

**Countryside and Rights of Way (CROW) Act 2000**

**REVIEW OF STATUTORY DIRECTION(S)**

**SUMMARY FOR PUBLIC CONSULTATION**

**Prepared by Natural England**

**1. INFORMATION ABOUT THE PUBLIC CONSULTATION**

**Access Authority:** East Sussex County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** East Sussex LAF

Natural England is about to review the following direction:

<b>Land Parcel Name:</b>	<b>Direction Reference:</b>
Pevensey Levels NNR	2015027550

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

Your views on the current direction are sought to assist Natural England in deciding 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.

The relevant authority may decide to revoke the direction or that no change to the extent and/ or nature of a direction except the end date is necessary. In which case a Consultation Outcome Report will be published on the [Consultation Pages](#) of the Government's website<sup>1</sup>.

If the relevant authority decides to vary the extent or nature of a restriction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

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<sup>1</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](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.

## **2. SUMMARY OF EXISTING DIRECTION(S)**

<b>Land Parcel Name:</b>	<b>Direction Ref.</b>	<b>Dates of restriction on existing direction:</b>	<b>Reason for Restriction</b>
Pevensey Levels NNR	2015027550	06/02/2016 – 06/02/2021 No dogs	Nature Conservation

Natural England made this long-term direction on **05/02/2016**.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from [robert.morris@naturalengland.org.uk](mailto:robert.morris@naturalengland.org.uk)

Pevensey National Nature Reserve is owned by Natural England and Sussex Wildlife Trust. The part of the reserve owned by Natural England was dedicated as open access under s16 of the CROW Act in 2016. The site is designated as a Ramsar site, Site of Special Scientific Interest, a Special Area of Conservation and an NNR.

The site is very important for overwintering waders and wildfowl. It is also important for breeding lapwing and supports a number of other breeding birds such as yellow wagtails, redshank, and warblers. Its breeding bird assemblage includes National BAP species. There are few suitable alternative sites for breeding lapwing in this area and the SSSI as a whole regularly supports over 1% of the total British population. The site is also important for overwintering waders and wildfowl.

Other interest features on the site include an outstanding dragonfly population, nationally scarce vascular plants and an outstanding invertebrate assemblage that is associated with the freshwater ditches. The SSSI is also home to the very rare Ramshorn Snail.

CRoW access includes the right to bring dogs; however, while people have previously been able to access part of the site on foot, dogs have always been excluded from the whole site due mainly to the sensitivity of the overwintering and breeding birds but also because of potential disturbance to the fauna and flora of the ditch system.

In 2015 an Access and Sensitive Features Appraisal (ASFA) was carried out to establish the likely effect of introducing open access onto the site. This appraisal

met Habitat Regulation requirements in assessing impacts and, in line with Natural England's duty under CROW as the Relevant Advisory body on nature conservation, was carried out by the Responsible Officer (the Natural England officer responsible for the Site of Scientific Interest). The conclusion of the assessment was that the predicted low levels of access on foot would not cause a likely significant effect but that the introduction of dogs to the site would.

Having recently discussed the direction with the reserve management team and site responsible officer, the nature conservation concerns as outlined above have not changed and it was felt the direction was still appropriate to manage access on the site.

In order protect sensitive habitats and avoid disturbance of SPA and SSSI species, it is still considered necessary to exclude dogs. (As depicted on the accompanying map.) Therefore, it is likely we will vary the directions to extend for a further 6 years.

### **3. SUBMITTING COMMENTS ON THE REVIEW**

If you wish to comment on the review of this direction then you must do so before **26/10/2020** directly to [Robert.morris@naturalengland.org.uk](mailto:Robert.morris@naturalengland.org.uk)

A map accompanies this notice and can be seen on the [Consultation Pages](#) of the Government's website<sup>2</sup>.

#### **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 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).

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<sup>2</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](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.

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 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.