

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

Direction reference: 2006030159

Land Parcel Name	Direction Reference	Details of restriction on original direction
Lower Lugg Meadow	2006030159	1 March – 31 July each year until 31/07/2021

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to restrict CROW Access rights on this land. A consultation has been held between 29th January and 26th February 2020 with the statutory consultees and the general public. We received feedback from the Ramblers who stated that whilst they are content with the existing restriction, they would like to reiterate the need to provide good accessible access to pedestrians when the restrictions are not in operation.

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.

Therefore the land will have access excluded between 1st March and 31st July every year until 2026, to protect breeding populations of Curlew.

Lugg Meadows are divided into the Upper and Lower Lugg separated by the busy A438. The site is designated as a Local Nature Reserve and a SSSI. 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 in close proximity to the housing estates of Hereford. The Lower Lugg is very different, being much quieter, with no public rights of way, and it was in fact not open to the public before Open Access came into force under the CROW Act 2000. It is a very flat and open site and of particular interest to breeding curlew.

Lugg and Hampton Meadows SSSI were notified as SSSI on 14 December 2011 for their unimproved species rich neutral grassland communities. Curlew (*Numenius arquata*) are mentioned in the SSSI citation and as such should be taken into account when considering the likely impact from access.

As part of Natural England's Defining Favourable Conservation Status (DFCS) project Natural England has just published the document 'Definition of Favourable Conservation Status for Curlew (RP2926)'

<http://publications.naturalengland.org.uk/publication/6058509227786240>

This document sets out Natural England's view on the contribution England needs to make to achieve Favourable Conservation Status (FCS) for the Eurasian Curlew (*Numenius arquata*). The England contribution is defined in terms of the natural range and population of the species and the extent of habitat necessary for long-term maintenance of populations.

The document describes the current threat status to Curlew:

Red list status:

- Global: IUCN red list: Near threatened
<http://www.iucnredlist.org/details/22693190/0>
- European: IUCN European red list: Vulnerable
<http://www.iucnredlist.org/details/22693190/1>
- GB: Birds of Conservation Concern 4: Red list
https://www.bto.org/sites/default/files/shared_documents/publications/birds-conservation-concern/birds-of-conservation-concern-4-leaflet.pdf

The document describes the historical and current UK and England breeding and non breeding populations. The breeding population shows indications of a decline since the 1970s and more recent declines of 48% in the UK and 33% in England from 1995 to 2014. The most recent GB estimate is 66,000 pairs (Musgrove and others 2013) based on O'Brien (2004) and extrapolated forward using BBS trends up to 2009. Assuming that at least 40% breed in England (Brown & Grice 2005) suggests that the English population was at least 26,000 pairs in 2009. Given that numbers have continued to decline since 2009 (e.g. -13% 2014-2015, www.bto.org/bbs) it is highly likely that the current population is now significantly smaller.

For the non breeding population it is estimated that numbers declined in the UK by around 12% from 2003/04 to 2013/14 (Frost and others 2016). Assuming a similar decline in England indicates that the English population was around 56,000 in 2013/14 (i.e. around 12,000 fewer individuals than the number estimated to be present during the 1990s).

The document suggests that 'achievement of favourable conservation status requires both recovery of breeding range and breeding and non-breeding populations. Specifically, the breeding range as estimated in the early 1970s must be substantially restored, requiring the restoration/creation of suitable habitat in around 75 10 km squares, largely in the southwest and the West Midlands. The population levels of breeding and non-breeding birds should be recovered to those in the 1990s, i.e. at least 51,000 breeding pairs and 65,000 non-breeding individuals in England. Range and population recovery would require restoration of suitable habitat at a landscape scale, both in lowland wet, extensively grazed grasslands and in upland grasslands, rush pastures and moorland.'

Since the last review in 2015 Curlew numbers across the SSSI (Lugg and Hampton Meadows) have remained stable but recently there has been a local focus on the conservation of this important population, one of the few remaining populations of Eurasian Curlew in Herefordshire, with a range of positive management actions being proposed.

A report has been published in draft which Natural England has had access too. This is 'Curlew Conservation on Lugg and Hampton Meadows' by T.E. Dixon, 2019. This gives information on Curlew population declines internationally, the UK and Herefordshire context, discusses demography, habitat requirements, drivers of decline, and then describes the population at Lugg and Hampton Meadows and suggests a number of 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)

In 2019 unfortunately the 2 nests at Lower Lugg after successfully hatching chicks were then predated, but the pair on Hampton Meadow successfully fledged a chick.

The report recommends a number of actions such as delaying the hay cut, issues with aftermath grazing, liming and manuring, addition of scrapes, ditch maintenance, predator management, headstarting of Curlew chicks, monitoring, further land purchase and access management to include the maintaining of the open access exclusion.

Another factor that is likely to be crucial for the Curlew population at these meadows is that HWT will now be working with the Wildfowl & Wetlands Trust (WWT) on a 3-4 year project to conserve Curlew at Lugg and Hampton Meadows, with an application to the Lottery likely to potentially fund capital works and officer time.

Since the last review it also seems that there has been an increase of informal wardening and monitoring by a few local volunteer ornithologists.

Also Natural England determined on the 28th February 2020 to implement a new direction at Hampton Meadow (2020029075) to exclude access between 1st March and 31st July each year until 2026. There are a couple of public rights of way crossing Hampton Meadow which will not be affected by the direction but this still leaves large areas of the meadow that will be undisturbed during the crucial breeding period. HWT believe they can make this exclusion work by advertising the details locally and in their publications and informally wardening the meadow.

Therefore although Curlew numbers are low, they are improving and the Lower Lugg is still important for Curlew when combined with Hampton Meadow and when looking at the wider Lugg landscape. The DFCS project shows how important restoring the population of breeding Curlew is and there is a chance now with HWT's local focus on the Curlew working with WWT to make a difference at Lugg and Hampton Meadows. Therefore given Curlew are known to be sensitive to disturbance the restriction will be continued for a further six years.

Disturbance is possible from both people with dogs and people alone as the Lower Lugg meadow is completely flat and with no vegetation cover other than short grass in the spring. People accessing the meadow from the two access points would disturb the vulnerable curlew so the total exclusion is to be extended for a further six years from 1st March to 31st July every year.

The Ramblers in their consultation response refer to ensuring good pedestrian access outside of the closed period and this was also raised as an issue in the 2015 review. The situation on the ground has not changed since 2015, access is through a vehicular field gate at both of the access points. As part of this process a site visit was undertaken in February 2020 and it would appear these gates need to be either locked or not easily openable to prevent unauthorised vehicles from entering Lugg Meadows. Installing a pedestrian gate was discussed but it would seem that this is not straightforward as the meadows are owned by several different landowners who would all need to agree to any changes.

Natural England's policy for long term directions is that they should not be given for a period of more than 6 years. Therefore the original direction will be varied to have an end date of 31st July 2026.

Summary of changes made to the existing directions:

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Lower Lugg Meadow	1 March – 31 July each year	1 March – 31 July each year

	No public access. Nature Conservation, ground nesting birds	until 31 st July 2026 No public access. Nature Conservation, ground nesting birds
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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: 17th April 2020