

Coastal Access – Birkenhead to the Welsh Border lengths BHW1 and BHW3



Representations with Natural England’s comments

July 2021

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1. Introduction

This document records the representations Natural England has received on the proposals in length reports BHW1 and BHW3 from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for Birkenhead to the Welsh Border they are included here in so far as they are relevant to lengths BHW1 and BHW3 only.

2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Birkenhead to the Welsh Border, comprising an overview and three separate length reports, was submitted to the Secretary of State on 16 December 2020. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received 31 representations pertaining to length reports BHW1 and BHW3, of which nine 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 4 in their entirety, together with Natural England’s comments. Also included in Section 4 is a summary of the 22 representations made by other individuals or organisations, referred to as ‘other’ representations. Section 5 contains the supporting documents referenced against the representations.

3. Layout

The representations and Natural England's comments on them are separated below into the lengths against which they were submitted. Each length below contains the 'full' and 'other' representations submitted against it, together with Natural England's comments. Where representations refer to two or more lengths, they and Natural England's comments will appear in duplicate under each relevant length. Note that although a representation may appear within multiple lengths, Natural England's responses may include length-specific comments which are not duplicated across all lengths in which the representation appears.

4. Representations and Natural England's comments on them

Length Report BHW1

Full representations

Representation number:

MCA/BHW1/R/3/0963

Organisation/ person making representation:

[Redacted] (Historic England)

Route section(s) specific to this representation:

Not specified

Other reports within stretch to which this representation also relates:

N/A

Representation in full

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

In coming to this conclusion, we have considered the potential for the proposals to impact upon the setting of the Liverpool Maritime Mercantile City World Heritage site, and on its Outstanding Universal Value. Again, due to the route selected and the nature of the work proposed, we do not consider that there will be any such impact.

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/BHW1/R/5/0930

Organisation/ person making representation:

[Redacted] (The Ramblers)

Route section(s) specific to this representation:

Not specified

Other reports within stretch to which this representation also relates:

N/A

Representation in full

1. We understand Natural England's guidance is to use the first bridging point which can be crossed on foot for the route of the path. In the case of the River Mersey this would be the Runcorn Bridge. We recognise the reasons why NE has opted to take the alternative approach and use the first ferry crossing point in the case of the River Mersey. However we are surprised and disappointed to note the Wirral section is proposed to start from Seacombe Ferry Terminal in Wallasey and not the Woodside Ferry Terminal in Birkenhead. Interestingly the route is described as starting from Birkenhead, which would be incorrect if the route was to start at Seacombe, which is in Wallasey.

The ferry service across the River Mersey is unique in being a triangular service calling at two ferry terminals on the Wirral side of the estuary namely Woodside and Seacombe. Which is the highest crossing point of the route is a mute point. In addition the commuter ferry service only operates between 07.20 – 09.50 and 17.00 -18.50 weekdays. In the intervening time the ferry completes tourist cruises, so there is no river crossing service available for much of the day. These ferry services are notoriously unreliable and the Seacombe Terminal is currently closed for major refurbishment for an "extended period of time" with no published date for its reopening. If the ferry is not operating the alternative link to the Pier Head, Liverpool from Seacombe is by a circuitous bus service. We would argue this link cannot be deemed suitable as set out in paragraph 1.2.20 due to the limited nature of the service and the unsatisfactory alternative.

The Woodside Ferry Terminal is the more obvious starting point being supported by the reliable and very frequent direct underground rail connection between James Street and Hamilton Square stations both situated a few hundred metres from the respective ferry terminals which can be used when the ferry isn't operating. The path then starts from Birkenhead, the main centre on Wirral and the natural starting point for the path. The existing well signposted Wirral Circular Route can then be followed between Woodside and Seacombe, passing through the historic docks containing many interesting sites of industrial archaeology that would greatly enhance the route around Wirral. As the Wirral Circular Trail is already constructed and well waymarked, the cost of extending the route to Woodside would be minimal. Existing signage would merely need to be modified to include reference to the England Coast Path. **We urge Natural England to reconsider the start point for the route and urge Woodside as the natural starting point on Wirral**

2. The route between Kings Gap, Hoylake and Red Rocks comes inland following Cromer Road, Barton Road and Stanley Road. It is entirely on suburban street pavement with only limited views of the coast. However the coastline is rapidly accreting between these locations. Wirral Council have given up the increasingly losing battle of digging up the accumulating marram grass on the beach within the past 2 years. Whereas in the past there have been minor accumulations of mud along this section of beach, the rapidly accumulating sand and grass provides for an attractive and interesting walk along a lovely sandy beach to the north west corner of the peninsular at Red Rocks connecting directly with the next section along the beach. In view of the rapid accumulations and growth of marram grass the high tide rarely reaches the seawall, requiring tides in excess of 8 metres to achieve this. So the passage along the beach would be prevented for around 1 hour each side of the high tide for about 30 days of the year. **We strongly recommend the main route follow the beach between these locations i.e. the whole of the section shown on map BHW1j.** There would obviously need to be warnings to follow the alternative route at spring high tides which would be the route described in the consultation.

Natural England's comments

1. We are grateful for the information provided. We recognise that it would be necessary for an east-bound walker to continue to Woodside if wishing for a direct crossing over the Mersey; however, we understand that it is possible to board the ferry at Seacombe and travel to Liverpool via Woodside. If walking the England Coast Path from south to north, it seems likely that boarding the ferry at Seacombe would be the faster and more convenient way to proceed, rather than continuing to walk

to Woodside, before boarding the ferry. In our view, our proposals are therefore practical and consistent with the approved Scheme.

As stated in the Overview to our published reports (pages 20-21), should the ferry service cease altogether or become less suitable for the purpose, we will consider the proposed trail alignment and prepare a separate variation report if required.

2. We are grateful for the information provided. The proposed alignment of the England Coast Path avoids the foreshore between Kings Gap and the rocky shore near the end of Stanley Road but is consistent with the approved scheme which suggests that the trail will not normally be aligned on sandy beaches because 'they can be difficult to walk on and may be covered at high tides' (7.11.3). The proposed route (on surfaced pavements) also offers a more suitable route for people with limited mobility. The foreshore will be accessible as part of the coastal margin, allowing walkers to choose this route between Kings Gap and the end of Stanley Road if they wish, other than around high tides.

Relevant appended documents (see section 5):

None supplied

Other representations

Representation ID:

MCA/BHW1/R/1/0942

Organisation/ person making representation:

[Redacted] (Hamilton Square Conservation Area Advisory Committee)

Name of site:

Birkenhead to Seacombe Ferry Terminal

Report map reference:

BHW 1a

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 advises that the ECP route should extend upstream as far as Woodside Ferry Terminal, on the basis that any passenger travelling eastwards across the Mersey would need to board the ferry at Woodside rather than at Seacombe, if wishing to travel directly across the Mersey.

Natural England's comment: We are grateful for the information provided. We recognise that it would be necessary for an east-bound walker to continue to Woodside if wishing for a direct crossing over the Mersey; however, we understand that it is possible to board the ferry at Seacombe and travel to Liverpool via Woodside. If walking the England Coast Path from south to north, it seems likely that boarding the ferry at Seacombe would be considered as the first 'crossing point' and a faster, more convenient way to proceed, rather than continuing to walk to Woodside before boarding the ferry. In our view, our proposals are therefore practical and consistent with the approved Scheme.

Relevant appended documents (see Section 5):

Internet link embedded in representation form:

https://en.wikipedia.org/wiki/Mersey_Ferry#Medieval_ferries

Representation ID:
MCA/BHW1/R/2/0013

Organisation/ person making representation:
[Redacted] (National Grid)

Name of site:
Not specified

Report map reference:
BHW 1G

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 briefly states that National Grid wishes Natural England to be aware of assets in the vicinity of the path, as shown on a supplied map.

Natural England's comment: We are grateful for the information provided, which will be shared with the relevant authorities prior to establishment. We are confident that the England Coast Path will not present any risk to National Grid assets.

Relevant appended documents (see Section 5):
Bhw 0013 Coastal Path (map)

Representation ID:
MCA/BHW1/R/4/0936

Organisation/ person making representation:
[Redacted] (Wirral Footpath and Open Spaces Preservation Society)

Name of site:
Not specified

Report map reference:
Not specified

Route sections on or adjacent to the land:
Not specified

Other reports within stretch to which this representation also relates
BHW 2 & BHW 3

Summary of representation: The representation opens with support for the England Coast Path programme and the proposals for this stretch, before reflecting on the fact that the proposed route for this particular length largely follows existing and popular routes. The representation also considers the general requirement for new signage on this part of the coast path, asking that it be kept to a reasonable minimum and that any new signs might complement existing signs owned by the society, wherever possible.

Natural England's comment: We are grateful to the Society for the message of support.

We will be pleased to discuss the design of signage with the Society and the local authority, as we move towards the establishment phase. We agree that, subject to other considerations, it would be a good idea to coordinate design/style, location and content of signs as much as possible, for the benefit of all concerned.

Relevant appended documents (see Section 5):

Photo of WFPOSPS Signpost

Representation ID:

MCA/BHW1/R/6/1012

Organisation/ person making representation:

[Redacted] (The Disabled Ramblers)

Name of site:

Hoylake/West Kirby

Report map reference:

BHW 1j

Route sections on or adjacent to the land:

BHW-1-S046, BHW-1-OA001 to BHW-1-OA007

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation reminds Natural England that the trail beyond BHW-1-S046 is not suitable terrain for those who use mobility vehicles due to the sand and steps, and that it is therefore important that a suitably informative map should be provided at the end of BHW-1-S040, suggesting that mobility vehicle users instead follow the optional alternative, to regain the main trail at BHW-2-S006.

Natural England's comment: We are very grateful for the helpful suggestion from the Disabled Ramblers. We will check our plans for signs on the stretch and add this as necessary.

Relevant appended documents (see Section 5):

The Disabled Ramblers document: *Man-made Barriers and Least Restrictive Access*

Length Report BHW3

Full representations

Representation number:

MCA/BHW3/R/6/0963

Organisation/ person making representation:

[Redacted] (Historic England)

Route section(s) specific to this representation:

None specified

Other reports within stretch to which this representation also relates:

N/A

Representation in full

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

Natural England's comments

We are grateful for this confirmation from Historic England.

Relevant appended documents (see section 5):

None supplied

Representation number:

MCA/BHW3/R/9/0930

Organisation/ person making representation:

[Redacted] (The Ramblers)

Route section(s) specific to this representation:

As listed below

Other reports within stretch to which this representation also relates:

N/A

Representation in full

1. We note the proposed route is diverted inland between BHW3 SO07 and BHW3 SO13. A walkable informal path exists along the saltmarsh margins between these points. Whilst a little muddy in places, the fitting of duckboards at two or three locations would enable an interesting walk through the reed bed. This path is significantly less muddy than the next section of the proposed route along the public footpath between BHW3 SO13 and BHW3 SO16. The route proposed in the Consultation Document could be an alternative route for the extremely rare occasions (about twice a year) when the tide covers the marsh at Parkgate. Again we would ask the route is kept under review here to ensure as much of the path as possible is routed along the coast edge in future.

2. As mentioned above, the section of the proposed route between BHW3 SO13 and BHW3 SO16 and between BHW3 SO 28 and BHW3SO32 are extremely muddy and considerable work is required to improve the path surface.

Natural England's comments

1. The proposed alignment provides a reasonably direct and more suitable route for people with limited mobility, following surfaced paths and tracks. The route is slightly inland from the coast (for approx. 450m) and, although there is some evidence of existing informal paths at the landward edge of the marsh, we have proposed to exclude access to the saltmarsh and flats across most of the estuary under s25A. In the case of European sites, we have a specific duty to assess the implications of our proposals to introduce coastal access rights on the sites' conservation objectives. Our Habitats Regulations Assessment (HRA), published alongside our proposals for this European site (the Dee Estuary SPA/SAC), concludes that there would be significant concerns about the impact on nature conservation from any disturbance created by the new coastal access rights on the saltmarsh. We have not proposed an additional exclusion under s26 as to do so would serve no purpose; however, if the s25A exclusion were not to be approved or were to be subsequently removed, we would need to review the Habitats Regulations Assessment with the probable outcome being that a

new direction to exclude access under s26 (for nature conservation purposes) would be made over a similar area.

