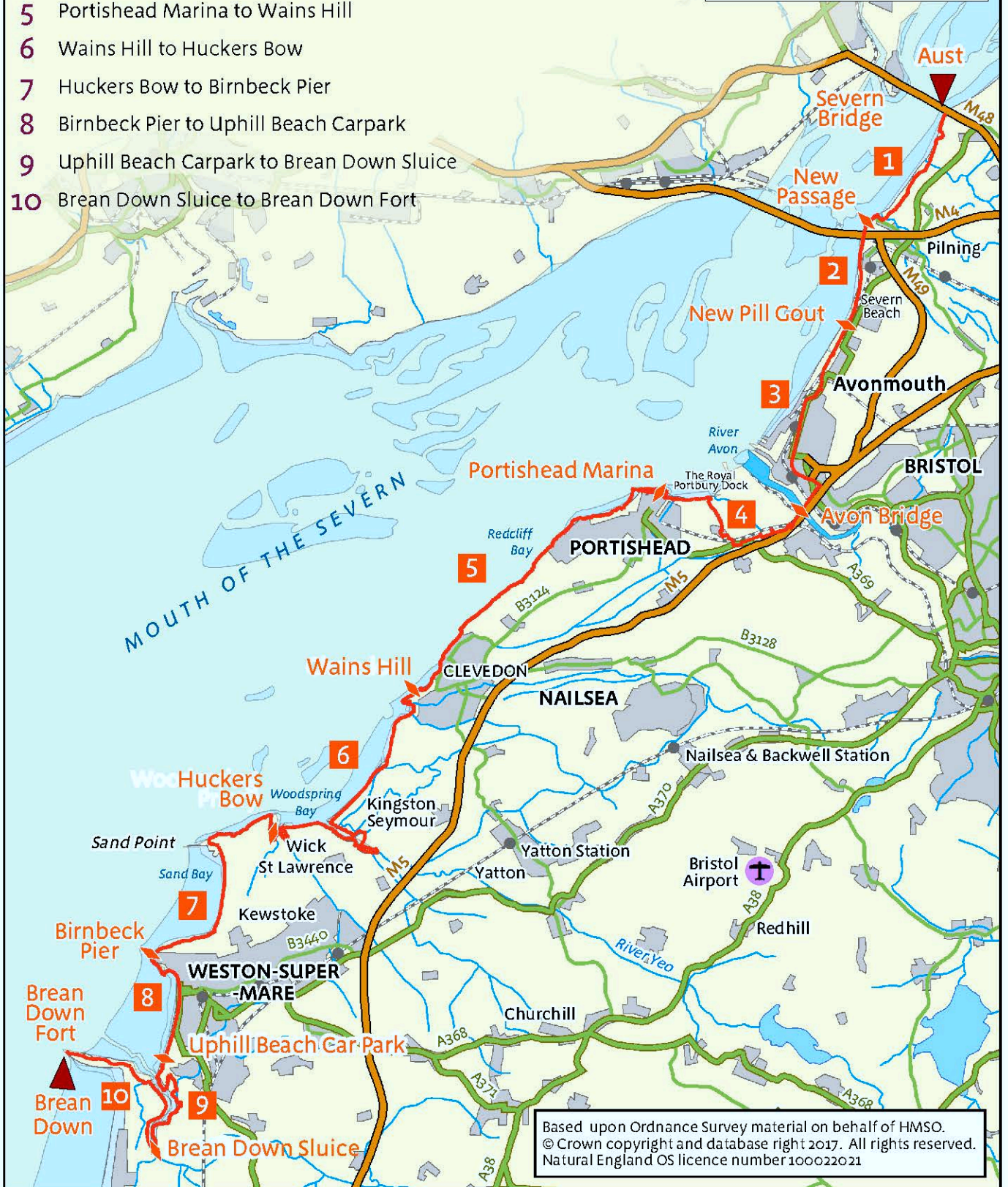
Map A:

Key map - Aust to Brean Down

Report number and title

- 1 Severn Bridge to New Passage
- 2 New Passage to New Pill Gout
- 3 New Pill Gout to Avon Bridge
- 4 Avon Bridge to Portishead Marina
- 5 Portishead Marina to Wains Hill
- 6 Wains Hill to Huckers Bow
- 7 Huckers Bow to Birnbeck Pier
- 8 Birnbeck Pier to Uphill Beach Carpark
- 9 Uphill Beach Carpark to Brean Down Sluice
- 10 Brean Down Sluice to Brean Down Fort

Extent of proposals	
Extent of proposals in each report	
Motorways	
A road	
B road	
Railway & station	



Report number and title

ABD 1	Severn Bridge to New Passage (Maps ABD 1a to ABD 1c)
ABD 2	New Passage to New Pill Gout (Maps ABD 2a to ABD 2c)
ABD 3	New Pill Gout to Avon Bridge (Maps ABD 3a to ABD 3d)
ABD 4	Avon Bridge to Portishead Marina (Maps ABD 4a to ABD 4e)
ABD 5	Portishead Marina to Wains Hill (Maps ABD 5a to ABD 5g)
ABD 6	Wains Hill to Huckers Bow (Maps ABD 6a to ABD 6f)
ABD 7	Huckers Bow to Birnbeck Pier (Maps ABD 7a to ABD 7c)
ABD 8	Birnbeck Pier to Uphill Beach Carpark (Maps ABD 8a to ABD 8c)
ABD 9	Uphill Beach Carpark to Brean Cross Sluice (Maps ABD 9a to ABD 9b)
ABD 10	Brean Cross Sluice to Brean Down Fort (Maps ABD 10a to ABD 10e)

Using Key Map

Map A (opposite) shows the whole of the Aust to Brean Down stretch divided into shorter numbered lengths of coast.

Each number on Map A corresponds to the report which relates to that length of coast.

To find our proposals for a particular place, find the place on Map A and note the number of the report which includes it.

If you are interested in an area which crosses the boundary between two reports, please read the relevant parts of both reports.

Printing

If printing, please note that the maps which accompany reports 1 to 10 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the report you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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Please read first!

This Overview document sets out the context for Natural England's proposals to improve public access to and along the stretch of coast between Aust and Brean Down. It explains key common principles and background underlying the detailed proposals that we make in our compendium of linked but legally separate statutory reports, each covering a single length of coast within the stretch. Each of these reports should be read in conjunction with this Overview.

Taken together, these reports explain how we propose to implement the England Coast Path ("the trail") on this stretch of coast, and detail the likely consequences in terms of the wider 'Coastal Margin' that will be created if our proposals are approved by the Secretary of State. Our reports also set out:

- any proposals we think are necessary for restricting or excluding coastal access rights to address particular issues, in line with the powers in the legislation; and
- any proposed powers for the trail to be capable of being relocated on particular sections (through "roll-back"), if this proves necessary in the future because of coastal change.

So although this Overview has multiple reports associated with it, each report relating to a particular part of the stretch makes free-standing proposals, and seeks approval for them by the Secretary of State in their own right under section 52 of the National Parks and Access to the Countryside Act 1949.

We have carefully considered any potential environmental impacts of improving public access to this stretch of coast, and made any necessary adjustments to our proposals prior to publication in order to address these. Considerations in relation to environmental matters are explained in Section 6 of this Overview and relevant reports for each length of coast. Links are provided to relevant separately published documentation where appropriate.

The reports are published on our web pages as a series of separate documents, alongside this Overview and more general information about how the Coastal Access programme works.

Each report is accompanied by detailed **Proposals Maps** for the relevant length of coast. The maps are numbered according to the part of the report to which they relate. For example, maps ABD 1a to ABD 1c illustrate the proposals in report ABD1, which deals with the length from Severn Bridge to New Passage.

Introduction

1. Improving coastal access

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 (“the trail”) around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route which, in appropriate places, people will also be able to enjoy on foot. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters¹, as far as the first bridge or tunnel with pedestrian access, or as far as any point between the two.

To secure these objectives, we must submit statutory 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.

This Overview and the related compendium of reports relate to the coast of South Gloucestershire, Bristol, North Somerset and Somerset between Aust and Brean Down. Taken together, our report proposals would make the following key improvements to the existing arrangements for access to this part of the coast:

- New sections of coastal path would be created in strategic places to link existing coastal paths into a continuous route along this stretch of coast for the first time;
- For the first time, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

This is a significant opportunity to improve public access to this stretch of coast in these ways, with benefits for residents, businesses and visitors. More people will have easier and more extensive access to the coastal environment for open-air recreation, which is widely acknowledged to have significant benefits for human health and well-being.

Once approved and established, this part of the England Coast Path will be managed as part of the family of National Trails.

¹ section 301 of the Marine and Coastal Access Act 2009

2. The determination process

Each of the reports for this stretch is submitted in accordance with our statutory duty under section 296 of the Marine and Coastal Access Act 2009 ('the 2009 Act') to improve access to the English coast.

Publication of the reports has been advertised locally and online in accordance with the requirements of the coastal access legislation.

Following publication:

- Any person may make representations to Natural England about any of the reports; and
- Any owner or occupier of affected land may make an objection to Natural England.

In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice for Aust to Brean Down, which can be viewed here <https://www.gov.uk/government/publications/england-coast-path-from-aust-to-brean-down-comment-on-proposals> together with more information about how to make representations or objections.

The Planning Inspectorate will consider any objections and any related representations before passing recommendations to the Secretary of State, who in turn will consider both representations and objections and then make a decision as to whether to approve our proposals. Chapter 3 of our Coastal Access Scheme explains these processes in more detail (see Annex A: Bibliography).

The Secretary of State may confirm the proposals in each report in full, confirm some with modifications, or reject some or all of them. If the conclusion is that some modification to our proposed approach is required, further consideration may need to be given as to whether any further environmental assessment is necessary. We may need to prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by any rejected proposals. The same procedures for representation and objection would apply to the amended report.

Once proposals for the stretch have been confirmed, there will be a preparation period before the new access rights come into force. This period is to enable any necessary physical establishment of the trail to be carried out and to put in place any necessary local management arrangements (including any approved local access restrictions or exclusions).

Once the preparation period is complete, the rights will be brought into force by order on a date decided by the Secretary of State. Normally one single commencement date is used for the whole stretch. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 2 to 4 of each report explain more about the further steps that will be taken to establish the route, provisions for its future maintenance and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for this part of the coast have been approved.

3. Understanding the proposals and accompanying maps

Before looking at the proposals and accompanying maps, it will help you if you read the following notes and then look carefully at the key to the maps.

Our Proposals:

The proposals are divided into 10 reports, each relating to a particular length of coast on this stretch. Each report is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the report to which they relate. For example, maps ABD 1a to ABD 1c illustrate the proposals described in report ABD1.

Each **report** comprises four parts:

- **Part 1: Introduction** – This sets the context for our proposals for that length of coast.
- **Part 2: Proposals Narrative** - This summarises our alignment proposals in general, including any proposed use of our discretions to align the route along an estuary, or recommended changes to the default landward coastal margin. It also summarises the main access management measures that will need to be introduced and the overall accessibility (ease of use for all) of this length of coast, for all users. Additionally, it may identify any future changes of which we are aware that are likely to impact on this part of the coast, and explain how our proposals deal with this change. In each report the Part 2 Proposals Narrative, in conjunction with the Part 3 Proposals Tables and the Part 4 Proposals Maps, sets out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.
- **Part 3: Proposals Tables** – These line-by-line listings set out in more detail our formal proposals to the Secretary of State for the length of coast in question, and should be read in conjunction with the Proposals Narrative and the relevant Proposals Maps.
- **Part 4: Proposals Maps** – These show in map form the proposals set out in the Proposals Narrative and Proposals Tables.

Notes on how our Part 3 Proposals Tables work

These notes explain how the various tables found in each report work:

- In the first table or set of tables, we set out detailed information for each section of coast under the following column headings:
 - Map(s) – This column indicates which of the report maps to view alongside the details in the other columns in the same row.
 - Route section number(s) – This is the unique identification number for the route section concerned. In some cases, two or more adjacent route sections will be amalgamated into a single row in the table, if all other displayed details happen to be identical.
 - Current status of route section(s) – This describes the current status of the route we have proposed and whether it has any existing access rights. Public highways, including public rights of way such as footpaths, are excepted from new coastal access rights because the existing public rights to use such highways will remain in force, and the trail is able to make use of these. Other sections of the proposed trail that do not currently have any access rights or where access is currently permitted by the landowner will become subject to new coastal access rights if our proposals are approved. These new rights, and any national or local restrictions on them, will not affect any existing access arrangements for cyclists, horse-riders or other types of recreational user that may currently exist at the local level - for example by formal agreement with, informal

permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.

- Roll-back proposed? – This indicates whether we propose that, in the event of significant coastal erosion or other geomorphological processes or significant encroachment by the sea, a section of trail which is affected by such factors should be capable of being repositioned in the future in accordance with this formal proposal, without needing further confirmation of the change at that time by the Secretary of State. Roll-back may be used to adjust the trail either in direct response to such changes or in order to link with other parts of the route that need to roll back in response to such changes. The column also indicates whether the ‘roll-back’ requirement is likely to give rise to a normal or more complex change on this section. (In the case of more complex outcomes, further details are provided in the ‘Roll-back implementation’ table). Section 4.10 of the Coastal Access Scheme explains in more detail how roll-back works.
- Landward margin contains default coastal land type? – Certain coastal land types are automatically included in the coastal margin where they fall landward of the trail if they touch it at some point. These coastal land types are: foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land. This column identifies where one of the coastal land types is present in the landward coastal margin.
- Proposal to specify landward boundary of margin – This sets out any proposals for the default landward boundary of the coastal margin on this section to be altered or clarified - see iv below in the Notes on Maps.
- Reason for any proposed use of landward boundary discretion – This provides an explanation for any such proposal to alter or clarify the default margin on this section. This may be either because we are proposing a clear boundary around land that in our view would be margin by default, because it matches the description of ‘coastal land’ explained at paragraph 4.8.8 of the Scheme; or because we propose using our discretion to add land to or remove it from the default margin, as described at paragraphs 4.8.11 of the Scheme.
- Explanatory notes – This contains any additional information which may help further explain the proposal for this route section or group of sections.
- Where there is an alternative route or optional alternative route we set out the details of those routes in a separate table. The table includes columns that describe the landward and seaward boundaries of the alternative route strip. Alternative routes/optional alternative routes have a default width of two metres either side of the approved line. We propose specific landward and/or seaward boundaries to the route strip where doing so would add further clarity to the extent of access rights along the route, by working with the grain of what is already there. It should be noted that where the alternative route/optional alternative route follows an existing path corridor, the trail may adopt a variable width as dictated by existing physical features.
- Each report also includes a table that sets out any other options that were considered during our initial planning (in relation to the route and the coastal margin), and explains why they did not form part of our proposals.
- The final table or set of tables for each report provides further details of any situation where local circumstances mean that implementation of roll-back is likely to be more complex. We identify the key issue and our expected resolution.

