

Countryside and Rights of Way (CROW) Act 2000

REVIEW OF STATUTORY DIRECTION – PROPOSED CHANGE TO EXISTING DIRECTION

**SUMMARY FOR PUBLIC CONSULTATION
Prepared by South Downs National Park Authority**

1. INFORMATION ABOUT THE PUBLIC CONSULTATION:

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

Original direction reference: 2005050420

| Land Parcel Name: | Details of restriction on original direction |
|--------------------------------------|---|
| Breaky Bottom near Rodmell, Lewes | 2005050420 |

South Downs National Park Authority has begun a review of the above long term direction in accordance with statutory guidance (see Annex One). A consultation has been held with statutory consultees and the general public that sought views on the existing direction.

We received feedback from a number of consultees including: South Downs Local Access Forum, Ramblers, Open Spaces Society, South Downs Society and a number of individuals.

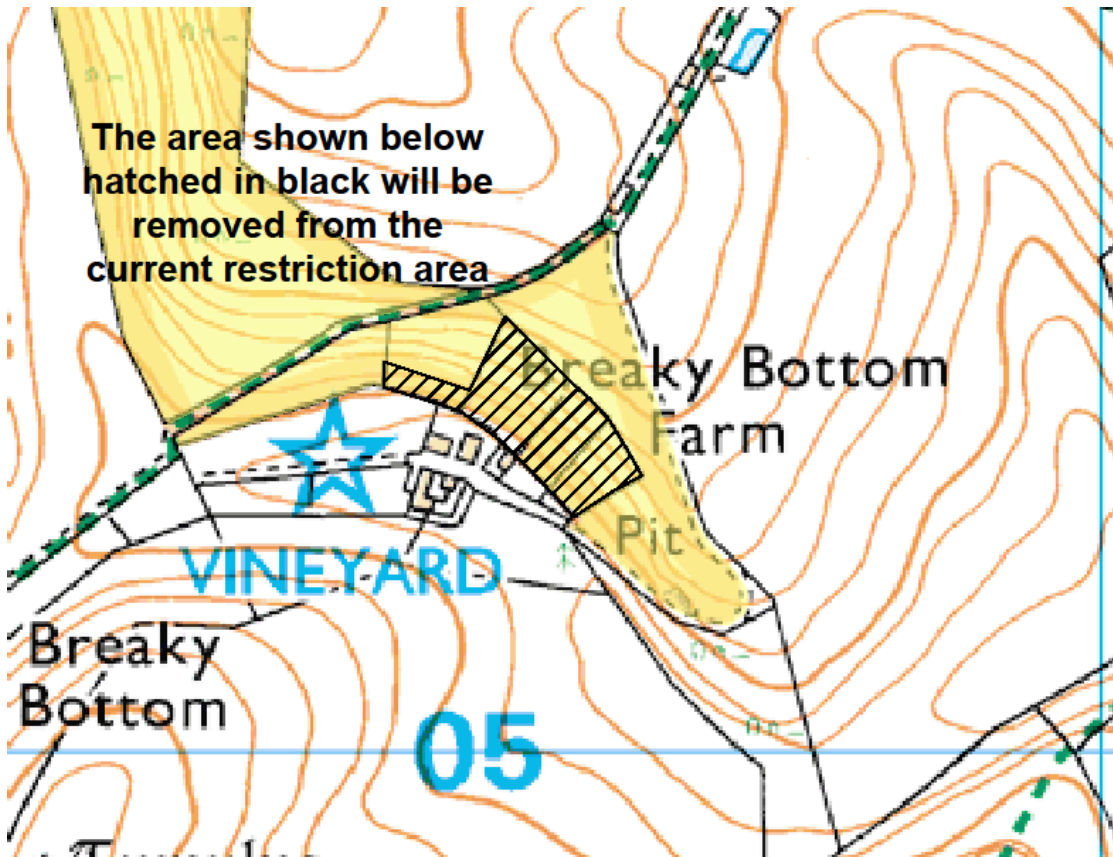
Summary of consultee comments:

| Name | Statutory consultee Y/N | Response Y/N | Summary of response |
|--------------------------------|--------------------------------|---------------------|---|
| South Downs Local Access Forum | Y | Y – verbal on site | Make new direction. Remove fenced area from restriction. |

| | | | |
|--|---|-------------------------|--|
| | | | SDNPA to negotiate fencing around pit. Re-assess direction once mitigation achieved. |
| British Association for Shooting and Conservation; | Y | N | |
| British Mountaineering Council; | Y | N | |
| Country Land and Business Association; | Y | N | |
| National Farmers' Union; | Y | N | |
| Open Spaces Society; and | Y | Y | Remove fenced area from restriction. Fence pit and remove direction. Without fencing direction "tenuous". |
| Ramblers' Association. plus: | Y | Y | Remove fenced area from restriction. Place new direction for one year only and take action to make pit safe. |
| South Downs Society | N | Y | Fence pit and remove direction. |
| East Sussex Local Access Forum | N | Individual members only | |
| Freeholder of land | Y | N | |
| Other individual response | N | Y | Support OSS |
| Other individual response | N | Y | Fence pit and remove direction. |
| Other individual response | N | Y | Renew current direction but noting that fencing of pit would be better solution. |
| Other individual response | N | Y | Support OSS |
| Other individual response | N | Y | Support OSS |
| Other individual response | N | Y | Remove direction and install warning sign. |

After due consideration, South Downs National Park Authority (SDNPA) now proposes to make a new direction over a smaller area of land. A small part of the land within the current direction has fences separating it from the dangerous

chalk pit. There is no public safety reason to exclude the public from this area. The remaining area which contains the chalk pit must still be considered dangerous and a direction for a further six years is proposed. The area proposed to be removed from the current direction is shown on the map below hatched in black.



The initial consultation responses recommend that the chalk pit be made safe by fencing (in one response, by signage). If such mitigating action was taken then SDNPA would be able to re-assess the direction. SDNPA will work with the landowner to achieve this but a direction is necessary to protect public safety by excluding the public from the land until such time as the circumstances change.

As we have decided to vary the direction (and are still proposing to make a long term direction) we are obliged to undertake a further round of consultation.

2. SUMMARY OF PROPOSED CHANGES TO EXISTING DIRECTIONS:

| Details of restriction on original direction: | Proposed details for new direction | Reason for proposed direction |
|---|------------------------------------|-------------------------------|
|---|------------------------------------|-------------------------------|

| | | |
|--|---|--|
| Exclusion of the public from 01 May 2010 to 01 July 2015 | Exclusion of the public from 02 July 2015 to 02 July 2021 | Avoidance of danger to the public (mineral workings). No public access |
|--|---|--|

We must still review the direction no later than five years after its anniversary (or from the date of the last review).

3. SUBMITTING COMMENTS ON THE REVIEW:

If you wish to comment on the review of this direction then you must do so before 09 March 2015 directly to:

Tim Squire
Rights of Way and Access Officer
South Downs National Park Authority
Stanmer Park, Lewes Road, Brighton, BN1 9SE

Tim.squire@southdowns.gov.uk

A map accompanies this notice and is attached and can be seen on the open access consultation page on GOV.UK Website

https://www.gov.uk/government/publications?keywords=open+access&publication_filter_option=consultations&topics%5B%5D=all&departments%5B%5D=natural-England&official_document_status=all&world_locations%5B%5D=all&from_date=&to_date=&commit=Refresh+results

Using and sharing your consultation responses

In line with SDNPA's Privacy Policy, 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 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 do not plan to publish individual comments in full, but we may publish extracts from them when we report on our consultation(s).

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 SDNPA.

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 a direction in any way (type, extent or date), the relevant authority must give a new direction under the same section 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, the relevant authority must give a new direction under the same section to revoke it. There is no requirement to review the new direction.

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.