2. We acknowledge that parts of the route following the landward edge of the marsh, on existing public rights of way, are extremely wet and muddy underfoot, particularly during winter months. We will continue to discuss the most appropriate design and construction methods with the local authority and others, in preparation for establishment of the route. We would hope to create a route that is safe, sustainable and easy to walk along, in all but the most adverse conditions.

Relevant appended documents (see section 5):

None supplied

Representation number:

MCA/BHW3/R/21/1039

Organisation/ person making representation:

[Redacted] (Cheshire West and Chester Council)

Route section(s) specific to this representation:

Not specified

Other reports within stretch to which this representation also relates:

N/A

Representation in full

I am the ward Councillor for Little Neston and would like to object to the proposal to limit access to the area of the salt marsh from Parkgate to Burton point. This area is very special and has been accessed by local residents for decades since the sea retreated, it is part of their place and their heritage. As a local resident too I consider it my place too. Residents use it to walk their dogs and bird watch, I know of no incidents when local people have had to be rescued. The university of Liverpool access the marsh to do important mosquito monitoring and are often helped by local residents. If local residents are prevented from accessing this area you will be taking away their history, I believe this is a public space and we have a right to use it.

Natural England's comments

We should like to clarify that any proposed exclusion in our reports relates only to a new right of access under the Marine and Coastal Access Act 2009 and does not affect public rights of way or other access rights in any way. There is no suggestion on our part that we are prohibiting or banning public access from the marsh, other than in relation to the new right of access proposed in our reports. However, it is important to understand that historic use of an area does not necessarily indicate the presence of existing access rights.

The Marine and Coastal Access Act 2009 explicitly recognises that the coast is an inherently risky environment and that walkers must be largely responsible for their own safety, when exercising their new rights. However, the legislation also gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. We should also clarify that a historic record of incidents and rescues, alongside other advice provided by bodies such as the RNLi and HM Coastguard, is just one factor that we take into consideration when deciding whether or not we believe an access exclusion

is required; we also take into account a wide range of factors such as the presence and nature of tidal creeks, the extent to which the area is affected by tidal inundation, the risk of being caught by an incoming tide and the difficulty in escaping from such a rising tide.

In the case of European sites, we have a specific duty to assess the implications of our proposals to introduce coastal access rights on the sites' conservation objectives. Our Habitats Regulations Assessment (HRA), published alongside our proposals for this European site (the Dee Estuary SPA/SAC), concludes that there would be significant concerns about the impact on nature conservation from any disturbance created by the new coastal access rights on the saltmarsh.

We have not proposed an additional exclusion under s26 as to do so would serve no purpose; however, if the s25A exclusion were not to be approved or were to be subsequently removed, we would need to review the Habitats Regulations Assessment with the possible outcome being that a new direction to exclude access under s26 (for nature conservation purposes) would be made over a similar area.

Relevant appended documents (see section 5):

None supplied

Representation number:

MCA/BHW3/R/22/1040

Organisation/ person making representation:

[Redacted] (Cheshire West and Chester Council)

Route section(s) specific to this representation:

BHW-3-S008, BHW-3-SO44

Other reports within stretch to which this representation also relates:

N/A

Representation in full

With regards to Page 9 of the Report BHW3 and Route Section BHW-3-S008, column 2 should read Public Footpath.

With regards to Page 10, BHW-3d, Route section BHW-3-SO44 - SO48 Column 2 should read permissive cycle and pedestrian track.

Natural England's comments

We acknowledge the slight inaccuracy of our terminology in the report. In practice, we do not believe that has any consequences for our proposals.

Relevant appended documents (see section 5):

None supplied

Representation number:

MCA/BHW3/R/23/1040

Organisation/ person making representation:

[Redacted] (Cheshire West and Chester Council)

Route section(s) specific to this representation:

Not specified

Other reports within stretch to which this representation also relates:

BHW 2

Representation in full

With regards to the estimate of the capital costs for physical establishment of the trail on the proposed route, the stated sums are considered to be a significant underestimate of the requisite investment to ensure that the trail is fit for purpose given the anticipated high usage levels. The capital investment needs to extend beyond where new access is being created.

The annual maintenance budgets for the routes are also considered to be inadequate for the regular upkeep and maintenance of this proposal particularly with the additional infrastructure, signs etc-that need to be maintained and inspected between BHW-3-SO13 and SO25. Historically there has been maintenance issues with regards to the reeds that will require the budget to be increased so that the Council and other parties responsible for future maintenance are not disadvantaged.

Natural England's comments

The estimated costs of establishment of the proposed route are based on discussions with officers of the relevant access authorities. At the time of publication of our proposals, we would not necessarily expect to have concluded such discussions, which will continue up to the point that establishment works are completed. We aim to ensure that the coast path is built and maintained at an adequate standard throughout, with all reasonable costs being met via the coastal access programme.

The maintenance costs within our published proposals are based on a version of the standard formula for calculating the contribution made by government towards the maintenance of all national trails, including the England Coast Path. They are generalised and do not take account of each item of infrastructure to be maintained in the future. However, the expectation is that the local authority, or a new Trail Partnership, will take on maintenance of this stretch of the coast path, drawing on funding from government and other sources. The ongoing maintenance grant will not cover all maintenance costs; this takes into account the existing maintenance liability for public rights of way (where these form part of the coast path), for which the local authority already receives funding.

Relevant appended documents (see section 5):

None supplied

Representation number:

MCA/BHW3/R/24/1040

Organisation/ person making representation:

[Redacted] (Cheshire West and Chester Council)

Route section(s) specific to this representation:

Not specified

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Section 3.2.12 to 3.2.15 of the report proposes an exclusion of access for land for management purposes. Whilst the rationale is fully understood, during the first Covid-19 pandemic lockdown in the Summer of 2020 this section was temporarily closed in response to reported anti-social behaviour and excess usage/popularity. This temporary closure of the existing route actively demonstrated the severe impact to the significant number of users, which includes commuters to Deeside Industrial Area and onward destinations, as there are simply no suitable (safe and convenient no minor roads and public rights of way) alternative routes.

Concerns therefore exist over the impact of up to 20 days closure, particularly given the expected increased desirability/usage following coast path designation, and therefore a request is made for possible reconsideration of such quantum. Furthermore, the consultation does not indicate a requirement for advance notification of these closures (and their duration) to enable users to plan alternative means of conducting their trip.

There is an existing agreement between the land owner and the Council to permit both pedestrian and cyclist use. The proposal to formalise a scheme of closure is contrary to the existing agreement. Greater consideration should have been given to the use of this path by cyclists and the existing agreement.

With regards to Map BHW 3d and section BHW-3-S044-S048 this is referenced as a cycle track in Table 3, whereas it currently has no such official designation via the permissive agreement.

Natural England's comments

In relation to the proposed exclusion of access on trail sections BHW-3-S044 and S048, we should clarify that this supports existing management arrangements and would be put in place only when necessary and for the minimum time necessary, for the purposes of safe stock management or other requirements such as clearance of debris from the path after high tide events. If this has not caused any significant disruption to public access previously, then there is no reason why it should do so in the future. We should also clarify that this direction would have no effect on cyclists, although we might expect that they are also requested to stop for a short while, whenever there is a need for walkers to wait before proceeding.

We endeavoured to identify a suitable alternative route, to be followed on the few occasions where the main route might be unavailable. However, it is clear that any alternative would involve a lengthy detour away from the coast, as has been noted in the representation, most likely taking longer to complete than the expected period of any path closure. In spite of this, we have proposed the installation of new information boards which would contain information on any closures and any possible informal inland diversions on the few occasions that they may be required. Previous discussions with the RSPB and the livestock manager lead us to understand that the proposed directions to exclude access from the trail will only be put in when absolutely essential and for the shortest time possible. It would be difficult to provide advance notice of times and durations of closures as they intended to allow the livestock manager to safely move stock inland, from the marsh, in response to situations like storm surges and rapid inundation of the marsh.

We have made no proposals for the route to be closed for other reasons or for longer periods of time, nor are we aware of any other means by which the situation might be managed safely for all concerned.

The description of the listed trail sections as a cycle track would seem to be a reasonable one, given its current use. This description has no further significance in terms of our proposals.

Relevant appended documents (see section 5):

None supplied

Representation number:

MCA/BHW3/R/25/1040

Organisation/ person making representation:

[Redacted] (Cheshire West and Chester Council)

Route section(s) specific to this representation:

Not specified

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Section 3.2.16 to 3.2.17 of the report proposes an exclusion of access to the saltmarsh at Parkgate and Neston all year round as it is deemed unsuitable for public access. For information, while we are not aware of any unrecorded public rights of way across the saltmarshes, enquiries have recently been received in relation to the establishment of such rights and the Council is in the process of investigating such through initial issuing of the relevant application pack.

It is acknowledged that these proposed directions will not prevent or affect usage as described in Section 8 of the overview document (that forms part of the consultation), however it is considered that the proposed access exclusions would have a severe detrimental impact on current positive usage that is not covered by those exceptions – the current usage includes safe open-air access for activities such as dog walking, mosquito monitoring (with support of local residents) and importantly social distancing measures during the pandemic. The Council consider that there is not sufficient evidence in the consultation material to demonstrate that the cited risk to public safety cannot be sufficiently managed through alternative access management measures on the ground. Accordingly, the Council wish to firmly oppose this element of the proposal.

Natural England's comments

We are grateful for the advice concerning the lack of evidence currently for unrecorded rights of way over the marsh.

As recognised in the representation, the proposed direction to exclude access relates only to any new right of access under the Marine and Coastal Access Act and does not have any effect on existing rights or means of access. Activities specifically permitted by the landowner might be expected to continue as previously, subject to the permission remaining in place. Other types of existing de facto access do not, of course, act as evidence of a public right and may merely reflect the fact that the landowner has chosen so far not to prevent unlawful access.

The Marine and Coastal Access Act 2009 explicitly recognises that the coast is an inherently risky environment and that walkers must be largely responsible for their own safety, when exercising their new rights. However, the legislation also gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. We should also clarify that a historic record of incidents and rescues, alongside other advice provided by bodies such as the RNLI and HM Coastguard, is just one factor that we take into consideration when deciding whether or not we believe an access exclusion is required; we also take into account a wide range of factors such as the presence and nature of tidal creeks, the extent to which the area is affected by tidal inundation, the risk of being caught by an incoming tide and the difficulty in escaping from such a rising tide.

In the case of European sites, we have a specific duty to assess the implications of our proposals to introduce coastal access rights on the sites' conservation objectives. Our Habitats Regulations Assessment (HRA), published alongside our proposals for this European site (the Dee Estuary SPA/SAC), concludes that there would be significant concerns about the impact on nature conservation from any disturbance created by the new coastal access rights on the saltmarsh.

We have not proposed an additional exclusion under s26 as to do so would serve no purpose; however, if the s25A exclusion were not to be approved or were to be subsequently removed, we would need to review the Habitats Regulations Assessment with the possible outcome being that a new direction to exclude access under s26 (for nature conservation purposes) would be made over a similar area.

Relevant appended documents (see section 5):

None supplied

Other representations

Representation ID:

MCA/BHW3/R/1/1023

Organisation/ person making representation:

[Redacted]

Name of site:

Salt marsh between Marshland Road and the Old Quay

Report map reference:

Not specified

Route sections on or adjacent to the land:

BHW-3-S029 to BHW-3-S041

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation mentions paths onto an area of salt marsh close to the Harp public house and Marshlands Road, and queries whether public access will be allowed over these in the future. It raises concerns about the proposed exclusion of new access rights to the bulk of the marsh in this area, suggesting that parts of the saltmarsh here are suitable for walkers and unlikely to be used by birds. Long-established use by the public and a lack of marsh rescue incidents in the area are also suggested.

The representation goes on to mention various concerns about the report documents in terms of a reader's ability to understand and engage with the process.

