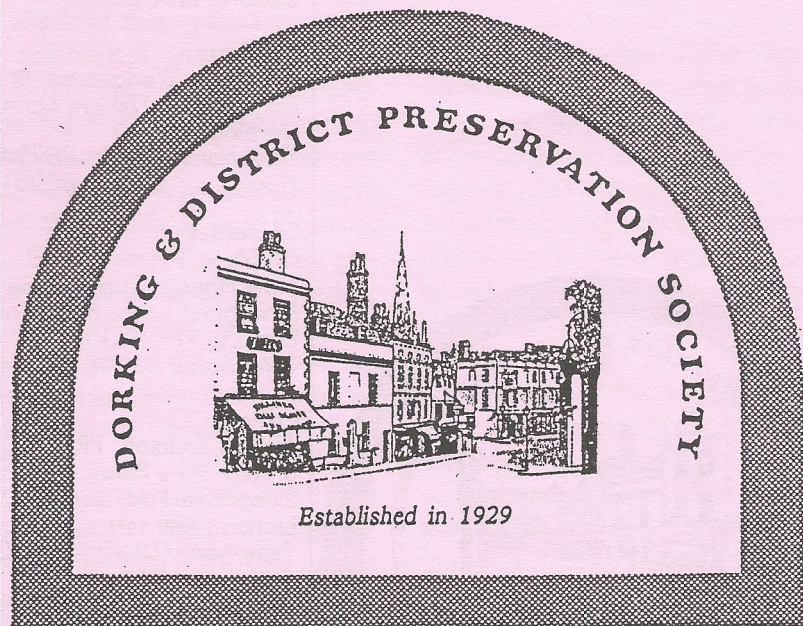


# NEWSLETTER

of the Dorking & District Preservation Society

No. 41

Summer 2005



Registered Charity 246806

# NEWSLETTER

of the Dorking & District Preservation Society

## Contents

Editorial .. .. .	1
Chairman .. .. .	2
News & Views .. .. .	8
Planning .. .. .	9
Museum .. .. .	12
Letters .. .. .	12
Town Manager .. .. .	19
Heritage Open Days .. .. .	20
Autumn Meeting .. .. .	Inside back cover



Registered Charity 246806

NEWSLETTER 41: Summer 2005  
Free to members

Published each April, July  
and November

Last date for copy to be with  
the Editor: 5 March, 5 June,  
5 October.

The opinions expressed in  
this Newsletter do not neces-  
sarily reflect the views or  
policies of the Society. The  
Editor welcomes letters and  
items for publication from  
members and other readers.  
All unattributed material is  
contributed by the Editor.

**President:**  
Baroness Thomas of Walliswood, OBE  
Weathertop, Tower Hill,  
Dorking RH4 2AP

**Chairman:**  
Sir Martin Wedgwood, Bt  
Pixham Mill, Pixham Lane  
Dorking RH4 1PQ  
Telephone: 01306-889941  
Fax: 01306-889010

**Secretary:**  
Christine Thom  
New House, Capel Leyse  
Moorhurst Lane, Holmwood  
Dorking RH5 4LJ  
Telephone: 01306-712044

**Editor:**  
Alan A Jackson, FRSA  
St Michael's Steps  
Deepdene Park Road  
Dorking RH5 4AN  
Telephone: 01306-883324

**Membership/Subscriptions:**  
Peter Parkin, 2 Purbrook  
Pixham Lane, Dorking RH4 1PH  
Telephone: 01306-881111

## editorial

This issue contains contributions  
which not only justify further  
discussion and action but in some  
cases also provoke questions.

With gentlemanly restraint and  
tolerance, Martin Wedgwood  
describes how central and local  
government politicians and officials  
are now considering how we should  
shape the future development of our  
region, county and district. He un-  
ravels a remarkable web of 'Frame-  
works', 'Community Strategies',  
'Workshops', 'Health checks', State-  
ments' and good old-fashioned  
'Plans', all of which the Society must  
monitor in varying degree and in some  
cases may even be allowed participa-  
tion. Much of this quasi-democratic  
(i.e. non-Swiss) and densely-  
bureaucratic structure will inevitably  
be subjected to further rearrangement  
if future elections upset the present  
political balance. Whatever the party  
in power, the British, in contrast to the  
French, Germans, Swiss, Italians and  
Spanish, seem addicted to endless  
preliminary discussion and analysis,  
design and redesign before embarking  
on major projects, whether it be waste  
disposal in Surrey, improved rail links  
between Surrey and Heathrow  
Airport, or London Crossrail (still not  
started, although first proposed in  
1974, when the first RER line across  
Paris had already been in operation for  
four years).

\*\*\*\*\*

We were pleased to receive the two  
letters reproduced in full on pages 12-  
18 in response to the question we  
raised in the last *Newsletter* about the  
damaging and dangerous misuse of  
the now popular 4x4 motor vehicles  
and also by motor cycles on  
unsurfaced country byways in the  
Mole Valley area. From this evi-  
dence, it seems very much like the  
kind of topic which justifies  
discussion within the Society and one  
which our recently re-elected MP  
might usefully be asked to take up in  
Parliament and with Ministers, if he is  
not doing so already.

