

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

### REVIEW OF STATUTORY DIRECTION(S)

#### SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

**Access Authority:** Lancashire County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Lancashire  
**Direction reference:** 2008060013

<b>Land Parcel Name:</b>	<b>Dates of exclusion on existing direction:</b>	<b>Reason for Exclusion</b>
Waddington Fell	No public access on every Sunday between 09:30 and 12:00 throughout the year until August 27 <sup>th</sup> 2019	Land Management and Public Safety

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to exclude CRoW access rights on this land. A consultation has been held between February 26<sup>th</sup> 2018 to March 16<sup>th</sup> 2018 with statutory consultees and the general public.

We received feedback from the operators of the shoot' who informed us that nothing has changed since the last review, shooting is still taking place every Sunday between 09:30 and 12:00 throughout the year. The site is not used on any other days.

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

Natural England's decision is to continue excluding access to the land and will therefore extend the end date of the direction to May 20<sup>th</sup> 2024.

The site has been subject to an exclusion since 2004. It was reviewed in 2008 and 2013 and on each occasion the end date extended for another 6 years. The current exclusion is for land management and public safety.

On visiting the site it is apparent that the area of land in question is part of the exclusion (fall out) zone to protect the public when clay pigeon shooting is occurring. The club shoot north out over the area of currently excluded land (typically shooters face north to north-east so as not to be looking into the sun).

The parcel is adjoined to a very large area of open country that can still be accessed when this exclusion is in place. The concern is people walking into the fall out zone.

The main discipline undertaken is known as “sporting”. Targets are thrown in a great variety of trajectories, angles, speeds, elevations and distances and the discipline was originally devised to simulate live quarry shooting.

Clay pigeon shooting takes place every Sunday morning 09.30 to 12.00. This is run as a commercial operation rather than a members only set up. Feedback from the agent and the neighbouring club (Moorcock Clay Pigeon Club) would indicate that use of this site, on Sunday mornings, has increased over the last 12 months.

As part of our research we spoke to the Clay Pigeon Shooting Association who have produced a set of guidelines / recommendations in relation to safety. This guidance is used by a number of organisations i.e. local authorities and licensing authorities as standard practice. The guidance recommends an exclusion (fall out area) zone of at least 275m in front of the guns covering an 180<sup>o</sup> arc.

There is a responsibility on those shooting to choose a position that provides clear views against a safe backdrop and that organisers of the shoot should ensure no one enters the exclusion (fall out) zone while shooting is taking place.

The Relevant Authority Guidance (criteria set 19, chapter 2.5) states that the area of risk in clay pigeon shooting is wider than for a stationary target and the standard precautions may not be adequate depending on topography, vegetation cover or other obstacles.

The operators have ensured that the fall out zone is contained within the area covered by the exclusion and in agreement with the owners but the topography is undulating and obtaining a clear view cannot be guaranteed.

We do not believe that informal measures e.g. signage or look-outs would be practical or sufficient to ensure public safety or that they are in the best interests of the CRoW user as there is no advance notice that the area should be avoided. Maintaining effective informal management would also place an additional burden on the operators of the shoot.

Government policy is that the introduction of the new access rights should not significantly interfere with land management operations or with economic returns from the land. (RAG Chapter 1, para. 1.1.1). The CRoW act, in relation to liability also states that the existence of the right ought not to place any undue burden (whether financial or otherwise) on the occupier (s13 (3)).

Taking all the information into account we consider that the least restrictive option would be to continue the total exclusion because:

- the exclusion would not have an impact of the public enjoyment of the area as the parcel is adjoined to a very large area of open country that can still be accessed when this exclusion is in place: and
- the operators only shoot on a Sunday morning for 2.5 hours and maintaining effective informal management would be unreasonable and place an additional burden on the operators and not in the best interests of the CRoW user.

Natural England's policy for long term directions is that they should not be given for a period of more than 6 years. Therefore the current exclusion will be extended to May 20<sup>th</sup> 2024.

Details of the exclusion 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).

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 originally 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](http://www.planningportal.gov.uk/planning/countryside/countryside).

Where a direction restricts or excludes 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: May 21<sup>st</sup> 2018