

Countryside and Rights of Way (CROW) Act 2000:

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A RESTRICTION OF CROW ACCESS

Prepared by Natural England

Access Authority: Northumberland County Council
Relevant Authority: Natural England
Local Access Forum: Northumberland

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Hulne Park	2005070107	Public Exclusion during the deer rutting season from September 15th to November 15th each year until 15/11/2016	CROW s25: Public Safety

Natural England has now decided how to proceed following its consultation about the above direction to restrict CROW access on this land.

A consultation was held with statutory consultees and the general public that sought views on the existing direction in October / November 2014. Natural England received feedback from the original applicant, the Local Access Forum and the Ramblers.

In summary the feedback was as follows:

- The applicant would like to see the exclusion remain. The site still has red deer and they still rut on the moor edge between September and November; public access would disrupt this process.
- The Northumberland Joint Local Access Forum supported a continuation of the restriction.
- The Ramblers did not believe the overall low level of public access creates a conflict between public access and land management or public safety on this site and believe that revoking direction 2005070107, public exclusion during the deer rutting season from September 15th to November 15th each year, is in line with the relevant authority guidance.

In light of the responses and to get a better understanding of the site and the management undertaken in relation to Red Deer within Hulne Park, a site visit was held with representatives of Northumberland Estates. At this visit it was clear that the main issue of the estate is the safety of the public during the rut rather than disruption as alluded to in their response. In view of this the review is considering the need for a restriction under s25 (Public Safety) as per the current direction.

Outcome of the Review

In order to establish whether there is a continued need for the restriction on this land, it is crucial to understand the behaviour of the deer and the current access arrangements. In undertaking this we considered all the information provided, advice from The Deer Management Licensing and Policy team within Natural England and further discussions with the applicant and representatives from the Estate.

Hulne Park is approximately 3,500 ha in size and is an enclosed deer park, where Red and Fallow Deer are all farmed. There are approx 500 fallow deer and 60 red deer currently within the park. The estate usually holds a stock of around 100 red deer. The decline in numbers was due to some escaping through a damaged wall, therefore the estate is looking to buy in stock to increase the gene pool again. However, even though the stock levels are lower than normal the estate reports that at the time of the rut the numbers of stags increase as “feral” stock enter the park.

Hulne Park is open to the public between 11am and sunset, 7 days a week. The application site forms a small part of the overall park and was mapped as open access by the nature of its moorland habitat - however the majority of the park (located to the north of this site) is not categorised as open access land. Once in the park access is restricted to the permissive marked routes (3 trails), therefore no “means of access to the restricted area from the North exists.

The restricted area is located at the southern end of Hulne Park and overlooks the rest of the park that stretches out to the north. The restricted area is bounded along its southern boundary with a 2m high stone wall. A single gate is located in this wall and allows the only realistic access point into the site from the adjacent access land (Alnwick Moor). This is permanently locked as the Estate keen to control access through the main entrance in Alnwick.

The eastern and western boundaries are fenced but the northern edge is not fenced as it slopes down into the rest of the deer park. The site undulates significantly and slopes down to the deer park from the stone boundary wall (this slope contains crags and steep slopes).

There are no promoted routes across the restricted area although there is a public footpath that runs alongside the estate wall (to the south of the restricted area and outside the park).

Is it necessary to do anything?

Stags become very aggressive during the rut. Individual stags that have lost their fear of humans and which are readily approachable should always be regarded as potentially hazardous once they have cleaned the velvet from their antlers. The estate have confirmed that the Red Deer rutting period lasts from mid-September to mid-November and have indicated that the stags can and do get extremely aggressive at these times.

Farmed deer are temperamentally different from other farmed animals and present greater risks to visitors than wild deer. Wild Deer will normally avoid areas frequented by visitors; due to the permissive access within the park this is not always possible. The Estate has confirmed that users of the Park do stray off the promoted routes, ignoring the on-site notices.

Relevant Authority Guidance (April 2004) indicates that significant risks are only likely from stags during the rut (and from hinds that have recently calved, or are about to calve).

The risks are greater in small enclosures and areas with high stocking densities because close contact between the deer and visitors is more likely, and further intervention may be necessary.