\*\*\*\*\*

Finally we come to the future of  
Gatwick Airport, our local provider of  
light pollution, noise pollution  
occasional unwanted radio inter-  
ference and atmospheric pollution  
with much burning of untaxed fuel  
(choose your own order of nuisance  
value). As noted on another page, if  
BAA plc is given approval for a  
second runway in 2019, this  
enlargement of the airport will cover  
some 600 acres (243 hectares) of  
Metropolitan Green Belt land. The  
prospect may seem a distant one but  
the case for expansion will be built up  
in the interim and it would be prudent  
to start considering how such a move  
might be resisted. Certainly in the

same timescale it would seem to represent a more realistic and immediate threat than any decision to build new housing over a comparable acreage of Green Belt land. Meanwhile here is a question which might be tackled by an A-level Geography student:-

*Analysing and supporting your*

*conclusions, state which of these possible future developments in 600 acres (243 hectares) of Green Belt would produce the lowest levels of noise, atmospheric and light pollution: a new runway added to Gatwick Airport or new housing with adequate car parking?*

*Alan A Jackson*

---

## chairman's report

### Limited Liability

In our last issue I wrote too soon. I confidently predicted that by now we would be not only a charity but a company limited by guarantee. The last we heard from the Charity Commission was that they are redefining their policy on how charities in our position should be required to proceed. That position is, of course, that we have an endowment, Owen Russ's will, which was given to a specified charity for a specified purpose. Legally, once we have become a company limited by guarantee, we are a different charity, albeit one with the same name, members, council and aims. The Charity Commission's decision will determine whether the old charity has

to continue to be, although only as an entity wholly controlled by the new charity, and, if it does, how it should be treated for accounting purposes. The Charity Commission rightly takes its responsibilities seriously and wishes to make sure that its decision in this respect will stand the test of time. We have to be patient.

### More and more planning

There was a time when Counties had *Structure Plans*, *Mineral Plans* and *Waste Plans* and Districts had *Local Plans*. In addition the government chipped in its pennyworth with a range of *Planning Policy Guidelines*, known affectionately as PPGs, with which the various Plans had to conform. It worked reasonably well, but

the problem was that each plan tended to take five years to gestate, while its life expectancy was about ten.

Things nowadays are somewhat more complicated. It all started about ten years ago, when the county councils of the south-east region, as other regions of England too, began to get together in order to discuss matters for which their local decision making required regional input. This became subsumed by central government plans to develop formal regional government in England on the lines of the Regional Assemblies of Scotland and Wales, although with fewer powers. The first real Regional Assembly in England, with legislative powers, was to be for the north-east, but that was given the thumbs-down in a local referendum last year. Since then the idea of properly-elected Regional Assemblies in England has been dropped.

### *The South East Plan*

Regional Assemblies, however, by government decision survive as unelected bodies, composed as to about three quarters by seconded county and district councillors, and as to one quarter by representatives of interested groups. The means by which the latter are selected are in our view deeply flawed, but that is by the by; in practice the South East Regional Assembly (SEERA) exists and we have to deal with it. Its task of completing a *South East Plan*,

which has been under way for some time, is still continuing.

The first draft of the Plan contained a number of references to sustainability, but concentrated principally on housing. The proposed numbers for housing units were not encouraging, particularly since the Secretary of State is known to be in favour of the higher of the various options set out. There were no sections on the questions of infrastructure or on the economy, which are needed if the plan can demonstrate that the proposed higher density of population is indeed sustainable. We have made our opinions felt, as have other organizations, in particular the Campaign to Protect Rural England. The Plan is now being rewritten (we expect comprehensively) to take the comments of interested groups into consideration but the level of housing numbers to be imposed on the south-east by central government is as yet not known.

### *The South East Regional Waste Summit*

SEERA has been called upon to develop a *Regional Waste Plan*. In April last year Derek Rowbotham and I attended a one-day public consultation meeting in Guildford on waste disposal, which we did not find particularly useful. We have not seen any subsequent documentation. We have now been asked to attend another get-together (described strangely as a

'Summit') to discuss a *SE Regional Waste Plan*. This will be held at the Gatwick Hilton on 27 June. Again, we will both be there. The fact remains, however, that the overlapping of county Structure Plans and Regional Plans causes confusion.

#### *The Surrey Minerals and Waste Development Scheme*

Despite the slow progress of the *Regional Waste Plan*, county councils are by no means excused from producing their own *Waste Plans*, even though if any regional plan is adopted, the county plans will no doubt have to be rewritten. Those who follow these things (which is not many of us) will remember that the *Surrey Waste Plan* was adopted in 1999 but failed to identify sites that were suitable for waste treatment plants. In consequence we now have a 29-page document (plus appendices) called the *Surrey Minerals and Waste Development Scheme*, which describes the proposed procedure to be adopted for drawing up the *Surrey Minerals and Waste Development Framework*, which will consist of a *Surrey Minerals Development Plan* and a *Surrey Waste Development Plan*. Deadline for comments on the *Statement of Community Involvement* (virtually a plan for a plan) is 1 July. One thing we notice is that the list of documents to be consulted in the drawing up of these plans is surprisingly short.

#### *Proposals for new gravel pits*

The proposal to create two more sand extraction sites in Mole Valley is part of this same *Surrey Minerals Development Plan* and is arousing huge concern. One of them lies right on the boundary of Mole Valley, adjacent to Reigate Heath which is a Site of Special Scientific Interest (SSSI), and is a part of the Surrey Hills Area of Outstanding Natural Beauty (AONB). It is separated from the existing Park Pit by a strip of land through which the Shagbrook flows. A pit here would not only involve the destruction of a section of scheduled AONB, but would threaten an SSSI by lowering the water table of the Heath, which has already been affected by the operations of Park Pit.

This proposal is bad enough but the other site is far more serious. It lies between Betchworth and Brockham in a section of open land known as the 'Common Field' because it was never enclosed, and is therefore of historic importance. It is in prominent view from the top of Box Hill, and appears in the foreground of views of Box Hill from the south and for these reasons is classified as an Area of Great Landscape Value (AGLV). Its exploitation would involve the construction of bunds around it, to control the flow of water and to provide a base for the planting of trees to screen the site. This would completely change the character of the landscape,

in a way that would not be subsequently reversible.

We have written on both proposals stating our strong opposition, and giving our reasons why we consider both amount to unsustainable and unwarranted development in this long-protected and beautiful part of Surrey.

#### *Mole Valley Local Development Framework*

More changes. We used to have *Local Plans*. A consultation draft was drawn up and all interested parties were invited to comment. These comments were assembled in a list and either rejected with reasons given, or accepted and the wording of the proposed plan altered. This gave rise to a deposit draft and the same process gone through again. Once the plan was approved by the Council it was reviewed by an Inspector, who commented and could make recommendations for further changes. The Council could either accept or reject the Inspector's views, giving reasons which the Minister of State could in his turn either accept or reject. The whole process could take five years. As the plan was usually for a period of ten years, this was rightly regarded as excessive.

