

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION(S)

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

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

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Stert Point	2014107415

This is in line with the relevant authority's statutory duties (see Annex 1).

Your views on the current direction are sought to assist Natural England in deciding 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.

The relevant authority may decide to revoke the direction or that no change to the extent and/ or nature of a direction except the end date is necessary. In which case a Consultation Outcome Report will be published on the Consultation Pages of the Government's website¹.

If the relevant authority decides to vary the extent or nature of a restriction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

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.

2. SUMMARY OF EXISTING DIRECTION

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Stert Point	2014107415	Winter Diversion, England Coast Path closed 1 October to 31 st March every year until 15 th March 2022	S26, to protect sensitive wildlife

Natural England made this long-term direction on 15th March 2016.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from Richard Thomas at Richard.Thomas@naturalengland.org.uk.

The 93 km (58 mile) stretch of the England Coast Path (ECP) from Brean Down to Minehead was opened to the public on 15 March 2016. Coastal access rights came into force along this stretch of coast by order of the Secretary of State at that time. This restriction was proposed in the Report to the Secretary of State and Approved by the SoS.

The area of concern at Stert Point is part of the Bridgwater Bay National Nature Reserve (NNR). It is also heavily designated being part of:

- 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)

Bridgwater Bay NNR contains one of the biggest intertidal mudflats in Britain as well as the largest area of salt marsh in Somerset. Around 200 bird species have been recorded at the reserve and flocks of up to several thousand birds can be spotted at the busiest times of year. Large numbers of wintering waders and waterfowl visit the site and some species use the area as a stop-off on migration routes.

The large tidal range (second largest in the world) of the Bristol Channel exposes huge mudflats and salt marshes, which are teeming with microscopic animal and plant life. These support millions of larger creatures such as shrimp, shellfish and worms, the main diet of the many wading birds and wildfowl that can be seen on the site.

The reserve is of international importance as the second largest European moulting ground for Shelduck, with up to 4000 birds present each July. The site also supports nationally important numbers of wintering dunlin, teal and wigeon as well as large numbers of curlew and grey plover.

Avocet bred on the reserve in 2012 for the first time since the species became extinct in Somerset during the 1940s.

The reed beds support numerous small birds such as reed and sedge warbler whilst skylark nest on adjacent common land. At low tide oystercatcher and turnstone feed on exposed shingle whilst many birds of prey including short-eared owl, harriers and peregrine hunt over the peninsula.

Vegetation at the site is an important food source for some birds and parts of the saltmarsh are grazed by sheep to maintain a palatable sward for wigeon grazing.

Wildfowling is permitted in some areas while the main body of the reserve is a wildlife sanctuary.

<https://www.gov.uk/government/publications/somersets-national-nature-reserves/somersets-national-nature-reserves>

The main concern at the site is that people walking down the eastern side of Stert Point will disturb birds roosting out on the estuary and on the flats. In the winter months the birds come up very close to the bunds, especially avocets. During the process to design the England Coast Path this route was chosen to follow the new bund created as part of the Stert Inundation works. It was determined that the ECP would need to be closed during the winter to protect sensitive bird species from disturbance by people walking on the ECP on the estuary side of the bund. In the winter months walkers therefore follow the inland route that uses already present public rights of way and roads, and goes past Manor Farm, Collards Farm and Dowells Farm. This winter route is shown as a thick orange line on the Consultation Map and the summer only route is shown as a thick red line.

The Consultation Map shows that people can actually walk almost to the coast during the winter months when the bund route is closed. These two ‘tails’ at the north and south of the route are shown as thick blue lines on the Consultation Map and allow access to permanently open visitor locations. The southern section runs from the road along the England Coast Path to a viewpoint over the mouth of the river Parrett and Stert Marshes, and the northern section gives access to NNR tower bird hide.

There is a gate at either end of the summer only section that is now locked and unlocked at the beginning and end of the winter period by Natural England NNR staff.

The coastal margin all round Stert Point has been excluded under restriction case 2014107416, as Saltmarsh and Flats habitats that are unsuitable for access. This case is also being reviewed concurrently. It is also proposed that an area of coastal margin around Stert Point will be closed under a new Nature Conservation restriction case, 2020049167. Please see the documents for this case when that consultation begins in the New Year.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 29 January 2021 directly to Richard Thomas at Richard.Thomas@naturalengland.org.uk. A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government’s website².

² 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.

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.

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 will issue a new direction under the same section and direction number 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.