

**NORTH YORKSHIRE LOCAL ACCESS FORUM****10 SEPTEMBER 2014****CROW RESTRICTION ON ANGRAM MOOR****1.0 PURPOSE OF REPORT**

- 1.1 This report is to bring to the attention of the LAF the consultation by Natural England to review the current direction on Angram Moor under the Countryside and Rights of Way Act 2000

**2.0 BACKGROUND**

- 2.1 Natural England review all the Statutory Direction(s) on areas of Open Access land under Section 24 of the Countryside and Rights of Way Act 2000.
- 2.2 North Yorkshire County Council, as the relevant authority must consult with the Local Access Forum on these matters.
- 2.3 The details of this review of Angram Moor are attached as **Appendix 1** for your information and consideration.

**3.0 ACTIONS**

- 3.1 The LAF is required to discuss this matter and decide whether or not to make any response to this consultation.

**4.0 RECOMMENDATION**

- 4.1 It is recommended that members receive this report for information and if a response is required then submit it directly to Christine Pope before Friday 12<sup>th</sup> September 2014 at [Christine.pope@naturalengland.org.uk](mailto:Christine.pope@naturalengland.org.uk)

**Contact:**

Brian Mullins  
Countryside Access Officer for Hambleton and Richmondshire  
01609 533758

**Countryside and Rights of Way (CROW) Act 2000****REVIEW OF STATUTORY DIRECTION(S)****SUMMARY FOR PUBLIC CONSULTATION**

Prepared by Natural England

**1. INFORMATION ABOUT THE PUBLIC CONSULTATION**

**Access Authority:** North Yorkshire  
**Relevant Authority:** Natural England  
**Local Access Forum:** North Yorkshire

Natural England is about to review the following direction:

<b>Land Parcel Name:</b>	<b>Direction Reference:</b>
<b>Angram Moor</b>	<b>2004120083</b>

This is in line with the relevant authority's statutory duties (see Annex 1).

Your view on the current direction is sought to assist Natural England 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 Open Access Website<sup>1</sup>

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)**

<b>Land Parcel Name:</b>	<b>Direction Ref.</b>	<b>Dates and reason for restriction on existing direction:</b>	<b>Reason for Exclusion</b>
<b>Angram Moor</b>	<b>2004120083</b>	<b>Dogs to be kept on a lead each year 1/08/05-10/12/2015</b>	<b>CROW s24 Land Management: Disturbance to Game.</b>

Natural England made this long term direction on 1<sup>st</sup> February 2010

<sup>1</sup> <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/consultation.aspx>

A short summary is provided below giving the background to the direction.

The original application, which asked for a dog exclusion, was received in December 2004. As with other applications received at the time covering similar issues, we felt that the evidence for a year round exclusion/restriction (particularly for disturbance in the winter period) was not conclusive. Following detailed discussions with the applicant, local authority, Moorland Association and BASC the final decision was to keep dogs on leads during the breeding period from 1<sup>st</sup> August to 10<sup>th</sup> December each year (from August 2005 to December 2009). *(NB This restriction is in addition to the national 'dogs on lead' restriction from 1<sup>st</sup> March to 31<sup>st</sup> July (CROW Schedule 2).*

In 2009/10 the directions above were reviewed and the end date varied to 10/12/2015. This change brought the restrictions into line with current guidance which sets direction periods for a maximum of six years (unless they are for fire prevention purposes).

The applicant has confirmed that the area is still managed as a grouse moor, that shooting is carried out regularly between August and December and that the restriction is still required.

### **3. SUBMITTING COMMENTS ON THE REVIEW**

If you wish to comment on the review of these directions then please you must do so **before Friday 12<sup>th</sup> September** directly to Christine Pope at [Christine.pope@naturalengland.org.uk](mailto:Christine.pope@naturalengland.org.uk).

A map accompanies this notice and is attached. It can also be seen on the open access consultation page on Natural England's website [www.naturalengland.org.uk/openaccess](http://www.naturalengland.org.uk/openaccess).

#### **Using and sharing your consultation responses**

In line with Natural England's [Access to Information Statement](#), 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.

