

Countryside and Rights of Way (CROW) Act 2000

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

Prepared by Natural England

Access Authority: Wiltshire Council
Relevant Authority: Natural England
Local Access Forum: Wiltshire and Swindon Countryside Access Forum

Direction reference: 2008090036

Land Parcel Name	Direction Reference	Details of restriction on original direction
Gurston Down	2008090036	1 July to 1 February annually No public access s24 Land Management - To prevent disturbance to game and disruption to shooting

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 14 February 2025 and 14 March 2025 with statutory consultees and the general public.

We received two comments. The first was from a member of Wiltshire and Swindon Countryside Local Access Forum, who expressed concern about the closure of public rights of way, in particular for horse riders. To clarify, directions to exclude access to open access land have no effect on public rights of way, which remain available for use.

The second comment was from The Ramblers (Wiltshire Area) who did not object to the restriction being continued but raised concerns about the safety of users of local public rights of way while the shooting is taking place. A byway known as the Herepath crosses the northern edge of the site and a bridleway divides Gurston Ashes from Knapp Down to the north east. They stated that signs should be displayed to inform people of the dates of shooting, preferably put in place the day before a shoot and removed the day after.

This issue was discussed with the Gurston Down Shoot manager who confirmed that in the last 20 years there have not been any safety incidents relating to people using the public rights of way during a shoot. The nearest gun is positioned 130m away from the Herepath, in Gravelly Valley, 30m deep down at the bottom of the coombe, out of sight line from this public right of way. The guns face 90 degrees to the Herepath, shooting birds flying overhead across the valley, and the shot goes straight upwards and falls behind the gun line. Therefore, any risk to users of the byway during a shoot is negligible. In relation to the bridleway to the north east of Gurston Down, the guns are positioned far away from this public right of way. The use of firearms is licensed under the Firearms Act and the Games Licences Act and is guided by well-observed codes of practice. 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. Natural England accepts that any risk to users of the public rights of way have been minimised due to the position and shooting direction of the guns.

Shoot dates are not advertised in advance due to potential disruption by anti-shooting groups. It is not a requirement of the direction that the dates of shooting are displayed on site.

Gurston Down Shoot have previously experienced issues with signs showing the direction to exclude access being torn down, however the shoot manager confirmed that they will continue to display signage highlighting the closure when it is in place on the downland.

1. Outcome of the review

Natural England's decision is to leave the original direction unchanged in the way it was originally proposed and extend the end date for a further six years. As we are not varying the extent or nature of the direction, a second consultation was not required.

2. 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.

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.

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. Summary of existing directions

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

In determining an application or a review of an application to restrict or exclude Open Access Land Natural England follows its Relevant Authority Guidance (2010) (RAG). Criteria Set 16.1: 'Released game bird management' and Criteria Set 18: 'Shooting Live Quarry' are relevant to this application.

The reasons for the restriction 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.

The direction was given for the above reasons, 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. This was considered to be the lowest level of restriction to meet the needs of the shoot.

Natural England's policy for long-term directions is that they should not be given for a period of more than six years. Therefore, the original direction will be extended to an end date of 25 March 2031.

Details of the restriction will appear on the relevant map of access land on the Open Access website - 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 have a statutory duty to review it within five years of the date of its issue.

Date review completed: 25 March 2025