

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

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW / REASSESSMENT OF DIRECTIONS RESTRICTING CROW ACCESS

*Prepared by Natural England*

**Access Authority:** Lancashire County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Lancashire

Land Parcel Name:	Direction Ref.	Dates of restriction / exclusion on existing direction:	Reason for Restriction / Exclusion
Gait Barrows National Nature Reserve (NNR)	2014087360	Exclude access to people with dogs all year round until November 18 <sup>th</sup> 2021	CROW s26: Nature Conservation
Gait Barrows National Nature Reserve (NNR)	2016018024	Total exclusion for up to 8 days from November 1 <sup>st</sup> to January 31 <sup>st</sup> each year until 2022	CROW s25(1)(b): Public Safety

Natural England has now decided how to proceed following its review / reassessment of the above directions to exclude open access rights on this land. A consultation was held between 11<sup>th</sup> May and June 6<sup>th</sup> 2020 with statutory consultees and the general public. We received feedback from the NNR Senior Reserve Manager and the Open Spaces Society.

In summary the feedback was as follows:

#### Case Number 2014087360 – Nature Conservation

- The Senior Reserve Manager (SRM) said: *“Since dedication, Gait Barrows NNR has had a no dogs policy, except on Public Rights of ways (PRoW), and so this practice is well embedded and mostly adhered to. Where it isn’t, we can refer to the dog restriction as justification for responsible dog management. We’re lucky to still be able to maintain decent breeding populations of woodcock (that have declined in other local reserves where dogs are frequent). We also have an active deer stalking regime on the reserve and so the stalkers appreciate only having to deal with dogs in small proportion of the reserve as it effects the behaviour of the deer. We’re also working in partnership with University of Cumbria and Peoples Trust for Endangered Species to re-introduce dormice (European Protected Species) next year. Hibernating dormice are also susceptible to disturbance from dogs, so another reason that we are keen to renew the restriction.”* He also asked the question on whether the time frame for the direction could be extended to 10 or more years (he is aware that it would need to be reviewed every five years in line with the legislation).
- The Open Spaces Society (OSS) said: *“The OSS has no objection, in principle, to continuing the restriction on access for people with dogs. We are aware of the problems that can be caused by dogs on ground animals as well as the trampling of plants by dogs running off the network of paths. What does concern the OSS is NE’s lack of resources to be able to monitor and appropriately enforce the restriction despite the good will of the staff. This has led to regular abuse of the restriction and there is the real danger that the restriction will be academic rather than effective.”*

#### Case Number 2016018024 – Public Safety

- The SRM and the NNR land agent both considered that this restriction related to the exercising of 'rough shoot' rights across that part of the reserve retained by the previous owners rather than as part of the active deer stalking regime on the reserve. The reserve was shut on the days that the previous owners indicated that they would be shooting but they haven't exercised their rights for some years now and are unlikely to do so. It is likely that the rough shooting has now ceased. Therefore it was considered that it is probably unnecessary to continue with this restriction.
- The OSS said *"The OSS have watched the position of this over the years and have previously discussed the matter with former staff on the site. We are, however, unaware that there had been any problems during the last winter season that were sufficient to raise concerns about potential safety issues. The OSS understand the need for deer control, not least the non-native Fallow Deer, on the site but understand this is a separate issue from the shooting tenancy. Obviously the safety of the public is a paramount consideration. Firstly we would ask about the need to continue the tenancy given the potential for damage to the wildlife of the site. The 8 shooting days are in the quieter, less well used by the public times of year. However, it is the time when migrant birds from Scandinavia (mostly Fieldfare and Redwing which are occasionally followed by Goshawk) are present on the site. The disturbance of these birds and potentially other wildlife should, on a NNR, be the paramount consideration and it is our view that the priority should be that the tenancy should be reviewed. We are aware of other significant opportunities for shooting in the area around the NNR. Secondly there is a problem with signing such restrictions. Most people enter the site via PROWs and this is where the closed days for access were previously displayed. This has led to problems for, especially, non-local people not fully appreciating and differentiating the PROWs and other track network and who turn up on those closed days and have to make significant decisions as to where they can safely walk. Indeed we strongly suspect that walkers have been deterred from using the PROWs on these closed days. We would request that further consideration be given to these issues prior to a decision being made on granting the Restriction."*

#### **Outcome of the review / reassessment:**

Natural England's decision is to leave the original direction 2014087360 unchanged in the way it was originally proposed and extend the end date as detailed below and to revoke the direction 2016018024.

#### **Case Number 2014087360 – Nature Conservation**

Natural England, as the Relevant Advisory Body, believe that the current restriction will support the conservation objectives of the NNR. Although it is hard to qualify whether the presence of dogs across the site will have a significant effect on individual species, cumulatively it seemed very likely that the presence of dogs will affect the overall conservation value of the site and therefore restricting access for dogs is necessary to mitigate against the potential effects on the nature conservation value of the site.

During the consultation the OSS raised concern around the management of the restriction. On speaking to the SRM it was acknowledged that there has been a noticeable increase in established 'desire lines' and routes through parts of the reserve following the introduction of open access rights. However, this is managed by thinking carefully about where to add infrastructure such as gates and stiles and location of fencing and walls etc. In addition site staff have also blocked some unofficial paths with brash in places to encourage people (and dogs) back onto the PRoW and official routes that are well maintained. They feel that the current management is working and that they do speak to people with dogs and remind them where they can go if in the restricted area / off the PRoW.

Since the introduction of the measures put in place by the Government and Natural England as a result of the coronavirus pandemic the site has seen an increase in use by people and people with dogs. The NNR team are not overly concerned at this stage as the NNR has had a no dogs policy (except on the PRoW) for a number of years and so this practice is well embedded and mostly adhered to. The SRM did acknowledge that some new desire lines may have developed and that signage is in need of a review across the site and this is planned to place once the team can get back on site.

We normally give directions for 6 years. However, in this instance the reason for the restriction is to support the conservation objectives of the NNR and therefore unlikely to change so we consider an appropriate lifespan for this direction to be 50 years. Therefore the s26 nature conservation direction will have an end date of 50 years from the date of issue. 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.

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

#### Case Number 2016018024 – Public Safety

Natural England as the Relevant Authority consider that this restriction is no longer necessary and it will be revoked. The shooting rights across the part of the reserve currently restricted on shoot days have been retained by the previous owners but information, from both the SRM and NNR land agent indicates that these rights have not been exercised for a number of years and are unlikely to be. This is reflected in the information on the call offs under the outline direction, in that no restrictions have been put in place since 2016.

Date review completed: June 19<sup>th</sup> 2020