

## 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:** North Lincolnshire  
**Relevant Authority:** Natural England  
**Local Access Forum:** North Lincolnshire

| <b>Land Parcel Name:</b> | <b>Direction Reference:</b> |
|--------------------------|-----------------------------|
| Risby Warren Parcel A    | 2005060237                  |
| Risby Warren Parcel B    | 2005090329                  |
| Risby Warren Parcel C    | 2005090331                  |

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 directions.

We received feedback from the Access Authority and the Ramblers Association. The Access Authority is content for the directions to continue providing the circumstances are the same as they were when the application was made.

The Ramblers also support a continuation of these directions. They requested that all signs and notices on the site, or at suitable locations near the site, clearly state the reason and duration of the restriction and any public rights of way affected remain open at all times.

After due consideration, Natural England now proposes to vary the direction to extend the end date.

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:**

| <b>Details of restriction on original direction:</b> | <b>Proposed details for new direction</b> | <b>Reason for proposed direction</b> |
|--|---|--------------------------------------|
| <b>2005060237<br/>Parcel A</b>                       | <b>Public Exclusion until</b>             | <b>S25(1)(b) Public Safety</b>       |

|   |   |  |
|---|---|--|
| <b>Public Exclusion until 15/10/16</b>  | <b>20/06/2036</b>   | <b>and Land Management</b>                         |
| <b>2005090329<br/>Parcel B<br/>Public exclusion for up to 16 weeks (outline until 15/10/16)</b> | <b>Public Exclusion for up to 16 weeks (outline until 20/06/2036)</b> | <b>S25(1)(b) Public Safety and Land Management</b> |
| <b>2005090331<br/>Parcel C<br/>Public exclusion for up to 16 weeks (outline until 15/10/16)</b> | <b>Public Exclusion for up to 16 weeks (outline until 20/06/2036)</b> | <b>S25(1)(b) Public Safety and Land Management</b> |

### **Summary of proposal**

There will be no public access in Parcel A all year round. There will be outline restrictions on parcels B and C which could exclude people for up to 16 weeks which would be used if the area became high risk. The 16 weeks would be used to determine whether a longer term restriction was necessary. The end date of all 3 directions will be extended until 20/06/2036.

### **Why is a statutory restriction necessary?**

Parts of the site overlie areas which have previously been extensively mined for ironstone. The mines and adjoining quarry, although no longer worked, are actively managed by TATA Steel, who carry out safety inspections and manage any surface hazards associated with the mine workings.

Criteria Set 2 of the Relevant Authority Guidance states that when assessing the risk from mine subsidence, including fissures or crown holes, a restriction may be necessary if:

- there is visible evidence on the land surface, or,
- on conducting an inspection of the mine a qualified inspector reports that the condition of the roof has deteriorated to the extent that they believe it is likely to develop on the land surface, or
- a qualified inspector reports that they are unable to make an underground inspection of the mine and that, taking into consideration what is known about the character and condition of the mine, they believe that it is likely that subsidence will develop in the future, or
- the owner or applicant is unwilling to incur the costs of inspections and, taking in to consideration what is known about the character

Parcel A is located in the north eastern corner of the site and has been identified as high risk. There are numerous crown holes which have developed since the 1970s as a result of the collapse of the mine roof below. The size of these crown holes varies from between 2m and 30m across and up to 80m deep. The area has been fenced and warning signs erected by TATA in order to prevent the risk of injury to members of the public.

Parcels B and C are not considered to be high risk at the present time, however, mining experts have predicted that roof falls would result in crown holes developing at some indeterminate point in the future. It was also possible that the mines below this area would become inaccessible for inspection as a result of roof falls, making it impossible to predict where and when crown holes would develop.

When assessed against the criteria outlined above all 3 parcels require a restriction.

### **What is lowest level of restriction required?**

Criteria Set 2 of the Relevant Authority guidance states that any restrictions that prove necessary will normally take the form of complete exclusions, and may need to be long term (though subject to reassessment if circumstances change). It recommends that they are limited so far as is reasonably practicable to the immediate areas(s) of risk.

The existing hazards in parcel A and the risk of further collapse means that a complete exclusion is required.

Parcels B and C do not currently meet the high risk criteria that would warrant exclusion. However, this situation could change at any time. If it was felt that the areas had become high risk an outline restriction of 16 weeks would allow time for an application for a long term restriction to be determined.

We normally give long term directions for a period of 6 years on the basis that the direction will be reviewed within five years of the date of issue. We are proposing to give these directions until 2036 on the basis that the circumstances here are unlikely to change indefinitely. The directions will still be subject to a review with public consultation after five years. However, if circumstances have remained the same and the directions are still necessary, there will not be the need to conduct a second consultation to extend the end date. This will reduce the burden on consultees.

### **3. SUBMITTING COMMENTS ON THE REVIEW:**

If you wish to comment on the review of this direction then you must do so before 19<sup>th</sup> June 2015 directly to [Christine.pope@naturalengland.org.uk](mailto:Christine.pope@naturalengland.org.uk). A map accompanies this notice and can be seen on the [Consultation Pages](#) of the Government's Website<sup>1</sup>.

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<sup>1</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](https://www.gov.uk/government/publications?publication_filter_option=consultations). To access the consultation enter "Open Access" into the free text box titled "Contains" and then filter by "Natural England" in the Department drop down.

## Using and sharing your consultation responses

In line with Natural England's [Personal Information Charter](#), 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.