

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

Land Parcel Name:	Direction Case Number	Original Direction
Flinty Fell	2008080091	Dog exclusion from October 1 st to March 31 st each year (until 2016)
Red Carle Allotment	2005100020	
Rotherhope North and South	2005100015	

The Relevant Authority, Natural England, has now decided how to proceed following its review of the above directions to restrict CRoW access at these sites. The final decision is to extend the current restriction and make a change to the direction end date; to exclude dogs from the sites between October and March each year for nature conservation purposes.

An initial consultation has already been held with statutory consultees and the general public. This consultation period ended on January 30th 2015. Following that consultation, Natural England received feedback from the Responsible Officer at Natural England responsible for SSSI management in this area and the Ramblers.

In summary the feedback was as follows:

- The Responsible Officer felt it appropriate to maintain the current restrictions across the three sites.
- The Ramblers felt that the current restriction, across all three sites, is the lowest level of restriction necessary and in line with the Relevant Authority guidance if it is acknowledged that Black Grouse still use the sites over the winter period.

As reported in the initial consultation report, Cumbria County Council and the Game and Wildlife Conservation Trust (GWCT) had undertaken monitoring, following the last review, to establish the numbers of wintering Black Grouse and the numbers of users.

Summary of the Monitoring

Bird Data

Winter Transects

Across all sites surveyed between 2010 and 2014 the GWCT encountered threefold more females than males. The total numbers of birds observed between 2004/05 and 2014 remained stable at Rotherhope North and South and Red Carle Allotment. At Flinty Fell, the numbers observed declined from 18 birds in 2004/05 to none in 2014. The GWCT felt that the reason for this is simply that the birds have moved into an area where tree felling has occurred and

heather regeneration is taking place. The GWCT indicated that Flinty Fell is still an important site to the recovery of Black Grouse.

The full report can be seen in Annex 1.

Visitor Information

The visitor monitoring data showed that all three sites are used all year round, with the highest use at Red Carle.

At this site there was a peak in use during October over all the 4 years. This was felt to be due to land management rather than visitors with the stock being collected and moved off the fells, triggering the infra-red sensors. Following further discussion with Cumbria County Council, it was felt that the use was more by the local population, probably dog walkers. Cumbria County Council also reported that although the use was high this was not occurring on the restricted area and on further analysis the actual use equated to approximately eight visits a day. Based on the times of these visits (early morning and early evening), there was an assumption that in practice this could be 4 people walking their dog(s) twice a day.

In conclusion, the comparatively low level of use across all the sites suggests that the implementation of CRoW will have caused little change to patterns of use by the public.

The full report can be seen in Annex 2.

What is the lowest level of restriction necessary?

The CRoW Act is clear in stating that in deciding whether a CRoW restriction is necessary, the Relevant Authority may give a direction if it is satisfied that the exclusion / restriction is necessary.

During the research the GWCT informed us that 90% of population in the North Pennines can be found concentrated in areas equating to only 5% of the total area (in Winter), making the current restricted sites still important for the survival of the birds. They also pointed out that the availability of suitable habitats and management is also just as important as lack of disturbance.

The GWCT also informed us that Black Grouse are susceptible to climatic condition; the recent bad winters had seen a decline in Black Grouse numbers. However, GWCT informed us that following the national survey, in 2014, it is considered that their numbers have increased and the population is now stable in line with the 2005 levels. Even though the national survey was restricted to lek sites the SSSI Responsible Officer, from Natural England, for this site felt that this increase was evident on a number of known breeding / wintering sites across the North Pennines, but to get a true indication of numbers on this site more detailed monitoring needs to be undertaken.

However, the Responsible Officer felt that if the habitat is still favourable for Black Grouse an assumption could be made that the numbers would be similar, if not higher, than reported in the English Nature Report¹ given the increase in numbers across the North Pennines as a whole.

To help determine what action may need to be taken a set of default recommendations² to protect Black Grouse on CRoW Access land was published in 2005. We believe these recommendations to still be valid and have considered these recommendations as part of our decision making process.

¹ **Warren, P, Richardson, M. and Baines, D.** 2005. *A Strategic approach to the conservation of Black Grouse in relation to Open Access within the North Pennines Complex.*

² See Annex 3.

Flinty Fell

On looking at the bird data provided from GWCT, it is apparent that numbers of Black Grouse have declined at Flinty Fell following the last review. On speaking to GWCT, they have indicated that this decline in numbers is likely to be the result of bird loss during the winter of 2010/11 and that open higher altitude wintering grounds, such as Flinty Fell, are seeing a slower rate of recovery, compared to the more sheltered lower level wintering grounds across the whole of the North Pennines, therefore it is difficult to establish any clear trends in bird numbers at this time.

Although numbers of birds observed on the winter transects at Flinty Fell has declined, the numbers of males observed leking in the vicinity has remained stable suggesting that birds may have moved to other areas during the winter months. No significant changes in habitat quality or disturbance have been reported at Flinty Fell, but over the intervening period considerable habitat improvements have been undertaken to the south (within 1km), with the clearance of the former Sitka spruce plantation and its restoration to heather moorland. Local reports suggest that birds are now favouring this area during the winter months.

It could be argued that the restriction is no longer required as the birds are no longer present. However, on looking at the default recommendations the Relevant Authority should consider a pre-emptive exclusion of access from 1st October to 31st March each year on traditional wintering grounds with large aggregations of Black Grouse.

After a lengthy discussion with the Responsible Officer it was felt that in light of no overall changes in the numbers of males attending leks within 1.5km of the wintering site, an increase in bird numbers on the neighbouring wintering sites and the habitat still being favourable for over wintering Black Grouse an assumption could be made, due to an increase in numbers across the North Pennines as a whole, that Black Grouse may return to the site in the future. Therefore it was felt that the current restriction should remain in place for another six years; as a pre-emptive measure.

Red Carle

The bird data showed us that numbers of both hens and males have increased during the period of monitoring at Red Carle. The GWCT reported 9 birds present at this site in 2004/05 and despite a decrease in numbers in 2010/11, the numbers have increased to the same levels reported in 2004/05, possibly due to an exceptional breeding year in 2013.

Given the stable number of birds present, despite the poor quality habitat and the site with the most visitors, the Responsible Officer felt that the site is still important to over wintering Black Grouse and therefore the current restriction should remain in place for another six years

Rotherhope North and South

The bird data showed us that numbers of both hens and males have increased during the period of monitoring at Rotherhope Fell. The GWCT reported 17 birds present at this site in 2004/05 and despite a decrease in numbers with 13 reported in the first year of monitoring, the numbers have increased back to the similar levels recorded in 2004/05, with 16 birds counted in 2013/14.

Given the fluctuation in bird numbers over the last four years and that the bird numbers have returned to the 2004/05 levels, the Responsible Officer considered that this site is still an important wintering site and that the current restriction should remain in place for another six years

Conclusion

Having considered information gathered, Natural England, as the Relevant Authority, has concluded that the current directions are still required based on the following information:

- The sites are still recognised wintering sites and important in the recovery of Black Grouse;
- There is a trend that numbers are returning to 2004/05 levels across the North Pennines;
- Due to the sensitive nature of this particular area, informal management measures are not sufficient to protect the vulnerable features; and
- The presence of Black Grouse in the winter results in this area being much more susceptible to disturbance from CRoW access rights.

Natural England's decision is to vary the end date of the directions to allow the dog exclusion from October 1st to March 31st to continue. As this is a short term restriction, i.e. it restricts access for less than six months continuously; a second round of consultation is not required.

Summary of changes made to the existing directions:

Land Parcel Name:	Details of restriction on original direction:	Details for new direction
Flinty Fell	Dog exclusion from October 1 st to March 31 st each year (until 2016)	Dog exclusion from October 1 st to March 31 st each year (until 2021)
Red Carle Allotment		
Rotherhope North and South		

The current Relevant Authority Statutory Guidance states that long term directions should not be given for a period of more than 6 years. Therefore the new direction will have an end date of March 31st 2021.

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

Where a direction restricts access indefinitely, for more than five years, for part of every year, or for part of at least six consecutive years, we have a statutory duty to review it within five years of the date of its issue.

Date review completed: April 22nd 2015



Game & Wildlife
CONSERVATION TRUST

**Results from black grouse monitoring at Flinty Fell,
Rotherhope North and South, and Red Carle Allotments,
Cumbria as part of Access Management measures
following the Statutory Review of Directions under the
Countryside and Rights of Way Act 2000**

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23rd July 2014

Summary

The Game & Wildlife Conservation Trust were commissioned by Natural England to monitor black grouse as part of Access Management measures following the Statutory Review of Directions under the CROW Act at Rotherhope North and South, Red Carle Allotment and Flinty Fell in Cumbria between 2010 and 2014. We surveyed the numbers of black grouse on the areas during the winter months, and in spring counted the numbers of males displaying at local leks.

The enclosed heather allotments support important concentrations of black grouse during the winter months. Winter surveys encountered threefold more females than males. Numbers of birds encountered during the winter declined at Flinty Fell, but numbers at adjacent leks remained stable. At Red Carle numbers observed during the winter remained stable, whilst numbers of males attending leks declined since 2006.

Introduction

In northern England, black grouse are found on moorland and the moorland fringe, using a mosaic of habitats including heather moor, rough grassland, species rich hay meadows and small native woodlands (Baines 1994). Following a severe decline in both numbers and range over the past 100 years the remaining 1000 males are now restricted to the Pennine hills in northern England (Warren & Baines 2008). Due to their threatened conservation status, black grouse have been red-listed as a species of high conservation concern (Eaton *et al.*, 2009) and are a 'Priority Species' of the UK Biodiversity Action Plan (Anonymous 1995).

Black grouse were identified as a species which may be affected by increased human recreational disturbance following the implementation of the Countryside and Rights of Way (CRoW) Act (Liley 2002). The CRoW Act provides a statutory right of access to mountain, moorland, heaths, downland and common (Bathe 2007) and became law in England and Wales in 2000, with full implementation of the component of the Act dealing with access in May 2005. The moor fringe habitat mosaics utilised by black grouse are in close proximity to the access points to these public access areas. During the winter months, black grouse feed predominantly on ericaceous species, particularly heather (Starling-Westerberg 2001, Beeston *et al.* 2005) and gather at favoured localised feeding points (Baines *et al.* 2002, Warren *et al.* 2009). These areas tend to be residual patches of heather at relatively low altitudes and may only be tens of hectares in size, but can support high densities of birds throughout the winter period (Warren *et al.* 2009). Given the high concentrations of black grouse and their tendency to flush at considerable distances (Baines & Richardson, 2007), the small patches of favoured habitat and the absence of trees and tall shrub cover (Warren *et al.* 2013) to conceal birds, these may be circumstances whereby disturbance could have a considerable impact. Therefore as a precautionary principle, public access was restricted to existing Public Rights of Way during the winter months (1st October – 31st March) at a number of key winter feeding areas identified by an earlier survey commissioned by Natural England to identify key winter feeding areas in the North Pennines in 2004/05 (Warren *et al.* 2009).

