

FREQUENTLY ASKED QUESTIONS

SECTION 15 LAND

1. WHAT IS CROW SECTION 15?

Section 15 (s15) of the Countryside and Rights of Way Act 2000 (CROW) identifies land where there are rights of access on foot or higher rights, such as horse riding, set up under enactments preceding CROW. S15 provides that, where these enactments are in force, the CROW rights and restrictions do not apply. The effect, therefore, is to preserve the historic access rights and their associated management arrangements.

2. WHAT WORK IS NATURAL ENGLAND DOING?

Natural England has researched and mapped known S15 land and discussed the access opportunities with key stakeholders. We are aware there is public interest in the data, which we are committed to making publicly available. However before undertaking the above work, we must assess whether an increase in use of the access rights will affect sites designated for their nature conservation interest. We are currently undertaking these assessments and aim to have completed the work by the end of 2009.

3. WHAT ARE THE CATEGORIES OF LEGISLATION AFFECTED BY CROW SECTION 15?

Section 15 states that CROW rights do not apply to land where certain enactments are in force:

- commons and other lands with access rights under s193 of the Law of Property Act 1925
- land with rights set up under local and private acts - for example, Ashdown Forest and the Dartmoor Commons
- land covered by a current access agreement under the National Parks and Access to the Countryside Act 1949
- land subject to a management scheme under the Commons Act 1899

- heritage sites in public ownership with existing statutory access under the Ancient Monuments and Archaeological Areas Act 1979.

These categories of legislation may grant higher rights. For example, section 193 of the Law of Property Act grants rights for horse-riding, and some (but not all) local and private acts include various rights in addition to access on foot.

4. WHAT HAPPENS WHEN A SECTION 15 ENACTMENT CEASES TO HAVE EFFECT?

Where pre-CROW rights on S15 land are brought to an end (for example, by the termination of an access agreement, or by revocation of a deed of dedication under section 193(2) of the Law of Property Act 1925), then, provided such land appears on a conclusive map as open country or registered common land, the right of access under CROW will apply to it automatically. Natural England updates its S15 data to reflect changes to the records.

5. IS SECTION 15 LAND AND ITS ASSOCIATED RIGHTS CURRENTLY DISPLAYED ON THE CROW ACCESS MAPS?

The Countryside Agency (now Natural England) had a legal duty under CROW to map all land that is open country or registered common land. Land which meets these criteria is shown on the conclusive map, whether or not it is affected by S15.

Section 15 land is not currently distinguished from CROW access land on Ordnance Survey Explorer maps and on the [Countryside Access](#) website but is shown as assessable in yellow wash where it overlaps with CROW access land. NE is in the process of rationalising its use of web based tools. The publishing of the data for section 15 land and enactments is one of the elements which will need to be built into this process.

The data is not definitive, so changes may be made where inaccuracies are brought to our attention.

6. IF ACCESS RIGHTS UNDER S15 ENACTMENTS ALREADY EXIST, WHY IS FURTHER WORK REQUIRED?

No complete record of pre-CROW access rights in England existed. Our [Open Access](#) website maps show CROW land which we believe is subject to s15. Despite extensive research through the National Archives, House of Lords library, local authorities and other sources, we acknowledge that this data is not complete or necessarily up to date. It is the best data we have been able to collect.

Natural England is working to achieve a record that accurately reflects existing rights (not defining new ones), which will bring greater certainty to both landowners and access users about what and where these rights are.

Horse riders, walkers and others have expressed interest in having access to this detailed data and Natural England wishes to make this data available. In order to do so we must develop a new data display. To comply with our obligations under wildlife legislation, we must also assess whether publication of the data is likely to have a significant effect on designated nature conservation sites. We must complete this work before publishing the data.

7. WHEN WILL WORK ON THE SECTION 15 DATASET BE COMPLETE?

There is no statutory timescale for updating the records. Indeed, it is unlikely we shall ever have complete data on section 15 land. We must enable landowners and the wider public to contribute to updating the records indefinitely.

Our provisional timetable for completing the above work is

- By Spring 2008, develop a process and guidance for undertaking nature conservation assessments.
- By the end of 2009, complete nature conservation assessments.
- 2009 to Autumn 2010, consult on S15 data. Consider any amendments arising.
- Autumn 2010, consider further use of the data, in light of demand and feedback. (Note: the data is not definitive, so we will continue to accept amendments to the dataset in the long term.)

8. SO WHAT DO I DO IF I THINK THE MAPPING OF SECTION 15 LAND IS INCORRECT?

Section 15 maps are not definitive but represent the best data the Natural England has been able to collect.

If you think the maps are wrong because we have:

- i) mapped an area as S15 land which is not S15 land e.g. deed has been revoked
- ii) mapped the boundary of S15 land incorrectly
- iii) not mapped an area which you know is S15 land,

please tell us about this, initially by phone **Open Access Contact Centre 0845 100 3298** or by email, **openaccess@naturalengland.org.uk**.

Our maps are based upon legal documents we have obtained or which have been supplied to us. We therefore require further legal documentary evidence to amend our maps.

Please note that Section 15 queries can be complex and require us to carry out research and take specialist advice. We will deal with your query as quickly as possible, and we will always do our best to deal with a case arising from an application for a CROW restriction within the statutory timetable. However, it may be several weeks before we are able to get back to you. We really appreciate any evidence sent to us to help us improve the accuracy of our Section 15 maps. Any changes made to the data will be displayed on our website.

9. IS THERE AN APPEALS PROCESS LIKE THE ONE ASSOCIATED WITH MAPPING ACCESS LAND UNDER CROW?

No. The rights have been in existence for many decades, and we anticipate our data is correct in the majority of areas. We are happy to update our records where evidence is presented that land should be removed from - or added to - the s15 maps. Natural England will publish the outcome of any casework arising from changes to the s15 maps on our website. It is intended to be a non-adversarial process, and the extent of any consultation will be left to the discretion of Regional officers. If new evidence comes to light we can reopen a case.