Annotated examples of these various tables are given below, to illustrate how they are used.

In each report the Part 3 Proposals Tables, in conjunction with the Part 2 Proposals Narrative and the Part 4 Proposals Maps, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

Examples of tables found in each report, with explanation of their contents:

Example table 1: Section details

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
ABC 1a	ABC-1-S003	Public footpath	No	No			
ABC 1b	ABC-1-S011	Public footway (shared use)	No	No	Pavement Edge	Clarity and cohesion	
ABC 1c	ABC-1-S018	Other existing walked route	Yes	Beach			
ABC 1d	ABC-1-S045	Other existing walked route	No	Bank	Edge of path	Clarity and cohesion	Top break of slope provides the greatest clarity for walkers

The route section number(s), as shown on the Proposals Map(s).

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

If column 5b proposes any change or clarification to the landward extent of the margin, this column says why.

This column may offer further explanation of a more complex situation involving the margin.

The relevant Proposal Map(s) for the route section(s).

This column specifies the current access status of the proposed trail section.

We indicate here whether the landward coastal margin for this route section includes a default coastal land type.

This column shows any proposal we are making to align the landward boundary of the coastal margin for this route section with the physical feature shown. 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 column 5a, would be its landward boundary instead.

Example table 2: Alternative routes and optional alternative route details

1	2	3	4	5a	5b	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Proposal to specify seaward boundary of alternative route strip	Proposal to specify landward boundary of alternative route strip	Explanatory notes
ABC 2a	ABC-2-A001	Public Footpath	No			
ABC 2b	ABC-2-OA001	Public Footway (shared use)	No	Pavement edge	Pavement edge	
ABC 2b	ABC-2-OA002	Other existing walked route	Yes	Fence	Various	The landward boundary corresponds with various features including a wall, fence and bramble hedge.

The route section number(s), as shown on the Proposals Map(s).

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

This column may offer further explanation of a more complex situation, e.g. involving the boundaries of the route strip.

The relevant Proposal Map(s) for the route section(s).

This column specifies the current access status of the proposed trail section.

These columns show any proposal we are making to align either or both boundaries of the alternative route strip with a physical feature on the ground. No text in either column means that the edge of this section of the alternative route strip would be that of the trail itself.

Example table 3: Other options considered

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
ABC 3b	ABC-3-S011 to ABC-3-S019	We considered aligning the trail along the route of the existing public footpaths through the boat yard and along the flood bank.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it offers a safer and more convenient route with a newly created tarmac surface which is accessible to all. ■ it avoids passing through the working area of the boat yard. ■ the surface of the existing footpath along the flood bank is uneven and often waterlogged. <p>Under our proposals, the public footpaths would remain available for people to use but would not form part of the designated trail.</p>
ABC 3c	ABC-3-S017 to ABC-3-S020	We considered aligning the trail along the route of the existing public footpath on the cliff edge around the western edge of Cranham Hill.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it avoids increased footfall on the fragile limestone grassland flora which is designated as a SAC and SSSI feature. ■ it is comparable, in terms of the safety and convenience of walkers. <p>Under our proposals, the public footpath would remain available for people to use but would not form part of the designated trail.</p>

The relevant Proposal Map(s) for the route section(s).

The route section number(s), as shown on the Proposals Map(s).

This column describes other options we considered for the route or margin for the identified route section(s).

This column summarises the reason(s) that the other options we considered were not preferred.

Example table 4: Roll-back implementation – more complex situations

Map(s)	Route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
ABC 4f	ABC-4-S040 to ABC-4-S045	Super Camp Holiday Village	<p>If it is no longer possible to find a viable route seaward of the specified campsite, we will choose a new route after detailed discussions with all relevant interests, either</p> <p>(a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side 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>

The relevant Proposal Map(s) for the route section(s).

The route section number(s), as shown on the accompanying map(s).

This column identifies any areas that could cause us to consider a more complex solution to roll back than would normally be required.

This column summarises our expected approach to roll back in these circumstances.

Notes on how our Part 4 Proposals Maps work

The notes that follow will help explain the maps provided for each report.

The proposed route of the trail:

- i The thickness of the line used to depict the proposed route on the maps is intended to make it easy to find on the map and to enable us to differentiate, by shading the line differently, between sections of the route that would use existing rights of way, sections that appear to follow other existing walked lines on the ground, and sections that do neither. The thickness of the line on the map is not an indication of the width of the actual trail on the ground – the proposed route simply follows the centre of the line shown. The legislation makes the default width of the trail four metres, but its actual width varies a good deal in practice according to the detail included section by section in our proposals.
- ii In places there are differences between the line of public rights of way recorded on the local Definitive Map that is maintained by the local highway authority, and paths currently used and managed on the ground as public rights of way. Some of these differences may be attributed to adaptation of the path over time to cope with coastal erosion and other processes, whilst others appear to arise from anomalies in the way the rights were originally recorded on the definitive map. The maps in this report show the public rights of way as recorded on the definitive map, and depict them as accurately as possible at the scale used. See part 4.7 of the Scheme for further information.

The coastal margin:

- iii The proposed route of the trail shown on the maps is important in understanding the extent of the coastal margin that would apply to either side of it. Under the legislation:
 - the coastal margin is a single, continuous corridor of land which includes the trail itself;
 - the margin includes all land seaward of the trail land - although not all of that land would be subject to a new right of access (see point vi below);
 - the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land (see Annex B: Glossary of terms).
- iv We have the discretion to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature on the ground – even if the effect of doing so is to add land into the margin, or to remove land from it. We may use this discretion:
 - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used where appropriate to define the landward extent of the trail land on that section of the route: such features cannot be depicted on the maps at the scale used, but they are described in the Proposals Tables;
 - to clarify or adjust the boundaries of a landward area included by default as margin, in order to create a better ‘fit’ with the circumstances on the ground; or
 - to propose in some places that additional areas of land should be added to the coastal margin landward of the trail: land which is affected by such proposals is indicated on the maps with a purple wash and described in parts 2&3 of each report.

Further explanation of these powers can be found at part 4.8 of the Coastal Access Scheme. Our proposals take full account of any views expressed by the owner or occupier of affected land about whether the powers should be used in any of these ways.

- v Land which forms part of the coastal margin would be subject to access rights, other than:
 - any **excepted** land, such as land covered by buildings or their gardens or curtilage: Annex C summarises in full the categories of excepted land under the legislation; or
 - any land where coastal access rights would be **excluded** under our statutory powers: we indicate in the report where we already know of circumstances that make this necessary, and make any proposals accordingly.
- vi **Spreading room** is the term used in the reports to describe any land, other than trail land, which would form part of the coastal margin and would have public rights of access. It does not therefore include any excepted land within the margin, or any existing access land on the landward side of the trail that is omitted from the margin.

Annex B (Glossary of terms) includes a full definition of these terms which you may find helpful in understanding the report.

Voluntary access dedication

- vii Land that was previously dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000 (CROW) will become subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. There is also provision in the legislation for a land owner or long leaseholder to dedicate other land voluntarily as coastal margin if it lies adjacent to it or within it. Dedicating land as coastal margin disapplies the excepted land provisions within it, and may also make provision for the removal or relaxation of specific **national restrictions** that would otherwise apply. Parts 4.8.20 to 4.8.23 of the Coastal Access Scheme explain these provisions in more detail.

In each report the Part 4 Proposals Maps, in conjunction with the Part 2 Proposals Narrative and the Part 3 Proposals Tables, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

4. Preparation of the report

To secure the twin objectives under the legislation we have followed the approach set out in our Coastal Access Scheme, as approved by the Secretary of State on 9 July 2013. Chapter 3 of this detailed document sets out the stages of implementation we must follow.

In line with this, before making the proposals in this compendium of reports for the stretch, we conducted extensive preliminary work in two main stages:

- Stage 1: Prepare – defining the extent of the coastal stretch with access authorities and identifying the key issues and opportunities, including sensitive features, in conjunction with key organisations; and
- Stage 2: Develop – checking the alignment on the ground, sharing our initial thoughts with land owners and offering to ‘walk the course’ with them, planning for the protection of key features, talking further with key interests and reality checking our proposals.

Stage 1 - Prepare

This stage involved us working closely with access authorities to develop an understanding of the stretch, agree its exact extent and carry out initial familiarisation visits. We held discussions with representatives of national and local organisations with a strategic interest in this stretch of coast. This included discussions with those we are required by legislation to consult at this stage:

- the Ramblers Association
- the Open Spaces Society
- the British Mountaineering Council;
- the National Farmers Union;
- the British Association for Shooting and Conservation
- the Country Land and Business Association
- the Joint West of England, North Somerset and Somerset local access forums
- Council officers, including ecology, historic environment, planning, transport and countryside staff
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast
- local officers of Historic England, in relation to historic features on this stretch of coast
- local officers of Historic England, in relation to historic features on this stretch of coast

We also held discussions with representatives of specific interest groups, including:

- The Greenways and Cycleways Trust
- Local wildfowling clubs
- Avon Wildlife Trust
- Royal Society for the Protection of Birds (RSPB)
- The Severn Estuary Partnership and the Association of Severn Relevant Authorities.

We publicised on our website the start of work on the stretch and provided an opportunity for all other interested parties to submit to us their views on local issues and opportunities.

In addition to these discussions we took into account a wide variety of information, plans and strategies that we considered relevant to the alignment process. Those that are published on the internet are listed in Annex A: Bibliography.

We then took all reasonable steps to identify owners, occupiers and those with a legal interest in the land which could be affected.

Stage 2 - Develop

This stage involved us contacting, and discussing our initial thoughts with, relevant owners, occupiers and other legal interests.

On sections where there was not current secure legal access that fitted well with the criteria of the Coastal Access Scheme, we met with relevant owners and occupiers, asked for their views and invited them to join us when we visited the land to 'walk the course'. This enabled us to discuss options for alignment, before sending them maps summarising our emerging conclusions. In most cases this was done through separate site meetings with the individuals and businesses concerned.

In places where existing promoted routes, such as the Severn Way and Gordano Round (see map B of the Overview) fitted well with the criteria for the walking route as set out in the Coastal Access Scheme, we wrote to relevant owners, occupiers and other legal interests to explain this and to offer them an opportunity to meet and talk to us about them. We also sent them a mapped summary of our emerging proposals, clearly explaining how their land would be affected by any new rights and inviting any views about this.

We also took reasonable steps to identify and contact any owners, occupiers or other legal interests who could foreseeably be affected in the future as a result of any roll-back that may prove necessary). See part 7 – Future Changes – below.

We then held further detailed discussions with internal and external specialists to refine our thinking on protecting key sensitive features, carrying out any necessary assessments.

After further discussions with key local and national organisations we refined our proposals and checked them on the ground before moving onto Stage 3 – Propose, which is the substance of these reports.

Key issues along this stretch

5. Discretion to include part or all of an estuary or estuaries

The proposed Aust to Brean Down stretch centres entirely on estuarial waters of the river Severn.

a) Introduction

This part of the Overview:

- introduces the core statutory duties and considerations for the national programme as a whole in relation to exercising the discretion to include part, or all, of an estuary within our proposals;
- describes the overall nature of the estuary system(s) found in this part of England, identifying the geographical limits of our discretion to align the trail around the Severn estuary included within this stretch of coast;
- goes on to explain in more detail how each of the specific estuary considerations set out at section 301 of the 2009 Act affects our view of the options for the Severn estuary;
- sets out the options for estuary trail alignment which we have identified as a result of this analysis, and;
- describes and explains our chosen proposal.

b) Estuary discretion

Under the 2009 Act there is no requirement for the trail to extend up any estuary further than the seaward limit of estuarial waters that is explained below under “Geographical limits of our discretion”.

But Natural England has a discretion to propose that the trail should extend from the seaward limit as far as the first bridge over which, or tunnel through which, there is a public right of way, or a public right of access, by virtue of which the public are able to cross the river on foot, or as far as any specified point in between. In exercising its discretion, Natural England must have regard to the core national duties and considerations described in Part B and Chapter 10 of the Coastal Access Scheme.

c) Core national duties and considerations relevant to estuaries

Section 296 of the 2009 Act places a legal duty (the Coastal Access Duty) on Natural England and the Secretary of State to secure a walking route around the whole of the open coast of England, together with an associated margin of land for the public to enjoy either in conjunction with their use of the route, or otherwise.

Section 297 goes on to require both, in discharging this duty, to have regard among other things to the desirability of ensuring that so far as reasonably practicable, interruptions to this route are kept to a minimum. This is a key consideration for the whole of the national delivery programme for coastal access. The whole concept of the England Coast Path relies on delivering continuity of the route so far as reasonably practicable for the whole country. Although proposing a route around each estuary is a discretion rather than a legal duty, if the presence of an estuary would interrupt this **continuity of access** along the open coast then this will constitute a strong prima facie reason for the trail to serve the estuary too, at least to the extent necessary to enable users to continue their onward journey around the coast.

