

Countryside and Rights of Way (CROW) Act 2000

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

Prepared by Natural England

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

Direction reference: 2016058166

Land Parcel Name	Direction Reference	Details of restriction on original direction
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
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

Natural England has now decided how to proceed following its review of the long-term direction to restrict open access rights on this land. A consultation was held between 28 July 2022 and 02 September 2022 with statutory consultees and the general public.

We received comments from the Devon Countryside Access Forum (DCAF) and the Devon Ramblers Access Officer.

The DCAF noted that the applicant had used his discretionary days between 2017 and 2020, so wondered whether shooting had occurred even though the outline directions had not been used. They acknowledged that shooting is a legitimate and permitted activity and that a closure on shooting days would be appropriate for public safety and dogs on leads on the day before the shoot to prevent disturbance to game. The DCAF felt the mechanism for this could be either discretionary days or through the application directions, but felt clarification was needed on whether signs are put up to warn of the closure days, and whether these are checked on the actual days of closure.

The Ramblers commented that as no outline direction dates had been notified to Natural England it assumed that no shooting occurred since the last review, and if shooting is not continuing the directions should be revoked.

Outcome of the review:

Natural England's decision is to revoke the directions.

During the Initial consultation Natural England was made aware that the applicant had in fact used some of their discretionary days under s28 CROW to close the land on a number of occasions between 2017 and 2020.

Natural England received a letter from the agent for the Combe Estate, and a site visit was arranged. The agent confirmed that they did use the hill for shooting since 2017, albeit at a lower level than planned, and that this decreased further due to the Covid pandemic. He confirmed he did use his discretionary days to close the hill on these occasions. He confirmed they do plan to continue shooting on the estate, but probably for only up to 6 days a shoot season. The agent therefore felt they could continue to use their discretionary days to close the land on the shoot days, and around three days before each shoot day as is their discretionary right. He thought they should be able to fit in around the limitations on the use of discretionary rights, e.g. limits on weekend days and bank holidays.

Therefore it was agreed the directions could be revoked as they are no longer required, however Natural England made it clear that if the estate wished to increase the number of shooting days on the hill, or shoot on days limited under s28, then Natural England could revisit the need for directions to exclude or restrict access.

During the site visit the agent also pointed out that there are a number of access points to the hill where the gates were not locking securely with the result that these access points were no longer stock proof. These have had to be made secure by the estate but now do not function as gates. The estate would be very happy if Devon County Council wished to re-instate these access points.

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to us. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at www.planningportal.gov.uk/planning/countryside/countryside.

Date review completed: 16/09/2022