

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: Durham County Council
Relevant Authority: Natural England
Local Access Forum: Durham

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Lambshield Farm	2005110004

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 exclusion is still necessary for its original purpose; and if so, whether the extent and nature of the exclusion 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.

If the relevant authority decides to vary or revoke the direction, 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 exclusion on existing direction:	Reason for Exclusion
Lambshield Farm	2005110004	May 12 th 2015 to May 12 th 2021	CROW s25 Public Safety: Presence of Bull and other cattle.

Natural England made this long term direction on May 12th 2015.

The original exclusion was given in 2005 after the applicant made a successful appeal to the Planning Inspectorate against the decision of the relevant authority not to restrict.

The inspector agreed with the applicant that occasional public access could increase the danger from livestock in that they are likely to be more aggressive when they are unaccustomed to people.

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.

He was satisfied that changing the way the applicant managed his herd and the rest of his land would have imposed a significant burden and/or cost and would be against Government policy that CROW access rights should not significantly interfere with land management operations or with economic returns from the land.

Having considered all matters raised the inspector concluded that the presence of bull(s) and other cattle on the site represented a significant risk of danger to the public, and that a direction was necessary to exclude the access to the public indefinitely.

The case was reviewed in 2010 and 2015. The land and herd were still being managed as they had been at the time of the original application. The case was assessed against the amended Relevant Authority Guidance and the findings of the inspectors report. The conclusion of the review was that the direction should continue. The end date was varied to bring it in line with current guidance that recommends a direction period of 6 years in most circumstances.

Following information received from the original applicant's agent, at the commencement of this review, we were informed that the farm had been sold 2 years ago. On making contact with the new owner's agents, Natural England has been informed that the land currently excluded under this direction is used for grazing purposes and also as part of the shooting activities undertaken on the land holding.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before January 31st 2020 directly to Kevin Vigars at kevin.vigars@naturalengland.org.uk.

A map accompanies this notice and is attached. It can also 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 exclusion 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.

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.

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 exclusion is still necessary for its original purpose; and if so, whether the extent and nature of the exclusion 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 exclusion, 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.