

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Wiltshire Council

Relevant Authority: Natural England

Local Access Forum: Wiltshire & Swindon Countryside Access Forum

Natural England is about to review the following directions:

Land Parcel Name	Open Access or England Coast Path	Direction Reference	Dates of restriction/ exclusion on existing direction	Reason for restricting/ excluding access
Quarry Bottom	Open Access	2008020070	15 June to 1 February annually	No public access s24 Land Management - To prevent disturbance to game and disruption to shooting
Woodley Down (comprising Woodley Down, Ashgrove Bottom, and Long Down)	Open Access	2008090037	1 September to 1 February annually	

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

Your views on the current directions are sought to assist Natural England in deciding whether the restrictions are still necessary for their original purpose; and if so, whether the extent and nature of the restrictions is still appropriate for the original purpose.

The relevant authority may decide to revoke the directions or that no change to the extent and/or nature except the end date is necessary. In which case a Consultation Outcome Report will be published on the [Consultation Pages](#) of the Government's website¹.

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

2. SUMMARY OF EXISTING DIRECTIONS

Natural England, formerly The Countryside Agency, first made these long-term directions in 2004 to prevent disturbance to game and disruption to shooting.

In 2020 Quarry Bottom (case number 2008020070) was reassessed to synchronise the review process with Woodley Down (case number 200800037) as they are shot over by the same shoot. At this time both cases were extended for a further 6 years and are now being reviewed together.

The summary below gives the background to the directions. This should be read in conjunction with the other documents available as part of this consultation. Further information is available from Christine White at christine.white@naturalengland.org.uk

2.1 Summary of the Ashcombe Estate Shoot

Ashcombe Shoot run by Ashcombe Estate is a partridge and pheasant shoot covering approximately 1634 acres, including five parcels of open access land totalling around 163 acres. These parcels are known as: Quarry Bottom, Woodley Down, Ashgrove Bottom and Long Down (collectively referred to as Woodley Down for the purpose of this review) and Burial Ground (not subject to a restriction and therefore not part of this review).

The shoot consists of 24 principal drives (reducing to 14 over the course of the shooting season), with 13 (54%) utilising open access land, and four utilising the 3 rented parcels covered by this restriction. This is an intensive shoot and, as of February 2025, holds around 45 days of shooting over the season (1 September

¹ 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.

to 1 February) managed in-house by the Ashcombe Estate. Since these directions were given the number of shooting days has varied, increasing to around 60 per season in 2013.

On a typical shoot day a team of eight guns cover five drives, or four from mid-November. Of the 13 drives associated with the open access land, 62% are 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 areas of open access land at Quarry Bottom are utilised by the game birds from their release in June/July/August through to the end of the shooting season. At Woodley Down the game birds use the land from September. Partridge forage, rest and roost on the open access land, while pheasants return to woodlands to roost.

2.2 Summary of existing directions

The existing directions were given under section s24 of the Countryside and Rights of Way (CROW) Act to restrict access for three reasons:

- 1) to prevent disturbance to the game during the pre-shooting season (Quarry Bottom)
- 2) to prevent disturbance to the game on non-shooting days and shooting days during the shooting season (Quarry Bottom and Woodley Down)
- 3) to prevent disruption to the shoot on shooting days (Quarry Bottom and Woodley Down)

The reasons for the restrictions are described below:

1) Disturbance to Game during the pre-shooting season (15 June to 31 August) - Quarry Bottom

The Ashcombe Estate Shoot release their pheasant poults in June, and partridge in July or August. The birds forage, rest and take 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 are particularly prone to disturbance whilst they are habituating on the downland. Dogs off leads are especially disruptive during this period. The national restriction to keep dogs on short leads only runs from 1st March until 31st July.

There is the possibility that visitors could access Quarry Bottom, as a Public Right of Way (PROW) leads into the northern edge of the site from nearby Win Green. Win Green is a busy National Trust run site with a large car park and extensive panoramic views. Many people walk their dogs from this car park, and even though there are no attractors into Quarry Bottom there is still potential for visitors to Win Green to enter the land and cause disturbance to the shoot. Once in Quarry Bottom there are estate tracks that allow easy access around the parcel.

Even a low level of disturbance could have a detrimental effect on this shoot, so a precautionary approach was taken to have a total exclusion on Quarry Bottom during the pre-shooting season.

