

Countryside and Rights of Way (CROW) Act 2000

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

Prepared by Natural England

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

Direction reference: 2013036672

Land Parcel Name	Direction Reference	Details of restriction on original direction
Hemyock Common	2013036672	Outline Direction 12 days between 1 May and 1 October Every year until 7 March 2024 This will only apply between 13:00 and 18:00 hours on any day, or between 11:00 and 17:00 hours as notified on the site notice.

Natural England has decided how to proceed following its review of the above long-term direction to restrict CROW Access rights on this land. A consultation was held from 17 January 2024 to 12 February 2024 with statutory consultees and the public.

We received feedback from consultees including the Devon Countryside Access Forum and Open Spaces Society. In summary the feedback was as follows:

Devon Countryside Access Forum (DCAF) stated that they consider that the existing direction is satisfactory and that a restriction on access is required to permit the shoot to continue without disruption. They noted that the shoot has been operating for many decades and has permission from the parish council as landowners and that the limits on days and hours means that there is still access to the common outside these times. The efforts made to agree a suite of measures to mitigate noise through the court Consent Order were acknowledged.

The Open Spaces Society (OSS) suggested that the common may be owned by the parish council as an open space under the Open Spaces Act 1906. Under s.10(a) of the Act, the owner would be required to: '...hold and administer the open space...in trust to allow, and with a view to, the enjoyment thereof by the public as an open space within the meaning of this Act and under proper control and regulation and for no other purpose.' The OSS state that given the words 'no other purpose', it is impossible to see how the grant of a permission to a shooting club with consent to exclude the public can be compatible with the council's statutory duty. They therefore questioned whether it is proper for Natural England to impose a direction excluding public access on Hemyock Common.

Outcome of the review:

Following correspondence with the landowners, Hemyock Parish Council, Natural England's decision is to revoke the outline direction to exclude access to Hemyock Common during clay pigeon shoots.

Background

Hemyock Common is a small common to the west of the village of Hemyock on the Blackdown Hills in Devon. The common is around 8 hectares in size and a County Wildlife Site due to its dry heathland. In 2013 Natural England received an application from the landowner Hemyock Parish Council on behalf of a clay pigeon shoot run by Culm Vale Gun Club that had been using the site for over 40 years and managing the site and shooting safely during this long period. During this time there had been no incidents or issues.

The members of the shoot are fully licensed with regard to their firearms, insured and the shooting dates are certified by Devon and Cornwall Police. They supplied a risk assessment which referred to the safety guidelines provided to all members and guests and detailed other measures to ensure safety on the day of the shoot. Access to the common was informally managed, by positioning two safety officers at the single entrance point and using informative signage. Shooting over the open space in the centre of the common stopped when a vehicle or member of the public on foot entered from this access point and continued when it was safe to resume.

Therefore, given the safe working practices detailed in the risk assessment including access management measures, and the clear unobstructed view of the area of risk, it was determined in 2013 that a restriction for public safety was not required.

We also assessed whether there was an issue with disruption to the shoot.

The Secretary of State approved Relative Authority Guidance (RAG) in Criteria Set 19 states:

- *Participants can be distracted from shooting (whether or not the target is moving) by the need for extra vigilance in order to prevent any risk of accidental injury to visitors. Where visitor levels are high, the frequent need to stop shooting in order to allow visitors to pass may detract significantly from their enjoyment of the sport.*
- *Signs, flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and encourage considerate behaviour. These techniques are most likely to be effective where there are safe and clearly marked rights of way or other routes that people can use through or around the area affected without causing significant disruption.*

The shoot was able to manage the small number of walkers who use the site by informing people a shoot was in progress and visitors either left or were invited to stay to spectate the sport. However, some local residents were not sympathetic to the continuation of the shoot and there was a risk of disruption from them insisting on utilising their CROW access rights. A direction to exclude people while shooting was

taking place gave the shoot the power to protect their activity from significant levels of disruption and effectively manage visitors by asking them to leave if they felt that was necessary.

An outline direction to restrict access was put in place at this site because the exact dates and times of closures were known well in advance and were notified at the start of every season. The closure was only necessary for the period in a day when shooting occurred, i.e. from 13.00 to 18.00 or from 11.00 to 17.00, therefore leaving the common open to other users for the remainder of the day. This was the least restrictive option available given the need to prevent disruption to the legitimate shooting activities. The Parish Council notified Natural England of shooting dates each year since the start of the direction and the dates were displayed on their website.

During the review of this direction Natural England corresponded with the Parish Council and the Chair of the Commons Management Committee. Since there have been no issues with disruption to the shoot since 2013, the Parish Council confirmed that they are happy for Culm Vale Gun Club to return to informally managing access to the common during the shoot, as they did for many years prior to this date. It was therefore agreed that Natural England would revoke this outline direction to exclude access to Hemyock Common.

Date review completed: 6 March 2024