

# Coastal Access – Aust to Brean Down



## Representations on Severn Bridge to New Passage (ABD1) with Natural England’s comments

June 2022

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### 1. Introduction

This document records the representations Natural England has received on the proposals in length report Severn Bridge to New Passage (ABD1) 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 Aust to Brean Down they are included here in so far as they are relevant to length Severn Bridge to New Passage (ABD1) only.

### 2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Aust to Brean Down, comprising an overview and six separate length reports, was submitted to the Secretary of State on 25 July 2019. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received twelve representations pertaining to the Severn Bridge to New Passage length report (ABD1) five were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These ‘full’ representations are reproduced in Section 3 in their entirety, together with Natural England’s comments. Also included in Section 3 is a summary of the seven representations

made by other individuals or organisations, referred to as ‘other’ representations. Section 4 contains the supporting documents referenced against the representations.

### **3. Representations and Natural England’s comments on them**

#### ***Full representations***

**Representation number:**

MCA / ABD1/ R /4/ ABD0357

**Organisation/ person making representation:**

South Gloucestershire Council Public Rights of Way and Commons Registration Subcommittee

**Route section(s) specific to this representation:**

ABD-1-S005 to ABD-1-S009

**Other reports within stretch to which this representation also relates:**

N/A

**Representation in full**

1. The proposal for a path across the front of the cliffs at Aust raises concern regarding safety. The cliffs are rather unstable and cliff falls have been recorded there. Concerns have been raised about pedestrian safety for visitors using the proposed coast path across the cliffs.
2. The proposed fencing in the fields across the cliffs is to mitigate for the new path being established across land which previously has not been encumbered by public rights of way. The fencing is at the request of the landowners and whilst Natural England have stated they will fund the establishment of the fencing at 100% of the cost, the Council are not prepared to undertake or fund any maintenance of the fencing, even at the 75% funding proposed.

**Natural England’s comments**

*We thank the Public Rights of Way Subcommittee for its representation. We have worked closely with officers from South Gloucestershire Council throughout the development of our coastal access proposals for South Gloucestershire, from Severn Bridge (report ABD1) to New Pill Gout (ABD2). Council officers provided us with technical advice on the various route options under consideration and attended meetings with affected land owners. In particular they provided advice on what infrastructure would be required along the proposed route, estimated establishment costs for the proposals, and potential impacts on archaeological assets and how to avoid them.*

*The Council’s Public Rights of Way Sub-committee raises concerns about the safety of people using the proposed route along Aust Cliff and maintenance of the fences that we have offered to some owners of the affected land.*

## **Safety of the cliff top path**

*We maintain that the proposed route along Aust Cliff is safe for public use. In this we are guided by the criteria in section 4.2 of the Coastal Access Scheme in relation to the safety of the route and in particular paragraphs 4.2.3 to 4.2.6.*

*Aust Cliff is undergoing gradual erosion; there is debris at the foot of the cliff and at route section ABD-1-S007 a fence has slipped down the cliff face. In view of this a geotechnical assessment was commissioned in 2017 by South Gloucestershire Council to consider the feasibility of a cliff top route. It is attached as Appendix 1. The geotechnical assessment found that the cliff top appeared suitable for pedestrian access overall and set out some detailed findings and recommendations.*

*It is estimated that the cliff is undergoing a slow overall rate of erosion (about 1 metre in 10 to 20 years). This is considerably less than many cliff top sections of the South West Coast Path. To enable this part of the route to be adjusted easily in the future we propose in table 1.3.1 that it should be able to roll back when it is no longer viable in its current position, without further recourse to the Secretary of State.*

*The report also found that the cliff is subject to localised slumping events that could result in more than 1 metre of losses in a small area during a single event. It identified two geological faults where this is most likely to happen. In line with its recommendations the route is set back 3 metres from the cliff edge. We will erect notices at each end of the cliff top section advising walkers to avoid the cliff edge. As an additional precaution we propose to install two short lengths of guide fence 3 metres back from the faults to encourage the public to walk around them.*

*The report recommended annual inspections of the cliff. South Gloucestershire Council has indicated to us that it would undertake these inspections if the route is approved.*

*In the 1950s a public footpath was recorded on the definitive map corresponding approximately to route sections ABD-1-S005 to ABD-1-S008 along the cliff top. At the junction of sections ABD-1-S008 and ABD-1-S009 the historic footpath continued along the cliff top to the old Aust ferry pier, whereas our proposed route cuts inland to avoid private houses and gardens. The footpath was extinguished in 1961 as part of preparations for the construction of the Severn Bridge.*

## **Fence maintenance**

*We understand that the Council are willing to maintain this part of the route to the extent it considers necessary to keep it reasonably safe and convenient to walk along. Council officers made clear to us that it will not accept responsibility for maintenance of stock fencing.*

*Natural England has offered to fund the purchase and installation of stock fencing landward of route sections ABD-1-S007 and ABD-1-S008 and seaward of route sections ABD-1-S009 and ABD-1-S010 to help the land owners to manage access alongside existing uses of the land. Where we have made this offer, we have made the affected land owner aware of the Council's position.*

**Representation number:**

MCA / ABD1/ R /5/ ABD0357

**Organisation/ person making representation:**

South Gloucestershire Council Public Rights of Way and Commons Registration Subcommittee

**Route section(s) specific to this representation:**

ABD-1-S016

**Other reports within stretch to which this representation also relates:**

N/A

**Representation in full**

The proposed use of New Passage Road as part of the route is questioned on pedestrian safety grounds. There are many vehicles parking along there at times giving rise to a conflict between use of the lane by campers and pedestrians. This will be even more dangerous when the flood bank improvement works are underway and HGV's are regularly using the road. A footway/verge should be provided for the coast path to the side of the road, rather than expecting visitors/pedestrians to walk along the road with the conflict arising therefrom.

