

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Herefordshire
Relevant Authority: Natural England
Local Access Forum: Herefordshire Local Access Forum

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Lower Lugg Meadow	2006030159

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

Your views on the current direction are sought to assist Natural England 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 the Consultation Pages of the Government's Website¹.

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

¹ 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.

2. SUMMARY OF EXISTING DIRECTION

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Lower Lugg Meadow	2006030159	1 March – 31 July each year until 31 July 2021	No Public Access. Nature Conservation (s26), ground nesting birds.

Natural England made this long term direction on 9th June 2015.

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:

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At the time of the last review it was found Lugg Meadows are divided into the Upper and Lower Lugg separated by the busy A438. The site is designated as a Local Nature Reserve and on 14 December 2011 was designated as a SSSI for its unimproved species rich neutral grassland communities. Herefordshire Wildlife Trust (HWT) manages both the Upper and Lower Lugg Meadows. The Upper Lugg is Section 15 Common Land, so access has been in place for many years. The Upper Lugg is heavily used by the public, particularly dog walkers as it is in close proximity to the housing estates in Hereford. There are numerous entry points and Public Rights of Way (PRoW) on the site. At the time of the original decision the Upper Lugg experienced typical urban fringe problems such as vandalism, rubbish dumping, burnt out cars etc. Part of the Upper Lugg is a Site of Special Scientific Interest (SSSI), the River Lugg which runs through both sites is also SSSI, and is also designated a Special Area of Conservation (SAC). There are no PRoW on Lower Lugg and it has historically been much quieter. The close proximity of Upper Lugg may help offset many of the urban fringe problems associated with this area at Lower Lugg.

During the winter the river often bursts its banks and floods across the meadows, this annual enrichment creates a very productive soil which produces a nutritious hay crop. The Upper and Lower Lugg has been managed for hay making since

historical times and is recorded in the Domesday Book. The meadows are a surviving Lammas Meadow, ownership is divided amongst many individuals just as in medieval times. Many commoners exercise their grazing rights during the winter months before Candlemas (2 February), after this date the meadows are 'shut up for hay' with no grazing permitted until Lammas Day (1 August) in the summer. Once the hay crop has been cut the meadow is opened up again for communal grazing. They are the largest surviving system of Lammas meadows in England.

The original direction

The Lower Lugg is a very flat and open site and of particular interest to breeding Curlew (*Numenius arquata*). Curlew are mentioned in the SSSI citation and as such should be taken into account when considering the likely impact from access. They are also on the Amber List of Birds of Conservation Concern and are listed as a Species of European Conservation Concern, with its breeding population being listed as in decline. In 2005 Lower Lugg Meadows and Hampton meadows collectively supported half the breeding population of Curlew in Herefordshire; therefore this site is locally very important to this sensitive ground-nesting bird species.

For this reason on 21 March 2006 a section 26 restriction was determined necessary between 1 March and 31 July inclusive, to totally exclude people and dogs during the breeding season.

2010 review of the direction

In 2010 it was found that ground nesting Curlew continued to be present on Lower Lugg since the original decision in 2006.

HWT commented that curlew numbers had declined locally which made it even more important to give the remaining curlew more chance to successfully breed by maintaining this restriction. Therefore Natural England decided that, as the feature of concern was still present and vulnerable to disturbance from use of CROW access rights, the exclusion between 1 March and 31 July each year was still necessary, and would remain in place. The direction was therefore extended for a further six years.

2015 review of the direction

In 2015 it was found that the Curlew population had dropped from 4 pairs in 1999 to around one pair for the few years previous to the review, but this population may have been slowly increasing with 2 pairs seen in 2014, and returning pairs holding territory before the breeding season in 2015.

Even though numbers were low HWT believed the site was still important for Curlew when combined with Hampton Meadow and when looking at the wider Lugg landscape. Therefore the direction was again extended for a further six years.

Access

There are two access points to the Lower Lugg, one main entrance for vehicular access near the river and one stile. At the time of the 2015 review new restriction signs had been installed by HWT. Also the Open Spaces Society, Herefordshire Local Access Forum and Herefordshire Ramblers all wanted to see access improved outside of the restriction period. They recommended the installation of two pedestrian or kissing gates at the two access points. These could be locked during the restriction periods and it was considered they could help maintain compliance with the restriction period in conjunction with the restriction signs.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 26th February 2020 directly to Richard Thomas.

A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website².

² 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.

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 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. 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 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 the extent or nature of 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, 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.

