

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Wiltshire Council

Relevant Authority: Natural England

Local Access Forum: Wiltshire & Swindon Countryside Access Forum

Natural England is about to review the following direction:

| Land Parcel Name | Open Access or England Coast Path | Direction Reference | Dates of restriction/exclusion on existing direction | Reason for restricting/excluding access |
|-------------------------|--|----------------------------|---|---|
| Gurston Down | Open Access | 2008090036 | 1 July to 1 February annually | No public access s24 Land Management - To prevent disturbance to game and disruption to shooting |

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

Your views on the current direction are sought to assist Natural England in deciding 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.

The relevant authority may decide to revoke the direction or that no change to the extent and/or nature 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 direction or revoke it, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

2. SUMMARY OF EXISTING DIRECTION

This long-term direction was originally given by Natural England's predecessor, The Countryside Agency, in 2004 to prevent disturbance to game and disruption to shooting.

It was then reassessed by Natural England in 2007 and reviewed in 2010, 2015 and 2020. Following each review the direction was extended for a further six years.

The summary below gives the background to the direction. This should be read in conjunction with the other documents available as part of this consultation. Further information is available from Christine White christine.white@naturalengland.org.uk

2.1 Summary of the Gurston Down Shoot

Gurston Down shoot is a pheasant and partridge shoot covering 324 ha's, of which 45 ha's is open access land and the subject of this restriction. Ten out of the shoot's 15 drives utilise the Open Access land. Of these seven drives are classed by the shoot as their signature drives, i.e. those that the reputation of the shoot is based on and are the principal attraction for customers. The shoot hosts about 30 days a season, which equates to two a week. A shooting day will normally comprise four or five drives, with at least three of these selected from those on the Open Access land. Two drives on the Open Access land are used on every shoot day.

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.

The Open Access land at Gurston Down is utilised by pheasants and partridge from their release in July or August through to the end of the shooting season on 1 February. The birds are predominately released on the north side of the valley, being fed and encouraged to forage over the open access land to the feeding areas on the south side, before returning to roost in the release pens. This process allows the birds to develop a natural familiarity and affinity for their surroundings, which is essential for the running of the shoot. They also feed in game cover and roost in woodland adjacent to Open Access land. Game birds use the Open Access land on both shoot and non-shoot days in a relatively consistent way, with partridge foraging and resting here on a daily basis.

There is only one legal access point onto the land from the public right of way, a byway known as the Herepath, on the northern edge of the site. This entrance was found to be used occasionally by people entering the land to admire the views, but they rarely proceeded any further as the land slopes steeply away into Gravelly Valley. There is a more useful permissive route that the landowner lets people use to access the land outside the restriction period. Demand for access to the site is low with no parking facilities at any of the access points.

2.2 Summary of existing direction

The existing direction was given under section s24 of the Countryside and Rights of Way (CROW) Act to restrict access for three reasons:

- 1) to prevent disturbance to the game during the pre-shooting season
- 2) to prevent disturbance to the game on non-shooting days and shooting days during the shooting season
- 3) to prevent disruption to the shoot on shooting days

The reasons for the restrictions are described below.

1) Disturbance to Game during the pre-shooting season (1 July to 31 August)

Disturbance can have a significant effect around the time of habituation for the four to six weeks after the partridge are released from their pens. Patterns of access and game bird management were examined, and it was found that although access levels are low, dogs running free were the major factor in disturbance. The lack of cover on the downland would prevent birds seeking alternative habitat if they were disturbed. On balance, due to the nature of the shoot, it was concluded that the risk of a small amount of disturbance causing a significant detrimental effect to the shoot weighed in favour of having a full exclusion during the pre-shooting season.

Once the birds have habituated, they are less prone to disturbance, but Natural England has no way of pre-determining at what point the birds are habituated and when a restriction could be lifted. Therefore, an exclusion was given for the whole pre-shooting season.

