

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION(S)

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

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

Natural England is about to review the following directions:

| Land Parcel Name: | Direction Reference: |
|---------------------------------|-----------------------------|
| Titchwell Nature reserve | 2007040001 |

This is in line with the relevant authority's statutory duties (see Annex 1).

Your views on the current direction is sought to assist the relevant authority 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 <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/consultation.aspx>

If the relevant authority decides to vary or revoke the direction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

2. SUMMARY OF EXISTING DIRECTION(S)

| Land Parcel Name: | Direction Ref. | Dates of restriction on existing direction: | Reason for Exclusion |
|---------------------------------|-----------------------|--|-----------------------------|
| Titchwell Nature Reserve | 2007040001 | 01/04/07 to 31/08/2013 | Nature Conservation |

Natural England made this long term direction on **1st April 2007**

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 **Helen Bamber**, **Helen.bamber@naturalengland.org.uk**

Summary of Directions:

Titchwell Nature reserve is within the North **Norfolk Coast Site of Special Scientific Interest** and forms part of the **North Norfolk Coast SPA, SAC and RAMSAR site**. The whole of the coast is of great ornithological interest with nationally and internationally important breeding bird colonies of several species. Titchwell Nature Reserve is owned and managed by the Royal Society for the Protection of Birds (RSPB). The site is visited by between 60 to 80,000 people per year and it has well defined paths, 3 hides and a visitor centre. A small parcel of land was mapped as Registered Common Land under CROW. A small area of this open access land is cordoned off using fencing during the breeding season of vulnerable bird species.

Current Direction: Public Exclusion under Section 26 of the CROW Act to cover the period of 1 April to 31 August annually until 31 August 2013.

Reason for Direction: The purpose of this direction is to help protect ground nesting birds – Little Tern and Ringed Plover. Coastal erosion has resulted in significant environmental changes that have greatly reduced the success rate of breeding Little Terns, however, the Ringed Plover are still present.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before **16 December 2011** directly to Helen Bamber:

**Natural England
Leeds Office
25 Queen Street
Leeds
LS1 2UN
West Yorkshire
Helen.bamber@naturalengland.org.uk**

A map accompanies this notice and is attached and all documentation can be seen on the open access consultation page on Natural England's website www.naturalengland.org.uk/openaccess

If, following consultation, we decide that the existing directions are still appropriate and do not need to be changed then we will record the decision and set a new review date (which will be no later than 5 years from the completion of this review).

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