

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION(S)

**SUMMARY FOR PUBLIC CONSULTATION
Prepared by South Downs National Park Authority**

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: South Downs National Park Authority
Relevant Authority: South Downs National Park Authority
Local Access Forum: South Downs Local Access Forum

South Downs National Park Authority is about to review the following direction:

Land Parcel Name:	Direction Reference:
Coffin Row	2009040043

This is in line with the relevant authority's statutory duties (see Annex 1).

Your views on the current direction are sought to assist South Downs National Park Authority (SDNPA) 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 Website¹

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

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

2. SUMMARY OF EXISTING DIRECTION(S)

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Coffin Row	2009040043	18/11/2009 – 06/12/2015	Avoidance of danger to the public (livestock). No access to walkers with dogs

Natural England made this long term direction on 18/11/2009. N.B. Since this date the SDNPA has become the Relevant Authority for the South Downs National Park and is responsible for reviewing this direction.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from:

Tim Squire
Rights of Way and Access Officer
South Downs National Park Authority
Stanmer Park, Lewes Road, Brighton, BN1 9SE

Tim.squire@southdowns.gov.uk

Coffin Row (“the site”) is a small area of access land on a mixed (if mostly arable) farm, where some 40 Highland cattle graze for most of the year. For part of the year the cattle will be suckler cows with calves at foot. The site is part of Beacon Hill, Warnford SSSI and the cattle provide suitable grazing for the maintenance of the floristic interest.

The purpose of the restriction was to ensure public safety due to the presence on the site of Highland cattle (once up to 28, now up to 42). These are not likely to react well to dogs under most conditions, and particularly when there are calves; the topography of the site (a very steep slope) makes it very hard to move fast easily to safety, should there be any difficulty. Little risk is foreseen for walkers without dogs.

Shooting, primarily of pheasant and partridge, takes place on site on some eight days per year. When the shoot is at the top of the hill it would be impossible for the guns to see anyone on the access land, and the caution that would prevail in the interests of safety would stifle the shoot; when the shoot is at the foot of the

hill, the beaters if not the guns would be in a position to see walkers on the access land. The shoot still takes the firing towards the site.

There is no public right of way to or over the site, but the site is within sight of a minor road to the north east, and trespass (over a metal gate and under 100 metres over the farm's land) is possible. It is Natural England's policy (where there is no right of way to a site) in cases of public safety concern not to assume that trespass will not *in fact* occur, but merely that access levels will be very low. SDNPA agrees with Natural England's policy on the previous review of the direction and that to ensure public safety, even if visitor numbers can be assumed to be low, a direction will still be required.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 02/09/2014 directly to:

Tim Squire
Rights of Way and Access Officer
South Downs National Park Authority
Stanmer Park, Lewes Road, Brighton, BN1 9SE

Tim.squire@southdowns.gov.uk

A map accompanies this notice and is attached and can be seen on the open access consultation page on Natural England's website
www.naturalengland.org.uk/openaccess

Using and sharing your consultation responses

In line with SDNPA's Privacy Policy, 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 SDNPA.

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.