

# Peak District Local Access Forum

**Date: 12 February 2024**

**Item: 6**

**Title: Review of Directions to Restrict Access**

**Author: Sue Smith**

## **Purpose of the Report**

The purpose of the report is to:

1. Advise the Forum on the process for reviewing long-term directions for exclusion of the public to open access land
2. Update the Forum on the sites to be statutorily reviewed
3. Seek the Forum's response to the consultations for the reviews at Deer Hill, Diggle, and West Nab.

## **Background**

The Countryside and Rights of Way (CROW) Act 2000 introduced a public right of access on foot for open-air recreation to access land in England and Wales. It also provided for individual local restrictions where access management would be insufficient or would place an unreasonable burden or cost on the land manager. Appendix 1 provides an overview of CROW: the land affected, activities included and the management of access rights.

In the National Park, the Authority has the statutory responsibility for dealing with applications for long-term restrictions. Long-term directions are required to be reviewed no later than every five years. 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 whether its extent and nature is still appropriate. A direction may restrict CROW access rights only to the extent necessary for the purpose stated - the least restrictive approach - and does not affect other access rights, permissions or traditions.

Before reviewing a long-term direction, the Relevant Authority must consult publicly on the direction and request feedback from the Local Access Forum, applicant, and other consultees on how the direction has worked. Further information may be sought as part of this process. If the relevant authority proposes to vary or revoke a direction then a further round of consultation is required.

## **Restrictions in the National Park**

There are six long-term directions on land management and public safety grounds in the National Park. The direction at Silence Mine, although a long-term direction, does not fall within the review provisions. The remaining five sites are due for their fourth review. Details of these are set out in Appendix 2.

The Forum may appoint a sub-group to deal with the input to the reviews to take account of consultation deadlines.

Information on open access land and restrictions is hosted and administered by Natural England at [www.naturalengland.org/openaccess](http://www.naturalengland.org/openaccess). The Authority also shows landowner discretionary restrictions at [www.peakdistrict.gov.uk/crow](http://www.peakdistrict.gov.uk/crow)

### **Deer Hill, Meltham**

Lydgate Rifle and Pistol Club own and operate the Deer Hill site. The rifle range is outside the National Park; its fall of shot extends into the National Park. The Forum considered the original directions in 2004 and 2007, a review and reassessment during 2009 and 2010, and further reviews in 2014 and 2019. The current review is being carried out in conjunction with Natural England because of its cross-boundary nature.

The consultation relating to the statutory review is attached at Appendix 3. The consultation ends on 5 April 2024.

### **Diggle Rifle Range**

The site is a rifle range with associated safety zones. The Forum considered the original directions in 2004 and the reviews during 2009, 2014, and 2019.

The consultation relating to the statutory review is attached at Appendix 4. The consultation ends on 5 April 2024.

### **West Nab, Bradfield**

The land is used for clay pigeon shooting and gun testing. The Forum considered the original directions in 2004 and the reviews during 2009, 2014, and 2019.

The consultation relating to the statutory review is attached at Appendix 5. The consultation ends on 5 April 2024.

### **Recommendation**

- 1. That the report is noted**
- 2. That the LAF consider their response to the consultations at Deer Hill, Diggle, and West Nab.**
- 3. That consultations on the review of directions are referred to a sub-group for reporting back to a meeting of the Forum.**

## Appendix 1 - Overview of CROW Access Rights and their Management

The Countryside and Rights of Way (CROW) Act 2000 introduces a public right of access on foot for open-air recreation to access land which includes:

- **registered common land** – land shown on the existing statutory registers of common land
- **open country** - land shown on a conclusive map of open country consisting wholly or predominantly of mountain, moor, heath or down
- **dedicated land** - land voluntarily dedicated for access under CROW section 16,

but does not include (even if they fall within such areas):

- **excepted land** - categories of land set out in CROW Schedule 1 that are not subject to the access rights; or
- **section 15 land** - categories of land listed at CROW s15 as already legally accessible to the public

When in force, the access rights entitle the public to enter and remain on CROW access land for the purposes of open-air recreation. This term is not defined, but includes most common forms of recreation on foot, including walking, running and climbing.

