

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION(S) – PROPOSED CHANGE TO EXISTING DIRECTION(S)

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

Access Authority: East Sussex Country Council
Relevant Authority: Natural England
Local Access Forum: East Sussex Local Access Forum

Original direction reference: 2009030023

Land Parcel Name:	Details of restriction on original direction
Old Lodge Nature Reserve	Land excluded for nature conservation

Natural 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 direction[s].

We received the following feedback in regard to the current restriction:

Mr D Carey - *There is very clear evidence that dogs not kept on the lead will disturb the ground nesting birds, and so the current restrictions must be retained. This is a national and international obligation.*

Mr K Valentine - *As a very regular visitor and conservation volunteer at Old Lodge Nature Reserve, I strongly urge you to maintain the current dog-walking restrictions in order to minimise disturbance to wildlife during the breeding season. Woodlark breed every year in good numbers and these are rare, ground-nesting birds that are very sensitive to disturbance - not just while they are nesting but during early months of the year when they are establishing their breeding territories. The reserve is also important for lizards and snakes, especially adders which are another threatened species whose breeding can be disrupted by free ranging dogs. Immediately surrounding Old Lodge is the vast acreage of Ashdown Forest where owners can let their dogs off the lead whenever they like.*

Mr B Scott - *At the very least the existing restrictions should continue, but I would argue that there is a good case to be made for the site to be dog free. There are many other areas close by which are ideal for walking dogs, on and off lead (I know because I walk my dog on them) and in which you can walk for several miles, so there would be a good potential benefit in restricting dog access to the Old Lodge reserve.*

Mr S Kent - *I believe very strongly that dogs should be required to be on lead at all times in this area of land. Aside from the rare ground nesting birds which could be perturbed by dogs our forest ponies graze there, the patch of pine trees is a rare location for Roe deer in the forest (fallow deer are a very dominant species and everywhere)*

Sussex Wildlife Trust - *It is extremely important that the restrictions currently in place at Old Lodge Local Nature Reserve should stay in place to protect ground nesting birds and would argue that the restrictions should go further and include January in the period that dogs must be kept on leads.*

Since the previous consultation, woodlarks are now consistently found on the reserve and they are frequently heard and seen to be setting up territories in January – we do indeed have several records of this over the last couple of weeks. This is obviously a bird of National significance and an important species in the heathland bird community. Nightjars continue to breed late into the year, therefore we would wish to maintain the current restriction until the end of September.

The Ramblers Association - *Given the ground and other nesting bird populations on the site and the good availability of other access land free from restrictions in the surrounding area the Ramblers have no objections to a continuation of the current direction if conditions have not changed since the last review.*

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After due consideration, and added to fact the management has not changed and the sensitive features continue to exist on site, **Natural England now proposes to vary the direction by extending it for a further 6 years.**

As we have decided to vary 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
Full exclusion at all times for nature conservation: 01/01/2009 – 30/09/2015	Walkers exercising dogs must keep them on short leads annually between 1st January & 30th September: Until 2021	nature conservation

We must still review the direction no later than five years after its anniversary (or from the date of the last review).

i) Summary of proposal

Walkers exercising dogs are restricted to keeping the dogs on leads whilst on the CROW access land at Old Lodge nature reserve. This is for nature conservation purposes.

ii) Why is a statutory restriction necessary?

The site is within the Ashdown Forest SSSI, SPA, SAC and is an important heathland site with specific sensitivities for ground nesting birds.

These designations relate to the habitat (specifically dry heath) and to various birds of national and European significance, specifically nightjar, woodlark and Dartford warbler (red or amber listed). All these nest on or close to the ground and are as a result vulnerable to disturbance by dogs such that fledging success is a significantly threatened.

The CROW restriction has been implemented since CROW rights commenced in 2004 and the restriction has encouraged birds to continue to nest on the site

iii) What is lowest level of restriction required?

Due to the sensitivities of the species of bird on site a restriction that keeps dogs on a lead is necessary. Having had advice from the responsible officer and the site managers (that the status quo should be maintained or increased) lifting the restriction will have a likely significant effect on the site. Therefore it seems prudent to extend the direction for a further 6 years and review at the next statutory deadline (5 years).

iv) Additional supporting information

During the period of the review process it is acknowledged that 3 woodlarks have already been heard singing in the reserve as early as the middle of January.

It was also acknowledged that there is a large amount of accessible areas for walkers and dogs to exercise freely throughout the Ashdown Forest area, very close to this site.

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of this direction then you must do so before 20th March directly to:

Rob Morris
Natural England
Spur 4 Block B Government Buildings
Whittington Road
Worcester WR5 2LQ

robert.morris@naturalengland.org.uk

A map accompanies this notice and is attached and 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 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.

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 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.