

Brian Cohen

2nd May, 2010

Miss Hannah Gutteridge,
Countryside Access Officer,
Room 365,
County Hall, Penrhyn Road
Kingston KT1 2DY

Re: Byways # 538, and # 539, as per your letter dated 16th April 2010

Dear Miss Gutteridge,

I have read the letter sent out to the Surrey TRF and to SBUG, I am a member of both groups , and write to you now with my comments. I do not propose to go into any legal reasons for keeping the two roads open, being well aware that you and your colleague officers are far better acquainted with the law and policy than I am, and I am sure you will apply the rules rigorously, fairly and correctly .

So I just pass on to you my thoughts, from the point of view of a local citizen and long-term user of these unsealed roads. I did in fact just to refresh my memory travel both of these roads recently , on the 27th April I rode the one known as Fullers Farm Road, and on the 29th walked and then drove the one known as Silkmore Lane. Both of these I did on my way home from work- I mention this detail to point up the fact that in neither case was I 'specially prepared' or equipped, I just thought I would travel them to see what they were like right now, if they are useable to the ordinary person. I am glad to report in both cases, they were. I got through them easily, with no obstruction or difficulty.

Some comments on Silkmore Lane # 538: in 20 years of using the unsealed roads locally, on horse back, bicycle and on motorcycle (only very rarely in a 4 w/d) , I have never used Silkmore before. I walked the road first, then drove it, from Jury Farm end. I did make notes, and take photos every hundred or so metres. (I did this for both lanes). The entrance to Silkmore, ie point A on your map, is wide, wider than average, with obvious signs of heavy use by tractors, and indeed there are fields on both sides of this lane, for virtually its entire length. There is no problem here with passing, width, or surface deterioration. After the first right hand bend, probably 150 m along the road, the tractors have made a slight mess of the road, where they turn into one of the fields- However, at this point the road is still in good condition, and wide.

After this bend, the road narrows only very slightly, and there are still very obvious signs of heavy tractor use, it seems to me the farmer, presumably from Jury Farm, use those very large 4 w. d. tractors, and they use them a lot. There is a rutted section, but only about 30 metres long, some way up the road, but again, I drove through it with no problem on my investigation. To pass on cycle, foot (as I did) or horse would be no problem at all. There are passing places all along the length of this road, especially at the entrances where the fields are accessed, and there are large wide spaces to pass if needed, every 100 or so metres. Silkmore Lane also has the advantage of being really very straight after the first bend, so forward visibility is good, and if the need to pass arises, it can be planned for and anticipated well ahead- there are no surprises here. About 2/3 rds along the road, there is another very short rutted section, maybe about 20 metres long- so all in all, taken as a whole, there may be a total of 50 metres of deeper ruts, in a road some 1.077 km long- less than 3% in my estimation. It seems to me to be out of proportion to close a road, for such a small rutted section- especially when the road remains quite passable even with the existing ruts. A very small amount of hardcore laid down in the bottom of these short ruts would cure the problem very cheaply and easily.

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What baffles me is why there is a petition to close this road for this reason- I submit to you that the reason stated in the petition for closure, ie surface deteriorated due to excessive use by 2 and 4 wheeled vehicles is not entirely factually correct- the surface is mainly very good, and I would suggest to you that virtually all the damage has been caused by very large, heavy and oversized 4 wd tractors using this road excessively, and very little caused by leisure/passenger car type vehicles, and almost none by motorcycles and horses- the tyre marks left verify this, and to close this lane would presumably have the caveat of allowing the farmer to access his fields, so the net result would be the farmer being given a private road, free, and he could repair the ruts in about 2 hours, and then have a good farm road for of his own private use, but at taxpayers expense and the further cost of diminishing the ancient rights of way to which we are all entitled. That to me seems crazy.

I do not see why the local farmer or contractor who uses it most, does not repair the ruts, after all they has caused most of them, and the road then would remain in public use, as is our heritage. I suggest you request the farmer/contractor repair the damage he has caused, at his own expense, as a goodwill gesture. A good remedy for limiting future damage may be to request/insist the farmer/contractor to access his land using his own field border margins, rather than traverse the entire length of the road to access his furthest fields- this would greatly reduce the damage to the road. There is evidence also at the furthest field, on the left hand side, travelling south, of extensive non- agricultural industrial useage, access to which has caused most of the damage evident now. (Maybe a planning enforcement officer should do a site inspection here).

If anyone else had done this sort of damage to a public road outside their house for example, I suspect the council would take enforcement action against them, and not seek to close the road as a reaction. (If surface damage were a valid case to close public roads, after the winter we have just had, much of Surrey would be closed now!)

In closing, on Silkmore, I note also there are no adjoining residences, so little or no nuisance argument applicable on this road, and there is no good reason for the case made in this petition at all.

