

# Peak District Local Access Forum

**Meeting Date:** 6 December 2007

**Agenda Item:** 6

**Title:** PROPOSAL FOR A LONG TERM DIRECTION TO RESTRICT ACCESS UNDER THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

**Author:** Mike Rhodes

## **Purpose of the Report**

To formally consult the Forum on a proposal by the National Park Authority to exclude access from an area of Access Land

## **Background**

The following information summarises the proposal together with the attached map. The Authority welcomes comments from the Forum.

## **Report**

**Case Reference Number:** 2007110017

**Land Affected:** Horseley Head Moss, part of Meltham Moor

**Land Owner:** Lydgate Rifle and Pistol Club, Deerhill Range, Meltham, West Yorkshire.

**Grid Reference:** SE 064 095

**Relevant Authority:** Peak District National Park Authority

**Local Access Forum :** Peak District

The Peak District National Park Authority proposes to give a direction under sections 24 and 25(1) (b) of the Countryside and Rights of Way Act 2000 (the CROW Act) to give effect to the exclusion of public access as detailed below.

This is a summary of our proposal, explaining the reasoning in support of our proposal. A map is enclosed which illustrates the area of the proposed exclusion. Other documents relating to the proposed direction may be inspected at the Peak District National Park Authority office in Bakewell or copies obtained from the Open Access Contact Centre, PO Box 725, Belfast BT1 3YL

## **Period of restriction**

The restriction given effect by this proposed direction will be effective until 19/09/2009 by which time it will be reviewed as part of the statutory review of the whole site exclusion, as required by the CROW Act, Section 27(3). We may also revoke or vary the direction at any other time, if new evidence comes to light showing that the circumstances have changed.

## **Nature of restriction**

Public access by virtue of Section 2(1) of the CROW Act will be excluded from the land in the accompanying map dated November 2007.

## **Land affected**

The accompanying map shows the land affected by this restriction (Site C).

## **Reasons why this direction is proposed**

The Peak District National Park Authority is satisfied that restriction of CROW Act access to the extent specified above is necessary, in order to ensure public safety during shooting and allow the land to continue to be managed as at present without undue burden.

### Background

In September 2004 the Peak District National Park Authority granted a long-term direction to exclude public access from part of the Deerhill Range's fall-of-shot safety area. The remaining part of the safety area was at that time outside the bounds of the direction, as the land was Common Land and as such outside the jurisdiction of the CROW Act.

In March 2007, the Club was granted an Order of Exchange by Defra, which exchanged the Common Land status of this area with an area of land in the Club's ownership that was not Common Land. As a result of this exchange, this area of land (site C on the enclosed map) has become subject to CROW Act rights of access.

The Club has therefore applied to extend the area covered by the direction to include this area of formerly Common Land that lies within the safety area.

The proposed direction will therefore exclude the public from this new area (site A) on the same basis and justification as the 2004 direction. It will be reviewed by September 2009, at the same time, and as part of, the required review of the original direction.

### Why is a statutory restriction necessary?

(a) On public safety grounds:

Site C on the attached map indicates a parcel of land which falls within the fall-of-shot safety area as verified by the governing body of the sport, the National Rifle Association. The safety area is clearly marked on the ground with warning notices.

Exclusion of the public is required under the terms of the Club's Range Safety Certification, whilst shooting is taking place. The range is currently approved for use by the Home Office.

Site C is out of the view of those using the range. Shooters would be unable to observe that people had entered the danger zones and so shooting would not be stopped, as a result people could be injured or killed by falling or stray shot.

(b) On land management grounds:

The lowest level of restriction available in this case would be to exclude the public from Site C, at times when shooting is taking place. Such a direction would restrict the public at all times to entering the land at specified access points and the Club would be required to display a red flag or similar device at these points when shooting is taking place. Display of the red flag would

