

## Stephen Kisko

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**From:** Definitive Map  
**Sent:** 24 July 2018 10:46  
**To:** 'Mary Parker'  
**Subject:** RE: Barcombe Mills

Dear Mary

Thank you for the reply below regarding your application for a claimed public right of way at Barcombe Mills, RWO 213. I have added your notes to the file.

In due course I will send these to the landowners for their final comments after which I will ask for your final comments.

Many thanks  
Regards

**Stephen Kisko**  
Definitive Map Officer  
Rights of Way and Countryside Team

Tel: 01273 337630 | 07795 237425 | 0345 6080 193  
[eastsussex.gov.uk/rightsofway](http://eastsussex.gov.uk/rightsofway)  
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*My working days are Monday to Friday*

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**From:** Mary Parker [mailto:████████████████████]  
**Sent:** 21 July 2018 09:36  
**To:** Definitive Map  
**Subject:** Barcombe Mills

Dar Mr. Kisko,

Re Claimed path at Barcombe Mills.

Thank you for sending me copies of the objections relating to this claim. I would reply as follows:

1. Environment Agency: Regarding the erection of gates to limit vehicular use, I have been informed that a number of local residents strongly objected.

I am not claiming that any footpath should be upgraded to bridleway status. The paths that I am claiming are not shown on the Definitive Map as footpaths nor on the Highways Terrier as adopted roads.

If the Environment Agency does not own the claimed roads then there appears to be no obligation on them to maintain them. However, as I understand it the EA is responsible for the maintenance of the bridges and the road on either side.

The EA does not make it clear what it thinks such adverse effects might be.

2. FBC manby bowlder: The overall period of use stretches collectively from 1961 (walking) and from 1972 (on horseback)

Use on foot is strong supporting evidence that these roads are much used public rights of way. S68 of the Natural Environment and Rural Communities Act 2006 indicates that bicycle use is evidence of a public right of way up to Restricted Byway status.

None of my claimants have been challenged by Mr. Leeson. However, in 2010 fences were erected, presumably by him, alongside FP Barcombe 24 which prevented people reaching the river or having space for a picnic. This obstruction caused a large public outcry and was taken down.

Local residents have informed me that they have no recollection of seeing "private road" notices prior to this last year when he erected a "private road no parking" sign. I have been told that Mr Leeson has objected to local residents parking their cars in Hayes Lane. If private notices were erected in 2005, there is sufficient evidence to claim 20 years' use prior to then.

The gates were to prevent access by motorists other than the locals who were given the numbers of the padlocks. Gaps were left at the side to provide for walkers and riders as the EA recognised the route as being in use by the public.

3. [REDACTED]: The use of the claimed routes by motor vehicles is not relevant. Certainly the occasional vehicle to the adjoining houses is far less dangerous to riders than the frequent, fast moving traffic on the main road.

4. Tania Cornwall. Although Byway 25a dead ends to the east, the byway itself is a point of special interest with views over the river, of wildlife and the sites of the historic mills. It is a very pleasant too and fro route to add to one's ride.

5. Ouse Angling Preservation Society: The rights of OAP to access the route does not negate other people's rights.

Although the routes are mostly privately owned, members of the public have been walking, riding and cycling as of right.

OAPS admits there is considerable legitimate pedestrian use.

It is hard to understand why cyclists should access the claimed route via the rough surfaced car park when the tarmac route extends to the main road.

The no entry sign at the Barcombe Mills Road entrance is intended for motorists and is actually not visible to people coming from the west, and barely visible to those approaching from the east. The use or not by motorists and the danger they may be to vulnerable groups is not relevant to this claim.

6. [REDACTED]. I agree that it is sad that some visitors to the countryside leave litter. I am sure that horse riders do not leave litter. However, such behaviour is not relevant to the claim.

7. Stephen Husson. His wishes are not relevant to the legal status of the claimed route.

The unlikely event of a horse becoming out of control and therefore dangerous is not relevant. Furthermore, the claimed route is a safe haven for horse riders!

The ridden route along the old railway is a permissive path not a public right of way. Its future use is currently threatened by plans to re-open the railway link to Uckfield.

8. [REDACTED]: As far as I can ascertain, the route mostly belongs to the Environment Agency or Barcombe House, so I would question on what grounds Mr Rigby is able to challenge riders. None of the claimants have ever been challenged when using the claimed route.

The situation at present is that the rights of way exist but they have not been put onto the Definitive map. Furthermore, he admits that a right of way for pedestrians and cyclists already exists.

Access for horse riders would be from the adopted extent of the Barcombe Mills Road.

An increase in owners' responsibilities is not relevant. Once the route is officially adopted as a right of way, some of the responsibilities would devolve to the highways authority.

A concern for future health and safety implications is not relevant.

I have visited the route on foot on numerous occasions and cannot recall seeing a moving vehicle there. It would be surprising that parents allowed their children to play in Hayes Lane if it were subject to 100 vehicle movements per day. However, I have been informed that the estimate of 100 vehicles a day relates to some work to be undertaken at his property temporarily.

Single lane traffic widths are common in the surrounding countryside.

The problems which might be faced by reversing vehicles are extremely hypothetical.

It is extremely unlikely that people would ride a horse along the route when flooded.

There is no authorised shoot in the immediate neighbourhood of Barcombe Mills. Elsewhere the sound of shotguns is something that horses often face and have to learn to accept.

He admits that the area is frequented by visitors – presumably along the claimed route.

It is hard to envisage groups of cyclists so large that other legitimate users could not pass.

The 'passageways' between the fences and gateposts are wide enough for horse riders to pass through.

I have myself spent much of my life exploring Sussex on horseback with suitable parking being an important aspect (see my book Sussex Rides). It is hard to believe that anyone would wish to bring a horse by trailer or lorry to the car park at Barcombe Mills in order to ride along local roads and the short length of claimed route. Incidentally, the Horse Council is in America and its views on trailers are not relevant to the situation in the UK.

Communications of support from:

Crown Estate. – who own the water below the tidal limit.

Society of Sussex Wealdmen

Barcombe parish council: referred to ".....:route can **continue** to be used.....". This implies that the parish council is aware of present use by walkers, riders, and cyclists.

Finally, although "need" is not a legal measure for proving that a path is public, nevertheless I would like to point out the inadequate availability of bridleways in Barcombe. For comparison I have to hand bridleway surveys that have been carried out in my parish of St. John Without and the neighbouring East Chiltington. I have measured the bridleways shown in Barcombe on the Ordnance Survey map, leaving out the disused railway which is permissive and Byway 25 which according to the Definitive Map is not currently accessible to riders:

This showed the following statistics:

|                  |      |             |            |       |                     |         |
|------------------|------|-------------|------------|-------|---------------------|---------|
| St. John Without | Area | 3.84 sq.km  | Population | 54    | Length of bridleway | 4.64 km |
| East Chiltington | Area | 9.75 sq. km | Population | 474   | Length of bridleway | 17.8 km |
| Barcombe         | Area | 17.8 sq.km  | Population | 1,473 | Length of bridleway | 3.6 km  |

So Barcombe is much bigger, has far more people yet only a tiny length of bridleways. Elsewhere, the keeping of horses is considered a useful economic activity.

I trust that this response to the objections is sufficient to convince you that there are public rights of access along the claimed route.

Yours sincerely

Mary Parker



Address: Cottinghams, East Chilton, BN7 3QT