

Coastal Access – Cleveleys to Pier Head, Liverpool



Representations on CPH 5

April 2021

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1. Introduction

This document details representations we have received on the stated coastal access report. These fall into two categories:

- Representations received from persons or bodies that must be sent in full to the Secretary of State (‘full’ representations, reproduced below); and
- Those which have not come from those persons or bodies whose representations we are required to send in full to the Secretary of State (‘other’ representations, summarised below).

It also sets out any comments that Natural England choose to make in response to these representations.

2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Cleveleys to Pier Head was submitted to the Secretary of State on 7 October 2020. This began an eight-week period during which representations and objections about each constituent report could be made.

In relation to the report for CPH5 Southport beach car park to Cabin Hill National Nature Reserve, Natural England received 8 representations, of which 3 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These ‘full’ representations are reproduced in Section 3 of this document together with Natural England’s comments where relevant.

As required by the legislation this document also summarises and, where relevant, comments on the 5 representations submitted by other individuals or organisations, referred to here as 'other' representations. Of those 3 'other' representations, none contain similar or identical points.

Before making a determination in respect of a coastal access report, the Secretary of State must consider all 'full' representations and our summary of 'other' representations, together with Natural England's comments on each.

No further representations were received after the period of eight weeks beginning with the date on which the report was first advertised on Natural England's website.

3. Record of 'full' representations and Natural England's comments on them

Representation number:

MCA/CPH(W)/R/1/1557

Organisation/ person making representation:

[REDACTED], Historic England

Route section(s) specific to this representation:

Not specified

Representation in full

Historic England considers that the Coastal Access proposals for the Cleveleys to Pier Head, Liverpool section would have little or no impact on the historic environment, due to the route selected and the nature of the works proposed. There would certainly be no impact on designated heritage assets such as scheduled monuments, listed buildings or registered parks and gardens.

In coming to this conclusion we have considered the potential for the proposals to impact upon the Outstanding Universal Value [OUV] of the Liverpool Maritime Mercantile City World Heritage Site [WHS]. Again, due to the choice of route and the nature of the work proposed, we consider that there would be no impact on the OUV of the WHS. For this reason, we do not consider it necessary to recommend that a Heritage Impact Assessment be undertaken.

Natural England's comments

Natural England is grateful for this confirmation from Historic England.

Relevant appended documents (see section 5):

None supplied

Representation number:

MCA/CPH(W)/R/2/1629

Organisation/ person making representation:

[REDACTED], The Ramblers

Route section(s) specific to this representation:

Generally not specified, other than CPH-3-S015 to CPH-3-S017

Representation in full

We support the principle that some areas of spreading room along the proposed route of the ECP may have restrictions and exclusions. We also accept the principle that, where appropriate, some use may be made of salt-marshes for the route of the ECP in line with the guidance given in the Approved Scheme paras 7.8 pp77-79, and para 7.15 pp96-100. However, we are concerned that access to much of the land between the coast path and the sea has been restricted in some form.

We are concerned that the lack of any resources for monitoring and enforcement has led to undue and unfair restrictions being proposed for ECP walkers. We consider that NE is being forced to rely on exclusionary directions due to a lack of resource to promote the Countryside Code and responsible access, in a way that was not the intention of the Marine and Coastal Access Act and that, if these resources were available, access for walkers (perhaps without dogs) could be managed in some areas without adverse impacts.

The ECP will not only be used by walkers but the route will prove a substantial benefit to those such as ornithologists, botanists and other people interested in natural history. This representation recognises the wider audience to benefit from the ECP other than long-distance walkers.

One of the many benefits is putting people back into contact with nature, with the accompanying improvements in health and wellbeing. Connection to coastal wildlife is one of the great benefits that could arise from walking the ECP. However, we are concerned that NE, through the extensive use of Directions, is constructing significant barriers that could result in a widening gulf between humanity and nature. We are fully supportive of the need to manage the coastal margin to protect, and support the recovery of, vulnerable bird species and other wildlife. However, addressing damaging behaviours, rather than restricting enabling access on foot to the coastal margin, would (in our view) provide better protection for wildlife while helping to tackle the problems brought about by a disconnection of our society from nature, including coastal habitats.

