

Coastal Access – Aust to Brean



Representations on ABD 6 – Wains Hill to Huckers Bow and Natural England’s comments

November 2019

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1. Introduction

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

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

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

2. Background

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

In relation to the report for Wains Hill to Huckers Bow, Natural England received **84** representations, of which **11** were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are reproduced in Section 3 of this document together with Natural England's comments where relevant.

As required by the legislation this document also summarises and, where relevant, comments on the **73** representations submitted by other individuals or organisations, referred to here as 'other' representations. Of those 73 'other' representations, **71** contain similar or identical points. Natural England's comments on 'other' representations are set out in two parts:

- The recurring themes in the 73 'other' representations have been summarised in section 4 as **7** points, each with our comments on them.
- Any of the same 'other' representations that make other, non-common points are then commented on separately in section 5 alongside any remaining 'other' representations.

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

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

Representation number:	<i>MCA/ABD Stretch/R/5/ABD1687</i>
Organisation/ person making representation:	<i>North Somerset Council</i>

Route section(s) specific to this representation:	-
Other reports within stretch to which this representation also relates:	<i>ABD4, ABD5, ABD6, ABD8 and ABD9</i>
Representation in full	
<p>North Somerset Council welcomes Natural England’s proposal to establish a path along the North Somerset Coast line between the River Axe and the River Avon. The 32-mile stretch will form part of the England Coast Path National Trail.</p> <p>The England Coastal Path National Trail will be a great resource enabling the public to walk along our coastal regions enjoying our views. This will be a benefit both to local residents and visitors of our area.</p> <p>Natural England have carried out numerous meetings with affected landowners and those with a legal interest in the land affected attempting to strike a fair balance between landowner interests and public access as well as protecting nature conservation sites.</p>	
Natural England’s comments	
<p>We have worked closely with North Somerset Council throughout the development of our coastal access proposals for North Somerset, from Avon Bridge (report ABD4) to Brean Cross Sluice (ABD9). 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.</p> <p>We thank the Council for its advice and cooperation and ask the Secretary of State to note its views on the benefits for residents and visitors to the area.</p>	

Representation number:	<i>MCA/ABD Stretch/R/7/ABD1899</i>
Organisation/ person making representation:	<i>The Environment Agency</i>
Report map reference:	-
Route section(s) specific to this representation:	-
Other reports within stretch to which this representation also relates:	<i>ABD1, ABD2, ABD4, ABD7, ABD10</i>
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-risk-activities-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 .

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:

[At this point in the representation there are a number of detailed comments relating to various reports within the Aust to Brean stretch. Here we include only those relating to report ABD6. The others are set out in full in Natural England’s comments on representations about the report to which they relate.]

ABD6 Wain's Hill, Clevedon to Huckers Bow

There are flood defences between Clevedon and Huckers Bow, these need to be protected and not damaged. Any works would require a FRAP. Our maintenance access will need to be protected along the defences on this entire route, in the interests of flood risk management.

There is potential for managed realignment within Woodspring Bay with defence lines set back subject to land owner agreement.

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 ABD6.

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 Activity Permit

We have a good understanding of the Agency's operational requirements at specific locations including the flood defences between Clevedon and Huckers Bow. Our existing Agency contacts have made us aware of the requirement to obtain a Flood Risk Activity Permit (FRAP) in relation to some works along any approved route prior to establishment. From our discussions to date, we anticipate that the Agency will permit all necessary works envisaged to establish the proposed route between Wain's Hill and Huckers Bow 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 objectives. North Somerset 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.

ABD6 Wain's Hill, Clevedon to Huckers Bow

We are aware from the [Severn Estuary Flood Risk Management Strategy](#) of the potential for managed realignment within Woodspring Bay where opportunities arise through discussion and agreement with affected land owners. We have not proposed the use of rollback powers at this location because there are no firm proposals for managed realignment at this location. Should a scheme for managed realignment be proposed, we would work with the Environment Agency and other relevant interests to ensure that the scheme includes appropriate provision for coastal access and any necessary nature conservation measures. Should this necessitate a change to the approved route we would submit a variation report detailing the proposed change(s) for consideration by the Secretary of State.

Fisheries, Biodiversity and Geomorphology

In respect of our published Habitats Regulations Assessment (HRA), we have clarified since receiving this representation that the Environment Agency's flood maintenance programme is listed among the considerations on row 2, page 142 in table 31 of [the HRA](#). The Environment Agency have confirmed to us 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.

Representation number:	<i>MCA/ABD6/R/14/ABD1843</i>
Organisation/ person making representation:	<i>[redacted], BASC</i>
Report map reference:	<i>ABD 6a to ABD 6f</i>
Route section(s) specific to this representation:	-
Other reports within stretch to which this representation also relates:	-

Representation in full

Disruption

The proposed route runs adjacent to foreshore and other land that Clevedon Wildfowlers Association either own or have shooting rights over. These rights have been actively exercised for many years.

In the past there has been no public access between Wain’s Hill and Huckers Bow.

BASC and CWA believe that these new access rights will inevitably increase the visibility of CWA members going about their lawful (and highly regulated) activities, and are concerned that this increased visibility may lead to attempts to disrupt legitimate activity and/ or to leave wildfowlers open to verbal abuse or worse.

Experience suggests that this type of behaviour often stems from lack of understanding of wildfowling – what it entails, how the activity is regulated and managed, its sustainability, cultural history, and the wider benefits that the presence of the club brings to the site.

BASC requests that interpretation boards are put in place to explain the activity and its role in the conservation picture. We would be pleased to work with NE and CWA to develop these materials which could include (QR code) links to short video clips and other resources.

Severe weather

Prolonged periods of severe weather present a serious physiological challenge to overwintering waterfowl, especially roosting waders. When little or no feeding is possible and birds are experiencing an increased energy demand to keep warm any unnecessary disturbance can lead directly to increased mortality.

Following 14 consecutive days of severe weather (typically persistent freezing conditions) the relevant government ministers have the power to make protection orders suspending the shooting of wildfowl and waders in England, Wales and Scotland, under Section 2 (6) of the Wildlife and Countryside Act, 1981. Similar provisions apply in Northern Ireland under the Wildlife (Northern Ireland) Order 1985 (as amended 2011).

However wildfowlers, including CWA members, abide by BASC's Severe Weather policy by calling for voluntary restraint from day seven of 'severe weather' up to the time when any statutory suspension takes effect. A full explanation what is meant by "voluntary restraint", can be found here - <https://basc.org.uk/wp-content/uploads/downloads/2017/11/Fact-Sheet-Waterfowl-Shooting-and-Severe-Weather-Voluntary-Restraint-091117.pdf>

Voluntary restraint and/or statutory suspension is a vital conservation measure that will be completely undermined and pointless if public access is allowed to continue during periods of severe weather.

The proposal for this stretch of the path should incorporate a mechanism for the closure of the path during periods of statutory suspension, and we would also urge NE to adopt the precautionary approach of the wildfowlers by restricting access during periods of voluntary restraint.

We would also recommend that this approach should be adopted nationally wherever roosting waterfowl may be at risk of disturbance from the ECP during periods of severe weather.

Natural England's comments

We thank the Association (BASC) for its comments and constructive engagement during the development of the proposals. The representation makes two suggestions, that there should be interpretation boards to explain wildfowling activity in this area to coast path users, and that the proposed access rights should be restricted during severe weather.

Interpretation

We agree that local wildfowling activity is likely to be more visible to members of the public using the proposed path than currently and we note the concern that this may lead to attempts to disrupt it. We accept that when such behaviour has occurred, their experience suggests that it often arises from a lack of understanding of wildfowling. We agree that suitably designed interpretation boards would help to reduce this risk. We would be happy to discuss this proposal further with BASC and the local club and give an undertaking to do so, should the Secretary of State approve access for this part of the coast.

Severe weather

We agree with BASC that waterbirds are more vulnerable to disturbance during severe winter weather. This is in part as energy requirements to maintain body temperature are generally higher in colder weather, and disturbance will act to both reduce the time available to feed and to increase energetic cost, for example from additional flight. In this area we have designed the route and

associated mitigation measures carefully to reduce the risk of disturbance to waterbirds at key locations for roosting and feeding.

Waterbirds are a qualifying feature of the Severn Estuary Special Protection Area and Ramsar site and our proposals have therefore been considered in the published [Habitats Regulations Assessment](#) (HRA). Section 3.2D of the HRA assesses the risks to waterbirds between Wain’s Hill and Huckers Bow. The HRA takes account of the greater vulnerability of waterbirds to disturbance during severe weather. The HRA concluded that the proposals would not have an adverse effect on the integrity of the site. We maintain that this conclusion is correct and that no further mitigation is necessary at this location.

We have explained in previous discussions with BASC and with the club that it would be possible for Natural England to give a direction at very short notice to restrict or exclude access rights for nature conservation reasons, using powers available to us under section 26(3)(a) of the Countryside and Rights of Way Act 2000. It would be very unusual for us to conclude that such a measure is necessary, but we will remain open to that possibility and continue to make decisions based on evidence available at the time.

Representation number:	<i>MCA/ABD6/R/27/ABD1650</i>
Organisation/ person making representation:	<i>Clevedon Wildfowlers Association</i>
Report map reference:	<i>ABD 6d</i>
Route section(s) specific to this representation:	<i>ABD-6-S034 to ABD-6-S042</i>
Other reports within stretch to which this representation also relates:	-

Representation in full

ABD-6-S034 to ABD-6-S042

The majority of this section has been designed in such a way that the public and their dogs will be within fencing or behind fencing until section ABD – 6- S041 – S042.

For all of this section we request that in addition to the proposals for fencing dog proof fencing is placed on all gates along the route to stop dogs accessing the sea wall or livestock.

The proposals in their current form do not go far enough to protect the high tide roosts, 4k from physical disturbance and 4J from visual disturbance from dogs accessing the intertidal zone. The Identification of wintering waterfowl high tide roosts on the Severn Estuary SSSI/SPA (Brean Down to Clevedon) 2015 (RP02262) study (The Latham Study) identifies roosts 4k and 4j as being of high importance and the proposals in their current form do not offer sufficient protection from disturbance by dogs.

Between section ABD – 6- SO41 – SO42 there is the risk of dogs gaining access to the intertidal zone opposite roost 4J and therefore the proposals do not sufficiently mitigate the risk of disturbance from dogs (and as well as the cumulative impact of dogs along this section Wains Hill to Huckers Bow) therefore we ask that a statutory restriction for dogs on leads (Section 26 (3) (a) of the Countryside and Rights Of Way Act 2000) is put in place year round.

In addition to the above reason. The two fields in question are also used for in lamb Ewes and grazing lambs in late summer. Both of these livestock types are at greatest risk and disturbance to dogs off leads. We therefore also ask that a statutory restriction be put in place under S24 for long term access restriction for dogs on leads year-round for land management purposes.

We also ask for clear signage as to why dogs should be on leads and the need to protect livestock in those fields specifically identifying the risk of disturbance to SPA species.

Natural England's comments

This is the first of 6 representations received from the Clevedon Wildfowlers Association. We thank its members for the representations and for their constructive engagement with us during the development of the proposals.

This representation refers to a part of the proposed route along the northeast bank of the Congresbury Yeo river where there are waterbirds that can be sensitive to disturbance by recreational users. The Clevedon Wildfowlers Association owns land seaward of route sections ABD-6-S034 to ABD-6-S041 and holds shooting rights to other land adjacent to it.

Sections ABD-6-S034 to ABD-6-S041 are landward of the main sea defence, an earth embankment which the representation describes as the sea wall. The position of the route means path users will be out of sight of waterbirds roosting on the saltmarsh to either side of the channel. Route section ABD-6-S042 is further away from the two roosts than the downstream sections and the risk of disturbance is correspondingly lower: accordingly it is on top of the sea wall where path users can view the river channel and any waterbirds in the vicinity. We also propose that access rights to the land between the path and the river channel be excluded and various physical measures to complement these proposals. All the measures are summarised in table 6.2.8 of [report ABD6](#) (page 6) where we explain that we consider them necessary to reduce the risk of disturbance.

The Congresbury Yeo is part of the Severn Estuary Special Protection Area and Ramsar site and our proposals have therefore been considered in the published [Habitats Regulations Assessment](#) (HRA). The HRA draws on evidence in a [2015 report](#) to Natural England that identifies places on the Severn Estuary where waterbirds gather to rest (roost) at high tide. The representation calls this 2015 report 'the Latham Study' and makes reference to two roosts identified there: roost 4K is an area of intertidal land between route sections ABD-6-S040 and ABD-6-S041 and the river channel, and is owned by the Clevedon Wildfowlers Association; roost 4J is an area of intertidal land on the opposite side of the river owned by a local farmer. The approximate extent of the two roosts can be seen alongside the proposed route on map D2 of the HRA. Table 21 of the HRA considers potential risks to

waterbirds using these two roosts (and other roosts in the area) from coastal access users. The HRA concludes that the access proposals will not have an adverse effect on the integrity of the site.

There is a fence between route sections ABD-6-S034 to ABD-6-S040 (and part of section ABD-6-S041) and the top of the seawall. In the fence there are several field gates that give farm access to the top of the seawall. This representation requests that dog-proof fencing is attached to the field gates, which we understand is to prevent dogs wriggling through the bars of the gates or under them. It argues that this is necessary to reduce the risk that walkers' dogs will go up to the top of the seawall where they would be visible to roosting birds. We agree that this could happen, but in our view the extensive fencing and other measures already proposed are sufficient to reduce that risk to a very low level. We are willing, as a goodwill gesture, to pay for the additional fencing on the gates as part of the establishment works, subject to agreement from the owners of the gates and any practical considerations on the ground that might prevent it.

The representation also requests that Natural England give a direction requiring path users to keep dogs on leads all year round along route section ABD-6-S041, which is only partially fenced from the top of the seawall, and ABD-6-S042 which is on top of the seawall. The direction, the representation argues, will also help reduce disturbance risk to ewes and lambs grazing in the fields through which the passes. We do not agree that a direction is necessary on either count, because national rules apply in the coastal margin which people with dogs must follow at all times on the England Coast Path and these rules address both concerns ([see paragraphs 2.4.5 and 2.4.6 of the Coastal Access Scheme](#)).

First, a person who brings a dog with them must keep it on a short lead in the vicinity of livestock. This rule addresses risks to livestock and we have developed a standard sign which can be attached to gate posts and way-marker posts that explains it to walkers. The sign is widely used along the England Coast Path at entrances to fields such as these where there may be livestock.

Second, even at times when there are no livestock in the fields, people must keep dogs under "effective control", which means they must:

- keep the dog on a lead; or
- keep it within sight, remain aware of its actions and have reason to be confident that the dog will return reliably and promptly to them on command;
- and in either case, keep the dog on land with coastal access rights or other land to which the person has a right of access.

The combined effect of these requirements, in places where access rights are confined to the path itself (here, for nature conservation reasons), is that a person must keep their dog on a lead unless they can be confident that it will remain on the path without using one. Accordingly the notices that we propose for sensitive locations such as this will ask walkers to keep to the path and keep dogs with them on the path, using a lead if necessary. Our view is that this is an effective and proportionate way to address the risk. It is in keeping with the general approach described in paragraph 6.7.7 of the

Coastal Access Scheme that we must take care not to require people to keep their dogs on leads unnecessarily.

Representation number:	<i>MCA/ABD6/R/28/ABD1650</i>
Organisation/ person making representation:	<i>Clevedon Wildfowlers Association</i>
Report map reference:	<i>ABD 6d</i>
Route section(s) specific to this representation:	<i>ABD- 6-S030 to ABD -6-S034</i>
Other reports within stretch to which this representation also relates:	-

Representation in full

ABD-6-S030 to ABD-6-S034

Sections of this proposal have statutory restrictions for dogs on leads year-round however there is a small section between ABD-6- s030 and SO31 which does not maintain this restriction. The land through which the proposals pass is currently a nature reserve managed by Avon Wildlife. Whilst the proposals will provide for a fence to be incorporated in the screen proposed there is no provision for fencing after the screen. There is therefore a risk of increased disturbance to the nature reserve and adjacent field as a result of these proposals. We also ask that clear signage is used to inform the public of the need to keep dogs under close control and on a lead at all times.

The risk of disturbance from dogs (and as well as the cumulative impact of dogs) would be reduced along this section if a statutory restriction for dogs on leads (Section 26 (3) (a) of the Countryside and Rights Of Way Act 2000) is put in place year round.

Natural England's comments

This is the second of 6 representations received from the Clevedon Wildfowlers Association. It refers to a part of the proposed route near the mouth of the Congresbury Yeo river where there are waterbirds that can be sensitive to disturbance by recreational users.

Sections ABD-6-S030, ABD-6-S032 and ABD-6-S033 pass through land owned by the Environment Agency and leased to Avon Wildlife Trust to manage as a nature reserve. Section ABD-6-S031 passes along the edge of an intermediate field which is not part of the nature reserve. The Clevedon Wildfowlers Association holds shooting rights to land immediately to the north of the reserve, but there is no shooting on the reserve itself.

We propose that access rights to all the land between the path and the sea be excluded, meaning that access rights in this area will be confined to the path itself.

Avon Wildlife Trust currently issues members with permits to access the reserve on the understanding that they do not bring dogs with them. After discussion with the Wildlife Trust we agreed to propose a

direction requiring coast path users to keep dogs on leads on sections ABD-6-S032 and ABD-6-S033, in recognition of the more stringent rules that currently apply.

At section ABD-6-S030 we instead propose to plant a willow screen and erect a fence alongside it to prevent livestock damaging the willow while it becomes established. This would prevent path users or their dogs from entering the sensitive area adjoining this route section. Notices at either end of route sections ABD-6-S030 and ABD-6-S031 will also ask walkers to keep to the path and keep dogs with them on the path, using a lead if necessary (we explain the legal requirements that underpin this message in our comments on representation MCA/ABD6/R/27/ABD1650 above). Our view is that this is an effective and proportionate way to address the risk. It is in keeping with the general approach described in paragraph 6.7.7 of the Coastal Access Scheme that we must take care not to require people to keep their dogs on leads unnecessarily.

Representation number:	<i>MCA/ABD6/R/29/ABD1650</i>
Organisation/ person making representation:	<i>Clevedon Wildfowlers Association</i>
Report map reference:	<i>ABD 6d, ABD 6e, ABD 6f</i>
Route section(s) specific to this representation:	<i>ABD-6-S046 to ABD-6-S050; ABD-6-A007 to ABD-6-A008</i>
Other reports within stretch to which this representation also relates:	
Representation in full	
<p><u>ABD-6-A007 and ABD-6-A008</u></p> <p>Proposals for this section do not go far enough in their current form. This is a year-round route and takes the public in close proximity (less than 5m with no fencing) to a pond located in the first field (A007). This pond is utilised by SPA species (shelduck) and other wetland birds on high tides and for breeding (as seen in BTO counts). Taking account of the 200m disturbance protocol the regularity of disturbance for this pond will be very high as this will be a year-round route. In addition, with no requirement for dogs on leads there is a high risk that owners will allow dogs to swim in said pond and create additional disturbance. There are no coastal access rights proposed to this land but the reality provided by the proposals creates the opportunity for the public to wash and play with dogs in the water which is not a requirement of coastal access legislation this will no doubt cause persistent and damaging trespass by the public.</p> <p>The best way to manage this will be by including a statutory restriction for dogs on leads year round (and as well as the cumulative impact of dogs along this section Wains Hill to Huckers Bow) for either of the following reasons (Section 26 (3) (A) Of the countryside and Rights Of Way Act (2000) for protection of sensitive wildlife Or under Section 24 of the same act for land management reasons.</p> <p>We also ask for clear signage at the pond stating that the pond is not for dogs to swim in and is private keep out.</p>	

The proposals around the last 20m of section of SO49 through to the first 30m of SO50 have significant cause for concern. CWA lease the sporting rights of the Foreshore from the Crown Estate. The proposals will create conflict between the public and members of the wildfowling club. The current proposals suggest a two-sided screen/ bird hide. Offering the public views of wildlife in such close proximity to an area of the foreshore that is regularly used for legal shooting. The likely consequence is the public being concerned that their opportunity to view wildlife will be removed by the club members being sat in front of the hide to shoot legitimate quarry. Therefore, the structure should be a screen only and not advertised (or labelled) as a Bird Hide in any literature or signage.

In addition to the human conflict created by the proposals there is a significant disturbance risk to SPA species which use this part of the Yeo Estuary and roost 3L as a staging point before moving up the Yeo river as tides increase in height. Taking account of the 200m disturbance protocol adopted by NE. On lower tides SPA waders use the foreshore in the vicinity of this point as a staging point prior to moving on to other roosts as the tide increases in height. As this section of the path will be a year-round the constant disturbance to this roost is likely to have a profound effect. The visibility of the public on this section will provide damaging and lasting disturbance to which we have repeatedly made NE aware. Due to the proximity of the path to these locations the club ask that alternative or more extensive proposals be installed. One option could be that the screen in question should be extended (To approximately 30m) to provide sufficient protection from disturbance on this vital location. In addition, the access to this point from Wick St Lawrence should be screened when the alternative route is in use. This is to protect birds using the estuary upstream from the screen

The alternative route provides an additional access point for the public to dissect what is intended to be a long-distance walking route from Wick St Lawrence. This access link also dissects a critical point in the estuary being the mouth of the Yeo. Any alternative route up to and on to the sea wall at this point should be screened to provide protection to the Yeo Estuary. The current proposals do not go far enough to stop the public from progressing along the sea wall from SO50 and disturbing the estuary for 300m. The whole justification for the alternative route is based on the need to remove the public disturbing this vital estuary for passage birds and the proposals will allow this disturbance to continue for 300m! We therefore urge NE to consider more screening and clear signage as to what they are attempting to protect. CWA is happy to assist with any signage need and provide input.

ABD-6-SO49 to ABD-6-SO50

The proposals do not go far enough to protect the high tide roost, 3J/3H/3L from physical disturbance and visual disturbance from dogs accessing the intertidal zone. The Identification of wintering waterfowl high tide roosts on the Severn Estuary SSSI/SPA (Brean Down to Clevedon) 2015 (RP02262) study (The Latham Study) identifies roosts 3J/3H/3L (Being a later addition acknowledged by NE) as being of high importance and the proposals in their current form do not offer sufficient protection from disturbance by dogs.

The proposals do not sufficiently mitigate the risk of disturbance from dogs (and as well as the cumulative impact of dogs along this section Wains Hill to Huckers Bow) therefore we ask that a statutory restriction for dogs on leads (Section 26 (3) (a) of the Countryside and Rights Of Way Act 2000) is put in place year round.

Natural England's comments

This is the third of 6 representations received from the Clevedon Wildfowlers Association (which we refer to as 'the club' below). It refers to route sections ABD-6-S049 and ABD-6-S050 of the proposed route near the mouth of the Congresbury Yeo river where there are waterbirds that can be sensitive to disturbance by recreational users. Table 6.2.8 of [report ABD6](#) (pages 6 and 7) lists measures proposed to reduce the risk of disturbance. These include a proposal to exclude access to route section ABD-6-S049 and other upstream sections of the route for a specified period each year and for an alternative route to operate while the exclusion is in force. The representation also refers to route sections ABD-6-A007 and ABD-6-A008 of the proposed alternative route.

Waterbirds are a qualifying feature of the Severn Estuary Special Protection Area (SPA) and Ramsar site and our proposals have therefore been considered in the published [Habitats Regulations Assessment](#) (HRA). The HRA draws on evidence in a [2015 report](#) to Natural England that identifies places on the Severn Estuary where waterbirds gather to rest (roost) at high tide. The representation calls this 2015 report 'the Latham Study' and makes reference to several roosts identified there and an additional roost (3L) identified subsequently. Table 21 of the HRA considers potential risks to waterbirds using these roosts (and other roosts in the area) from coastal access users, taking into account the various measures proposed to mitigate these risks in table 6.2.8 of report ABD6. The HRA concludes that the access proposals will not have an adverse effect on the integrity of the site. We maintain that this conclusion is correct.

ABD-6-A007 and ABD-6-A008

The representation refers to one of several ponds recently created to provide material to raise and reprofile the sea defence banks along the tidal river. The pond is between route section ABD-6-A007 and the raised sea defence. It is not part of the SPA or Ramsar site but may be functionally linked. We agree that there is a risk of disturbance to waterbirds using the pond and, in particular, people may allow their dogs to wash or swim in the pond. Reeds have begun to colonise the edge of the pond closest to the path and in time this may help deter dogs from swimming in the pond and help to screen path users from birds on the open water beyond it. In the HRA we refer to this pond as pond B (page 101) and conclude that the risk from disturbance is not significant in view of the availability of similar ponds nearby that were excavated at the same time, where birds may take refuge if they are disturbed.

At a site meeting with the club in September 2019, shortly before receiving this representation, we discussed what could be done to address the club's continuing concerns. They showed us where they had erected nest platforms in the pond. In the representation the club requests signage at the pond to encourage people to stop their dogs from going in the water and a direction requiring path users to keep their dogs on leads. At the meeting we agreed to incorporate an additional notice at the field entrance in the planned path establishment works. The notice will ask walkers to keep to the path and keep dogs with them on the path, using a lead if necessary. There are already legal requirements that underpin this message and make an additional direction unnecessary in our view – we explain this further in our comments on representation MCA/ABD6/R/27/ABD1650 (above). Our view is that this is an effective and proportionate way to address the club's concerns. It is in keeping with the general

approach described in paragraph 6.7.7 of the Coastal Access Scheme that we must take care not to require people to keep their dogs on leads unnecessarily.

ABD-6-SO49 to ABD-6-SO50

The representation goes on to describe concerns about the junction of route sections ABD-6-SO49 and ABD-6-SO50 where we propose a screen that would allow path users to view birds upstream without disturbing them (see page 7 of report ABD6). Club members shoot from the adjacent foreshore and the club is concerned that they will be visible to people from the screen and this may lead to conflict. Wildfowl shooting takes place between September 1st and February 20th, when route section ABD-6-SO49 is closed and the alternative route is in operation. This concern therefore relates to path users on alternative route section ABD-6-A008 and main route section ABD-6-SO50 rather than route section ABD-6-SO49 as might otherwise be inferred by reading the representation.

There is an additional concern that path users will disturb roosting waterbirds which sometimes roost on the foreshore near the proposed screen. In our HRA we refer to this roost as 3L (page 102). We conclude that disturbance risk there will increase as a result of the proposals, but do not consider the increase significant because birds are often disturbed here by tide and wave action (particularly on spring tides) and there are alternative nearby roosts that are better protected. We maintain that this conclusion is correct.

The representation makes several suggestions to remedy the two concerns:

- Design the screen such that it does not act as a viewpoint on to the river upstream;
- Extend the screen by 30 metres or so in the direction of Wick Warth
- Additional screening where route section ABD-6-A008 meets route section ABD-6-SO50 and path users may briefly be visible to birds on the foreshore upstream.

We welcome these suggestions and agree that they would help to reduce any risk of conflict between path users and club members. We also agree that they would enhance the proposed protection for waterbirds without any significant detriment to coast path users. In principle therefore we would agree to include them in the programme of path establishment works. This is subject to any practical considerations which may be raised, for example by the affected land owner or tenant whose agreement must be sought before any works are undertaken, and to successful application for a Flood Risk Activity Permit from the Environment Agency, which will be necessary for works in this location (see representation *MCA/ABD Stretch/R/7/ABD1899* above).

Representation number:	<i>MCA/ABD6/R/30/ABD1650</i>
Organisation/ person making representation:	<i>Clevedon Wildfowlers Association</i>
Report map reference:	<i>ABD 6b</i>
Route section(s) specific to this representation:	<i>ABD-6-SO14 to ABD-6-SO16</i>

Other reports within stretch to which this representation also relates:	
Representation in full	
<p><u>ABD-6-S014 to ABD-6-S016</u></p> <p>The Identification of wintering waterfowl high tide roosts on the Severn Estuary SSSI/SPA (Brean Down to Clevedon) 2015 (RP02262) study (The Latham Study) identifies roosts 4D and 4F as being of high importance and the proposals in their current form offer no protection from disturbance from dogs.</p> <p>Along this section of the proposed route the intertidal zone is excluded under S26 (3) (A) for nature conservation for this reason. Therefore, Humans can not stray from the path and cause disturbance, yet there is no restriction for dogs on leads. The Internationally important non breeding, wintering and passage birds in question use both landward and seaward pasture along the sea wall at various points in the tide for roosting and preening in addition to the High Tide roosts identified in the Study.</p> <p>The risk of disturbance from dogs (and as well as the cumulative impact of dogs) would be reduce along this section if a statutory restriction for dogs on leads (Section 26 (3) (a) of the Countryside and Rights Of Way Act 2000) is put in place year round. The arguments and justifications used for Channel view sections of the proposals are the same for the land in question and the same birds are affected. There should be clear signage as to why dogs should be on leads and the risks of disturbance posed when dogs are allowed to roam.</p>	
Natural England's comments	
<p>This is the fourth of 6 representations received from the Clevedon Wildfowlers Association. It refers to an area of land adjacent to route sections ABD-6-S014 to ABD-6-S016 of the proposed route where there are sometimes waterbirds that can be sensitive to disturbance by recreational users.</p> <p>The proposed route would pass along the earth embankment which is the primary sea defence. Seaward of the route is an area of closely grazed saltmarsh bounded by a concrete seawall. Seaward of the seawall are the intertidal flats. We propose to exclude access rights to the intertidal flats to reduce the risk of disturbance to waterbirds by access users (see Map ABD 6b and Directions Map 6A of report ABD6). We do not propose to exclude access rights to the saltmarsh and concrete seawall as the representation implies. People will therefore have access rights to the saltmarsh and concrete seawall and will be required to keep their dogs under effective control as described in our comments on representation <i>MCA/ABD6/R/27/ABD1650</i>.</p> <p>This area is part of the Severn Estuary Special Protection Area (SPA) and Ramsar site and our proposals have therefore been considered in the published Habitats Regulations Assessment (HRA). The HRA draws on evidence in a 2015 report to Natural England that identifies places on the Severn Estuary where waterbirds gather to rest (roost) at high tide. The representation calls this 2015 report 'the Latham Study' and makes reference to two roosts identified there: roost 4D is at the north end of the seawall whilst roost 4F is on the saltmarsh. The approximate extent of the two roosts can be seen alongside the proposed route on map D2 of the HRA.</p>	

Roost 4D is not considered in detail in the HRA because it is not considered to be a significant in terms of the numbers and species that use it. Roost 4F is considered in detail because qualifying species of the SPA have occasionally been recorded there. Table 21 of the HRA considers potential risks to waterbirds using roost 4F (and other roosts in the area) from coastal access users. It concludes that disturbance risk at roost 4F will increase there as a result of our proposals. This is not considered significant, because birds rarely roost in this location and equivalent roosts are available nearby, so limiting the energy cost of disturbance. We maintain that this conclusion is correct and that no further mitigation is necessary at this location.

Representation number:	<i>MCA/ABD6/R/31/ABD1650</i>
Organisation/ person making representation:	<i>Clevedon Wildfowlers Association</i>
Report map reference:	<i>ABD 6d, ABD 6e</i>
Route section(s) specific to this representation:	<i>ABD-6-S046 to ABD -6- S050</i>
Other reports within stretch to which this representation also relates:	-

Representation in full

ABD-6-S046 to ABD-6-S050

Access control of the alternative route.

The proposals have suggested that the Ramblers Association control the locking of the gates on the alternative route. CWA do not feel that the Ramblers Association have the skill set or knowledge to know when to correctly close of the alternative route to protect the passage birds.

