

## 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	2006050235	24/11/2011 to 23/11/2017 No Public Access. Public Safety

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. A second consultation has been held between 4<sup>th</sup> March 2016 and 1<sup>st</sup> April 2016 with statutory consultees and the general public. We received no feedback.

#### **Outcome of the review:**

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

The site is owned by the Amphibian and Reptile Conservation Trust (Arc-Trust) and is a small area of heath land within a larger area of heath land 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 at the last review 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.

During this review in 2016 it has been found that all the hazards which were part of the original direction and later review remain and it is likely that there has been more deterioration of roofs of the various underground structures and entrance tunnels, probably making the site even more hazardous to the public.

As the hazards are not readily visible, with bramble and gorse cover increasing since the original decision to make dangerous holes and unstable roofs and surfaces even more obscured, the total exclusion will be extended for another 6 years.

The Dorset, Poole and Bournemouth LAF noted that it should be made clear that the public are at liberty to use the remainder of the site 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.

Natural England's policy for long term directions is that they should not be given for a period of more than 6 years therefore the original direction will be varied to have an end date of 18<sup>th</sup> July 2022.

**Summary of changes made to the existing directions:**

<b>Land Parcel Name:</b>	<b>Details of restriction on original direction:</b>	<b>New details of restriction</b>
Ham Fuel Depot	24/11/2011 to 23/11/2017 No Public Access. Public Safety	18/07/2016 to 18/07/2022 No Public Access. Public Safety

Details of the restriction will appear on the relevant map of access land on the Open Access website - [www.openaccess.naturalengland.org.uk](http://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](http://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: 18<sup>th</sup> July 2016