

Explanatory notes on Form OACC1: Application for a direction restricting CROW access

The Countryside and Rights of Way (CROW) Act 2000 introduces public rights to enjoy areas of 'access land' – usually registered common land or open country (mountain, moor, heath or down).

These notes will help anyone with a legal interest in CROW access land to use Form OACC1, if necessary:

- to apply to us for a direction restricting this access, on the grounds set out at CROW section 24 or 25; or
- to register their details with us initially, in readiness for applying for such a direction later.

In both the form and these notes, 'us'/'we'/'our' refers to the 'relevant authority' that administers the CROW access restrictions system. This is usually the Countryside Agency or, where appropriate, the national park authority. The completed form is returned in all cases to our Open Access Contact Centre in Belfast. The address is on the front page of the form.

Do you need to apply at all?

Low key public access often coexists well with farming and other forms of land management. There may be no need for you to take any special action to prepare for the introduction of CROW access rights, assuming that they apply to your land at all.

If you do not know whether your land is likely to be CROW access land, you can check by visiting this website: www.countryside.gov.uk/widerwelcome/open_access

If we have opened for applications for directions in your area, you can check on this website whether your land is 'section 15 land' (land subject to certain existing types of open access right). CROW access rights do not apply on section 15 land, even if it appears on the Countryside Agency's CROW maps of open country or registered common land.

National restrictions

There are various national restrictions on the CROW access rights. These are specific limitations on the range of activities included in the rights. For example, the rights normally only apply to people on foot – not to horse riders, cyclists, vehicle users etc. There are also requirements for users of CROW access rights to keep dogs on short fixed leads between 1 March and 31 July, or at other times in the vicinity of livestock.

Positive access management

Our 'Land Managers' Guidance Pack' explains more about CROW access and these national restrictions. The pack also contains our guidance 'Positive access management – practical ways to manage public access on your land'. This draws on a wealth of experience and good practice from around the country to set out simple ways in which you can manage access on the ground whenever you need to, without seeking approval or having to notify anyone. We strongly recommend you to read through this Guidance Pack before deciding whether you will need to impose any legal restrictions on access locally.

Discretionary restrictions

If you do need to restrict access legally, you can find out more about this from our guide 'Statutory restrictions on access land', which is included in the 'Land Managers' Guidance Pack – a guide for land managers'. As Step E of this guide explains, you may hold a special '28 day discretionary allowance' for each calendar year. This allowance is held by the owner of the access land unless it has a farm tenant, in which case the tenant holds it instead. You do not need approval to use the 28 day allowance – you just need to notify us before imposing such restrictions.

This same restrictions guide also explains that discretionary dog exclusions may be imposed on grouse moors or small lambing enclosures that fall within CROW access land. Again these dog exclusions, where available, only require you to notify us in advance – you do not need to seek approval for them.

Separate forms and notes are used for either type of discretionary restriction.

Land Managers' Guidance Pack (ref CAX 150F)

You can see a copy of this pack and get further information, by:

- visiting the web page:
www.countryside.gov.uk/widerwelcome/open_access
- calling our Open Access Helpline on **0845 100 3298**, or
- emailing the Open Access Contact Centre at openaccess@countryside.gov.uk

Only if these various options do not prepare you adequately for CROW access will you need to go through the lengthier process of applying to us for a direction restricting access on one of the grounds set out in the CROW Act. These grounds are explained at section C.2 of the notes below.

Please note that:

- **Any CROW access restrictions you impose will not affect public rights of way, or other rights or traditions of access in the countryside.**
- **Since CROW access rights do not apply on section 15 land (see above), CROW restrictions may not be used there either.**

How to use Form OACC1

The form is for use by, or on behalf of, a person or organisation with a legal interest in CROW access land if they envisage applying to us for access restrictions there:

- Part A asks you to identify this person/organisation and the land in question.
- Part B asks for contact details for this person/organisation (or for you as their agent).
- Part C asks whether you want to apply now for a direction restricting CROW access.

Please complete the first section of each part, and other sections as appropriate.

NB: If you use continuation sheets, please label each entry on them to show the section of the form it relates to, and tick the continuation box at the foot of that section.

