C3 Access Research Study: Access Restriction

Hart, Rushmoor and Surrey Heath SPA Consultancy Report

Final report
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C3 Access Research Study: Access Restriction
Hart, Rushmoor and Surrey Heath SPA Consultancy Report

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Chapter 1
Executive Summary

Summary of study approach and findings

1.1 This study considers the potential for access restriction (fencing; habitat management to create barriers; improvements to paths or facilities to encourage people to use certain areas rather than others; or signage) to avoid or mitigate the effects of recreation pressure at the Thames Basin Heaths Special Protection Area (SPA). Other forms of mitigation are being explored through separate studies.

1.2 The study draws together information from existing data and information on how people currently use the SPA and types of access arrangements in place. Interviews with Natural England's Strategic Access Management and Monitoring (SAMM) Team have been used to draw on their experience of what measures work well across the SPA and where challenges lie.

1.3 The findings are summarised below in relation to each of the study's 11 research questions.

What are the impacts of existing access restrictions on the SPA?

1.4 There are a number of existing access restrictions in place across the SPA, including areas in private ownership with no public access, MOD danger areas with no or restricted access, and areas of forestry that are subject to temporary fencing to allow clear-cut woodland to regenerate. Although an annual survey of SPA birds is carried out, there has been no specific analysis by the SAMM Team of the effects of existing access restriction measures on the number of bird territories or breeding success.

1.5 The 2018 visitor survey of the SPA by EPR mapped routes taken by survey respondents, which were overlaid to show 'hotspots' of visitor pressure and this study has mapped these alongside bird survey data to look for locations in which visitor pressure may be having an obvious effect on bird populations. However, it is difficult to draw conclusions from this data as it is limited: the EPR survey was undertaken at selected access points and dates only, so does not provide a complete picture of recreation pressure at the SPA; and the bird survey data does not record breeding success.

1.6 The EPR data shows that there are areas of the SPA that receive a higher number of visitors than other parts of the SPA (something also apparent in other visitor survey counts at access points) and that some restrictions (e.g. MOD Danger Areas) do keep people out, but overall there is insufficient information to determine the effects of existing access restrictions at the SPA.

What form of access restriction would be most effective?

1.7 Access can be restricted through a number of physical measures that either prevent people from accessing certain areas or steer them away by encouraging them into other areas. For example;

1.8 'Carrots' (measures that encourage behaviour change by providing positive alternatives) could include:

- Habitat management to make certain areas more attractive;
- New or improved footpaths e.g. circular routes with surfaced paths or boardwalks near car parks and main entrance points;
- Promoted routes, e.g. waymarked trails; and/or
- Providing other ways to enjoy areas where access is restricted e.g. viewpoints.

1.9 'Sticks' (measures that encourage behaviour change by making the original behaviour less appealing or impossible) could include:

- Habitat management to prevent access, e.g. screening using impenetrable scrub;
- Fencing (long/short term) e.g. around key areas of breeding habitat;
- Blocking paths or desire lines e.g. with logs; and/or
- Removing paths.

1.10 It is likely that a combination of the above physical measures would be required, and that they would need to be in combination with access management e.g. education/wardening, and/or measures such as car parking restrictions etc.

1.11 From the point of view of the SPA's qualifying bird species, the most effective way of mitigating visitor pressure through access restriction would be to restrict access to the whole SPA. However, this would be difficult to achieve and enforce, and would be undesirable.

1.12 The 'most effective' mitigation is therefore something that is workable, as well as something that reduces overall disturbance to birds.

1.13 Discussions with the SAMM Team suggest that obvious 'banning' of people from an area of the SPA, for example with fences would generally be seen as unacceptable to the public, and there is anecdotal evidence of vandalism and non-compliance with restrictions, in locations across the SPA. The exception to this is within forestry areas, where fences are used to temporarily prevent access to clear-cut areas, while woodland regenerates. The success of this may be down to the fact that there are wide paths through the woodland that provide a more attractive opportunity for walking than the regenerating woodland, which has brash (cut branches) and no clear paths; however, they do set a precedent that woodland can be successfully fenced in some locations.

1.14 Less obvious means of preventing access, for example using dead hedging and growing vegetation to obscure paths, alongside measures that attract people towards alternative locations / routes, would be likely to be more successful in terms of compliance and therefore reduce bird disturbance.

Are there particular areas where access restriction measures would be most effective?

1.15 Access restriction measures would be effective as mitigation if they could reduce instances of disturbance of birds by visitors (e.g. by increasing the distance between visitors and birds) and therefore increasing the breeding success of the SPA's qualifying bird species. However, they also need to be areas where the restrictions will be acceptable to the public, and locations that are ecologically suitable for the proposed measures.

1.16 We have therefore looked at potential areas for access restriction within the following categories:

- Areas currently under the most pressure: it will be difficult to restrict access to the most popular areas of the SPA as this would be likely to be unpopular and result in displacement. However, restriction needs to be focussed on areas with some existing use in order to be used as 'mitigation'. Although existing data shows some areas that may meet this requirement, the data is incomplete and surveys of specific locations/proposals would be required to understand existing use and the potential for displacement.
- Areas where habitat could be managed to benefit bird populations: the SPA's ground-nesting birds use a mosaic of habitats and favour more open habitats. They also need to be able to move around areas of well-connected habitat to respond to threats and changes such as woodland management. Large open areas where scrub encroachment can be controlled and access by people can be restricted, could help improve the resilience of bird populations as well as reduce disturbance. Examples of large open areas of heathland

crossed by desire lines, where visitors could be steered around the heathland instead, include: the northern part of Long Valley and heathland south of Yateley Common and the A30, although 'priority areas' may change as habitats change.

- Areas where measures could be more easily implemented: as stated above (paragraphs 1.13 & 1.14), fences would be likely to be unacceptable in many locations, but could be more acceptable in areas of new rotational forestry management (or by extending the area of existing fencing). Other locations where access restriction measures might be practically more easily implemented include smaller sites under single ownership/management, for example Horsell Common (although other factors would also need to be considered).

Are there any areas in which controls could not be implemented? e.g. common land

1.17 There are large areas of common land and open access land across the SPA, such as Chobham Common. The law allows temporary access restrictions under certain circumstances, but access cannot be prevented.

1.18 Other areas may be difficult to implement access restriction measures due to ownership.

How could restrictions be applied in different ways? e.g. seasonal / temporary / permanent; whole SPA / part

1.19 As stated above (paragraph 1.11), restricting access to the whole SPA would be difficult, therefore it has been assumed that access would be restricted to areas that still allow visitor access to other areas within the same SSSI component of the SPA. It makes sense, also, to consider potential locations for mitigation at the SSSI scale as the different components of the SPA have different characteristics and conservation objectives (for their SSSI designation, in addition to the SPA), that need to be taken into consideration.

1.20 Some access restriction measures (e.g. a fence) could be effective immediately, whereas measures based on habitat management, for example, may be only possible to implement at certain times of the year/management cycle, or may require time for habitats to mature before they are effective. Some measures are suitable for temporary use, whereas others may be more long term. The responsiveness and intended duration of different measures needs to be taken into account when considering which triggers are appropriate (see below).

