

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: Hampshire

Relevant Authority: Natural England

Local Access Forum: Hampshire Countryside Access Forum

Natural England is about to review the following direction:

Land Parcel Name:	Open Access or England Coast Path	Direction Ref.	Dates of restriction/ exclusion on existing direction:	Reason for restricting/ excluding access
Bickerley Common Avon Valley SPA	Open Access	2007020060	01/04/2020 - 30/10/2026	CROW section 26 No Public Access – Sensitive Wildlife

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 the original purpose, and if so, whether the extent and nature are 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 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 the restriction a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

2. SUMMARY OF EXISTING DIRECTION

Natural England made this long-term direction on 01/04/2020.

The short summary below gives the background to the direction. This should be read in conjunction with the other documents available as part of this consultation. Further information is available from Rob Morris – email restriction.representations@naturalengland.org.uk or telephone 02080260915.

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. Due to the relatively small size of the site Natural England feel that the best way to continue to manage the nature conservation concerns is to exclude access for the period described above.

Bickerley Common has breeding Lapwing each year and Redshank may start to breed here too. These are notified features of the SSSI. Any human (or dog) presence at the site during the breeding season (1st March through to 1st 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 (1st October through to 1st April).

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.

There are sometimes grazing cattle on site too, so we are reiterating the requirement for walkers with dogs to adhere to the general restrictions given in Schedule 2 of the Act, that require dogs to be kept to a short lead when livestock is present.

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.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction, then you must do so before 28th February directly to Rob Morris – email; Restriction.representations@naturalengland.org.uk or telephone 02080260915.

A map accompanies this notice and is attached and/ or can be seen on the [Consultation Pages](#) of the Government’s website².

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/ exclusion 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

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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.