

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

### REVIEW OF STATUTORY DIRECTIONS – PROPOSED CHANGE TO EXISTING DIRECTIONS

#### SUMMARY FOR PUBLIC CONSULTATION

Prepared by Sarah Haigh, Natural England

#### 1. INFORMATION ABOUT THE PUBLIC CONSULTATION

**Access Authority:** Lincolnshire County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** South Lincolnshire and Rutland LAF

<b>Land Parcel Name:</b>	<b>Direction References:</b>
Woodnook Valley, Lincolnshire	2005090101 & 2005100078

Natural England has begun a review of the above long term directions 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 the Ramblers, who requested more information on the current use of the outline directions, and supported the least restrictive approach for open access restrictions.

After due consideration, Natural England now proposes to vary direction excluding access, providing up to 12 days each year during the shooting season until 31 January 2021. Natural England also now proposes to revoke the direction excluding access for people accompanied by dogs for up to 10 days each year during the shooting season.

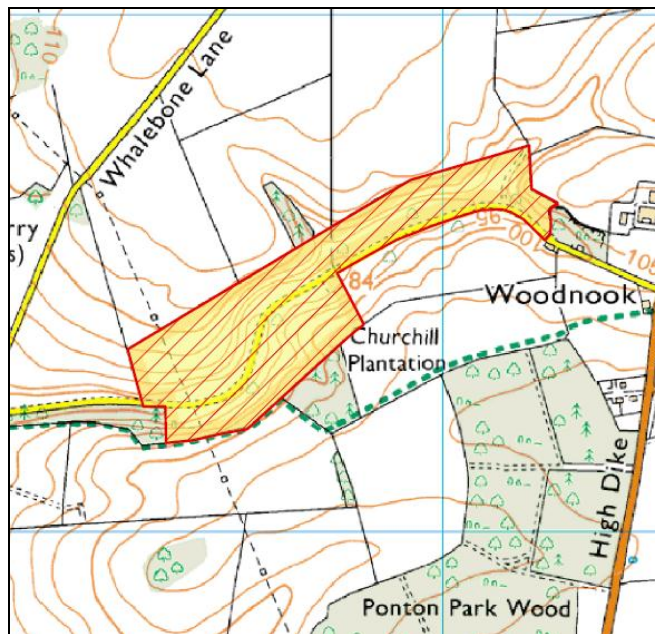
#### **2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS:**

<b>Details of restriction on original direction:</b>	<b>Proposed details for new direction</b>	<b>Reason for proposed direction</b>
<b><u>2005090101</u></b> Outline direction excluding access on a maximum of 10 days per year within the period 21/01/210 and 31/01/2016.	<b><u>2005090101</u></b> Outline direction excluding access on a maximum of 12 days per year until 31 January 2021.	The restriction is necessary to prevent disruption to formal driven shoots, under Section 24 of CROW.

<p>The restriction only applies in the pheasant and partridge shooting season, between 1 September and 31 January.</p>	<p>The restriction only applies in the pheasant and partridge shooting season, between 1 September and 31 January.</p>	
<p><b><u>2005100078</u></b>  Outline direction excluding access to people accompanied by dogs on a maximum of 10 days per year within the period 21/01/2010 and 31/01/2016.</p> <p>The restriction only applies in the pheasant and partridge shooting season, between 1 September and 31 January.</p>	<p>REVOKED</p>	<p>N/A</p>

The original directions were granted under section 24 of the Countryside and Rights of Way Act 2000 (CROW), in order to avoid disruption to the pheasant and partridge shoots held on the site.

The map below shows the restricted area hatched in red.



An outline direction excluding access for a maximum of 10 days per year during the pheasant and partridge shooting season is in place to avoid disruption to formal driven shoots.

This direction was put in place in line with advice in the statutory guidance, particularly as it was felt that visitors to the land may disturb the quarry, making it difficult to locate or to drive towards the guns, and it is not practical to manage the passage of visitors effectively through the area while the shoot takes place.

This restriction has been consistently called off using the maximum number of days allowed each shooting season every year since the direction was given.

The statutory guidance recognises that the success of formal driven shoots relies on the habitual presence of game at the drive during the shooting season. As we considered the land to be a prime site for dog walking, we put in place a second outline direction, restricting access to exclude people accompanied by dogs in order to avoid disturbance to game birds on the day prior to a shoot. This restriction has not been called off since the last review.

A recent site visit confirmed that there have been no significant changes to the nature of the shoot, other than a recent increase from 10 days shooting to 11 days shooting each season. When an exclusion is in place on the day of the shoot, notices are displayed at the access points, and access to the shoot is managed by the game keeper. On occasion a shoot will need to be cancelled due to inclement weather, and another date for shooting might then be arranged. To allow some flexibility for unforeseen circumstances, Natural England is now proposing to give an outline direction excluding access for up to 12 days during the shooting season each year, to prevent disruption to the shoot.

The game keeper has seen members of the public on the access land, and on a recent site visit in the middle of a weekday, a dog walker was observed exercising their access rights on the land. Whilst the site is clearly being used for public access, the current pattern and level of access is not causing an issue with disturbance to game from dogs on the day before the shoot. Subsequently, the direction put in place in order to prevent disturbance to game on the day immediately prior to the shoot has not been 'called off' by the shooting tenant. In light of this, Natural England, as relevant authority, is now proposing to revoke this direction. Should circumstances change and disturbance to the shoot on the day before becomes an issue in the future, Natural England will reconsider the need for a direction restricting access.

As we have decided to revoke one direction and vary the other direction (and are still proposing to make a long term direction) we are obliged to undertake a further round of consultation.

### **3. SUBMITTING COMMENTS ON THE REVIEW:**

If you wish to comment on the review of this direction then you must do so before Friday 16 January 2015 directly to Sarah Haigh at [sarah.haigh@naturalengland.org.uk](mailto:sarah.haigh@naturalengland.org.uk). This notice can also be seen on the [Consultation Pages](#) of the Government's Website<sup>1</sup>.

#### **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 do not plan to publish individual comments in full, but we may publish extracts from them when we report on our consultation(s).

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.

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<sup>1</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](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 relevant 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, it 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 a direction in any way (type, extent or date), it 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, it must give a new direction under the same section to revoke it. There is no requirement to review the new direction.

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.