

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

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS

Prepared by Natural England

**Access Authority:** Northumberland County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Northumberland

Land Parcel Name	Original Direction Ref.	Details of restriction on original direction	Reason for Exclusion
North of Coanwood Common	2008100116	Keep dogs to a short lead between August 1 <sup>st</sup> and 31 <sup>st</sup> each year (until 2016).	CROW s26: Nature Conservation

The Relevant Authority, Natural England, has now decided how to proceed following its review of the above direction to restrict CRoW access. The final decision is to extend the current restriction and make a change to the direction end date; to extend the national restriction by requiring users to keep dogs to a short lead between August 1<sup>st</sup> and 31<sup>st</sup> each year for nature conservation purposes.

An initial consultation has already been held with statutory consultees and the general public. This consultation period ended on January 30<sup>th</sup> 2015. Following that consultation, Natural England received feedback from Northumberland County Council and the Ramblers.

In summary:

- Northumberland County Council reported that public use in this area is very low and questioned the level of resource required to manage the restriction against the benefit in terms of nature conservation. However, following information received from GWCT Northumberland County Council had no objection to a continuation of the current restriction.
- The Ramblers welcomed the varying of the direction at the last review and if Black Grouse still use the site, they would support a continuation of the current direction restricting dogs to be on a short lead during August.

#### **Outcome of the Review**

##### a) Site Context

This site is at the northern limit of the North Pennines Black Grouse population and as such is of great importance to the future spread of Black Grouse to the north of the area.

##### b) Black Grouse

In 2005, the English Nature / Countryside Agency detailed assessment identified this particular site as having wintering Black Grouse present which are prone to human disturbance and particularly disturbance from dogs.

We have no current data on bird numbers on this site; however, the GWCT have indicated following the national survey, Black Grouse were found leking in this area. They have also indicated that this is still an important area for breeding birds, especially now that the birds in the Cheviots / Otterburn area have completely declined.

c) Current levels and patterns of use

There are no Public Rights of Way across the site.

Northumberland County Council, as the access authority, believes the nature of the terrain would generally deter use by the public on foot to this site.

d) What is the lowest level of restriction necessary?

The CRoW Act is clear in stating that in deciding whether a CRoW restriction is necessary, the Relevant Authority may give a direction if it is satisfied that the exclusion / restriction is necessary.

During the research the GWCT informed us that 90% of population in the North Pennines can be found concentrated in areas equating to only 5% of the total area (in Winter), making the current restricted site still important for the survival of the birds. They also pointed out that the availability of suitable habitats and management is also just as important as lack of disturbance.

The GWCT also informed us that Black Grouse are susceptible to climatic condition; the recent bad winters had seen a decline in Black Grouse numbers. However, GWCT considers that the numbers have recovered and are now stable in line with the 2005 levels. Even though the national survey was restricted to lek sites the SSSI Responsible Officer, from Natural England, for this site felt that this increase was evident on a number of known breeding / wintering sites across the North Pennines, but to get a true indication of numbers on this site more detailed monitoring needs to be undertaken.

The Responsible Officer has indicated that they believe the habitat is still favourable for Black Grouse; this view was supported by the GWCT. Therefore an assumption could be made that the numbers would be similar, if not higher, than reported in the English Nature Report given the increase in numbers across the North Pennines as a whole.

To help determine what action may need to be taken a set of default recommendations<sup>1</sup> to protect Black Grouse on CRoW Access land was published in 2005. We believe these recommendations to still be valid and have considered these recommendations as part of our decision making process.

Although we have no information on current bird numbers on this site, the default recommendations indicate that the Relevant Authority should consider the following restrictions at traditional breeding allotment sites:

- A dogs on short lead restriction from May 1<sup>st</sup> to August 31<sup>st</sup>, where no increase in access is anticipated: or
- A dogs on short lead restriction from May 1<sup>st</sup> to August 31<sup>st</sup> and access users excluded to linear routes, where an increase in access is anticipated.

