

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: Dorset
Relevant Authority: Natural England
Local Access Forum: Dorset Local Access forum

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Bramble Coombe	2009050214

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 website¹.

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¹ 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.

necessary. In which case a Consultation Outcome Report will be published on the [Consultation Pages](#) of the Government's website².

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)

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Bramble Coombe	2009050214	Dogs excluded annually between 28/10/2015 until 28/10/2021	S25 Public Safety Cows and Calves

- Natural England, formerly The Countryside Agency, originally gave this long term direction in July 2004.
- 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 27th October 2015 and again extended the direction for a further 6 years.

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.

At the time of the original application in 2004 this access land was grazed by a single suckler herd of British White Cattle and a bull. There was found to be a risk to the public with dogs should they approach the cows with young calves as cows are very protective of their young calves and could attack the dog. Access with dogs on short leads was not considered sufficient to address the risks and in fact could be more dangerous as the dog owner could be injured whilst protecting the dog.

² 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.

There was no public right of way or therefore legal access to the site, though it could be reached along a private driveway extending from a public road. Therefore in 2004 a dog exclusion was given as it was felt possible that people with dogs could use the private drive without realising it was private to access the open access land.

The case was reviewed in 2009 at which point a site visit was conducted by Natural England with the Access Authority. The cows and calves were still present on the site and therefore the risk to public safety remained. This was confirmed by the applicant's husband. It was again observed that there are no legal rights of way to the parcel, however as the wider countryside is well used and the applicant's private drive and then farm track leads directly to the parcel from the main road, it was determined that there is still a small chance that people may enter the land. There is no clear distinction at the entrance to the private drive that it is private, and there is a bridleway running about 200m away from the eastern boundary of the parcel. As the risk to public safety is very high should they enter with dogs it was determined that a year-round dog exclusion was still necessary.

During the site visit it was observed that there was no restriction notice at the entrance to the parcel from the farm track and the importance of signage was discussed with the applicant.

The case was reviewed again in 2015 and the farmer confirmed that the stocking was the same and that the temperament of the herd can be quite wild when approached by people they don't know. Given this and the size of the parcel, 23 acres, the direction was again extended for six years. The farmer also confirmed he is aware that restriction signage is required and committed to continuing to erect it at potential access points (In this case even though there is no legal right of access to the parcel, if people were to inadvertently trespass up the lane and arrive at the main field gate/ access point to this land, then they need to know there is a potential danger were they to enter with a dog).

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 17th July 2020 directly to Richard Thomas at 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 website³.

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.

³ 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 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.