1.21 Of the mitigation strategies considered in this study, focussing on steering people away from visitor hotspots is likely to be something that could be implemented on a more temporary basis (e.g. seasonally and in perpetuity, although the location could change). Extending fencing around areas of clear-cut forestry would be on a longer term temporary basis (e.g. 5 years, then moved to the next cleared area). Creating areas of open undisturbed habitats by encouraging people onto routes around the habitat could be undertaken at a range of timescales – either seasonally or longer term.

What could be the triggers for introducing access restrictions? e.g. seasonal closures or closure in particular areas

1.22 Triggers could include:

- Bird numbers;
- Bird location;
- Bird breeding season;
- Visitor numbers;
- Number of cars using car parks;
- Visitor behaviour e.g. as reported by wardens;
- Appearance of desire lines;
- Habitat characteristics;
- Stage in forestry rotation cycle; and/or
- Number of new homes within 5km; or
- No trigger, i.e. a one-off measure put in place as soon as possible.

1.23 Triggers must ensure that any mitigation is in place prior to adverse effects occurring and be linked to new development, in order to meet the requirements of the Habitat Regulations. 'Number of new homes' would therefore be the overall trigger for identifying the need for mitigation, while the other types of trigger would guide decisions about which access restriction measure was most appropriate and where. Exactly what the trigger is relating to the number of new homes depends on the capacity of the mitigation measure being proposed, which is difficult with the current data available (see below).

What potential scale of avoidance/mitigation would be provided by implementing access restriction measures?

1.24 Quantifying the effectiveness of access restriction measures applied at the SPA, and therefore the number of homes that could be mitigated, requires a robust understanding of current condition of habitats, data on the presence of breeding bird populations, and information on recreational pressure, as well as an understanding of how visitor behaviour could change and where people would displace to. Existing baseline data may help with this calculation but there are gaps in the existing evidence (how

effective previous access restriction measures have been in reducing recreation pressure) which limits the ability to accurately quantify the number of homes that could be delivered through a specific access restriction measure.

1.25 Given the need for further study and therefore the uncertainties around displacement, access restriction would not currently be considered an effective mitigation measure in its own right. It may therefore be appropriate to use access restriction as a means of supporting other mitigation approaches (e.g. supporting habitat restoration or managing visitors close to areas where parking controls have been implemented), while using monitoring and data analysis to appraise the effectiveness of access restriction.

Where visitors would disperse to, if access restrictions were implemented on parts or the whole of the SPA?

1.26 Modelling would be required to understand likely extent of displacement of recreational pressure prior to implementation of an access restriction measure. This could be achieved through spatial data analysis by applying bird nesting territories to existing point data for birds and modelling where visitors may be displaced to if an access restriction measure is implemented. This technique would enable an assessment of numbers of territories which could be affected and potential conflicts between user groups.

1.27 Footprint Ecology has employed a similar method to assess the potential effects of displacement from measures such as parking controls. The model estimates visitor numbers at access points, rather than on paths and rights of way, so therefore cannot currently be used to model displacement of access restriction within the SPA. Adding footpaths to this model would allow potential displacement effects to be tested for various scenarios including combinations of access restriction, parking controls and dog controls.

What effect might restrictions have on different visitors and in different parts of the SPA?

1.28 Depending on the location and nature of the proposed measures, different visitors may be affected to varying extents, either by design or as an unintentional consequence, for example:

- Geographical area: access restriction measures would need to be implemented in an area that would be affected by visits from new development, but the effect on existing users (in terms of inconvenience and/or acceptability) may depend on the availability of alternative locations for recreation nearby.
- Visitors undertaking different activities: access restriction measures could exclude dog walkers but not other visitors. This would be easier where a defined area is being created, e.g. with fences and signage, and where it would be possible to enforce the measures.
- Visitors with accessibility requirements: access restriction involving path closure and/or the creation of new paths should maintain or enhance the routes available to people with wheelchairs or buggies (and, similarly, bicycles or horses).

1.29 All measures could be trialled to assess effectiveness of the measure and to inform an understanding of any unintended effects.

How could access restrictions be enforced?

1.30 It may be difficult to enforce access restrictions, particularly if restrictions are not permanent.

1.31 There are various potential legislative approaches. Public Space Protection Orders (PSPOs) may therefore be difficult to justify for the purpose of reducing bird disturbance due to new housing development. Public rights of way can be stopped up or diverted, in certain circumstances, and may be appropriate in some situations if permanent changes to access are required, and in response to specific housing developments. It may also be possible (subject to legal advice) to implement local bylaws that enable access to be restricted, depending on the ownership and status of specific areas of the SPA, which may enable greater flexibility than footpath closure or diversion orders.

1.32 Where access is restricted alongside measures to make other areas or routes more attractive, or alongside community engagement by the SAMM wardens to explain the purpose of access restrictions, it may be that legislative approaches are not required. Signage and physical barriers may be sufficient to ensure compliance; however, follow up monitoring would be required to ensure that this is working, to ensure mitigation.

1.33 If agreeable to the SAMM Team, wardens also could play a key role in enforcing access restriction, although their 'powers' to enforce would depend on the presence of underlying legislation.

What are the potential costs of delivering these potential measures?

1.34 An estimate of capital and ongoing costs associated with each of the three mitigation strategies has been provided (Chapter 6).

1.35 The estimate of costs suggests that creating a permanent area of undisturbed heathland would initially be the most expensive option to implement. However, the cost of management of the required infrastructure to enclose and protect the heathland over subsequent years would be significantly less than the more seasonal access restriction

measures. This is primarily due to the repeated costs associated with the temporary enclosure of land such as the repeated erection and dismantling of fencing. It is possible that permanently restricting access to heathland may also offer the greatest benefit to bird nesting productivity.

Conclusions and next steps

1.36 The current mitigation strategy (SANG plus SAMM) was proposed because the combination of measures gave certainty that mitigation would work, with SANG providing the more quantifiable measure to draw people away from the SPA, and SAMM managing the visitors that still visited the SPA. It is likely that access restriction, similarly, would be more effective in combination with SANG or SANG alternatives, or it could be used to support other mitigation approaches (e.g. habitat restoration or parking controls). It may be possible to demonstrate a measurable effect from access restriction in its own right with further data, which could either be analysed where measures have been / are being implemented anyway, or as a focussed trial.

1.37 An access restriction trial could be undertaken in part of the SPA (a single SSSI unit or smaller), where a management strategy can be drawn up for the whole area and monitoring can be undertaken (for example by the SAMM team or another body, as appropriate). Bird survey data also needs to be analysed to see whether it shows the effects of recent changes in access restriction.

1.38 Most access restriction measures can be implemented relatively quickly, compared to new SANGs/SANG alternatives for example, therefore a trial of measures could be undertaken in the short term to gather data. This could also enable some potential 'mitigation' to be in place while longer term measures are being established. If data indicates that access restriction is effective, then it could continue to be used as a faster-response mitigation method alongside other measures.

Chapter 2
Introduction

Study aims and approach

2.1 This study explores the potential for access restriction measures to be used as mitigation for the effects of recreation disturbance at the Thames Basin Heaths (TBH) Special Protection Area (SPA).

2.2 The work is part of the main project being led by Hart, Rushmoor and Surrey Heath Local Planning Authorities, which aims to explore measures that could supplement or provide alternatives to the current approach to mitigating the effects of new housing in Hart, Rushmoor and Surrey Heath on the Thames Basin Heaths SPA.