Certain activities are specifically excluded from the access rights by CROW Schedule 2. These national restrictions do not affect existing access rights or agreements, or use of public rights of way. Landowners remain free to consent to, or tolerate, any type of access over their land for any lawful purpose. They may also waive any of the national restrictions on the access rights if they choose to do so, and CROW provides ways of doing this.

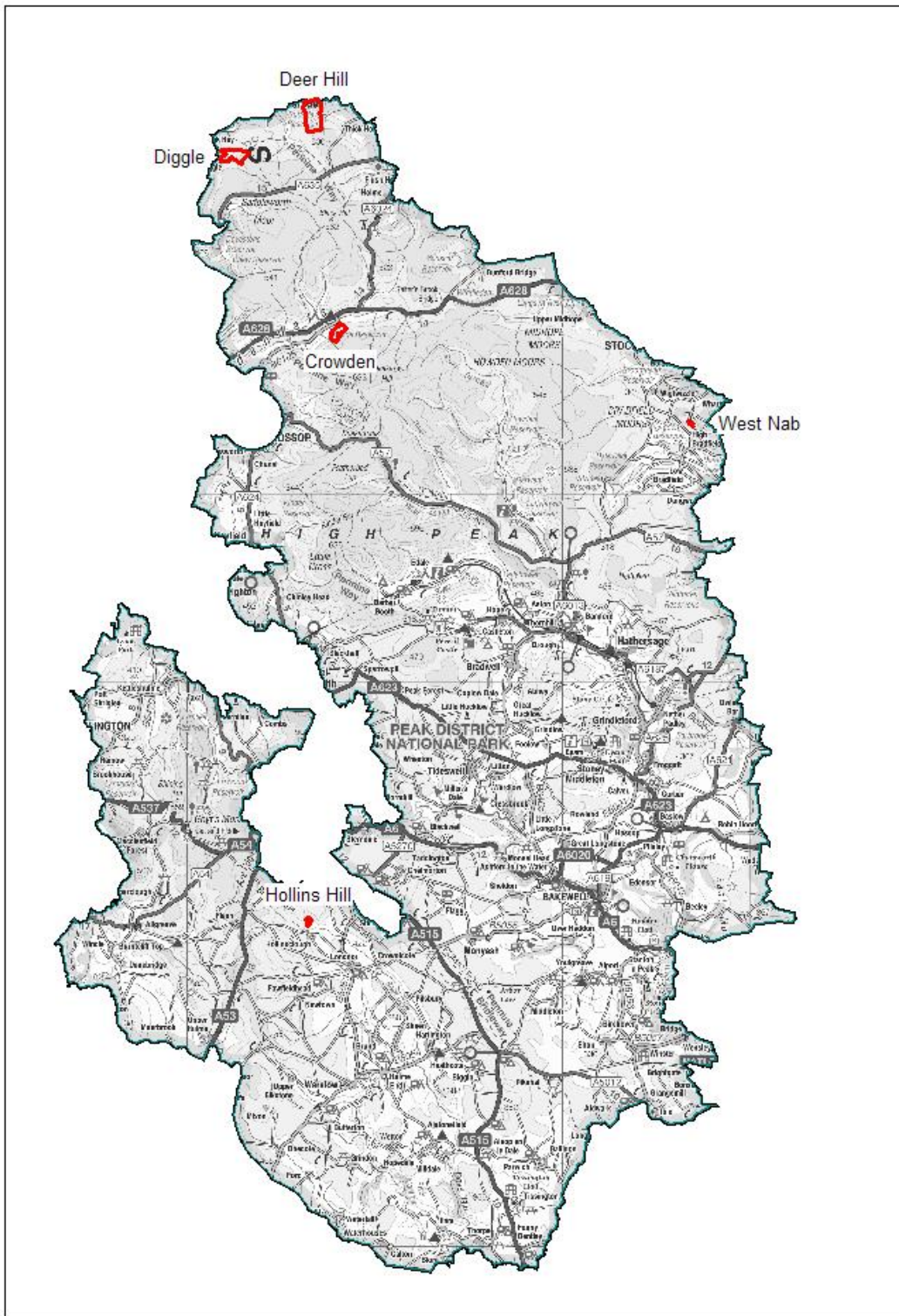
Where, despite the national restrictions on the CROW access rights, there is potential for conflict between use of the rights and other uses of access land, land managers may freely use access management techniques to avoid such conflicts becoming a reality – for example by clearing or waymarking paths to guide the public away from a sensitive area, placing advisory notices, or asking for visitors' co-operation face to face.

