

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

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS RIGHTS

Prepared by Natural England

**Name of site/land parcel:** Delacroix, Suffolk Coast NNRs  
**Access Authority:** Suffolk County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Suffolk Local Access Forum

Land Parcel Name	Direction Reference	Details of restriction on original direction
Delacroix, Suffolk Coast NNRs	2016018022	Direction given under Section 26(3)(a) of the CROW Act for the purpose of nature conservation, excluding access all year round to protect sensitive wildlife from disturbance.

Natural England has now decided how to proceed following its review of the long-term direction to restrict open access rights on this land. Suffolk County Council and Suffolk Local Access Forum responded with no objection to this direction.

#### **Outcome of the review**

Natural England's decision is leave the original direction unchanged in the way it was originally proposed and extend the end date for a further six years.

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.

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 Senior Reserve Manager (SRM) has confirmed that the birds are still 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. The SRM and the Responsible Officer for Minsmere-Walberswick SSSI have both confirmed their support for the existing exclusion to continue.

Natural England's policy for long-term directions is that they should not be given for a period of more than six years. Therefore the direction is given to an end date of 26 February 2027.

Details of the restriction appear on the relevant map of access land on the Open Access website - [www.openaccess.naturalengland.org.uk](http://www.openaccess.naturalengland.org.uk).

Where a direction restricts access indefinitely, for more than five years, for part of every year, or for part of at least six consecutive years, we have a statutory duty to review it within five years of the date of its issue.

Date review completed: 26 February 2021

## Guidance on what to include in the justification for the direction

- Begin with a clear statement explaining what your decision is and why any direction is necessary (i.e. ‘...it is necessary to restrict CROW access to this extent to prevent danger to the public and to avoid disruption to the established patterns of shooting on the land’). If this is different to the original direction, explain how it is different and the reasons for this.
- Summarise why the direction has been given and why other alternatives, e.g. the applicant’s use of discretionary rights under s22 or informal management, were not considered appropriate. If the proposed direction was different from application then explain why. For example:

*“We considered whether as an alternative it might be practicable to exclude the public only at times when a red flag was flying to indicate that shooting was in progress on the land.*

*However, we received legal advice that the effect of the wording used in sections 24 and 25 of the Act is that such an arrangement would amount to an “outline direction” scenario, and would therefore require prior notification of all such restrictions on every occasion they were to be imposed.*

*The shooting club has a large membership and in our judgment, such prior notification would be impracticable because of the very frequent and ad hoc nature of members’ use of the site for shooting without any prior booking system”.*

- Try to summarise responses to consultation (how many responded; brief overview of comments – did consultees support the direction? If not, were there any common objections to the proposal? (NB avoid trying to deal with every single issue that may have been raised.) If so, explain why those concerns a) had already been considered or b) did not affect the outcome of our decision.