

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTIONS RESTRICTING CROW ACCESS RIGHTS

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Access authority: Norfolk CC
Relevant authority: Natural England
Local access forum: Norfolk Local Access Forum

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 until 28 February 2018
2006120054: Dersingham Bog – South (Wolferton Fen)	Dogs on short leads from 1 February to 30 September each year to protect ground nesting birds until 30 September 2018

Natural England has now decided how to proceed following its review of the above mentioned long-term directions to restrict CROW Access rights on this land. A second consultation has been held between 24 April and 8 May 2017 with statutory consultees and the general public, and we only received comments from the Kennel Club

In summary, the Kennel Club recognised that the new proposal is more restrictive but agrees that it is better in terms of good management given the actual management situation on the ground. However the Kennel Club raised concerns that we were not applying the least restrictive option. Following on from advice from the Senior Reserve Manager and the Responsible Officer for the SSSI for this particular site (acting in their capacity as Relevant Advisory Body on nature conservation under CROW) we are still of the view that the restriction is necessary to protect ground nesting birds and winter roosting raptors, and because of the lack of clear boundaries on site we need to extend the dogs on leads restriction across the whole area of CROW land.

Summary of circumstances (from previous consultation)

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 manger 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.

Outcome of the review:

Natural England's decision is to vary the direction case reference 2006120055, and to revoke the direction case reference 2006120054. The effect of this is will be a restriction to keep dogs on leads across the whole site year round.

Natural England's policy for long term directions is that they should not be given for a period of more than 6 years. Therefore the original direction will be varied to have an end date of 9 May 2023.

Summary of changes made to the existing directions:

Details of restriction on original direction:	Details of restriction for new direction	Reason for 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 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: Revoked	n/a

Details of the restriction will appear on the relevant map of access land on the Open Access website - 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: 9 May 2017