

Can land managers exclude or restrict access if necessary?

Yes, subject to certain conditions.

If land managers feel that local intervention is necessary to prevent unacceptable impacts from the new access rights, they may consider using informal management techniques, such as putting up a polite notice asking people to avoid an area, or keep their dogs on a lead. The public will usually comply with such notices where the need for them is clear. Further information on informal land management, including studies of these techniques in action, is available in the Land Managers Guidance Pack, which may be viewed on the [Open Access](#) website or you can request a copy from the Open Access Contact Centre on 0845 100 3298

Where more stringent measures are considered necessary, land managers may be entitled to use formal restrictions. These must be notified or applied for in advance. Further information is available in the [Land Managers' Guidance Pack](#).

How can I get more local advice on managing CROW access?

The access authority for your area (which is the national park authority within national parks, and the local highway authority elsewhere) has powers under the CROW Act to help landowners and others to manage access locally. You should contact your access authority in the first instance.

What is the difference between 'informal' visitor management and restrictions?

'Informal' access management has no legal force – the public are not required to comply, but they will often do so if the request is reasonable and the purpose of it clear. Informal management techniques require no prior approval and may be used at any time and as often as necessary. However, signs and notices must not be misleading. For instance, you cannot imply that there is a public access restriction when there isn't one.

Restrictions have legal force. A person who breaches a restriction can be formally asked to leave the land.

What types of restrictions and exclusions are available?

The Act allows a landowner or farm tenant (where the land is subject to a farm business tenancy) to exclude or restrict access at their discretion for any purpose for up to 28 days a year, subject to some limitations on closures at weekends and Bank Holidays.

The landowner (or in some cases the farm tenant) can also exclude, at their discretion, dogs from managed grouse moors and lambing enclosures.

In addition anyone with a legal interest in access land can apply to the relevant authority for a direction to exclude or restrict access for the purposes of land management, public safety or fire prevention. The relevant authority is the national park authority (within a national park), the Forestry Commission (for dedicated woodland), or Natural England elsewhere in England.

Relevant authorities may also give directions excluding or restricting access in the interests of nature conservation or to protect sites of historical or archaeological importance. Also, the Secretary of State for Defence or Home Secretary can make directions for defence or national security. There is no application system for these restrictions.

How do I contact the relevant authority?

The Open Access Contact Centre has been set up to process restriction information and to answer queries from land managers and relevant authority officers. The Open Access Contact Centre should be your first port of call for all issues or queries relating to the open access arrangements.

The Open Access Contact Centre is open for business from 9am to 5pm Monday to Friday and can be contacted by:

- E-mail openaccess@naturalengland.org.uk or
- Telephone: (0845) 100 3298

Information is also available on the [Open Access website](#)

How does the restrictions regime work?

Defra has made regulations which determine how the restrictions regime works. These are available on the [Defra](#) website.

The Countryside Agency issued statutory guidance to the other relevant authorities. The Agency also published guidance for land managers on how the restriction system works and further advice on managing access. These can be viewed on the [Open Access](#) website or requested from the Open Access Contact Centre on 0845 100 3298.

Can restrictions be used to manage other forms of access, such as along Rights of Way?

No. CROW restrictions only affect access provided under Part 1 of the CROW Act. They cannot be used to manage any other form of access – e.g. along rights of way.

Are there be people on the ground to enforce access restrictions?

The access authority, which is the national park authority within a national park or the local highway authority elsewhere has the power to appoint wardens who may enforce restrictions. A district council may also appoint wardens. It will be for them to decide where any wardens are appointed, and their role.

What happens when people go onto land that is restricted?

Any member of the public who becomes a trespasser by breaching a restriction may be asked to leave the land. He or she will lose their right to visit that land again, or any other land in the same ownership, for 72 hours.

Where other access arrangements apply to the land – for example under an agreement or along a right of Way – the individual may continue to have access under those arrangements and will not become a trespasser in this way.

Who puts up signs telling the public there is a restriction in force?

Where the land manager imposes or applies for restrictions, he or she is normally responsible for any signage that is required. Where restrictions relate to matters beyond their control (e.g. protection of wildlife interests) the access authority may be able to help with the erection and maintenance of signs.

What information should be included on a notice informing the public about a restriction?

The notice should state clearly the date(s) on which the restriction is in force, the type of restriction (e.g. ban on dogs, restriction to paths), the area affected, and should usually give the reason for the restriction. People are more likely to comply with a restriction where they can see the reason for it.

Who can use discretionary restrictions?

The landowner or where there is one, the farm tenant can use their 28 day discretionary restrictions. Where there is a farm tenant, he is entitled to the discretionary restrictions, not the landowner. (A farm tenant is the holder of a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995, or a tenancy to which the Agricultural Holdings Act 1986 applies.)

