

Countryside and Rights of Way (CROW) Act 2000:

PROPOSAL FOR A LONG TERM DIRECTION BY THE RELEVANT AUTHORITY

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Case Reference Number: 2014087360
Name of site/land parcel: Gait Barrows National Nature Reserve (NNR)
Access Authority: Lancashire County Council
Relevant Authority: Natural England
Local Access Forum: Lancashire

Following the dedication of Gait Barrows NNR as open access land under s16 of the Countryside and Rights of Way Act 2000 (CRoW), Natural England is considering a restriction under section 26 of the CRoW Act for directions to exclude access by people with dogs, as indicated on the attached map. The access rights will commence on November 19th 2015.

As Natural England proposes to give a direction on the site that would last for longer than six months continuously. The Act requires us to consult publicly on all such proposals for 'long-term directions'.

2. SUMMARY OF RELEVANT AUTHORITY PROPOSAL

Summary of proposed direction to restrict access

The proposed direction will maintain the current management practice of excluding dogs all year round from Gait Barrows National Nature Reserve (NNR) as shown on the attached map.

Why is a statutory restriction necessary?

Background

Gait Barrows NNR lies within Morecambe Bay Pavements Special Area of Conservation (SAC), Gait Barrows Site of Special Scientific Interest (SSSI), Hawes Water SSSI and Thrang Wood SSSI. The NNR has over 460 species of vascular plant, 100 species of bird, 38 species of recorded butterfly and a variety of other vertebrate species which makes this site incredibly species rich for its size.

The areas of Hawes Water, Hawes Water Moss are managed as a refuge for breeding and overwintering birds. Hawes Water has small numbers of mallard and teal breed, while tufted duck, golden-eye, wigeon and pochard occasionally use the water for winter loafing. Shelduck still return in Spring to loaf on Hawes Water but no longer attempt to breed in the wooded limestone pavements. Hawes Water Moss is a functioning reed swamp. It is now suitable for species like bittern and bearded tit, though neither of these species has yet been confirmed as breeding.

Marsh harriers have bred annually in Hawes Water Moss since 2004. Osprey sightings have become more frequent in the past five years, chiefly in early summer. In 2012 a pair were regularly seen in the vicinity of Leighton Moss, and were also recorded fishing in Hawes Water at this time.

There is a high density of breeding species like water rail, reed bunting, reed warbler and sedge warbler from the wetlands around Hawes Water and in Hawes Water Moss.

Access

The NNR is crossed by several paths and public rights of way, which have always been popular and well used. This has significantly increased during the 1980s following the designation of the Arnside and Silverdale AONB and the publication of several guide books on the area. Leisure and tourism are a fast growing element in the area, and walking is very popular with holidaymakers.

In the past a permit was needed to go anywhere on the reserve, once the new rights commence the permit system will no longer be in operation. However, a permit system will still apply to the use of the car park. The car park can accommodate 8 to 10 cars.

There are three way-marked pedestrian nature trails on the reserve, which allow safe access to most features of the site. These are the Limestone Trail, the Yew Trail and the Hawes Water Trail. The Limestone Trail has been upgraded to accept Trampers and other motorised wheelchair type vehicle, and lies on the Arnside and Silverdale AONB Trammer Trail that links many sites. The Hawes Water Trail has been developed as an All-Access route and is suitable for wheelchair users and other less-able users.

Approximately 8,000 - 10,000 people visit the site each year. Many walk through the reserve as part of a longer walk but the site has a national reputation so visitors do come just to see the reserve itself, especially due to the lady slipper orchid.

No access is currently allowed into Little Hawes Water, Hawes water mosses or close to the edges of Hawes Water (there is a boardwalk along the eastern side allowing access and views of the water and bird interest).

What is lowest level of restriction required?

We believe that following dedication, no new entrance points are likely to develop as a result of the dedication, a view shared by Arnside and Silverdale AONB and Lancashire LAF. Therefore we consider that there is no known demand for people to access the site from anywhere other than the existing entrances.