Where access management on its own is likely to be insufficient, or where relying on it alone would place an unreasonable burden or cost on the land manager, CROW and the Regulations made under it provide procedures to exclude or restrict CROW access at the local level:

- discretionary 28 day restrictions and discretionary dog exclusions imposed by the landowner or farm tenant, which are an entitlement but have to be notified in advance to the relevant authority; and
- directions, which are given by the relevant authority only where necessary on a range of grounds set out in CROW - including land management, public safety, fire risk, and protection of sensitive wildlife or heritage features. Directions may only be given on CROW access land, and must only be used to manage the recreational activities that may be undertaken by right under CROW

## Appendix 2 – Sites to be Reviewed

<b>Site</b>	<b>Direction</b>	<b>Review Date</b>
Deer Hill, Meltham	The public are excluded at all times on the grounds of land management and public safety. The restriction areas are a fall of shot safety area for the rifle range which lies outside the NP boundary. Revised boundaries allow for access for climbing.	8 July 2024
Diggle Rifle Range, Diggle	The public are excluded at all times on the grounds of land management and public safety. The site is a rifle range with associated safety zones.	8 July 2024
Hollins Hill, Hollinsclough	Dogs are excluded from 1 May to 31 October each year on the grounds of land management due to cattle with calves and the topography of the site. Permissive path provided.	2 March 2025
Top Field, Crowden	The public are excluded at all times on the grounds of land management and public safety. The land is used for clay pigeon shooting. The restriction was granted on appeal.	16 June 2025
West Nab, Bradfield	Access is restricted to a specified linear route on the grounds of land management and public safety. The land is used for clay pigeon shooting and gun testing.	2 July 2024



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## Appendix 3

### Countryside and Rights of Way (CROW) Act 2000

#### REVIEW OF STATUTORY DIRECTIONS

#### SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England and Peak District National Park Authority  
February 2024

#### 1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authorities: Kirklees Council and Peak District National Park Authority  
Relevant Authorities: Natural England and Peak District National Park Authority  
Local Access Forums: Peak District Local Access Forum

Natural England and the Peak District National Park Authority are about to review the following directions:

Land Parcel Name	Direction Reference	Relevant Authority
Deer Hill - Site A	2004060106	Natural England
Deer Hill - Site B	2014037129	Peak District National Park

Your views on the current directions are sought to assist Natural England and the Peak District National Park Authority in deciding whether the restrictions are still necessary for their original purpose; and if so, whether the extent and nature of the restrictions are still appropriate for the original purpose.

Annex 1 sets out the statutory requirements.

#### 2. SUMMARY OF EXISTING DIRECTIONS

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Deer Hill – Site A	2004060106	Excluded at all times until 31 December 2024	Public safety and Land management
Deer Hill – Site B	2014037129	Excluded at all times until 31 December 2024	Public safety and land management

The directions were made by the Peak District National Park and Natural England to restrict CROW access on the above land under sections 24 and 25(1)(b) of the Countryside and Rights of Way Act in order to exclude access to allow shooting to take place without interruption and to avoid danger to the public. Site B was reassessed in 2009/2010 and the area of land restricted was varied following revisions to the fall of shot zones. Access to the crags to the west of the site is now available and also by negotiation with the shooting club for British Mountaineering members on other climbing areas.

At the time of the review in 2019, evidence was collected from the applicant confirming the timings, patterns, and frequency and nature of use. This showed that an outline restriction which required prior notification was not practical because of the topography of the site and frequent and ad hoc nature of use of the site for shooting, often at short notice. The shooting club also confirmed that the level and type of use remained the same.