We are concerned that, in parts of this consultation, people are being kept away from walking on sea walls & embankments and from slightly elevated positions overlooking the seaward side of the path. Yet in comparable and more sensitive locations, in respect of potential disturbance to wildlife, in other parts of England the choice of route actually uses such features. In this regard the north-west appears to be treated differently.

Take for example CPH-3-S015 to CPH-3-S017. The presence of walkers on the embankment is said to disturb birds but the exclusion of the public will also enable people to continue to shoot them. Compare this with the route proposed around the Wash, for example in Lincolnshire. The route around Frampton Marsh and Freiston (to the SE and E of Boston). Here the route uses regularly walked (by walkers and ornithologists) embankments through RSPB reserves, routes which are currently well used. Here they are often used as places from which to observe rare and unusual birds both on the lagoons and the saltmarshes. These sites are at least as, if not more, sensitive than Hutton Marsh. It appears NE's proposals are more dependent on the advice from individual ecologist colleagues who do not appear to follow a nationally consistent scheme of appraisal. The issue of balance has, in our submission, failed to appropriately weigh the needs of walkers and natural historians.

We consider cases where the proposed ECP aligns with existing PRoWs, and these are adjacent to areas subject to Directions to exclude, impractical - particularly where the areas are accessed regularly from the PROW though local custom.

The mapping basis used for many of these Directions is out of date. The river channels have changed substantially, sand banks have moved position and continue to do so on an almost daily basis. Consequently, many of the Direction maps include semi-permanent stretches of water, and many omit to cover spreading room which now exists and is adjacent to the Direction land, and these allow access to ECP walkers!

CPH 1A is commented on with CPH 2A below.

CPH 1C and 1D Walkers are most unlikely to use this area and the restriction will be unlikely to discourage naturalists interested in the saltmarsh. However, most people who want to access this area can do so from the public highway and the Direction is thus unenforceable and discriminatory against users of the ECP.

CPH 2A this seems to be very draconian with the whole of the area on Clifton Marsh being declared out of bounds. We are aware that it contains two SSSIs, a waste water treatment works and a waste disposal site, but are surprised that it does not allow for any access at all. Some form of access to some or all of the flood defence embankments ought to be possible and if a part does give rise to an issue then the provision of field paths ought to be achievable.

CPH 2B indicates that the whole of the racing tracks and adjacent ground is to not be allowed on safety grounds. We can understand the reasons why access to the actual tracks is not to be allowed, but access to the edges of the site and wide gap between the western and middle tracks should be more than adequate to provide some safe access, with appropriate signage.

CPH 3C and 3D indicates land as being unsuitable for public access presumably because it is a marsh, which for the uninitiated is probably good advice. We are aware that some people do access this locality presumably with either good local knowledge or some sound advice. Any restriction notices will need to be carefully worded. This situation probably also applies elsewhere on the Ribble Estuary.

CPH 3E indicates land that is to be excluded because of wildlife reasons. Going back a century an attempt was made to reclaim more of Hutton Marsh, but the embankments were then abandoned. The SSSI was then declared to include this abandoned ground plus the surrounding marsh land for which no reclamation had been attempted. In recent years a further reclamation attempt has been made, but enclosing a smaller piece of ground, with this recent attempt appearing to be successful and the ground now being used for agricultural purposes. We are not surprised that this reclaimed land is shown on MAGIC as being SSSI land in unfavourable condition. This restriction is considered to be excessive and disproportionate.

CPH 4D shows the embankment for Hesketh Out Marsh with only one gap in it, but we have counted eight gaps in it, with the result that it is no longer practical to provide access here.

