

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REASSESSMENT OF DIRECTION RESTRICTING CROW ACCESS

Prepared by Natural England

Access Authority: Wiltshire Council
Relevant Authority: Natural England
Local Access Forum: Wiltshire and Swindon Countryside Access Forum

Direction reference: 2008090037

Land Parcel Name	Direction Reference	Details of restriction on original direction
Quarry Bottom, Ashcombe Estate	2008020070	Total Exclusion 15 th June to 1 st February every year until 1 st February 2024.

Natural England has now decided how to proceed following its reassessment of the long-term direction to restrict open access on this land. A consultation was held between 6th February 2020 and 26th February 2020 with statutory consultees and the general public. We did not receive any comments.

Outcome of the reassessment:

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. As we are not varying the extent or nature of the direction, a second consultation is not required.

This direction is necessary to exclude access for three reasons under CROW s24, land management:

- 1) to prevent disturbance to the game during the pre-shooting season,
- 2) to prevent disturbance to the game during the shooting season on non-shooting days and shooting days, and
- 3) and disruption to the shoot on shooting days

At the time of the initial application, and also in 2018, The Ashcombe Shoot was an intensive lowland game shoot covering approximately 1634 acres including five parcels of open access land totalling around 163 acres. This case concerns one of those open access parcels, Quarry Bottom, which is on the land owned by the estate. Both partridge and pheasant are shot utilising 24 principle drives over the whole shoot, with up to 5 drives shot over Quarry Bottom. All of these 5 drives in

2007 were classed by the shoot (in relation to all drives on the shoot) as being of high or very high quality and include those that are considered to be the shoot's 'signature' drives (within the shooting community 'signature' drives are those that the reputation of a shoot is based on and are often the principal attractants for paying guns).

The shoot held up to 60 shooting days per season between 1st September and the 1st February. On a typical shoot day in 2006/7 a team of eight guns covered five (four from mid-November) drives with the high quality Quarry Bottom drives being used on roughly a 1/3rd of all shoot days, however one of these very high quality drive was used on 70% of shoot days. The location and use of drives at Quarry Bottom was been confirmed by the agent to be very similar in the 2018 review.

A discussion with the Estate Manager and land agent for the estate confirmed the details of the shoot are essentially as they were at the time of the last review in 2018, except for the fact the shoot will now again be managed in hand by the Ashcombe Estate. They are planning to reduce the number of days shot down from around 60 days per season to 30 days per season to allow land management works to take place, and for the new management regime to bed in. It is thought this lower number of days will continue for a couple of years and then the number of days will probably increase again. The actual shoot day timings are likely to be more fluid, being booked less formally at shorter notice, and to suit the Ashcombe Estate.

This reassessment was undertaken purely to allow the case to be considered at the same time as Case Number 2008090037, Woodley Down, in the future. The two cases both come under the Ashcombe Shoot and it makes sense to synchronise the undertaking of future reviews on the two cases.

The reasons statutory exclusions are necessary are given below:

1) to prevent disturbance to the game during the pre-shooting season (June 15th-August 31st):

The Ashcombe Shoot release their pheasant poults in June, and partridge in July or August. The birds are foraging, resting and taking cover on the access land, and any disturbance to them during this stage can adversely affect their health and therefore the success of the shoot. Partridge in particular are prone to disturbance whilst they are habituating on the downland access land. Dogs off leads are particularly disruptive during this period, and the national restriction to keep dogs on short leads only runs from 1st March until 31st July.

At Quarry Bottom, there is the possibility that a number of visitors could access the parcel, as a Public Right of Way (PRoW), a footpath, leads into Quarry Bottom from the 'honey pot' site of Win Green. Win Green is a very busy National Trust run site with a large car park and extensive panoramic views. Many people come and walk their dogs from this car park, and even though there are no actual attractors into Quarry Bottom from Win Green, and there is an easier permissive route to choose, there is still potential for visitors to Win Green to visit Quarry Bottom and cause disturbance to the shoot. Once in Quarry Bottom there are estate tracks that allow easy access around the parcel.

However even a low level of disturbance to the partridge as they are habituating on the downland could have a detrimental effect on this shoot, so a precautionary

approach is to be continued here during the pre-shooting season, to have a total exclusion on Quarry Bottom.

2) during the shooting season to prevent disturbance to the game on non-shooting days and shooting days:

As described above a PRow allows access to Quarry bottom and people walking around Quarry Bottom could cause disturbance to habituated partridge on the down. This may cause them to fly away and be lost from the next day's shooting. People with dogs running off leads would be the most significant risk here as the dogs could easily cover a lot of the downland possibly even causing disturbance to the birds in the cover crops outside the downland from which the birds are driven.

The number of shoot days will be less for a couple of years at around 30 days per season. If these 30 days are spread over 21 weeks (the full shoot season for partridge), that will be on average 1.4 shoot days per week. This might still be 2 days shooting in some weeks, and for these signature drives they could still be used once a week. This relatively intensive use makes the birds here still sensitive to disturbance, combined with the fact cover is sparse on the downland. Also as bookings will often be taken at short notice this would make it difficult for the shoot to plan only closing the land on the day of and the day before the shoot under a less restrictive outline direction regime. And of course it is planned the number of shoot days and intensity of shooting will increase again in a couple of years. Therefore a full exclusion for the whole shoot season will be required again.

3) disruption to the shoot on shooting days:

At Quarry Bottom the shoot could use stops to ask people not to enter the access land at the two entry points onto the access land. However if people were already on the access land or were minded to not heed the stops, they could cause disruption to the shoot. Three of the Quarry Bottom drives were known to be of very high quality, i.e. the signature drives of the shoot, and the other two were of high quality, all with high drive reliability. Drive 6 in particular is known to be shot on around 70% of all shoot days.

Therefore any continual disruption to these drives could have a significant effect on the days shooting and be significantly detrimental to the shoot. Furthermore the Ashcombe Shoot is one of the most intensive in the country. Therefore even though access levels at Quarry Bottom are expected to be low, they could have a significantly disruptive effect on the days shooting.

The above restrictions are still considered to be the lowest level of restrictions that meet the needs of the shoot. The limitations on discretionary restrictions prohibit them being used in this case as the restricted days under s22 are required to be closed and more than 28 days of closures are required. Informal management techniques alone will not meet the needs of the shoot though they are part of the solution proposed in that the shoot do use stops along the PRow.

NB: Again no restriction was given for public safety as employers and the self-employed whose undertakings involve use of guns have a legal duty under health and safety at work legislation to take all reasonably practicable steps so that no-one is put at risk as a result. The use of firearms is also licensed under the Firearms Act and the Games Licences Act, and is guided by well-observed codes of practice. It is

well established that the primary responsibility for preventing injury lies with the user of the gun. Shooters have to assume that members of the public may be present and take all necessary precautions, even at times when they are unlikely to encounter visitors. At Quarry Bottom lines of site are unobstructed, the downland is not particularly scrubby, and the topography is such that guns stand at the bottom of the combe shooting up at the birds as they are driven over the guns.

Signage

The importance of signage was discussed with the Estate Manager and agent again, as a restriction is of little use without information on the ground to inform people that a closure is in place. The shoot confirmed they had been using the signs but had had problems with the signs being removed. Natural England again advises and expects that restriction signs will be clearly displayed every year during the closure period. The shoot stated that they are positively looking into more robust signage which it is hoped will solve the problems of past years.

Natural England's policy for long-term directions is that they should not be given for a period of more than six years. Therefore the original direction will be extended to an end date of 1st February 2026.

Summary of changes made to the existing directions:

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: 29th May 2020