

Countryside and Rights of Way (CROW) Act 2000

**NOTICE OF RELEVANT AUTHORITY DECISION
FOLLOWING REVIEW OF DIRECTION RESTRICTING
CROW ACCESS**

Prepared by Yorkshire Dales National Park Authority

Access authority: Yorkshire Dales National Park Authority

Relevant authority: Yorkshire Dales National Park Authority

Local access forum: Yorkshire Dales Local Access Forum

Direction reference: 2004120016

Land Parcel Name	Direction Reference	Details of restriction on original direction
Wood End, Hubberholme	2004120016	Direction to exclude the public from Wood End for a period of five years. The direction was given to prevent accidental disturbance to the local water supply.

The Yorkshire Dales National Park Authority has now decided how to proceed following its review of the long-term direction to restrict open access rights on this land. A first consultation was held between 23/08/21 & 12/09/21 with statutory consultees and the general public. We did not receive any comments.

Outcome of the review:

The Yorkshire Dales National Park Authority has begun a review of the above long term direction in accordance with statutory guidance. A consultation has been held with statutory consultees and the general public that sought views on the existing direction.

Under Part 1 (Chapter II, Sections 24) of the Countryside and Rights of Way Act 2000, the applicant, applied for a direction to restrict access on open access land at Wood End, Hubberholme. The application requested the exclusion of all CROW rights from the land until 2999, due to the possible risks of disruption and contamination of a water supply. A Case Research Report was completed and details all aspects of the case.

The relevant authority proposed a direction for the complete exclusion of CROW rights from the site for 5 years, from May 2005 to May 2010 inclusive. This is due to the topography of the land, the vulnerability of the existing water supply infrastructure, and a predicted increase in access to the site, there was a strong possibility that disruption to the water supply could occur accidentally, causing significant disruption to the local community and businesses.

It was not considered possible to resolve the situation by other means, and therefore a statutory restriction was considered necessary to prevent disruption to the water supply. The restriction has subsequently been re-applied for and granted in 2010 and 2015

Summary of consultee comments:

The Land owner stated that the situation has not changed in relation to the water supply since the original application to restrict access under the Countryside & Rights of Way Act 2000 and they wish the restriction to remain in place in relation to the water supply.

In considering whether to make a change to an existing direction to restrict access it is important that new evidence is provided to support any case made to change the direction. On this occasion there has been no new evidence provided to suggest there has been a change in the way the CROW access land is managed since the original direction was made. The Yorkshire Dales National Park Authority therefore believes that the direction to exclude public access should remain in place, whilst further investigation is made into an alternative route, or other possible management options. However, the Yorkshire Dales National Park Authority does propose to change the current restriction end date from 30/11/21 to 30/11/2027. Should the negotiations in relation to finding an alternative means of access not come to fruition, we will revisit the proposed restriction in two years.

This change would bring the direction into line with current guidance which recommends that direction periods should be set for six years if the relevant authority does not know how long the circumstances that make a direction necessary will last, but considers that the circumstances are unlikely to last indefinitely. The Relevant Authority must still review the direction no later than five years after its anniversary (or from the date of the last review) so unless any new information came to light in the interim period, the cases would have to be reviewed before they expired.

The Yorkshire Dales National Park Authority'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.

Natural England's policy for long-term directions is that they should not be given for a period of more than six years. Therefore the original direction will be extended to an end date of 30/11/2027

As we have decided to vary the direction (and are still proposing to make a long term direction) then we are obliged to undertake a further round of consultation.

Summary of changes made to the existing directions:

If you are only extending the end date and not varying the extent or nature of the direction you are not making a change to the direction and do not need to complete this section.

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
[insert]	[insert dates and details]	[insert dates and details or state 'no change']

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

For applications which have been revoked or varied (by extent or nature – extending the end date and making no other change does not constitute a variation)

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to us. 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.

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: 13/09/2021

Guidance on what to include in the justification for the direction

- Begin with a clear statement explaining what your decision is and why any direction is necessary (i.e. ‘...it is necessary to restrict CROW access to this extent to prevent danger to the public and to avoid disruption to the established patterns of shooting on the land’). If this is different to the original direction, explain how it is different and the reasons for this.
- Summarise why the direction has been given and why other alternatives, e.g. the applicant’s use of discretionary rights under s22 or informal management, were not considered appropriate. If the proposed direction was different from application then explain why. For example:

“We considered whether as an alternative it might be practicable to exclude the public only at times when a red flag was flying to indicate that shooting was in progress on the land.

However, we received legal advice that the effect of the wording used in sections 24 and 25 of the Act is that such an arrangement would amount to an “outline direction” scenario, and would therefore require prior notification of all such restrictions on every occasion they were to be imposed.

The shooting club has a large membership and in our judgment, such prior notification would be impracticable because of the very frequent and ad hoc nature of members’ use of the site for shooting without any prior booking system”.

- Try to summarise responses to consultation (how many responded; brief overview of comments – did consultees support the direction? If not, were there any common objections to the proposal? (NB avoid trying to deal with every single issue that may have been raised.) If so, explain why those concerns a) had already been considered or b) did not affect the outcome of our decision.