

## 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: Durham  
Relevant authority: Natural England  
Local access forum: Durham

Land Parcel Name	Direction Reference	Details of restriction on original direction
Lambshield	2005110004	No Access 30/7/2010 to 31/07/2016 S25(1)(b) Public Safety: Presence of Bull and Other cattle

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. A second consultation between statutory consultees and the general public has been held from 10<sup>th</sup> April to 8<sup>th</sup> May.

We received feedback from Durham County Council and Durham LAF who confirmed they had no comments.

The Ramblers noted that there has been a reduction in stocking density from 35 to 25 and that the likely demand for access is low. Therefore they asked for the restriction to be reduced to an exclusion of people with dogs and that notices are used alongside other informal management.

#### **Outcome of the reassessment:**

Natural England's decision is to vary the direction by extending the end date and allowing the restriction to continue.

It is necessary to exclude CROW access on this land for the purposes of public safety. This is due to the presence of a bull, which is unaccustomed to people, on a relatively small parcel of land. There is also a high stocking density of cows and calves on the same parcel of land.

The restriction was originally given following an appeal against a decision by the Relevant Authority not to restrict access on this parcel. An Inspector from the Planning Inspectorate concluded (on 28<sup>th</sup> October 2005) that a direction was necessary to exclude access to the public indefinitely. A review of this restriction in 2010 also concluded that a restriction was necessary.

Criteria Set 10 in the Relevant Authority Guidance states that cows can present a significant threat of injury or even death if they feel threatened or, in particular if they

are protecting their young. The national restriction to keep dogs on leads in the vicinity of livestock may not be an adequate precaution in small enclosures where suckler cows are calving, or have calves at foot, particularly if stocking density is high.

At Lambshield the bull runs with the cows all year so they could be with calf at any time. Figures from the Upland Management Handbook suggest that 25 cattle in a field of this size, is still considered a high stocking density. There are no public rights of way. In these circumstances the relevant authority may consider complete exclusion of dogs from the enclosure.

Criteria set 9 of the Relevant Authority Guidance (RAG) which deals with bulls kept on access land says that beef bulls running with cattle are less inclined to be aggressive. However, the RAG also says there may be more of a risk if the bull is in a confined area and is not used to the presence of people.

The bull at Lambshield is not used to people and the parcel of land is relatively small at approximately 7.5 ha. It is narrow at the south eastern end and comes to a narrow point at the north. The Inspector identified a potential risk to the public if a bull was cornered in one of the sharp corners of the field.

The inspector accepted that the low demand for access in the area meant that the bull is unlikely to become accustomed to people, which could therefore increase the risk were someone to access the land. This situation has not changed.

Relocation of the bull and cattle was considered but a permanent relocation is not possible due to the size of the holding and the availability of alternative grazing. There are times when livestock is not in the field, however, it is not possible to determine when this is as it relies on weather and available grazing. This rules out the use of an outline restriction and makes the maintenance of accurate signage difficult.

The RAG indicates that where a restriction is justified, it is likely to take the form of a complete exclusion of the CROW rights from the enclosure containing the bull.

The lowest level of restriction is therefore a total exclusion.

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 12/05/21

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

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Lambshield	No Access 30/7/2010 to 31/07/2016 S25(1)(b) Public Safety: Presence of Bull and Other	No Access Until 12/05/2021 S25(1)(b) Public Safety: Presence of Bull and Other

	cattle	cattle
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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).

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: 12/05/21

