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18th April 2016

Legal Services
West Sussex County Council
County Hall
Chichester PO19 1 RQ

Objection: Special Extinguishment and Diversion Order Christ's Hospital School, Ref CC3/13022/AD

I am writing on behalf of the Horsham District Cycling Forum to object to the Special Extinguishment and Diversion Orders. Extinguishing and diverting these rights of way is a disproportionate measure.

These rights of way are especially valuable for cycling

These rights of way are very well-used by walkers, dog walkers, horse riders and cyclists.

The current bridleway forms an attractive, direct cycle route from the north of Southwater to Christ's Hospital Station and the Down's Link. It is a lovely cycle ride for people of all ages and abilities.

It has one of the best views across the playing fields to the architectural gem and local landmark that is Christ's Hospital School.

The excellent tarmac surface of this bridleway means it is usable year-round –in significant contrast to many other local bridleways.

Diversion/closure would be counter to the legal obligation under NPPF to prioritise sustainable transport

The National Planning Policy Framework (NPPF) creates a legal obligation for planning to protect and exploit opportunities for sustainable transport (including cycling).

In 2014 the Horsham District Cycling Forum put forward a [proposal in response to planning application DC/13/1412](#) to make use of this bridleway, together with bridleway 1662, to form a short and direct cycle route from the Worthing Rd in the north of Southwater to Christ's Hospital station and the Downs Link. These opportunities will be lost if the diversion of BW1642 goes ahead.

A proper all-weather surface along the entire route would make this practical year round and it would be less than half the current on-road distance from Southwater Street to Christ's Hospital station (1.8 miles against 4.1 miles). It would put commuters from the northern part of Southwater within about a 15 minute cycle ride of the station – most of it off-road avoiding fast and heavy commuter traffic. With another 800 new dwellings being built in the village, the need for such a route is increasing significantly: the Worthing Road will become even busier and road-widening will make it more hostile for cycling. The metalled part of the way across the school's playing fields is an example of the vision for the whole route.

The school, residents, WSCC, HDC and Southwater Parish Council all recognise that Christ's Hospital hamlet is blighted by commuter cars parking on the verges and junctions – typically over 60 cars every weekday. The proposed cycleway would contribute to solving this problem by improving uptake of sustainable transport and reducing the need for commuters to drive to the station.

The risks are not high enough to justify the order

Christ's Hospital School has not demonstrated that there is a meaningful level of threat, violence, alarm, distress or other risk to health and safety.

From viewing the school's incident log, it is clear that over a period of several years there have been very few significant incidents. For some of these, access to the site was almost certainly obtained from another place, not the bridleway, for example thefts from the tennis pavilion which is near the road.

The majority of incidents are trivial things such as dog fouling and picnicking which pose no higher risks than those faced by all children when they go to parks, playing fields and other open spaces.

It is clear that the school does not regard the risks as significant. The school is required to safeguard the pupils and, if it had really considered the risks to be serious, it would already have taken more temporary measures both to safeguard the children (such as fencing off the bridleway, securing the perimeter of the cricket pavilion, extending the existing CCTV system to the vicinity and putting up additional notices reminding the public not to trespass) and to protect its vulnerable property from vandalism.

The school allows its older pupils to travel unsupervised into public areas such as Horsham town centre where the same risks (flashers, dogs, broken glass etc.) are present to a similar or higher level than are present here. Parents could reasonably expect an adult to be available to supervise younger pupils when roaming the extensive grounds.

The bridleway does not pass through or close to the main school area or its buildings.

The police are stated to be “silent” on the risks – indicating they do not consider there to be a serious problem here.

The school has not taken reasonable alternative measures

For example, it would be practical to put up a fence or hedge alongside the bridleway (with gates for legitimate access by school pupils and staff) as well as more prominent notices telling people to stay off the private land and/or install CCTV (as they have used elsewhere on the site). These measures would be straightforward and no more disruptive or expensive than the measures which the school is willing to implement in order to divert and close the rights of way.

The school has an obligation to provide an appropriate level of supervision to safeguard the children in its care. It is not reasonable for the school to expect to be able to exclude the public from large tracts of the surrounding land simply in order to reduce the need for appropriate supervision.

This is an historic route. BW 1642 is an ancient way which pre-dates the establishment of Christ's Hospital School in 1902 on the site. The school has always known of its existence and has had an ongoing opportunity to design its operations to accommodate the existence of the bridleway. There has been no sudden change of circumstances to justify closure or diversion of rights of way.

The proposed measures will not result in a substantial improvement in security

Diverting the bridleway will just move the problem slightly further away: it will not prevent access to the school site from the diverted bridleway.

The school has a very extensive boundary and the risk of intruders from elsewhere along the boundary will remain and be larger than that from the bridleway. For example, even with the recent increases in security it remains easy to gain access from the road either through the gates or across a fence which brings any intruder closer to buildings and children than the bridleway does.

The school actively welcomes the public onto its site for commercial gain (Bluecoats sports centre, theatre, various child care activities etc.) and other events (e.g. pupils and their guests from other schools for musical and other events). Large numbers of the public enter freely during the day and evenings.

The proposed replacement route is inferior

Distance: The proposed diversion is much less direct and convenient: it takes you round three sides of what is roughly a rectangle instead of going along one side. There is an overall loss of public access to the area.

Surface: The current bridleway has a wide sealed surface which meets the obligation to provide a surface which is “commensurate” with its ordinary use by cyclists and people going for a stroll. The proposed replacement will be unsealed and, in the likely event of little or no maintenance coupled with leaf fall from the adjacent hedgerows and use by horses, the surface will quickly deteriorate and become puddled and muddy.

The proposed route passes next to a pond and is likely to become boggy and/or flooded in wet weather.

Width: Where the proposed diversion follows 1650, a stretch of the existing path is only approximately 2m wide and is tightly bounded by trees and hedgerow. It appears that there is no plan to widen this section which is currently simply too narrow for the proposed use.

Obstruction: The established trees and hedgerows butt right up against the proposed new bridleway and, although the overhanging vegetation has recently been heavily cut back to provide access, it will grow back quickly and repeatedly and obstruct the path (currently an ongoing issue for walkers along the section of 1650).

Views: There will be a loss of views of an iconic local building. The proposed route is further away and, notwithstanding the claim that new hedges will be kept to 1.2m, the view will in places be obscured by tall trees and hedgerows.

Environmental damage: Providing a 4m wide path along the entire route will require hedgerows to be grubbed out.

The proposed route passes very close to a pond. With the games pitches in their current positions, there is not enough room for a hedge and 4m path without removing an area of wild habitat next to the pond.

Yours Faithfully

Ruth Fletcher

Chair, Horsham District Cycling Forum

Working to make cycling a safe, convenient and attractive option for all

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