Where there is more than one owner - or more than one farm tenant – the allowance of discretionary restrictions is to be agreed and shared between them. The maximum of 28 days cannot be exceeded for any area of access land.

Can shooting tenants use the 28 days?

No. Only the landowner or farm tenant can use the 28 days. However, the landowner or tenant can notify a restriction on behalf of a shooting tenant, if this has been agreed between them. This will count against the landowners/tenants 28 day allowance.

Can the allocation of 28 discretionary days be used to close different areas of land at different times?

Yes. The allowance applies separately to each identified land parcel, and must not exceed a total of 28 days on that area in a calendar year. So if, for example, you have 5 parcels of access land that require different restrictions, you may close each one 28 times during a calendar year.

When can discretionary restrictions be used?

Discretionary restrictions can be used at any time during the calendar year, except:

- on Bank Holidays, Christmas Day or Good Friday
- for more than four weekend days
- on any Saturday between 1 June and 11 August
- on any Sunday between 1 June and 30 September

Discretionary restrictions can be used for any purpose and may take any form. They do not require approval but they must be notified to the Open Access Contact Centre in advance (Tel: 0845 100 3298).

Why are restrictions limited to four weekend days?

The intention behind the Act is to facilitate access whilst protecting land management interests. At times when the demand for access is likely to be greatest, Parliament decided that use of discretionary restrictions should be limited. Where a restriction is needed on more than four weekend days, land managers may apply to the relevant authority for a direction and the relevant authority will decide whether the restriction is necessary.

Who monitors use of the 28 days?

The Open Access Contact Centre staff monitor use of the 28 days. They discuss any anomalies with the landowner or tenant, and if necessary, they report these to the relevant authority.

How do I notify a discretionary restriction?

You may notify discretionary restrictions to the Open Access Contact Centre in writing or online, using the forms which are available on the [Open Access](#) website and in the Land Managers' Guidance Pack. Once you

have registered with the Open Access Contact Centre your personal details and the parcels of land you may wish to use for restrictions, you should also be able to notify discretionary restrictions by telephone. Five working days notice of these restrictions is required unless they are small scale.

The Contact Centre is open for business from 9am to 5pm Monday to Friday by:

- E-mail: openaccess@countryside.gov.uk or
- Telephone: (0845) 100 3298

Further information is available on the [Open Access website](#)

When can I give less than 5 days notice?

A landowner/tenant may notify a discretionary restriction at as little as 2 hours notice, but only where:

- the restriction relates to no more than 5 hectares of land and lasts for no more than 5 days
- it relates to any area of land for no more than 4 hours
- in either case the restriction would not prevent access to other access land where CROW access rights are in force at that time

The Open Access Contact Centre will be unlikely to be able to give relevant authorities time to publicise the restriction on the website where only two hours notice has been given. In such cases you should take extra care to make it obvious to people on the ground.

Can landowners/tenants cancel a discretionary restriction they have already notified?

Yes, by telling us at least two working days before the restriction is due to take effect, you will maintain your allowance.

What happens when the 28 days are used up?

You can apply to the relevant authority for a direction to restrict access, for any period (including weekends) where this is necessary for land management purposes, or in connection with public safety or fire prevention during exceptional conditions. The relevant authority will only approve an application where it is satisfied that the restriction is necessary for one of those purposes

Can I make people keep dogs on leads?

The Act requires people using the CROW rights to keep their dogs on a fixed lead of no more than 2 metres between 1 March and 31 July, which is the main breeding season for birds, and at all other times in the vicinity of livestock. Owners of grouse moors and lambing enclosures have special powers to exclude dogs. None of this affects existing rights or traditions. Where necessary, a formal direction to restrict access can exclude dogs or require them to be kept on a lead. These must be applied for in advance.

Do people have to clear up after their dogs?

They can be encouraged to do so and informal measures such as carefully worded notices or the provision of dog bins may aid this. Where persistent irresponsible dog ownership, such as fouling or nuisance caused by dogs off the lead, adversely affects the enjoyment of shared spaces then it may be possible to impose a dog control under the Clean Neighborhood and Environment Act 2005. These orders, intended to replace dog byelaws, may allow a district, borough or parish council, to prosecute offenders and to issue fixed penalties. Further guidance on dog control orders can be found on the [Defra website](#).

What are the discretionary powers to exclude dogs, and how can I use them?

The CROW Act provides special powers for:

- the landowner to exclude dogs from working grouse moors for up to five years
- the landowner, or farm tenant where there is one, to exclude dogs from any lambing enclosure of 15 hectares or less, for one period of up to six weeks in any calendar year

Use of these powers is at the landowner or tenant's discretion but must be notified to the Open Access Contact Centre:

- for grouse moors – at least one calendar month in advance
- for lambing enclosures – at least five working days in advance.
- **Can I cancel a ban on dogs on my land?**
- Yes. As the landowner or tenant, you can cancel a ban on dogs by contacting the [Open Access Contact Centre](#) in writing or by telephone (Tel: 0845 100 3298). For a lambing area ban, you must give two working days notice of this.

