

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION – PROPOSED CHANGE TO EXISTING DIRECTION(S)

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

Access Authority: Calderdale
Relevant Authority: Natural England
Local Access Forum: Calderdale

Original direction reference:

Land Parcel Name:	Details of restriction on original direction
Calderdale 1 Soyland Moor	2005030003

Natural England has begun a review of the above long term direction in accordance with statutory guidance (see Annex One). An initial consultation was held with statutory consultees and the general public between 15th June and 10th July that sought views on the existing direction.

We received feedback from the Ramblers Association and the gamekeeper.

The Ramblers support the continuation of the restriction as long as conditions have remained the same and the site is still internationally important for upland breeding birds.

The gamekeeper supports the continuation of the restriction and also commented that he would like more permanent signs to be erected as site notices are frequently removed. He believes the restriction is adhered to by most people especially if they are informed and spoken to on site. There are some who choose to ignore the restriction; however, on the whole he believed the restriction to be worthwhile.

After due consideration, Natural England now proposes to vary the end date of the direction to allow it to continue.

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
Dogs allowed on permitted routes only, annually between 1st March and 31st July until 2016	Dogs allowed on permitted routes only, annually between 1st March and 31st July until 2021	S26 Nature Conservation

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

i) Summary of proposal

Between 1st March and 31st July people with dogs will be restricted to marked routes to protect sensitive wildlife.

ii) Why is a statutory restriction necessary?

The site forms part of the South Pennine Moors Site of Special Scientific Interest (SSSI) and is a Special Protection Areas (SPA). SPAs are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

The area comprises a mosaic of blanket bog, wet and dry heathland, wet flushes, crags, reservoirs, acid grassland, conifer plantations, ancient woodlands, streams and cloughs. It is internationally important for upland breeding birds. The sensitive blanket bog, grassland and heathland habitats support ground nesting and wading bird species including golden plover, dunlin and merlin.

An assessment undertaken by the Countryside Agency and English Nature in 2004 concluded that there would be a significant change in levels and patterns of use which could cause a potential impact on the specified features of nature conservation interest. It was deemed unlikely that informal management solutions would be sufficient to address these concerns and that a statutory restriction to exclude dogs during the bird breeding season from 1st March to 31st July was necessary.

A reassessment was carried out by Natural England in February 2007 and concluded that the restriction should remain in force.

The Natural England Responsible Officer who has responsibility for the South Pennine Moors Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) has confirmed that the

breeding bird assemblage, the qualifying feature of the SPA, is still present on the site. This is supported by the results of a 2014 bird survey that included the presence of several raptors, Dunlin, Curlew, Twite, Snipe, Golden Plover, Common Sandpiper, and Wheatear. The birds are distributed across the whole site.

Natural England has concluded that there is sufficient justification for a restriction on the basis that:

- The qualifying feature of the SPA (ground nesting bird assemblage) is still present on the site and remains vulnerable to disturbance by dogs during the nesting period.
- The site is easily accessible, being surrounded by roads on all sides
- The site is located within close proximity to large centres of population and is within an area of open country popular with dog walkers.
- Unrestricted access on the site during the nesting period is likely to have a negative impact on nesting birds and therefore a likely significant effect on the nature conservation interest of the site.

iii) What is lowest level of restriction required?

One of the most significant factors in the disturbance of ground nesting birds is disturbance by dogs and more specifically dogs off leads. There is a national restriction that requires dogs to be kept on a lead from 1st March to 31st July. However, this is insufficient protection for the nature conservation interests of this site.

Keeping dogs to marked routes during the breeding season will allow walkers with dogs to access the site but also ensure adequate protection of the nature conservation interests.

People with dogs will be restricted to two permissive paths on the site - one crossing Great Manshead Hill from the A58 (Rochdale Road), the other heading south from the A58 on to Rishworth Moor. Both form part of a promoted route put in place by the landowner Yorkshire Water prior to the introduction of CRoW access rights.

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of this direction then you must do so before 19th August directly to Chris Pope at christine.pope@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.