

## **Countryside and Rights of Way (CROW) Act 2000**

### **REVIEW OF STATUTORY DIRECTION – PROPOSED CHANGE TO EXISTING DIRECTIONS**

#### **SUMMARY FOR PUBLIC CONSULTATION**

**Prepared by Natural England**

#### **1. INFORMATION ABOUT THE PUBLIC CONSULTATION:**

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

**Original direction reference: 2006100112 & 2006110003**

<b>Land Parcel Name:</b>	<b>Details of restriction on original direction</b>
The Downs, Compton Chamberlayne	2006100112- 25 days per calendar year Total Exclusion To prevent disturbance to game on shoot days
The Downs, Compton Chamberlayne	2006110003 – dog exclusion 15 <sup>th</sup> October until 1 <sup>st</sup> February every year 01/02/2018 To prevent disturbance to game throughout the shooting season

Natural England has begun a review of the above long term direction in accordance with statutory guidance (see Annex One). An initial consultation has been held between 18<sup>th</sup> July 2016 and 15<sup>th</sup> August 2016 with statutory consultees and the general public that sought views on the existing direction. There were no replies to the consultation, other than from the applicant's agent.

After due consideration, Natural England now proposes to vary the restriction to extend it for a further six years but with the number of outline restriction days extended to 30 days.

As we have decided to vary the direction (and are still proposing to make a long term direction) we are obliged to undertake a further round of consultation.

## 2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS:

Details of restriction on original direction:	Proposed details for new direction	Reason for proposed direction
2006100112- 25 days per calendar year Total Exclusion	2006100112- 30 days between 10 <sup>th</sup> October to 1 <sup>st</sup> February each shoot season. Total Exclusion	To prevent disturbance to game on shoot days
2006110003 – dog exclusion 15 <sup>th</sup> October until 1 <sup>st</sup> February every year 01/02/2018	2006110003 – dog exclusion 10 <sup>th</sup> October until 1 <sup>st</sup> February every year 01/02/2024	To prevent disturbance to game throughout the shooting season

We must still review the direction no later than five years after its anniversary (or from the date of the last review).

**i) Summary of proposal**

There are currently two restrictions in place at this site:-

- 2006100112, an outline exclusion to prevent disturbance to game on shoot days, and
- 2006110003 to restrict dogs to leads to prevent disturbance to game throughout the shooting season.

A meeting was held between the applicant, their agent, and Natural England in November 2017. At the meeting the applicant confirmed that the practical details of the shoot were largely the same as they were at the time of the original decision, and at the time of a study undertaken by the Centre for Agri Environmental Research (CAER), Reading University in 2007. That study produced a detailed description of the shoot, the drives and a detailed map. However the Compton Chamberlayne shoot has now merged with another shoots and is called the Hurdcott/ Compton Chamberlayne Shoot. Natural England is informed this is now a very prestigious shoot covering around 4000 acres, the land of 4 estates and encompassing 2 interesting country houses, parkland and a wide diversity of drives and habitats to be experienced throughout the day shooting. The applicant also inform Natural England the drives are therefore very varied and don't feel overrun with birds. There are now around 30 shoot days over 35 drives compared to the 25 days over 17 drives previously. Both partridge and pheasant are shot and the area covered by this direction is a parcel of open access land of 30 acres. Of the 35 drives 3 now utilise the open access land.

The 2007 report from CAER went on to report that:

*Shooting takes place on 25 (now 30) days each season, starting on the 10<sup>th</sup> October and finishing on the 1<sup>st</sup> February. On a typical shoot day a team of eight guns will cover five or six drives. Typically, one (20%) of the five drives, on a shoot day, will be one of those utilising the open access land. Of the drives associated with the open access land 100 % are classed by the shoot (in relation to all drives on the shoot) as being of high quality and generally include those that are considered to be the shoot's 'signature' drives. Within the shooting community 'signature' drives are those that the reputation of a shoot is based on and are often the principal attractants for paying guns.*

*Information provided by the shoot manager indicates that the open access land (under restricted access) is utilised by the game birds from their release in July/August through to the end of the shooting season. The open access land is traversed twice daily by pheasants moving to and from their roost sites to the game cover crops. Partridge are observed foraging and resting on the open access land.'*

This has been confirmed to still all be relevant in 2017.