Natural England's comment: We can confirm that the pink wash showing on Directions map BHW 3B identifies the area subject to the proposed access exclusion. The small area of marsh at Little Neston, annotated by purple cross-hatching on the submitted map copy, is not covered by the proposed direction, meaning that a new right of access would exist over this area if the proposals are approved.

We should like to clarify that any proposed exclusion in our reports relates only to a new right of access under the Marine and Coastal Access Act 2009 and does not affect public rights of way or other access rights in any way. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from the pink-shaded area on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. The proposed exclusion based on unsuitability for access currently removes the need to put in place a further direction over the same area for nature conservation, which we believe to be also necessary.

We are sorry to hear that the respondent has had some difficulty in understanding our proposals. The format of our reports has been in a continual evolutionary process over the lifetime of the coastal access delivery programme; we have worked hard to ensure that the considerable amounts and types of essential information are provided in the most effective format. We will continue to respond to individual queries with more detailed advice, whenever possible.

Relevant appended documents (see Section 5):

Annotated copies of Directions maps BHW 3B & 3C, Report map BHW 3b.

Representation ID:

MCA/BHW3/R/2/1024

Organisation/ person making representation:

[Redacted]

Name of site:

'The section at the bottom of Moorside Lane'

Report map reference:

BHW 3b

Route sections on or adjacent to the land:

BHW-3-S014 to BHW-3-S026

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation raises concerns about the condition of the existing boardwalk on the above sections and goes on to request that any replacement should be constructed of metal. It mentions the presence of natural springs in the area, tending to make the path very wet and muddy if adequate infrastructure is not in place. Finally, it stresses the importance of clarifying that the route is not available to cyclists.

Natural England's comment: The precise details of path construction in this area are still being discussed with the local authority, who would be responsible for undertaking the work and maintaining the route in the future. We are keen to adopt a solution that will provide a safe and sustainable route long into the future, with maintenance requirements kept to a minimum. We agree that the solution must include a satisfactory way of carrying the path over areas of wet and muddy ground. We can confirm that the existing route, as a public footpath, is not available to cyclists – and the same will be true if and when it becomes part of the England Coast Path.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/3/1025

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

BHW 3b & 3c

Route sections on or adjacent to the land:

BHW-3-S014 to BHW-3-S040

Other reports within stretch to which this representation also relates

BHW 2

Summary of representation: Concerns are raised as to the expected high levels of use of the path, the need to ensure that it is suitable for less able users and the requirement for maintenance. The

representation mentions the excessively muddy nature of the ground between Moorside Lane and Quay House, due to springs, and suggests a suitable construction type. It states that the path should not be flanked by barbed wire.

Finally, it mentions that vegetation clearance work is required along the course of sections S034 to S040.

Natural England's comment: The precise details of path construction in this area are still being discussed with the local authority, who would be responsible for undertaking the work and maintaining the route in the future. We are keen to adopt a solution that will provide a safe and sustainable route long into the future, with maintenance requirements kept to a minimum. We agree that the solution must include a satisfactory way of carrying the path over areas of wet and muddy ground.

We can confirm that any necessary vegetation control work will be undertaken both as part of the initial establishment and on an ongoing basis, as part of routine maintenance. Such ongoing essential maintenance of the England Coast Path will be substantially funded by government.

Relevant appended documents (see Section 5):

'General comments' appended to representation form

Representation ID:

MCA/BHW3/R/4/1028

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

BHW 3a, 3b & 3c

Route sections on or adjacent to the land:

BHW-3-S001 to BHW-3-S044

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation suggests that there is no justification for the proposed exclusion to the trail itself, between BHW-3-S044 and S048, and to the coastal margin seaward of the sections listed above. It calls into question the need to close the trail itself for stock management purposes. It then goes on to draw parallels between risks to walkers on the marsh in this area and risks to walkers in other rural environments, despite acknowledging that the risk factors listed in NE's report do indeed exist locally. A comparison with apparent risks associated with cliffs, rocks and the popular walk to Hilbre Island are also made, with the suggestion that these are perhaps every bit as great as those related to the salt marsh in the area subject of this representation.

Natural England's comment: We should like to clarify that any proposed exclusion in our reports relates only to a new right of access under the Marine and Coastal Access Act 2009 and does not affect public rights of way or other access rights in any way. There is no suggestion on our part that we are prohibiting or banning public access from the marsh, other than in relation to the new right of access proposed in our reports.

In relation to the proposed exclusion of access on trail sections BHW-3-S044 and S048, we should clarify that this supports existing management arrangements and would only be used when necessary and for the minimum time necessary, mainly for the purposes of safe stock management or clearance of

debris from the route after high tides. If this has not caused any significant disruption to public access previously, then there is no reason why it should do so in the future.

On the question of risk to walkers, and the management of that risk associated with a new right of coastal access, we point out that the Marine and Coastal Access Act 2009 explicitly recognises that the coast is an inherently risky environment and that walkers must be largely responsible for their own safety, when exercising their new rights. However, the legislation also gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. The proposed exclusion based on unsuitability for access currently removes the need to put in place a further direction over the same area for nature conservation, which we believe might be necessary, as explained in the Habitats Regulations Assessment published alongside our proposals.

We also considered whether a similar exclusion should indeed be proposed in relation to the tidal flats between the mainland and Hilbre Island. However, in this case, we concluded that the risks posed to walkers by the tide were relatively low and that the foreshore is otherwise suitable for access. Consequently, we did not consider that an exclusion was justified.

All long-term exclusions and restrictions must be periodically reviewed, and may be relaxed, removed or modified in the future, based on best available evidence at the time.

Relevant appended documents (see Section 5):

Internet links to various online resources, contained within the representation form itself.

Representation ID:

MCA/BHW3/R/5/1029

Organisation/ person making representation:

[Redacted]

Name of site:

Path between the junction of Manorial Road/Moorside Lane and Old Quay

Report map reference:

BHW 3a to 3d

Route sections on or adjacent to the land:

Not specified, but taken to be BHW-3-S014 to S023

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation states that the existing path followed by the above sections is unsafe and would need considerable repair. It also mentions a concern that the estimated establishment costs are too low. Finally, it expresses an interest in the suggested feature that may mark the boundary between England and Wales, at the end of this stretch of the England Coast Path.

Natural England's comment: The precise details of path construction in this area are still being discussed with the local authority, who would be responsible for undertaking the work and maintaining

the route in the future. We are keen to adopt a solution that will provide a safe and sustainable route long into the future, with maintenance requirements kept to a minimum.

The establishment costs within our published proposals were based on the planning work undertaken at the time. Depending on the exact solution implemented, the actual costs of establishment may well differ from the estimate.

Whilst we have had some discussions with both the English and Welsh authorities, we are not yet in a position to publicise plans for a feature to mark the border between the two countries. We would hope to see a feature in place at the time that new rights are commenced on this stretch of the England Coast Path.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/7/0936

Organisation/ person making representation:

[Redacted] (Wirral Footpaths and Open Spaces Preservation Society)

Name of site:

Not specified

Report map reference:

Not specified

Route sections on or adjacent to the land:

Not specified, but assumed to be all within the report length

Other reports within stretch to which this representation also relates

BHW 2, BHW 3

Summary of representation: The representation opens with support for the England Coast Path programme and the proposals for this stretch, before stating that it is acknowledged that the proposed direction to the salt marsh within the coastal margin will only affect a proposed new coastal access right. It raises the possibility of unrecorded rights of way across the marsh and asks for an assurance that this situation would not be changed. It goes on to register a concern that the maintenance cost estimates within the published reports are too low, taking into account the terrain and the likely costs associated with maintenance of boardwalks.

The representation also considers the general requirement for new signage on this part of the coast path, asking that it be kept to a reasonable minimum and that any new signs might complement existing signs owned by the society, wherever possible.

Natural England's comment: We are grateful to the Society for the message of support and the acknowledgement as to the effect of the proposed directions within our proposals.

In return, we acknowledge that there may well be unrecorded rights in many areas around the coast, but we have no knowledge of these and are not in a position to offer any definitive guidance as to the existence or otherwise of other access rights.

The maintenance costs within our published proposals are based on a version of the standard formula for calculating the contribution made by government towards the maintenance of all national trails, including the England Coast Path. They are generalised and do not take account of each item of infrastructure to be maintained in the future. However, the expectation is that the local authority, or a new Trail Partnership, will take on maintenance of this stretch of the coast path, drawing on funding from government and other sources.

We will ask the local authority to consider and discuss the suggested approach, as we move towards the establishment phase. We agree that, subject to other considerations, it would be a good idea to coordinate design/style, location and content of signs as much as possible, for the benefit of all concerned.

Relevant appended documents (see Section 5):

Photo of WFPOSPS Signpost

Representation ID:

MCA/BHW3/R/8/1030

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

BHW 3B

Route sections on or adjacent to the land:

Not specified, but assumed to be BHW-3-S001 to S044

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation focuses on the proposed direction to exclude access to the salt marsh within the coastal margin associated with this report length and states that this is not justified on the basis of the few recorded rescue incidents reported. It goes on to draw parallels with public access in mountainous areas and states that local people are aware of the risks. Finally, it suggests that warning signs are more appropriate as a means of reducing the risk to walkers.

Natural England's comment: We should like to clarify that any proposed exclusion in our reports relates only to a new right of access under the Marine and Coastal Access Act 2009 and does not affect public rights of way or other access rights in any way. There is no suggestion on our part that we are prohibiting or banning public access from the marsh, other than in relation to the new right of access proposed in our reports. However, it is important to understand that historic use of an area does not necessarily indicate the presence of existing access rights.

The Marine and Coastal Access Act 2009 explicitly recognises that the coast is an inherently risky environment and that walkers must be largely responsible for their own safety, when exercising their new rights. However, the legislation also gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. We should also clarify that a historic record of incidents and rescues, alongside other advice provided by bodies such as the RNLI and HM Coastguard, is just one factor that we take into consideration when deciding whether or not we believe an access exclusion is required; we also take into account a wide range of factors such as the presence and nature of tidal creeks, the extent to which the area is affected by tidal inundation, the risk of being caught by an incoming tide and the difficulty in escaping from such a rising tide.

In the case of European sites, we have a specific duty to assess the implications of our proposals to introduce coastal access rights on the sites' conservation objectives. Our Habitats Regulations Assessment (HRA), published alongside our proposals for this European site (the Dee Estuary SPA/SAC), concludes that there would be significant concerns about the impact on nature conservation from any disturbance created by the new coastal access rights on the saltmarsh.

We have not proposed an additional exclusion under s26 as to do so would serve no purpose; however, if the s25A exclusion were not to be approved or were to be subsequently removed, we would need to review the Habitats Regulations Assessment with the possible outcome being that a new direction to exclude access under s26 (for nature conservation purposes) would be made over a similar area.

Warning signs are a typical part of our strategy to help walkers manage any risks, especially in relation to the effects of tides. However, we do not consider that signs alone would be adequate in this location.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/10/1032

Organisation/ person making representation:

[Redacted] (Parkgate Society)

Name of site:

Not specified

Report map reference:

Not specified

Route sections on or adjacent to the land:

Not specified, but assumed to be BHW-3-S001 to S044

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation focuses on the proposed direction to exclude access to the salt marsh within the coastal margin associated with this report length, in terms of a suggested further reduction of access, and states that it wishes to endorse the representation submitted by [redacted]. It goes on to relate a long history of limited access to the marsh, including a path leading onto the marsh from the end of Marshlands Road. Finally, the respondent states that he is not aware of any serious incidents related to the use of the marsh by local people.

Natural England's comment: We should like to clarify that any proposed exclusion in our reports relates only to a new right of access under the Marine and Coastal Access Act 2009 and does not affect public rights of way or other access rights in any way. There is no suggestion on our part that we are prohibiting or banning public access from the marsh, other than in relation to the new right of access proposed in our reports. However, it is important to understand that historic use of an area does not necessarily indicate the presence of existing access rights.

The Marine and Coastal Access Act 2009 explicitly recognises that the coast is an inherently risky environment and that walkers must be largely responsible for their own safety, when exercising their new rights. However, the legislation also gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so.