What can I do if I am not entitled to impose a ban on dogs, and dogs are worrying my livestock or causing other problems?

Land managers are always free to put up notices asking for the public's co-operation in keeping their dogs on a lead.

Where such informal measures do not resolve the problem, a landowner or farm tenant can use their entitlement to discretionary 28 day restrictions to exclude dogs from the land. Where the problem is longer-term, or the land manager does not have any entitlement to discretionary 28 day restrictions, he can apply to the relevant authority for a direction to exclude dogs or require them to be kept on leads, if he or she can show this is necessary.

What is a 'direction' to restrict access?

A 'direction' is the means by which the relevant authority can authorise restriction of access, which is over and above use of discretionary restrictions (28 day restrictions or ban on dogs).

The relevant authority can make a direction only where this is necessary for the purpose. Directions can vary in form (by which we mean its type e.g. the exclusion of dogs), its period (the time or pattern of timing when the direction applies) and its extent (the area of land affected).

On what grounds can directions to restrict or exclude access be made?

The relevant authority can make a direction on application by a person with a legal interest in the land on grounds of

- land management
- public safety
- prevention of fire during exceptional weather or ground conditions

The relevant authority can make a direction without any application being received on grounds of

- public safety
- prevention of fire
- nature conservation
- heritage preservation.

Only the Secretary of State can make directions for defence or natural security reasons.

Land managers cannot apply for directions for nature conservation, heritage preservation, defence or national security.

Can holders of rights of common apply for directions?

Yes, but the circumstances under which they can apply are limited to situations where:

- access to the land would be restricted only for all or part of the period during which the commoner is entitled to exercise his or her rights of common
- the restriction is necessary for a purpose directly related to his or hers rights of common.

Directions granted to commoners may not exclude the public completely from the land; some form of access to the land must remain e.g. people may be required to keep to paths, or not be allowed to bring dogs onto land.

What can I do if I do not know exactly when I shall need to use a restriction?

Where you cannot reasonably state, until nearer the time, the exact date(s) on which you will need to restrict access, the relevant authority may approve an 'outline direction', which allows you to supply this information later. e.g. where operations are weather dependent.

How quickly will I receive a decision on my application?

Restriction regulations require the relevant authority to determine your application within six weeks of receiving it, unless you agree to an extension. Relevant authorities will aim to deal with urgent applications more quickly than this. If the need is urgent, make this clear when you apply.

For 'long-term' directions – lasting indefinitely or for six months or more – the relevant authority must consult the local access forum and others. This will take time, so the relevant authority has up to four months to decide such cases.

How can I find out if my application is likely to be approved?

Look at the Natural England's statutory guidance to the other relevant authorities on the issues they should consider when determining applications for directions. You can view this on the [Open Access website](#).

The relevant authority judges each case individually, on its merits, but must take account of this guidance.

Under what circumstances will complete exclusion of the public be approved?

The relevant authority is allowed to make directions only to the extent necessary for the purpose. In some cases it may be necessary to exclude the public completely, in others a lesser form of restriction (e.g. requiring the public to remain on marked paths) will be sufficient, or no restriction may be justified. Each application or case will be judged on its merits. The Relevant Authority Guidance sets out the criteria for such decisions.

What can I do if my application is not approved?

The applicant may appeal to the Planning Inspectorate where the relevant authority has turned down his or her application, or granted a direction other than that he applied for. The appeals procedure is set out in regulations.

Information on how to appeal is available on line from the [Planning Inspectorate](#) (or they can be contacted on tel: 0117 372 8812).

What activities can be included in directions for ‘land management’?

Land management can relate to any activity involving management of the land by the applicant. For example, this may include agriculture, sporting and commercial activities including events and game keeping.

When are directions for fire prevention available?

The relevant authority can only give directions for fire prevention where restrictions are or will be necessary during exceptional weather conditions or any exceptional change in the condition of the land. The Met Office has developed a special [Fire Severity Index](#) system to show where and when such conditions apply.

Is it necessary to close large areas of access land to prevent disturbance to wildlife?

Whilst there is a need for some restrictions on access to protect wildlife, it has been possible to reconcile access and nature conservation in the vast majority of circumstances. Where conflict may exist, mechanisms other than restrictions can be found which enables wildlife to continue to flourish alongside access. Natural England works closely with other relevant authorities to identify the measures needed to protect important species and habitats, focusing on finding management solutions to allow access and nature conservation to co-exist.

