

## Countryside and Rights of Way (CRoW) Act 2000

### REVIEW OF STATUTORY DIRECTION(S)

#### SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

**Access Authority:** Lancashire County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Lancashire  
**Direction reference:** 2008060032 and 2008060006

Land Parcel Name:	Dates of exclusion on existing direction:	Reason for Exclusion
Moorcock Clay Pigeon Shooting Club (2008060032)	No public access on every Sunday between 07:00 and 13:00 throughout the year and every Tuesday between 18:00 and 21:00 from May 1st to August 31st each year until August 27th 2019	Land Management and Public Safety
Moorcock Clay Pigeon Shooting Club (2008060006)	No public access, to be called off only on those Saturdays that shooting occurs, throughout the year until August 27th 2019	Land Management and Public Safety

Natural England has now decided how to proceed following its review of the above mentioned long-term directions to exclude CRoW Access rights on this land. A consultation has been held between 26<sup>th</sup> February 2018 to 16<sup>th</sup> March 2018 with statutory consultees and the general public. We did not receive any comments.

#### **Outcome of the review**

Natural England's decision is to continue excluding access to the land and will therefore extend the end date of the directions to May 20<sup>th</sup> 2024.

The site has been subject to exclusions since 2004. It was reviewed in 2008 and 2013 and on each occasion the end date extended for another 6 years. The current exclusions are for land management and public safety.

The land is a rectangular parcel and is in a valley with a stream running through the bottom. The club building is in the bottom of the valley.

This parcel of land is part of a much larger contiguous area of open access land which would remain accessible despite an exclusion to the land used by the clay pigeon club. The land being assessed is easily accessible as it is adjacent to a road with a tarmac lay-by over the boundary wall of the parcel.

The club is certified and approved by Clay Pigeon Shooting Association (CPSA) to undertake the following disciplines:

- Skeet - targets are thrown in singles and doubles from 2 trap houses situated some 40 metres apart, at opposite ends of a semicircular arc on which there are seven shooting positions. The targets are thrown at set trajectories and speeds.
- English Sporting – This discipline has the sport's biggest following. While the other disciplines only use standard targets, in sporting almost anything goes! Targets are thrown in a great variety of trajectories, angles, speeds, elevations and distances and the discipline was originally devised to simulate live quarry shooting, hence some of the names commonly used on Sporting stands: Springing Teal, Driven Pheasant, Bolting Rabbit, Crossing Pigeon, Dropping Duck, etc.
- Automatic Ball Trap - this the second most popular Trap discipline shot in the UK next to DTL. An ABT squad consists of six shooters. Only one target is taken at each stand before moving to the right for the next target. Two shots are allowed at each target but unlike DTL, either shot scores equally. ABT targets are faster and have a greater range of angles and heights than DTL. They are thrown on random trajectories from a single trap in front of the centre stand.

As part of our research we spoke to the CPSA who have produced a set of guidelines / recommendations in relation to safety. This guidance is used by a number of organisations i.e. local authorities and licensing authorities as standard practice. The guidance recommends an exclusion (fall out area) zone of at least 275m in front of the guns covering an 180<sup>o</sup> arc.

There is a responsibility on those shooting to choose a position that provides clear views against a safe backdrop and that organisers of the shoot should ensure no one enters the exclusion (fall out) zone while shooting is taking place.

The Relevant Authority Guidance (criteria set 19, chapter 2.5) states that the area of risk in clay pigeon shooting is wider than for a stationary target and the standard precautions may not be adequate depending on topography, vegetation cover or other obstacles. The club have ensured that the fall out zone is contained within the area covered by the exclusion.

The club have confirmed that nothing has changed and shooting takes place on Sunday mornings from 7am to 1pm throughout the year, Tuesday evenings from May 1<sup>st</sup> to August 31<sup>st</sup> each year and occasionally on Saturday afternoons. On checking the records the OACC have not received any notifications to call off the exclusion on Saturdays since the last review.

On further discussion with the club secretary, the site is still used on an ad-hoc basis and at very short notice on Saturdays. The use does increase in the shooting season as users tend to practice prior to an organised game shoot.

In relation to the exclusion given under direction 2008060032, as a predictable event, having the exclusion on the website gives users advanced notice of the closure.

In regard to the “outline” exclusion given under direction 2008060006 we did consider varying this direction to exclude access on a Saturday as well. In discussing this proposal with the secretary of the club, the club considered that this was not the “least restrictive option” and therefore not in keeping with the spirit of the legislation.

The club have informed us that the current outline direction, stipulating that they have to give 5 working days’ notice is not compatible with the current short notice and ad-hoc use of the site. We have agreed to reduce this to at least 2 working days, with the proviso that this may not get displayed on the website.

The club have agreed to continue putting up signage when the site is in use, on a Saturday. On the site visit carried out as part of the review the current “full” exclusion notices could be seen at key locations where CRoW users may enter the site.

Government policy is that the introduction of the new access rights should not significantly interfere with land management operations or with economic returns from the land. (RAG Chapter 1, para. 1.1.1). The CRoW act, in relation to liability also states that the existence of the right ought not to place any undue burden (whether financial or otherwise) on the occupier (s13 (3)), so it is not reasonable to place any conditions on the applicant/club that might restrict shooting activity to any specific times or dates.

Therefore, we consider the use of the “outline direction”, with a shorter call off period and the current management undertaken by the club to support the exclusions does not interfere with the current use of the site or place a burden on the club members.

Taking all the information into account we consider that the least restrictive option would be to continue the total exclusions because:

- the exclusions would not have an impact of the public enjoyment of the area as the parcel is adjoined to a very large area of open country that can still be accessed when this exclusion is in place; and
- the club has a licence to shoot on specified days and maintaining further effective informal management would be unreasonable, placing an additional burden on the club.

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 directions will be extended to May 20<sup>th</sup> 2024.

Details of the exclusions 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).

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to

us. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at [www.planningportal.gov.uk/planning/countryside/countryside](http://www.planningportal.gov.uk/planning/countryside/countryside).

Where a direction restricts or excludes 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: May 21<sup>st</sup> 2018