

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

### **NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTIONS EXCLUDING OPEN ACCESS RIGHTS**

**Prepared by Natural England**

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**Access authority:** Durham County Council  
**Local access forum:** Durham Local Access Forum  
**Case numbers:** 2015107941 & 2019018802

<b>Land Parcel Name:</b>	<b>Open Access or England Coast Path</b>	<b>Case numbers</b>	<b>Dates of exclusion on existing direction</b>	<b>Reason for excluding access</b>
Derwent Gorge and Muggleswick Woods National Nature Reserve (NNR) x2	Open access	2015107941 2019018802	A maximum of 10 days from November 1 <sup>st</sup> to February 1 <sup>st</sup> each year x2	CROW sections s25(1)(b): Public Safety & s24: Land Management - disturbance to quarry

Natural England, as the relevant authority for restrictions and exclusions under the CROW Act, has now decided how to proceed following its review of the directions to exclude open access rights on this land.

A consultation was held between 21st January – 4th February 2025 with statutory consultees and the general public. We received feedback from the NNR Senior Reserve Manager, the Land Agent of the shooting tenants, and members of the public.

The NNR Senior Reserve Manager informed us that since the last review of this direction, in 2019, there are higher level of access at the NNR with visitors using Public Rights of Way, established tracks and paths, and increasingly open access land. The NNR staff are not aware of any issues arising, on the site, on shoot days.

The land agent acting on behalf of the shooting tenants informed us that the shoot is still active and that the restrictions work well in practice and he has confirmed that signs will be put in place to notify the public when a shoot is occurring although he did inform us that signage was erected in the past and on numerous occasions has been removed. He also confirmed that estate staff are also present, while the shoot is occurring, to explain to members of the public why they must remain on the Rights of Way for their safety.

We received emails from members of the public concerned about shooting occurring on a NNR and also in support of the directions to help deliver a safe and sustainable shoot.

## **Outcome**

Natural England's decision is to leave the original directions (2015107941 and 2019018802) unchanged in the way they were proposed and extend the end date for a further six years.

In relation to the point raised by members of the public in connection to shooting being undertaken on NNRs, we noted these comments but they are outside the scope of this review which is focused, solely, on the question of what is the least restrictive way to manage access while the shoot occurs to prevent danger to the public and disruption to the shoot.

As noted in previous reviews Natural England's ownership within the NNR does not include the sporting rights, these were retained by the previous landowner, and therefore we do not facilitate this activity, but have to accommodate. In addition, Natural England do not own the full extent of the NNR, in which shooting also takes place.

### Case Number 2015107941 – public safety s25(1)(b)

Natural England concludes that an exclusion under s25(1)(b) is still required on the days that shooting takes place.

The Statutory Relevant Authority Guidance (Criteria Set 18.2) is clear in that shooters must assume that members of the public may be present and take all necessary precautions, even at times when they are unlikely to encounter visitors.

However, people using shotguns should be able to see the whole area where their shot could fall and must not shoot if anyone enters that zone of risk. As a consequence, restrictions to prevent danger to the public are only necessary where shooter's views

over the area of risk are obstructed. The area of risk will depend on sightlines in the direction(s) of fire, and the gun and ammunition used.

Due to the topography of the NNR, the tree cover, and increasing levels of access Natural England consider that the circumstances warrant a continuation of this outline direction under s25(1)(b) for up to 10 days from November 1st to February 1st each year and as guided by the Statutory Relevant Authority Guidance considers this to be the least restrictive option available.

#### Case Number 2019018802 – land management s24

On looking at the evidence provided, Natural England concludes that an exclusion under s24 is still required the day before a shoot to prevent disturbance to the quarry.

The Statutory Relevant Authority Guidance (Criteria Set 18.1) states that the least restrictive option usually is that dogs should be kept to leads from noon the preceding day. However, due to the topography of the NNR and the tree cover we considered that if the game was disturbed in the preceding 24 hours it would be impractical for the game keeper(s) to recover the quarry or relocate the shoot before it took place. Therefore, the least restrictive option in this case is a total exclusion for the full day before each shoot on the basis that it would help the gamekeeper(s) manage the situation more efficiently.

Consequently, Natural England considers that the circumstances warrant a continuation of this outline direction under s24 for up to 10 days from November 1st to February 1st each year. This direction is to be used in conjunction with the exclusion under case number 2015107941, in that it will exclude access on the day before a shoot.

The direction will be extended from 13th June 2025 to 13<sup>th</sup> June 2031.

Details will appear on the Open Access website when the direction is in force:

[Natural England - Open Access & Coastal Access Maps](#)

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, Natural England has a statutory duty to review it within five years of the date of its issue.

Notes:

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