**Natural England's comments**

*We thank the Public Rights of Way Subcommittee for its representation. We have worked closely with officers from South Gloucestershire Council throughout the development of our coastal access proposals for South Gloucestershire, from Severn Bridge (report ABD1) to New Pill Gout (ABD2). Council officers provided us with technical advice on the various route options under consideration and attended meetings with affected land owners. In particular they provided advice on what infrastructure would be required along the proposed route, estimated establishment costs for the proposals, and potential impacts on archaeological assets and how to avoid them.*

*The road to which the representation refers is called Passage Road; 'New Passage Road', the name used in the representation, is at a different location.*

*Passage Road is normally a quiet road which provides access primarily for local residents and people visiting the coast for recreation. At times there may be ten or more vehicles parked along it visiting for recreational purposes, but it is unusual in our experience to encounter more than one moving vehicle whilst walking along it. Route section ABD-1-S016 is a straight section of the road with uninterrupted sightlines for drivers and pedestrians. It forms part of an existing long distance walking route called the Severn Way managed and maintained by South Gloucestershire Council. Council officers have worked closely with us throughout the development of the proposals and have not raised any concerns about the safety on Passage Road. Accordingly we maintain that it is safe for pedestrian use.*

*The representation also refers to flood bank improvements scheduled to take place between Old Passage on map ABD 1a and New Pill Gout on map ABD 2c (in report ABD2) as part of the Avonmouth-Severnside Enterprise Area Ecological Mitigation and Flood Defence Project (ASEA). These will affect access along that part of the proposed route between 2020 and 2025 and we would agree that temporary arrangements will be necessary to ensure public safety and allow people following the existing Severn Way or the England Coast Path to continue their journeys on foot. We refer the Secretary of State to our comments about the representation from the Environment Agency below, where we explain in further detail potential impacts and how we intend to mitigate them with cooperation from the ASEA project team. As we explain there, it may be possible to negotiate a new route along the raised bank landward of the road for the public to use when the flood defence works are completed.*

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**Representation number:**

MCA / ABD Stretch/ R/6/ ABD1417

**Organisation/ person making representation:**

The Ramblers (Avon Area)

**Route section(s) specific to this representation:**

ABD1

**Other reports within stretch to which this representation also relates:**

ABD2 and ABD3

**Representation in full**

The various parties involved in developing these proposals should be commended for the amount of work that has gone into reaching this stage so far and Natural England are to be commended for publishing a very comprehensive set of proposals. The report identifies various improvements to provide better access, path surfaces and protection to sensitive areas of habitat and, from a user's perspective, these proposals seem reasonable. This is a significant opportunity to improve public access to this stretch of coast, with benefits for residents, businesses and visitors. More people will have easier and more extensive access to the coastal environment for open-air recreation, which is widely acknowledged to have significant benefits for human health and wellbeing.

An area of concern relates to the Severn Way flood defence improvements.

Site: Land Off New Passage Road, And The A403 (Severn Road) South Gloucestershire Severnside

Description: The Avonmouth Severnside Enterprise Area (ASEA) ecological mitigation and flood defence scheme includes works at three sites within South Gloucestershire, as follows:

- Area 1 Scheme (Aust to Severn Beach - Severnside) - Construction of new flood defence walls, embankments and flood gates, raising of existing flood defence walls and embankments, and improvements to the Cake Pill Outfall, Chestle Pill Outfall, and Cotteralls Pill Outfall.

- Area 3A Scheme (Severn Beach Railway - North) - Construction of new flood defence walls and embankments, raising of existing flood defence walls, and improvements to the New Pill Outfall.
- Area 5 Scheme (Northwick) - Creation of an ecological mitigation area comprising 41.9ha freshwater seasonally (winter months) wet grassland habitat and 14.49ha of permanent open water in the form of ponds.

What arrangements are in place to ensure improvements along the Severn Way are coordinated between Natural England, the Environment Agency and their Contractors?

### **Natural England's comments**

*We welcome the representation from the Avon Area Ramblers. We thank them for the interest they have taken in the development of our coastal access proposals for the coast between Aust and Avonmouth and for expressing their support for the final proposals, including the measures proposed to protect wildlife and supporting habitats. We ask that the Secretary of State note these views and the expected benefits from the coast path in terms of public enjoyment, physical health and well-being.*

*The representation raises a concern with respect to planned flood defence improvements between Aust and Avonmouth known as the Avonmouth-Severnside Flood Defence and Ecological Mitigation Project (ASEA). The ASEA works will affect the part of the proposed England Coast Path route between Old Passage on map ABD 1a and New Passage on map ABD 1c. This corresponds to part of an existing promoted long-distance route called the Severn Way.*

*We agree that close working relationships will be necessary between Natural England, the Environment Agency and their contractors carrying out the ASEA project, to which we would add South Gloucestershire and Bristol City Councils which are also partners in both the England Coast Path and ASEA. This will help avoid any conflict between the flood defence works and recreational use, minimise impacts on wildlife and ensure efficient operations for both projects. All the organisations involved are aware of this requirement and a meeting has already been held recently to discuss expected timescales and ways of working.*