CWA have been a sporting tenant of the land in question since 2006 and have also undertake the monthly BTO and WEBS counts along this section of the Estuary since that time. CWA under its Crown Estate Lease also warden the foreshore and its members are best placed to understand when the passage birds have ceased to utilise the site (via monthly counts).

The land owner for these sections of the path being [redacted] and [redacted] are both in agreement that CWA should control the locking of the path.

CWA would be happy to meet with the Ramblers Association to discuss this position to demonstrate that we are the most suitable trained and experienced persons to control access.

ABD-6-S046 to ABD-6-S050

Whilst this section of the proposals is only likely to be open for a 4 to 6 week period there is significant risk of disturbance during this period to non-migratory SPA species that continue to use the roost on a day to day basis. There are also likely to be between 2-3 Spring high tides during this (alternative route) period when the roost will be in active use.

The proposals in their current form do not go far enough to protect the high tide roost (4J) from physical disturbance from dogs accessing the intertidal zone. The Identification of wintering waterfowl high tide roosts on the Severn Estuary SSSI/SPA (Brean Down to Clevedon) 2015 (RP02262) study (The Latham Study) identifies roosts 4j as being of high importance. Therefore the proposals in their current form do not sufficiently mitigate the risk of disturbance from dogs (and as well as the cumulative impact of dogs along this section (Wains Hill to Huckers Bow) therefore we ask that a statutory restriction for dogs on leads (Section 26 (3) (a) of the Countryside and Rights Of Way Act 2000) is put in place year round.

In addition to the above reason the land in question is used for grazing. Both of these livestock types are at greatest risk and disturbance to dogs off leads. We therefore also ask that a statutory restriction be put in place under S24 for long term access restriction for dogs on leads year-round for land management purposes. We also ask for clear signage as to why dogs should be on leads and the need to protect livestock in those fields.

Natural England's comments

This is the fifth of 6 representations from the Clevedon Wildfowlers Association (which we refer to below as 'the club'). It refers to the route for the southwestern bank of the Congresbury Yeo river (map ABD 6d), which would be open for a 4 to 6 week period in Spring each year, as described in paragraphs 6.2.6 to 6.2.7 of report [ABD6](#). Access to route sections ABD-6-S047 to ABD-6-S049 would be excluded outside this period and an alternative route would operate, as shown on map ABD 6f. Below we refer to route sections ABD-6-S047 to ABD-6-S049 as the riverbank route.

The representation makes two points:

- That the club should manage operation of the riverbank route.
- That people should be required to keep their dogs on leads at all times on the riverbank route, when it is open.

Operation of the riverbank route

Taking the first of these, we thank the club for its offer. This part of the path would always be opened on 15th May each year, but may be closed on any date between 16th June and 30th June. The trigger for closure would be a report from the local WeBS counter to Natural England that significant numbers of curlew *Numenius arquata* or juvenile shelduck *Tadorna tadorna* have returned to the river. There are therefore two aspects to the operation: the physical locking and unlocking of gates and adjustment of signposts on the one hand and the monitoring and reporting of bird numbers on the other. Since the club already contribute to the monitoring and reporting of bird numbers, it is already part of the proposed scheme. Therefore the club's offer is in effect to take on in addition the physical locking and unlocking of gates and adjustment of signposts at the beginning and end of the closure period. We note that the owners of the affected land support its offer; indeed, [redacted] submits a representation to this effect which can be found in section 5 of the document.

The proposal in the report is for representatives of the local Ramblers group to do this work, which the group agreed to do before the proposals were published. Whilst we in principle agree that the Wildfowling club is well-placed to do so, our preference is to explore the options further in discussion with the club and the local Ramblers group. Therefore we respectfully request that the Secretary of State delegate this decision to Natural England, on the understanding that it will be taken in consultation with the groups and the land owners and that we will seek a solution that can be agreed by all parties.

Dog controls

Taking the second point, the representation requests that Natural England give a direction requiring path users to keep dogs on leads at all times on route sections ABD-6-S046 to ABD-6-S050. The club argues this will help reduce disturbance both to waterbirds and to grazing animals. We do not agree that a direction is necessary on either count, because national rules apply in the coastal margin which people with dogs must follow at all times on the England Coast Path and these rules address both concerns ([see paragraphs 2.4.5 and 2.4.6 of the Coastal Access Scheme](#)).

First, a person who brings a dog with them must keep it on a short lead in the vicinity of livestock. This rule addresses risks to livestock and we have developed a standard sign which can be attached to gate posts and way-marker posts that explains it to walkers. The sign is widely used along the England Coast Path at entrances to fields such as these where there may be livestock.

Second, even at times when there are no livestock in the fields, people must keep dogs under “effective control”, which means they must:

- keep the dog on a lead; or
- keep it within sight, remain aware of its actions and have reason to be confident that the dog will return reliably and promptly to them on command;
- and, in either case, keep the dog on land with coastal access rights or other land to which the person has a right of access.

The combined effect of these requirements, in places where access rights to the land seaward of the path are excluded (here, for nature conservation reasons), is that a person must keep their dog on a lead unless they can be confident that it will remain on the path without using one. Accordingly the notices that we propose for sensitive locations such as this will ask walkers to keep to the path and keep dogs with them on the path, using a lead if necessary. Our view is that this is an effective and proportionate way to address the risk. It is in keeping with the general approach described in paragraph 6.7.7 of the Coastal Access Scheme that we must take care not to require people to keep their dogs on leads unnecessarily.

Representation number:	<i>MCA/ABD6/R/32/ABD1650</i>
Organisation/ person making representation:	<i>Clevedon Wildfowlers Association</i>

Report map reference:	<i>ABD 6e</i>
Route section(s) specific to this representation:	<i>ABD-6-SO58 to ABD-6-SO60</i>
Other reports within stretch to which this representation also relates:	-
Representation in full	
<p><u>ABD-6-SO58 to ABD-6-SO60</u></p> <p>The Banwell Estuary is a very special location with numerous high tide roosts as outlined in The Identification of wintering waterfowl high tide roosts on the Severn Estuary SSSI/SPA (Brean Down to Clevedon) 2015 (RP02262) study Map 3 Sector 3.</p> <p>The proposals around the last 200meters between ABD-6-SO59 and SO60 show the path not being fenced on the seaward side of the path. In addition, there are no restrictions for dogs on leads through this section when not fenced.</p> <p>Members of CWA have shown NE officers and managers first-hand the disturbance caused by Dogs on this section of the Banwell. Whilst the mitigation proposed around the estuary (Banwell) offers some comfort CWA feel that this estuary is too important for SPA redshank and that with the risk posed by disturbance from dogs (especially with the very flighty Redshank) NE should propose a statutory restriction for dogs on leads (Section 26 (3) (a) of the Countryside and Rights Of Way Act 2000) is put in place year round. When not enclosed by fences.</p> <p>BTO count numbers show that redshank numbers are building in this estuary and CWA believe the current mitigation does not go far enough to protect this very sensitive an undisturbed minor estuary. Without protection the likely disturbance will see redshank numbers decrease in years to come. CWA undertakes the BTO counts in this sector and will inform NE of any such decrease.</p>	
Natural England's comments	
<p>This is the sixth and final representation from the Clevedon Wildfowlers Association (which we refer to below as the club). It refers to the route along one side of a creek formed by water from a large drainage ditch terminating at Huckers Bow sluice. This is the left-hand (or western) of the two creeks on map ABD 6e, the right-hand (or eastern) one being the River Banwell. The reference in the first paragraph is to a 2015 report commissioned by Natural England to identify roost sites on the English side of the Severn Estuary used by waterbirds at high tide (referred to elsewhere as the Latham report, after its author).</p> <p>The concern is that people walking route sections ABD-6-S059 and ABD-6-S060 and their dogs will disturb waterbirds feeding and roosting in the channels leading to a decline in numbers using the channels. The club proposes a direction requiring people to keep dogs on leads at all times on these route sections to remedy the concern.</p> <p>We share the overall intention of the club to maintain redshank numbers on these creeks at or above current levels. Of the two creeks, the right-hand one is of more importance for redshank, and this is reflected in the suite of mitigation measures proposed for route sections ABD-6-S055 to ABD-6-S058</p>	

which are described on pages 7 and 8 of the report. The new fencing described there would include a section of 'wing' fencing at the junction of route sections ABD-6-S058 and route section ABD-6-S059 which would block access along the bank top seaward of section ABD-6-S058. We do not consider it necessary to fence section ABD-6-S059 and ABD-6-S060 in the same way because the adjoining left-hand part of the creek is not as significant for redshank.

Redshank are a qualifying feature of the Severn Estuary Special Protection Area and Ramsar site and our proposals have therefore been considered in the published [Habitats Regulations Assessment](#) (HRA). Table 21 of the HRA considers potential risks to waterbirds using the Banwell (and other roosts and feeding places in the area) from coastal access users. It concludes that overall disturbance to roosting waterbirds will remain at current levels, with improved protection from Huckers Bow to St Thomas Head. We maintain that this conclusion is correct and that no further intervention is necessary beyond what is proposed.

With respect to the direction proposed by the club, we refer the Secretary of State to our comments about the additional dog controls proposed in representation *MCA/ABD6/R/31/ABD1650* above. We maintain for the reasons given there that such a direction is unnecessary at this location.

Representation number:	<i>MCA/ABD6/R/39/ABD1662</i>
Organisation/ person making representation:	<i>North Somerset Local Access Forum</i>
Report map reference:	<i>ABD 6a, ABD 6e</i>
Route section(s) specific to this representation:	<i>ABD-6-S003 to ABD-6-S012 and ABD-6-S060</i>
Other reports within stretch to which this representation also relates:	<i>All within the Aust to Brean Down stretch</i>

Representation in full

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 surface of the flood banks along this stretch are suitable for off-road mobility scooters. It is expected that much of the field edges along the route where there are currently no public rights of way will also be suitable. Slopes to ascend/descend flood banks can be made accessible with careful design and the use of a compacted stone on the slope if particularly steep

Points 6.2.10 and 6.2.11:

- ABD-6-S003 to ABD-6-S012, below

Wain's Hill to Kingston Pill, is accessible for pavement scooters as it is a hard surface. Being on the edge of the town provides a wonderful opportunity for these those with reduced mobility to access a part of the Coast Path that runs close to the estuary, close to wildlife, and away from built up areas

Point 6.2.12:

- There are several artificial barriers to access along the proposed route from ABD-6-S005 to ABD-6-S012 below Wain's Hill to Kingston Pill. At ABD-6-S003 there is an existing A-frame barrier which the map shows will remain. This is only 66cm wide (scooters can legally be up to 85cm wide) so currently no scooter can access this stretch. Further along there are gates which are due to remain, but which do not allow access to scooters. It is recommended that all barriers are removed where they are not essential
- From Kingston Pill to Hucker's Bow the proposed route follows a new path which would be on or just behind the seawall in most places. This is expected to be accessible to off-road mobility scooters. All new countryside furniture should provide for this

Points 6.2.39 and 6.2.43:

Refer to North Somerset Council's future plans for a new cycle route between Clevedon and Weston-Super-Mare and the need to provide suitable access furniture. It is important that the needs of both off-road mobility scooters and pavement scooters are taken into consideration when this route is planned.

ABD-6-S060 (Sluice at Hucker's Bow): The flood defences have been recently refurbished by the EA. Steps lead down from the structure to pick up the field edge heading north towards St. Thomas Head. These are a barrier to those with limited mobility. There is scope for allowing access directly from the car park across the concrete structure and to the field edge without the need to climb and descend steps. Document "Hucker's Bow Sluice ABD-6-S060 Disabled Access" illustrates this.

Natural England's comments

We welcome the representation from the North Somerset Local Access Forum and thank them for the interest they have taken in the development of our coastal access proposals for North Somerset.

The representation makes remarks about access by people with dogs, signs and access for mobility scooter users which we address in that order in our comments below.

Access by 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 that, 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 that are present at most times of year.

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. Specific signs and interpretation are in our view necessary and appropriate on this part of the coast path, in particular to alert walkers to the nearby presence of sensitive waterbirds and ask them to adopt certain behaviours in order to reduce the likelihood of disturbance. Small waymark discs are in our view a helpful and unintrusive means to signal the route and give walkers the clarity and confidence to follow it.

Access for mobility scooter users

We welcome the Forum's advice on adjustments for mobility scooter users. Natural England and North Somerset 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 to any practical considerations raised by third parties and to the agreement of the land owner, which must be sought before any works are undertaken.

In response to the Forum's more detailed and specific recommendations in this respect our comments are as follows:

Barriers

Between Wain's Hill and Kingston Pill (map ABD 6a) there are barriers to mobility scooter users at the junctions of route sections ABD-6-S002/S003 and sections ABD-6-S005/S006. At the time of writing we intend to adjust the former and replace the latter, subject to the general provisos above.

Cycle route

The planned cycle route between Clevedon and Weston-Super-Mare is a North Somerset Council project. We are in regular contact with the team responsible because there is some overlap with the coast path route at Tutshill sluice (see paragraph 6.2.39 of the report). The cycle route Design and Access Statement (unpublished) makes clear that the needs of both off-road mobility scooters and pavement scooters are being taken into consideration in the design of the cycle route.

Huckers Bow Sluice

We agree that the new steps at Huckers Bow sluice are a barrier for people with reduced mobility, because the path either side of the steps is otherwise accessible to many such users.

The National Trust, which owns the affected land, has indicated its intention to work with us to provide the desired 'step-free' access. We do not therefore consider it necessary for the Secretary of State to modify Natural England's proposed route, which follows the steps, to enable an alternative 'step-free' route. Instead, we recommend that he approve that proposed route, noting that it is for Natural England and the local access authority to provide an alternative as part of the establishment works, for those who wish to avoid the steps.

We have begun discussions with interested parties to see how best to do this. The simplest way appears to be by signposting an alternative 'step-free' route through the carpark and over the concrete apron of the sluice, as suggested by the local access forum and by the Disabled Ramblers in its representation *MCA/ABD6/R/13/ABD1843*. The Disabled Ramblers includes photographs in its representation, both to illustrate the problem and the suggested solution, which can be found in section 6 of this document. This could be done without increased disturbance to waterbirds and would not therefore affect the conclusion of our [Habitats Regulations Assessment](#).

Once a step-free route is agreed, and assuming that the Secretary of State approves the route proposed in our report, we would install waymarks and any other necessary infrastructure to direct people along the chosen alternative if they wish to avoid the steps. We do not think it necessary for the Secretary of State to approve this route formally, since it would pass over land owned by the National Trust that is already accessible.

It should be noted that the step-free route suggested by the local access forum and the Disabled Ramblers affects sections of the proposed route covered in two reports – route sections ABD-6-S060 and ABD-7-S001 described in reports ABD6 and ABD7 respectively. We refer the Secretary of State to representation *MCA/ABD7/R/2/ABD1843* from the Disabled Ramblers, which is a representation about report 7 and includes the same proposal.

Relevant appended documents (see section 6):

General Comments on Accessibility for those with Limited Mobility 17.9.19

Representation number:	MCA/ABD6/R/70/ABD1906
Organisation/ person making representation:	[redacted], CLA
Report map reference:	ABD 6b, ABD 6c, ABD 6d
Route section(s) specific to this representation:	ABD-6-S013 to ABD-6-S043
Other reports within stretch to which this representation also relates:	-

Representation in full

Natural England note: We have labelled what we consider to be the salient points in this representation A, B, C etc in red. In our comments which follow, we use these labels to help the Secretary of State to refer back to the relevant section of the representation easily.

Concerns are primarily on the section from Kingston Pill to Tutshill Sluice (Sections ABD-6-S013 to ABD-6-S043).

(A) The proposed trail here currently follows a route close to the coast, but which is often either screened from it (as on section ABD-6-S023, for example) or the path is sited on the inland side of the sea wall and provides no sea views (sections ABD-6-S035 to ABD -6- S042, for example).

(B) It passes through primarily agricultural land, most of which is used for livestock. Many of the farmers raise concerns about the impact on their enterprises, especially as there are very limited measures to take account of the impact of the new access on a farming business.

(C) The path itself has short sections where dogs must be kept on leads (ABD-6-S018, and ABD-6-S032 to ABD-6-S034). These restrictions are proposed to protect birds. No restrictions on dogs are proposed for the protection of livestock.

The report states (in its 'consideration of other options') that it has proposed this route because it "addresses farmers' concerns". The fact that most of the farmers along this stretch are objecting to the proposals, should indicate that the proposed route does no such thing!

(D) We have particular concern about the issues and impact relating to farming as a result of the public and dogs on livestock. Whilst there is reference to keeping dogs on leads in relation to bird species, there are few proposals to keep dogs separate from livestock and we question that where there are stipulated restrictions these will be adhered to. On this stretch much of the land is not currently subject to public access and farming owners/occupiers are therefore able to graze bulls and suckler cows and calves on the land without the need for risk assessments.

(E) Obviously under HSE guidelines risk assessments will now be required and almost certainly some types of cattle will no longer be able to be kept on the land in question. This will have a significant

impact on some farmers on the stretch as their grazing options will be reduced thus having a knock-on financial consequence.

(F) A number of farmers have raised concerns about the impact of neospora caninum on their cattle. This disease has already been found in cattle close to areas of existing public access near Clevedon

and is understood to be associated with unauthorised access by dogs into farmland. It is not unreasonable to suppose that the public will, without very clear guidance and mapping, stray into areas to which they have no rights. Veterinary advice, especially where cattle herds are uninfected, is to prevent access by dogs to areas grazed by cattle. The financial consequences can be very serious, yet the proposals make no mention of restricting or preventing dogs from accessing the land. The report refers to biosecurity concerns and states that measures have been adopted to reduce this risk – but this is simply untrue: a number of livestock owners have made the point that no measures have been put in place over their land.

(G) In relation to loss of land it is worth noting that on some stretches, significant “mitigating measures” have been proposed in order to make it acceptable (in terms of the Habitats Regulations Assessment) to site the path close to the edge of the estuary. On ABD-6-S013 the combination of the proposed route (which will be fenced on the landward side) and new screening planting on the seaward side, will result in the loss of over an acre of land. On this section, the double fencing makes it very difficult to use the remaining grazing on the seaward side of the proposed new planting, effectively sterilising the use of over 5 acres of land bringing about significant financial consequences for the landowner.

There are a number of similar situations where the path will be double fenced on either side. Where this is the case, the effect is to remove the land from the occupiers’ use and control: they will no longer be able to graze or use that land and will lose income, including Basic Payment, or the income from milk from grazing that land, as a result.

This breaks an important principle: coastal access was supposed to be about providing a “right of access across land”, not physically taking land away.

Government deemed that compensation for imposing that right of access would not be necessary because

- a) only a right of access was being granted and the occupier would still be able to use the land, and
- b) the path would be designed in such a way that it would have minimal effect on landowners.

Government decided not to use the provisions of the Highways Act 1980 – which are used when new public rights of way are created – because, it said, the coastal access rights under the Marine and Coastal Access Act 2009 would be entirely different.

It is hard to see how a coastal trail between two fences on land which the farmer will no longer be able to utilise, and which he will need to exclude from his farming operations, is different from a public footpath, which might also be fenced, and which he would therefore need to exclude from his farming operations, but for which he would, at least, have received compensation for the loss of use of the land.

If the only way in which a path can be achieved is by effectively removing land from the landowner, then there is clearly not a fair balance within the meaning of the legislation.

(H) It is also questionable as to whether there are powers to undertake works, such as the planting of large areas of screening material, on land. Schedule 20 of the Marine and Coastal Access Act 2009 provides powers for the planting of a “hedge” but does not provide powers for the planting of wide areas of screening or more substantive measures.

(I) A number of concerns have been raised about the assumptions within the Habitats Regulations Assessment, especially the reliance on notices, signs and restrictions as means of mitigating any adverse effects on sensitive species, notably birds.

The HRA assumes that people will largely adhere to the restrictions and notices. The experience of many land managers around the country is that this is not the case: signs are ignored, restrictions are not adhered to. Given that the path is proposed along the inner base of the flood bank, with no views of the estuary, the likelihood of people straying to look over this is likely to be very strong. There are many known cases of dog owners allowing their dogs to chase other animals – including cattle, sheep, birds and other wildlife, often in ignorance of the damage being done.

This section of coast is remarkable in the context of the English coastline for being so undisturbed and its tranquility. The high numbers of important species are a reflection of its current inaccessibility. It is therefore quite extraordinary that Natural England has proposed introducing largely uncontrolled public access to this area, or access which is dependent on co-operation with signs. The risks of damage to these internationally important species, should the assumptions within the HRA and proposed mitigation measures not be complied with, are so great, it is astonishing that Natural England, a body charged with the care and protection of such species, is contemplating these proposals. This is especially the case, given that alternative options exist, which would ensure that protected species remain undisturbed.

We would reiterate, a fair proportion of the proposed route lies at the inland base of the flood bank whereby users will have no coastal experience or views of the sea.

(J) The proposal to extend the coastal path into this section is as a result of Natural England’s decision to exercise its discretion to extend coastal access up the Severn estuary. The coastal access report places emphasis on “continuity” of the path, but it is worth noting the legislation sets many criteria which are applicable to estuaries, all of which should be considered. The concept of continuity is given no greater prominence than the need to adhere to the periphery of the coast or provide views of the sea. Were continuity of over-riding importance as the report suggests (the “prima facie reason for the trail to serve the estuary” (overview, section 5c)), then the additional legislative factors would be unnecessary.

s301 of the Marine and Coastal Access Act 2009 required consideration, not only of the impact on those whose land would be affected by the proposals, but on factors such as:

- The nature of the land

- The topography of the shoreline
- The width of the river
- The recreational benefit to the public
- The extent of excepted land
- The presence of a physical feature or viewpoint.

The list is not exclusive, and therefore consideration must be paid to any other factors which might also be relevant. This includes factors such as the long stretch of undisturbed coastline (and consequent presence of numerous highly important bird roosts) and the recent approval of a section of new cycleway between Clevedon and Weston (which could provide a link in continuity, without generating unacceptable impact on birds or causing unfair balance to owners and occupiers).

Suggested Modifications

(K) Option 1: Coastal trail should follow the cycleway from Tutshill Sluice to Kingston Pill

Between Kingston Pill and Tutshill Sluice, the coastal path should follow the same route as the new cycleway (from Tutshill Sluice to Lower Strode Road). See plan of proposed cycleway, attached.

This would meet the objectives of providing a coastal trail, combining the positive avoidance of disturbance to birds and any disruption to farmers and landowners is kept to a minimum providing a fair balance. The route provide a link so the public can walk continuously around the coast and estuary that is easy to follow reducing the risk of trespass.

The report dismisses this route because it states that:

- 1) the current route addresses farmers' concerns about biosecurity.
- 2) the cycle route would not be safe.
- 3) there would be a large area of coastal margin.

We would comment as follows:

Biosecurity concerns

On the first of these points, it should be clear from the points above that biosecurity concerns have NOT been addressed, and, in many cases, the proposed route compromises the important biosecurity of individual farms.

(L) Safety of cycle route

It is incorrect to state that the local road network would not be safe or suitable.

A report was commissioned by North Somerset Council to undertake a review of the proposed on-road cycle route between Mud Lane and Colehouse Lane. The report was produced by Avon Traffic and Safety Services Ltd on 15 October 2018. The brief for the report was to “identify any road safety issues along this route and outline the available options to address these issues”. The report makes some recommendations with regard to road surface, cutting back of vegetation and road markings.

Section 5 of the report considers “Safety Issues”, and notes the following:

“Site observations show that motor vehicle levels are very light, and speeds generally no more than 30mph, i.e. commensurate with a quiet lane suitable for use by walkers, cyclists and equestrians”

The attached plan shows the location both of the approved section of cycle route and the remainder of the section to Clevedon which does not need planning approval as it relies on existing quiet lanes.

(M) Coastal Margin:

The suggestion that an inland route would create a large area of coastal margin is incorrect.

The Access to the Countryside (Coastal Margin) England Order 2010 (SI. No 558) states (section 3(2)) that:

“(2) the first description of coastal margin is-

- (a) Land over which the line of an approved section of the English coastal route passes,
- (b) Land which is adjacent to and within 2 metres either side of that line, and
- (c) Land which is seaward of the line of an approved section of the English coastal route and lies between land within sub-paragraph (b) in relation to that approved section and the seaward extremity of the foreshore, if the land within sub-paragraphs (a) to (c), taken as a whole, is coastal land.”

That final qualification is crucial.

Coastal land is referred to in the Countryside and Rights of Way Act 2000. It describes coastal land as:

“(a) the foreshore, and

(b) land adjacent to the foreshore (including in particular any cliff, bank, barrier, dune, beach or flat which is adjacent to the foreshore)”.

The intention of the legislation is clear: the coastal trail is intended, on the whole, to pass along the coast. Therefore the trail will be situated on land which is “coastal land” (foreshore, or adjacent to the foreshore). Where it does so, the land between the trail and the sea will be coastal margin.

Striking a fair balance is a central requirement of the legislation (s297(3) of the Marine and Coastal Access Act). Being mindful of the Human Rights Act, reaching a fair balance must take precedence over and above other legislative criteria.

It is understood that it is not always possible, whether for reasons of fair balance, or because of other statutory requirements, such as the protection afforded to certain species, for the path to be placed on coastal land in every scenario. However, the legislation provides a clear safeguard in cases where the trail needs to divert away from coastal land: that the land covered by the path and margin, when considered “as a whole” is coastal land.

Considering what this means and in the absence of any other interpretation within the legislation, it must be taken in its normal sense – that the path and the margin are expected to be sited on what is, predominantly, coastal land. Coastal land being foreshore and the land adjacent to the foreshore (cliff, bank, barrier, dune, beach, flat).

So, if the trail follows an “inland” route, such as at Avonmouth, or as it might between Kingston Pill and Tutshill, this would not lead to the creation of a large area of coastal margin. This is for two reasons. Firstly, the path itself would not be situated on “coastal land”; and, secondly, (and the crucial qualifying factor in the legislation), the land must be considered “as a whole”.

On this section there is no question that, when considered “as a whole” the land is characteristic of farmland, not “coastal land” as defined under the legislation. The land between the path and the sea on that section would be predominantly farmland, not foreshore and land adjacent to the foreshores. It therefore cannot meet the definition of coastal margin, and it is wrong to suggest that it does.

Natural England has previously argued that land will be coastal margin, so long as the edge of the margin is along the sea. This is clearly ridiculous. It potentially allows a path to be sited a kilometre or more inland, away from the coast (and any coastal land type) and for any other type of land not within the legislation to be considered coastal margin. This was clearly not the intention of the legislation: if it had been, the qualification that the land, when taken as a whole must be coastal land, would not have been necessary.

The coastal margin argument therefore has no validity.

(N) Option 2: As an alternative to the above mentioned, there could be a summer and winter route option, similar to that proposed for the West side of the Yeo.

This option would provide a summer route for a four to six week period along the route as currently proposed within the coastal access report (and subject to agreement by affected landowners). For the remainder of the year, the route would follow the cycle route. This reflects the arrangements along the West side of the Yeo. There is a strong argument that there are many similarities between the West side of the Yeo and the section of estuary between Kingston Pill and Tutshill Sluice.

The outcome of this suggestion is albeit for a short period, that the public will continue to get access to the coast. If there is disturbance to the birds it will be limited to that time, and favourably at a time when disturbance is likely to cause least damage. The problems arising from giving public access to large areas also used by cattle could be resolved if that access were for a short period only, as farming operations may be able to be adapted to accommodate this. The winter route could be easily installed by utilising existing public rights of way, quiet roads or the proposed new cycleway.

The Coastal Access report states that it rejected a seasonal diversion for this section of coast. Its reasons for doing so are wrong.

- A summer route might only be available for a maximum of six weeks that is no different from the proposals for the West side of the Yeo.
- The currently proposed route does not address farming concerns already cited. Unnecessary disruption could be avoided using alternative solutions available.
- This option does not seem to have been considered in relation to Wharf Farm where the route could avoid the passing along the seawall of the farm.
- This compromise with a summer and winter route would be no less confusing to walkers than the arrangements for the West side of the Yeo. This option could be seen to compliment those proposals and vice versa by having consistent arrangements in place reinforcing the measures.

It is also likely that it would be much simpler for the public to understand a simple summer/winter route option, whereby different paths are open or closed at different times and all the public has to do is to follow the relevant route; than to have just one path on which myriad different directions will apply, many of which are likely to be ignored, with consequent effects on wildlife and farming.

We would question why the possibility of a summer/winter route similar to that for the West side of the Yeo for this section of estuary, using this proposed alignment was not discussed with landowners and occupiers.

Natural England's comments

We thank the Country Land and Business Association for its detailed representation and for its involvement in some of the discussions that took place with land owners during the development of our access proposals. In our comments below we refer to it as the CLA.

The representation relates to the proposed route between Kingston Pill and Tutshill Sluice as shown on report maps ABD 6b, 6c and 6d. Below we address the CLA's overarching points in the order in which they appear in the representation, using the red labels (A) (B) (C) etc which we have added to their text above to help the Secretary of State to cross reference to their detailed remarks.

(A) The proposed trail here currently follows a route close to the coast, but which is often either screened from it (as on section ABD-6-S023, for example) or the path is sited on the inland side of the sea wall and provides no sea views (sections ABD-6-S035 to ABD -6- S042, for example).

We agree in general with this description of the proposed route between Kingston Pill and Tutshill sluice. We have invested significant time and care to balance various considerations in the design of the path, in particular the desirability of the coast path having proximity to and view of the sea, wildlife sensitivities and the concerns of those who own or manage the land.

To meet conservation objectives for waterbirds we propose to align the route behind the sea bank in several locations and in these locations walkers will not be able to see the sea. The representation refers

to a screen at section ABD-6-S023 but no screen is proposed at this location and we take this instead to be a reference to route section ABD-6-S013. At route section ABD-6-S013, at the suggestion of the tenant, we propose to plant a willow hedge to screen walkers from birds. North Somerset Council has agreed to maintain the hedge at a height that will allow walkers to see the sea without compromising its screening function – the representation is therefore incorrect to say this part of the route would provide no sea views.

Farming and shooting interests were also a significant factor in route design, for example:

- route sections ABD-6-S018 to ABD-6-S031 are further inland than the other parts of the route in order to help with biosecurity measures at Wharf Farm where there is a breeding programme to conserve a herd of British Shorthorn Cattle that the Rare Breeds Survival Trust regard as unique in the UK;
- route sections ABD-6-S034 to ABD-6-S040 are situated behind the sea bank partly to address concerns from the Clevedon Wildfowling Association whose members shoot from the foreshore on this part of the estuary.

Overall we have kept sections with no sea view to the minimum we regard as necessary and we have sought to provide sections with sea views at frequent intervals along the route. For example at either end of route section ABD-6-S017, where the route is behind the sea bank to avoid disturbance to roosting waterbirds, we have made provision for specially designed viewpoints where walkers will be able to see the sea and view birds without disturbing them.

(B) Many of the farmers raise concerns about the impact on their enterprises, especially as there are very limited measures to take account of the impact of the new access on a farming business.

We have gone to considerable lengths to discuss route options with farmers and other land managers on this part of the coast, including 60 meetings with affected owners and tenants and numerous telephone calls and correspondence. As a result the proposed access includes numerous and in some cases very significant measures to take account of their concerns and we refer the Secretary of State to our other comments about this representation (both above and below) for evidence of this.

We acknowledge that a number of the affected farmers are nevertheless not satisfied with the resulting proposals (see their representations later in part 4 of this document). In our comments on their representations we explain why in our view a fair balance has been struck overall. In some cases we suggest additional measures that could be included to address particular points made in their representations.

