

Countryside and Rights of Way (CROW) Act 2000:

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED LONG-TERM RESTRICTION OF COASTAL ACCESS RIGHTS

Prepared by Natural England

Case reference number:	2018048630
Name of site/land parcel:	Lymington Yacht Haven
England Coast Path:	Highcliffe to Calshot
Access authority	Hampshire
Local access forum :	Hampshire Countryside Access Forum
Consultation began:	12 th April 2018
Consultation ended :	9 th May 2018
Date of direction notice:	When ECP stretch commences

Natural England has now decided how to proceed following its consultation about exclude coastal access rights under section 24 & section 25(b) of CROW on this land. Natural England's decision is to give a direction restricting CROW access in the way it originally proposed

This is because part of Lymington Yacht Haven will fall within seaward coastal margin. At the time of the proposals being submitted before the Secretary of State, the landowner was not fully aware of the implications of the seaward margin in relation to access on the site. They requested that we look at a direction to exclude access in order to prevent disturbance to ongoing commercial activities and to protect public safety.

As this proposal was not part of the report Natural England submitted to the Secretary of State, we undertook to consult separately.

The site is approximately 2.1 hectares in size and is a mix of tarmac and gravelled hard standing. The site has space for upward of 230 boats ashore, with provision for 600 berths in the marina itself. The site also has a car park to the east of the site which regularly doubles up as an auxiliary boat storage and repair area.

There are accessible areas that continually have heavy machinery running up and down often with boats in large hoists or cranes that are a risk to public safety. Allowing unrestricted access on to the site will also likely disrupt the ability to continue with ongoing commercial activities around the marina.

These activities include boat repair, marina maintenance, moving, refuelling and cleaning of boats and related machinery.

The lowest level of restriction is an exclusion to the working area of the marina, (which in this case applies to all of the seaward margin)

This is due to continued use of heavy duty boatyard machinery (hoists and cranes) at most times of the day.

We received one response to the consultation from a boat owner at the Yacht Haven that having understood that it wouldn't affect his rights as a berth holder to use the site as he has done before, fully supported the direction.

Natural England are satisfied that as there were no other responses opposing the direction, the land at Lymington Yacht Haven described above will be excluded from coastal access rights as soon as the Highcliffe to Calshot stretch commences sometime between 2019 and 2020.

Details of the direction will appear on the relevant map of access land on the Open Access website at www.openaccess.naturalengland.org.uk. When the Highcliffe to Calshot stretch commences.

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 are obliged to review it within five years of the date of issue. In this case it is likely to be in either 2024 or 2025.