

## Countryside and Rights of Way (CROW) Act 2000

### REVIEW OF STATUTORY DIRECTION(S)

#### SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

#### 1. INFORMATION ABOUT THE PUBLIC CONSULTATION

**Access Authority:** Northumberland County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Northumberland

Natural England is about to review the following direction:

<b>Land Parcel Name:</b>	<b>Direction Reference:</b>
Hulne Park	2005070107

This is in line with the relevant authority's statutory duties (see Annex 1). Your views on the **current direction** are sought to assist Natural England in deciding 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.

The relevant authority may decide that no change is necessary in which case a Consultation Outcome Report will be published on the Open Access Website<sup>1</sup>

If the relevant authority decides to vary or revoke the directions, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

#### 2. SUMMARY OF EXISTING DIRECTION(S)

<b>Land Parcel Name:</b>	<b>Direction Ref.</b>	<b>Dates of restriction on existing direction:</b>	<b>Reason for Exclusion</b>
Hulne Park	2005070107	Public Exclusion during the deer rutting season from September 15th to November 15th each year until 15/11/2016	CROW s25: Public Safety

Natural England completed a review of the above direction in accordance with statutory guidance in March 2010. The direction was granted to prevent risks to the public during the deer rutting season.

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<sup>1</sup> <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/consultation.aspx>

Hulne Park is an enclosed deer park of about 3,500 ha, where Red and Fallow Deer are all farmed. At the last review there were approx 500 fallow deer and 100 red deer within the park. The whole site is open to the public between 11am and sunset, 7 days a week. The application site was mapped as open access by the nature of its moorland habitat - however the majority of the deer park (located to the north of this site) is not categorised as open access land.

Discussions with the estate's game keeper, during the last review, indicated that red deer move into this area of the site during the rutting season due to the open character of the moorland. This behaviour was confirmed by the Deer Management Licensing and Policy team at Natural England who stated *Red Deer are prone to rutting on areas of open moorland, as this is more akin to their natural habitat.*

At the time the Deer Management Licensing and Policy team also highlighted that the likes of Autumn Watch and Countryfile had increased the public's interest in red deer, especially during the rutting season. This interest has the potential to cause disruption to the rut and breeding, as was the case in the South West / New Forest when stags were forced to move away from traditional rutting territories due to an increase in public activity in these areas.

From our investigations it was clear that the risk to both the public and deer population were likely to increase during the rutting season.

Relevant Authority Guidance states that during the rutting season land managers may use signs at times of risk to warn visitors. In larger enclosures this will normally be sufficient to address the risk, although this may not always be the case with a number of reported incidents of deer attacking people in managed deer parks with full public access, such as, Richmond Park. However, in this case, the nature of the terrain and the high stone estate wall running across the southern edge of the site means that opportunities to move away to safe areas from the red deer, if they do charge, are quite limited.

Therefore, our decision, as the relevant authority, was to allow a continuation of the restriction, but in line with policy we varied the direction end date from 15/11/2010 to 15/11/2016, to prevent risks to the public during the rut.

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

If you wish to comment on the review of this direction then you must do so **before November 7<sup>th</sup> 2014** directly to [kevin.vigars@naturalengland.org.uk](mailto:kevin.vigars@naturalengland.org.uk).

A map accompanies this notice, and is attached, and can be seen on the Open Access Website<sup>2</sup>

#### **Using and sharing your consultation responses**

In line with Natural England's [Access to Information Statement](#), 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.

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<sup>2</sup> <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/consultation.aspx>

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 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, the relevant authority 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), the relevant authority 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, the relevant authority 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.