

Countryside and Rights of Way (CROW) Act 2000:

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED LONG-TERM RESTRICTION OF CROW ACCESS RIGHTS

Prepared by Natural England

Case reference number: 2015067839 & 2015067840
Name of site/land parcel: Stodmarsh NNR
Grid reference: TR226620
Access authority Kent County Council
Local access forum : Kent
Consultation began: 8th December 2015
Consultation ended : 18th January 2016

Date of direction notice: 7th February 2016

Natural England has now decided how to proceed following its consultation about its proposal to exclude dogs and restrict access to marked routes (for 365 days on the red hatched area and from 1st October to 31st July on the blue hatched area) under Section 26 of CROW on this land. The relevant authority's decision is:

- To give a direction restricting CROW access in the way it originally proposed

The direction is required for the following reason.

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 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.

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 1st October and 31st July in the blue hatched area as per the recommendations of the ASFA.

Three responses to the consultation have been received. Both the Ramblers and a member of the public have offered support for the proposed restriction.

The Access Authority (Kent County Council) has however raised concerns about the current inaccessibility of sections of the PROW network through the reserve. Although the comments are relevant to the wider access provision on site, they do not directly affect the restrictions for CROW Access. Therefore, having discussed this issue with the site management team, it has been agreed that they will discuss the PROW issue with KCC directly.

A copy of the direction is enclosed for your information. Details of the restriction will appear on the relevant map of access land on the Open Access website at www.openaccess.naturalengland.org.uk.

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 are obliged to review it within five years of the date of issue.

