

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

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTIONS RESTRICTING CROW ACCESS

Prepared by Natural England

**Access Authority:** Dorset  
**Relevant Authority:** Natural England  
**Local Access Forum:** Dorset Local Access forum

**Direction reference:** 2009050215 and 2009085021

Land Parcel Name	Direction Reference	Details of restriction on original direction
Gallows Hill	2009050215 (previously 2005070048) (tues – fri)	09/11/2009 until 09/11/2015 No Public access when shooting in progress, s25: Weekdays: Tues-Fri 9:30-18:30.
Gallows Hill	2009085021 (Previously 2005070049) (outline: sat/sun)	09/11/2009 until 09/11/2015 No Public access when shooting in progress: Outline direction for 52 weekend days per year 9:30-18:30

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to restrict CROW access on this land.

A second consultation has been held between 19<sup>th</sup> November 2015 and 8<sup>th</sup> December 2015 with the statutory consultees and the general public.

We received feedback from the Ramblers Association who stated they thank Natural England for updating the information relating to the level of shooting and for revoking direction 2009085021.

They also feel the remaining varied direction 2009050215, to cover Monday to Saturdays, results in a simpler restriction for the site. They state that after the updating of signs and notices, which will be required, the new direction should aid the public's understanding of the restriction, and they believe it is the lowest level of restriction necessary and in line with the relevant authority guidance.

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

Natural England's decision is to vary the direction 2009050215 to extend it for a further six years with an additional day of closure, and to revoke case 2009085021.

The access land called Gallows Hill is an area of scrubby heathland with high gorse and small trees. It is also the grounds of the Purbeck Shooting School (PSS) and includes their shooting facilities, car park, a large building comprising office space and machinery store, and clubhouse.

The PSS carry out clay pigeon shooting and target shooting using shotguns, rifles and air rifles, and archery. The undulating nature of the land and scrub, and the nature of the formal shooting carried out, made a restriction necessary at the time of the original application in 2004, to prevent a risk to public safety and disruption to the shoot.

Over the last 10 years a long term direction has been in place to exclude public access on the shoot days of Tuesday to Friday every week from 9:30-18:30. Outside of these times on those days, and on Mondays there was no shooting due to planning constraints, so no restriction on public access.

There has also been an outline direction in place for 52 days a year for either Saturday or Sunday (again effective between 9:30 and 18:30 only) of each weekend depending on which weekend day shooting occurred.

The signage dictates that visitors to the site ask at the clubhouse on arrival, or ring ahead, to determine whether shooting is occurring on that weekend day.

When coming to review this case in 2015 Natural England realised it did not have any record of outline dates being notified from the period 2009 to 2015.

A site visit was carried out as part of this review in 2015 and found that shooting activities at the school were continuing as in the original restriction application, but may have intensified. There is a new large building and large carpark area, and on the day of the site visit, a relatively quiet day, there were around 40 cars present with many of the 18 gun stands being used.

In determining applications for restriction Natural England follows its Relevant Authority Guidance 2010 (RAG). Criteria set 19 (Chapter 2.5): Shooting at man-made targets. This covers the various legislation guiding these activities and was quoted in the Consultation Summary Report.

It also guides us that:

- *The area of risk in clay pigeon shooting is wider because the target is moving. People are at risk from both shot and from falling clays. Participants should be able to see the whole area where there is a risk of injury from their shot and must not shoot if anyone enters that zone of risk.*
- *These standard precautions are normally sufficient to reduce risks to the public to an acceptable level. Further precautions may be necessary where the topography, vegetation cover or other obstacles may obstruct the views of shooters over the zone of risk*

At the PSS both target shooting and clay pigeon shooting are carried out intensively on Tuesdays to Saturdays all year round. The site is arranged that visitors arrive through the main lockable entrance gate into a large car-park. Around this car-park are located the clubhouse, an amenity lake, lockups and a large building housing machinery and other equipment. The rest of the site has 18 gun stands and their safety zones arranged around the central car-park arrival area, along with an archery area and an air rifle range. On a number of stands the zone of risk is not fully visible due to the heathland vegetation. Also there are a large number of stands operating in a small area, made possible by the careful design of the site and aided by the construction of earth banks to separate stands. Therefore some form of management will be required due to the intensive shooting activities occurring and the topography of the site.

There is also potential to disruption to the sport. The RAG states:

*Participants can be distracted from shooting (whether or not the target is moving) by the need for extra vigilance in order to prevent any risk of accidental injury to visitors.*

If visitors were permitted during shooting times this could also cause problems to the shoot.

