

Countryside and Rights of Way (CROW) Act 2000

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

Original direction reference: 2004110252

Land Parcel Name:	Details of restriction on original direction
Holgates Pasture, Kilnsey	Direction to exclude dogs from Holgates pasture between 1 June and 28 February annually, only when suckler cows and calves are present, on the grounds of public safety and land management.

The Yorkshire Dales National Park Authority has begun a review of the above long term direction in accordance with statutory guidance. A consultation has been held with statutory consultees and the general public that sought views on the existing direction.

The site of the direction, Holgates Pasture, Kilnsey, consists of 95ha of grassland. The area is surrounded on three sides by other open access land, but is fully enclosed with both walling and wall top fencing. Although Holgates Pasture is a large enclosure, it is of a very open nature and members of the public are visible at all times.

Under Part 1 (Chapter II, Sections 24 & 25 1b) of the Countryside and Rights of Way Act 2000, the owner, applied for a direction in 2005 to restrict access on open access land at Holgates Pasture. The application requested the exclusion of all CROW rights from the land between June and February on both land management and public safety grounds. In assessing this application the Relevant Authority followed the statutory guidance provided by the then Countryside Agency.

Because of the open nature of the site, the national 'dogs on leads in the vicinity of livestock' restriction was not felt to be sufficient in this case, so the Authority

put in place a direction to exclude dogs from the site between June and February (inclusive) on an annual basis for 6 years. The reason for this is that the threat to public safety from suckler cows is most significant to visitors with dogs.

An outline direction was granted to exclude dogs from Holgates Pasture between 1 June (at the earliest) and 28 February (at the latest), to be activated by the applicant, only when suckler cows and calves were present on the land, until 28 February 2010.

This outline direction was reviewed in 2010 and extended for a further six year period. It is, therefore, now being reviewed for the second time.

The initial consultation on the current direction was held in July and August 2015. Comments were received during the initial consultation period from the land owner, the Yorkshire Dales Local Access Forum (YDLAF) and the Ramblers Association.

Summary of consultee comments

The land owner has stressed that the extent and nature of the restriction is still appropriate and necessary for its original purpose.

The YDLAF recommended leaving the direction unchanged, as dogs and suckler cows do not mix. The YDLAF queried whether the same breed of cattle is being kept on the land and whether notices have been displayed when the restriction is in use.

The Ramblers Association has advised that at past reviews it has been found that this outline direction was not activated and if this is still the case the direction must be revoked, as is the case with other similar unused outline directions. To not do so would not take account of the interest of the public in having access to the land or be taking into account whether the restriction is still necessary for its original purpose.

No other comments were received.

In considering whether to make a change to an existing direction to restrict access it is important that new evidence is provided to support any case made to change the direction. The Relevant Authority is of the opinion that the land management requirements and the potential threat to users with dogs – including guide dogs – have not changed from that outlined in the original direction. The Yorkshire Dales National Park Authority therefore believes that because of this the direction to exclude all dogs from Holgates Pasture should remain in place.

After due consideration, the Yorkshire Dales National Park Authority now proposes to change the current restriction end date from 28 May 2016 to 27 May 2022.

As the Authority is minded to vary the direction (ie proposing to make another long term direction) it is undertaking a second 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
Direction to exclude dogs from Holgates Pasture between 1 June and 28 February annually, only when suckler cows and calves are present, on the grounds of public safety and land management. 28 May 2010 to 27 May 2016.	Direction to exclude dogs from Holgates Pasture between 1 June and 28 February annually, only when suckler cows and calves are present, on the grounds of public safety and land management. 28 May 2016 to 27 May 2022.	To exclude dogs from Holgates Pasture between 1 June and 28 February annually, on the grounds of public safety and land management.

The Authority 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 this direction then you must do so before Monday 19th October directly to Cathy Bradley at cathy.bradley@yorkshiredales.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

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.

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.