We are now to have *Local Development Frameworks*. These will work in the same way with some crucial differences. They will be divided into sections, or *Local*

*Planning Documents*, containing policies, each one of which will be capable of being revised separately and therefore, we all hope, more quickly. The Council will also have to follow the recommendations made in the Inspector's binding report on each section, or document. It can no longer reject the Inspector's views.

In the new system of *Local Development Frameworks*, greater emphasis is given to public involvement. Mole Valley has carried out a questionnaire survey and a series of workshops. At the time of writing there have been two rounds of these, held to draw out the main issues for the new *Local Development Framework* (and the *Community Strategy*), and to find out how people would like to be consulted and involved in the preparation of further sections and documents (and planning applications). Derek Rowbotham and I both went to the first, and I went to the second. They were interesting and enjoyable meetings, but I am not sure that our views were heard with the clarity I could wish. Perhaps that was our, or my, fault, but it was I am sure at least in part because of the range of views that were being expressed, which tended to dilute the force of the planning issues to be discussed. There is, however, to be another document, the *Statement of Community Involvement*, which will include a comprehensive list of those local groups and organizations whose

views will be attended to, as the preparation of the *Local Development Framework* proceeds. So we can be sure that our views will be heard.

### *Dorking Health Check*

This is a new concept, and is the construction of a document principally by citizens, for which the first meeting was held in late April. It involves a SWOT\* analysis of the town, plus suggestions for some 'quick fixes', and is being promoted nationally as a prerequisite for various kinds of grant. This is obviously worthwhile and I have stated that the Society definitely wishes to be involved. It will involve us in more hard and detailed work, but we look forward to seeing what comes of it.

(\* For those who have not yet met this expression, it stands for 'Strengths, Weaknesses, Opportunities and Threats'. You draw up a list of characteristics of whatever you are analysing, under these four headings.)

### **Affordable Housing**

Readers will remember that a year or so ago I was writing with concern about the problem of Affordable Housing (AH) in Mole Valley. Not surprisingly I had no solutions to propose, but tried out some tentative ideas.

In April we organised a meeting between this Society's Planning Committee (plus Derek Rowbotham and me) with Jack Straw, and were much heartened to learn of the successes

that the Council has had in increasing the numbers of AH units now being constructed.

AH is now a priority for Mole Valley, which it does by working closely with what used to be called Housing Associations but are now known as Registered Social Landlords (RSLs). RSLs can apply for grants from the Housing Corporation covering part of their costs. In towns, housing schemes for either 15 dwellings or more or with half a hectare or more are required to make available 30 per cent of their housing units as AH. In villages, the requirement applies to sites with either five dwellings or more or one fifth of a hectare or more. Mole Valley would consider reducing the thresholds further, but this requires an initiative from central Government. On the Deepdene Square scheme there are fourteen affordable units, of which eight will be held in shared ownership and six for rental.

RSLs may either retain full ownership of their houses for rental at affordable rates or can sell part ownership ('shared equity'), usually with a reduced rental for the unowned portion. At present 60 per cent of AH is destined for shared equity and 40 per cent for rental. As the poorest cannot afford even the expense of shared equity, there is a strong case for increasing the proportion of housing destined for rental.

In the year to April 2005 Mole

Valley oversaw the construction of 55 affordable units, out of a total of some 180, about half of them as a result of financial assistance by the Thames Valley Housing Association, using money provided from central Government.

At the time of the meeting in April there were 43 affordable units under construction and permission had been given for a further 156. For the year to April 2006 the Council has allocated £300,000 for 'local home buy schemes', which will result in shared equity ownership. £350,000 has been allocated for the Starhurst School scheme, which when finished will have 55 units, all in the affordable category. Mole Valley's target of AH in 2005/6 is 90 units; in 2006/7, 127.

AH is defined as housing having some form of financial assistance for (a) people on low incomes and (b) key workers. In April the waiting list was 1,400 for rental accommodation and 250 for shared ownership. These last figures are, however, believed to be understated because of the existence of 'concealed households', i.e. couples who need homes but are living with parents for the time being. This gives an indication of the extent of the problem. We suspect that it will never be wholly solved, but we must try. The programme is bound to run for many years.

We were surprised and encouraged to learn how MVDC has now begun to tackle the AH problem and

by their confidence that progressively larger numbers of units will become available in the next few years. It does look as if there will be an adequate supply of sites becoming available for a while yet, although experience shows that it is difficult to identify them in advance. Our concern, however, is for the longer term, as we do not believe that the supply of sites will last for ever. The question is: what happens then?

One of the primary aims of this Society is the preservation of the Green Belt. If in the end Dorking is forced to break out of its straight-jacket, we will want this to be well signalled in advance with policies we can support, clearly set out in the Mole Valley Development Framework. Fortunately we can be confident that the policies in it will be thoroughly debated and that our voice will be heard. Our view is that the form of development around and within the periphery of Dorking must be designed to sustain the character of the town. To this end we urge that an appraisal be made of the urban capacity of the town. This should underpin the policies expressed in the Development Framework and help protect the integrity of the town and its setting.

*Martin Wedgwood*

**Autumn Meeting (Thu 20 October):**  
For details, see inside back cover.

## news&views

### Another threat to the Green Belt

The Campaign to Protect Rural England has recently warned that 600 acres of Green Belt will be lost if Gatwick Airport gets a second runway after 2019.

### Hedges that bother

Are you troubled by a neighbour's evergreen hedge, probably of the dreaded *cupressocyparis leylandii*, which grows one metre each year if not cut three times annually? Planted as small shrubs, *leylandii* will thrive on the sandy subsoils found in Deepdene Park, Tower Hill and elsewhere. Left uncut, they grow into tall, gloomily dark trees, 30 metres (98ft) high, shutting out light and spoiling views. On the last point, though, it is important to remember that *no-one has a right to a particular view or outlook*.