### 3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then please do so by **5 April 2024**. Please send comments directly to the officer listed below.

Reference	Comments to:
Site A – direction ref 2004060106	<a href="mailto:Katherine.Sutton@naturalengland.org.uk">Katherine.Sutton@naturalengland.org.uk</a>
Site B - direction ref 2014037129	<a href="mailto:sue.smith@peakdistrict.gov.uk">sue.smith@peakdistrict.gov.uk</a>

Maps accompany this notice and are attached and can be seen on the [Consultation Pages](#) of the Government's Website..

#### Using and sharing your consultation responses

In line with Natural England's [Personal Information Charter](#), 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 will summarise all responses and place this summary on [the Government's consultation website](#). This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

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.
- vary the extent or nature of 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, we will record the date that the decision was made.

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.



## Appendix 4

### Countryside and Rights of Way (CROW) Act 2000

#### REVIEW OF STATUTORY DIRECTION

#### SUMMARY FOR PUBLIC CONSULTATION

Prepared by the Peak District National Park Authority  
February 2024

### 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
Diggle Rifle Range	2014037141

Your views on the current direction 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 for the original purpose. Annex 1 sets out the statutory requirements.

### 2. SUMMARY OF EXISTING DIRECTION

Land Parcel Name	Dates of Restriction	Reason for Exclusion
Diggle Rifle Range	Excluded at all times until 31 December 2024	Land Management/ Public Safety

The National Park Authority made a direction in 2004 to restrict CROW access under section 24 and 25(1)(b) of the Countryside and Rights of Way Act in order to prevent danger to the public from stray fall of shot and to allow the land to continue to be managed without undue cost or burden upon the landowner.

At the time of the review in 2019, evidence was collected from the applicant confirming the timings, patterns, frequency and nature of use, and safety zone exclusion requirements. An outline restriction requiring prior notification was not considered to be practical because of the frequent and ad hoc nature of use of the site for shooting, often at short notice.

### 3. SUBMITTING COMMENTS ON THE REVIEW:

Reference:	Comments to:
Diggle Rifle Range – 2014037141	<a href="mailto:sue.smith@peakdistrict.gov.uk">sue.smith@peakdistrict.gov.uk</a>

If you wish to comment on the review of this direction then please do so by **5 April 2024**.

A map accompanies this notice.

## **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 will summarise all responses and place this summary on [the Government's consultation website](#). This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

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.

## Annex 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.

## Appendix 5

### Countryside and Rights of Way (CROW) Act 2000

#### REVIEW OF STATUTORY DIRECTION

#### SUMMARY FOR PUBLIC CONSULTATION

Prepared by the Peak District National Park Authority  
February 2024

#### 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
West Nab	2014037142

Your views on the current direction 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 for the original purpose. Annex 1 sets out the statutory requirements for this review.

#### 2. SUMMARY OF EXISTING DIRECTION

Land Parcel Name:	Dates of Restriction	Reason for Exclusion
West Nab	Restricted to a waymarked linear route until 31 December 2024.	Land Management/ Public Safety

The National Park Authority made a direction in 2004 to restrict CROW access to a waymarked linear route along the southern boundary of the land under section 24 and 25(1)(b) of the Countryside and Rights of Way Act, in order to prevent danger to the public and to allow the land to continue to be managed without undue cost or burden upon the landowner.

At the time of the review in 2019, it was confirmed that a linear route would avoid the clay pigeon shooting and gun testing taking place elsewhere on the site. The linear route is shown on the attached map and continues beyond the boundary in a westerly direction to meet up with adjoining access land. The direction is conditional on this linear access route being available at all times.

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

Reference:	Comments to:
West Nab – 2014037142	<a href="mailto:sue.smith@peakdistrict.gov.uk">sue.smith@peakdistrict.gov.uk</a>

If you wish to comment on the review of this direction then please do so by **5 April 2024**. A map accompanies this notice.

## **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).

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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.

## Annex 1

In accordance with statutory guidance, the Peak District National Park Authority (PDNPA) has a duty to:

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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
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- 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.