The Scheme notes at paragraph 10.1.4 that because the seaward limit of estuarial waters is an arbitrary point from an access perspective, we are likely to use our discretion at most estuaries to extend the trail

upstream to a more convenient point than this seaward limit. Paragraph 10.1.5 then adds “We will always give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian public access” – both for reasons of continuity, and with a view to any additional recreational benefits that might result within the estuary itself from doing so.

Chapter 10 of the Scheme explains the **statutory estuary criteria** that section 301(4) of the 2009 Act requires to be taken into account in deciding whether or not to include an estuary in our proposals. These are discussed in more detail in subsection e).

The other key considerations, including achieving a fair balance with the interests of owners and occupiers, are discussed in part 6 of this Overview.

d) Overall nature of estuary systems in this part of England

The Severn estuary system is part of the funnel-shaped Bristol Channel which separates south-west England and south Wales. On the English coast it incorporates several tidal tributaries including the Bristol Avon, as described in (e) below.

At Brean Down Fort it meets the estuary of the River Parrett, incorporating Bridgwater Bay. This neighbouring estuary is served by 65 km of the approved route of the England Coast Path between Brean Down and Minehead.

e) Severn estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the Severn estuary coincides with Brean Down Fort, on the English side of the estuary relevant to these considerations, and with Lavernock (near Penarth) on the Welsh side. The first bridge with pedestrian access is at Aust.

The statutory estuary criteria

We have considered below each of the section 301 criteria under the headings given in Chapter 10 of the Scheme.

i) Ferry services

There is no ferry service across the Severn estuary. Nor is there a foot crossing on the Prince of Wales Bridge (the M4 at Severn Beach). The only potential pedestrian link between the England Coast Path and the Wales Coast path is via the Severn Bridge (M48).

ii) Character of the Estuary

Estuary width

The estuarial waters of the Severn are among the widest of all English estuaries. The river widens gradually from the Severn Bridge to Brean Down Fort as follows:

- Seaward limit at Brean Down Fort: 12.8 km (8 miles)
- Portishead: 8 km (5 miles)
- Severn Beach: 3.4 km (2.1 miles)
- First pedestrian crossing point at M48 bridge (Aust): 1.6 km (1 mile)

The width is comparable with other large funnel-shaped estuaries such as the Thames and Solway Firth.

Topography of the shoreline

The Severn is broadly funnel-shaped between Aust and Brean Down, giving extensive views of the estuary from most places along it. This shape and character is consistent with the open coast along the Bristol Channel to the southwest.

It has the third highest tidal range in the world, exposing extensive areas of mud and saltmarsh at low tide and lending the estuary and its tributaries a strong coastal character as the tide recedes.

There are cliffs at Aust. The shoreline between Aust and Portishead is low-lying and interrupted regularly by short creeks and by the river Avon at Avonmouth. There are extensive cliffs and several small bays between Portishead and Clevedon. The lower reaches of the Severn between Clevedon and Brean Down are punctuated by several prominent headlands, low-lying bays and river mouths.

Most tributaries can be crossed at (or very close to) their confluence with the Severn by means of sluices that are already accessible to the public. There are four tributaries (listed below) that would require a detour from the Severn to enable onward access. Each is flanked by saltmarsh and steep muddy banks that are exposed between tides.

The River Axe

The first crossing point on the Axe is Brean Cross sluice, 2.9 km from its junction with the Severn. This part of the Axe is formed of two bends and a creek on the east bank at Uphill. These topographical features restrict views of the Severn.

The River Banwell/Kewstoke Rhyne

Two tidal creeks join the Severn together at the western end of Woodspring Bay. These are formed by outlets of Kewstoke Rhyne (at Huckers Bow sluice) and the River Banwell (at New Bow sluice, 1 km from its junction with the Severn). The creek formed by Kewstoke Rhyne overlooks the Severn, whereas the tidal Banwell is formed by a series of short bends that restrict views of the Severn from the banks.

The River Yeo

The River Yeo is a tidal channel of the river known locally as the Congresbury Yeo, which joins the Severn at Woodspring Bay between the parishes of Kingston Seymour and Wick St Lawrence as shown on map B. It would be crossed by means of Tutshill sluice, 2 km from the junction of the Yeo with the Severn. Immediately downstream of Tutshill sluice the tidal Yeo is joined by the Old Bridge River at Samsons sluice. The tidal river downstream from the sluices is formed by a large bend. There is an inlet at the apex of the bend. There are no views of the Severn upstream from the inlet.

The Avon

The Avon is bridged by the M5, 2.6 km from the Severn. There is a footway on the upstream side of the bridge with restricted views of the Severn. There are also views of the Severn from the banks downstream, between the bridge and the port.

Nature of affected land

In general, the nature of the affected land would be typical of the coastal periphery and those listed as coastal land types in the legislation: the trail would predominantly follow cliff tops and embankments and the coastal margin would consist mainly of cliffs, saltmarsh, beaches and foreshore.

The main exception would be at Avonmouth/Royal Portbury Dock (see (iv) below for further detail), but there are other places where a detour from the coastal periphery would be necessary to avoid harm to wildlife.

Features of interest

There are many features of interest along the affected stretch. The following is a summary but is by no means exhaustive:

- elevated points with views of the estuary, its islands and the coast of Wales - Brean Down, Uphill, Birnbeck, Sand Point, Wain's Hill (Clevedon), Battery Point (Portishead) and Aust Cliff.
- features of historic interest - Brean Down Fort, Uphill, Middle Hope, Hallen Marsh and Old Passage (Aust).
- bird-watching - all along the Severn, but in particular the Axe, Sand Bay, Woodspring Bay, Portbury Wharf and Pilning.
- nature reserves with existing public access - Brean Down, Uphill, Bleadon Levels, Middle Hope and Portbury Wharf.

The piers at Weston-super-Mare, Birnbeck and Clevedon and the two Severn crossings also provide features of interest to walkers.

There is potential, as part of the establishment of the new coast path, to

- raise awareness of the natural history of the estuary and, in doing so, encourage changes in behaviour that would benefit wildlife, especially waterfowl; and
- stimulate visitor interest in the maritime history and industrial landscape at Avonmouth, in order to provide more focus and interest for walkers making the detour around the docks.

iii) Recreational Benefit

The potential for a route along the Severn estuary to Aust has particular significance for the England Coast Path as a whole, offering the prospect of a strategic link between the existing regional coast path around the southwest of England and the recently completed Wales Coast Path. This would in itself create a continuous managed walking route over 2,600 km long.

It would be close to major roads (the M5 in particular) and linked to Bristol and its airport by rail at Severn Beach, Avonmouth, Weston-super-Mare and (when the Metrolink is completed) Portishead. As such it would offer a convenient gateway for walking tourists and therefore a potentially welcome stimulus for economic regeneration to its coastal towns and rural tourism.

The West of England region has a large and expanding coastal population centred around the city of Bristol, the coastal towns of Portishead, Clevedon and Weston-super-Mare and smaller settlements such as Kewstoke and Severn Beach. The existing network of coastal paths includes two promoted routes serving these populations centres:

- the Severn Way, a long-distance route from Bristol City Centre to Avonmouth and then upriver to its source in Wales; and

- the Gordano Round - a circular walk taking in the coast path between Portishead and Clevedon.

The England Coast Path could link these two routes up and in doing so make improvements:

- On Aust cliff, where there is potential for a new section of path closer to the coast than the existing one, with a view of the estuary; and
- Near Portbury Wharf, where there is potential for a new section of path that is more pleasant to walk along than the existing one.

There are significant gaps in the existing network of coastal paths further downstream, between Clevedon and Huckers Bow and between Weston-super-Mare and Brean Down. There continues to be significant local interest among residents and elected representatives to create linking paths in these places. Doing so would create day walks of varying lengths which would have obvious appeal for residents of Clevedon, Weston-super-Mare and the surrounding area.

There are separate projects to establish cycleways between Clevedon and Weston-super-Mare and between Weston-super-Mare and Brean Down. We expect these to follow different routes in many places for practical reasons, but there are overlaps with the England Coast Path and opportunities to cooperate over design and promotion.

There is a natural and cultural heritage project, called A Forgotten Landscape, which aims to improve community access and engagement with the Lower Severn Vale (north of Avonmouth Docks). This project would benefit from the new coast path and provide opportunities to maximise its benefit to local people.

iv) Excepted land

A significant detour from the periphery of the coast would be necessary to establish a continuous route at Avonmouth because there is no practicable route seaward of Royal Portbury Dock and Avonmouth Docks. The docks would be excepted land, as would various residential homes and industrial facilities adjoining the port and a significant length of the Severn Beach railway line.

The route at Avonmouth would (with one short exception) be along existing paths and pedestrian cycleways from Portbury Wharf to Severn Beach. It can therefore be realised without significant new public expense. Views of the estuary would be very limited from this part of the route: there are partial views from the footway over the M5 bridge and glimpses over the railway embankment to the north of Avonmouth Docks. The route would pass close to several railway stations which would provide starting and finishing points for coast path walks.

Elsewhere along the estuary there would be a few smaller areas of excepted land seaward of the route. These are mostly residential buildings but there are also boatyards and a water treatment works. These are of less significance because they would entail only a short detour away from the river and would only interrupt views of the estuary for short distances.

v) Options for the Severn estuary

- Option 1 – omit the Severn estuary from the England Coast Path altogether.
- Option 2 – align the trail as far as Sand Point. This would link Weston-super-Mare to the approved route of the England Coast Path at Brean Down and incorporate beaches, dunes and cliffs in the vicinity of the town. It would not provide access to other parts of the estuary further upstream which

also have a strongly coastal character. It would not link the England Coast path to the Wales Coast Path.

- Option 3 – align the trail as far as Portishead. This would incorporate more characteristically coastal land and features of interest. It would provide a route along the coast from the towns of Clevedon and Portishead and avoid a significant inland diversion at Avonmouth. It would not link the England Coast Path to the Wales Coast Path.
- Option 4 – align the trail as far as the Severn Bridge at Aust. This would include local railway stations serving the city of Bristol and link the England Coast Path to the Wales Coast Path via the Severn Bridge. It would require a significant detour around the port and industrial facilities at Avonmouth.

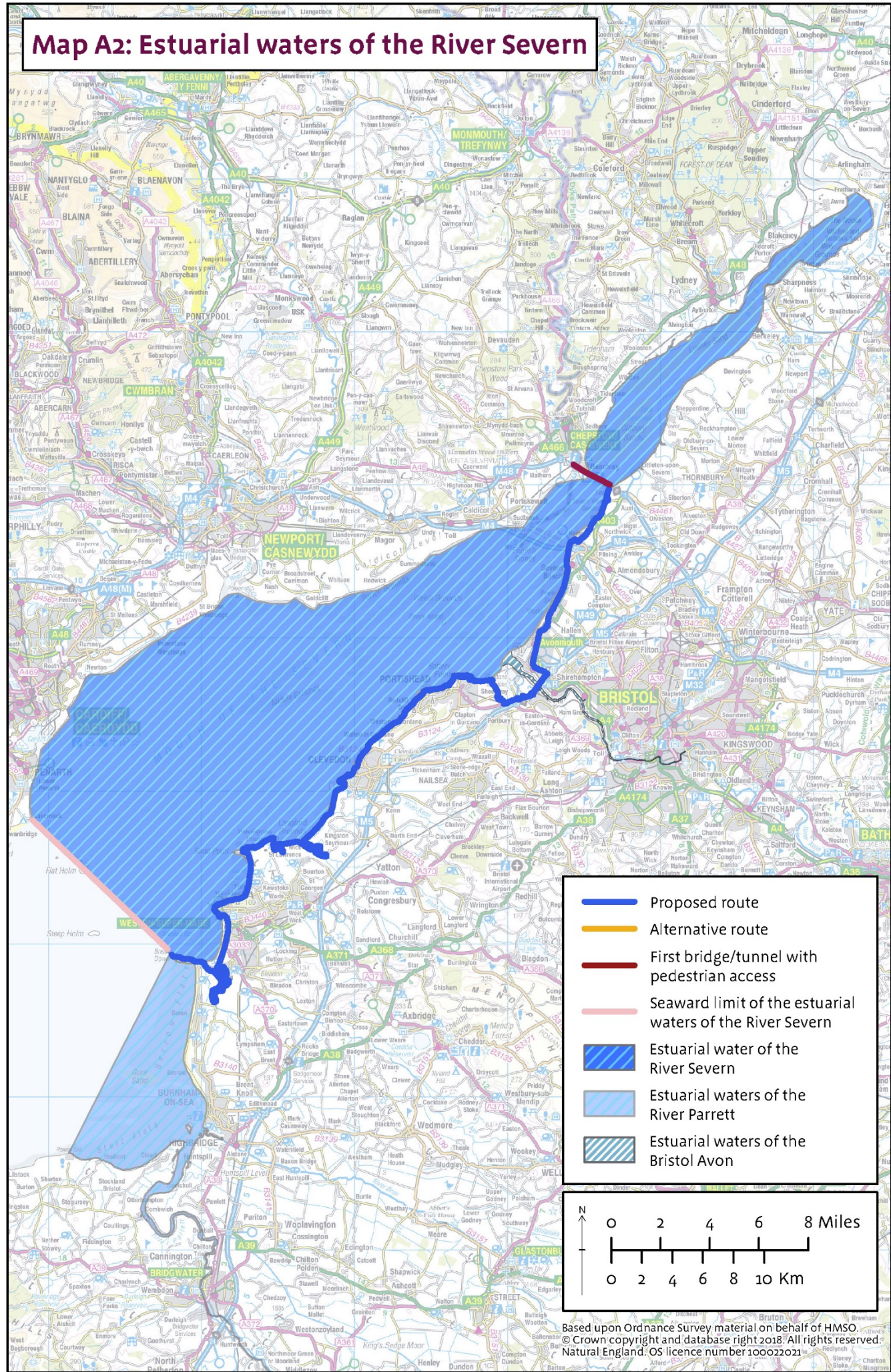
Proposed route of the trail

Our proposal is to align the trail to Aust (option 4), where walkers may cross to Wales by means of the footway over the Severn Bridge. This fulfils the core objective of the legislation - to create a continuous route around the coast and makes best sense in terms of the section 301 criteria above. In particular:

- The character of the Severn between Aust and Brean is strongly coastal throughout: it is very wide and has a huge tidal range; it is fringed by classic coastal land types such as cliffs, beaches, dunes and saltmarsh; it opens gradually into the Bristol Channel – there is no marked change of character at Aust or at its seaward limit.
- There are several significant gaps in the existing coastal path network. There are large centres of population on and near the coast, including the city of Bristol, which would benefit from linking them up and numerous features of interest along the estuary for people to enjoy.

