

Countryside and Rights of Way (CROW) Act 2000:

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

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Case Reference Number: 2016048135 / 2016068185
Name of site/land parcel: Wilton 3 Quarry
Access Authority: Bolton Council
Relevant Authority: Natural England
Local Access Forum: None

Natural England has now decided how to proceed following its consultation about its proposal to exclude access under sections 24 and 25(1)(b) of CROW on this land. The relevant authority's decision is to give two directions restricting CROW access in the way it originally proposed.

This is to prevent disruption to the shoot and to prevent danger to the public due to the site infrastructure blocking the shooters' views to the rear and sides of the safety zone.

A consultation was held from June 20th 2016 to July 15th 2016. We received feedback from:

- Bolton Council; and
- a member of the public.

Outcome

Bolton Council is supportive of the agreement that the permissive route leading from the layby onto Horrocks Moor will remain open at all times. The council also considered that it is important that signage clearly highlights this route so as not to deter people from using it.

They did request that a well-used route allowing the public to walk along the top of the quarry providing a good link from Scout Road to Horrocks Moor was opened up by the quarry owners – the route is currently obstructed in one place. The council considered that any restrictions to access on the route could be managed through full direction (21016048135) and outline direction (2016068185). Following the consultation we have spoken to the applicant and they have agreed to ensure this route is available at times when the exclusions above are not in effect.

The member of the public considered the proposal excessive and said it is wrong to exclude climbers three days per week because she felt this went against the covenant with the British Mountaineering Council (BMC) that is currently in place.

As outlined in the consultation summary report the proposal will not have any impact on the current arrangements with the BMC in that Bolton Gun Club (the shooting club) will have priority of use on a Wednesday, Friday and Sunday from dawn to dusk all year and the climbers on a Monday, Tuesday, Thursday and Saturday. The exclusions have been designed to take into account the covenant and will only be in place when the firing ranges are in use.

Conclusion following consultation

The shooting club, as land owner, has the ability to utilise its discretionary powers under s22, however due to the constraints of this use at certain times of year and patterns of access on the site these powers does not meet the needs of the club.

Criteria Set 19 of our statutory guidance, (Relevant Authority Guidance, April 2010 (RAG)) states it may be necessary to manage public access while shooting takes place:

- to prevent danger to the public from shooting; or
- to prevent disruption to the sport.

Danger to the public from shooting at targets

From the RAG:

People shooting at targets have to assume that members of the public may be present and take all necessary precautions, even at times when they are unlikely to encounter visitors.

As the relevant authority we feel that the shooting club are taking all the necessary precautions. However, the access patterns of the site are a cause of concern; the main risk is from members of the public entering the corridor behind and in front of the target as a shot is taken. The area of risk (sometimes called a safety zone) may extend beyond the target for some distance, depending on the weapon and ammunition in use.

Disruption to the sport

From the RAG:

Participants can be distracted from shooting (whether or not the target is moving) by the need for extra vigilance in order to prevent any risk of accidental injury to visitors. Where visitor levels are high, the frequent need to stop shooting in order to allow visitors to pass may detract significantly from their enjoyment of the sport.

Signs, flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and encourage considerate behaviour. These techniques are most likely to be effective where there are safe and clearly marked rights of way or other routes that people can use through or around the area affected without causing significant disruption.

However, in this case it is clear that these techniques are inadequate in this area, to the point that they are acting as an “attractor”. We also consider that the disruption to the shoot is having an impact on the clubs use and enjoyment of the site.

Therefore, Natural England as the relevant authority believes that a total exclusion of access rights under CROW is necessary at times when the firing ranges are in use. In order to prevent disruption to the clubs activities and prevent danger to the public, we consider that the following directions are required:

- A **full direction** (2016048135) giving a total exclusion on CROW access rights and keeping people to marked routes on a Wednesday, Friday and Sunday from dawn to dusk all year, the days when the shooting club have full access as detailed in the covenant; and
- An **outline direction** (2016068185) giving a total exclusion on CROW access rights and keeping people to marked routes, **only** when the range is in use on a Monday, Tuesday, Thursday and Saturday. This exclusion will not have any impact on the current arrangements with the BMC, in that the climbers will have priority of access to the quarry.

Both restrictions will be supported by the use of red flags and other onsite management and Natural England will work with the access authority and the shooting club to look at the signage and any other on site measures required to assist in ensuring that the above directions are effective in addressing the issues of the shooting club.

A copy of the direction is enclosed for your information. Details of the exclusions will appear on the relevant map of access land on the Open Access website at 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 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.

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.

Date completed: September 8th 2016