At the last review meeting in 2011 an assessment of the access situation was

undertaken. An un-promoted bridleway (and farm vehicle access track) runs from the road to the land parcel and then up along the western boundary of the property, from which there are two access points.

The southern of these was ranked as a low capacity entry point, and the more northern one ranked slightly higher. There is also an access point over on the eastern side of the land, also ranked as of low capacity.

The applicant stated that very low numbers of people use the land, and that any use is mostly summer use. There are now no particular attractors on the land other than fine views as the 'Badge of Australia' is now not visible, being overgrown and un-maintained. This was confirmed to be all similar in 2017 though there is more interest in the Badge of Australia now as it is due to refurbished in 2018. The estate does also have some problem with hare coursing in the area so tends to keep the gates to the Open Access land locked when not using it for shooting.

The applicant is now the son of the original applicant and with the change in applicant and merger of the shoot there were a couple of shoot seasons when the closure dates were not sent in (14/15 and 15/16), however dates were received for 16/17 and for this season 17/18.

When determining a lowland game shoot application Natural England has to look at the following areas to see if it is necessary to do anything:

- 1) Land Management: Released Game Bird Management during the Pre-shoot Season: Disturbance to the quarry
- 2) Land Management: Disturbance to the quarry during shoot season
- 3) Public Safety: Danger to the public during the shoot season
- 4) Land Management: Disruption to the shoot during the shoot season

1) Land Management: Released Game Bird Management during the Pre-shoot Season: Disturbance to the quarry

The Relevant Authority Guidance v4 states in Criteria set 16.1:

*'Estates where game birds are released are carefully managed to maximise the number of birds at the drive on the day of the shoot*

*Partridge are put into pens from June onwards. Pens are normally sited in the area where the birds will be driven and shot later in the year*

*Pheasant are normally put in pens in July or later. The pens are normally situated in woodland or other land with tree cover, which encourages birds to roost in trees where they are less vulnerable to predation.*

*Birds are held in the pens for two to four weeks and then released, but encouraged to remain in - or return daily to - the area where they will be driven and shot. Gamekeepers minimise disturbance in the four to six weeks following release, while the birds are establishing a strong bond (known as 'habituation')*

*with the affected land.*

*Visitors may disturb birds and cause them to leave a feeding area or drive, but once they are habituated to the land, they are more likely to return to it after a temporary absence*

*Disturbance is more likely to occur from free-roaming dogs than by people, who often move quietly along predictable routes. Signs should be placed at site entrances from release until the end of the shooting season, encouraging visitors to keep their dogs under close control, and reminding them of the national requirement to keep dogs to leads from March 1st until July 31<sup>st</sup>.*

At this site the release pens are not located on the open access land so the risk of disturbance during this period from public access is minimal therefore no restriction during the pre-shoot season is deemed necessary.

#### 2) Land Management: Disturbance to the quarry

The Relevant Authority Guidance v4 states in Criteria set 18.1:

*'Visitors may cause quarry to leave an area where a shoot is planned to take place, if by passing through they disturb it. This is most likely if they bring dogs and their dogs run freely.'*

This is potentially an issue so is considered further below.

#### 3) Public Safety: Danger to the public

The Relevant Authority Guidance v4 states in Criteria set 18.2:

*'Shooters have to assume that members of the public may be present and take all necessary precautions, even at times when they are unlikely to encounter visitors.'*

*People using shotguns should be able to see the whole area where their shot could fall and must not shoot if anyone enters that zone of risk.'*

This is potentially an issue so is considered further below.

#### 4) Land Management: Disruption to the shoot

The Relevant Authority Guidance v4 states in Criteria set 18.3:

*'Disruption can be effectively avoided if shooting can be timed to avoid days and times when visitors are likely to be present.'*

*Commercial shooting enterprises (often driven shoots) are less flexible in this respect, since shooting is timed for the convenience of their clients.*

This is potentially an issue so is considered further below.

