

Countryside and Rights of Way (CROW) Act 2000:

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED LONG-TERM RESTRICTION OF CROW ACCESS

Prepared by Natural England

Case reference number:	2016118277
Name of site/land parcel:	Dungeness NNR (NE freehold)
Grid reference:	608407, 120404
Access authority	Kent
Local access forum:	Kent LAF
Consultation began:	12/02/2016
Consultation ended:	12/01/2017
Date of direction notice:	07/02/2017

Natural England has now decided how to proceed following its consultation about its proposal to exclude under section 26(a) of CROW] on this land. The relevant authority's decision is to give a direction restricting CROW access in the way it originally proposed.

The proposed direction will exclude restrict access to only existing PROW on the site 365 days a year. We will restrict access on the NE NNR Freehold in alignment with the measures agreed for the seaward margin of the approved Coastal access proposals. The restriction (full exclusion except for ROW) will be monitored for two years to ascertain whether it is maintaining site integrity.

To mitigate the likely significant effect that could be seen on site it has been agreed by both the site responsible officer and the access case officer that the land to be dedicated should be managed in exactly the same way that the coastal margin (all land seaward of the proposed England Coast path). Therefore the NE freehold part of the NNR will be dedicated, but will be restricted annually for two years. A review will be conducted after 2 years to assess the effectiveness and necessity of the direction. The direction to restrict will be in the form of no public access except on existing ROW for the purposes of sensitive wildlife under CROW s26.

This is because; NNRs are defined areas of land and they are an attraction for visitors. They represent the best examples of a particular habitat in the country and their purpose is enshrined in law. They are defined as:

- *Land managed solely for a conservation purpose, or .*
- *Land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.*

This part of Dungeness NNR is owned and managed by Natural England. The site is designated as a Site of Special Scientific Interest (SSSI) with much of the site also designated as a Special Protection Area (SPA) and Special Area of Conservation (SAC). During the dedication process an Access on Sensitive Features Appraisal was carried out to ensure European habitats directives regulations were adhered to. The findings from the ASFA can be found here:

The NE freehold area of the Dungeness site is approximately between 5 & 10% of the total of the rest of the NNR.

The rest of the reserve and features that would be classed as seaward of the road is and will continue to be where most access users will use.

- Dungeness SAC – Annex 1 PVSB habitat vegetated shingle succession is of particular interest at Dungeness. At this location there is excellent example of the lichen heath community that establishes on landward shingle ridges. This stage of vegetated shingle succession is only found at Dungeness due to the extent of exposed shingle which no other UK or European site displays.
- The main concern with pedestrian access across the sensitive habitat is that of trampling pressure. This can be of particular concern through the summer months when the vegetation has dried off and is vulnerable to being crushed underfoot
- Dungeness, Romney Marsh and Rye Bay SSSI all the above, including impacts on surface geomorphology, shingle ridge and trough system which is particularly well displayed at this location of the site. It displays the shingle ridge formation over an extensive area to the west and south.

We received one comment following the consultation from the Kent Ramblers association:

- *Our view is that the restrictions, on the basis that public rights of way are not affected, are acceptable. However, if you don't want people wandering over the affected area other than on the public rights of way, you need to make sure that the correct line of each right of way is very clearly waymarked not just within the affected area but to the west so that*

people enter the affected area at the correct points. At the moment there is a confusing network of tracks with some that are not rights of way being more obvious on the ground than those that are rights of way. It would be of benefit to all to have improved waymarking.

Details of the restriction will appear on the relevant map of access land on the Open Access website at 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 are obliged to review it within five years of the date of issue. This direction is for 2 years, before the end we will conduct an informal reassessment to see if the directions is still necessary.