The GWCT were commissioned to monitor black grouse at three sites in Cumbria annually between 2010 and 2014 as part of Access Management measures following the Statutory Review of Directions at Rotherhope North and South, Red Carle Allotment and Flinty Fell in

Cumbria. We surveyed the numbers of black grouse on the areas during the winter months, and in spring counted the numbers of males displaying at local leks.

Methods

Study Sites

Black grouse were monitored at three sites, Flinty Fell, Rotherhope North and South, and Red Carle Allotment (Figure 1) all located in Cumbria, in the North Pennines Area of Outstanding Natural Beauty (AONB). All three sites were identified during winter surveys in 2004/05 as being important winter feeding refuges for black grouse.

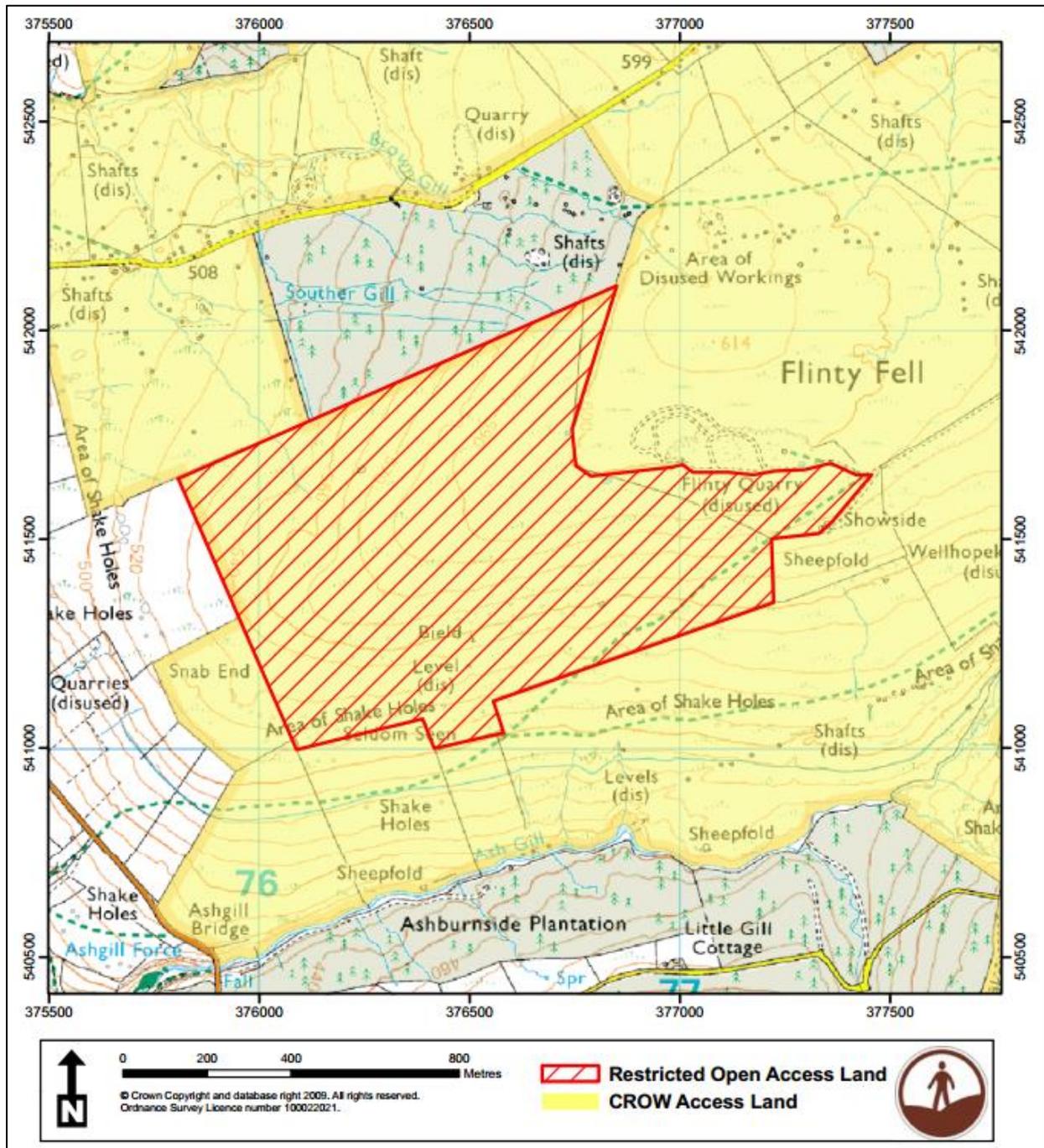
Field surveys

Winter transects

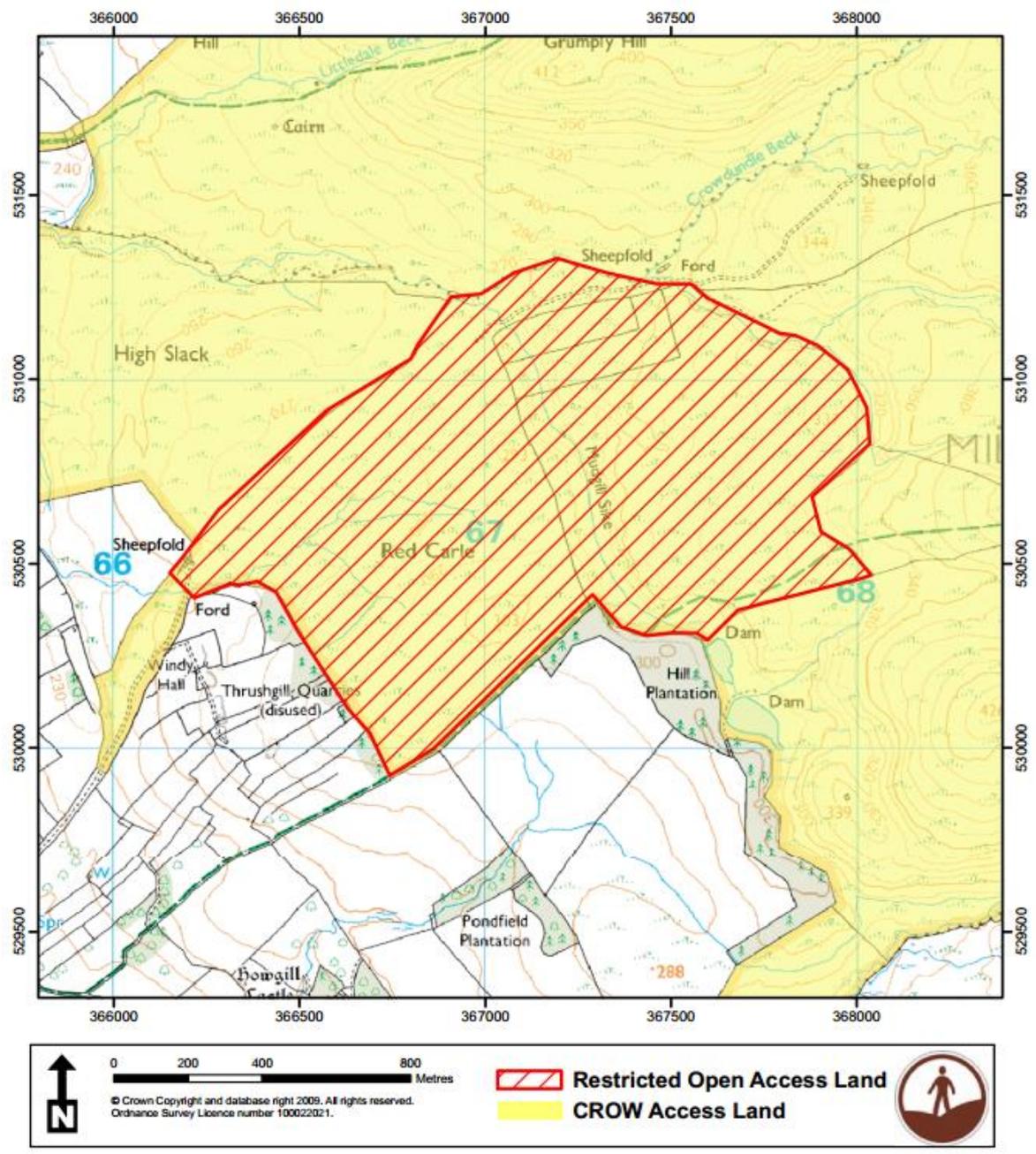
We surveyed the numbers of black grouse within the study areas during the winter by walking transects through them, following methods used in the previous winter survey in 2004/05 (Warren *et al.* 2009). Three observers walked in a line, following a linear route which allowed complete cover by going within 100m of all boundaries. The observers recorded the numbers and sex of all black grouse encountered. We surveyed each site twice during the winter period (31st December to 31st March), with at least two weeks separating each visit annually between 2010 and 2014. Surveys were conducted between 0900 and 1500 when weather conditions allowed for good visibility and there was no snow covering the vegetation.

Figure 1. Maps of the survey areas (a) Flinty Fell, (b) Rotherhope North and South, and (c) Red Carle Allotment in Cumbria (All maps provided by Natural England)

(a) Flinty Fell



(c) Red Carle Allotment



Lek surveys

We surveyed males attending display sites known as leks in the spring within a 1.5km buffer zone of the winter feeding areas. Surveys were undertaken in accordance with the standardised methodology for lek counting (Baines 1996, Hancock *et al.* 1999, Sim *et al.* 2008). Two visits were made to most potential lekking habitats (moorland and farmland) one in the second half of April and one in the first half of May and observers listened for display calls and visually scanned habitat with binoculars/telescopes. Counts took place between dawn and 07.00 hours and were conducted only in suitable weather conditions. All displaying males were recorded and the count for a site was taken as the maximum number of males observed over the two visits. Results from the three sample sites were put in context with total counts undertaken at these sites during the 2006 national survey (Warren & Baines 2008) and from a sample of 28 leks counted annually in the North Pennines over the same timeframe.

