

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS RIGHTS

Prepared by Natural England

Access Authority: Dorset
Relevant Authority: Natural England
Local Access Forum: Dorset Local Access forum

Direction reference: 2009050214

Land Parcel Name	Direction Reference	Details of restriction on original direction
Bramblecombe	2009050214	Dogs excluded annually between 28/10/2015 until 28/10/2021 S25 Public Safety Cows and Calves

Natural England has now decided how to proceed following its review of the long-term direction to restrict open access rights on this land. A consultation was held between 18 June 2020 and 17 July 2020 with statutory consultees and the general public. We received feedback from the Ramblers and the Kennel Club.

In summary the feedback was as follows:

The Kennel Club don't object to the continuation of the direction, as cows with young calves at foot are a well-documented public safety issue, however they would have liked to see the land to help guide this response, but were unable too due to the COVID 19 pandemic.

They also referred to the HSE guidance sheet '17EW(rev1) *Cattle and public access in England and Wales*' <https://www.hse.gov.uk/pubns/ais17ew.pdf>

and noted that the direction from Natural England should be only part of the complete package of measures that should be taken at the farm, that include risk assessment and mitigation measures as described in the HSE guidance note.

They also questioned that if the cattle can be a bit wild why is the direction not a complete exclusion rather than the current dog exclusion.

The Ramblers were concerned that signage with ample information provision was being used.

Outcome of the review:

Natural England's decision is to leave the original direction unchanged in the way it was originally proposed and extend the end date for a further six years. As we are not varying the extent or nature of the direction, a second consultation was not required.

When determining restriction cases, Natural England uses its 'Relevant Authority Guidance', and 'Criteria Set 10: Other cattle kept on access land', says:

'Cattle normally tolerate people well, particularly when they have become used to encountering them. However because of their size they can present a significant threat of injury or even death if they feel threatened or, in particular, if they are protecting their young.'

also

'Restrictions may occasionally be necessary on the basis of a herd's temperament, or on the basis of an individual animal's temperament.'

and

'Where restriction is justified, this will usually be to exclude people with dogs while cattle are calving or have calves at foot. The maternal instinct in cattle decreases over time, so it is unlikely that a restriction of over three months will be necessary. However the relevant authority may consider granting a longer restriction if it receives compelling justification from the applicant.'

In this case Bramblecombe Farm keeps a suckler herd of about 12 British White Cattle, with about 12 followers, on the parcel of open access land, sometimes with a bull, and with calves at foot. The parcel is not very big (23 acres), and the cattle are kept outside on the land all year, and calve all year. The farmer said in 2015 that the temperament of the herd can be quite wild when approached by people they don't know. In 2020 the farmer confirmed that all the stocking details were unchanged from 2015.

Given the presence of cows and calves and sometimes wilder animals, Natural England considers it is important to extend the dog exclusion for a further six years.

The Kennel Club questioned whether a total exclusion should be given due to the herd temperament rather than just a people with dogs exclusion. Natural England is guided to always find the 'least restrictive option' and The Relevant Authority Guidance does state in Criteria Set 10, step 7 *'Where restriction is justified, this will usually be to **exclude people with dogs** while cattle are calving or have calves at foot.'*

Natural England has in other situations occasionally given a total exclusion of access for cows and calves, but this tends to be when many factors add up to amplify the danger, such as small enclosures with access near feeding/ watering stations, or aggressive herd temperament, combined with topography or vegetation making it

difficult to keep a safe distance. In this case not all those factors were present, there are open views across the downland, allowing a good view of the cattle from the access point or from a sufficient distance.

The Kennel Club also noted the HSE guidance and asked whether the restriction and signage complied with the wider health and safety requirements in respect of managing cattle on Open Access land. Natural England has brought this document to the applicant's attention to revisit.

The farmer is aware that restriction signage is required and has committed to continuing to erect it at the potential access point. In this case even though there is no legal right of access to the parcel, if people were to inadvertently trespass up the lane and arrive at the main field gate/ access point to this land, then they need to know there is a potential danger and not to enter with a dog.

Natural England's policy for long-term directions is that they should not be given for a period of more than six years. Therefore the original direction will be extended to an end date of 28 October 2026.

Summary of changes made to the existing directions:

Details of the restriction will appear on the relevant map of access land on the Open Access website - www.openaccess.naturalengland.org.uk.

Where a direction restricts access indefinitely, for more than five years, for part of every year, or for part of at least six consecutive years, we have a statutory duty to review it within five years of the date of its issue.

Date review completed: 27/10/2020