

## 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:** North Lincolnshire Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** North Lincolnshire Local Access Forum

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Risby Warren Parcel A	2005060237
Risby Warren Parcel B	2005090329
Risby Warren Parcel C	2005090331

This is in line with the relevant authority's statutory duties (see Annex 1).

Your view on this current direction are sought to assist **Natural England** in deciding whether the restrictions are still necessary for the original purposes; and if so, whether the extent and nature of the restrictions are 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 Website<sup>1</sup>.

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.

#### 2. SUMMARY OF EXISTING DIRECTION(S)

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<sup>1</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](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.

<b>Land Parcel Name:</b>	<b>Direction Ref.</b>	<b>Dates of restriction on existing direction:</b>	<b>Reason for Exclusion</b>
Risby Warren Parcel A	2005060237	Public Exclusion until 20/06/2036	S25(1)(b) Public Safety and Land Management
Risby Warren Parcel B	2005090329	Public Exclusion for up to 16 weeks (outline until 20/06/2036)	S25(1)(b) Public Safety and Land Management
Risby Warren Parcel C	2005090331	Public Exclusion for up to 16 weeks (outline until 20/06/2036)	S25(1)(b) Public Safety and Land Management

Natural England made this long term direction on 22 June 2015.

The landowner has confirmed that circumstances have not changed and that the risk to the public remains.

A short summary is provided below giving the background to the direction.

#### Site Overview

The area of access land at Risby Warren, a Site of Special Scientific Interest (SSSI), is approximately 175 hectares in size. The area is open in character and affords good views of the surrounding landscape. Parts of the site overlie areas which have previously been extensively mined for ironstone. The mines and adjoining quarry, although no longer worked, are actively managed by TATA Steel, who carry out safety inspections and manage any surface hazards associated with the mine workings.

#### Parcel A

The land parcel is located in the north eastern corner of the site and has been identified as high risk. There are numerous crown holes across the area which have developed since the 1970's as a result of the collapse of the mine roof below. The size of these crown holes varies from between 2m and 30m across and up to 80m deep. The area has been fenced and warning signs erected by TATA in order to prevent the risk of injury to members of the public. Aerial surveys, undertaken since the last review in 2015 indicate a continuing deterioration of the historic sinkholes.

In determining this case in 2005, a series of 'high risk' criteria were developed, which were subsequently included in the Relevant Authority Guidance Criteria Set 2, for risks arising from mineral workings. This states that a restriction may be necessary if:

There is visible evidence of crown holes developing or having developed on the land surface; or

- On conducting an inspection of the mine, a qualified inspector reports that the condition of the roof has deteriorated to the extent that they believe crown holes are likely to develop on the land surface; or
- A qualified inspector reports that they are unable to make an underground inspection of the mine and that, taking into consideration what is known about the character and condition of the mine, they believe it likely that crown holes will develop in the future; or
- The owner or applicant is unwilling to incur the costs of inspections and that, taking into consideration what is known about the character and condition of the mine, a qualified inspector believes it likely that crown holes will develop in the future

Given the nature of the hazard and on the basis of the above criteria, it was decided that this part of the site was not safe for public access and a direction was given to exclude members of the public.

#### Parcel C

Parcel C is a small area of land immediately adjoining Parcel A, in the north east corner of the site.

A mine inspection regime had shown that the area was not considered to be high risk at the time of the application in 2005, however, mining experts had predicted that roof falls would result in crown holes developing at some indeterminate point in the future. It was also possible that the mines below this area would become inaccessible for inspection as a result of roof falls, making it impossible to predict where and when crown holes would develop.

An outline direction was therefore given for Parcel C which would restrict access for a period of 16 weeks only, if at any point in the future Corus were to predict the area was high risk (as defined by Criteria Set 2). The 16 week restriction would allow time for an application to be made to restrict or exclude public access for a longer period. A condition was placed on the outline direction requiring TATA, when notifying the Relevant Authority of their intention to implement the restriction, to submit documentary evidence from a qualified inspector that one of the four high risk criteria had been met.

#### Parcel B

Parcel B is an area of land located along the south western edge of the site, where it adjoins the disused ironstone quarry. The issues affecting Parcel B are the same as those for Parcel C; that although there are currently no crown holes, it is likely at some point in the future that the area could be predicted as high risk, requiring an immediate closure.

An outline direction was therefore also granted for Parcel B. The terms and conditions of the outline direction are the same as for Parcel C and grant a 16 week restriction to allow an application for a restriction over a longer period.

### **3. SUBMITTING COMMENTS ON THE REVIEW**

If you wish to comment on the review of this direction then you must do so before 11 June 2020 directly to [Hillary Scott at hillary.scott@naturalengland.org.uk](mailto:hillary.scott@naturalengland.org.uk). A map accompanies this notice and can be seen on the [Consultation Pages](#) of the Government's Website<sup>2</sup>.

#### **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).

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.

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<sup>2</sup> [https://www.gov.uk/government/publications?publication\\_filter\\_option=consultations](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.

## 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 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.