The site is very well served by paths and tracks. There is no evidence of demand for additional access by the public and most visitors stay on the paths provided. Experience of managing open access elsewhere in the country leads us to believe that patterns of use will not change over the majority of the site after dedication. The existing promoted trails and tramper trails will continue to be the way most people use the site

CRoW access includes the right to bring dogs to the site; however, while people have been able to access the site on foot, dogs have always been excluded apart from on Public Rights of Way (the site manager enforces this in a pragmatic way). Dog use on other sites in the area is high

and, anecdotally, is increasing. It is likely that the site would have a high number of dog walkers following dedication

An Access and Sensitive Features Appraisal (ASFA)¹ looking at the likely effect of introducing open access onto the site was undertaken. This assessment concluded that, while it is hard to qualify whether the presence of dogs across the site will have a significant effect on individual species, cumulatively it seemed very likely that the presence of dogs will affect the overall conservation value of the site and therefore restricting access for dogs is necessary to mitigate against the potential effects on the nature conservation value of the site.

A 'dogs on lead' restriction, in conjunction with a seasonal exclusion was considered. However, due to the popular location of the reserve, we believe that these options in combination will not be sufficient to meet the level of mitigation required by the ASFA.

Accordingly Natural England, as the relevant authority, proposes to exclude people with dogs from the area shown on the attached map each year to assist in maintaining the overall integrity of the site within the context of the NNR Management Plan and the wider AONB Management Plan.

3. SUBMITTING COMMENTS ABOUT THE PROPOSED DIRECTION:

If you wish to comment on the proposal then you must do so **before 25th September 2015** directly to kevin.vigars@naturalengland.org.uk. A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website².

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 do not plan to publish individual comments in full, but we may publish extracts from them when we report on our consultation(s).

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.

¹ See Appendix 1. This appraisal meets Habitat Regulation requirements in assessing impacts and in line with Natural England's duty under CROW as the Relevant Advisory body on nature conservation. This was carried out in partnership with the Responsible Officer (the Natural England officer responsible for the Site of Special Scientific Interest).

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.

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.

Appendix 1

Access and Sensitive Features Template

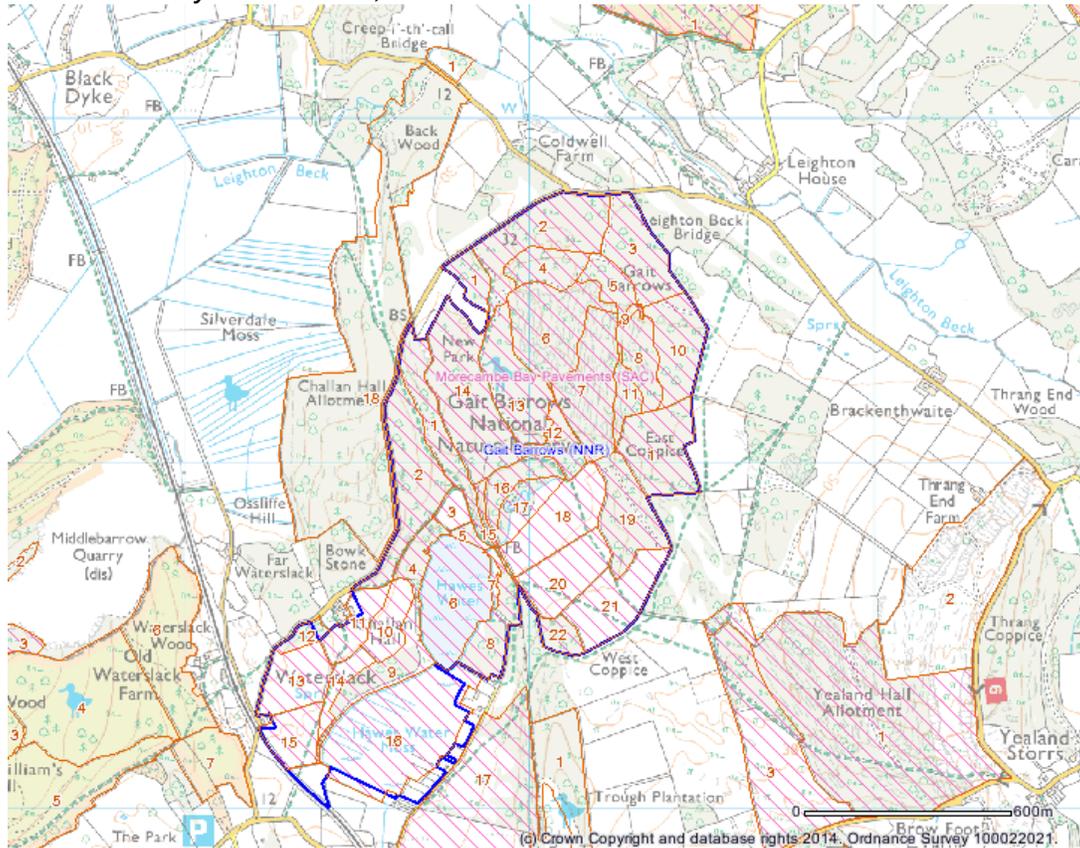
(See annexed Notes on Completion)

