

# Countryside and Rights of Way (CROW) Act 2000

## REVIEW OF STATUTORY DIRECTIONS

### 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 and Swindon Countryside Access Forum

Natural England is reviewing the following directions:

<b>Land Parcel Name:</b>	<b>Direction Reference:</b>
The Downs	2006100112 & 2006110003

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 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 DIRECTIONS**

<b>Land Parcel Name:</b>	<b>Direction Ref.</b>	<b>Dates of restriction on existing direction:</b>	<b>Reason for Exclusion</b>
The Downs, Compton Chamberlayne	2006100112	2006100112- 30 days per calendar year Total Exclusion	To prevent disruption on shoot days
The Downs, Compton Chamberlayne	2006110003	2006110003 – dogs on leads 10 <sup>th</sup> October until 1 <sup>st</sup> February every year until 01/02/2024	To prevent disturbance to game throughout the shooting season

Natural England, formerly The Countryside Agency, made these long term directions in 2006. The case was reviewed in 2011, and in 2018 when the restrictions were extended for a further 6 years.

A short summary is provided below giving the background to these directions. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from Richard Thomas at [Richard.Thomas@naturalengland.org.uk](mailto:Richard.Thomas@naturalengland.org.uk).

At the time of the last review completed in 2018 the Hurdcott Compton Chamberlayne Shoot was a partridge and pheasant shoot covering 4000 acres, including one parcel of open access land of 30 acres, with over 35 drives. Shooting was taking place on up to 30 days during the season and of the 35 drives three now utilised the open access land. Furthermore as these three drives were all signature drives they were used regularly. The shoot period had also been extended slightly from the previous start date of 15<sup>th</sup> October to the 10<sup>th</sup> October.

Two restrictions were put in place back in 2006 and these were extended again for a further 6 years in 2018, case 2006100112, an outline exclusion to prevent disruption to the shoot on shoot days, and case 2006110003, to restrict dogs to leads to prevent disturbance to game throughout the shooting season.

2006100112: Levels of use at the site were predicted to be negligible or very low on shooting days, however, the impact of disturbance or interruption if it did happen is considered to be significant on shooting days. Access management during shoot days is in place at the west end of the land close to the bridleway that runs alongside the parcel, but not at the east where there is adjacent access

land. Management at this point is possible, but would be an additional burden for the landowner. A restriction was therefore determined to be necessary on shooting days to prevent undue disruption of the shoot.

An outline direction for up to 30 days a year was given for six years (to be reviewed after four and a half) in 2006, 2011 and again 2018. The dates of shoots are usually known well in advance and have been notified to the Open Access Contact Centre as requested every year since the last review in 2018.

2006110003: Dogs on leads. When determining restriction applications Natural England follows its 'Relevant Authority Guidance', which states that restrictions may prove necessary to keep dogs to leads to prevent disturbance of drives in the run-up to shooting, but restrictions are unlikely to be necessary in other circumstances. Levels of use on this land are predicted to be negligible or very low during the shooting season, and shooting is not overly intensive (up to 30 shooting days over a 16 week period), as there is poor game cover on the downland. However, the disturbance by dogs off the lead is much greater than for dogs on leads or walkers alone, and could have a significant effect on the shoot. Therefore a restriction was deemed necessary to restrict dogs to leads throughout the shooting season, i.e. from 10 October to 1 February and every season for six years until 1 February 2024.

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

If you wish to comment on the review of this direction then you must do so before 7 October 2022 directly to Richard Thomas at [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.