We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. We should also clarify that a historic record of incidents and rescues, alongside other advice provided by bodies such as the RNLI and HM Coastguard, is just one factor that we take into consideration when deciding whether or not we believe an access exclusion is required; we also take into account a wide range of factors such as the presence and nature of tidal creeks, the extent to which the area is affected by tidal inundation, the risk of being caught by an incoming tide and the difficulty in escaping from such a rising tide.

In the case of European sites, we have a specific duty to assess the implications of our proposals to introduce coastal access rights on the sites' conservation objectives. Our Habitats Regulations Assessment (HRA), published alongside our proposals for this European site (the Dee Estuary SPA/SAC), concludes that there would be significant concerns about the impact on nature conservation from any disturbance created by the new coastal access rights on the saltmarsh.

We have not proposed an additional exclusion under s26 as to do so would serve no purpose; however, if the s25A exclusion were not to be approved or were to be subsequently removed, we would need to review the Habitats Regulations Assessment with the possible outcome being that a new direction to exclude access under s26 (for nature conservation purposes) would be made over a similar area.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/11/1033

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

'All maps'

Route sections on or adjacent to the land:

Not specified, but assumed to be BHW-3-S001 to S044

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation focuses on the proposed direction to exclude access to the salt marsh within the coastal margin associated with this report length and states that this is not justified on the basis of the few recorded rescue incidents reported. It goes on to report considerable support for the views expressed, via social media and an online forum, before stressing that local people have had access to the marsh for over a century.

The representation also expresses concerns about the maintenance costs and the consequent burden on the local community, before concluding that the local access situation should remain unchanged.

Natural England's comment: We should like to clarify that any proposed exclusion in our reports relates only to a new right of access under the Marine and Coastal Access Act 2009 and does not affect public rights of way or other access rights in any way. There is no suggestion on our part that we are prohibiting or banning public access from the marsh, other than in relation to the new right of access

proposed in our reports. However, it is important to understand that historic use of an area does not necessarily indicate the presence of existing access rights.

The Marine and Coastal Access Act 2009 explicitly recognises that the coast is an inherently risky environment and that walkers must be largely responsible for their own safety, when exercising their new rights. However, the legislation also gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. We should also clarify that a historic record of incidents and rescues, alongside other advice provided by bodies such as the RNLI and HM Coastguard, is just one factor that we take into consideration when deciding whether or not we believe an access exclusion is required; we also take into account a wide range of factors such as the presence and nature of tidal creeks, the extent to which the area is affected by tidal inundation, the risk of being caught by an incoming tide and the difficulty in escaping from such a rising tide.

In the case of European sites, we have a specific duty to assess the implications of our proposals to introduce coastal access rights on the sites' conservation objectives. Our Habitats Regulations Assessment (HRA), published alongside our proposals for this European site (the Dee Estuary SPA/SAC), concludes that there would be significant concerns about the impact on nature conservation from any disturbance created by the new coastal access rights on the saltmarsh.

We have not proposed an additional exclusion under s26 as to do so would serve no purpose; however, if the s25A exclusion were not to be approved or were to be subsequently removed, we would need to review the Habitats Regulations Assessment with the possible outcome being that a new direction to exclude access under s26 (for nature conservation purposes) would be made over a similar area.

Whilst we acknowledge that many local people have a strong attachment to the marsh and wish to see it remain accessible, this does not in itself serve as evidence of existing access rights, nor does it necessarily mean that the marsh should be regarded as suitable for access in terms of the Marine and Coastal Access Act 2009.

In relation to the concerns over maintenance costs, we can confirm that we expect the future maintenance to be undertaken by either the local authority or a dedicated Trail Partnership, with substantial funding from government. The establishment and maintenance costs are factored in to delivery of the England Coast Path programme and would not fall on local residents directly.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/12/1034

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

BHW 3B

Route sections on or adjacent to the land:

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation covers a number of aspects of the proposals, opening with concerns that parts of the proposed route are too far inland and should instead be much closer to the coast. Concerns are also expressed about the proposed direction to exclude new access rights from large areas of salt marsh within the coastal margin, around Little Neston (adjacent to the sections listed above). The point is made that this part of the marsh is crossed by various paths that have been popular with local people for decades, and that the area floods infrequently. On this basis, the proposed exclusion is deemed unjustified.

The representation then goes on to express concerns over the perceived lack of consultation with local people and interest groups, in contrast to consultation acknowledged by Natural England with the RNLI, HM Coastguard and the RSPB. It requests that further consultation is held, prior to any consideration by the Secretary of State.

Finally, the representation appears to suggest that it does not necessarily contest the majority of the exclusion proposed, focusing on the area crossed by existing paths (assumed to be the part of the marsh at its landward edge, close to the end of Marshlands Road).

Natural England's comment: Natural England acknowledges that parts of the proposed route in this area are further inland than would ideally be the case or than might have been expected. We invested considerable time and effort in trying to identify a route that followed the coast (around the landward edge of the saltmarsh) much more closely. However, various factors prevented this:

- We have very limited powers to propose a route through areas of excepted land, such as private gardens or golf courses, as defined by the legislation. In several places along this part of the Wirral coast, continuous strips of such land stretch from the Wirral Way as far as the very edge of the saltmarsh. These effectively act as barriers to any continuous route above the saltmarsh but close to the coast.
- We have been able to propose that the route follows some existing public footpaths and informal paths at the landward edge of the saltmarsh, as a result of demonstrating that we will not significantly impact on the protected site through which these paths run (The Dee Estuary Special Protection Area). However, it is considerably harder to conclude such a lack of impact where there is little or no public access currently. Despite lengthy conversations aimed at identifying suitable mitigation measures and hence reducing risk of impact on protected species of birds, we were obliged to seek a route further inland in some cases.
- We recognise that the outcome will be disappointing to some, but we are clear that we have proposed the best possible alignment available, taking such factors into consideration.

The proposed exclusion of new coastal access rights does not extend over the entire marsh in the area between Old Quay and Denhall Quay, adjacent to sections BHW-3-S023 to S041. We understand that this is one of the areas most frequently used by local people for exercise.

The Marine and Coastal Access Act 2009 explicitly recognises that the coast is an inherently risky environment and that walkers must be largely responsible for their own safety, when exercising their new rights. However, the legislation also gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. We should also clarify that a historic record of incidents and rescues, alongside other advice provided by bodies such as the RNLI and HM Coastguard, is just one factor that we take into consideration when deciding whether or not we believe an access exclusion

is required; we also take into account a wide range of factors such as the presence and nature of tidal creeks, the extent to which the area is affected by tidal inundation, the risk of being caught by an incoming tide and the difficulty in escaping from such a rising tide.

In the case of European sites, we have a specific duty to assess the implications of our proposals to introduce coastal access rights on the sites' conservation objectives. Our Habitats Regulations Assessment (HRA), published alongside our proposals for this European site (the Dee Estuary SPA/SAC), concludes that there would be significant concerns about the impact on nature conservation from any disturbance created by the new coastal access rights on the saltmarsh.

We have not proposed an additional exclusion under s26 as to do so would serve no purpose; however, if the s25A exclusion were not to be approved or were to be subsequently removed, we would need to review the Habitats Regulations Assessment with the possible outcome being that a new direction to exclude access under s26 (for nature conservation purposes) would be made over a similar area.

On the matter of consultation, the overall consultation period effectively runs throughout the lifetime of the stretch delivery project, with views sought from at the earliest stages from land owners and occupiers, parish councils and others. The final stages of consultation are during the eight week period when anyone may submit representations, such as has been done by many local people. The approved Coastal Access Scheme explains this process at some length in Chapter 3. Unfortunately, there is a limit to the amount of proactive, additional consultation that we can manage to undertake, above and beyond the steps listed in the Scheme. However, all representations, together with Natural England's comments, will form part of the material presented prior to any decision by the Secretary of State on the coastal access proposals.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/13/0155

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

Not specified

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 mentions a lack of reports of incidents on the marsh and states that it isn't necessary to restrict access.

It then goes on to raise concerns about horses in fields by Old Quay and the risk that they pose to walkers, relating a serious incident last year.

Natural England's comment: The Marine and Coastal Access Act 2009 gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so. We must carefully consider whether any such exclusions

(or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. We should also clarify that a historic record of incidents and rescues, alongside other advice provided by bodies such as the RNLI and HM Coastguard, is just one factor that we take into consideration when deciding whether or not we believe an access exclusion is required; we also take into account a wide range of factors such as the presence and nature of tidal creeks, the extent to which the area is affected by tidal inundation, the risk of being caught by an incoming tide and the difficulty in escaping from such a rising tide.

The proposed exclusion based on unsuitability for access currently removes the need to put in place a further direction over the same area for nature conservation, which we believe might be necessary, as explained in the Habitats Regulations Assessment published alongside our proposals.

We are grateful for the warning about the risk posed by horses and will discuss this matter with both the local authority and the relevant land owners/occupiers, as appropriate. It is likely that the owners of the horses will have duties under other legislation, such as the Animals Act 1971.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/14/1035

Organisation/ person making representation:

[Redacted]

Name of site:

'Marshland areas'

Report map reference:

'All maps'

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 focuses on historic use of the marsh area between Parkgate and Burton Point and especially around Denhall Quay. It states that the latter area is drier in winter than other areas of amenity land in the vicinity and that preventing access to the marsh would be contrary to accepted existing usage and NE's strategies around engagement with the natural environment. The respondent states that she is a member of the RSPB, but cannot understand the need to exclude access on nature conservation grounds, as has been stated by NE, and asks that the proposed direction is not implemented.

Natural England's comment: We can confirm that the pink wash showing on Directions map BHW 3B identifies the area subject to the proposed access exclusion. The area of marsh at Little Neston, extending either side of Denhall Quay, is not covered by the proposed direction, meaning that a new right of access would exist over this area if the proposals are approved. The proposed exclusion extends from the line of the Welsh/English border as far inland as the main tidal creek that runs roughly parallel with the landward edge of the marsh in this general area.

We should like to clarify that any proposed exclusion in our reports relates only to a new right of access under the Marine and Coastal Access Act 2009 and does not affect public rights of way or other access rights in any way. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from the pink-shaded area on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people.

The proposed exclusion based on unsuitability for access currently removes the need to put in place a further direction over the same area for nature conservation, which we believe might be necessary.

As detailed in the Habitats Regulations Assessment, published alongside our coastal access reports, we have a specific duty to consider any potential impact on designated sites and species, including the Dee Estuary Special Protection Area and the birds that roost, breed and feed there. In order to proceed with the proposals, we must show that the project will not have a significant impact on such sites and species, often by including mitigation measures such as access restrictions. Whilst existing levels and patterns of access are considered as part of this appraisal process, we must also take into account any likely increase in levels or changes in patterns.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/15/1036

Organisation/ person making representation:

[Redacted]

Name of site:

'The marsh from West Kirby to Welsh border'

Report map reference:

'All maps'

Route sections on or adjacent to the land:

Not specified

Other reports within stretch to which this representation also relates

BHW 2

Summary of representation: The representation initially mentions dangers associated with the marsh, according to NE's proposals, and states that any such dangers should not prevent access. It is suggested that tide tables and information panels are adequate to reduce risk.

The representation then seems to generally support NE's proposed route for the England Coast Path, being further inland in places, provided that more coastal routes remain available.

The respondent expresses an understanding of the importance of the area for birds but suggests that there needs to be a reasonable balance between the needs of wildlife and the needs of people. On this basis, it is suggested that no further access exclusions or restrictions should be put in place. There is a suggestion that viewing platforms would be an improvement, so as to provide views over the marsh from the path and aid with public engagement.

Finally, the representation suggests that it would be beneficial for the public to have access over parts of the firing range, when appropriate.

Natural England's comment: We should like to clarify that any proposed exclusion in our reports relates only to a new right of access under the Marine and Coastal Access Act 2009 and does not affect public rights of way or other access rights in any way. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from the pink-shaded area on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people.

