

**YORKSHIRE DALES NATIONAL PARK AUTHORITY
ACCESS COMMITTEE**

9th November 2006

MANAGEMENT OF 'OPEN ACCESS' RESTRICTIONS & EXCLUSIONS

Purpose of report

To inform Members of applications for Restrictions and Exclusions under the Countryside and Rights of Way Act (CRoW) dealt with by the Yorkshire Dales National Park Authority as the Relevant Authority.

Strategic Planning Framework

The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

- ***Best Value Performance Plan***

Manage the restrictions process to determine 90% of applications for restrictions and exclusions within the designated period.

Background

The Authority is the 'relevant authority' responsible for administering the CRoW Act local restrictions. Under the Act (s 21 to 33), access to CRoW open access land can be restricted for reasons of land management, wildlife and heritage conservation, and public safety. However, such restrictions may only be used "to the extent necessary". This is interpreted to mean the least restrictive option. In other words, local visitor management solutions should always be sought before statutory restrictions are considered. Where visitor management on its own is likely to be insufficient, or would place an unreasonable burden or cost on the land manager, the CROW Act and the associated Regulations [The Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003] provide procedures to formally exclude or restrict access at the local level. The Countryside Agency has also issued statutory guidance under the CRoW Act (s33), available on the website www.openaccess.gov.uk (referred to as the RAG).

Casework to-date by application in the YDNP Jan 06 to Oct 06

	Total No of Cases
Cases received awaiting determination:	0
Cases determined:	1

Use of Exclusions and Restrictions

During the period 28th May 05 to 30th Sept 2006 the National Park Authority as Relevant Authority received 21 applications for restrictions or exclusions, 2 of which were withdrawn. The 19 which have been determined, along with discretionary restrictions applications, has resulted in the following restrictions and exclusions within the Yorkshire Dales:

Area of National Park Open Access Land with Restrictions May 28th 05 to Oct 1st 06

	Ha	% Of Open Access In NP or of OA land
Yorkshire Dales National Park	176,200	
Open Access	109,500	62% of NP area
Section 15 land (access agreements in existence prior to 'open access May 2005)	4,561	4% of OA land
5 year Discretionary Dog Restriction	41,890	38% of OA land
28 day discretionary public exclusion (Jan 06 Sept 06)	27,520	25% of OA land
Outline direction for the Exclusion of dogs during calving (Not activated)	90	0.1% of OA land
Restriction dogs on leads (grouse moors)	1,490,	1.5% of OA land
Permanent public exclusion	11	0.01%of OA land
Temporary exclusion of the public for land management purposes between the 7 th Aug 06 and 30 th Sept 06 Further outline direction for exclusion of the public for 30 days between the 1 st Oct 06 and 1 st Feb 07 for land management purposes	478	0.44% of OA land

28 Day Discretionary Restrictions 1st Jan 06 to 31st June 06

During this period the NPA has received notification for 28 day discretionary restrictions on 28 parcels of land involving 118 notifications covering 27,520ha (28,430ha 2005) the majority of which were for the following dates:

15 May – 28 May
30 May – 2 June
5 June – 9 June
12 June – 16 June

The Authority also received notification for one discretionary restriction for the 12th August 06

Fire Restrictions

The act allows for open access rights to be removed if the fire risk is rated as exceptional by the Countryside Agency. Closures of open access land for the purposes of fire prevention do not affect public rights of way, which remain open at all times. In the Summer of 2006, the fire risk across much of the country reached exceptional levels, leading to closures for the first time in the Yorkshire Dales National Park and many other areas.

In its role as relevant authority, YDNPA has divided access land within the park into 20 parcels for fire management purposes. These land parcels are registered with the Countryside Agency, as non-application directions, meaning they may be closed without application from either landowners or the Relevant Authority when the Countryside Agency, Fire Severity Index (FSI) reaches exceptional conditions (level 5).

In July 2006 these levels were reached across large sections of the country, prompting the closure of open access land in the affected areas, including the Yorkshire Dales National Park. Closures were enforced with notices at strategic access points around the park and the public were informed via the local press, national park information centres, and national park website. It was stressed that public rights of way remained open. No fires occurred within Yorkshire Dales National Park, although a number were reported around the park boundary and in the North York Moors National Park.

Conclusions

Over the last 18 months and prior to the launch in May 2005 the Authority (as both Access and Relevant Authority) set in place numerous systems and procedures to deal with the more bureaucratic aspects of the new legislation. Many of these have been rigorously tested and refined as required and have taken significant time and resources. It is now important that with the more formal management procedures in place we now concentrate our resources on the continued development, promotion and enhancement of 'open access' opportunities across the national park on the ground.

RECOMMENDATION

That members note the report.

ALAN HULME
RANGER SERVICES MANAGER

Background documents: None

20 October 2006

