

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION(S)

**SUMMARY FOR PUBLIC CONSULTATION
Prepared by Yorkshire Dales National Park Authority**

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Yorkshire Dales National Park Authority
Relevant Authority: Yorkshire Dales National Park Authority
Local Access Forum: Yorkshire Dales Local Access Forum

The Yorkshire Dales National Park Authority is about to review the following direction:

Land Parcel Name:	Direction Reference:
Askrigg Common	20050100037

In accordance with statutory guidance, Yorkshire Dales National Park Authority as 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 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, the relevant authority 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), the relevant authority 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, the relevant authority 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.

Your views on the current direction are sought to assist the Yorkshire Dales National Park Authority in deciding 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.

The relevant authority may decide that no change is necessary in which case a Consultation Outcome Report will be published on the Consultation Pages of the Government's Website¹.

If the relevant authority decides to vary or revoke the direction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

2. SUMMARY OF EXISTING DIRECTION(S)

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Askrigg Common	2005010037	1 August 2010 to 10 December 2016	CROW s24 For the protection of ground nesting birds

The Yorkshire Dales National Park Authority made this long term direction in August 2005.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the other associated documents sent as part of this consultation.

In February 2005, under Part 1 (Chapter II, Section 23) of the Countryside and Rights of Way Act 2000, Gunnerside Estate applied for a restriction to exclude dogs on forthcoming access land at Askrigg Common. The application requested the exclusion of dogs from the land between 28/05/05 and 27/05/10 on land management grounds for the purpose of the breeding and rearing of Grouse. In assessing this application the relevant authority followed the statutory guidance provided by the then Countryside Agency. A Case Research Report was completed which details all aspects of the case.

The relevant authority rejected the application because under section 23 of the Countryside and Rights of Way Act 2000 only the owner of the moor can apply for a five year dog exclusion and the owner had declined the opportunity to apply for a discretionary restriction.

A direction was granted under section 24 of the CRoW Act to require dogs to be on a short lead from 1 August to 10 December on an annual basis. The existing national restriction requires dogs to be on a lead from 1 March to 31 July.

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.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before Monday 17th August 2015 directly to Cathy Bradley at cathy.bradley@yorkshiredales.org.uk.

Comments received after this date cannot be taken into account.

A map accompanies this notice and can be seen on the [Consultation Pages](#) of the Government's Website².

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 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.

² 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.