Due to the open character of the moorland, much of this rutting takes place within this area. The Deer Management Licensing and Policy team at Natural England were able to confirm that Red Deer are prone to rutting on areas of open moorland, as this is more akin to their natural habitat. The estate have confirmed that rutting is concentrated on the lower slopes and Natural England, as the Relevant Authority, believe it would be easy for users of the access land to “stumble” on the rut attempting to reach the radar station or by walking out the wooded area at White Hill or on the track known as High Moor Drive.

In considering the information available and our current guidance (Criteria Set 13), as the relevant authority, we believe that the current restriction is in line with guidance and is still required for a number of reasons:

- Individual stags that have lost their fear of humans and which are readily approachable should always be regarded as potentially hazardous once they have cleaned the velvet from their antlers¹.
- The use of signs at times of risk to warn visitors will not be sufficient to address the risk. The nature of the terrain and the high stone estate wall running across the southern edge of the site means that opportunities to move away to safe areas from the red deer, if they do charge, are limited.
- The Deer Management Licensing and Policy team also highlighted that the likes of the internet and other natural history programmes, such as, Autumn Watch and Countryfile have increased the public’s interest in red deer, especially during the rutting season.

Therefore, our decision, as the relevant authority, is to vary the current direction end date to 15/11/2021.

As the restriction is short term in nature (less than 6 months per year) we are not required to undertake a further round of consultation.

However, as this is a long term direction, then Natural England, as Relevant Authority will be required to undertake a review of this direction by no later than the 5th anniversary of the date of issue.

¹ Stags clean the velvet from their antlers in late summer and autumn (the times vary according to the species), and are then said to be “in hard antler” indicating the onset of “the rut” – when stags compete for dominance.

Summary of changes made to the existing direction:

Land Parcel Name	Direction Ref.	Dates of restriction on original direction:	Details of new direction
Hulne Park	2005070107	Public Exclusion during the deer rutting season from September 15 th to November 15 th each year until 15/11/2016.	Public Exclusion during the deer rutting season from September 15 th to November 15 th each year until 15/11/2021.

Details of the restriction will appear on the relevant map of access land on the Open Access website - www.openaccess.naturalengland.org.uk.

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to us. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at www.planningportal.gov.uk/planning/countryside/countryside.