Fullers Farm Road: # 539. This I travelled over on the 27th April, again on my way home from work- Starting at point A on your map-the first section, like Silkmore, is wide, and on the day I checked, there were 2 very large 4 wd tractors of the largest type coming down the lane, and the road is wide enough for this- they had come out of the field at the field access gate on the 2nd right hand bend, and up to that point the road is wide, surface good, no problem at all. After this the road is still wide, with a lot of room for 2 vehicles to pass by. The surface is intact all the way up, and there us a short but shallow rutted section about 5/8th of the way between A and B and this is only about 20 m long . However these ruts are small, and short, and the roads remains easily passable for all users. There are sufficient places to pass, at various field access gates etc, again being sort of straight, the forward view on this road is good, and sufficient anticipation and warning is possible if traffic of any sort is coming the other way-

As to the road becoming a stream, well, I ride this lane a few times every year including winter, and have done so for 30 years or more, and it is never a stream, although it must be admitted that the very few ruts that are present, and they are small, short and shallow are aggravated by water erosion, and it may have some surface water on it, as do all roads in the rain, but no more than any other. This statement in the petition is just factually incorrect. If this were a reason to request closure, I could suggest to you at least a dozen metalled roads locally as closure candidates which are for worse in the rain and throughout winter, and yet there is no petition to close these-

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At the end of the road, near point B on your map, the path does narrow, but only slightly, but still my previous comments apply- visibility is good, and horse riders or walkers could easily see if a vehicle is on the road, and wait at the end of that section- there is also limited passing on the last 100 m, because the owners of Fullers Farm have placed a barbed wire fence right up against the road- they could and should be asked to move their dangerous fence back a metre or two, and this would greatly increase safe use of this road. But as it is now, it is not a problem, and the stated petition reasons are simply wrong.

I am also sure the TRF for example would be more than willing to get together a working party and do a little maintenance on Fullers Farm Road, ie cut back overgrown areas, or whatever is needed, we have done this before on other lanes, notably Ponds Lane a year or two back, and others, and Fullers Farm road would be an ideal candidate for such work- Please do let us know of this would be of use to you- I know Jim Connor has maintained the parallel byway at his own expense over the years as a goodwill gesture to all the locals and other users of that road, and he would probably help also with this one, if asked.

In closing, although its not included in the petition and proposed TRO, the section of Fullers Farm Road, from B to C, is a very good hard metalled section, with its surface perfect, not even one crack, pothole, or surface blemish, and I congratulate SCC in this road-- it is one of the smoothest and best surfaced roads in Surrey. And fortunately for the owners of Fullers Farm, it forms really now a private driveway for them. Fullers Farm is the only residence near this road, and even though that house is near the end of the section in question now, there is minimal, if any, noise or nuisance value to be raised here, and anyway all rights of way would have been evident to them when they purchased the farm not long ago as I understand it.

I have also taken the trouble to talk to some local landowners on either side of Fullers Farm Lane- These include the owner of Hook Woods, whose land adjoins Fullers Farm Road on the north side of section B to C, and the the operator of Woolgars Farm whose farmed land straddles the road along its entire length from A to B, and both have no objection at all the the current useage of Fullers Farm Lane.

Which lead me to my last point: I find it curious that one petition covers both lanes-they are not adjacent, or adjoining, and why not then include other closer local lanes? Why not include Fullers Farm Road from B to C? If it were one local person or one local group objecting, then why object to both in one petition? I suspect there is an underlying motive here, possibly a local councillor or even parish council driving this, and the real motives here are not as stated, (which I know to be incorrect) but rather, just to use that dreadful phrase, 'nimby-ism' at its worst.

These roads are public roads, and should remain as such, and I am sure there is a large part of the population who would like the roads outside their own houses closed or quietened but we all have to live with traffic, other users etc- its just a fact of life- its what a community and society does, and in the case of both roads in question here, there are no residents on either, at all, and only one close by (100m away) at one end of one-and they have the benefit of a council maintained road which is virtually a private driveway, with a superb smooth surface to boot, so much so it would seem churlish for it to have been them who make the case now-- so the petitioners have hardly got any case at all!

I request that you do as you suggest in your letter, ie look at each one on a case by case basis, maybe make a site visit, and factor in the public safety issue (which is not an issue on either of these roads I can assure you), and continue to preserve these rights of way in accordance with tradition.

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Thank you for your time and patience in reading this (if you have got this far!)- I do feel very strongly about these issues, and personally I do use the lanes in a responsible and considerate way and encourage others also to use them responsibly, which is why for example I belong and support the TRF . I ride a motorcycle, horse and bicycle on some of these roads quite often, (not at the same time!), and have done so for 30 years at least, and I urge you to refuse this application for TRO in both of these cases.

In closing, if this matter goes to parish council or ant other council for discussion can you kindly let me know when and where? As a member of the public, I would very much like to hear the discussion, on both sides. I know my own local parish council (Shere) is open to the public, and they also have a time allowed for questions from the public- I do hope the relevant council in this case allows the same privilege.

Yours sincerely,

Brian Cohen

A handwritten signature in black ink that reads "Brian Cohen". The signature is written in a cursive, flowing style.

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