



Countryside and Rights of Way 2000

How to Use Restrictions – Guidance for Farmers and Land managers

Contents

Introduction

- 1.1. Who should read this booklet?
- 1.2. What is access land?
- 1.3. What rights do the public have?
- 1.4. Why restrict the right of access?

2. Managing Access

3. Check Before Going Further

- 3.1. Are you allowed to restrict the right on the land?
- 3.2. Other things to consider before going ahead

4. Some Definitions

- 4.1. Tenant
- 4.2. Owner
- 4.3. Interested person/person interested in land
- 4.4. Defining periods
- 4.5. Defining areas of land
- 4.6. Relevant authority
 - 4.6.1. National Parks
 - 4.6.2. Outside National Parks
 - 4.6.3. Woodland

5. Options for Restricting the Right of Access

6. Discretionary Restrictions – No Permission Needed

- 6.1. 28 Day Option

- 6.1.1. Who is entitled to use the 28-day option?
- 6.1.2. Limits on the 28 day option
- 6.1.3. Reasons for using the 28 day option
- 6.1.4. Permission required for the 28 day option
- 6.1.5. Giving notice of a 28 day restriction or exclusion and deadlines
- 6.1.6. Repeating exclusions and restrictions
- 6.1.7. Withdrawing notices
- 6.1.8. Informing the public of the restriction or exclusion

- 6.2. Excluding Dogs for Lambing
 - 6.2.1. Who is entitled to exclude dogs for lambing?
 - 6.2.2. Reasons for using the lambing option
 - 6.2.3. Description of the lambing option
 - 6.2.4. Permission required for the lambing option
 - 6.2.5. Giving notice for lambing option
 - 6.2.6. Withdrawing notice of a lambing restriction
 - 6.2.7. Informing the public of a lambing restriction

- 6.3. Excluding Dogs for Grouse
 - 6.3.1. Who is entitled to exclude dogs on grouse moors?
 - 6.3.2. Reasons for using the grouse moor option
 - 6.3.3. Description of the grouse moor option
 - 6.3.4. Giving notice for the grouse moor option
 - 6.3.5. Withdrawing notice of a grouse moor restriction
 - 6.3.6. Informing the public of a grouse moor restriction

7. Applications to Exclude or Restrict the Right of Access

- 7.1. Who can apply?
- 7.2. Reasons for applying
- 7.3. How to apply
- 7.4. Timing and deadlines
- 7.5. How we assess your application
- 7.6. Consultation

8. Directions to Restrict or Exclude Access

- 8.1. Informing you of our decision
- 8.2. Details in a direction to restrict or exclude access
- 8.3. Outline directions to restrict or exclude access
- 8.4. Reviewing and changing directions to restrict or exclude access
- 8.5. Informing others of a direction

9. Appeals

- 9.1. Grounds for appeal
- 9.2. How to appeal
- 9.3. Contacts for the Planning Inspectorate
- 9.4. Deadlines for appeals
- 9.5. Outcomes of appeals

10. Informing the Public

- 10.1. Web
- 10.2. Signs

11. General Information

- 11.1. Occupiers' liability on access land
- 11.2. How is occupiers' liability affected by exclusions and restrictions?
- 11.3. Risk assessment
- 11.4. Public rights of way
- 11.5. Other consents
- 11.6. General restrictions
- 11.7. Identifying access land

Introduction

This guidance explains how rights of access may be restricted on 'access land' that is created by the Countryside and Rights of Way Act. It gives some background information, explains the different ways of restricting the right and the procedures to follow for each case.

Natural Resources Wales advocates the least restrictive option consistent with the needs of land management and avoiding danger to the public. We hope that owners and others entitled to do so will only restrict the right of access when other solutions are impractical, or would cause undue burden. Your National Park authority or local authority may be able to help you achieve this. However, we also recognise that there will be situations when the right of access needs to be restricted and we aim to make that process as simple as the law allows.

1.1. Who should read this booklet?

This booklet is for people who own, farm, or manage 'access land'. It explains how to restrict the right of access when necessary to avoid conflict with land management or to avoid danger to the public.

1.2. What is access land?

Access land includes registered common land and open country, as mapped by Natural Resources Wales. It also includes land that owners dedicate as access land under section 16 of the Countryside and Rights of Way Act.

Access land does not include areas that have a right of access under other laws, such as urban commons. Nor does it include certain types of land that the Countryside and Rights of Way Act exempts for reasons of privacy or management, or because they are developed.

