

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTIONS

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Devon County Council
Relevant Authority: Natural England
Local Access Forum: Devon Local Access Forum

Natural England is reviewing the following directions, please note this consultation is being published for a second time:

Land Parcel Name:	Direction Reference:
Gittisham Hill	2017098517 and 2017108538

This is in line with the relevant authority’s statutory duties (see Annex 1).

Your views on the current directions are sought to assist Natural England in deciding whether the restrictions are still necessary for their original purpose, and if so, whether the extent and nature of the restriction is still appropriate for the original purpose.

The relevant authority may decide to revoke the direction or that no change to the extent and/ or nature of a direction except the end date is necessary. In which case a Consultation Outcome Report will be published on the Consultation Pages of the Government’s website¹.

If the relevant authority decides to vary the extent or nature of a restriction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

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.

2. SUMMARY OF EXISTING DIRECTIONS

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Gittisham Hill	2017098517	No Public Access Outline direction for up to 25 days per calendar year from 1 st October to 1 st February each year	Public Safety: s25(1)(b) to prevent danger to the public due to shooting on shoot days
Gittisham Hill	2017108538	Dogs to Leads Outline direction for up to 25 days per calendar year 1 st October to 1 st February each year	Land Management, s24, to prevent disturbance to game

Natural England made this long-term direction on 16 October 2017.

A short summary is provided below giving the background to these directions. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from Richard Thomas at Richard.Thomas@naturalengland.org.uk.

In 2017 Gittisham Hill in Devon was a haven for woodcock and snipe, and also attractive for wild pheasants and released pheasants straying from the commercial shoot areas around the estate. The landowner of this site had started rough shooting on this land again after a number of years where there was a decline in shooting activity. It was planned the hill would be shot on at first on something in the order of 10-15 days, though it was thought this would rise to up to 25 days in the years following the decision in 2017 (28 days being the maximum permitted without planning permission).

However, no dates have been notified on either direction since the decision in 2017, so Natural England will want to determine whether shooting has stopped, and the direction is no longer required.

The hill is a large area of 109 ha divided into 3 main parcels, which in practice means a particular area would only be shot on an average of two or three times, and the most popular sites five or six times a season.

Danger to the public (2017098517)

Areas of dense vegetation do obstruct lines of sight over the risk area and this could result in people entering the land and the risk zone without being seen. This danger is intensified by the low angle of the shoot sometimes used with this walked up style, where the guns walk in a line with dogs out in front flushing game ahead of the line. Access levels were extremely low, but there are a number of access points making wardening impossible, and the risk remains that someone could stray into the risk zone without being seen. Therefore an outline direction was given for public safety on the days that shooting was taking place to exclude people from the area, for up to 25 days per shoot season.

Disturbance (2017108538)

The applicant was concerned about Woodcock being very sensitive to disturbance by people and dogs, and felt a long undisturbed period was required before the shoot day, and then another undisturbed period until the next shoot day. However access levels were in fact extremely low on the hill, therefore disturbance was unlikely. But it was determined a restriction could be beneficial during the most sensitive period just before the shooting takes place, therefore an outline direction was given to restrict dogs to leads on the day before a shoot to prevent disturbance to game. This again was for up to 25 days per shoot season.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 2 September 2022 directly to Richard Thomas at Richard.Thomas@naturalengland.org.uk. A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's website².

² 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.

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 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 will summarise all responses and place this summary on [the Government's consultation website](#). This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

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 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, the relevant authority 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 the extent or nature of a restriction, the relevant authority will issue a new direction under the same section and direction number 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.