

## How the land was mapped under CROW Section 4

Using an initial desk based assessment we mapped any parcel of land that appeared to be wholly or predominantly mountain more heath or down. We used guidance provided in the **Mapping Methodology for England** which gave clear definitions of Open Country:

*"Open country," means land which appears to the Countryside Agency to consist wholly or predominantly of mountain, moor, heath or down and which is not registered common land. (CROW Act section 1 subsection (2))*

*Land is mapped as open country where it appears to the Countryside Agency to consist wholly or predominantly of mountain, moor, heath or down (MMHD) and is not registered common land.*

In the North West Cornwall area there were large areas considered to be heath (mostly coastal heath). In the MME Heath was categorised as:

*Land of a generally open character, usually characterised by natural ericaceous dwarf shrubs. Heath usually occurs in lowland areas on nutrient poor soils. The typical vegetation types are heathers, gorse, bilberry, mires, scrub, unimproved grassland, and bracken. It does not include agriculturally improved or semi-improved grassland, but may include areas of scattered or dense naturally regenerating trees, open water, rivers, streams, carr, sand or other bare ground, or a mosaic of these.*

Having reviewed your parcels on the CROW Mapping database (which holds all data on every parcel of land mapped) the land at St Genny's House was originally mapped as open country (heath) on the Draft map. At this stage we used various ecological and land cover datasets such as the JNCC heathland survey's and phase 1 habitat survey for Cornwall and aerial photography to identify land to be classified open country.

Looking at the land mapped I would think is that it was included as a larger parcel of land which was determined to be predominantly open country. The dataset we used at the time would have concluded that the larger parcel including the grassland (as I assume there was no clear indication of a boundary or change in habitat at the time) was determined as predominantly qualifying habitat heathland and therefore included on the Draft map.

This map was then issued and a subsequent consultation period was held (please see section on our consultation process below). Having checked our database, no comments were made on the land at St Genny's House (The nearest comments were for land at Crackington Haven by the Parish Council.) and the open country was therefore included on the Provisional Map. Whenever a comment was made on a particular parcel, a determination took place in order re-visit the initial data. As there were no comments the land in question remained on the Provisional and Conclusive maps and therefore became CROW Access land.

## The mapping and consultation process

The Countryside Agency (Natural England's predecessor) consulted comprehensively on both Draft and Provisional Maps of Open Country and Registered Common Land, which was part of our statutory duty in preparing and publishing the maps. At the draft map stage anyone could make a representation on any piece of land. The Draft map Regulations <http://www.legislation.gov.uk/ukxi/2001/3301/contents> show which organisations were responsible for displaying maps. Following the issue of the Draft map, there was a period of

three months public consultation. These comments were determined and a Provisional Map was approved and issued.

Following the Provisional Map issue, land owners could make a formal appeal to the Secretary of State for the Environment (via the Planning Inspectorate) within three months of the issue of the map. Following the period of appeals, we issued the Conclusive Map that reflected changes from successful appeals. The Provisional and Conclusive Map regulations <http://www.legislation.gov.uk/uksi/2002/1710/contents> show which organisations were responsible for displaying the maps.

All information and maps were made available to view on the Countryside Agency website. For the North Cornwall area the following organisations had to make the maps available for display to any member of the public wishing to see them:

Cornwall County Council	County Hall	Truro	Cornwall
North Cornwall District Council	3-5 Barn Lane	Bodmin	Cornwall
Tavistock Library	The Quay	Plymouth Lane	Tavistock, Devon
Okehampton Library	4 North Street	Okehampton	Cornwall
Newquay Library	Marcus Hill	Newquay	Cornwall

In addition to this, localised maps were sent to every County Parish in England. For the parcel concerned, the maps were sent to the Parish office of St Genny's CP who were asked to display locally. We also wrote to anyone on the Defra Agricultural Holdings list (the most up to date rural land ownership list available to use at the time). We were not able to use the rural land registry data as it was very sketchy and so it was almost impossible to ascertain who owned every piece of land identified as open country at various stages (Over a million hectares).

Finally we had a group of statutory consultees that included the NFU and CLA who worked with their members to inform and assist with the process.

The Area 6 (South West England maps were issued) on the following dates

MAP	Issue Date
Area 6 – South West England Draft	13 <sup>th</sup> May 2003
Area 6 – South West England Provisional	4 <sup>th</sup> March 2004
Area 6 – South West England Conclusive	9 <sup>th</sup> May 2005

### Further provisions on CROW Access

There are further provisions in CROW – Excepted land. Some mapped areas are not subject to access rights and therefore not accessible by walkers. These can be found in Schedule 1 of The Act: <http://www.legislation.gov.uk/ukpga/2000/37/schedule/1>

It is also worth noting that CROW Access rights are solely for walkers and walkers with dogs and there are certain national restrictions that walkers should adhere to. These are listed in CROW Schedule 2 <http://www.legislation.gov.uk/ukpga/2000/37/schedule/2>.

We also have the ability to restrict for other certain land management requirements, the Open Access Contact Centre can assist you with this in the first instance.

From a practical point of view, allowing open access land has given the public the ability to use their 'right to roam', however in most areas, where there are well used existing public or

permissive rights of Way, walkers do use them rather than trying to negotiate trickier non-linear routes.

### **Next steps**

The CROW Act has provision to review the maps. Where land parcels have changed, or land management practices have changed there may be a need to reassess whether the land still qualifies as open country. The first statutory review of the conclusive maps under Section 10 of the Countryside and Rights of Way Act 2000 is currently due to be completed by the end of 2020. This means that the eight conclusive maps covering England will need to have been reviewed by the relevant dates in 2019 and 2020, 15 years after their first issue by the Countryside Agency. Subsequent review will be 20 years after the previous review. The regulations came into force on 6 April 2013.

However, any timing and scope of a review is subject to approval by DEFRA, who have yet to make a decision as to when and in what form the review will take place. Therefore until the review takes place there is no way of removing the land from the Section 4 maps. As a matter of course we have logged your land as a concern site for review. The documents you sent will act as useful evidence in our review, so I thank you for forwarding them to us.

You may also be aware that Natural England are also currently in the process of delivering a programme to introduce Coastal Access throughout England. You can find out the latest progress and further details on the process here:

<https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>

I fully understand your frustration in finding that your land currently has CROW Access rights and in the meantime, we can only suggest that, if there are any immediate problems on the land, we will be able to discuss options for access restrictions or other management measures.