2.3 This report is referred to as 'C3 Access Research Study: Access Restriction'. Three related reports are being prepared by Footprint Ecology as part of the C3 Access Research Study, alongside this report. These explore:

- Access management;
- Car parking restrictions; and
- Dog controls.

2.4 This work has made use of data kindly shared by Natural England's TBH Strategic Access Management & Monitoring (SAMM) team, 2Js Ecology, and Footprint Ecology.

What is access restriction?

2.5 Access restriction, in the context of this study, refers to measures implemented within the SPA to control the movement of visitors, for example:

- Fencing;
- Habitat management to create barriers;
- Improvements to paths or facilities to encourage people to use certain areas rather than others; or
- Signage.

2.6 Work previously undertaken for the main project has identified that dog walking has a greater impact on the SPA bird populations than walkers without dogs. However, for the purposes of this study, it is assumed that access restriction measures could affect visitors with or without dogs. Where measures could be implemented in conjunction with dog controls, this is identified.

Study approach

2.7 In relation to access restriction, this study aims to:

- understand potential access restriction measures and how they will avoid or mitigate any adverse effect;
- provide evidence in relation to how they will be secured, implemented and by whom;
- provide evidence on the degree of confidence in their likely success;
- provide a delivery timescale and identify when they will be implemented; and
- identify how the measures will be secured, monitored and enforced.

2.8 In order to achieve these, the study has brought together several strands of work including GIS analysis, interviews with the TBH Strategic Access Management and Monitoring (SAMM) team, appraisal of ecological data, and landscape management expertise.

2.9 **Table 2.1** sets out the information provided in this report, the research questions that have been explored, and the approaches that underpin them. Further details of the study methodology are provided in the relevant sections of **Chapters 3-6**.

Table 2.1: Structure of this report and approaches to study research questions

Chapter	Research question	Approach
Chapter 3: Existing access restrictions	What are the impacts of existing access restrictions on the SPA?	Review of existing information, e.g. of: ■ A1 visitor access background paper GIS analysis, e.g. of: ■ Land ownership/management ■ SPA access points and rights of way ■ Visitor survey data ■ Bird survey data Interviews with SAMM team, e.g.: ■ What are the existing access restrictions on the SPA? ■ How are existing measures enforced?
Chapter 4: The potential for further access restriction	What form of access restriction would be most effective? Are there particular areas where access restriction measures would be most effective? Are there any areas in which controls could not be implemented? e.g. common land How could restrictions be applied in different ways? e.g. seasonal / temporary / permanent; whole SPA / part What could be the triggers for introducing access restrictions? e.g. seasonal closures or closure in particular areas	Interviews with SAMM team, e.g.: ■ Locations in which existing measures have been more/less successful ■ The team's recommendations for further access restriction GIS and ecological analysis: ■ Priority areas for access restriction ■ Areas where access restriction could not be applied Characterise options for access restriction, e.g.: ■ Triggers for implementation ■ Timescale / duration
Chapter 5: Measuring the effectiveness of access restriction	What potential scale of avoidance/mitigation would be provided by implementing access restriction measures? Where visitors would disperse to, if access restrictions were implemented on parts or the whole of the SPA? What effect might restrictions have on different visitors and in different parts of the SPA?	Appraise options, e.g.: ■ Relative scale of mitigation ■ Likely displacement effects (with GIS analysis) ■ Comparative appraisal of options

Chapter	Research question	Approach
Chapter 6: Implementation and enforcement	How could access restrictions be enforced? What are the potential costs of delivering these potential measures?	Appraise options, e.g.: ■ Recommendations on approaches e.g. wardening, policy, legislation ■ Costing of elements required
Appendix A: Condition of SPA SSSI units	n/a	Background information to inform Chapter 4
Appendix B: Assessment proformas	n/a	The assessment proformas were developed for the main TBH SPA mitigation project, to comparatively appraise all mitigation options using 'Red, Amber, Green' (RAG) ratings. The same assessment criteria have been used to compare potential approaches to access restriction.

Chapter 3
Existing access restrictions

Measures currently in place within the SPA and their effect

3.1 The information in this section builds upon the work previously undertaken for the A1 Background Study: visitor access and distribution, a background paper produced at an earlier stage of the project.

3.2 The following sources of information have been used to identify existing access restrictions within the SPA:

- Information from the TBH SAMM team gathered through interviews and marked on a map;
- Public Access Consultancy for the Army Training Estate – Regional Report (Consultation Draft): ATE Home Counties, 2003[1]; and Government information on MOD byelaws and public access[2];
- HRA for proposed charges at selected car parks in Surrey, 2018 (Footprint Ecology);
- Bramshill Forest Plan, 2018 (Forestry England)[3];
- Defra's online mapping service 'Magic'[4]; and
- Ordnance Survey mapping.

3.3 The impact of existing access restrictions has been considered with reference to:

- Analysis of 2017 Thames Basin Heaths SPA Parking Transects & Counter Data, 2019 (Footprint Ecology);
- Visitor access patterns on the Thames Basin Heaths SPA – visitor questionnaire survey 2018, 2018 (EPR);
- Visitor survey on the Thames Basin Heaths Special Protection Area, 2013 (Footprint Ecology / Natural England);
- Visitor access patterns on the Thames Basin Heaths, 2005 (Footprint Ecology / English Nature);
- Annual bird survey data, 2015-2019 (2Js Ecology); and

[1] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/425347/20150302-FOI01304-Annex_A.pdf
[2] https://www.gov.uk/government/collections/byelaws-south-east
[3] https://www.forestryengland.uk/sites/default/files/documents/Thames%20Basin%20Heaths%20Introduction_0.pdf
[4] https://magic.defra.gov.uk

- Information from the TBH SAMM team gathered through interviews and marked on a map.

Access restriction measures currently in place

3.4 The SPA is a composite site made up of a number of parcels of land in different local authorities and under different ownership. Different access restrictions are therefore in place in different locations, as summarised below and shown on **Figures 3.1-3.13**.

3.5 Access management (education and wardening) and restrictions specific to car parking and dog walking are detailed in the other access studies.

