

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS

Prepared by Natural England

Access Authority: Cornwall Council
Relevant Authority: Natural England
Local Access Forum: Cornwall Countryside Access Forum

Direction reference: 200508001

Land Parcel Name	Direction Reference	Details of restriction on original direction
Black Rock	200508001	28/08/05 - 31/05/2999

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to restrict CROW access on this land. A consultation has been held between 2nd June 2014 and 7th July 2014 with statutory consultees and the general public.

We received feedback from the Ramblers, the landowner and Natural England in its role as Relevant Advisory Body.

In summary the feedback was as follows:

The Ramblers stated that given the proximity to the South West Coast Path and the importance of the site for breeding grey seals they support a continuation of the existing direction unchanged.

The landowners and in effect wardens of the site strongly support the continuation of the access restriction. They informed Natural England that after the last two very wet winters there was a massive cliff fall over the original beach where the seals pupped and hauled out. They do not know whether there were many seals on the beach when it occurred, though the seals are continuing to use the more recently created and visible beach and there are still a considerable number of them.

They stated that 'the cliff is still highly unstable. The footpath has been swept away and it is too unsafe to go and investigate whether the signs are still there. If for no other reason other than public safety, the access restriction should remain.'

The Relevant Advisory Body (nature conservation experts within Natural England) was consulted once the above information was received from the wardens. The RAB officer said that his initial feeling was that the outline restriction should remain, though this is a precautionary approach.

However, he also said that no incidents have been reported and that there hasn't been a recent seal survey so we do not know the recent population trend. Even if the local population had declined he could only assume that any suggestion of a link to human disturbance would be speculative. Therefore he would not be against a decision to remove the restriction.

Outcome of the review:

Natural England's decision is to revoke the direction.

Natural England has considered all information and comments received during and after the above review, and has concluded that the existing direction is no longer necessary for the following reasons:

- We have no evidence of any disturbance to the seal colony by walkers.
- The outline direction has not been activated during the last 10 years which means the restriction has never been put in place.
- Due to the cliff fall access to the beach from the cliff top is virtually impossible without climbing and even this would be perilous due to the unstable nature of the cliffs so it is not possible for people to reach the seal colony from access land.

We recognise that the seal colony is important and should not be disturbed but in the present circumstances it is not possible for the colony to be accessed nor has the restriction been required to prevent disturbance in the last 10 years. It should be noted that a non-application s26 restriction can be implemented at short notice by Natural England should disturbance become an issue in the future.

This decision will be effective from 4th October 2014.

Summary of changes made to the existing directions:

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Black Rock	28/08/05 - 31/05/2999	Restriction Revoked. National Restrictions apply.

Details of the restriction will appear on the relevant map of access land on the Open Access website - www.naturalengland.org.uk/openaccess.

Date review completed: 3rd October 2014.