

Countryside and Rights of Way (CROW) Act 2000

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

Prepared by Yorkshire Dales National Park Authority

Access authority: Yorkshire Dales National Park Authority

Relevant authority: Yorkshire Dales National Park Authority

Local access forum: Yorkshire Dales Local Access Forum

Direction reference: 2005010080

Land Parcel Name	Direction Reference	Details of restriction on original direction
Quarry Wood	2005010080	Direction to exclude the public from Quarry Wood for a period of five years. The direction was given to allow the applicant to continue charging the public for entry to the land on foot on a permanent basis.

The Yorkshire Dales National Park Authority has now decided how to proceed following its review of the long-term direction to restrict open access rights on this land. An initial consultation was held between 23/08/2021 to 12/09/2021 with statutory consultees and the general public. We did not receive any comments.

Outcome of the review:

The Yorkshire Dales National Par Authority's decision is to leave the original direction unchanged in the way it was originally proposed and extend the end date for a further six years.

Quarry Wood is a small strip of registered common to the north of Ingleton village. It is owned by Ingleton Scenery Company, on whose behalf the application was made. A managed trail runs through the site along the eastern side of the wood before dropping down towards the river, crossing out of the site by way of a bridge across the River Doe. This path forms part of the Ingleton Waterfalls Walk. There is no other entry point into the site. Immediately beyond the point where this path begins are signs which make it clear that the path is a managed trail, and asking for

payment at the Falls Refreshment Centre. Other signs at this point relate to site safety. There are no public rights of way onto or adjacent to the site.

The Relevant Authority Guidance states that where an applicant provides evidence that permanent charging was in force during the 12 months ending 30 November 2000 for simple entry to an area of land on foot, it is likely to be necessary for the Relevant Authority, on application, to give a direction excluding the CRoW rights from the affected area, so that the occupier can continue to charge for entry on the same basis.

The applicant provided documentation confirming that charging has been in place on the Waterfalls Walk since 1885. Charging is in place all year, with the walk closed Christmas Day only.

The Guidance states that the lowest level of restriction is to exclude the public from the area that, and at times when, they would have had to pay to enter for access on foot prior to CRoW enactment. A direction was therefore made excluding the public for a period of five years.

Natural England's policy for long-term directions is that they should not be given for a period of more than six years. Therefore the original direction will be extended to an end date of 29 November 2027.

As we have decided to vary the direction (and are still proposing to make a long term direction) then we are obliged to undertake a further round of consultation.

Summary of changes made to the existing directions:

If you are only extending the end date and not varying the extent or nature of the direction you are not making a change to the direction and do not need to complete this section.

Land Parcel Name:	Details of restriction on original direction:	New details of restriction

Details of the restriction will appear on the relevant map of access land on the Open Access website - www.openaccess.naturalengland.org.uk.

For applications which have been revoked or varied (by extent or nature – extending the end date and making no other change does not constitute a variation)

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 can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at www.planningportal.gov.uk/planning/countryside/countryside.

For long term directions

Where a direction restricts access indefinitely, for more than five years, for part of every year, or for part of at least six consecutive years, we have a statutory duty to review it within five years of the date of its issue.

Date review completed: 14/09/2021

Guidance on what to include in the justification for the direction

- Begin with a clear statement explaining what your decision is and why any direction is necessary (i.e. ‘...it is necessary to restrict CROW access to this extent to prevent danger to the public and to avoid disruption to the established patterns of shooting on the land’). If this is different to the original direction, explain how it is different and the reasons for this.
- Summarise why the direction has been given and why other alternatives, e.g. the applicant’s use of discretionary rights under s22 or informal management, were not considered appropriate. If the proposed direction was different from application then explain why. For example:

“We considered whether as an alternative it might be practicable to exclude the public only at times when a red flag was flying to indicate that shooting was in progress on the land.

However, we received legal advice that the effect of the wording used in sections 24 and 25 of the Act is that such an arrangement would amount to an “outline direction” scenario, and would therefore require prior notification of all such restrictions on every occasion they were to be imposed.

The shooting club has a large membership and in our judgment, such prior notification would be impracticable because of the very frequent and ad hoc nature of members’ use of the site for shooting without any prior booking system”.

- Try to summarise responses to consultation (how many responded; brief overview of comments – did consultees support the direction? If not, were there any common objections to the proposal? (NB avoid trying to deal with every single issue that may have been raised.) If so, explain why those concerns a) had already been considered or b) did not affect the outcome of our decision.