Typical problems from an overgrown hedge (which may have become adult trees) are that it may block the light to the main rooms of your home, deprive you of winter sunshine, spread into your own garden and affect the growth of your plants, push over fences, damage your path, garage or even your house. The first stage in tackling this problem is to try to sort it out by discussing it face to

face with your neighbour, showing the neighbour the problems the hedge is causing. If this proves fruitless, you can engage the services of a mediator via the Mid Surrey Mediation Service (01372 363 744 or write to PO Box 35 Leatherhead KT22 9YG).

If none of this works, new help lies at hand; you can now make a *formal complaint* to the District Council Planning Department (who will want you to demonstrate that you have taken all the preliminary steps). Under Part 8 of the Anti-Social Behaviour Act, 2003, which came into force from 1 June 2005, any property-owner who allows a hedge to exceed a height of two metres (6ft 6in) may now be ordered by the Council to reduce it to a height which will remedy the problems it is causing. The criteria for making a formal complaint are that the 'hedge' must be made up of a line of two or more trees or shrubs, mostly evergreen or semi-evergreen, over two metres above ground level, obstructing light or views, growing on land owned by someone else. The person complaining must be the owner or occupier of the affected property and that property must be residential. Problems caused by *height* are the only ones considered. If these criteria are met, there is one further snag; to pursue a

case, the Council will charge a fee and in Mole Valley District, this will be £350. So make sure you are on a winner. Leaflets are available at the Pippbrook Council Offices which explain the procedures, list helpful phone numbers, publications and web sites and answer most of the questions you are likely to have.

### Brockham bricks saved for posterity

Linden Homes, who are building the 'Deepdene Square' apartment blocks bounded by Deepdene Avenue and Reigate Road, have carefully preserved a section of the old boundary wall at the south-west side of the Deepdene Roundabout (see page 5 of our last issue). A sample of the cream bricks has been obtained from Linden Homes by Dr Martin Cole for exhibition in the Dorking & District Museum alongside other local bricks. Dr Cole found the Deepdene bricks have BROCKHAM stamped in

the frog; so, as we suspected, this wall predated the now demolished 1920s detached houses formerly on this site. The Brockham brickworks ceased production in 1910.

One minor mystery remains; the wall *seemed to follow the curve of the roundabout*. Had it been carefully demolished and rebuilt with the old bricks when the Deepdene roundabout was built in 1933-34?

### Is Dorking in the running?

*Country Life* is looking for Britain's favourite market towns. At first Dorking might seem to be a candidate for the top 50. We then read the list of requirements or 'selling features' chosen by the Editor of the magazine: a thriving centre (yes, we have one), a regular market (yes), period buildings (yes), good shops (yes), a good school (yes) but – lastly, little traffic (oh dear, no!)...

---

## planning committee

### Affordable homes

A few weeks ago, our committee, along with Martin Wedgwood and Derek Rowbotham, had a meeting

with Jack Straw of Mole Valley to discuss 'Affordable Housing' in our area, and to get a progress report on its implementation. We were

pleasantly surprised with the enthusiasm with which Mole Valley is tackling this important task. For a fuller report about this meeting, turn to Martin Wedgwood's report on p.6.

## What we are presently looking at

Over the past few months, we have looked at a large number of Applications, mostly extensions to unremarkable buildings. Most of these did not merit a comment from us. There were, however, three or four listed building Applications we looked at and discussed with the Conservation Officer at Mole Valley. In all cases, he told us that the owners of these properties had consulted with him before making their applications, so he was quite happy with them.

Another listed building we looked at was for a rear extension to 'Pratsham' in Tanhurst Lane, Abinger. We were quite happy with the design but, none-the-less, I checked with Peter Mills, the Conservation Officer. He told me that, as with the properties above, he had advised the applicants from the very beginning, and was quite happy with the proposed extension. 'In fact', he said, 'the proposed extension would uncover much more of the original building'.

Our Committee take all applications concerning listed buildings very seriously. In most cases, we visit the site, look for

ourselves, and always consult with the Case Officer and the Conservation Officer before deciding whether or not to send a letter.

I visited what I described to my Committee as a 'Ginger bread' cottage way out in the countryside near Coldharbour. The owners have applied to erect a nicely-designed glass extension at the rear of their building. It was obvious that this would offend no one because of its remoteness from other properties, and its elegant design.

We have seen – and approved – two new fronts; to the Halford shop and its neighbour in the High Street, incorporating a well-designed, wrought-iron gateway to the alley between. Waitrose in South Street is having a 'corporate face lift' that will be reflected in new signage. As a one-time typographer, I was not keen about the typeface of the new corporate logo, but the rest of the committee were not averse to it so I was out-voted.

We were critical about a proposal to build two three-bedroom cottages on a plot of land behind 72 South Street. If built, these cottages would be really close to the windows of an adjacent, occupied building, cutting off light to the window and presenting the occupants with a close-up view of a brick wall. We were not comfortable with the design either; it was nondescript and out of keeping with some of the surrounding

Victorian buildings. We wrote a comprehensive letter to the Planning Officer, listing these points and recommending its refusal. The Application has since been withdrawn.

Some other Applications we have recently dealt with include a proposal for three parking spaces in front of a building in Dene Street, and a proposal for a rather bulky house on Box Hill. With regard to the parking spaces, one of our Committee watched a car try to park in an identical space on the other side of the building; she noted that the front fender of the car was hard up against the wall and the rear end projected out over the pavement. In our opinion, this is not a good idea for pedestrians, and we have written a letter commenting about these facts.

The Box Hill Application is for a two storey house in a plot of vacant land fronting on Boxhill Road and behind a house in Ashurst Drive. We have written saying that the proposed building is too large, did not fit well into its surroundings, and is not very well designed. We recommended a return to the drawing board.

## Decisions on previous Applications

The Appeal by Whitgift for their first Application for Furze Hollow on Tower Hill has been dismissed. This means they will now begin with the six apartments and eight parking spaces for which they have planning

permission.