The powers to restrict the public right of access only apply to land that has a right of access under the Countryside and Rights of Way Act. They do not apply to any other land or to public rights of way.

Section 11.7 of this booklet explains which areas are not access land.

1.3. What rights do the public have?

The public have a right to go on to access land for the purposes of open-air recreation. Their right to go on foot includes activities such as climbing, running, bird watching and picnicking.

The Countryside and Rights of Way Act limits the right in many ways to avoid some of the most obvious potential conflicts with land management. For example, there are rules about dogs and not disrupting people carrying out lawful activities. This booklet explains these general restrictions fully in section 11.6.

1.4. Why restrict the right of access?

The Countryside and Rights of Way Act includes powers to restrict the right of access when necessary to manage land or avoid danger to the public.

If you manage land, you will normally know when access might cause conflicts. You may be able to overcome problems by managing the access instead of preventing it.

2. **Managing Access**

People visiting the countryside bring income for the rural economy, as well as getting great enjoyment from their visits. Most people generally want to do the right thing – but they need your help. The most useful questions to consider if you have access on your land are:

Where can people go on the land?

What rules apply to people while they are on the land?

What are my rights and responsibilities towards other people on the land?

Are there any risks to the safety of people on the land and how would I deal with risks?

How can I help people access my land responsibly and keep to the Countryside Code?

What help and advice can I get?

You can get more advice about managing access from your local authority, National Park authority or Natural Resources Wales' website.

3. Check Before Going Further

The rules about restricting access make it sensible to consider several things before trying to restrict the right of access on an area of land. In particular, you need to know if you are entitled to restrict the right in the way you intend and to consider the implications of restricting the right.

3.1. Are you allowed to restrict the right on the land?

Is the land 'access land' within the meaning of the Countryside and Rights of Way Act? If not, the powers to restrict access do not apply.

Do you have an interest in the land? You can only use powers to restrict access if you have such an interest, as defined in section 4.3 of this booklet.

3.2. Other things to consider before going ahead

Remember that other consents may be needed to carry out an activity on the land. For example, is the land a Site of Special Scientific Interest, do you need a felling licence from Natural Resources Wales, or planning consent?

Have you considered other ways of dealing with the problem and concluded that restricting the right of access is the most effective option for you?

Is the restriction you need already covered by one of the general restrictions, such as the rules about keeping dogs on leads? Section 11.6 details the general restrictions.

The powers in the Countryside and Rights of Way Act can only restrict the right of access for open-air recreation on foot. They cannot be used to restrict other activities, such as cycling, hang-gliding, or other forms of trespass.

A restriction will not affect access in any way along any public rights of way that cross the land. You will need to be very careful not to mislead the public into thinking that a restriction applies to a right of way as well as the land it crosses.

Your reduced duty of care under the Occupiers' Liability Acts of 1957 and 1984 will not apply while the right of access is restricted. See details in section 11.2.

You will be responsible for informing the public on the ground about any restrictions that affect their rights of access for less than 6 months. This includes putting up and taking down notices. Your National Park authority or local authority may want to help you with this.

Natural Resources Wales will publish details of the restriction on its website, unless it is not practicable to do so.

4. Some Definitions

Most of the terms, such as 'tenant' and 'owner' are clear to most people, most of the time. However, to help in cases where there is doubt, the definitions in the Countryside and Rights of Way Act are given below.

4.1. Tenant

A tenant under a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 or a tenancy to which the Agricultural Holdings Act 1986 applies.

4.2. Owner

The owner is any person, other than the mortgagee not in possession, who, whether in his or her own right, or as a trustee for another person, is entitled to receive the rack rent of the land.

4.3. Interested person/person interested in land

The Act says "An interest in land includes any estate in land and any right 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."

This includes owners, tenants, commoners, people with sporting rights and others with licences or agreements over the land. If you are unsure if any of these definitions applies to you, you may wish to take independent advice.

4.4. Defining periods of time

The procedures for restricting the right of access include defined periods for giving advance notice and for responding to proposals.

Some of these periods refer to "working days", which *means* any weekday except Christmas Day, Good Friday or a bank holiday.

Where a period of time is specified, that period is calculated from the day after the start date. For example, a 4 week period with a start date on a Wednesday would end on a Thursday 4 weeks later. A notice given after 4.30pm on a working day is to be treated as given on the next working day.