We explored trends in the maximum numbers of birds observed on the winter transects using data collected in 2004/05 and the 2010 to 2014 period; and males attending leks between 2006 and 2014 using linear regression. Differences in numbers of males and females observed on the winter transects between 2010 and 2014 were tested by a paired *t*-test.

Results

Winter transects

Across all sites surveyed between 2010 and 2014 we encountered threefold more females (mean 5.9 birds) than males (1.9 birds) (paired t -test, $t_{11} = 3.6$, $p = 0.004$). The total numbers of birds observed between 2004/05 and 2014 remained stable at Rotherhope North and South (slope = -0.56 , $r^2 = 0.25$, $p = 0.39$) and Red Carle Allotment (slope = -0.12 , $r^2 = 0.02$, $p = 0.83$) (Table 1 and Figure 2). At Flinty Fell, the numbers observed declined (slope = -1.82 , $r^2 = 0.90$, $p = 0.013$) from 18 birds in 2004/05 to none in 2014.

Figure 2. The maximum numbers of black grouse observed on the winter transects at Flinty Fell, Rotherhope North and South and Red Carle Allotment in 2004/05 and during the 2010 to 2014 survey period

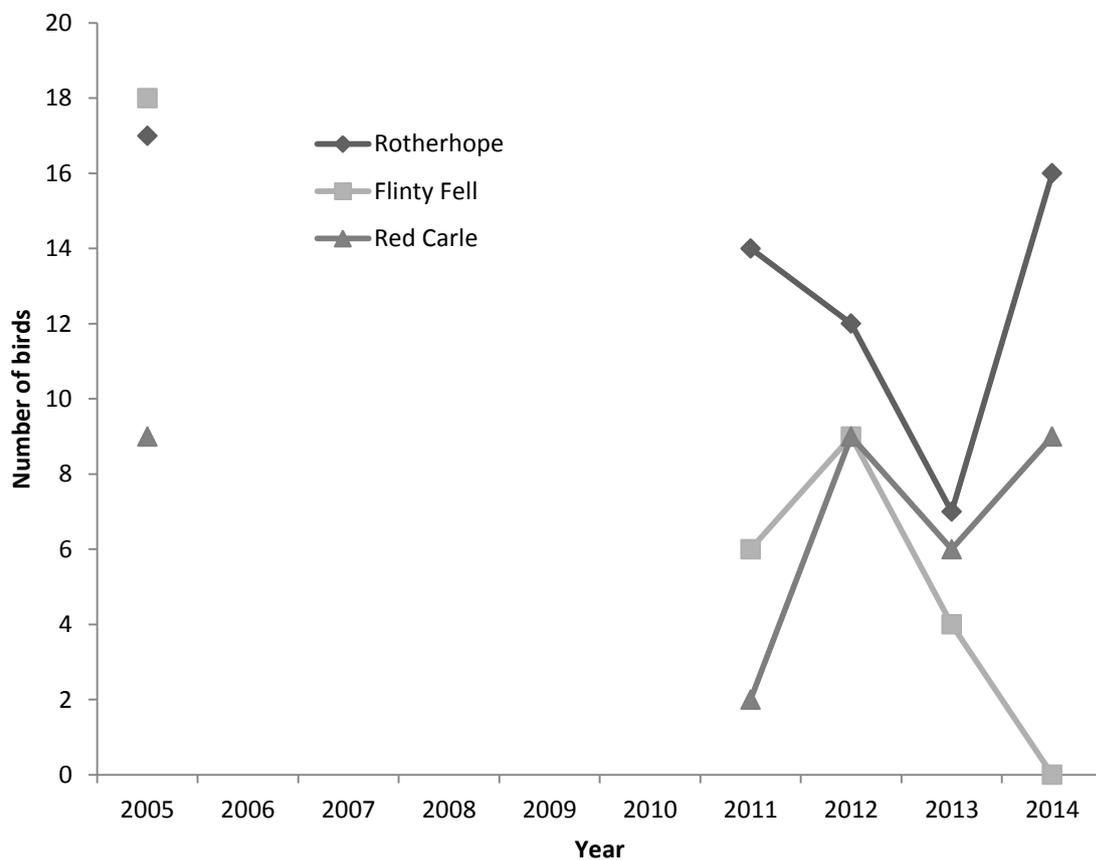


Table 1. Numbers of black grouse observed on the winter transects at (a) Flinty Fell, (b) Rotherhope North and South, and (c) Red Carle Allotment

(a) Flinty Fell

	2004/05		2010/11		2011/12		2012/13		2013/14	
	males	females								
Visit 1	0	18	2	4	0	6	0	3	0	0
Visit 2	-	-	1	4	3	6	0	4	0	0
Maximum count	0	18	2	4	3	6	0	4	0	0

(b) Rotherhope North and South

	2004/05		2010/11		2011/12		2012/13		2013/14	
	males	females								
Visit 1	9	8	0	7	0	7	0	7	4	10
Visit 2	-	-	2	12	1	11	0	6	2	12
Maximum count	9	8	2	12	1	11	0	7	4	12

(c) Red Carle Allotment

	2004/05		2010/11		2011/12		2012/13		2013/14	
	males	females								
Visit 1	1	8	0	2	3	6	3	3	5	0
Visit 2	-	-	0	1	2	3	0	1	3	4
Maximum count	1	8	0	2	3	6	3	3	5	4

Numbers of males attending leks

There were no observed trends in the numbers of males attending leks at Rotherhope North and South (slope= 1.18, $r^2=0.121$, $p=0.58$) or Flinty Fell (slope= -1.19, $r^2=0.11$, $p=0.58$) (Figure 3 and Table 2). Numbers at Red Carle Allotment declined (slope= -0.90, $r^2=0.93$, $p=0.008$) from 10 males in 2006 to three males in 2014. There was no trend observed in the 28 sample North Pennines leks (slope= -3.90, $r^2=0.02$, $p=0.74$) monitored over the same time period.

Figure 3. Total numbers of males attending leks within 1.5km of the winter feeding areas, and from a sample of 28 North Pennines leks counted annually over the same timeframe

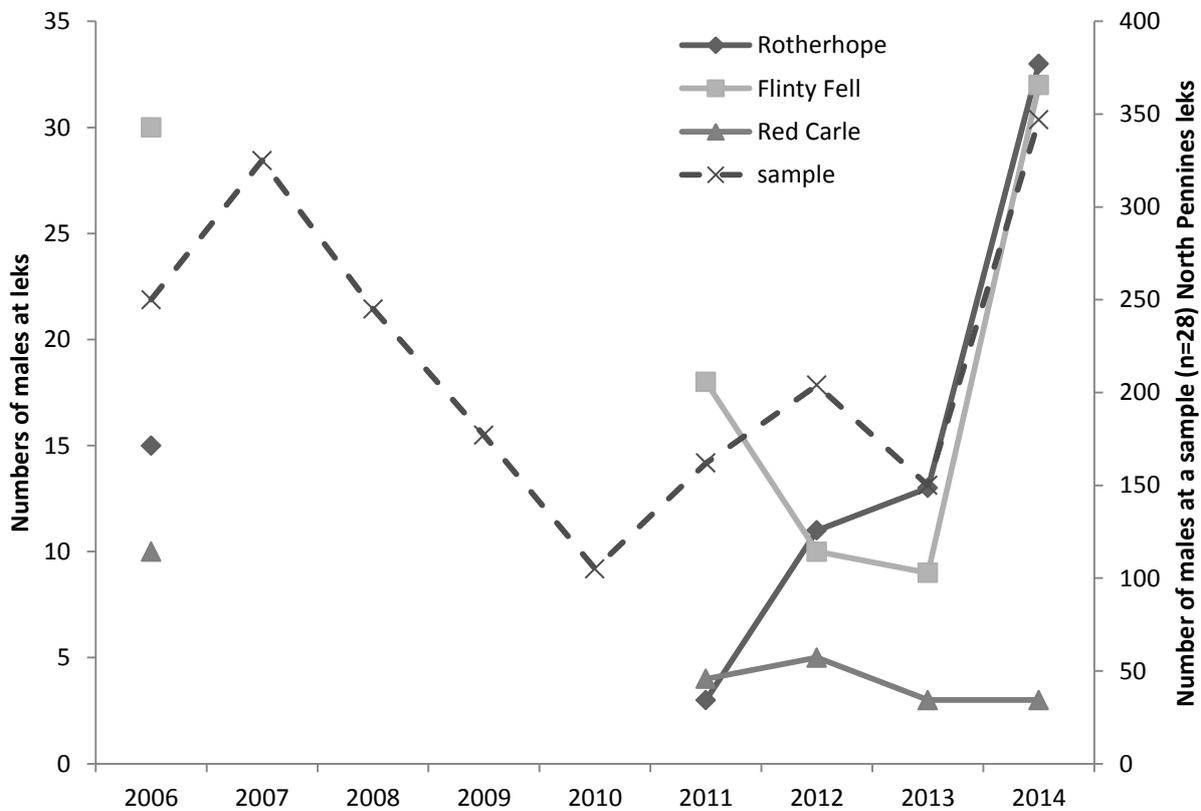


Table 2. Total numbers of males attending leks within 1.5km of the winter feeding areas

	2006	2011	2012	2013	2014
Flinty Fell	30	18	10	9	32
Rotherhope North and South	15	3	11	13	33
Red Carle Allotment	10	4	5	3	3

Discussion

The numbers of birds observed on the winter transects stayed stable at Rotherhope North and South and Red Carle Allotment, but declined at Flinty Fell, with none seen in the winter of 2013/14. Although numbers of birds observed on the winter transects at Flinty Fell has declined, the numbers of males observed lekking in the vicinity has remained stable suggesting that birds may have been moved to other areas during the winter months. No significant changes in habitat quality or disturbance have been reported at Flinty Fell, but over the intervening period considerable habitat improvements have been undertaken to the south (within 1km), with the clearance of the former sitka spruce plantation and its restoration to heather moorland. Local reports suggest that birds are now favouring this area during the winter months.

No overall changes were observed in the numbers of males attending leks at Flinty Fell or Rotherhope North and South, but numbers declined at Red Carle Allotment. Habitat quality from our field visits to Red Carle is considered poor with the Heather suppressed by grazing sheep and ponies. We recommend that habitat improvements are initiated here to improve the heather quality and its extent at this important winter feeding area situated on the western extremity of the occupied range of black grouse in northern England.