The proposed well-designed development to the side and rear of Harmans of West Street (about which we wrote a letter saying that the proposal, although architecturally pleasing, was attempting to put a quart into a pint pot) has since been withdrawn.

An Application for a large extension to a 1930s house in Ladygate Road, Dorking, to which we objected, was withdrawn and resubmitted with minor alterations. We again objected.

A proposed development at 'Quarts' at the entrance to Chart Lane South, Dorking, has been refused. We visited the site and looked closely at the site plan which indicated that a terrace of four houses would be included. Although we had no objection to this, we checked with the Case Officer, who told us that the proposal was quite likely to be refused because of the terrace. After discussion, we felt it best to make no comment.

We commented favourably about a rather pleasing extension to 'The Manse', Broad Lane, Newdigate. We did, however, suggest that the proposed straight braces in the new gables should be curved to match those in the existing ones. This application has now been approved, and we are hoping that the applicant has taken our suggestion on board.

*Hank Etheridge*  
Chairman

# dorking museum

The annual Stewards' Meeting (which also serves as the Museum AGM) did not invite a speaker this year in order to allow plenty of time for discussion on the Museum's future. The annual question of whether to charge or not to charge was debated, as well as the perennial appeal for more stewards and the usual reports of exhibitions staged, school visits and improvements to the building. As Mole Valley has cut out our grant altogether, the question has been decided for us: we would soon run a deficit if we did away with our modest entrance fee. It was suggested that it was not the £1 fee, but the uninviting surroundings of a car yard which deterred visitors.

Sir Martin Wedgwood spoke about our negotiations with the Council over the purchase of our site. They seem to have agreed that they would consider our purchase of our

'footprint' – i.e. the space we already occupy; but while permitting us to build up one storey, joining the Library to the Exhibits building, they insist on the retention of a footpath between the buildings. This has never been a public right-of-way, but a footpath for the use of those who work on the site. Sir Martin seemed hopeful that we would see some progress before too long.

I presented some preliminary sketches of what such a museum on such a site with the aforementioned constraints might look like – as envisaged by an architect.

Let us hope (and this would be a triumph over the experience of the last three Stewards' Meetings) that this time next year we will have moved closer to acquiring the 'permanent home' that Owen Russ envisaged when he left us his generous bequest.

*Bette Phillips*  
Chairman of the Museum

# letters to the editor

Dear Mr Jackson,

I am writing to you in connection with an article in the Spring 2005 Preservation Society Newsletter –

page 6, concerning the use of rights of way by motorised traffic.

I have a lot of first-hand experience of the problems caused by

this traffic, as for years I have walked and ridden a horse on our hills and in our woods.

Frequently I have come face to face with inconsiderate drivers of motorbikes and 4x4 vehicles, who represent a frightening menace to horse riders (and walkers). I refer in particular to Wolvens Lane and the byway from Coldharbour up to Leith Hill.

I find it quite unacceptable that this sort of traffic should be allowed in a beautiful country area, where people go precisely to get away from traffic noise, fumes and hazards.

In addition, of course, it is extremely dangerous to be riding along these tracks and suddenly have a motorbike(s) roar up behind one or come tearing towards one round a blind corner. Likewise with the 4x4s where there may not even be room to pass safely.

Frequently, too, I have witnessed these drivers veering away from the byways off side-tracks – anywhere, in

fact, they please, and in the process they have destroyed ancient banks, carved out hideous muddy ruts and destroyed the vegetation.

There have been incidences of horses bolting and their riders' lives put in jeopardy because of these vehicles using the same tracks.

So in answer to your question, I can say that the problem is acute in certain areas – not just those I mentioned above, but also on Ranmore along or near any of the byways there, where I also frequently walk and have ridden.

Many others I have spoken to, or know personally, are of the same strong opinion that a stop should be put to all motorised vehicles in these country areas. Why should they be allowed to ruin the whole countryside (modern road building has already destroyed vast tracts) with no respect for wildlife or those who seek quiet and beauty?

Yours sincerely –

*(Mrs) Rosemary Miller*  
St Paul's Road West, Dorking  
25.5.2005

Dear Mr Jackson,

A colleague in the Ramblers Association sent me a copy of your Spring 05 Newsletter as she is aware of my efforts to correct an injustice that was perpetrated, at the behest of motoring interests, by officials and the Minister for the Environment when parliament passed the Wildlife &

Countryside Act 1981. Under Section 54 of that Act, highway authorities were required to review all rights of way called "roads used as public paths" (RUPPs) and, by order, make such modifications to the definitive map of rights of way as "appear to the authority to be requisite" to show them as a byway



open to all traffic (BOAT); bridleway; or footpath, according to the evidence that could be discovered of "the rights that exist". The meaning of s.54 was somewhat ambiguous because, under the National Parks and Access to the Countryside Act 1949, s.32(4)(b), inclusion on the definitive map as a road used as a public path was conclusive in effect to limiting public rights of use over that path to "a right of way on foot and a right of way on horseback or leading a horse", i.e. the status of a bridleway, "so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than the rights aforesaid". This conclusive effect was preserved, in identical terms, by s.56(d) of the Wildlife & Countryside Act 1981.

