

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Borough of Poole
Relevant Authority: Natural England
Local Access Forum: Dorset Local Access Forum

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Ham Fuel Depot, Ham Common	2006050235

This is in line with the relevant authority's statutory duties (see Annex 1).

Your views on the current direction are sought to assist Natural England in deciding whether the restriction is still necessary for its original purpose, and if so, whether the extent and nature of the restriction is still appropriate for the original purpose.

The relevant authority may decide to revoke the direction or that no change to the extent and/ or nature of a direction except the end date is necessary. In which case a Consultation Outcome Report will be published on the Consultation Pages of the Government's website¹.

¹ https://www.gov.uk/government/publications?publication_filter_option=consultations. To access the consultation enter "Open Access" into the free text box titled "Contains" and then filter by "Natural England" in the Department drop down.

If the relevant authority decides to vary the extent or nature of a restriction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

2. SUMMARY OF EXISTING DIRECTION

Land Parcel Name:	Direction Ref.	Dates of restriction on existing direction:	Reason for Exclusion
Ham Fuel Depot, Ham Common	2006050235	18/07/2016 to 18/07/2022	No Public Access Public Safety

Natural England made this long-term direction on 20th October 2006, and reviewed it in 2011 and 2016.

A short summary is provided below giving the background to the direction. This should be read in conjunction with the other associated documents sent as part of this consultation. Further information is available from Richard Thomas at Richard.Thomas@naturalengland.org.uk.

At the time of the last review in 2016 the site was owned by the Amphibian and Reptile Conservation Trust (Arc-Trust) and is a small area of heathland within a larger area of heathland at Ham Common, designated as SSSI. A tall chain link fence currently encloses the area in question with two entrance gates kept locked except when the site is accessed by trust staff or other members possessing a key. As a result it is not possible for members of the public to access the site without climbing the fence.

The site was formally a fuel depot up to the end of the Second World War and many of the original features such as fuel tanks, buildings, bunkers and tunnels are still in situ but in a poor state, and are judged to be a significant health and safety risk to anyone accessing the site without a guide.

At the time of the original application and last review in 2016 there were several significant risks to the public: -

1. The roof of the air raid shelter and entrance tunnels was at risk of collapse
2. People may fall into empty fuel tanks that do not have roofs
3. Underground fuel tanks containing fuel remnants were not sealed securely

4. Old pump house was flooded with the associated risk of drowning.

At the time of last review it was confirmed that the significant hazards were still there and had deteriorated since the original decision, probably making the site even more hazardous. The hazards were not readily visible, with bramble and gorse cover increasing since the original decision, with the result that dangerous holes and unstable roofs and surfaces were even more obscured. Furthermore the cost of any remedial work would place a significant cost burden on the occupier and would in effect be impossible as it would mean the complete loss of the SSSI habitat. Therefore the total exclusion was extended for another 6 years. The site was well delineated by the chain link fence, and secured by two locked gates, it is therefore reasonable that as these features provide a secure boundary to the site it is possible to restrict access to the whole site.

At the last review the Dorset LAF noted that it should be made clear that the public are at liberty to use the remainder of the site outside of the excluded area without constraint, with specific reference to advising the public that there is adequate room between the south side of the restricted area and the north side of the lake to allow it's circumnavigation.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of this direction then you must do so before 14th April 2021 directly to Richard Thomas at Richard.Thomas@naturalengland.org.uk. A map accompanies this notice and is attached and can be seen on the [Consultation Pages](#) of the Government's website².

Using and sharing your consultation responses

In line with Natural England's [Personal Information Charter](#), any comments you make, and any information you send in support of them, will help us to determine the application and / or determine if the restriction is still necessary in relation to the review or reassessment of a current direction.

We may wish to pass such comments or information to others in connection with our duties and powers under the open access legislation. This may mean for example passing information, including your name and contact details, to the

² https://www.gov.uk/government/publications?publication_filter_option=consultations. To access the consultation enter "Open Access" into the free text box titled "Contains" and then filter by "Natural England" in the Department drop down.

Secretary of State or their appointees, the Planning Inspectorate or to the relevant access authority(s).

We will summarise all responses and place this summary on [the Government's consultation website](#). This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

There may also be circumstances in which we will be required to disclose your response to third parties, either as part of the statutory process for consideration of representations and objections about our decision, or in order to comply with our wider obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please explain clearly why you regard the information you have provided as confidential. However, we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on Natural England.

Annex 1

In accordance with statutory guidance, the relevant authority has a duty to:

- review directions of a long-term character no later than their fifth anniversary; and
- revoke or vary directions where necessary.

Under CROW section 27(3) the relevant authority must review, at least every five years, any direction it has given that restricts access indefinitely; for part of every year; for part of each of six or more consecutive calendar years; or for a specified period of more than five years.

During the review the relevant authority must, having regard to the interest of the public in having access to the land, consider whether the restriction is still necessary for its original purpose, and if so, whether the extent and nature of the restriction is still appropriate for the original purpose.

Before reviewing a long-term direction the relevant authority must consult:

- the local access forum;
- the applicant or his successor in title, where reasonably practicable – for directions under section 24 or 25 made on application; or
- the relevant advisory body – for a direction made under section 26.

The authority must also publish a notice on a website (and send a copy to statutory consultees) that must explain that the authority proposes to review the direction in question; where documents relating to the review may be inspected and copies obtained; and that representations in writing with regard to the review may be made by any person to the authority by a date specified in the notice.

Once consultation is complete the relevant authority should have regard to any representations it receives before making a decision.

If following the consultation, the Relevant Authority decides to:

- leave the original direction unchanged, the relevant authority should record the date that the decision was made and should schedule a subsequent review where necessary.

If following the consultation, the Relevant Authority decides to:

- vary the extent or nature of a restriction, the relevant authority will issue a new direction under the same section and direction number that was used to give the original direction. If the new direction is long-term, it must be reviewed within five years of the date it is given;
- revoke a direction, we will record the date that the decision was made.

Before varying or revoking a direction the relevant authority must: consult the original applicant or his successor in title, where reasonably practicable – for directions given under section 24 or 25 on an application; or consult the relevant advisory body – for directions given under section 26. In either case, follow the consultation procedures set out in the Relevant Authority Guidance but only if it proposes to give a new direction that would restrict access indefinitely or for more than six months continuously.