Deadlines may not fall on a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning. To avoid such days, the deadline moves to the next suitable day.

4.5. Exclusions and Restrictions

The Countryside and Rights of Way Act gives powers to restrict the right of access in 2 main ways:

Completely excluding the right on all parts of an area of land – an exclusion.

Restricting the right without excluding it completely – a restriction

More detail on exclusions and restrictions is given in Section 5.

4.6. Defining areas of land

A restriction or exclusion can apply to any area of land. This guidance assumes that you will normally apply restrictions or exclusions to areas already clearly defined on the ground, especially parcels of land that are bounded by physical features, such as hedges, fences, walls and roads. However, on large areas of land, you may need to consider other features. For example, paths, ridges, streams and woodland edges. Natural Resources Wales and the National Park authorities recommend that you use the clearest features possible so that visitors can readily identify the areas.

4.7. Relevant authority

There are 4 relevant authorities, listed below, which regulate restrictions in Wales. Throughout this document, the term “we” refers to the relevant authority for your land.

4.7.1. National Parks

If your land is in a National Park, your relevant authority is one of the 3 National Park authorities.

4.7.2. Outside National Parks

If your land is not in a National Park, your relevant authority is Natural Resources Wales.

4.7.3. Woodland

If you have dedicated woodland as access land, your relevant authority is Natural Resources Wales (even if it is within a National Park boundary.) If your woodland has not been dedicated, but is access land mapped as open country or registered common land, your relevant authority is the National Park authority or Natural Resources Wales, depending on whether it is inside or outside a National Park.

5. Options for Restricting the Right of Access

A restriction may limit the right in many ways, especially by:

- Restricting the right of access to specified routes or ways.
- Allowing entry only via a specified point or points.
- Only allowing people without dogs. In this publication we have also used the terms 'excluding dogs' for the purposes of clarity.
- Setting any other reasonable condition that people must satisfy.
- Some owners and others with an interest in land have powers to restrict or exclude the right of access without getting permission, but provided they tell the relevant authority in advance. They and others with an interest in land may also apply to have the right of access excluded or restricted for the following purposes:
 - Management of the land by the applicant.
 - If necessary to prevent fire when weather conditions are exceptional or there is an exceptional change in the condition of the land.
 - Avoiding danger to the public arising from anything done, or proposed to be done, on the land or on adjacent land.

The following sections describe how to use these powers.

6. Discretionary Restrictions – No Permission Needed

There are 3 ways in which you may restrict the right of access without permission from the relevant authority:

The 28-day option (section 6.1).

Restricting dogs for lambing (section 6.2).

Restricting dogs for grouse (section 6.3).

6.1. 28 Day Option

6.1.1. Who is entitled to use the 28-day option?

Only the tenant or, if there is no tenant, the owner. See the definitions in sections 4.1 and 4.2.

6.1.2. Limits on the 28 day option

You may restrict or exclude the right on any area of access land on up to 28 days in a calendar year.

The discretionary days can be taken any time except:

On Bank Holidays, Christmas Day or Good Friday.

On more than four weekend days in a calendar year.

On any Saturday between 1st June and 11th August; or

On any Sunday between 1st June and 30th September.

The 28-day limit applies to each area of land. You are responsible for deciding the boundaries of each restriction, hopefully using obvious features. You can define different areas each time, areas may overlap and you may restrict the access on more than one area at a time.

You will need to keep track of the number of days you restrict access on each area of land. Also note that the Countryside and Rights of Way Act is worded so that a restriction for any part of a day counts as a whole day towards the allocation of 28 days.

As explained below, you can decide the actual date for a restriction at very short notice, provided you write with background details at least 5 working days before the restriction is due to start.

6.1.3. Reasons for using the 28 day option

You do not need to give any reason for using this option, but it is usually better to explain a restriction to the public. This option gives you the power to restrict the right of access at much shorter notice than would be possible if you applied to have the relevant authority restrict the right of access instead.

6.1.4. Permission required for the 28 day option

You do not need permission, but must give notice to your relevant authority before using the 28 day option. It is best to give as much notice as possible, so the public can be given more warning.

6.1.5. Giving notice of a 28 day restriction or exclusion and deadlines

Normally, you must send your notice so that the relevant authority receives it at least 5 working days before you restrict or exclude the right of access. However, as explained below, you may be able to delay your decision on the exact date until nearer the time.

