

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS

Prepared by Natural England

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

Direction reference: 2006050235

Land Parcel Name	Direction Reference	Details of restriction on original direction
Ham Fuel Depot, Ham Common	2006050235	18/07/2016 to 18/07/2022 No Public Access S25 Public Safety

Natural England has now decided how to proceed following its review of the long-term directions to restrict open access rights on this land. A consultation was held between 26 March 2021 and 14 April 2021 with statutory consultees and the general public.

Outcome of the review:

Natural England's decision is to leave the original direction unchanged in the way it was originally proposed and extend the end date for a further six years.

The direction is a year round total exclusion and is necessary to prevent danger to the public from the significant risks on the site associated with the WWII buildings, bunkers and fuel tanks.

The site is still owned by the Amphibian and Reptile Conservation Trust (Arc-Trust) who have confirmed that nothing significant has changed on the site since the last review in 2016. They confirmed that they continue to manage the heathland and have been active under their Countryside Stewardship scheme, carrying out a range of capital works in 2018/19.

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. The risks described are:

1. The roof of the air raid shelter and entrance tunnels have been 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. An old pump house was flooded with the associated risk of drowning.

These hazards are not readily visible, with bramble and gorse cover increasing since the original decision, with the result that dangerous holes and unstable roofs and surfaces are even more obscured. A tall chain link fence 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. However the Arc-Trust did mention that the incidences of unauthorised public access and vandalism have increased since the last review and they have spent more time and money welding doors shut, repairing fences etc.

The Relevant Authority Guidance in Criteria Set 3: 'Risks arising from other man-made features' states:

- *Other man-made features, such as derelict buildings, can present significant risks that may not be readily apparent to visitors. Often warning signs will be sufficient. In some areas path management or physical barriers may also be necessary to steer visitors away from such hazards or prevent them from entering.*
- *Where unaccompanied children are known to visit the land, it may be advisable to create impenetrable physical barriers, even if the hazard is an obvious one.*
- *Repair and maintenance of access infrastructure will occasionally be necessary to make it fit for public use.*

Step 6. Is statutory restriction necessary?

Restrictions will not normally be necessary unless:

- *the danger is significant and not readily apparent to the visitor; and*

Step 7. What is the lowest level of restriction necessary?

- *Any restrictions will normally be limited to the immediate area of risk, with use of the remaining access land unaffected.*

In this case the dangers are significant and not readily apparent, and the fencing and signage needs to be reinforced with a legal direction to deter people from entering the site by climbing over or breaking through the fence. Furthermore, it is not possible to make the site safe as the cost of any remedial work would place a significant burden on the occupier and would in effect be impossible, as removing the hazards would require completely removing large areas of the heathland SSSI habitat.

It is therefore clear that the risks remain and therefore the total exclusion is extended for another 6 years.

Natural England's policy for long-term directions is that they should not be given for a period of more than six years. Therefore the original direction will be extended to an end date of 16/07/2027.

Details of the restriction will appear on the relevant map of access land on the Open Access website - www.openaccess.naturalengland.org.uk.

You should note that the applicant has the right to appeal within six weeks against our decision not to act in accordance with the application originally submitted to us. Only the applicant can appeal against this decision. Details of any appeal will appear on the Planning Inspectorate's website at www.planningportal.gov.uk/planning/countryside/countryside.

Where a direction restricts access indefinitely, for more than five years, for part of every year, or for part of at least six consecutive years, we have a statutory duty to review it within five years of the date of its issue.

Date review completed: 16 July 2021