The proposed exclusion based on unsuitability for access currently removes the need to put in place a further direction over the same area for nature conservation, which we believe might be necessary. As detailed in the Habitats Regulations Assessment, published alongside our coastal access reports, we have a specific duty to consider any potential impact on designated sites and species, including the Dee Estuary Special Protection Area and the birds that roost, breed and feed there. In order to proceed with the proposals, we must show that the project will not have a significant impact on such sites and species, often by including mitigation measures such as access restrictions. Whilst existing levels and patterns of access are considered as part of this appraisal process, we must also take into account any likely increase in levels or changes in patterns. Natural England believes that it is possible for public access and engagement to take place safely and sustainably alongside the essential work of conserving our precious natural environment. In practice, this means that we must consider carefully where access (particularly new access) is appropriate and can be managed effectively. Inevitably, in some areas, the risk of disturbance is simply too high for us to safely conclude that new access would not cause an unacceptable impact.

We note the suggestion for viewing platforms and will discuss with the landowner and the local authority, to see if any such improvements might be made alongside the establishment of the England Coast Path.

We similarly note the request for limited access to the firing range. Unfortunately, this is not something that falls within the powers available to Natural England under the coastal access programme. However, we will pass on the request to the relevant authorities.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/16/1036

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

BHW 3b

Route sections on or adjacent to the land:

BHW-3-S025

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation specifically mentions an existing and historic stone stile on section BHW-3-S025 and asks that it should not be removed as part of the England Coast Path establishment phase.

Natural England's comment: We are aware of the stile and can confirm that it would not be removed or damaged in any way, as part of the coast path establishment phase. The path will make use of the adjacent kissing gate.

Relevant appended documents (see Section 5):

'Stile' digital photograph

Representation ID:

MCA/BHW3/R/17/1012

Organisation/ person making representation:

[Redacted] (The Disabled Ramblers)

Name of site:

All parts of the report length

Report map reference:

BHW 3a to 3d

Route sections on or adjacent to the land:

BHW-3-S008, S009, S013 to S034, S041 to S046.

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation details a range of generic and specific aspects of the proposals which would cause issues for users with reduced mobility – particularly users of large mobility vehicles. It registers a concern that the proposals do not adequately allow for all users, in terms of the infrastructure planned for the path, although there is an acknowledgement that some types of terrain or existing features may unavoidably limit access (in which case, alternative routes should be clearly promoted). Recommendations are included as to the required British Standard and the treatment of existing infrastructure, where this forms part of the route. Detailed suggestions are also included as to how infrastructure or general establishment works might be undertaken so as to maximise accessibility.

Natural England's comment: Natural England is very grateful for the considered and detailed response from the Disabled Ramblers. We can confirm that it is our intention to create a route that can be easily and safely enjoyed by all potential users, regardless of mobility. In general, we expect that the majority of this report length should be fully accessible, including for users of mobility vehicles.

However, there may be parts of the proposed route where unavoidable constraints make this difficult to achieve. In such cases, we will do all that we can to identify and promote alternatives, as suggested. Most importantly, we will share all the detailed recommendations and requests within this representation with the local authority and will subsequently discuss what improvements we might make, as part of the establishment phase. We should emphasise that the descriptions of infrastructure items contained within our published proposals are somewhat basic and general in nature; the intention is always that more detailed design work is completed prior to establishment. In all cases, we would expect the local authority undertaking the establishment work to comply with relevant legislation and best practice.

Relevant appended documents (see Section 5):

The Disabled Ramblers document: *Man-made Barriers and Least Restrictive Access*

Representation ID:

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

All maps

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 starts by expressing broad support for the establishment of the England Coast Path and local proposals. It then expresses strong concerns about some aspects of the proposals, as detailed in supporting information submitted with the representation and reproduced at 5. below.

Natural England's comment: We set out below our responses to each of the concerns raised above, under the same headings:

Exclusion of access to the saltmarsh/flat - 3.2.16. We confirm that this is the case – the proposed exclusion relates only to a potential new right of access conferred by the Marine and Coastal Access Act 2009. It would not have any effect on public rights of way or other access rights, whether public or private. Nor would it affect any permissive access arrangements that may be in place. There is no mechanism by which our proposals would prejudice a legal claim for a change to the definitive map.

However, we should point out that a suggested long tradition of access by local people does not necessarily mean that any right exists in law for such a practice. In the absence of any rights of access, the landowner may simply tolerate de facto access or may choose to deny such access at any point. Whilst we recognise that many people have apparently participated in recent forums relating to this concern, this does not in itself present any evidence as to the need or otherwise for new access rights to be excluded over the area in question.

The Marine and Coastal Access Act 2009 gives powers to Natural England to consider whether some areas of salt marsh or flat are unsuitable for access; we are obliged to exercise discretion in relation to this power as objectively as possible and to only propose exclusions where we believe that it makes sense to do so. We must carefully consider whether any such exclusions (or restrictions) are required in relation to our proposals – either for nature conservation reasons or access suitability reasons. In this case, we concluded that it would be necessary to exclude any new right of access from a large part of the coastal margin on grounds that we do not consider it suitable for such a right. This conclusion must take into account the risks posed to visitors from further afield, who may not appreciate the terrain and effects of the tides in the same way as might local people. We should also clarify that a historic record of incidents and rescues, alongside other advice provided by bodies such as the RNLI and HM Coastguard, is just one factor that we take into consideration when deciding whether or not we believe an access exclusion is required; we also take into account a wide range of factors such as the presence and nature of tidal creeks, the extent to which the area is affected by tidal inundation, the risk of being caught by an incoming tide and the difficulty in escaping from such a rising tide. The stated risk of inundation does not necessarily refer to complete inundation over the entire marsh, but to an extent which would substantially increase the risk to walkers – for instance by tidal creeks becoming much harder to cross safely.

The proposed exclusion based on unsuitability for access currently removes the need to put in place a further direction over the same area for nature conservation, which we believe might be necessary, as explained in the Habitats Regulations Assessment (HRA) published alongside our proposals.

Whilst we concede that our published proposals do not make this point as clearly as they might, it is nevertheless a significant point; should the proposed direction to exclude access under s25A not be approved, or be subsequently removed or relaxed, we would have a specific duty to immediately review the conclusions of the HRA and consider whether that change may result in the need for a similar direction under s26, for the purposes of nature conservation. As part of this assessment process, we must carefully consider any potential impact on designated sites and species, including the Dee Estuary Special Protection Area and the birds that roost, breed and feed there.

In order to proceed with the proposals, we must show that the project will not have a significant impact on such sites and species, often by including mitigation measures such as access restrictions. Whilst existing levels and patterns of access are considered as part of this appraisal process, we must also take into account any likely increase in levels or changes in patterns.

3.2.20. This section of our proposals sets out the limits on the effects of the proposed directions as clearly as we can easily do, within the bounds of a coastal access report. In reality, the true access situation locally is not clear, as is often the case. The remit of the coastal access programme does not include detailed appraisal of the means by which people may be accessing the land in question (which would be a very significant task in its own right); hence, we limit our commentary to the effects of our proposals.

Part 7.15 of the approved Scheme explains our approach to salt marsh and flat; in particular, paragraph 7.15.12 explains that 'We will typically use our separate power to exclude access from such areas on the grounds that they are unsuitable for public access'. The Scheme is clearly suggesting here that the expected outcome is for access to be excluded from such areas, and that only in the absence of the sort of factors stated at paragraph 7.15.6 would we feel it appropriate for a new access right to exist. We accept that the risks are higher in some parts of any marsh than in others, and we try to also take account of the popularity of certain parts within any more extensive marsh area (with an accompanying lack of risk factors). However, there is a limit to the extent to which we can meaningfully differentiate between parts of a large expanse of marsh, with few or any recognisable features on the ground. In practice, we were able to conclude that it was both reasonable and possible to delineate the bounds of the area of marsh close to Little Neston and to so avoid including it within the proposed access exclusion.

Signage is more likely to be an effective means of communicating risks to visitors when there are only a few access points onto an area of marsh or flat. However, where the marsh in question might be relatively easily accessed along a considerable length of the coast, it is much less likely that visitors will see and read such advice.

On the matter of consultation, the overall consultation period effectively runs throughout the lifetime of the stretch delivery project, with views sought from at the earliest stages from land owners and occupiers, local authority officers, the Local Access Forum, parish and town councils and others including relevant interest groups (representing access users and others such as nature conservation groups). The final stages of consultation are during the eight week period when anyone may submit representations, such as has been done by many local people. The approved Coastal Access Scheme explains this process at some length in Chapter 3. Unfortunately, there is a limit to the amount of proactive, additional consultation that we can manage to undertake, above and beyond the steps listed in the Scheme. However, all representations (in full or summarised, as required by regulations), together with Natural England's comments, will form part of the material presented prior to any decision by the Secretary of State on the coastal access proposals.

We do have records of an initial 'Issues and Opportunities' Email being sent to the Wirral Footpath and Open Spaces Preservation Society (2017) and also of meetings in 2019 with both the Wirral Ramblers and the Cestrian Ramblers.

Establishment of the Trail - 3.2.25-28. It is not possible to list all existing infrastructure and signage within our coastal access reports. We do generally capture a record of such items, where they are directly relevant to our proposals, within our GI systems. We would not expect to affect any historic items during the implementation of the coastal path. Nor would we necessarily expect to remove or duplicate existing

signage without good reason. We can confirm that we have no desire to see proliferation of signage in the countryside, but aim to ensure that essential messages are relayed to walkers where necessary. Where appropriate, we will consider the design and installation of signage that reflects the local vernacular. The work will be largely managed by the local authority responsible for establishment, with input from Natural England.

3.2.27 (Table 2). We can confirm that the estimated cost item listed as fencing does not relate to the proposed access exclusion over the marsh.

3.2.30. The maintenance costs within our published proposals are based on a version of the standard formula for calculating the contribution made by government towards the maintenance of all national trails, including the England Coast Path. They are generalised and do not take account of each item of infrastructure to be maintained in the future. The expectation, as with all parts of the England Coast Path, is that the local authority, or a new Trail Partnership, will take on maintenance of this stretch of the coast path, drawing on funding from government and other sources. The ongoing maintenance grant will not cover all maintenance costs; this takes into account the existing maintenance liability for public rights of way (where these form part of the coast path), for which the local authority already receives funding.

We are grateful for the warning about the risk posed by horses and will discuss this matter with both the local authority and the relevant land owners/occupiers, as appropriate. It is likely that the owners of the horses will have duties under other legislation, such as the Animals Act 1971.

Next Steps Natural England does not control the determination process, which is summarised at paragraphs 3.4.10 to 3.4.13 of the approved Scheme and dictated by regulations.

With regards to the question of future permissive access over the marsh, we would suggest that a discussion should be initiated between local people and the landowners (the RSPB), to clarify the means by which access is currently occurring over the area of marsh in question. This is not within the remit of the England Coast Path programme. In terms of statutory access under the Marine and Coastal Access Act 2009, all long-term directions to exclude or restrict access must be reviewed within five years, at which point they may either be extended, modified or removed, depending on the best available evidence at that time.

Relevant appended documents (see Section 5):

'Response to Natural England Report BHW3'

Representation ID:

MCA/BHW3/R/19/1037

Organisation/ person making representation:

[Redacted]

Name of site:

Parkgate, The Parade

Report map reference:

Not specified

Route sections on or adjacent to the land:

Not specified, but taken to be BHW-3-003 to S025

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation raises concerns about the proposed use of the roadside pavement as part of the England Coast Path, citing risks associated with high numbers (particularly in the current Covid pandemic) and multiple types of access user. An example of a previous incident is included.

A modification is suggested, entailing the construction of a boardwalk for pedestrians only, adjacent to the seawall (between the Boat House Inn and the Old Quay). It is further suggested that seating might be incorporated into such a boardwalk.

Natural England's comment: We are grateful for the information and suggested modification; however, we would find it hard to justify the considerable expense involved in both installing and maintaining such an extensive new boardwalk, given that the immediately adjacent roadside pavement meets the criteria within the approved Coastal Access Scheme.

We acknowledge the increased numbers of people using all available local access and leisure opportunities during the current Covid pandemic, and that this can cause issues in relation to requirements for social distancing etc. However, we might reasonably expect the situation to have normalised to some extent, by the time this part of the England Coast Path is opened.

