

13th April, 2018

**Objection to;
Application for bridleway under the Wildlife and Countryside Act 1981 – Section 53
Claimed Public Right of Way at Barcombe Mills**

I respond below following receipt of your letter dated 3rd April, 2018, received 7th April, 2018.

I am a local resident who has lived at Riverlawn for almost 11 (eleven) years. The property is bordered to the South and East by Hayes Lane (the subject area of the proposed claim).

At first glance it appears that this application establishes a public right of way for pedestrians and cyclists which it appears does not currently exist. As a result it appears numerous submissions have been made in support of this application/claim. I believe however that the right of way for pedestrians and cyclists already exists. I am therefore led to believe that the purpose of this application is to extend the existing rights of way to include a bridleway. This should be made clearer.

It is also not clear from the copy that I have where access is being gained at the southern extremity of the map close to Pikes Bridge and does not show whether access is being sought via the car park or on to the Barcombe Mills road. Please would you kindly seek clarification and kindly respond.

OBJECTION

I have challenged several riders in the past on the proposed route, who themselves have been very polite and apologised as they did not know it was not a bridleway.

I have no prejudicial views of riders and horses of any kind and was brought up with horses, but it is for good reason that they have been challenged. It is to maintain the amenity and the current rights of way for local residents and users for safety reasons, and I would be very grateful if you would give due consideration to all that are listed below.

1/ There is little to no riding in this area and very few horse-riders are using this currently (perhaps 2 a month). Riding in this area is extremely limited and can be accessed using existing alternative routes and unless horse-riders wish to walk their horses round in circles there seems little need for this proposal except where horses are to be unloaded from the public car park to be lead off-road to the stables at Mill Farm. Any other would involve the use of the Barcombe Mills Road at some point except for Mill Farmhouse to the northeast of the hamlet which is a boundary for horse riders in that direction and is accessed via a tarmac road a few hundred metres further down. (not shown on the map).

2/ For the purposes of this application by agreeing to it you will be imposing additional legal responsibilities and duties on the landowners, which may increase insurance and maintenance responsibilities that do not currently exist.

3/ It would reasonably be assumed that by granting the rights over this land for a bridleway that is a safe place for both experienced and inexperienced riders, experienced and inexperienced horses to use and the public to also be safe in their occupation and use of this Right of Way.

I assume that a health and safety assessment has not been carried out. In considering this proposal I would have thought that the applicant or those deciding on this proposal would benefit all parties concerned.

For reasons 2/ and 3/ any agreement to this application could lead to a Delict (for a negligent breach of duty of care for any actions which inflicts loss or harm and could trigger a legal liability), created on

the basis of a moral responsibility i.e. a duty of care under tort and I would strongly recommend that legal advice be taken in this regard.

BACKGROUND

It has been calculated by others that there are circa 100 vehicle movements per day down this single lane.

Hayes Lane is an intrinsic part of what is now a private access road used only for vehicular, pedestrian and cycling access by residents and their invited visitors as well as for other services such as mail, refuse collection, deliveries including oil deliveries and emergency vehicles.

The eastern side of the lane is used for parking cars by local residents and occasional use is made of the verges close to the very south western tip of the defined right of way, close to Hayes Farm for the same by visitors, anglers and walkers to access the Mills and local footpaths.

In addition, children now use this newly laid tarmac lane to ride their bicycles, scooters, skateboards and rollerblading.

The area around the 'Mills' has been frequented by visitors and day trippers for many generations. In the summer it is occupied by hundreds of day trippers from far away, who bring their families, friends and pets to spend whole days enjoying the Mills, including large sections of the river banks and the land spanning the bridges, between the sluices and weirs for their recreation which would be affected by this application (see below).

Hayes Lane (South and East)



Fig 1. Southern (left of picture) and Eastern (right of picture) elements of Hayes Lane

The Southern element of Hayes Lane

Maximum width 2.85m (suitable only for single lane traffic) extending for over 200 metres.