The numbers of male black grouse attending leks at the survey sites showed a similar pattern in numbers to the changes in numbers observed at the sample of North Pennines leks. Numbers have fluctuated annually since 2006 in relation to weather events, with numbers dropping in spring 2011 to their lowest recorded levels following the severe winter of 2010/11 (Warren & Baines 2013). A subsequent exceptional breeding year in 2013 has seen numbers recover.

It is evident that these patches of habitat are important to black grouse, particularly females. It is therefore important that any future potential effects of increased access and the potential disturbance of black grouse at winter feeding areas as a result of open access are adequately monitored. This will require information on changes in visitor use and responses by black grouse to be collected.

References

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User monitoring of Flinty Fell, Red Carle, Rotherhope North and South allotments.

October 2011—October 2014

Background

For this monitoring project, six passive infra-red counters were installed at the following locations:

Flinty Fell	1 counter
Red Carle	2 counters
Rotherhope north	1 counter
Rotherhope South	1 counter
Rotherhope (Pennine Way)	1 counter

The locations chosen were considered to be the primary public access/egress points for the respective survey areas, and thus would capture a representative sample of usage. It should be noted that the counters can only give an indication of numbers entering/leaving the land, and not the usage of the open access land in question.

The counters were visited every 6 months, at which time the data was retrieved and the power sources refreshed.

Following the last conservation review, existing signage was amended to reflect the revised restrictions. Copies of these signs are enclosed, along with maps depicting the locations of both the counters and signs.

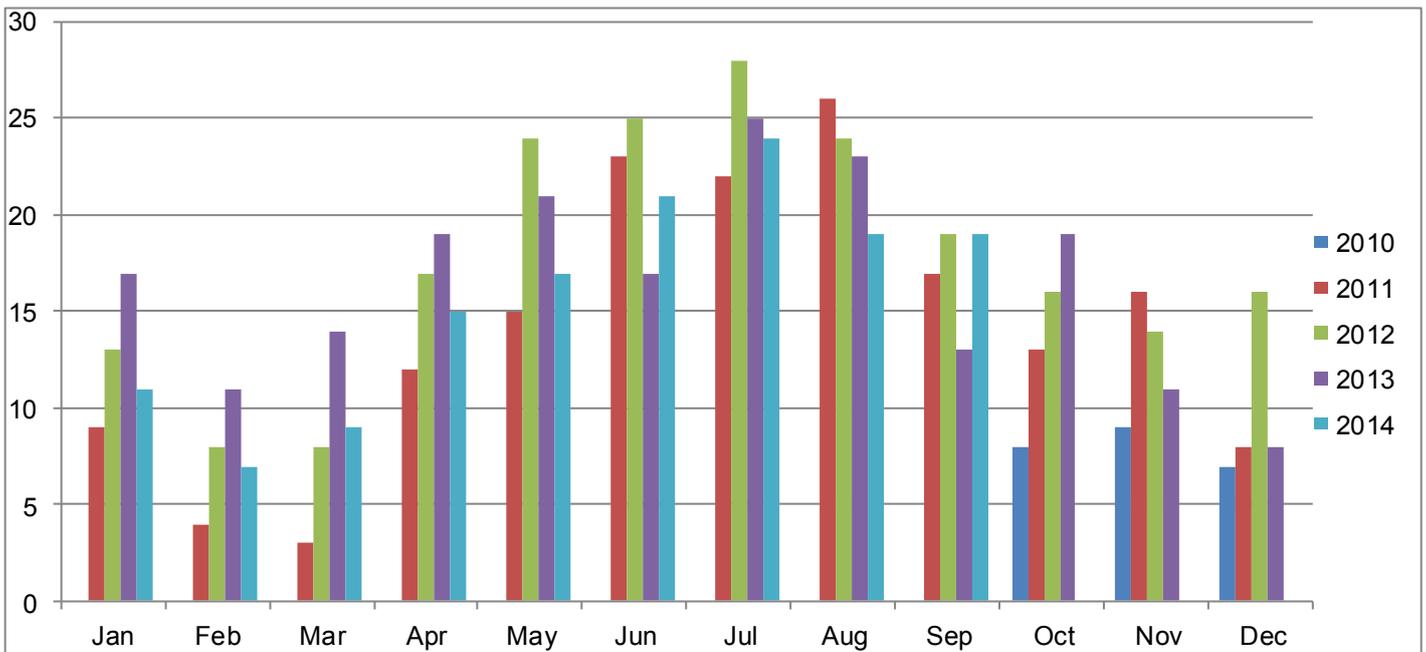
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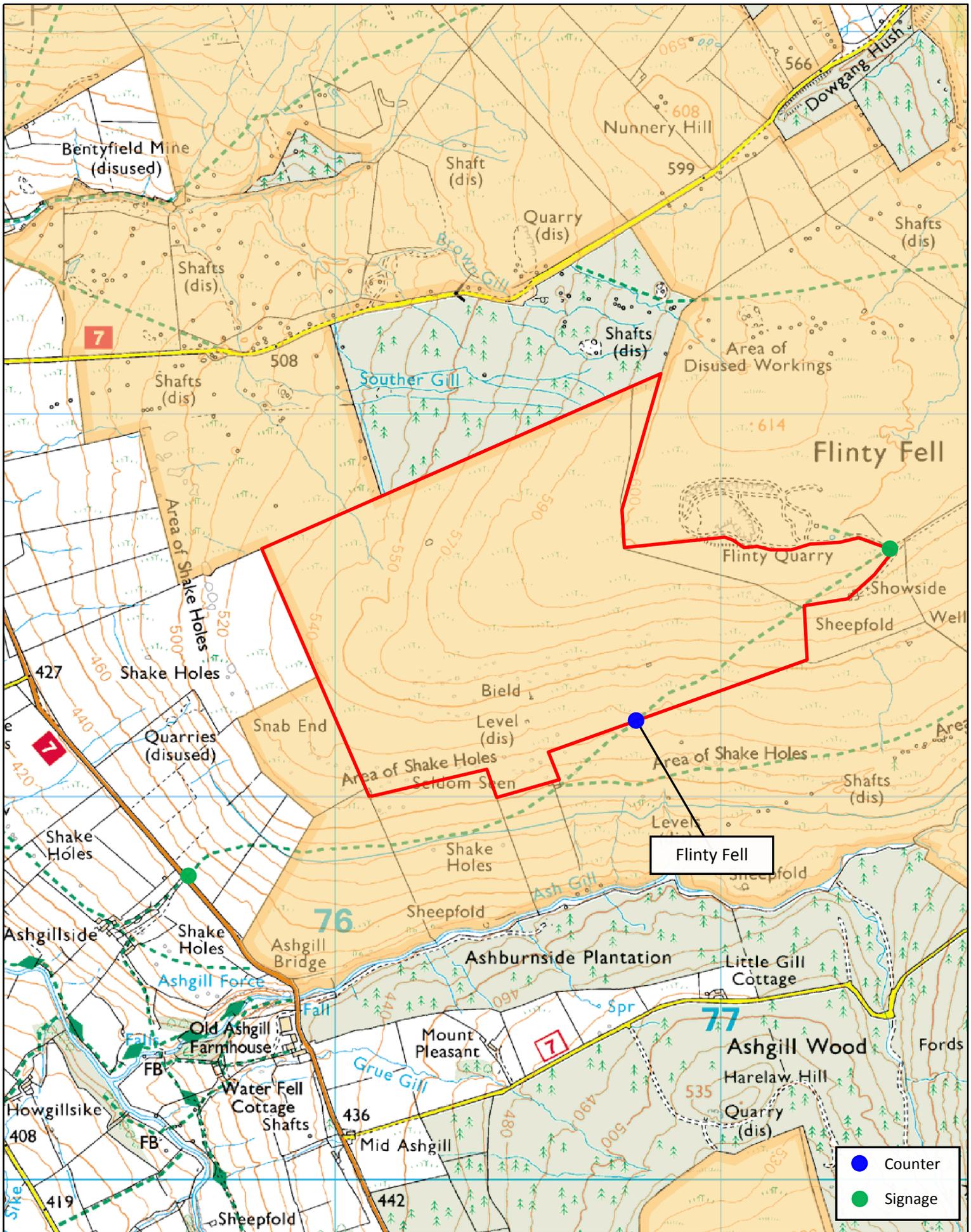
Flinty Fell

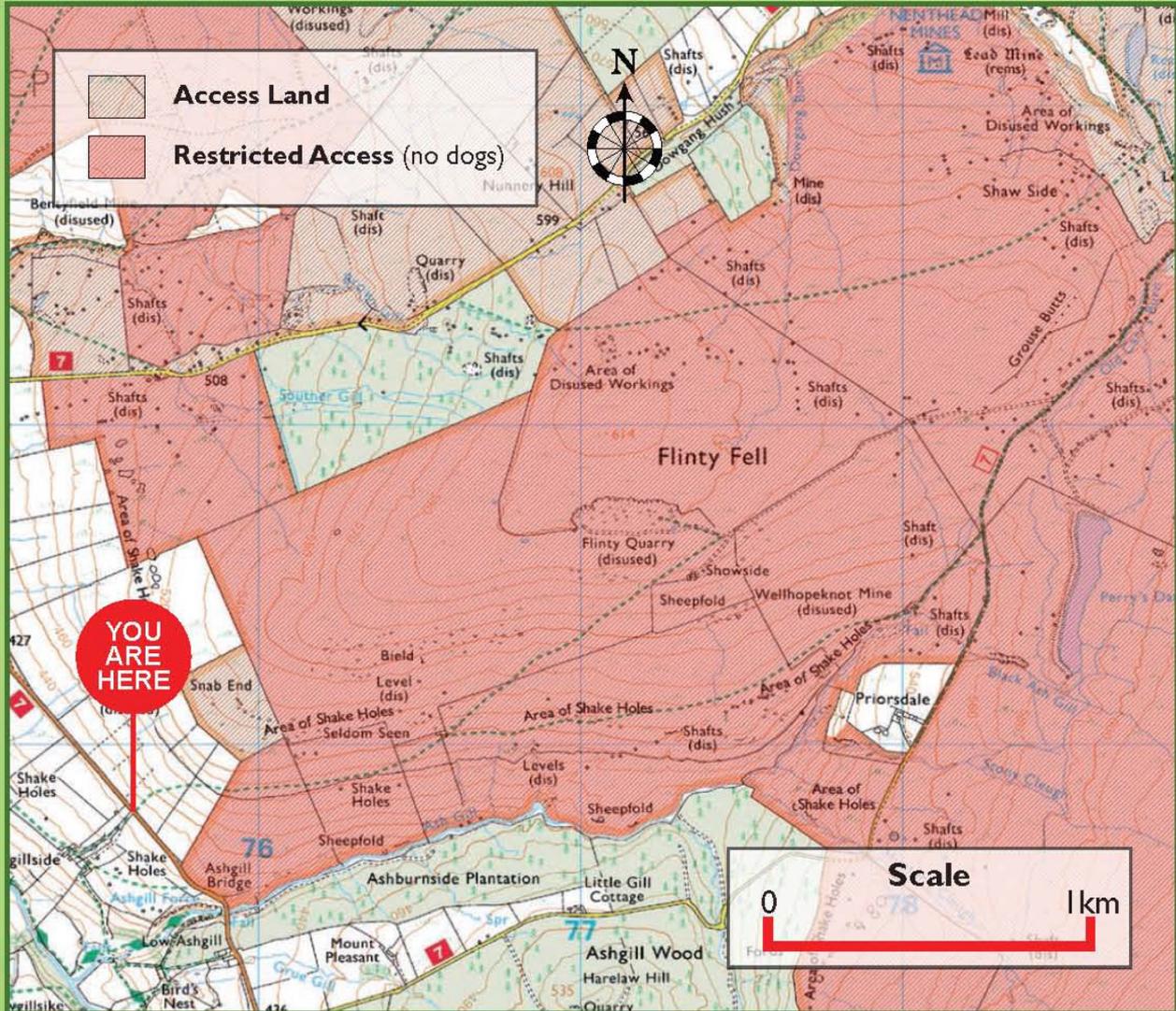
The counter was attached to the wooden step stile on footpath 302035 at NY 7678 4120, which crosses the south eastern corner of the survey site.