In the event, the task of reclassification was a major problem because in not a single case was conclusive evidence discovered. However, on the advice of officials at the Department of the Environment, supported by propaganda put about by representatives of motoring interests, it was decided that circumstantial evidence would suffice to show what public rights existed. Every case was decided on inconclusive evidence by the opinion of officials using the civil test, the "balance of probabilities", but all RUPPs were and are private roads by reason of tenure, enclosure or prescription, needed by landowners and occupiers for vehicular access to

their fields and woodlands in pursuit of agricultural activities, but not needed by the public other than as bridleways or footpaths for the purpose of air and exercise. As it had been an offence since 1930 (currently under the Road Traffic Act 1988, s.34) to drive motor vehicles on fragile paths in the countryside, including bridleways and footpaths, the burden of proof should have been the criminal test "beyond reasonable doubt". In the absence of conclusive evidence, the property rights of a landowner to use his land as he sees fit, are protected by common law and the Human Rights Act 1998, as well as by the Law of Property Act 1925, s.40, and various sections of the Highways Act 1980. The primary law governing the creation of highways of all descriptions is the Highways Act, 1980, which provides that roads, if needed by the public, must be constructed to high standards, otherwise public rights must be limited to use as bridleways, cycleways or footpaths. The term "byway open to all traffic" is merely a pseudonym for a public road, which cannot come into existence until it has been constructed to high standards under the supervision of the highway surveyor, as laid down in the HA 1980, Parts X or XI. Though Part X of the Act was repealed in 1991, this was too little and too late to affect the date of reclassification, viz. 28 February 1983, when the Wildlife &

Countryside Act 1981 came into effect. Even if roads are private, the highway authority is duty-bound to enforce high standards of maintenance under the private street works code contained in the Highways Act 1980, Part XI.

The article in your *Newsletter* on page 6 asks: "To what extent is this 'recreational' activity by 4x4 owners and motorcyclists a problem in our area?". The answer is that it is a major problem. Had landowners truly dedicated their private roads to the public, and had highway authorities carried out their duties diligently according to law since 1835, all RUPPs dedicated and accepted as public roads would have had a solid surface constructed to standards laid down in New Street Bylaws under the Highways Act 1980, s.186. Motorists using RUPPs or bridleways illegally were and are liable to penalties under the Road Traffic Act 1988, s.34, but few offenders have been prosecuted. On reclassification to BOAT, unsuitable roads can be protected by the imposition of Traffic Regulation Orders banning unlawful vehicular use, or downgrading them to bridleway or footpath status under the Highways Act 1980, s.116. However, due to intensive propaganda put about by advocates of motoring interests, and with the tacit support of DEFRA, many highway authorities have neglected their duties and few have

taken remedial action. If you wish to see the adverse effect of unnecessary vehicular use of BOATs within Mole Valley District, I suggest you visit some of those on the attached list that I prepared for the Ramblers Association's Green Lanes at Risk register.

The High Court decision in the case of *Todd and Another v Secretary of State for the Environment, Food and Rural Affairs*, dated 22 June 2004, exposed the bias of officials and the error of the Minister who had confirmed the classification to BOAT of a private road, called Sandy Lane in the parish of Bramshill, Hampshire, based solely on inconclusive evidence of the kind used to justify the classification of all existing BOATs. The submission put forward by Hampshire County Council was similar to those leading to reclassification of all RUPPs to BOAT under the Wildlife & Countryside Act 1981, s.54. Mr Justice Evans Lombe quashed the order because the case depended solely on allegations rather than conclusive evidence. The decision justifies corrective action in respect of past mistakes, which, in fact, could have been taken by highway authorities at any time since 1983 in accordance with advice issued by the DOE in departmental circulars 1/83 and 2/93. This recommends the imposition of Traffic Regulation Orders on unsuitable roads, banning

motor vehicle use by the public pending the downgrading of BOATs and RUPPs to bridleway or footpath status in accordance with the Highways Act 1980, s.116(4). Alternatively, if landowners are now prepared to dedicate their private roads as public, subject to need and approval of the highway authority under s.38 of the Act, landowners could agree to build and maintain roads to statutory bylaw standards, funded by those claiming the need. Another option would be for the Minister to authorise compulsory purchase of the land, and pay compensation to the landowner, for the road to be built at public expense in accordance with the provisions of the HA 1980, s.24. In practice, of course, the public do not need these roads except as bridleways or footpaths for the purpose of air and exercise, and unnecessary vehicular use should remain illegal.

The relevant paragraph of DOE's advice in circular 2/93, Annex B, para 43, reads as follows:

"43. Not all BOATs will be suitable for present day vehicular traffic. In these circumstances, powers are available in the Road Traffic Regulation Act 1984 for highway authorities to make traffic regulation orders to control, regulate or prohibit use by vehicular traffic. Alternatively, it may be possible to show that vehicular rights are unnecessary, in which case powers are

available under section 116 of the Highway Act 1980 to extinguish the vehicular rights whilst preserving the bridleway and/or footpath rights. The disadvantage of the latter course is that it may expose the way to ploughing with the result that its character and appearance as a landscape feature may be irrevocably destroyed. Highway authorities are asked to have regard to this possibility in deciding what course of action, if any, is appropriate."

As well as the above, highway authorities outside Greater London may impose a Traffic Regulation Order under the Road Traffic Regulation Act 1984, section 1, where it appears to the authority that it is expedient -

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on any road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs, etc.

Under the RTRA 1984, s.22 section 1 also applies to roads in, or forming part of, or adjacent to, or contiguous with - a National Park; an area of outstanding natural beauty; a country park; a nature reserve; a long-distance route; land belonging to the National Trust which is held by the Trust inalienably; and a site of special scientific interest. Under s.22A, a TRO may also be imposed on other roads for the purpose of conserving natural beauty.

From the experience of the past twenty years, it seems unlikely that Surrey County Council will take the initiative in imposing Traffic Regulation Orders, or take action to downgrade BOATs or RUPPs under the provisions of the Highways Act 1980, s.116(4), unless their constituent parishes or landowners and the public at large, press them to do so. In making an application under s.116, there seems no reason why the magistrate should not be asked to impose a prohibition on ploughing the footpath or bridleway. Since 1835, it has been illegal to spend taxpayers' money on the maintenance of private

roads. All BOATs are private roads maintainable at the expense of landowners and their neighbours, which, in the absence of conclusive evidence, should not have been reclassified to a higher status than bridleway. BOAT status under the WCA 1981, s.54, was confirmed on the basis solely of allegations through the biased opinions of officials and the Minister acting on behalf of motoring interests. In the absence of conclusive evidence of dedication, it would be against natural justice for county councils to compel landowners to build and maintain BOATs to public road standards. Experience shows that new legislation promised by Alun Michael, Minister for the Environment in the previous government, could take months or years to become effective. Hence it would be appropriate to urge parish members of the Dorking & District Preservation Society, and landowners affected, to press the county council to proceed as suggested in DOE circular 2/43, Annex B, para 43.