Programme	NNR Dedication
Proposal title	Dedication of Gait Barrows NNR
Aim and location	Reason for consideration and location of affected area
Report Status	Final
Date	August 2014
TRIM reference	D2014/00073181
Access Case Officer	Chris Pope
Site Responsible Officer	Glen Swainson

Section 1: SITE MAP(S) AND OVERVIEW OF NEW ACCESS PROPOSAL/ CONSIDERATION

Map

Blue – NNR boundary. Pink – SAC, Brown – SSSI units



Proposed new access provisions

The new access provision will introduce CROW open access on foot to Gait Barrows NNR. It will be an addition to the currently established access provided by a network of permissive paths and public rights of way.

Currently no dogs are permitted on Gait Barrows unless on a Public Right of Way. The site manager enforces this in a pragmatic way. CROW rights include the right to be accompanied by a dog. However following an assessment of the site it is necessary to legally restrict this right to maintain the overall integrity of the site within the context of the wider AONB management plan.

The access proposal therefore includes a restriction under the Countryside and Rights of Way Act 2000 which excludes dogs. Dogs will not be allowed on the site apart from on Public Rights of Way. This maintains the current access provision for dogs.

There will be a relaxation of general restrictions to allow the creation of a route that will be available to horses and cycles. This route will join up to an existing permissive route on the site and then to the wider public rights of way network.

The permit system will remain but will become a car parking permit system rather than a permit to access the site.

Section 2: PREDICTED CHANGE IN PUBLIC USE OF AREA

[For completion only if the Responsible Officer has initial concerns about the potential impact of the new access proposal on our conservation objectives]

How do visitors already use the site?

The nature reserve is crossed by several paths and public rights of way, which have always been popular and well used. This has significantly increased during the 1980s following the designation of the Arnside and Silverdale AONB and the publication of several guide books on the area. Leisure and tourism are a fast growing element in the area, and walking is very popular with holidaymakers.

In the past a permit was needed to go anywhere on the reserve and, apart from on the waymarked trails, this is still the case. The permit also allows people to park in the small carpark and is used as a way of getting information to people about the site. The car park can accommodate 8-10 cars.

There are currently three way-marked pedestrian nature trails on the reserve, which allow safe access to most features of the site. These are the Limestone Trail, the Yew Trail and the Hawes Water Trail. These trails are open to the public at all times.

The Limestone Trail has been upgraded to accept Trampers and other motorised wheelchair type vehicle, and lies on the Arnside and Silverdale AONB Trumper Trail that links many sites.

The Hawes Water Trail has been developed as an All-Access route and is suitable for wheelchair users and other less-able users.

Approximately 8,000-10,000 people visit the site each year. Many walk through the reserve as part of a longer walk but the site has a national reputation so visitors do come just to see the reserve itself, especially due to the lady slipper orchid.

No access is currently allowed into Little Hawes Water, Hawes water mosses or close to the edges of Hawes Water (there is a boardwalk along the eastern side allowing access and views of the water and bird interest).

How is the new access proposal likely to affect use of this site by the public?

We do not anticipate that new entrance points are likely to develop as a result of the dedication. This view is supported by the AONB and LAF. There is no known demand for people to access the site from anywhere other than the existing entrances.

The site is very well served by paths and tracks. There is no evidence of demand for additional access by the public and most visitors stay on the paths provided. Experience of managing open access elsewhere in the country leads us to believe that patterns of use will not change over the majority of the site after dedication. The existing promoted trails and tramper trails will continue to be the way most people use the site

Relaxing the general restriction on horses and cycles on a specified route may encourage more of this type of user.

Access case officer

Signed:

Chris Pope

Name:

Date:

07/8/14

Section 3: POTENTIAL IMPACT ON FEATURES FROM NEW ACCESS PROPOSAL

Morecambe Bay Pavements SAC, Gait Barrows SSSI, Hawes Water SSSI, Thrang Wood SSSI.

	SPA	p/SPA	SAC	p/SAC	Ramsar	p/Ramsar	SSSI
Designation types present (show boundaries on map)			X				X

Potential concern about new access proposal (summary)

Maintaining the dog exclusion will need consistent management.

Some work needs to be done to ensure that surfacing on the new route for horses and cycles does not have an impact on the fen community vegetation or impede the flow of water through the area. This will be subject to an assessment by the responsible officer. The route will not form part of the dedication.