A continuous waymarked route would attract visitors and help regenerate the seaside towns of Weston and Clevedon. It would link the Wales Coast Path to the approved route of the England Coast Path along the Parrett estuary to the southwest (which, in turn, links to the South West Coast Path). The Severn could therefore become a convenient gateway for walking tourists arriving by rail or air to Bristol.

Map A2: Estuarial waters of the River Severn



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6. Other considerations on this stretch

a) Recreational Issues

We have considered interrelationships between our proposals and the local Rights of Way Improvement Plans. Our proposals will deliver the ambition described in the North Somerset plan for a tidal trail, including a route between Clevedon and Weston-Super-Mare (see Annex A: Bibliography).

Map B gives an overview of existing public access to the Severn estuary and Somerset coast between Aust and Brean Down showing public rights of way, access land and the Severn Way and Gordano Round promoted routes along the stretch. Below we describe the existing provision and issues along the estuary in more detail, running broadly north to south from Aust to Brean Down.

Between Aust and Avonmouth the estuary is served by part of a promoted walking route called the Severn Way which connects Bristol to the source of the River Severn in Wales. The Severn Way affords views of the estuary south of Aust as far as the north end of the port at Avonmouth. Map B highlights two places where this existing route loses sight of the sea:

- at Aust, where it goes inland along a road to a service road that leads back to the Severn Bridge (see report ABD 1 of the proposals);
- at Avonmouth, where it goes inland to avoid the industrialised area around the port (see report ABD 3).

To the south of the river Avon, there is a pedestrian cycleway which affords safe walking access across the M5 bridge at Avonmouth and along the disused railway line that skirts the southern edge of Royal Portbury Dock. There is a gap in the path network from the disused railway line back to the coast at Portishead (see ABD 4 of the proposals).

From Portishead to Clevedon the estuary is served by part of an existing promoted walking route called the Gordano Round which provides a circular route around the valley of the River Gordano. The coastal section of this route affords safe walking access with sea views and proximity to the sea, but is likely to be affected by erosion in some places (see part 7 for more details). There is good walking access along the seafront at Clevedon, but it does not form part of the promoted route.

To the south of Clevedon there is no coastal path along the estuary in the parishes of Kingston Seymour and Wick St Lawrence. This 11 km stretch is the largest gap in the path network along the estuary.

At the east end of Woodspring Bay there is a public carpark at the edge of Middle Hope, a National Trust coastal property with open access that extends westwards to Sand Point and a second carpark at the north end of Sand Bay. It is possible to walk along the edge of Sand Bay to Weston, but there is no clearly waymarked route and there are places where physical improvements are needed to make the path safer and more convenient.

There is good walking access along the seafront at Weston-Super-Mare to Uphill, but it is necessary to walk along the beach to avoid the golf course to the south of the town centre. At Uphill (the mouth of the river Axe) there is a pedestrian cycle route (not shown on map B) and adjoining footpaths that lead up the river Axe to Bleadon sluice, the first pedestrian crossing point 3km upriver from Uphill. This continues to Brean village along an inland route, where it connects to the approved route of the England Coast Path between Brean Down and Minehead. There is no direct walking route from Bleadon sluice to Brean Down.

Significant lengths of the estuary shoreline and adjoining coastal land is already accessible from existing public paths and promenades but very little is accessible by right. There is extensive open access land at Brean Down and smaller areas at Sand Point and at Uphill (south of Weston), as shown on the map. The spreading room described in the later chapters of the report would include some of these areas, but there would also be spreading room over suitable additional land seaward of the trail where there are currently no

secure public rights of access. The majority of this spreading room is owned by local authorities or the National Trust. On some parts of the estuary we propose to exclude access rights to significant areas of mudflat and smaller areas of saltmarsh that would otherwise be spreading room, because we are satisfied that they are unsuitable for a general right of access. Part 10 of the overview illustrates these exclusion proposals in detail.

Local user groups highlighted the following aspirations when we began to investigate the issues and opportunities on this stretch of coast. They are addressed in the relevant reports as indicated below:

- A link to the Wales Coast Path – see report ABD 1 of the proposals
- A route along the cliff top at Aust – see report ABD 1
- Physical improvements to existing path at New Pill Gout – see report ABD 2
- A better route south from New Pill Gout towards Avonmouth bridge, with fewer road crossings – see report ABD 3
- A route along the seawall at Portbury Wharf, between Portishead and the boundary of the Royal Portbury Docks – see report ABD 4
- Access rights to the cliffs between Portishead and Clevedon – see report ABD 5
- A new path between Clevedon and Huckers Bow – see report ABD 6
- A better, drier path south along Sand Bay from the carpark at the north end – see report ABD 7
- A pedestrian crossing over the river Axe to link Weston-super-Mare and Brean – see reports ABD 9 and 10

The last of these aspirations had already been realised at the time of writing this report: in the summer of 2017 a voluntary organisation called the Greenways and Cycleways Trust completed a pedestrian cycleway between Weston-super-Mare and Brean village across Bleadon Sluice. This project received advice and support from local authorities, Natural England and the Environment Agency and various national and local funding bodies

Several of the aspirations of local users which emerged from these discussions have not been addressed fully in our proposals, for reasons set out elsewhere in the report:

- A link coast path to bus-stop at the M48 Junction near Aust – because Natural England has no powers to propose linking routes to and from the coast under the coastal access legislation.
- A route seaward of the railway line at Chittening Warth (see report ABD 3 of the proposals) – because there is no safe place to cross the railway at the Avonmouth end.
- Widening of narrow sections of the existing coastal footpath between Portishead and Clevedon – but report ABD 5 proposes that the existing route should be able to roll back to a different alignment if, as a result of erosion or other coastal processes, it is no longer a viable walking route.
- A route along the crest of the floodbank from Clevedon to Huckers Bow (report ABD 6) – because in some places it is necessary to avoid the flood bank to prevent increased disturbance to birds that roost there and are protected under the European Birds Directive.

b) Protection of the environment

The coast between Aust and Brean Down is of international importance for its wildlife, its estuarine and limestone habitats and populations of wintering and migratory waterbirds. It forms part of the Severn Estuary European Marine Site comprising the Severn Estuary Special Area of Conservation, Special Protection Area and Ramsar site and includes part of the Mendip Limestone Grasslands Special Area of Conservation at Uphill Cliffs and Brean Down (reports ABD 9 and 10). It also includes a range of sites designated for their geological and/or historic importance.

Typically, it is low-lying defended land with extensive belts of saltmarsh and flat to seaward, but there are also cliffs and rocky promontories at intervals along the stretch where the foreshore is narrower and predominantly rock and shingle. It includes coastal towns at Severn Beach, Portishead, Clevedon and Weston-Super-Mare. There is a significant coastal tourism sector centred around Weston-Super-Mare. Much of it is already accessible on foot via established footpaths, some of which form part of promoted routes, but there are areas where access on foot is very limited: around the Avonmouth and Royal Portbury Docks (reports ABD 3 and 4, between Clevedon and St Thomas Head (report ABD 6), and the west bank of the Axe (report ABD 10).

As a result of the proposals described in this Overview and associated reports for each length of coast, the quality of coastal paths will be improved and there will be greater certainty and clarity about the rights people have within the coastal margin. Use of the coast for outdoor recreation can, if not carefully managed, add to environmental pressures such as the presence of people causing disturbance to wildlife or new paths leading to removal and fragmentation of habitat. Part of the process we go through on each length of coast when we are developing our detailed proposals is about finding ways to avoid or reduce such impacts, and ensure compliance with legislation to protect the environment.

In developing our detailed proposals for coastal access we have taken account of environmental protection objectives and these are, where relevant, discussed in more detail in the relevant report for each length of coast and the following documents that we have published separately:

- A single Habitats Regulations Assessment relating to any potential impact on the conservation objectives of affected sites from the proposals we make in each report for the stretch. This assessment considers any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.
- Our Nature Conservation Assessment for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation.

c) Interests of owners and occupiers

In discharging our coastal access duty we must aim to strike a fair balance between the interests of the public in having rights of access over coastal land, and the interests of owners and occupiers of land over which any coastal access rights would apply. This 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, and are reflected in the individual reports insofar as they were relevant to the length of coast described. Below we describe the main issues that were raised in these discussions.

Cattle and public safety

At Aust (report ABD 1), Kingston Seymour and Wick St Lawrence (report ABD 6) and Brean (report ABD 10) there are areas of grazing land with no existing public access. Land owners and tenants in these areas frequently expressed concerns about walkers safety around cattle, in particular where dogs are present. In most cases we propose to address these concerns by posting advisory notices at field entrances. These will include a reminder to walkers of the national requirement on land with coastal access rights to keep dogs on leads in the vicinity of livestock.

We have offered additional safety measures in places where in our view the risks would be greater than normal. These include fences to separate cattle from walkers.

Animal disease/biosecurity

Some land owners and tenants in Kingston Seymour and Wick St Lawrence (report ABD 6) expressed particular concerns about the potential for people's dogs to spread disease among livestock. In most cases we propose to address these concerns by posting advisory notices at field entrances. These will include a reminder to walkers to pick up after their dogs and worm them regularly. Where we have offered to install fences to separate livestock from walkers (see 'cattle and public safety' above) this will reduce the risks still further.

We have agreed to special biosecurity measures in relation to the herd of British Shorthorn cattle kept at Wharf farm in Kingston Seymour (report ABD 6), because the genetic purity of this herd is unique in the United Kingdom. The herd has been put in a breeding programme to expand the numbers to a more sustainable level, with assistance from the Rare Breeds Survival Trust. Our proposals aim to avoid any increased risk of disease transmission to the herd which might jeopardise the breeding programme.

Port and Industry

Entry to the Avonmouth and Royal Portbury Docks is strictly controlled in order to maintain port security and comply with international law. The proposed route in reports ABD 3 and 4 takes an extensive detour away from the coastal periphery in order to avoid operational areas of Bristol Port and associated industry.

The detour starts at the pedestrian railway crossing by New Pill Gout (see report ABD 2) because this is the only safe and practical means to cross the railway line before it enters the port area.

Flood defence management

The proposed route makes extensive use of flood defence structures on many parts of the estuary. There have been detailed discussions between the Natural England team responsible for developing the coast path proposals, the Environment Agency and other authorities responsible for maintaining the structures for flood defence purposes.

Through dialogue we have sought to design the access provisions in ways that avoid any significant impact on operations. In particular we have avoided wherever possible proposals that would require new boundary features such as fences on existing earth banks so that routine maintenance and inspection can be conducted quickly and efficiently. We have also agreed that sections of the path may be closed if necessary for scheduled improvements such as those described in report ABD 1 and in emergencies. We will work with the operating authorities and the local access authorities to provide temporary diversions in these circumstances, where it is practicable to do so.

Shooting

The proposed route passes over land at Woodspring Bay and the River Axe (see reports ABD 6, 9 and 10) where local wildfowling clubs have rights to shoot certain wild birds and mammals under licence; this activity is subject to conditions to ensure it does not have adverse effects on the overall populations of protected species. There are also clay pigeon shoots in these two areas.

Through dialogue with the clubs and shoot managers we have sought to avoid danger to the public and limit disruption to shooting. This has largely been achieved through careful design of the trail and associated infrastructure. In some places we have also asked clubs to modify their activities to take account of the new access arrangements.

d) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the Severn estuary Shoreline Management Plan (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from relevant local authorities, we have identified the parts of the coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

In general where the coast is defended with some certainty, we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be:

- on, or on the landward side of sea defences which would protect it; or
- landward of the roads and railway which would be protected under the policies set out in the Shoreline Management Plan 2.

However, in some cases we have identified a possible requirement for roll-back even in scenarios like this, to ensure that we can maintain continuity of the trail should a nearby section of the trail be affected by coastal change (see Part 4.10 of the approved Scheme).

On parts of the route described below we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once he has approved the initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports.

- The proposed new route atop the cliff between the Severn Bridge and Old Passage at Aust described in report ABD 1 of the proposals, where there are occasional small-scale land slips.
- The existing walked route between Old Passage and New Passage described in report ABD 1 of the proposals, where there may be some managed realignment of the flood banks which the route follows.
- The proposed route between Sheepway and Portishead Marina, as described in report ABD 4 of our proposals, which includes a section of sea defence embankment that is vulnerable to damage by the sea in exceptional conditions and may not be repaired if this happens.
- The existing walked route between Portishead Marina and Woodlands Road, as described in report ABD 5 of the proposals, which includes a section of existing path that is known to be at threat from erosion.
- The existing cliff top path between Nore Road Greenspace and Backhill Sands, as described in report ABD 5 of the proposals, which is generally close to the cliff edge and is known to be vulnerable to erosion in particular places.
- The existing path between Salthouse Point and Wains Hill in Clevedon, as described in report ABD 5 of the proposals, which is known to be vulnerable to erosion.
- The existing walked route between Worlebury Hill to Knightstone, as described in reports ABD 7 and 8, which includes a pinch point at Birnbeck Head that is known to be vulnerable to erosion.
- The existing walked route between Clarence Park (Weston-super-Mare) and Uphill Marina, as described in reports ABD 8 and 9, which is subject to a policy of managed realignment in the short to medium term and includes sections of beach that are not defended.