## 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 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.





# CROW Open Access: Initial Consultation Notice

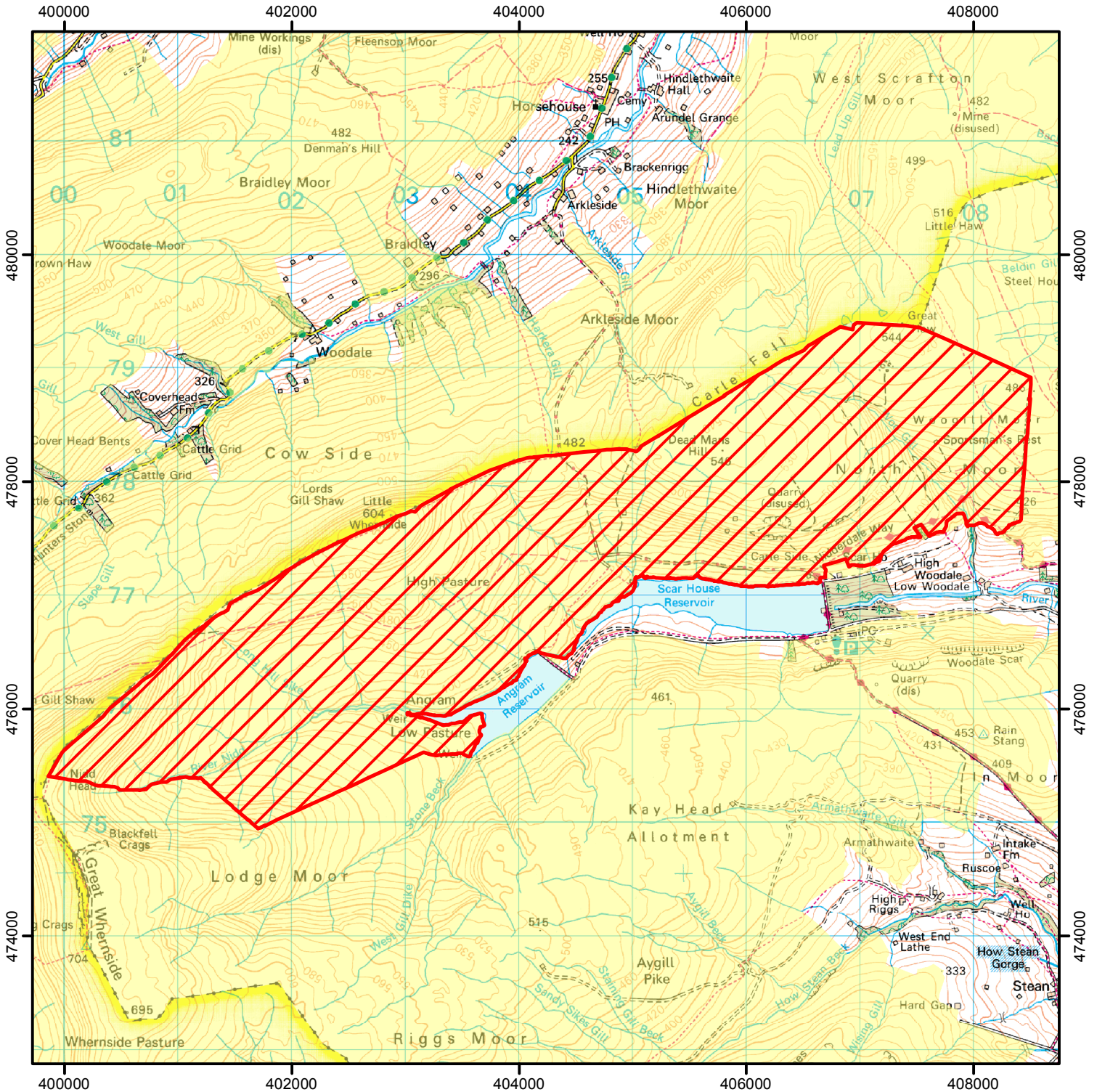
(Please see accompanying notice)

(This does not affect Public Rights of Way)

Consultation Start Date: 5 August 2014

End Date: 12 September 2014

Case Number: 2004120083



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Metres

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or visit our website at [www.naturalengland.org.uk/openaccess](http://www.naturalengland.org.uk/openaccess)