

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS Prepared by Natural England

Access Authority: Somerset County Council
Relevant Authority: Natural England
Local Access Forum: Somerset Local Access Forum

Direction reference: 2008100061

Land Parcel Name	Direction Reference	Details of restriction on original direction
Severn Wells Down	2008100061	1 st February 2014 to 31 st August 2014 Every year until August 2019 People with dogs excluded

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to restrict CROW Access rights on this land. An initial consultation has been held between 17th September 2018 and 12th October 2018 with statutory consultees and the general public. We did not receive any comments.

Outcome of the review

Natural England'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.

People with dogs are excluded during the following periods:

- From 1st February to 1st May every year, under s24 (Land Management); for lambing; and
- From 1st May to 31st August every year, under s25 (Public Safety); to prevent danger to the public from cows and calves.

This exclusion does not apply to the bridleway.

Severn Wells down is 9.973ha's in size and is a small, enclosed and intensively managed sheltered area within a working farm. There is a bridleway running across the bottom of the valley. When this direction was first made in 2009 the farmer used the area to lamb around 200 ewes and for calving around 50 cows with around 50 young stock at foot. At the time of the last review in 2013 ewe numbers had slightly decreased and cow numbers increased to around 80 cows.

A site visit was undertaken as part of this review in November 2018 with the farmer, and stock numbers are similar to those in 2013. Access levels were reportedly low though the farmer does often see someone walking their dog, and horseriders do

tend to use the bridleway in the winter months. There are 3 access points to the land, one at either end of the bridleway and one at the north of the parcel. The interpretation board was missing from the western end of the bridleway and the waymarkers that were originally installed in the ground to show the waymarked route were also no longer present.

Lambing

This parcel is used for lambing intensively during the period 1st February to 1st May annually. It is their most suitable land, and constitutes approximately half of the land they own near the farm, the rest of their land is in a different location away from the farmstead. Therefore the farmer has high numbers of ewes lambing in this small parcel, and the stocking density in the bottom of the valley is increased by the geography of the site. Stock are naturally funnelled into the valley and shelter either at the southern end of the land near the bridleway or at the northern end near the feeding points. The farmer is concerned that people with dogs can disturb the lambing, causing ewe and or lamb mortality, and that even people without dogs can cause lambs to become orphaned from their mothers should they follow a person away from their mother.

It is expected that the s23(2) discretionary dog exclusion which gives the landowner the right to restrict access to people with dogs for six weeks during lambing would be necessary and notified accordingly, however the farmer actually lambs in the parcel for three months so the discretionary allowance isn't sufficient.

The least restrictive option for lambing would normally be this discretionary right, however the Relevant Authority Guidance gives Natural England the allowance to extend the restriction beyond the rights given by the discretionary s23 dog exclusion. This is necessary in this case, due to the small size of the parcel, the extended lambing period, the stocking density, and **to provide a clear manageable message to the public.**

Calving

The farmer calves around 80 cows in this parcel and adjacent field and is concerned that people with dogs might be at risk of serious injury from suckler cows which have just given birth, as they are extremely protective of their young during the bonding stage, which is the first six weeks after birth. They are also concerned that the cattle could abort or give birth prematurely if chased by dogs. It is widely recognized that calving is one of the most dangerous activities in the countryside for visitors, especially so for people with dogs on leads (as they would be required to be on open access land in the vicinity of livestock).

Therefore even though there is a bridleway running along the southern edge of this parcel, (on which dogs have to be under close control only), we still believe that people with dogs should be excluded from the parcel of open access land outside of this bridleway during calving. It is a small enclosure, intensively used for calving, with the stock funnelled to the bottom of the valley or the feeding areas near the northern access point.

This is the farmers best land for calving and the geography is such that walkers are also funnelled into the bottom of the valley, and down onto the bridleway. This would

have the effect of concentrating people and cows into the bottom of the valley, which given the potential cattle numbers results in the requirement for a dog exclusion.

As the current restriction that excludes people with dogs will continue, and the period for calving is for public safety, it is important that the restriction signage is used and clearly erected on the land at all access points.

Natural England’s plans are designed to keep people to the two linear routes during lambing and calving, the bridleway only for people with dogs (under close control), and the bridleway and the waymarked route (that was introduced and waymarked after the original decision in 2009) for people without dogs. It was felt linear access could more easily be managed when lambing and calving and of course the bridleway cannot be restricted.

Outside of the restriction period people are asked to continue to stick to the linear routes.

The interpretation panels (where present) and restriction signage warn of the dangers associated with cows and calves and the need to let the dog off its lead if cattle try to protect their calves by chasing it.

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 original direction will be varied to have an end date of 31st August 2024.

Summary of changes made to the existing directions:

Natural England is not varying the extent or nature of the direction, just extending the end date:

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Severn Wells Down	1 st February 2014 to 31 st August 2014 Every year until August 2019 People with dogs excluded	1 st February 2019 to 31 st August 2024 Every year until August 2024 People with dogs excluded

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

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: 31st January 2019