Please use a copy of the form which is available from your relevant authority. Note that you only need to complete some of the sections for this purpose. It will help you send the right information and avoid delays while we ask for any missing information. Your notice will only be valid when we have received the minimum information required.

To be valid, your notice must include the following minimum information:

Your name, address and postcode.

A statement confirming that you are a tenant or owner of the land

A map showing the land to be affected by the restriction or exclusion.

A statement telling us if you plan to exclude the right, or details of how you will restrict it.

The dates on which you plan to restrict or exclude the right of access on this land.

If you are an agent filling in this for someone else, please give us the above details for your client and give us your own name and address, including postcode.

We must receive all of the above information, except for the dates, at least 5 working days before you restrict or exclude the right of access. You may delay notifying us of the date until later. If you have not yet decided exact dates, the form asks you to indicate roughly when you propose to restrict or exclude the right of access. We can put that information onto the Natural Resources Wales website so the public have more notice of your plans.

We will acknowledge your notice and, if you have not already specified the dates, we will give you the instructions for notifying the dates later. You will have the options of telephoning, e-mailing or posting details of the dates.

The regulations allow us to accept shorter notice if we decide that it was not reasonably practicable for someone to have given the full notice of 5 working days. That would normally apply if a situation arose that an occupier could not have foreseen early enough to give 5 days notice.

6.1.6. Repeating exclusions and restrictions

If you want to repeat a restriction or exclusion on the same area of land you only need to notify us of the new dates, quoting the reference number of the original restriction. However, you would have to notify us of new details within the 5 day deadline if you intended to restrict or exclude the right of access on a different area or restrict it in a different way.

6.1.7. Withdrawing notices

You have the option of withdrawing notices if you decide against restricting the right on dates that you have already notified to the relevant authority. You may do this up to 5 times a year to save wasting any of the 28 day allocation for a bit of land. Note that days are only counted towards the 28-day allocation when you confirm the exact days.

To withdraw a notice, you must send details in writing (e-mail or post), to be received by us at least 2 working days before the restriction or exclusion is due. We will only cancel the dates and will leave the other details in our records in case you wish to make the same restriction or exclusion at another time.

6.1.8. Informing the public of the restriction or exclusion

Natural Resources Wales will publish details of the restriction or exclusion on a website, unless it is not practical to do so. It will normally be practicable, except when we receive notice of actual dates too late to place details on the website.

You will be responsible for telling the public on the ground, if you wish to enforce the restriction or exclusion. Provided you wish to enforce the restriction or exclusion, you must tell people who are either about to enter the land or who are already on it. You can tell them verbally, or you may put up a notice. A notice must give the times when the restriction or exclusion applies, details of a restriction and indicate the land affected.

We will usually send you standard site notices when we acknowledge your notice of the restriction.

6.2. Excluding Dogs for Lambing

The right of access requires people to keep their dogs on short leads anywhere in the vicinity of livestock and at any time between 1 March and 31 July. A short lead is a fixed lead up to 2 metres long. This option allows you to go further by completely excluding dogs in connection with lambing.

This option of excluding dogs for lambing is in addition to the 28 day option. The weekend and public holiday limitations do not apply to this option. If necessary, a 28 day restriction could run on the same bit of land at the same time as dogs are excluded for lambing, for example to restrict people to a route across an enclosure but the 28 day limitations still apply.

6.2.1. Who is entitled to exclude dogs for lambing?

Only the tenant or, if there is no tenant, the owner. See the definitions in sections 4.1 and 4.2.

6.2.2. Reasons for using the lambing option

You may wish to make extra safeguards to protect your sheep from dogs at lambing time.

6.2.3. Description of the lambing option

This option removes the public's right to take dogs into your fields and enclosures when you have sheep in them.

This only applies to fields or enclosures of up to 15 hectares (about 37 acres).

You can make this restriction for one 6 week period each year.

You could have this option running on as many enclosures as necessary, provided each is no more than 15 hectares.

This does not apply to trained guide or hearing dogs.

Apart from the 6 week limit, there are no rules about which days are restricted.

Restrictions made under this option do not count towards the 28 day allocation.

6.2.4. Permission required for the lambing option

You do not need permission, but must give notice to your relevant authority before using the lambing option.

6.2.5. Giving notice for lambing option

You must give notice in writing so that the relevant authority receives it at least 5 days before you start the restriction.

You must give the same details that we require for the 28 day option and can use the same form which is available from your relevant authority.

