

**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:** Calderdale  
**Relevant Authority:** Natural England  
**Local Access Forum:** Calderdale

**Original direction reference: 2004120067**

<b>Land Parcel Name:</b>	<b>Details of restriction on original direction</b>
<b>Gorple</b>	<b>Dogs to be kept on a lead from 1<sup>st</sup> Aug – 10<sup>th</sup> Dec each year until 10/12/2015</b>

Natural England has begun a review of the above long term direction in accordance with statutory guidance (see Annex One). A consultation was held involving statutory consultees and the general public from 8<sup>th</sup> August to 19<sup>th</sup> September which sought views on the existing direction.

We received a response from the land agent, Yorkshire Water and personal response from a member of the LAF.

Summary of consultee comments:

- Yorkshire Water (the landowner confirmed that their policy remains as it has in the past whereby as landowner, they will not be applying for such restrictions but have no objection if one of their sporting right tenants or third party rights owner applies for the restrictions on parts of Yorkshire Water land which they manage/own the rights over.
- The Land Agent for the original applicant has confirmed that land management practices remain unchanged and that the dog restriction needs to remain in place.
- The member of the LAF responding on his own behalf strongly supported keeping the restriction in place.

After due consideration, Natural England now proposes to vary the end date of the restriction.

As we have decided to vary the end date (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:

Details of restriction on original direction:	Proposed details for new direction	Reason for proposed direction
Dogs to be kept on a lead each year 1/08/05-10/12/2015	Dogs to be kept on a lead from 1 <sup>st</sup> August to 10 <sup>th</sup> December each year until 10/12/2020	CROW s24. Land Management: Disturbance to Game

We must still review the direction no later than five years after its anniversary (or from the date of the last review).

### Summary of proposal

Dogs to be kept on the lead from 1st August to 10th December each year until 2020. This is in addition to the general restriction to keep dogs on leads from 1st March to 31st July each year.

### Why is a statutory restriction necessary?

Disturbance may prove harmful if dogs run off the lead during the breeding season for wild birds - but the national dog restrictions provide the means to prevent this happening. However there are other times of the year (outside of the national restrictions) when disturbance can be harmful and can disrupt land management. The success of formal driven shoots relies on the habitual presence of game at the drive during the shooting season, when the national restrictions on dogs do not apply.

A report commissioned by the Countryside Agency in 2000, *The impact of public access on grouse management – Peter Hudson 2000 CAX 29* included the following findings:

2.2.3 Dogs should be under tight control between April 15th and Dec 10th. This requires having all dogs on a short lead (less than 1 metre) – dogs would be allowed off leads between 11th December and end February each year

2.2.4 One dominating cause of disturbance to grouse will be caused by **free ranging dogs**. Grouse are 7 times more likely to be disturbed by dogs when they are not on a leash.

Criteria Set 16.2 of the Relevant Authority Guidance, April 2010 (RAG) states that repeated disturbance at any time of year may cause grouse to leave their territory altogether, which can threaten the viability of a shooting business. It states that low key management, coupled with the national dog restrictions, will normally suffice to prevent disturbance during the breeding season but that local restrictions may be necessary at other times to prevent frequent disturbance in areas that are used for regular dog walking.

Criteria Set 18 of the RAG states that visitors in the vicinity of a shoot are potentially disruptive because:

- they can disturb the quarry, making it difficult to locate or to drive towards the guns – particularly if they bring dogs; and
- those shooting can be distracted from their sport by the need for extra vigilance to prevent any risk of accidental injury to visitors.

Access management techniques will often be necessary to minimize any such disruption.

Criteria set 18.1 of the RAG advises that restrictions may be necessary before a driven shoot where access routes pass through or close to the area of the drive; the quarry is likely to respond by moving away from the drive; and it is impractical for the shoot organisers to recover the quarry or relocate the shoot before it takes place.

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

Government's policy regarding CRoW restrictions is always to seek the least restrictive option in preventing conflict with Open Access rights.

Criteria set 16.2 states:

- Restricting a dog to a short, fixed lead will effectively manage any potential for disturbance outside the breeding season.

Criteria set 18.1 states:

- It will often be sufficient to restrict dogs to leads from noon on the preceding day until the shoot is over. Longer restriction periods may be necessary where there is frequent disturbance.
- On some shoots a favoured drive may be shot more than once a week. This intensive use may make birds more sensitive to disturbance on intervening days. In areas that are shot regularly, relevant authorities may therefore elect to restrict dogs throughout the season, both to minimise disturbance and in the interests of clarity for the visiting public.

Therefore, there is a case to restrict dogs to leads in the shooting season and that a restriction can be effective for a day prior to each shoot. As the moor may be shot two to three times a week on average during the season, a restriction for the period is more manageable and provides a clearer message to the public.

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

If you wish to comment on the review of this direction then you must do so before 14<sup>th</sup> November 2014 directly to [Christine.pope@naturalengland.org.uk](mailto:Christine.pope@naturalengland.org.uk)

A map accompanies this notice and is attached and can be seen on the Open Access consultation page on Natural England's website<sup>1</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.

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.

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<sup>1</sup> [www.naturalengland.org.uk/openaccess](http://www.naturalengland.org.uk/openaccess)

## 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.