

Countryside and Rights of Way (CROW) Act 2000

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

Prepared by Natural England

Access Authority: Bath & North East Somerset
Relevant Authority: Natural England
Local Access Forum: Bath and North East Somerset Local Access Forum

Direction reference: 2004080065

Land Parcel Name	Direction Reference	Details of restriction on original direction
Barn Field	2004080065	1 st June to 15 th December every year until 2020

Natural England has now decided how to proceed following its review of the long-term direction to restrict open access rights. A consultation was held between 18th June and 17th July 2020 with statutory consultees and the general public. We did not receive any comments.

Outcome of the review:

Natural England's decision is to leave the original direction unchanged in the way it was originally proposed and extend the end date for a further six years.

When determining restriction cases, Natural England uses its '**Relevant Authority Guidance**', and 'Criteria Set 10: Other cattle kept on access land', says:

'Cattle normally tolerate people well, particularly when they have become used to encountering them. However because of their size they can present a significant threat of injury or even death if they feel threatened or, in particular, if they are protecting their young.'

also

'It may be necessary to exclude dogs from an area where cattle are calving or have calves at foot, where local circumstances make it difficult for visitors and cattle to maintain a safe distance from one another. Such circumstances will include:

- 1. Small enclosures where close proximity is unavoidable;*

2. *Areas where the topography or vegetation makes it difficult for people or cattle to be aware of each other's presence and so keep at a safe distance;*
3. *Areas where the established or predicted patterns of access coincide with places favoured by the cattle, such as watering or feeding stations and the relocation of such places to less sensitive areas is not practical.'*

and

'Restrictions may occasionally be necessary on the basis of a herd's temperament, or on the basis of an individual animal's temperament.'

and

'Where restriction is justified, this will usually be to exclude people with dogs while cattle are calving or have calves at foot. The maternal instinct in cattle decreases over time, so it is unlikely that a restriction of over three months will be necessary. However the relevant authority may consider granting a longer restriction if it receives compelling justification from the applicant.'

The area of open access land called 'Barn Field' at Manor Farm, Upper Swainswick, outside Bath, is used for keeping a herd of 20 cows with newly calved suckler calves. They are mostly Aberdeen Angus with one or two Limousin cattle. The parcel is 9.98ha in size but the key factor at this site is the topography. The site is quite steep and visibility is reduced by internal boundaries of dense vegetation of trees and scrub. The public could unknowingly walk into small enclosures or narrow passageways where the cows are present and become trapped in these areas between a cow and its calf. They could also be at risk if the cows became distressed and charged through these pinch-points. Where the cattle move through the dense scrub they cause gaps in the vegetation and these are often deeply rutted. If an individual was trapped in one of these areas by charging cows they could have great difficulty escaping.

Calving is spread out over the period of June to December so there could be a number of very young calves at foot at any time during this period.

The landowner wrote to Natural England in 2020 to confirm that he still uses the land in the same way as in 2015 with cows and calves. This parcel is separated from their home farm by some distance but at their home farm managing calving is difficult due to a number of footpaths, and at Barn Field the stock can also have access to a building if necessary when calving.

Therefore due to the presence of cows and calves and the mothers maternal instinct, the size and steepness of the parcel combined with its vegetation creating dangerous rutted funnels and pinch-points, Natural England has decided that the total exclusion should be extended for a further six years.

The landowner again confirmed in writing that he does put up restriction signage though he did say this is difficult without real access points. In the past Natural England found that there were four potential access points, firstly from the road, over a stile 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, near a house. People may also have been accessing the land at the top of the parcel by the old road.

Natural England's policy for long term directions is that they should not be given for a period of more than 6 years. Therefore the original direction will be varied to have an end date of 15th December 2026.

Details of the restriction will appear on the relevant map of access land on the Open Access website - www.openaccess.naturalengland.org.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: 6th October 2020