

Countryside and Rights of Way (CROW) Act 2000:

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON PROPOSED LONG-TERM EXCLUSIONS OF CROW ACCESS

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Case Reference Number: 2017028331 / 2017038361
Name of site/land parcel: Robin Hood Quarries
Access Authority: Bolton Council
Relevant Authority: Natural England
Local Access Forum: None

Natural England has now decided how to proceed following its consultation about its proposal to exclude access under sections 24 and 25(1)(b) of CROW on this land. The relevant authority's decision is to give two directions restricting CROW access in the way it originally proposed.

This is to prevent disruption to the shoot and to prevent danger to the public when shooting is taking place.

A consultation was held from April 21st 2017 to May 26th 2017. We received feedback from:

- Bolton Council;
- Bolton Council Footpath Liaison Group; and
- The Ramblers (Bolton Group).

Outcome

Bolton Council had no objections to the proposal. The council also considered that it is important that signage clearly highlights that the route along the top of the quarry from Scout Road to Horrocks Moor is available when the exclusions are not in operation.

Bolton Council Footpath Liaison Group did not support the proposal. In their response the group considered that the proposal, along with the exclusion in place at Wilton 3 Quarry (Case Numbers 2016048135 and 2016068185) would affect the public's enjoyment to experience Horrocks Moor, through closing a popular route leading along the top of the quarry from Scout Road to Horrocks Moor.

The Ramblers (Bolton Group) considered this was a complex issue and the group had sympathy with the difficulties facing the Gun Club and the disruption to their sport caused by walkers going too near the edge of the quarry, or using the paths leading down into it.

They also appreciated those members of the Gun Club acting as marshals would have much more authority to prevent members of the public from straying too close to the edge of the quarry if there was an official denial of access when shooting was taking place, especially on Sundays when competitions take place.

The Ramblers raised concern about the exclusion of access along the top of the quarry, particularly as the starting point is directly opposite a well-used PROW (Bolton 24) from Horrocks Fold. The local Ramblers also raised concerns about the removal of the stile at the junction with Scout Road.

As part of our proposals we would not be looking to remove the stile, and on speaking to the applicant, we understand that they are keen to ensure that the route along the top of the quarry is available when the exclusions are not in place and so have no plans to block up or remove the current managed access points.

The Ramblers also raised an issue about the condition of Public Footpath in the vicinity of Bryans Hey. Although this provides another route onto the moor not too far away which may assist in helping to manage the exclusions, the issues raised are not related to our proposals. We will note the issues and pass the details onto Bolton Council for following up.

In summary, all the responders were keen to protect the route to Horrocks Moor along the top of the quarry, preferably having it open all the time. The Ramblers also sought assurances that the permissive route, as part of the exclusions at Wilton 3 Quarry, remained open at all times. On speaking to Bolton Gun Club (Rifle and Pistol Section) – landowners at Wilton 3 quarry; we have been assured that this route will be available at all times.

As outlined in the consultation summary report, we considered providing a marked route, following the current boundary fence line, within the narrow strip of open access land at the top of the quarry for use by the public when access rights are excluded. The applicant informed us that the angle of the guns is low and therefore the risk of ordnance going above the edge is probably low, however, the applicant cannot safely say that it is unlikely, hence the reason for the red flags and appropriate safety zones in accordance with the approved range orders.

Following discussions with the applicant and from the site visits undertaken we considered that the use of a marked route through the proposed excluded area would not be possible, due to the limited amount of space available in certain areas; thereby putting members of the public close to the quarry edge behind the respective target areas if curiosity got the better of them and strayed from the proposed marked route. To ensure people followed the current fence line and did not stray towards the quarry edge would require additional work, such as fencing. On balance we considered that this would be placing an undue financial and management burden on the applicant and the neighbouring land owner; something that goes against the spirit of the legislation.

Conclusion following consultation

The shooting club, as land owner, has the ability to utilise its discretionary powers under s22, however due to the constraints of this use at certain times of year and patterns of access on the site these powers does not meet the needs of the club.

Criteria Set 19 of our statutory guidance, (Relevant Authority Guidance, April 2010 (RAG)) states it may be necessary to manage public access while shooting takes place:

- to prevent danger to the public from shooting; or
- to prevent disruption to the sport.

Danger to the public from shooting at targets

From the RAG:

People shooting at targets 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.

As the relevant authority we feel that the shooting club are taking all the necessary precautions. However, the access patterns of the site are a cause of concern; the main risk is from members of the public entering the corridor behind the target as a shot is taken. The area of risk (sometimes called a safety zone) may extend beyond the target for some distance, depending on the weapon and ammunition in use.

Disruption to the sport

From the RAG:

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.

However, in this case it is clear that these techniques are inadequate in this area, to the point that they are acting as an "attractor". We also consider that the disruption to the shoot is having an impact on the clubs use and enjoyment of the site.

Therefore, Natural England as the relevant authority believes that a total exclusion of access rights under CROW is necessary at times when the firing ranges are in use.

In order to prevent disruption to the clubs activities and prevent danger to the public, we consider that the following directions are required:

- A **full direction** (2017028331) giving a total exclusion on CROW access rights on a Monday, Wednesday, Friday and Sunday from dawn to dusk all year. This will be supported by the use of red flags and other onsite management; and
- An **outline direction** (2017038361) giving a total exclusion on CROW access rights, **only** when the range is in use on a Tuesday, Thursday and Saturday. This will be supported by the use of red flags and other onsite management. This exclusion will not have any impact on the current arrangements with the BMC in relation to access by climbers.

Both exclusions will be supported by the use of red flags and other onsite management and Natural England will work with the applicant, the access authority, the BMC and the neighbouring shooting club - Bolton Gun Club (Rifle and Pistol Section) – to look at the signage and any other on site measures required to assist in ensuring that the above directions, and the neighbouring directions under case numbers 2016048135 and 2016068185, are effective in addressing the issues of both shooting clubs.

A copy of the direction is enclosed for your information. Details of the exclusions will appear on the relevant map of access land on the Open Access website at 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 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.

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 are obliged to review it within five years of the date of issue.

Date completed: June 19th 2017