

**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:** Shropshire Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Shropshire LAF

Natural England is about to review the following direction:

<b>Land Parcel Name:</b>	<b>Direction Reference:</b>
Stiperstones NNR	2014107424 to 2014107431

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 Exclusion</b>
Stiperstones NNR	2014107424 to 2014107431	Outline direction Total Exclusion 1 March to 31 July Until 01/03/2022	S26 to protect ground nesting birds

Natural England made this long-term direction on 01 March 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 Richard Thomas [Richard.Thomas@naturalengland.org.uk](mailto:Richard.Thomas@naturalengland.org.uk).

Land owned by Natural England at Stiperstones National Nature Reserve (NNR) was dedicated as Open Access Land under Section 16 of the Countryside and Rights of Way Act 2000. This was part of a project to dedicate all land at NNR's owned by Natural England, unless there are compelling reasons not to do so. Access rights commenced at the Stiperstones NNR on 19 September 2015. As part of this project for every site to be dedicated the Natural England Project Officer sought advice from the Senior Reserve Manager (SRM) for the NNR and the Responsible Officer (RO) for the Site of Special Scientific Interest (SSSI), to ensure that there would be no significant effect on important and sensitive species at that site.

The Stiperstones NNR covers about 448 hectares and the land falls within two SSSIs, the Stiperstones and The Hollies SSSI, and Pennerley Meadows SSSI. The NNR is also part of a larger Special Area of Conservation (SAC) designated in 2005 for European dry heaths and old sessile oak woods. In 2016 it was thought that access levels were probably up around 90,000 visitors per annum, with 3 car parks and many access points. There could be some quiet days but on busy sunny weekends the hill was extremely busy. There is also a well-used disability access trail. The site had de-facto access prior to CROW, but access had increased dramatically to the 2016 figures, due to more promotion from Natural England,

combined with more tourism in the area, and promotion by the County Council and Shropshire Hills AONB service.

One of the main issues for reserve staff was managing people and people with dogs. Prior to dedication there was a byelaw that restricted dogs to leads all year over the whole NNR. Extra signage was put up to enforce this during the key bird breeding season but it was an issue all year round. Following dedication it was planned that the byelaw would be removed as access for people with dogs can be restricted as necessary under CROW, therefore the byelaw would not be necessary. The reserve staff had particular concerns over disturbance to Curlew which are sensitive to disturbance, and the population is vulnerable and declining locally and nationally.

The Stiperstones Curlew population are important for maintaining the South Shropshire population, and if they fail to raise enough chicks locally per annum it affects the South Shropshire population as a whole.

It was identified that the best way to protect prospecting curlew was that if they are seen prospecting or even nesting on part of the hill, that area should be closed to prevent people and people with dogs cutting across the area to get from one main spine path to another. This could be achieved by dividing the hill up into 8 parcels, each parcel being within the network of main paths. Then if curlew are seen in an area at the beginning of the season that area can be closed by 'calling off' the outline direction, with signage used on the ground to re-enforce the position. The restrictions would just mean that people would have to stick to the network of paths around the area or areas that had been notified and excluded, with the rest of the hill remaining open.

Therefore the dedication was signed off with the proviso that the s26 restrictions would be put in place.

On 1 March 2016 this group of outline directions were given in time for that years breeding bird season. They divided the hill into 8 zones with each zone being given a separate restriction number. The location of each zone can be seen in the attached Zone Map.

At the time of the review in 2020 the outline direction has been called off once in 2016, when 3 parcels were closed under cases 2014107424 (Zone A), 2014107426 (Zone C) and 2014107428 (Zone E).

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

If you wish to comment on the review of this direction then you must do so before 8 January 2021 directly to Richard Thomas

[Richard.Thomas@naturalengland.org.uk](mailto:Richard.Thomas@naturalengland.org.uk). A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's website<sup>2</sup>.

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## 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).

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.