

## **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:

<b>Land Parcel Name:</b>	<b>Direction Reference:</b>
Bickerley Common Avon Valley SPA	<b>2007020060</b>

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 may decide 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 Website<sup>1</sup>.

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.

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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.

## **2. SUMMARY OF EXISTING DIRECTION(S)**

<b>Land Parcel Name:</b>	<b>Direction Ref.</b>	<b>Dates of restriction on existing direction:</b>	<b>Reason for Exclusion</b>
Bickerley Common Avon Valley SPA	2007020060	Access is excluded 1 <sup>st</sup> October to 31 <sup>st</sup> August annually	Protect sensitive wildlife

Natural England made this long term direction on 14/04/2015.

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 Rob Morris – email; [Robert.morris@naturalengland.org.uk](mailto:Robert.morris@naturalengland.org.uk) or telephone **02080260915**

*Bickerley Common, part of the Avon Valley SPA and attracts various bird species of national and European significance on site, namely (over- wintering) Bewick's swan, gadwall, white fronted goose, wigeon, teal, shoveler, golden plover and black tailed godwit, and (breeding) lapwing, redshank, snipe, Cetti's warbler, kingfisher, and little ringed plover. There was also concern as to the habitat, deemed sensitive to trampling and eutrophication.*

*The nature conservation assessment concluded that there could be a sufficient change in the levels and pattern of public use of the site which could cause a potential impact on the specified features of nature conservation interest. Prior to CROW access there was some informal access by locals to the site, with and without dogs. The valley is private land crossed by very few rights of way, so access was not then of real concern.*

*It was deemed unlikely that informal management solutions would be sufficient to address these concerns and that a statutory restriction to exclude access when the birds were present – ie before the wintering birds arrive but after any chicks have fledged and left the nest – was necessary.*

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

If you wish to comment on the review of this direction then you must do so before 20<sup>th</sup> March 2020 directly to Rob Morris – email; [Robert.morris@naturalengland.org.uk](mailto:Robert.morris@naturalengland.org.uk) or telephone **02080260915**.

## **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 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 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 a direction in any way (type, extent or date), the relevant authority 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, the relevant authority 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.