

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTIONS

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Cumbria, Durham and Northumbria County Councils

Relevant Authority: Natural England

Local Access Forum: Cumbria, Durham and Northumberland

Natural England is about to review the following Open Access directions:

Land Parcel Name:	Direction Ref.	Dates of restriction/exclusion on existing direction:	Reason for restricting/excluding access	Restriction Type
Cumbria				
Flinty Fell	2021079445*	22/04/15 - 31/08/21	Sensitive wildlife s26	No dogs October 1st to March 31st each year
Red Carle Allotment	2021079446*	22/04/15 - 31/08/21	Sensitive wildlife s26	No dogs October 1st to March 31st each year
Rotherhope North & South	2021079447*	22/04/15 - 31/08/21	Sensitive wildlife s26	No dogs October 1st to March 31st each year
Durham				
Atkinsons Peat Allotment	2021059430*	22/04/15 - 31/03/21	Sensitive wildlife s26	Total exclusion 1 Oct - 31 March each year
West Allotment Langdon	2021079448*	22/04/15 - 31/05/21	Sensitive wildlife s26	Total exclusion 1 Oct - 31 March each year
Widdybank Fell	2005090267	22/11/05 - 30/06/65	Sugar Limestone & Sensitive wildlife s26	Total exclusion all year
Teesdale Allotments	2010075582	22/04/15 - 31/08/21	Sensitive wildlife s26	Dogs to leads 1 Aug - 31 Aug each year

Teesdale Allotments	2021059431*	22/04/15 - 31/08/21	Sensitive wildlife s26	Total exclusion 1 Oct - 31 March each year
The Allotments	2021059432*	22/04/15 - 31/03/21	Sensitive wildlife s26	Keep to marked routes 31 Oct - 31 March each year
Hole Head & Guy's Moss	2005090326	01/07/15 - 30/06/56	Sugar Limestone & Sensitive wildlife s26	Total exclusion all year
Northumberland				
North of Coanwood Common	2008100116	22/04/15 – 31/08/21	Sensitive wildlife s26	Dogs to leads 1 Aug - 31 Aug each year

*Direction reference number changed for administrative reasons.

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

Your views on the current directions are sought to assist Natural England in deciding whether the restrictions / exclusions are still necessary for the original purpose, and if so, whether the extent and nature are still appropriate for the original purpose.

The relevant authority may decide to revoke the direction[s] or that no change to the extent and/ or nature 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.

If the relevant authority decides to vary the extent or nature of the restrictions/ exclusions, 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 DIRECTIONS

The short summary below provides a general background to the directions listed above. Further information is available from neil.coles@naturalengland.org.uk

The purpose of these directions is to protect ground nesting birds, particularly Black Grouse, from disturbance during the wintering period. Where Sugar Limestone is present, the site is excluded all year round.

The decision to exclude or restrict access on these sites was based upon a range of different evidence. Local Black Grouse Recovery Projects and the Game & Wildlife Conservation Trust both provided data on black grouse for all sites.

Natural England took advice from nature conservation officers within the organisation who fulfil the role of the Relevant Advisory Body on these matters. We also consulted other relevant organisations and statutory partners to obtain information on key issues affecting each site.

We also carried out an assessment of access patterns since the commencement of CROW.

Having considered the evidence gathered during this process, Natural England concluded, for all the cases listed in the table above, that a direction was required.

Further to this, in order to establish a clearer idea of access patterns on open access land containing Black Grouse Natural England, in partnership with the Game and Wildlife Conservation Trust, set up a dedicated monitoring programme with the purpose of producing a comprehensive set of data to provide evidence of population levels of both male and female Black Grouse throughout the North Pennines, Yorkshire Dales and Northumberland. This will enable Natural England to ascertain the necessity of the current statutory directions.

The programme started in spring 2019 and is due to conclude in spring 2022.

Once this monitoring programme is concluded, Natural England will reassess the need for each of the directions currently in place for Black Grouse.

With a view to coordinating the work involved with these directions, Natural England has decided to conduct a review of all Black Grouse directions at the same time.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of these directions then you must do so before 30th July 2021 directly to neil.coles@naturalengland.org.uk

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/ exclusion 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.

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 will issue a new direction under the same section and direction number 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.