Conclusion

Having considered the information gathered, Natural England, as the Relevant Authority, has concluded that the current direction is still required based on the following information:

- The site is still a recognised wintering site and important in the recovery of Black Grouse to the north of the area;
- There is a trend that bird numbers are returning to 2005 levels across the North Pennines;
- Due to the sensitive nature of this particular area, informal management measures are not sufficient to protect the vulnerable features;

---

<sup>1</sup> See Annex 1.

- The period from May 1<sup>st</sup> to July 31<sup>st</sup> is covered by the national restriction, under Schedule 2(4); and
- We do not believe there will be an increase in levels and patterns of access.

Natural England's decision is to vary the end date of the current direction to keep dogs to a short lead between August 1<sup>st</sup> and 31<sup>st</sup> each year to continue. As this is a short term restriction, i.e. it restricts access for less than six months continuously; a second round of consultation is not required.

**Summary of changes made to the existing directions:**

Land Parcel Name	Details of restriction on original direction	New details of restriction
North of Coanwood Common	Keep dogs to a short lead between August 1 <sup>st</sup> and 31 <sup>st</sup> each year (until 2016).	Keep dogs to a short lead between August 1 <sup>st</sup> and 31 <sup>st</sup> each year (until 2021).

The current Relevant Authority Statutory Guidance states that long term directions should not be given for a period of more than 6 years. Therefore the original direction will be varied to have an end date of August 31<sup>st</sup> 2021.

Details of the restriction will appear on the relevant map of access land on the Open Access website - [www.openaccess.naturalengland.org.uk](http://www.openaccess.naturalengland.org.uk).

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 have a statutory duty to review it within five years of the date of its issue.

Date review completed: April 22<sup>nd</sup> 2015

## Annex 1

**CRoW Part 1: After Predicted Access Increase Default Recommendations to protect Black Grouse on Access Land (Final 18/07/05). Where impractical to meaningfully define lek sites or allotment lands flexibility, discretion and exceptions will apply.**

	<b>Traditional Lekking Sites<sup>1</sup></b>	<b>Breeding Sites</b>	<b>Wintering Sites</b>
<b>On Open Moorland</b>	<b>Access Excluded April-May inclusive</b>	<b>Access Management<sup>2</sup></b>	<b>No special action</b>
<b>Within Enclosed Allotment Land<sup>3</sup></b>		Traditional sites <sup>4</sup> : i) where no increase in access use is anticipated; dogs on short leads 1st May to 31st August ii) where an increase in access use is predicted (or results); dogs on short leads 1st May to 31st August <u>and</u> access users excluded to linear routes	Traditional wintering grounds with large aggregations of Black Grouse <sup>5</sup> : <b>Pre-emptive exclusion</b> of access 1 October to 31 March
		Occasional or new sites <sup>6</sup> : <b>Access Management</b>	Occasional wintering grounds: <b>No special action</b>

<sup>1</sup> Sites used for lekking, present annually.

<sup>2</sup> Focussing on existing Schedule 2 signs (or s23) restrictions on dogs

<sup>3</sup> Defined as enclosed, often walled, adjacent to but below the 'fell wall' some show evidence of partial improvement if only grazing & dunging by livestock. Often demonstrate the lower limit of heather (or other dwarf shrub), cover. Sheltered with good food supply (invertebrates & cotton-grass), also provide feeding & roosting opportunities when more exposed land is inaccessible due to adverse weather i.e. snow cover.

<sup>4</sup> Sites used for breeding (presence of eggs/chicks or 'nest' site or sustained pairing/courtship behaviour) present annually for at least the last 3 years.

<sup>5</sup> Sites occupied by minimum of 5 birds (smallest sites at about 5 ha), annually for at least 3 years.

<sup>6</sup> Sites which have demonstrated sustained occupancy for at least a 3 year period.