Relevant appended documents (see Section 5):

None supplied

Representation ID:

MCA/BHW3/R/20/1038

Organisation/ person making representation:

[Redacted]

Name of site:

Not specified

Report map reference:

BHW 3c & 3d

Route sections on or adjacent to the land:

BHW-3-S034 to S048

Other reports within stretch to which this representation also relates

BHW 2

Summary of representation: The representation expresses concerns over the use of permissive paths as part of the England Coast Path, on the basis that such paths do not give sufficient rights. Concerns are also expressed about shared-use paths (on grounds of safety) and the proposal that the ECP should follow cycle paths in places. The respondent is unhappy that the proposed ECP route follows the Wirral Way, near to Heswall, rather than being much closer to the coast.

Finally, a request is made that no action should be taken to prejudice potential new rights of access over the marsh and foreshore, between Heswall and the Welsh border.

Natural England's comment: We should first like to clarify that all parts of the approved route of the England Coast Path will benefit from a secure right of access in law, as a direct result of the Marine and Coastal Access Act 2009. Where the route follows existing public rights of way, the existing public access rights will continue. All other parts of the route will gain new rights of access (as will many parts of the coastal margin, typically between the trail itself and the seaward extent of the foreshore). We note the concerns expressed over shared-use paths; we will aim to ensure that adequate signage is in place, reminding all users to be aware of other users.

In relation to the vicinity of Heswall, we acknowledge that parts of the proposed route in this area are further inland than would ideally be the case or than might have been expected. We invested considerable time and effort in trying to identify a route that followed the coast (around the landward edge of the saltmarsh) much more closely. However, various factors prevented this:

- We have very limited powers to propose a route through areas of excepted land, such as gardens, as defined by the legislation. In several places along this part of the Wirral coast, continuous strips of such land stretch from the Wirral Way as far as the very edge of the saltmarsh. These effectively act as barriers to any continuous route above the saltmarsh but close to the coast.
- We have been able to propose that the route follows some existing public footpaths or informal routes at the landward edge of the saltmarsh, as a result of demonstrating that we will not significantly impact on the designated sites through which the paths pass, including the Dee Estuary Special Protection Area, and protected species in the vicinity. However, it is considerably harder to conclude such a lack of impact where there is little or no public access currently. Despite lengthy conversations aimed at identifying suitable mitigation measures and hence reducing risk of impact on protected species of birds, we were obliged to seek a route further inland in some cases.

We recognise that the outcome will be disappointing to some, but we are clear that we have proposed the best possible alignment available, taking such factors into consideration.

Our proposals have no effect on the existing access situation over the majority of the marsh, as a result of the proposed direction to exclude a new right of access. Any such long-term directions must be periodically removed, which may lead to the direction being relaxed, modified or removed completely.

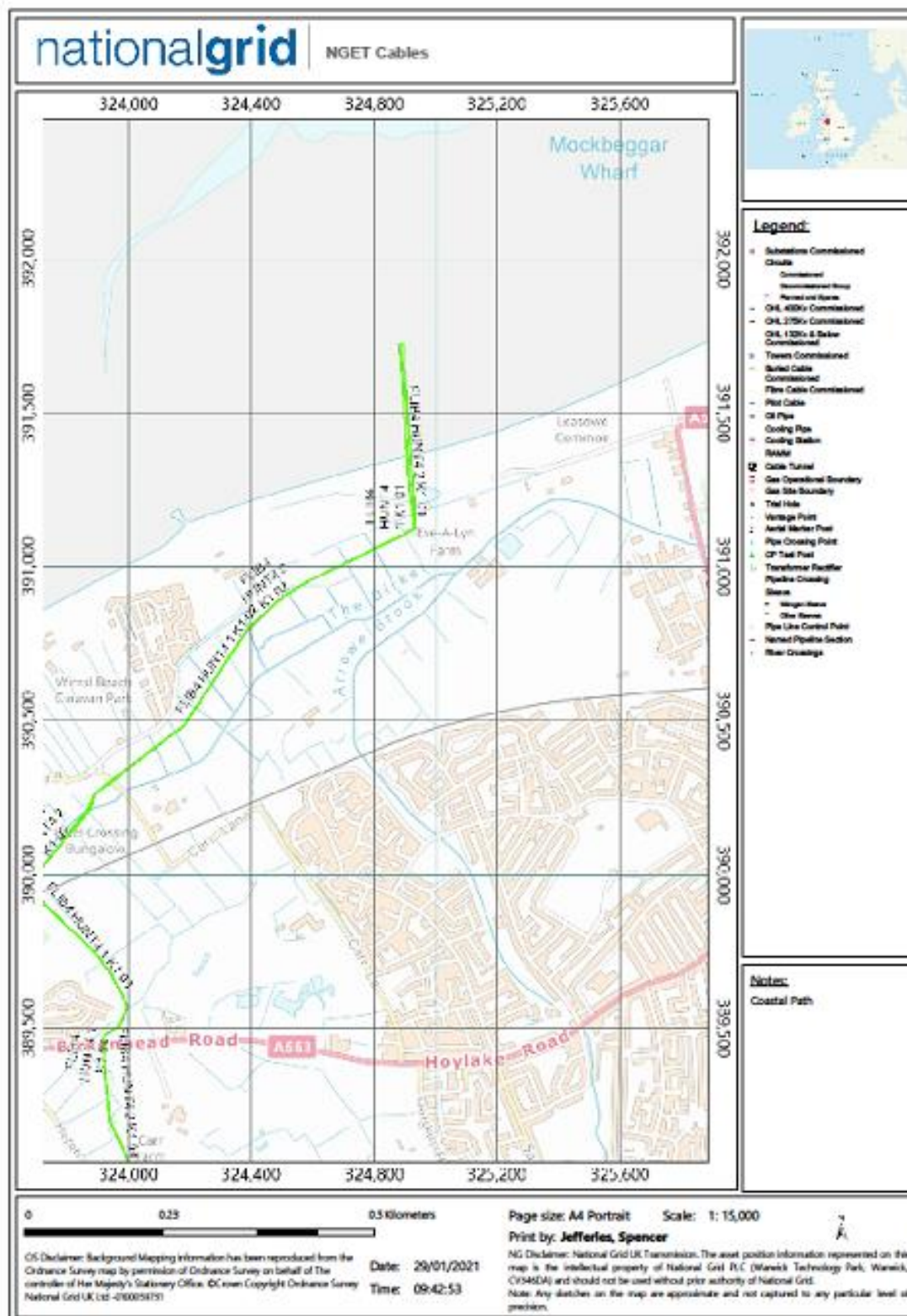
Relevant appended documents (see Section 5):

None supplied

Supporting documents on following page

5. Supporting documents

MCA/BHW1/R/2/0013 Bhw 0013 Coastal Path (map) ([redacted])





MCA/BHW1/R/6/1012 and MCA/BHW3/R/17/1012 The Disabled Ramblers document: *Man-made Barriers and Least Restrictive Access*



Disabled Ramblers Ltd
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Registered Charity Number 1103508

Man-made Barriers & Least Restrictive Access

There are a significant and steadily increasing number of people with reduced mobility who like to get off tarmac onto natural surfaces and out to wilder areas to enjoy great views and get in touch with nature whenever they are able to. There are many ways they achieve this, depending on how rough and steep the terrain is. A determined pusher of a manual wheelchair can enable access to a disabled person across grass and up steep hills. An off-road mobility scooter rider can manage rough terrain, significant slopes, cross water up to 8" deep, and depending on their battery type and the terrain they are on, they can easily run 8 miles or more on one charge. Modern batteries are now available that allow a range of up to 60 miles on one charge!

Many more people too are now using mobility vehicles in urban areas, both manual and electric. 'Pavement' scooters and powerchairs often have very low ground clearance, and some disabilities mean that users are unable to withstand jolts, so well placed dropped kerbs and safe places to cross roads are needed.

Modern mobility vehicles can be very large, and many man-made barriers that will allow a manual wheelchair through are not large enough for all-terrain mobility vehicles, or for 'pavement' scooters and prevent legitimate access.

Users of mobility vehicles have the same rights of access that walkers do. Man-made structures along walking routes should not be a barrier to access for users of mobility vehicles. New structures should allow convenient access to mobility vehicle riders as standard, and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles which places the emphasis on Least Restrictive Access. Suitability of structures should always be considered on the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle.

When it is impossible to avoid man-made structures which are a barrier to mobility vehicles, wherever feasible a nearby alternative should be provided. For example, a slope adjacent to steps or a signed short diversion.

Whilst BS5709:2018 does not automatically apply retrospectively to most existing structures, Disabled Ramblers would like to see existing structures removed and replaced if they prevent access to users of mobility vehicles. Some structures can have a 'life' of 15 years – it would be a crying shame if those with limited mobility have to wait this long before they can be afforded the same access that walkers have to those areas where the terrain is suitable for mobility vehicles.

Disabled Ramblers campaign for:

- Installation of new structures that are suitable for those who use large mobility vehicles, and that comply with British Standard BS5709: 2018 Gaps Gates and Stiles.
- Review of existing man-made structures that are a barrier to those who use mobility vehicles, and where possible removal and replacement with suitable structures to allow access to these people
- compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- compliance with the Countryside Rights of Way Act 2000
- adherence to the advice from Disabled Ramblers as set out below.

Useful figures

- **Mobility Vehicles** ○ **Legal Maximum Width of Category 3 mobility vehicles: 85cm.** The same width is needed all the way up to pass through any kind of barrier to allow for handlebars, armrests and other bodywork.

- **Length:** Mobility vehicles vary in length, but **173cm is a guide minimum length.**
- **Gaps** should be 1.1 minimum width on a footpath (BS5709:2018)
- **Pedestrian gates** The minimum clear width should be 1.1m (BS5709:2018)
- **Manoeuvring space** One-way opening gates need more manoeuvring space than two-way opening ones and some mobility vehicles may need a three metre diameter space
- **The ground** before, through and after any gap or barrier must be flat otherwise the resulting tilt effectively reduces the width

Gaps

A Gap is always the preferred solution for access, and the least restrictive option (BS 5709:2018). The minimum clear width of gaps on footpaths should be 1.1metres (BS 5709:2018).

Bollards

On a footpath, these should be placed to allow a minimum gap of 1.1metres through which large mobility vehicles can pass.

Pedestrian gates

A two-way, self-closing gate closing gate with trombone handle and Centrewire EASY LATCH is the easiest to use – if well maintained, and if a simple gap is unacceptable. Yellow handles and EASY LATCH allow greater visibility and assist those with impaired sight too:

<https://centrewire.com/products/easy-latch-for2-way-gate/> One-way opening gates need more manoeuvring space than two-way and some mobility vehicles may need a three metre diameter space to manoeuvre around a one-way gate. The minimum clear width of pedestrian gates should be 1.1metres (BS 5709:2018).

Field gates

Field gates (sometimes used across access roads) are too large and heavy for those with limited mobility to use, so should always be paired with an alternative such as a gap or pedestrian gate. However if this is not possible, a York 2 in 1 Gate:

<https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing, two-way opening, yellow handles and EASY LATCH.

Bristol gates

(Step-over metal gate within a larger gate: <https://centrewire.com/?s=bristol>) These are a barrier to mobility vehicles as well as to pushchairs and so should be replaced with an appropriate structure. If space is limited, and a pedestrian gate not possible, a York 2 in 1 Gate: <https://centrewire.com/products/york-2in-1/> could be an alternative, with a self-closing, two-way opening, yellow handle and EASY LATCH for the public access part of the gate.

Kissing gates

A two-way, self-closing gate is hugely preferable to a kissing gate, but in certain situations a kissing gate might be needed. Some kissing gates can be used by smaller pushchairs and small wheelchairs, but are impassable by mobility scooters and other mobility vehicles. Unless an existing kissing gate has been specifically designed for access by large mobility vehicles, it should be replaced, if possible with a suitable gate (see above). If a kissing gate really must be used, Disabled Ramblers only recommend the [Centrewire Woodstock Large Mobility](#) kissing gate. This is fitted with a RADAR lock which can be used by some users of mobility vehicles. NB this is the only type of kissing gate that is large enough to be used by all-terrain and large mobility vehicles.

