

## **Countryside and Rights of Way (CROW) Act 2000:**

### **PROPOSAL FOR LONG TERM DIRECTIONS BY THE RELEVANT AUTHORITY**

#### **SUMMARY FOR PUBLIC CONSULTATION**

Prepared by Natural England

#### **1. INFORMATION ABOUT THE PUBLIC CONSULTATION**

<b>Case Reference Number:</b>	2015118003 and 2015118004
<b>Name of site/land parcel:</b>	Shapwick Heath National Nature Reserve ST430403
<b>Access Authority:</b>	Somerset County Council
<b>Relevant Authority:</b>	Natural England
<b>Local Access Forum:</b>	Somerset LAF

Natural England proposes to give two directions on the site that would last for longer than six months continuously. The Act requires us to consult publicly on all such proposals for 'long-term directions'.

#### **2. SUMMARY OF RELEVANT AUTHORITY PROPOSAL**

##### **i) Summary of proposed direction to restrict access**

Land owned by Natural England at Shapwick Heath National Nature Reserve (NNR) has been dedicated as Open Access Land under Section 16 of the Countryside and Rights of Way Act 2000. This is as part of a project to dedicate all land at NNR's owned by Natural England, unless there are compelling reasons not to do so. Access rights commence at Shapwick Heath on the 7<sup>th</sup> February 2016.

As part of this project for every site to be dedicated the Natural England Project Officer sought advice from the Senior Reserve Manager (SRM) for the NNR and the Responsible Officer (RO) for the Site of Special Scientific Interest (SSSI), to ensure that there would be no significant effect on important and sensitive species at that site. At Shapwick Heath there were specific concerns that an increase in access to the reed bed parts of the site and any access with dogs could cause disturbance to breeding and overwintering birds, and the restrictions proposed below are designed to address these concerns.

Shapwick Heath NNR is a heavily designated site, being SSSI, part of a larger Special Protection Area (SPA) and Ramsar site. It is 530ha in size, and is an exceptionally diverse area, with restored reed beds, open water, ditches, flower rich wet meadows, remnant mire, woodland and a large part of it is farmland, called Canada Farm.

Part of the site is in the Somerset Moors SPA, which covers approximately 7000 hectares with 100,000 birds using it, with big winter populations of ducks

(Wigeon, Teal and Shoveler), Golden Plover, Berwick Swan and a large assemblage of wetland birds.

### Sensitive Species

The site hosts an assemblage of 65 species of breeding bird, of which some species are tolerant of people and some are not. These include a number of waterfowl species including ducks: mallard, garganey, gadwall, pochard, and significant populations of warblers: cetti's, reed and sedge warblers. Bittern, bearded tit, and Marsh Harrier are reed bed specialists and nest in the reed beds in the summer months, along with cuckoo that uses the warblers nest. Shapwick and Ham Wall are some of the key sites in Somerset where these species can be found.

In the last few years great white egret have also nested on the reserve. This is the first time this large, heron-like bird has bred in Britain.

In the winter the reserve is especially valuable for large numbers of wildfowl feeding and the reed beds are used as a roosting site by hundreds of thousands of starlings. It is a key undisturbed day time roost in the Somerset Levels and Moors. Disturbance from recreation, bird watching, and wild fowling is being highlighted as a major problem across the SPA and this is one of the key undisturbed sites.

There is also a small otter population that use the whole reserve, being a key site along the River Brue where breeding is confirmed.

There are also water vole found at the site (European Protected Species), and evidence of water shrew have been found, alongside good populations of harvest mouse. The site also has great crested newt present, and there is a bat roost on the NNR with lesser and greater Horseshoe bats, though the area where this is located has not been dedicated as access land.

Current Access – is restricted to a number of generally linear key routes. The site has from 75 to 100,000 visitors a year (85,000 in 2013), including birdwatchers, nature lovers, walkers and general public. They mostly access the reserve on the South Drain, and visit the hides and certain other parts of the reserve where they are encouraged by maintained paths and signage.

The South Drain is the main route into the site, it is actually owned by the Environment Agency, and used by NE by agreement. It has a gravelled surface and is wide enough to accommodate staff vehicles.

The main NE owned car park giving direct access to the reserve is the Discovery Trail car park, which can hold about 30 cars, and gives access to a popular circular boardwalk route, suitable for disabled access over a reedbed area. This is wheelchair accessible and has been recently completed.

Visitors do park on the road at the Western end of the South Drain, but there is no official parking here which can cause problems at busy times and extra parking is available up the road at Avalon Marshes, at the reserve base.