Part A - Legal interest in access land

A.1 Legal interest

The first time we receive details of a person or organisation with a legal interest in access land, we register their details and issue them with a unique CROW ID. This ID should then be used in all future dealings with us about CROW restrictions in their name. Since anyone with access to the CROW ID will be able to act for the person holding the legal interest, it should be used with care.

If you are an agent acting for a number of clients with CROW access land, you will need to use a different form and different CROW ID for each client.

You need to complete both parts of section A.1, even if you do not need to complete the rest of Part A.

A.2 Access land details

Use section A.2 if you wish to specify named parcels of access land where you need to apply to us now or later for access restrictions. The land parcels you identify should be chosen to reflect your land management needs and, so far as possible, relate to physically clear features on the ground that people will find easy to recognise. You can tell us about new or different land parcels later, for example if your land management needs change. There are notes below about using each of the columns at A.2.

Enclosing a map

If you are completing section A.2, you will need to enclose one or more maps identifying clearly to us the named land parcels you are referring to. You can check the maps of CROW access land by visiting the website address shown on page 1 of these notes.

You can print relevant extracts from these maps and mark your land parcel boundaries clearly with a felt tip pen. Alternatively, if you know your land is CROW access land, you could photocopy part of a suitably detailed map (eg. at 1:25,000 scale), and mark the boundaries on this copy instead.

Ref. No. (Section A.2 Column 1)

We suggest you use the pre-printed reference numbers in column 1 to label each of your named land parcels on the map(s) you enclose. This will save you writing the parcel name on the map, and possibly obscuring important map detail that we need to see.

Your name for the land parcel(s) (Section A.2 Column 2)

You need to give each land parcel a name that you will use in future to describe it to us. Any name will do, but avoid duplicating land parcel names within the same person's or organisation's land.

Grid reference or place name (Section A.2 Column 3)

To make sure we can locate the map extracts you have sent us, please include here for each land parcel the name of a nearby town or village, or if you prefer a grid reference for the centre of the land parcel.

Legal interest held in this land parcel (Section A.2 Column 4)
CROW section 45 says that the legal interest held by an applicant can include:

“any estate in land and any rights over land, whether the right is exercisable by virtue of the ownership of an estate or interest in land, or by virtue of a licence or agreement, and in particular includes rights of common and sporting rights.”

For each land parcel named in A.2 column 2, please state in column 4 the legal interest held on that parcel by the person/organisation specified in A.1. Please use one of the following terms:

- Landlord (ie. the owner of land that has a farm tenant);
- Landowner (ie. the owner of land that does NOT have a farm tenant);
- Farm tenant;
- Life tenant;
- Shooting tenant (or specify other type of tenancy held);
- Reserved shooting rights (or specify other type of reserved rights held);
- Grazing licensee (or specify other type of licence held to use the land);
- Commoner (normally the holder of registered rights of common – see the notes to section A.3 below).

If none of these terms applies, please specify the actual legal interest held (eg. easement to do X, contract to do Y).

A.3 Common rights

A commoner is normally someone with registered rights of common (eg. to graze stock or collect fallen wood) over an area of registered common land. Many commoners are accustomed to low-key public access over their common, but if necessary a commoner may apply to restrict CROW access.

To make it possible for the relevant authority to validate any application for a direction that a commoner does make, the regulations require a certified copy of the official register entry for that commoner to be submitted with the first application for a direction that he makes. The commons register is held by the commons registration authority (eg. the county council for the area where the common is situated), and details the rights of all commoners. (Any rights of common that were not registered during the period 1967-70 under the Commons Registration Act 1965 have now ceased to be exercisable, unless they relate to areas exempted from the registration process under section 11 of the 1965 Act. Holders of rights of common over such exempted commons are also classed as commoners for CROW purposes.)

If you are (or act for) a commoner who is applying for a direction, or who may wish to do so in future, and you have not previously sent us a certified copy of the entry in the rights register detailing these rights of common, please tick Box 1 of A.3, obtain the certified copy from the commons registration authority, and submit it with the form when you return it. If you have previously sent us a certified copy showing the rights held, simply tick Box 2 of A.3 instead.

In either case, please also tick Box 3 of A.3 to confirm that the land parcel(s) you have described at A.2 are the areas where these rights of common are actually exercisable. For example, if the commoner holds a particular heft within a large grazing common, the land parcel detailed at A.2 should be the heft, rather than the whole common.

