

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION – PROPOSED CHANGE TO EXISTING DIRECTION

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

Access Authority: Gloucestershire
Relevant Authority: Natural England
Local Access Forum: Gloucestershire Local Access Forum

Original direction reference: 2005110053

Land Parcel Name:	Details of restriction on original direction
Upham Meadow	01/03/2010 - 31/07/2010 Every year until 31/07/2015

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.

We received feedback from two consultees, the Ramblers and the Local Access Forum (LAF).

Summary of consultee comments:

The Ramblers stated that 'If conditions on the site have not changed since 2009 reassessment and breeding populations of redshank and curlew still occur in nationally significant numbers on the site we have no objections to continuation of the current direction but ask that suitable warning notices explain the direction are in use at intersections with public rights of way when they enter and exit the land'.

The LAF were generally in agreement with the continued access restriction, they also queried whether any enforcement action might be undertaken against those ignoring the access restrictions.

After due consideration, Natural England now proposes to extend the direction for a further six years.

As we have decided to VARY by extending 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
No Public Access 01/03/2010 - 31/07/2010 Every year until 31/07/2015	No Public Access 01/03/2015 - 31/07/2015 Every year until 31/07/2020	Nature Conservation, Ground nesting birds

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

Upham meadow and Summer Leasow SSSI is 106.1 ha's in size, of this 102.8 ha's (97%) is defined as access land, being registered common land.

The site had no official access or rights of way prior to CROW but was considered likely to be popular with walkers after the commencement of CROW access rights.

There are a number of nature conservation features at the site considered vulnerable to access, but concern is focused around the breeding populations of redshank (*Tringa tetanus*) and curlew (*Numenius arquata*), both of which occur in nationally significant numbers on the site. These populations are considered vulnerable to disturbance from people walking and people walking with dogs off leads. Informal management measures alone were considered inadequate to protect these breeding birds and a restriction was given to exclude access annually during the breeding season between 1st March and 31st July along with the erection of signage to notify this restriction.

Since the last reassessment in 2009 a number of issues have arisen at the site:

- reports of a dog walker ignoring the restriction period persistently using the meadows with 2 dogs off leads.
- problems with dogs worrying cattle, and killing sheep
- cows with young calves grazing on the meadow
- in 2014 it was noted that one of the restriction notices had disappeared before the restriction was due to start.

A site meeting was organised by Natural England with the haywardens, the Natural England SSSI Responsible Officer, an Ornithologist, and the Access Authority, to investigate these issues and to review the details of the restriction.

Dog Walkers

It seems there are a small number of persistent dog walkers using the meadows during the closed season. Some bring a number of dogs with them. It was also noted that some dog walkers enter the site from the direction of the caravan site at Sandacre Farm.

Bird Populations

The ornithologist informed the meeting that this is the best site in Gloucestershire for curlew as they like big open spaces, and redshank are also still using the meadows. The site is important at a county level as other potentially suitable sites such as Ham Wall are much more disturbed by access users.

There are also populations of Skylarks, Corn Buntings, Yellow Wagtails and Canada Geese.

Cows and Calves

There are 3 main graziers, the haywardens, that have cows and calves grazing

the meadows. They all have bulls, with Aberdeen Angus, Hereford, Charolais and Limousin being used. The later were noted as possibly of more uncertain temperament.

The stock go onto the Summer Leasow meadow, the slightly higher ground nearer the access points on around 7th May for one month until 7th June. During this period they are quite intensively stocked and as they are calving and have bulls present it is probable a dog exclusion would be required. However this period is within the total exclusion for breeding birds and we cannot have two restrictions running concurrently for two different reasons.

The cattle then leave the meadow for 6 weeks and go back onto the main part of the meadows on 12th August after all the hay crops have been taken and remain until mid-November.

There seemed to be less concern when the stock were on the main part of the meadows, they are mostly not calving and spread over a much larger area.

Access Management Solutions

The continued restriction will require some improvements to the access management.

There are two main access points, one at Sandacre Farm, and the more northern point reached from passing through the underpass. There is also a third access point where people climb over the fence from the caravan site.

It is proposed that Natural England will fund the haywardens to install a new kissing gate to replace the old stile at the southern access point by Sandacre Farm. This kissing gate and the one at the northern access point can then be locked using padlocks during the closed period.

Signage

4 new restriction notices are required, which remain present all year at the site. One of the two current signs has disappeared and the other is out of date.

It is hoped Natural England can fund these and the Access Authority can install them. They will be located:

- at the Sandacre Farm gate
- at the southern access point by the new kissing gate
- at the entrance from the caravan park
- at the northern access point

It is hoped the locked gates combined with the new signs will prevent the continued disturbance during the closed season.

ii) Why is a statutory restriction necessary?

A continued s26 nature conservation restriction is required to protect the nationally significant populations of breeding birds. Curlew and Redshank are both on the Category A species list for England. These are bird species which have been identified by Natural England and the RSPB as being exceptionally scarce or sensitive to disturbance

For Curlew the latest BTO bird atlas mentions that since the 68-72 breeding atlas the range of curlew has declined by 17% in England (Amar et al 2011).

It is widely suspected that the decline in breeding curlew and farmland birds in general across the UK is attributed to changes in agricultural practices and habitat loss, e.g. the switch from hay making to silage production. These changes in agricultural practices have left Gloucestershire's breeding curlew population, as well as many other farmland birds, sparse in number and in fragmented populations across the county. These small and increasingly isolated populations are that much more affected by adverse change, and thus are highly vulnerable to further pressure from recreational use.

Research has shown that breeding curlews are especially sensitive to disturbance and are known to fly up from an intruder entering their territory 1km away (Van der Zande, 1984).

The traditional hay making practices at Upham Meadow, being a Lammas Meadow where a late hay cut is taken, favours these breeding birds, and this combined with there having not being access historically has allowed these populations to continue to use the meadows.

iii) What is lowest level of restriction required?

Given the sensitivity of these breeding birds and that continued disturbance could result in the loss of chicks and nests and even Upham Meadow as a breeding site, a total exclusion is required.

iv) Additional supporting information

Amar et al. 2011 Exploring the relationships between wader declines and current land use in the uplands. Bird Study 58:1-13.

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of this direction then you must do so before 9th January 2015 directly to

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A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website¹.

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.

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.

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.