2) Disturbance to game during the shooting season

The factors that influence the need for a restriction during the pre-season were also important on the days before a shoot. The success of each shooting day relies on birds being in the desired place for a drive and if disturbed, birds could be lost from the land used by the shoot and may not return. The exclusion of the public throughout the shooting season is necessary to prevent the habitual daily movement of birds from being disturbed.

3) Disruption to the shoot on shooting days

The shoot could practically manage visitors using stops to ask people not to enter the access land via the one legal access point when shooting is taking place. However, if people were already on the access land or chose to ignore signage or the stops, they could cause significant disruption to the shoot. The high-quality signature drives would be extremely susceptible to disturbance and if people did access these areas it would then be difficult to recover the birds back in time for the drive and they could be lost from the day's shooting.

These factors dictated that a total exclusion was necessary on shoot days.

For the above reasons the direction was given to exclude public access between 1 July and 1 February annually, to prevent disturbance to game during the pre-shooting season and shooting season, and to prevent disruption to the shoot on shooting days.

The above directions were considered to be the lowest level of restrictions to meet the needs of the shoot.

NB: No restriction was given for public safety as the relevant Authority Guidance states: 'Employers and the self-employed whose undertakings involve use of guns have a legal duty under health and safety at work legislation to take all reasonably practicable steps so that no-one is put at risk as a result. The use of firearms is also licensed under the Firearms Act and the Games Licences Act and is guided by well-observed codes of practice. It is well established that the primary responsibility for preventing injury lies with the user of the gun.' 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.

2.3 Reassessment of the original direction in 2007 and subsequent reviews

The restriction was reassessed in November 2007, and Natural England met with the relevant partners to conduct an access assessment of the shoot. Research consisted of a spatial assessment of the site carried out by the University of Reading's 'Centre for Agri-Environmental Research' (CAER) in June 2007. Spatial shoot information and maps of the shoot showing drives, gun pegs, cover crops, release pens and PROW overlaid on Open Access land were produced. This spatial data and the access assessment were overlaid to give a full picture of shooting and access on the site and their interactions. This assessment found that the access land was well used by the shoot, with two drives in the valley used by the shoot on every shooting day. The shoot has a very good reputation internationally and the lack of disturbance from access users is crucial to maintaining this reputation. The 2007 reassessment concluded that even though access levels were low, the site was found to be very sensitive to disturbance during the shooting season, and even the lowest level of disturbance could have a very significant detrimental effect on the shoot. The landowner felt that the restriction was working and allowed him to continue running his shooting business. Therefore, no changes were made to the direction.

Subsequent reviews, in 2010, 2015 and 2020 following the update of the Relevant Authority Guidance (RAG), similarly found that the directions were still required. In 2015 a site visit was undertaken with the landowner who confirmed that the details of the shoot, its use of the open access land and access levels were found to be unchanged from previous reviews. In 2020 the details of the shoot remained unchanged, with the same number of shooting days and the same density of birds released over the same area of land. On each of these occasions the directions were extended for a further 6 years.

2.4 Signage

In 2020 the importance of signage was mentioned to the shoot manager, to inform people that a closure is in place. It was noted that there had been some issues with signs disappearing in the past. Natural England advised that a restriction sign should be clearly displayed every year during the closure period at the entrance from the Herepath. Natural England also encouraged the option of signage being used at a couple of other points where the land passes near public rights of way, to avoid confusion if people stray off the legal routes.

2.5 The current review of the direction in 2025

As part of this review in 2025, Natural England contacted Gurston Down Shoot to request up to date information on the shoot. The shoot organiser confirmed that the restriction is working well and is still required. They routinely shoot twice a

week during the season, totalling about 30 days a year, with each day incorporating two or more drives within the main valley.

It was noted that the site only has the occasional visitor, who generally remain on the top side of Gravelly Valley to enjoy the view, and do not venture down the steep slope, to avoid the climb back up.

All other details of the shoot are essentially as they were at the time of the last review.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction, then you must do so by Friday 14th March 2025 directly to christine.white@naturalengland.org.uk.

A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website².

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

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.

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 direction, the relevant authority must give a new direction under the same section 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.