*Of the specific elements of the flood defence improvement programme listed in the representation, only works in Area 1 (Aust to Severn Beach) are expected to directly affect access along the proposed England Coast Path route in report ABD1. Area 3A (Severn Beach railway north) would affect the proposed route in report ABD2 and we consider it further in our comments on representations about that report. Area 5 (Northwick mitigation area) will not directly affect the Severn Way or the England Coast Path.*

*Area 1 works will affect access along route sections ABD-1-S016 (map ABD 1a) to ABD-1-S027 (map ABD 1c). We refer the Secretary of State to the Environment Agency's representation below and to our comments about it; there we explain in further detail potential impacts and how we intend to mitigate them with cooperation from the ASEA project team.*

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**Representation number:**

**Organisation/ person making representation:**

Environment Agency

**Route section(s) specific to this representation:**

ABD-1-S016 to ABD-1-S018, ABD-1-S021 to ABD-1-S027

**Other reports within stretch to which this representation also relates:**

ABD2, ABD4, ABD6, ABD7, ABD10

**Representation in full**

The Environment Agency was established in 1996 to protect and improve the environment. We have an operational responsibility for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea, as well as being a coastal erosion risk management authority. Additionally, we have a statutory duty under the Water Resources Act 1991 and the Environmental Permitting Regulations (England and Wales) 2016 to assess and review any works done within 8 metres of fluvial main river and 16 metres of tidal defence.

Whilst, we have no “in principle” objections to the proposals subject to the comments outlined in this response, we will need to assess the acceptability of any detailed matters through the Flood Risk Activity Permit (FRAP) process detailed below.

**Flood Risk Activity Permit**

The proposals may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within sixteen metres of the top of the bank of the Severn Estuary, designated a ‘main river’. An Environmental Permit may also be required for any works on, or within sixteen metres of the landward toe of any Environment Agency designated flood defence structure(s). It is common in larger river systems, or tidal areas, for Environment Agency flood defences to be located in excess of 8 metres from the main channel or coastline, and greater than 20 metres in some instances. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt.

A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-riskactivities-environmental-permits>. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506 or email: [bridgwater.frap@environment-agency.gov.uk](mailto:bridgwater.frap@environment-agency.gov.uk).

To find the location of Environment Agency flood defence structure and main rivers, together with further information, please refer to our Flood Maps on gov.uk. We would like to agree the location of any signage and new gates you intend to install, which could be done through the Flood Risk Activity Permit process discussed above.

It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/Internal Drainage Board (e.g. Lower Severn Internal Drainage Board).

## **Flood Risk considerations**

With regards to the specific sections of the coastal path, we offer the following comments. We ask that any detailed proposals fully address the points raised, to ensure the integrity of coastal defences is not adversely impacted by the coastal path, in the interest of flood risk management.

### **ABD-1 – Severn Bridge to New Passage**

With reference to the section of path along New Passage Road, Aust (ABD-1-S016 RD). We advise we are constructing a new flood embankment parallel to New Passage Road on the landward side. The flood defence crosses over New Passage Road with a road ramp and flood gate at approximate grid reference ST5634788782.

The road itself currently is at risk of flooding on particularly high tides (as occurred in 2014). During these events we would need to close the floodgates across the road, resulting in the closure of the footpath as well. We advise that you may wish to consider the re-alignment of the footpath along the crest of our new flood embankment, rather than along the road to avoid closure. We may also need to consider provision of public safety signage.

Within route section number ABD-1-S017-18, we note the intention to re-align the trail south of the Cake Pill outfall structure along the existing alignment of the flood embankment. The reason stated is that the path is already used. However, we advise that the existing embankment will be excavated with the new alignment of the flood defences being set back around the inland edge of field i.e. the existing formal alignment of the path as shown on your plan. Therefore during high tides it may not be possible to use the alignment of the path you propose.

We note the new pedestrian gates proposed from ABD-1-S021FP to ABD-1-S027 FP. We are delivering the Avonmouth Severnside Enterprise Area (ASEA) Ecology Mitigation and Flood Defence scheme with South Gloucestershire Council and Bristol City Council. Construction is programmed between 2020 and 2024. Please contact our project team direct via [ASEA@environment-agency.gov.uk](mailto:ASEA@environment-agency.gov.uk) to discuss both of our project programmes to ensure we are delivering in an efficient manner and avoid abortive work.

[At this point in the representation there are a number of detailed comments relating to other reports within the Aust to Brean stretch. These are set out in full in Natural England's comments on representations about the report to which they relate.]

## **Fisheries, Biodiversity and Geomorphology**

We note within the Aust to Brean Down Habitats Regulations "table 30 other live plans or projects", the Avonmouth Severnside Enterprise Area (ASEA) Ecology and Mitigation Flood Defence Scheme and the Environment Agency's flood defence maintenance programmes are included.

We note that assent from Natural England for the flood defence maintenance programme and Habitats Regulations Assessment (HRA) is renewed on an annual basis. We are seeking a 3 year agreement next year, so it is hoped assent will be sought on a 3 yearly basis in future (for the Bristol Avon catchment). We note we will have to assess in subsequent years how any residual effects from the programme work could interact with residual effects from the Coast Path.



Although identified as having insignificant and combinable effects, the maintenance programme is not included in Table 31 'Risk of in-combination effects' within the Aust to Brean Down HRA, it is unclear whilst this is the case?

Please note in 2019 we received assent for North Somerset maintenance work between the period 2019 - 2021, so any in combination effects between the maintenance plan and coastal path would need to be considered when assent is reapplied for in 2022.

### **Groundwater and Contaminated Land**

We understand that the trail will predominantly utilise existing infrastructure and there is therefore little likelihood of ground disturbance during construction that may encounter contamination or pose a risk to groundwater.

Should ground disturbance be required, the applicant should make appropriate consideration of potential contamination and follow the guidance 'Land Contamination: Risk Management' found at <https://www.gov.uk/government/collections/land-contamination-technical-guidance> for managing the risks.

### **Next steps**

We ask that any further correspondence/queries regarding the Coastal Access Report, are directed to the Wessex Sustainable Places team using the contact details below. We are principal Environment Agency point of contact.

### **Natural England's comments**

*The representation relates to all the proposals between Aust and Brean Down. Our comments below explain how we think it should be understood in that wider context and, where relevant, in relation to the specific proposals in report ABD1.*

*Natural England has worked closely with the Environment Agency throughout the development of the coastal access proposals for Aust to Brean Down. We thank them for their cooperation and advice to date and for the detailed comments in the representation. We welcome confirmation that the Agency has no 'in principle' objections to the proposed access arrangements and look forward to continued close cooperation during the establishment phase of the coast path project, should the Secretary of State approve a route.*

### **Flood risk considerations and Flood Risk Activity Permits**

*We have a good understanding of the Agency's operational requirements at specific locations including those in this report. Our existing Agency contacts have made us aware of the requirement for to obtain a Flood Risk Activity Permit (FRAP) in relation to some works along the route prior to establishment. From our discussions to date, we anticipate that the Agency will permit all necessary works envisaged to establish the route between Severn Bridge and New Passage and expect that the Agency may place specific conditions on, for example, the timing or detailed specification of some works in order to ensure compliance with flood risk management. South Gloucestershire Council, the local access authority which will undertake the necessary works, is aware of the FRAP requirement and will acquire the necessary permits before any works commence.*

*In our discussions with the Environment Agency we have explained what new and replacement infrastructure is likely to be necessary to facilitate pedestrian access along the route and*

*envisage that the FRAP process will confirm that this can be realised without compromise to the flood defence structures, their repair or maintenance.*

### **Specific issues relating to report ABD1- Severn Bridge to New Passage**

*Flood defence improvements south of Severn Beach are planned between 2020 and 2025 as part of the Avonmouth-Severnside Flood Defence and Ecology Mitigation project (ASEA). ASEA was commissioned by the Environment Agency, South Gloucestershire Council and Bristol City Council. We envisage that the England Coast Path between Aust and Brean will become operational during the ASEA project works period.*

*Area 1 of the ASEA scheme will directly affect sections ABD-1-S016 to ABD-1-S027 of the proposed route between Old Passage (on map ABD 1a) and New Passage (on map ABD 1c). This part of our proposed route corresponds to part of the existing long-distance walking route called the Severn Way. From recent discussions with the ASEA team and South Gloucestershire Council we understand that the Severn Way will be subject to temporary diversions while the ASEA flood defence works are undertaken. Should the Secretary of State approve this part of the England Coast Path route as proposed, we would make any directions that are necessary to exclude access temporarily along affected parts of the route and to direct people along diversions agreed with ASEA and South Gloucestershire Council. In the interests of efficiency we have agreed with the ASEA team that some physical establishment of the approved route may also be delayed until the construction phase of the flood defence improvements are complete.*

*The road to which the representation refers is called Passage Road and corresponds to route section ABD-1-S016; 'New Passage Road', the name used in the representation, is at a different location. We are aware that Passage Road is at risk of occasional flooding and that when this happens the road may be closed for a period of approximately an hour until the tide goes out. As we understand it this is predicted to happen once or twice a year in the short to medium term and accordingly we do not consider it necessary to make any special provisions for walkers.*

*From our recent discussions with the ASEA project team and South Gloucestershire Council we agree that the new flood embankment (landward of the road) may be a more suitable route for the coast path than Passage Road itself; the bank would offer more elevated views of the sea and avoid that part of the road, which most walkers would prefer. At the time of writing we do not know the views of the affected land owners and we therefore suggest that the Secretary of State consider only the current proposal. If after discussion with the affected land owners we conclude that a route along the flood bank would strike a fair balance between public and private interests we will propose it to the Secretary of State at a later date using a variation report.*

*The representation refers to section ABD-1-S017 to ABD-1-S018 of the proposed route; this passes over the Cake Pill outfall structure and adjoining embankment which will be realigned as part of the ASEA project. In table 1.3.1 we propose that this part of the route should be subject to the roll back procedures. Should the Secretary of State approve this proposal, we would adjust the route once the ASEA works are complete, to follow the new flood embankment. The ASEA project team are aware of this and have made provision for a walking route on the crest of the new embankment.*

## **Fisheries, Biodiversity and Geomorphology**

*In respect of our Habitats Regulations Assessment (HRA), we have clarified with the Agency that its flood maintenance programme is listed among the considerations on row 2, page 142 in table 31 of the HRA. The Environment Agency have since confirmed that they agree this to be the case.*

*We thank the Agency for clarifying its intention to consider any in combination effects between the maintenance programme and the coast path as part of its application to Natural England for assent in 2022.*

## **Groundwater and Contaminated Land**

*We note the need to consider land contamination risk with respect to any ground disturbance necessary to establish the route. We thank the Agency for supplying the link to the current guidance, which we will pass on to the local access authority coordinating path establishment.*

## **Next steps**

*We note the requirement to direct any future queries through the Wessex Sustainable Places team and confirm to the Secretary of State that this new point of contact is now established.*

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### **Representation number:**

MCA / ABD Stretch/ R/8/ ABD1434

### **Organisation/ person making representation:**

Joint Local Access Forum (Bath and North East Somerset, Bristol City and South Gloucestershire)

### **Route section(s) specific to this representation:**

ABD1

### **Other reports within stretch to which this representation also relates:**

ABD2 and ABD3

## **Representation in full**

This representation is made on behalf of the Joint Local Access Forum (JLAF) for Bath & North East Somerset, Bristol City and South Gloucestershire. The JLAF's statutory function is to advise public bodies on matters relating to public access and the section of the route from Aust to Avonmouth Bridge lies within the JLAF's area.

The LAF support and acclaim the proposals for the England Coast Path. The various parties involved in developing these proposals should be commended for the amount of work that has gone into reaching this stage so far and Natural England are to be commended for publishing a very comprehensive set of proposals. The report identifies various improvements to provide better

access, path surfaces and protection to sensitive areas of habitat and, from a user's perspective, these proposals seem reasonable. This is a significant opportunity to improve public access to this stretch of coast, with benefits for residents, businesses and visitors. A greater number of people will have easier and more extensive access to the coastal environment for open-air recreation, which is widely acknowledged to have significant benefits for human health and wellbeing.

There is a need for the necessary arrangements to be in place to ensure that improvements along the Severn Way from Aust to Avonmouth are coordinated between Natural England, the Environment Agency and their contractors. The JLAF wish to draw particular attention to the need for co-ordination in respect of the Area 1 Scheme, the Area 3A scheme and the Area 5 Scheme which are part of the Severn Way flood defence improvements (PT18/2505/R3F).

### **Natural England's comments**

*We thank the Forum for the interest it has taken in the development of our coastal access proposals for the coast between Aust and Avonmouth and for its support for the final proposals, including the measures proposed to protect wildlife and supporting habitats. We ask that the Secretary of State note these views and the expected benefits from the coast path in terms of public enjoyment, physical health and well-being.*

*The representation raises a concern with respect to planned flood defence improvements between Aust and Avonmouth, known as the Avonmouth-Severnside Flood Defence and Ecological Mitigation project (ASEA). These works will affect parts of the proposed route in report ABD1. On this part of the coast the proposed route follows an existing promoted longdistance route called the Severn Way.*

*We agree that close working relationships will be necessary between Natural England, the Environment Agency and their contractors carrying out the ASEA project, to which we would add South Gloucestershire and Bristol City Councils which are also partners in both the England Coast Path and the flood defence improvement projects. This will help avoid any conflict between the flood defence works and recreational use, ensure impacts on wildlife are minimised and ensure efficient operations for both projects. All the organisations involved are aware of this requirement and a meeting has already been held recently to discuss expected timescales and ways of working.*

*Of the specific elements of the flood defence improvement programme listed in the representation, only works in Area 1 (Aust to Severn Beach) are expected to directly affect access along the proposed England Coast Path route in report ABD1. Area 3A works would affect the proposed route in report ABD2 and we consider it further in our comments on representations about that report. Area 5 works (Northwick mitigation area) will not directly affect the England Coast Path.*

*Area 1 works will affect access along route sections ABD-1-S016 to ABD-2-S027. We refer the Secretary of State to the Environment Agency's representation above and to our comments about it; there we explain in further detail potential impacts and how we intend to mitigate them with cooperation from the ASEA project team.*

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### **Other representations**

**Representation Number**

MCA/ABD Stretch/R/1/ABD1840

MCA/ABD Overview/R/2/ABD1842

**Organisation/ person making representation:**

[redacted]

[redacted]

**Route section(s) specific to this representation:**

ABD1

**Other reports within stretch to which this representation also relates** All

reports between Aust and Brean Down

**Summary of representations:**

[redacted] is a resident of North Somerset and Ward Councillor for Banwell and Winscombe, a short distance from the coast at Weston-super-Mare. [redacted] is a local resident and walker. Both express support and enthusiasm for the coastal access proposals from Aust to Brean as a whole.

[redacted] anticipates that the path will promote tourism, sustainable travel and a more active lifestyle. She points out that that sustainable travel should play a major part in finding solutions to the climate crisis declared by North Somerset Council and believes that the coast path can contribute to sustainable travel because it links several coastal towns and so may be used by commuters.

[redacted] looks forward in particular to walking a path along Woodspring Bay, part of the coast covered in report ABD6 where there is no existing path.

**Natural England's comment:**

*We thank [redacted] and [redacted] for their enthusiastic responses to the coastal access proposals. We draw the Secretary of State's attention to the anticipated benefits of our coastal access proposals both with respect to sustainable travel and public enjoyment.*

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**Representation Number:**

MCA/ ABD1/ R/1/ ABD1843

MCA / ABD1/ R/3/ ABD1662

**Organisation/ person making representation:**

The Disabled Ramblers

North Somerset Local Access Forum

**Route section(s) specific to this representation:**

ABD1

## **Other reports within stretch to which this representation also relates** All reports between Aust and Brean Down

### **Summary of representations:**

Both the Disabled Ramblers and the North Somerset Local Access Forum urge Natural England to take fuller account of the needs of mobility scooter users.

The Disabled Ramblers make several general remarks on this theme. These are implicitly supported by the North Somerset Local Access Forum in its representation and in the general remarks it appends to its representation (which can be found in section 6 of this document):

- Natural England, in the Accessibility statement 1.2.11 in Report ABD 1, has not recognised that there is a significant and steadily increasing number of people with reduced mobility who use off-road mobility scooters and other mobility vehicles to enjoy routes on more rugged terrain including uneven grass and bare soil paths. The Disabled Ramblers includes a photograph to illustrate this general point, which can be found in section 6 of this document.
- The terrain in report ABD 1 is suitable for this group of people. The North Somerset Local Access Forum makes the same point with respect to the proposed route to the south as set out in report ABD2.
- Natural England should take all reasonable steps needed to make the trail as easy as possible for disabled people and those with reduced mobility, and be mindful of British Standard BS5709: 2018 Gaps Gates and Stiles.
- In doing so it should reconsider the suitability of existing infrastructure that it has indicated in the report should be retained because in many cases this bars legitimate access for this group of people. There are places where a different choice of infrastructure will open up access to those with limited mobility to the England Coast Path.

By way of example of the last point, the Disabled Ramblers attach a photograph of a field gate and stile at Cake Pill outfall corresponding to route section ABD-1-S017 on map ABD 1b of the report. The photograph can be found in section 6 of this document. The representation points out that removal of the stile as proposed in Natural England's report will not create a gap of sufficient width to allow mobility scooters to pass.

The North Somerset Local Access Forum specifically asks Natural England to consider the needs of mobility vehicle users in the choice and design of any new gates to be installed along Aust Cliff, corresponding to route sections ABD-1-S005 to ABD-1-S013 on map ABD 1a.

The Disabled Ramblers undertakes to submit further recommendations to Natural England separately to be considered as part of the establishment works, which Natural England has since received.

The North Somerset Local Access Forum is not the local access forum for the area in which the affected land is situated and its representation about this report has therefore been treated as one of the other representations which in accordance with the legislation are to be summarised.

### **Natural England's comment:**

*We thank the Disabled Ramblers and the North Somerset Local Access Forum for their representations and in particular welcome the timely focus on adjustments for mobility scooter users.*

*The suggestions made by them concern the choice and design of existing and new structures along the proposed routes, should it be approved by the Secretary of State: they do not imply any modification of the proposed routes or the extent of the associated margin and the access rights within it.*

*We recognise that there have been recent innovations in the design of mobility scooters and that as a result mobility scooters are more versatile and in particular have much longer battery life.*

*We note that in finalising the schedule and specification of establishment works for any route approved by the Secretary of State, both Natural England and South Gloucestershire Council, the local access authority which will undertake the works, should take all reasonable steps needed to make the trail as easy as possible for disabled people and those with reduced mobility, having regard to British Standard BS5709: 2018 Gaps Gates and Stiles.*

*Since receiving these representations, we have further and more detailed suggestions from the Disabled Ramblers as to how best to fulfil this aspiration for the proposed route between Severn Bridge and New Passage. We shared all these suggestions with South Gloucestershire Council.*

*Natural England and South Gloucestershire Council share the ambition to make the coast path accessible to mobility scooter users and in principle agree to the suggestions made to achieve this. This is subject only to any practical considerations which may be raised by other interests in the land, including any requirements of the Flood Risk Activity Permit issued by the Environment Agency and the agreement of other affected land owners, which must be sought before any works are undertaken.*

**Relevant appended documents (see Section 4 – other supporting documents):**

*From the Disabled Ramblers representation:*

- *Photograph illustrating use of mobility vehicle on uneven grass path*
- *Photograph of field gate and stile at Cake Pill outfall (route section ABD-1-S017).*

*From the North Somerset Local Access Forum representation:*

- *General comments on accessibility for those with limited mobility 17.9.19.*

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**Representation number:**

MCA / ABD1/ R/2/ ABD1629

**Organisation/ person making representation:**

Aust Parish Council

**Route section(s) specific to this representation:**

ABD1

**Other reports within stretch to which this representation also relates**

-

**Summary of representation:**

The Parish Council describes the proposed route along the cliff top between the Severn Bridge and Old Aust Ferry as eroded and falling away. It feels that it would be unsafe to use this route and would potentially create a health and safety issue. It points out that there is an existing footpath within 400 metres of the proposed path which could continue to be used. The path it refers to is the existing Severn Way, which (where different from the proposed route) is indicated by a line of green diamonds on map ABD1a.

**Natural England's comment:**

*We thank the Parish Council for its representation.*

*We maintain that the proposed route between Severn Bridge and Aust Ferry is sufficiently safe for walkers. We refer the Secretary of State to our comments on representation MCA/ABD1/R/4/ABD0357 from South Gloucestershire Council Public Rights of Way Subcommittee where we explain our thinking about this concern in more detail.*

*The existing footpath to which this representation refers is the Severn Way long-distance walking route shown in green diamonds on map ABD 1a. We refer the Secretary of State to table 1.3.2 of the report where we explain why we opted for the proposed route along the cliff top in preference to the Severn Way.*

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**Representation number:**

MCA/ ABD1/ R/3/ ABD1662

**Organisation/ person making representation:**

North Somerset Local Access Forum

**Route section(s) specific to this representation:**

ABD1

**Other reports within stretch to which this representation also relates**

All reports between Aust and Brean Down

**Summary of representation:**

The Forum makes two points about access along the path for people with reduced mobility which are summarised in section 4 alongside similar points made by the Disabled Ramblers. It also makes the following two general points:

- Whilst specific restrictions on dogs are in place for certain sections of the ECP, there should be an expectation that dogs should be kept under close control at all times



- On-site signage and interpretation should only be used after very careful consideration of need and appropriateness to the location. Waymarks should only be used where the route is not abundantly clear and/or where a potential safety hazard may be encountered

The North Somerset Local Access Forum is not the local access forum for the area in which the affected land is situated and its representation about this report has therefore been treated as one of the other representations which in accordance with the legislation are to be summarised.

