
From: John Purcell
Sent: 04 May 2021 12:09
To: Hilary Saunders
Subject: Cloughton Wood Lodges

Hi Hilary, it was very good to meet you last week and the rest of the committee that were able to attend. I think we were able to explain our proposals in more detail and it was useful to learn that we hadn't supplied all the necessary information in a very user-friendly way. I am trying to remedy that.

In this email I want to set the record straight on a few issues that I feel are causing some confusion and require some clarity.

1. Bikes
2. Bats
3. Footpaths
4. Ecology
5. Shooting

1. Bikes. We thought that bikes would be environmentally beneficial and we also thought that people would be able to judge if their party were able to cycle safely. We expect some people to bring their bikes with them. I

am happy to drop any notion of hiring bikes, we thought it was an environmentally helpful idea, in retrospect I think we should not hire bikes so we will be happy to remove this element of our proposal

2. Bats. There was a concern expressed a while ago that there hasn't been a bat survey. This is incorrect, there has been a bat survey, the extant consent has conditions regarding bats and we are very aware that we have to (and want to) provide bat boxes. We will also provide additional suitable boxes for other wildlife that might find this location attractive and conducive to breeding.
3. Footpaths. There is no doubt that we haven't presented this very well, for which I apologise. A "blue Line" map showing our larger ownership would probably have removed the confusion around this. I hope we have now clarified it.
4. Ecology. We very much look forward to working with Elspeth and Mark on the Nature Zone and ecology and biodiversity generally. The extant consent envisaged some of this and we plan and hope to go much further. It is also worth bearing in mind that the forestry element of Cloughton Woods is already strictly overseen by the Forestry Commission and we are putting in place a 10 year plan to ensure that good husbandry is planned and adhered to, so we are happy to have additional conditions regarding a habitat management plan and this should be written in such a way that it doesn't contradict anything that is done for the Forestry Commission.
5. Shooting. I feel this is being badly misunderstood and misrepresented. To that end I set out below the BASC guidance on shooting safety, together with my conclusions. They are clearly my conclusions; I feel very strongly that a landowner's rights of enjoyment of their property cannot be limited by any neighbour's questionable activities. This is a very basic principle of English law.

BASC guidelines on SHOOTING and RIGHTS OF WAY & ACCESS, ENGLAND & WALES

All persons participating in any shooting activity must recognise that users of public rights of way have the right to pass and re-pass. One should refrain from shooting when a right of way is being used as this could be construed as a common law nuisance, wilful obstruction or a breach of Health and Safety at Work etc Act 1974.

RIGHTS OF WAY - SHOOTING NEAR HIGHWAYS (E.G. ROADS & CARRIAGEWAYS)

In England & Wales it is an offence without lawful authority or reasonable excuse to discharge any firearm within fifty feet of the centre of a highway which consists of or comprises a carriageway, and in consequence a user of the carriageway is injured, interrupted or endangered. The fifty feet rule does not apply to rights of ways that cross private lands e.g. footpaths.

Section 19 of the Firearms Act with regard to having a 'firearm in a public place' also applies. This legislation applies to all public places and not just open access land.

SHOOTING NEAR RIGHTS OF WAY (E.G. FOOTPATHS & BRIDLEWAYS)

When the footpath runs across private land the ownership of the land and sporting rights are unaltered. Therefore a person with the shooting/sporting rights may shoot on or over footpaths on their land equally to public having the right to walk (to pass and re-pass) along it as a means of communication. So the public and the shooters have a concurrent right to the footpath and it is up to both parties to not obstruct the other.

However if you shoot over footpaths, only do so if you have permission to drop shot over the land on the other side. To fire a bullet or shot onto land that you have no right to shoot into or over is 'constructive trespass'.

Whilst this is a civil matter BASC strongly advises not to do this. It is also a basic safety precaution not to shoot into cover where you cannot be sure what your projectile(s) will hit. It is especially important to apply this when shooting near footpaths obscured by hedges or foliage. It is good practice to only shoot across footpaths where you can see approaching users from a long way off and be certain you will not cause danger or alarm.

If you shoot from a path situated on somebody else's land (regardless of who owns the rights to shoot on the land you are shooting into) it is taken to be armed trespass which is a criminal offence.

When considering how far shot travels, the BASC advice on how far pellets travel is as follows:

On the distance pellets travel after being fired from shotgun cartridges, and as a guide to setting safety zones around game or clay target shooting or to ensure pellets do not land on neighbouring property; conventionally 300 yards has

been considered the maximum distance for lead shot. The new research takes into account muzzle velocity, pellet material, pellet size, and wind.

BASC's director of research, Dr John Harradine, said: "Shooters have long relied on the traditional 300 yard travel distance for lead shot but its travel is affected by several factors, including pellet size and particularly a following wind. With new non-lead shot types now being used, based on both less dense (steel) and more dense (tungsten) materials, we need to be able to advise shooters and shoot managers on what these shot types can do to ensure safety and responsibility in the field."

At Cloughton Woods we take safety extremely seriously. The use of our land cannot be affected, or limited, by the use of another's land, if the other's use is illegal or unsafe. To mitigate any risk we have removed, as requested, the intention of all signage permitting guests to walk north, and we will not encourage that.

However, there are existing footpaths that run north, from the Hulleys and from Cloughton. I have not measured 300 yards in any direction from the neighbouring land but I wonder if they are able to contain their shot within 300 yards from anywhere on their land? From a very quick look, I don't think they can shoot east without consent from the landowner there, they cannot shoot west over the Whitby Road, they cannot shoot South; I think they can probably shoot north if they abide by the law very carefully.

Perhaps the safety of these paths should be investigated if the shooting is not done carefully or legally. The footpaths already exist, through that land and also running from the A171 down to the Hulleys. So the shoot should already be completely aware of its responsibilities to the general public, wherever they arrive from. It is the guns responsibility, owning land does not allow risking walkers.

An adjoining owner cannot however be limited in his legal enjoyment of his own property because a neighbour might be failing to meet legal and safety requirements and this should not be an issue at a planning committee.

With kind regards

John