



**Devon Countryside Access Forum  
c/o Public Rights of Way team  
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Mr R Thomas  
Lead Adviser Open Access, Coastal Access and National Trails  
Natural England  
Horizon House  
Deanery Road  
Bristol  
BS1 5AH

30 August 2022

Dear Mr Thomas

### **Review of statutory directions at Gittisham Hill 2017098517 and 2017108538**

The Devon Countryside Access Forum has considered its statutory response to the review of statutory directions at Gittisham Hill (case direction references 2017098517 and 2017108538) under the Countryside and Rights of Way Act 2000.

The Devon Countryside Access Forum notes the comments made in the Initial Consultation Summary. The Forum is aware that the landowner carried out shooting under the 28 discretionary days process during the years 2017 – 2020 without submitting dates under the long-term direction that had been applied for. It is unclear why the landowner decided to take this approach and it was not mentioned in the background summary paper forming part of the consultation. The restrictions in place during CoVID-19 in 2020 – 2022 are highly likely to have impacted on shooting use during that period. Now CoVID-19 restrictions have been lifted, it is likely the landowner will recommence shooting this autumn if that is considered part of their business activity.

Members have differing views on shooting but recognise that shooting is a legitimate and permitted activity on open access land. Should the landowner wish to continue shooting, public safety is of utmost importance and closure days either under discretionary days or a direction would therefore be appropriate, as would dogs on leads on the day before shoot days to prevent disturbance to game. It is not clear

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CRoW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

whether the discretionary days were all for shooting or whether these included the day prior so that dogs would not be present on site.

The DCAF would welcome clarification on when signs are put up at access points to warn the public of forthcoming restrictions and whether these are checked on closure days.

The Forum would appreciate knowing the landowner's intentions for the future and how these can be met with the least impact on public access.

This response will be on the agenda of the Devon Countryside Access Forum's next meeting on 19 September for formal approval.

The Devon Countryside Access Forum trusts its response will be taken into consideration and requests it is informed of the outcome of the review.

Yours sincerely



Hilary Winter  
Forum Officer

*Letter sent on behalf of the Devon Countryside Access Forum*

*Chair: Sarah Slade*

*Vice Chair: Chris Cole*

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice "as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area..." Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice, and this includes Natural England.

The DCAF currently has nineteen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

## Countryside and Rights of Way (CROW) Act 2000

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTIONS RESTRICTING CROW ACCESS RIGHTS

Prepared by Natural England

**Access Authority:** Devon County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Devon Local Access Forum

**Direction reference:** 2016058166

Land Parcel Name	Direction Reference	Details of restriction on original direction
Gittisham Hill	2017098517	No Public Access Outline direction for up to 25 days per calendar year from 1 <sup>st</sup> October to 1 <sup>st</sup> February each year
Gittisham Hill	2017108538	Dogs to Leads Outline direction for up to 25 days per calendar year 1 <sup>st</sup> October to 1 <sup>st</sup> February each year

Natural England has now decided how to proceed following its review of the long-term direction to restrict open access rights on this land. A consultation was held between 28 July 2022 and 02 September 2022 with statutory consultees and the general public.

We received comments from the Devon Countryside Access Forum (DCAF) and the Devon Ramblers Access Officer.

The DCAF noted that the applicant had used his discretionary days between 2017 and 2020, so wondered whether shooting had occurred even though the outline directions had not been used. They acknowledged that shooting is a legitimate and permitted activity and that a closure on shooting days would be appropriate for public safety and dogs on leads on the day before the shoot to prevent disturbance to game. The DCAF felt the mechanism for this could be either discretionary days or through the application directions, but felt clarification was needed on whether signs are put up to warn of the closure days, and whether these are checked on the actual days of closure.

The Ramblers commented that as no outline direction dates had been notified to Natural England it assumed that no shooting occurred since the last review, and if shooting is not continuing the directions should be revoked.

### **Outcome of the review:**

Natural England's decision is to revoke the directions.

During the Initial consultation Natural England was made aware that the applicant had in fact used some of their discretionary days under s28 CROW to close the land on a number of occasions between 2017 and 2020.

Natural England received a letter from the agent for the Combe Estate, and a site visit was arranged. The agent confirmed that they did use the hill for shooting since the last review, albeit at a lower level than planned, and that this decreased further due to the Covid pandemic. He confirmed he did use his discretionary days to close the hill on these occasions. He confirmed they do plan to continue shooting on the estate, but probably for only up to 6 days a shoot season. The agent therefore felt they could continue to use their discretionary days to close the land on the shoot days, and around three days before each shoot day as is their discretionary right. He thought they should be able to fit in around the limitations on the use of discretionary rights, e.g. limits on weekend days and bank holidays.

Therefore it was agreed the directions could be revoked as they are no longer required, however Natural England made it clear that if the estate wished to increase the number of shooting days on the hill, or shoot on days limited under s28, then Natural England could revisit the need for directions to exclude or restrict access.

During the site visit the agent also pointed out that there are a number of access points to the hill where the gates were not locking securely with the result that these access points were no longer stock proof. These have had to be made secure by the estate but now do not function as gates. The estate would be very happy if Devon County Council wished to re-instate these access points.

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to us. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at [www.planningportal.gov.uk/planning/countryside/countryside](http://www.planningportal.gov.uk/planning/countryside/countryside).

Date review completed: 16/09/2022