Natural England's comments

General responses

Natural England appreciates concerns expressed as to the extent of restrictions and exclusions affecting the coastal margin (and, in some cases, the trail itself). We are obliged to make use of the least restrictive option when considering ways to mitigate against various impacts. However, we are also obliged to follow the precautionary principle in relation to impacts relating to designated sites and protected species; where we cannot safely conclude that no impact on these sites and species will arise as a result of new access rights, we must restrict or remove those new rights as a last resort, assuming that no other mitigation measures are deemed feasible or sufficient. However, all long-term restrictions and exclusions must be regularly reviewed – and will be removed or relaxed if evidence supports such action.

Whilst the comparison between ostensibly similar sites around the country is understandable, we are clear that each site must be considered carefully, based on its individual circumstances. Many factors must be taken into account in assessing the potential impacts of new access rights, some of which will be more obvious than others. The assessment process is intended to be as objective and evidence-based as possible; whilst the process is conducted by local teams in relation to the sites within their area, all are reviewed by national experts to ensure the highest degree of consistency possible.

In some cases, we are aware of existing impacts on protected sites and species, often arising from legal activities. We look for ways to reduce such impacts via the coastal access implementation programme, but this is often not possible to any great extent. There is very limited scope to conclude that new impacts are acceptable on the basis of existing impacts; in short, our proposals should not exacerbate an existing unsatisfactory situation with regards to nature conservation or other environmental/land management issues.

With regards to the base mapping for our report maps, we recognise that there will be considerable differences between some mapped features and their location/extent on the ground. This is inevitable, particularly in relation to rapidly and constantly changing areas such as estuaries, sand dunes and salt marshes. Unfortunately, there is no satisfactory solution to this; we must base our maps and proposals

on the most up to date information available at the time. It is reasonable to assume that most walkers will interpret the extent of restrictions and exclusions as best they can, based on a sensible comparison between our maps and the situation on the ground before them.

Responses relating to specific restrictions maps

CPH 1A & CPH 2A: We spent considerable time exploring any possibilities for improved access much closer to the northern bank of the Ribble, in this area. Unfortunately, multiple land management and nature conservation concerns prevented anything other than the route proposed. Many of the fields in this area are used by large numbers of birds. Not only must we ensure that these are not impacted in their own right, we must also ensure that there is no risk to low-flying military aircraft using the adjacent airfield as a result of birds being disturbed and taking flight. We recognise that this will be a disappointing outcome for walkers, who would have hoped for a significant access improvement in the area. We will continue to look for opportunities to reduce or remove restrictions in the future – and potentially to make improvements to the route of the ECP itself, if feasible.

CPH 2B: The developed and actively used area of the wider common is actually much greater than indicated by many maps. In reality, there are few parts of this site that would provide any safe and appealing access opportunities for walkers. We explored the possibility of a route along the very edge of the estuary but concluded that, whilst this may have been possible, it was not justified given the difficulty in bridging Savick Brook and the lack of any ongoing riverside path opportunity to the west of Savick Brook.

CPH 3C & 3D: We note the comments. We take various factors into account in deciding whether saltmarsh or flat should be deemed unsuitable for access. This include frequency of inundation, nature of creeks, risk of being cut off from higher ground etc. We also take into account any advice provided by bodies such as the RNLi and HM Coastguard.

CPH 3E: Whilst we understand the desire for a route further towards the estuary, we can confirm that our assessment of potential impacts on protected birds concluded that an exclusion of new access rights from this area is necessary in order to avoid disturbance to significant congregations of protected birds. Any additional access would hinder efforts to bring the site into favourable condition. The situation is covered at pages 57&58 of the Habitats Regulations Assessment and pages 13&14 of the Nature Conservation Assessment. The reclaimed area mentioned in the representation is within Ribble & Alt Estuaries SPA and Ramsar, and Ribble Estuary SSSI.

CPH 4D: We note the point made and can confirm that there is no intention to provide new access along the outer, discontinuous flood embankment.

Relevant appended documents (see section 5:

None supplied

Representation number:

MCA/CPH/W/R/4/0016

Organisation/ person making representation:

[REDACTED], The Open Spaces Society

Route section(s) specific to this representation:

Generally not specified, other than CPH-3-S015 to CPH-3-S017

Representation in full

Content of representation identical to MCA/CPH(W)/R/2/1629 above.

