

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTIONS

CONSULTATION NOTICE Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Suffolk County Council
Relevant Authority: Natural England
Local Access Forum: Suffolk LAF

Natural England is about to review the following directions

Open Access land parcel name	Direction reference	Details of restriction on original direction
Brick Kiln Walks	2007020104	Dogs on leads between <u>1 August and 31 August each year annually</u> until 31 August 2023 to protect ground nesting birds under Section 26 of the Countryside and Rights of Way (CROW) Act 2000.
Westleton Heath	2007020105	
Dunwich Heath	2007020106	
Walberswick Common, Tinkers Walk & East Sheeps Walk, Newdelight Walks	2007020109	

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 each restriction is still appropriate for the original purpose.

Natural England originally gave these directions on 1 February 2007, and last reviewed the directions in August 2017. Following consultation, no change was made to the extent or nature of the restrictions.

If the relevant authority decides to vary or revoke the directions, 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 DIRECTIONS

All of the sites are located within Suffolk Coasts and Heaths Area of Outstanding Natural Beauty.

Brick Kiln Walks, Westleton Heath, Walberswick Common, Tinkers Walk and East Sheeps Walk are located within Suffolk Coast National Nature Reserves (NNRs), managed by Natural England, Walberswick Common Lands Charity, Suffolk Wildlife Trust and RSPB. The NNR supports populations of nationally and internationally protected ground nesting birds such as Avocet, Bittern, Nightjar and Woodlark.

Dunwich Heath is located within the Dunwich Heath Coastal Centre and Beach and is managed by the National Trust. The site supports populations of nationally and internationally protected ground nesting birds such as Avocet, Bittern, Nightjar and Woodlark.

Under Schedule 2 of the CROW Act there is a national restriction to keep dogs on leads from 1 March to 31 July on CROW open access land. Whilst there are a number of nesting bird species that are vulnerable to disturbance by dogs on these sites, nightjars in particular can be rearing young from a second clutch of eggs into August. The current directions extend the dogs on short leads restriction to cover the period from 1 August to 31 August annually, to protect nesting birds from disturbance.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 9 August 2022 directly to sarah.haigh@naturalengland.org.uk. A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website¹.

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 do not plan to publish individual comments in full, but we may publish extracts from them when we report on our consultation(s).

¹ 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.

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.