

Countryside and Rights of Way (CROW) Act 2000
REVIEW OF STATUTORY DIRECTION

SUMMARY FOR PUBLIC CONSULTATION
Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Case Reference Number: 2016018022
Name of site/land parcel: Delacroix, Suffolk Coast NNR
Access Authority: Suffolk County Council
Relevant Authority: Natural England
Local Access Forum: Suffolk Local Access Forum

Natural England is reviewing the direction referenced above. 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 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.

2. SUMMARY OF EXISTING DIRECTION

| Location | Type of restriction | Purpose of restriction | Grounds & relevant section of CROW | Duration |
|-------------------------------|----------------------------|-------------------------------|---|-----------------|
| Delacroix, Suffolk Coast NNRs | Exclusion | Sensitive wildlife (avocet) | Nature conservation 26(3)(a) | All year |

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.

Natural England gave this long term direction on 5 February 2016.

In 2015, Natural England dedicated land that it owns under Section 16 of the Countryside and Rights of Way Act. The land is situated in the vicinity of Walberswick, and forms part of the Suffolk Coast National Nature Reserve (NNR), and the new access rights commenced 7 February 2016.



Raised bank at Delacroix - photo taken 14 November 2015

There is a raised bank on the boundary of our land between Delacroix and Tinker's Marshes which on appearance would provide an attractive link from the footpath on the estuary back between the reedbeds, then across the meadows towards the footpath at Tinker's House. However, the reedbeds adjacent to this raised bank on either side provide a crucial area for nesting and wintering avocet, and the proximity to the bank make the birds vulnerable to disturbance from people and dogs.

The breeding and overwintering avocet on Delacroix and Tinker's Marshes are a notified feature under the Minsmere-Walberswick SSSI, SPA and Ramsar designations. Subsequently, the dedication of this land was approved by the Responsible Officer on the understanding that the new CROW access rights would not have a detrimental impact by creating disturbance to the breeding and wintering avocet.

The birds are present during the overwintering season from the beginning of October until the beginning of March, and during the breeding season from the beginning of March until end of July. To ensure disturbance to the birds is avoided, and to provide a consistent message to access users, we gave a year

round exclusion of CROW access rights along this bank under Section 26(3)(a) of the CROW Act for the purpose of nature conservation. The exclusion came into effect when the new access rights commenced on 7 February 2016.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction you must do so by 7 December 2020 directly to Sarah Haigh, via email to sarah.haigh@naturalengland.org.uk. A map accompanies this notice and is attached, and 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 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.