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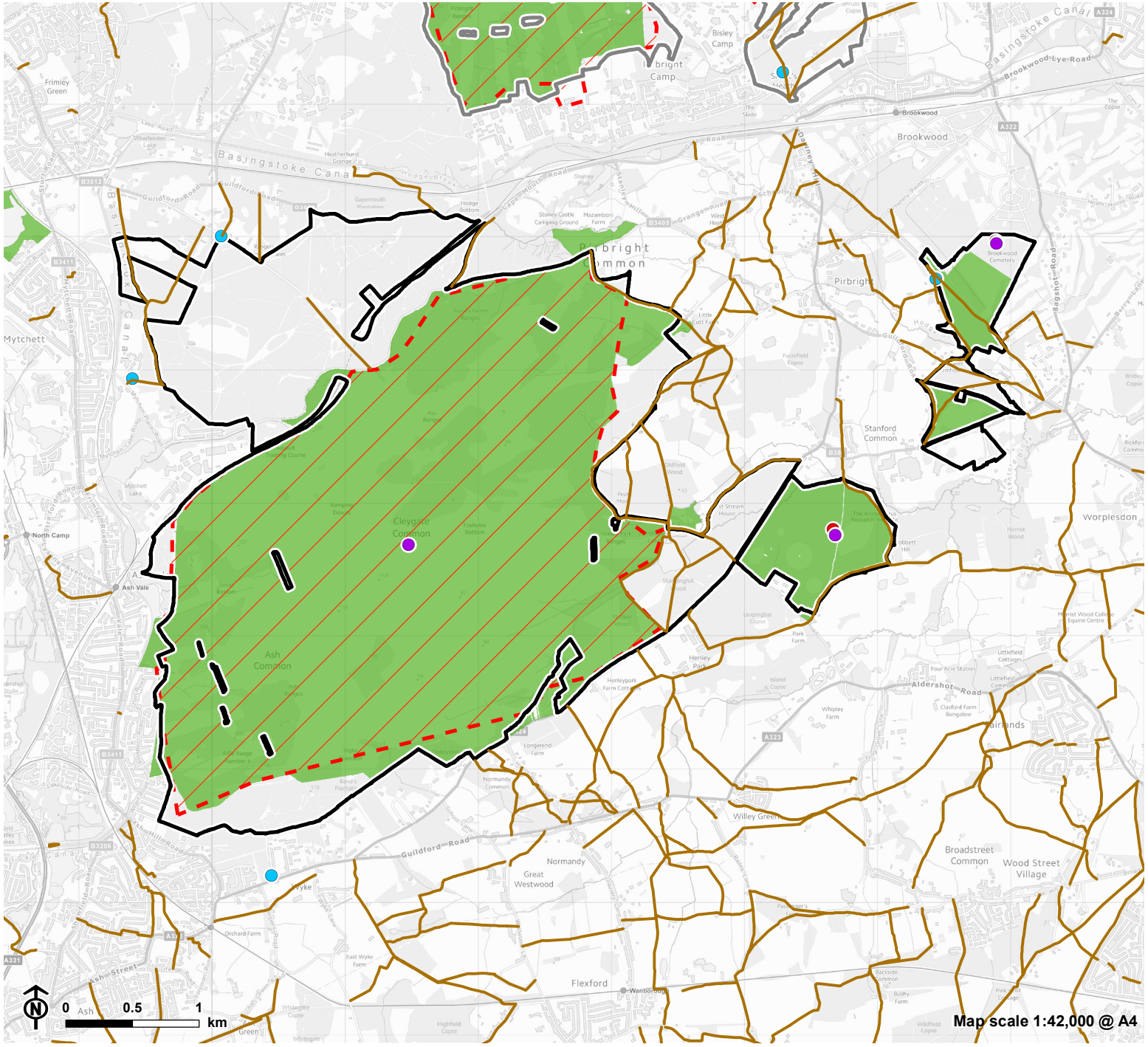
Figure 3.1: Existing Access Restrictions: Ash to Brookwood Heaths



CB:KS EB:lendak_e LUC FIGX_10683_r2_Existing_Restrictions_A4L 23/07/2020
Source: Natural England, Surrey County Council, Hampshire County Council, EPR

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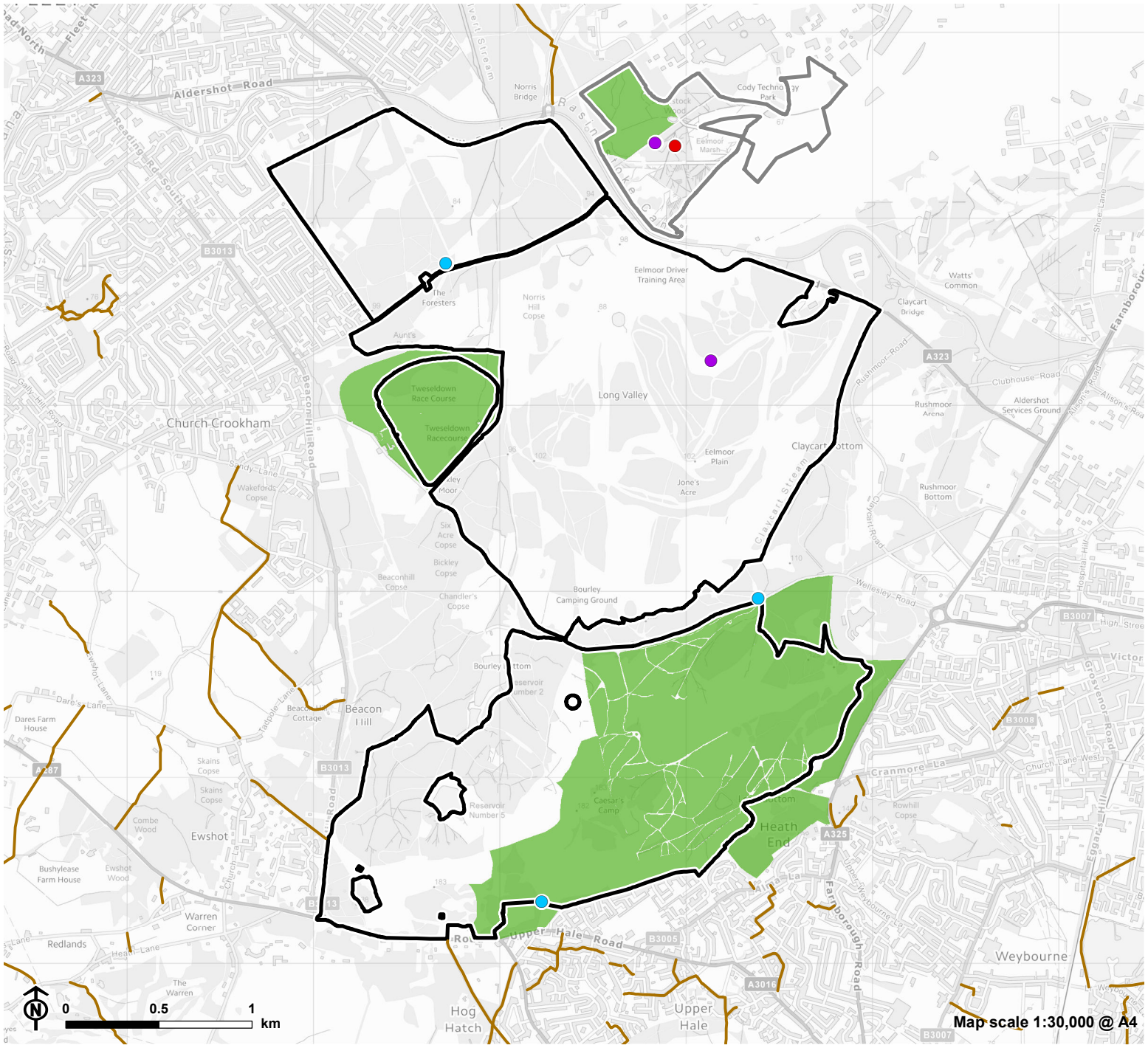
Figure 3.2: Existing Access Restrictions: Bourley and Long Valley



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Source: Natural England, Surrey County Council, Hampshire County Council, EPR