The footpath is a 'dead end' but CRoW rights permit onward access to Nenthead, via the quarry access track.

Flinty Fell	2010	2011	2012	2013	2014	Mean
Jan		9	13	17	11	13
Feb		4	8	11	7	8
Mar		3	8	14	9	9
Apr		12	17	19	15	16
May		15	24	21	17	19
Jun		23	25	17	21	22
Jul		22	28	25	24	25
Aug		26	24	23	19	23
Sep		17	19	13	19	17
Oct	8	13	16	19		16
Nov	9	16	14	11		14
Dec	7	8	16	8		11
Annual totals	24	168	212	198	142	







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Wintering and Ground Nesting Birds

The surrounding CRoW access land is important for birds throughout the year. They are easily disturbed by people, and dogs running free. Because of this, **dogs are excluded from all open access land shaded red on the above map.**

Please try to help limit further disturbance by keeping to Public Rights of Way and other well defined tracks and paths whilst on the access land shown on the above map.

Note that these dog restrictions do not apply to hearing/guide dogs or if you are using a Public Right of Way, where they must be kept under close control at all times - preferably on a short fixed lead.

For more information on CRoW access land visit www.naturalengland.org.uk

Dogs are excluded from this land under the CRoW Act 2000 - part of which includes a restriction made by the Relevant Authority (Natural England) for nature conservation purposes.

The Moorland Visitor's Code

- Be safe – plan ahead and follow any signs
- Keep dogs under close control
- Prevent uncontrolled moorland fires



Respect ... protect ... Enjoy

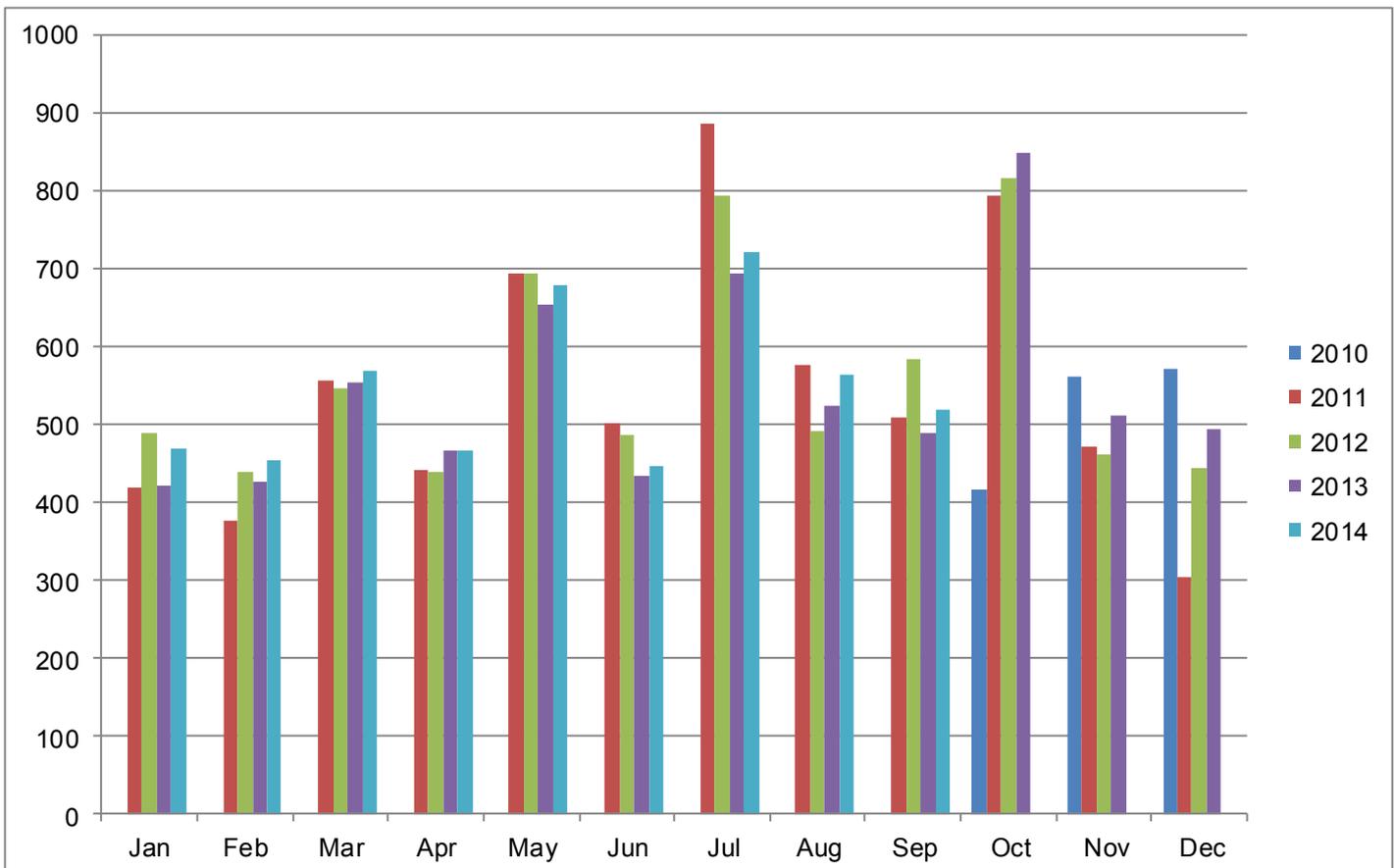
- Protect plants and animals, and take your litter home
- Keep dogs under close control
- Prevent uncontrolled moorland fires

Red Carle 1

The counter was installed in the drystone wall to the side of the field gate (NY 6596 2994) on the track leading from the village of Milburn to the open fellside. This track has no legal access status

The track is popular with local dog walkers and is frequently used by local farmers etc for occupational access to the fellside (both for vehicles and stock). This usage may explain the consistently high counts recorded.

Red Carle 1	2010	2011	2012	2013	2014	Mean
Jan		420	489	423	470	451
Feb		378	439	427	454	425
Mar		556	546	555	569	557
Apr		442	439	466	467	454
May		693	694	654	679	680
Jun		503	486	435	448	468
Jul		886	793	694	722	774
Aug		577	493	525	565	540
Sep		509	585	489	519	526
Oct	417	793	817	849		820
Nov	561	472	462	511		482
Dec	572	305	445	495		415
Annual totals	1550	6534	6688	6523	4893	

