

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: 2008060031

Land Parcel Name:	Dates of exclusion on existing direction:	Reason for Exclusion
Trawden Clay Pigeon Shooting Club	No public access until August 27 th 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 26th 2018 to March 16th 2018 with statutory consultees and the general public. We did not receive any comments.

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 20th 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 club have undertaken informal management by putting signs up at key locations but these fall foul of the weather conditions and local vandalism.

The main discipline undertaken is known as “skeet”, where targets are thrown in singles and doubles from 2 trap houses situated some 40 metres apart, at opposite ends of a semicircular arc on which there are seven shooting positions. The targets are thrown at set trajectories and speeds.

The club is also certified and approved by the Clay Pigeon Shooting Association (CPSA) to undertake the following disciplines

- Down the Line – Targets are thrown to a distance of 45 to 50 metres at a fixed height of approximately 2.75m and with a horizontal 'spread' of up to 22 degrees either side of the centre line. Each competitor shoots at a single target in turn, but without moving from the stand until he or she have all shot five targets. Then they all move one place to the right, and continue to do so until they have all completed a standard round of 25 birds. Scoring of each target is 3 points for a first barrel kill, 2 points for a second barrel kill and 0 for a miss (maximum 75 points per round). Variations of this discipline are: Single Barrel, Double Rise and Handicap-by-Distance.
- Automatic Ball Trap - this the second most popular Trap discipline shot in the UK next to DTL. An ABT squad consists of six shooters. Only one target is taken at each stand before moving to the right for the next target. Two shots are allowed at each target but unlike DTL, either shot scores equally. ABT targets are faster and have a greater range of angles and heights than DTL. They are thrown on random trajectories from a single trap in front of the centre stand.

Clay Pigeon shooting used to occur throughout the week and weekends at the club on a very flexible basis. Membership has declined over the last few years. This has led to a change in use of the site with shooting taking place regularly on a Sunday and Thursday with the rest of the week days and Saturdays being used on an ad-hoc basis. This ad-hoc arrangement is undertaken at very short notice and as previously club members do not have to give prior notice of when they are coming to shoot. Shooting can take place up to 10.00pm. The use does increase in the shooting season as members practice prior to a game shoot.

The club were unable to provide a record of shooting that took place in 2017 as requested at the last review. The reason is that it was difficult to record due to the change of use at the site.

As part of our research we spoke to the CPSA 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^o arc.

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)), so it is not reasonable to place any conditions on the applicant/club that might restrict shooting activity to any specific times or dates.

It is not believed 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 club, especially as membership has declined with users preferring the more “commercially operated” shoots. The excluded site is quite large and could be approached at any point along the northern and eastern side which slope away from the shooting positions. It would be easy to miss a notice placed along those boundaries. A flag system would place an unreasonable burden on those turning up to shoot and is not a legal requirement for clay pigeon shoots.

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 safety 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. In this case the topography is such that obtaining a clear view is difficult and cannot be guaranteed. Land within the exclusion zone is undulating and slopes away from the area the guns shoot from.

Due to the change of use in the site we did consider varying the current direction to

- A full direction giving a total exclusion on CRoW access rights every Sunday and Thursday; and
- An outline direction giving a total exclusion on CRoW access rights only when the site is in use on a Monday, Tuesday, Wednesday, Friday and Saturday.

However, 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 club has a licence to shoot all year and maintaining effective informal management would be unreasonable and place an additional burden on the club and due to the way the site is used not in the best interests of the CRoW user as there is no advance notice that the area should be avoided.

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 20th 2024.

Details of the exclusion will appear on the relevant map of access land on the Open Access website - 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.

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 21st 2018