

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS

Prepared by Natural England

Access authority: Lancashire
Relevant authority: Natural England
Local access forum: Lancashire

Direction references:

| Land Parcel Name: | Direction Ref. | Dates of restriction on existing direction: | Reason for Exclusion |
|--|-----------------------|---|---|
| Boulsworth Hill | 2009020073 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2020 | Land Management: Disturbance to live quarry |
| Boulsworth Hill 1 | 2009020075 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2020 | Land Management: Disturbance to live quarry |
| Halstead, Catlow, Lambhill, Crasdale, Whitendale, Brennand, Sykes, Haerden, Saddle End Farms | 2009020076 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2020 | Land Management: Disturbance to live quarry |
| Longridge Fell | 2009020077 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2020 | Land Management: Disturbance to live quarry |

Natural England has now decided how to proceed following its review of the above mentioned long-term directions to restrict CROW Access rights on this land. A consultation was held with statutory consultees and the general public from 21st January to 15th February 2019 seeking views on the current restrictions. We received a comment from Lancashire County Council, with respect to case numbers 2009020073 and 2009020075, who were not aware to any changes to the current shooting arrangements and therefore not aware of any reasons to change the restrictions.

Outcome of the review:

Boulsworth Hill and Boulsworth Hill 1

The application was originally submitted in late 2004 by representatives for the tenants who hold shooting rights on the two sites. The applicant initially applied to exclude dogs completely on the land on the basis that dogs would cause undue disruption and

disturbance to grouse — as both sites are managed for the breeding and shooting of grouse.

After detailed discussions with a whole range of parties including the applicant, local authority, the Moorland Association and United Utilities (the land owner) it was finally agreed that a direction to restrict access should be made. The decision was to keep dogs on leads during the period from 1st August to 10th December each year, extending the national “dogs on leads” restriction to cover the shooting season.

The directions have been subsequently reviewed in 2009 and 2014 with a decision each time to maintain the current restrictions.

Following discussions with the applicant and land owners in relation to these restrictions they have both confirmed that the circumstances remain unchanged since the last review in 2014.

In summing up, based on the research available and on speaking to the applicant, land owner and other interested parties, Natural England, as the relevant authority considers that the current restrictions are still required. Therefore, the decision is to vary the end date of the current restrictions with the effect of extending them until 10th December 2025.

The restrictions are that dogs must be kept on a lead each year from 1st August to 10th December. It is necessary to restrict CROW access rights to this extent to avoid disturbance to live quarry.

Natural England’s policy for long term directions is that they should not be given for a period of no more than 6 years. Therefore the original directions will be varied to have an end date of 10th December 2025.

Halstead, Catlow, Lambhill, Crasdale, Whitendale, Brennand, Sykes, Haerden, Saddle End Farms and Longridge Fell

An application was first submitted in May 2005 by United Utilities (UU). UU is the landowner for these land parcels.

UUs Conservation, Access and Recreation committee in 2004, made a decision to not utilise s23 powers across there estate, preferring to have dogs on a lead or under close control. UU have confirmed that this is still the policy.

No provision is made under s23 for the land owner to require people to keep dogs on leads or under close control. However, the Relevant Authority Guidance, April 2010 (E.1.5) goes on to advise that "where landowners would be content with such a lesser restriction, relevant authorities should consider with them whether a direction to this effect under s24 would be preferable to using their s23 powers".

As UUs Conservation, Access and Recreation committee, in 2004, made a decision to not utilise s23 powers across the estate; thereby supporting the least restrictive option principle, it put the onus on tenants (and itself) to apply for any dog related restrictions / exclusions through the local access restrictions system.

After detailed discussions with a whole range of parties including the applicant, local authority and the Moorland Association it was finally agreed that a direction to restrict access should be made. The decision was to keep dogs on leads during the period from 1st August to 10th December each year, extending the national “dogs on leads” restriction to cover the shooting season.

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Summary of changes made to the existing directions:

| Land Parcel Name | Details of restriction on original direction | New details of restriction |
|--|---|---|
| Boulsworth Hill | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2020 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2025 |
| Boulsworth Hill 1 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2020 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2025 |
| Halstead, Catlow, Lambhill, Crasdale, Whitendale, Brennand, Sykes, Haerden, Saddle End Farms | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2020 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2025 |
| Longridge Fell | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2020 | Dogs to be kept on the lead from 1 st August to 10 th December each year until 2025 |

Details of the restrictions will appear on the relevant map of access land on the Open Access website - www.naturalengland.org.uk/openaccess.

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 originally 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.planning-inspectorate.gov.uk/

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 have a statutory duty to review it within five years of the date of its issue.

Date review completed: April 5th 2019