

Peak District Local Access Forum

Date: 4 June 2024

Item: 9

Title: Review of Long-term Directions Restricting Access

Author: Sue Smith

Purpose of the Report

The purpose of the report is to notify the Forum on the consultations for the review of open access land exclusions.

Background

The report to the Forum in February 2024, identified the review process and the sites subject to review. Three sites are presently being reviewed. Public consultations took place February to April 2024. The Forum provided a response which is attached in Appendix 1.

Further views are sought in relation to a proposed variation at West Nab, Bradfield.

Deer Hill, Meltham

The rifle range is outside the National Park; its fall of shot extends into the National Park. The direction is being reviewed in conjunction with Natural England as the Relevant Authority for the part of the site outside the National Park.

The Club has confirmed that the directions are required for the purposes for which they were originally applied for and there have been no changes to the fall of shot zone.

It is proposed that the existing directions are varied as follows:

- Extend the end dates to provide a further 6 years

Diggle Rifle Range

The site is a rifle range with associated safety zones.

The Club has confirmed that that the directions are required for the purposes for which they were originally applied for and there have been no further revisions to the fall of shot zones.

It is proposed that the existing direction is varied as follows:

- Extend the end date to provide a further 6 years

West Nab, Bradfield

The land is used for clay pigeon shooting and gun testing.

The owner has confirmed that the direction is required for the purposes for which it was originally applied for, but that there is scope to vary the line of the linear access route and for the availability of wider access at times when no flags are flying/no shooting is taking place.

Subject to further consultation, it is proposed that the existing direction is varied as follows:

- Extend the end date to provide a further 6 years
- The linear access to follow the main track through the site
- The linear access to be available at all times
- Exclusion conditional on red flags flying.

The consultation is provided in Appendix 2.

Recommendation

- 1. That the LAF confirms its consultation response attached in Appendix 1.**
- 2. That the LAF considers whether they wish to make a response to the consultation in Appendix 2.**

Appendix 1



Peak District Local Access Forum
c/o Peak District National Park Authority Aldern House
Bakewell DE45 1AE

Sue Smith
Access and Rights of Way Officer
Peak District National Park Authority Aldern House
Bakewell DE45 1AE
by email: sue.smith@peakdistrict.gov.uk

2 April 2024

Dear Sue

REVIEW OF DIRECTIONS RESTRICTING ACCESS AT

- DEER HILL REFERENCE 2014037129
- DIGGLE REFERENCE 2014037141
- WEST NAB REFERENCE 2014037142

I am writing to you on behalf of the Peak District Local Access Forum (PDLAF), in response to the above Reviews, as set out in your consultation documents dated February 2024

The Peak District Local Access Forum is the statutory body advising the Peak District National Park Authority and Derbyshire County Council on recreation and access matters within the LAF area. Forum members are drawn from a wide range of access interests including walking, climbing, cycling, horse riding, recreational motor vehicles, farming, land management, conservation, climate change and local business.

The proposals in the consultation were discussed at our meeting on 21 February 2024, and subsequently by email with all LAF Members. Members did not raise any objections to the Directions, and as such PDLAF agrees that the extent and nature of the restrictions are still appropriate.

Yours sincerely

Louise Hawson
Chair, Peak District Local Access Forum

Copies by email to:
Peak District National Park Authority: Mike Rhodes
Derbyshire County Council: Gill Millward
Members of the Peak District LAF

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION

**SUMMARY FOR PUBLIC CONSULTATION
Prepared by the Peak District National Park Authority
June 2024**

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Peak District National Park Authority
Relevant Authority: Peak District National Park Authority
Local Access Forum: Peak District Local Access Forum

Land Parcel Name:	Direction Reference
West Nab	2014037142

The Peak District National Park Authority has begun a review of the above long-term direction. A consultation was held 21 February 2024 to 5 April 2024. Feedback was received from the Local Access Forum.

After consideration, it is proposed to: realign the linear access to follow the track through the site; and to improve the signage and flags so that access may extend beyond this route when it's clear that no shooting is taking place. The effect of this proposal will be to revoke and replace the existing direction and extend the end date.