Note about RADAR locks on Kissing gates

Often mobility vehicle riders find RADAR locks difficult to use, so they should only be used if there is not a suitable alternative arrangement. Here are some of the reasons why:

- Rider cannot get off mobility vehicle to reach the lock
- Rider cannot reach lock from mobility vehicle (poor balance, lack of core strength etc.)
- Position of lock is in a corner so mobility vehicle cannot come alongside lock to reach it, even at an angle
- RADAR lock has not been well maintained and no longer works properly
- Not all disabled people realise that a RADAR key will open the lock, and don't know how these kissing gates work. There must be an appropriate, informative, label beside the lock.

Board walks, Footbridges, Quad bike bridges

All of these structures should be designed to be appropriate for use by large mobility vehicles, be sufficiently wide and strong, and have toe-boards (a deck level edge rail) as edge protection. On longer board walks there may also be a need to provide periodic passing places.

Sleeper bridges

Sleeper bridges are very often 3 sleepers wide, but they need to be at least 4 sleepers wide to allow for use by mobility vehicles.

Steps

Whenever possible, step free routes should be available to users of mobility vehicles. Existing steps could be replaced, or supplemented at the side, by a slope or ramp. Where this is not possible, an alternative route should be provided. Sometimes this might necessitate a short diversion, regaining the main route a little further on, and this diversion should be signed.

Cycle chicanes and staggered barriers

Cycle chicanes are, in most instances, impassable by mobility vehicles, in which case they should be replaced with an appropriate structure. Other forms of staggered barriers, such as those used to slow people down before a road, are very often equally impassable, especially for large mobility vehicles.

Undefined barriers, Motorcycle barriers, A frames, K barriers etc.

Motorcycle barriers are to be avoided. Often they form an intimidating, narrow gap. Frequently put in place to restrict the illegal access of motorcycle users, they should only ever be used after very careful consideration of the measured extent of the motorcycle problem, and after all other solutions have been considered. In some areas existing motorcycle barriers are no longer necessary as there is no longer a motorcycle problem: in these cases the barriers should be removed.

If no alternative is possible, the gap in the barrier should be adjusted to allow riders of large mobility vehicles to pass through. Mobility vehicles can legally be up to 85 cm wide so the gap should be at least this; and the same width should be allowed all the way up from the ground to enable room for handle bars, arm rests and other bodywork. The ground beneath should be level otherwise a greater width is needed. K barriers are often less intimidating and allow for various options to be chosen, such a shallow squeeze plate which is positioned higher off the ground: <http://www.kbarriers.co.uk/>

Stepping stones

Stepping stones are a barrier to users of mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with a suitable alternative such as a footbridge (which, if not flush with the ground should have appropriate slopes at either end, not steps). If there are good reasons to retain the stepping stones, such as being listed by Historic England, a suitable alternative should be provided nearby, in addition to the stepping stones.

Stiles

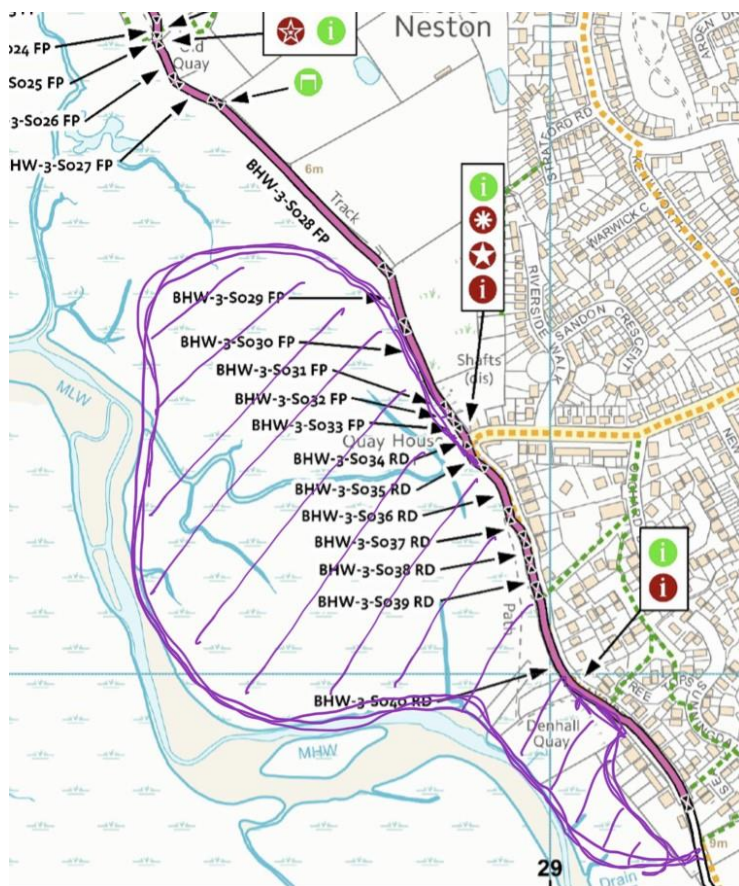
Stiles are a barrier to mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with a suitable alternative structure. If there are good reasons to retain the stile, such as it being listed by Historic England, then an alternative to the stile, such as a pedestrian gate, should be provided nearby in addition to the stile.

Urban areas and Kerbs

In urban areas people with reduced mobility may well be using pavement scooters which have low ground clearance. Where the path follows a footway (e.g. pavement) it should be sufficiently wide for large mobility vehicles, and free of obstructions. The provision and correct positioning of dropped kerbs at suitable places along the footway is essential. Every time the path passes over a kerb, a dropped kerb should be provided.

Disabled Ramblers March 2020

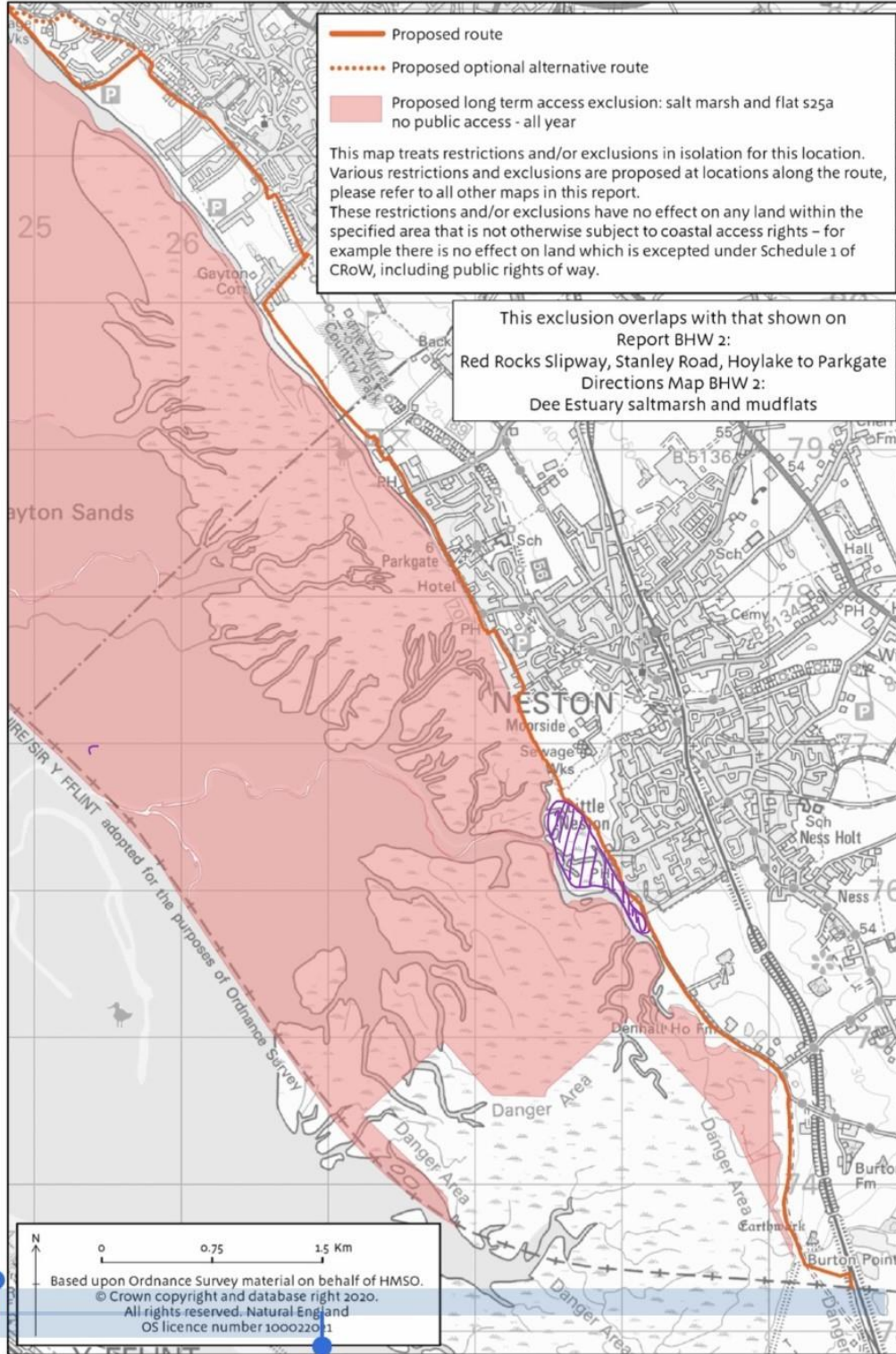
MCA/BHW3/R/1/1023 Annotated copies of Directions maps BHW 3B & 3C ([redacted])





Coastal Access - Birkenhead to Welsh Border - Natural England's Proposals
Report BHW 3: Parkgate to Welsh Border

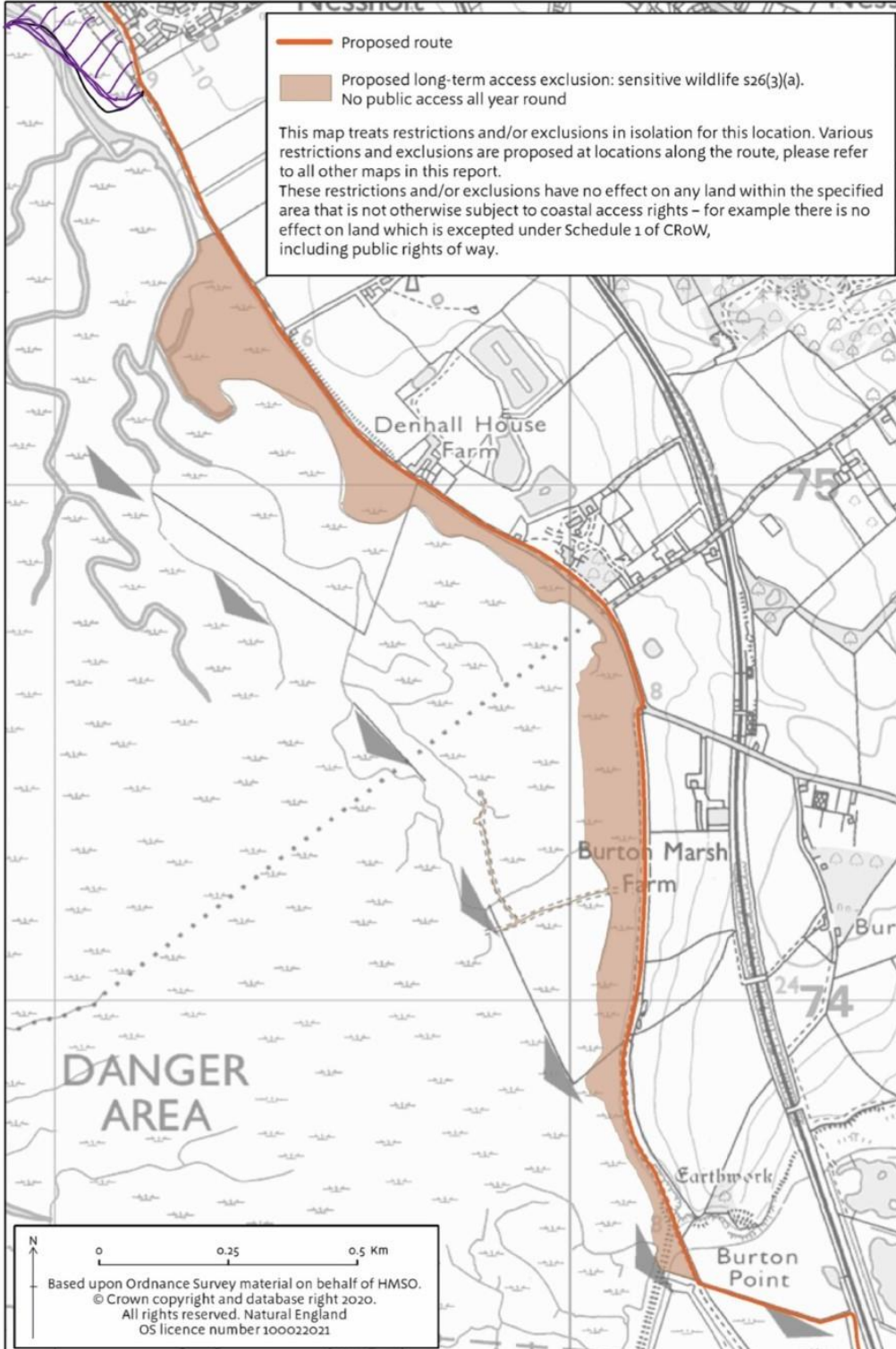
Directions Map BHW 3B: Dee Estuary saltmarsh and mudflats



