

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: Gloucestershire
Relevant Authority: Natural England
Local Access Forum: Gloucestershire Local Access Forum

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Upham Meadow	2005110053

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 that no change 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 the direction, 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 DIRECTION

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Upham Meadow	2005110053	01/03/2015 - 31/07/2015 Every year until 31/07/2020	No Public Access. Nature Conservation, ground nesting birds.

Natural England, formerly The Countryside Agency, made this long term direction in 2005. The case was last reassessed in 2009 when the restriction was extended for a further 6 years.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the consultation notice sent as part of this consultation.

Further information is available from:

Richard Thomas
Lead Adviser Open Access
Mail Hub,
Natural England,
County Hall,
Spetchley Road,
Worcester
WR5 2NP
Richard.Thomas@naturalengland.org.uk

Upham meadow and Summer Leasow SSSI is 106.1 ha's in size, of this 102.8 ha's (97%) is defined as access land, being registered common land.

The site had no official access or rights of way prior to CROW but was considered likely to be popular with walkers after the commencement of CROW access rights.

There are a number of nature conservation features at the site considered vulnerable to access, but concerns focused around the breeding populations of Redshank (*Tringa tetanus*) and Curlew (*Numenius arquata*), both of which occurred in nationally significant numbers on the site. These populations are considered vulnerable to disturbance from people walking and people walking with dogs off leads. Informal management measures alone were considered inadequate to protect these breeding birds and a restriction was given to exclude access annually during the breeding season between 1st March and 31st July along with the erection of signage to notify this restriction.

2008 reassessment of the Original Direction

The site was reassessed in February 2008, at which point the site had been flooded severely towards the end of the previous summer's restriction period. The flooding was noted to have had a negative effect on the vulnerable features of the site, wiping out the chicks of any breeding waders. It was difficult therefore to assess the effect of access during the period but there were reports of people on the site with dogs off leads prior to the flooding. The increased vulnerability of the populations increased the need for a restriction at the time of this reassessment, and there was discussion at the time as to whether a padlock and extra signage on the gate might be necessary to enforce the restriction.

2009 reassessment of the original direction:

Natural England discussed the site with the representative of the Upham Pasture Holders, the site SSSI manager and the Access Authority. The Natural England SSSI manager confirmed that the vulnerable species were still present at the site and that the lack of disturbance due to the restriction is likely to be an important feature in the population's condition. There are still some local residents using the site with their dogs off the lead during the restriction period possibly unaware of the negative effect this behaviour is having on the vulnerable species, and extra access management measures enforcing the restriction should help the situation. Putting a padlock on the gates was discussed but this was thought likely to be unworkable on all the gates due to the access requirements of the pasture holders, but it was considered that better signage explaining the restriction would have a positive effect.

The site is one of the prime wildlife sites in Gloucestershire for ground nesting birds and as such it is important that disturbance during the breeding season is kept to a minimum and the restriction continued. Access to the site is poor as the river cuts the site off from the nearest town, Bredon, and the three public access points to the site are low key and reached down tracks from minor roads. Therefore access levels on the site were found to be low but again there were reports of people using the site with dogs off leads during the restriction period. Therefore better signage was proposed, the restriction notices were to be mounted actually on the gates rather than the restriction notice just being incorporated into the information board.

Natural England as Relevant Authority therefore extended the direction for a further six years (until 31/07/2015).

2009-2014

In 2011 there were reports of a dog walker ignoring the restriction period persistently using the meadows with 2 dogs off leads. It was then proposed to padlock another of the gates. There were also problems with dogs worrying cattle, and killing sheep, the latter being taken very seriously by the farmer. It has also been noted that there were cows with young calves on the meadow and that there could be a resulting public safety issue.

2015-2019

The case was reviewed in 2014 and a meeting was held locally with the Haywardens, SSSI Responsible Officer, Access Authority and Ornithologist. It was found that there were still some issues, a few dog walkers were persisting in using the meadows with dogs off leads during the closed period, with dogs also worrying livestock, and a permanent restriction notice had gone missing. The grazing of the meadows with cows and calves was also assessed and found not be requiring any restrictions over and above this one. Improvements to access management were discussed and in January 2015 the direction was extended until 31st July 2020. In May 2015 new restriction signage was put at the access points by the Access Authority.

Since this last review in the last couple of years it is known one of the access points has been closed off as it was not on a Public Right of Way.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the initial review of this direction then you must do so before 26th November 2019 directly to Richard Thomas, at the above address. A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website.²

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 direction, 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, 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.

¹https://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 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.