(C) No restrictions on dogs are proposed for the protection of livestock

The CLA is mistaken to say that there would be no restrictions for the protection of livestock. Annex D of the Overview to the coastal access reports for Aust to Brean Down explains the national restrictions that would apply wherever coastal access rights are in force along the route and coastal margin. These include a requirement for people accompanied by a dog to keep that dog on a short lead when in the vicinity of livestock (paragraph 5). This restriction would apply to any part of the route between Kingston Pill and Tutshill sluice where livestock are present, whatever the time of year. We intend to

use a standard sign to advise walkers of this at field entrances – the sign was designed and agreed with stakeholders including the National Farmers Union and the Kennel Club. We say there is no need to restrict access with dogs further for livestock and accordingly there is no specific proposal in the report.

The CLA questions here whether restrictions will be adhered to. Our view is that the great majority of dog walkers will accept proportionate and evidence-based restrictions provided they are clearly signed and there is off lead access available nearby. There is strong support for this view in published evidence (see for example [this 2016 report](#) about mitigation options for influencing walkers with dogs in the Solent area) and in recent unpublished advice from an independent expert on access with dogs engaged by Natural England to review the proposals for this area (available on request). In keeping with this evidence and advice, and with the principle of the least restrictive option in chapter 6 of the [Coastal Access Scheme](#), we will place notices at Kingston Pill and Tutshill Sluice explaining that leads are necessary ahead and further notices along the route clearly indicating where this is so and why, and where leads are not necessary (typically because the route is separated from the surrounding land by fences on both sides).

(D) There are few proposals to keep dogs separate from livestock

We disagree with the CLA that there are few proposals to separate walkers and their dogs from livestock; we say we have gone to unusual lengths in this respect, taking the view that in this location (where there is little recent history of public access to the land) it is warranted to allay farmers' concerns.

To begin with the proposed position of the route would mean walkers and livestock are separated by existing fences in some places. During the development of the access proposals several farmers requested additional fencing to separate walkers and their dogs from livestock. Others considered the possibility and rejected it. Where farmers requested fencing we agreed to it as a gesture of goodwill and, having done so, we wrote to the affected land owners to confirm it, including detailed maps to show the precise locations.

The maps sent to farmers also showed where we proposed new fencing to avoid increased disturbance to waterbirds. In some cases this fencing would also separate the path from livestock. We also agreed in principle to fund the purchase and installation of all the new fences.

(E) Under HSE guidelines risk assessments will now be required and almost certainly some types of cattle will no longer be able to be kept on the land in question.

Farmers are required by law to conduct risk assessments of their activities. Those that have fewer than five employees do not need to write assessments down. This overarching requirement applies irrespective of the access proposals; the access proposals would therefore entail a review of an existing risk assessment and putting additional control measures in place if necessary.

As we explain above, we have agreed to erect stock-proof fences in some places to separate walkers from cattle. Where no fences are erected, the local access authority will attach notices at field entrances along the route with standard advice for walkers about how to behave around cattle and other livestock. These notices have been designed in conjunction with the National Farmers Union and the

Kennel Club and are used all around the England Coast Path, which frequently crosses land where cattle or sheep are grazing.

Whether further steps are necessary, and what these would be, would depend on the outcome of the risk assessment. [HSE guidance on cattle and public access](#) lists a number of options for consideration. These include: keeping cattle somewhere else (as suggested by the CLA) particularly when calving or with calves at foot; timing grazing to avoid busy periods, especially school holidays; temporary electric fencing to separate the path from the rest of the field; and creating a temporary diversion around the land where the cattle are grazing.

(F) A number of farmers have raised concerns about the impact of neospora caninum on their cattle.

Neospora is an infectious disease affecting cattle. The main source of transmission of *Neospora* to cattle is other cattle, but dogs can become infected if exposed to infectious material such as placenta or carcasses of infected calves. If dogs pick up the disease they may shed infectious cysts in their faeces for a short period of time, about 2-3 weeks. If infected faeces are left in a field grazed by cattle, *Neospora* may persist in the grass or soil and later be ingested by grazing animals.

Concerns about the potential for dogs to introduce *Neospora* are often raised with us and we have therefore taken advice about the risk from experts at the Animal and Plant Health Agency (APHA). Their assessment is that the overall likelihood that walkers' dogs may carry infection is very low, because the vast majority are fed commercial dog food which is either processed or if raw produced to human standards of consumption.

Nevertheless APHA advise (and we agree) that walkers should be encouraged to stop their dogs from defecating on farmland if possible and to pick up after their dogs and remove the waste to a public or home bin. This is in the interests of human and animal health and well-being. Accordingly we intend to post signs to this effect at field entrances. In some cases we have instead agreed to erect stock fencing to separate walkers and their dogs from livestock – where we do so, this will further reduce the already low risk of infection.

It is worth noting that dogs generally defecate at the start of a walk and are therefore unlikely to do so on pasture on this part of the route, which is about half an hour's walk from Clevedon at its closest point.

(G) If the only way in which a path can be achieved is by effectively removing land from the landowner, then there is clearly not a fair balance within the meaning of the legislation.

There are places on the route where we envisage erecting new fences or hedges that would cover or enclose land that is currently used for grazing. Doing so would not necessarily preclude a fair balance as the CLA suggests, because the fair balance test is a question of degree: there is potential for impacts on both public and private interests arising from the access proposals and the legislation requires us to aim to strike a fair balance between them. We therefore seek to minimise impacts in some cases, rather than to eliminate them.

In report ABD6 we have proposed fences and hedges to mitigate feared impacts on wildlife and in some cases on farm businesses. Where we propose such measures, we do so either with the agreement of

the occupier or where we understand from discussions with them that they would prefer it to the other available options. In all these cases we offer to pay for the labour and materials to install the fence or hedge. Where the purpose of the fence or hedge is to protect wildlife, we do not expect the occupier to maintain it unless they offer to do so. Where the purpose of the fence or hedge is to separate walkers from stock, we expect the occupier to maintain it.

We now understand from representations (and objections) that two occupiers, who had previously expressed a preference for walkers to be separated from their livestock by a new fence, object to the fence. We explain our views on this in our comments on the two representations (and objections), in each case explaining the pros and cons of a fence and no fence and our recommendations.

At route section ABD-6-S013, the example given by the CLA, the land covered by the fenced route and hedge is owned by the Environment Agency, which does not object. The tenant objects, however, and we refer the Secretary of State to representation *MCA/ABD6/R/40/ABD0946* and objection *MCA/ABD6/O/7/ABD0946* and our comments on them.

(H) It is also questionable as to whether there are powers to undertake works, such as the planting of large areas of screening material, on land.

This is a reference to a proposed willow hedge seaward of route section ABD-6-S013 to screen walkers and their dogs from waterbirds roosting and feeding along the adjacent shoreline. The hedge was originally included at the suggestion of the tenant, who now objects to it (see representation *MCA/ABD6/R/40/ABD0946* and objection *MCA/ABD6/O/7/ABD0946*). The land owner, the Environment Agency, does not object.

Schedule 20 sets out powers and procedures for the establishment of the coast path. It lists works that can be carried out by Natural England and the access authority with the agreement of the owner or occupier and, in certain circumstances, without their agreement. This includes at paragraph 2(3)(e) “the planting of any hedge”. The word ‘any’ must in our view have been chosen to provide Natural England and the access authority with reasonable discretion as to the width of the hedge and its purpose. We therefore maintain that the proposed screen can be established using the powers and procedures in Schedule 20.

We refer the Secretary of State to our comments on representation *MCA/ABD6/R/40/ABD0946* where we explain the proposed width of the hedge we propose to plant at route section ABD-6-S013 and the extent to which we are able to reduce that width to meet the occupier’s concerns.

(I) A number of concerns have been raised about the assumptions within the Habitats Regulations Assessment, especially the reliance on notices, signs and restrictions as means of mitigating any adverse effects on sensitive species, notably birds.

The proposals do not rely solely on notices, signs and restrictions to mitigate adverse effects on sensitive species. We refer the Secretary of State to table 6.2.8 of report ABD6, where we describe an extensive suite of mitigation measures, including for example the positioning of the route and the use of physical barriers to access, in addition to notices, signs and restrictions.

Signs and notices are an important aspect of the design and management of the route and the content and positioning of them will reflect best practice and be based on our experience directly managing 142 National Nature Reserves and our long-standing role in the management of National Trails. In our experience it is reasonable to expect the majority of walkers to adhere to restrictions and notices provided that they are clearly explained and that restrictions are proportionate to the need (see our comments about point C above). We would expect that from time to time people will ignore notices but we say that with good design and positioning and well-worded content this will be the exception rather than the rule.

Where problems occur in the wider countryside these are usually attributable to a lack of appropriate access management, for example unclear or confusing signs, or where walkers have been allowed to develop unwanted habits over time without any concerted or informed attempt at changing them. Here we have the advantage of designing the access correctly from the outset and therefore do not expect significant problems.

(J) The coastal access report places emphasis on “continuity” of the path, but it is worth noting the legislation sets many criteria which are applicable to estuaries, all of which should be considered.

We agree that the report places emphasis on continuity of the path, which is in keeping with the principle in section 297(2) of the Marine and Coastal Access Act that interruptions to the route should be kept to a minimum. It is also consistent with the Coastal Access Scheme, in particular section 10.1.5 which says we will always give careful consideration to the option to extend the trail as far as the first bridge or tunnel with pedestrian access.

We also agree with the CLA that the list of criteria included in the legislation is not exclusive. We refer the Secretary of State to part 5 of the Overview to the reports, where we set out our detailed assessment of the full list of criteria which we must consider when deciding whether to propose that the coast path should include an estuary and if so, to what extent.

We would further agree that it is necessary to consider (taking the two examples given by the CLA) potential impacts on wildlife and the option to align the coast path along the same route as the forthcoming Clevedon to Weston cycle link. With respect to wildlife considerations on the estuary we refer the Secretary of State to our published Habitats Regulations Assessment (HRA) and nature conservation assessment (which addresses wildlife considerations that are outside the scope of the Habitats Regulations). With respect to the cycle link which follows country lanes between Clevedon and Tutshill sluice (maps ABD 6a to ABD 6d), we refer the Secretary of State to our comments on points K to L below.

(K) Suggested Modifications - Option 1: following the cycleway from Tutshill Sluice to Kingston Pill

The CLA suggests using the planned cycleway from Clevedon to Weston-super-Mare in preference to our proposed route. The map can be found in section 6 of this document.

We have been in close contact with the team at North Somerset Council developing the cycle route from the outset and have sought to maximise efficiencies and synergies between the two projects, in particular the opportunity for a shared river crossing across Tutshill Sluice, part of the red line on the

cycle route map. However the whole cycle route from Clevedon to Tutshill Sluice is not a viable alternative to our proposed route. Unlike the coast path, the cycle route is primarily for leisure cycling and commuting; there is no inherent reason why it should follow the coast. We refer the Secretary of State to table 6.3.3 of report ABD6, where we summarise our views on available road routes for the coast path - including the cycle link - under the heading "Inland routes from Kingston Pill to Tutshill sluice".

In the representation, the CLA points out that the cycle route would be continuous and easy to follow, avoids disturbance to waterbirds and minimises disruption to farmers and landowners. We broadly agree with this analysis but it is incomplete; the cycle route fails to meet the core characteristics of a coastal walking route described in chapter 4 of the Coastal Access Scheme. In particular between Dowlais Farm (report map ABD 6a) and Tutshill Sluice (report map ABD 6d) it lacks any sea views or proximity to the sea. At 5.9 kilometres in length this is a significant departure from the sea which we would only propose if we were satisfied that no more coastal route could be found that would strike a fair balance and meet conservation objectives for protected sites. We maintain that the proposed route satisfies those two tests. This analysis is in keeping with section 4.2.4 of the Coastal Access Scheme: "the trail need not be aligned along a road used regularly by motor vehicles if there is another suitable route".

(L) It is incorrect to state that the local road network would not be safe or suitable.

The representation refers to a report commissioned by North Somerset Council to identify any road safety issues along the cycle route and outline options to address them. The CLA notes that site observations during the preparation of the report suggested traffic speeds and volumes "commensurate with a quiet lane suitable for use by walkers, cyclists and equestrians". This passage should not be read as an endorsement of the cycle route as a promoted walking route. It is a generalised statement in a report commissioned specifically to look at the suitability of the local road network as a cycle route.

Pedestrian safety on the cycle route could be improved in some places, for example by vegetation clearance or more regular cutting, but in others the narrow width and lack of verges would make this impractical. The overall experience is not in our judgement consistent with public expectations of safety for a promoted walking route and would be likely to discourage or exclude many potential users including families with children and people with reduced mobility.

(M) The suggestion that an inland route would create a large area of coastal margin is incorrect.

The representation refers to the description of coastal margin in article 3(2) of The Access to the Countryside (Coastal Margin) England Order 2010 (SI. No 558) ("the Coastal Margin Order"). This says, in effect, that the approved path and the land seaward of it are coastal margin provided that, taken as a whole, the area in question is coastal land.

The CLA argue that were the cycle route to be approved as the England Coast Path, the farmland seaward of it would not be coastal margin because it is not "coastal land". This, they say, removes one of the difficulties we foresee in our analysis of potential inland routes on page 23 of the report - that it would by default create access rights over much larger areas of pasture than would be the case under

our proposals which, for the area between Kingston Pill and Tutshill Sluice, would confine access rights largely to the path itself (see Directions Map 6B).

In our view this interpretation of the Article 3(2) is mistaken:

- Coastal land means the foreshore and land adjacent to it - see section 3(3) of the Countryside and Rights of Way Act (CROW). That definition means what it says: it is drafted to be broad and inclusive. There is nothing in it to remove from the scope of “coastal land” any area between the path and the seaward edge of the foreshore that does not fall into one of the example land categories shown in brackets at the end of s3(3) (these being cliff, bank, barrier, dune, beach, flat).
- The position of the route therefore exclusively determines the extent of the seaward margin: there is no other mechanism in the legislation which could determine it. The legislation then relies on the exceptions in Schedule 1 to CROW to remove automatically from the scope of coastal access rights the most obviously unsuitable land types that may fall within this automatic margin. There are then local access exclusion and restriction powers under chapter 2 of CROW Part 1 that can be used where it is necessary to do so on one of the grounds set out in that chapter. The Coastal Access Scheme, which was approved by the Secretary of State to set out the approach Natural England will take on the ground to discharging the Coastal Access Duty (and which NE and the Secretary of State are therefore both bound by), sets out detailed criteria governing the use of these exclusion and restriction powers in different local situations.

It should be noted that paragraph 2.3.4 of the approved Scheme supports our interpretation above of Article 3(2), when it says:

“The position of the route that we propose in our report also determines, if approved, the inclusion of land to either side of it as coastal margin:

- land on the seaward side of the trail automatically become coastal margin; and
- other land of certain specific types also becomes coastal margin if it lies on the landward side of the trail...”

The distinction should be noted in that approved paragraph between the position seaward of the trail, where the Scheme rightly says all types of land automatically become margin by default; and the position on the landward side where, in accordance with article 3(3) of the Coastal Margin Order, the Scheme rightly says that only the types of land specified there are automatically included by default. These are foreshore, cliff, bank, barrier, dune, beach, flat, or section 15 land.

(N) Suggested modifications - Option 2: a summer and winter route option, similar to that proposed for the West side of the Yeo.

The CLA suggests, instead of its option 1 (using the cycle route all year round), that our proposed route between Kingston Pill and Tutshill Sluice could be retained, but operate only as a ‘summer’ route for a four to six week period, with the cycle route forming an official ‘alternative’ route for the remainder of the year. The period of operation for the ‘summer’ route under this scheme would be

the same as that proposed by Natural England for the southwest bank of the Congresbury Yeo – mid May to late June.

The CLA's rationale for excluding access to the 'summer' route at other times of year would be to avoid disturbance to birds and make it easier for farmers to adapt to the new access.

Directions can be given to restrict or exclude access rights for land management reasons and can be used to address concerns about public access in fields used by cattle, for example as we propose in the unusual circumstances described in paragraph 6.2.24 of [report ABD6](#). However, we are not satisfied that it is necessary to exclude access any further for this purpose on the basis of the evidence we have seen.

We do not agree that it is necessary to exclude access along the proposed route to avoid bird disturbance; it has been carefully designed to keep bird disturbance to a minimum as we explain in detail in section 3.2D of our published Habitats Regulations Assessment.

There are some similarities in the circumstances between Kingston Pill and Tutshill sluice and those on the southwest bank of the Congresbury Yeo: special measures are necessary to conceal walkers from roosting and feeding waterbirds and the period of sensitivity is from early July to mid-May. However, we say there are important differences in circumstance which justify a different approach:

- our proposed exclusion on the southwest bank is limited to sections of the path adjacent to sensitive areas, whereas, under the CLA's option 2, access would be excluded to less sensitive areas where there are opportunities for people to enjoy views of the estuary (for examples sections ABD-6-S032 and ABD-6-S033);
- there is less scope for an off-road route land on the southwest side because the land at the landward edge of the floodbank is much wetter – this is because the fields on the southwest side drain towards the flood bank whereas the those on the northeast side drain away from it.
- the length of road walking under the CLA's option 2 is 5 km which would significantly detract from the public benefit of the path (on the southwest side it is only 1.5 Km);
- the cost to establish the 'summer' route under the CLA's option 2 would be over £100,000, which in our view would be disproportionate for the six weeks a year of access it would provide, whereas the cost of the 'summer' route on the southwest side is only £2,000.

The CLA also argues that their summer/winter route option would be much simpler for the public to understand than "to have just one path on which myriad different directions will apply, many of which are likely to be ignored, with consequent effects on wildlife and farming". Our expectation is different; as a general rule, people will be able to follow the route and willing to comply with any restrictions that apply there, provided that they are signed clearly and conspicuously as we intend.

Finally the CLA suggests that summer/winter route options were not discussed with land owners between Kingston Pill and Tutshill Sluice. In fact we investigated a number of options for seasonal routes with the affected land owners, which is referenced on pages 23/24 of [report ABD6](#).

In conclusion we maintain that our proposal for a single, carefully-designed route strikes the best balance between the various considerations of public and private interest.

Representation ID:	<i>MCA/ABD6/R/75/ABD1851</i>
Organisation/ person making representation:	<i>The Ramblers (Woodspring group)</i>
Name of site:	<i>Wains Hill to Huckers Bow</i>
Report map reference:	<i>Directions Map ABD 6B; map ABD 6f</i>
Route sections on or adjacent to the land:	-
Other reports within stretch to which this representation also relates	-

Summary of representation:

The Ramblers supports appropriate measures to enhance habitats and protect wildlife. We have considered Natural England’s published proposal for closure of the coastal access at the River Yeo for up to 11 months of the year but we find this entirely unacceptable. The reasons provided, that it is to reduce the risk of disturbance by recreational users to non-breeding water birds feeding and roosting in the river channel, do not appear to take account of experience elsewhere. Many waterways, islands and coastal paths have far greater numbers of water birds feeding, nesting and breeding and have no restrictions to members of the public. Northumberland coastal path and the Farne Islands to name just two.

In our experience the River Axe, which is a little further south of Weston-super-Mare, has very similar environmental and conservation issues as the Yeo but will have access for the 3 months of the year. The same 3 months was agreed in principle between Woodspring Ramblers and Natural England.

Brean Cross sluice (point G) to Old Ferry Point (point H) on map F – Uphill Beach car park to Brean Down Fort - is another area with, in our experience, very similar environmental and conservation issues as the Yeo. This area will also be open for 3 months of the year.

Our understanding is that the birds who feed in the area around North Somerset and especially the areas discussed above are relatively common throughout the UK and can be found along many tidal rivers and estuaries. These birds are not peculiar to this section alone. Somerset enjoys many, many areas of wetland with very similar wildlife and water fowl to this area with no restrictions on public access. In fact, footpaths have been made for people to enjoy the views of the wildlife. We, therefore, don’t understand why this location should be restricted in this way.

The alternative (road) route

The alternative path, well away from the coast, is along a winding country lane which can be a 'bypass' for commuter traffic avoiding the congested junction 21 of the M5. Our view is that it is dangerous to walk along. Even if this road were not dangerous, walking in very close proximity to vehicles, with their noise, fumes and speed, is unattractive. The verges become overgrown and cannot be used for long periods of time. We would also like to highlight that plans are in place to build a further 100 plus houses north of the Ebdon Road. This will make traffic using the Wick St. Lawrence route as a short cut to avoid Jct. 21 of the M5 even more dangerous. We understand that it has been assumed the average speed of vehicles throughout the day is just under 25 mph but that this average includes cyclists. We are certain the average speed would be greatly increased without cyclists' data.

Natural England's comment:

We thank the Ramblers for the representation and for its engagement throughout the development of the access proposals in report ABD6. The representation makes two related points: first that the Ramblers do not agree that it is necessary to exclude access rights to the proposed route along the southwestern bank of the Congresbury Yeo river to the extent proposed and second that the alternative route (which would operate when the exclusion is in force) is unsuitable. We address these two points in that order below.

The exclusion period

On page 10 of [report ABD6](#) we propose that access rights to route sections ABD-6-S047 to ABD-6-S049 as shown on map ABD 6d should be excluded for up to 11 months of the year. The exclusion would end on May 16th each year but the starting date would vary depending on when curlew *Numenius arquata* return to the river in significant numbers from their breeding grounds, which changes from year to year. Where we propose seasonal exclusions such as this one, we consider the site on its own merits and determine the exclusion period accordingly; on the river Axe (report ABD10) there is a seasonal exclusion that will operate for nine months of the year because those are the months when sensitive species are present there in significant numbers.

The exclusion is part of a suite of mitigation measures summarised in table 6.2.8 of the report to reduce the risk of disturbance to feeding and roosting waterbirds. Waterbirds are qualifying features of the Severn Estuary Special Protection Area and Ramsar site and thus protected by the Habitats Regulations. The case for measures to reduce disturbance is set out in more detail in our published [Habitats Regulations Assessment](#) (HRA). Section D2.4 of the HRA outlines the potential consequences of disturbance in terms of energy loss and reduced feeding time and the risks this presents to waterbirds' survival. Section 3.2D assesses potential impacts of the access proposals, including the proposed mitigation, on waterbirds feeding and roosting on the Congresbury Yeo. Sections 3.3 to 5 go on to conclude that these measures will prevent adverse effects on the integrity of the site as the Habitats Regulations require. We maintain that this conclusion is correct.

We met local Ramblers' representatives several times to discuss our emerging proposals for access between Aust to Brean Down, including the seasonal access arrangements now proposed for the Congresbury Yeo (the subject of this representation) and on west bank of the River Axe (to which the representation refers – see report [ABD10](#)).

The Woodspring Ramblers support measures to protect wildlife and, as we now understand it from the representation, agree in principle to the exclusion on the River Axe, which would last for nine months, but is not persuaded that the longer exclusion proposed for the Congresbury Yeo is necessary.

Both rivers support waterbird species that are sensitive to disturbance, in numbers that we consider significant in terms of the overall population of the protected site. However, the period during which species of concern are present on the two sites is different:

- On the Axe the key species is redshank *Tringa totanus*, which is present in significant numbers from mid-July to mid-April; this corresponds to the period when part of the proposed route would be closed.
- On the Congresbury Yeo, redshank are also present in significant numbers between those dates. Several other species are present in significant numbers on the Congresbury Yeo which are not present in significant numbers on the Axe. Among these, whimbrel *Numenius phaeopus* are present in significant numbers up to 15th May and curlew return from breeding grounds elsewhere by early July. Both species are sensitive to disturbance and we maintain that the longer exclusion period on the Yeo is necessary for this reason.

The alternative route

Map ABD 6f of the report shows the alternative route which we propose should operate when access rights to sections ABD-6-S046 to ABD-6-S049 is excluded. From the upstream end of the route near Samson's Sluice it follows a disused railway track bed to Wick Road. It then follows Wick Road to Wick-St-Lawrence village where it turns down Duck Lane (which is a no-through road) and then joining a farm track that leads towards the mouth of the river. As we understand it, the representation is concerned mainly with route section ABD-6-A003 which passes along Wick Lane, which the Ramblers say is unsafe and unpleasant to walk along.

We asked highways officers at North Somerset Council for advice on the safety of this part of the route and commissioned a traffic monitoring device to measure traffic volumes and speeds over several weeks to inform their analysis. They advised that it would be necessary to cut the verges regularly during the growing season to allow walkers to step off the road conveniently. They also advised a pedestrian refuge on the bend by Icelton Farm which has been designed and costed into our proposals.

Since this assessment, North Somerset Council has separately been granted planning permission to include this part of Wick Road in the Clevedon to Weston cycle link. The approved plan for the cycle link includes works at the junction of Wick Road with the old railway track bed. Although designed mainly to improve cycle safety, these works will benefit pedestrians by slowing traffic and improving visibility there for both pedestrians and motorists.

In general we would agree it is less pleasant to walk along roads than other routes and surfaces and we know from user surveys on the South West Coast Path that off-road paths are among the most important factors in choosing a walk. We therefore looked at other existing routes between Tutshill

and Wick-St-Lawrence using public footpaths: these footpaths are not visible on the report maps, but can be viewed on a map included in section 7 of this document. Using the footpaths would reduce the amount of road walking but would increase the length of the walk significantly overall because the ground in that area is generally heavy and the footpath surface has deteriorated around gateways where livestock congregate. We concluded that Wick Lane is the best option because it is the most direct and convenient route back to the coast. We maintain that conclusion is correct and that the alternative route proposed in the report is safe and convenient for pedestrian use.

4. Summary of any similar or identical points within ‘other’ representations, and Natural England’s comments on them

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
<i>MCA/ABD Stretch/R/1/ABD1840</i>	<i>[redacted]</i>
<i>MCA/ABD Overview/R/2/ABD1842</i>	<i>[redacted]</i>
<i>MCA/ABD Stretch /R/2/ABD1784</i>	<i>Clevedon Pier and Heritage Trust</i>
<i>MCA/ABD Stretch /R/3/ABD1847</i>	<i>Clevedon Coast Community Team</i>
<i>MCA/ABD Stretch/R/4/ABD1849</i>	<i>Clevedon BID</i>
<i>MCA/ABD6/R/2/ABD1850</i>	<i>[redacted]</i>
Name of site:	<i>Aust to Brean</i>
Report map reference:	-
Route sections on or adjacent to the land:	-
Other reports within stretch to which this representation also relates	<i>All reports between Aust and Brean Down</i>
Summary of point:	
These 6 representations all express support and enthusiasm for the coastal access proposals and have been summarised together for this reason. There are some differences of emphasis which we highlight in the summary below.	

[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 for the coastal access proposals from Aust to Brea as a whole.

The Clevedon Pier and Heritage Trust, the Clevedon Community Trust (CCT) and the Clevedon Business District (BID) are all Clevedon-based organisations. They confine their comments to the two reports covering the coast between Wain's Hill in Clevedon (report ABD6) and Birnbeck Pier in Weston-super-Mare (report ABD7).

[redacted] is a member of the public and volunteers for Sustrans. He confines his comments to this report.

[redacted] anticipates that the path will promote tourism, sustainable travel and a more active lifestyle. She points out that that sustainable travel is part of 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.

Clevedon Pier and Heritage Trust has responsibility for the UK's only accessible Grade 1 listed pier. It attracts over 100,000 visitors per year many of whom arrive by car. The nearby seaside resort of Weston-Super-Mare is a major tourist draw and the Trust reports an increasing appetite for visitors to walk a coastal path between the two towns. The route from Birnbeck Pier to Clevedon Pier would link these two iconic Victorian structures and reduce the need for people to travel by car to visit them.

The CCT is a local partnership which has developed a collective understanding of the issues facing Clevedon and laid out a local strategy in an Economic Plan. It consists of representatives from a wide range of business organisations, community groups, charitable bodies and local government. The CCT has been a major player in delivering a number of important local projects including the creation of the Clevedon BID, the inception of the Discover Clevedon brand, bicycle racks on the beachfront and improvements to the Pier Copse park.

The CCT and BID have both agreed to proactively support the new footpath. The path meets a number of their objectives, namely; opening up Clevedon to walkers wishing to traverse the coast from Weston-super-Mare, reducing traffic volumes in the town (there is very little provision for anything other than cars), increased usage of the town's heritage assets (The Marine Lake, The Victorian era Curzon Cinema and the iconic Grade 1 listed Clevedon Pier) and the encouragement of well-being through greater access to areas of natural beauty on the periphery of the town.

[redacted] regards access to this part of the coast for walkers and cyclists as long overdue and expects it to prove a great asset to this region and to the country as a whole.

Natural England's comment:

We thank [redacted], [redacted], the Clevedon Pier and Heritage Trust, the Clevedon Community Trust, the Clevedon Business Improvement District and [redacted] for their enthusiastic responses to the coastal access proposals.

We draw the Secretary of State's attention to the anticipated benefits in terms of tourism, sustainable travel, public enjoyment and well-being.

With reference to [redacted] comment, the Secretary of State may wish to note that North Somerset Council are separately pursuing a cycle link between Clevedon and Weston-Super-Mare. This follows a different route to our proposed route for the coast path, except around the river crossing on map ABD 6d where the two routes briefly converge.

Representations containing similar or identical points

Representation ID	Organisation/ person making representation:
<i>MCA/ABD6/R/12/ABD1843</i>	<i>The Disabled Ramblers</i>
<i>MCA/ABD6/R/13/ABD1843</i>	<i>The Disabled Ramblers</i>
Name of site:	<i>Huckers Bow</i>
Report map reference:	<i>ABD6 a-f</i>
Route sections on or adjacent to the land:	<i>ABD-6-S001 to ABD-6-S060 and ABD-6-A001 to ABD-6-A009 (Representation MCA/ABD6/R/12/ABD1843)</i> <i>ABD-6-S060 (representation MCA/ABD6/R/13/ABD1843)</i>
Other reports within stretch to which this representation also relates	-

Summary of point:

The representations from the Disabled Ramblers primarily concern access for people who use mobility vehicles but the remarks generally apply more widely to all people with reduced mobility. The Disabled Ramblers note that Natural England has underestimated the growing number of people who now use such vehicles and the vehicles' capability to access uneven and sloping terrain. They point out that the proposed route on this part of the coast, being generally situated on flood banks and other flat surfaces ought to be accessible to off-road mobility scooters provided there is reasonable adaptation, for example by constructing ramped surfaces to ascend and descend the banks.

The Disabled Ramblers make several general remarks which 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 2.2.10 in Report ABD 2, 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 terrain in Report ABD 2 is suitable for this group of people.
- 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.

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

They propose a modification of the proposed route at Huckers Bow Sluice so that it avoids a set of steps there and submits photographs to illustrate the modification, which are included in section 6 of this document.

Natural England's comment:

We thank the Disabled Ramblers for its representation and in particular welcome the timely focus on adjustments for mobility scooter users. We draw the Secretary of State's attention to the representation above from North Somerset Local Access Forum which makes some similar points, and to our comments there.

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 North Somerset 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 this representation, we have received further and more detailed suggestions from the Disabled Ramblers as to how best to fulfil this aspiration. We have shared all these suggestions with North Somerset Council.

Natural England and North Somerset Council share the ambition to make the coast path and adjoining margin more accessible to mobility scooter users and in principle agree to do so. This is subject to practical considerations which may be raised, for example by the affected land owner and tenant, whose agreement must be sought before any works are undertaken. We would fund the physical works necessary as part of the preparatory works for the route approved by the Secretary of State.

The Disabled Ramblers propose a route modification at Huckers Bow sluice to allow access to Middle Hope for mobility scooter users. We refer the Secretary of State to our comments (in section 3 of this document) about the representation from the North Somerset Local Access Forum, which makes the same recommendation. Since receiving the representations we have visited the site with a representative from the Disabled Ramblers and we are now actively pursuing resolution of this issue with interested parties, as our comments in section 3 explain.

