

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: Wiltshire Council
Relevant Authority: Natural England
Local Access Forum: Wiltshire and Swindon Countryside Access Forum

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Woodley Down	2008090037

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 it, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

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.

2. SUMMARY OF EXISTING DIRECTION

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Woodley Down	2008090037	1 st September to 1 st February every year until 2021	S24 – Total Exclusion To prevent disturbance to game and disruption to shooting

Natural England made this long term direction on 29th May 2015.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from:

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2.1. Summary of the shoot

The restriction covers three parcels of open access land, Woodley Down, Ashgrove Bottom and Long Down. These three parcels are managed as an integral part of the Ashcombe Shoot run by the Ashcombe Estate who rent the shooting rights from the landowner of these parcels. At the time of the original decision in 2004 it was determined that the parcels need to be used as part of regular shoot days at potentially short notice by the shoot, and that as the Ashcombe shoot is a very intensive shoot a restriction was deemed necessary for the whole of the shooting season each year.

At the time of the last review the Ashcombe Shoot was a partridge and pheasant shoot covering approximately 1634 acres, including five parcels of open access land totalling around 163 acres. The shoot consists of 24 principle drives (reducing to 14 over the course of the shooting season), with 13 (54%) utilising open access land, and four utilising the 3 rented parcels covered by this restriction. This is an intensive shoot with around 55 days of shooting occurring over the season.

The Shoot holds four drives on the land covered in this application, one on each of the two western parcels, Woodley Down and Ashgrove Bottom, and then one either side of Long Down. They are all both pheasant and partridge drives and during a site visit with the estate manager in 2015 were found to still be an important part of the shoot. Partridge could be observed foraging, resting and roosting on the open access land on shoot days and non-shoot days and it is these behaviours that make them very susceptible to disturbance.

2.2. The original direction and previous reviews

2.2.1. The original direction

Natural England, formerly The Countryside Agency, originally gave this long term direction in December 2004. It was given for the following two reasons:-

-Disturbance on Shooting Days: It was determined that visitors may disturb the quarry or interrupt the clients from their sport, therefore a restriction was necessary on shoot days.

-Disturbance to quarry on non-shooting days: The success of each shooting day relies on birds being in the desired place for a drive. Therefore the exclusion of the public throughout the shooting season was necessary to prevent the habitual daily movement of birds from being disturbed.

At the time of the original direction around half of the then 50 days shooting a season used these drives, which approximated to a rough average of one day a week over the shoot season. These days can be booked at short notice and make intensive use of the drives when required. However disturbance on non-shoot days is equally detrimental to the success of the shoot. The flushing points for the drives were found next to the open access land and therefore people walking across the downland could cause disturbance to the habituated partridge, especially if users accessed the higher parts of the downland slopes. Birds could then be lost from the drive if this disturbance occurred on the day of, or even the day before a shoot, or from the drive altogether if disturbance became regular. Dogs running off the lead could cause additional disturbance to birds sheltering in the adjacent cover crops.

There was also an issue with disruption to the shoot. People choosing to ignore signage and stops could cause significant disruption to the shoot. The Ashgrove Bottom drive in particular was of high quality and highly reliable.

The Ashcombe shoot is a very intensive shoot, so even low access levels could have a significant effect in disrupting the shoot.

2.2.2. The reassessment of the original direction in 2007

The restriction was reassessed in November 2007 as part of a reassessment of the whole Ashcombe Estate Shoot, and Natural England used spatial data from earlier research combined with a meeting held with the relevant partners to conduct an access assessment of the shoot.

This earlier research consisted of a spatial assessment of the site carried out by the University of Reading's 'Centre for Agri-Environmental Research' (CAER) in June 2007. Spatial shoot information and spatial maps of the shoot showing drives, gun pegs, cover crops, release pens and PROW overlaid on Open Access land were produced. This allowed the behaviour and management of the birds to be clearly studied.

This spatial data and the access assessment were overlaid to give a full picture of shooting and access on the site and their interactions. The access assessment built up a picture of the use of permissive paths and Rights of Way across the estate and the relative levels of use of this network. A Public Right of Way (PRoW) runs along the bottom of Woodley Down and Ashgrove bottom, and the Wessex Ridgeway runs along the bottom of Long Down. These PRoW give good public access to all three parcels.

The 2007 reassessment concluded that the original direction was still required and no changes were made to it.

2.2.3. Review of the original direction in 2009

In 2009 the applicant's agent confirmed that the shooting was still taking place as originally detailed, and that they were hosting about the same number of shoot days. The direction was therefore extended for a further 6 years until 1st February 2015.

2.2.4. Review of the original direction in 2015

The Relevant Authority Guidance (RAG) had been updated in 2010 since the 2009 review and provided better guidance for Natural England to follow when determining cases.

A site visit was undertaken with the estate manager in 2015, and it was found that the 4 drives in this direction were still an important part of the shoot. The total number of days shooting had risen from 50 to 55 days. The use of the various drives was studied in detail and the Ashgrove Bottom drive (drive 11) in particular was found to be of high quality and high reliability, and shot on 50% of shoot days (compared to 22% in 2006). The Woodley Down drive (drive 10) was found to be reliable but not so challenging, good for use on a windy day or by less experienced shots. It was thought to be used about 20% of shoot days (compared to 2% in 2006) and was shot a lot in the early shoot season. Also one of the Long Down drives (drive 12) was also shot more than at the time of the original direction.

If 55 days are spread over 21 weeks (the full shoot season for Partridge) there are on average 2.6 shoot days per week, and 50% of those use the high quality Ashgrove Bottom drive, and on some of these days the other drives will also be used. Therefore Ashgrove Bottom, which is a high quality drive is shot on average 1.3 times a week, so in some weeks potentially 2 or more times, potentially at short notice. This intensive use makes the birds here more sensitive to disturbance, and as cover is sparse on the downland a full exclusion was again found to be required.

A Public Right of Way (PRoW) runs along the bottom of Woodley Down and Ashgrove bottom, and the Wessex Ridgeway runs along the bottom of Long Down. These PRoW give good public access to all three parcels and are managed by stops or banksman who ask walkers to pause if shooting is in progress. However as these access routes pass very close to these drives and vegetation cover on the downland is sparse, if people did access these areas it is likely that the quarry will respond by moving away and that it may be difficult to recover the birds back in time for the drive. As the use by released birds is intensive and the cover sparse, even low access levels could have a significant effect in disrupting the shoot.

Given the main three drives were now shot more regularly than in 2006 a total exclusion was again given for disturbance to the quarry. And as the PRoW bring people very close to the guns, people determined to disrupt the shoot would be very difficult to manage. This combined with some shoot days being organised at short notice dictates that a total exclusion on shoot days was proposed to be necessary for disruption to the shoot. The direction was therefore extended to have an end date of 1st February 2021 and was given:

- To prevent disturbance to game during the shooting season
- To prevent disruption to the shoot on shoot days.

2.3. Signage

The importance of signage was discussed on the site visit with the Estate Manager, as a restriction is of little use without information on the ground to inform people that a closure is in place. This was echoed by the Ramblers in the consultee comments in 2015, so Natural England advised and expects that restriction signs will be clearly displayed every year during the closure period.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 26th February 2020 directly to Richard Thomas.

A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website².

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.

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.