

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS

Prepared by Natural England

Access authority: Calderdale
Relevant authority: Natural England
Local access forum: Calderdale

Land Parcel Name	Direction Reference	Details of restriction on original direction
Hawkstones	2010065572	No public access 5 th April to 17 th May until 2016

Natural England has now decided how to proceed following its review of the above mentioned direction to restrict CROW Access rights on this land. A consultation was held between 18th December 2014 and 23rd January 2015 with statutory consultees and the general public. We received feedback from the British Mountaineering Council (BMC) and The Ramblers (RA)

The BMC questioned whether the intention of the restriction was to prevent climbing rather than to protect the genuine needs of the livestock. They felt a dog exclusion was the least restrictive option.

The RA believe the current direction to be excessive in nature and that no evidence of disturbance to livestock from climbers has been put forward at this site, or any other location with open access under the Countryside and Rights of Way Act 2000, to support the current level of restriction. They believe that the current direction should be varied to only exclude people with dogs.

Outcome of the review:

Natural England's decision is to vary the end date of the direction to allow the exclusion of public access from 5th April to 17th May to continue. As this is a short term restriction, i.e. it restricts access for less than 6 months continuously; a second round of consultation was not required.

Natural England's decision in this case is a departure from the Relevant Authority Guidance which states that the main concern during lambing is disturbance by dogs and that a dog exclusion will normally be sufficient to prevent this. However, we believe a total exclusion of people and dogs for the 6 week period is justified in this instance. This is the decision we made when we originally gave the restriction in 2005 and when it was reconsidered in 2008 and 2010. There has been no change in the local circumstances since it was last reviewed.

The breed of sheep in this case is Soay. This is a primitive breed with hardy characteristics. They can be flighty, jump fences, tend to scatter if threatened, and

can be hard to catch. Soay ewes usually keep away from the flock for a day or 2 after lambing, introducing the young after 2 or 3 days.

There is demand for access into this enclosure so the chance of disturbance is high and is likely to coincide with the areas most used for lambing, namely the base of the crag.

Lambing in an alternative enclosure has been considered. However the restricted area is most suitable as it is close to the house and has many sheltered areas for lambing to take place. There is no requirement for land owners to change their management practices to accommodate access.

The Soay Sheep Society recommends a total exclusion because this particular flock of Soay sheep are not accustomed to people and the lambing enclosure is very small (approximately 0.74ha). Walkers and climbers would be in very close proximity to lambing sheep and disturbance would be unavoidable.

In conclusion Natural England has decided that the restriction continues to be needed to protect livestock during lambing and this decision is made on the basis that:

- The flock is not habituated to contact with people
- The enclosures used for lambing are small and do not allow the flock to avoid disturbance
- The base of the crag is favoured by ewes for lambing and any climbing on the crags above is likely to lead to disturbance when the ewes/lambs are at their most vulnerable.
- There was a high demand for access to the crags and climbing on the site is likely to result in sustained periods of disturbance.

In line with the Relevant Authority Guidance long term directions are given for a period of no more than 6 years. Therefore the original direction will be varied to have an end date of 17/05/2021

Summary of changes made to the existing directions:

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Hawkstones	No public access 5th April to 17th May until 2016	No public access 5 th April to 17 th May each year until 2020

Details of the restriction will appear on the relevant map of access land on the Open Access website - www.naturalengland.org.uk/openaccess.

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to us. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at www.planning-inspectorate.gov.uk/

Where a direction restricts access indefinitely, for more than five years, for part of every year, or for part of at least six consecutive years, we have a statutory duty to review it within five years of the date of its issue.

Date review completed: 05/2/15