Relevant appended documents (see Section 6):

From the Disabled Ramblers representation *MCA/ABD6/R/12/ABD1843*:

- Photograph illustrating examples of mobility scooters on uneven ground

From the Disabled Ramblers representation *MCA/ABD6/R/13/ABD1843*:

- Photographs of steps at Huckers Bow, which are a barrier to mobility scooter users
- Proposed modification to the route at Huckers Bow Sluice from the Disabled Ramblers *Supporting Photographs*

Representations containing similar or identical points

Representation ID

Organisation/ person making representation:

See list in section 7 of this document

Name of site:

Sea Wall, Kingston Seymour

Report map reference:

ABD 6b

Route sections on or adjacent to the land:

ABD-6-S013 to ABD-6-S017

Other reports within stretch to which this representation also relates

-

Summary of point:

This group of 52 representations all express opposition to, or dissatisfaction with, Natural England's proposal to exclude access to the concrete seawall seaward of route section ABD-6-S017. In addition:

- The representation from Kingston Seymour Parish Council comments on sections ABD-6-S013 to ABD-6-S017 together. The Council's view is that all these sections should be on the seawall or seaward of it.
- A few refer to the adjoining route section ABD-6-S016 – the end of the track between the seawall and Channel View Farm on map ABD 6b - but their substantive comments relate to route section ABD-6-S017.
- Several representations also comment on route sections ABD-6-S018 to ABD-6-S031 of the proposed route. These are summarised in a separate table further down section 4 below, together with other representations about route sections ABD-6-S018 to ABD-6-S031.
- In a few cases it is not clear to which part of the seawall a representation refers; in these instances we have assumed that the remarks refer to route section ABD-6-S017 because they are consistent with remarks made by others about this route section.

36 of the representations are from residents of the nearby village of Kingston Seymour, their relatives, or family friends. The remainder are, with one exception, from people with addresses in other nearby towns and villages. All the people who made representations describe personal experience of visiting the seawall.

Most describe visiting for fresh air and exercise and there are numerous accounts of the benefits in terms of mental and physical well-being. Some describe particular activities including beach-combing, wildlife study, fishing and collecting litter. A few refer to local people visiting the seawall to check the height of the tide during extreme weather conditions, when overtopping of the seawall has in the past put land and lives at risk of flooding. Many of the accounts describe visits over a number of years or decades. Photographs are included of people enjoying access along the seawall in 2012, 2010, 2007, 1988 and 1958. One includes a photograph of a booklet which describes summer outings to the seawall organised by the Claverham Free Church during the 1920s. We have not included these photographs in this document but can supply them to the Secretary of State on request.

Collectively the representations attest to a long-standing tradition of access to the seawall by local people. On that basis, they challenge the proposal to exclude access to this part of the seawall. Several invoke a passage at the foot of page 8 of the [Overview](#) to the reports which they regard as inconsistent with the exclusion proposal:

“These new rights, and any national or local restrictions on them, will not affect any existing access arrangements for cyclists, horse-riders or other types of recreational user that may currently exist at the local level - for example by formal agreement with, informal permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.”

Others suggest that access to the seawall is a right by virtue of the provision in section 31 of the Highways Act 1980 for a route to be presumed dedicated as a public right of way if there is evidence of uninterrupted public use for twenty years.

Some representations also challenge the position of the proposed route, which is landward of the embankment that separates the seawall from the nearby farmland, and there are concerns that the fence we propose to erect between the coast path and the top of the bank will prevent people from getting to the seawall.

Some question the need for measures to protect waterbirds from disturbance. They support this argument with anecdotal evidence, for example:

- some refer to other places they have visited where there are waterbirds and they are not so protected;
- some say that the seawall at route sections ABD-6-S017 is not an important roost site, for example in comparison to nearby areas of saltmarsh.

Several solutions were put forward to enable the existing access tradition to continue including: maintaining an access point on to the seawall from the path, which some people suggested should be padlocked with a combination known only to local people; signs asking people to avoid disturbing birds; seasonal access to the seawall, so that people can go there at time of year when birds are not present; a trial period of unrestricted access to see if the birds are really affected.

Natural England's comment:

These representations all concern a concrete seawall that runs parallel and seaward of section ABD-6-S017 of the proposed route. The route itself would run along the rear of the main sea defence, an earth bank that separates the proposed path from the older concrete seawall. The bank and the seawall would fall into the coastal margin but, under our proposals, access rights there would be excluded as part of the proposal described in paragraphs 6.2.20 and 6.2.21 of [report ABD6](#). The rationale behind the position of the proposed route and the access exclusion is described next.

The area is part of the Severn Estuary Special Protection Area (SPA) and Ramsar site and our proposals have therefore been considered in the published [Habitats Regulations Assessment](#) (HRA); section D2.4 explains the context, paragraphs D3.1.7 to D3.1.20 explain our strategic approach to recreational disturbance of waterbirds on the Severn and section D3.2D sets out our detailed assessment of the risks in the area covered by report ABD6. The HRA draws on evidence in a 2015 report to Natural England that identifies places on the Severn Estuary where waterbirds gather to rest (roost) at high tide (['the Latham report'](#)). The Latham report describes a roost on the seawall at this location which it calls 4G which is used by several species of waterbird that are qualifying features of the SPA/Ramsar site. The approximate extent of the roost can be seen alongside the proposed route on map D2 of the HRA.

Waterbirds are vulnerable to disturbance because it reduces the time available for them to feed and increases their energy needs, for example by causing flight. We expect a significant increase in

recreational use in this area when the coast path is opened because there is currently no path along the coast. We have therefore been careful to design the route and associated access measures to avoid any significant increase in disturbance to waterbirds. Page 4 sets out the measures that we concluded were necessary to manage this risk, so avoiding adverse effects on the integrity of the site to comply with the Habitats Regulations. These include the position of the route and the exclusion of access rights seaward of route sections ABD-6-S016 and ABD-6-S017. To mitigate the loss of sea views and enable path users to view waterbirds without disturbing them a raised viewpoint would be created at one end (near the junction with section ABD-6-S016) and a viewing screen would be erected at the other end (near the junction with section ABD-6-S018). We also propose to erect a fence along the seaward edge of the path to discourage path users and their dogs from walking up the bank into view of roosting birds.

We are aware that local people have permission from one of the land owners to access the seawall via the track from Channel View Farm on map ABD 6b and we have occasionally encountered people visiting the seawall during the development of our proposals. The Latham report also describes low-key informal access by dog walkers and anglers on the seawall (see paragraph 6.101). However, we were surprised by the number of representations we received about it, the evidence of long-standing use going back many decades and its importance to the local community. We decided to meet the people who made representations to explain the evidence for our proposal in more detail and to explore some of the alternatives to see if another solution could be found that would be acceptable to most existing users whilst maintaining the necessary degree of protection for roosting birds.

At the meeting we explained that our main concern at this location is disturbance to birds roosting on the seawall at high tide. We asked those present whether they would be willing to avoid the seawall adjacent to section ABD-6-S017 for a period around high tide to allow waterbirds to roost there. We suggested we might put a sign to this effect at the main access point to the seawall at route section ABD-6-S016 and we explained that we did not propose any physical measures to prevent access to the seawall at this point. The general view among those present was that this would be a pragmatic compromise.

Several people at the meeting pointed out that sea anglers normally visit this area at high tide, when the tidal water bring fish closer to the seawall. We therefore approached a local angler to find out exactly where anglers prefer to fish. He explained that anglers usually prefer to fish close to the main access point to the seawall at route section ABD-6-S016 and other nearby locations closer to Clevedon, rather than the area where birds tend to roost adjacent to section ABD-6-S017. We took from this discussion that waterbirds roosting there are nor normally disturbed by sea anglers. We also discussed how on the highest tides anglers normally go to the far end of the seawall near the junction of sections ABD-6-S017 and ABD-6-S018 because there is a section of raised wall where they can fish while the rest of the seawall is covered. He suggested that anglers might approach the raised part of the wall using the coast path along the landward side of the bank, so avoiding the intervening seawall where the birds roost. We thought this a helpful suggestion, although we would expect birds to be displaced from the seawall by the tide in these circumstances, so the risk of disturbance from recreational activities on the highest tides is not significant at this location.

In conclusion we recommend that the Secretary of State approve the proposal with a modification to the extent of the exclusion illustrated on Directions Map ABD 6B, the effect of which would be to create new access rights to the seawall. We include a revised Directions Map 6B in section 7 of this document to illustrate the recommended extent of the revised exclusion. The coast path would remain behind the earth bank as proposed, providing a means of onward access as already described. If the Secretary of State approves this proposal we would erect a sign at the main access point to the seawall, asking visitors to avoid visiting the part of the seawall seaward of route section ABD-6-S017 during the period around high tide and explaining the reason for this request. Having met those who made representations and discussed it with them we are satisfied that the majority of users will observe this request and, therefore, that our proposed modification would not affect the overall conclusion of the HRA. We have also discussed the proposed modification with the Environment Agency, which is the land owner, and they have indicated their agreement in principle.

The representation from Kingston Seymour Parish Council concerns sections ABD-6-S013 to ABD-6-S017 together. The Parish Council's view is that all these sections should be on the seawall or seaward of it. We have explained our proposals for this part of the route in more detail with the Council: sections ABD-6-S013 to ABD-6-S015 of the proposed route would be on the earth bank with views of the sea, which as we understand it would meet the Council's wishes. Our proposals and further recommendations with respect to seawall access at route sections ABD-6-S016 and ABD-6-S017 are outlined above. Parish Council representatives have been involved in the discussions described and, as we understand it, the Parish Council supports our recommended modification.

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
<i>MCA/ABD6/R/6/ABD1861</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/10/ABD1865</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/24/ABD0939</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/25/ABD1857</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/44/ABD1617</i>	<i>Kingston Seymour Parish Council</i>
<i>MCA/ABD6/R/53/ABD1889</i>	<i>[redacted]</i>
Name of site:	<i>Sea Wall, Kingston Seymour</i>
Report map reference:	<i>ABD 6c</i>

Route sections on or adjacent to the land:	<i>ABD-6-SO18 to ABD-6-SO31</i>
Other reports within stretch to which this representation also relates;’ 56	-
<p>Summary of point:</p> <p>This group of representations refer to route sections ABD-6-S018 to ABD-6-S031 which cut inland around Wharf Farm. [redacted] and [redacted] in their representations refer only to route sections ABD-6-S018 to ABD-6-S031. The others refer also to route section ABD-6-S017 and their views on that route section are summarised in the previous table alongside others who made representations about it.</p> <p>All these representations refer to historic use of the seawall by local people and ask that it is maintained. The Parish Council says that access to the sea wall has been the right of the residents of Kingston Seymour for over 100 years. All the representations describe recreational use of the seawall and [redacted] says additionally that local villagers have had access to the seawall for many decades for relaxation and to check potential risk of flooding to their properties when there is a combination of high tide, onshore wind and tidal surges. He points out that much of the land in Kingston Seymour is below high tide level so this access is important.</p> <p>To support its argument the Parish Council refers to page 36 of the Overview to the coastal access proposals, where Natural England states that any other use people already make of coastal land locally by formal agreement with the landowner or by informal permission or traditional toleration will not be protected or affected by the proposals.</p> <p>Some argue that the outer seawall, which is made of concrete and bitumen, is much more suitable as a walking route than the route proposed (which is generally grass).</p> <p>The Parish Council refers to a comment in Natural England’s report about tidal debris and argues that this is a potential hazard anywhere on this stretch of coast which walkers will be aware of.</p> <p>Some of this group of representations question whether it is necessary for the route to be set back from the seawall to avoid potential disturbance to migratory and wintering shorebirds. They ask for evidence of its importance and ask us to re-examine it. They refer anecdotally to local birdwatchers who have said it is not of particular importance for birds. [redacted], who is a professional biologist, has not observed significant numbers of birds here despite visits over a number of years. They refer to other parts of the country where there are well-walked public paths that do not affect bird behaviour and give the example of Woodbridge in Suffolk.</p> <p>Representations from [redacted] and the Parish Council also question whether it is necessary for the route to go inland of Wharf Farm to help with bio-security measures put in place to protect a herd of rare breed cattle. They argue that such a route presents a greater risk to biosecurity because it takes walkers and their dogs closer to livestock than would a route that went straight down the sea wall.</p>	

Natural England’s comment:

Natural England proposes that route sections ABD-6-S018 to ABD-6-S031 should cut inland and that access rights to land seaward of the route should be excluded. This group of representations argue that the route should instead follow the seawall which would be excluded under the proposal.

The representations deploy similar evidence and arguments to the larger group of representations referring to route section ABD-6-S017. We acknowledge that local people have walked along this part of the seawall in the past. Unlike the adjoining seawall at ABD-6-S017 they have done so, as we understand it from the land owner, without her permission or tolerance. The owner has actively discouraged access there in recent years by placing signs at the farm boundaries and asking walkers to leave the land.

In our report we summarise our views on a seawall route on page 25 under the heading ‘Wharf Farm’, where we refer to it as option (a). The main reason for choosing a route that avoids this part of the seawall is the need to avoid increased disturbance to waterbirds that roost there.

The main evidence for waterbird use is in a [2015 report](#) to Natural England which refers to two roosts on this part of the seawall – 4H and 4I – both of which is categorises as primary roosts. We regard this as the best available evidence about the roosting habits or waterbirds on this part of the estuary. We refer the Secretary of State also to our published [Habitats Regulations Assessment](#), where we explain why increased disturbance can be problematic and how we plan to avoid it at this location. We maintain that it is necessary to avoid increased disturbance at this location and that our proposal is the best way to achieve this.

The other issue in play at this location is the biosecurity of the herd of British Shorthorn cattle which graze the land behind the seawall. We refer the Secretary of State to our comments on representations concerning the issue of farm biosecurity, where we explain this issue in more detail. There we explain why we do not generally consider walkers and their dogs to be a significant risk to farm biosecurity and why in this particular case we have taken very unusual steps to help with biosecurity of the Shorthorn herd.

We would agree with those who say that the surface of the seawall is suitable for walking, although that is not to discount (as some representations do) the merits of the grass surface along the route we propose. We would also agree with the Parish Council that tidal debris is a common hazard on the coast, but the Council misunderstands our reference to tidal debris on page 25 of the report; the issue is that heavy items which are periodically washed up here would make it impractical to fence the seawall from the farmland to landward.

Representations containing similar or identical points

Representation ID

Organisation/ person making representation:

MCA/ABD6/R/21/ABD0940	[redacted]
MCA/ABD6/R/40/ABD0946	[redacted]
MCA/ABD6/R/42/ABD1563	[redacted]
MCA/ABD6/R/43/ABD1343	[redacted]
Name of site:	<i>Wains Hill to Huckers Bow</i>
Report map reference:	<i>ABD 6b, ABD 6c.</i>
Route sections on or adjacent to the land:	<i>ABD-6-S013 (Kostyla), ABD-6-S020 and ABD-6-S021 (Wallis), ABD-6-S023-ABD-6S029 (Kingcott)</i>
Other reports within stretch to which this representation also relates	-
<p>Summary of point:</p> <p>These representations are made by people who graze cattle on various land holdings between Kingston Pill on map ABD 6b and Blake’s Pools on map ABD 6c. All include points about how the access proposals could lead to the introduction of disease to their cattle. [redacted] grazes additional land on map 6d which he refers to in a separate representation which does not raise this issue.</p> <p>[redacted] raises general concerns about biosecurity at Wharf Farm and does not specify a disease or diseases he is concerned about. He fears that walkers may bring disease to his farm from other nearby farms and describes various places where this could happen because the proposed route crosses the land that his cattle graze. We summarise these in a separate entry in section 5 of this document and comment on them there.</p> <p>[redacted] maintains high standards of health and biosecurity in his small dairy herd. His herd has been free of bovine tuberculosis for ten years which he attributes to these standards. He explains that he breeds replacement cattle rather than buying them from elsewhere, which reduces the risk that the disease is introduced to the farm. His land is at the end of an existing permissive path (route section ABD-6-SO12). Walkers often cross the boundary and trespass across the land he farms. Many have dogs off lead and allow them to foul the land.</p> <p>[redacted], [redacted] and [redacted] raise more specific concerns about the risk that walkers or their dogs may introduce a parasite called <i>Neospora caninum</i> to cattle grazing on the land. <i>Neospora</i> can cause abortion and still births in cattle and associated financial loss to the cattle owner. [redacted] has previous experience of <i>Neospora</i> in his herd.</p> <p><i>Neospora</i> can be introduced to cattle which come into contact with an infected dog’s faeces. [redacted], [redacted] and [redacted] are concerned that people bringing dogs on to the coast path may lead to infection of their cattle with <i>Neospora</i>. [redacted] describes how walkers from adjacent public land cross the fence to the land his cattle graze and allow their dogs to roam off lead and defecate there.</p>	

The representations say that veterinary advice is to exclude dogs from cattle-grazed pasture for this reason. [redacted] includes a letter to this effect from his vet which is included in section 7 of this document. The letter also refers to the risk to livestock from dogs infected by tapeworm, which results in the condemnation of infected animals at abattoirs. For this reason the vet advises [redacted] against changing his business to beef or sheep production.

[redacted] argues that the measures we have proposed to help farm biosecurity are not sufficient. [redacted] and [redacted] say that no measures have been proposed to mitigate the risk of disease on the land they farm.

Natural England's comment:

We received 5 representations from people farming land between Kingston Pill on map ABD 6b and Tutshill Sluice on map ABD 6d. There were also 8 objections from farmers in this area, 5 of which are identical to the representations we summarise in this document.

There are no existing public access rights to this part of the coast (nor to the southwest, between Tutshill and Huckers Bow) and farmers here are understandably concerned about the change. We have therefore invested considerable time and thought into the access proposals for this area, visiting the land on more than fifty occasions over a period of five years, normally in the company of the affected land owner or tenant, and seeking consensus on the best way to balance new public access with existing land management, wildfowling, waterbird conservation and maintenance of sea defences.

We would like to record our thanks to the farmers and other interested parties for the time they took to speak to explain their concerns and discuss the various options which we considered during the development of our access proposals. We appreciate that some do not feel that their concerns have been adequately addressed but, having looked carefully at these representations, we maintain that the proposed access strikes a fair balance between public and private interests and is compatible with nature conservation and sea defence.

Biosecurity is the first common theme in this group of representations. We summarise and comment on the other issues in the remaining tables in this section of the document:

- cattle and public safety – raised by [redacted] and [redacted];
- Disturbance to birds, in particular waterbirds, a concern also raised in representations by [redacted] and Avon Wildlife Trust; and
- Modifications to Natural England's proposed route which would in their view address these concerns.

There are also separate entries in section 5 of this document where we summarise and comment issues specific to each representation.

Section 8.6 of the [Coastal Access Scheme](#) outlines the general approach we should take towards farm biosecurity. The Scheme says that intervention should not normally be necessary to control the spread of animal disease unless there is an outbreak of a notifiable disease (paragraph 8.6.11).

Animal health legislation provides animal health and appropriate veterinary bodies with access prohibition powers which can be used to control access if necessary to contain a notifiable disease. These prohibitions are only necessary when an outbreak of the disease is notified and they automatically prevail over coastal access rights (Scheme paragraph 8.6.17). They have in the past been used to contain the spread of foot-and-mouth because it is highly infectious.

The Scheme also says that special measures may be necessary where there is a local outbreak of *Neospora* in cattle or Sarcocystosis in sheep (paragraph 8.6.12). In such cases it advises that signs should be used to encourage walkers to help control the spread of disease (paragraph 8.6.16). Our proposals are in line with this overall approach and we regard them as proportionate to the risks involved. However, in view of the specific concerns about *Neospora* and tapeworm in these representations we took further advice from experts at the Animal and Plant Health Agency (APHA). Their advice is as follows.

Neospora is an infectious disease affecting cattle. The main source of transmission of *Neospora* to cattle is other cattle, but dogs can become infected if exposed to infectious material such as placenta or carcasses of infected calves. Farm dogs are at greater risk of infection than pet dogs. If dogs pick up the disease they may shed infectious cysts in their faeces for a short period of time, about 2-3 weeks. If infected faeces are left in a field grazed by cattle, *Neospora* may persist in the grass or soil and later be ingested by grazing animals.

Tapeworms are a group of parasites that live in the digestive tracts of dogs, cattle and sheep. Dogs can pass on the disease to cattle or sheep through infected faeces and can themselves become infected through consumption of contaminated meat. Infection of cattle and sheep may therefore lead to economic loss through carcass rejection but generally does not cause clinical disease in the infected cattle or sheep. Dogs can carry tapeworm parasites if they have been exposed to infected animal products, usually on farm. The main risk of transmission to cattle and sheep is exposure to infected faeces from infected farm dogs.

APHA's overall assessment is that the overall likelihood that walkers' dogs may infect livestock with these diseases is very low, because the vast majority of pet dogs are fed commercial dog food which is either processed or, if raw, produced to human standards of consumption.

Nevertheless APHA advise (and we agree) that walkers should be encouraged to stop their dogs from defecating on farmland if possible and to pick up after their dogs and remove the waste to a public or home bin. This is in the interests of human and animal health and well-being. Accordingly we intend to post signs to this effect at some field entrances. We say these measures are sufficient and proportionate to the risks in most circumstances.

At the request of [redacted], [redacted] and [redacted], we also agreed to erect stock fencing to separate the proposed route from their livestock in some places; this will further reduce the already low risk of infection.

Finally in relation to Wharf Farm we agreed to take additional precautions for biosecurity in recognition of the very unusual circumstances there. These are explained further in our comments on the representation from [redacted] in section 5 of this document.

It is worth noting additionally that dogs generally defecate at the start of a walk and are therefore less likely to do so on pasture on this part of the route, which is about half an hour's walk from Clevedon at its closest point.

Representations containing similar or identical points

Representation ID	Organisation/ person making representation:
MCA/ABD6/R/21/ABD0940	[redacted]
MCA/ABD6/R/43/ABD1343	[redacted]
Name of site:	<i>Blakes Pool to Wick Wharf</i>
Report map reference:	<i>ABD6c</i>
Route sections on or adjacent to the land:	<i>ABD-6-S020 and ABD-6-S021, ABD-6-S023-ABD-6S029</i>
Other reports within stretch to which this representation also relates	-

Summary of point:

[redacted] and [redacted] graze cattle on land holdings to the rear of Wharf farm on map ABD 6c. Both representations describe potential risk to walkers from cattle grazing on land where the route passes, measures that may be necessary to mitigate the risk and the impact these could have on their businesses. [redacted] grazes additional land on map 6d which he refers to in a separate representation that does not include this theme.

[redacted] grazes cattle with calves and, at times, bulls on the fields which route sections ABD-6-S023 to ABD-6-S029 pass through. He says that when grazing there the cattle are able to move freely between the fields. [redacted] grazes cattle including bulls on the field crossed by route sections ABD-6-S020 and ABD-6-S021. Both farmers will have to conduct risk assessments if the proposals are

approved, to decide if their animals can still safely be left there. They say that risk assessment is not currently required because there is no public access.

Depending on the outcome of the risk assessment, it may be necessary to remove their animals, or some of them, from the fields with public access. It may then be necessary to find additional grazing land elsewhere, which would increase costs. They say these outcomes would be unfair.

If, as a result of the risk assessment, they continue to graze some or all of their animals on the land they will bear responsibility for the risk of injury to walkers from the cattle. Their liability under the Animals Act 1971 is not mitigated or reduced in these circumstances.

They are in particular concerned that injury or fatality may arise from the presence of dogs in fields with cattle. They refer to Natural England's Monitoring Engagement with the Natural Environment (MENE) data that around half of countryside visits involve a dog. They also refer to Health and Safety Executive research showing that over a fifteen-year period, where fatalities were caused to members of the public by cattle, all but one of these involved a dog. They say that the risk is not necessarily mitigated by requiring walkers to keep dogs on leads.

[redacted] says that he cannot separate walkers from cattle with fences because the path runs through the middle of his field and the field is also bisected by the access track to Wharf Farm.

Natural England's comment:

Sections 8.1 and 8.2 of the [Coastal Access Scheme](#) outlines the approach we must take to concerns about risk to the public from bulls and cattle respectively. The Scheme describes various factors that should be taken into account, which we bring to discussions with owners and occupiers in order to design the best fit to the local circumstances.

Risk assessments are a legal requirement on all farming and other businesses – [see Health and Safety Executive \(HSE\) advice](#). [redacted], for example, would need to assess the risk to people who have to drive through his field to access Wharf Farm and may park in the field when his livestock are present. This is an existing requirement rather than one arising directly from the access proposals. However we appreciate that farmers need to review existing risk assessments where public access arrangements are changed or newly introduced and may need to adjust their farming practices as a result – see HSE's Agricultural Information Sheet No.17: [Cattle and Public Access in England and Wales](#). Some adjustment to farming practice is sometimes necessary to accommodate coastal access and can in our view form part of the fair balance we must aim to strike between public and private interests. Paragraphs 8.1.15 and 8.2.15 of the Scheme include examples of this.

We seek to minimise the need for farmers to make such adjustments through careful consultation. Overall we maintain that the access proposals have been designed in such a way that any disruption to these farmers' farming practice is minimal and that a fair balance has been struck in this respect. Below we summarise our discussions with [redacted] and [redacted] and explain how we have done this.

Consultation

We met [redacted] twice to discuss the coastal access arrangements and have corresponded with him on numerous occasions. He expressed opposition to the introduction of access to his field, but he did not suggest to us that he would need to change his farming practices significantly if it happened. Our impression from the initial meeting was that [redacted] understands the temperament of his animals very well through regular contact with them and would be able to identify any individual that posed a significant risk to walkers and take precautions. At the second visit he showed us a route across his field which he described as the least intrusive and we have for the most part adopted that route, albeit with an additional leg along the northwest boundary of the field to enable it to enter Wharf Farm at a different point – an adjustment that we believe strikes a reasonable balance between [redacted] concerns and those of his neighbour, [redacted] (see separate entry about [redacted] representation in section 6 of this document).

We met [redacted] on a number of occasions. In respect of the land he owns, we negotiated with him directly. He raised concerns about the risk to walkers from his cattle when with calves and we agreed to install fencing there to address his concerns. Bulls were not discussed. He has submitted a separate representation about the land he owns – it does not include this theme.

In respect of the land [redacted] rents and which he refers to in this representation, our discussions were undertaken mainly through a land agent whom we understood to be acting on his behalf. Our understanding from the discussions is that the grass in these fields is used primarily for hay and silage production rather than for grazing, because it is furthest from [redacted] home and farm buildings. The agent expressed a preference for a route following the edge of the rented land which we agreed to and corresponds to sections ABD-6-S022 to ABD-6-S029 of the route we now propose.

[redacted] concerns about grazing animals were not relayed in these discussions and as a result we did not consider them in designing our proposals. Looking again at the proposal in light of his representation, we maintain that the proposed route is the best available route through the fields he rents because by following the farm's periphery it reduces the likelihood of close proximity between cattle and walkers.

Bulls

It is permissible to run a bull of a beef breed in fields with public access, provided it is accompanied by cows and depending on the farmer's assessment of the bull's temperament (see paragraphs 8.1.3 and 8.1.7 of the Scheme).

It is not feasible to graze an unaccompanied bull in fields with public access (see page 2 of Agricultural Information Sheet No. 17). To the extent that [redacted] does so in fields where the route is proposed, it would be necessary to make alternative arrangements if that route is approved. Our initial view, based on what we know of the extent and layout of [redacted] owned and rented land, is that it would be reasonable to ask [redacted] to avoid grazing his bull or bulls in the affected fields if not accompanied by cattle.

[redacted] does not refer to unaccompanied bulls in his representation and we assume he does not graze unaccompanied bulls in the field. This may be for safety reasons, because it includes the main access to Wharf Farm.

Cattle and dogs

As both [redacted] and [redacted] point out, walkers are often accompanied by dogs (40% of visits in figure 13 of the [MENE headline report for 2018-2019](#)). Walkers are occasionally injured or even killed by cattle and we know from HSE that a significant proportion of these incidents involve dogs, in particular off-lead – although we have not been able to trace the HSE report to which these representations refer.

In partnership with the Kennel Club, the National Farmers Union and others we have designed the sign below to alert walkers to the risks and explain how they can avoid or minimise them. We use this sign widely on open stretches of the England Coast Path and envisage that it will be placed on gate posts at the entrances to fields throughout this part of the proposed route. The sign is in keeping with the general requirement to keep dogs on a short lead on land with coastal access rights when livestock are present (see Annex D of the [Overview](#) to our reports).

Both representations say that risks are not necessarily mitigated by keeping a dog on a lead. We agree: the sign also reflects experience that it is better to unclip a dog's lead and make your way to safety without it than to keep the dog on a lead.



Cattle are often grazed on land with public access and our overall view, in keeping with paragraph 8.2.15 and 8.2.16, is that the use of this sign is proportionate to the risks from cattle in most circumstances. Where particular concerns arise, electric fencing is sometimes used to separate the path from the rest of the grazing area – the [HSE Information Sheet No.17](#) suggests this. We would be willing to pay for the purchase of a suitable length of electric fencing if [redacted] decided that it was a necessary additional precaution in the fields concerned. This is something we would have suggested during consultation, had the concerns been raised with us at the time.

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
<i>MCA / ABD Stretch/ R/9/ ABD1911</i>	<i>Wildfowl and Wetlands Trust (WWT)</i>
<i>MCA/ABD6/R/21/ABD0940</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/22/ABD0940</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/23/ABD1498</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/40/ABD0946</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/42/ABD1563</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/43/ABD1343</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/76/ABD1684</i>	<i>Avon Wildlife Trust</i>
Name of site:	<i>Kingston Pill to Huckers Bow</i>
Report map reference:	<i>ABD 6b to 6e</i>
Route sections on or adjacent to the land:	<i>ABD-6-S013 to ABD-6-S042</i>
Other reports within stretch to which this representation also relates	-
<p>Summary of point:</p> <p>This group of representations consider potential effects of the proposed new access arrangements on wild birds in the area. That from the Wildfowl and Wetland Trust (WWT) makes general points about all the access proposals between Aust and Brean Down, whereas the others refer only to those in report ABD6. Those from WWT, [redacted] and Avon Wildlife Trust focus on birds. The other representations in this group include other matters which are summarised elsewhere in this document.</p> <p>WWT is the UK's leading wetland conservation charity and works across the UK and internationally to conserve, restore and create wetlands. This section of the coast path is located between two WWT-managed sites, Slimbridge to the north and Steart Marshes to the south. WWT welcomes the addition of coastal access for visitors and residents, and hopes it will encourage people to explore the Severn estuary and its wildlife.</p>	

WWT 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 supports the development of signs to encourage interest in the waterbirds and wildlife using the estuary. It counsels against relying on signs alone to effect behavioural change, as it is unrealistic to expect that everyone will read and adopt required behaviour displayed on signs. It suggests further engagement of the local community to raise awareness of the sensitivity and value of the estuary, install pride and encourage individuals to help warden the area independently. It also encourages consideration of additional physical measures, such as screens and netting, to prevent people and dogs leaving the path in highly sensitive areas. In areas where people frequently let dogs off leads it says stock netting has proved effective at preventing dogs entering sensitive areas without compromising visual aesthetics. Where there is seasonal access, it believes that information on when routes are open and shut must be very clear and that management with locked gates during the closed period also aids in controlling access. It suggests follow-up work to identify whether the mitigation methods are effective in reducing disturbance to waterbirds.