We have not made any specific proposals to enable the trail to adapt to coastal change on any other parts of this stretch of coast because they are defended with some certainty for the foreseeable future. These are typically characterised by low-lying urban and rural areas with a policy of hold the line in the short to

medium term. However, they include some limestone cliffs at Middle Hope (report ABD 7) and Brean Down (report ABD 10) that are not expected to be subject to significant coastal erosion.

e) Other substantive issues

Tidal flats

The Severn Estuary is characterised by extensive tidal flats, often fringed by saltmarsh. The flats often pose dangers that are neither well-understood nor readily apparent to visitors, in particular the dangers of sinking mud and the swift and powerful tides. The saltmarsh is in general less hazardous, being typically closely grazed and even with easily recognised channels. There are also areas of sand and mud flats at Severn Beach, Portishead, Clevedon, Sand Bay and Weston-super-Mare that are traditionally popular for beach activities and where local authorities generally take active steps to manage the risks.

The default position under the legislation is that all such areas form part of the coastal margin and are subject to new coastal access rights. However, there is discretion for Natural England to propose that those access rights be excluded to any areas of saltmarsh or flat that it is satisfied that are unsuitable for a general right of access. We have consulted extensively within local government and rescue services to find out their views about how to use this discretion along the estuary. Section 8 of the Overview sets out the proposals with detailed maps. It includes proposals to exclude access to extensive areas of tidal flats on the grounds that they are unsuitable for public access. In some places where access to the coast would be introduced for the first time we intend to erect public information panels that will include warnings about the dangers.

We have not typically used the discretion to exclude access to areas of saltmarsh because they do not generally present the same dangers – although in some places we propose to exclude access to saltmarsh for nature conservation reasons – see section 8 of the overview and relevant reports.

We have not used the discretion to exclude access to areas that local authorities advised us are already used as beaches. In these places we took the view that existing warning signs and other safety measures will continue to be sufficient to manage the risks.




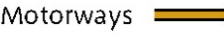




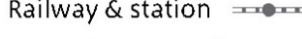

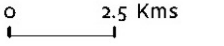
Map B: Existing public access on the Aust to Brean Down stretch

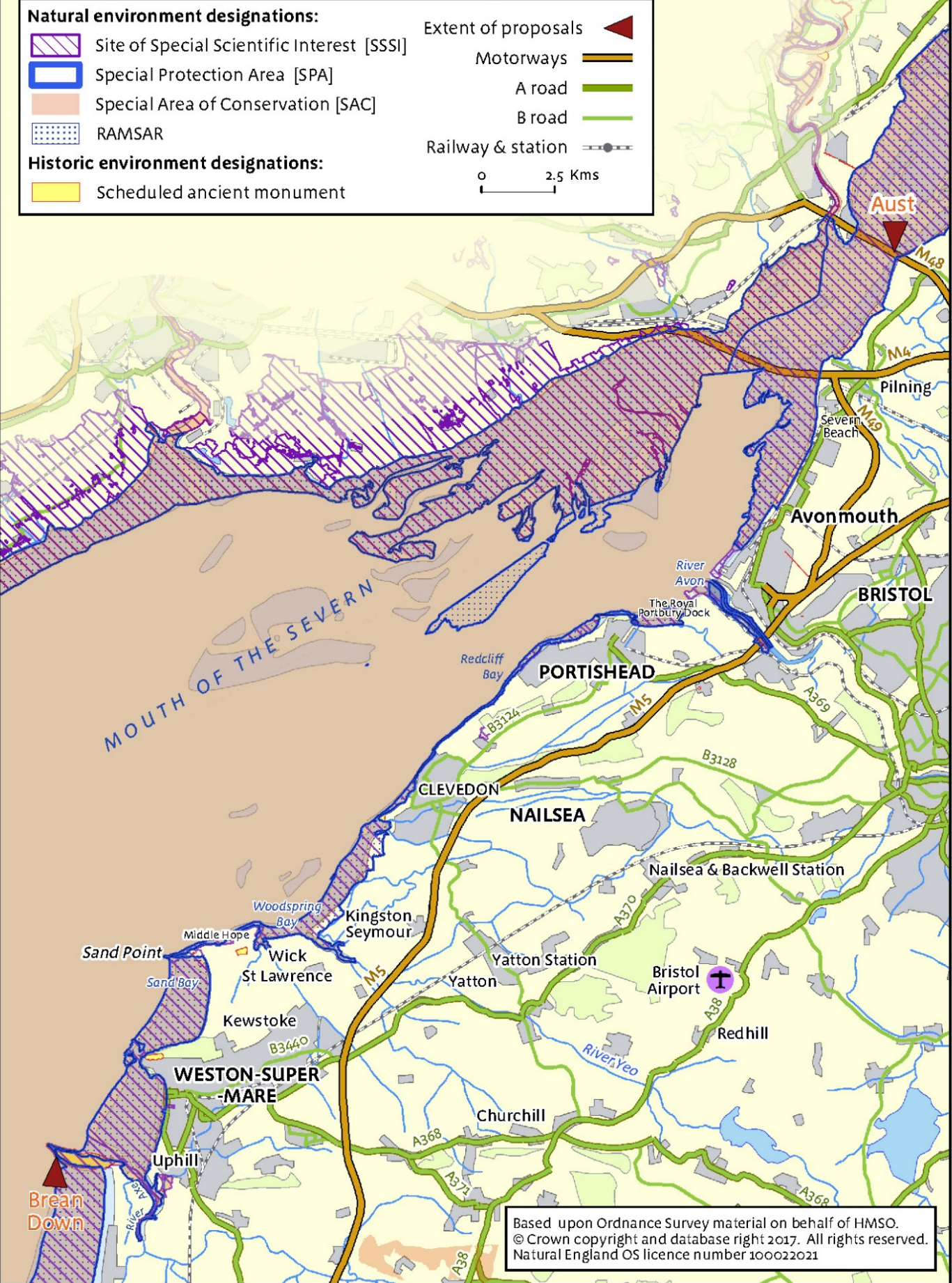
Existing access rights and routes:		Extent of proposals	
	National Trails		Motorways
	Other promoted walking routes		A road
	Other public rights of way		B road
	Access land		Railway & station
	Car park (outside urban areas)		0 2.5 Kms



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Map C: Key statutory environmental designations on the Aust to Brean Down stretch

Natural environment designations:		Extent of proposals	
	Site of Special Scientific Interest [SSSI]		
	Special Protection Area [SPA]		Motorways
	Special Area of Conservation [SAC]		A road
	RAMSAR		B road
Historic environment designations:			Railway & station
	Scheduled ancient monument		



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Other issues

7. Future changes

Below we explain the procedures for future changes to the coastal access provisions, once proposals have been approved by the Secretary of State. Where the need for future changes was foreseeable at the time of preparing the proposals we have indicated this in the relevant reports.

Roll-back

Reports ABD 1, 4, 5, 7, 8 and 9 include proposals for specified parts of the route to 'roll back' either:

- in direct response to coastal erosion or other geomorphological processes, or significant encroachment by the sea; or
- in order to link with other parts of the route that need to roll back as a direct result of coastal erosion or other geomorphological processes, or significant encroachment by the sea.

Where sections of the approved route need to change for these reasons in order to remain viable, the new route will be determined by Natural England without any requirement for further reference to the Secretary of State. Coastal erosion can happen at any time and so, in some cases, this provision may need to be invoked between approval of the report and commencement of new access rights.

In particular, so far as we consider it necessary in order to maintain the viability of the route as a whole, we may determine that any part of the route is to be repositioned landward of any physical boundary feature, area of excepted land or area from which we consider it necessary to exclude access e.g. a protected site designated for its conservation value.

In determining the new route, we will take into account:

- the local factors present at that time, including any views expressed by people with a relevant interest in affected land;
- the terms of the Coastal Access duty (see Annex B: Glossary of terms), including the requirement to aim to strike a fair balance between the interests of the public and the interests of any person with a relevant interest in the land; and
- the criteria set out in part B of the Coastal Access Scheme.

Any changes to the route in accordance with these proposals will come into force on a date decided by us. On this date, coastal access rights will come into force as necessary along any new alignment. The date of change will follow any necessary physical establishment work, including any installation of signs to enable the public to identify the modified route on the ground. We will take reasonable steps to ensure that anyone with a relevant interest in land directly affected by the change is made aware this date.

In places where the trail rolls back in this way in response to coastal change, the landward extent of the coastal margin may also move inland automatically:

- with the trail itself, or
- because a landward area of section 15 land (see Annex B: Glossary of terms) or foreshore, cliff, dune, or beach, or a bank, barrier or flat, newly touches the trail when it rolls back, with the result that it automatically becomes part of the margin under the terms of the legislation.

Ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we have provided further information within the tables in Part 3 of the relevant report. This and the above information is intended as a guide only, based on information available to us at the time of writing, and on expert advice provided by the access authority,

Environment Agency and others. We have taken and will continue to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.

Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make any other changes to the route of the trail (or to propose non-automatic changes to the landward boundary of the coastal margin) - for example if the land was subject to new build development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports. Potential developments of which we are already aware that could potentially affect the route on the stretch are summarised below.

- Between Aust to Avonmouth (reports ABD 1 to 3 of the proposals) – improvements are planned to the existing sea defences that may result in temporary diversions of the proposed route and/or small-scale permanent changes. Natural England and the local access authorities are advising the team responsible for these improvements to ensure that any disruption to the trail is minimised and clearly advertised.
- Along the southern periphery of Royal Portbury Docks between the Avonmouth (M5) Bridge and Sheepway (report ABD 4 of the proposals) - the proposed route may be affected by plans to reopen the Bristol to Portishead railway line to passenger services. The nature of the effects will depend on the final design of the railway scheme: there may be temporary disruption while works take place or there may be small-scale permanent changes to the coast path route itself. We will work with the operators and local planning authority to minimise disruption to path users.
- Between Sheepway and Portbury Wharf (see report ABD 4 of the proposals) - the proposed route is likely to be affected temporarily by works necessary to construct a new high voltage electricity connection between Hinckley C power station and Seabank Power Station. We will work with the local authority and the operator to ensure that a temporary alternative is available for walkers should access along the proposed route be disrupted.
- The proposed route between Sheepway and Portbury Wharf (see report ABD 4 of the proposals) may also be affected in the future by proposals to expand the operational area of the port. Should the Port Company bring such proposals forward, we would work with the local planning authority and the Port Company to adapt the existing route as necessary or to identify a safe and convenient replacement route to form part of the approved development.

However, even without a variation report:

- i We would be able to impose new or modify existing local restrictions or exclusions on coastal access rights as necessary, and people with a legal interest in the land would be able to apply to us for such directions under certain circumstances – see chapter 6 of the Coastal Access Scheme.
- ii Further work could be carried out where necessary either to establish or maintain the route, or to provide any means of access to the coastal margin, using powers and procedures set out in Schedule 20 of the Marine and Coastal Access Act 2009 and chapter 3 of Part 1 the Countryside and Rights of Way Act 2000.
- iii. If at any time the use of affected land should change, the normal rules in relation to excepted land would apply, so for example land newly covered by buildings and their curtilage, and land in the course of development, would automatically become excepted from the coastal access rights – see Annex C: Excepted Land Categories.

8. Restrictions and exclusions

Below, we summarise the directions to exclude or restrict coastal access rights proposed by these reports.

Refer to Part 6.7 and Figure 19 of the approved Coastal Access Scheme for more information.