You may notify the dates after the rest of the information, but we must still receive the dates in writing at least 5 days before you start the restriction.

We will keep details of your first such restriction, so you will only need to notify us of dates if you wish to repeat the same restriction on the same land in future years.

6.2.6. Withdrawing notice of a lambing restriction

You may withdraw notice of a lambing restriction by writing to the relevant authority any time before it is due to finish.

6.2.7. Informing the public of a lambing restriction

This is done in the same way as for the 28-day option.

6.3. Excluding Dogs for Grouse

The option of excluding dogs for grouse is in addition to the 28-day option. The weekend and public holiday limitations do not apply to this option of excluding dogs for lambing. If necessary, a 28 day restriction could run on the same bit of land at the same time as dogs are excluded for grouse but the 28 day limitations still apply.

6.3.1. Who is entitled to exclude dogs on grouse moors?

The owner only. See the definition in section 4.2.

6.3.2. Reasons for using the grouse moor option

The right of access requires people to keep their dogs on short leads anywhere in the vicinity of livestock and at any time between 1 March and 31 July. A short lead is a fixed lead up to 2 metres long. Natural Resources Wales considers that this general requirement to keep dogs on leads during the nesting season provides the safeguard necessary for ground nesting birds.

6.3.3. Description of the grouse moor option

This option is only available on land that is moor managed for the breeding and shooting of grouse.

The restriction may last for up to 5 years.

6.3.4. Giving notice for the grouse moor option

You must give notice in writing so that the relevant authority receives it at least 28 days before you start the restriction.

You must give the same details that we require for the 28 day option and can use the same form which is available from your relevant authority.

You may notify the dates after the rest of the information, but we must still receive them in writing at least 28 days before you start the restriction.

We will keep details of your first such restriction, so you will only need to notify us of dates if you wish to repeat the same restriction on the same land in future years.

6.3.5. Withdrawing notice of a grouse moor restriction

You may withdraw notice of a grouse moor restriction by writing to the relevant authority any time before it is due to finish.

6.3.6. Informing the public of a grouse moor restriction

This is done in the same way as for the 28 day option.

7. Applications to Exclude or Restrict the Right of Access

People with an interest in the land (see the definition in section 4.3) may ask the relevant authority to restrict or exclude the right of access. There is no limit to the days on which such restrictions may be made. The Countryside and Rights of Way Act gives this option, because not all situations can be dealt with using the discretionary options described in Section 6.

The relevant authority will assess each application according to standard criteria agreed by all the relevant authorities in Wales. The relevant authority can amend or refuse a proposal to restrict the right of access, but the applicant has a right of appeal.

The Countryside and Rights of Way Act gives powers to restrict the right of access in 2 main ways:

Completely excluding the right on all parts of an area of land – an exclusion.
Restricting the right without excluding it completely – a restriction.

A restriction may limit the right in many ways, especially by:

- Restricting the right of access to specified routes or ways.
- Allowing entry only via a specified point or points.
- Only allowing people without dogs; or
- Setting any other reasonable condition that people must satisfy.

7.1. Who can apply?

Anyone with an interest in the land, including owners, tenants, commoners, people with sporting rights and others with licences or agreements over the land. See the definition in section 4.3.

7.2. Reasons for applying

You may apply to have the right excluded or restricted for the following purposes:

- Management of the land by the applicant.
- If necessary to prevent fire when weather conditions are exceptional or there is an exceptional change in the condition of the land.
- Avoiding danger to the public arising from anything done, or proposed to be done, on the land or on adjacent land.

7.3. How to apply

Please use a copy of the form which is available from your relevant authority.

The form will help you send the right information and avoid delays while we ask for any missing information. Your application will only be valid when we have received the minimum information required by the regulations.

To be valid, your application must be in writing and include the following minimum information:

- Your name, address and postcode.
- A statement confirming that you have an interest in the land (as defined in section 4.3) and are, therefore, entitled to apply.
- If your interest is a right of common or similar right over land, a description of the extent of the right.
- A statement confirming whether you are applying for the purpose of land management, avoiding danger to the public or fire prevention.
- Details of the purpose of the restriction or exclusion and of how you want the right of access excluded or restricted.
- If you are entitled to use the 28 day option, an explanation of how you have used, or plan to use, your allocation of days on that land.
- A map showing the land affected. Alternatively, you may give the reference number of any area of land that we have already recorded for you, including in connection with notices of discretionary restrictions that you have notified to us.
- The dates on which you want the right of access excluded or restricted.