In the winter the reserve gets a large number of visitors coming to see the spectacular murmurations of starlings, especially at dusk, when hundreds of visitors can come on a single night. The starlings sometimes use the NE owned

land to roost and large numbers of visitors parking on the roadsides can cause traffic problems for local communities.

There are large parts of the reserve that are physically inaccessible which helps prevent disturbance to birds.

Canada Farm is a large organic farm with a grazier farmer who has Red Devon Cattle, and Highland Cattle (steers only) which graze the reedbeds.

The Red Devons are docile cattle with large horns, and are run as a closed herd, with a new bull brought in every few years. They are generally spring calving. Parts of Canada Farm have not been dedicated, to ensure the public are kept away from operational areas where public safety could be an issue.

### Public Safety

There are dangers associated with the reed beds. The site is in an isolated 'Pen', i.e. the water levels on the reserve are isolated from the adjacent rhynes and ditches and can be controlled by the reserve staff. There are therefore many areas of reed beds in which the water is deep enough to be dangerous, there are also desiccation cracks in the wet woodland that could be dangerous if people fell into them.

There is also another major issue with the Highland Cattle on the reedbeds, and the potential for visitors to get stuck in small corridors between these large animals with big horns. The cattle are used to graze throughout the year on certain areas of the reserve and there is potential with open access for visitors straying off the main paths to come across them. Although not necessary aggressive they can often be quite frisky and jumpy which in a confined space could be dangerous to the public, especially if they had dogs with them.

### Dogs

Prior to dedication as Open Access Land Natural England's policy was to have no dogs on the site which has prevented disturbance and dog fouling issues. Within Somerset this is a very un-disturbed site compared to other reserves where dogs are allowed. Given the high numbers of visitors it has been estimated from figures published by The Kennel Club, that if access with dogs was allowed this could relate to 40,000 new dog visits per annum, which would have a significant effect on the reserve.

The reserve staff therefore believe that to protect the 65 species of breeding birds on this SPA site, and to protect the otter population, the current management should be continued. This feeling has been strongly backed up by reserve volunteers and staff at other Somerset reserves, and by current users of the reserve. It is possible to walk dogs on leads on Ham Wall (RSPB). The current signage for the site says no dogs and has a picture of an otter to give a reason for this.

## **ii) Why is a statutory restriction necessary?**

The dedication of this land was approved by the SSSI RO on the understanding that the dedication of the NNR would not have an impact on the sensitive species, and the two proposed restrictions are required to prevent any disturbance.

The two proposed restrictions are:

- 1) A nature conservation restriction (Section 26) to exclude people with dogs all year from the whole reserve (except Public Rights of Way), in line with the current access management policy, to protect breeding and overwintering birds. This will also protect other sensitive species such as otter, water vole and water shrew, and prevent any problems with cattle and dogs at Canada Farm.
- 2) A nature conservation restriction (Section 26) to exclude people from four reedbed parcels all year, due to the presence of both breeding and overwintering populations of species vulnerable to disturbance. The breeding bird assemblage is 65 species, with key reedbed specialists being, bittern (Red Data, BAP Priority, SPA), great white egrets, marsh harrier and gargany. Little bittern and night heron are also potential breeders. These four parcels are shown on the attached Consultation Notice in blue hatching and are:
  - Meare Heath
  - The Roughet
  - Large area of reedbed to the south of the South Drain
  - A small parcel of reedbed with grassy strips and open water

Of the reedbed specialists bittern are known to be very sensitive to disturbance and marsh harrier nest in the reed beds so are also vulnerable to disturbance. There is little data on disturbance for the great white egret but they are also likely to be vulnerable to disturbance. These reedbed areas currently have no public access and it is considered essential that this management is continued, as without restrictions visitors may try to enter the reedbed areas to get closer to bird species. The total exclusion on the main reedbeds will also address the public safety issues described above.

## **iii) What is lowest level of restriction required?**

The proposed restrictions ensure that the current management of visitors at the site can be continued in the same way, there are currently no dogs allowed on the reserve and there is no access into the reed bed areas. These are thought to be the lowest level of restriction possible to prevent disturbance to the sensitive features.

### 3. SUBMITTING COMMENTS ABOUT THE PROPOSED DIRECTION:

If you wish to comment on the review of this direction then you must do so before 2pm on the 5<sup>th</sup> February 2016 directly to

Richard Thomas  
Restrictions Case Officer  
Mail Hub,  
County Hall,  
Spetchley Road,  
Worcester  
WR5 2NP

[Richard.thomas@naturalengland.org.uk](mailto:Richard.thomas@naturalengland.org.uk)

A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website<sup>1</sup>.

#### 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

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<sup>1</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](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.

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.