

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTIONS

SUMMARY FOR PUBLIC CONSULTATION

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: Hartlepool Borough Council & Stockton-on-Tees Borough Council

Relevant Authority: Natural England

Local Access Forum: Tees Valley Local Access Forum

Natural England is about to review the following directions:

Land Parcel Name:	Open Access or England Coast Path	Direction Ref.	Dates of restriction/exclusion on existing direction:	Reason for restricting/excluding access
Seal Sands Industrial Complex	King Charles III England Coast Path: Newport Bridge to North Gare	2014087356	Year round	sections: 24 and s25(1)(b) - Land management and public safety

North Tees Mudflats	King Charles III England Coast Path: Newport Bridge to North Gare	2018038613	Year round	sections:25A - Unsuitable for public access
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This is in line with the relevant authority’s statutory duties (see Annex 1).

Your views on the current directions are sought to assist Natural England in deciding whether the exclusions are still necessary for the original purpose, and if so, whether the extent and nature are still appropriate for the original purpose.

The relevant authority may decide to revoke the directions or that no change to the extent and/ or nature 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.

If the relevant authority decides to vary the extent or nature of the exclusions 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 DIRECTIONS

Natural England made these long-term directions on 19th September 2019.

The short summary below gives the background to the direction.

This should be read in conjunction with the other documents available as part of this consultation. Further information is available from Katherine Sutton at restrictionrepresentations@naturalengland.org.uk

Natural England opened the Newport Bridge to North Gare stretch of King Charles III England Coast Path in September 2019. Two directions for public safety and

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.

land management covering the Seal Sands Industrial Complex and North Tees Mudflats excluded public access to the coastal margin of this stretch.

The Seal Sands Industrial Complex is an area of heavy industry including; chemical works, areas of wasteland, landfill, and underground brinefields with exposed valves and pipelines. Also including land owned by the RSPB as part of the Saltholme RSPB reserve and an area with permissive access owned by Huntsman Pigments.

The land at Dormans Pool is owned by the RSPB and access is restricted to RSPB members and members of Teemouth Bird Club. Following advice, it was concluded that Dormans Pool and the RSPB land to the west of the A178 (but east of the ECP line) should be restricted for land management reasons.

Greenabella Marsh is a private land belonging to chemical company Huntsman. Visitors are asked to sign in and out when visiting as a Health and Safety precaution and leave their mobile number, they are also given the number of the reception. As part of their risk management Huntsman need to continue this practice and as such this was included in the land management restriction.

This restriction also covers the intertidal mudflats of the North Tees area which are unsuitable for public access due to the terrain.

For clarity, the relevant authority, Natural England decided in 2019 that it makes sense to include this whole area into one combined s24&s25 restriction.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of these directions, then you must do so before 17th September directly to Katherine Sutton at restrictionrepresentations@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

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.

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/ exclusion 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 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.