Natural England's comments

Content of Natural England's response is identical to MCA/CPH(W)/R/2/1629 above.

Relevant appended documents (see section 6):

None supplied

4. Summary of 'other' representations making non-common points, and Natural England's comments on them

Representation ID:

MCA/CPH(W)/R/3/1678

Organisation/ person making representation:

[REDACTED], Cycling UK

Name of site:

N/A

Report map reference:

N/A

Route sections on or adjacent to the land:

N/A

Summary of representation: The representation mentions that various parts of the proposed route are already designated as cycle routes and suggests that it would be better if higher rights (specifically cycling) were to apply more widely.

Natural England's comment: Whilst Natural England is keen to support the provision of improved cycling routes and facilities, the duty central to the England Coast Path programme relates to the development of a walking route around the coast. We will assist others to develop higher rights where appropriate but we have no specific powers or duties to create cycle routes. We work closely with local authorities over the design and establishment of the England Coast Path and would expect to discuss opportunities for higher rights where relevant. In particular, we aim to ensure that any major investment – for example, in major new bridges – facilitates both cycling and walking improvements.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/CPH(W)/R/5/1681

Organisation/ person making representation:

[REDACTED], Merseyside Environmental Advisory Service (MEAS)

Name of site:

N/A

Report map reference:

Overview index map

Route sections on or adjacent to the land:

N/A

Summary of representation: The representation sets out the credentials of MEAS and the extent to which it works with local authorities in the area. It suggests that it will provide input specific to this project. Finally, it supports the conclusions of the Habitats Regulations Assessment.

Natural England's comment: Natural England is grateful for the message of support over the Habitats Regulations Assessment and acknowledges that MEAS is probably well-placed to assist local authorities.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/CPH(W)/R/6/0305

Organisation/ person making representation:

[REDACTED], United Utilities

Name of site:

Not specified

Report map reference:

Map A (Overview)

Route sections on or adjacent to the land:

Not specified

Summary of representation:

The representation advises that the proposals should not interfere with United Utility's assets or operations. It also mentions caution with respect to the environment, designated sites, watercourses etc.

Natural England's comment:

Natural England is confident that there is no significant risk to United Utility's business or assets as a result of the published proposals. The relevant access authorities will hold further discussions with owners and occupiers, prior to undertaking establishment works. The published Habitats Regulations Assessment and Nature Conservation Assessment detail our consideration of potential effects on designated sites and species.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/CPH5/R/1/CPH1674

Organisation/ person making representation:

[REDACTED] (The National Trust)

Name of site:

Sandfield Farm and Larkhill Farm

Report map reference:

CPH 5g

Route sections on or adjacent to the land:

Not specified

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation asks that three small areas of land be removed from the coastal margin.

Natural England's comment: We have discussed this request with the National Trust and can confirm that we will support the revision, as suggested. This will amend a slight discrepancy between the approach agreed with the National Trust previously and that displayed in our published proposals.

Relevant appended documents (see Section 5):

5A - 'Amends to map CPH 5g NT Formby'

Representation ID:

MCA/CPH5/R/2/CPH1674

Organisation/ person making representation:

[REDACTED] (The National Trust)

Name of site:

Land adjacent to Larkhill Lane, Formby

Report map reference:

CPH 5j

Route sections on or adjacent to the land:

Not specified

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation asks that a field is removed from the coastal margin, with the boundary of the coastal margin amended appropriately.

Natural England's comment: Content of Natural England's response identical to MCA/CPH5/R/1/CPH1674 above.

