

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

### **NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED LONG TERM EXCLUSION OF CROW ACCESS**

*Prepared by Natural England*

**Access Authority:** Northumberland County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Northumberland  
**Date of direction notice:** November 1<sup>st</sup> 2019

<b>Land Parcel Name</b>	<b>Direction Reference</b>	<b>Dates of restriction on original direction:</b>	<b>Reason for restriction</b>
Ros Hill Bank	2004120055	Keep to marked routes until 9 <sup>th</sup> October 2020	CROW s25: Public Safety

Natural England has now decided how to proceed following its review of the above mentioned long term direction to restrict open access rights on this land.

An initial consultation was held with statutory consultees and the general public that sought views on the existing direction. This ended on August 2<sup>nd</sup> 2019 and we received no comments.

A second consultation was held with statutory consultees and the general public, which ended on 27<sup>th</sup> September 2019, Natural England received feedback from the access authority, who had no objections to the proposal, in light that the permissive route is no longer available.

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

The relevant authority's decision is to give a direction excluding open access rights in the way it originally proposed, until November 1<sup>st</sup> 2025.

#### **Information about the decision:**

Chillingham Cattle are a breed of cattle that live in a large enclosed park at Chillingham Castle in Northumberland, of which this site forms a small part. The herd numbers around 100 beasts. About half of them are bulls. All cows and bulls have horns and a fierce temperament to match. The herd has remained remarkably genetically isolated for hundreds of years, surviving despite inbreeding depression due to the small population. There is also a small reserve herd of about 20 animals located on Crown Estate land near Fochabers, North East Scotland.

The cattle in the Chillingham herd are believed to be the only breed that have remained free from human interference or management, and are closest to their wild prehistoric ancestors in the way they live.

The Chillingham cattle herd are not domesticated in any way, and are wild animals. Their behaviour may therefore give some insight into the behaviour of ancestral wild cattle. The fittest bull becomes the King Bull by fighting and threatening other males to establish supremacy within the herd.

The fact that the cattle look very much like other traditional breeds makes it more difficult for the public to realise how dangerous they are when encountered. Relevant Authority Guidance (RAG), criteria sets 9 and 10, consider the risks from bulls and other cattle kept on open access land and provide useful background information. However, this situation is unique and the RAG does not cover this highly unusual scenario.

As the cattle are likely to attack people<sup>1</sup> if they are threatened or cornered and have been known to stampede if frightened, from contact with another animal or by human disturbance, access is only permitted to visitors who are accompanied by the warden, for which an admission charge is payable.

The RAG also protects entrance fees to land where they were in place before the rights of access was introduced. Government policy also stipulated that the introduction of the rights should not disadvantage land managers financially, therefore any charging arrangements that were in place before CROW became law on 30<sup>th</sup> November 2000 should in principle be allowed to continue. However, the main concerns from the Association are public safety and bio security rather than income issues.

Following correspondence with the applicant, he confirmed that the current excluded area of open access land within the park is an integral part of the cattle park and thus grazed by the wild cattle. He also informed us that the permissive route is not available to use. As a result of changes to the way that visitors are now managed; in that they now park down by the church. From there, they are driven to the park via the forestry road that runs along the northern side, from where they access the park with the warden to see the cattle. So at present they can't get to the permissive route.

Taking into account all the information and evidence provided as part of this review, Natural England, as relevant authority, has decided to vary the direction in order to exclude people to prevent danger from livestock.

Natural England's policy for long term directions is that they should not be given for a period of more than 6 years. Therefore the direction will have an end date of November 1<sup>st</sup> 2025.

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

Land Parcel Name	Direction Reference	Details of restriction on original direction	Details of new exclusion
Ros Hill Bank	2004120055	Keep to marked routes until 9 <sup>th</sup> October 2020	Public Exclusion, all year, until November 1 <sup>st</sup> 2025

A copy of the direction is enclosed for your information. Details of the exclusion will appear on the relevant map of access land on the Open Access Website at [www.openaccess.naturalengland.org.uk](http://www.openaccess.naturalengland.org.uk).

You should note that the applicant has the right to appeal within six weeks against the authority's decision not to act in accordance with the application submitted to it. 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](http://www.planningportal.gov.uk/planning/countryside/countryside).

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 are obliged to review it within five years of the date of issue. We will contact you about this review process at that time.

Date review completed: November 1<sup>st</sup> 2019

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<sup>1</sup> The Wild White Cattle of Chillingham – An introduction to this unique herd. Professor Stephen J.G. Hall.