

## 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 directions:

<b>Land Parcel Name:</b>	<b>Direction Reference:</b>
Boulsworth Hill	2009020073
Boulsworth Hill 1	2009020075
Halstead, Catlow, Lambhill, Crasdale, Whitendale, Brennand, Sykes, Hareden, Saddle End Farms	2009020076
Longridge Fell	2009020077

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>.

If the relevant authority decides to vary the extent or nature of a direction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

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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.

## **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>
Boulsworth Hill	2009020073	Dogs to be kept on the lead from 1st August to 10th December each year until 2020	Land Management: Disturbance to live quarry
Boulsworth Hill 1	2009020075	Dogs to be kept on the lead from 1st August to 10th December each year until 2020	Land Management: Disturbance to live quarry
Halstead, Catlow, Lambhill, Crasdale, Whitendale, Brennand, Sykes, Hareden, Saddle End Farms	2009020076	Dogs to be kept on the lead from 1st August to 10th December each year until 2020	Land Management: Disturbance to live quarry
Longridge Fell	2009020077	Dogs to be kept on the lead from 1st August to 10th December each year until 2020	Land Management: Disturbance to live quarry

Natural England made these long term directions in June 2014.

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

### **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.

As with other applications received covering similar issues, we (the Relevant Authority) felt at the time that the evidence for a year round exclusion/restriction (particularly for disturbance in the winter period) is not conclusive. A report prepared for the Countryside Agency (Author: Peter Hudson) investigating the effects of public access on grouse management in 2000, was not clear on this period although later clarification with the author suggested that dogs are not a

significant problem over the winter period. The British Association for Shooting and Conservation agreed with this assessment.

After detailed discussions with a whole range of parties including the applicant, local authority, 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 to maintain the current restriction.

Following initial 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.

**Halstead, Catlow, Lambhill, Crasdale, Whitendale, Brennand, Sykes, Hareden, 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 but did not want to use the full powers available under CROW s23 (discretionary dog exclusion) so therefore applied for a ‘dogs on leads’ year round restriction. This policy was agreed by UU’s Conservation and Recreation Advisory Committee.

As with other applications received covering similar issues, we (the Relevant Authority) felt at the time that the evidence for a year round exclusion/restriction (particularly for disturbance in the winter period) is not conclusive. A report prepared for the Countryside Agency (Author: Peter Hudson) investigating the effects of public access on grouse management in 2000, was not clear on this period although later clarification with the author suggested that dogs are not a significant problem over the winter period. The British Association for Shooting and Conservation agreed with this assessment.

The final decision was to keep dogs on leads during the breeding period from 1<sup>st</sup> August to 10<sup>th</sup> 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 to maintain the current restriction.

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

**3. SUBMITTING COMMENTS ON THE REVIEW**

If you wish to comment on the review of this direction then you must do so before February 15<sup>th</sup> 2019 directly to Kevin Vigars at [kevin.vigars@naturalengland.org.uk](mailto:kevin.vigars@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>.

### **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 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.

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<sup>2</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.

## 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, 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.