Why not use the procedures that already exist for assessing important sites under the EC Habitats Directive and the UK Habitats Regulations?

As part of the agreed procedures, we **do** undertake where necessary an appropriate assessment of any likely impacts on sites and species protected under European legislation.

Can land managers apply for directions for nature conservation or heritage preservation?

No. There is no formal statutory mechanism whereby land managers can apply for restrictions although they can bring their concerns to the attention of Natural England or English Heritage.

Section 26(3)(a) of the CROW Act provides powers for a relevant authority to give direction for the purpose of conserving flora, fauna or geological or physiographical features on CROW access land. Directions for these purposes will only be made following specific advice from Natural England or English Heritage.

Can the public comment on the need for nature conservation or heritage directions?

Where a direction for these reasons may restrict access long-term, the relevant authority must publish on the website a consultation notice giving the proposed direction. The public are given a period to consider the proposal and then submit their comments online. Where directions are likely to be short term there is no requirement for the relevant authority to consult publicly.

Who decides where directions are necessary for defence or national security?

The Secretary of State for Defence has powers to make directions for defence purposes. Defence Estates coordinate decisions on where defence directions are necessary. The Home Secretary has powers to make directions for national security. The relevant authorities have no powers to make directions for these purposes, neither are they available on application.

Summary of restrictions available under CROW:

Basis for restriction	Time limit	Procedure
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Any reason (section 22 of the Act)	28 days over a year (some Saturdays and Sundays etc excluded)	Landowner or farm tenant notifies the relevant authority
Restricting rights for walkers with dogs on grouse moors (section 23 of the Act)	Up to five years	
Restricting rights for walkers with dogs in fields with lambs (section 23 of the Act)	Up to six weeks a year during lambing	
Land management (section 24 of the Act)	Unlimited	Landowner or others with a legal interest in the land apply to the relevant authority
Avoiding danger to the public from operations etc (section 25 of the Act)		
Fire prevention during exceptional conditions (section 25 of the Act)		
Protecting nature conservation (section 26 of the Act)	Unlimited	Relevant authority will direct a restriction or exclusion, with advice from Natural England or English Heritage, as appropriate. No application system.
Preserving heritage (section 26 of the Act)		
National security/defence (section 26 of the Act)	Unlimited	Secretary of State for Defence or Home Secretary will direct a restriction or exclusion. No application system.

How do I find out where restrictions are in force?

Information on local access restrictions is available through the [Countryside Access](#) website. The website includes information about the extent and nature of the restrictions which have been imposed. Natural England also works with access authorities (which are national park authorities within national parks, the Forestry Commission on Forestry Commission owned land and local highway authorities elsewhere), to ensure that wherever possible information is displayed at popular information points (e.g. car parks) and through tourist offices etc.

Is it possible that land shown on the website as open for access might be restricted when I get there later in the day?

Only in cases where the restriction regulations allow restrictions to be notified at short notice. In such cases, the onus is on the person who sought the restriction to draw it to the attention of any visitors.

What do I do if I find notices indicating restrictions on land which I expected to be open for access?

You should not normally enter access land where notices indicate it is closed, nor infringe any restrictions mentioned on notices – for example, a ban on dogs. You will, however, still have a legal right to use any existing public rights of way that cross the restricted land.

If you believe misleading notices have been put up to discourage access, you should report this to the access authority. Putting up such notices is an offence under the CROW Act.

Is access land shown on Ordnance Survey maps?

Yes. Ordnance Survey maps show access land mapped under the CROW Act as well as other access land information on its 1:25,000 Explorer map series.

What is ‘registration’?

The first time a land manager uses the restrictions system they should register their personal details with the Open Access Contact Centre (OACC). They can do this by completing a form available from the OACC. They should also inform the OACC of the land parcels they wish to use for restrictions purposes.

The website or the OACC can provide more information about the registration process. The Contact Centre is open for business from 9am to 5pm Monday to Friday for:

- E-mail: openaccess@countryside.gov.uk or by
- Telephone: (0845) 100 3298

Further information can be found on the [Open Access website](#)

Who should register?

You should register if you hold a legal interest in access land **and** intend to use the restrictions system.

How do I select the area of land upon which I may wish to restrict CROW access?

If you intend to restrict CROW access, you should select your restriction land parcels to reflect the way you manage the land. Wherever possible the boundaries should follow features on the ground, such as walls or streams.

Can I change my restrictions parcels during the year?

You should not normally change the parcel boundaries you use for discretionary restrictions during the calendar year. The Open Access Contact Centre will allow changes to be made where it is clear there are good reasons for doing so. Any remaining allowance of discretionary restrictions will apply to the new parcels in such a way that no area of land is closed for more than 28 days in that calendar year.