



CONSULTATION OUTCOME REPORT
COUNTRYSIDE AND RIGHTS OF WAY (CROW) Act 2000
STATUTORY REVIEW OF EXISTING DIRECTION
JUNE 2020

Land Parcel Name:	Direction Ref.
Top Field, Crowden	2014117473

1) Introduction

The Peak District National Park Authority (PDNPA) has completed its consultation on the review of the long-term direction to restrict CROW access on this land. The consultation was held between 15 May and 12 June 2020.

The following consultation comments were received:

The **Peak District Local Access Forum** has reviewed the history of this case. They consider that there doesn't appear to be any change in circumstances with continuing usage of the site for clay pigeon shooting. Therefore the LAF supports the continuation of the Direction to restrict public access as detailed to maintain public safety.

Charlesworth Parish Council reports that the restrictions are there for everyone's benefit. They have worked well and protected livelihoods. They have also kept people and dogs from the nature-sensitive part. Part of this was considered an SSSI twenty odd years ago. The restrictions should be left in place. Clay shooting is a normal countryside pass-time and harms no one. A study was conducted the last time this came up and the conclusion was that a restriction would be beneficial. To remove the restriction would mean that the farming family would lose part of their livelihood as the clay shoot would need to close. The nature would also be more vulnerable from visitors plus their dogs, etc. As it stands, any walkers simply avoid the sensitive part to everyone's gain and the public's access to the public footpath is unaffected.

2) Outcome

Background

As directed following appeal, the PDNPA made a direction to restrict CROW access under section 24 and 25(1)(b) of the Countryside and Rights of Way Act in 2004, in order to prevent danger to the public from clay pigeon shooting and to allow the land to continue to be managed without undue cost or burden upon the landowner.

The Authority has met with the owner who has confirmed that the direction is required for the purposes for which it was originally applied for and that public access on a permissive basis is not acceptable because of the nature of use of the site.

Is a statutory restriction necessary?

Criteria Set 19 from the Relevant Authority Guidance covers shooting at man-made targets. The most relevant extracts are as follows:

- Danger to the public:

Where the target is static (e.g. archery or pistol shooting), the main risk is from entering the corridor behind and in front of the target as shot is taken.

The area of risk in clay pigeon shooting is wider because the target is moving. People are at risk from both shot and from falling clays. Participants should be able to see the whole area where there is a risk of injury from their shot and must not shoot if anyone enters that zone of risk.

Further precautions may be necessary where the topography, vegetation cover, or other obstacles may obstruct the views of shooters over the zone of risk.

Signs flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and recommend safe routes through or around the affected area.

- **Disruption to the sport**

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.

- **Is a statutory restriction necessary?**

Restrictions may be necessary while a shoot or activity is in progress if other available techniques are inadequate to allow it to take place safely and without undue interruption.

This is most likely:

To prevent danger to the public, where topography, vegetation or other obstacles obstruct the views of shooters over the area of risk;

To prevent danger to the public during paintballing and other games that depend on simulating combat conditions

To prevent disruption to any shooting sport, where visitor levels are significant.

The appeal decision in 2005 concluded that:

'A restriction of CRoW access is necessary for the protection of the public whilst shooting operations are being carried out. Given the nature of the appellant's business, I consider that the restriction is justified on land management grounds also and should take the form of an exclusion'.

After considering the above information, the PDNPA is satisfied that a restriction is still necessary on grounds of land management and public safety.

What is lowest level of restriction required?

The appeal decision in 2005 concluded that:

'Limiting a direction to a particular number of days per week or per year would affect the flexible character of the appellants' business and the ability to accommodate shooters without prior notice. This would result in an unreasonable burden on the management of the land.'

The use of discretionary days or an outline restriction which requires prior notification is not therefore appropriate.

The Relevant Authority Guidance suggests exclusion of people from the area of danger or potential disturbance taking account of the expected trajectory of the ammunition.

The appeal decision in 2005 concluded that:

'Whilst shooting activities are largely confined to the eastern part of the site, it is nonetheless evident that at least part of the western area is essential to accommodate the safe fall of shot and unbroken clays. Further, in terms of effective land management, it is essential that the area of exclusion has

secure and readily identifiable boundaries, such as are afforded by the fence around the appeal site. Accordingly, the direction should extend over the whole appeal site.

No formal or informal public access takes place within the site but from land adjoining the site.

The appeal decision in 2005 concluded that:

'Moreover, as there are access points to open country both to the west and east of the site, I am satisfied that any loss of CROW access on the appeal site itself will not significantly affect opportunities for access to the wider areas of moorland lying to the south.'

The least restrictive option is therefore considered to be a public exclusion and the extent and nature of the restriction is still considered to be appropriate for its original purpose having regard to the fact that access to the land to the south and the points at which access is obtained remains available.

3) Summary of Restriction

Land Parcel Name:	Details of Restriction	Reason for Direction
Top Field, Crowden	Excluded at all times until 31/12/2025	Land Management/Public Safety