

Countryside & Rights of Way (CROW) Act 2000

CROW Section 25(1)(a) Statutory fire prevention restrictions: supplementary guidance

This leaflet supplements the former Countryside Agency publication *Statutory restrictions on access land – A guide for land managers* (February 2004) by providing detailed information about the process for restricting access for fire prevention restrictions on CROW access land. Please read this with the information on fire prevention restrictions on page 13 of the guide, which is available on the ‘useful links’ section at www.openaccess.gov.uk.

Introduction

CROW access rights can be restricted where necessary by a **fire prevention direction**. Your Relevant Authority can make a fire prevention direction whether or not anyone has submitted an application. The Relevant Authority is either the National Park Authority for access land in a National Park, the Forestry Commission for woodland dedicated voluntarily for CROW access by its owner or long leaseholder, or Natural England for any other land in England.

Where a direction to restrict CROW access rights has been made for fire prevention, those restrictions will only take effect when weather conditions are **exceptional**, or when there has been an exceptional change in the condition of the land. Once activated, the fire prevention direction would normally be an area-wide exclusion of CROW access rights; although as with all CROW restrictions, any public rights of way over the land will not be affected.

To identify when these exceptional conditions exist, the Met Office has developed a system called the Fire Severity Index. This is explained in more detail overleaf.

Remember: Even before the new CROW access rights were introduced, fires did occur in areas that are now mapped as CROW access land. Fires are unpredictable and can start at any time, not just when conditions are exceptional. CROW restrictions will not prevent fires from happening but will suspend people’s CROW rights to access land when conditions are exceptional. Proactive fire management at a local level should run alongside the restrictions system and help to reduce the risk of fires starting¹.

Met Office Fire Severity Index

Relevant Authorities use the Met Office’s Fire Severity Index to decide when fire prevention restrictions should occur. The Fire Severity Index assesses the severity of any fire that may occur. It shows the severity rating for the current day, and a forecast of the severity rating for the next five days. The index values are from 1 to 5, and represent an increasing degree of fire severity from very low (1) to exceptional (5).

A Fire Severity Index value is produced for every 10km grid square over the whole of England, and is updated daily. It is calculated using information such as wind speed, temperature, time of year and rainfall. Weather information is derived from a high number of observations taken around the country by the Met Office every hour.

You can view the Fire Severity Index at the website www.openaccess.gov.uk– or call the Open Access Contact Centre on 0845 100 3298 to find out if a particular area has an exceptional rating.

Further information on the operation of the Fire Severity Index is contained in the Met Office Final Report on a Fire Severity Index for England and Wales, which is available on the same website.

¹ If you would like to know more about fire management, contact your local access authority, who may be able to work with land managers in developing fire management plans.

How to apply for a direction

Anyone with a legal interest in CROW access land can apply for a fire prevention direction. If you hold rights of common over access land, you are **not** eligible to apply for a fire prevention direction excluding CROW rights. For further information on commoners' rights, see page 12 of our publication 'Statutory restrictions on access land - A guide for land managers' which is available on the "useful links" section at www.openaccess.gov.uk.

If you consider that fire prevention restrictions will be necessary on your CROW access land during exceptional conditions, check first whether your Relevant Authority have already given a fire prevention direction without you applying for one. You can check this by contacting the Open Access Contact Centre on 0845 100 3298.

If your Relevant Authority has not given a fire prevention direction for your land, you can apply for one. If you think one is needed, we advise you to apply for an **outline direction**, well in advance, so that fire prevention restrictions can then be activated each time the Fire Severity Index reaches exceptional conditions (level 5). By having an outline direction, you ensure that any restriction will automatically be activated by your Relevant Authority as soon as conditions become exceptional in your area, without any delay.

If you apply for a direction, your Relevant Authority may send a case officer to visit your land and assess the need for fire prevention restrictions during exceptional conditions. If by the time you apply exceptional circumstances already exist, the Relevant Authority will not be able to give a restriction immediately, unless your land has already been registered with us. This is because the administrative process for registration requires them to digitise a map of the land, which can take a few days to complete.

Therefore we strongly advise you to apply early for an outline fire prevention direction if one has not already been given for your land, and if you believe that fire prevention restrictions will be needed during exceptional conditions.

Application forms are available from our website, www.openaccess.gov.uk, or you can request one from the Open Access Contact Centre on 0834 100 3298. When completing an application please include a description of the vegetation cover and any other relevant characteristics of your land, e.g. the presence of underlying peat. Your Relevant Authority will let you know the outcome of your application, and will send you a copy of any direction it gives as a result.

How does the Relevant Authority decide whether a direction is necessary?

When considering your application, the Relevant Authority will assess your land to determine whether, if a fire does start, it is likely to spread readily. They will consider the fuel potential of the vegetation and substrate, exposure to wind, uniformity of vegetation, topography, and the land use.

Fire prevention directions specify the Ordnance Survey 10km grid square(s) that cover the land in question. When the Fire Severity Index reaches level 5 (exceptional) in any grid square(s) specified in the direction, the Open Access Contact Centre will activate a restriction on the land covered by the direction.

Activation and expiry of restrictions under an outline direction

The Open Access Contact Centre will automatically activate restrictions under an outline fire prevention direction at any time when the Fire Severity Index indicates that conditions are exceptional in one or more of the 10km grid squares covering your land, as specified in the direction. A restriction can only be activated when the Fire Severity Index is at level 5 on the current day (today). When a restriction activates or expires the Open Access Contact Centre will email or write to relevant people, including landowners where contact details are known. Any restriction will be shown on the public website, www.countrysideaccess.gov.uk.

Once activated, restrictions will continue in force for as long as conditions remain exceptional. They will end when the rating for 'today' has remained below level 5 for five days, or below level 3 for three days. When restrictions expire in this way under an outline direction, the direction itself will remain in place, so that further restrictions can be activated during any future exceptional conditions.

If after reading this you would like further information on fire restrictions, on any other aspect of CROW access rights or on how to contact your access authority, please contact the Open Access Contact Centre on 0845 100 3298, or visit www.openaccess.gov.uk.