

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

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED RESTRICTION OF CROW ACCESS

*Prepared by Natural England*

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

Land Parcel Name	Original Direction Ref.	Dates of restriction on original direction:	Reason for Exclusion
Glasson Salt Marsh	2005060354	Dogs excluded from 12th March 2010 to 31st March 2015.	CROW s24: Land Management

Natural England has now decided how to proceed following its consultation about the above direction to restrict CROW access on this land.

An initial consultation was held with statutory consultees and the general public. This consultation period ended on October 17<sup>th</sup> 2014. Following that consultation, Natural England received feedback from the applicant and the following consultees:

- National Sheep Association;
- National Farmers Union;
- The Ramblers;
- Lancashire Local Access Forum; and
- Country Land & Business Association (North).

In summary:

- The applicant reported that the management and use of this land has not changed in any way, and is still being grazed by sheep and lambs.
- The National Sheep Association supported a continuation of the current restriction and felt the request was both reasonable and prudent. The Association supported this position with evidence from research undertaken on the impact on livestock from dogs not being under "proper control".
- The National Farmers Union supported a continuation of the current restriction and reported that the situation on the ground has not changed since the original restriction was given in 2005.
- The Ramblers felt that due to the low level of use and demand for access to this site that a restriction is not required. However, they did note that no change in the situation has occurred since the Inspectors decision following an appeal in 2005 which set the current direction. Therefore given this, at the current time, they had no objections to the continuation of the current direction.

However, the Ramblers alluded to the introduction of Coastal Access rights and the impact this may have on demand to the site. However, the basis for reviewing and deciding whether a direction is necessary is based on whether something needs to be done now. When delivery of coastal access is underway, we will need to carefully consider the potential effects of improved coastal access in this area and at that time we will take advice from a range of different bodies once implementation commences.

- Lancashire Local Access Forum indicated that at the time of the appeal hearing the Inspector did their research, listened to the evidence and made a fair and correct decision. The view of the Forum was that there should be no change to the existing restriction due to the fact that the land in question is still being stocked and managed in the same way.
- The Country Land & Business Association supported a continuation of the current restriction to allow the continued management of grazing of this important marsh area.

In response to the initial consultation, there was a consensus from the relevant interests that as the situation has not changed since the appeal of June 2005, the current restriction is required.

Based on the evidence supplied Natural England, as the relevant authority, believes that the situation has not changed and decided that the current restriction should remain in place for the same reasons detailed in the Appeal Decision Report dated June 29<sup>th</sup> 2005. Therefore Natural England proposed to vary the current end date.

As we decided to vary the direction, and were proposing to make a long term restriction, then we were required to undertake a further round of consultation.

The second consultation, to seek views on the proposed change to the end date was held between 17<sup>th</sup> November and 12<sup>th</sup> December 2014. Natural England received feedback from:

- National Sheep Association; and
- The Ramblers.

In summary:

- The National Sheep Association supported the proposal to extend the end date.
- The Ramblers reasserted its comments made during the initial consultation.

### ***Outcome of the Review***

As explained during the initial consultation, the Planning Inspector concluded in 2005 that, from information contained in the Relevant Authority Guidance and other factors identified by the Countryside Agency, disturbance from dogs would be significantly reduced because they must be on short leads.

However he also set out that, in his experience, dogs on leads can still act in a threatening and aggressive manner towards livestock. The Inspector felt that in many cases this would cause little problem as livestock may simply move away. However, he did consider that the unique conditions on this site (a coastal saltmarsh with creeks and gullies that could rapidly fill with water due to the fast rising tides) were very limiting. The Inspector concluded that

any impediment (even for a short time) to stock moving off the land could cause them to become trapped in creeks or cut off by the rising tide.

The Inspector also believed that because of the likely low level of use for access of this land, the probability of stock movement being hampered by dogs on leads to be low, but importantly, if it did occur it is likely to result in injury or fatality to livestock, with consequent effects for the landowner.

In his view, dogs accompanying the public on this land pose an unacceptable risk of dangerous disturbance to livestock and he concluded that a restriction was necessary to prevent disturbance to livestock.

Given that the landowner continues to use this saltmarsh site for grazing of livestock and no new compelling evidence has been submitted by any of the consultees to suggest that the issues / factors considered by the Inspector during the appeal were irrelevant, Natural England concludes that a restriction to exclude dogs from this site should remain in place until 31<sup>st</sup> March 2021.

As this is a long term direction, then Natural England, as Relevant Authority will be required to undertake a review of this direction by no later than the 5<sup>th</sup> anniversary of the date of issue.

**Summary of changes made to the existing direction:**

<b>Land Parcel Name</b>	<b>Direction Ref.</b>	<b>Dates of restriction on original direction:</b>	<b>Details of new direction</b>
Glasson Salt Marsh	2005060354	Dogs excluded from 12th March 2010 to 31st March 2015.	Dogs excluded until 31st March 2021.

Details of the restriction will appear on the relevant map of access land on the Open Access website - [www.openaccess.naturalengland.org.uk](http://www.openaccess.naturalengland.org.uk).

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](http://www.planningportal.gov.uk/planning/countryside/countryside).

Date review completed: January 26<sup>th</sup> 2015.