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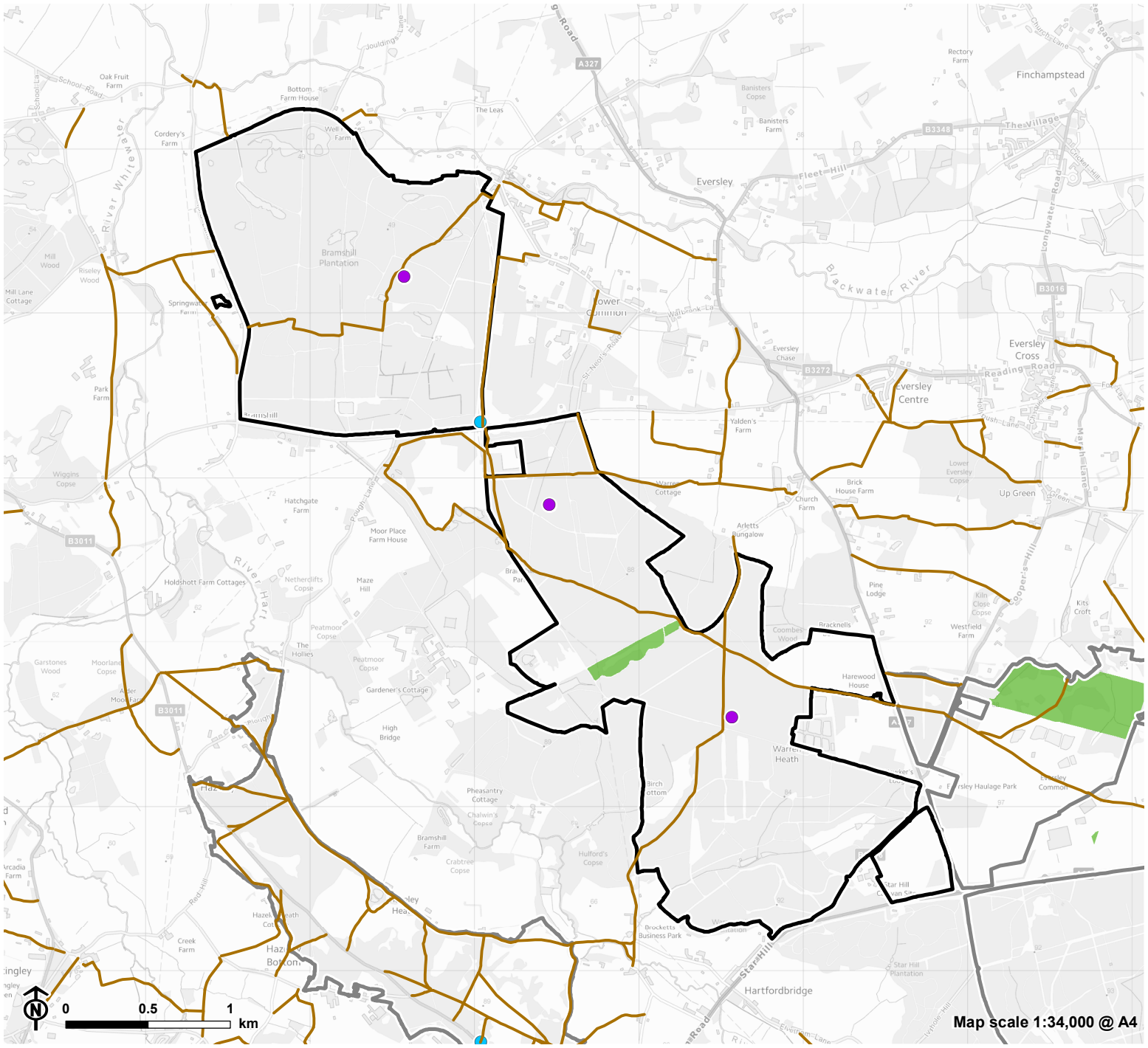
Figure 3.3: Existing Access Restrictions: Bramshill



CB:KS EB:lendak_e LUC FIGX_10683_r2_Existing_Restrictions_A4L 23/07/2020
Source: Natural England, Surrey County Council, Hampshire County Council, EPR

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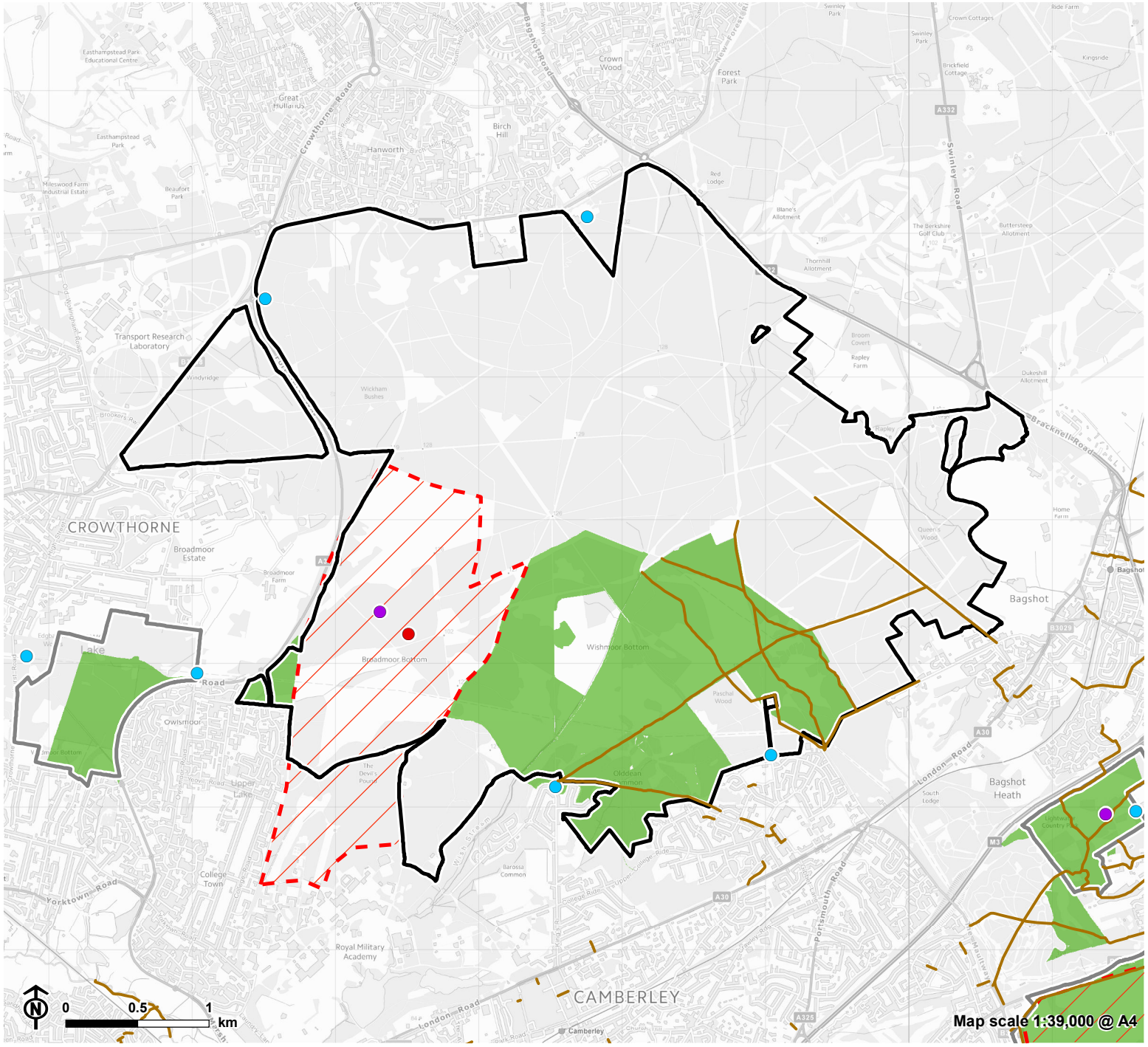
Figure 3.4: Existing Access Restrictions: Broadmoor to Bagshot Woods and Heaths