Concerns about existing public use and action already taken to address this (summary)

Concerns about existing public use causing damage to ground flora by trampling and general disturbance by dogs is managed by the provision of guided trails that encourage users to keep to paths while showing them the best of the reserve. A dog exclusion has been maintained as effectively as possible since 1977.

Key sensitive features relevant to site (detail)

Feature	Any potential sensitivity to visitors	Any likely impact
<p>SAC</p> <p>Limestone pavement (Habitat for flora and fauna and Surface Karst - GCR 2B).</p> <p>Oligotrophic water body; Marl Lake; Medicinal Leech.</p> <p>CG9b <i>Sesleria albicans</i> - <i>Galium sternerii</i> grassland; including 'limestone heath' (on limestone rock).</p> <p>CG9c <i>Carex pulicaris</i> - <i>Carex panicea</i> sub-community (on marl).</p> <p>W13 <i>Taxus baccata</i> woodland.</p> <p>S2 <i>Cladium mariscus</i> swamp;</p>	<p>The bird species are susceptible to disturbance by visitors. The RO and SRM, supported by the AA and AONB, have voiced concerns that allowing dogs will have a significant impact on the site.</p> <p>It is hard to qualify whether the presence of dogs across the site will have a significant effect on individual species but cumulatively it seems very likely that there will be a significant effect to the overall conservation value of the site.</p> <p>The areas of Hawes Water, Hawes Water Moss are managed as a refuge for breeding and overwintering birds. Hawes Water has small numbers of mallard and teal breed, while tufted duck, golden-eye, wigeon and pochard occasionally use the water for winter loafing. Shelduck still return in Spring to loaf on Hawes Water but no longer attempt to breed in the wooded limestone pavements. Hawes Water Moss is a functioning reed swamp. It is now suitable for species like bittern and bearded tit, though neither of</p>	<p>Existing patterns and levels of visitors on foot are unlikely to change as a result of the access proposal.</p> <p>The access proposal incorporates a dog exclusion direction under the Countryside and Right of way act.</p> <p>A full assessment of the specification for the proposed horse and cycle route will be carried out and work will not take place without the agreement of the responsible officer.</p> <p>As a result no likely impact is anticipated.</p>

