

From: Hugh Craddock (Kent) kent@craddocks.co.uk
Subject: Re: Planning Inspectorate ROW/3283869
Date: 13 October 2022 at 21:39
To: rightsofway2@planninginspectorate.gov.uk
Bcc: Julia Harman julia.harman@hotmail.co.uk



Hi Clive

Thank you for sending through the 'response of the objector to the BHS comments on the objector's statement of case' dated 7 October 2022.

We thank you and the inspector for the opportunity to engage in these further exchanges, but do not need to say much in reply. That is not to say we agree with what otherwise is said in the response, but consider that we have already covered the ground, and that repetition of the same arguments (on the part of either party) does not enhance their cogency.

Para.1.12: We would distinguish a 'boundary feature' from a 'boundary'. But if it is accepted that the line in question shows no more than a boundary, which may or may not be marked on the ground by a fence, hedge, baulk, then there is indeed common ground.

Para.1.15: The objector observes, correctly, that parcel 184 in the Ripple tithe map and apportionment is another way which is recorded in the apportionment as 'public roads and waste lands', but which today is not recorded as a highway. We reply that that does not prove that it is not a highway — only that it has not, to date, been recorded as a highway; parcel 191 likewise was not recorded as a highway, but has recently been added to the definitive map and statement as restricted byway EE492.

Para.1.24: The location of Dover Hill obviously corresponds with point A on Forge Hill: it is a notable hill on the road leading to Dover. No suggestion has been made that Dover Hill might refer to any other plausible location in connection with the surveyor's description.

Para.1.26: It is indeed possible that the council surveyor was wrong to describe the order way as a bridle road. It is possible that, although deeply experienced in his role, he made and documented the same error on three separate occasions spanning 13 years, and that members of the council, and the tenant and freeholder of Winkland Oaks Farm, all were in error too. But it is vanishingly unlikely.

Para.1.30: The objector states that: 'Compulsory acquisition of easements by statutory undertakers takes place on a similar basis today. As already stated, the Act does provide for compensation to be paid.' The applicant knows of no legal regime which enables the acquisition of easements over private land without provision for compensation, whereas the Electricity (Supply) Acts 1882 to 1922 provide only for compensation for damage (such as to hedges broken open).

regards

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for the British Horse Society

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