2) Disturbance to game during the shooting season

As described above, a PROW allows access to Quarry Bottom and people walking here could cause disturbance to habituated partridge on the down. At Woodley Down and Ashgrove Bottom a PROW runs along the bottom of these sites, and the Wessex Ridgeway runs along the bottom of Long Down. These PROW give good public access to all three parcels and are managed by stops or banksman who ask walkers to pause if shooting is in progress. As these access routes pass very close to the drives and vegetation cover on the downland is sparse, it is likely that the game birds would fly away if people did access these areas. It may then be difficult to recover the birds back in time for the drive and they could be lost from the next day's shooting. People with dogs running off leads would be the most significant risk here as dogs could easily cover a large area and possibly even cause disturbance to the birds in the cover crops outside the downland from which the birds are driven. As the use by released birds is intensive and the cover sparse, even low access levels could have a significant effect in disrupting the shoot.

3) Disruption to the shoot on shooting days

The shoot uses stops to ask people not to enter the access land when shooting is taking place. However, if people were already on the access land or chose to ignore signage or the stops, they could cause significant disruption to the shoot.

As the various PROW bring people very close to the guns, people determined to disrupt the shoot would be very difficult to manage. Any continual disruption, particularly to the signature drives of the shoot, could have a substantial effect on the day's shooting and be significantly detrimental to the shoot.

These factors combined with some shoot days being organised at short notice dictated that a total exclusion was necessary on shoot days at both Quarry Bottom and Woodley Down.

The above directions were considered to be the lowest level of restrictions to meet the needs of the shoot.

NB: No restriction was given for public safety as the relevant Authority Guidance states: '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 must assume that members of the public may be present and take all necessary precautions, even at times when they are unlikely to encounter visitors. All the parcels described above have unobstructed lines of site, the downland is not particularly scrubby, and the topography is such that guns stand at the bottom of thecombe shooting up at the birds as they are driven over the guns.

2.3 Reassessment of the original directions in 2007/8 and subsequent reviews

The whole Ashcombe Estate shoot was reassessed in 2007/8 including these two long-term directions. Natural England used spatial data from earlier research combined with a meeting held with the relevant partners to conduct an access assessment of the shoot.

This research consisted of a spatial assessment of the site carried out by the University of Reading's 'Centre for Agri-Environmental Research' (CAER) in June 2007. Spatial shoot information and maps showing the drives, gun pegs, cover crops, release pens and PROW overlaid on Open Access land were produced. This allowed the behaviour and management of the birds to be clearly studied.

This spatial data and the access assessment were overlaid to give a full picture of shooting and access on the site and their interactions. The access assessment built up a picture of the use of permissive paths and Public Rights of Way across the estate and the relative levels of use of this network.

The reassessment concluded that the original directions were still necessary and appropriate for their original purpose and no changes were made.

Subsequent reviews, including in 2015 and 2020 following the update of the Relevant Authority Guidance (RAG), similarly found that the directions were still

required. On each of these occasions the directions were extended for a further 6 years.

2.4 Signage

The importance of signage to inform the public of the closure was discussed during a site visit with the Estate Manager in 2015. Natural England advised that restriction signs should be clearly displayed every year during the closure period.

The shoot stated that they were looking into producing more robust signage to reduce the possibility of signs being removed.

2.5 The current review of directions in 2025

As part of this review in 2025, Natural England contacted Ashcombe Estate to request up to date information on the shoot. The Estate Manager confirmed that the restrictions are still required and the number of shoot days are currently at around 45 per season.

The estate operates an extensive line of beaters, loaders and pickers up who are briefed on what to do in the event of members of the public straying into the area, or using any of the public footpaths during a drive. It was noted that people only very occasionally access the land parcels during the restricted periods, usually because they are lost.

All other details of the shoot are essentially as they were at the time of the last reviews.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction, then you must do so by Friday 14th March 2025 directly to christine.white@naturalengland.org.uk.

A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website².

Using and sharing your consultation responses

In line with Natural England's [Access to Information Statement](#), 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.

² 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 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).

We do not plan to publish individual comments in full, but we may publish extracts from them when we report on our consultation(s).

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 a direction in any way (type, extent or date), the relevant authority must give a new direction under the same section 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, the relevant authority must give a new direction under the same section to revoke it. There is no requirement to review the new direction.

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.