4/ The surface is tarmac* and has no speed restrictions. This part of the lane consists of two blind bends, one of which leads to the eastern element of Hayes Lane.

In the summer months, overhanging trees and plants (nettles and balsam) make the lanes narrower.

The Eastern element of Hayes Lane



Figs 2. and 3. Driveway with reversing cars with little visibility and narrowing to south eastern corner (blind bend) where cars further restrict the width of the lane.

5/ This part of the lane has maximum width of 2.70m (suitable only for single lane traffic) extending for circa 100 metres. The surface is tarmac*.

This also has two blind bends, no speed bumps and no speed restrictions (see images below).

Cars park on the south eastern corner of Hayes Lane narrow the lane to around 2.5m.

ROAD SAFETY ON HAYES LANE (South and East)

6/ Along the entire proposed route, all but one of the properties enables vehicles to enter the properties in a forward direction and exit in the same forward direction. All other vehicles would need to reverse back in to the lane, making this a potential hazard as in some cases visibility is extremely limited.

7/ I understand that if a Bridleway were to be established that horses and their riders would have priority over other traffic. Considering this, many groups of vehicles (more than one car at a time) enter and exit the private stretch of lane looking for The Anchor from April to September. They are unlikely to be familiar with countryside protocol of giving way to horses and may lead to accidents or altercations.

8/ Large vehicle movements would be compromised many who are already unable to reverse down the lanes.

EMERGENCY VEHICLES AND THE ENVIRONMENT AGENCY

9/ As the lanes are narrow and long (see above), this could impede emergency traffic (including that of the Environment Agency) in times of potential flooding and emergency vehicles who would need to reverse considerable distances and delay critical services.

The Environment Agency require uninterrupted access to the southern part of the lane and the Mills bridge area for the purposes of maintaining the rivers, riverbanks and land throughout the year and use tractors and trailers which restricts visibility for reversing.

10/ The southern part of Hayes Lane has several uncovered culverts and deep ditches which are a hazard not only to reversing vehicles, but to foot traffic, cyclists and would also be for horses. As has happened before, cars get stuck in these, and if anyone or thing were to step into one of these it would almost certainly cause an injury in times of flooding they cannot be seen. Reversing a car in times of moderate flood could mean that vehicles become easily inundated with water and as has happened before cars lost to flooding.

Other factors.

11/ Shotgun and other gun use in the vicinity could give rise to a startled horse.

12/ If for any reason a horse bolts or is startled there is nowhere for the horse, walkers or cyclists or drivers to go except backwards, possibly into other obstructions behind them.

To the southern part of the lane, users would have nowhere to go as the verges are lined with stinging nettles during the summer. To the east high hedging and fencing.

There are other areas potentially affected by the granting of this application. They are;

FOR RIDERS USING THE ROAD/BRIDGES OVER THE MILLS (owned and maintained by the Environment Agency)

Whether the horses or riders are experienced or not, there are obstacles, which would need to be considered.

The Mills are a picturesque and beautiful area to visit. There is a price to pay for all of this and for the purposes of this application it must be understood that this would not be a safe environment for riders, other users, horses or other animals.

As outlined above many hundreds of visitors come to the Mills each year in their droves. The Mills roads and Mills bridges become busy and sometimes loud. It should be expected that many of these visitors have little or no understanding of the rules of the countryside.

13/ On a summers day there can be a real party atmosphere, people picnicking, barbequing, playing ball games, swimming, drinking, loud music, boating, using other inflatable craft, fishing, sticks being thrown to excitable dogs. Children and adults running around with people in bare feet and swimming costumes.

14/ With disabled access being provided by the Environment Agency from the car park, many with limited mobility are also now able to access and enjoy the Mills.

15/ Large groups of canoeists (including school groups), their canoes, paddles and offload equipment from the car park and carry them to the Mills bridges where they often block the thoroughfare on the bridges preparing for their trips throughout the week in the summer.

