

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: Hampshire
Relevant Authority: Natural England
Local Access Forum: New Forest

Original direction reference: 2009040042

Land Parcel Name:	Details of restriction on original direction
Twin Oaks Farm	2009040042

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 that sought views on the existing direction.

We received feedback from the Ramblers Association:

At this stage we have no objections to continuation of the current direction but ask that suitable warning notices are in use when shooting takes place and all rights of way remain open at all times.

We also received feedback from the Hampshire County Council:

We do not object to a further extension of these restrictions on the basis that the justification remains the same i.e. the area being essential for lambing.

However, if this situation was to change we would encourage NE to open the restriction.

After due consideration Natural England now proposes to **vary the direction to end on 19th August 2019**

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

2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS:

Details of restriction on original direction:	Proposed details for new direction	Reason for proposed direction
17/10/2009 – 19/10/2014	20/10/2014 – 19/10/2019	Land management

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

i) Summary of proposal

Public access under CROW is restricted to those who do not take dogs on to the land at the land known as Twin Oaks, for land management purposes.

ii) Why is a statutory restriction necessary?

This is to avoid disturbance to livestock at all times. The land parcel is the main pasture for lambing sheep during the spring and there are suckler cow and calves during the summer. There are sheep on the land over winter.

This is given in accordance with the Relevant Authority Guidance - Criteria Set 10 & 11 (chapter 2.5) regarding land management for cattle and sheep.

iii) What is lowest level of restriction required?

Exclude dogs as necessary to allow for land management on the site.

iv) Additional supporting information

It was acknowledged that the usage had continued for sheep grazing and rearing calves for at least 90% of the time during the period of the current direction.

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of this direction then you must do so before 7th October 2014 directly to

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Worcester WR5 2LQ

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A map accompanies this notice and is attached.

Using and sharing your consultation responses

In line with Natural England's [Access to Information Statement](#), any comments you make, and any information you send in support of them, will help us to determine the application and / or determine if the restriction is still necessary in relation to the review or reassessment of a current direction.

We may wish to pass such comments or information to others in connection with our duties and powers under the open access legislation. This may mean for example passing information, including your name and contact details, to the Secretary of State or their appointees, the Planning Inspectorate or to the relevant access authority(s).

We do not plan to publish individual comments in full, but we may publish extracts from them when we report on our consultation(s).

There may also be circumstances in which we will be required to disclose your response to third parties, either as part of the statutory process for consideration of representations and objections about our decision, or in order to comply with our wider obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please explain clearly why you regard the information you have provided as confidential. However, we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on Natural England.

Annex 1

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 relevant authority by 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, it 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), it 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, it 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.