

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: Herefordshire
Relevant Authority: Natural England
Local Access Forum: Herefordshire Local Access Forum

Natural England is about to review the following direction:

Land Parcel Name:	Open Access or England Coast Path	Direction Ref.	Dates of restriction/exclusion on existing direction:	Reason for restricting/excluding access
Lower Lugg Meadow	Open access	2006030159	17/04/2020 – 17/04/2026 Between 1 st March and 31 st July each year	CROW section 26 No Public Access. Sensitive wildlife/ground nesting birds
Hampton Meadow	Open access	2020029075	28/02/2020 – 28/02/2026 Between 1 st March and 31 st July each year	CROW section 26 No Public Access. Sensitive wildlife/ground nesting birds

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

Your views on the current directions are sought to assist Natural England in deciding whether the restriction is still necessary for the original purpose, and if so, whether the extent and nature are still appropriate for the original purpose.

The relevant authority may decide to revoke the direction[s] 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 the restriction 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 DIRECTIONS

The short summary below gives the background to the directions. This should be read in conjunction with the other documents available as part of this consultation. Further information is available from Christine White, email: christine.white@naturalengland.org.uk or telephone: 07900 608017.

The two directions at Lower Lugg and Hampton Meadows are being reviewed together due to their proximity and similarity of issues.

Background to the sites

The Lugg and Hampton Meadows SSSI was notified on 14 December 2011 for the species rich unimproved neutral grassland communities. The River Lugg which runs through both sites is also SSSI and is designated as part of the River Wye Special Area of Conservation (SAC).

Lugg and Hampton Meadows are a large expanse of traditionally managed hay meadows in the floodplain of the River Lugg to the east of Hereford.

The Meadows comprise three areas of unimproved neutral grassland on alluvial soils with underlying gravels. The land is adjacent to the River Lugg and floods seasonally providing some enrichment to the soils. The meadows are a surviving

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.

Lammas Meadow, with ownership divided amongst many individuals just as in medieval times. They are managed by taking a hay cut in late June or early July and once the hay crop has been cut the meadow is opened up for communal grazing. Commoners exercise their grazing rights during the winter months before Candlemas (2 February), after this date the meadows are 'shut up for hay' with no grazing permitted until Lammas Day (1 August). Lugg Meadows are the largest surviving system of Lammas meadows in England and are thought to have been managed in this way for at least 900 years. Unimproved grasslands have suffered substantial decline nationally due to agricultural intensification.

Lugg and Hampton Meadows are a very important site for breeding curlew within Herefordshire and the West Midlands. Both sites are very flat and open and of particular interest to breeding curlew. In 2005 Lower Lugg Meadows and Hampton Meadows collectively supported half the breeding population of curlew in Herefordshire, therefore this site is locally very important to this sensitive ground-nesting bird species.

Curlew are mentioned in the SSSI citation and as such should be considered when determining the likely impact from access. They are also on the Amber List of Birds of Conservation Concern and are listed as a Species of European Conservation Concern, with its breeding population being listed as in decline.

Lower Lugg

Herefordshire Wildlife Trust (HWT) manages both the Upper and Lower Lugg Meadows. The Upper Lugg is Section 15 Common Land, so access has been in place for many years and is heavily used by the public, particularly dog walkers as it is near to the housing estates in Hereford. Traditionally there was no access to Lower Lugg prior to CRoW. There are no public rights of way on the site and public access is limited because there is no convenient parking and there are few places to access the site without crossing the extremely busy A438. The site is therefore considerably quieter than Upper Lugg and its proximity may help offset many of the urban fringe problems associated with this area at Lower Lugg.

There are two access points to the Lower Lugg, one main entrance for vehicular access near the river and one stile. At the time of the 2015 review new restriction signs had been installed by HWT.

Continued disturbance of ground-nesting birds and sensitivity of species such as curlew could result in the loss of chicks and nests and Lower Lugg as a breeding

site. Informal management measures alone were considered inadequate to protect these breeding birds. A dog exclusion or the national dogs on leads restriction during this period was not thought to offer enough protection given the sensitivity and importance of these species. Therefore on 20 March 2006 a direction was given on to exclude access annually during the breeding season between 1st March and 31st July each year.

NE is aware that an application for outline planning permission was submitted to Herefordshire Council in February 2024 for 350 houses and potential primary school on the eastern edge of Tupsley, to the west of the SSSI (adjacent to Lower Lugg). At the time of writing (October 2024) no decision has been made by the Council with the time for determination of the outline planning application extended to 20 December 2024. Should this development go ahead this is likely to result in additional pressures on the site.

Previous reviews at Lower Lugg

Following the original 2006 restriction at Lower Lugg, statutory 5-year reviews took place in 2010, 2015 and 2020. After each review Natural England as Relevant Authority extended the direction for a further six years.

