

Countryside and Rights of Way (CROW) Act 2000:

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED LONG TERM RESTRICTION OF CROW ACCESS

Prepared by Natural England

Access Authority: Northumberland County Council
Relevant Authority: Natural England
Local Access Forum: Northumberland
Date of direction notice: 6th October 2014

Land Parcel Name	Original Direction Ref.	Dates of restriction on original direction:	Reason for Exclusion
Ros Hill Bank	2004120055	Keep to marked routes until 28 th May 2016	CROW s25: Public Safety – danger from wild cattle

Natural England has now decided how to proceed following its consultation about the above direction to restrict CROW access on this land.

The relevant authority's decision is to give a direction restricting CROW access in the way it originally proposed, until 9th October 2020.

Information about the decision:

Natural England has commenced a review of the above direction in accordance with statutory guidance (further information provided at Annex One below).

An initial consultation was held with statutory consultees and the general public that sought views on the existing directions in August 2014. Natural England received feedback from the Ramblers who believe this represents a unique situation but raised concerns that the permissive route was blocked by fallen trees and difficult to use and so could no longer support the current direction without works to remove the obstructions taking place.

A site visit was also undertaken with a representative from the Chillingham Wild Cattle Association on August 8th 2014.

Following correspondence with the applicant, he has assured us that the site is checked at regular intervals and following any gales by either him and / or the warden for fallen or damaged trees. At the last inspection the permissive perimeter route was clear. In addition, at the time of the site visit we did not see any evidence of fallen trees along the permitted route in and around the proposed restricted area.

Chillingham Cattle are a breed of cattle that live in a large enclosed park at Chillingham Castle in Northumberland, of which this site forms a small part. This rare breed currently consists of about 110 animals in Chillingham, which has existed since the Middle Ages. This is an increase of 20 animals since the reassessment of 2009. The herd has remained remarkably genetically isolated for hundreds of years, surviving despite inbreeding depression due to the small population. There is also a small reserve herd of about 20 animals located on Crown Estate land near Fochabers, North East Scotland.

The cattle in the Chillingham herd are believed to be the only breed that have remained free from human interference or management, and are closest to their wild prehistoric ancestors in the way they live.

The Chillingham cattle herd are not domesticated in any way, and are wild animals. Their behaviour may therefore give some insight into the behaviour of ancestral wild cattle. The fittest bull becomes the King Bull by fighting and threatening other males to establish supremacy within the herd.

The fact that the cattle look very much like other traditional breeds makes it more difficult for the public to realise how dangerous they are when encountered. Relevant Authority Guidance (RAG), criteria sets 9 and 10, consider the risks from bulls and other cattle kept on open access land and provide useful background information. However, this situation is unique and the RAG does not cover this highly unusual scenario.

As the cattle are likely to attack people¹ if they are threatened or cornered and have been known to stampede if frightened, from contact with another animal or by human disturbance, access is only permitted to visitors who are accompanied by the warden, for which an admission charge is payable.

The RAG also protects entrance fees to land where they were in place before the rights of access was introduced. Government policy also stipulated that the introduction of the rights should not disadvantage land managers financially, therefore any charging arrangements that were in place before CROW became law on 30th November 2000 should in principle be allowed to continue. However, the main concerns from the Association are public safety and bio security rather than income issues.

In summing up there was consensus that the direction represented the lowest level of restriction and was in line with statutory guidance. Therefore, Natural England, as Relevant Authority, decided that the current restriction should remain in place, but felt that the current end date should be amended.

As we proposed to vary the existing direction, and we're proposing a long term restriction then we were obliged to undertake further consultation.

During the second consultation period which ended on 26th September 2014, Natural England received feedback from Northumberland Joint Local Access Forum who supported a continuation of the restriction.

Taking into account all the information and evidence provided as part of this review, Natural England, as relevant authority, has decided to vary the direction in order to keep people to marked routes for a further six years to prevent danger from livestock.

Summary of changes made to the existing directions:

Land Parcel Name	Direction Reference	Details of restriction on original direction	Details of new restriction
Ros Hill Bank	2004120055	Keep to marked routes until 28 th May 2016	Keep to marked routes until 9 th October 2020

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 direction will have an end date of 9th October 2020.

A copy of the direction is enclosed for your information. Details of the restriction will appear on the relevant map of access land on the Open Access Website².

¹ The Wild White Cattle of Chillingham – An introduction to this unique herd. Professor Stephen J.G. Hall.

² The Open Access Website is at <http://www.naturalengland.org.uk/openaccess/>.

You should note that the applicant has the right to appeal within six weeks against the authority's decision not to act in accordance with the application submitted to it. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website³.

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 are obliged to review it within five years of the date of issue. We will contact you about this review process at that time.

Date review completed: 10th October 2014

³ You can contact the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 0117 372 8812. Email: access@pins.gsi.gov.uk.
The Planning Inspectorate's website address is: <http://www.planning-inspectorate.gov.uk/>

Annex One:

In accordance with statutory guidance, Natural England 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.