

## Countryside and Rights of Way Act 2000 (CROW)

### NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING CONSULTATION ON A PROPOSED LONG-TERM RESTRICTION OF CROW ACCESS

**Relevant authority:** South Downs National Park Authority  
**Access authority:** South Downs National Park Authority  
**Local Access Forum:** South Downs Local Access Forum

Land Parcel Name:	Original Direction ref:	Dates of restriction on previous direction:	Details of restriction on previous direction
Breaky Bottom	2005050420	01/05/2010 – 1/07/2015	Avoidance of danger to the public (mineral workings). No public access.

South Downs National Park Authority (SDNPA) has decided, following its review of the above long-term direction, to restrict CROW access on this land and continue with the previous direction to exclude the public from the land but to reduce the total area of exclusion.

A second consultation has been held with statutory consultees and the general public between 16 February 2015 and 09 March 2015. SDNPA received responses to the consultation from the Ramblers, the Open Spaces Society, the South Downs Society and two individuals. All responses supported the reduced area to be covered by the exclusion. All the responses, and all the responses to the initial consultation, recommended action to be taken to make the chalk pit safe which would then mean the direction would be unnecessary. Four of the responses to the second consultation, not including the Open Spaces Society, want the Direction to be for only one or two years. The consultees express the opinion that it will be possible to take some remedial or enforcement action in that time to make the chalk pit safe.

SDNPA has approached the applicant with an offer to provide fencing which would make the chalk pit safe. This was refused by the applicant. The Ramblers maintain that the chalk pit is a public nuisance under The Mines and Quarries Act 1954 and request that SDNPA approach the District Council to investigate what action may be able to be taken to make the pit safe using their powers under that Act.

SDNPA will undertake to investigate this course of action with the District Council (Lewes).

SDNPA has the ability to re-assess the Direction at any time should circumstances change. If action is taken by Lewes District Council and the chalk pit is considered to have been made safe SDNPA can re-assess and decide to revoke the Direction. Equally if fencing can in the future be negotiated or any other change in circumstances comes about which mitigates against the danger, then SDNPA can re-assess and revoke the Direction.

**Outcome of the review:**

SDNPA’s decision is to vary the Direction to reduce the area of exclusion because part of the area is now fenced away from the field with the dangerous chalk pit. SDNPA has decided that the exclusion to the public will continue until 28 April 2021. This will allow for a review within five years and time for appeal process should that occur. SDNPA will not make the Direction for a shorter period of time because in the event that the chalk pit cannot be made safe by negotiation or by use of local authority powers then the chalk pit remains unsafe and a Direction will still be required.

SDNPA will commit to 12 monthly re-assessments of this Direction in order to assess whether a change in circumstances, which make the chalk pit safe, has been achieved.

SDNPA will re-assess the direction at any time should circumstances relating to the reason for the restriction change.

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

<b>Land Parcel Name:</b>	<b>Dates of restriction on previous direction:</b>	<b>New dates for direction</b>
Breaky Bottom	01/05/2010 – 01/07/2015	28/04/2015 – 28/04/2021

Details of the restriction will appear on the relevant map of access land on the Open Access website - <https://www.gov.uk/right-of-way-open-access-land/use-your-right-to-roam>

The applicant has the right to appeal within six weeks against the authority’s decision of this review.