

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTIONS – PROPOSED CHANGE TO EXISTING DIRECTIONS

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: Derby and Derbyshire Local Access Forum

Land Parcel Name:	Direction References:
Foxgloves (formerly known as Mistlehall Farm)	2010065567 and 2010065568

Natural England has begun a review of the above long term directions in accordance with statutory guidance (see Annex One). A consultation has been held with statutory consultees and the general public that sought views on the existing directions.

We received feedback from Derby and Derbyshire Local Access Forum, stating that the members of the Forum are in agreement with the restrictions on CROW access rights being continued, providing the circumstances are unchanged and the style of farming activity remains the same, the animal welfare/ biosecurity regime is to a satisfactory standard and meets the requirements of Natural England.

The landowners have categorically stated that none of the farming practices have changed since the last review. As the circumstances remain unchanged, Natural England now proposes to vary the directions by extending the end date of each restriction until August 2021.

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:

Direction reference	Details of existing	Proposed details for new	Reason for proposed direction
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	direction	direction	
2010065567 Foxgloves (west)	Public exclusion until 16 August 2016	Public exclusion until 16 August 2021	For land management reasons relating to chicken farming and biosecurity
2010065568 Foxgloves (east)	Dogs to short leads until 16 August 2016	Dogs to short leads until 16 August 2021	For land management reasons relating to chicken farming and biosecurity

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

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of these directions then you must do so before 14 August 2015 directly to Sarah Haigh at sarah.haigh@naturalengland.org.uk. A map accompanies this notice and can be seen on the [Consultation Pages](#) of the Government's Website¹.

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 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

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.

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.