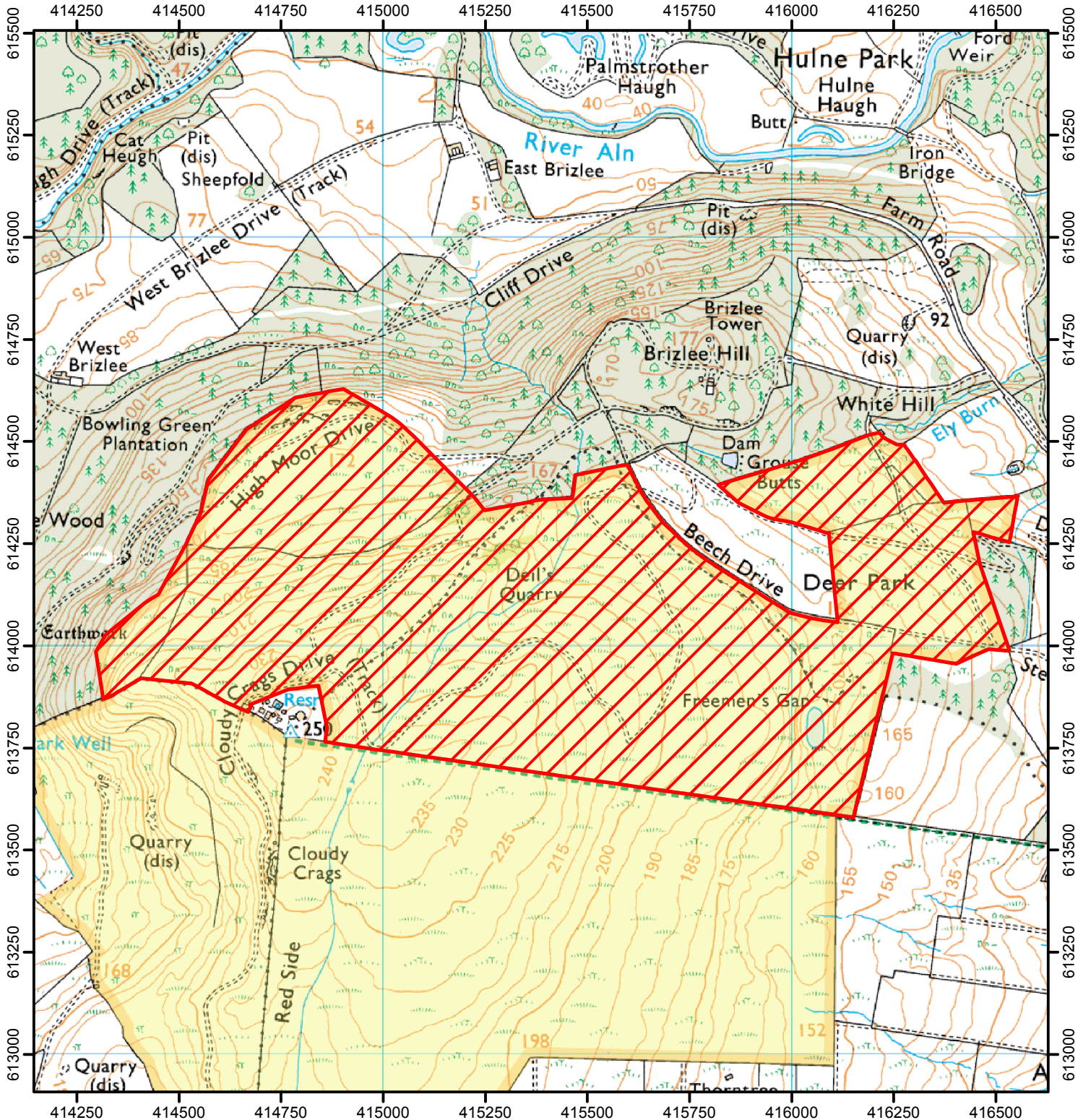
Date review completed: January 26th 2015

NO OPEN ACCESS

In the interests of public safety, the open access land shown hatched on the map below is temporarily closed


From 15 September to 15 November annually


Case Number: 2005070107




0 250 500 1,000 Metres

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 Restricted Open Access Land

 Open Access Land



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DIRECTION RESTRICTING PUBLIC ACCESS UNDER THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

Case number 2005070107

The relevant authority - Natural England, gives this direction under section 25(1) (b) of the Countryside and Rights of Way Act 2000 (CROW) to give effect to the exclusion or restriction detailed below.

Period of restriction

The restriction(s) given effect by this direction is/are effective:

From 15/09/2015 to 15/11/2015

And for the same period every year thereafter until 2021

Nature of restriction

Public access by virtue of section 2(1) of CROW to the land in the associated map is excluded.

Land affected

The associated map shows the land affected by this restriction.

Reason why this direction has been given

The relevant authority - Natural England, is satisfied that restriction of CROW access to the extent specified above is necessary to prevent risks to the public during the rut.

Conditions which apply to this direction

1. This direction only affects the availability of CROW access rights. It has no effect on public rights of way over the same land, or on any other access right, tradition or custom, or any uses of the land permitted or tolerated by the landowner.
2. It has no effect on any area within the specified land that is not subject to CROW access rights, for example because it is excepted land under CROW Schedule 1, or subject to existing open access rights of the type listed at CROW section 15.
3. If for any reason after the giving of this direction a restriction becomes unnecessary, or unnecessary to the extent (or at any of the times) specified or notified under the direction, the applicant should immediately notify the Open Access Contact Centre. The restriction will then be cancelled or varied as appropriate in the circumstances.
4. The relevant authority - Natural England, may revoke or vary this direction by giving a further direction at a later date, if it considers this necessary.

Review of direction

The relevant authority - Natural England, will review the need for this direction within five years, as required by CROW section 27(3).

Date of issue: January 26th 2015