

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

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

**SUMMARY FOR PUBLIC CONSULTATION**  
Prepared by Natural England

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

**Access Authority:** Hampshire County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** New Forest Local Access Forum

**Original direction reference:** 2007020060

<b>Land Parcel Name:</b>	<b>Details of restriction on original direction</b>
<b>Bickerley Common</b>	<b>Land excluded for nature conservation annually except September</b>

Natural England has begun a review of the above long term direction in accordance with statutory guidance (see Annex One). A consultation has been held with statutory consultees and the general public that sought views on the existing direction[s].

We received the following feedback in regard to the current restriction:

**The Ramblers Association** - *The Ramblers does not feel that the current direction should continue as it is based on outdated information, namely the pre CRoW commencement assessment of expected changes in the levels and pattern of public use of the site. These have been found to be wrong in mainly cases and numbers of users have been lower than predicted.*

*We point the relevant authority towards the guidance which reaffirms that it should ensure that the type of restriction selected fits the actual need and always consider what types of access can be allowed to continue during the restriction period while still meeting the nature conservation.*

*Continuing with the current direction would be precautionary and so not meet the least restrictive option test or be in line with the relevant authority guidance.*

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After due consideration, and added to fact the management has not changed and the sensitive features continue to exist on site, **Natural England now proposes to vary the direction by extending it for a further 6 years.**

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
Full exclusion at all times for nature conservation: 01/10/2009 – 30/09/2015	Full exclusion annually between 1 <sup>st</sup> October & 31 <sup>th</sup> August: Until 2021	nature conservation

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

<p><b>i) Summary of proposal</b></p> <p>Access is excluded at all times (except during September) on the area south of the footpath on Bickerley Common. This is for nature conservation purposes.</p>
<p><b>ii) Why is a statutory restriction necessary?</b></p> <p>There has been no change in the circumstances which would deem the direction no longer necessary</p> <p>The site is within the Avon Valley SSSI and River Avon (Hampshire) SPA, and is an important wet grazing meadow site with specific sensitivities for ground nesting birds and over wintering bird assemblage.</p> <p>Due to the relatively small size of the site Natural England feel that the only way to continue to manage the nature conservation concerns is to exclude access for the period described above.</p> <p>Bickerley Common has breeding Lapwing each year and Redshank may start to breed here too (they have been interested for a year or two). These are notified features of the SSSI. Any human (or dog) presence at the site during the breeding season (1<sup>st</sup> March through to 1<sup>st</sup> August), even on a perimeter path, would almost definitely preclude these birds from breeding and would thus go against our objectives for the Avon Valley SSSI. The exact same issues apply during the winter feeding season (1<sup>st</sup> October through to 1<sup>st</sup> April).</p> <p>The nature conservation interests are being met by the restriction in a way that no lesser restriction would achieve, and as would not be possible by any access management solution.</p>
<p><b>iii) What is lowest level of restriction required?</b></p> <p>Due to the sensitivities to the species of bird on site a full exclusion to the site is necessary. We appreciate that the Relevant Authority Guidance suggests that having a dog exclusion is the lowest form of restriction required.</p> <p>However, having had advice from the responsible officer that that downgrading the restriction to allow access for walkers on the site will have a likely significant effect on</p>

the sensitive features on such a small site, it seems prudent to extend the direction as is for a further 6 years and review at the next statutory deadline (5 years).

During the determination we looked at whether there was a possibility of downgrading the restriction to allow walkers on site, either in removing the exclusion or introducing a perimeter path (There is no opportunity for a linear route exiting the site on the southern boundary, due to the various Avon tributaries that encircle). For the reasons mentioned above we felt that we need to retain the full exclusion.

#### **iv) Additional supporting information**

It is noted that due to location of the site, there is very good access in other areas close to Ringwood. There is also a ROW to the north of the site which is on a disused railway embankment. This gives excellent views over the site and provides birdwatchers a natural viewing platform.

### **3. SUBMITTING COMMENTS ON THE REVIEW:**

If you wish to comment on the review of this direction then you must do so before 9<sup>th</sup> April, directly to:

Rob Morris  
Natural England  
Spur 6 Block B Government Buildings  
Whittington Road  
Worcester WR5 2LQ

[robert.morris@naturalengland.org.uk](mailto:robert.morris@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.

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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.

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.