Part B - Contact details

B.1 CROW ID status

Depending on whether you have received a CROW ID for this legal interest already, please complete either the first or the second part of section B.1.

B.2 Contact details

Please leave blank or complete as appropriate, according to your response to section B.1. The contact details we need are those of the person with whom we will be dealing in connection with CROW restrictions – eg. the land agent, rather than the client who holds the legal interest in the land.

B.3 Preferred method of written communication

If you have not completed this section before (or your preference or email address has changed), please state here how you would prefer us to write to you. Communications will be quicker and cheaper if we can use an email address, so long as it is one you regularly check. Please note that if you tick the email preference, we will take this as your authority until further notice to use email to contact you on matters relating to CROW access and restrictions.

Part C - Application for a direction to restrict CROW access

C.1 Application options

Please tick one of the two boxes. If you do not wish to apply for a direction at this stage, you should finish the form by completing and signing the Declaration on the front page, and then return it to the address shown there.

C.2 Restriction details

Form the restriction should take (Section C.2)

If you wish to apply for a direction, you first need to tell us what form you are proposing that the restriction should take. Step D of the 'Statutory restrictions on access land' guide (see page 1 of these notes) describes the various forms of restriction that are possible under the CROW Act. They range from complete exclusion of the public to lesser constraints. The one you propose must be the least restrictive approach that meets your needs.

For some forms of restriction that you might propose, you may need to show relevant information on a map, such as linear routes to which you wish to restrict access, or access points by which you wish the public to enter.

If you need different forms of restriction for different reasons, or on different land parcels, you need to complete separate Part C applications for each: please photocopy Part C as required. You do not need to complete Parts A and B more than once with each set of applications.

Where a person's sole legal interest in the land is as a **commoner** (see A.3 above), the regulations prevent him from applying to exclude access completely from the land. Any application he makes for a lesser form of restriction must establish that the restriction:

- is necessary for the purposes of any use of the land in exercise of his rights of common; and
- would only restrict access during a period when he is entitled to exercise his rights.

In practice this means that an application from a commoner may only be considered by the relevant authority:

- if it relates to **registered common land** (or one of the few areas of common land that were exempted from registration under the 1965 Act).
- in relation to **activities** that are directly the subject of the

commoner's registered rights: so for example a grazing commoner could not apply for restrictions relating to management activities undertaken to improve the quality of the pasture, because such activities are not included in his right of common; and

- in relation to that part of the land over which he actually exercises common rights (eg. the commoner's heft on a grazing common).

Grounds for restriction and why it is necessary (Section C.2)

You may only apply for a direction restricting access on the specific grounds set out in the CROW Act. These grounds are, in summary, land management, public safety, or fire prevention. Step G of the 'Statutory restrictions on access land' guide provides more information about these grounds. It also explains that there is no application system for directions for other purposes. For example, directions for wildlife protection or heritage preservation purposes are given where necessary by relevant authorities following expert advice from English Nature and English Heritage rather than an application.

You need to set out in section C.2 why it is necessary to restrict access for the purpose stated, and to the extent that you have just proposed under 'Form the restriction should take'. Before giving a direction, we must be satisfied that the timing and extent of the proposed restriction is necessary for the purpose you describe. The Annex to these Explanatory Notes sets out particular information you will need to give us in support of your application.

C.3 Land parcels affected by this restriction

Please list here the names of the land parcels to which you wish to apply the restriction that you have proposed in section C.2. List the appropriate land parcel names from those you have given in section A.2, or given us previously for the person or organisation with this CROW ID.

C.4 Period(s) of restriction (if known)

If you already know the dates when it will be necessary to impose the restrictions you have proposed, please list them in section C.4. Otherwise use section C.5 instead.

Dates (and times) for proposed restriction (Section C.4)

List in the first four columns the start and end dates and, if appropriate, the times when you propose the restriction should apply. Please use 24 hour clock entries (for example 07:00, 23:00) for any times you show. If you show no times, we will assume you are proposing a midnight to midnight restriction.

The dates you specify should reflect any planning conditions that are relevant. For example, if the proposed restriction relates to a commercial use of the land that takes place under the 'permitted development' 28-day rule, or that is subject to other specific timing constraints under a planning consent, you need to tell us this and make the dates that you specify consistent with these constraints.