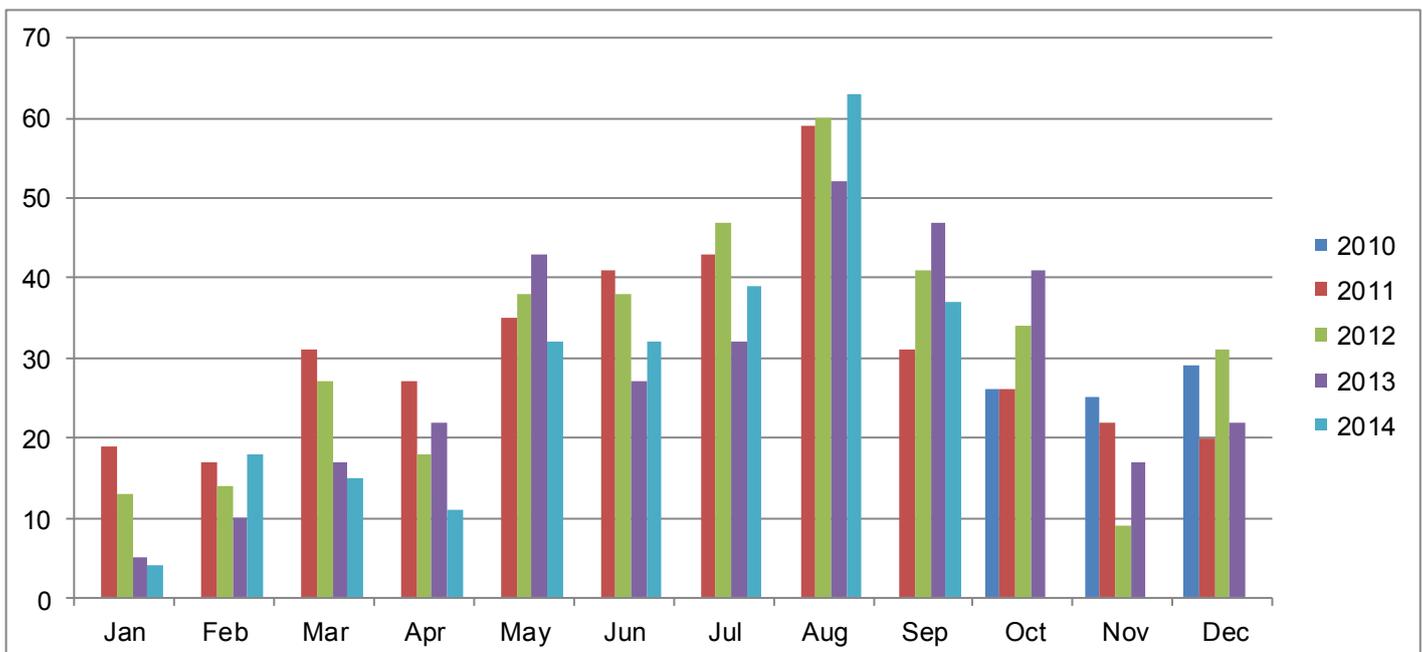


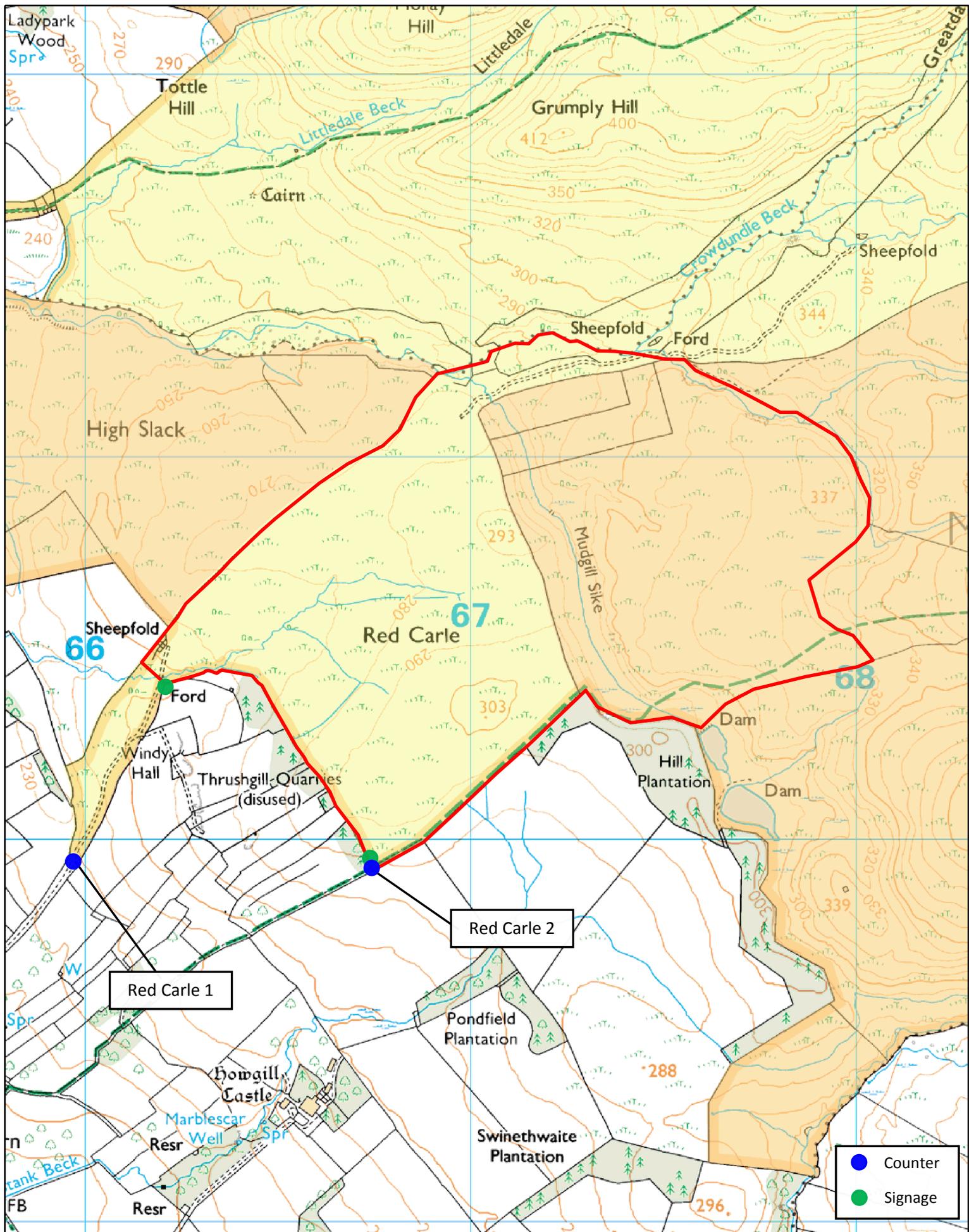
Red Carle 2

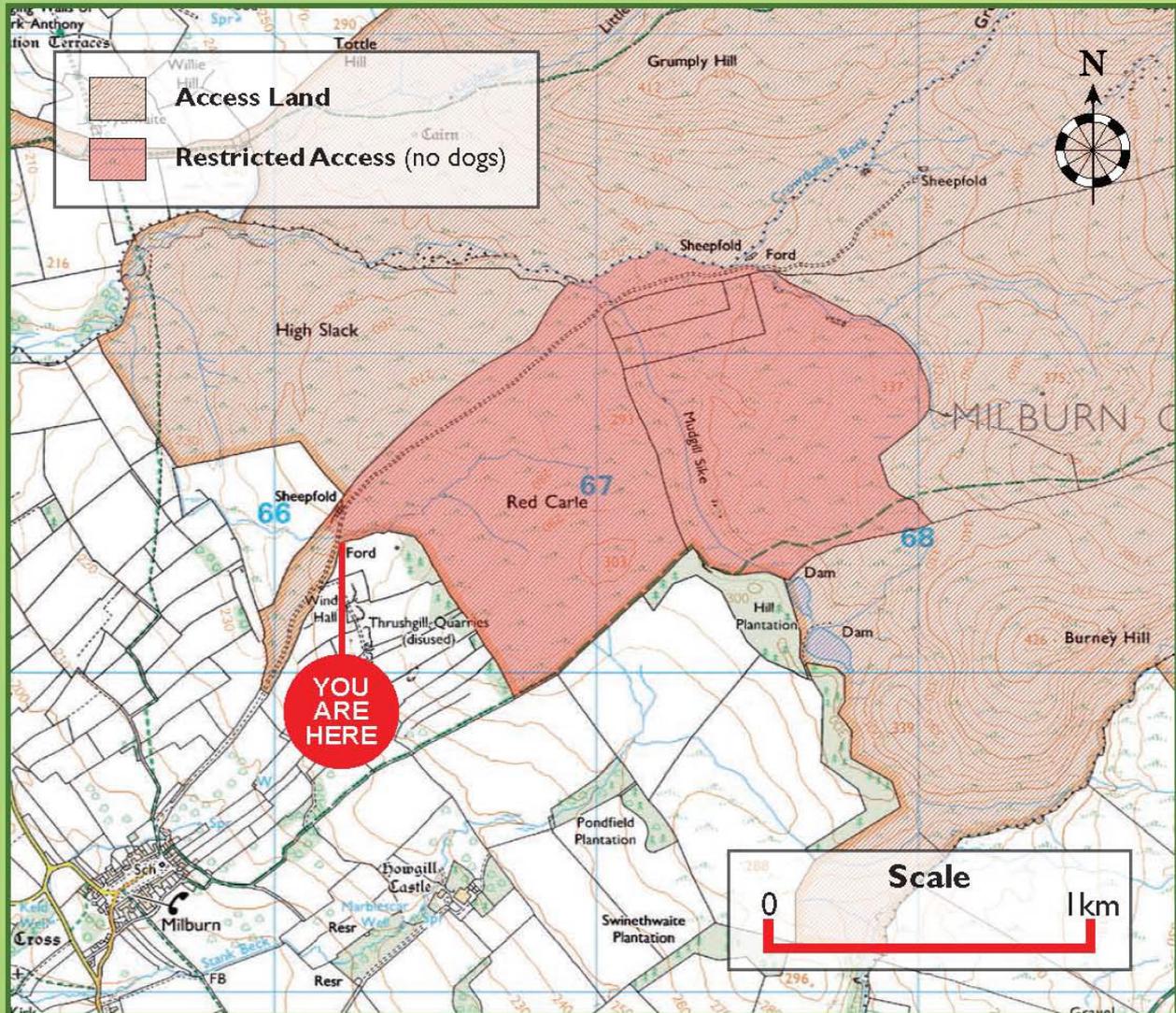
The counter was installed in the drystone wall to the side of a gate on bridleway 346007, which leads from the village of Milburn and passes along the southern boundary of the survey enclosure.

The bridleway is well defined and eventually reaches the top of Great Dun Fell, but it is not considered as a popular way to reach the summit - that falling to the metaled road leading to the summit station from Knock.

Red Carle 2	2010	2011	2012	2013	2014	Mean
Jan		19	13	5	4	10
Feb		17	14	10	18	15
Mar		31	27	17	15	23
Apr		27	18	22	11	20
May		35	38	43	32	37
Jun		41	38	27	32	35
Jul		43	47	32	39	40
Aug		59	60	52	63	59
Sep		31	41	47	37	39
Oct	26	26	34	41		34
Nov	25	22	9	17		16
Dec	29	20	31	22		24
Annual totals	80	371	370	335	251	







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Wintering and Ground Nesting Birds

The surrounding CRoW access land is important for birds throughout the year. They are easily disturbed by people, and dogs running free. Because of this, **dogs are excluded from all open access land shaded red on the above map, between 1 October and 31 March.**

Please try to help limit further disturbance by keeping to Public Rights of Way and other well defined tracks and paths whilst on the access land shown on the above map.

Note that these dog restrictions do not apply to hearing/guide dogs or if you are using a Public Right of Way, where they must be kept under close control at all times - preferably on a short fixed lead.

For more information on CRoW access land visit www.naturalengland.org.uk

Dogs are excluded from this land under a CRoW Act 2000 section 26 restriction made by the Relevant Authority (Natural England) for nature conservation purposes.

