

## Countryside and Rights of Way (CROW) Act 2000

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS RIGHTS

Prepared by Natural England

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

Land Parcel Name	Direction Reference	Details of restriction on original direction
Eccles-on-Sea	2014117443	Access excluded between 1 May and 31 August each year from the fenced area across the Norfolk Coast Path and adjacent margin until 31 August 2020; alternative route provided.

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to restrict coastal access rights in association with the England Coast Path on this land. A second consultation was held between 1 May – 26 May 2020 with statutory consultees and the general public. We received feedback from a number of sources, as follows:

- Two individual responses did not support the proposal.
- Norfolk LAF, the Ramblers and Lessingham and Hempstead with Eccles Parish Council had no objection to the proposal.

During the consultation period, the RSPB also received verbal feedback from residents in Eccles-on-Sea who wanted clarity on how access use might be affected.

#### **Outcome of the review**

The original direction expires on 31 August 2020, and Natural England's decision is to allow this direction to expire.

#### **Summary of circumstances**

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.

Natural England's proposal for the England Coast Path between Sea Palling and Weybourne, approved by the Secretary of State, acknowledges the potential for coastal access users to disturb nesting birds on the beach at Eccles-on-Sea. Subsequently a seasonal exclusion of coastal access rights was put in place when coastal access rights commenced to protect the nesting birds from disturbance. To

enable people to walk along the coast at times when this exclusion applied, an alternative route was provided. The original direction was given on 29 April 2015.

The little tern colony has grown since the national trail was put in place, and has spread north towards North Gap. Several pairs of ringed plover also continue to breed successfully within the tern colony area. The rope cordon fencing usually goes up around the nesting site at the beginning of April, followed slightly later with electric fencing. The fencing is taken down once the chicks have fledged during August.

The seasonal fencing and wardens on site are key to the success of access users avoiding the area of the little tern colony, whilst the seasonal exclusion on coastal access rights is not widely publicised, and there is a limited awareness of it. In addition, little terns are protected under Annex 1 of the Birds Directive 1979 and Schedule 1 of the Wildlife and Countryside Act 1981.

On balance, our view is that not having a formal restriction on coastal access rights allows greater flexibility to change the fenced area in response to changes in the area of the little tern colony, and to manage coast path users around the nesting area without obstructing onward access along the coast. Other legislation referenced above continues to provide protection for the little terns.

In their response, the Ramblers suggested fingerposts be installed to direct people along the diversion. Whilst there will be no formal diversion to the trail, signage is installed by the RSPB next to the fenced area to direct people around it, either along the foreshore (when the tide permits), or around the dunes behind (more favoured when the tide is high).

The original direction expires on 31 August 2020, and Natural England's decision is to allow this direction to expire, without renewing it. Natural England supports the existing seasonal management of the little tern colony by the RSPB. We expect this management to continue as it does now. Should circumstances change, Natural England may revisit this decision in the future.

Date review completed: 26 August 2020