

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: Lancashire County Council
Relevant Authority: Natural England
Local Access Forum: Lancashire

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Glasson Salt Marsh	2005060354

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 Website¹.

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)

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Glasson Salt Marsh	2005060354	Dogs excluded from 12th March 2010 to 31st March 2015.	CROW s24: Land Management

Natural England completed a review of the above direction in accordance with statutory guidance in March 2010. The direction was granted to prevent disturbance and danger to live stock.

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

The site is an area of saltmarsh on the estuary of the River Lune, to the west of Glasson. The conclusive map shows the land as registered common land. The applicant is both the owner and sole grazier/commoner.

The applicant was originally seeking a direction restricting access to people without dogs on the grounds of land management specifically to prevent disturbance and danger to livestock.

For the purposes of land management, the power to make such a direction lies in s24 of the 2000 Act, but the Countryside Agency considered a direction to be unnecessary in this case. The Countryside Agency considered the application against the Relevant Authority Guidance (RAG) and their general conclusion from this was that any disturbance to livestock from the presence of dogs is significantly reduced if they are on leads (as required by the general restrictions on access).

It was the view of the Relevant Authority that this restriction - together with the stocking density, the size of the site and the existing and predicted low levels of use as access land meant that any disturbance issues caused by dogs are minimised; and that a further restriction was therefore unnecessary.

An appeal was made (dated December 2004) and the Inspector concluded that from the guidance in the RAG and the other factors identified by the Countryside Agency that disturbance from dogs would be significantly reduced because they must be on short leads.

However in his experience dogs on leads can still act in a threatening and aggressive manner towards livestock. On other land, the Inspector agreed that this would cause little problem as livestock may simply move away. However, he considered the conditions on this site to be very limiting; any impediment (even for a short time) to stock moving off the land could cause them to become trapped in creeks or cut off by the rising tide.

Because of the likely low level of use for access of this land, the probability of stock movement being hampered by dogs on leads to be low. However, if it did occur it is likely to result in injury or fatality to livestock, with consequent effects for the appellant. In his view, dogs accompanying the public on this land pose an unacceptable risk of dangerous disturbance to livestock.

The Inspector therefore concluded that a restriction was necessary for the purposes of the management of the land by the appellant and that the minimum restriction necessary was to restrict access to people without dogs.

At the review in 2009, Natural England concluded that a restriction to exclude dogs from this site should remain in place until 31st March 2015. The direction was given as the landowner continued to use this saltmarsh site for grazing of livestock and no new compelling evidence was submitted by any of the statutory consultees to suggest that the issues / factors considered by the Inspector during the appeal were irrelevant.

However, Natural England did vary the current restriction end date from 31/12/2999 to 31/03/2015. This change brought the restriction into line with current guidance which sets direction periods for a maximum of six years (unless they are for fire prevention purposes).

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so **before October 17th 2014** directly to kevin.vigars@naturalengland.org.uk.

A map accompanies this notice, and is attached. This can also be viewed 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 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.

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.