If you are unsure about the exact dates, the application form allows you to state how many days you will need within a specified period. We may agree to a restriction or exclusion that allows you to activate it on a maximum number of days when specified conditions are met. See section 8.3 for details of how these 'outline' directions are used to restrict or exclude access work.

We may need to ask you for more information so we can assess your application properly.

If you are an agent filling in this for someone else, please give us the above details for your client and give us your own name and address, including postcode.

7.4. Timing and deadlines

We must make our decision within the following deadlines:

6 weeks for restrictions and exclusions that would last up to 6 months.

16 weeks for restrictions and exclusions that would exceed, or may exceed, 6 months.

These deadlines start when we have all the information needed to make your application valid.

The deadlines do not include the extra time needed for the Planning Inspectorate to consider any appeal you may wish to make if you disagree with our decision. You will need to allow much longer for a decision on an appeal.

We will try to make our decision before the deadline whenever possible.

We may ask you to extend the deadline if the proposal is complex or particularly significant. You would not have to agree to this, but it might give time to arrange other solutions that restrict access less and may be more useful to you.

7.5. How we assess your application

We will assess your application using the guidance published by Natural Resources Wales and approved by the Welsh Assembly Government. In particular, we will:

Check the land is access land.

Check that your proposed restriction is not already covered by one of the general restrictions (see section 11.6).

Assess whether or not your proposal is the least restrictive option for access that will address your need and can be implemented without undue burden falling on you.

In the case of fire prevention, we will check that the weather conditions are exceptional or that there has been an exceptional change in the condition of the land.

We may want to discuss your proposal with you to form a view or to negotiate other options.

7.6. Consultation

If we propose to make a direction to restrict or exclude the right of access for more than 6 months, the regulations require us to first consult the local access forum and the following organisations:

The Unitary Authority or National Park authority in whose area the land lies.

British Association for Shooting and Conservation

British Mountaineering Council

Country Land and Business Association

Natural England (where the land has a border with England)

Farmers' Union of Wales

National Farmers' Union (Wales)

Open Spaces Society

Ramblers' Association

We will aim to agree a proposed direction with you before carrying out the consultation.

We will also aim to agree with you any amendments that we consider necessary after the consultation.

8. Directions to Restrict or Exclude Access

We restrict or exclude the right of access by making a 'direction' that specifies the terms of the restriction or exclusion. Therefore, the outcome of successful applications is a direction by the relevant authority that restricts or excludes the right of access.

8.1. Informing you of our decision

If we have agreed variations to your application with you, we will ask you to confirm that you agree to the final proposal before we make the direction or send it for consultation.

If we vary the proposal without your agreement, we will give you our reasons for doing so in writing.

If we turn down your application we will notify you in writing and give you our reasons.

You may appeal against our decision, as explained in section 9 of this booklet.

8.2. Details in a direction to restrict or exclude access

A direction will specify the following details and conditions:

- The date on which we make the direction.
- The provision of the Countryside and Rights of Way Act under which it is given (for land management, avoiding danger to the public or fire prevention).
- A map showing the land on which the restriction or exclusion applies.
- Whether or not the direction restricts or excludes the right of access.
- When relevant, details of how the right of access is restricted.
- The dates on which the restriction or exclusion is to apply.

8.3. Outline directions to restrict or exclude access

These are made in exactly the same way as ordinary directions, but allow flexibility in when the restriction or exclusion is applied. We will use outline directions when we can identify the conditions that need a restriction or exclusion, but cannot be sure exactly when those conditions will arise. For instance, you may know how long it will take to do a job, but not know exactly when it can start.

An outline direction specifies the same details as an ordinary direction, plus:

- A maximum number of days on which you can restrict or exclude the right of access.
- The period or periods within which you can restrict or exclude the right of access.
- The conditions that must be met before you can restrict or exclude the right of access.
- Confirmation that the applicant is allowed to decide when the conditions have been met and activate the restriction or exclusion.
- The length of notice that the applicant must give to the relevant authority before activating the restriction or exclusion.

8.4. Reviewing and changing directions to restrict or exclude access

We must review any long-term directions after 5 years.

We may also revoke or vary any direction at any time.

If we decide to revoke or vary a direction for any reason, we must consult with the original applicant, provided that it is practicable for us to do so. If the original applicant no longer has an interest in the land, we must consult with any person who has that interest instead, provided it is practicable for us to do so.

