

## Countryside and Rights of Way (CROW) Act 2000

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS RIGHTS

Prepared by Natural England

**Access authority:** Calderdale Council  
**Relevant authority:** Natural England  
**Local access forum:** Calderdale Local Access Forum

**Direction reference:** 2004060107

Land Parcel Name	Direction Reference	Details of restriction on original direction
Meg Dike	2004060107	No dogs Public Safety and Land Management: Cows and Calves

Natural England has now decided how to proceed following its review of the above mentioned direction to restrict open access rights on this land. A consultation has been held between 28 January 2020 and 27 February 2020 with statutory consultees and the general public. We received feedback from the Kennel Club. The applicant confirmed that the cattle, a bull, cows and calves, are still kept and the use of the land has not changed.

In summary the Kennel Club feel that a total exclusion of people with dogs to the site is excessive. They state that as a public right of way runs through the site the effectiveness of a restriction is reduced. They also question whether alternative access management techniques, such as signs, to avoid conflicts on the site are used and other health and safety requirements in respect of the public right of way are adhered to. They also have concerns that the principles - if more widely applied - could result in the denial of access by walkers with dogs over large tracts of access land simply due to cattle being grazed in those places at some times of the year.

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

Natural England's decision is to leave the direction unchanged and extend the end date for a further six years.

Natural England believes this restriction is necessary to reduce the risk of injury to members of the public.

The statutory Relevant Authority Guidance which is used to steer decisions says explicitly that restrictions are unlikely to be necessary on large open areas of access land. A restriction is necessary in this instance because, although open in nature, the individual fields are small and a bull, cows and up to 6 calves could pose a risk to the public that increases when a dog is present.

The Relevant Authority Guidance states that where a restriction is necessary this will usually be to exclude people with dogs while cattle are calving or have calves at foot. As this is a restriction for public safety, clarity is important and we believe this is best achieved, in this instance by having the same type of restriction all year-round.

The Relevant Authority Guidance recommends that the effect of public rights of way on a restriction is considered; the Kennel Club commented that the existence of a public right of way in this case makes the exclusion ineffective. The public right of way follows the fence line of the western edge of one of the parcels. It is the narrowest part of the restricted area and the exit point is visible from the entry point. A road runs parallel to the fence. Therefore the restriction is still effective over the restricted area and any risks to the public are reduced.

The Relevant Authority Guidance recommends any notices informing the public about restrictions or exclusions should be put up as needed. The landowner reports that he has used signs but found that they were removed. Natural England recommends using signage to support any restrictions and will, as is standard practice, provide a site notice to accompany this restriction.

The Kennel Club commented whether the restriction and signage complied with the wider health and safety requirements in respect of the public right of way. Natural England has brought this to the applicant's attention.

Each case is assessed on its own merits and there is no suggestion that large tracts of access land will be denied to walkers with dogs because of the principles applied in this case.

The original direction will be varied to have an end date of 13/07/26.

Date review completed: 13 July 2020