When restriction would NOT apply (Section C.4)

For each time period shown on the left of the table, please tell us in column 5 of any seasons, periods, days of the week or times of day when the proposed restriction will not need to apply. For example, the restriction may not be necessary at weekends, or after midday on each restriction day. If this is so, any direction we give needs to reflect this. For a commoner, the period shown here will need to include any part of the year, or other time, during which the registered rights do not apply.

C.5 Restriction dates not currently known

Use this section instead of section C.4 if you will not know until later the dates for the restriction you are proposing.

Earliest start/latest finish dates (Section C.5)

Show here the overall period during which you may need to restrict access, for the purpose you explained earlier, on specific dates that you will notify later.

Maximum number of days (Section C.5)

Show here the maximum number of days during the overall period of the direction on which you may need to restrict access for this purpose.

When restrictions will NOT be needed (Section C.5)

If you already know of seasons, periods, days of the week or times of day during the proposed direction period when you will NOT need to restrict access for this purpose, please set these out here so that any direction we give can reflect this. For a commoner, the period shown here will need to include any part of the year, or other time, during which the registered rights do not apply.

The dates you specify should reflect any planning conditions that are relevant. For example, if the proposed restriction relates to a commercial use of the land that takes place under the 'permitted development' 28-day rule, or that is subject to other specific timing constraints under a planning consent, you need to tell us this and make the dates that you specify consistent with these constraints.

Longer than six months? (Section C.5)

If you think it is possible that any single restriction you notify later for this purpose could last for a continuous period of longer than six months, you need to tick the box where shown. (The importance of this is that before giving a direction that could allow this to happen, or that would restrict access indefinitely, we have to consult the local access forum and various prescribed bodies. Please note that in such a case, the maximum period for us to determine your application is four months rather than six weeks.)

Five days' notice (Section C.5)

At least five days' notice is normally required before a restriction period that you notify later can take effect. If it will not be practicable for you to give us this much notice, please explain why in this section, and propose how much notice it WILL be practicable for you to give us.

C.6 Use of 28 day discretionary allowance

If you are a landowner or tenant with a 28 day discretionary allowance (see page one of these notes), you may find it easier and quicker to use this allowance rather than apply for a direction to restrict access. Where you have a 28 day allowance, we must take account of how you have used or propose to use it, when we are considering any application you make for a direction. Please complete section C.6 to show whether you hold the 28 day discretionary allowance. If you do, please detail how you propose to use the allowance available to you during the proposed period of the direction.

Declaration (Page 1)

Having filled in Parts A to C as appropriate, you must always complete and sign the Declaration on the front of the form before returning the form to the address shown.

Although we will not publish these details, if someone should dispute the legal interest in an area of land that you have registered with us, we may need to share the relevant details with the person concerned, so that the position can be resolved directly between the parties.

What happens next

Once we receive Form OACC1 from you, we will respond as soon as we can.

If you have only completed Parts A and B of the form, we will send you confirmation of the registered details and, if it is the first time you have submitted them, the CROW ID. The CROW ID will be used for all subsequent communications with us, so you should record it for future use. We will also send you printed maps showing how we have captured the details of your access land. You should check whether we have correctly depicted this land, and let us know if we have not.

We will create a restriction application record for each Part C you submit with your form, and start the process of considering your application. If we do not have all of the required information, we will contact you. Once we have all the required information, we normally have a maximum of six weeks in which to determine your application.

We have to consult the local access forum, and certain other bodies, before giving any direction that would or could restrict access indefinitely, or for longer than six months. In such a case, we must determine your application within four months rather than six weeks.

We will always give you an answer as soon as we can within these deadlines. If your need for a restriction is urgent, please explain why in Part C, and we will give it as much priority as we can.

Should you decide to withdraw an application, you can do this by emailing or writing to the Open Access Contact Centre at any time before we determine the application.

If we give a direction, we will copy it to the access authority for your area (eg. the county council), if this is different from the relevant authority.

If we should decide not to give a direction, or to give a direction which is not fully in accordance with your application, we will write to you at that time informing you of our decision and the reasons for it, and providing details of your right to appeal against our decision.