The Moorland Visitor's Code

- Be safe – plan ahead and follow any signs
- Keep dogs under close control
- Prevent uncontrolled moorland fires



Respect ... protect ... Enjoy

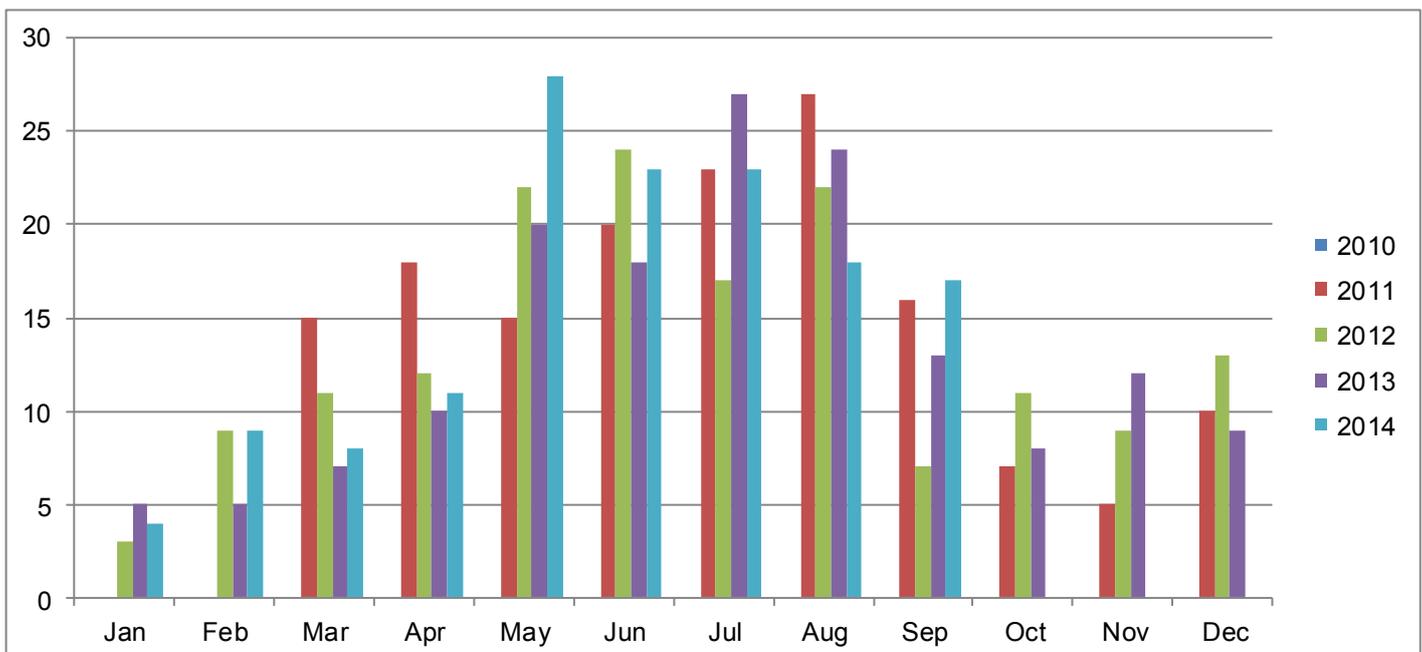
- Protect plants and animals, and take your litter home
- Keep dogs under close control
- Prevent uncontrolled moorland fires

Rotherhope 1

The counter was installed in the drystone stile where footpath 302019 leaves the Pennine Way (unclassified county road) at NY 7318 4064.

The footpath heads due north from this point, crossing the western edge of the survey allotment before terminating at the minor road running between Garrigill and Leadgate.

Rotherhope 1	2010	2011	2012	2013	2014	Mean
Jan		15	32	24	25	24
Feb		18	14	10	16	15
Mar		19	16	12	10	14
Apr		13	19	19	16	17
May		27	13	16	19	19
Jun		34	31	41	33	35
Jul		40	38	32	26	34
Aug		25	23	31	14	23
Sep		13	27	21	15	19
Oct	29	26	20	17		21
Nov	27	28	26	20		25
Dec	15	9	18	15		14
Annual totals	71	267	277	258	174	



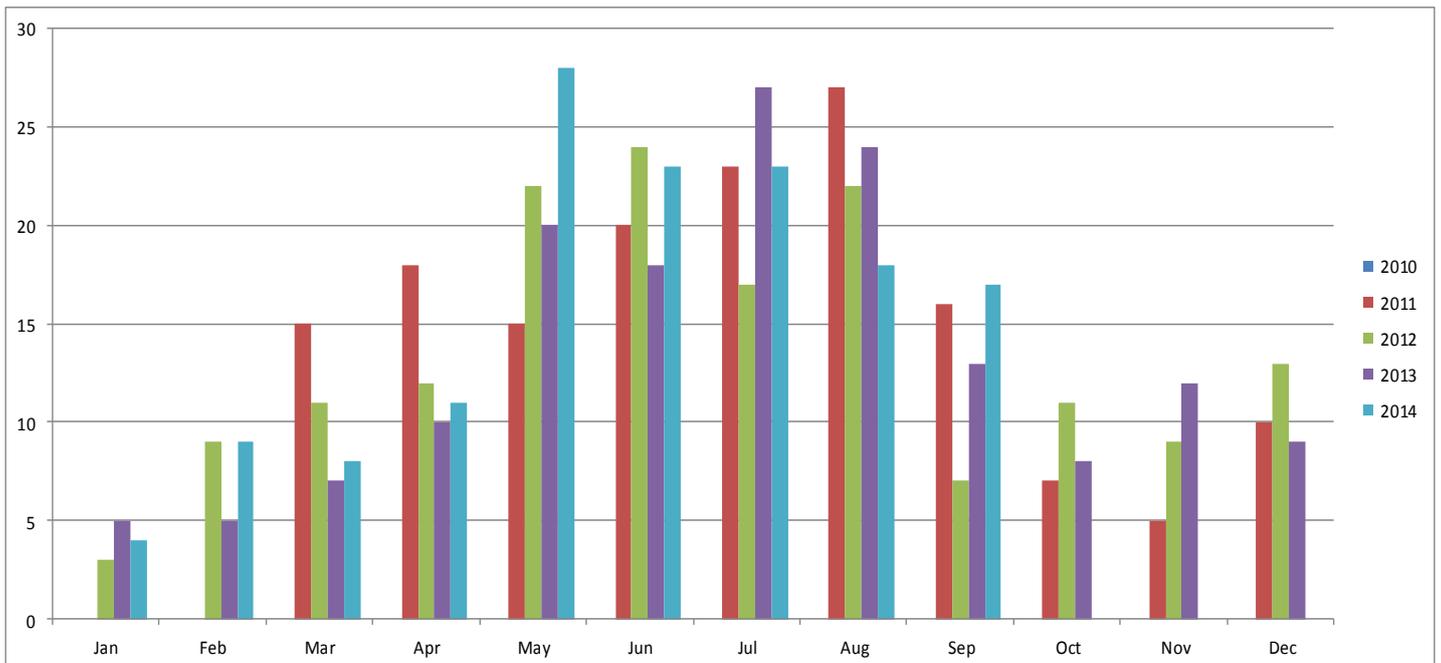
Rotherhope 2

The counter was installed in the drystone wall adjacent to a gate on bridleway 302012 at NY 7301 3949.

The bridleway is largely undefined though the rank heather that covers the allotment and is thus little used. The majority of users preferring the nearby Pennine Way (unclassified county road) that runs nearby.

Due to a change in ownership, permission to install the counter was not granted until early in 2011, and the counter installed in early March 2011.

Rotherhope 2	2010	2011	2012	2013	2014	Mean
Jan			3	5	4	4
Feb			9	5	9	8
Mar		15	11	7	8	10
Apr		18	12	10	11	13
May		15	22	20	28	21
Jun		20	24	18	23	21
Jul		23	17	27	23	23
Aug		27	22	24	18	23
Sep		16	7	13	17	13
Oct		7	11	8		9
Nov		5	9	12		9
Dec		10	13	9		11
Annual totals		156	160	158	141	



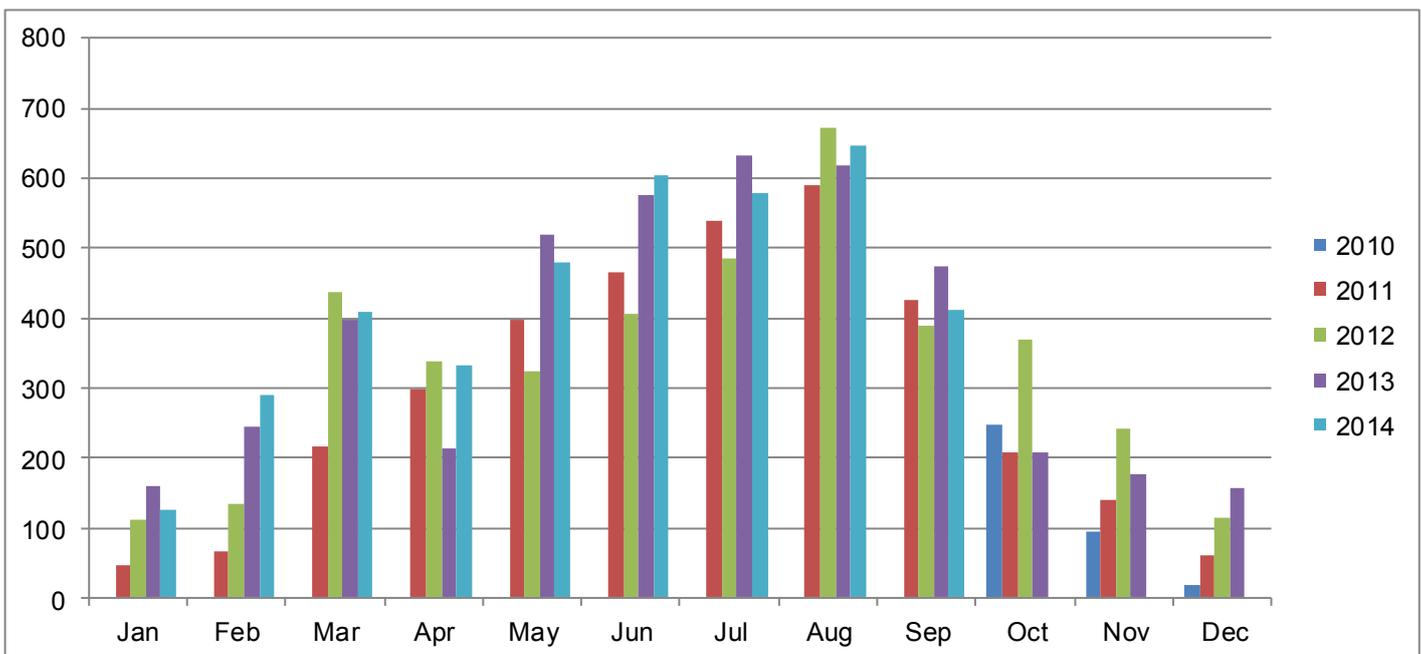
Rotherhope 3 (Pennine Way)

