

## 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	01/07/2015 to 01/02/2016 and every year until 2021 S24 – Total Exclusion 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 29<sup>th</sup> January 2020 and 26<sup>th</sup> February 2020 with statutory consultees and the general public. We did not receive any comments.

#### **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.

#### **1. Shoot Details**

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. 10 out of the shoot's 15 drives utilise the Open Access land. 7 of these 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 principle attraction for customers. The shoot hosts about 34 days a season, which equates to about 2 a week, and a shooting day will normally comprise 4 or 5 drives, and at least 3 of these will be selected from those on the Open Access land.

Two drives in particular on the Open Access land are used by the shoot on every shoot day.

Open Access land is generally used by pheasant and partridge in different ways and this is true at Gurston Down, where the open access land is utilised by the game birds from their release in July/ August through to the end of the shooting season. 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 the open access land. The partridge forage and rest on the open access land on a daily basis.

In 2004 at the time of the original decision game birds were found to use the open access land on both shoot and non-shoot days in a relatively consistent way.

There is only one legal access point onto the land, from the Byway Open to All Traffic (BOAT), the Herepath at the north of the open access land. In 2004 it was found that this entrance was used occasionally by people entering the land to admire the views but they rarely proceed any further as the land slopes steeply away into Gravely 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.

During the review process in 2020 the landowner confirmed that the details of the shoot are the same, with the same number of shooting days and the same density of birds released over the same area of land.

## **2. Why is a statutory restriction necessary?**

The restriction will be given under 3 main sections:

- i) Disturbance to quarry during the pre-season.
- ii) Disturbance to the quarry during the shooting season
- iii) Disruption to the shoot during on shoot 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.

- i) Disturbance to quarry during the pre-season.

Disturbance can have a significant effect around the time of habituation for the 4 to 6 weeks after the partridge are released from their pens, and it is dogs off leads that are the main concern. Patterns of access and game bird management were again examined and although access levels are low, and dogs running free are the major factor in disturbance, disturbance was still a possibility from people accessing the downland. Birds can be lost off the estate to another shoot to the north, and there is little cover on the downland to prevent birds seeking alternative habitat if they are disturbed. For these reasons a further restriction is to be given during the pre-season.

ii) Disturbance to the Quarry during the shooting season

The access point from the Herapath byway does give legal access to the site, although it has been noted that access levels into the site from this point is low. However as these drives on the Open Access land are generally used around twice a week, even a low level use of the site could have a significant detrimental effect on the shoot. If the birds were disturbed they could easily be lost to the shoot to the north and would be unlikely to return in time for the days shooting. The shoot owner stated that having one or two drives ruined during a days shooting could cause the shoot to loose the on-going business of that days clients.

This is compounded by there being a lack of vegetation cover on the downland and also of the shoots 15 drives 10 use the open access land and 7 of these are signature drives. Also two of these drives are shot twice a week, on every shoot day. Therefore this fairly intensive use of the downland is susceptible to disturbance so it is proposed to continue some form of restriction.

iii) To prevent disruption to the shoot during the shooting season

The access point from the byway would bring people quite close to the guns but this access point could be managed using banksmen who ask users to pause while shooting is in progress. However if people chose to ignore these requests and went on to enter the land they would cause significant disruption to the high quality signature drives. Therefore some form of restriction is necessary for disruption to the shoot on shoot days.

**3. What is lowest level of restriction required?**

i) Disturbance to quarry during the pre-season.

Criteria Set 16.1 states:

*Exclude people from sensitive areas only in the following circumstances:*

- *The direction of any disturbance is likely to cause birds to move off the estate;*
- *Neighbouring land outside the control of the gamekeeper provides alternative suitable habitat that is likely to attract significant numbers of birds if they are disturbed;*
- *Cover is sparse and the birds are more likely to seek alternative habitat in response to regular disturbance;*
- *A small estate has fewer drives and is so less able to absorb regular disturbance.*

These are all factors affecting the shoot at this site, therefore on balance it is thought again 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 will again be given for the whole pre-shooting season.

ii) Disturbance to the quarry during the shoot season

Criteria Set 16.1 states

- *Full exclusions may occasionally be necessary where game cover is sparse. Leave residual routes or areas open to the public wherever practicable to do so. Remember that rights of way are unaffected.*

The intensive use of the downland where game cover is sparse suggests a full exclusion for the whole shoot season is necessary.

iii) To prevent disruption to the shoot during the shoot season

- *Exclude people from the affected area while driving or shooting are in progress or earlier, where necessary to ensure that visitors are not present when the shoot begins.*

Due to the byway access point onto the open access land and the gun pegs, a total exclusion would be proposed on shoot days to prevent disturbance to the shoot. This however is already covered by the proposed exclusion required to prevent disturbance to the game over the whole shoot season.

#### **4. Signage**

The importance of signage was again noted to the shoot owner, as a restriction is of little use without information on the ground to inform people that a closure is in place.

Natural England advises and expects that a restriction sign will be clearly displayed every year during the closure period at the entrance from the Herepath. Natural England would also encourage 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.

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 1<sup>st</sup> February 2026.

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).

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: 8<sup>th</sup> June 2020