

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTIONS – PROPOSED CHANGE TO EXISTING DIRECTIONS

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

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

Original direction references: 2006120055 and 2006120054

Case reference and land parcel name:	Details of restriction on original direction
2006120055: Dersingham Bog – North (Dersingham Fen)	Dogs on short leads all year to protect ground nesting birds and winter-roosting raptors
2006120054: Dersingham Bog – South (Wolferton Fen)	Dogs on short leads from 1 February to 30 September each year to protect ground nesting birds

Natural England has begun a review of the above long term directions in accordance with statutory guidance (see Annex One). A consultation has been held with statutory consultees and the general public that sought views on the existing directions.

We received feedback from the Open Spaces Society, The Kennel Club and 6 individuals.

The Open Spaces Society and 5 of the individual responses supported the existing restrictions. One individual response commented on the site's conservation management, which is outside the scope of this consultation.

The Kennel Club responded with a number of queries about the restrictions and the management of the NNR as a whole. This highlighted a need to provide more context on the management of the reserve, and has also prompted us to reconsider our approach with CROW restrictions.

The perimeter of Dersingham Bog National Nature Reserve (NNR) is fenced, creating a single parcel of land (outlined in blue on the consultation map). This parcel of land broadly has three zones, known as Sandringham Warren, Wolferton Fen and Dersingham Fen. Wolferton Fen and Dersingham Fen are

predominantly mire and heathland and have CROW access rights, and are named within this consultation respectively as Dersingham Bog south and Dersingham Bog north. Sandringham Warren is predominantly woodland and has no CROW access rights, but does have permissive access, requesting visitors to keep dogs on leads all year round. There are no boundaries separating the three zones.

The NNR is grazed year round by a herd of Galloway cattle (bull, cows, calves), which have access to the entire site.

There is a national restriction on CROW access land to keep dogs on leads in the vicinity of livestock. There is also a national restriction on CROW access land to keep dogs on leads between 1 March and 31 July each year to protect breeding birds.

Breeding woodlark are present on Dersingham Fen and Wolferton Fen (north and south sections of CROW access land) between 1 February to 30 September each year, whilst breeding nightjar are present from late April to 30 September each year. As with other ground nesting birds, woodlark and nightjar are vulnerable to disturbance from access, and particularly susceptible to disturbance from dogs.

Winter-roosting raptors (including hen harrier and merlin) are present on Dersingham Fen (north section of CROW access land) between 1 October to 31 March each year, and are vulnerable to disturbance from access. The NNR manager has advised us that where winter-roosting raptors are present on Dersingham Fen, the pattern of visits by people both with and without dogs is along the adjacent track, which is tolerable. However, any additional access further into the roost site by dogs off leads would cause disturbance, and so the dogs on leads restriction avoids such encroachment on this sensitive area.

In summary this means there is wildlife susceptible to disturbance from dogs off lead on the site for 12 months of the year. Additionally, whilst the herd of cattle is relatively small, it has free reign across the site, and there is no predicting precisely where they might be from day to day. Often the herd is dispersed, with individuals scattered across the whole site. This means we cannot rely solely on the general restriction around livestock to provide the necessary protection for the sensitive wildlife on the site.

With no boundaries other than the perimeter fence, for clarity we must treat the two areas of CROW land as one, and apply the restriction to keep dogs on leads across the whole area of CROW land. This will also back up existing signage on site advising people to keep their dogs on leads, and the advice provided to visitors from staff and volunteer wardens on site.

Natural England now proposes to extend the area and the period of the restriction to keep dogs on leads year round on all of the CROW access land at Dersingham Bog. As both the north and south sections of CROW access land will have the same restriction, we will combine the two directions into one.

As we have decided to change the area of the year round restriction and extend end date of the restriction within the direction (and are still proposing to make a long term direction) we are obliged to undertake a further round of consultation.

2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS:

Details of restriction on original direction:	Proposed details for new direction	Reason for proposed direction
2006120055: Dersingham Bog – North (Dersingham Fen) Dogs on short leads all year to protect sensitive wildlife until 28 February 2018	2006120055: Dersingham Bog (Dersingham Fen & Wolferton Fen) Dogs on short leads all year until May 2023	Direction to be given under section 26(3)(a) for Nature Conservation, to protect ground nesting birds and winter roosting raptors.
2006120054: Dersingham Bog – South (Wolferton Fen) Dogs on short leads from 1 February to 30 September each year to protect sensitive wildlife until 30 September 2018	2006120054: To be revoked	n/a

We must still review the direction no later than five years after its anniversary (or from the date of the last review).

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of this direction then you must do so by 8 May 2017 directly to Sarah Haigh, email: 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 Website¹.

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

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.

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 relevant 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, it 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), it 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, 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.