

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: Wiltshire Council
Relevant Authority: Natural England
Local Access Forum: Wiltshire and Swindon Countryside Access Forum

Direction reference: 2009050212

Land Parcel Name	Direction Reference	Details of restriction on original direction
Garden View & Church Dean	2009050212	Dog Exclusion 23/10/2009 until 23/10/2015

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 6th October 2015 and 20th October 2015 with the statutory consultees and the general public. We received feedback from the Ramblers and The Kennel Club.

In summary the Ramblers feedback was that as the stocking situation on the land has not changed since the last review they agree with a continuation of the current direction, and they say that to do so would be the lowest level of restriction necessary and in line with the relevant authority guidance.

The Kennel Club queried that if a new PROW is likely to run to or through the access land they were not sure that simply putting on an exclusion would work. They think that if people will be legitimately walking up to that point with a dog, they are unlikely to turn around at the boundary. They stated that compliance with the restriction would likely be low, which isn't good for the landowner or the dog walkers.

They suggested considering an alternative route around the land to link from the new path to the road for example to avoid conflict for all concerned. This approach they wonder could then do away with the need for the exclusion.

Since the Second Consultation Natural England received information from Wiltshire Council that the possible new right of way to the parcel mentioned in the Second Consultation Summary Report has not become a Definitive Map Modification Order (DMMO), so the situation concerning the Kennel Club has not materialised.

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

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.

In this case Bilbury Farm keeps a large suckler herd on their farm which includes the 2 parcels of open access land called Garden View (2ha) and Church Dean (21ha). The cattle are kept outside on the land all year, and calve all year. The temperament of the herd is not docile and Garden View is quite a small parcel to encounter a large herd in. Given the large herd size (93 cows currently) it is highly likely that there will be a number of young calves on the open access land at any one time, therefore Natural England considers it is important to extend the dog exclusion 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 23rd October 2021.

The farmer is aware that restriction signage is required and has committed to continuing to erect it at potential access points.

Summary of changes made to the existing directions:

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Garden View Church Dean	Dog Exclusion 23/10/2009 until 23/10/2015 Public safety s25, cows and calves	Dog Exclusion 23/10/2015 until 23/10/2021 Public safety s25, cows and calves

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: 22nd October 2015