

Peak District Local Access Forum

Date: 11 September 2014

Item: 9

Title: Review of Directions to Restrict Access

Author: Sue Smith

Purpose of the Report

The purpose of the report is to update the Forum on the progress with the review of long-term directions for open access land exclusions and also to notify of a consultation. The report asks the Local Access Forum to consider any response they may wish to make.

Background

In accordance with statutory requirements, the National Park Authority is reviewing its long-term directions which exclude the public to see whether they are still necessary and appropriate.

Public consultations took place in March/April and again in June/July 2014 on the proposed variations to the directions at Deer Hill, Meltham, Diggle Rifle range and West Nab, Bradfield. These were considered by the Forum and a detailed response provided by the Access Sub-group which is attached in Appendix 1. The outcome at each of these sites is set out below.

The next review to be undertaken is at Hollins Hill, Hollinsclough.

Reviews Determined

The review outcomes for the 3 sites where the reviews have been determined are summarised below:

Deer Hill, Meltham - Directions issued on land management/public safety grounds, the fall of shot areas revised, two sites in the National Park area merged into one direction, and the end date extended until 31 December 2019. Discussions will continue on the opportunities for structured permissive access for walkers.

Diggle Rifle Range - Direction issued on land management/public safety grounds, the fall of shot areas revised and the end date extended until 31 December 2019. The area of restriction has been reduced by approximately a third and the access to open access land adjacent to the range to be waymarked.

West Nab, Bradfield - Direction issued on land management/public safety grounds, conditional on the existing waymarked path being available, the end date extended until 31 December 2019, and a scheduled reassessment before the end of the year to further consider the timings of use.

Information on open access land consultations and restrictions is hosted and administered by Natural England at www.naturalengland.org/openaccess.

Consultation at Hollins Hill, Hollinsclough

The Forum considered the original directions in 2004 and 2005 and the review during 2009/10. The consultation relating to the statutory review is attached at Appendix 2. LAF members are asked for their views on the direction.

Recommendations

- 1. That the report is noted**
- 2. That the LAF consider their response to the consultation at Hollins Hill.**

Appendix 1



Peak District Local Access Forum
c/o Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire DE45 1AE

Sue Smith
Access Officer
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE
20 June, 2014

Dear Sue

Further Consultation on Review of Directions at Deer Hill, Diggle and West Nab.

I am writing further to my letter of 9th April as a follow up to the further consultation on directions for the above sites and your report to the Forum yesterday..

The role of the Local Access Forum (LAF) is to advise on the improvement of public access and opportunities for the purpose of open-air recreation and enjoyment of the area. The cases below are at their second review under the CROW Act. We support the proposed variations to the 3 directions to provide a further 6 years in all cases on the basis of your report to LAF. The proposals are consistent with our advice and we welcome the efforts you are making to improve access arrangements. Specific comments are:

- 1. Deer Hill Range** - encourage the continuation of discussions for permissive access opportunities as we are keen to see the improvements previously negotiated and agreed with the Club sustained with more improvements made over time. We are pleased that consideration is being given to the potential for structured access to this area for walking as well as climbing. It would be great if guided walks can be provided. The variations you propose below are supported:
 - Merge the directions for the areas within the National Park (B and C)
 - Amend the boundary for the area outside the National Park (Site A) to concur with the fall of shot zones.
- 2. Diggle Rifle Range** - welcome the access opportunities created by the revisions to the boundary with the reduction planned in the fall of shot zones, and associated consideration being given to the potential for public access arising from that.
- 3. West Nab** reassess in light of any changes to use for clay pigeon shooting and gun testing. The direction will be conditional on the linear access route being available at all times and will run along the southern boundary of the access land. The land is an important link route and we hope maintained access can be guaranteed for the long term.

I hope this information is sufficient and the comments helpful and thank you on behalf of the LAF for your positive approach and negotiations in these important cases.

Yours sincerely

John
John Thompson

Chair, Access Sub Group and Vice Chair
Peak District Local Access Forum

Copies to: Edwina Edwards (Chair), all LAF members, Mike Rhodes (Secretary) and
Gill Millward (Derbyshire County Council)

Appendix 2

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Peak District National Park Authority – September 2014

1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

Access Authority: Peak District National Park Authority
Relevant Authority: Peak District National Park Authority
Local Access Forum: Peak District Local Access Forum

The Peak District National Park Authority is about to review the following direction:

Land Parcel Name:	Direction Reference
Hollins Hill	2005020158

Your views are sought to assist the 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.

If, following consultation, it is decided that the existing direction is still appropriate and does not need to be changed then the decision will be recorded and a new review date set (which will be no later than 5 years from the completion of this review). If the direction is varied or revoked, a further round of public consultation may be necessary.

Appendix 1 sets out the statutory requirements for this review.

2. SUMMARY OF EXISTING DIRECTION:

Land Parcel Name:	Dates of Restriction	Reason for Exclusion
Hollins Hill	Dogs excluded between 01/05 to 31/10 until 31/12/2016.	Land Management

The National Park Authority made a direction under section 24 of the Countryside and Rights of Way Act in 2004 and in 2005 to restrict CRoW access to exclude dogs for the period 01 May to 31 October each year whilst cattle are calving or have calves at foot. The topography of the land is such that cattle and dogs could come across each other with little warning. A concessionary path has been provided by the landowner to access the land.

3. SUBMITTING COMMENTS ON THE REVIEW:

Reference:	Comments to:
Hollins Hill	sue.smith@peakdistrict.gov.uk

If you wish to comment on the review of this direction then please do so before **10 October 2014**.

Maps accompany this notice and are attached and can be seen on the open access consultation page on Natural England's website www.naturalengland.org.uk/openaccess

Using and sharing your consultation responses

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.

Appendix 1

In accordance with statutory guidance, the Peak District National Park Authority (PDNPA) 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 the 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.
- vary a direction, 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; and 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.