

Stephen Kisko, Esq.
East Sussex County Council.
County Hall
Lewes.

Date: 26th October, 2018

Dear Mr Kisko

Re:Barcome Mills Right of Way claim

With respect to the objections, I would reply as follows

1) Jim Smith's objection

Regarding sign post on the main road when it was re-aligned after the bailey bridge was replaced: This would have been in the early 1970's. This is before the period of time on which usage is being claimed.

He refers to the road leading to Barcombe House as being used by the people living at Barcombe. People living at Barcombe would not necessarily have any special permission to go to Barcombe Mills so they must have done so as of right.

The sign at the junction of the Old Toll Road and the main Barcombe Mills Road relates to unauthorised vehicles.

The fact that the track leading to Mill Farm was not known to him as a bridleway was probably because it had not been signposted. In the past it was not unusual for rights of way to be not signed. In 1985 I was employed part time by the Countryside Research Unit at Brighton Polytechnical College to carry out a survey of bridleways in East Sussex. I still have a copy of the results which show that I inspected 7 bridleways in the parish of Barcombe and found 4 waysigns were missing at the junctions with roads. Although the route being claimed now as a right of way was not put on the Definitive Map, it should be understood that this was an error because if it was not a public path, how else would horse riders and drivers have reached the then RUPP 25 which was put on the Definitive Map.

2) OAPS objection

I notice that the file's name is "redacted" Why is this?

The fact that the land is not registered with the Land Registry is likely to be due to past incompetence on the part of staff of the relevant authorities. It is a situation that I have encountered at a past Public Inquiry relating to a right of way diversion and an exchange of highway land. However OAPS admits that the EA does own the old toll road which is excellent news as the EA does not object to the current claim.

Reference to Mr Leeson challenging people. I have since been able to contact a number of the claimants to make sure that they had never been challenged and none has ever been challenged or known anyone who had been challenged. However, a friend of mine, who moved a few years ago to

Barcombe, was shouted at and shot at when she was on the definitive footpath Barcombe 24 alongside the river. Another person was stopped by someone calling himself a water bailiff from launching his kayak from the definitive path alongside the river even though the Ouse River Navigation Act 1790 gives him the right to do so as the Act has never been rescinded.

Several claimants reminded me that a few years ago Mr Leeson fenced alongside footpath 24 so that people could not reach the river and it would appear that this caused such a public outcry that he had to remove the fencing.

The vague reference to people "doing as they wish" needs to be explained in detail. To which path does he refer? The claimed one or an existing one? It is not illegal for people using a right of way to stop for refreshment.

Regarding the private road sign just north of OAPS entrance, it does not look to me like an official ESCC sign. Sometimes there are private road signs at the entrances to roads that serve houses and are not open to motor traffic but are, nevertheless, open to walkers and riders e.g. Westmeston [5](#) where a sign at the roadside says "Private road No Parking Residents only".

I searched for a stopping up order - nothing was found so it was probably never done.

Regarding horse riding and cycling along the claimed routes. All the claimants who have ridden the route without consent or agreement did so as of right, therefore it was not trespass. I have not discovered any evidence of any accident or damage occurring as a result of a horse being ridden along the claimed route.

Signage. Again these signs are intended for motor vehicles.

The gates erected last year were intended to stop unauthorised vehicles. Gaps alongside the gates were wide enough for equestrian use and there was no indication that they were otherwise restrictive.

Regarding mess. I am not sure what other animals are taken along footpaths. Horse dung, along with cow or sheep dung, is a normal part of walking in the countryside along bridleways. This statement seems to suggest that OAPS presumes that the claimed route is at least a footpath.

'ramblers association' advice note (Presumably The Ramblers). Trespass does not occur when the rider believes the path to be a bridleway as is the case at Barcombe Mills. There is no bylaw nor road traffic regulation order at Barcombe Mills.

It is arguable that the claimed route is a confined space. The surface is tarmac which is a normal highway surface and withstands horses' footfall. Whose are these dogs running free? Trespassers or legitimate users. If they are protective of their owners they would be a greater risk to other people than horses under the control of their riders. Again, are the noisy, excitable children trespassers? Imagined dangers of this kind are not relevant to a right of way claim.

The claim is certainly not for myself as, being of advanced years, I have had to give up horse riding and only walk with difficulty. I simply wish to ensure that future generations can also enjoy that which I have enjoyed.

3) Niall Blackie of FBC Manby Bowdler objections.

While use by horse riders is limited there is sufficient use by cyclists, according to the Natural Environment and Rural Communities Act 2006, to claim this route .

I have been endeavouring to contact the claimants to ascertain if they have ever been challenged and so far none of them have.

The whole point of the process by which people can claim rights of way rests on the fact that when the Definitive Map was created many paths were wrongly or not at all recorded.

On the occasions when I have visited the route, I have seen the occasional rider and also hoof prints and dung.

The Ramblers advice note is mainly about dangerous wild animals and domestic animals known to be dangerous being allowed to roam in fields with public rights of way across them. It also refers to racehorses being exercised along bridleways. None of this is relevant.

I trust the above will establish that the claimed routes at Barcombe Mills should be recorded on the Definitive Map as a right of way. Although the original claim was for a bridleway, it may be more suitable to claim the route as a restricted byway.

Yours sincerely

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Mary Parker MSc