Groups of cyclists often restrict access over the bridges as they stop for a break.



It must also be understood and appreciated that not everyone likes horses and some fear them and there are few/ no passing places.

Many pets are not accustomed to horses and will defend themselves and their owners if they feel threatened.

16/ Should a horse become lively, startled or bolt there is little escape, there are low walls, hazardous drops, symphonic and other weirs, deep bodies of water, all of which pose life threatening risk.

Fig 4. Low walls on the Mills bridges

ACCESS



17/ The bridge gates are shut at both ends between March and October, restricting vehicular access over them purely to local residents and the Environment Agency.

Fig 5 Opening at Hayes Lane entrance with a similar restriction at the southern end of the Mills bridges.

Access to the bridges over the Mills for most users is via two narrow passageways between the fences and gateposts (see also image of car park access below).

FOR RIDERS USING THE CAR PARK

18/ The car park was clearly not designed for equestrian parking. It has a single entrance and exit, has no defined parking bays and is limited in size.

I am led to believe that the hard-standing was designed for cars and smaller vehicles. It is unclear whether this is suitable for heavier/larger traffic. It already becomes muddy, waterlogged and rutted in the winter. Large horse boxes may not have been factored into this and may lead to significant cost implications on an already over-burged local parish council.

A height barrier was initially installed to stop high vehicles and travellers from parking in the public car park. It was removed for unknown reasons, but does not preclude this from being installed again if the need arises.

Currently canoes are loaded and unloaded in the car park and this could present issues for all users of the car park, where both horses and canoes are being loaded or unloaded at the same time.

The vehicles transporting horses are large and the car park was not designed for equestrian use. Indeed, The Horse Council* recommends that:-

“Tarmac is a slippery surface for a horse.”

“There should be more than a single entrance and exit.”

“Trailer Lengths. The first thing to consider is the length of a truck and trailer combination. A 2- horse trailer bumper-pull with a dressing room (19 feet) has become common and so has the truck with an extended cab (20 feet). This truck and trailer combination will be 39 feet long plus 18 more feet is needed for unloading/loading thus requiring a minimum of 57 feet. So you can imagine larger trailers that carry 3 and 4 horses and maybe 6 horses will need a parking space 80 feet in length for a margin of safety.

With a minimal turning radius it could be hard to turn and reverse in such a small area, and would restrict the amount of parking for people and could cause parking issues and/or interfere with traffic flows for others.”

**As outlined by the Horse Council “Equestrian and Car Parking” under
~[<http://www.nhorsecouncil.org/NHHC%20Forms/Equestrian%20Parking-General.pdf>]*

It is also certainly questionable as to whether there is sufficient space for unloading or saddling a horse during peak periods.

FOOTPATH ACCESS TO AND FROM THE CAR PARK



19/ The footpath is supposed to provide access for disabled users and gates have been provided by the Environment Agency on to the Mills.

As you can see from the photograph the path from the car park to the bridges is already uneven and waterlogged and restricts use by people with disabilities. Horses will exacerbate this and likely make it completely unsuitable for disabled access throughout the year as hoof marks will remain when this path dries up or will need additional maintenance and expense.

Fig 6. Footpath and disabled access from the car park on to the Mills bridges.

ROAD ACCESS TO AND FROM THE CAR PARK

20/ Visibility at the entrance of the car park off the Barcombe Mills Road is restricted.

Access onto and off Barcombe Mills Road is on a bend and is at all times to be negotiated with caution as cars approach this area at speed and is not completely safe, even for car users.

FOR RIDERS ACCESSING THE MILL FARM STABLES AT BARCOMBE MILLS

21/ As previously outlined, it is understood there is little 'riding' to be done in this area, and this application does not significantly extend any access to other bridleway areas as there are existing routes which allow for this. There are stables to the back of the hamlet at Mills Farm, which is a private equine livery which has its own access in and out from the main highway and surrounding countryside from the western side of the lane where the stable owners have access and rights from this part of the road.

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