



Department
for Transport

Department for Transport
National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR
Tel: 02079444310

Web Site: www.gov.uk

Our Ref: F0012025

18 February 2015

Mr Jonathan Combe

By email only to:

[request-249787-
4515232b@whatdotheyknow.com](mailto:request-249787-4515232b@whatdotheyknow.com)

Dear Mr Combe

**TEMPORARY CLOSURE ORDERS RELATING TO FOOTPATH NO 9 CHARMOUTH &
FOOTPATH NO 51 STANTON ST GABRIEL**

Thank you for your information request of 22 January. You requested the following information:

all documentation and correspondence regarding the Temporary Closure Orders which have been applied to this path and approved by the Department for Transport since 17th October 2014. In particular the reasons for granting the extensions and the reasons that have been provided by Dorset County Council for the extended closure and the actions they have taken and propose to take to resolve the problems with this path.

Your request has been considered under the Freedom of Information Act 2000 ("the Act").

The Department does hold the information you requested but has decided that some of this information cannot be disclosed for the reasons given below.

The names of two junior officials at Dorset County Council is withheld in line with the third party personal information exemption at section 40(2)&(3) of the Act. The officials are not in a public facing role and therefore have a reasonable expectation that their names will not be placed into the public domain.

One e-mail is being withheld is at the request of Dorset County Council who consider the contents to be sensitive. The Department agrees with their representation and considers it falls under the exemption in section 43(2) of the Act as it would prejudice the commercial interests of any person including the public authority holding it. As section 43(2) is a qualified exemption we are required to balance the public interest in disclosing the information against that for withholding it. Annex A to this letter sets out the exemption in full and details why the public interest test favours withholding the information.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04
Ashdown House

Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

VICTORIA POINTER
HEAD OF NATIONAL TRANSPORT CASEWORK TEAM

Annex A

43 Commercial interests

(1) Information is exempt information if it constitutes a trade secret.

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

Public Interest Test

Factors for disclosure	Factors against disclosure
The current coalition Government has promoted the ideal that information should be made public rather than not, and that Government should be more transparent.	Disclosure of the information provided by Dorset County Council would prejudice their commercial position during ongoing sensitive negotiations with a third party. The council require safe space to negotiate, if the council are unable to conduct negotiations privately then they may not be able to achieve the best possible outcome for taxpayers.
Decision	
Information disclosed by Dorset County Council should not be released as it would prejudice the commercial interest of Dorset County Council, Private individuals and another Government Department.	

Annex B

From: Victoria Pointer [<mailto:Victoria.Pointer@dft.gsi.gov.uk>]

Sent: 17 October 2014 13:50

To: *WITHHELD S40*

Cc: Farnham, Martin C.

Subject: RE: TEMPORARY CLOSURE OF FOOTPATH No9 CHARMOUTH & FOOTPATH No51 STANTON ST GABRIEL

WITHHELD S40

Many thanks for your local knowledge regarding this footpath.

As discussed, this team has received a complaint regarding the continued closure of the above right of way. The complainant argues that the footpath runs along a river, not the coast and is not subject to cliff falls, nor will be affected by the coastal path rerouting.

Could you please confirm the council's plans regarding the footpath regarding the possible permanent diversion.

I have asked for permission to share the correspondence and will forward it if received.

regards

Victoria Pointer

Head of National Transport Casework Team | Department for Transport | Tyneside House | Skinnerburn Road | Newcastle upon Tyne | NE4 7AR | 0207 944 4310| victoria.pointer@dft.gsi.gov.uk

From: Farnham, Martin C. [<mailto:m.c.farnham@dorsetcc.gov.uk>]

Sent: 20 October 2014 09:29

To: Victoria Pointer; *WITHHELD S40*

Cc: Hyde, Demelza; Wilkinson *WITHHELD S40*

Subject: RE: TEMPORARY CLOSURE OF FOOTPATH No9 CHARMOUTH & FOOTPATH No51 STANTON ST GABRIEL

Hi Victoria

Further to your attached email concerning the on going closure of the above footpaths. I deal with Temporary Traffic Regulation Orders on behalf of the County Council and apply to yourselves based on information supplied by Dorset Countryside Service. I have therefore copied your email and my reply to Demelza Hyde and *WITHHELD S40* so that they can reply to you direct on this matter.

Regards

Martin

Hi Demelza & *WITHHELD S40*

Please see the attached email concerning this on going closure, can you please reply direct.

regards

Martin

Martin Farnham
Streetwork Manager
Highway Network Management
Dorset Highways, Dorset County Council,
County Hall, Colliton Park,
Dorchester, Dorset, DT1 1XJ

Tel: 01305 221850 Email: m.c.farnham@dorsetcc.gov.uk and
roadspacemanagement@dorsetcc.gov.uk

Live traffic and travel: dorsetforyou.com/traveldorset - [@TravelDorset](https://twitter.com/TravelDorset) on Twitter
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Facebook: <http://www.facebook.com/dorsetforyou>

From: Victoria Pointer
Sent: 20 October 2014 09:32
To: 'Farnham, Martin C.'
Subject: RE: TEMPORARY CLOSURE OF FOOTPATH No9 CHARMOUTH &
FOOTPATH No51 STANTON ST GABRIEL