[redacted] representation relates to the new access between Channel View and Tutshill (route sections ABD-6-S016 to ABD-6-S040). He recognises that the route has been designed to minimise disturbance to wildlife but fears that walkers will not obey signs asking them to put their dogs on leads. On sections of path that are landward of the seawall to avoid disturbance, he fears walkers will trespass over fences to see and walk by the water. He says that efforts by the farmer at Wharf Farm (seaward of route sections ABD-6-S018 to ABD-6-S031) to discourage trespass there have reduced disturbance to roosting birds in winter and increased numbers of breeding skylark.

Avon Wildlife Trust raises concerns about the proposed access through part of the Blake's Pools nature reserve which the Wildlife Trust manages for nature conservation. It refers to a report to Natural England published in 2016 (which we call '[the 2016 report](#)') which identified several places near the reserve where significant numbers of waterbirds gather to roost at high-tide. It appreciates the efforts that Natural England has taken to site the path in the least sensitive location but fears the increased access may affect the nearby roosts. To reduce disturbance, Avon Wildlife Trust would prefer route section ABD-6-S032 to be along the inland base of the bank rather than along the bank top as Natural England proposes, but fears walkers would nevertheless walk along the top of the bank. It says that the proposed route may make it more difficult to graze the bank for conservation purposes because the Environment Agency, which owns and manages the bank for flood defence, will not permit a fence to separate the path from livestock. Lastly it asks Natural England for an interpretation panel at the entrance to the reserve and for the opportunity to have reasonable input into the design and content of the board.

[redacted], [redacted] and [redacted] all farm land along the route between Kingston Pill on map ABD 6b and Mill Leaze on map ABD 6d. All three raise concerns that the proposed access will result in increased disturbance to birds, in particular waterbirds; we summarise these concerns below. For these and other reasons they all ask that the proposed route is modified to follow lanes further inland.

Like [redacted] above, [redacted] is concerned that walkers will not keep their dogs on leads in places where they are required to do so. He says that dogs can quite easily get through fences and then chase birds or cattle. He refers to an incident during a meeting with Natural England when a dog was seen off lead on adjacent land. He believes that more access will result in a local decline in breeding skylarks which are on the Red List for Birds of Conservation Concern and which are targeted in agri-environment schemes. He raised this concern with Natural England who seemed unconcerned by it. He attaches a list of notable species recorded between 1985 and 1997 in grid square ST3868, which includes route sections ABD-6-S013 to ABD-6-S016. There are a number of skylark records on the list. This list is attached for reference in section 7 of this document. [redacted] compares the distribution of roosting waterbirds shown in Natural England's [2016 report](#) with counts sent to him by the British Trust for Ornithology (BTO) in 1988, before North Somerset Council created a permissive path from Clevedon to his farm boundary. The information from BTO includes records of waterbirds on fields between Clevedon and [redacted] property (fields 12 to 17 on the accompanying map). [redacted] concludes from the comparison that waterbirds were displaced from fields 12 to 17 by the opening of the permissive path and would be displaced from roosts identified in the 2016 report if the proposed route were opened. The BTO information is attached for reference in section 7 of this document.

[redacted] and [redacted] point out that [Natural England's Habitats Regulations Assessment \(HRA\)](#) acknowledges that the new access will result in disturbance to birds. Like Avon Wildlife Trust and [redacted] above, they fear that in places where the proposed route is along the inland toe of the flood banks to reduce disturbance risk, walkers will instead walk along the top to sea views.

[redacted] views are based on his local knowledge as a lifelong resident and, more recently, as a member of Avon Wildlife Trust. He argues, with reference to the HRA, that there should be 200 metres of undisturbed habitat which we take to mean 200 metres of habitat between places where birds feed or roost and any new access. He goes on to list a number of statements in the HRA which he regards as wrong or misleading. We summarise these below (our numbering).

1. Natural England's conclusion in table 20 of the HRA is misleading where it says that disturbance will be reduced except between points (g) and (h) on map D1 of the HRA. The path will be within 200 metres of both feeding areas and the banks where birds roost, so there will be an increase in disturbance even though the path is behind the seawall in some places.
2. Natural England does not propose to restrict access to roost 4F on map D1 of the HRA.
3. There is no assessment, in the part of the HRA relating to Congresbury Yeo sector BV644, of impacts on birds feeding in the part of Blakes Pool nature reserve that is within that sector.
4. The Clevedon to Weston cycleway will enable access to the proposed route at Wick St Lawrence and Tutshill Sluice. There will be more use of that access at certain times of year including late June when young shelduck gather on the Yeo. There is a particular risk of disturbance between points (l) and (m). In table 29 of the HRA, Natural England's assessment of the risk to juvenile shelduck should be coloured red.

5. The assessment that current disturbance levels at roost 4B/C Hooks Ear and Kingston Pill will reduce is misleading, because there is no public access to that part of the coast. The proposed access will in fact increase disturbance levels.

6. Table 29 of the HRA confirms that there will be unresolved adverse effects in spite of mitigation measures.

7. Why was screening considered necessary between the two sluices at Tutshill for the cycleway but not for the coast path.

8. The HRA is not independent because it was prepared and completed by the Natural England staff member who was responsible for the coastal access proposals.

Natural England's comment:

We refer the Secretary of State to the following representations in section 3 of this document which are also relevant to this theme: the Clevedon Wildfowlers Association, the British Association of Shooting and Conservation and the CLA.

We thank the various parties for their comments on this theme and [redacted] and [redacted] for their detailed representations. Below we give an overall response in relation to the risk of disturbance to waterbirds and then pick up other related themes and points of detail covered by the representations. Our key principle in this context is to secure opportunities for engagement with the natural environment so far as practicable while ensuring appropriate protection of key sensitive features (section 4.9.2 of [the Coastal Access Scheme](#)). We note that WWT supports this principle and the overall objective of a continuous route along the lower Severn estuary.

Non-breeding waterbirds

Non-breeding waterbirds are qualifying features of the Severn Estuary Special Protection Area and Ramsar site and our project has therefore been subject to [a Habitats Regulations Assessment \(HRA\)](#).

The risk of disturbance to waterbirds was identified as the key nature conservation issue at the outset of the project. We have taken a strategic approach to managing disturbance risk along all 80Km of the Severn estuary between Aust and Brean, which we summarise in section D3.1 of the HRA. This will ensure that there is a functioning network of high-tide roosts and feeding areas on each part of the site that are protected from significant disturbance. Under our proposals there would be statutory access rights for the first time between Kingston Pill (map ABD 6b) and Huckers Bow (map ABD 4a). We have therefore taken considerable care on this part of the Severn Estuary to design the route and associated mitigation measures with this overall aim in mind.

Table 6.2.8 of report ABD6 sets out detailed measures to avoid or reduce disturbance risk on each part of the proposed route, whilst table 20 of the HRA assesses the effectiveness of these measures in relation to each waterbird feeding sector and high tide roost site. In the HRA we recognise that the access proposals will result in local increases (and local reductions) in disturbance in particular places along this part of the proposed route but not sufficient to result in any adverse effect on the integrity of the protected sites. We maintain that this conclusion is correct and that no modification is

necessary to the access proposals for this reason. In this we include the modification proposed by several of the representations for the route to follow North Somerset Council's proposed cycleway. We comment further on this proposed modification in the next table of this document and in our comments on the representation by the CLA in section 2 above.

Effectiveness of mitigation

We welcome WWT's support for the measures we propose to mitigate potential disturbance of waterbirds and its practical suggestions for implementation based on experience of managing public access in similar settings. We refer to these suggestions below.

We are pleased that WWT supports the use of branded signs to stimulate public interest in waterbirds. We also agree with them 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 ABD6](#) we propose significant additional measures, including a path closure on the southwest bank of the River Yeo during periods when waterbirds are present in significant numbers and provision of an alternative route when the closure is in force. We refer the Secretary of State to table 6.2.8 on page 2 of the report for further details, including dates of operation, local publicity and physical measures to discourage trespass along the riverbank when the path is closed.

We also agree with WWT that fencing (or other barriers) can help to avoid disturbance to waterbirds and this is an option we propose to use in some places, where walkers or their dogs might otherwise stray off the path into a sensitive area. For example on page 8 of the report we propose to install a fence seaward of route sections ABD-6-S057 and ABD-6-S058 to discourage access to nearby areas of the foreshore where waterbirds are known to feed and roost. We agree with WWT that face-to-face engagement with the local community can be a useful way to help new access arrangements to bed in and we have already begun such discussions.

The other representations in this group express doubts that the mitigation measures we include in our proposals will work. In particular they fear that people will not keep their dogs on leads when requested to do so and will not keep to the path in places where it does not offer sea views. These concerns are understandable; most people walking the coast path seek sea views and most people with dogs seek off-lead access. The path has therefore been designed with walkers' aspirations in mind – it would provide sea views at regular intervals and there would be sections where dogs can be walked off the lead provided that they are kept on the path and there are no livestock present. Signs will explain the reasons for restrictions clearly, and give walkers informed choices about the path ahead before they commit to it. Signs will also indicate where the rules about dogs change, with reminder signs at intervals en-route.

The proposals have been reviewed by [redacted], an independent consultant who specialises in providing advice about managing access for people with dogs. His advice, backed up by research and practice around the UK, is that the vast majority of dog walkers will accept proportionate and evidence-based restrictions on access, provided their aspirations for off-lead access can be met nearby.

We looked with him at existing local opportunities for off lead access including the existing path between Clevedon and Kingston Pill at the north end of the report. He pointed out that the average length of a daily dog walk is 2.7Km and lasts about an hour, hence the existing access boundary to the north of Kingston Pill is a natural destination point for most dog walkers, being a 3.5Km round trip from the nearest housing. (We note additionally that Tutshill, at the south end of the area under consideration, is well beyond the reach of most daily dog walkers.) He advised that these existing arrangements should be retained and that the transition to the more sensitive area beyond must be clearly communicated, with any places along the route where dogs can safely be let off lead (or must be kept on lead) marked out in a clear and engaging manner. He is confident that compliance levels will be high as a result.

We note WWT's suggestion to check the proposed mitigation 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.

Blake's Pools

We agree with Avon Wildlife Trust and [redacted] that there is a risk of increased disturbance at Blake's Pools nature reserve where route sections ABD-6-S032 and ABD-6-S033 pass along the bank top and walkers will be visible to feeding waterbirds. To reduce this risk we propose that people should be required to keep dogs on leads there at all times (paragraphs 6.2.29 of report ABD6) and that there should be a new wing fence and gate to discourage people from straying off the path at the upstream end of route section ABD-6-S033.

On page 87 of HRA we explain that, notwithstanding these measures, there will be a residual risk of disturbance there but that overall we do not consider the risk significant. We maintain that this conclusion is correct and that it is not necessary to move the route to the landward toe of the bank as Avon Wildlife Trust propose. In fact we consider it advantageous to position the path on the bank here because it affords sea views to walkers. This will in turn encourage compliance in more sensitive areas nearby where the path is positioned landward of the bank and there are no sea views (we explain this reasoning under the subheading 'effectiveness of mitigation' above).

We confirm that an interpretation panel at the entrance to the reserve forms part of our plan and that Avon Wildlife Trust will be asked to contribute to the content and design of the panel as requested.

We appreciate that it may be more difficult to graze route sections ABD-6-S032 and ABD-6-S033 because walkers would be in close proximity to grazing animals on the narrow bank. We have suggested to Avon Wildlife Trust that if this proves to be the case, this part of the reserve could be managed by cutting instead. Cutting may be beneficial in conservation terms because it will encourage small mammals and the longer grass will partially screen walkers from birds on the adjacent mud and saltmarsh during the growing season. In addition, the wing fence and field gate we

propose near the junction of ABD-6-S033/S034 would separate the outer bank from the path. This may make it easier to graze that part of the bank if Avon Wildlife Trust decided to do so.

The permissive path from Clevedon

[redacted] refers to the opening by North Somerset Council of the permissive path between Clevedon and his farm boundary. He believes this has resulted in birds once present on that part of the site no longer visiting it. He includes detailed bird records which he says demonstrate this we thank him for supplying the information and agree that opening the permissive path may have resulted in more disturbance to feeding and roosting birds in that area. This does not alter our overall view on the access proposals for several reasons:

- The permissive path was designed without any mitigation to reduce disturbance to waterbirds, whereas the proposed route from Kingston Pill to Tutshill has been specially designed to reduce disturbance risk.
- The records relate to the fields landward of the permissive path, many of which are screened from the path by the earth embankment. One of the fields is now a valuable site for both wintering and breeding waterbirds because the water levels and grazing are controlled sympathetically to encourage them.
- Other factors are likely to be in play in the change to the bird distribution; for example some of the fields have been converted for use as a golf course, which is not compatible with the conservation requirements of waterbirds.

Skylarks

[redacted] and [redacted] both fear that the new access will reduce local populations of skylark *Alauda arvensis*.

Breeding skylark may tolerate recreational activity nearby if it is confined to a particular route or routes but are vulnerable to inadvertent trampling of eggs and chicks in areas of unrestricted access. We intend to post signs throughout the area advising people to stick to the path and there will be fences and restrictions as detailed in table 6.2.8 of report ABD6, which will help to reduce this risk.

In this area grassland management - in particular grazing density (the number of animals grazing and the area of grazing available) and the timing of cuts for hay or silage – will have more influence on breeding success because it affects much larger areas of potential breeding habitat, mainly landward of the proposed route.

Detailed remarks by [redacted] about the HRA

[redacted] fears that in places where the path is closer than 200 metres to a waterbird roosting or feeding site, path users will disturb the birds. In fact disturbance is not inevitable where the path is less than 200 metres from the birds; we use 200 metres as a threshold within which we consider in

more detail whether disturbance is likely to happen and, if it is, what mitigation is available to avoid or reduce the risk.

1. [redacted] disagrees with our assessment on page 86 of the HRA that there will be an overall reduction in disturbance to feeding waterbirds between Kingston Pill and the mouth of the Congresbury Yeo. We maintain that our assessment is correct, because there is already disturbance on this part of the coast at Kingston Pill and Channel View. It will be reduced at Kingston Pill because there will be a screen between the new path and the feeding areas (route section ABD-6-S013). It will be reduced at Channel View because walkers will be directed to walk behind the seawall (route section ABD-6-S017), in particular at high tide; signs will explain this and there will be viewpoints at either end of the bank to see the birds without disturbing them.

2. [redacted] is right to point out that we do not propose to restrict access to roost 4F (shown on map D1 of the HRA). We explain our reasons for this on page 94 of the HRA.

3. [redacted] is mistaken to say that we made no assessment of impacts on birds feeding in the part of Blake's Pool nature reserve that is part of Congresbury Yeo sector BV644. We refer the Secretary of State to our comments on Blake's Pools above for more detail.

4. We agree with [redacted] that people using the proposed Clevedon to Weston cycleway will be able to join the coast path at Wick St Lawrence (map ABD 6f) and Tutshill Sluice (map ABD 6d). We considered this possibility and concluded that it is not a significant risk to feeding or roosting birds, for the reasons given on page 142 of the HRA. We agree that our assessment of the risk to juvenile shelduck on page 136 of the HRA should be coloured red to indicate a residual risk. This is a formatting error rather than a substantive one: we record a residual risk in type in that part of the table and go on to consider it in further detail later in the document.

5. [redacted] disagrees with our assessment on page 93 of the HRA that there will be an overall reduction in disturbance to waterbirds at roost 4B/C (as shown on map D1 of the HRA) at Kingston Pill. He says this is misleading because there is no public access at Kingston Pill. We maintain that the assessment is correct, because there is anecdotal evidence of trespass at Kingston Pill (page 76 of the HRA). The proposed route will give walkers a legitimate route that is screened from roosting birds, so reducing the overall risk of disturbance by both existing and new users.

6. [redacted] misunderstands the conclusions set out in table 29 of the HRA (on page 133). The term 'adverse' is used in the HRA to describe effects we judge to be of sufficient magnitude to damage the integrity of the protected sites under consideration; we must be satisfied that there will be no adverse effects before our access project can proceed. 'Residual' is used to describe effects that are not entirely resolved and which are considered to be of insufficient magnitude to damage the integrity of the sites alone; we must be satisfied that there will be no adverse effects from these residual effects acting in combination with those from other projects before our access project can proceed. In the table we conclude that there will be no adverse effects on the integrity of the sites and list several residual effects that are not resolved. In section D4 of the HRA we go on to consider these residuals effects and conclude that they would not cause adverse effects in combination with those of other projects.

7. [redacted] asks why screening is considered necessary at Tutshill to reduce waterbird disturbance from the cycleway proposed by North Somerset Council, but Natural England does not consider screening necessary at the same location to reduce disturbance from the coast path. Our assessment is that it would take much more time to walk to Tutshill from any nearby town or village than it would to cycle there so we expect many more cycleway users than coast path users at Tutshill. The risk of disturbance from the cycleway is therefore of significantly greater magnitude.

8. [redacted] is concerned that the HRA is not independent because it was prepared and completed by the Natural England staff member who was responsible for the coastal access proposals. We wish to reassure [redacted] and the Secretary of State that our assessment included rigorous checks and balances to avoid individual bias: the HRA was undertaken in close collaboration with Natural England staff responsible locally for protected sites; it was quality assured by national experts in the fields of ornithology, environmental assessment, protected sites regulation and environmental law; finally it was approved by the Senior Officer for Protected Sites in Wessex, who had oversight of the whole process.

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
<i>MCA/ABD6/R/21/ABD0940</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/22/ABD0940</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/42/ABD1563</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/43/ABD1343</i>	<i>[redacted]</i>
Name of site:	<i>Clevedon to Tutshill Sluice</i>
Report map reference:	<i>ABD6a to ABD6d</i>
Route sections on or adjacent to the land:	<i>ABD-6-S034 to ABD-6-S042</i>
Other reports within stretch to which this representation also relates	-
Summary of point:	
<p>These four representations raise concerns about the impact of the proposed access on their land management, which they say is unfair. They also expect path users to increase the risk of disturbance to birds in the area, in particular waterbirds. We summarise the land management and nature</p>	

conservation concerns thematically above and in the separate entries for each representation in section 6 of this document below.

They propose various route modifications to remedy their concerns. All refer to a cycleway route which is proposed by North Somerset Council. [redacted] and [redacted] include a map of the cycleway route in their representations which can be found in section 7 of this document. The cycleway follows our proposed coast path route as far as the junction of route sections ABD-6-S011 and ABD-6-S012 on report map ABD 6a. From there it takes a short linking path to Lower Strode Road and then follows lanes to the junction of our proposed route sections ABD-6-S042 and ABD-6-S043 near Tutshill sluice on report map ABD 6d.

[redacted] proposed route modification

[redacted] proposes that Natural England's route (or a similar route, which he does not specify) should be available for 4 to 6 weeks a year and that for the rest of the year walkers should be directed along a different route using existing public rights of way, quiet roads or the proposed new cycleway. He says this would limit bird disturbance and damage to grass from footfall along Natural England's route and he would be able to adapt his farming to avoid grazing his cattle near the path during this limited period.

He compares his seasonal route proposal with Natural England's proposal for the southwest bank of the Congresbury Yeo (see map ABD 6d and 6f) where a similar seasonal route arrangement would operate. He refers to Natural England's assessment of seasonal diversions and lists various reasons why it is wrong;

- Natural England says that a summer route along the seawall would only be available for a maximum of six weeks, but that is no different than the proposals for the West side of the Yeo.
- Natural England's says its proposal is designed to address farming concerns, but it would cause unnecessary disruption to farm business given that alternatives are available.
- The route need not pass along the seawall of Wharf Farm because [redacted] would be happy for Natural England's proposed route to be open for a short period.
- It would be no less confusing to walkers than the seasonal diversion which Natural England proposes for the west side of the River Yeo and the similarity may re-enforce the seasonal arrangements there.
- The public would find it easier to understand two seasonal routes than one path on which myriad different directions will apply, many of which are likely to be ignored.

[redacted] proposed route modifications

[redacted] suggests three modifications to Natural England's proposed route:

- it could follow the same route as the cycleway between Kingston Pill and Tutshill sluice; or
- it could stop at an existing pedestrian access point to the cycleway [which is considered in part 5b(v) of the [Overview to the report](#) and in chapter 11 the [Coastal Access Scheme](#)] allowing walkers to follow the cycleway if they wished to continue their journey to Clevedon; or

- it could operate for a short period of 4 to 6 weeks and follow the cycleway for the remainder of the year, as proposed by [redacted].

He says that the first option would reduce impacts on farming and avoid disturbance to birds. It is a continuous route that is easier to follow than Natural England's route, so reducing the risk of trespass. He refers to Natural England's assessment of it and gives the following reasons why the assessment is wrong:

- Natural England's proposed route would compromise biosecurity on Wharf Farm;
- Natural England says that the cycleway is not safe for pedestrians whereas a report commissioned by North Somerset Council says that it is safe; and
- It is misleading to say that adopting the cycleway as the approved route would create a large area of coastal margin. In support of this, he sets out the same argument made by the CLA at point M of its representation, which is reproduced in full in section 3 of this document.

[redacted] preference is for the coast path to go inland along the cycleway, which he compares to Natural England's proposed route inland around Avonmouth Docks. However, he is disappointed that Natural England did not consider or discuss the third possibility of a seasonal route and would have been willing to discuss it.

[redacted] proposed modification

[redacted] proposes that Natural England's route should be modified between Channel View (on report map ABD 6b) and Tutshill Sluice to follow the cycleway.

Like [redacted], he refers to Natural England's assessment of the cycleway and he gives the same three reasons why the assessment is wrong.

He also draws attention to the additional statutory criteria to which Natural England must have regard in deciding whether and to what extent to exercise its discretion to propose a route on estuaries. He suggests that Natural England has placed more emphasis on the continuity of the path on the Severn Estuary than is intended by the legislation and argues that it is not the prima facie reason for the trail to serve the estuary as part 5c of [the Overview to the reports](#) suggests. He draws attention to the list of other criteria and argues that the list is not exclusive. He suggests other criteria that are relevant in the local context, including the undisturbed nature of the coastline (and linked to this, the presence of numerous highly important bird roosts) and the recent planning approval for part of the cycleway.

[redacted] says that the cycleway would provide continuity of access without unacceptable impacts on birds or an unfair outcome for owners and occupiers. He then lists various other reasons why this is preferable including that:

- It would be low-cost and connect to the coast path at either end;
- It is easy to follow and shorter than the inland route around Avonmouth Docks;

- It is already used by many cyclists and walkers and would meet the recreational criteria in chapter 4 of the Coastal Access Scheme;
- It affords open views towards the coast, rather than constrained and inland-only views beneath a flood bank;
- It provides a convenient surface in wet weather and verges for walkers.

Natural England's comment:

We thank those farmers who offer alternatives to our access proposals. We appreciate that they remain concerned about potential impacts on their farm businesses and that [redacted] in particular remains concerned about potential disturbance to waterbirds. Our twin objectives in this context are to:

- seek a fair balance between public interests and farmers' operational needs; and
- secure opportunities for engagement with the natural environment so far as practicable while ensuring appropriate protection of waterbirds.

Our approach to these objectives is summarised in the Coastal Access Scheme (sections 5.2 and 4.9 respectively). We maintain that the proposed route best meets these twin objectives and that the modifications proposed in these representations would not strike a fair balance between public and private interests. We refer the Secretary of State to our detailed comments on the land management concerns summarised thematically above and in the separate entries for each representation in section 6 of this document. Nor are the modifications necessary in our view to provide an appropriate level of protection to waterbirds, as we explain in our comments on the representations about this theme summarised in the table above this one in section 4.

Below we comment in more detail on the case for modifications set out in the representations and the various modifications proposed.

The cycleway from Clevedon to Tutshill

All four representations propose that the cycleway should to some extent form part of the access provisions between Clevedon and Tutshill Sluice, either as the only route, or as an official alternative route to be used when access to the main route is excluded. [redacted] and [redacted] propose that the coast path should follow the cycleway all the way from Clevedon to Tutshill Sluice, leaving our proposed route at the junction of route sections ABD-6-S011 and ABD-6-S012 on map ABD 6a. [redacted] proposes that the coast path should follow the cycleway from Channel View Farm to Tutshill Sluice, which would entail leaving our proposed route at route section ABD-6-S016 on map ABD 6b and following a farm track inland to the corner of the road outside Channel View Farm.

We would describe the cycleway as an inland route and our assessment of inland routes between Kingston Pill and Tutshill Sluice, including the cycleway, is on page 23 of the report. The CLA also proposes that the cycleway should be the route in point (k) of its representation, which is reproduced in full in section 3 of this document with our comments. We maintain that our analysis there is correct

and that an inland route incorporating the cycleway is neither desirable nor necessary. [redacted] and [redacted] challenge the points we make there about pedestrian safety on the cycleway and the coastal margin that would result from approving the cycleway as the main or only coast path route. Their arguments are also made by the CLA at points (l) and (m) of its representation and we refer the Secretary of State to our detailed comments about them in section 3.

Extend the path no further than an existing pedestrian access point (Mr Hamilton)

[redacted] proposes that the coast path could extend up the Severn estuary only as far as an existing pedestrian access point (which he does not specify) giving walkers the option to continue to Clevedon along the cycleway if they wished to. He refers to the option of extending the coast path upstream as far as Sand Point which we consider in chapter 11 of the [Scheme](#) and in part 5e (v) of the [report Overview](#). There, with reference to the criteria for estuaries set out in the legislation, we point out that such an option would not provide access to other parts of the estuary further upstream which have a strongly coastal character and it would not link the England Coast Path to the Wales Coast Path. [redacted] proposal would have the same (in our view, significant) drawbacks. We again refer the Secretary of State to our analysis of inland routes on page 23 of the report and to our comments about the cycleway in relation to point (k) of the CLA representation in section 3 of this document.

Seasonal route between Clevedon and Tutshil ([redacted])

[redacted] favours the option of having two routes between Clevedon and Tutshill Sluice, with one operating as a seasonal diversion when the other is closed, similar to the arrangement proposed between Tutshill Sluice and Wick Warth and shown on report maps ABD 6d and ABD 6f. Our views on the options for seasonal diversions between Clevedon and Tutshill are set out on page 23 of report ABD6, below our assessment of inland routes. There we consider the option of a route broadly along the seawall between Kingston Pill and Tutshill Sluice which would operate for 4 to 6 weeks a year with an inland alternative route available for the remainder of the year. We maintain that our analysis there is correct and that an inland route incorporating the cycleway is neither desirable nor necessary. [redacted] proposal is slightly different; he suggests that the main route could 'largely follow' our proposed route with another more inland route along 'existing rights of way/quiet roads/the cycleway' available for the remainder of the year. A similar proposal is made by the CLA at point (n) of its representation in section 3 of this document and we refer the Secretary of State to our more detailed analysis there.

Seasonal route ([redacted])

Like [redacted], [redacted] contemplates a seasonal diversion in his representation although his preference is for the coast path to follow the cycleway. [redacted] writes that he is disappointed that Natural England did not discuss or consider the possibility of a seasonal diversion and he says he would have been willing to discuss it. We refer the Secretary of State to our consideration of seasonal diversions on page 23 of the report and, on page 25 of the report, our assessment of a further option of a shorter 4-6 week route along the seawall at Wharf Farm with a more inland alternative available for the remainder of the year. We discussed this idea with [redacted] in 2016/17; he asked that the seawall route be fenced to separate walkers from livestock. Accordingly we arranged a site visit on 23 March 2017 with [redacted] and an engineer from North Somerset Council to survey that route

option. The engineer was asked to consider what type of fence was feasible in that location and how much it would cost to install. His advice was that a fence or other barrier was not feasible at reasonable cost. We informed [redacted] of this advice and began to explore more inland routes with him.

Cycleway between Channel View and Tutshill ([redacted])

[redacted] proposes a different option again, using the cycleway between Channel View and Tutshill Sluice. We summarise our views on this route option alongside other inland routes on page 23 of [the report](#). It would involve following a farm track from route section ABD-6-S016 (map ABD 6b) to Channel View Farm where the track meets the cycleway. We know that local people sometimes park in a layby at Channel View Farm and walk up the track to the seawall and the farmer has told us he is content for this to happen in the current low numbers. It is unusual in our experience to see walkers on the lanes between Channel View Farm and Tutshill Sluice. The route along the lanes is 3.6 Km and offers no sea views.

We agree with him that the report places emphasis on continuity of the path, which is in keeping with the principle in [section 297\(2\) of the Marine and Coastal Access Act](#) that interruptions to the route should be kept to a minimum. It is also consistent with the [Coastal Access Scheme](#), in particular section 10.1.5 which says we will always give careful consideration to the option to extend the trail as far as the first bridge or tunnel with pedestrian access.

We also agree that the list of criteria included in the legislation is not exclusive. We refer the Secretary of State to part 5 of [the Overview to the reports](#), where we set out our detailed assessment of the full list of criteria which we must consider when deciding whether to propose that the coast path should include an estuary and if so, to what extent.

We would further agree that it is necessary to consider (taking his two examples) potential impacts on wildlife and the option to align the coast path along the same route as the forthcoming Clevedon to Weston cycle link. With respect to wildlife considerations on the estuary we refer the Secretary of State to our published Habitats Regulations Assessment (HRA) and nature conservation assessment (which addresses wildlife considerations that are outside the scope of the Habitats Regulations). With respect to the cycle link, we refer the Secretary of State to our comments above.

5. Summary of ‘other’ representations making non-common points, and Natural England’s comments on them

Representation ID:	<i>MCA/ABD6/R/19/ABD1088</i>
Organisation/ person making representation:	<i>[redacted]</i>

Name of site:	<i>Icelton Farm</i>
Report map reference:	<i>ABD 6d</i>
Route sections on or adjacent to the land:	<i>ABD-6-S047 and ABD-6-S048</i>
Other reports within stretch to which this representation also relates	-

Summary of representation:

As land owner of route sections ABD-6-S048 and ABD-6-S049, [redacted] requests that operation of the seasonal closure there be controlled by Clevedon Wildfowlers Association. The Association has been his tenant since 2004 and has four seven years assisted with the monthly waterbird counts which are submitted to the British Trust for Ornithology (BTO). It is therefore best-suited and experienced to manage the access. CWA also warden the adjoining foreshore under their Crown Estate Lease.

Natural England's comment:

We thank [redacted] for his representation and for his assistance during the development of access proposals for the southwest side of the Congresbury Yeo between Tutshill Sluice and Wick Warth.

The representation refers to arrangements to exclude access to route sections ABD-6-S047 to ABD-6-S049 on report map ABD 6d, as detailed in paragraphs 6.2.26 to 6.2.28 of report ABD6. [redacted] asks that Clevedon Wildfowlers Association be made responsible for operating the exclusion because they are already his tenant and assist in the monthly BTO Wetland Bird Survey (WeBS). Clevedon Wildfowlers Association also makes this request in its representation *MCA/ABD6/R/31/ABD1650* which is reproduced in full in section 3 of this document. We refer to the Secretary of State to our comments there.

Representation ID:	<i>MCA/ABD6/R/21/ABD0940</i>
Organisation/ person making representation:	<i>[redacted]</i>
Name of site:	<i>Ham Farm</i>
Report map reference:	<i>ABD 6c</i>
Route sections on or adjacent to the land:	<i>ABD-6-S022 to ABD-6-S029</i>

Other reports within stretch to which this representation also relates

-

Summary of representation:

[redacted] objects to the coastal access proposals across fields landward of Wharf Farm, because they do not strike a fair balance between his interests and the public interest. He has occupied the fields for 15 years and uses them to graze suckler cows and calves. At times, bulls may also be running with those cattle, or be kept there. The cattle are allowed to move freely from one field to another.

He raises four matters:

- The route will become muddy and walkers will not adhere to it.
- Walkers will bring dogs and these may introduce *Neospora* to his cattle;
- It may not be safe to graze his cattle in fields with public access, which would then require significant adjustment to his farming practice;
- A fair balance could be struck by allowing access along the proposed route for 4 to 6 weeks each year and providing an alternative route elsewhere for the remainder of the year.