Thames Basin Heath Special Protection Area

MOD Danger area (indicative)

Open access

Public right of way

Areas where there is no access

Areas where there is permanent fencing

Access point

CB:KS EB:lendak_e LUC FIGX_10683_r2_Existing_Restrictions_A4L 23/07/2020
Source: Natural England, Surrey County Council, Hampshire County Council, EPR

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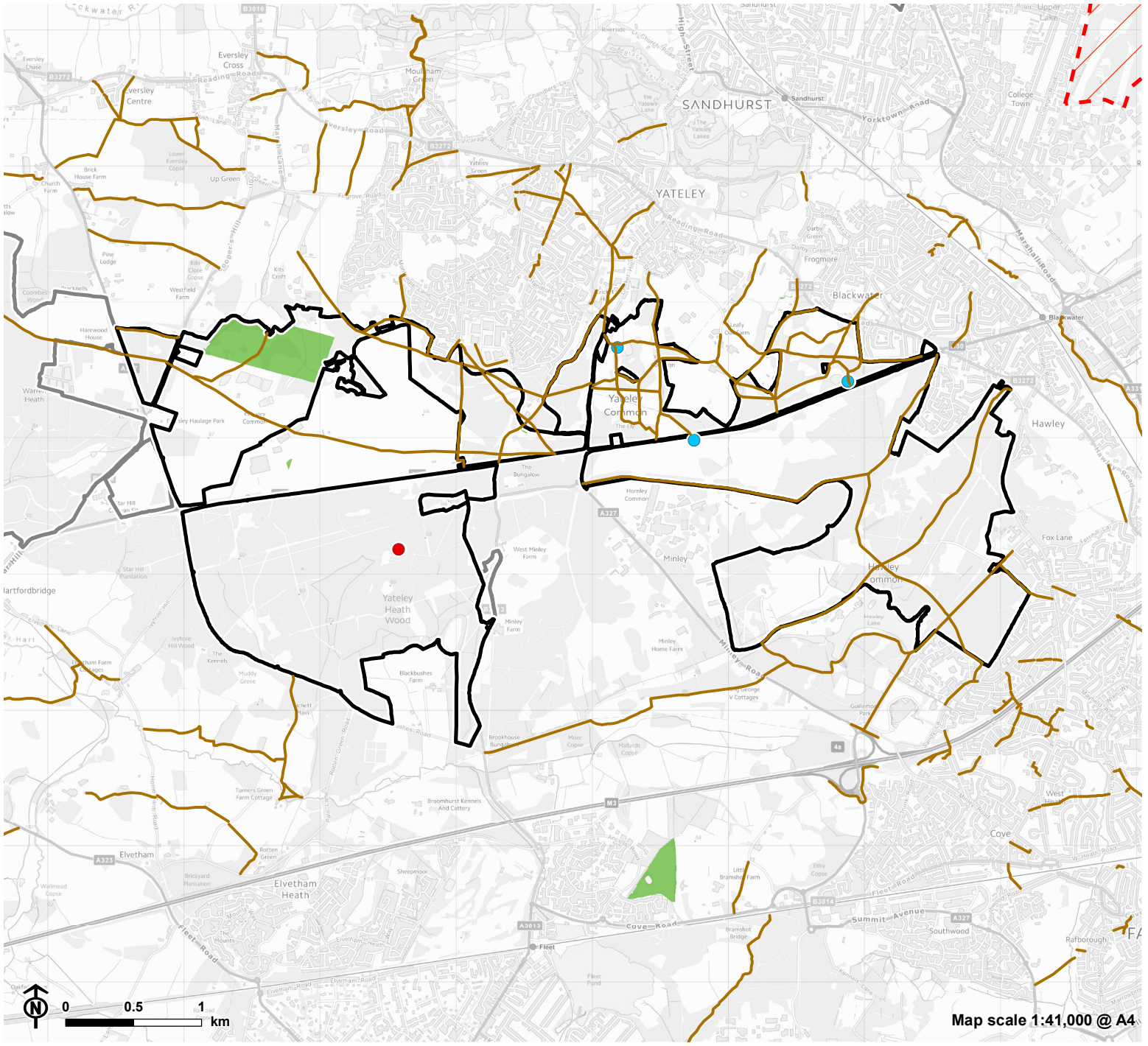
Figure 3.5: Existing Access Restrictions: Castle Bottom to Yateley and Hawley Commons



Thames Basin Heath Special Protection Area

MOD Danger area (indicative)

Open access

Public right of way

Areas where there is no access

Access point

CB:KS EB:lendak_e LUC FIGX_10683_r2_Existing_Restrictions_A4L 23/07/2020
Source: Natural England, Surrey County Council, Hampshire County Council, EPR

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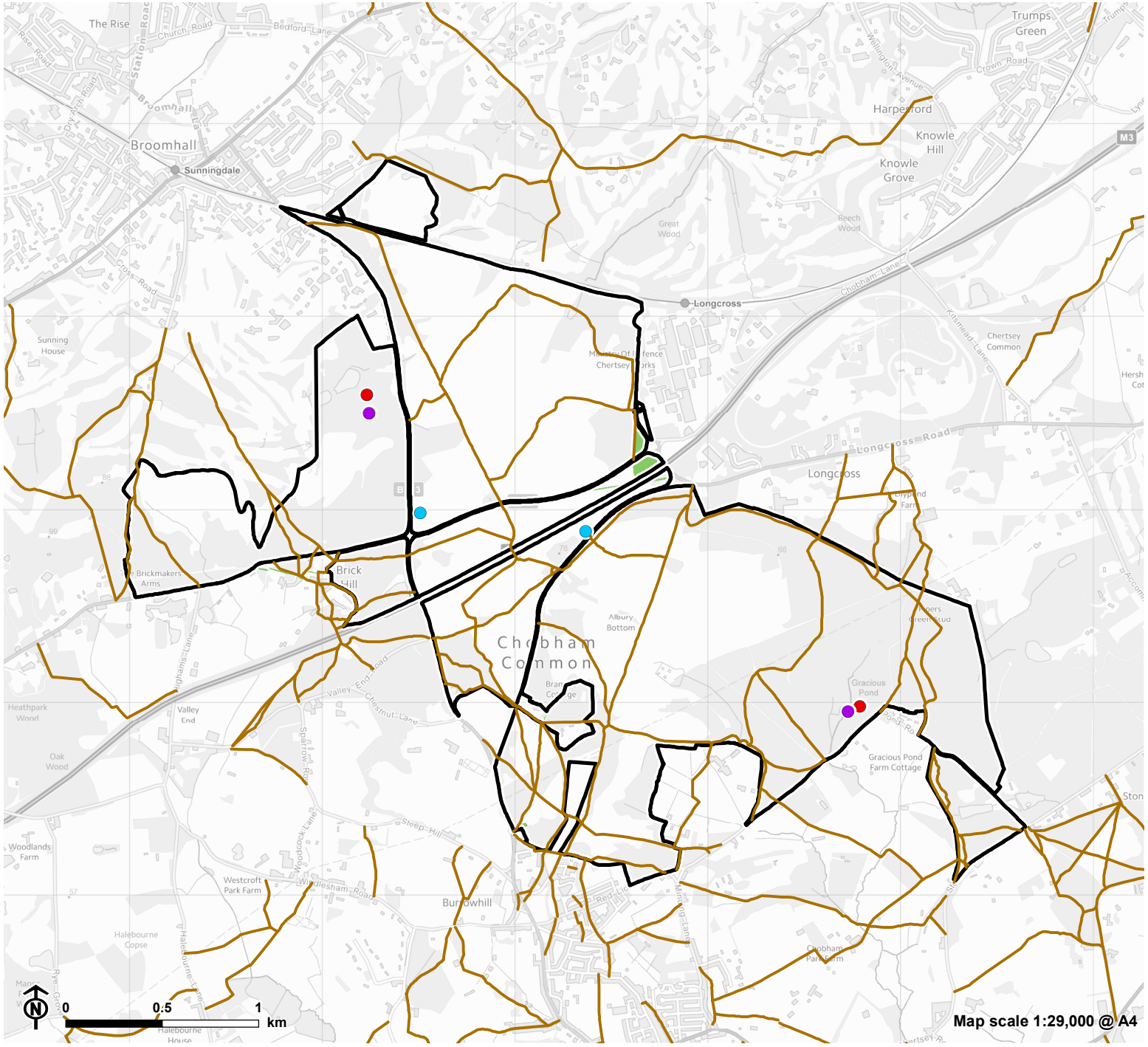
Figure 3.6: Existing Access Restrictions: Chobham Common



