

Countryside and Rights of Way (CROW) Act 2000:

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED SHORT-TERM EXCLUSION OF CROW ACCESS

Prepared by Natural England

Access Authority: Durham County Council
Relevant Authority: Natural England
Local Access Forum: Durham

| Land Parcel Name | Original Direction Ref. | Details of exclusion on original direction | Reason for Exclusion |
|---------------------------------------|-------------------------|---|--|
| Waskerley Park & Wolsingham Park Moor | 2005030195 | Public exclusion when formal driven shoots occur (up to 30 days per year) from August 12 th to 10 th December each year (until 2020). | CROW s24 land management: Disruption to the shoot |

Natural England has now decided how to proceed following its consultation about the above proposed direction to exclude CROW access on this land.

Natural England, as the Relevant Authority, has decided to leave the original direction unchanged and extend the end date for a further six years.

Information about the decision:

A consultation was held with statutory consultees and the general public that sought views on the existing direction from October 1st to October 31st 2019. Natural England received feedback from the original applicant, Durham County Council, Durham Local Access Forum and a member of the public.

In summary the feedback was as follows:

- The applicant would like to see the exclusion remain. Despite having less land available to run the shooting operation, the applicant reported that the average number of days shot over this area has historically been c25 and this seems to be reflected in the number of call off days recently used.
- Durham County Council, the Access Authority, believed that usage levels by the public of access land at this location have not changed significantly since the commencement of open access, and continue to remain low. Durham County Council had no comments to make on the necessity of the direction.
- Durham Local Access Forum is unsure if it should be in the business of agreeing to exclusions for 'disturbing the shoot' and 'disturbance to game' in light of the low levels of use. They also requested that Natural England look carefully at each application and avoid granting maximum allowances without concrete reason.
- In response to the consultation a private individual considered that the current exclusion area was significantly large and asked if we could consider reducing the size. They also considered that the current number of days available is excessive.

Outcome of the Review:

Site location

The site is located in the Weardale Valley and is within the boundary of the North Pennines AONB. The southern boundary of the site follows the A689 between Durham and Alston and is close to the villages of Wolsingham and Stanhope.

The site is approximately 1820 hectares and a combination of privately owned grouse moor and Registered Common Land (RCL) and, although it is not bounded by access land to the east, the site is bordered by CRoW access land to the north, south and west. This CRoW land is a similar moor land habitat and we understand that this is also managed as a grouse moor. The grouse moors to the north and west of the site are managed more intensively and are more popular for shooting than either Wolsingham Park Moor or Waskerley Park.

The site is relatively flat with no obvious high points (other than Collier Law) or main ridges along which people may be attracted to. The Waskerley Reservoir (located to the north) and the communications tower(s) at Collier Law and south of Fatherley Hill could attract visitors to the site. The reservoir is, however, much easier to access from the Waskerley Way and minor road than from across the application site itself.

Adjacent CRoW access land to the west of the site and closer to the road offers better views of the surrounding area.

Is it necessary to do anything?

On speaking to the applicant they reported that the number of days shot per season depends on grouse stocks. The applicant reported that the average number of days shot over this area has historically been c25. He also mentioned that in some years stocks have been low, and thus the number of days shot has been reduced – our records which show the number of “call offs” of the outline direction support this. However, more recently the stock levels have increased to the historical figures. This was also confirmed by the new land owner at Wolsingham North Moor as part of the recent reassessment of that site. The applicant also felt that the public were not being disadvantaged as he was only using his “call off” days on the days he requires them.

In granting a direction we are guided by the relevant criteria sets in the Relevant Authority Guidance (RAG), Version 4 April 2010. As the current direction is in place to prevent disruption to the shoot, this is covered by Criteria Set 18.3.

As the site is not currently crossed by any Public Rights of Ways we consider it is not practical to manage the passage of visitors effectively through the area while the shoot takes place. Other management techniques to reduce this potential disruption would place an undue financial burden on the landowner who would have to employ additional staff to help manage the shoot.

Taking this into account and based on the locations of the drives and the way that shoots are undertaken, we consider that reducing the size of the excluded area will have an impact on the current operation and income generation.

In considering the information available, Natural England, as the Relevant Authority considers that an exclusion is necessary to exclude the public from the site whilst the formal driven shoots are in progress, in order to allow the shoot to take place without undue interruption. As the shoots take place in different locations across the site, and it is not easy to identify these areas on the ground the exclusion will apply to the whole site when formal driven shoots are in operation.

Although we do not expect a large number of visitors to the site, based on research undertaken at the commencement of CROW access rights it was clear that even a low level of visitors may disturb birds from a specific area before or during a drive thus making it difficult to locate or to drive the birds towards the guns.

We also consider that the public are not being disadvantaged as the use of the “call off” days is linked to bird numbers.

Therefore, our decision is to leave the original direction unchanged and extend the end date for a further six years.

As the exclusion is short term in nature (less than 6 months per year) we are not required to undertake a further round of consultation.

However, as this is a long term direction, then Natural England, as Relevant Authority will be required to undertake a review of this direction by no later than the 5th anniversary of the date of issue.

Summary of review to the current directions:

| Land Parcel Name | Original Direction Ref. | Dates of exclusion on original direction | New dates for direction | Reason for Exclusion |
|---------------------------------------|--------------------------------|---|---|---|
| Waskerley Park & Wolsingham Park Moor | 2005030195 | Public exclusion when formal driven shoots occur (up to 30 days per year) from August 12 th to 10 th December each year (until 2020). | Public exclusion when formal driven shoots occur (up to 30 days per year) from August 12 th to 10 th December each year (until 2025). | CROW s24 land management: Disruption to the shoot |

Details of the exclusion will appear on the relevant map of access land on the Open Access website - www.openaccess.naturalengland.org.uk.

Date review completed: November 5th 2019