

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: Dorset County Council
Relevant Authority: Natural England
Local Access Forum: Dorset, Bournemouth and Poole Local Access Forum

Direction reference: 2012056403

Land Parcel Name	Direction Reference	Details of restriction on original direction
Preston Beach	2012056403	Outline Direction, total exclusion with temporary route provided 14 days annually Additional 14 days during one year every decade

Natural England has now decided how to proceed following its review of the above mentioned long-term direction to restrict CROW access rights on this land.

An initial consultation has been held between 19th October 2017 and 3rd November 2017 with statutory consultees and the general public. We received feedback from the Ramblers, Dorset Area. They understood from the Initial Consultation Summary Report that it would seem that Natural England have not had sight of a record of the dates of closures so far. They said they have no problem with the continuation of this directive, but suggest that the public would be reassured of the need to continue with it, if a record of dates closed was made available, and ratified by Natural England.

Outcome of the review:

Natural England's decision is to extend the direction for a further six years.

As there is no further long term direction being proposed, i.e. access will not be restricted for more than 6 months continuously, and the direction is not being varied in any way other than duration; there is no requirement to carry out a second consultation.

This direction was made as part of Natural England's proposals for the Rufus Castle (Portland) to Lulworth Cove (Dorset - Weymouth) stretch of the England Coast Path.

The approved route is part of the South West Coast Path National Trail, coastal access rights also apply within the coastal margin (including along the coast path itself).

The application was made by the Environment Agency (EA), as the area used as a promenade at Preston Beach on which the England Coast Path runs is part of the sea defence that protects the main road and the adjacent inland area, and they often need to do works on this sea defence or on the beach itself.

In 2012 Natural England was informed that the EA would be undertaking re-profiling work on the beach approximately 3 times each winter following severe storms that reduce the crest width of the beach (and therefore the flood protection offered to the road, SSSI, landfill and properties behind). Depending on the storm (or succession of storms), they then recover the material either from the foreshore, or from further north towards Bowleaze Cove and Overcombe. Similar work can also be undertaken as part of routine maintenance. This work is usually undertaken using excavators on the beach with banksmen, and does not involve closing the promenade, just using informal management, for example diverting people around the working area.

However, the EA do sometimes need to move material further along the beach using dump trucks, which is what the promenade was originally designed for. This work involving large vehicles and other large machinery can present a significant hazard therefore it was determined necessary to exclude access on these occasions. This work was planned to be required a maximum of once a year, and would normally last between a week and two weeks. When the promenade and beach are closed for this purpose, the work and therefore this direction was designed to allow the public to use the footpath and cycleway to the rear of the beach, with road crossing points utilising traffic lights at either end.

The EA also undertake planned maintenance approximately every 10 years to reseal the sea defence joints, which requires a full closure of the promenade. They expected this to take approximately 2 weeks, and this was planned to occur in November 2012. For this closure period it is just the promenade closed, so the spreading room on the beach as well as the footpath and cycleway at the rear of the beach (opposite side of the road) will remain open and be available for members of the public to use.

An outline direction therefore was given for 14 days per annum for these sea defence works, and also another 14 days to be used once per decade for the decadal joint sealing works.

Section 8.13 of the Coastal Access Approved Scheme (2013) considers the need for special measures in relation to Work Operations:

8.13.4 There are two separate but usually closely-related concerns:

- *Danger to the public*
- *Disruption to the work*

The need for intervention

8.13.5 Many work operations are governed by health and safety at work legislation. Those responsible must ensure, so far as reasonably practicable, the health and safety of persons affected by their work activities.

8.13.6 The need for intervention to prevent danger to the public will depend on the nature of the risks and patterns and levels of public access. Intervention may be

unnecessary for lower order risks, provided visitors can clearly see the work area and there is a safe and accessible way through it or around it.

8.13.7 Visitors are unlikely to disrupt work intentionally and will avoid areas where work is taking place if they clearly identify the affected area and there is a route around it. The need for intervention to prevent disruption will therefore depend on the availability of such a route or, in the absence of one, the frequency with which work is likely to be interrupted by people passing through.

Informal Management Techniques

8.13.12 Clear way-marking of the trail and any preferred routes through spreading room will be sufficient in some circumstances to ensure that short term operations can take place without danger or disruption

8.13.13 Working people will often be expected to check for approaching visitors while working, and should be able to stop work temporarily if it is necessary to allow people to pass safely. However, where visitor levels are high, this may disrupt the work significantly. There are several informal techniques which can be used to prevent this:

- *The work could be planned for times when visitor numbers are expected to be low.*
- *Banksmen or lookouts may be used to guide people around the danger area or ask them to wait until there is a convenient break in operation before they pass.*
- *Signs may be used to encourage people to avoid the working area.*

The winter routine re-profiling works and re-profiling works following storms are managed by banksman and it can be seen this informal management is sufficient and doesn't require a direction.

Directions to restrict or exclude access

*8.13.15. We may use directions to prevent danger to the public in relation to operations that pose severe risks, such as those arising from the use of industrial harvesting or spraying equipment, **major civil engineering works**, road line clearance, bridge building, hauling stone and dismantling of large heavy structures.*

8.13.16. Where necessary for public safety, directions will exclude access from the area of risk, taking account of any risk assessment that has been conducted and of the practicability or otherwise of identifying in advance the precise areas that will be affected by these operations. Large scale civil engineering works often involve a series of related operations taking place at different times and in different areas of a work site during a specified period, so it will not usually be practicable to specify the exact time and place where risks will arise. In circumstances like these we will exclude access from the whole site where risks may arise.

8.13.17 We may also use directions for land management purposes to prevent significant disruption to work operations. This is most likely to be necessary where visitor levels are expected to be high during a period when work is taking place and there is no alternative means available to manage the passage of visitors safely through or around the site while the work is taking place.

8.13.18. Where necessary directions for land management purposes will exclude access from the area where work is taking place.

8.13.19 We will normally provide a temporary or alternative route at times when access to the trail is excluded for either purpose, if this can be done at reasonable cost.

The larger scale works involving moving material along the beach using dump trucks and other heavy machinery, and involving the promenade, constitute major civil engineering works and require the beach and promenade to be closed. This is necessary for both public safety and to prevent disruption to the works. As suggested in 8.13.19 the EA do provide an alternative route to the rear of the beach on the opposite side of the road with the use of temporary crossing points.

Therefore as the EA plans to continue to with the works detailed above, and the direction is justified in the Approved Scheme, Natural England is extending the direction for a further 6 years.

The original direction gave the maximum permitted extent of closure area with the understanding that the EA will only close the minimum area required, these arrangements will continue and the works will be managed on the ground with signage/ fencing/ barriers/ banksmen as appropriate, and the EA will also notify the Open Access Contact Centre of closure dates so they can be displayed on Natural England's website. This will also mean Natural England will have a record of any closures as recommended by the Ramblers in their consultation response, though the EA should still maintain their records.

Summary of changes made to the existing directions:

Land Parcel Name:	Details of restriction on original direction:	New details of restriction
Preston Beach	2012056403	Outline Direction, total exclusion with temporary route provided 14 days annually Additional 14 days during one year every decade. Until 20 th November 2023

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.

Date review completed: 21st November 2017