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
ABD 1	Severn Bridge to New Passage Lower saltmarsh and flat in the coastal margin seaward of the route sections ABD-1-S001 to ABD-1-S027	No public access	Unsuitable for public access	Saltmarsh and flat S25A	All year
ABD 2	New Passage to New Pill Gout Lower saltmarsh and flat in the coastal margin seaward of the route sections ABD-2-S001 to ABD-2-S022	No public access	Unsuitable for public access	Saltmarsh and flat S25A	All year
ABD 3	New Pill Gout to Avon Bridge Lower saltmarsh and flat in the coastal margin seaward of the route sections ABD-3-S001 to ABD-3-S052	No public access	Unsuitable for public access	Saltmarsh and flat S25A	All year
ABD 4	Avon Bridge to Portishead marina Lower saltmarsh and flat in the coastal margin seaward of the route sections ABD-4-S001 to ABD-4-S033	No public access	Unsuitable for public access	Saltmarsh and flat S25A	All year
ABD 5	Portishead Lower saltmarsh and flat in the coastal margin seaward of the route sections ABD-5-S001 to ABD-5-S006	No public access	Unsuitable for public access	Saltmarsh and flat S25A	All year

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
ABD 5	Portishead Point to Sugar Loaf Beach Lower saltmarsh and flat in the coastal margin seaward of the route sections ABD-5-S012 to ABD-5-S026	No public access	Unsuitable for public access	Saltmarsh and flat S25A	All year
ABD 5	Wain's Hill Lower saltmarsh and flat in the coastal margin seaward of the route section ABD-5-S074	No public access	Unsuitable for public access	Saltmarsh and flat S25A	All year
ABD 6	Wain's Hill to Gullhouse Point Lower saltmarsh and flat in the coastal margin seaward of the route sections ABD-6-S001 to ABD-6-S006	No public access	Unsuitable for public access	Saltmarsh and flat S25A	All year
ABD 6	Gullhouse Point to Hucker's Bow Coastal margin seaward of the trail Route section ABD-6-S007 to ABD S060	Exclusion	Sensitive wildlife	Nature conservation 26(3)(a)	All year
ABD 6	Channel View Route section ABD-6-S018	Dogs on leads	Sensitive wildlife	Nature conservation 26(3)(a)	All year
ABD 6	Wharf Farm Part of the coastal margin seaward of route sections ABD-6-S018 to ABD-6-S031	Exclusion	Biosecurity	Land management 24	All year
ABD 6	Blake's Pools Nature Reserve Route sections ABD-6-S032 and ABD-6-S033	Dogs on leads	Land management	Land management 24	All year
ABD 6	South side of the Congresbury Yeo Route sections ABD-6-S047 to ABD-6-S049	Exclusion	Sensitive wildlife	Nature conservation 26(3)(a)	Outline Alternative route provided

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
ABD6	East side of the River Banwell. Route sections ABD-6-S055 and ABD-6-S056	Dogs on leads	Sensitive wildlife	Nature conservation 26(3)(a)	All year
ABD9	East side of the River Axe Part of the coastal margin seaward of route sections ABD-9-S022 to ABD-9-S028	No public access	Land management	Land management 24	All year
ABD10	West side of the River Axe Route section ABD-10-S003 to ABD-10-S008 and coastal margin adjoining those route sections	No public access	Sensitive wildlife	Nature conservation 26(3)(a)	16 July to 15 April each year Alternative route provided

These directions will not prevent or affect:

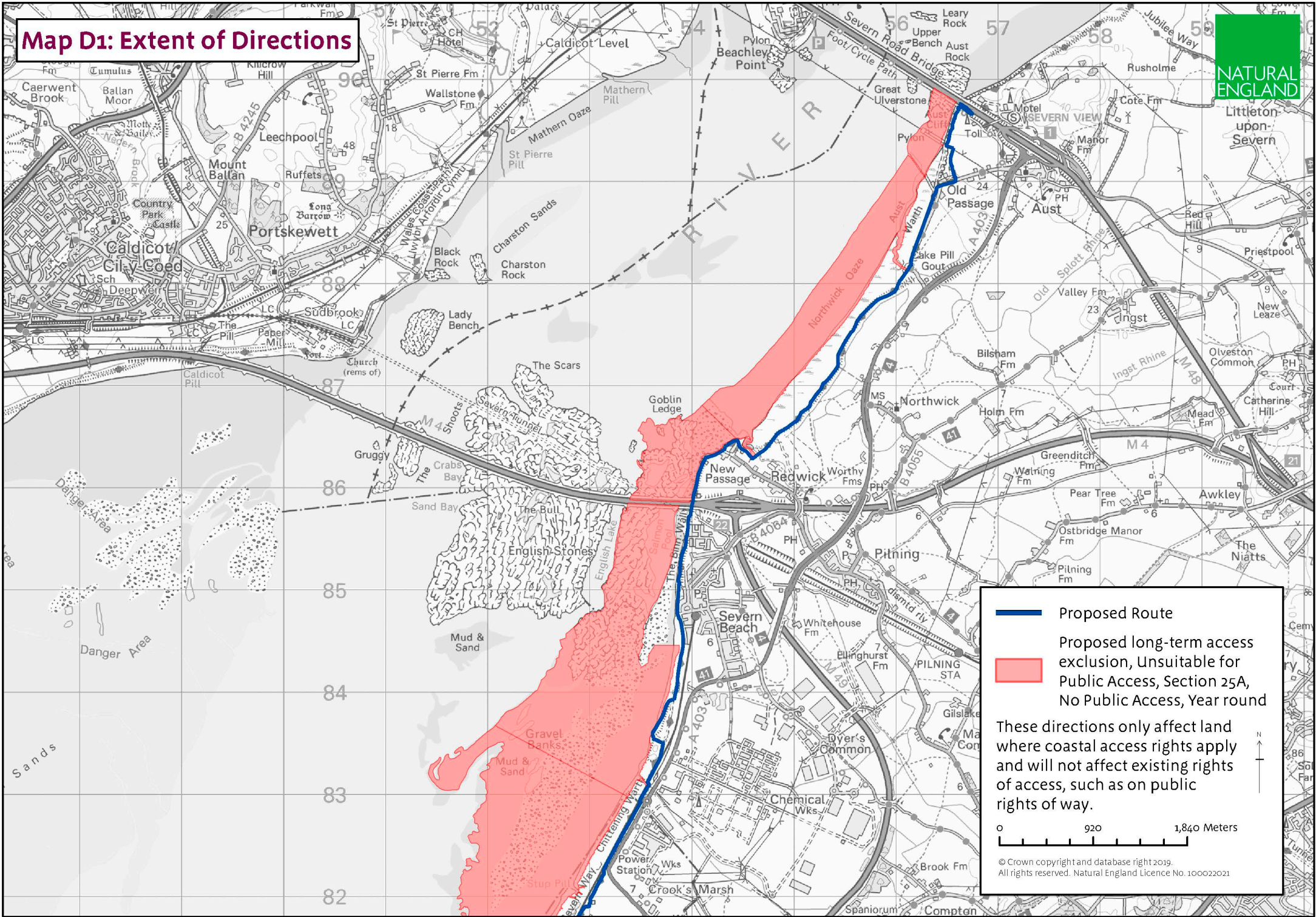
- any existing local use of the land by right: such use is not covered by coastal access rights;
- any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or any rights at common law or by Royal Charter etc

Any such use is not prohibited or limited by these arrangements.

Where land already has open access rights for the public under Part 1 of the CROW Act (the right to roam over mountain, moor, heath, down and registered common), those pre-existing rights are replaced by coastal access rights wherever the land in question falls within the coastal margin. Where that happens, our report may in some circumstances propose to exclude the replacement rights, even where they were not excluded previously, based on an updated analysis of relevant powers and requirements.

Maps D1 to D5 below show the overall effect of proposed directions to restrict or exclude access between Aust and Brean Down – see also more detailed maps within individual reports.

Map D1: Extent of Directions



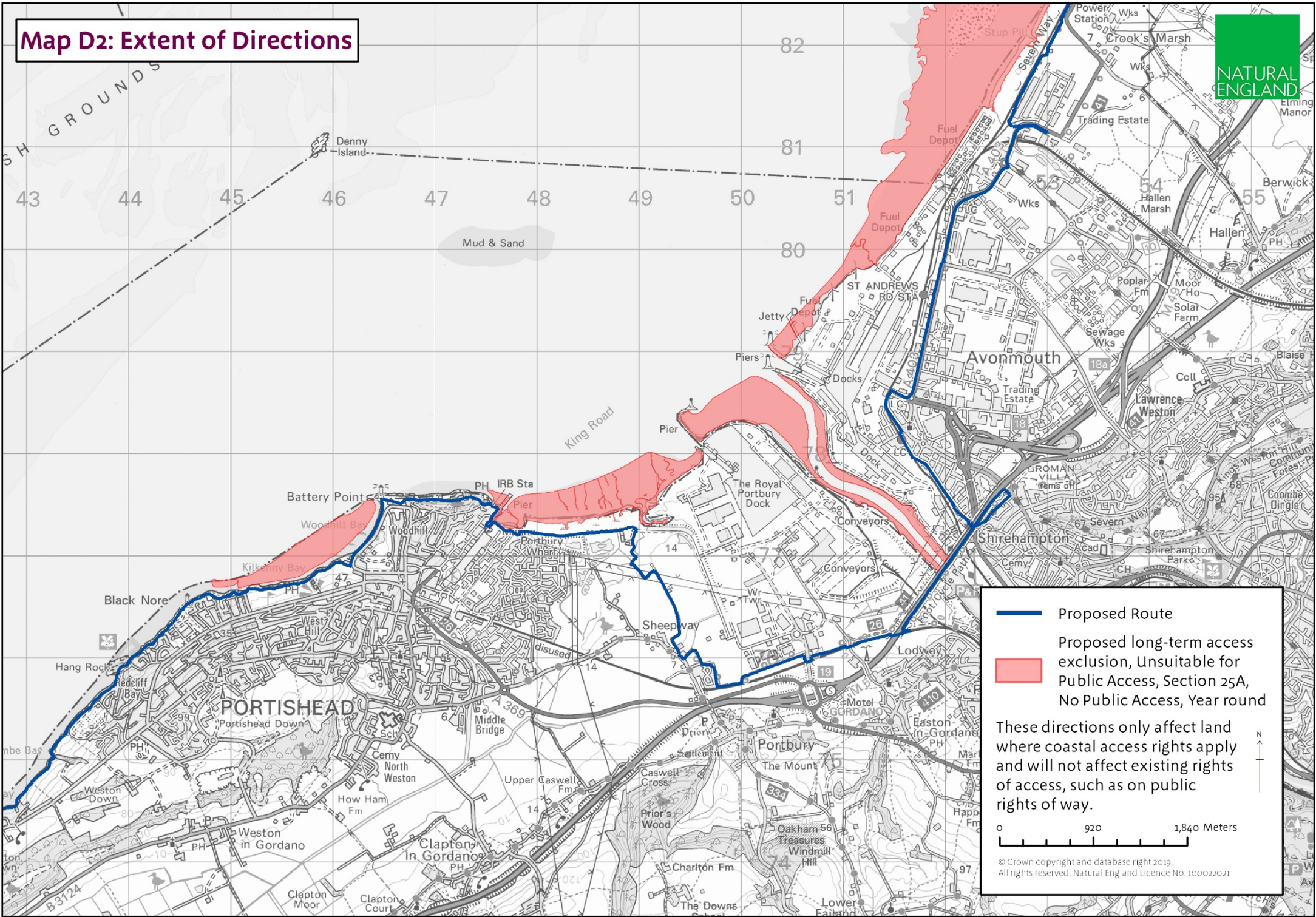
— Proposed Route
 Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.

0 920 1,840 Meters

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Map D2: Extent of Directions



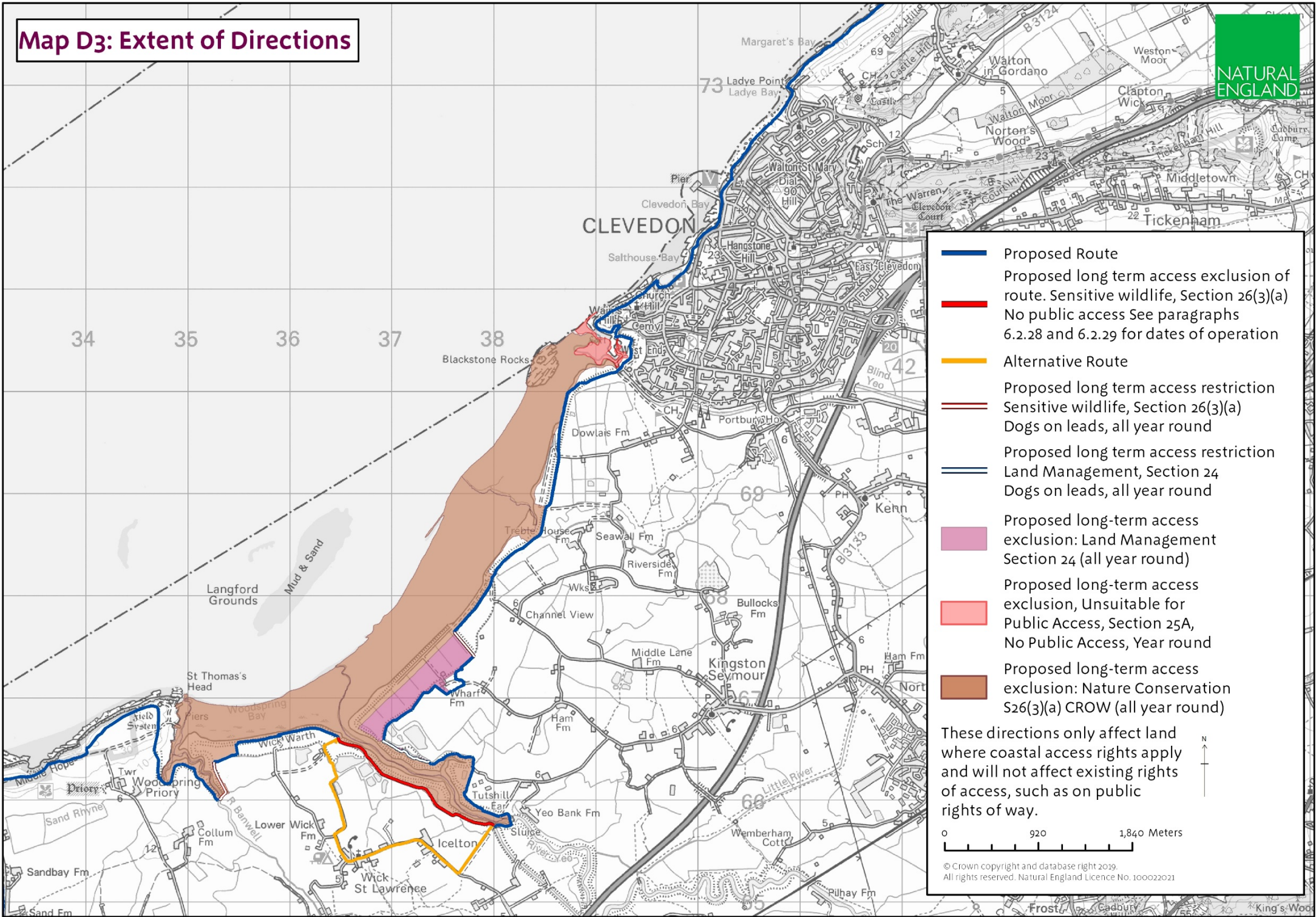
— Proposed Route
 Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.

