

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION(S)

SUMMARY FOR PUBLIC CONSULTATION Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Wiltshire Council
Relevant Authority: Natural England (South West Region)
Local Access Forum: Wiltshire and Swindon Countryside Access Forum

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Kennett Shoot	2004110201

This is in line with the relevant authority's statutory duties (see Annex 1).

Your views on the current direction are sought to assist Natural England in deciding 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.

The relevant authority may decide that no change is necessary in which case a Consultation Outcome Report will be published on the [Consultation Pages](#) of the Government's Website¹.

If the relevant authority decides to vary or revoke the direction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

2. SUMMARY OF EXISTING DIRECTION

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Kennett Shoot	2004110201	99 Outline days a year 01/01/2010 – 01/01/2016	Public Safety & Land Management: Target Shooting

Natural England, formerly The Countryside Agency, made this long term direction in 2004. The case was last reassessed in 2009 when the restriction was extended for a further 6 years in December 2009.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the consultation notice sent as part of this consultation.

Further information is available from:

Richard Thomas

Lead Adviser Open Access

Mail Hub Block B,

Whittington Road,

Worcester

WR5 2LQ

Richard.thomas@naturalengland.org.uk

Natural England, formerly The Countryside Agency, made this long term direction in 2004 for both public safety and land management reasons.

The risk to the public from shooting is generally low due to the strict safety precautions adopted by those licensed to carry guns. However at this site the risk of injury to the public is greater due to the intensity and complexity of the simulated game shoot. There is also a risk to the public during the day before a shoot whilst the clay traps are being positioned, set up and tested and during the day after whilst clearing up. There is also a risk of disruption to the shooting activity as anyone accessing the land would cause disruption due to the lack of a clear safe route through the site. An outline direction was given to cover the day before and after, and the shoot day itself for up to 99 days each year. This covered 25 corporate days and 3 larger events. The applicant needed to notify the dates with a minimum of a days notice, and then erect the restriction notices at the entrance to the land from the Ridgeway Byway.

The case was reassessed in 2009 when the applicant confirmed that the shooting was still taking place as originally detailed, and that they were hosting about the same number of shoot days.

It had been noted that the applicant hadn't called off any outline days since 2005 but had been shooting on a regular basis since. It was therefore considered likely that restriction signage had also not been erected as this is sent out when days are notified.

At the site visit in 2009 the applicant explained that the notifying of the dates became a burden and that they had problems with restriction notices being removed so they gradually gave up using the restriction. They confirmed that they would in future use the restriction. There were plans for a permanent sign to be provided from the Access Management Grant Scheme via Wiltshire Council that had a padlocked flap on it to be used by the applicant on restricted days. This was to insure that the applicant was covering their duty of care to visitors in warning them of the dangers and notifying the restriction, and also making it clear when it is safe to visit the land. The implementation of this signage was put on hold though in 2010 when the applicant informed Natural England that they were considering ending the target shooting business at the site, but were now game shooting. Nothing more was heard from the applicant since 2010.

However it has been again noted in 2015 that no outline days have been called off since 2005, which now questions whether the restriction is required as it is not being used.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the initial review of this direction then you must do so before 26th May 2015 directly to Richard Thomas, at the above address. A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website.²

Using and sharing your consultation responses

In line with Natural England's [Access to Information Statement](#), 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 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, the relevant authority 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), the relevant authority 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, the relevant authority 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.

¹https://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.

² 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.