We summarise his remarks about the first of these matters below. His remarks on the other matters are summarised in section 4 of this document together with those of other representations that address these themes.

The land is extremely wet and can quickly become a quagmire in winter. Should that occur, [redacted] expects that walkers will walk around wet and muddy areas and make many more tracks across the fields as he has seen this happen on the existing South West Coast Path, for example. He fears that this will result in widespread damage to the land with a reduction in grazing capacity or less grass to crop.

Natural England's comment:

We thank [redacted] for his representation and for his assistance during the development of access proposals.

This representation refers to route sections ABD-6-S022 to ABD-6-S029. However, as we understand it, [redacted] rents fields over which route sections ABD-6-S023 to ABD-6-S029 pass, whilst route section ABD-6-S022 is occupied by [redacted] (see representation *MCA/ABD6/R/42/ABD1563*). We take the reference to section ABD-6-S022 in this representation to be an error.

The fields rented by [redacted] are about 400 metres from the foreshore at its nearest point. The reasons for proposing this inland route (rather than a route closer to the sea on neighbouring Wharf Farm) are explained on page 25 of [report ABD6](#) under the heading 'Wharf Farm'. We appreciate that [redacted] remains concerned that as a result the path will cross his land. However, we have met with him and the agent acting on behalf of the land owner on several occasions and chosen a path alignment that we maintain would strike a fair balance between his interests and those of the public.

We refer the Secretary of State to our comments in section 4 of this document where we address his remarks on the following themes alongside similar remarks made in other representations:

- Walkers will bring dogs and these may introduce *Neospora* to cattle;
- It may not be safe to graze cattle in fields with public access, which would then require significant adjustment to farming practices;
- A fair balance could be struck by allowing access along the proposed route for 4 to 6 weeks each year and providing an alternative route elsewhere for the remainder of the year.

In terms of the remaining substantive point in this representation (the route will become muddy and walkers will not stick to it), we agree that the land can be wet in winter and after rain in warmer months. We also agree that paths can become muddy when wet and when this happens walkers may seek drier or less muddy ground either side of the path which can lead to further damage to the grass around it. This is a common problem on heavily-used sections of path, in particular on slopes where rainwater flows along the bare ground created by the passage of feet.

We do not expect this to be a problem on this part of the path because it will not be visited frequently enough. It is 4.7 Km from the nearest parking at Clevedon, a journey of at least two hours there and back at average walking pace. The average daily dog walk, for comparison, is thought to be 2.7 Km and to last about an hour (see, for example, page 8 of this [Hampshire County Council report](#)).

We surveyed this part of the route three times. It was uniformly dry in May 2017 and August 2018. In January 2019 it was generally wet underfoot but we found no places where water had collected which would indicate that mitigation would be necessary. On the advice of the agent who accompanied us we took care to avoid existing field entrances, which can be made very muddy by livestock, and kept to field edges where cattle are less likely to gather. However, if experience shows that there are localised areas where such problems develop, it would be possible to remedy them easily at a later date, for example with short sections of boardwalk. Access authorities will be eligible for central government grant aid which they can use to help meet the costs of small-scale improvements such as these.

This part of the route follows field boundaries and will be prominently marked with fingerposts at field boundaries and in some places within fields and there will be conspicuous galvanised steel gates and bridges at ditch crossings. We consider it very unlikely that walkers would get lost. It is also unlikely that they would deliberately stray from the path, since there are no visible features in the landscape that might attract them to do so.

Representation ID:	<i>MCA/ABD6/R/22/ABD0940</i>
Organisation/ person making representation:	<i>[redacted]</i>
Name of site:	<i>Ham Farm</i>

Report map reference:	<i>ABD 6d</i>
Route sections on or adjacent to the land:	<i>ABD-6-S034 to ABD-6-S035</i>
Other reports within stretch to which this representation also relates	-
<p>Summary of representation:</p> <p>[redacted] objects to the proposals for route sections ABD-6-S034 to ABD-6-S035 because they do not strike a fair balance between his interests and the public interest.</p> <p>The ground on these route sections is heavy clay which will become muddy when walked on and damage his land.</p> <p>On section ABD-6-S035 it would be necessary to move an existing fence and hedge one metre closer to the river to make room for the route. Both route sections would pass between two fences – one existing fence and one new fence – which would remove the land between them from his use and control. He would be unable to graze the land and would lose income, including Single Farm Payment, as a result.</p> <p>He compares provisions under the Highways Act 1980 to compensate land owners for loss of land in such circumstances, with the coastal access legislation. The latter does not provide for compensation because government decided that it would not be necessary because the path would be designed in such a way that it would have minimal effect on landowners. He argues that he should receive compensation here because he will not be able to use the affected land.</p> <p>He is very concerned that the arrangements for the maintenance of the fence and upkeep of the proposed new boundaries have not been properly set out. He says they must be properly maintained by the access authority and fears that the burden of maintenance may fall on himself, which would be unfair.</p>	
<p>Natural England’s comment:</p> <p>This representation refers to route sections ABD-6-S034 and ABD-6-S035 which are on land that [redacted] owns and farms. The route would be on the grassland below, and landward of, the flood defence bank at this location. Putting the path in this location would avoid disruption to wildfowling which is licenced to take place on the other side of the bank. It would also prevent danger to the public when shooting takes place and, at other times, help to avoid increased disturbance to waterbirds feeding and roosting along the river.</p> <p><i>Path surface</i></p> <p>Paths can become muddy when wet and grass can be damaged in those circumstances if there is heavy use. We do not expect this to be a problem on this part of the path because it will not be visited so frequently to cause significant damage. It is 6.3 Km from the nearest parking at Clevedon, a journey</p>	

of well over two hours there and back at average walking pace. The average daily dog walk, for comparison, is thought to be 2.7 Km and to last about an hour (see, for example, page 8 of this [Hampshire County Council report](#)).

In surveying the route we noticed there is a patch of rushy ground at the end of route section ABD-6-S035, nearest the junction with ABD-6-S034. This patch is more prone to lie wet than the rest of the route and accordingly we propose to install a short length of boardwalk across it. We expect this will be sufficient to ensure that the path remains convenient to walk on.

Use and control of land covered by the path

We propose that these route sections should be a fenced corridor. We agree that this would remove some land from [redacted] use and control but, as we explain below, this loss is minimal.

A fence is in our view necessary on the seaward side of the path (nearest the riverbank) to discourage walkers and their dogs from straying on to the top of the adjacent flood defence bank, which would be undesirable for all the reasons given in the first paragraph of our comments. In addition, [redacted] requested that there should be a fence on the landward side of the path to separate cattle in the adjacent fields from path users.

There is already one fence along the base of the flood bank at this location. It was installed by the Environment Agency as part of a recent project to raise and strengthen the flood defence banks:

- At route section ABD-6-S035, the Environment Agency also installed a hedge alongside the fence and a ditch between the hedge and the adjacent field. There is a gap of variable width between the hedge and ditch.
- There is a farm access gate leading to the flood bank between the two route sections.
- There is no corresponding hedge or ditch adjacent to route section ABD-6-S034.

We have held a number of discussions with [redacted], the Environment Agency and North Somerset Council to decide how best to configure the fences here (both existing and proposed) so as to limit or avoid impacts on flood defence maintenance and farming operations and to enable the grass on the path to be cut by the access authority at reasonable cost:

- North Somerset Council (the access authority) advised that three metres would be the minimum necessary to allow the corridor to be machine cut at reasonable cost.
- The Environment Agency agreed for the existing fence and hedge alongside ABD-6-S035 to be moved a little further away from the ditch so that there would be three metres for the path between the hedge and the ditch. The additional area that would be removed from [redacted] use and control by doing so is 215 square metres.
- [redacted] told us that his cattle sometimes ford the ditch in dry weather and graze the grass between the ditch and the hedge. At his request we therefore included provision for an additional

fence between the path and the ditch to stop the cattle from getting on to the path and so separate them from walkers.

- At route section ABD-6-S034 we have offered [redacted] a new fence, landward of the path, to separate the path from the adjacent field where his cattle graze. This fence would enclose an additional 45 square metres.

The total area newly enclosed by fencing under our proposals is therefore 260 square metres (0.06 acres). We say that this is minimal and strikes a fair balance between public and private interests.

Fence maintenance

As we understand it from conversations with [redacted], he accepts that one of the fences is his responsibility, being the boundary between the flood bank and the adjacent field. We take this to mean the landward fence that (under our proposals) would be between the path and the field. This being so, he asked us who should be responsible for the other, seaward fence, which would prevent walkers from walking up to the top of the bank. In a letter to [redacted] (25th March 2019) we explained that we are in discussion with North Somerset Council about how to replace this fence when it eventually becomes necessary and we do not expect him to take responsibility for it.

Representation ID:	<i>MCA/ABD6/R/40/ABD0946</i>
Organisation/ person making representation:	<i>[redacted]</i>
Name of site:	<i>Seawall Farm</i>
Report map reference:	<i>ABD 6b</i>
Route sections on or adjacent to the land:	<i>ABD-6-S013</i>
Other reports within stretch to which this representation also relates	-

Summary of representation:

[redacted] submitted a representation and an objection which is identical. In his representation, he frequently uses the pronoun ‘we’, which we take to mean he and his family. In our summary below we use ‘he’ in place of ‘we’ for the sake of clarity, because the representation is made by [redacted].

Options considered

[redacted] has discussed locating the trail on the seawall with Natural England. For this to be a viable proposition, a new location and storage facility would need to be found for the manure. Natural England was not prepared to fund the relocation of the manure or the alternative storage facility.

Natural England suggested several other route options across his land, but these would have a serious impact on farming operations and compromise farm biosecurity and do not therefore strike a fair balance.

Natural England does not appear to have considered options which would avoid his farm and so significantly reduce the impact on our farming operations. Such alternatives would provide the public with a continuous route and would have significantly less effect on birds. This proposed route is the closest route to the birds' roosting areas and will significantly increase the risk of disturbance to them.

Discussions with the Environment Agency

Route section ABD-6-S013 runs partly through land owned by the Environment Agency and partly through land owned by [redacted]. Solicitors have written to the Environment Agency on behalf of [redacted] with reference to an agreement between the two parties with respect to the part of the land owned by the Environment Agency. The letter explains the solicitor's view that the Environment Agency cannot offer the affected land to any third party. The land can be used by the Environment Agency for structural engineering purposes and, once such works are completed, it must be returned to [redacted].

[redacted] had no communication with the Environment Agency about the proposed route. Negotiation took place between Natural England and the Environment Agency, without [redacted] input and it wasn't until the later stages of the process that Natural England contacted him and told him what they had decided with the Environment Agency. As the lawful occupier/tenant of the Environment Agency's land [redacted] has a relevant interest in that land and should have been consulted. Instead, he was presented with a *fait accompli* by Natural England which failed to take account on the impact on him as occupier.

Summary of concerns

In the representation he explains that the proposals do not strike a fair balance for the following reasons:

1. they increase the risk of disease being brought on to the land;
2. they permanently remove from his use land currently used for grazing;
3. they cause significant extra costs to his business;
4. the boundary of the coastal margin includes an unnecessarily wide area of his land;
5. it is likely to result in having to move his farmyard manure from the seawall, with associated cost and impact on farm operations;
6. if the proposed willow screen fails – as seems likely – it will result in additional impacts.

In view of these continuing concerns he says that, contrary to the assertions within Natural England's report, the impacts on his business have not been addressed. In addition, he believes that the

proposals will cause significant disturbance to the wild birds. He proposes a modification to the route which he says would strike a fair balance.

[redacted] concerns about the risk of disease and disturbance to waterbirds are summarised in section 4 of this document other points on these themes made in other representations.

Below we summarise his detailed arguments with respect to points 2 to 6 above and his proposed modification.

2. Loss of use of land

Natural England proposes a willow screen between the path and the sea which is intended to protect roosting birds from disturbance. The screen and the path taken together would cover 1.02 acres.

The path and screen may affect whether his cows can graze the land seaward of them within the coastal margin. The cows are currently able to come and go freely across the seawall but, under Natural England's proposals, the cows would be shut into a very low-lying area of ground by the screen and would not be able to escape from high tides by walking back over the top of the sea wall. The same problem would apply if the cows were attacked by a dog. The grazing land seaward of the proposed screen is 4.48 acres. The total land affected is therefore 5.5 acres.

Government decided that compensation for coastal access rights would not normally be necessary because the occupier would still be able to use the land and the path would be designed in such a way that it would have minimal effect on landowners. [redacted] compares this with the provisions for compensation under the Highways Act 1980 which are used when new public rights of way are created. He says that the coastal access proposals cannot be fair because they would remove land from his use and control.

3. Additional costs incurred

[redacted] is a dairy farmer. [redacted] describes various financial consequences to his business that would arise from the access proposals:

- His cows graze the land on the seaward side of the seawall every three weeks from April to mid-October, for three to four days at a time (about 22 days in total). He attaches milk receipts for these days from 2017 (total £19,442.87), 2018 (total £13,504) and the part of 2019 for which receipts were available at the time of submitting the representation (total £11,460). These are included in section 7 of this document. He points out that variations in milk price and calving patterns can alter the result from year to year. He says the farm would lose this money if the land cannot be grazed.
- Renting alternative grazing land, to replace the land lost, would cost £660/year based on a rate £120/acre (he expects this rate to increase when the Single Farm Payment finishes because the landlord will no longer receive that additional income).
- If he is unable to find alternative grazing land next to the farm, he would need to cut the grass he rents, make it into silage and feed it back to the cows. This is a much more expensive way of feeding grass to cows.

- The cows now come and go between the seawall and the milking parlour by themselves. If the path and screen is installed, it would be necessary for someone to go up to the seawall to open gates across the path and screen, let the cows on to the seaward grazing land, shut them in and vice versa. This would amount to two hours extra work each day, costing £924/year based on 22 hours work at a rate of £22/hour.
- There is potential for loss of single farm payment £550/year.

4. Width of the screen

[redacted] questions whether there are powers in the coastal access legislation to plant the willow screen. Schedule 20 of the Marine and Coastal Access Act 2009 provides powers for the planting of a “hedge” but does not provide powers for the planting of wide areas of screening.

5. Removal of the manure

[redacted] stores farmyard manure on the seawall, after the site was identified around 20 years’ ago as part of a waste management plan paid for by North Somerset Council. The Environment Agency has not objected to this use in that time.

[redacted] refers to the fence to be erected between the manure heap and the proposed route. The report states that the coastal margin will extend as far as the fence. It seems to him very likely that people will complain about the manure and he will be forced to move it. This will be at considerable cost and would not be fair.

6. Failure of the screen

[redacted] doubts that the willow screen can be successfully grown and maintained because it will be planted on very exposed salty land where trees and other scrub do not normally grow. If the willow fails to provide adequate protection to waterbirds, [redacted] fears that Natural England will attempt to locate the trail across his land on the landward side of the bank.

Proposed modification

During negotiations Natural England suggested a route on the top of the bank with planting along the seaward edge of the bank. Of the options discussed, [redacted] describes this as the ‘least worst’ because:

- There is hardcore on top of the bank; this is more suitable than the route Natural England proposes which is wet and will become boggy.
- It would still be necessary for someone to open and shut gates on either side of the route to allow the cows on and off the land seaward of the screen as described in point 3 above.
- The farmyard manure would need to be removed to make room for the screen and there would need to be an alternative storage facility elsewhere on the farm.

Natural England kindly offered to pay for the removal of the manure to facilitate this option, but [redacted] does not have alternative storage facility and cannot afford to build one. He asked Natural England to help fund such a facility and is still open to negotiations concerning this option.

Natural England's comment:

We thank [redacted] and his family for their generous time in helping us to explore the various options considered at this location.

Below we set out our detailed comments on the points in [redacted] representation regarding our proposed route, using the same subheadings as in the summary of his representation above.

Notwithstanding his detailed concerns we maintain that our proposed route strikes a fair balance between public and private interests.

However, [redacted] suggests a modification in his representation that would also satisfy all the public interest criteria in chapter 4 of the Coastal Access Scheme including environmental considerations.

The modification is, as we understand it, [redacted] preference, and we therefore recommend that the Secretary of State approve it, but with several important provisos which we explain under the heading 'proposed modification' below.

Options considered

The affected land consists of the top and seaward slope of an earth embankment ('the seawall') and the saltmarsh seaward of it, which encloses a creek called Kingston Pill. The landward slope of the seawall gives on to a field of pasture that is currently unbounded from the seawall.

[redacted] stores his manure on the seawall, just seaward of the top of the bank. The whole area (apart from that occupied by the manure) is available for [redacted] to graze. The saltmarsh is a favoured roosting site for waterbirds at high tide, as identified in [a 2016 report](#) to Natural England. With these considerations in mind, several route options were considered across the land as described on page 24 of [report ABD6](#) under the subheading 'Kingston Pill'.

We propose a willow hedge ('the screen') seaward of the route to screen walkers from roosting birds and so prevent disturbance. The idea for the hedge arose from a suggestion by [redacted] son, (contrary to [redacted] recollection on page 8 of the representation) at one of a series of meetings at the farm to discuss the various options in play and look for a way forward. We arranged several meetings with contractors to confirm that idea was feasible at this location and would provide the necessary screen.

Later in the negotiations [redacted] asked us if we would also be prepared to meet the cost of transporting the manure to another location on the farm so that the hedge could be put there. Contrary to [redacted] remarks on page 2 of this representation (but consistent with the account he gives on page 8 of the representation) we offered to pay reasonable haulage costs to move the manure somewhere else on the farm on the basis that it would make the land available for the screen. At the same stage [redacted] also told us that he would only remove the manure if we were prepared to contribute to the cost of a new manure storage facility. After consideration we decided

that this would not be a reasonable use of public money set aside for the coast path. We investigated other types of government funding but regrettably found none that were suitable.

[redacted] was not minded to move the manure without external funding for a new store so we arrived at our present proposal for the route and screen to be located seaward of the manure. The land for the path is elevated and would not in our opinion become boggy as [redacted] fears. Of the available options, the proposal most closely aligns with [redacted] preference for the route to be on top of the bank and would in our view strike a fair balance between his interests and the other considerations in play.

Contrary to [redacted] remark on page 3 of the representation (paragraph 2), we also considered an inland route that would avoid [redacted] farm altogether, as described on page 23 of [report ABD6](#). We maintain for the reasons given there that such a route would not strike a fair balance between public and private interests.

Discussions with the Environment Agency

We agree that route section ABD-6-S013 runs partly through land owned by the Environment Agency and partly through land owned by [redacted]. As we understand it, the Environment Agency agree with [redacted] solicitors that he is the tenant of the Agency-owned land. We do not consider that correspondence material to the Secretary of State's decision on the coastal access proposals, because we have always treated [redacted] as a relevant interest in all the affected land.

We do not recognise [redacted] account of the discussions with Natural England and the Environment Agency about the coast path (page 6 of his representation, paragraph 4). We attended a meeting with the Environment Agency and [redacted] in July 2017 to discuss options for the route on the Environment Agency land, at which [redacted] son suggested a hedge on the seawall to screen walkers from roosting birds. We held several meetings with the Environment Agency subsequently, to discuss this and other aspects of the coast path between Aust and Brean Down as it relates both to land that they own and land which they oversee in their statutory role in flood defence management. The seawall at [redacted] farm interests them in both respects. As we understand it, the Environment Agency normally favours grass cover on earth embankments because it is easier for maintenance and inspection. The Environment Agency has provisionally agreed to our willow screen proposal in this unusual situation, in an effort to find a design solution that would be acceptable to the tenant. [redacted] has exercised his right to object to the access proposal irrespective of the Environment Agency's views.

We have been in regular contact with [redacted] about the coast path since January 2015 and remain so. We last met him face-to-face on 5 August 2019, a few days before receiving his representation and objection. There he requested, and we agreed, a different position for the fence that is landward of the route on report map ABD 6b (see '2. Loss of use of land' below). We appreciate that [redacted] remains dissatisfied with the access proposals but we are confident that our consultation with him has fully met the requirements set out in stage 2 of the implementation process as described in chapter 3 of the [Coastal Access Scheme](#).

Summary of concerns

In the representation [redacted] explains that the proposals do not strike a fair balance for the reasons given in our summary of his representation. In view of these continuing concerns he says that, contrary to the assertions within Natural England's report, the impacts on his business have not been addressed. In addition, he believes that the proposals will cause significant disturbance to wild birds. He describes a modification to the route which he says would strike a fair balance.

1. Risk of disease

[redacted] is concerned that walkers accompanied by dogs will increase the risk of this cattle being infected by diseases, in particular Neospora and tapeworm. This risk is very low, as we explain in section 4 of this document, and would be further reduced by the fences which we have offered to [redacted] to separate walkers and dogs from areas where his cattle graze.

2. Loss of use of land

We agree that the screen (width 6.7 metres) and the path (width 4m) taken together would cover 1.02 acres. It is worth noting that the land covered by the path (0.4 acres) would be enclosed by fencing at [redacted] request – the coast path can be grazed and is grazed in other places.

The path and screen would be located just above mean high water, which is visible on the ground as a line of tidal debris. This means that on most high tides there would be dry land between the screen and the sea for cattle to take refuge. On very high tides, when the water rises above this level, we agree that there is a risk that cattle would not be able to take refuge from the tide if they are shut on to the land seaward of the screen. [redacted] could avoid this risk by keeping his cattle off the land when tides are very high.

When we met him on 5 August 2019, [redacted] asked us if the width of the screen could be reduced. We asked the willow supplier if this could be done without compromising its function. He advised that it could be reduced from 6.7m to 4.87m. This would reduce the overall area covered by the path (if fenced) and the screen to 0.87 acres. Our view is that this loss is minimal and consistent with the requirement to aim to strike a fair balance between private and public interests and the principle in chapter 5 of the [Coastal Access Scheme](#) that we should avoid significant business impacts (paragraphs 5.2.1 and 5.3.3).

Reducing the width of the screen would also increase the area of the grazing land seaward of the screen to 4.63 acres and make available higher land for his cattle to take refuge from the tide.

3. Additional costs incurred

Here we explain our views on the various estimates given by [redacted] for financial loss arising from the coastal access proposals.

[redacted] provides milk receipts for the days on which his cows grazed the affected land in recent years. He says the farm would lose this money if the land cannot be grazed. We think that his estimate for lost milk production is too high. We asked a consultant to provide an independent

desktop estimate of the potential loss in terms of milk production value of affected land. His report is in section 7 of this document. There he estimates the milk production value of the affected land at:

- £722/year for 1.02 acres (0.4 hectares), being the area covered by the path and screen; and
- £4,026/year for the 5.5 acres (2.23 hectares), being the area covered by the path and screen and the grazing land seaward of it.

We say that the first scenario is a more realistic estimate of the impact on milk production, because the 4.48 acres seaward of the screen would still be available for grazing (see our comments on point 2 above). Reducing the width of the screen to 4.87 metres would reduce the affected area to 0.87 acres (see our comments on point 2) translating to a loss of £616/year using the same method.

We accept [redacted] estimate for the current price of renting alternative grazing land in the area, but we say renting other land would not be necessary because [redacted] could continue to graze the land seaward of the screen. For the same reason we do not accept [redacted] estimate of the potential loss of single farm payment. It is worth noting that government policy is for single farm payment to be phased out in the coming years.

We can appreciate that additional labour would be necessary to open and close the gates across the path on days when the cattle are grazing the seaward land. Our suggestion is that [redacted] leave the gates open on these days if he prefers, allowing the cattle to move freely through them. If he chose to do this, we could supply notices asking walkers to give way to the cattle as they cross. Leaving the gates open on these days would not increase disturbance to roosting birds significantly, because path users would remain out of sight of birds and access rights to the grazing area would be excluded as shown on Directions Map ABD 6A in report ABD6. It would allow his cattle to take refuge from high tides on the far side of the bank.

4. Width of the screen

[redacted] questions whether there are powers in the coastal access legislation to plant the willow hedge that we envisage to screen walkers from roosting waterbirds.

[Schedule 20](#) of the Marine and Coastal Access Act 2009 sets out the powers and procedures for the establishment of the coast path. It lists works that can be carried out by Natural England and the access authority with the agreement of the owner or occupier and, in certain circumstances, without their agreement. It includes in these works at paragraph 2(3)(e) “the planting of any hedge”. The word ‘any’ must in our view have been chosen to provide Natural England and the access authority with reasonable discretion as to the width of the hedge and its purpose. We therefore maintain that the proposed screen can be established using the powers and procedures in Schedule 20.

In this case the width of the hedge we proposed to [redacted] is 22 feet, allowing for 12 rows of willow at 2 foot gaps. This is much wider than most hedges and was suggested by a plant supplier as appropriate to screen walkers and their dogs from nearby roosting waterbirds. We have since asked the supplier whether the width of the hedge could be reduced without compromising that function and he agrees that it could be reduced to 16 feet (4.87 m).

5. Removal of the manure

[redacted] is concerned that, when the coast path is opened, people will complain about the manure that he stores on the seawall and he will come under pressure to remove it. We disagree: some walkers may find the manure unpleasant, but the access legislation does not preclude him from storing it there unless it obstructs the route.

Two further developments make the scenario feared by [redacted] still more unlikely.

First, when we met him on the 5th August 2019, Mr Kostyla asked if the proposed fence shown on our map, landward of route section ABD-6-S013, could be positioned between the route and the manure. The effect of doing so would be to remove the land covered by the manure from the coastal margin and separate it from the margin with the fence. We agreed that this was both possible and desirable. The fence is the landward boundary of the coastal margin proposed for route section ABD-6-S013, but it is shown in a different (more landward) position on report map 6b. Should the Secretary of State approve access as proposed in report ABD6, we therefore recommend that he does so with the modification to the fence location (and consequently the landward boundary of the coastal margin) shown on report map 6b.1 in section 7 of this document. This would be an alternative modification to the one proposed by [redacted].

Second, more recently the Environment Agency wrote to [redacted] (a copy was sent to Natural England) to ask him to remove his manure from the seawall because it is compromising the flood defence. Assuming [redacted] agrees to this request the question of public reaction to the manure would not arise. If he does not comply with the request, the letter says that the Environment Agency will use its enforcement powers to remove the manure. We return to this issue in our comments on [redacted] proposed modification of the route below.

6. Failure of the screen

[redacted] doubts that the willow screen can be successfully grown and maintained. Having taken advice from a specialist supplier we have reasonable confidence it will succeed.

Should the screen fail, we would be obliged to consider other options with [redacted] and any other relevant interests, following the procedures summarised in figure 10 of the Coastal Access Scheme. As the Scheme explains there, any change to the position of the route at this location would require a variation report to be submitted to the Secretary of State. If this happened, we would invite relevant interests in the affected land to make representations or objections about the proposals.

Disturbance to birds

[redacted] in common with several other people who made representations, raises concerns about the potential for new access rights to disturb birds. We summarise his views on this issue in section 4 of this document alongside those of others who made representations about it and our comments.

Proposed modification

In his representation [redacted] indicates that he would prefer the route to be on the top of the bank rather than seaward of the bank top as proposed in report ABD6. For this to be a viable route he says it would be necessary to reach a suitable agreement regarding the relocation of the manure currently stored there. As we explain under the subheading 'other options considered' above, we offered to pay reasonable costs for the removal of the manure, but were not willing to make a contribution towards the provision of an alternative storage.

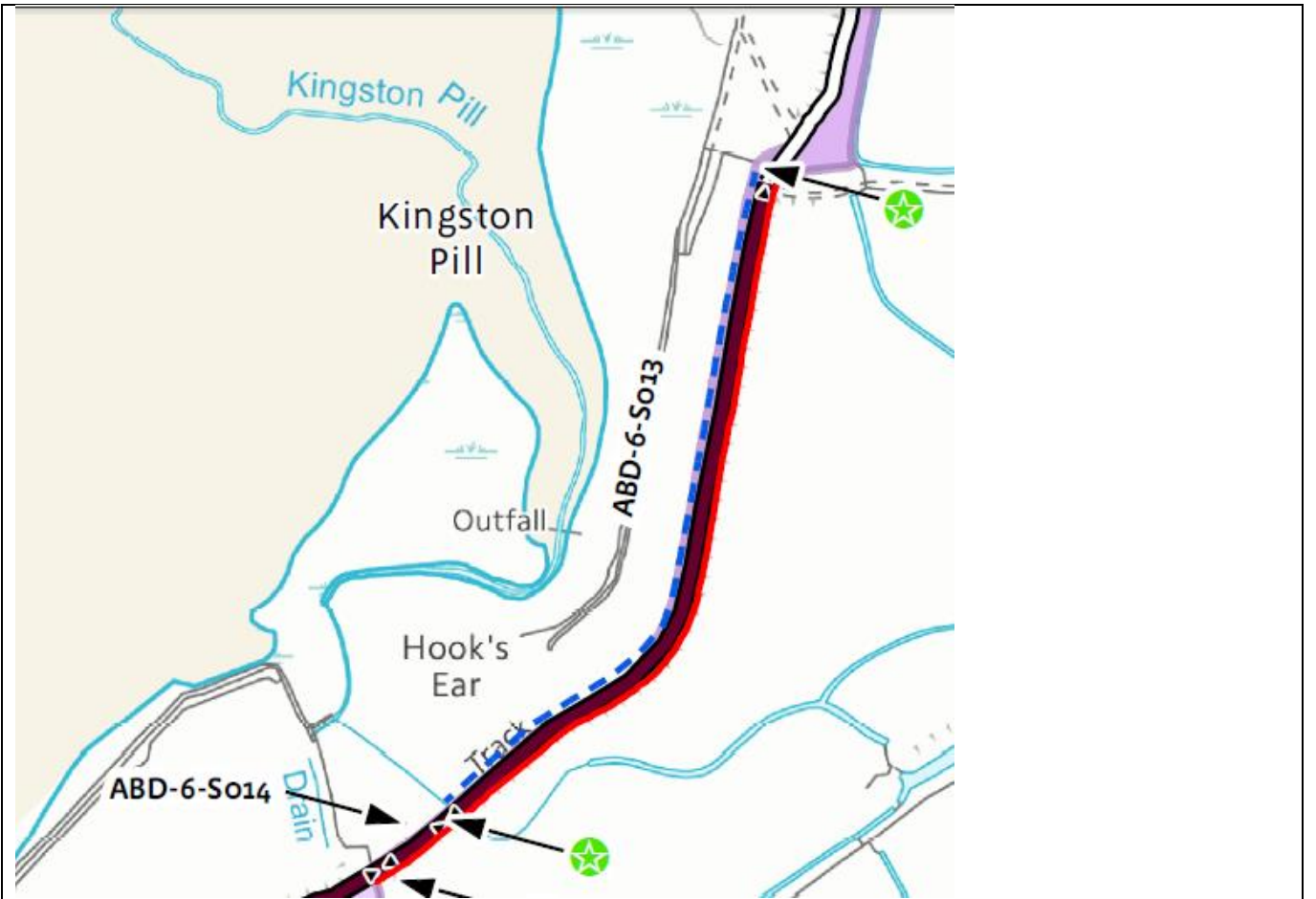
The Environment Agency has since written to [redacted] asking him to remove the manure. It has also indicated its intention to enforce its removal if [redacted] does not agree to remove it voluntarily (see subheading '5. Removal of the manure'). In these new circumstances we believe that it would be in the best interests of all parties for the manure to be removed. The route could then be positioned on top of the bank with the screen just seaward of it (roughly where the manure is currently stored).

We have written to [redacted] to suggest this and to renew our offer to pay reasonable costs for the relocation of the manure to a place of his choosing. At the time of writing [redacted] has not replied to us. Should the Environment Agency enforce the removal of the manure, our view is that it would be inappropriate for Natural England to make any contribution to the cost.

