

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

**REVIEW OF STATUTORY DIRECTION**

**SUMMARY FOR PUBLIC CONSULTATION**

**Prepared by Natural England**

**1. INFORMATION ABOUT THE PUBLIC CONSULTATION**

**Access Authority:** Bath & North East Somerset  
**Relevant Authority:** Natural England (South West Region)  
**Local Access Forum:** Bath and North East Somerset Local Access Forum

Natural England is about to review the following direction:

<b>Land Parcel Name:</b>	<b>Direction Reference:</b>
Barn Field	2004080065

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 to revoke the direction or that no change to the extent and/ or nature of a direction except the end date is necessary. In which case a Consultation Outcome Report will be published on the Consultation Pages of the Government's website<sup>1</sup>.

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<sup>1</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](https://www.gov.uk/government/publications?publication_filter_option=consultations). To access the consultation enter "Open Access" into the free text box titled "Contains" and then filter by "Natural England" in the Department drop down.

If the relevant authority decides to vary the extent or nature of a restriction, 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)**

<b>Land Parcel Name:</b>	<b>Direction Ref.</b>	<b>Dates of restriction on existing direction:</b>	<b>Reason for Exclusion</b>
Barn Field	2004080065	1 <sup>st</sup> June to 15 <sup>th</sup> December every year until 2020	Total Exclusion Public safety s25, cows and calves

- Natural England, formerly The Countryside Agency, originally gave this long term direction in 2005.
- The case was last reviewed in 2009 when the restriction was varied and extended for a further 6 years.
- The case was last reviewed in 2015 and Natural England gave this long-term direction on 28<sup>th</sup> October 2015 and again extended the direction for a further period.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from Richard Thomas at [Richard.Thomas@naturalengland.org.uk](mailto:Richard.Thomas@naturalengland.org.uk).

The 9.98 hectare area of access land near Upper Swainswick north of Bath is used for keeping a herd of cows with suckler calves. Cows are very protective of their calves when they are young and there is a risk of serious injury to people with dogs. Therefore the risk is highest to those people with dogs and therefore a 'dogs to short leads' restriction is not sufficient. Furthermore at this site visibility is reduced by internal boundaries of dense vegetation and the general topography of the parcel, meaning the public could unknowingly walk into a small enclosure where the cows are present and become trapped in the narrow passageways. They could be at risk if the cows became distressed and charged through these pinch-points or if they came between a cow and young calf. Therefore in 2005 it was found a restriction was necessary to keep people out of Barn field at all times when the cows have young at foot i.e. from the middle of April to the middle of December.

The case was reviewed in 2009 and the site was still being grazed by the same cattle. The topography of, and vegetation on the land was again found to be of concern. The land was steeply sloping, with ‘funnels’ in the vegetation where the cattle move through gaps in the dense scrub. These funnels were also deeply rutted and if an individual was trapped in one of these areas by charging cows they would have great difficulty escaping.

It was found that there were four main potential access points, firstly from the road, over a style in a gap in the hedge. There was another potential access point at the entrance to the adjacent barn from the road, and another point at the southern end of the site where the land meets a drive or old lane. People may also have been accessing the land at the top of the parcel by the old road. During the site visit in 2009 it was observed that there was no restriction notices at any of these access points and the importance of signage was discussed with the applicant. Signage is considered a vital part of continuing the restriction and for the landowner to make potential visitors aware of the danger on the site. Without signage it is unlikely that visitors will know of the danger at the site and the restriction is potentially useless.

During the 2015 review the landowner confirmed that he still kept about 20 head of mostly Aberdeen Angus with one or two Limousin cattle on this area, but from slightly later in the year, i.e. June rather than April. He thought the temperament of the animals on the whole was reasonable but there was at least one with poorer temperament. Therefore due to the number of cattle, dense vegetation in places, topography and deeply rutted pinch points the direction was extended for a further period. The landowner also committed to using restriction signage at this last review.

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

If you wish to comment on the review of this direction then you must do so before 17<sup>th</sup> July 2020 directly to Richard Thomas at [Richard.Thomas@naturalengland.org.uk](mailto:Richard.Thomas@naturalengland.org.uk). A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government’s website<sup>2</sup>.

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## Using and sharing your consultation responses

In line with Natural England's [Personal Information Charter](#), 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 will summarise all responses and place this summary on [the Government's consultation website](#). This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

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 the extent or nature of a restriction, the relevant authority will issue a new direction under the same section and direction number 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, we will record the date that the decision was made.

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.