

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: Derbyshire County Council
Relevant Authority: Natural England
Local Access Forum: Peak District Local Access Forum

Natural England is about to review the following direction: 2005020163

Land Parcel Name:	Direction Reference:
Turncliff Common	2005020163

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 Website¹.

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.

¹ 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.

2. SUMMARY OF EXISTING DIRECTION(S)

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Turncliff Common	2005020163	Outline direction excluding access for up to 180 days each year until 1 December 2021	For public safety from hazards associated with explosive detonations

Natural England made this long term direction on 17 December 2015.

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

Natural England originally gave this direction in March 2005, and it has been review twice since then in March 2010 and December 2015. At the last review, the direction was amended to allow up to 180 days per year to be called off and the expiry date of the direction was extended.

The site is part of a secure government testing laboratory, used for testing explosive material. Blasts on the site can release fragments of material and more widespread pressure waves which can damage to hearing.

There is a little used public right of way on the site, which is monitored by the staff at the laboratory who stop people walking into the area during explosive testing. The nature and size of the site make this level of management impractical away from the right of way as it is not possible to see across the site due to the topography and tree cover, and it is therefore not possible to see if visitors are on the site. Because of this, an outline direction was given to exclude people from the access land during testing for the public's safety. The applicant was granted a maximum of 180 days per year to ensure their work was not affected by the designation of the site.

On average the public are excluded from the site on approximately 40 days per year. The majority of these are on week days, but the existing direction does permit exclusions on weekend days as necessary.

The applicant has confirmed that the circumstances have not changed since the last review and that the risk to the public remains.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 22 September 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 Website².

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.

² 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.