Relevant appended documents (see Section 5):

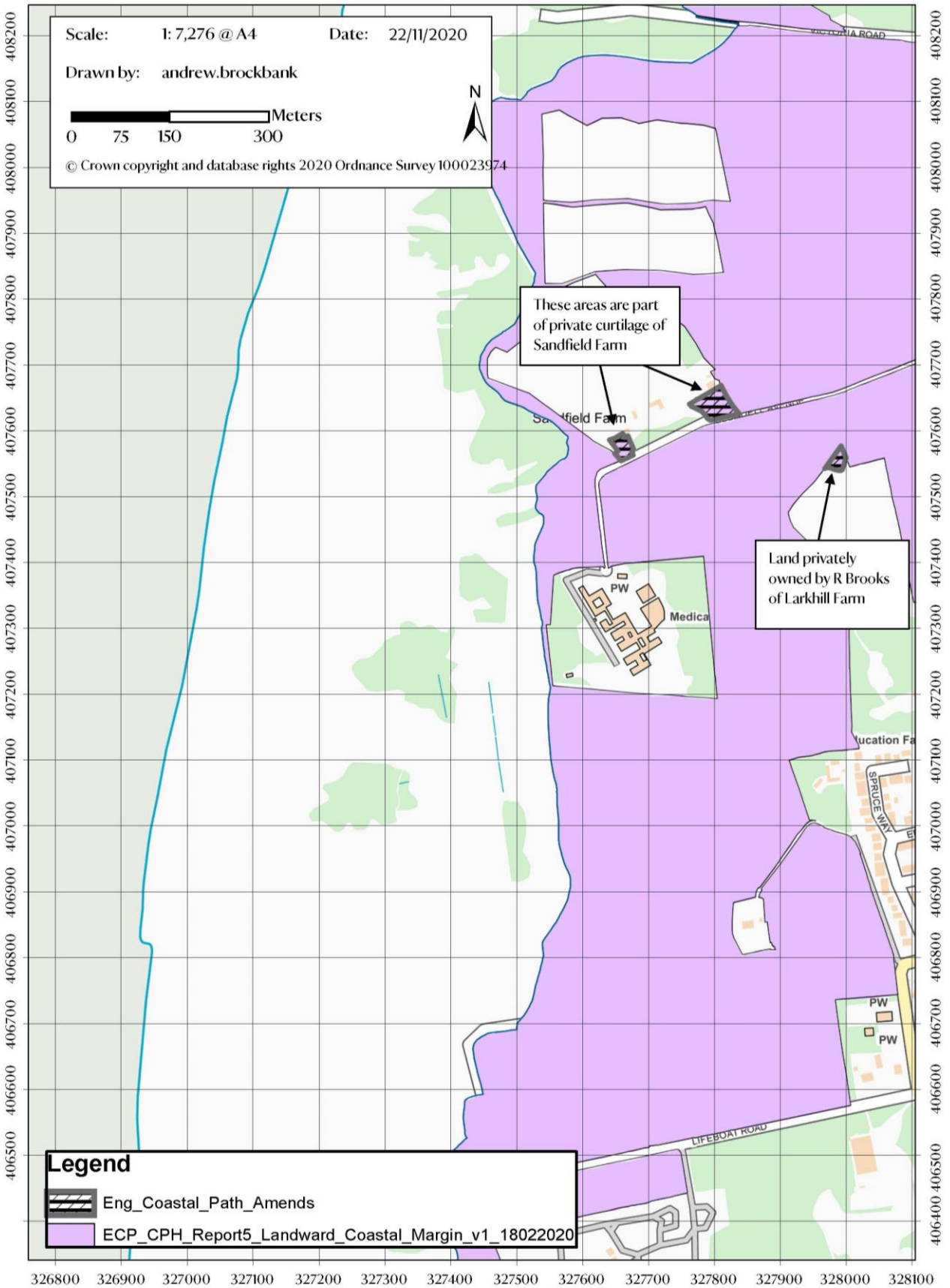
5B - 'Amends to map CPH 5j NT Formby'

5. Supporting documents

5A - 'Amends to map CPH 5g NT Formby'



Amends to: Map CPH 5g, Victoria Road, Formby
to Lifeboat Road, Formby.





National Trust Report CPH 5, Map CPH 5j: Amends to Coastal Margin