We revoke or vary a restriction or exclusion by making a new direction that supersedes the existing direction and includes the following information:

- The date on which we make the new direction.
- The provision of the Act under which it is given (for land management, avoiding danger to the public or fire prevention).
- A copy of the direction that it revokes or varies.
- Whether or not the direction revokes or varies the existing direction.
- If relevant, details of the variation.

8.5. Informing others of a direction

Who else is informed depends on who is the relevant authority.

If the relevant authority is Natural Resources Wales, it must also send a copy of the direction to: the Unitary Authority or the National Park authority if there is one and anyone that they are required to consult.

If the relevant authority is a National Park authority, it must also send a copy of the direction to: the Unitary Authority and anyone that they are required to consult.

9. Appeals

9.1. Grounds for appeal

An applicant may appeal if, in any respect, we decide not to restrict or exclude the right of access accordance with the application.

An applicant, or any new person who has since taken over the interest in the land, may also appeal if we revoke or vary a direction in ways that do not accord with any representation he or she made to us when consulted about it.

9.2. How to appeal

You should make any appeal in writing on an official form that you can request from the Planning Inspectorate, or download from their website. The Planning Inspectorate considers appeals on behalf of Welsh Ministers.

You can request more information about how to appeal from the Planning Inspectorate.

9.3. Deadlines for Appeal

We will tell you the deadline for appealing when we send you the direction or notify you that we have turned down your application. The deadline will be 6 weeks from the date on which we make the direction.

The Planning Inspectorate will send us a copy of your appeal soon as possible after confirming you appeal is valid. We must indicate within 14 days whether or not we intend to contest your appeal. Within another 3 weeks, the Planning Inspectorate will notify you and us of the timetable for running the appeal. It will take at least 17 weeks after that date for the process to produce a decision through the written representations procedure.

9.4. Outcomes of appeals

The Planning Inspectorate will normally decide to do one of the following:

- Uphold your appeal completely and instruct us to make a direction exactly as specified in your application.
- Agree in parts with your application and instruct us to make a direction that excludes or restricts the right of access in some of the ways you sought in your application.
- Dismiss your appeal, so that we do not restrict the right of access at all.

10. Informing the Public

10.1. Web

Natural Resources Wales will publish details of all restrictions and exclusions on a website, unless it is not practical to do so. It will normally be practicable, except when we receive notice of actual dates too late to change details on the website in time.

10.2. Signs

If you wish to enforce a restriction or exclusion, you are responsible for telling the public on the ground in the following situations:

- A restriction or exclusion using the discretionary 28-day option.
- A lambing restriction.
- A grouse moor restriction.
- A restriction or exclusion that you applied for and which lasts up to 6 months.

You can tell people verbally, or put up notices at places where people coming on to the restricted land will see them. We will usually send you a standard notice when we acknowledge your notice or when we make a direction to restrict or exclude access.

The relevant authority is responsible for telling the public on the ground about any restriction that lasts more than 6 months. We will agree with you the best places to put notices.

11. General Information

11.1. Occupiers' liability on access land

This is not a definitive interpretation of the law. You may wish to take legal advice.

If you are the owner or the farmer of your land, you may also be the occupier of it for the purposes of occupiers' liability. If you are in any doubt, you should seek advice.

Occupiers of land may be sued by someone on their land who is injured or who suffers damage as a result of dangers on the land arising from its state or condition or from something done or not done on the land.

Occupiers' liability is regulated by the Occupiers' Liability Acts of 1957 and 1984. Under the 1957 Act you owe a duty of care to people you invite onto your land. You must be careful to ensure that such visitors will be reasonably safe doing what you have allowed them to do on your land. If people accept the risks to which they are exposed on your land, you will not be responsible if they suffer injury or other damage as a result of that risk.

Responsibility towards people who are not your visitors is set out in the Occupiers' Liability Act 1984. You have a duty of care to people you haven't invited onto your land (e.g. trespassers), if you know there is a danger, you know that they may come into contact with that danger and it would be reasonable for you to protect them from that danger. In those circumstances, you should be careful that they are not injured as a result of the danger on your land.

The general position about occupiers' liability is changed in relation to access land by the Countryside and Rights of Way Act. First, those exercising rights of access under the Act are not visitors of the occupier for the purposes of occupiers' liability. And, second, occupiers owe no duty of care to anyone exercising the right on their land from risks that arise from natural features or from rivers, streams, ditches or ponds, whether natural or not, or from the misuse of walls, fences, gates or stiles unless the occupier deliberately created the risk or recklessly allowed it to arise.

