

NORTH YORKSHIRE  
LOCAL ACCESS FORUM

THURSDAY 18<sup>th</sup> NOVEMBER 2010

OPEN ACCESS LAND RESTRICTIONS

1.0 PURPOSE OF THE REPORT

- 1.1 To update members on the process by which restrictions on Open Access Land come into force.

2.0 ROLES

- 2.1 Under the CROW Act, Landowners have the power to apply for discretionary restrictions up to 28 days per year) and discretionary dog exclusions (on managed grouse moors or in small lambing enclosures in specific circumstances). These must be notified in advance to the Relevant Authority.
- 2.2 The Relevant Authority also has the power to make directions on a range of grounds including land management, public safety, fire risk and protection of sensitive wildlife or heritage features.
- 2.3 The Relevant Authority for North Yorkshire outside the National Parks is Natural England and within the Parks it is the National Park Authority.

3.0 BACKGROUND

- 3.1 Formal government policy on CROW access rights is that they should not interfere with general land management operations, key wildlife and heritage.
- 3.2 Recommended best practice is that where potential conflict exists on Access land that the least restrictive option be taken to avoid this.
- 3.3 Where necessary restrictions can be imposed and may take a variety of forms ranging from a complete suspension of CROW rights to requiring people to use certain routes in certain ways or use certain access points.
- 3.4 CROW restrictions have no effect on existing public rights of way or other forms of public access.

## 4.0 DIRECTIONS

- 4.1 The Relevant Authority may make either full or outline directions. A full direction details the nature of the restriction and when and where it applies, this may also be on a recurring basis. An outline direction allows restrictions to be made and the dates determined subsequently e.g. for land management operations that are weather dependant.
- 4.2 Any direction that would restrict access indefinitely or for a continuous period that exceeds, or may exceed, six months is classed as a long term restriction.

## 5.0 ROLE OF THE LAF

- 5.1 Where the Relevant Authority is minded to give a long term restriction it must undertake a consultation process. Part of this process requires that the LAF is consulted.
- 5.2 The Relevant Authority must provide the LAF with a copy of the application for the direction and information about the nature and purpose of the proposed direction.
- 5.3 The LAF must be given a date by which a response is required, where no response is received by that date the Relevant Authority may proceed and make the direction. Where a response is received the Relevant Authority must have regard to any advice the LAF offers.
- 5.4 There is no requirement to consult on proposals other than long term restriction proposals.
- 5.5 Where long term directions are made they will not normally exceed 6 years in duration and the Relevant Authority must review them no later than the fifth anniversary of the date on which the direction was given.

## 6.0 RECOMMENDATION

- 6.1 It is recommended that members receive this report for information

Contact:  
Aidan Rayner  
PRoW Team Leader  
01609 533077