

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
Meg Dike	2004060107	No dogs Public Safety and Land Management: Cows and Calves

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 second consultation has been held with statutory consultees and the general public between 12th January and 13th February 2015. We received feedback from the Kennel Club and the Ramblers Association.

In summary the Ramblers Association and the Kennel Club accept some form of restriction on dogs may be appropriate when suckler cows are present but feel that a total exclusion of people with dogs to the site is excessive. They note that people with dogs are still able to enter and exit via the public right of way and believe that this reduces the effectiveness of a restriction. They also state that no alternative access management techniques, such as signs, to avoid conflicts on the site have been put forward or used.

The KC also have concerns that the principles - if more widely applied - could result in the denial of access by walkers with dogs over large tracts of access land simply due to cattle being grazed in those places at some times of the year.

Outcome of the review:

Natural England's decision is to vary the end date of the direction to allow the restriction to continue and remove the quarry from the restricted area.

Natural England believes this restriction is necessary to reduce the risk of injury to members of the public.

Each case is assessed on its own merits and there is no suggestion that large tracts of access land will be denied to walkers with dogs because of the principles applied in this case. The statutory Relevant Authority Guidance

(<http://publications.naturalengland.org.uk/publication/4650392214306816>) which is used to steer decisions says explicitly that restrictions are unlikely to be necessary on large open areas of access land.

A restriction is justified in this instance because although open in nature, the individual fields are small and a bull, 6 cows and up to 6 calves could pose a risk to the public that increases when a dog is present.

The Relevant Authority Guidance states that where a restriction is justified this will usually be to exclude people with dogs while cattle are calving or have calves at foot.

We considered whether it might be practicable to exclude the public only at times when cattle were present in the field but it is not possible predict with any accuracy when the cattle will be moved from one enclosure to the other. Therefore an outline restriction is not practical during the grazing season. During the winter there are no pre-determined dates when cattle are moved indoors and during this time they are still able to move outside weather permitting.

As this is a restriction for public safety, clarity is important and we believe this is best achieved, in this instance by having the same type of restriction all year round.

The Relevant Authority Guidance recommends that the effect of public rights of way on a restriction is considered; both the Ramblers and the Kennel Club commented that the existence of a public right of way in this case makes the exclusion ineffective. The public right of way follows the fence line of the western edge of one of the parcels. It is the narrowest part of the restricted area and the exit point is visible from the entry point. A road and wide grass verge run parallel to the fence. The eastern parcel has no right of way running through it. Therefore the restriction is still effective over the majority of the restricted area and any risks to the public are reduced.

The landowner reports that he has used signs but found that they were removed. Natural England recommends using signage to support any restrictions and will, as is standard practice, provide a site notice to accompany this restriction.

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 14/2/2021.

Summary of changes made to the existing directions:

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Meg Dike	No dogs 20th May 2009 to 20th May 2015 Public Safety and Land management: Cows and Calves	No Dogs Public Safety and Land Management: Cows and Calves Until 14/2/2021

Details of the restriction will appear on the relevant map of access land on the Open Access website -

<http://www.openaccess.naturalengland.org.uk/wps/portal/oasys/maps/MapSearch>

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: 14/02/15