

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

**REVIEW OF STATUTORY DIRECTION(S) – PROPOSED CHANGE TO  
EXISTING DIRECTION(S)**

**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

<b>Land Parcel Name:</b>	<b>Original Direction Ref.</b>	<b>Review Case Ref:</b>
<b>Barn Field</b>	<b>2004080065</b>	<b>2009050241</b>

Natural England has begun a review of the above long term direction in accordance with statutory guidance (see Annex One). A consultation has been held with statutory consultees and the general public that sought views on the existing direction.

Natural England received feedback from the Local Access Forum on this case.

Summary of consultee comments: The LAF secretary e-mailed to inform Natural England that they wouldn't be able to meet and make an informed response within the timescale of the initial consultation. The LAF were informed that any change to the direction will require a longer second consultation.

The initial consultation summarised the original restriction as follows:

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.

The review of the original direction:

A site visit was conducted by Natural England with the applicant on 24<sup>th</sup> September 2009. The applicant confirmed that the cows and calves are still present on the site and therefore the risk to public safety remains. During the site visit it was observed that there was no restriction notice at the entrance to the site. The importance of signage was discussed with the applicant and a permanent aluminium clip frame for the restriction notice can be provided by the Access Authority. The applicant agreed that the Access Authority can mount and maintain the signs as there is a need to inform the public at the site about the danger from the cows and calves and the public safety restriction.

A small change to the restriction is required as it is our policy to give long term directions such as this case for 6 years rather than indefinitely.

The Relevant Authority Guidance in Annex L gives the following advice:

***'Circumstances of unknown duration***

*L.2.2 If the relevant authority does not know how long the circumstances that make a direction necessary will last, but considers that the circumstances are unlikely to last indefinitely, it should normally give a direction for six years, or part of each year for six years. It must then schedule a review not later than the fifth anniversary of the date on which the direction was given (see Annex M).*

*L.2.3 If on review it concludes that circumstances that gave rise to the direction have not changed, it should vary the existing direction so as to restrict access for the next six years, or for part of every year for the next six years, and schedule a further review. Long-term directions are most likely to be necessary in connection with year-round and seasonal activities, such as shooting or grazing.'*

Therefore Natural England as Relevant Authority is proposing that the eight month exclusion is still required, but the end date needs changing to six years from the final decision date.

As we are proposing to vary the direction (and are still proposing to make a long term direction) then we are obliged to undertake a further round of consultation.

## 2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS:

<b>Land Parcel Name:</b>	<b>Review Direction Ref.</b>	<b>Dates of restriction on original direction:</b>	<b>Proposed new dates for direction</b>	<b>Reason for Exclusion</b>
<b>Barn Field</b>	<b>2004080065</b>	<b>2009050241</b>	<b>20/11/2009 until 20/11/2015. Except 16<sup>th</sup> December to 14<sup>th</sup> April each year</b>	<b>Public Safety: Cows and Calves - Public are excluded</b>

The Relevant Authority must still review the direction no later than five years after its anniversary (or from the date of the last review).

### 3. SUBMITTING COMMENTS ON THE REVIEW:

This consultation starts on 30<sup>th</sup> September 2009 and if you wish to comment on the review of this direction then you must do so before 4<sup>th</sup> November 2009, directly to Richard Thomas at:

Natural England  
Government Buildings  
Block 3  
Burghill Road  
Westbury on Trym  
Bristol  
BS10 6NJ

Or [richard.thomas@naturalengland.org.uk](mailto:richard.thomas@naturalengland.org.uk)

A map accompanies this notice and is attached and can be seen on the Open Access website >> <http://www.naturalengland.org.uk/openaccess>

If, following consultation, we decide that the existing directions are still appropriate and do 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).

## **Annex One:**

In accordance with statutory guidance, the relevant authority 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.