

Countryside and Rights of Way (CROW) Act 2000:

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED LONG-TERM RESTRICTION OF COASTAL ACCESS RIGHTS

Prepared by Natural England

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| Case reference number: | 2020049167 |
| Name of site/land parcel: | Stear Peninsula |
| Grid reference: | ST274459 |
| Access authority | Somerset County Council |
| Local access forum: | Somerset Local Access Forum |
| England Coast Path: | Brean Down to Minehead (BDM) |
| Consultation began: | 26/03/2021 |
| Consultation ended: | 14/04/2021 |
| Date of direction notice: | 11/08/2021 |

Natural England has now decided how to proceed following its consultation about its proposal to exclude access under section 26 of CROW on this land. The relevant authority's decision is to give a direction restricting CROW access in the way it originally proposed. Therefore a year round total exclusion of access is required to protect the sensitive bird species that are present all year, feeding, roosting and moulting. This direction will start on 16 August 2021 and remain in place for 50 years until 15 August 2071.

The area of land to have access excluded is part of the 93 km (58 mile) Somerset stretch of the England Coast Path (ECP), from Brean Down to Minehead (BDM), which was opened to the public on 15 March 2016.

From that date until 26 March 2021 access was excluded under a saltmarsh and flats direction under s25A. Then whilst consulting on this long term direction, access has been excluded under a short term direction, case number 2021039351, under s26 CROW, to protect the sensitive bird species.

The area is part of the Bridgwater Bay National Nature Reserve (NNR). It is heavily designated, being part of the following designated areas:

- Bridgwater Bay Site of Special Scientific Interest (SSSI)
- Severn Estuary Ramsar
- Severn Estuary Special Protection Area (SPA)
- Severn Estuary/ Môr Hafren Special Area of Conservation (SAC)

The main concern at this site is that people and people with dogs accessing the coastal margin around Steart Peninsula are disturbing the following bird species throughout the year:

- Moulting Shelduck between July and October
- Breeding Ringed Plover and Oystercatchers between March and April
- Redshank return to overwinter from mid-July
- Overwintering birds e.g. Curlew and Dunlin

More detail is given in the Consultation Summary Report. That report also provides bird population data that shows the high percentage of the Severn Estuary SPA population that utilises this sector alone, for many species, and also illustrates the overall significance of Bridgwater Bay SSSI to waterbirds.

Also in the Consultation Summary Report the relevant findings of the High Tide Roost survey (BTO, 2016) are presented. It shows that the primary species roosting in these three sectors are Shelduck, Grey Plover, Ringed Plover, Curlew, Knot, Dunlin, Redshank, Wigeon, Teal, Pintail, and Whimbrel (spring/autumn passage). It describes in more detail these populations. The reserve is of international importance as one of the largest European moulting grounds for shelduck, with up to 5000 birds present each July. Crucially they are especially prone to disturbance as they are flightless during moulting. The site also supports nationally important numbers of wintering dunlin, and in the last decade wintering populations of Avocet, Golden Plover, Knot, Curlew, Teal, Lapwing and Redshank have at times exceeded national thresholds, with also large numbers of wigeon and grey plover.

There have been significant problems with people and people with dogs entering the coastal margin in this area and causing disturbance to birds, even though it has been technically closed under s25A. It is thought that the main reason for this lack of compliance with the s25A exclusion was the reason presented on the signage. Prior to 26 March 2021 it stated that access was excluded as it was thought to be saltmarsh or mudflat that is unsuitable for access. However part of the margin here is not saltmarsh or mudflat, and the saltmarsh is suitable for access. Therefore it is hoped that there will be better compliance with the direction now the signage explains the area is closed for nature conservation reasons.

There was only one response to the consultation, a member of the public who grew up in the local farming community. He was very supportive of the proposed restriction, stating how he has witnessed the declines in the area of once familiar species, and that they need as much protection as possible.

As described in the consultation summary report when determining whether a direction is required, on Coastal Access land we use the Approved Coastal Access Scheme, 2013. This states in:

7.15.35: Where access is not excluded on a salt marsh or flat using our power under section 25A of CROW on the grounds that it is unsuitable for public access, directions may be necessary during sensitive periods to prevent disturbance to populations of birds that are subject to special protection.

And

7.15.36 The nature of any directions that are necessary on these grounds will depend on the likely levels and patterns of access in the areas affected:

Where the trail is closely adjacent to the affected area, or where people use tidal causeways to reach accessible islands, we will typically require them to keep dogs on a lead during sensitive periods. Where people are likely to walk over the areas used by the birds it may be necessary to exclude access rights.

There are breeding populations of Ringed-plover and Oystercatchers present in March to June that are prone to disturbance. There are overwintering populations of species sensitive to disturbance such as Curlew, Redshank and Dunlin, with some Redshank arriving as early as mid-July. Curlew and Redshank are known to be very sensitive to disturbance and have declining populations. All the overwintering species are particularly vulnerable to disturbance when using the high tide roosts, a number of which are shown in the BTO report to be located around Steart Peninsula. This vulnerability is for about 2 hours either side of high tide twice a day.

The moulting Shelduck are particularly prone to disturbance as they are flightless and it is considered that people walking through their moulting area can cause significant disturbance. They are a feature of the SSSI, SPA and Ramsar designations.

With the trail passing in close proximity to the affected area, access levels and patterns of access since 2016 have shown that people are likely to walk over the areas used by birds.

Therefore Natural England considers that there are sensitive bird species present all year, feeding, roosting and moulting at different times of the year. Given the importance of these populations, internationally for moulting shelduck, their sensitivity to disturbance, and the potential for disturbance, and following the guidance in the Coastal Access Scheme, it has been determined that a year-round long-term total exclusion is required.

A copy of the direction is enclosed for your information. Details of the restriction will appear on the relevant map of access land on the Open Access website at 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 are obliged to review it within five years of the date of issue.