

Report on CROW Access Restrictions 1st April 2010 to 31st March 2011



Introduction

Under the CROW 2000 Act, relevant authorities have statutory duties to determine any applications received to restrict open access for land management (s24) and public safety (s25) and duties to be proactive in making directions to restrict access where necessary for public safety (s25), fire prevention (s25) or nature conservation (s26) reasons. Land managers have discretionary powers to restrict land for up to 28 days for any reason, to exclude dogs from lambing enclosures for 6 weeks each year and to exclude dogs on grouse moors for five years at a time.

This report gives commentary for the data on restrictions between April 2010 and March 2011 shown in the following graphs:

- **Graph 1** – Area of CROW access land available for open-air recreation (excluding Forestry Commission Estate)
- **Graphs 2(a) & 2(b)** – Use of restrictions by land managers - Discretionary restrictions up to 31 March 2011 (excluding Forestry Commission Estate)
- **Graph 3** – Number of new, varied, revoked and unchanged cases by section of CROW Act April 2010 - March 2011 (excluding Forestry Commission Estate)

Graph 1: Area of CROW access land available for open-air recreation

This graph shows the amount of land available each month to people with and without dogs on Open Access land (approximately 710,000 hectares excluding Forestry Commission Estate).

The amount of land open for people without dogs varied throughout the year with spring and summer showing the highest number of restrictions to the public. Despite this, only approximately 9% of Open Access land being restricted in the month of June.

The maximum percentage of land open for people without dogs throughout the year was 99%, with the minimum being 91% (June 2010).

For people with dogs, the level of access remained fairly consistent over the year with a slight variation between the maximum 65% and the minimum 62%.

Graph 2(a) & 2(b): Use of the restrictions system by land managers – discretionary restrictions

Graph 2(a) shows that areas of Section 22 discretionary restrictions fell from approximately 121,549ha in 2009 to 82,865ha in 2010. This is perhaps in part due to improvements to recording systems which allow more accurate restriction statistics.

The peak times for Section 22 restrictions were during the months of May and June 2010 as outlined in Graph 2(b) when landowners usually take precaution against perceived impacts from visitors on nesting and rearing of wild grouse populations. Levels then remain moderate until October at which point restriction levels drop off.

A significant amount of Section 23(1) (5 year dog exclusion on grouse moors) restriction cases expired in the opening months of 2010 which is shown by the early fluctuations in Graph 2(b). Once the majority of Section 23(1) restrictions were re-established, the levels remained consistent, although dropping slightly overall from the 2009 level shown in Graph 2(a). This is due to a number of landowners taking time before re-establishing expired dog restrictions on their land.

Section 23(2) (dog exclusions in lambing enclosures) restrictions have not been used since 2006.

Graph 3: Reviews and reassessments

Directions that exclude or restrict CROW access for all or part of at least six consecutive years are subject to statutory review by the fifth anniversary of the date the direction was given. Relevant authorities proceeded with these reviews during the year and have also carried out reassessments on restrictions lasting less than five years.

Graph 3 shows the number of new applications and non-applications approved, as well as the number of reviews and reassessments made during the period April 2010 to March 2011. The figures beneath the graph show the total area (in hectares) for both new cases and the outcome of reviews/reassessments.

There were 10 new cases (8 Applications, 2 Non-applications) which were approved during the period totalling approximately 1,340 hectares. Of these cases:

- 3 fell under Section 24 of the Act (16.99ha)
- 3 under Section 24 & 25 (22.61ha)
- 2 under Section 25 (113.06ha)
- 2 non-applications made under Section 26 (1187.31ha).

The total number of cases which were reviewed or reassessed was 86:

- 24 being varied
- 44 'no change
- 18 cases being revoked

The total amount varied was 4219.19 ha, the majority coming under Section 26 (2232.73ha). The number of variations is largely explained by direction end dates being brought into line with current guidance which recommends that direction periods should be set for six years if

the relevant authority does not know how long the circumstances that make a direction necessary will last, but considers that the circumstances are unlikely to last indefinitely.

The relevant authority must still review the direction no later than five years after its anniversary (or from the date of the last review) so unless any new information came to light in the interim period, the cases would have to be reviewed before they expired.

Cases with an outcome of 'no change' covered a large area at 31604.85ha. This is mainly due to the review of 27 Fire Prevention cases covering 27187.06ha, where it was decided that 26 of these outline restrictions cases were still required without change, with the remaining case being revoked.

Overall, as a result of reviews/reassessments made from April 2010 to March 2011, approximately 8,200 hectares of Open Access land had access restored where restrictions were revoked or varied.

Open Access Contact Centre (2011)