Directions Map BHW 3B: Dee Estuary saltmarsh and mudflats



Coastal Access - Birkenhead to Welsh Border - Natural England's Proposals
Report BHW 3: Parkgate to Welsh border
Directions Map BHW 3C: Burton Marsh



Directions Map BHW 3C: Burton Marsh



Coastal Access - Birkenhead to Welsh B
Report BHW 3: Parkgate to Welsh borde
Directions Map BHW 3C: Burton Marsh



MCA/BHW3/R/3/1025 'General comments' appended to representation form ([redacted])

The Wirral is an area heavily urbanised along Merseyside and also close to the metropolis of Liverpool. As a consequence the area attracts a large number of users. Paths therefore suffer a disproportionate amount of wear.

Paths in Wirral are in very many cases unusable during the winter months from November to February being waterlogged and extremely muddy to the extent that the less-able members of the population (about one quarter) are unable to or discouraged from using them. This is hardly in keeping with the Equality Act

It is for this reason that many stretches of the Coastal way in Wirral, notably along Deeside, will need some form of hardening such as with crushed limestone or similar, boarding covered by wire net, and /or drainage notably along the Wirral Way.¹ BHW 2b BHW-2-S002-003-004

The alternative along the golf-course boundary incomplete boarding is deficient and in places hazardous with broken slats. Maintenance is imperative

2. BHW 2b BHW-2-S019 - 23

Maintenance required: invariable puddle or mud at KG SO19 during 4 winter months and any wet weather. Some hardening between S019 and S023 is required to avoid damage through overuse.

3. BHW 2c BHW 2d BHW-2-S024- 029

It is regretted that the Wirral Way is used here and elsewhere. The Wirral Way is already a busy route, enclosed in most places by high hedges obscuring the view, and relatively tedious.

4. BHW 2e BHW-2-S030 - 032

While the initial section is hardened the subsequent stretch becomes an unusable quagmire of mud. Hardening is required for both safety and convenience. It must not be flanked by barbed wire. It has been necessary to close sections in winter months.

5. BHW 2f BHW-2-S044 - 055

Sections are excessively muddy during the winter months and require boarding. Boards should be covered with wire netting to avoid pedestrians slipping and to prevent vandalism of boards taken for barbecues.

6. BHW 2g BHW-2 S063

See 2. above. Same comments apply to use of roadways.

7. BHW 2g BHW-2-S055-65

Reason for exclusion of coastal route?

8. BHW 3b BHW-3-S014-026

Several sections of this path between Moorside Lane and Old Quay are excessively muddy during especially winter months and require boarding. There are natural springs in this area. Boards should be metal, or wood covered by wire netting to prevent vandalism and pedestrian slipping

Path should not be flanked by barbed wire

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9. BHW 3b BHW-3-S027-034

Several sections of this path between Old Quay and Quay House are excessively muddy especially during winter months and require boarding

Boards should be metal, or wood covered by wire netting to prevent vandalism and pedestrian slipping

Path should not be flanked by barbed wire

10. BHW 3b BHW-3-S034-040

Adequate hedge -trimming needed to ensure the full use of width of way.



**Response to Natural England Report BHW3
England Coast Path Stretch: Birkenhead to the Welsh Border
From [redacted] (Parkgate resident)
10 February 2021**

I refer to the above report and am broadly in favour of the establishment of the England Coast Path and its routing through Parkgate and Neston. I do, however, have strong concerns about some of the material in BHW3, as follows.

'Exclusion of access to the saltmarsh/flat' (your phrase)

3.2.16. My understanding is that there is no intention to override existing rights, only to prohibit the granting of new rights. Thus, despite the heading, I understand this section is actually about 'Exclusion of future acquisition of access rights'. I do not know if these proposals would preclude the confirmation of existing informal rights. The saltmarsh at Parkgate and Neston has been accessed by locals for a variety of purposes ever since it formed and it came as a great surprise locally to learn recently that the RSPB claim there are no public access rights over it. This is a moot point.

Moreover, I believe there is a strong case for a Definitive Map Modification Order over at least one previously-mapped and named route over the marsh, and maybe other routes too. **Given this situation it would be premature for Natural England to take any action which could prejudice the granting or confirmation of rights until there is clarity about what degree of access is allowed.**

This is a matter of considerable local concern. A recent petition gained almost 900 signatures in less than two days when the possibility of marsh access being ended was raised locally. And someone has very recently launched a 'Neston Marshes Group' Facebook page in view of the actual and/or perceived threats from Natural England and the RSPB; at the time of writing I see it already has almost 450 members. People are concerned that a long-standing local tradition of using the marshes is under threat, whether or not they themselves go on the marsh. **I suggest, therefore, that there would be local uproar if Natural England took any action which could prejudice the access rights position until it is clarified.**

Also, I do not accept the arguments you put forward for the marsh being 'unsuitable for public access'. You claim that 'RNLI and Coastguard data ... indicates incidents of people being rescued from these areas'. You give no supporting evidence and I am not aware of any such incidents. **As written, then, your argument is merely an unsubstantiated claim and cannot be used as grounds for the**

actions you propose. I would also challenge your claim that the marsh is subject to ‘frequent tidal inundation.’ You do not define ‘frequent’ but, as I live adjacent to the marsh, I would argue from experience that ‘frequent’ is misleading and that the word ‘occasional’ is much more appropriate. Overall, I would contend that there is no case for ‘Exclusion of access to the saltmarsh/flat’ and also contend that the claim of ‘unsuitability’ by the RSPB, RNL and Coastguard is arbitrary and unsubstantiated. While any saltmarsh is not risk-free, there is no significant record, if any, of incidents in the stretch under discussion, and I contend it is no more risky than other areas of countryside to which access is not routinely restricted such as mountains, moorland and riversides. However, I have no objection to the installation of sympathetic signage warning of potential risks if you feel it is necessary.

Separately, I note, too, that S25a of the Countryside and Rights of Way Act (2000) requires that any changes to access arrangements are ‘necessary’. Not only do I contend that you have made no case that the marsh is unsuitable for access but **you have also failed to demonstrate why measures are ‘necessary’ now when they have never been ‘necessary’ previously.**

3.2.20. This section is, at best, unhelpfully worded (as, frankly, is other material in the document; in my view a worthwhile, effective and legitimate consultation exercise should involve clear documentation). With regard to the final paragraph, which appears to relate to informal customary use, you have advised me by email that the wording about ‘any suggestion that such use should be ended or limited under the new arrangements’ is about restrictions proposed by third parties not Natural England. I am not clear, therefore, how this paragraph relates to the current position but, given that you have included it, **I am certainly not aware that there has been adequate ‘careful scrutiny’ by Natural England of actions which might prevent or prejudice future access, inasmuch as such scrutiny has involved local organisations or local people.** What ‘careful scrutiny’ has been undertaken? How much time has been spent talking to local people which might have pre-empted some of the issues I am raising?

Also, in relation to consultation, I have been advised that the leading local organisation involved with footpath and open space matters, the Wirral Footpath and Open Spaces Preservation Society, has not been approached by yourselves for consultation about the proposals in BHW 3 or at any previous stage in the relevant ECP development – that is a pretty extraordinary omission. In addition, regarding the wording at the end of para 3.2.20 **you have also given no evidence to support your contentions that 1) the ‘need is pressing’ 2) any other options have been tried or considered given this is meant to be a ‘last resort’ option, and 3) why ‘improved access management measures’ would not be more appropriate.**

‘Establishment of the Trail’

3.2.25-28. You make no mention of existing items on the trail including a standpipe at the bottom of Moorside Lane, the sandstone stile at the Old Quay, and current interpretation boards at the bottom of Marshlands Road and at Denhall Quay (where you intend to put ‘signage and information’). I hope these would be unaffected but, **for the avoidance of doubt, I would strongly object to the removal of any of these objects or any actions which would interfere with access to them.** There is also a risk of ‘clutter’ of existing and new boards so **I would expect local consultation about the siting of the new boards and, if necessary and agreed locally, repositioning of the existing boards at Natural England’s expense.**

3.2.27 (Table 2). You mention a £1,500 budget for fencing but you do not disclose in the text or maps where this fencing will be erected or what its purpose will be. For the avoidance of doubt, based on my understanding of communications with Natural England, **I take it this fencing will not be used for the purposes of ‘Exclusion of access to the saltmarsh/flat’.** If it is being used for this purpose then this is inconsistent with your assurances that the proposals will have no effect on existing access arrangements.

3.2.30. You propose an annual maintenance budget of £1,325 + VAT for the route. This sounds very small to me especially if it is intended to include someone’s time to check things along the way (this is not clear). Given that new infrastructure is to be installed in places totalling c.£58k, notably between BHW-3-SO13 and SO25, this budget sounds wholly inadequate. There will be natural deterioration in assets over time as well as a need for routine maintenance (bolt tightening etc.). There is also a risk of vandalism and, in particular, total loss of infrastructure through fire – on at least two occasions in recent times the Neston reed-bed has caught alight (by arson I think) and any repetition would almost certainly destroy any board-walks. **So, who has agreed to foot the bill when costs over the budgeted £1,325 arise? The much-put-upon CWAC borough council (i.e. local council taxpayers) or Neston Town Council (i.e. local precept payers), or the RSPB? If no one has agreed then the budget proposal is unacceptable.**

Whilst writing, I would raise one other matter of which you should be aware. In the past five months there have been at least two incidents involving horses which graze and run loose between SO18 and SO26. Three people have been injured in the incidents I've heard about – maybe there have been others too. Many local people can confirm that they avoid the fields because of this risk. Cheshire West & Chester Council tell me they are powerless to do anything; I have been referred to the HSE but am not sure the problem meets their criteria and even if it does, it may struggle to get anywhere near the top of their action pile. **So, as things stand, the Coast Path directs users through an area with a known hazard and risk of injury.**

Next Steps

There are substantive issues arising out of BHW3 for the people of Neston and Parkgate. I note you state on the website that “All representations and objections will be considered before the Secretary of State makes a final decision about the report” but choose not to disclose what that ‘consideration’ might entail, who will be involved or whether you will respond to any of the points raised. **I believe that, before development of this stretch of the England Coast Path proceeds further, the local public should be given a) details of this consideration process and b) substantive answers to the points I and others have raised.** There also needs to be clarity over the current and future marsh access position. It may be appropriate to have a public meeting (at a local venue when circumstances permit) or, at least, virtually in order to clarify these points.