

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

Access Authority: Bath & North East Somerset
Relevant Authority: Natural England (South West Region)
Local Access Forum: Bath and North East Somerset Local Access Forum

Land Parcel Name:	Original Direction Ref.	Reassessment Case Ref:
Barn Field	2004080065	2009050241

In accordance with statutory guidance, Natural England has a duty to:

- review directions of a long-term character no later than their fifth anniversary; and
- revoke or vary directions where necessary.

Under CROW section 27(3) the relevant authority must review, at least every five years, any direction it has given that restricts access indefinitely; for part of every year; for part of each of six or more consecutive calendar years; or for a specified period of more than five years.

During the review the relevant authority must, having regard to the interest of the public in having access to the land, consider whether the restriction is still necessary for its original purpose; and if so, whether the extent and nature of the restriction is still appropriate for the original purpose.

Before reviewing a long-term direction the relevant authority must consult:

- the local access forum;
- the applicant or his successor in title, where reasonably practicable – for directions under section 24 or 25 made on application; or
- the relevant advisory body – for a direction made under section 26.

The authority must also publish a notice on a website (and send a copy to statutory consultees) that must explain that the authority proposes to review the direction in question; where documents relating to the review may be inspected and copies obtained; and that representations in writing with regard to the review may be made by any person to the authority a date specified in the notice.

Once consultation is complete the relevant authority should have regard to any representations it receives before making a decision. If following the consultation, the Relevant Authority decides to:

- leave the original direction unchanged, the relevant authority should record the date that the decision was made and should schedule a subsequent review where necessary.

If following the consultation, the Relevant Authority decides to:

- vary a direction in any way (type, extent or date), the relevant authority must give a new direction under the same section that was used to give the original direction. If the new direction is long-term, it must be reviewed within five years of the date it is given;
- revoke a direction, the relevant authority must give a new direction under the same section to revoke it. There is no requirement to review the new direction.

Before varying or revoking a direction the relevant authority must: consult the original applicant or his successor in title, where reasonably practicable – for directions given under section 24 or 25 on an application; or consult the relevant advisory body – for directions given under section 26. In either case, follow the consultation procedures set out in the Relevant Authority Guidance but only if it proposes to give a new direction that would restrict access indefinitely or for more than six months continuously.

2. SUMMARY OF EXISTING DIRECTION(S):

Land Parcel Name:	Original Direction Ref.	Dates of restriction / exclusion on original direction:	Reason for Exclusion
Barn Field	2004080065	From 15/04/2005 until 15/12/2999 -except 16 th December to 14 th April each year Public are excluded	Public Safety: Cows and Calves

Natural England, formerly The Countryside Agency, made this long term direction in 2005. The access land is used for keeping a herd of cows with suckler calves. Cows are very protective of their young and there is a risk of serious injury to people with dogs. Therefore the risk is highest to those people with dogs and therefore a dogs to short leads restriction is not sufficient. Furthermore at this site visibility is reduced by internal boundaries (dense vegetation) and the topography of the parcel, meaning the public could unknowingly walk into a small enclosure where the cows are present and become trapped in the narrow passageways. They could be at risk if the cows became distressed and charged through these pinchpoints.

Therefore a restriction was necessary to keep people out of Barn field at all times when the cows have young at foot i.e. from the middle of April to the middle of December.

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of these directions then you must do so before **1st September 2009**. If you are unsure how to submit your comments, please visit our website:

<http://www.naturalengland.org.uk/ourwork/enjoyingplaces/openaccess/consultationappeals.aspx>

