

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

Direction reference: 2004080065

Land Parcel Name	Direction Reference	Details of restriction on original direction
Barn Field	2004080065	No Public Access 15 th April to 15 th December every year until 2015

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to restrict CROW access on this land.

A second consultation has been held between 27th July 2015 and 24th August 2015 with the statutory consultees and the general public. We received feedback from the Ramblers.

In summary the Ramblers feedback stated that they are pleased the duration of the restriction will be reduced due to the change in stocking times. Given the level of stocking with cows and suckler calves, they support the varied direction for an exclusion between 1st June and 15th December every year. They feel this is the lowest level of restriction necessary, and in line with the relevant authority guidance.

They do ask however that proper updated signage is put in place to communicate the restriction to the public to aid in the effectiveness of the direction.

Outcome of the review:

Natural England's decision is to vary the direction to extend it for a further six years.

When determining restriction cases, Natural England uses its '**Relevant Authority Guidance**', and 'Criteria Set 10: Other cattle kept on access land', says:

'Cattle normally tolerate people well, particularly when they have become used to encountering them. However because of their size they can present a significant threat of injury or even death if they feel threatened or, in particular, if they are protecting their young.'

also

'It may be necessary to exclude dogs from an area where cattle are calving or have calves at foot, where local circumstances make it difficult for visitors and cattle to maintain a safe distance from one another. Such circumstances will include:

- 1. Small enclosures where close proximity is unavoidable;*
- 2. Areas where the topography or vegetation makes it difficult for people or cattle to be aware of each other's presence and so keep at a safe distance;*
- 3. Areas where the established or predicted patterns of access coincide with places favoured by the cattle, such as watering or feeding stations and the relocation of such places to less sensitive areas is not practical.'*

and

'Restrictions may occasionally be necessary on the basis of a herd's temperament, or on the basis of an individual animal's temperament.'

and

'Where restriction is justified, this will usually be to exclude people with dogs while cattle are calving or have calves at foot. The maternal instinct in cattle decreases over time, so it is unlikely that a restriction of over three months will be necessary. However the relevant authority may consider granting a longer restriction if it receives compelling justification from the applicant.'

The area of open access land called Barn Field is used for keeping a herd of 20 cows with newly calved suckler calves. They are mostly Aberdeen Angus with one or two Limousin cattle. The parcel is 9.98ha in size but the key factor at this site is the topography. The site is quite steep and visibility is reduced by internal boundaries of dense vegetation of trees and scrub. The public could unknowingly walk into small enclosures or narrow passageways where the cows are present and become trapped in these areas between a cow and its calf. They could also be at risk if the cows became distressed and charged through these pinch-points. Where the cattle move through the dense scrub they cause gaps called 'funnels' and these are often deeply rutted. If an individual was trapped in one of these areas by charging cows they could have great difficulty escaping.

The temperament of the animals is generally reasonable though the farmer has informed Natural England that currently there is at least one cow of poorer temperament.

Calving is spread out over the period of June to December so there could be a number of very young calves at foot at any time during this period.

Therefore due to the presence of cows and calves and the mothers maternal instinct, the size and steepness of the parcel combined with its vegetation creating dangerous rutted funnels and pinch-points, Natural England has decided that the total exclusion should be extended for a further six years.

Natural England's policy for long term directions is that they should not be given for a period of more than 6 years. Therefore the original direction will be varied to have an end date of 15th December 2020.

Natural England has had confirmation in conversation with the landowner that he will put up restriction signage at the access points.

Summary of changes made to the existing directions:

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Barn Field	No Public Access 15 th April to 15 th December every year until 2015	No Public Access 1 st June 2015 until 15 th December every year until 2020

Details of the restriction will appear on the relevant map of access land on the Open Access website - <https://www.gov.uk/outdoor-access-recreation/rights-of-way-open-access>

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: 28th October 2015