

Alleged public footpath between BOAT No. 15 (Stane Street) and Bridleway No. 16 (Mickleham)

I wish to respond to the letter from Ollie Vigors a director of Longshot Cherkley Court Limited the London based company that bought Cherkley Estate in April 2011 with the express intention of turning over all the farmland to a golf course.

He wishes his letter to be put forward to the Mole Valley Local Committee meeting on 2nd December that will decide whether or not to make a Map Modification Order (MMO) to add a public footpath to the Surrey County Council Definitive Map and Statement.

In his letter he expresses outrage and anger at the attempts of local people to assert their right to continue to walk over this remote and wild part of the Cherkley Estate. The application was made by persons unconnected to any campaign to object to the golf course proposals, and pre-dates the incorporation of Cherkley Campaign Ltd in October 2012, a company formed for the purpose of taking forward judicial review proceedings on behalf of the Surrey Branch of the Campaign to Protect Rural England.

The existence of the public right of way was raised in a letter of representation (see below) to the Council from Mickleham residents during the consultation period on Longshot's planning application in late 2011. The application for a MMO was, in fact, initiated by residents in Mickleham together with the late Alan Lewis (Ramblers Association).

For Mr. Vigors to say that the claim is "both unnecessary and unreasonable and to us appears to be vindictive" is an extraordinary statement to make in public.

However, it illustrates the level of antipathy felt by the developers towards local people who have walked these paths for as long as living memory and feel that this Bronze Age landscape in the Area of Outstanding Natural Beauty 'belongs' to everyone. The question of who actually owns land, over which rights of way are exercised, rarely concerns people enjoying a walk on a path from which you can see for miles and miles.

The Forty Acre field was re-fenced after the Beaverbrook Foundation bought the Cherkley Estate in 1998. This was done, as we understood, in part to thwart any attempts to claim a right to roam across the paths that ran over this field of open chalk grassland. By fencing it off they also could put livestock into the field and indeed there were cattle in there right up until 30th January 2013.

The fence line at the southern end followed the line of the path being claimed as a public right of way. The then landowners appear to have acknowledged that the path was the natural boundary for the grazing land. Interestingly, the fence has been used by the golf course builders to inform the public as follows: "Warning Construction Site – Keep Out." Longshot are aware that people have been continuing to enjoy using the path running alongside their construction site despite their 'Don't Trespass' signs on the rusty gates at either end.

It is hard to understand Longshot's objection to an order being made because they anticipate potential conflict between golfers and walkers. There already is a bridleway running right through the golf course, and Stane Street bisects the estate and separates Tyrrell's Wood golf course from the new Beaverbrook course. Why this footpath is any more likely to cause conflict between walkers and golfers is unclear and unspecified.

We trust that Longshot^[1] will be required to keep the hedgerows in check so that views are once more afforded across the estate from all the existing public rights of way. Some of these have become substantially overgrown since 2011.

The hostility, not to say paranoia, expressed in Mr. Vigors' letter is not, in any event, a legal basis for refusal of this claim for a Map Modification Order. If anything it emphasises the importance of recognising prior overriding interests in the land regardless of the current legal ownership of the Estate.

We hope that the committee will respect the efforts of local residents to ensure the continued public access to this special area of the North Downs and Surrey Hills AONB.

Yours sincerely,

Jonathan and Kristina Kenworthy

^[1] In its "Proposals for Cherkley Court" brochure produced during the planning application process, Longshot stated: "Existing Rights of Way (Footpaths and Bridleways) are retained and these have informed the siting of the golf holes to avoid conflict between users....Existing distant views from paths on high ground will be retained."