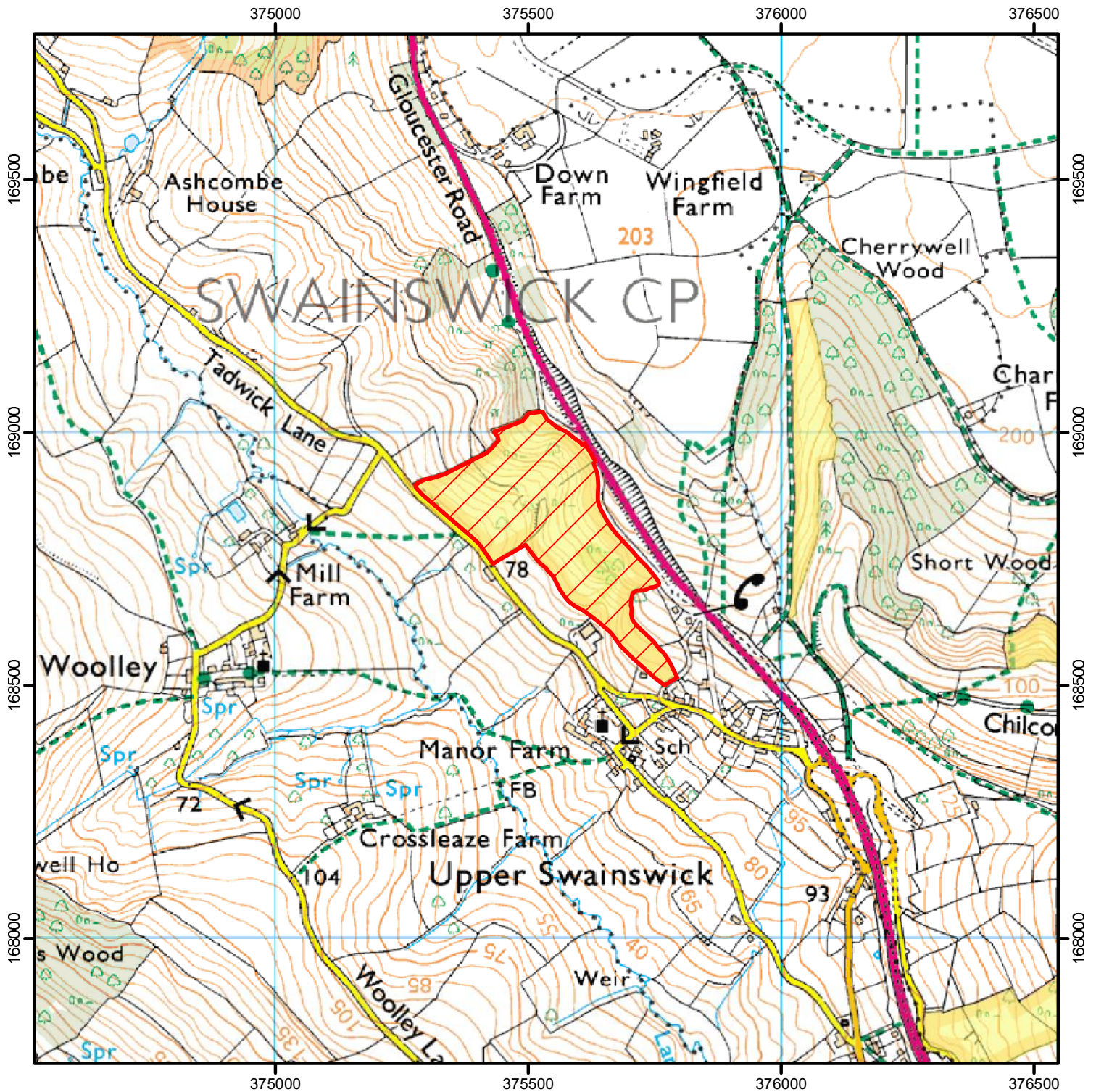
or contact the open access helpline on: **tel. 0845 100 3298**

If, following consultation, we decide that the existing direction is still appropriate and does not need to be changed then we will record the decision and set a new review date (which will be no later than 5 years from the completion of this review).

CROW Open Access: Consultation on proposed restriction (please see accompanying notice)

NATURAL
ENGLAND

Case Number: 2009050241 Consultation end date: 01/09/2009

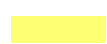


0 250 500
Metres

© Crown Copyright and database right 2009. All rights reserved.
Ordnance Survey Licence number 100022021.



CROW Consultation



CROW Access Land

