

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

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTIONS RESTRICTING CROW ACCESS RIGHTS

Prepared by Natural England

**Access Authority:** Shropshire Council

**Relevant Authority:** Natural England

**Local Access Forum:** Shropshire LAF

**Direction reference:** 2014107424 to 2014107431

| Land Parcel Name | Direction Reference         | Details of restriction on original direction                                   |
|------------------|-----------------------------|--|
| Stiperstones NNR | 2014107424 to<br>2014107431 | Outline direction<br>Total Exclusion<br>1 March to 31 July<br>Until 01/03/2022 |

Natural England has now decided how to proceed following its review of the long-term directions to restrict open access rights on this land. A consultation was held between 11 November 2020 and 8 January 2021 with statutory consultees and the general public. We received feedback from a number of consultees: The Kennel Club, Upper Onny Wildlife Group, Shropshire Ornithological Society and two from local members of the public.

In summary the feedback was as follows:

The Upper Onny Wildlife Group (UOWG) is in full support of the current directions and in fact would like them to be extended to cover other ground nesting species on the Red and Amber list of Birds of Conservation concern, i.e. Snipe and Red Grouse and occasionally Nightjar. They have been monitoring the Curlew population in the Long Mynd and Welsh border and have found a 31.6% decline between 2004 and 2020, with no evidence of any successful breeding (fledged young) occurring anywhere since the start of the current directions in March 2016. If this trend continues they predict the Curlew population will disappear in 25 years. They note there has been a big increase in visitors to the reserve since 2016, particularly in 2020, and they note dogs should be kept on short leads on open access land between 1<sup>st</sup> March to 31<sup>st</sup> July to protect ground nesting birds.

The Shropshire Ornithological Society (SOS) are also in full support of the directions echoing the UOWG's comments about population numbers, visitor numbers, dogs on leads restrictions and extending the power to cover other ground nesting species. The SOS has also recently published the Red and Amber Lists of Breeding Birds of Conservation Concern in Shropshire. Curlew qualifies for the Red List on both main criteria, has showed an estimated population decline of 77%, and disappearance from 62% of the Atlas tetrads, between 1985-90 and 2008-13. The decline has continued since, and the remaining population, now about 120 breeding pairs, is almost 30% of the total in southern England (*Saving England's lowland Eurasian Curlews* Colwell *et al* British Birds 113 May 2020: 279–292).

A member of the local community who helps monitor curlew breeding attempts also responded and fully agreed with the current directions. He too also supports extending to other ground nesting birds and felt that many visitors come to the area to see and hear the birds and to loose the curlew would detract from their enjoyment. Another local resident thought the directions were excessively restrictive but then corresponded again to Natural England to state that he had mis-read the initial consultation report and had thought a total exclusion was proposed over the whole hill. He also referred to issues with mountain bike use on the hill and referred to two sightings of pairs of curlew in 2020 in the area.

The Kennel Club in principle support the directions as a good example of a pragmatic and evidence based approach, following the least restrictive option principle. However they noted some issues with access on the reserve. They noted that on the online NNR leaflet, and NNR website, it stated in several places that dogs are to be kept on the lead all year with no mention of a seasonal or zoned approach. They also noted that the advice about grazing cattle in both the above does not include the vital and potentially life-saving advice approved by NE and the Kennel Club in the Dog Walking Code (as attached), for people to release their dogs if threatened by cattle. Their support of the directions was therefore conditional on the resolution of these issues, as they thought that confusing and conflicting messaging undermines confidence and also compliance with access related signage.

### **Outcome of the review:**

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.

The directions are 8 outline directions, case numbers 2014107424 to 2014107431, applying to 8 zones (A-H), that divide the hill up into suitable sections, based on the major paths, most of which are public rights of way. They are outline total exclusions for nature conservation, s26, to protect ground nesting birds, particularly Curlew, that will apply from 1<sup>st</sup> March to 31<sup>st</sup> July any year, and a parcel can be closed if Curlew are seen prospecting early in the nesting season.

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. Much of the land at the Stiperstones was already open access land, with much Registered Common Land, but access rights commenced on the rest of the Stiperstones NNR owned by Natural England on 19 September 2015.

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.

The Initial Consultation Report details the situation on the reserve at the time of the dedication in 2016, regarding the sensitive species at the site and access levels.

The NNR Senior Reserve Manager (SRM) confirmed that all these details were very much the same in 2021, albeit with a slow decline of the curlew population and increased visitor numbers. The consultation responses from the UOWG and SOS laid out these continuing declines and given that as Curlew are still in the area there is still a chance of them nesting on the hill, therefore Natural England believes that these directions should continue, to maximise the chance of successful young being fledged.

Natural England still considers that this is the least restrictive option and follows the principles in our Relevant Authority Guidance, Chapter 2.2. 'Considering the case for a nature conservation direction', especially 2.2.25 to 2.2.32. A SSSI Responsible Officer in the Natural England West Midlands Team, acting as Relevant Advisory Body also confirmed the directions were very much still needed.

A number of further issues were discussed with the SRM. The Kennel Club pointed out in their consultation response that the messaging around dog restrictions isn't consistent between online NNR materials and as detailed in the initial consultation report. The SRM explained that they still enforce byelaws set up by the Nature Conservancy Council for England under s20 and s106 of the National parks and Access to the Countryside Act 1949. These applied to the reserve prior to dedication under the CROW act and they are still signed on some of the major access points. Therefore in fact dogs must be kept on leads across the whole reserve (except on public rights of way) at all times. This is consistent with the online NNR materials and signage on the ground at the reserve.

The byelaw was originally introduced to protect ground nesting birds and the reserve staff believe it is still the simplest most effective way to manage dogs on the reserve and it also helps to protect overwintering birds, as repeated disturbance by dogs off leads can reduce the birds ability to feed successfully, especially when young.

Cattle do still graze on the parts of the hill that are common land, and on other areas of the reserve. The SRM said the signage on the ground does say to let your dogs off the lead if threatened by cattle, and he would check the messaging on the website and reserve leaflet and amend as soon as possible.

The SRM also thought it would be beneficial if the direction could apply to other declining ground nesting species such as snipe and nightjar. As the direction is broadly to protect ground nesting birds this is a possibility and will be determined on a case by case basis.

Details of the restriction will appear on the relevant map of access land on the Open Access website - [www.openaccess.naturalengland.org.uk](http://www.openaccess.naturalengland.org.uk).

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 directions will be extended to an end date of 19 February 2027.

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: 19 February 2021