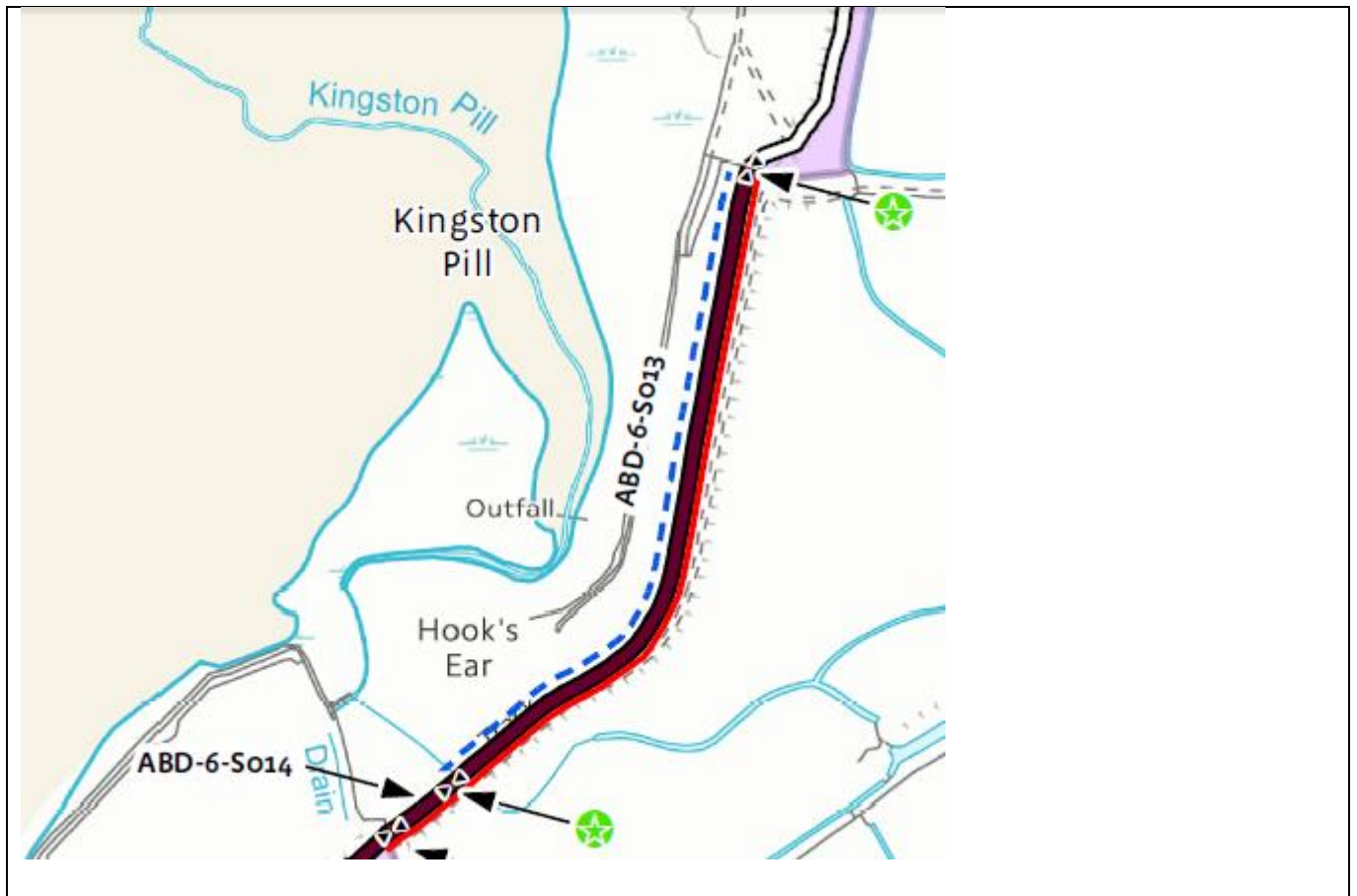
We therefore recommend that the Secretary of State approves our proposals with a modification to the route so that it runs along the top of the bank as shown on report map 6b.2 in section 7 of this document and below, but with the proviso that the manure is first removed or that [redacted] (or the Environment Agency) gives a written undertaking to remove it.

If the Secretary of State approves this modification, we would install the willow screen approximately where the manure is currently located as indicated on the same map. Doing so would enable [redacted] cattle to retreat still further at high tide, providing him with additional reassurance.

We are satisfied that installing the screen further up the bank would ensure the required protection of roosting waterbirds and would not affect the overall conclusion of our published Habitats Regulations Assessment.



If [redacted] does not remove the manure, we recommend that the Secretary of State approve our original route proposal with the modification described under point 5 above and illustrated on report map 6b.1 in section 7 of this document and below. We maintain that this option would also strike a fair balance between public and private interests for all the reasons given above.



Representation ID:	<i>MCA/ABD6/R/42/ABD1563</i>
Organisation/ person making representation:	<i>[redacted]</i>
Name of site:	<i>Wharf farm</i>
Report map reference:	<i>ABD 6c/6d</i>
Route sections on or adjacent to the land:	<i>ABD-6-S017 to ABD-6-S033</i>
Other reports within stretch to which this representation also relates	-

Summary of representation:

[redacted] objects to the coastal access proposals across land which is grazed by his cattle.

He makes the same points in this representation that he makes in his objection. He sometimes refers to himself and sometimes to 'we', which we take to mean his family. In our summary we use the pronoun 'he' for clarity, because the representation is from [redacted].

Natural England has recognised the unique bloodlines of his cattle and the need for biosecurity to protect them, but the proposed route crosses grazing land, including a cattle holding pen, and so compromises that biosecurity.

The representation notes several places where the route crosses land grazed by his cattle and neighbouring land and describes his concerns regarding each location.

He concludes that the proposals do not strike a fair balance between public and private interests because they will cause unacceptable impacts on his farming business. He says that the access proposals do not address farmers' concerns about biosecurity as the report says they do, and cannot do so.

Finally he proposes several modifications to the route. We summarise these proposals and our comments on them in section 4 of this document, in our summary of these route modifications and similar ones proposed by neighbouring farmers.

Below we summarise his detailed remarks about various locations along the route.

Junction of route sections ABD-6-S017 and ABD-6-S018

A bird hide/observation screen is proposed on the bank here, very close to an existing livestock corral on Wharf Farm. The presence of people unused to cattle very close to a cattle handling area could disturb and upset the livestock leading to greater risk of injury. The bird observation screen may encourage people nearer to Wharf farm and onto Wharf Farm, increasing the risk that the biosecurity of his cattle will be compromised.

The symbol for the bird observation hide is not shown on the map key and is easily missed. He therefore considers the maps misleading.

Route Section ABD-6-S019 (report map ABD 6c)

Route section ABD-6-S019 crosses a bio-secure area. There are two gated entry points proposed, one at the junction of sections ABD-6-S018 and ABD-6-S019 and one at the junction of ABD-6-S019 and ABD-6-S020 (map ABD 6c). This will allow transmission of disease from potentially contaminated land on neighbouring farmland to non-contaminated land at Wharf Farm by walkers and their dogs.

The route would exit his farm to section ABD-6-S020 via a new footbridge and field gate. Establishing this exit point will entail the removal of existing hedge/tree cover which forms an important natural barrier between his cattle and those which are kept on the neighbouring farm. His cattle are a closed herd (meaning he does not buy animals from other places but relies on calves borne on the farm to maintain the herd). This minimises the risk of disease outbreak. The exit point will increase the risk.

The route there crosses into land covered by a pen used for the temporary detention of livestock, which is excepted from access rights by virtue of paragraph 11 of [Schedule 1 to the Countryside and Rights of Way Act 2000](#).

Route section ABD-6-S019 would run along a bank and would be fenced from the adjoining field under Natural England's proposals. The fence would prevent cattle from reaching sheltered land on the leeward side of the bank. The farm is generally open and exposed with little shelter. The cattle calve in this field so the loss of shelter could result in the loss of calves or ill health for calves or other animals.

To protect the cattle from disease the fencing needs to contain his cattle and prevent access by people, dogs and other livestock. It is not strong enough to contain his cattle when they rub against it, in particular a cow that may consider a walker or dog to be a threat to her offspring. The posts will rot very quickly because of the very wet conditions and associated salt air. There is insufficient detail about the maintenance and "upkeep" of the fencing. He asks various details about this:

- how often it will be inspected
- responsibility for deciding whether repairs are necessary
- responsibility for dealing with urgent repairs
- emergency contact information for land owners
- arrangements for any immediate restriction of public access necessary to prevent incursion onto his farmland should the fence fail.

Route section ABD-6-S021 (map ABD 6c)

Route section ABD-6-S021 follows the vehicle roadway which is used by cars, farm vehicles, delivery lorries and other vehicles to get to Wharf Farm. It follows a sharp bend through which tractors and trailers/articulated lorries have to make wide sweeps.

Route section ABD-6-S022 (map ABD 6c)

Route section ABD-6-S022 crosses land owned by Wharf Farm but was not surveyed with the owners. They should have been consulted and would have been able to advise on the issues.

The part of the route would require the removal of a field gate on land owned by Wharf Farm. There are unresolved issues about this, including how the replacement of the field gate with a pedestrian gate and footbridge can be a suitable substitute for a livestock bypass gate adjacent to a cattle grid.

Route sections ABD-6-S025 (map ABD 6c)

Route section ABD-6-S025 crosses land owned by Wharf Farm but was not surveyed with him. It is used to move cattle from Wharf Farm to other, rented land. There are no measures here to ensure biosecurity.

Route sections ABD-6-S024 and ABD-6-S026 (map ABD 6c)

Route sections ABD-6-S024 and ABD-6-S026 is reached by crossing land owned by Wharf Farm but was not surveyed with him. There was no opportunity for him to discuss the issues arising, which he would have been able to, had he been consulted.

Route section ABD-6-S031 (map ABD 6c)

Route section ABD-6-S031 comes into extremely close proximity to seaward land owned by Wharf Farm. There is no indication in the coastal access report of any plans to stop walkers from entering Wharf Farm at the end of this section via the old sea bank (which has a proposed long-term access exclusion). He considers it very likely that without adequate measures to stop people from entering, they may try to do so, compromising the biosecurity of his herd.

Route sections ABD-6-S032 to ABD-6-S033

He is the lawful occupier of this land and has been for many years. It is grazed by his cattle because Avon Wildlife Trust is keen to use them to help manage the land. He was not consulted about the proposals along this section, and therefore there was no opportunity to discuss issues arising if the public was given access to the land.

The issues are the same here as on Wharf Farm. It will allow the public to enter a bio-secure area even though Natural England recognises the importance of the unique bloodlines in the herd. It would allow transmission of disease from potentially contaminated land to non-contaminated land by walkers and their dogs.

Natural England's comment:

[redacted] manages Wharf Farm, which we understand to be owned by a family member. Wharf Farm comprises most of the land seaward of route sections ABD-6-S018 to ABD-6-S031 and certain other land as explained in our detailed comments below. As we understand it, [redacted] also rents from Avon Wildlife Trust the land over which route sections ABD-6-S030, ABD-6-S032 and ABD-6-S033 pass.

As context for our detailed comments below, we refer the Secretary of State to the general approach to cattle given in section 8.2 of the [Coastal Access Scheme](#) and to farm biosecurity given in section 8.6 of the Scheme.

In paragraph 8.2.2 the Scheme makes clear that cattle farming is normally compatible with well-designed access. We understand that the Wharf farm herd is unused to contact with people and would need time to get used to the proximity of the route. [redacted] has not told us anything about the temperament of his animals that suggests to us they should be treated differently to other cattle in this respect.

In paragraph 8.6.11 the Scheme explains that intervention in relation to biosecurity will not normally be necessary unless there is an outbreak of a notifiable disease (in which case temporary restrictions may be necessary). In section 4 of this document we summarise recent advice from Animal and Plant Health Agency that strengthens this view. From this we conclude that the risk that walkers or their dogs will introduce disease to Wharf Farm is very low, as it is elsewhere.

[redacted] and the Rare Breeds Survival Trust explained to us that the British Shorthorn bloodline of the cattle at Wharf farm is unique in Britain. From this we understand that the impact of the loss of an animal or animals to disease is greater than on most other farms, because of the difficulty and expense of finding like-for-like replacements. In this very unusual circumstance we have agreed to extra precautions to protect the herd. These include alignment of the proposed route around the

landward edge of the farm, the proposed exclusion of access rights to parts of the farm that would be seaward of that route (paragraph 6.2.24 of the coastal access report), and the fence which we propose should separate route section ABD-6-S019 from the rest of the adjacent field.

There are a few places along the proposed route where, should [redacted] choose to graze his cattle, they would be exposed to slightly increased risk because there is no practical means to physically separate the path from the adjacent land, as we acknowledge in our detailed comments below. However, we say that the extra measures we propose for Wharf Farm strike a fair balance between the biosecurity of the herd and the other considerations in play. These include the public interest in having access rights to the coast, the views of neighbouring farmers who are affected by positioning the route further inland, and our duty to avoid adverse effects on waterbirds which roost and feed at the seaward edge of Wharf Farm.

Consultation with [redacted]

We visited Wharf Farm with [redacted] six times between 19 February 2015 and 6 July 2017, sometimes accompanied by other interested parties including the Rare Breeds Survival Trust, the Clevedon Wildfowlers Association, the National Farmers Union and North Somerset Council. [redacted] engaged in frequent correspondence with us during this period and attended three events at which we discussed progress and options with him and other farmers along that part of the coast.

At the first 5 farm visits we explored route options seaward and landward of the earth embankment that forms the principal sea defence at Wharf Farm. We describe these options on page 25 of the report. We concluded that neither option was viable for the reasons given there.

We organised a meeting with [redacted] and neighbouring land owners to discuss the issue on 29 March 2017. At the meeting several farmers suggested looking for a route along the landward side of the farm and we agreed to explore the idea with owners of the affected land.

We held a sixth farm visit on 6 July 2017 with [redacted] to discuss the option of a route along the earth embankment that broadly follows the landward boundary of the farm. There [redacted] outlined various concerns with that option. He also explained to us that he would want any part of the route that is on the bank to be separated from the adjoining field with two fences, one to prevent dogs entering and one to contain stock. We noted that this would interfere with the movement of cattle from one field to the next, if the route extended across a field boundary, because the gates between fields are located on the bank.

We then embarked on a series of visits with neighbouring farmers to discuss locating the route on their adjoining land. During this period [redacted] was unavailable to meet us. We prepared a fresh proposal, with the length of route on the Wharf Farm embankment very considerably reduced to one field corner (route section ABD-6-S019) so as to avoid blocking gateways further along the bank. We wrote to [redacted] on 9 July 2018 with a map to explain and illustrate the proposal and clearly indicated that we were open to further discussion about it.

We held an event at the nearby village hall for all the farmers in the two parishes in report ABD6 where we laid out maps on table and spent time answering questions and in a few cases arranging

further meetings to explore difficulties or fine tune the proposals. [redacted] attended this meeting and invited us to arrange a further visit to look at some details. We wrote requesting that visit on 12 September 2018 and in our email we included information about a minor change to the route on neighbouring land which we had agreed with the land agent following the village hall event. [redacted] did not reply. We wrote again on 25 October 2018 responding to points he had made to us at the village hall and again asking if he would like to meet or offer views on the proposals. We received no reply.

In conclusion we have made every effort to design the route around Wharf Farm with sensitivity to the unusual circumstances of [redacted] herd. We have also made every effort to answer his questions, respond to his concerns and make ourselves available to meet him for discussion.

Below we respond to the detailed remarks in this representation in relation to particular route sections.

Junction of route sections ABD-6-S017 and ABD-6-S018

We propose a bird hide/observation screen on an earth embankment adjoining route section ABD-6-S017 as indicated on report map ABD6b. The symbol for the hide was not included in the map key. We corrected the key on the online version of the report a few days after publication when another land owner alerted us to the mistake. We did not inform [redacted] because we took the view that it did not affect him, the hide being on land owned by the Environment Agency.

[redacted] is concerned that the hide will attract people to his farm boundary and may upset his cattle. In fact the hide would be about 50 metres from [redacted] farm boundary as indicated on the map and the boundary itself is a stockproof fence. As the Secretary of State will note from the numerous representations received about route section ABD-6-S017, the adjoining seawall is already used by local people for recreation, so the appearance of people near the boundary fence should not be an unusual one for cattle in the neighbouring field.

When we recently visited that area we could see no evidence of a livestock corral in the adjoining land parcel in Wharf Farm. Access to that part of Wharf Farm would be excluded as indicated on Directions Map ADB 6B. The route would cut inland through an adjoining field under different ownership as shown on the report map. [redacted] has in place a sign at the farm boundary to further discourage walkers from crossing it. In conclusion we do not agree that the bird hide affects [redacted] interests.

Route Section ABD-6-S019 (report map ABD 6c)

Route section ABD-6-S019 follows the top of an old bank along part of a field edge on Wharf farm. [redacted] is concerned that walkers and dogs on this route section would come into contact with his cattle. He is also concerned that the route would reduce their access to shelter on the leeward side of the bank and asks questions about fences and fence maintenance.

Under our proposals the route here would be fenced to prevent dogs from entering the field. We have sourced a suitable dog-proof fence for this purpose at [redacted] request. Additionally, in an email on 12 April 2018, we offered a second, parallel fence of two strand barbed wire to separate

[redacted] stock from the dog-proof fence and that offer remains open. This would be sufficient to deter cattle from approaching the route more closely and from rubbing against the dog-proof fence.

The fence posts would be inserted into the earth embankment where the ground is drier and fence posts are less prone to rot than the surrounding land. We would therefore expect the fences to last for between 15 and twenty years with minimum intervention. The local access authority, North Somerset Council, would maintain the route itself, for example cutting vegetation and repairing and replacing access furniture when it becomes necessary. We do not expect it to maintain fences such as these put in at the landowners request.

The risk of disease transmission from walkers and dogs to cattle is very low as we explain in detail in section 4 of this document. The two fences would seal off the land covered by the route so making disease transmission still less likely. There would be minimal need for vegetation clearance to install the entry points at either end of route section ABD-6-S019 and the cut vegetation would be allowed to grow back. This part of Wharf Farm is separated from the fields to the southeast by a ditch and from the field to the northeast by a ditch for much of its length and by a fence and gate in the field corner which is the junction of route sections ABD-6-S018 and ABD-6-S019. The two fences we have offered would act as a further barrier along those boundaries, so reducing the likelihood that [redacted] cattle would come into contact with livestock from neighbouring land and thereby reducing the risk of infection from that source. In conclusion we maintain that this part of the route would not affect biosecurity at Wharf Farm.

When we surveyed this part of the route it did not cross a pen used for the temporary detention of livestock. We viewed it recently from the neighbouring field and that remains the case. As such we disagree that it would be excepted from the access rights by virtue of paragraph 11 of [Schedule 1 to the Countryside and Rights of Way Act 2000](#) as [redacted] describes in his representation.

At the same visit we noted that much of the leeward side of the bank is covered in dense scrub which would not provide shelter for cattle. We chose the position of the junction of route sections ABD-6-S019 and ABD-6-S020 so that the leeward side of the bank at its westernmost end would be available for cattle to shelter.

Route section ABD-6-S021 (map ABD 6c)

[redacted] raises concerns about route section ABD-6-S021 that follows the access track to Wharf Farm and forms part of a field owned by [redacted] and grazed by him. It is a rough track shared with grazing cattle and we expect vehicles to travel along it slowly. There is ample space for pedestrians to step off the track when necessary to allow vehicles to pass.

Route section ABD-6-S022 (map ABD 6c)

There is no proposal to replace a field gate with a pedestrian gate and bridge. [redacted] has misunderstood this part of our proposals.

At the junction of route sections ABD-6-S021 and ABD-6-S022 there is a cattle grid, next to which there is a field gate used by [redacted], the owner of the land that section ABD-6-S021 crosses, to move this cattle into the field. We have offered [redacted] a combination gate to replace the existing

field gate, which can be used both as a pedestrian gate and as a field gate. This will allow his cattle to access his field.

At the other end of route section ABD-6-S022 we propose a new pedestrian bridge and gate alongside the existing field gate so again, farm traffic would not be disrupted.

Route sections ABD-6-S025 (map ABD 6c)

Route section ABD-6-S025 crosses a farm track owned by Wharf Farm. We understand that [redacted] uses the track sometimes to drive his cattle across neighbouring fields to rented land at Blakes Pools on report map ABD 6c. The route crossing would be bounded by self-closing pedestrian gates on which we would attach signs requesting that pedestrians give way to farm traffic. This is proportionate to the very low risk to biosecurity at this point.

Route sections ABD-6-S024 and ABD-6-S026 (map ABD 6c)

[redacted] told us that he sometimes drives cattle across these fields to rented land at Blake's Pools. There is therefore a risk that they may encounter walkers or their dogs on the journey. [redacted] could reduce this risk by choosing times of day when walkers are less likely to be present. We do not agree that the proposals here significantly affect his interests.

Route section ABD-6-S031 (map ABD 6c)

The land seaward of the route at this point would be excluded under the terms of the direction proposed at paragraph 6.2.24 of report ABD6. Route section ABD-6-S031 is separated from Wharf Farm by a dense hedge and ditch until it meets an earth embankment at the junction with route section ABD-6-S032. There is a field gate and wing fencing across the bank a few metres from the junction and closer to the river mouth. This would be kept shut to discourage people from entering Wharf Farm and there would be a sign on the gate to explain that access is excluded. We can provide the land owner (the Environment Agency) with a padlock and chain for the gate if it is necessary. We consider these measures to be adequate to discourage people from approaching the Wharf Farm boundary more closely.

Route sections ABD-6-S032 to ABD-6-S033

Route sections ABD-6-S032 to ABD-6-S033 are on the top of an earth embankment which is the primary sea defence. The bank is owned by the Environment Agency and leased to Avon Wildlife Trust to manage as part of a nature reserve which also includes the field skirted by route section ABD-6-S030 and a redundant, breached embankment seaward of the proposed route.

Neither the land owner nor the tenant objected to our proposals but Avon Wildlife Trust in its representation notes that the new access may make it more difficult to graze the bank. In recent years the Wildlife Trust acquired permission to graze it from the Agency and reached an agreement with [redacted] for him to do so as part of the management of the land as a nature reserve. The Environment Agency and the Avon Wildlife Trust are therefore the controlling interests in the land and [redacted] is not in our view the lawful occupier of the affected land.

Nevertheless we understand that [redacted] wishes to continue the grazing arrangement and is unwilling to graze land crossed by the route because of his biosecurity concerns. We appreciate that our proposal would reduce the area of land he can graze under these terms; the length of bank occupied by route sections ABD-6-S032 and ABD-6-S033 covers 3.6 acres. There is in our view no reasonable alternative to this aspect of the proposal; any other route would involve an impact on a neighbouring land owner and would not provide the public with any views of the sea. The views here are important to the overall design of the route, which offers no sea views from the sections to either side. We can offer some reassurance however, because we have agreed in principle with the Environment Agency and Avon Wildlife Trust to fence a significant part of the nature reserve from the proposed route, including the redundant embankment seaward of the route and the land parcel skirted by route section ABD-6-S030 (total area 8.5 acres). This land would be separated from the route by stock fencing and as such, available to [redacted] to graze his cattle separately if he decided to do so.

Representation ID:	<i>MCA/ABD6/R/43/ABD1343</i>
Organisation/ person making representation:	<i>[redacted]</i>
Name of site:	<i>Land near Wharf Farm</i>
Report map reference:	<i>ABD 6c</i>
Route sections on or adjacent to the land:	<i>ABD-6-S020 and ABD-6-S021</i>
Other reports within stretch to which this representation also relates	-

Summary of representation:

[redacted] objects to the coastal access proposals across his land because they do not strike a fair balance between his private interests and the public interest in having access rights to the coast.

[redacted] describes various consequences for his farming operations arising from the coastal access proposals. He also makes detailed remarks about some of the analysis in the coastal access report and Habitats Regulations Assessment. His remarks on the following topics are summarised in separate entries in section 4 of this document:

- the risk of injury to walkers from cattle and potential consequences for his business arising from that; introduction of new access rights to grazing land;
- the risk that walkers' dogs may introduce disease to cattle;
- Natural England's discretion to propose a route along the Severn Estuary;
- Natural England's Habitats Regulations Assessment;

- His proposal to modify the route so that it follows part of the cycle route proposed by North Somerset Council, and Natural England's analysis of that option in the coastal access report.

Below we summarise [redacted] remarks about the following issues not covered in section 4:

- the proposed route across his field is difficult to follow - people would stray off it and interact with his cattle;
- people will use the field to park and begin a walk;
- the proposed new footbridge will obstruct his use of the land;
- walkers will damage the field because it is low-lying and wet;
- responsibility for maintenance of the new path and access furniture is not clear.

Risk of interaction with cattle

From route section ABD-6-SO19 the proposed route would enter [redacted] field by way of a new footbridge and gate. The path would then curve across the field in an "S" shape before leaving by way of a new gate and footbridge into section ABD-6-SO23. There are no features on the ground corresponding to the S-shaped route. It seems highly likely that the public will stray from it, for example taking a shortcut across the field over land that is not intended for access. There are no proposals to ensure that the public adheres to the proposed route.

The location of the path across the middle of the field has the effect of creating an area of coastal margin in the field, increasing the risk from interaction with the cattle.

Parking in the field

The field is reached by a lane which ends at Wharf Farm. The public already park alongside various local roads (such as Lower Strode Road) in order to reach sections of permissive path. The road through the field is unfenced and open to the lane. It is therefore entirely conceivable that the public will park on the grass in order to access the new coast path. There are no proposals for the management of the increased levels of use that are likely to arise from the designation of the path.

New footbridge proposal

The proposals include the removal of existing gates, the installation of new gates and the installation of footbridges. A new footbridge will be placed in the middle of the field. The path is supposed to provide a right of access only and not affect the ownership or rights to use the land. However, the new physical structures are obstructions to his use of the land.

[redacted] suggested to Natural England that the existing crossing in the middle of the field, where a footbridge is proposed, could be raised so that walkers could cross the ditch in the winter when water levels are high. The suggestion was not taken up. [redacted] does not know where the footbridge will be. In the summer when the ditch dries out, there is a risk of damage from cattle.

Damage to the field

The land is low lying and very wet, with poor drainage. If the land is damaged as a result of use of the path during wet conditions, there is no fair balance if he has to bear the loss that results from that damage. The access authority should take responsibility for any repairs necessary to restore the land following damage caused by use of the path. He has not received any confirmation of this.

Maintenance

[redacted] presumes that the access authority will be responsible for on-going maintenance of the footbridges and gates but it has not been clarified. Should his cattle suffer injury as a result of the installation of these structures on his land, he presumes that the access authority will bear responsibility otherwise it would be unfair to him.

Natural England's comment:

We thank [redacted] for his time and advice during the preparation of the coastal access report.

[redacted] field is about 400 metres from the foreshore at its nearest point. The reasons for proposing this inland route (rather than a route closer to the sea on neighbouring Wharf Farm) are explained on page 25 of [report ABD6](#) under the heading 'Wharf Farm'. We appreciate that [redacted] remains concerned that as a result the path will cross his land. However, we have met with him on several occasions and chosen a path alignment that we maintain would strike a fair balance between his interests and those of the public.

We refer the Secretary of State to our detailed comments in section 4 of this document where we address many of the points made in [redacted] representation including his proposed modification of the route. Below we address the remaining concerns that are summarised above.

Risk of interaction with cattle

At one of our meetings, [redacted] explained his view that the best walking route across his field would be the shortest line between the field entrance (junction of sections ABD-6-S022 and ABD-6-S021) and the boundary with Wharf Farm (approximately at the end of the arrow indicating section ABD-6-S020 on report map ABD 6c). This is the shortest most direct route across the field and is easy to follow. It avoids the wettest parts of the field and minimises the likelihood of interaction with cattle. However, it would have consequences for Wharf Farm which we were obliged to consider, as we explain below.

Route section ABD-6-S019 would extend further southwest along the Wharf Farm bank and cross into a second field via the gateway visible on the map. As that part of the route is to be fenced to help with biosecurity of the unusual cattle on Wharf Farm, the fenced route would obstruct the existing gateway between the fields. We considered the option of installing an alternative farm access between the two fields to mitigate this impact but decided that the proposed route is preferable because the impact on [redacted] is much less.

From the junction of sections ABD-6-S019 and ABD-6-S020 the proposed route follows the northern edge of the field. It then turns southwards across the field along the alignment first suggested by [redacted], skirting an old building near the junction of sections ABD-6-S020 and ABD-6-S021 and then

following the lane to the gate at the southern edge of the field. This avoids the wettest parts of the field.

Long-distance walkers tend to adhere strictly to the waymarked route in our experience. We envisage several measures to encourage people to stick to the route. There would be prominent fingerposts to help walkers follow the route easily, in particular at the turn on the northern edge of the field. We agree with [redacted] that there is a risk that regular visitors may try to take a short-cut, but a walker would in our view be unlikely to attempt it more than once because there are drains and ditches in the way.

Similarly we think it would be very unusual for path users to use the area of coastal margin in this field because the ground is wet and rough and does not lead anywhere or offer any visible attractions. Subject to [redacted] agreement we would take steps to secure the entrance to the old building near the junction of sections ABD-6-S020 and ABD-6-S021 to discourage people from exploring it because there is a badger sett in it. Again subject to his agreement we would also erect a notice at that junction to explain that there is no through access in the direction of Wharf Farm.

[redacted] showed us places along the northeastern edge of the field where he has created access for his cattle to drink from the boundary ditch. The proposed route avoids these.

For all the above reasons we believe it will be rare for people to leave the proposed route and that interaction between walkers and cattle will be minimal.

Parking in the field

There are parking places on Lower Strode Road and Middle Lane that are used by people when they visit the coast. These are parking areas on the side of public roads. The lane leading to Wharf Farm is privately owned and the general public have no right to drive along it or to park in [redacted] field. The coastal access arrangements would not change that, if they were approved.

New footbridge proposal

A new footbridge is marked at the junction of sections ABD-6-S020 and ABD-6-S021 to cross a ditch at the side of the lane. We are open to other suggestions from [redacted] for the ditch crossing and would in principle prefer the option that best fits with his farming operations provided it can be installed at reasonable cost and is straightforward for the access authority to maintain.

Damage to the field from public use

We agree that [redacted] field is generally wet, but the route we have chosen is drier than the rest of the field. We surveyed this part of the route in May 2017 and May 2018. The route itself (apart from the ditch crossing) was dry on these occasions although the land to either side was generally wet.

Paths can become muddy when wet and when this happens walkers seek drier or less muddy ground either side of the path which can lead to further damage to the grass around it. This is a common problem on heavily-used sections of path, in particular on slopes where rainwater flows along the bare ground created by the passage of feet. We do not expect this to be a problem on this part of the

path because and it will not be visited frequently enough to result in damage. It is 4.3 Km from the nearest parking at Clevedon, a journey of at least two hours there and back at average walking pace. The average daily dog walk, for comparison, is thought to be 2.7 Km and to last about an hour (see, for example, page 8 of this [Hampshire County Council report](#)).

If localised problems were to develop, it would be possible to remedy them easily at a later date, for example with short sections of boardwalk. Access authorities will be eligible for central government grant aid which they can use to help meet the costs of small-scale improvements such as these.

Path maintenance

[redacted] is correct to presume that the access authority will take responsibility for the on-going maintenance of the path including the signs, footbridges and gates – as paragraph 6.2.22 of report ABD6 infers. We do not know why [redacted] is concerned about injury to his cattle from access structures but we can reassure him that they will be installed at a time agreed between him and the local access authority so it would be possible for the work to take place when his cattle are not in the field.

