

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

### REVIEW OF STATUTORY DIRECTION(S) – PROPOSED CHANGE TO EXISTING DIRECTION

#### SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

#### 1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

**Access Authority:** Lancashire County Council  
**Relevant Authority:** Natural England  
**Local Access Forum:** Lancashire

Land Parcel Name:	Direction Reference	Details of restriction on original direction
TRAX	2004120162	Danger to Public Safety 16/7/2010 to 31/7/2016

Natural England has begun a review of the above long term direction in accordance with statutory guidance (see Annex One). A consultation was held with statutory consultees and the general public between 19<sup>th</sup> November and 17<sup>th</sup> December 2014 seeking views on the existing direction.

We received feedback from The Ramblers who asked that the potential for other routes on the northern boundary and to the west of the site be considered.

After due consideration, Natural England now proposes to vary the end date of the restriction.

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

#### **2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS:**

Details of restriction on original direction:	Proposed details for new direction	Reason for proposed direction
16/7/2010 to 31/7/2016	<b>No access to restricted area all year until 13/02/21</b>	<b>Public Safety</b>

We must still review the direction no later than five years after its anniversary (or from the date of the last review).

### **i) Summary of proposal**

The area restricted will remain the same. The end date of the direction will be varied to 13/2/21.

### **ii) Why is a statutory restriction necessary?**

A site visit on 28th October 2014 confirmed that circumstances have not changed since the last review and motorsports are still taking place on the site in the same way.

Relevant Authority Guidance (Criteria set 21) assesses the need to restrict access for a variety of recreational activities. It indicates that whilst visitors exercising CROW access rights will usually take account of how other people are using access land, there are occasions when informal recreation will need to be separated from dangerous activities such as motor sports (particularly in woodland or environments where it is less easy to see vehicles etc. approaching).

There are several informal tracks and off road circuits which form routes that could be followed on foot. Anyone wishing to walk along these routes or other parts of the site would be at danger from the high speed activities due to the nature of the terrain (some bumps and hollows, banking etc) and the habitat (scrubland, some tree growth) which create poor sight lines and also from the type of riding that occurs (motocross, scrambling).

There is also potential for the 'visitor' to cause disruption to the activities by their very presence with riders having to stop and take additional precautions if visitors are seen within the racing area.

### **iii) What is lowest level of restriction required?**

An exclusion from the areas where motorsport activity is permitted is the lowest level of restriction required.

As negotiated at the time of the last review the areas not leased for the purposes of motorsports remain unrestricted. In practice this gives access to the western part of the site and allows the public to access a route alongside the River Ribble. Walkers that wish to use this informal footpath along the southern boundary of the site are further away from the areas where the activities take place and are, in parts, separated from the circuits by an earth bank and fence. Therefore we do not feel that it is necessary to restrict CROW access rights along this route.

Other routes on the site were considered but security fencing and gates make it impractical at the present time.

### **3. SUBMITTING COMMENTS ON THE REVIEW:**

If you wish to comment on the review of this direction then you must do so before Friday 13<sup>th</sup> February directly to [Christine.pope@naturalengland.org.uk](mailto:Christine.pope@naturalengland.org.uk). A map accompanies this notice and is attached and can be seen on the [consultation pages](#) of the Government's Website.

#### **Using and sharing your consultation responses**

In line with Natural England's [Access to Information Statement](#), 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 do not plan to publish individual comments in full, but we may publish extracts from them when we report on our consultation(s).

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 relevant 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, it 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 a direction in any way (type, extent or date), it 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, it must give a new direction under the same section to revoke it. There is no requirement to review the new direction.

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.