In determining what duty of care is owed by the occupier on access land, the following factors will be taken into account:

- The fact that the existence of the right of access ought not to place an undue financial or other burden on the occupier.
- The importance of maintaining the character of the countryside, including historic or archaeological features.
- Any relevant guidance given in codes of conduct by Natural Resources Wales, including the countryside code.

11.2. How is occupiers' liability affected by exclusions and restrictions?

Although the Countryside and Rights of Way Act reduces the occupier's duty of care towards people on access land, this only applies while the right of access is unrestricted.

The occupier's duty of care will be the same as on any other land where the right of access is removed by a restriction or exclusion.

11.3. Risk assessment

You should consider potential risks to the public as part of the risk assessment that all employers and self-employed people running businesses must carry out to comply with health and safety legislation.

11.4. Public rights of way

The powers to restrict or exclude access have no effect whatsoever on public rights of way that cross access land.

11.5. Other consents

The restriction or exclusion of the right of access in no way forms or implies consent to carry out any activity or operation on the land. You will need to obtain any other consents required from the correct authorities before proceeding.

11.6. General restrictions

The right of access to access land is for the purpose of open-air recreation. Schedule 2 of the Countryside and Rights of Way Act gives the following list of general restrictions that confirm which activities are not part of the right. Any person carrying out these activities without the permission of the owner or occupier would be trespassing and so could be required to leave the land or return to the nearest public right of way. Many of the general restrictions are matters that can also be dealt with by other laws.

- Driving or riding any vehicle other than an invalid carriage.
- Camping.
- Using or carrying a metal detector.
- Organised games.
- Commercially run activities.
- Bathing, swimming in, or using a boat or sailboard on, non-tidal water such as lakes.
- Taking any animal other than a dog.
- Feeding livestock
- Lighting a fire or doing anything which is likely to cause a fire.
- Hunting, shooting, fishing, trapping, snaring or carrying the equipment to do this.
- Damaging the land or damaging anything on the land, like plants, trees, crops, fences or walls.
- Taking anything away from the land.
- Disturbing, injuring or killing livestock or wildlife
- Taking, damaging or destroying any eggs or nests.
- Blocking the flow of watercourses and drains.
- Leaving gates open (except where it is reasonable to assume that a gate is meant to be left open).
- Posting notices.

- Obstructing, disrupting, annoying or intimidating people who are involved in a legal activity.
- Committing a criminal offence.

11.7. Identifying access land

The following types of land are not accessible under the Countryside and Rights of Way Act even if they are shown as open country or registered common land on a conclusive map issued by Natural Resources Wales, or if they are dedicated as access land by the owner.

- Buildings and the land immediately surrounding them (including tents and caravans).
- Land within 20 metres of a house or a permanent dwelling.
- Parks and gardens.
- Active quarries and surface mineral workings (including commercial peat extraction).
- Railways and tramways.
- Golf courses, aerodromes and racecourses.
- Land which is not in one of the categories above and is covered by works used for a statutory undertaking or telecommunications and the boundaries of such land. (This includes public utility structures such as electricity sub-stations and telephone masts).
- Land which is in the process of being developed for one of the uses set out above.
- Land within 20 metres of a permanent building that is used for housing livestock, unless you have to use a gate, stile or public path to get onto the access land.
- Pens when they are being used for holding livestock.
- Land used for training racehorses, but only between dawn and midday, and at other times when the land is actually being used for training racehorses.
- Land regulated by byelaws under the Military Lands Acts of 1892 and 1900.
- Land which in the past 12 months has been ploughed or drilled for the purpose of sowing crops or planting trees.

The following types of land are accessible under other legislation and the Countryside and Rights of Way Act does not apply in any way to them:

- Registered commons that fell at least partly in one of the old Urban or Metropolitan District Councils have rights of access under Law of Property Act 1925.
- Registered commons dedicated for public access under the same Act. These include Crown commons and commons owned by the National Trust.
- Registered commons with schemes under the Commons Act 1899 that include public access.
- Areas, such as the Elan Valley reservoirs, where public access was granted by a local or private Act.
- Land with an access agreement or access order under Part V of the National Parks and Access to the Countryside Act 1949.
- Monuments under public control and which the public have access to under the Ancient Monuments and Archaeological Areas Act 1979.