

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: Hampshire County Council
Relevant Authority: Natural England
Local Access Forum: Hampshire Countryside Access Forum

Original direction reference: 2004090138

Land Parcel Name:	Details of restriction on original direction
Hook Links (Hook Links and Warsash nature Reserve)	Land excluded for nature conservation

Use for Open Consultations

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 feedback from the Ramblers Association:

Due to the good access to the foreshore provided via the Solent Way and linking public rights of way inland the restriction does not hinder access to other areas. Given this and the sites value for wading and wintering bird species at this stage we have no objections to the continuation of the current direction.

We also received feedback from the local access forum (Hampshire Countryside Access Forum):

HCAF members agreed to continue with their support for the management of this Nature reserve. They have no objections or observations that they would like to add.

After due consideration, **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: 14/12/2009 – 15/12/2015	Full exclusion at all times: 14/12/2014 – 15/12/2020	nature conservation

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

<p>i) Summary of proposal</p> <p>To exclude people from the CROW access land at Hook Links (part of the Hook Links & Warsash nature reserve) for nature conservation purposes.</p>
<p>ii) Why is a statutory restriction necessary?</p> <p>The site is within the Solent and Southampton Water RAMSAR, Solent Maritime SAC and Lee on Solent to Itchen Estuary SSSI and is an important waterfowl / wading bird over wintering and nesting site.</p> <p>If access was allowed it would likely have a detrimental effect to the population of various species of bird, which include: Linnets, Skylarks, Stonechats, Dartford and other Warblers. It should also be noted, that since the CROW restriction several pairs of Avocet have returned to the reserve to nest, following many years of decline.</p>
<p>iii) What is lowest level of restriction required?</p> <p>Due to the sensitivities of the species of bird on site a full exclusion to the site is necessary. Having had advice from the responsible officer that lifting the restriction will have a likely significant effect on the site, it seems prudent to extend the direction for a further 6 years and review at the next statutory deadline (5 years).</p>

iv) Additional supporting information

During a site visit, it was noted by the Hampshire CC reserve manager and Natural England SSSI responsible officer that the restriction had allowed the site biodiversity to improve with a greater amount of species and numbers of over wintering and nesting birds inhabiting the site.

It was also acknowledged that the perimeter access via ROW and the Solent Way gave excellent access around the site and provided views that were agreeable to users wanting to observe the birds inhabiting the site.

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of this direction then you must do so before 5th December 2014 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.

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.