

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION(S)

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Kent County Council
Relevant Authority: Natural England
Local Access Forum: Kent LAF

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Stodmarsh NNR	2015067839 & 2015067840

This is in line with the relevant authority's statutory duties (see Annex 1).

Your views on the current direction are sought to assist Natural England 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 for the original purpose.

The relevant authority may decide to revoke the direction or that no change to the extent and/ or nature of a direction except the end date is necessary. In which case a Consultation Outcome Report will be published on the [Consultation Pages](#) of the Government's website¹.

If the relevant authority decides to vary the extent or nature of a restriction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

¹ 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.

2. SUMMARY OF EXISTING DIRECTION(S)

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Stodmarsh NNR	2015067839	06/02/2016 – 06/02/2021 365 days a year	Nature Conservation
Stodmarsh NNR	2015067840	06/02/2016 – 06/02/2021 1 st October and 31 st July.	Nature Conservation

Natural England made this long-term direction on **05/02/2016**.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from robert.morris@naturalengland.org.uk

Stodmarsh NNR is owned and managed by Natural England. The site is designated as a Site of Special Scientific Interest (SSSI) with much of the site also designated as a Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. There is existing access along 6km of linear Rights of Way (ROW) within the NNR including a promoted route (Stour Valley Way). Visitors can also make use of hides to view birds and other features. The majority of the site (other than a small area of grazing marsh to the north and the existing network of ROW) is largely inaccessible other than by boat.

The site is of particular importance for its breeding bird assemblage, notably for breeding (and wintering) Bittern and breeding Marsh Harrier. Bittern nest in reed beds on site and use the river Stour to fish. They are known to be sensitive to disturbance. Access adjacent to reed beds – especially on raised banks – may therefore result in displacement of both breeding and wintering birds. Marsh Harrier also breeds at Stodmarsh. Around 60% nest in reed beds which are often very small in extent and therefore particularly vulnerable to disturbance from adjacent activities.

The NNR is also important for the matrix of wetland habitats found on site and its invertebrate assemblage (including the internationally important Desmoulin's whorl snail). Providing access without any form of restriction throughout the site

is likely to have a detrimental impact on habitats and a significant effect on overwintering bittern and the nesting and breeding patterns of both bittern and marsh harrier.

In 2015, an Access and Sensitive Feature Assessment (ASFA) was carried out as part of the original dedication process. This assessment provided evidence as to why the direction to restrict is necessary.

'If the site is opened up for access on foot under CROW S16 it is likely to change the use of the site as there is the likelihood of accessing parts of the reserve that are dangerous to walk on These include reed beds, lakes, lagoons and wet grazing marshes.

Due to the sensitive features on site, the introduction of access on foot would have a detrimental effect on habitat and would likely cause disturbance to the sensitive species that use the site for breeding and overwintering.

The introduction of access throughout the site is likely to have a significant impact on the nesting and breeding patterns of Bittern and Marsh harriers. A proposal to restrict access to no dogs and visitors to keep to marked paths and ROW would decrease the impact.

Having recently discussed the direction with the reserve management team and site responsible officer, the nature conservation concerns as outlined above have not changed and it was felt the direction was still appropriate to manage access on the site.

In order protect sensitive habitats and avoid disturbance of SPA and SSSI species, it is still considered necessary to exclude dogs and restrict access to marked routes and PROW within the red hatched area 365 days a year and between 1st October and 31st July in the blue hatched area. (As depicted on the accompanying map.) Therefore, it is likely we will vary the directions to extend for a further 6 years.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before **26/10/2020** directly to Robert.morris@naturalengland.org.uk

A map accompanies this notice and can be seen on the [Consultation Pages](#) of the Government's website².

² 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.

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 will summarise all responses and place this summary on [the Government's consultation website](#). This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

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 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, the relevant authority 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 the extent or nature of a restriction, the relevant authority will issue a new direction under the same section and direction number 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, we will record the date that the decision was made.

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.