## **ii) Is a statutory restriction necessary?**

### **2) Land Management: Disturbance to the quarry**

The Relevant Authority Guidance v4 states in Criteria set 18.1:

*'Restrictions for the purposes of land management may be necessary before a shoot takes place. This is most likely to be necessary before a driven shoot:*

- o where access routes pass through or very close to the area of the drive;*
- o the quarry is likely to respond by moving away from the drive; and*
- o it is impractical for the shoot organisers to recover the quarry or relocate the shoot before it takes place.'*

In this case the main access routes pass alongside the downland but if disturbed the quarry could move away from the drive and could be difficult to relocate back. Therefore some form of restriction will be likely and this is explained below.

### **3) Public Safety: Danger to the public**

The Relevant Authority Guidance v4 states in Criteria set 18.2:

*'Restrictions to prevent danger to the public will only be necessary where shooter's views over the area of risk are obstructed.'*

In this case lines of site are not obstructed so no restriction is necessary for public safety.

### **4) Land Management: Disruption to the shoot**

The Relevant Authority Guidance v4 states in Criteria set 18.3:

*'Restrictions for the purpose of land management may be necessary where:*

- o the timing of the shoot unavoidably coincides with times when visitors are likely to be present; and*
- o it is not practical to manage the passage of visitors effectively through the area while the shoot takes place'.*

A restriction is likely to be necessary as there are problems with the effective management of visitors as is explained below.

## **iii) What is lowest level of restriction required?**

### **2) Land Management: Disturbance to the quarry**

The Relevant Authority Guidance v4 states in Criteria set 18.1:

*'On some shoots a favoured drive may be shot more than once a week. This intensive use may make birds more sensitive to disturbance on intervening days. In areas that are shot regularly, relevant authorities may therefore elect to restrict dogs to leads throughout the season, both to minimise disturbance and in the interests of clarity for the visiting public.'*

*Full exclusions may occasionally be necessary where game cover is sparse. Leave residual routes or areas open to the public wherever practicable to do so.'*

*Remember that rights of way are unaffected.'*

Disturbance by dogs off the lead is much greater than for dogs on leads or walkers alone and could have a significant effect on the shoot, so although the shooting is not overly intensive (30 shooting days over a 17 week period), as there is poor game cover on the downland a restriction is again proposed under Case 2006110003 to restrict dogs to leads throughout the season, i.e. from 10<sup>th</sup> October to 1<sup>st</sup> February, and every season for six years until 1<sup>st</sup> February 2024.

#### 4) Land Management: Disruption to the shoot

The Relevant Authority Guidance v4 states in Criteria set 18.3:

*'Exclude people from the affected area while driving or shooting are in progress or earlier, where necessary to ensure that visitors are not present when the shoot begins.*

*Leave residual routes or areas open to the public whenever safe and practicable to do so. Remember that public rights of way will be unaffected.*

*Relate the timing and number of any restrictions to what is actually planned or likely, given the legal and practical constraints.'*

Levels of use at the site were predicted to be negligible or very low on shooting days, however, the impact of disturbance or disruption if it did happen was considered to be significant on shooting days. Access management is in place at the west end close to the bridleway, but not at the east where there is adjacent access land. Management at this point is possible, but would be an additional burden for the landowner. A restriction is therefore proposed on shooting days to prevent undue disturbance and disruption of the shoot. The proposal is for an outline direction for up to 30 days a year again for six years (to be reviewed after four and a half). This is covered under case 2006100112.

The dates of shoots are usually known well in advance and have normally been notified to the Open Access Contact Centre as requested. It is hoped this has maximised the opportunity for the public to be made aware of the restriction. Restriction signage has been issued that has all the dates for this season on the one notice (including the 28 discretionary days) and it is proposed that this system will continue for the following 6 years.

### 3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of this direction then you must do so before 15<sup>th</sup> December 2017 directly to:

Richard Thomas  
Natural England  
Third Floor  
Horizon House  
Deanery Road  
Bristol  
BS1 5AH

Email: [richard.thomas@naturalengland.org.uk](mailto:richard.thomas@naturalengland.org.uk)

A map accompanies this notice and is attached or can be seen on the [Consultation Pages](#) of the Government's Website<sup>1</sup>.

#### 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).

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

---

<sup>1</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](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.



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 relevant 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, it 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 a direction in any way (type, extent or date), it 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.