

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

### **NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED**

#### **LONG-TERM RESTRICTION OF CROW ACCESS RIGHTS**

##### **Prepared by Natural England**

**Case Reference Number:** 2014087360  
**Name of site/land parcel:** Gait Barrows National Nature Reserve (NNR)  
**Access Authority:** Lancashire County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Lancashire

Natural England, as the relevant authority, has now decided how to proceed following the consultation on its proposal to exclude access for people with dogs under Section 26 of Countryside and Rights of Way Act (CROW).

Our decision is to give a direction restricting CROW access in the way we originally proposed.

##### **Comments received during the consultation**

We received comments from the Lancaster Group of the Ramblers and the Ramblers during the consultation period.

- The Lancaster Group of the Ramblers welcomed the extension of CROW access to Gait Barrows and had no comments on the associated dog restriction; and
- The Ramblers supported the proposal and believed it is the lowest level of restriction necessary and in line with the Relevant Authority Guidance.

The direction to exclude dogs all year is to reflect on-going management for nature conservation reasons.

##### **Why is a restriction necessary?**

###### **Background**

Gait Barrows NNR lies within Morecambe Bay Pavements Special Area of Conservation (SAC), Gait Barrows Site of Special Scientific Interest (SSSI), Hawes Water SSSI and Thrang Wood SSSI. The NNR has over 460 species of vascular plant, 100 species of bird, 38 species of recorded butterfly and a variety of other vertebrate species which makes this site incredibly species rich for its size.

The areas of Hawes Water, Hawes Water Moss are managed as a refuge for breeding and overwintering birds. Hawes Water has small numbers of mallard and teal breed, while tufted duck, golden-eye, wigeon and pochard occasionally use the water for winter loafing. Shelduck still return in Spring to loaf on Hawes Water but no longer attempt to breed in the

wooded limestone pavements. Hawes Water Moss is a functioning reed swamp. It is now suitable for species like bittern and bearded tit, though neither of these species has yet been confirmed as breeding.

Marsh harriers have bred annually in Hawes Water Moss since 2004. Osprey sightings have become more frequent in the past five years, chiefly in early summer. In 2012 a pair were regularly seen in the vicinity of Leighton Moss, and were also recorded fishing in Hawes Water at this time.

There is a high density of breeding species like water rail, reed bunting, reed warbler and sedge warbler from the wetlands around Hawes Water and in Hawes Water Moss.

### **Access**

The NNR is crossed by several paths and public rights of way, which have always been popular and well used. This has significantly increased during the 1980s following the designation of the Arnside and Silverdale AONB and the publication of several guide books on the area. Leisure and tourism are a fast growing element in the area, and walking is very popular with holidaymakers.

In the past a permit was needed to go anywhere on the reserve, once the new rights commence the permit system will no longer be in operation. However, a permit system will still apply to the use of the car park. The car park can accommodate 8 to 10 cars.

There are three way-marked pedestrian nature trails on the reserve, which allow safe access to most features of the site. These are the Limestone Trail, the Yew Trail and the Hawes Water Trail. The Limestone Trail has been upgraded to accept Trampers and other motorised wheelchair type vehicle, and lies on the Arnside and Silverdale AONB Trumper Trail that links many sites. The Hawes Water Trail has been developed as an All-Access route and is suitable for wheelchair users and other less-able users.

Approximately 8,000 - 10,000 people visit the site each year. Many walk through the reserve as part of a longer walk but the site has a national reputation so visitors do come just to see the reserve itself, especially due to the lady slipper orchid.

No access is currently allowed into Little Hawes Water, Hawes water mosses or close to the edges of Hawes Water (there is a boardwalk along the eastern side allowing access and views of the water and bird interest).

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

We believe that following dedication, no new entrance points are likely to develop as a result of the dedication, a view shared by Arnside and Silverdale AONB and Lancashire LAF. Therefore we consider that there is no known demand for people to access the site from anywhere other than the existing entrances.

The site is very well served by paths and tracks. There is no evidence of demand for additional access by the public and most visitors stay on the paths provided. Experience of managing open access elsewhere in the country leads us to believe that patterns of use will not change over the majority of the site after dedication. The existing promoted trails and trumper trails will continue to be the way most people use the site

CROW access includes the right to bring dogs to the site; however, while people have been able to access the site on foot, dogs have always been excluded apart from on Public Rights of Way. Dog use on other sites in the area is high and, anecdotally, is increasing. It is likely that the site would have a high number of dog walkers following dedication

An Access and Sensitive Features Appraisal (ASFA)<sup>1</sup> looking at the likely effect of introducing open access onto the site was undertaken. This assessment concluded that, while it is hard to qualify whether the presence of dogs across the site will have a significant effect on individual species, cumulatively it seemed very likely that the presence of dogs will affect the overall conservation value of the site and therefore restricting access for dogs is necessary to mitigate against the potential effects on the nature conservation value of the site.

Accordingly Natural England, as the relevant authority, proposes to exclude people with dogs from the area shown on the attached map each year to assist in maintaining the overall integrity of the site within the context of the NNR Management Plan and the wider AONB Management Plan.

### **Conclusion following Consultation**

Having considered information gathered during the nature conservation assessment on this site and gained further understanding of levels and patterns of access use, Natural England has concluded that a restriction to exclude access for people with dogs from the area shown on the attached map, each year, is necessary for the following reasons:

- A 'dogs on lead' restriction, in conjunction with a seasonal exclusion is not sufficient to meet the level of mitigation required by the ASFA; and
- to assist in maintaining the overall integrity of the site within the context of the NNR Management Plan and the wider AONB Management Plan.

A copy of the direction is enclosed for your information. Details of the restriction will appear on the relevant map of access land on the Open Access website at <http://www.naturalengland.org.uk/openaccess>.

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 are obliged to review it within five years of the date of issue.

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<sup>1</sup> This appraisal meets Habitat Regulation requirements in assessing impacts and in line with Natural England's duty under CROW as the Relevant Advisory body on nature conservation. This was carried out in partnership with the Responsible Officer (the Natural England officer responsible for the Site of Special Scientific Interest).