<p>M10 <i>Carex dioica</i>-<i>Pinguicula vulgaris</i> mire.</p> <p>W8 <i>Fraxinus excelsior</i> - <i>Acer campestre</i> - <i>Mercurialis perennis</i> woodland.</p> <p>W9 <i>Fraxinus excelsior</i> - <i>Sorbus aucuparia</i> - <i>Mercurialis perennis</i> woodland</p> <p>Juniper scrub.</p> <p>Narrow-mouthed whorl snail.</p> <p>SSSI</p> <p>S1 <i>Carex elata</i> sedge swamp; S4 <i>Phragmites australis</i> swamp and reed-beds; S9 <i>Carex rostrata</i> sedge swamp; S19 <i>Eleocharis palustris</i> swamp; S20 <i>Scirpus lacustris</i> ssp. <i>tabernaemontani</i> swamp; S22 <i>Glyceria fluitans</i> water margin; S25 <i>Phragmites australis</i>-<i>Eupatorium cannabinum</i> tall herb fen; S27 <i>Carex rostrata</i>-<i>Potentilla palustris</i> tall herb fen; M22 <i>Juncus subnodulosus</i>-<i>Cirsium palustre</i> fen meadow; M23 <i>Juncus effusus/acutiflorus</i> - <i>Galium palustre</i> rush pasture; M24 <i>Molinia caerulea</i>-<i>Cirsium dissectum</i> fen meadow; M27 <i>Filipendula ulmaria</i>-<i>Angelica sylvestris</i> mire s; M28 <i>Iris pseudacorus</i>-<i>Filipendula ulmaria</i> mire.</p> <p>Invertebrate assemblage.</p>	<p>these species has yet been confirmed as breeding.</p> <p>Marsh harriers have bred annually in Hawes Water Moss since 2004. Osprey sightings have become more frequent in the past five years, chiefly in early summer. In 2012 a pair were regularly seen in the vicinity of Leighton Moss, and were also recorded fishing in Hawes Water at this time.</p> <p>There is a high density of breeding species like water rail, reed bunting, reed warbler and sedge warbler from the wetlands around Hawes Water and in Hawes Water Moss.</p> <p>The catchment area could come under pressure for increased access and disturbance by dogs which could have a detrimental effect on bird interest of the site and constitute a LSE.</p> <p>The WAAG part 2 provides evidence that breeding and overwintering birds are susceptible to disturbance.</p> <p>19.23 Many studies have shown that birds are deterred from breeding in areas with large numbers of people (Woodfield and Langston 2004a). Breeding birds are assumed to be potentially highly susceptible to disturbance, either because of direct reductions in breeding productivity or limited opportunity for relocation without abandoning the breeding attempt (Woodfield and Langston 2004a). Disturbance may affect birds in different ways at different stages in the breeding cycle.</p> <p>19.24 During the non-breeding season, the main impacts of disturbance on birds are interruption to foraging and, to a lesser extent, roosting (Woodfield and Langston 2004a).</p> <p>19.65 Tufted ducks were found to be sensitive to human activities that were relatively infrequent and where the profile of a human was visible (e.g walkers or dog walkers) and appeared to become habituated to high levels of vehicle activity. By contrast pochards were sensitive to all types of disturbance, including vehicular disturbance. In each case give details of the location or distribution of this feature within the site (show on the map as appropriate) and the nature of any known sensitivity to visitors. Part 1 of WAAG has a specific paragraph about bogs and reedbeds.</p> <p>Part 1 of WAAG has a specific paragraph</p>	
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<p>Lancaster whitebeam.</p> <p>Bittern.</p> <p>Higher plant assemblage: Gait Barrows.</p> <p>Breeding bird assemblage.</p> <p>Fungi assemblage.</p> <p>Pollen Stratigraphy (GCR 15M).</p> <p>Calcareous water body.</p> <p>W1 <i>Salix cinerea</i> - <i>Galium palustre</i> woodland; W2 <i>Salix cinerea</i> - <i>Betula pubescens</i> - <i>Phragmites australis</i> woodland; W3 <i>Salix pentandra</i> - <i>Betula pubescens</i> - <i>Phragmites australis</i> woodland; W5 <i>Alnus glutinosa</i> - <i>Carex rostrata</i> woodland; W7 <i>Alnus glutinosa</i> - <i>Carex paniculata</i> woodland.</p> <p>MG5 <i>Cynosurus cristatus</i>-<i>Centaurea nigra</i> grassland; MG6 <i>Lolium perenne</i> - <i>Cynosurus cristatus</i> grassland; MG8 <i>Cynosurus cristatus</i>-<i>Caltha palustris</i> pasture; MG9; MG10.</p> <p>A7 <i>Nymphaea alba</i> community.</p> <p>Other (eg BAP)</p> <p>Mammal assemblage.</p> <p>Lady's slipper orchid.</p> <p>Moss and liverwort assemblage.</p> <p>Lichen assemblage.</p> <p>Amphibian assemblage.</p>	<p>about bogs and reedbeds.</p> <p>12.8.17 These wetland habitats support some exceptionally rare, threatened and vulnerable breeding, feeding and roosting waterbirds and some important raptor roosts and there are concerns about the impacts of the introduction of a statutory right of access to the countryside on the conservation status of these birds. However, access on foot is already permitted and even encouraged along paths in or alongside many of the most important areas of bog and reedbed, as many are managed as nature reserves. To leave paths in such areas is often impossible, dangerous or unpleasant and it is not envisaged that the Act will lead to any significant increase in the demand for recreation on foot through these areas. Several of the key species are listed on Schedule 1, and reckless disturbance of breeding birds is already an offence.</p> <p>12.8.18</p> <p>Management measures or statutory restrictions/exclusions on access to bogs or reed beds are unlikely to be required unless there are exceptional local circumstances, where demand for access to an area supporting nationally or internationally important concentrations of wetland birds or roosting raptors is likely to increase significantly. Important bird populations may be present at any time of year. Additional controls on dogs (restraint by short leads or exclusion) may also need to be considered on these sites.</p> <p>The WAAG also has a paragraph on enclosed water bodies or lagoons:</p> <p>12.8.23 Management measures or statutory restrictions/exclusions on enclosed water bodies or lagoons are unlikely to be required unless there are exceptional local circumstances, such as where demand for access near to an important breeding colony or roosting area is likely to increase significantly. Additional controls on dogs (restraint by short leads or exclusion) may need to be considered on these sites. Important bird populations may be present at any time of year. In the event of a severe weather ban on wildfowling, further management measures or statutory restrictions/ exclusions on open access may be necessary.</p>	
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Reptiles. W10 Quercus robur - Pteridium aquilinum - Rubus fruticosus woodland.		
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Note: If the table suggests unacceptable residual impacts on the features in question, the norm is to repeat the earlier process of consideration, and complete when ready a further version of the template. But if at this point the access case officer and responsible officer cannot agree whether the access proposal adequately addresses the potential sensitivities, the case should be referred to the Access and Nature Conservation Review Panel.

