

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION – PROPOSED VARIATION TO EXISTING DIRECTION

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Peak District National Park Authority – May 2015

1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

Access Authority: Peak District National Park Authority
Relevant Authority: Peak District National Park Authority
Local Access Forum: Peak District Local Access Forum

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Top Field, Crowden	2005050868	Excluded at all times until 31/12/2015	Public safety and land management

The Peak District National Park Authority has begun a review of the above long-term direction in accordance with statutory guidance (see Annex 1). A consultation to seek views on the existing direction was held between December 2014 and March 2015 with statutory consultees and the general public.

Feedback was received from the Peak District Local Access Forum. The Forum noted that the restriction had been agreed following appeal against a previous decision and, providing there had not been a change in circumstances, there was no opportunity to make any amendments.

After consideration, we propose to vary the end date. The effect of this proposal will be to revoke and replace the existing direction.

A further round of consultation is required to be undertaken due to the decision to vary and the long term nature of the direction.

Background

The National Park Authority made an outline direction in 2004 to restrict CROW access on land used for clay pigeon shooting which required the applicant to give prior notification to the Open Access Contact Centre when shooting was required up to a maximum of 156 days pa. The applicant appealed against this decision on both the extent and duration.

The inspector took into account evidence presented on usage and the area to which the direction should apply. He decided that a permanent exclusion was necessary and that the direction should extend over the whole of the site.

As directed by the appeal decision, the PDNPA made a new direction in 2005 to restrict CROW access under section 24 and 25(1)(b) of the Countryside and Rights of Way Act in

2004, in order to prevent danger to the public from clay pigeon shooting and to allow the land to continue to be managed without undue cost or burden upon the landowner. The direction was reviewed in 2010. The land is used for clay pigeon shooting.

Why is a statutory restriction necessary?

Criteria Set 19 from the Relevant Authority Guidance covers shooting at man-made targets. The most relevant extracts are as follows:

- **Danger to the public:**
Where the target is static (e.g. archery or pistol shooting), the main risk is from entering the corridor behind and in front of the target as shot is taken. The area of risk in clay pigeon shooting is wider because the target is moving. People are at risk from both shot and from falling clays. Participants should be able to see the whole area where there is a risk of injury from their shot and must not shoot if anyone enters that zone of risk. Further precautions may be necessary where the topography, vegetation cover, or other obstacles may obstruct the views of shooters over the zone of risk. Signs flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and recommend safe routes through or around the affected area.
- **Disruption to the sport**
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.
- **Is a statutory restriction necessary?**
Restrictions may be necessary while a shoot or activity is in progress if other available techniques are inadequate to allow it to take place safely and without undue interruption. This is most likely:
To prevent danger to the public, where topography, vegetation or other obstacles obstruct the views of shooters over the area of risk;
To prevent danger to the public during paintballing and other games that depend on simulating combat conditions
To prevent disruption to any shooting sport, where visitor levels are significant.

The appeal decision in 2005 concluded that:

'A restriction of CRoW access is necessary for the protection of the public whilst shooting operations are being carried out. Given the nature of the appellant's business, I consider that the restriction is justified on land management grounds also and should take the form of an exclusion'.

After considering the above information, we believe that a restriction is still necessary on grounds of land management and public safety.

What is lowest level of restriction required?

The appeal decision in 2005 concluded that:

'Limiting a direction to a particular number of days per week or per year would affect the flexible character of the appellants' business and the ability to accommodate shooters without prior notice. This would result in an unreasonable burden on the management of the land.'

The use of discretionary days or an outline restriction which requires prior notification is not therefore considered appropriate.

The Relevant Authority Guidance suggests exclusion of people from the area of danger or potential disturbance taking account of the expected trajectory of the ammunition.

The appeal decision in 2005 concluded that:

'Whilst shooting activities are largely confined to the eastern part of the site, it is nonetheless evident that at least part of the western area is essential to accommodate the safe fall of shot and unbroken clays. Further, in terms of effective land management, it is essential that the area of exclusion has secure and readily identifiable boundaries, such as are afforded by the fence around the appeal site. Accordingly, the direction should extend over the whole appeal site.

The least restrictive option is therefore considered to be a public exclusion and the extent and nature of the restriction is still considered to be appropriate for its original purpose.

2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS:

Land Parcel Name	Details of restriction on original direction	Proposed details for new direction	Reason for proposed direction
Top Field, Crowden	Excluded at all times until 31/12/2015	Excluded at all times until 31/12/2020	Land Management/ Public Safety

Following the initial consultation, the National Park Authority considers that the restriction should remain in place. However, it is proposed to vary the current direction end date to 31 December 2020.

3. SUBMITTING COMMENTS ON THE REVIEW:

Reference:	Comments to:
Top Field, Crowden - 2014117473	sue.smith@peakdistrict.gov.uk

If you wish to comment on the review of this direction then please do so before **16 June 2015**.

Maps accompany this notice and are attached and can be seen on the [Consultation Pages](#) of the Government's Website (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

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.

Appendix 1

In accordance with statutory guidance, the Peak District National Park Authority (PDNPA) 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 the 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.
- vary a direction, 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; and 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.

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION

SUMMARY FOR PUBLIC CONSULTATION

Prepared by the Peak District National Park Authority - December 2014

1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

Access Authority: Peak District National Park Authority
Relevant Authority: Peak District National Park Authority
Local Access Forum: Peak District Local Access Forum

The Peak District National Park Authority is about to review the following direction:

Land Parcel Name:	Direction Reference
Top Field, Crowden	2005050868

Your views are sought to assist the National Park Authority 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.

If, following consultation, it is decided that the existing direction is still appropriate and does not need to be changed then the decision will be recorded and a new review date set (which will be no later than 5 years from the completion of this review). If the direction is varied or revoked, a further round of public consultation may be necessary.

Appendix 1 sets out the statutory requirements for this review.

2. SUMMARY OF EXISTING DIRECTION:

Land Parcel Name:	Dates of Restriction	Reason for Exclusion
Top Field, Crowden	Excluded at all times until 31 December 2015	Land Management/ Public Safety

The PDNPA made an outline direction in 2004 to restrict CROW access on land used for clay pigeon shooting which required the applicant to give prior notification to the Open Access Contact Centre when shooting was required up to a maximum of 156 days pa. The applicant appealed against this decision on both the extent and duration.

The inspector took into account evidence presented on usage and the area to which the direction should apply. He decided that a permanent exclusion was necessary and that the direction should extend over the whole of the site.

As directed by the appeal decision, the PDNPA made a new direction in 2005 to restrict CROW access under section 24 and 25(1)(b) of the Countryside and Rights of Way Act in 2004, in order to prevent danger to the public from clay pigeon shooting and to allow the land to continue to be managed without undue cost or burden upon the landowner.

3. SUBMITTING COMMENTS ON THE REVIEW:

Reference:	Comments to:
Top Field, Crowden – 2014117473	sue.smith@peakdistrict.gov.uk

If you wish to comment on the review of this direction then please do so before **20 March 2015**.

Maps accompany this notice and are attached and can be seen on the [Consultation Pages](#) of the Government's Website (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).