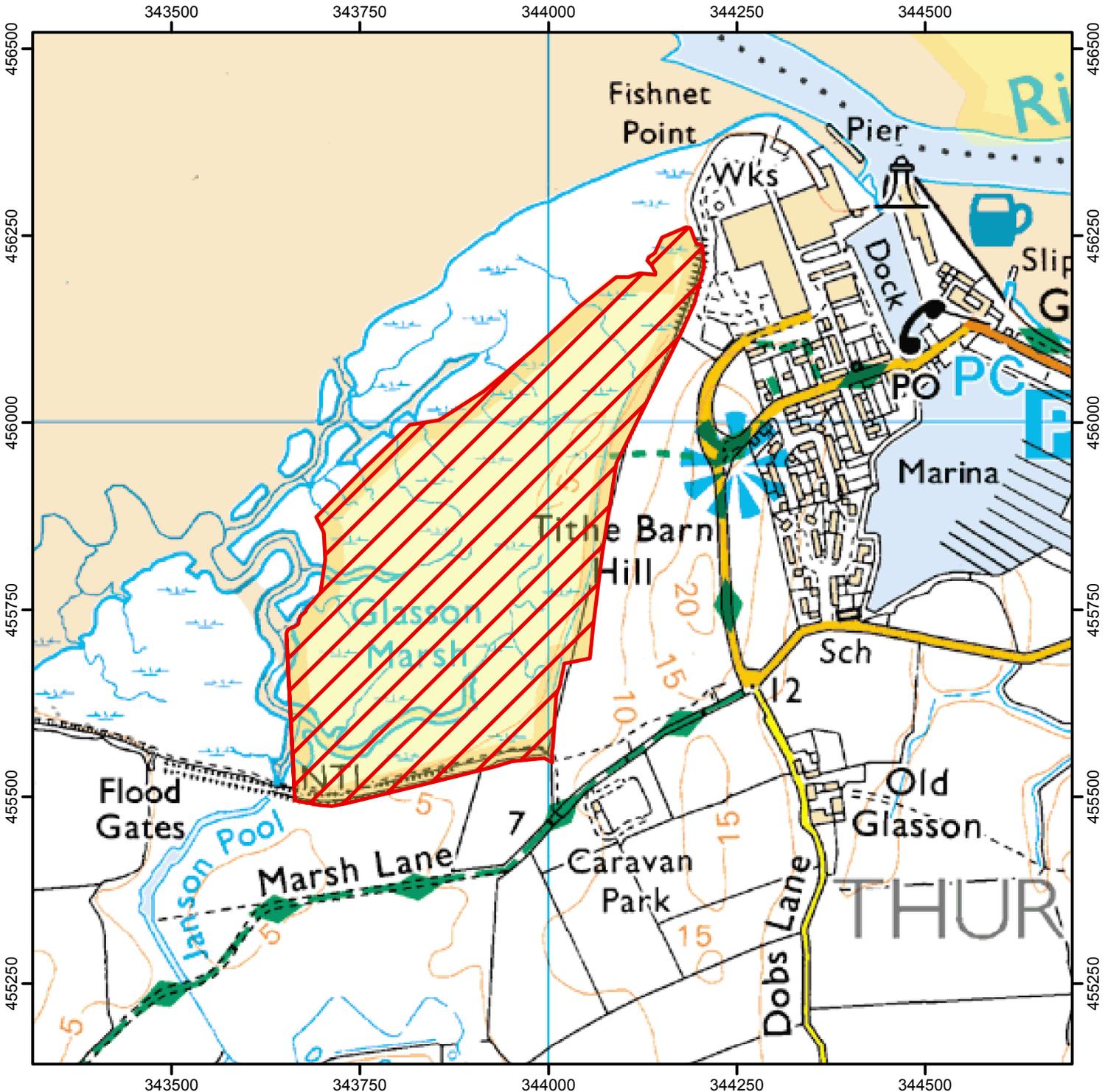
# TO AVOID DISTURBANCE TO LIVESTOCK



There is no right to take dogs on the open access land shown hatched below. This does not apply to registered assistance dogs, nor to dogs kept on public rights of way or other rights of access.

From: 09/02/2015 to 31/03/2021

Case Number: 2005060354



0 125 250 500 Metres

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 Restricted Open Access Land

 Open Access Land

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# **DIRECTION RESTRICTING PUBLIC ACCESS UNDER THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000**

**Case number 2005060354**

The relevant authority - Natural England, gives this direction under section 24 of the Countryside and Rights of Way Act 2000 (CROW) to give effect to the exclusion or restriction detailed below.

## **Period of restriction**

The restriction(s) given effect by this direction is/are effective:

From February 9<sup>th</sup> 2015 to March 31<sup>st</sup> 2021

## **Nature of restriction**

Public access by virtue of section 2(1) of CROW to the land in the associated map is exercisable only by persons who do not take any dog on to the land or allow it to enter or remain on the land.

## **Land affected**

The associated map shows the land affected by this restriction.

## **Reason why this direction has been given**

The relevant authority - Natural England, is satisfied that restriction of CROW access to the extent specified above is necessary to prevent disturbance to livestock.

## **Conditions which apply to this direction**

1. This direction only affects the availability of CROW access rights. It has no effect on public rights of way over the same land, or on any other access right, tradition or custom, or any uses of the land permitted or tolerated by the landowner.
2. It has no effect on any area within the specified land that is not subject to CROW access rights, for example because it is excepted land under CROW Schedule 1, or subject to existing open access rights of the type listed at CROW section 15.
3. If for any reason after the giving of this direction a restriction becomes unnecessary, or unnecessary to the extent (or at any of the times) specified or notified under the direction, the applicant should immediately notify the Open Access Contact Centre. The restriction will then be cancelled or varied as appropriate in the circumstances.
4. The relevant authority - Natural England, may revoke or vary this direction by giving a further direction at a later date, if it considers this necessary.

## **Review of direction**

The relevant authority - Natural England, will review the need for this direction within five years, as required by CROW section 27(3).

Date of issue: January 26<sup>th</sup> 2015