

reference number TR010030 and unreferenced Commons Act s38 dated 13 December 2019.

1. My name is Bob Milton. I am a member of the Institute of Public Rights of Way and Access Management [IPROW] and an independent consultant on Rights of Way and Common Land. I am making this representation to formally object to the process and detail relating to equestrian access to rights of way, common land and public open space on behalf of the British Horse Society [BHS].
2. The application of July 2019 made to the National Infrastructure Planning Inspectorate on behalf of Highways England Ltd was as a result of an original options proposal and consultation to which I was involved both as an individual and jointly on behalf of the BHS.
3. The result of the stakeholder consultations and more importantly other considerations seems to have resulted in, as far as public access rights are concerned, to a revision and this application that we considered is a substantially different proposal. These different proposals were not advised to stakeholders prior to the application, nor are they being made in line with the requirements of GG142 Walking, Cycling and Horse-riding assessment and review and the published Accessibility Strategy [PR179/15]
4. The changes are too great to list in detail but suffice it to say that what was to be a north south non-motorised user multi use path as part of the carriageway alongside Warren Mere has been removed and replaced by a convoluted bridleway on the opposite side of the A3 over the common without exchange land or access north south for carriage driving. This brings with it an added burden on the ratepayers of Surrey as these bridleways and footpaths will be maintainable at public expense.
5. The siting of the revised bridleway network into the common land grazing enclosures with the attendant conflict between grazing animals and lawful users has not been considered. This site has already seen conflict between lawful users – equestrians [including an unreported RIDDOR hospitalisation] and pedestrians with dogs - and the grazing regime imposed by Natural England and funded by the Rural Payments Agency.
6. This conflict is further exacerbated by Natural England's imposed designation of wood pasture on the Royal Horticultural Society's exchange land which was given for the car park and extension of the Society's buildings [CL350]. This land has been unlawfully fenced by the Society's land manager – Surrey Wildlife Trust Ltd for some three years so that there is no free and unobstructed public access to this exchange common land. This designation is part of the mitigation that NE has imposed, and HE has accepted without consultation in line with the requirements set out in Defra's and the Planning Inspectorates guidance on Works on Common land, Highways England's GG142 WCHAR 2019 or an Access Impact Assessment. The Inspector at the fencing for grazing - wood pasture Inquiry on Odiham Common found that such a scheme did not work and acted to impede or obstruct public rights of access. The implication and stated position of NE is that this exchange land will remain enclosed, further planted with trees and grazed. This enclosure is without lawful consent and is being facilitated by Highways England's lack of consultation and understanding of the rights, liabilities and duties associated with developments with exchange land [see below para. 10 re FP7]
7. All the common land that has been and is to be given, as a result of both the past schemes and this present one, must be considered to be accessible by the public both on foot and horse. It is all either contiguous s193 Law of Property Act 1925 [the right to air and exercise ex parte Bilson] common land or land held for public recreation under the Open Spaces Act 1906. No detailed mapping of the specific related areas has been lodged at the point that I met the Promoter, Jonathan Wade, in January 2020 to avail myself of the scheme. That was the first time I was able to view the over 30 plans of the scheme and get some semblance of idea as to how the revised scheme worked on the ground. These have now been updated on the 13th March 2020. They are so convoluted in four different sets of documents as to be almost impossible to assimilate. The s38 application is so complex as to be unintelligible. It is unclear what status is the present and previous exchange land, where it is, and which scheme it relates to.
8. The inter play between the existing registered commons, exchange land, all lawful users [i.e. pedestrians and equestrians] and the public open space is sorely missing in the consideration of this scheme. Even the recent

submissions of special category 2.5 and reductions on replacement land are not shown in a manner that can be readily compared and related to the existing rights of way network and public recreation land

9. Further examples, out of many, are set out below. They show the lack of detailed planning and overall lack of consideration in relation to public access.
10. The first is the continuation of no equestrian access where FP7 crosses the M25 over the RHS accommodation bridge and connects all the exchange land for this scheme, the RHS and past schemes. The special land documents TRO10030/APP/2.5(1) 13 March 2020 do not consider the interplay across the different designations forming the overall public recreation land. At the same time the scheme leaves many small and in terms of lawful public recreation and access, inaccessible areas. These should be added to the whole of the exchange land provision instead of being isolated. The latest proposals in 9.74 3rd March 2020 need some detailed discussion in relation to public rights of access and the interplay with the rights of way network as required by GG142 WCHAR and the HE Accessibility Strategy. Any overall reduction of public access common land and open space recreation land is considered unacceptable especially as this seems to have been done without any detailed consultation and discussion. The requirements relating to Quantity and Quality first dealt with in 1975 with the rerouting of the A3 across Esher Common seem to have been forgotten by both Highways England and SCC. My time was offered on behalf of the BHS to the promoter on January 10th 2020 to assist in the consolidation of the rights of way network and exchange land but was not taken up.
11. The second is the link between BW12 and the rest of the network which at the moment goes from BW to FP on the registered common at the parish boundary via two recently constructed Pegasus crossings of the north side slip roads.
12. Thirdly there is only provision for cycle *access on demand* crossing lights at some bridleway junctions with the road network and no equestrian facilities [Pegasus]. This is a serious omission by the promoter and completely against the requirements of GG142 WCHAR. Again, had there been proper consultation at any time this and other anomalies could and should have been dealt with.
13. What we do not want is yet another fudge in relation to rights of way and common land or public open space to be sorted out later. In this case the problems and anomalies go back as far as the 1955 widening of the A3. This same fudged approach was allowed by the SoS through the Inspectorate in respect to the A3 Tunnel where full equestrian s193 access to the exchange land is still unavailable and on the M3 at Chobham common where despite agreements with the Highways Agency, as was, the exchange land provisions still have not been completed.

I would appreciate the opportunity, now that the whole process has been delayed, to sift through all the plans and new proposals and raise any anomalies with the promoter prior to the inquiry process being recommenced. Please advise if this is acceptable and what time limits are there.

Yours faithfully

Bob Milton Miprow

Regional Access and Bridleways Officer

South East Region

On behalf of the British Horse Society