

## 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 has reviewed the following direction:

Land Parcel Name:	Direction Ref.	Dates of exclusion on existing direction:	Reason for Exclusion
Lambshield Farm	2005110004	May 12 <sup>th</sup> 2015 to May 12 <sup>th</sup> 2021	CROW s25 Public Safety: Presence of bull and other cattle.

Natural England has now decided how to proceed following its review of this direction to restrict CROW access rights on the land at Lambshield Farm. A consultation was held with statutory consultees and the general public between January 6<sup>th</sup> and January 31<sup>st</sup> 2020. The land agent for the new land owner and the farm tenant was also consulted.

We received feedback from the land agent, the Disabled Ramblers and the Ramblers.

#### **Summary of consultee's comments:**

The Land Agent, on behalf of the new Landowner and the Farm Tenant, felt that the current exclusion should remain. The agent acknowledged that the land currently excluded under this direction has changed in its use, as referenced in the initial consultation document, in that it is used for grazing purposes and also as part of the shooting activities undertaken on the wider land holding. In a follow-up email the land agent confirmed that levels of access were very low, mainly due to there being no attraction or reason for one to enter the field as there is no further access extending past this one parcel.

The Disabled Ramblers considered that the current exclusion is no longer appropriate. They considered that the original decision made at appeal by the Inspector was based on the presence of a bull running with cows all year round and that this reason no longer exists based on information from the new land agent.

Like the Disabled Ramblers, the Ramblers considered that the current exclusion is no longer appropriate due to the change of ownership and that some aspects of how the land is now used have changed. They considered that the original decision made by the Inspector was informed by a specific set of circumstances. However, they acknowledged that the change in use may require some form of restriction / exclusion and requested that Natural England, as the Relevant Authority, consider this in line with the current Relevant Authority Guidance.

### **Outcome of the review:**

Natural England's decision is to revoke the current direction.

Following the initial consultation, we made further enquiries with the Land Agent to provide more details on how this parcel of land is now utilised. In response to this we received information that the land is used for grazing, with sheep and cattle, by a local Farm Tenant. However, the agent was unable to provide any specifics around stocking densities and duration etc. The agent also confirmed that the farm is used for shooting, formally, up to 12 days per year (this would be across a wider area than the current excluded site) as well as for vermin control.

The agent also queried the fact the land was mapped as Open Access land in the first place.

In considering the feedback received along with the Relevant Authority Guidance, we feel that the current exclusion is no longer necessary and that a further exclusion / restriction for livestock grazing or shooting is not necessary and would not be the least restrictive option. The land owner would still be able to exclude access through the use of his discretionary days under s22 of the Countryside and Rights of Way Act 2000 (CROW Act).

### **Shooting of vermin and live quarry**

Certain pest species including foxes, rabbits etc., may be shot by authority of a general licence at any time of year, and we have been informed that this takes place on an organised basis.

According to the Relevant Authority Guidance (Criteria Set 18.2) employers and the self-employed whose undertakings involve the use of guns have a legal duty under health and safety at work legislation to take all reasonably practicable steps so that no-one is put at risk as a result. The use of firearms is also licensed under the Firearms Act and the Games Licences Act, and is guided by well-observed codes of practice. It is well established that the primary responsibility for preventing injury lies with the user of the gun. Consequently it is extremely rare for countryside visitors to be injured as a result of shooting.

Shooters have to assume that members of the public may be present and take all necessary precautions at all times, in accordance with legislation other than the CROW Act. The acknowledged low levels of access to the site means that it is unlikely disturbance to this activity will be significant and the topography of the land in question would indicate that the least restrictive option would be informal management, such as installation of signage. In this case Natural England, as the Relevant Authority, would recommend that signs are erected on site to let visitors know when shooting is taking place.

### **Livestock management**

From the information provided, we understand that the land has been let under an annual Farm Business Tenancy agreement to a local farmer and that the parcel of land is used as part of the livestock management under this agreement, primarily for cattle and sheep.

The national "dogs on leads in the vicinity of livestock restriction" will be in place at times when livestock are present. We have not been provided with further information about the use of the land, e.g. stocking densities, and therefore it is not apparent that there is a need for any further restriction.

### **Common land status**

In relation to the status of the land, it is open access land by virtue that it is recorded as Registered Common Land rather than under the criteria of mountain, moor heath or down

land. The previous land owner did dispute this and was going to raise the issue with Durham County Council, as the Commons Registration Authority. We are unaware if this discussion took place.

We suggested that the Land Agent may wish to make enquiries in relation to this. However, if the land is found no longer to be common land, it will still remain on the map of Open Access land until such time as a formal map review is undertaken and concludes that it does not align to the agreed criteria for open access.

**Summary of changes made to the existing directions:**

<b>Land Parcel Name:</b>	<b>Direction Ref.</b>	<b>Dates of exclusion on existing direction:</b>	<b>Dates of exclusion on existing direction:</b>
Lambshield Farm	2005110004	May 12 <sup>th</sup> 2015 to May 12 <sup>th</sup> 2021	Not Applicable – Direction Revoked

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to us. Only the applicant (or successor) can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at <https://www.gov.uk/government/collections/the-countryside-and-rights-of-way-act-2000-access-appeals>.

Date Review Completed: April 17<sup>th</sup> 2020