Hampton Meadow

Natural England made this long-term direction on 28 February 2020.

Two public rights of way run across the site, intersecting in the middle of Hampton Meadow. These will not be affected by the direction. This leaves large areas of the meadow where access is excluded during the crucial breeding period, which should be undisturbed during this time. There are reports of some dog walkers persistently straying from the public rights of way and allow their dogs off lead during the closed period. HWT have fed back that it is also challenging to keep walkers to the public rights of way during the restricted period. People and dogs spreading off the public rights of way are likely to disturb the vulnerable curlew. Signs are still present at the access points advising of the restriction to access.

When this direction was made in 2020 HWT stated that they believed they could make this exclusion work by advertising the details locally and on their website and publications, and informally monitoring the meadow using a few local volunteer ornithologists.

In 2019 a pair of curlew on Hampton Meadow was the only pair in the area to successfully fledge a chick, following predation at Lower Lugg Meadows.

Hampton Meadow was assessed for a similar exclusion back in 2006 and it was thought then that the public rights of way crossing the site would make the direction unworkable. However, since then the UK breeding population of curlew has suffered further declines and HWT believe that this direction is needed to help protect the vulnerable species during the breeding season.

On 28 February 2020 a direction was given to exclude access between 1st March and 31st July each year, mirroring the direction at Lower Lugg.

Herefordshire Curlew Project

Herefordshire Wildlife Trust, Herefordshire Ornithological Club and other interested groups are working to conserve Curlew at Lugg and Hampton Meadows.

Since 2019 temporary electric fencing has been installed around the areas where the birds nest to protect nests from predators and prevent disturbance from people and dogs.

In 2023 work began on a two-year funded project to colour ring and satellite tag curlew to help discover more about the habits, movements and land use of curlews during the breeding season and hopefully find out more about causes of breeding failure.

Curlew numbers on Lower Lugg and Hampton Meadow

The report 'Curlew Conservation on Lugg and Hampton Meadows' by T.E. Dixon, (2019) gives information on curlew population declines internationally, the UK and Herefordshire context. It also describes the population at Lugg and Hampton Meadows and suggests actions to improve the situation at the meadows.

The report gives breeding curlew numbers at Lugg and Hampton Meadows since 1996:

1996	1 pair (confirmed)
1997	1 pair (confirmed)
1998	2 + pairs
1999	4 pairs
2000	3 pairs

2001	2 + pairs
2002	2 + pairs (1 confirmed)
2003	1 pair
2004	2 pairs
2005	2 pairs (confirmed)
2006	1 pair
2007	2 pair
2008	1 pair (confirmed)(3 birds observed)
2009	2 pairs (plus one pair N of Lugg Bridge Farm)
2010	1 pair (2 young seen with adult at hay cut)
2011	1 pair (1 bird observed at hay cutting)
2012	1 pair (confirmed)(3 birds seen early season)
2013	1 pair (3 birds early season: 1 pair bred: young observed)
2014	2 pair observed (young seen)
2015	3 pairs
2016	2 pairs
2017	3 pairs (one of these at Hampton)
2018	3 pairs (2 nests found Lugg) inc. 1 pair Hampton
2019	3 pairs (3 nests found - one of these at Hampton)

The figures below are from Herefordshire Wildlife Trust (Oct 2024) [Curlew in Herefordshire | Herefordshire Wildlife Trust \(herefordshirewt.org\)](#)

2021	2 nesting attempts, 1 nest predated, 1 chick fledged and survived
2022	2 nesting attempts, 2 chicks fledged and survived
2023	1 pair showing breeding behaviour. No nests recorded. Breeding attempt failed after human disturbance.
2024	1 pair attempt. Some breeding/territorial activity recorded but no known nesting attempt. Prolonged flooding into early May may have affected early breeding attempts.

The Herefordshire Wildlife Trust website [Curlew on Lugg Meadow | Herefordshire Wildlife Trust](#) states: ‘The exact number of breeding pairs of curlew in Herefordshire is unknown but in 2023 there were just eight territories identified, from those a total of thirteen nests were found or, known to have existed and only three chicks were seen with two surviving to attain flight. This is considerably less than the number of chicks required (one chick per curlew pair every other year) to sustain the existing population.’

Although numbers are low, Lower Lugg and Hampton Meadows remain important sites for curlew and other ground-nesting birds. Continuing the exclusions during the breeding season will provide the undisturbed conditions that these species favour.

Natural England's proposal

Natural England proposes to extend these directions for a further 6 years. The two directions will continue to be reviewed together.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before **Monday 9th December 2024** directly to Christine White, email: Christine.White@naturalengland.org.uk or telephone: 07900 608017.

A map accompanies this notice and is attached and/ or 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/ exclusion 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

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.

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 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 restriction, the relevant authority will issue a new direction under the same section and direction number 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.