6. Supporting documents submitted with representations

MCA/ABD6/R/38/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.



MCA/ABD6/R/12/ABD1843: The Disabled Ramblers

Photograph illustrating use of mobility scooters on uneven ground



MCA/ABD6/R/13/ABD1843: The Disabled Ramblers

Photographs of steps at Huckers Bow, which are a barrier to mobility scooter users



MCA/ABD6/R/13/ABD1843: The Disabled Ramblers

Proposed modification to the route at Huckers Bow Sluice from the Disabled Ramblers
(route sections ABD-6-S060 and ABD-7-S001)

1. Drop down the track to the car park, using the outside of the bend which is otherwise quite steep.



2. Cross the car park aiming for the concrete pathway over the sluice (as indicated by the orange arrow).



3. The turns in the existing pathway over the sluice walls are too tight for mobility scooters (top), but with removal of the temporary fencing/gates scooters could cross more directly, as indicated by the blue and orange arrows (bottom).





Tibbs and Simmons

Farm Animal Veterinary Surgeons

9, Chancellors Pound, Redhill
Bristol BS40 5TZ

Office: 01934 862808 (24hrs)

Fax: 01934 862844

www.northsomersetvets.co.uk
tibbsandsimmons@btconnect.com

9th September 2019

To Whom It May Concern:

Re: Coastal Footpath at Seawall Farm, Kingston Seymour, Clevedon.

Tibbs & Simmons Farm Vets Ltd provides veterinary care and advice to the livestock owned by [redacted] at Seawall Farm; as such he has sought our advice regarding the likely impact of the opening of a coastal footpath across his land to his herd of dairy cows, in particular the likely dog fouling.

Dog Mess harbours a microscopic parasite called *Neospora caninum*; the dog is a symptomless carrier and will shed intermittently. Cows are infected for life by grazing pasture contaminated with infectious dog mess. The parasite lives in the reproductive tract of cows and will recrudesce during pregnancy causing abortions of their calves; thus rendering the cows valueless as a breeding female. There is no reliable diagnostic test for dogs as parasites are shed intermittently in their faeces. There is no vaccine or treatment available for cattle or dogs.

Once *Neospora* takes a hold in a herd the outcome can be devastating as it is highly likely that all offspring born to an infected dam will too be infected. This is a real and current concern on this farm. This herd has experienced many *Neospora* cases in the past few years, along with the insidious on going losses and welfare issues associated with them.

As well as *Neospora*, dog mess is responsible for contaminating pasture with tapeworm cysts. Condemnation of carcasses and offal at the abattoir (farmer receives no payment) is common place in farms with contamination from dog faeces. This can affect both cattle and sheep. The Life Cycle of the offending tape-worm is complicated but essentially, the adult tapes live in the dog's small intestine shedding infective eggs or larvae onto the pasture of grazing livestock. Livestock act as intermediate hosts where larvae migrate from the gut forming cysts in various areas of the body including the liver, brain and skeletal muscle. Any dogs eating infected carcasses are highly likely to become infected (this is particularly relevant as there is a new fad of feeding dogs a raw meat diet). Worming your dog regularly with an effective tapeworm medication is important but even dogs wormed regularly have the ability to transmit. I cannot therefore recommend that [redacted] changes his farming policy to beef and sheep production.

Tibbs and Simmons Farm Vets Ltd is a company registered in England (number 8382373)
Directors: [redacted] BVM&S MRCVS and [redacted] BVetMed MRCVS





Tibbs and Simmons

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It is with these two diseases in mind that I have advised [redacted] that it would be putting the health of his herd in jeopardy by grazing land associated with the coastal footpath.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Lucy Jones', written over a horizontal line.

[redacted] BVSc MRCVS



British Trust for Ornithology
Bench Grove Station Road Tring
Hertfordshire HP23 5NR
Tring (044 282) 3451

Ref: NAC/TJ

1st November 1988

[Redacted]

Dear [Redacted],

I was very sorry to hear of the problems that you are having with the fields in your area.

I supplied the enclosed counts to [Redacted] after he contacted me asking for information on field usage in the area. These notes were taken as part of the work for my thesis and are by no means complete.

I would be happy to supply you (or anybody else) with such information about the bird population that I have personally collected. I would hope that you would consider that I am independent - I have no wish to supply information to only one side.

I will come and see you when I am next on the Severn and hope we can discuss these problems further.

I enclose a copy of a booklet on Nestbox design which I hope will be of interest.

Yours sincerely,

W. J. [Redacted]
[Redacted]

		Caught 245 Dunlin on field 12.	
	1400	40 Dunlin on field 15.	
		500 Lapwing and 200 Golden Plover on fields 16 and 17.	
		Cn 3,000 Dunlin on field 16.	
	AM	500 Dunlin at low tide feeding on field flock flying between 12,14 and 15. Weather - westerly gale.	
		Caught 37 Lapwing on field 12a, haa	
		Cn 700 Lapwing and 2,000 Dunlin in fields 12a, 15 and 16.	
	21 09 79	AM	Lapwing flock (ca 500) on fields 12-17.
	22 11 79	AM	1,000+ Dunlin on saltings until disturbed - then went to field 16.
	23 11 79	AM	1,500 Dunlin on field 16.
	24 11 79	AM	2,500 Dunlin on field 16 and 200 Golden Plover and 400 Lapwing. Caught 108 Dunlin.
	08 12 79		1,500 Dunlin on field 16 and 100 Golden Plover.
	19 12 79		300+ Dunlin on field 14 at night at high tide.
	20 12 79		Large numbers of Dunlin on field 16 at night.
	30 01 80	1500	250 Dunlin flying on to fields 12-17.
	09 10 80		11 Curlew and 2 Turnstones on fields 12-17.
	16 10 80	1300	20 Redshank flew onto fields 12-17 to feed at low tide in a NW 6 wind.
	03 11 80		20 Curlew on fields 12-17.

British Trust for Ornithology coastal records Clevedon to Huckers Bow 1978-1981 (page 3 of 4)

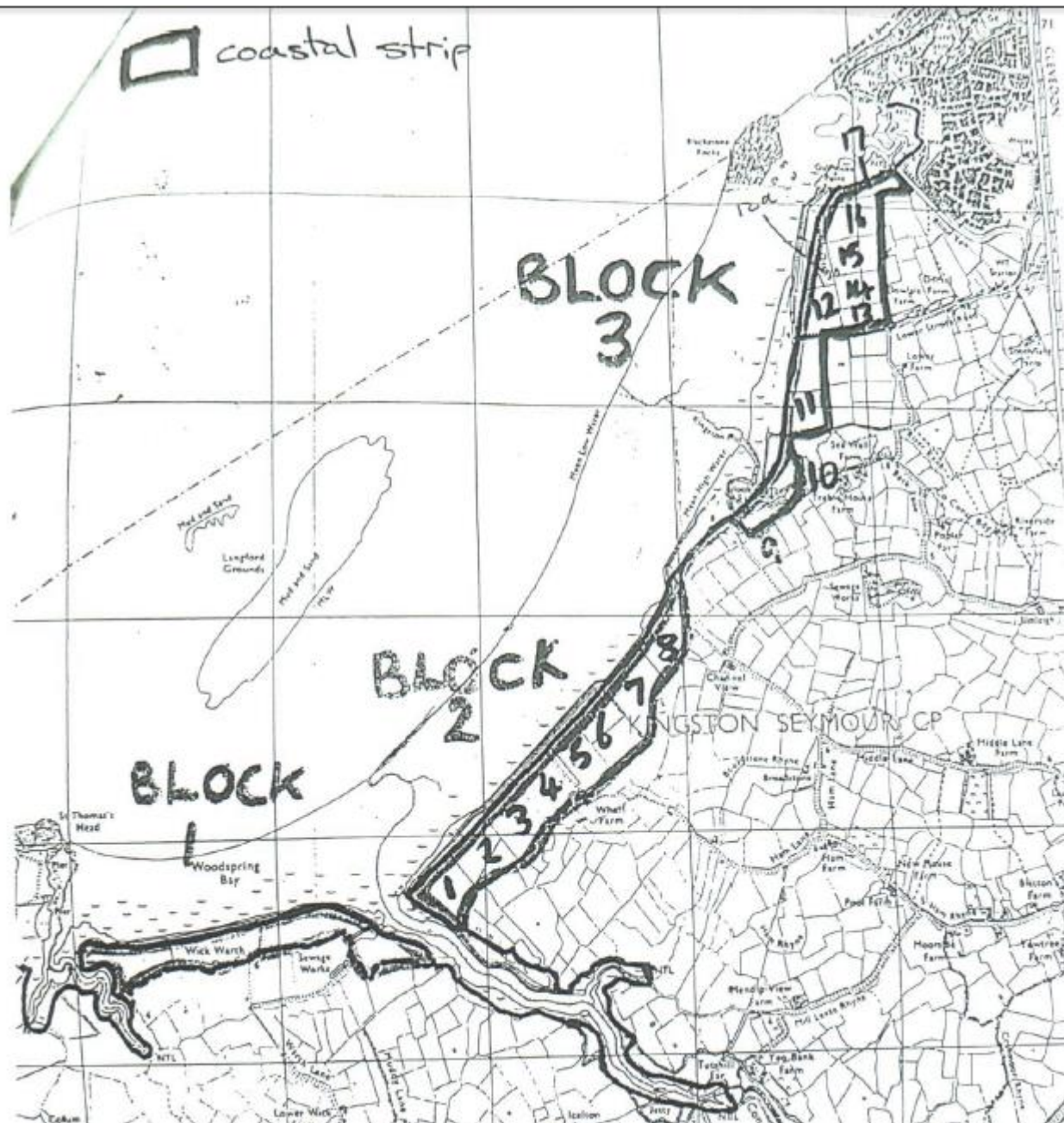
150 Dunlin on field 12a.
957 Dunlin caught out of 1,200 on field 12.
200 Dunlin, 20 Redshank and 400 Lapwing
on field 13 then 15 and 16.
300 Dunlin and 100 Lapwing on field 16.

10 01 81
11 03 81
13 03 81

Caught 286 Dunlin out of Ca 2,000 on
field 16.
2,000 Dunlin on field 1-2.
20 Redshank on fields 12 and 12a.

Information on field usage at Clevedon extracted from [redacted] notebooks

1. The reason for these note books was really to enable me to predict where were the best catching sites for Dunlin hence most of the records refer to Dunlin, Lapwing and Golden Plover (the latter have a strong influence on Dunlin).
2. Field 12a is the field directly North of field 12, this is now much reduced in size since the building of the new sea wall.
3. If I saw Dunlin on fields early in a tide series I normally did not visit the area again at high tide for that series as birds were very likely to return to the field for the rest of the series.
4. I visited Clevedon at high tide on 4 occasions on spring tides between December 1987 and February 1988 and found 600 Dunlin, 20 Shelduck and 25 Redshank on field 16 on 18 February.



List of notable species recorded in grid square ST3868 between 1985 and 1997 (unattributed)

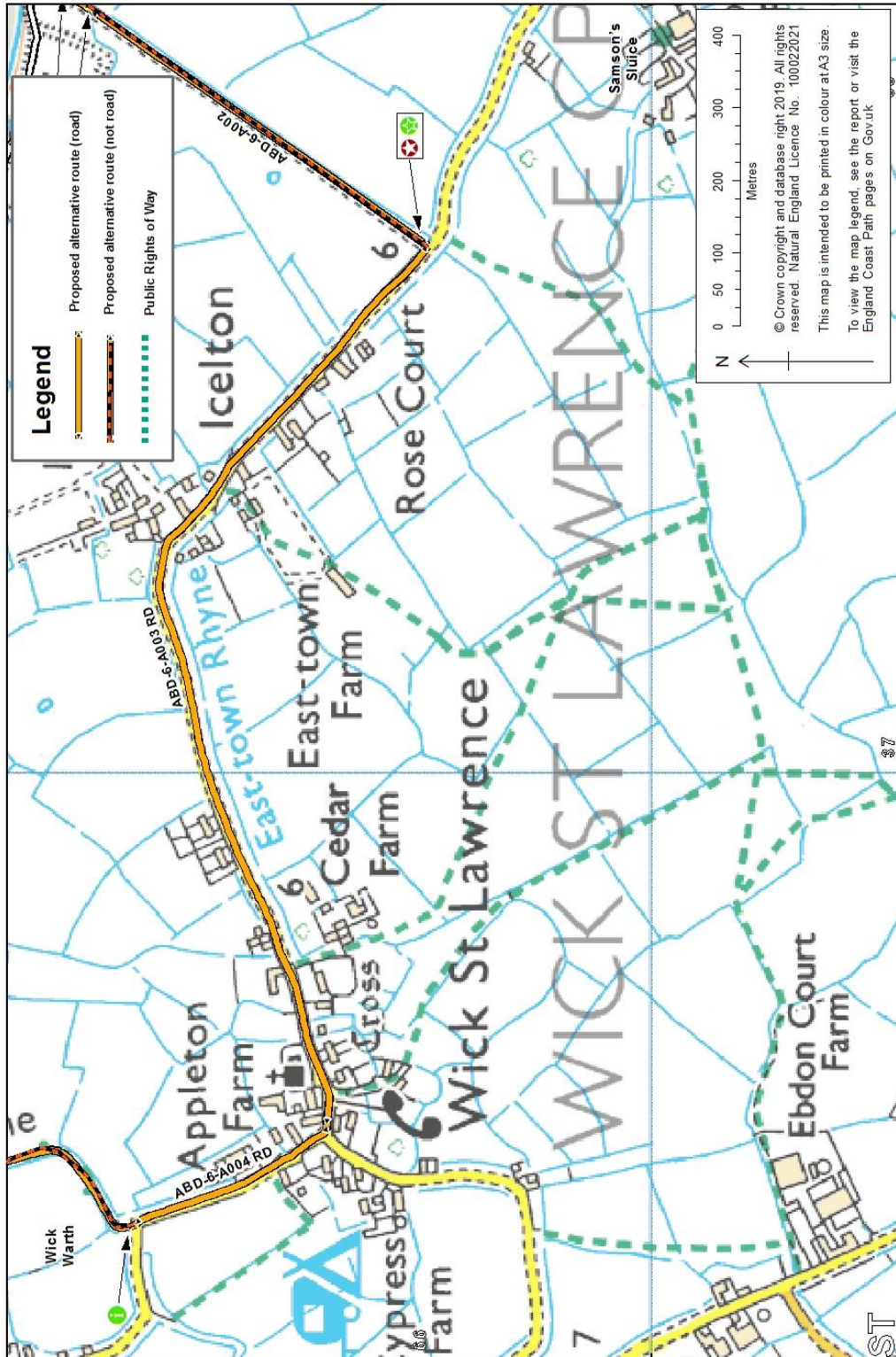
Latin Name	Common Name	Grid_ref	Date_of_record	BRECC Area Status	Sex Stage
<i>Acrocephalus schoenoba</i>	Sedge Warbler	ST3868	1985 - 1991	Bern, Fairly Common, Long list	proved breeding
<i>Acrocephalus schoenoba</i>	Sedge Warbler	ST3868	27 APR 1997	Bern, Fairly Common, Long list	1 present
<i>Acrocephalus schoenoba</i>	Sedge Warbler	ST3868	23 APR 1997	Bern, Fairly Common, Long list	1 present
<i>Acrocephalus scirpaceus</i>	Reed Warbler	ST3868	17 APR 1997	Bern, Fairly Common, Long list, Natural Area BAVSR	4 presents
<i>Acrocephalus scirpaceus</i>	Reed Warbler	ST3868	30 APR 1997	Bern, Fairly Common, Long list, Natural Area BAVSR	8 presents
<i>Acrocephalus scirpaceus</i>	Reed Warbler	ST3868	13 JUL 1997	Bern, Fairly Common, Long list, Natural Area BAVSR	1 nest building/eggs
<i>Acrocephalus scirpaceus</i>	Reed Warbler	ST3868	JUN 1997	Bern, Fairly Common, Long list, Natural Area BAVSR	6 singing/mating call
<i>Acrocephalus scirpaceus</i>	Reed Warbler	ST3868	1985 - 1991	Bern, Fairly Common, Long list, Natural Area BAVSR	proved breeding
<i>Acrocephalus scirpaceus</i>	Reed Warbler	ST3868	JUL 1997	Bern, Fairly Common, Long list, Natural Area BAVSR	4 presents
<i>Agrostis gigantea</i>	Black Bent	ST3868	05 SEP 1992	Uncommon	
<i>Alauda arvensis</i>	S Skylark	ST3868	19 JAN 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	110 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	02 FEB 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	40 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	09 FEB 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	30 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	02 JAN 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	20 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	05 JAN 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	50 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	01 OCT 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	4 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	proved breeding
<i>Alauda arvensis</i>	S Skylark	ST3868	27 JAN 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	20 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	02 FEB 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	17 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	26 JAN 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	35 presents
<i>Alauda arvensis</i>	S Skylark	ST3868	DEC 1997	RSPB Red List, Common, Short List, UK AP, Natural Area BAVSR, Natural Area C, Natural Area S&AV, Natural Area SE	25 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	19 JUN 1997	Bern, Uncommon, Long list	8 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	30 OCT 1997	Bern, Uncommon, Long list	6 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	19 OCT 1997	Bern, Uncommon, Long list	6 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	20 NOV 1997	Bern, Uncommon, Long list	4 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	02 NOV 1997	Bern, Uncommon, Long list	4 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	06 NOV 1997	Bern, Uncommon, Long list	4 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	SEP 1997 - OC	Bern, Uncommon, Long list	4 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	12 JAN 1997	Bern, Uncommon, Long list	8 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	21 DEC 1997	Bern, Uncommon, Long list	4 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	JUL 1997	Bern, Uncommon, Long list	3 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	31 DEC 1997	Bern, Uncommon, Long list	6 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	21 DEC 1997	Bern, Uncommon, Long list	1 present
<i>Anthus petrosus</i>	Rock Pipit	ST3868	JUN 1997	Bern, Uncommon, Long list	4 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	03 NOV 1997	Bern, Uncommon, Long list	4 presents
<i>Anthus petrosus</i>	Rock Pipit	ST3868	16 NOV 1997	Bern, Uncommon, Long list	8 presents
<i>Anthus pratensis</i>	Meadow Pipit	ST3868	02 NOV 1997	Bern, Fairly Common, Long list	30 presents
<i>Anthus trivialis</i>	Tree Pipit	ST3868	24 APR 1997	Bern, Uncommon, Long list	1 present
<i>Artemia maritima</i> sp. n.	a thirt	ST3868	23 APR 1989	Scarce	
<i>Asio flammeus</i>	Short-eared Owl	ST3868	1990 - 1993	European Community Habitats Directive, Bern, RSPB Amber List, Uncommon, Long list, Natural Area SL&M	Wintering
<i>Aster tripolium</i>	Sea Aster	ST3868	23 APR 1997	Uncommon	
<i>Benula erecta</i>	Lesser Water-parsnip	ST3868	12 JUL 1992	Uncommon	
<i>Benula erecta</i>	Lesser Water-parsnip	ST3868	05 SEP 1992	Uncommon	
<i>Beta vulgaris</i> ssp. maritima	Sea Beet	ST3868	23 APR 1989	Uncommon	
<i>Bromus commutatus</i>	Meadow Brome	ST3868	12 JUL 1992	Uncommon	
<i>Carduus cannabina</i>	Linnet	ST3868	1995 - 1991	Bern, RSPB Red List, Common, Middle List, UK AP, Natural Area S&AV	
<i>Cerastophyllum demersum</i>	Rigid Hornwort	ST3868	05 SEP 1992	Uncommon	
<i>Cochlearia anglica</i>	English Scourgrass	ST3868	23 APR 1989	Uncommon	
<i>Columba oenas</i>	Stock Dove	ST3868	22 APR 1997	RSPB Amber List, Natural Area C	2 presents
<i>Delichon urbica</i>	House Martin	ST3868	29 APR 1997	Bern, Common, Long list	3 presents
<i>Delichon urbica</i>	House Martin	ST3868	AUG 1997	Bern, Common, Long list	10 presents
<i>Delichon urbica</i>	House Martin	ST3868	16 APR 1997	Bern, Common, Long list	1 present
<i>Delichon urbica</i>	House Martin	ST3868	23 APR 1997	Bern, Common, Long list	2 presents
<i>Delichon urbica</i>	House Martin	ST3868	16 SEP 1997	Bern, Common, Long list	20 presents
<i>Delichon urbica</i>	House Martin	ST3868	24 AUG 1997	Bern, Common, Long list	20 presents
<i>Delichon urbica</i>	House Martin	ST3868	14 MAY 1997	Bern, Common, Long list	4 presents
<i>Delichon urbica</i>	House Martin	ST3868	05 MAY 1997	Bern, Common, Long list	10 presents

4-fig notable spp records for ST 3868 = ST

7: Supporting information from Natural England

Natural England map showing public footpaths between Tutshill and Wick St Lawrence.

Reference: MCA/ABD6/R/75/ABD1851 (the Ramblers)



List of representations about route section ABD-6-S017

Representation ID	Organisation/ person making representation:
MCA/ABD6/R/1/ABD1848	[redacted]
MCA/ABD6/R/4/ABD1859	[redacted]
MCA/ABD6/R/5/ABD1860	[redacted]
MCA/ABD6/R/6/ABD1861	[redacted]
MCA/ABD6/R/7/ABD1862	[redacted]
MCA/ABD6/R/8/ABD1863	[redacted]
MCA/ABD6/R/9/ABD1864	[redacted]
MCA/ABD6/R/10/ABD1865	[redacted]
MCA/ABD6/R/11/ABD1866	[redacted]
MCA/ABD6/R/15/ABD1875	[redacted]
MCA/ABD6/R/16/ABD1876	[redacted]
MCA/ABD6/R/17/ABD1878	[redacted]
MCA/ABD6/R/18/ABD1879	[redacted]
MCA/ABD6/R/20/ABD0940	[redacted]
MCA/ABD6/R/24/ABD0939	[redacted]
MCA/ABD6/R/26/ABD1881	[redacted]
MCA/ABD6/R/33/ABD1882	[redacted]
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MCA/ABD6/R/38/ABD1887	[redacted]
MCA/ABD6/R/41/ABD0946	[redacted]

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MCA/ABD6/R/45/ABD1867	[redacted]
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MCA/ABD6/R/68/ABD1904	[redacted]
MCA/ABD6/R/69/ABD1905	[redacted]

<i>MCA/ABD6/R/71/ABD1907</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/72/ABD1908</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/73/ABD1909</i>	<i>[redacted]</i>
<i>MCA/ABD6/R/74/ABD1910</i>	<i>[redacted]</i>

Modification to extent of exclusion at Channel View proposed by Natural England

Reference: representations about route section ABD-6-S017 listed above.

Independent report about milk production at Seawall Farm

Reference: representation MCA/ABD6/R/40/ABD0946 ([redacted])

Report To Assess the Loss of Milk Income At Seawall Farm [relevant extract]

By [redacted] - Farm Business Consultant B.Agr.Sc (Hons)

I have been instructed by [redacted], Senior Adviser Natural England to provide an independent desktop estimate of the financial impact to the farmer in question at Seawall Farm for the loss of land under two scenarios as follows:

- The screen is planted, the path is fenced, the farmer continues to graze the seaward land – affected area 1.02 acres.
- The screen is planted, the path is fenced, the farmer ceases to graze the seaward land – affected area 5.5 acres.

Calculations are based on the following assumptions

1. Based on a one hectare (Ha) basis (as a standard grass production and utilisation is measured on this basis)
2. Land in question is in a SSSI – No Fertiliser used apart from FYM which is currently stored on the seawall.
3. Land is grazed only by a dairy herd.
4. Conventional Production 28ppl Milk Value. (Long term Average Price)
5. Milk cows are grazed April – August annually.
6. Average daily literage produced per cow assumed to be 25 Litres (7400 Litre annual average. All Year Round Calving Herd)
7. The estimated Tonnes of Grass Grown per Year is 7 tonnes of Dry Matter /ha (DM/Ha). Reseeded Ryegrass High Nitrogen grass leys will yield 12t DM/Ha annually. (Good Organic land would be 9-10t DM/Ha with reseeding and cropping every five years). The 58% (7t/12t) of production potential is assumed as land is long term permanent grass with indigenous species. It isn't fertilised artificially apart from some FYM.
8. Grass utilisation is low vs the potential as it is grazed 5-6 times per year (the target for the 12t Output grass is 10 grazings per year. The less grazings the less output and lower quality grass as once grass reaches the three leaf stage (3-5 weeks growth) the third leaf dies off to be replaced by a new leaf. As it isn't grazed between September and April this will reduce productivity also.

Two Methods of Calculation

A. Based on Nutritional Value of Grass

Output 7 tonnes DM produced/Ha X 80% utilisation = 5600kgs DM Grass/Ha Used. The 20% waste will be waste around dung paths, weeds and stemmy grass not grazed plus grass referred to in assumptions point 8 above).

Each 1kg DM grass has an energy value of 11.5 ME (12 in early spring 11 in later summer)

- 5600kg x 11.5ME = 64,400 MJ Energy Used
5600Kgs of DM will maintain 430 Cows / year /ha consuming 13kg DM Grass/Head/Day.
- 1 cow requires 65 MJ Energy for Maintaining body weight
430 x 65 = 27,950 MJ for maintenance
- Total Energy Used less Maintenance is 64,400- 27,950 MJ = 36,450MJ

1 Litre Milk at 4% Butterfat requires 5.3 MJ Energy for production

- $36,450/5.3 = 6877$ Litres is the milk production capacity from 1 Ha Per Year

$6877 \times 28\text{ppl} = \text{£}1926/\text{ha}$ per year.

On 0.4 Ha is = $\text{£}770$ lost milk income per year.

On 2.23 Ha is = $\text{£}4,295$ lost milk per year.

This method is more scientific and precise as it uses an energy balance based on the inputs of grass resulting in calculated outputs.

B. Based on Average Physical Cow Output.

5600Kgs of DM/ha will maintain 430 Cows per year consuming 13kg DM Grass consumed/Head/Day.

Over the 5 month grazing period (April – August) 430 Cows Producing 25 Litres of milk per day on 5kg of Concentrate feed per head plus the grass will maintain and produce 14 litres of milk each from the grass. This is based on

$430 \text{ cows} \times 14 \text{ Litres from Grass} \times 28\text{ppl} = \text{£}1685/\text{ha}$ per year milk value

On 0.4 Ha is = $\text{£}674$ lost milk income per year.

On 2.23 Ha is = $\text{£}3,758$ lost milk income per year.

This method is based on the assumed average outputs which can be more variable depending on genetic potential of the herd and the management capabilities of the farmer.

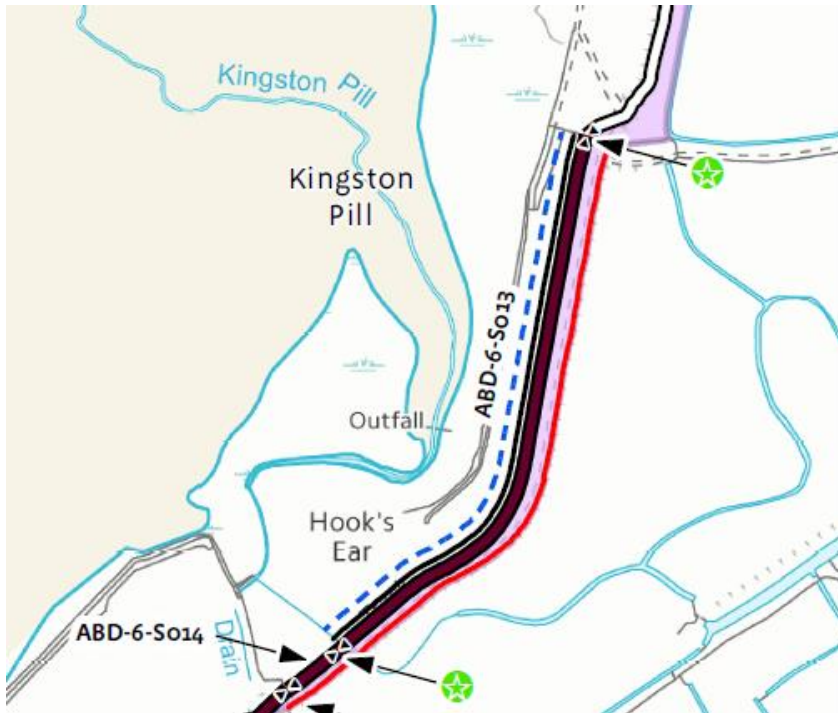
Conclusions

1. Based on the two methods of calculation the loss in milk income is $\text{£}674$ - $\text{£}770$ per year for the 0.4 ha area and $\text{£}3,758$ - $\text{£}4,295$ per year for the 2.23ha area.

2. As both calculations resulted in being within 7% of the average of the range of results, I would conclude that the results are consistent and in the right approximate area. I would also conclude that the average of both would be a fair assessment of the value of lost production for the respective areas per year. Namely $\text{£}4,026$ lost milk income for the 2.23 Ha and $\text{£}722$ lost milk income for the 0.4 Ha.

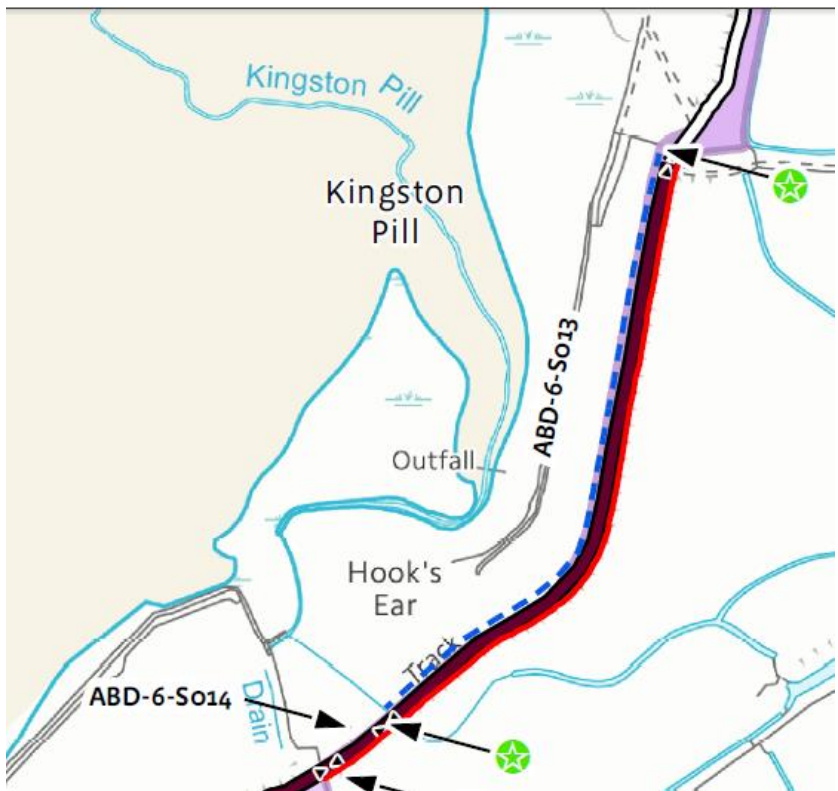
Access proposal at Kingston Pill (report map ABD 6b extract)

Reference: representation MCA/ABD6/R/40/ABD0946 (Paul Kostyla)



Proposed modification at Kingston Pill by [redacted]

Reference: representation MCA/ABD6/R/40/ABD0946 ([redacted])



Alternative modification at Kingston Pill proposed by Natural England

Reference: representation MCA/ABD6/R/40/ABD0946 ([redacted])

