

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: Wiltshire Council
Relevant Authority: Natural England
Local Access Forum: Wiltshire and Swindon Countryside Access Forum

Natural England is about to review the following direction:

| Land Parcel Name: | Direction Reference: |
|--------------------------|-----------------------------|
| Garden View Church Dean | 2009050212 |

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 decide 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.

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.

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.

2. SUMMARY OF EXISTING DIRECTION(S)

| Land Parcel Name: | Direction Ref. | Dates of restriction on existing direction: | Reason for Exclusion |
|--------------------------|-----------------------|--|-----------------------------|
| Garden View Church Dean | 2009050212 | Dog Exclusion 22/10/2015 until 23/10/2021 | Garden View Church Dean |

- Natural England, formerly The Countryside Agency, originally gave this long term direction in 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 22nd 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 the applicant had a wide range of livestock at Bilbury Farm, and some of these were kept on the Open Access parcels of Church Dean and Garden View, which together consisted of 23 hectares of land. The applicant was concerned about public safety from the suckler cows and calves on the land, a dairy bull, a stallion, and land management concerns about the sheep when lambing occurs.

It was determined that a year round direction was necessary to exclude access to those visitors bringing dogs onto the land under public safety grounds. This was due to the increased danger dog walkers are under in the vicinity of cows with young calves at foot who are very protective of their young. The cattle here calve throughout the year, thus a year round dog exclusion was necessary.

Whilst determining the review of this case in 2009 it was established that the stocking situation was unchanged from the time of the original decision. The landowner still has about 150 cattle using the parcel (and other land), with year-round calving. It was observed that there was no legal right of way to the parcel,

however as the wider countryside is well used, and the applicant's farm track leads very close to the parcel from the main road, it was determined that there is still a small chance that people might inadvertently enter the land. As the risk to their safety is very high should they enter with dogs it was determined that a year round dog exclusion is still necessary.

When determining the review in 2015 it was confirmed the landowners still kept cows and calves on the land with a bull running with the cows, and the cows calving throughout the year. They also kept their ewes on the land either in-lamb or with lambs at foot. The mix of stock numbers and breeds of cattle had changed slightly but overall the stocking was similar to 2009. They also confirmed that the temperament of the animals was generally not docile, and that with 93 cows there was the potential to have young calves present at any time of year. They also confirmed that they had been using framed and mounted restriction signage since 2009. Therefore the direction was again extended for 6 years.

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 website².

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).

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.

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.