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Source: Natural England, Surrey County Council, Hampshire County Council, EPR

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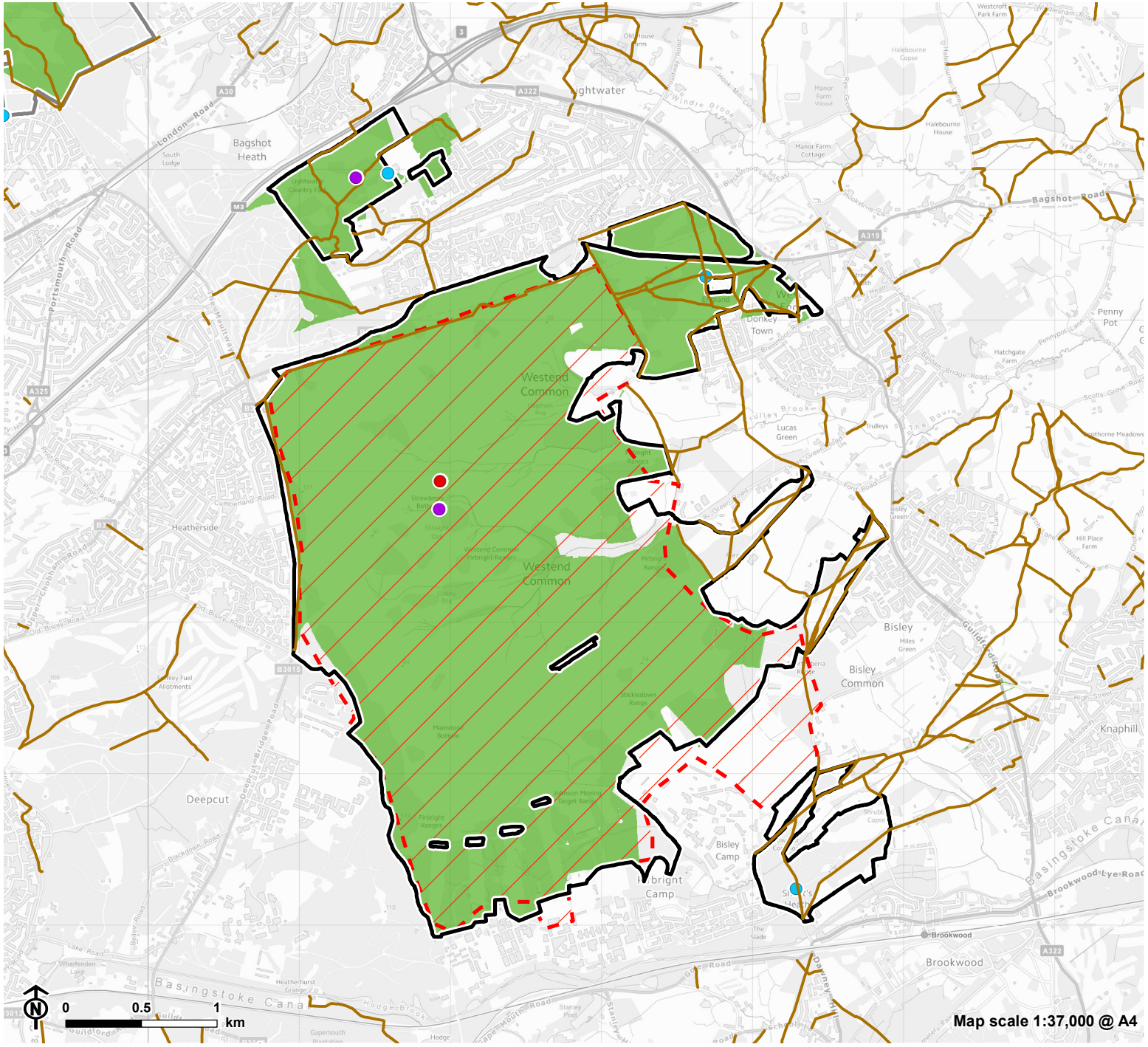
Figure 3.7: Existing Access Restrictions: Colony Bog and Bagshot Heath



- Thames Basin Heath Special Protection Area
- MOD Danger area (indicative)
- Open access
- Public right of way
- Areas where there is no access
- Areas where there is permanent fencing
- Access point

CB:KS EB:lendak_e LUC FIGX_10683_r2_Existing_Restrictions_A4L 23/07/2020
Source: Natural England, Surrey County Council, Hampshire County Council, EPR