### **Natural England's comment:**

#### ***Access for people with dogs***

*Our approach to access by people with dogs is underpinned by the coastal access legislation, the principle of the 'least restrictive option' set out in section 6.3 of the [Coastal Access Scheme](#), and the specific interpretation of that principle at paragraphs 6.7.7 to 6.7.9 of the Scheme.*

*The default position on the England Coast Path is that people must keep dogs under effective control, although the precise legal requirement may be different where there are pre-existing access rights.*

*Access legislation defines effective control as meaning that the dog must either be:*

- *on a lead or:*
- *within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.*

*It further requires that dogs must be on a lead at all times in the vicinity of livestock.*

*(See paragraph 6A of [Schedule 2 to the Countryside and Rights of Way Act 2000](#), as amended for the purposes of the coastal margin).*

*We think that effective control is a clearer and more easily understood expectation than the words 'close control', which are not further defined in law.*

*We know that many people seek opportunities to exercise their dogs off lead and there are many places at the coast where they may reasonably expect to do so. For these reasons we say that effective control is also a more appropriate general expectation than close control, provided people understand and can comply with its specific requirements.*

*We support the use of further local restrictions provided, in accordance with the least restrictive principle, there is a proven need and the restriction used is proportionate to that need. For example in report ABD6, we have proposed that dogs must be on leads at all times in several places in order to minimise disturbance to roosting and feeding waterbirds.*

### **Signs**

*We agree with the Local Access Forum that waymarks, signs and interpretation should be used sparingly and after consideration of the need and suitability to the location. South Gloucestershire Council is advising us on the design and location of signs for this part of the route.*

*Fingerposts and small waymark discs are in our view necessary to signal the route and give walkers the clarity and confidence to follow it.*

*We also intend to install notices at various sensitive locations between Cake Pill and New Passage asking people to keep to the path and to make sure their dog stays on the path too, using a lead if the dog cannot otherwise be relied upon to do so. The notices will in some cases be accompanied by information to stimulate interest in waterbirds and their conservation. This is necessary as part of our efforts to ensure that there is no overall increase in disturbance to roosting and feeding waterbirds on the estuary.*

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**Representation number:**

MCA / ABD1/ R/6/ ABD1606

**Organisation/ person making representation:**

Pilning and Severn Beach Parish Council

**Route section(s) specific to this representation:**

ABD-1-S019 to ABD-1-S023

**Other reports within stretch to which this representation also relates:**

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**Summary of representation:**

The councillors propose that people should be excluded from all saltmarsh seaward of the path for the benefit of wildlife and grazing.

**Natural England's comment:**

*We thank the Parish Council for its representation and the advice it has given us during the development of our proposals.*

*The representation refers to all saltmarsh seaward of the path. We infer this to be the belt of saltmarsh seaward of route sections ABD-1-S015 to ABD-1-S027. Here, by way of background, the Secretary of State may wish to note that access rights to the lower saltmarsh and flats would be excluded under the proposal in paragraph 1.2.17 of [report ABD1](#), because we are satisfied that it is unsuitable for access, to the extent shown on Directions Map ABD 1A in the report. The upper saltmarsh has different physical characteristics and we concluded that access there should not be excluded on those grounds.*

*The representation does not question the suitability of the saltmarsh for access. Instead it proposes that access rights should be excluded to protect wildlife and grazing animals. In relation to both, we refer the Secretary of State to the criteria in chapter 6 of the Coastal Access Scheme which explains that in deciding what level of intervention, if any, is necessary in relation to such concerns we must adopt the principle of the least restrictive option that will meet the need.*

## **Grazing**

*Cattle graze the land between Cake Pill on map ABD 1b and Chestle Pill on map ABD 1c. The land consists of an earth embankment and saltmarsh, corresponding to route sections ABD-1S018 to ABD-1-S025 and land seaward of it that would be coastal margin. The existing path here is not separated from the grazing land and the land owners have not raised concerns about the impact of public access on the grazing animals. We maintain that intervention is not necessary in relation to grazing.*

## **Wildlife**

*We agree that the area is sensitive to disturbance because significant numbers of waterbirds roost in some places at high tide. The sensitivity of roosting waterbirds to disturbance is explained in more detail in section D2.4 of our published [Habitats Regulations Assessment \(HRA\)](#). Part D3.2A of the HRA sets out our assessment of existing disturbance to waterbirds at this location and likely change as a result of the access proposals. There we explain why we do not expect any appreciable increase in disturbance as a result of the access proposals.*

*Our assessment takes into account the proposal set out on page 3 of the report to install notices on particular parts of the path to promote the saltmarsh seaward of the path as a refuge for waterbirds. The notices will ask people to remain on the path in these areas and to keep their dogs on the path with them, using a lead if necessary. We maintain that this level of intervention is sufficient and that it is not necessary to exclude access for nature conservation reasons at this location.*

## **Relevant appended documents (see Section 4- other supported documents):**

*The Parish Council attached to its representation a document entitled 'Coastal path comment version 2'. This summarised the views of some of its members on reports ABD1 and ABD 2. There were no further remarks of relevance to this report in the attachment.*

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### **Representation number:**

MCA / ABD Stretch/ R/9/ ABD1911

### **Organisation/ person making representation:**

Wildfowl and Wetlands Trust (WWT)

### **Route section(s) specific to this representation:**

ABD1

### **Other reports within stretch to which this representation also relates:**

All reports within stretch

### **Summary of representation:**

The Wildfowl & Wetlands Trust (WWT) is the UK's leading wetland conservation charity, with a vision of a world where healthy wetland nature thrives and enriches lives. It works across the

UK and internationally to conserve, restore and create wetlands, save wetland wildlife, and inspire people to value the amazing things healthy wetlands achieve for people and nature.

