

## **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:** 2016048135 / 2016068185  
**Name of site/land parcel:** Wilton 3 Quarry  
**Access Authority:** Bolton Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** None

Natural England has received an application under section 25 of the Countryside and Rights of Way Act for a direction to exclude access to the public at Wilton 3 Quarry in order to reduce the risk of harm to members of the public when shooting is taking place.

Having considered the application, Natural England now proposes to give a direction on the site that excludes CROW access for a period which exceeds, or may exceed, six months. The Act requires us to consult publicly on all such proposals for 'long-term restrictions / exclusions'.

#### **2. SUMMARY OF RELEVANT AUTHORITY PROPOSAL**

##### **Site History and Local Context**

The site is owned by the shooting club, who also own land outside of the area of concern. The site is a block of access land on the edge of a very extensive area of Open Access land in the West Pennines on the outskirts of Bolton.

The club operate formal shoot days / events on a Wednesday, Friday and Sunday from dawn to dusk all year. Looking at the website ([www.boltongunclub.co.uk](http://www.boltongunclub.co.uk)) it is apparent that there are a number of formal events on these days throughout the year. On non-shoot days club members are welcome to use the range. However, through a covenant in the deeds with the British Mountaineering Council (BMC), climbers do have priority. This arrangement will be unaffected by the proposed exclusions.

The land is next to a main road with a large lay-by on the road nearby that provides access to the site via a permissive route and this is the route used by the climbers. This route also provides access to Horrocks Moor and beyond. The main entrance road has a gate at the main road which is locked when the range is not in formal use

The shooting takes place within the quarry bowl with the main entrance providing access to the quarry bowl from the north. The shooting takes place with guns firing roughly east to west; therefore anyone walking into the quarry will enter in front of the guns (the safety zone). There are 2 target areas; one at 25m (mainly used by pistol shooters) and one at 50m. In addition the use of shot guns occasionally takes place in the vicinity of the car park (within the quarry bowl).

The club have taken all necessary steps in relation to their duties in the use of the firing range. There are several notices warning that live firing is taking place, when the red flags are flying and red flags are placed on access points to the quarry and other key

areas but unfortunately, on some occasions, this fuels the curiosity of some walkers who wander into the quarry. The Access Authority has informed us that on a number of occasions the police have been called.

On the surrounding land there are a number of well-trodden paths in the vicinity of the quarry which allow access into the quarry bowl, from other locations. Some of these bring people into the base of the quarry within the safety zone and at the rear of the shooting shed and storage containers.

The club will cease all shooting when a member of the public is spotted. This includes anyone who has climbed the fences around the top of the quarry, thereby disrupting the activity.

### **Summary of proposed direction to restrict access**

Criteria Set 19 of the current Relevant Authority Guidance, April 2010 (RAG) states it may be necessary to manage public access while shooting takes place:

- to prevent danger to the public from shooting; or
- to prevent disruption to the sport.

#### Danger to the public from shooting at targets

From the RAG:

*People shooting at targets have to assume that members of the public may be present and take all necessary precautions, even at times when they are unlikely to encounter visitors.*

As the Relevant Authority we feel that the shooting club are taking all the necessary precautions. However, the access patterns of the site are a cause of concern; the main risk is from members of the public entering the corridor behind and in front of the target as a shot is taken. The area of risk (sometimes called a safety zone) may extend beyond the target for some distance, depending on the weapon and ammunition in use.

#### Disruption to the sport

From the RAG:

*Participants can be distracted from shooting (whether or not the target is moving) by the need for extra vigilance in order to prevent any risk of accidental injury to visitors. Where visitor levels are high, the frequent need to stop shooting in order to allow visitors to pass may detract significantly from their enjoyment of the sport.*

*Signs, flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and encourage considerate behaviour. These techniques are most likely to be effective where there are safe and clearly marked rights of way or other routes that people can use through or around the area affected without causing significant disruption.*

However, in this case it is clear that these techniques are inadequate in this area, to the point that they are acting as an "attractor". We also consider that the disruption to the shoot is having an impact on the clubs use and enjoyment of the site.

### **Why is a statutory restriction necessary?**

Natural England as the Relevant Authority believes that a total exclusion is necessary at times when the firing ranges are in use.

The original application was concerned with public safety but after the site visit and further discussions with the shooting club and other parties, we consider that a direction to exclude access could be put in place under both s24 and s25(1)(b) of CROW; s24 to prevent disruption to the shoot and s25(1)(b) to prevent danger to the public due to the site infrastructure blocking the shooters views to the rear and sides of the safety zone.

### **What is lowest level of restriction required?**

The shooting club, as land owner, has the ability to utilise its discretionary powers under s22, however due to the constraints of this use and patterns of access on the site these powers does not meet the needs of the shooting club.

Therefore, in order to prevent disruption to the clubs activities and prevent danger to the public we consider that the following directions are required:

- A **full direction** (21016048135) giving a total exclusion on CROW access rights on a Wednesday, Friday and Sunday from dawn to dusk all year;
- An **outline direction** (2016068185) giving a total exclusion, **only** when the range is in use on a Monday, Tuesday, Thursday and Saturday. This will be supported by the use of red flags and other onsite management. This exclusion will not have any impact on the current arrangements with the BMC in relation to access by climbers.

To provide greater clarity to the users on the ground we are proposing to map the exclusion area to notified features on the ground. In view of this a popular permissive route from the layby onto Horrocks Moor would be unavailable at certain times. In agreement with the shooting club this route will remain open at all times and this will be promoted on any exclusion maps.

We also propose to work with both the Access Authority and the shooting club to look at the signage and any other on site measures required to assist in ensuring that the proposal is effective.

### **3. SUBMITTING COMMENTS ABOUT THE PROPOSED DIRECTION:**

If you wish to comment on the proposal then you must do so **before July 15<sup>th</sup> 2016** directly to Kevin Vigers at [kevin.vigers@naturalengland.org.uk](mailto:kevin.vigers@naturalengland.org.uk). A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's Website<sup>1</sup>.

### **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

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<sup>1</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](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.

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.

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.