

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REASSESSMENT OF DIRECTION RESTRICTING CROW ACCESS Prepared by Natural England

Access Authority: Somerset Council
Relevant Authority: Natural England
Local Access Forum: Somerset Local Access Forum

Direction reference: 2022049667

| Land Parcel Name | Direction Reference | Details of restriction on original direction |
|---|---|--|
| Axe sluice to old ferry crossing point (west side of the River Axe) | No public access to the trail and coastal margin between 16 th July and 15 th April annually. | To protect sensitive wildlife from disturbance |

Natural England has now decided how to proceed following its reassessment of the above-mentioned long-term direction to restrict CROW Access rights on this land.

An initial consultation was held between 22nd November 2023 and 18th December 2023 with statutory consultees and the general public.

Outcome of the review

Natural England's decision is to extend the period of this exclusion for an additional month until 15th May each year to protect Whimbrel from disturbance. The exclusion would therefore be in place from 16th July to 15th May annually. During this time an alternative route for the King Charles III England Coast Path will be available as detailed in the original proposals.

- Access to the trail and coastal margin between the Axe sluice and the old ferry crossing point on the west side of the River Axe will be excluded from 16th July to 15th May annually.

This is proposed under Section 26(3)(a) of the Countryside and Rights of Way Act (2000) to protect wintering and passage birds from disturbance and affects approximately 2500 metres of the King Charles III England Coast Path.

The King Charles III England Coast Path route along the west bank of the river Axe will be open from 16th May to 15th July each year. Outside of these dates the trail is closed and the gates at each end of this section are locked with a signed alternative route available through the village of Brean.

Background to the Reassessment

Data going back over 20 years has recently been discovered showing that significant numbers of Whimbrel are present in this area until mid-May each year. They use the mudflat on both banks and the grass bank on the western side of the River Axe primarily for feeding.

The area of saltmarsh/grassland directly opposite the Wessex Water Sewage Treatment Works at Bleadon Levels is a particularly favoured Whimbrel feeding area. The route of the KCIIECP passes through this feeding area. Unlike other parts of the estuary, where the feeding zones can stretch out beyond the recognised 200m visual disturbance distance, the River Axe is a very narrow stretch of the Special Protection Area and in this area is only about 125m wide in total. Whimbrel are vulnerable to people and dogs all along this southern stretch.

The current restriction is based upon the movements of Redshank with the understanding being that most Redshank will have left the area by mid-April to breed elsewhere returning in significant numbers in mid-July.

Wetland Bird Survey (WeBS) counts on the River Axe are only undertaken between September and March. Consequently, the presence of passage Whimbrel, between mid-April to mid-May, were not picked up by WeBs data. While other sources of data were considered to inform the KCIIECP proposals, Natural England were not aware at the time of any data on Whimbrel utilising the River Axe. Therefore, without this data the HRA for the Aust to Brean Down stretch made no reference to the importance of the River Axe for Whimbrel and the restriction end date of 15th April was thought to be appropriate.

In light of the newly discovered data and on the advice of Natural England's Senior Ornithologist fulfilling the function of the Relevant Advisory Body, Natural England has decided to extend the period of this exclusion for an additional month until 15th May each year to protect Whimbrel from disturbance.

Natural England's policy for long term directions is that they should not be given for a period of more than 6 years. Therefore, the original direction will be varied to have an end date of 18th January 2030.

Summary of changes made to the existing direction

Natural England is not varying the extent or nature of the direction, just extending the end date:

| Land Parcel Name: | Details of restriction on original direction: | New details of restriction |
|---|---|---|
| Axe sluice to old ferry crossing point (west side of the River Axe) | No public access to the trail and coastal margin between 16 th July and 15 th April annually. | No public access to the trail and coastal margin between 16 th July and 15th May annually. |

Details of the restriction will appear on the relevant map of access land on the Open Access website - www.openaccess.naturalengland.org.uk.

Where a direction restricts access indefinitely, for more than five years, for part of every year, or for part of at least six consecutive years, we have a statutory duty to review it within five years of the date of its issue.

Date review completed: 18th January 2024