Section 4: FINAL CONCLUSIONS

THIS FINAL STAGE SHOULD ONLY BE COMPLETED AFTER THE ACCESS CASE OFFICER AND RESPONSIBLE OFFICER HAVE REACHED AGREEMENT, OR FOLLOWING ESCALATION TO THE ACCESS AND NATURE CONSERVATION REVIEW PANEL

(Inapplicable sections below should be left blank)

4A: FINAL CONCLUSION - EUROPEAN SITE

Screening for Likely Significant Effect under Habitats Regulations – alone

In relation to the new access proposal detailed in sections 1 and 2, taken alone, Natural England has concluded on the best available evidence and information that:

- A. **It can be excluded that the new access proposal, taken alone, will have any effect** on any of the features listed in section 3 above for which the European site has been designated or classified, for the following reasons:
Much of the site is already open access and most of the reserve is already open to the public. Visitors are encouraged to use existing routes through the reserve and are constrained by topography.
- B. While it cannot be excluded that the new access proposal taken alone will have an effect, **it is not considered that the effect is likely to be significant**, for the following reasons:
[Specify relevant feature(s) and summarise reasons]
- C. **It cannot be excluded that the new access proposal, taken alone, will have a significant effect** on the following feature(s) for which the European site has been designated or classified, for the following reasons:
[Specify relevant feature(s) here and summarise reasons]

Screening for Likely Significant Effect under Habitats Regulations – in combination
(See Notes on Completion)

Other relevant plan	Is each other plan or	Where the answer in Column 2 is Yes, what
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or project	project clear and specific enough for a judgement to be made at this stage about the probability or risk of its having any <i>similar</i> effect on the features in question? (see notes)	effect is it considered the other plan or project is likely to have in its own right on the features in question? Enter <u>one</u> of the following values, with brief reasons: <ul style="list-style-type: none"> • No effect • A non-significant effect • A significant effect Where the answer in Column 2 is No, enter "Not applicable" in this column.

Conclusions of screening in combination *(leave blank unless In Combination Table used)*

Having considered the best available evidence and information on any other qualifying plans or projects that might operate in combination with the new access proposal detailed in sections 1 and 2, Natural England has concluded that **it can/cannot be excluded** that the new access proposal, in combination with any such qualifying plans or projects, will have a significant effect on any of the features for which the European site has been designated or classified, for the following reasons:

[Summarise reasons for conclusion]

Overall Screening Decision for European site/features

Accordingly, taking into account the preceding screening both alone and, where appropriate, in combination, Natural England has concluded:

[Tick as appropriate]

- No likely significant effect** – the new access proposal may proceed as finally specified, subject to any separate considerations in relation to SSSI features etc (see below);

OR

- b) Likely significant effect** - appropriate assessment is required to consider whether the new access proposal may proceed.

PART 4B: FINAL CONCLUSION - SSSI

In the light of the analysis in section 3, Natural England has concluded that the new access proposal detailed in sections 1 and 2:

[Mark one box with an X only below]

<input type="checkbox"/>	complies with NE's duty to further the conservation and enhancement of the notified features of the SSSI, consistent with the proper exercise of its functions ³ - and accordingly the new access proposal may proceed as finally specified in this template
<input type="checkbox"/>	would not comply with the duty referred to in (a) – and accordingly permission/ authorisation/ assent for the new proposal should not be given, for the following reasons:

[summarise reasons here]

PART 4C: FINAL CONCLUSION - Other features about which concerns have been expressed

Conclusion

In the light of the analysis in section 3, Natural England has concluded that:

[Mark one box with an X only below]

<input checked="" type="checkbox"/>	the appropriate balance has been struck by the new access proposal between NE's conservation and access objectives, duties and purposes - and accordingly the new access proposal should proceed as finally specified in this template
<input type="checkbox"/>	the appropriate balance referred to above has not been struck – and accordingly the new access proposal should not proceed in the form specified in this template, for the following reasons:

SIGNATURE COVERING THE WHOLE OF PART 4:

Responsible officer		
Name: Glen Swainson	Signed:	Date: 13/8/14