Yours sincerely - *Eric Fowler*  
Ramblers Association  
Secretary Mole Valley Area  
Chessington  
6 June 2005

---

Green lanes at risk in Mole Valley

See list overleaf

---

Annex

**Green Lanes at Risk in Mole Valley District**

**Byways open to all traffic**

Parish	ROW No	Name	Location
Abinger	5	Sheepwalk La	East Horsley to Effingham
	137	Drove Road	Shere to Effingham
	541	Lowerhouse La	Lowerhouse Rd to Froggetts La
	542	Holdenbrook La	Forest Green to Wallis Wood
	543	Trap La/Green La	Chapel La to Holdenbrook La
Betchworth/ Brockham	549	Tweed La	Bushbury La to Middle St
Buckland	479	Buckland La	Dewriding Plantation (North Downs Way)
Charlwood	324	Pudding La	Norwood Hill Rd to Chapel Rd
	328	Unnamed	Chapel Rd to Pudding La
	334	Beggarshouse La	Eastlands Cottages to Newdigate Place Rd
Capel	526	Wolvens La	Coldharbour La to Dorking Parish
	527	Crockers La	Coldharbour La to Wotton Parish
Dorking	44	Fort Rd	Boxhill Rd to Old Fort
	526	Crockers La	Capel boundary to Wotton boundary
Headley	544	Unnamed	Tilley La to Hurst La
	545	Langley La	Slough La to Mill Way
Leatherhead	101	Chalkpit La	Guildford Rd to Hogden La
	103	Admirals Rd	Polesden Rd to Guildford Rd
	104	Hogden La	Polesden Rd to Wotton Parish
	116	Green La	Ermyrn Rd to Thirty Acre Barn
	118	Stane St/Pebble Rd	Mickleham Downs to Thirty Acre Barn
145	River La	Randalls Rd to R. Mole	
Leigh	224	Green La	Clayhill Rd to Shellwood Rd
Mickleham	15	Stane St	Downs Rd to Leatherhead Parish
	160	Downs Rd	Headley Rd to Stane St
Wotton	98	Hogden La	Leatherhead Parish to Ranmore Common Rd
	110	Unnamed	Ranmore Common Rd to Railway Crossing
	115	Unnamed	Sheephouse La to Coast Hill
	137	Drove Rd	Ranmore Common Rd to Effingham Parish
	526	Wolvens La	Sheephouse La to Dorking Parish
527	Crockers La	Capel Boundary to Abinger Rd	

## A 'New' theatre for Dorking!

If asked by a visitor where the best place to see live theatre in Dorking would be, how would you answer? Maybe the Dorking Halls, but this is more of a variety musical venue. Those 'in the know' may have said in whispered tones, 'Try the Green Room Theatre, behind the Dorking Halls', but qualified their knowledge with 'You have to be or know a member to get in'. Well, all has changed, as from March this year the town's hidden theatrical gem gained a public performance licence and is now allowed to publicise itself beyond its membership. Operated by the DDOS (Dorking Dramatic & Operatic Society), the Green Room Theatre has been their home base for around 50 years. The theatre is formed out of three architecturally unassuming wartime huts. Often threatened with redevelopment, the DDOS started with just one hut, gradually expanding into two and now three huts, one acting as the social club and rehearsal space, one as the actual theatre auditorium and one as the dressing rooms, props & wardrobe store. The Society recently upgraded all its theatre seats to meet modern fire (and comfort) standards. Eagle-eyed DDPS members may have spotted in the local paper glowing reviews for Green Room productions, the DDOS badge on a production giving the

audience an assurance of quality. Every year the Society ventures out of their home to the grander surroundings of the Dorking Halls Grand Hall to stage a large-scale musical production. With budgets often in excess of £35,000, it is a risky business as 2004's *Sweeney Todd* proved, critically acclaimed but commercially not as successful. This year's *Pirates of Penzance* production achieved a double whammy with huge critical and commercial success. Back in the more intimate environment of the Green Room Theatre, the 2005 programme has included the late Arthur Miller's *The Crucible* and Bob Larby's hilarious comedy *Sand Castles*; and in July DDOS have two Edinburgh Festival previews with a new play about the Holocaust called *Mala & Edek* plus a short run of the critically acclaimed *Macbeth*. In September DDOS venture into space with the cult musical *Return to the Forbidden Planet*, then in October they dip their feet into the warm Greek waters of Willy Russell's *Shirley Valentine*.

For more information on future productions or to become either an acting or a theatre club member, contact DDOS, Green Room Theatre, rear of Dorking Halls, Reigate Road, Dorking RH4 1SG. Tickets are normally sold via the main Dorking Halls Box Office on 01306-881717.

*Simon Matthews*

DDPS member and producer of DDOS productions

## Heritage Open Days

Arrangements are proceeding apace. We have over 80 events – a record. Sandra Grant (Simon Matthew's assistant) is doing sterling work in getting the local brochure together. This should be published mid to late July and will be available from libraries and all the usual outlets. This year all bookings will have to be made by post, following a plea from the Visitor Information Centre at Dorking

Halls that they simply cannot cope with bookings by phone and callers.

The opening event will be a talk by Professor Richard Selly about the geology of the Mole Valley area, entitled *Dorking Rocks!* This will be held at Denbies Winery in the evening of Friday 9 September. I hope many members of the Society will support the event – entry will be by ticket only. Don't forget: everything is free!

*Sarah Hawkes*

## Society Subscriptions

We have been asked to publish an up to date list of the minimum subscriptions:

Ordinary members	£5
Pensioners and Students	£3
Family	£7
Corporate (up to 10 employees)	£10
Corporate (11 or more “ )	£20

Subscriptions fall due on 1 January each year.