Thanks Martin
Much appreciated
V

Victoria Pointer

Head of National Transport Casework Team | Department for Transport | Tyneside
House | Skinnerburn Road | Newcastle upon Tyne | NE4 7AR | 0207 944 4310|
victoria.pointer@dft.gsi.gov.uk

From: Hyde, Demelza [<mailto:d.hyde@dorsetcc.gov.uk>]
Sent: 22 October 2014 14:18
To: Farnham, Martin C.; Victoria Pointer; *WITHHELD S40*
Cc: *WITHHELD S40*
Subject: RE: TEMPORARY CLOSURE OF FOOTPATH No9 CHARMOUTH &
FOOTPATH No51 STANTON ST GABRIEL

Dear Victoria

I am afraid there appears to have been a bit of a mix up with the information given for the reasoning behind the further closure requested. This is probably due to the fact we had

several closures needed to be extended at the same time and within the same area of coastline.

The request to get this closure extended is due to the fact that the public footpath which used to run adjacent to the River Char between the beach at Charmouth and Newlands Bridge has been subject to a number of major landslips of the river bank. This has meant sections of the public footpath have now fallen into the river, making the route impassable and no longer present on the ground.

We are working closely with our legal and property management teams to identify viable options that we can take forward and negotiate with the landowners for a new route for sections of public footpath which are now gone so we can hopefully reopen the path. Otherwise we will have no option but to either open up the sections of public footpath that are currently passable but this will result in two cul da sac paths. But as the river is constantly moving eastwards it will be only a matter of time before further sections of the footpath are in the river itself.

If you require any further information please do not hesitate to contact me.

Kind regards

Demelza

Demelza Hyde
Senior Coastal Ranger, West Dorset, South Dorset Ridgeway and Coastal Access

Dorset Countryside
The Old Radio Station
Bridport Road
Dorchester
Dorset
DT2 9FT
01305 228951

From: Victoria Pointer
Sent: 22 October 2014 15:43
To: 'Hyde, Demelza'
Cc: 'Farnham, Martin C.'
Subject: RE: TEMPORARY CLOSURE OF FOOTPATH No9 CHARMOUTH & FOOTPATH No51 STANTON ST GABRIEL

Many thanks for this Demelza.

Given the need to ensure the authorisation to extend the TRO is based on time required/attempts being made to remedy the situation, can you please confirm the current position regarding the legal and property managements teams viability work - e.g. what steps have been taken so far, what is planned?

Also, given the potential mix up regarding footpaths, was the extension period (2 years) correct?

Finally, as I am also dealing with a Freedom of Information request regarding this matter – which covers all correspondence between DfT and DCC, could you please confirm if there

is any reason why your name/contact details would need to be redacted. I'd appreciate this information by 31 October in order that I can meet the deadline for providing the requested information.

regards

Victoria Pointer

Head of National Transport Casework Team | Department for Transport | Tyneside House | Skinnerburn Road | Newcastle upon Tyne | NE4 7AR | 0207 944 4310| victoria.pointer@dft.gsi.gov.uk

From: Victoria Pointer [<mailto:Victoria.Pointer@dft.gsi.gov.uk>]

Sent: 03 November 2014 10:55

To: Hyde, Demelza

Cc: Farnham, Martin C.

Subject: FW: TEMPORARY CLOSURE OF FOOTPATH No9 CHARMOUTH & FOOTPATH No51 STANTON ST GABRIEL

Importance: High

Demelza

Could you please provide a response to the queries below. Without your response, the TRO extension approval granted may be invalid or could be withdrawn

regards

Victoria Pointer

Head of National Transport Casework Team | Department for Transport | Tyneside House | Skinnerburn Road | Newcastle upon Tyne | NE4 7AR | 0207 944 4310| victoria.pointer@dft.gsi.gov.uk

From: Hyde, Demelza [<mailto:d.hyde@dorsetcc.gov.uk>]

Sent: 03 November 2014 12:20

To: Victoria Pointer

Cc: Farnham, Martin C.; *WITHHELD S40*

Subject: RE: TEMPORARY CLOSURE OF FOOTPATH No9 CHARMOUTH & FOOTPATH No51 STANTON ST GABRIEL

Dear Victoria

Thank you for your email below.

WITHHELD S43(2)

I hope this has provided enough information. If not please do not hesitate to contact me.

Kind regards

Demelza

Demelza Hyde
Senior Coastal Ranger, West Dorset, South Dorset Ridgeway and Coastal Access

Dorset Countryside
The Old Radio Station
Bridport Road
Dorchester
Dorset
DT2 9FT
01305 228951

From: Victoria Pointer
Sent: 03 November 2014 12:46
To: 'Hyde, Demelza'
Subject: RE: TEMPORARY CLOSURE OF FOOTPATH No9 CHARMOUTH &
FOOTPATH No51 STANTON ST GABRIEL

Thanks Demelza

Given the information I am happy that the extended closure remains necessary and that SST authorisation is appropriate.

I will advise the FOI requester that the information you have provided today cannot be released and will advise him to contact DCC direct for further information.

regards

Victoria Pointer

Head of National Transport Casework Team | Department for Transport | Tyneside
House | Skinnerburn Road | Newcastle upon Tyne | NE4 7AR | 0207 944 4310|
victoria.pointer@dft.gsi.gov.uk

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF