

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

### **NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED LONG-TERM RESTRICTION OF CROW ACCESS RIGHTS**

Prepared by Natural England

**Case reference number:** 2016058166  
**Name of site/land parcel:** Castle Beeny Farm  
**Grid reference:** SX108920  
**Access authority:** Cornwall County  
**Local access forum:** Cornwall Countryside Access Forum

**Consultation began:** 29<sup>th</sup> July 2016  
**Consultation ended:** 31 August 2016

**Date of direction notice:** 30<sup>th</sup> September 2016

Natural England has now decided how to proceed following its consultation about its proposal to exclude access under section 25 of CROW on this land. The relevant authority's decision is to give a direction restricting CROW access in the way it originally proposed.

This is because of a number of factors described below.

The application was to permanently exclude people from two adjacent parcels of Open Access land at Beeny, near Boscastle in Cornwall. The applicant is keeping cows and calves on the land for most of the year and is concerned that due to the poor access, steep terrain and thick scrub vegetation a member of the public accessing the land encountering a cow and calf would not be able to easily escape if necessary.

The area is the northern slope and valley bottom of a steep valley with a stream flowing through the middle of the valley, and is around 3ha in size. The South West Coast Path (SWCP) runs through the western end of the valley, coming down steeply into the valley and then rising up steeply the other side. At the bottom of the valley the SWCP passes close to the new post and wire fencing enclosing the grazed area, as it crosses a small bridge over the stream. This point would be the only access point onto the land but currently it looks unused as there is no access furniture. There is also no obvious pathway onto or through the land or any obvious attractors to divert people into the land off the SWCP. The land had not been grazed for some time and is therefore thickly vegetated with gorse and scrub making movement around the land difficult.

A public consultation was held between 29<sup>th</sup> July and the 31<sup>st</sup> August and there were no consultation replies.

Also a short term exclusion was given under case 2016078202, from 29<sup>th</sup> July to 30<sup>th</sup> September 2016, to allow the applicant to graze the parcel while this long term direction was being consulted on. As soon as this case was determined at the end of July the applicant started grazing the land. They are now grazing with around 15 cattle at a time, putting them onto the parcel for a week, then resting it for a couple of weeks. This is the same flash grazing pattern they use on their other small field parcels. The applicant has found over the summer that some gorse burning will be needed as well to allow the cattle access to the better grass at the bottom of the valley, though this is planned to happen in the Autumn of 2016.

The herd are year round calving, with calves staying with their mothers for 12 months before weaning.

Once the cattle can access the valley bottom they are likely to congregate on the flat land near the stream, with the better grass, and where they can drink from the stream easily. One of these areas is very near the main access point from the SWCP.

Natural England has determined that a year round exclusion is required due to a combination of these factors; the steepness of the valley sides, the density of the scrub and gorse, the proximity of the likely favoured feeding and watering areas of the animals to the potential access point from the SWCP, the number of cattle grazing the land, and the wilder temperament of some of the animals. If a member of the public was caught between a cow and young calf they could have great difficulty in escaping should the cow become protective of its calf.

As the applicant will be moving the cows on and off the land many times over the year it would be too onerous on them and their business to have to notify Natural England every time they moved cattle under an Outline Direction regime, therefore a year round restriction is required.

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 website at [www.openaccess.naturalengland.org.uk](http://www.openaccess.naturalengland.org.uk).

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application submitted to us. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at [www.planningportal.gov.uk/planning/countryside/countryside](http://www.planningportal.gov.uk/planning/countryside/countryside).

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.

Furthermore as grazing of this parcel is potentially difficult and a new project for the applicant, Natural England is planning to reassess the case after around a year to check that the cattle are grazing successfully year round and the exclusion is still the least restrictive option.