

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION – PROPOSED CHANGE TO EXISTING DIRECTION

**SUMMARY FOR PUBLIC CONSULTATION
Prepared by Natural England**

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Norfolk County Council
Relevant Authority: Natural England
Local Access Forum: Norfolk Local Access Forum

Natural England is reviewing the following direction:

Land Parcel Name	Direction Reference
Eccles-on-Sea	2014117443

Naturel England has begun a review of the above long term direction in accordance with statutory guidance (see Annex One). A consultation has been held with statutory consultees and the general public that sought views on the existing directions.

We received feedback from Norfolk Local Access Forum that they had no objection to the restriction.

We also had the following feedback Rick Southwood from Broads National Nature Reserves team in Natural England: *“As Natural England’s Senior Reserves Manager with long experience of beach-nesting birds on this coast, in my opinion this restriction continues to be necessary for its original purpose of protecting ground-nesting birds (little tern and ringed plover) from trampling and disturbance. This is even more necessary this year, when coronavirus restrictions may cause difficulties in putting up the usual fencing. Given the increasing amount of human activity on the coast, this restriction needs to be maintained for the foreseeable future, unless the birds discontinue nesting here.”*

After due consideration, Natural England now proposes to extend the period and the area of the seasonal exclusion. As we have decided to change the direction (and are still proposing to make a long term direction) we are obliged to undertake a further round of consultation.

2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS

Details of restriction on original direction:	Proposed details for new direction	Reason for proposed direction
Access excluded between <u>1 May and 31 August</u> each year from the fenced area across the Norfolk Coast Path and adjacent margin until 31 August 2020; alternative route provided.	Access excluded between <u>1 April and 31 August</u> each year from the fenced area across the Norfolk Coast Path and adjacent margin until 31 August 2026; alternative route provided.	Direction given under S26(3)(a) of CROW for the purpose of nature conservation, to protect ground nesting birds from trampling and disturbance.

A short summary is provided below giving the background to the direction, which should be read in conjunction with the consultation map sent as part of this consultation.

During the breeding season, little tern, *Sternula albifrons* and ringed plover, *Charadrius hiaticula* nest on the beach at Eccles-on-Sea, through which the Norfolk Coast Path passes. These birds are considered especially vulnerable because they breed only (in the case of ringed plover) or mainly (little tern) on beaches, they are known to be sensitive to disturbance by people and dogs and, in the case of little tern, they nest in dense colonies in a small number of localised areas in England. With the commencement of coastal access rights, Natural England excluded access to this part of the trail and to adjacent areas of the beach that are cordoned off during the breeding season each year in order to prevent disturbance to the birds, and to protect nests from being trampled. To enable people to walk along the coast at times when this exclusion is in force, an alternative route is provided, and temporary signs advertise the restriction during the sensitive period. The original direction was given on 29 April 2015.

As part of this review, Natural England sought advice from the RSPB, who have advised us that the little tern colony has grown since the footpath was put in place, and has spread north towards North Gap. Several pairs of ringed plover also continue to breed successfully within the cordoned area. They advised us that rope cordon fencing usually goes up around the nesting site at the beginning of April, followed slightly later with electric fencing.

The RSPB confirmed that disturbance from beach users remains a key issue here, and having a the diversion in place remains an essential tool to help manage the colony. This advice is supported by Natural England's Senior Reserves Manager, as detailed above.

To reflect the change in circumstances since this direction was given, Natural England will extend the exclusion on the Norfolk Coast Path and alternative route a little further towards North Gap to encapsulate the area of the little tern colony,

and extend the period of the exclusion to begin on or soon after 1 April, when the rope cordon fencing is put up. The exclusion will cease to apply when the fencing is removed by 31 August each year.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so by 26 May 2020 directly to Sarah Haigh, email sarah.haigh@naturalengland.org.uk. A map accompanies this notice and is attached and/or can be seen on the [Consultation Pages](#) of the Government's Website¹.

Using and sharing your consultation responses

In line with Natural England's [Personal Information Charter](#), any comments you make, and any information you send in support of them, will help us to determine the application and / or determine if the restriction is still necessary in relation to the review or reassessment of a current direction.

We may wish to pass such comments or information to others in connection with our duties and powers under the open access legislation. This may mean for example passing information, including your name and contact details, to the Secretary of State or their appointees, the Planning Inspectorate or to the relevant access authority(s).

We will summarise all responses and place this summary on [the Government's consultation website](#). This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

There may also be circumstances in which we will be required to disclose your response to third parties, either as part of the statutory process for consideration of representations and objections about our decision, or in order to comply with our wider obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please explain clearly why you regard the information you have provided as confidential. However, we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on Natural England.

¹ https://www.gov.uk/government/publications?publication_filter_option=consultations. To access the consultation enter "Open Access" into the free text box titled "Contains" and then filter by "Natural England" in the Department drop down.

Annex 1

In accordance with statutory guidance, the relevant authority has a duty to:

- review directions of a long-term character no later than their fifth anniversary; and
- revoke or vary directions where necessary.

Under CROW section 27(3) the relevant authority must review, at least every five years, any direction it has given that restricts access indefinitely; for part of every year; for part of each of six or more consecutive calendar years; or for a specified period of more than five years.

During the review the relevant authority must, having regard to the interest of the public in having access to the land, consider whether the restriction is still necessary for its original purpose; and if so, whether the extent and nature of the restriction is still appropriate for the original purpose.

Before reviewing a long-term direction the relevant authority must consult:

- the local access forum;
- the applicant or his successor in title, where reasonably practicable – for directions under section 24 or 25 made on application; or
- the relevant advisory body – for a direction made under section 26.

The authority must also publish a notice on a website (and send a copy to statutory consultees) that must explain that the authority proposes to review the direction in question; where documents relating to the review may be inspected and copies obtained; and that representations in writing with regard to the review may be made by any person to the authority by a date specified in the notice.

Once consultation is complete the relevant authority should have regard to any representations it receives before making a decision.

If following the consultation, the Relevant Authority decides to:

- leave the original direction unchanged, the relevant authority should record the date that the decision was made and should schedule a subsequent review where necessary.

If following the consultation, the Relevant Authority decides to:

- vary the extent or nature of a restriction, the relevant authority must give a new direction under the same section that was used to give the original direction. If the new direction is long-term, it must be reviewed within five years of the date it is given;

- revoke a direction, we will record the date that the decision was made.

Before varying or revoking a direction the relevant authority must: consult the original applicant or his successor in title, where reasonably practicable – for directions given under section 24 or 25 on an application; or consult the relevant advisory body – for directions given under section 26. In either case, follow the consultation procedures set out in the Relevant Authority Guidance but only if it proposes to give a new direction that would restrict access indefinitely or for more than six months continuously.