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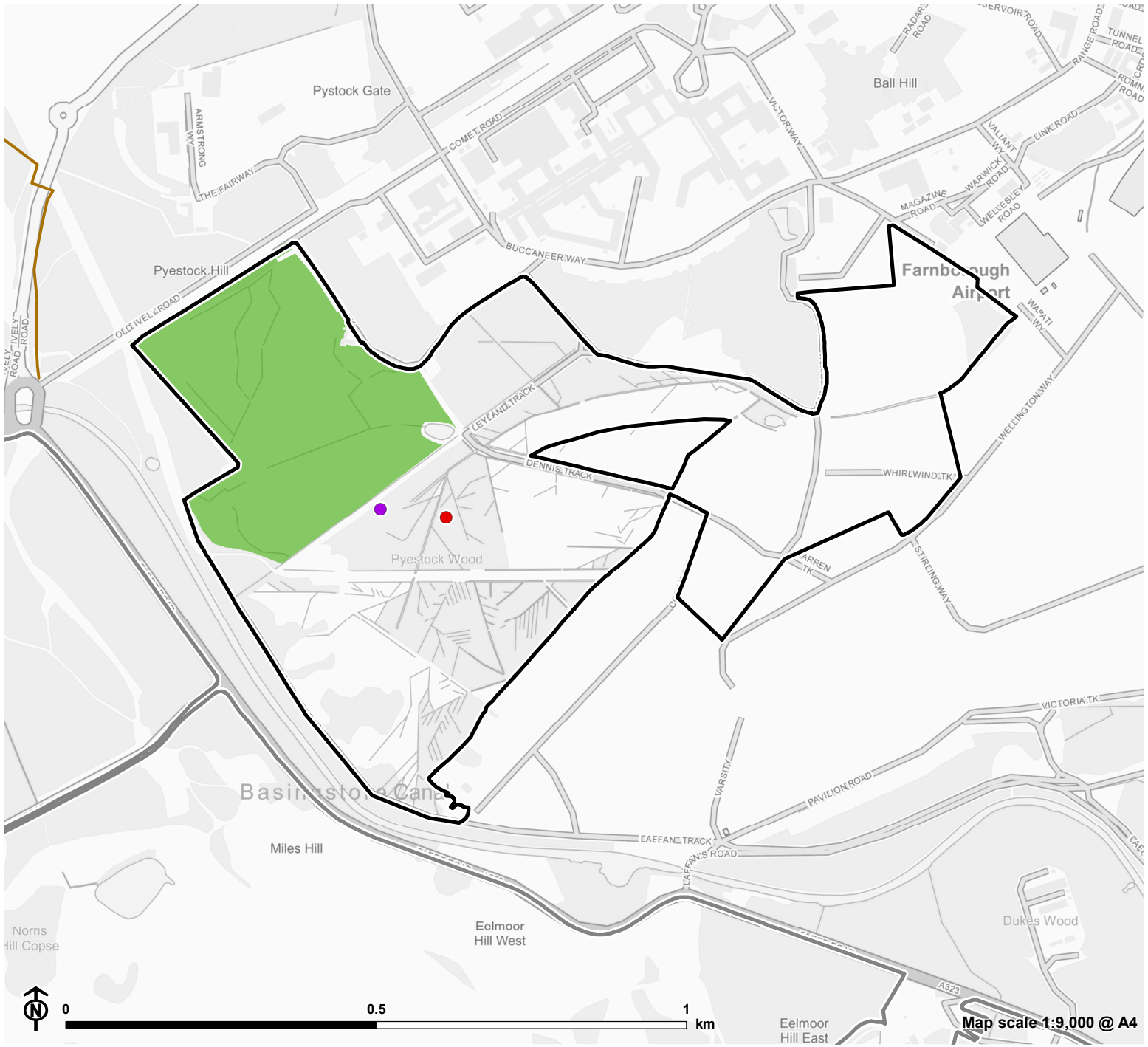
Figure 3.8: Existing Access Restrictions: Eelmoor Marsh



Thames Basin Heath Special Protection Area

Open access

Public right of way

Areas where there is no access

Areas where there is permanent fencing

CB:KS EB:lendak_e LUC FIGX_10683_r2_Existing_Restrictions_A4L 23/07/2020
Source: Natural England, Surrey County Council, Hampshire County Council, EPR

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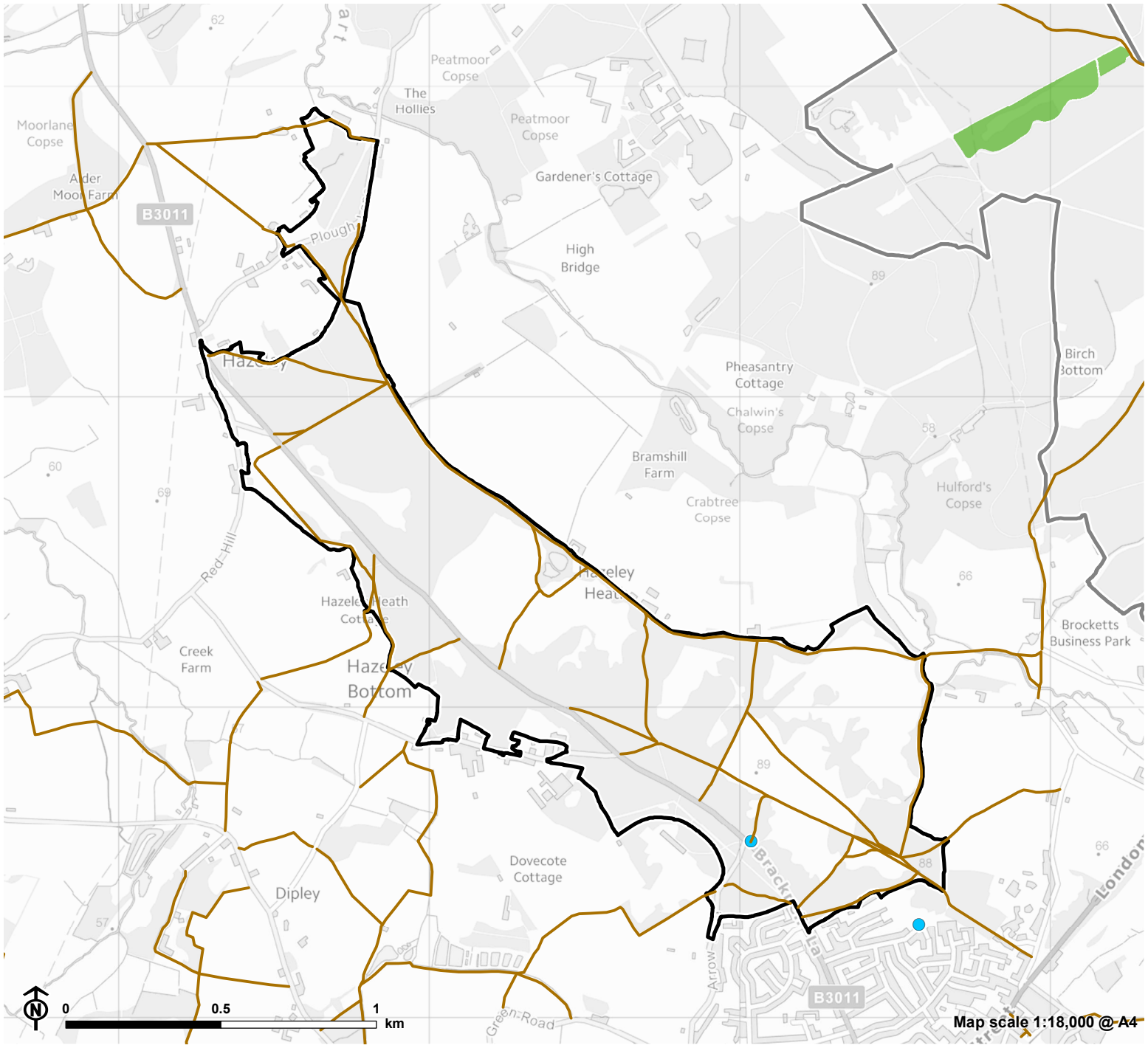
Figure 3.9: Existing Access Restrictions: Hazeley Heath



Thames Basin Heath Special Protection Area

Open access

Public right of way

Access point

CB:KS EB:lendak_e LUC FIGX_10683_r2_Existing_Restrictions_A4L 23/07/2020
Source: Natural England, Surrey County Council, Hampshire County Council, EPR