If you are uncertain about your subscription payment, please write to or phone Peter Parkin (see inside of front cover and e-mail address in next column).

## Newsletters by e-mail

We are considering the possibility of sending out the *Newsletter* by e-mail. If you are interested in this alternative form of distribution, please notify Peter Parkin at <pcep@mac.com> by e-mail.

## Membership

We regret to report the death of the following Members:

Mr D W Wendon, St Paul's Road, Dorking  
Mr S E Temple, Lonsdale Road, Dorking  
Mrs K Kilburn, Pilgrims' Way, Westhumble

## Dorking & District Preservation Society

### Autumn Meeting

Thursday 20<sup>th</sup> October 2005

19.30. United Reformed Church, West Street, Dorking

The meeting will start with the presentation of the awards and certificates of

### The Best Development Competition

following which

**Barry Clark, Architect,**  
member of the Reigate Society and retired officer of English Heritage, will give an illustrated talk on

*The Buildings of Dorking; a view from over the fence*

## CORPORATE MEMBERS SUPPORTING THE SOCIETY

Note that all addresses are of Dorking town and all telephone numbers have the code 01306 unless shown otherwise.

Name, address, telephone number	Business
Betchworth Park Golf Club, Reigate Road, RH4 1NZ (882 052)	Golf club
Bray Estate, 278/280 High Street, RH4 1QT (740 837)	Valuers, surveyors & property managers
Broadheath Restorations, Dean House Farm, Church Road, Newdigate, RH5 5DL (631 773)	Window frame restorers
Browns of Dorking, 182 High Street, RH4 1QR (881 212)	Coffee shop
Bullmores, Old Printers Yard, 156 South Street, RH4 2HF (880 880)	Chartered accountants
Burley, G & Sons, Burley Corner, Moorhurst Lane, S.Holmwood, RH5 4LJ (711 799)	Amenity horticulturist
Chandler Cars, Unit 23, Vincent Works, Vincent Lane, RH4 3HQ (882 001)	Services and sales

*Continued overleaf*

### Corporate Members (continued)

Clear, S J & Co Ltd, 65 High Street, RH4 1AW (883 340)	... ..	Electrical contractors/shop
Cowan & Wood, 114 South Street, RH4 2EZ (886 622)	... ..	Solicitors
Dorking Desk Shop, The, 41 West Street, RH4 1BN (883 327)	... ..	Antique furniture dealer
Dorking Golf Club, Club House, Deepdene Avenue, RH5 4BY (886 917)	... ..	Golf club
Downs, 156 High Street, RH4 1BQ (880 110)	... ..	Solicitors and notaries
Downsman Ltd, Overdene, Paper Mews, RH4 2TU (887 023)	... ..	Management services
Ellis Atkins & Co, 1 Paper Mews, 330 High Street, RH4 2TU (886 681)	... ..	Chartered accountants
Friends Provident plc, Pixham End, RH4 1QA (654 4220)	... ..	Financial services
Garth House Nursing Home, Tower Hill Road, RH4 2AY (880 511)	... ..	Nursing home
Hart Scales & Hodges, 159 High Street, RH4 1AD (884 432)	... ..	Solicitors
Hulsta Studio, 120 South Street, RH4 2EU (880 330)	... ..	Contemporary furniture specialists
International Sports Marketing Ltd, Bales Court, Barrington Road, RH4 3EJ (743 322)	... ..	Marketing consultants
Kuoni Travel Ltd, Deepdene Avenue, RH5 4AZ (840 888)	... ..	Tour operators
Munro, Ian, 10 High Street, RH4 1AT (882 270)	... ..	Men's outfitters
Newspaper Press Fund, Dickens House, 35 Wathen Road, RH4 1JY (887 511)	... ..	Charity
Newton & Co, Ranmore House, 19 Ranmore Road, RH4 1HE (884 208)	... ..	Chartered accountants
Omya UK Ltd, Curtis Road, RH4 1XA (886 688)	... ..	Mintrel extraction
Patrick Gardner & Co, 16 South Street, RH4 2HL (887 775)	... ..	Estate agents
Priory School, The, West Bank, RH4 3DG (887 337)	... ..	School
Rose Hill Nursing Home, 9 Rose Hill, RH4 2EG (882 622)	... ..	Nursing home
Sears, Philip, Designs, 18c Horsham Road, RH4 2JD (884 477)	... ..	Architectural building surveyors
Seymours Garden Centre, Stoke Road, Stoke D'Abernon, Cobham, KT11 3PU (01932 862 530)	... ..	Garden centre
Songhurst, W Ltd, Rayleigh House, Chapel Lane, Westcott, RH4 3PJ (880 411)	... ..	Builders
Super Specs, 62 High Street, RH4 1AY (875 201)	... ..	Opticians
Treeline Services Ltd, Chadhurst Farm, Coldharbour Lane, RH4 3JH (741 800)	... ..	Tree care and maintenance
Uden, C J & Co, Pledges Yard, Falkland Road, RH4 3AD (887 551)	... ..	Drainage consultant and surveyors
Viscount Agencies, Concept House, 3 Dene Street, RH4 2DR (880 715)	... ..	Duty free agency
Whitelegg Machines Ltd, Fir Tree House, Horsham Road, Beare Green, RH5 4LQ (713 200)	... ..	Electrical engineers
Wyevale Country Gardens, Reigate Road, RH5 1NP (884 845)	... ..	Garden centre

### OTHER CORPORATE MEMBERS SUPPORTING THE SOCIETY

Abinger Parish Council	Friends of Boxhill
Amis de Gouvieux, Les	Headley Parish Council
Betchworth Parish Council	Holmwood Parish Council
Brockham Green Village Society	Mickleham Parish Council
Buckland Parish Council	Newdigate Parish Council
Capel Parish Council	Ockley Parish Council
Charlwood Parish Council	Westcott Village Association
Coldharbour Sports and Social Club	Wotton Parish Council

\*\*\*\*\*

Published by the  
DORKING & DISTRICT PRESERVATION SOCIETY