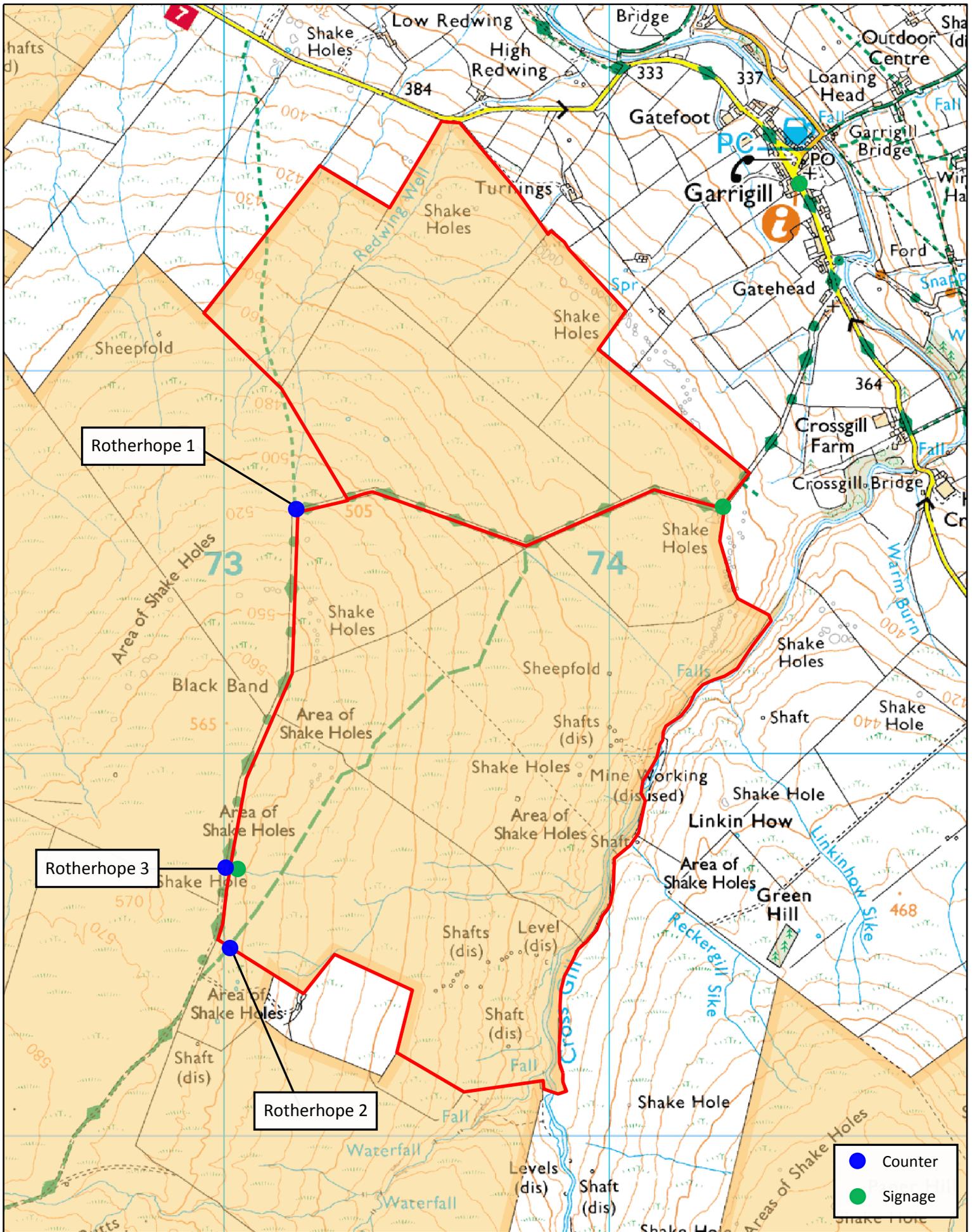
The counter was installed in the drystone wall to the side of the bridle gate at NY 7304 3968, on the unclassified country road that carries the Pennine Way National Trail up from Garrigill. Shortly after the counter location, the UCR becomes a bridleway (continuing towards Cross Fell).

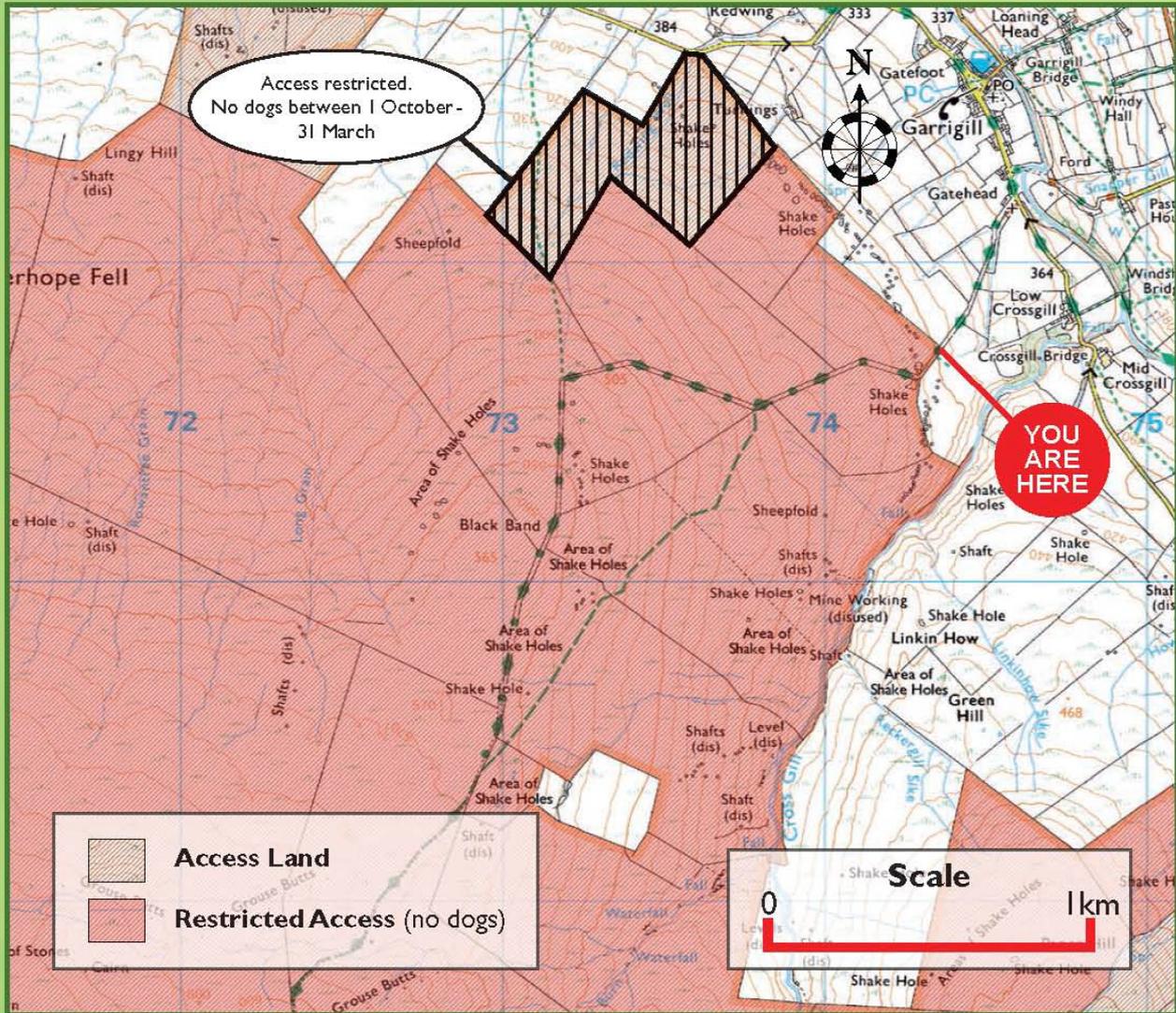
Adjacent to the bridle gate is a field gate and stone step stile. The field gate is used for occupational access and normally locked. The counter does not have the range to detect access via the field gate should it be left open.

Whilst the counter is not located on any overwintering sites, it was installed to give an indication of public usage in the area.

Rotherhope 3	2010	2011	2012	2013	2014	Mean
Jan		47	112	160	127	112
Feb		66	135	244	289	184
Mar		216	438	397	408	365
Apr		297	339	213	332	295
May		398	325	518	479	430
Jun		465	406	575	603	512
Jul		540	486	633	579	560
Aug		589	673	619	645	632
Sep		427	389	474	411	425
Oct	248	209	368	209		262
Nov	95	140	241	178		186
Dec	19	61	115	158		111
Annual totals	362	3455	4027	4378	3873	







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Wintering and Ground Nesting Birds

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Dogs are excluded from this land under the CRoW Act 2000 - part of which includes a restriction made by the Relevant Authority (Natural England) for nature conservation purposes.

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Annex 3

CRoW Part 1: After Predicted Access Increase Default Recommendations to protect Black Grouse on Access Land (Final 18/07/05). Where impractical to meaningfully define lek sites or allotment lands flexibility, discretion and exceptions will apply.

	Traditional Lekking Sites¹	Breeding Sites	Wintering Sites
On Open Moorland	Access Excluded April-May inclusive	Access Management²	No special action
Within Enclosed Allotment Land³		Traditional sites ⁴ : i) where no increase in access use is anticipated; dogs on short leads 1st May to 31st August ii) where an increase in access use is predicted (or results); dogs on short leads 1st May to 31st August <u>and</u> access users excluded to linear routes	Traditional wintering grounds with large aggregations of Black Grouse ⁵ : Pre-emptive exclusion of access 1 October to 31 March
		Occasional or new sites ⁶ : Access Management	Occasional wintering grounds: No special action

¹ Sites used for lekking, present annually.

² Focussing on existing Schedule 2 signs (or s23) restrictions on dogs

³ Defined as enclosed, often walled, adjacent to but below the 'fell wall' some show evidence of partial improvement if only grazing & dunging by livestock. Often demonstrate the lower limit of heather (or other dwarf shrub), cover. Sheltered with good food supply (invertebrates & cotton-grass), also provide feeding & roosting opportunities when more exposed land is inaccessible due to adverse weather i.e. snow cover.

⁴ Sites used for breeding (presence of eggs/chicks or 'nest' site or sustained pairing/courtship behaviour) present annually for at least the last 3 years.

⁵ Sites occupied by minimum of 5 birds (smallest sites at about 5 ha), annually for at least 3 years.

⁶ Sites which have demonstrated sustained occupancy for at least a 3 year period.