The Aust to Brean Down section of England's coastal path is located along a stretch of the Severn Estuary in between two of WWT's sites, Slimbridge to the north and Steart Marshes to the south. The Trust welcomes the addition of coastal access for visitors and residents, and hopes this will encourage people to explore the wonderful Severn estuary and its wildlife. It supports the development of signage to encourage interest in the waterbirds and wildlife using the estuary.

It welcomes the mitigation measures that have been identified in the Habitats Risk Assessment and Nature Conservation Assessment to reduce the impact on waterbirds and estuarine habitats. It has worked on similar mitigation measures elsewhere in the Severn estuary. It has concerns about relying on adoption of behavioural change outlined on signs to mitigate disturbance, as it is unrealistic to expect that everyone will read and adopt required behaviour displayed on signs.

In order to encourage adoption of behaviour displayed on signs, it suggests that further engagement of the local community may be useful in installing signs and encourage individuals to help warden the area independently.

It encourages further consideration of the need for additional physical measures, such as screens and netting, to prevent people and dogs leaving the path in highly sensitive areas. It says stock netting in areas where people frequently let dogs off leads regardless of signs has proved effective at preventing dogs accessing sensitive areas without compromising visual aesthetics. With regards to seasonal access, it believes it is important that information on when routes are open and shut is made very clear and easy to read. It says that locked gates during the closed period also aids in controlling access.

It suggests follow-up work to check if the mitigation is effective.

### **Natural England's comments**

*We welcome the Wildlife and Wetlands Trust representation and for their support for the overall objective of a continuous route along the lower Severn estuary, the measures we propose to avoid mitigate potential disturbance of waterbirds and the use of branded signs to stimulate public interest in waterbirds.*

*The representation relates to all the proposals between Aust and Brean Down. Our comments below explain how we think it should be understood in that wider context and, where relevant, in relation to the specific proposals in report ABD1.*

*Our overall approach to disturbance and mitigation is set out in our published [Habitats Regulations Assessment](#), including the simple set of behavioural messages that we propose to promote to walkers along the estuary.*

*We agree that it is not realistic to expect everyone to read signs or adhere to behavioural messages and the signs we propose are backed up in some places with additional measures. In [report ABD1](#) we do not propose any mitigation measures other than new signs because the patterns of use are well established and we do not foresee any significant changes when the coast path opens – see the assessment of existing access and predicted change in section D3.2A of our HRA.*

*We agree that fencing can be a useful way to avoid disturbance to waterbirds and this is an option we propose to use in other parts of the estuary, in particular where new sections of path are proposed and walkers or their dogs might otherwise stray off the path into a sensitive area.*

*We agree with WWT that face-to-face engagement with the local community may be a useful way to help new access arrangements to bed in and we have already begun discussions with two local partner organisations who are interested in doing so.*

*Overall we are confident in our conclusions that the suite of mitigation measures we propose in the report will give the required level protection. We note WWT's suggestion to check that it operates as expected. There are two arrangements in place that will help with this: first, the requirement for local access authorities to report to Natural England on the condition of the path and associated infrastructure, in order to qualify for central government contribution towards maintenance costs. The second is the ongoing Wetland Birds Survey (WeBS), a national scheme by which we are able to track trends in the populations of wetland bird species using the Severn Estuary.*

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#### **4. Supporting documents**

**MCA/ ABD1/ R/1/ ABD1843: [redacted], The Disabled Ramblers**

Photograph illustrating use of mobility vehicle on uneven grass path.

[image redacted due to containing personal information]



## **MCA / ABD1/ R/3/ ABD1662: North Somerset Local Access Forum**

### *General Comments on Accessibility for those with Limited Mobility*

Many people with reduced mobility like to get off tarmac onto natural surfaces and out to wilder areas whenever they can. At one extreme, a determined pusher of a manual wheelchair can enable access to a disabled person across grass and up steep hills. At the other, off-road mobility scooter riders can manage rough terrain, significant slopes, cross water up to 8" deep and, depending on battery type and terrain, they can easily run 8 miles in one charge.

A significant part of the proposed ECP is along seawalls, sea banks and flood banks. Seawalls are often very suitable for off-road mobility scooters and some other mobility vehicles. They afford an opportunity for the rider to get off tarmac, to access wilder terrain, enjoy great views, and experience the local wildlife.

All furniture should be designed for ease of use by those with limited mobility. Existing barriers to access for off-road mobility scooters should be removed wherever possible. If this is not possible then a nearby alternative route should be sought. There are often diversions that pavement scooters could take to bypass stretches of the ECP that are not suitable for them. There should be an assumption that a person with reduced mobility will be unaccompanied and will need to be able to operate the structure on their own, seated on their mobility vehicle. In the urban environment it is important there are enough well-placed dropped kerbs to enable easy progress along the route for and to allow those with limited mobility to access nearby facilities.

If a pavement scooter can manage the terrain and the gates/barriers, it is likely that manual chairs can too. Pavement scooters often have lower clearance, are longer and do not fit through most kissing gates that are suitable for pushchairs and wheelchairs. Pavement scooters are widely used over longer distances in preference to manual wheelchairs.

When considering suitability of man-made structures along the route we ask that British Standard 5709:2018 Gaps, Gates & Stiles be taken in to account. The Standard updates the

previous BS version in view of recent thinking and legislation to focus on the needs for less able-bodied and disabled people to be able to access the countryside.