

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

### **PROPOSAL FOR A LONG TERM DIRECTION BY THE RELEVANT AUTHORITY**

#### **SUMMARY FOR PUBLIC CONSULTATION**

Prepared by Natural England

#### **1. INFORMATION ABOUT THE PUBLIC CONSULTATION**

<b>Case Reference Number:</b>	2015067839 & 2015067840
<b>Name of site/land parcel:</b>	Stodmarsh NNR
<b>Access Authority:</b>	Kent County Council
<b>Relevant Authority:</b>	Natural England
<b>Local Access Forum:</b>	Kent Local Access Forum

Natural England proposes to give a direction on the site that would last for longer than six months continuously. The Act requires us to consult publicly on all such proposals for 'long-term directions'.

#### **2. SUMMARY OF RELEVANT AUTHORITY PROPOSAL**

##### **i) Summary of proposed direction to restrict access**

The proposed direction will exclude dogs and restrict access to existing marked routes and PROW within the red hatched area (shown on the attached consultation map) 365 days a year and between 1<sup>st</sup> October and 31<sup>st</sup> July in the blue hatched area.

##### **ii) Why is a statutory restriction necessary?**

NNRs are defined areas of land and they are an attraction for visitors. They represent the best examples of a particular habitat in the country and their purpose is enshrined in law<sup>1</sup>. They are defined as:

*(a) land managed solely for a conservation purpose, or .*

*(b) land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.*

Stodmarsh NNR is owned and managed by Natural England. The site is designated as a Site of Special Scientific Interest (SSSI) with much of the site also designated as a Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. There is existing access along 6km of linear Rights of Way (ROW) within the NNR including a promoted route (Stour

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<sup>1</sup> Section 15 Wildlife and Countryside Act 1949 (amended by Schedule 11 NERC Act 2006)

Valley Way). Visitors can also make use of hides to view birds and other features. The majority of the site (other than a small area of grazing marsh to the north and the existing network of ROW) is largely inaccessible other than by boat.

The site is of particular importance for its breeding bird assemblage, notably for breeding (and wintering bittern) and breeding marsh harrier. Bittern nest in reedbeds on site and use the river Stour to fish. They are known to be sensitive to disturbance. Access adjacent to reedbeds – especially on raised banks – may therefore result in displacement of both breeding and wintering birds. Marsh Harrier also breeds at Stodmarsh. Around 60% nest in reedbeds which are often very small in extent and therefore particularly vulnerable to disturbance from adjacent activities.

The NNR is also important for the matrix of wetland habitats found on site and its invertebrate assemblage (including the internationally important Desmoulin's whorl snail). Providing access without any form of restriction throughout the site is likely to have a detrimental impact on habitats and a significant effect on overwintering bittern and the nesting and breeding patterns of both bittern and marsh harrier.

An Access and Sensitive Feature Assessment (ASFA) was carried out as part of the dedication process. This assessment provided evidence as to why the direction to restrict is necessary.

*'If the site is opened up for access on foot under CROW S16 it is likely to change the use of the site as there is the likelihood of accessing parts of the reserve that are dangerous to walk on These include reed beds, lakes, lagoons and wet grazing marshes.*

*Due to the sensitive features on site, the introduction of access on foot would have a detrimental effect on habitat and would likely cause disturbance to the sensitive species that use the site for breeding and overwintering.*

*The introduction of access throughout the site is likely to have a significant impact on the nesting and breeding patterns of Bittern and Marsh harriers. A proposal to restrict access to no dogs and visitors to keep to marked paths and ROW would decrease the impact.*

### **iii) What is lowest level of restriction required?**

In order to protect sensitive habitats and avoid disturbance of SPA and SSSI species, it is considered necessary to exclude dogs and restrict access to marked routes and PROW within the red hatched area (shown on the attached consultation map) 365 days a year and between 1<sup>st</sup> October and 31<sup>st</sup> July in the blue hatched area as per the recommendations of the ASFA.

### **3. SUBMITTING COMMENTS ABOUT THE PROPOSED DIRECTION:**

If you wish to comment on the review of this direction then you must do so before 18<sup>th</sup> January 2016 directly to Colin Godfrey ([colin.godfrey@naturalengland.org.uk](mailto:colin.godfrey@naturalengland.org.uk)) or in writing to:

Natural England,  
2<sup>nd</sup> Floor, Lancaster House,  
Hampshire Court,  
Newcastle upon Tyne,  
NE4 7YH.

A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website<sup>2</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>2</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.