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Map D3: Extent of Directions



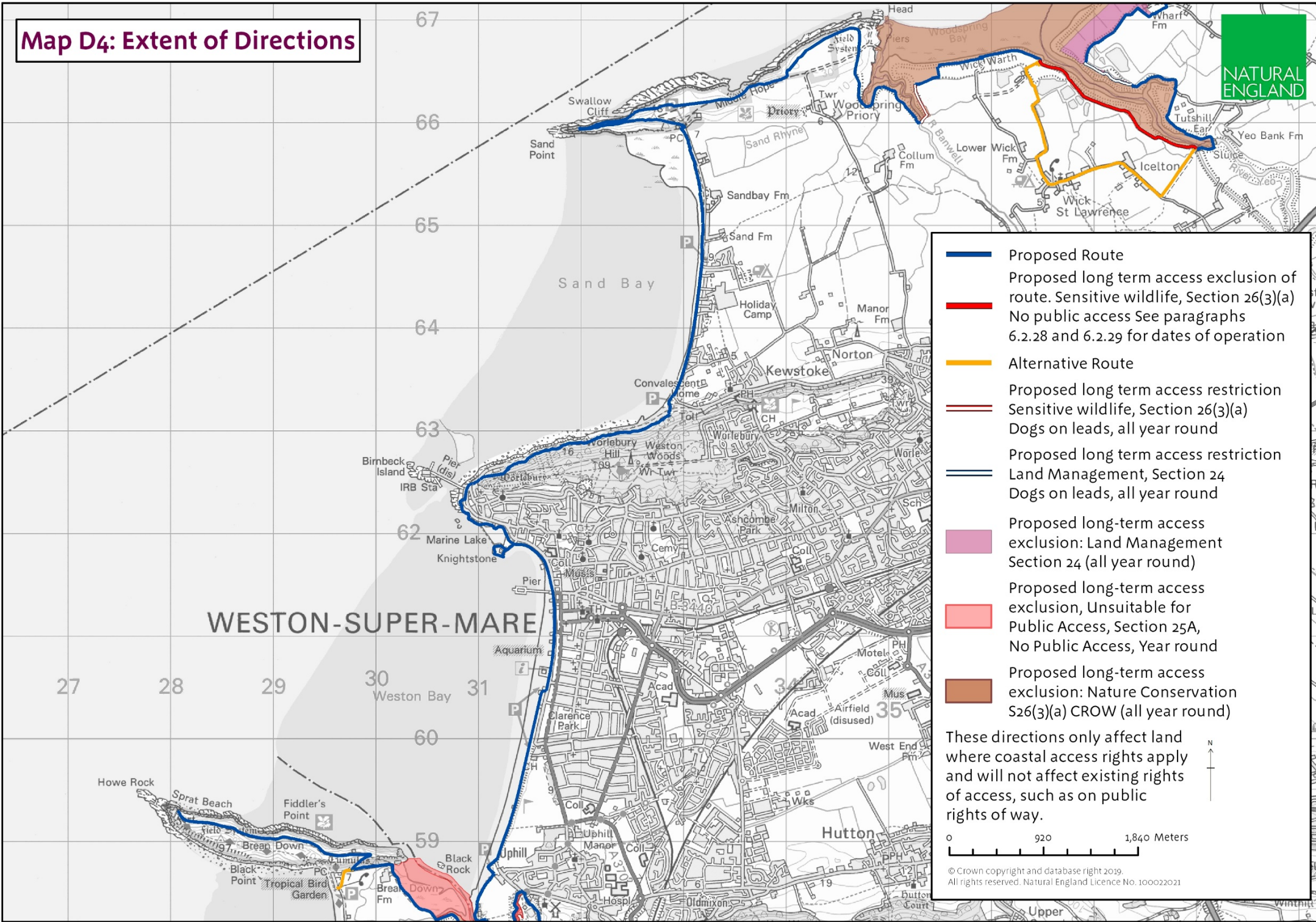
- Proposed Route
- Proposed long term access exclusion of route. Sensitive wildlife, Section 26(3)(a)
No public access See paragraphs 6.2.28 and 6.2.29 for dates of operation
- Alternative Route
- Proposed long term access restriction
Sensitive wildlife, Section 26(3)(a)
Dogs on leads, all year round
- = Proposed long term access restriction
Land Management, Section 24
Dogs on leads, all year round
- Proposed long-term access exclusion: Land Management
Section 24 (all year round)
- Proposed long-term access exclusion, Unsuitable for
Public Access, Section 25A,
No Public Access, Year round
- Proposed long-term access exclusion: Nature Conservation
S26(3)(a) CROW (all year round)

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.

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Map D4: Extent of Directions



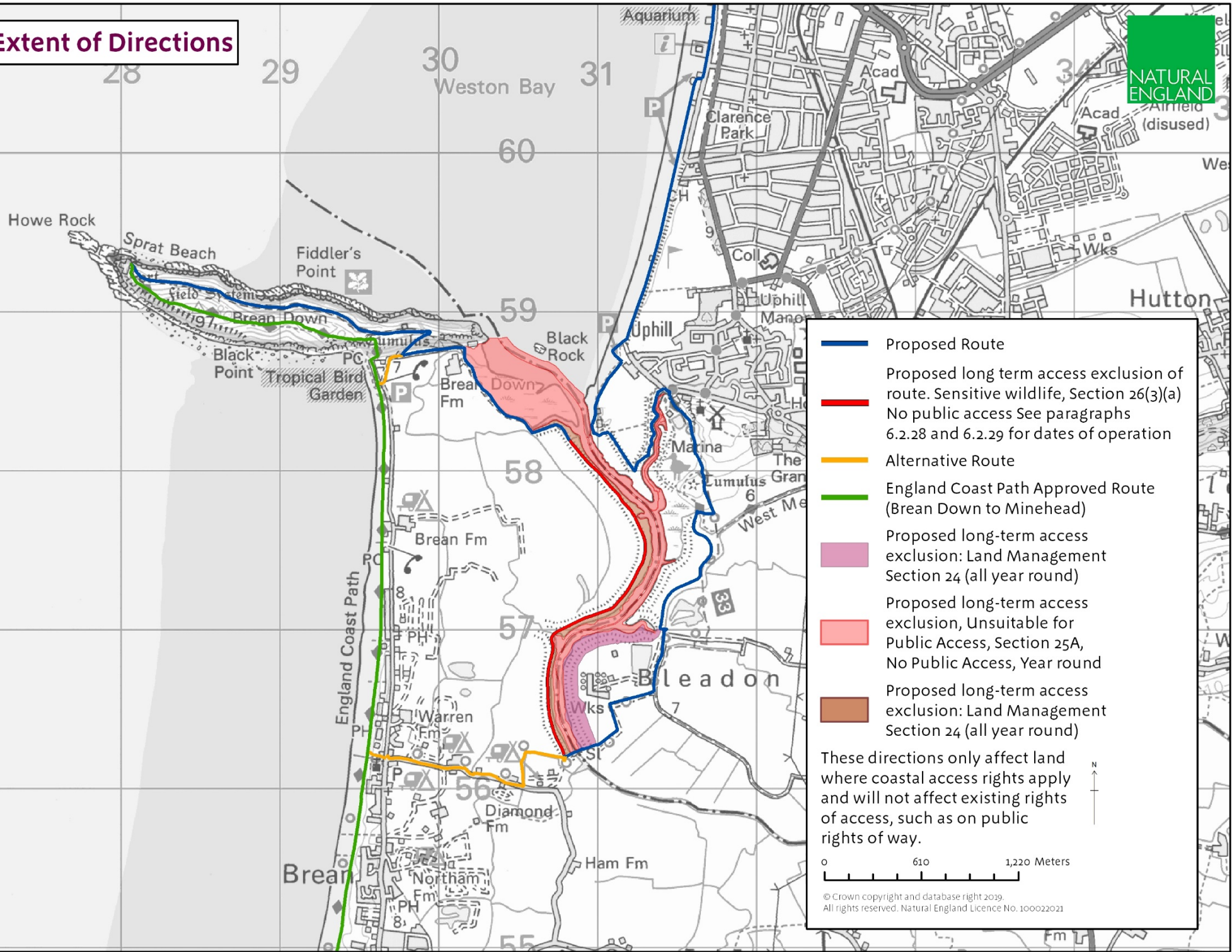
- Proposed Route
- Proposed long term access exclusion of route. Sensitive wildlife, Section 26(3)(a)
No public access See paragraphs 6.2.28 and 6.2.29 for dates of operation
- Alternative Route
- Proposed long term access restriction
Sensitive wildlife, Section 26(3)(a)
Dogs on leads, all year round
- = Proposed long term access restriction
Land Management, Section 24
Dogs on leads, all year round
- Proposed long-term access exclusion: Land Management
Section 24 (all year round)
- Proposed long-term access exclusion, Unsuitable for
Public Access, Section 25A,
No Public Access, Year round
- Proposed long-term access exclusion: Nature Conservation
S26(3)(a) CROW (all year round)

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.

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Map D5: Extent of Directions



- Proposed Route
- Proposed long term access exclusion of route. Sensitive wildlife, Section 26(3)(a) No public access See paragraphs 6.2.28 and 6.2.29 for dates of operation
- Alternative Route
- England Coast Path Approved Route (Brean Down to Minehead)
- Proposed long-term access exclusion: Land Management Section 24 (all year round)
- Proposed long-term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round
- Proposed long-term access exclusion: Land Management Section 24 (all year round)

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.

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Annex A: Bibliography

Information about Natural England's coastal access programme:

Natural England

www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast

Information about the statutory framework for coastal access:

Department for Environment, Food and Rural Affairs

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Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

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Marine and Coastal Access Act 2009

www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty

Countryside & Rights of Way Act 2000 [CROW]

www.legislation.gov.uk/ukpga/2000/37/contents

The Access to the Countryside (Coastal Margin) (England) Order 2010

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National Parks and Access to the Countryside Act 1949

www.legislation.gov.uk/ukpga/Geo6/12-13-14/97

The Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010

www.legislation.gov.uk/uksi/2010/1976/contents/made

Environmental legislation referred to in the reports:

The Conservation of Habitats and Species Regulations 2017 (as amended)

<http://www.legislation.gov.uk/uksi/2017/1012/contents/made>

The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<http://www.legislation.gov.uk/uksi/2018/1307/contents/made>

Other published information used in the preparation of the report:

Bristol Local Plan

Bristol City Council

<https://www.bristol.gov.uk/planning-and-building-regulations/local-plan>

A register of coastal climbing sites in England

British Mountaineering Council

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North Somerset Council

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Severn Coastal Group

<http://www.severnestuarycoastalgroup.org.uk/shoreline-management-plan/>

Avonmouth/Severnside Ecology Mitigation and Flood Defence Project

South Gloucestershire Council, Bristol City Council and the Environment Agency

<http://www.insouthglos.co.uk/enterprise/avonmouth/flood-ecology/>

South Gloucestershire Local Plan

South Gloucestershire Council

<http://www.southglos.gov.uk/environment-and-planning/planning/planning-policy/plans-in-preparation/new-south-gloucestershire-local-plan-2018-2036/>

Annex B: Glossary of terms

The terms and their explanations below are included for guidance only

Any terms shown in bold type within each explanation are included as a separate entry elsewhere in the Glossary.

1949 Act means the National Parks and Access to the Countryside Act 1949. The 1949 Act includes provisions and procedures for the creation of long-distance routes (now more commonly known as National Trails). These provisions were amended and added to by the **2009 Act** for the purpose of identifying the coastal **trail**. See Bibliography for publication details.

2009 Act means the Marine and Coastal Access Act 2009. Part 9 of the 2009 Act includes provisions to improve public access to the coast. There are supplementary provisions relating to:

- consideration of coastal access reports, objections and representations by the Secretary of State – in Schedule 1A of the **1949 Act** (inserted by Schedule 19 of the 2009 Act);
- the establishment and maintenance of the English coastal route – in Schedule 20 of the 2009 Act.

Section 1.2 of the Coastal Access Scheme includes a brief overview of the main provisions, which are explained in more detail in subsequent chapters. See Bibliography for publication details.

alignment is the term we use to describe the choices we make about the proposed route of the **trail** and the landward boundary of the **coastal margin**.

alternative route means a route proposed to the **Secretary of State** under section 55C of the **1949 Act**, to operate as a diversion from the **ordinary route** at certain times. The associated term **optional alternative route** denotes a route which the public has the *option* to use at times when the **ordinary route** is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Neither type of alternative route creates any seaward **margin**. Paragraphs 4.10.16 to 4.10.18 of the Scheme explain more about the potential use of optional alternative routes.

building has the same meaning given in Schedule 1 to **CROW**, as amended for the coast by the **Order**. The term includes any structure or erection and any part of a building. For this purpose “structure” includes any tent, caravan or other temporary or moveable structure. It does not include any fence or wall, anything which is a means of access (as defined by **CROW** section 34 – for example steps or bridges), or any slipway, hard or quay.

coastal access duty means Natural England’s duty under section 296 of the **2009 Act** to secure improvements to public access to the English coast. It is explained in more detail in 1.2 of the Coastal Access Scheme.

coastal access rights is the term we use to describe the rights of public access to the coast provided under section 2(1) of **CROW** as a result of the provisions of the **2009 Act** and the **Order**. Coastal access rights are normally rights of access on foot for open-air recreation. These rights are by default subject to **national restrictions** and may additionally be subject to **directions** which restrict or **exclude** them locally. Section 2.4 of the Coastal Access Scheme explains more about the nature and management of coastal access rights.

coastal margin or margin means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the **Order**. Its main component is land subject to the **coastal access rights**, but it also contains other land, including some land that is not accessible to the public. A land owner may also voluntarily include land in the coastal access margin by making a **dedication**. Section 2.3 of the Scheme explains these other categories of land and how they fit in.

coastal processes is a term used in the reports to mean coastal erosion, encroachment by the sea or other physical change due to geomorphological processes such as landslip. Where any part of the **trail** could be significantly affected by coastal processes, either directly or because of the need to maintain continuity with a part that is directly affected, we have included recommendations for it to **roll back** in accordance with a description in the relevant report.