A further round of consultation is required to be undertaken due to the decision to vary and the long-term nature of the direction.

Background

The National Park Authority made a direction in 2004 to restrict CROW access to a waymarked linear route along the southern boundary of the land under section 24 and 25(1)(b) of the Countryside and Rights of Way Act, in order to prevent danger to the public and to allow the land to continue to be managed without undue cost or burden upon the landowner. The linear route continues beyond the boundary in a westerly direction to meet up with adjoining access land. The direction is conditional on this linear access route being available at all times. The line of the route was identified to avoid the clay pigeon shooting and gun testing taking place elsewhere on the site.

Why is a statutory restriction necessary?

Criteria Set 19 from the Relevant Authority Guidance covers shooting at man-made targets. The most relevant extracts under this Criteria are as follows:

- Danger to the public:
Where the target is static (e.g. archery or pistol shooting), the main risk is from entering the corridor behind and in front of the target as shot is taken. The area of risk (sometimes called a safety zone) may extend beyond the target from some distance, depending on the weapon and ammunition in use. People using pistols, rifles, bows or similar weapons must therefore choose a position that provides clear views against a safe backdrop before taking a shot. Shoot organisers must ensure that no-one enters the safety zone while shooting is taking place.
Signs flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and recommend safe routes through or around the affected area.

- Disruption to the sport

Participants can be distracted from shooting (whether or not the target is moving) by the need for extra vigilance in order to prevent any risk of accidental injury to visitors. Where visitor levels are high, the frequent need to stop shooting in order to allow visitors to pass may detract significantly from their enjoyment of the sport. Signs, flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and encourage considerate behaviour. These techniques are most likely to be effective where there are safe and clearly marked rights of way or other routes that people can use through or around the area affected without causing significant disruption.
- Is a statutory restriction necessary?

Restrictions may be necessary while a shoot or activity is in progress if other available techniques are inadequate to allow it to take place safely and without undue interruption. This is most likely:

 - To prevent danger to the public, where topography, vegetation or other obstacles obstruct the views of shooters over the area of risk;
 - To prevent danger to the public during paintballing and other games that depend on simulating combat conditions
 - To prevent disruption to any shooting sport, where visitor levels are significant.

It is considered a restriction is still necessary on grounds of land management and public safety. The nature of use can be variable and at short notice. However, the proposed realigned access provides a safe and convenient route which is easily visible to those engaged in shooting and which does not result in undue interruption to such use. Signposting and waymarking is required for this important link route and includes the erection of red flags at each end of the site when shooting is taking place. At such times, access will be confined to the linear route.

What is lowest level of restriction required?

The use of discretionary days or an outline restriction which requires prior notification are not considered appropriate because of the ad hoc use of the site for shooting. A restriction which is conditional on a linear access route being available 365 days a year and which provides for additional access when no red flags are flying/shooting is taking place is considered to be the least restrictive option.

2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTION:

Land Parcel Name	Details of restriction on original direction	Proposed details for new direction	Reason for proposed direction
West Nab	Restricted to a way-marked linear route at all times until 31/12/2024	Restricted to a way-marked linear route when red flags are flying until 31/12/2030.	Land Management/ Public Safety

Following the initial consultation, the National Park Authority considers that the restriction should remain in place for a further period until 31 December 2030. However, it is proposed to vary the current direction by realigning the linear access and providing for additional access at such times when no red flags are flying.

3. SUBMITTING COMMENTS ON THE REVIEW:

Reference:	Comments to:
West Nab – 2014037142	sue.smith@peakdistrict.gov.uk

If you wish to comment on the review of this direction then please do so by **21 June 2024**.

A map accompanies this notice.

Using and sharing your consultation responses

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.

Annex 1

In accordance with statutory guidance, the Peak District National Park Authority (PDNPA) 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 the 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.
- vary 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, the relevant authority must give a new direction under the same section to revoke it. There is no requirement to review the new direction;

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; and 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.