

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS RIGHTS

Prepared by Sarah Haigh, Natural England

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

Land Parcel Name	Details of restriction on original direction case reference 2007040001
Titchwell Nature Reserve	Exclusion of CROW access rights between 1 April and 31 August each year until 31 August 2018 for nature conservation, to protect breeding birds from disturbance and trampling.

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to restrict CROW Access rights on this land. A second consultation has been held between 29 November and 18 December 2017 with statutory consultees and the general public. We did not receive any comments.

Summary of circumstances

An outline direction was originally given in 2006 for the purpose of nature conservation, excluding people and people with dogs to protect shore nesting birds from disturbance and trampling. This direction was then reassessed in 2007 and varied to a full direction, excluding people and people with dogs from cordoned areas on the beach between 1 April and 31 August each year. The direction was previously reviewed in November 2012, with the end date extended to 31 August 2018.

Following recent consultation, Natural England's view is that the fencing and exclusion still provides necessary protection for the shore nesting birds on this site.

Outcome of the review

Natural England's decision is to vary the direction by extending the expiry date. Natural England's policy for long term directions is that they should not be given for a period of more than 6 years, and so the original direction will be varied to have an end date of 31 August 2023.

Summary of change made to the existing direction

Land Parcel Name:	Details of restriction on original direction	Details of restriction on new direction
Titchwell Nature Reserve	Exclusion of CROW access rights between 1 April and 31 August each year until <u>31 August 2018</u> for nature conservation, to protect breeding birds from disturbance and trampling.	Exclusion of CROW access rights between 1 April and 31 August each year until <u>31 August 2023</u> for nature conservation, to protect breeding birds from disturbance and trampling.

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

Where a direction restricts 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: 24 January 2018

Guidance on what to include in justification for direction

- Begin with a clear statement explaining what your decision is and why any direction is necessary (i.e. ‘.....it is necessary to restrict CROW access to this extent to prevent danger to the public and to avoid disruption to the established patterns of shooting on the land’). If this is different to the original direction, explain how it is different and the reasons for this.
- Summarise why the direction has been given and why other alternatives, e.g. the applicant’s use of discretionary rights under s22 or informal management, were not considered appropriate. If the proposed direction was different from application then explain why. For example:

“We considered whether as an alternative it might be practicable to exclude the public only at times when a red flag was flying to indicate that shooting was in progress on the land.

However, we received legal advice that the effect of the wording used in sections 24 and 25 of the Act is that such an arrangement would amount to an “outline direction” scenario, and would therefore require prior notification of all such restrictions on every occasion they were to be imposed.

The shooting club has a large membership and in our judgment, such prior notification would be impracticable because of the very frequent and ad hoc nature of members’ use of the site for shooting without any prior booking system”.

- Try to summarise responses to consultation (how many responded; brief overview of comments – did consultees support direction ? If not, were there any common objections to the proposal (NB avoid trying to deal with every single issue that may have been raised). If so, explain why those concerns a) had already been considered or b) did not affect the outcome of our decision.