CROW means the Countryside and Rights of Way Act 2000. **Coastal access rights** take effect by virtue of CROW section 2(1). Certain provisions in CROW are amended or added to by the **2009 Act** and the **Order** for the purposes of the coast. Chapter 2 of the Coastal Access Scheme provides an overview of how the amended CROW provisions apply to the coast. See Bibliography for publication details.

dedicate/dedication means any voluntary dedication of land by the owner or long leaseholder under section 16 of **CROW** so that it will be subject to access rights under that Act. A dedication may also make provision for specific **national restrictions** that would otherwise apply over the affected land to be removed or relaxed.

Land within the **coastal margin** that was previously dedicated as access land under **CROW** becomes subject to the coastal access regime, including the **national restrictions** and the reduced level of liability operating on other parts of the margin with **coastal access rights**. On certain land, a dedication may be used to 'opt in' to the coastal access regime land where it would not otherwise apply. Chapter 2 of the Coastal Access Scheme explains these scenarios in more detail.

definitive map means the legal record of public rights of way. It shows public footpaths, bridleways, restricted byways, and byways open to all traffic.

direction means a direction under chapter II of **CROW** Part 1 to impose local restrictions or **exclusions** on the use of the **coastal access rights**.

Estuarial waters are defined in section 309 of the **2009 Act** as any waters within the limits of transitional waters within the meaning of Council Directive 2000/60/EC (the European Community Water Framework Directive). Transitional waters are defined in Schedule 1 to the Directive as "bodies of surface water in the vicinity of river mouths which are partially saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows". The Environment Agency has mapped their **seaward limit** on each English estuary. Section 10.1 of the Scheme explains the relevance of estuarial waters to our proposals for coastal access at estuaries.

excepted land – see Annex C.

exclude/exclusion refer to local exclusion of the **coastal access rights** by **direction** (as opposed to the **national restrictions** that apply on all coastal access land by default). In this way the use of the rights may where necessary either be excluded completely, or restricted in specified ways by means of a local restriction. Section 6.6 of the Coastal Access Scheme explains the provisions in detail and our approach to their use.

foreshore is not defined in the **2009 Act** or the **Order**. In the reports and this Overview it is taken to mean the land between mean low water and mean high water.

gate is used in several ways in the reports:

- 'Field gate' means a wide farm gate, for vehicle access.
- 'Kissing gate' means a pedestrian access gate, sometimes suitable for wheelchairs.
- 'Wicket gate' means a narrow field gate, sometimes suitable for wheelchairs, but unsuitable for larger vehicles.

guide fencing is a term the reports may use to describe simple temporary fencing which can be put up and taken down with minimal cost or effort – see figure 18 in chapter 6 of the Coastal Access Scheme.

Habitats Regulations Assessment means an assessment made in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

the legislation is the term the reports use to describe four pieces of legislation which include provisions relevant to the implementation of our proposals: the **2009 Act**, the **1949 Act**, **CROW** and the **Order**. There are separate entries in the glossary which describe each of these in more detail.

a **length** is the term used to describe the part of **the stretch** covered by each individual report.

local access forum means a local access forum established under section 94 of **CROW**. Natural England is required to consult the relevant local access forum in the preparation of the reports, and to invite representations from it on its proposals – see chapter 3 of the Coastal Access Scheme for details.

margin (see coastal margin)

national restrictions – see Annex D.

National Trail means a long-distance route approved by the Secretary of State under section 52 of the **1949 Act**.

objection means an objection by a person with a relevant interest in affected land (i.e. its owner or occupier) to Natural England about a proposal in a report. An objection must be made on certain specified grounds, in accordance with the provisions in Schedule 1A of the **1949 Act** (as inserted by Schedule 19 of the **2009 Act**). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering objections.

ordinary route means the line normally followed by **the trail**.

the **Order** means the Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), made under section 3A of **CROW**. It sets out descriptions of land which are **coastal margin** and amends Part I of CROW in certain key respects for the purposes of coastal access. See Bibliography for publication details.

public right of way (PRoW) means a public footpath, bridleway, restricted byway or byway open to all traffic. These public rights of way are recorded on the **definitive map**.

relevant interest means a relevant interest in land, as defined by section 297(4) of the 2009 Act. This is a person who:

- holds an estate in fee simple absolute in possession in the land;
- holds a term of years absolute in the land, or
- is in lawful occupation of the land.

A relevant interest must therefore own or occupy the land in question, rather than simply having some other kind of legal interest over it.

representation means a representation made by any person to Natural England regarding proposals in any of its reports. A representation may be made on any grounds, in accordance with the provisions in Schedule 1A of the **1949 Act** (as inserted by Schedule 19 of the **2009 Act**). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering representations.

restrict/restriction – see “exclude/exclusion”.

Roll-back is the term the Scheme uses to describe arrangements made under the provisions of section 55B of the **1949 Act**, whereby we may propose to the **Secretary of State** in a **coastal access report** that the route of a specified part of the **trail** which is subject to significant erosion or other coastal processes, or which links to such a section of trail, should be capable of being repositioned later in accordance with the proposals in our relevant report, without further confirmation by the Secretary of State. Section 4.10 of the Scheme explains in more detail how this works, and part 6(d) of this Overview explains this in the context of the stretch.

route section is the term used in the reports to describe short sections of the proposed route for the **trail**. Each route section is assigned a nationally unique serial number which we use to refer to it in the proposals and on the accompanying maps.

section 15 land means land with public access rights under:

- section 193 of the Law of Property Act 1925;
- a local or private Act;
- a management scheme made under Part I of the Commons Act 1899; or
- an access agreement or access order made under Part V of the National Parks and Access to the Countryside Act 1949;

or land subject to, or potentially subject to, public access under section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Where Section 15 land forms part of the **coastal margin** (which it may do in any of the ways explained in section 4.8 of the Coastal Access Scheme), these rights apply instead of the **coastal access rights**. Figure 6 in Section 2.4 of the Coastal Access Scheme shows the relationship of Section 15 land to the coastal access regime in more detail.

spreading room is the term we use to describe any land, other than the **trail** itself, which forms part of the **coastal margin** and which has public rights of access.

In addition to land with **coastal access rights** it therefore includes areas of **section 15 land**. Spreading room may be either seaward or landward of the **trail**, according to the extent of the margin. Section 4.8 of the Scheme explains in more detail the ways in which land may become spreading room. Spreading room may be subject to **directions** that **restrict** or **exclude** the coastal access rights locally from time to time. However, the Scheme does not use the term to describe land which is subject to a direction which excludes access for the long-term. Land is not described as spreading room in the Scheme if it falls into one of the descriptions of **excepted land**, although it may become spreading room if it loses its excepted status as a result of a change of use, or if the owner dedicates it as coastal margin. Where highways such as roads or public rights of way cross spreading room, they remain subject to the existing highway rights rather than becoming subject to coastal access rights.

statutory duty means the work an organisation must do by order of an Act of Parliament.

stretch is the whole area covered by our compendium of statutory reports making coastal access proposals to the Secretary of State, each covering one **length** within the stretch.

temporary route means a diversionary route which operates while access to the trail is **excluded** by **direction**. Unlike an **alternative route**, a temporary route may be specified later by or under the direction without requiring confirmation by the Secretary of State, though land owner consent is needed in some circumstances. Figure 17 in chapter 6 of the Coastal Access Scheme explains the provisions for temporary routes in more detail.

the trail is the term we use to describe the strip of land people walk along when following the route identified for the purposes of the **Coastal Access Duty**. See part 1.3 of the Coastal Access Scheme. Following approval by the Secretary of State of our proposals, the trail along that **stretch** becomes part of the **National Trail** known as the **England Coast Path**. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the **coastal margin**.

variation report means a report to the Secretary of State under section 55(1) of the 1949 Act. Natural England may prepare a variation report recommending changes to coastal access proposals that have previously been approved. Figure 10 in chapter 3 of the Coastal Access Scheme explains in more detail the circumstances when a variation report is necessary.

A variation report may also be prepared by Natural England (in the context of our recommendations for the **trail** which we have a duty to secure under section 296 of the **2009 Act**) to recommend that the route of another National Trail at the coast is modified.

Annex C: Excepted land categories

The effect of Schedule 1 to the Countryside and Rights of Way Act 2000 is that some categories of land are completely excluded from the coastal access rights, even if they fall within the coastal margin:

- land covered by buildings or the curtilage of such land;
- land used as a park or garden;
- land used for the getting of minerals by surface working including quarrying (except, under certain circumstances, the removal of sand or shingle from an area of foreshore or beach);
- land used for the purposes of a railway (including a light railway) or tramway;
- land covered by pens in use for the temporary detention of livestock;
- land used for the purposes of a racecourse or aerodrome;
- land which is being developed and which will become excepted land under certain other excepted land provisions;
- land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works) or the curtilage of such land;
- land covered by works used for an electronic communications code network or the curtilage of any such land;
- land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900;
- land which is, or forms part of, a school playing field or is otherwise occupied by the school and used for the purposes of the school; and
- land which is, or forms part of, a highway (within the meaning of the Highways Act 1980) – see below.

Some other land categories are excepted by default, but we may propose that the trail should cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights. Where land in any of these categories would form part of the coastal margin in proposals, it would therefore be fully excepted from coastal access rights. That includes:

- land on which the soil is being, or has at any time within the previous 12 months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees;
- land used for the purposes of a golf course;
- land which is, or forms part of, a regulated caravan or camping site; and
- land which is, or forms part of, a burial ground.

Highways are also excepted from the coastal access rights. This does not prevent the trail from following a public footpath or other highway, and people can continue exercising their rights to use highways that fall within the wider spreading room. Such highways form part of the coastal margin even though the access rights along them are afforded by other legislation.

Land owners may choose, under the legislation, to dedicate excepted land as a permanent part of the coastal margin. These provisions are explained in more detail in Chapter 2 of our Coastal Access Scheme.

Annex D: National restrictions

The coastal access rights which would be newly introduced under our proposals include most types of open-air recreation on foot or by wheelchair including walking, climbing and picnicking.

The scope of these coastal access rights is normally limited by a set of rules that we call in the Coastal Access Scheme the “national restrictions”.

They list some specific activities not included within the coastal access rights – for example camping, horse riding and cycling. The national restrictions on the coastal access rights are set out on the pages that follow.

The national restrictions do not prevent such recreational uses taking place under other rights, or with the landowner’s permission, or by traditional tolerance – for example on an area of foreshore where horse riding is customary. In particular, these national restrictions have no effect on people’s use of public rights of way or Section 15 land (see the entry for ‘section 15 land’ in the Glossary).

The land owner (or in some circumstances a long leaseholder or farm tenant) also has the option to include such recreational uses within the coastal access rights on a particular area of land, or on his holdings generally. He can do this:

- permanently (i.e. on behalf of himself and future owners of the land), by dedicating such rights under section 16 of the Countryside and Rights of Way Act 2000 (CROW); or
- until further notice, by agreeing that we should give a direction under CROW Schedule 2 paragraph 7 to this effect.

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

SCHEDULE 2 RESTRICTIONS TO BE OBSERVED BY PERSONS EXERCISING RIGHT OF ACCESS (Section 2)

General restrictions

- 1 (1) Subject to sub-paragraph (2), section 2(1) does not entitle a person to be on any land if, in or on that land, he –
- (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
 - (b) uses a vessel or sailboard on any non-tidal water,
 - (c) has with him any animal other than a dog,
 - (d) commits any criminal offence,
 - (e) lights or tends a fire or does any act which is likely to cause a fire,
 - (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
 - (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
 - (h) feeds any livestock,
 - (i) bathes in any non-tidal water,
 - (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
 - (k) uses or has with him any metal detector,
 - (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
 - (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
 - (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
 - (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
 - (p) affixes or writes any advertisement, bill, placard or notice,
 - (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect –
 - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
 - (ii) of obstructing that activity, or
 - (iii) of disrupting that activity,
 - (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
 - (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
 - (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.
- (2) Nothing in sub-paragraph (1)(f) or (j) affects a person's entitlement by virtue of section 2(1) to be on any land which is coastal margin if the person's conduct (to the extent that it falls within sub-paragraph (1)(f) or (j)) is limited to permitted fishing-related conduct.
- (3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person –
- (a) having a fishing rod or line, or

(b) engaging in any activities which –

(i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and

(ii) take place on land other than land used for grazing or other agricultural purposes.

2 (1) In paragraph 1(k), “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is “lawful” if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.

3 Regulations may amend paragraphs 1 and 2.

4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.

(2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.

5 Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.

6 In paragraphs 4 and 5, “short lead” means a lead of fixed length and of not more than two metres.

6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if –

(a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and

(b) at that time, the dog is not under the effective control of that person or another person.

(2) For this purpose a dog is under the effective control of a person if the following conditions are met.

(3) The first condition is that –

(a) the dog is on a lead, or

(b) the dog is within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.

(4) The second condition is that the dog remains –

(a) on access land, or

(b) on other land to which that person has a right of access.

(5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.

6B (1) Section 2(1) does not entitle a person to be on any land which is coastal margin if, on that land, the person obstructs any person passing, or attempting to pass, on foot along any part of the English coastal route, any official alternative route or any relevant temporary route.

(2) In this paragraph –

“the English coastal route” means the route secured pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);

“official alternative route” has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949;

“relevant temporary route” means a route for the time being having effect by virtue of a direction under section 55I of that Act to the extent that the line of the route passes over coastal margin.

Front cover photo:

Severn Bridge from Aust Beach/credit Andrew Chester, NaturalEngland

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