

Extract from the Mapping Methodology for England (2004), detailing the basis for the consideration of discretion available under Section 4(5)(a) of the Countryside & Rights of Way Act 2000

62. The Agency has powers not to show on Section 4 maps areas of open country, which it considers to be so small as to serve 'no useful purpose'⁶ (CROW Act, section 4 subsection (5)) .

63. In deciding whether to omit a parcel of open country on the grounds that including it on the map would serve no useful purpose, the Agency will make the following presumptions, although it will consider exceptional cases as appropriate:

- All parcels of 5 hectares or more will be shown on the draft map; and
- All parcels of less than 5 hectares will be considered on an individual basis.

64. This consideration on an individual basis will in particular take the following criteria into account:

- The proximity of the land to a settlement, visitor attraction, road, or public right of way;
- The amount of other access land available in the vicinity;
- Whether the land contains a feature likely to be of interest to the public;
- Whether the land could provide a means to reach other access land;
- Whether there are nearby land parcels which have the potential to be linked with the one in question to form a larger unit of open country or access land.

⁶Note that this discretion applies only to open country and not to registered common land

Note: Powers and duties formerly attached to the Countryside Agency now lie with Natural England, post October 2006.