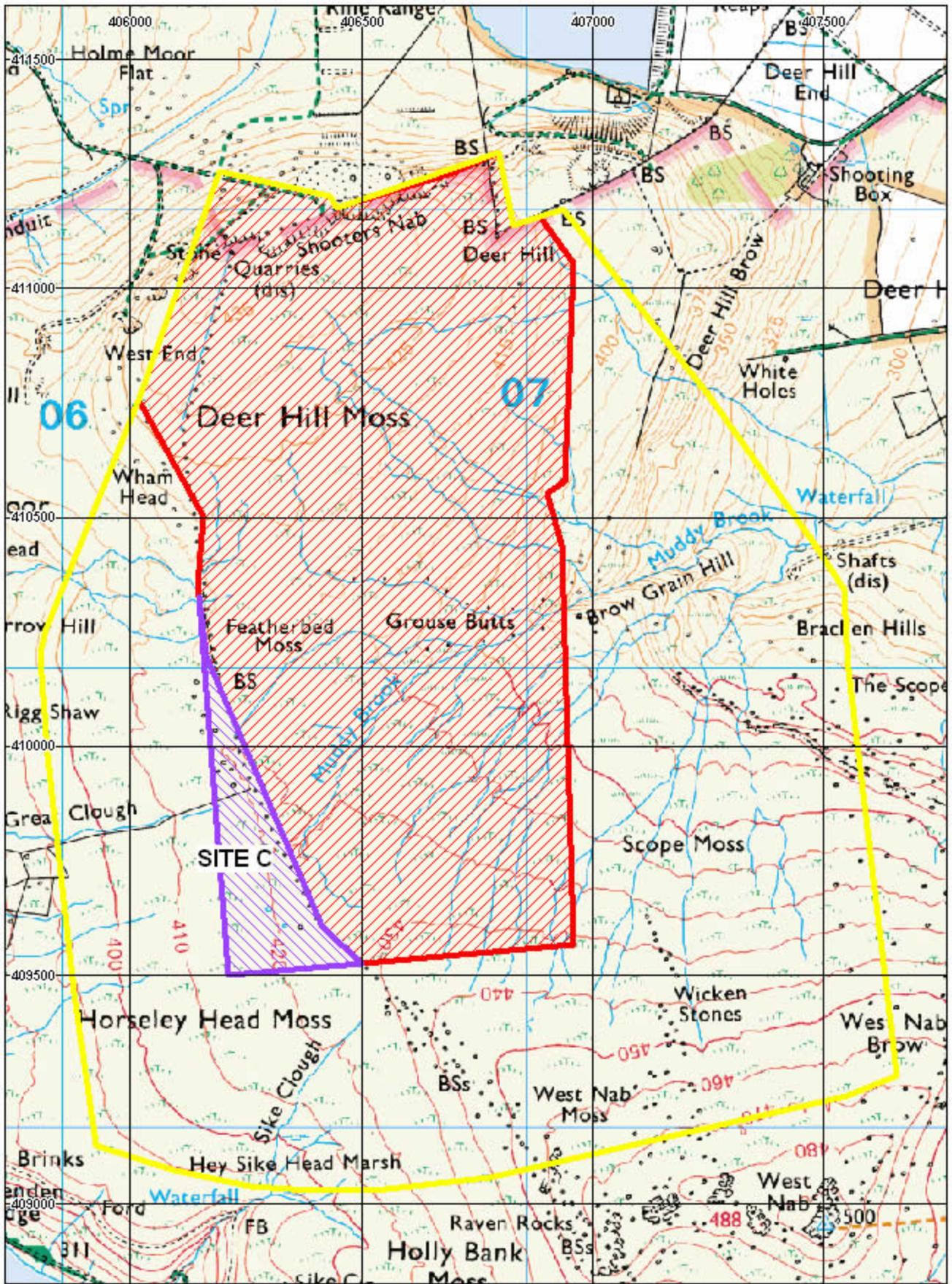
give effect to a complete exclusion from the safety zone indicated on the map to prevent danger to the public, or disruption to the shoot. However, legal advice indicates that such a direction is not legally permissible under the terms of the CROW Act.

An alternative approach would be to give an outline direction to exclude the public from the safety zone indicated on the map, requiring the club to notify the relevant authority each time it wished to use the site for shooting in order to give effect to the exclusion. The Authority is satisfied that use of the range is frequent and irregular by nature. The range is in use almost every day, and is used by the West Yorkshire Police around 48 days a year, with a further 100 days a year use by various other police forces and other clubs. Club members use the club mid-week when the police are not there, and regularly on Saturdays and Sundays. In our view an outline direction of this nature would represent an unreasonable imposition on the club, in view of frequent and *ad hoc* use of the site.

It would be unreasonable to expect those using the range to avoid times when visitors may be present, as this would clearly interfere with the legitimate use of the site.

It would pose an undue burden on users of the range to inspect the site and to request anyone on the land to leave prior to shooting taking place due to the elevated and distant nature of Site C and the number and irregularity of points of access. This precedent has been demonstrated in another similar case.

The Authority is therefore proposing a long-term exclusion as the only legal and practicable solution that will prevent danger to the public and avoid disruption to the use of the Range.



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Scale 1:12000

Lydgate Rifle Club  
Proposed Direction  
November 2007

-  Land Ownership Boundary
-  Existing Restriction
-  Site C - Proposed Restriction

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