The RAG states:

- *Restrictions may be necessary while a shoot or activity is in progress if other available techniques are inadequate to allow it to take place safely and without undue interruption. This is most likely:*
- *To prevent danger to the public, where topography, vegetation or other obstacles obstruct the views of shooters over the area of risk;*
- *To prevent disruption to any shooting sport, where visitor levels are significant.*

Stands and exclusion areas are well marked out if approached from the main tracks but as the site is quite extensive and away from the managed areas is scrubby heathland with small trees and gorse it would be impossible to prevent people accessing danger zones without a large number of banksmen. The ground is undulating especially with the earth banks created to separate stands from one another. For these reasons a statutory restriction is required as it would be possible for people accessing the site from the boundaries to wander into exclusion zones and be at risk from falling shot.

Visitor levels from non-club members or people using the school for shooting are very low, however if the site was completely unrestricted and people did start using the site more there would be real potential for significant disruption to the sport.

The RAG states:

- *If discretionary restriction powers are available and would meet the need, the relevant authority should explore their potential use with the applicant before giving a direction.*
- *Exclude people from the area of danger or potential disturbance, taking account of the expected trajectory of the ammunition.*
- *Leave residual routes or areas open to the public if it is safe and practicable to do so. Remember that public rights of way will be unaffected.*

In this case discretionary powers would not meet the need as they would only allow 4 weekend Saturdays a year to be excluded and not provide enough weekday days either.

As there are 18 stands on the site, when the safety zones for the falling shot are considered it is not possible to leave any areas or routes through the site open.

Therefore a total exclusion will be required whilst shooting is occurring.

As shooting is currently limited to the hours of 9.30 to 18.30 Tuesday to Saturday or Sunday, by planning constraints concerned with the noise produced from the site, this dictates the periods that the site can be used for live firing and hence the limits of any exclusions.

The shooting school has confirmed that there are now no plans to shoot on Sundays with the current planning consent so Natural England will revoke the outline direction 2009085021 as it is no longer required, and extend the direction 2009050215 to include Saturdays. This removes the burden for the shoot to notify weekend days to Natural England.

Outside of the shooting times and the excluded periods, if people were to access the site they could walk around the safety zones and gun stands. This would bring them near equipment used by the shoot, such as traps. Any damage to this machinery would be a criminal offence and not permissible under CROW rights, and therefore not able to be prevented by an exclusion. Committing any criminal offence, or tampering with machinery in a way that would obstruct or disrupt the legitimate activities of the shoot would also not be allowed under CROW Section 2(1) as these activities are restricted under the National Restrictions.

#### Excepted Land

The CROW Act Schedule 1 allows for certain categories of land to be exempt from the open access rights. This includes:

*'2. Land covered by buildings or the curtilage of such land.'*

and

*'9. Land as respects which development which will result in the land becoming land falling within any of paragraphs 2 to 8 is in the course of being carried out.'*

The Direction Notice will contain the following condition:

*It has no effect on any area within the specified land that is not otherwise subject to the access rights described above – for example it has no effect on land which is excepted under Schedule 1 to CROW.*

Therefore this Direction does not apply to Excepted Land as there are no access rights on that land while the category of Excepted Land is in place, even though this land will still be mapped as Open Access Land.

The PSS have lockups, sheds, a new large building, the club house, and a large car park. The PSS has also obtained planning permission to erect a new clubhouse which will be substantially bigger than the current one.

Any excepted land category needs to be determined by the landowner/ tenant and signed as such, Natural England does not interpret Schedule 1 categories for landowners/ tenants. Therefore the PSS may if they wish prevent access to the land they consider to be excepted as it is not access land, i.e. buildings, curtilage and land with planning permission for development (once that development has started). It is likely this would in effect remove a large area of land from the available access land inside the main entrance gate. This proposed direction will then apply to all the land shown in the Consultation Site Notice except any excepted land.

**Summary of changes made to the existing directions:**

<b>Land Parcel Name:</b>	<b>Details of restriction on original direction:</b>	<b>New details of restriction</b>
Gallows Hill	09/11/2009 until 09/11/2015 No Public access when shooting in progress, s25: Weekdays: Tues-Fri 9:30-18:30.	12/12/2015 until 12/12/2021 No Public access when shooting in progress, s25: Tues-Sat 9:30-18:30.

Details of the restriction will appear on the relevant map of access land on the Open Access website - <https://www.gov.uk/outdoor-access-recreation/rights-of-way-open-access>

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 have a statutory duty to review it within five years of the date of its issue.

Date review completed: 11<sup>th</sup> December 2015