

Horsell Common Preservation Society

Policy Document

Tracks, Paths & Equestrian Routes

1 **Maintenance of Equestrian & Pedestrian routes within the SSSI.**

1.1 In general, the Society will not lay any new artificial surfaces on routes through the parts of the Common that are designated as an SSSI. Exceptions to this will be the maintenance of, or extensions to, the existing Easy Access Path, the All Weather Equestrian Route and the Sandy Track.

1.2 Where maintenance or extensions are required on the above routes, only inert materials will be used with a preference for using locally excavated ballast, sand or reject stone. If a more durable surface is required, inert "type one" may be used. Where appropriate, routes that have been maintained will be "blinded off" with local sand or ballast in order to retain a more natural appearance.

2 **Maintenance of other Equestrian & Pedestrian Routes.**

2.1 In areas of the Common outside of the SSSI and on other land in the ownership of the Society, inert materials should be used as a preference. Other materials may be used if there is an overwhelming cost and delivery advantage, having first taken into consideration the likely effect on the surrounding soil & vegetation. "Blinding off" with sand should also be considered where appropriate.

3 **Maintenance of Car Parks and Associated Access Tracks**

3.1 The Society will maintain the surface of its car parks to a suitable standard having first considered their volume of use and location. Materials to be used will be determined after due consideration of the above. Aesthetics and low maintenance should also be taken into account.

3.2 In circumstances where a residential access is shared with access to a car park, the Society may either contribute towards the cost of maintenance or fully take on the responsibility of the maintenance of the part of the track serving the car park.

3.3 Special access and parking requirements for disabled users will be taken into consideration where appropriate; a suitable surface and signs will be provided in compliance with the Society's audit of access facilities and the Disability Discrimination Act 2005.

4 **Maintenance of access tracks to residential properties.**

4.1 In areas where residential access is gained along routes crossing the Common, and where residents have authority to use that route, the Society will

normally allow groups or individuals to maintain the access tracks serving their area providing the conditions set out below are strictly adhered to. It should be remembered that the access tracks are an integral part of the Common and are not roads passing through it. Priority and consideration should be given to walkers and horse riders at all times.

- 2.2 The Society requires residents' groups or individuals to apply for permission at least one month prior to carrying out any works on access tracks. The group or individual should submit a works specification with their request, which should include proposals to reduce the track width and/or install traffic calming measures where appropriate.
- 2.3 There is a legal requirement to seek permission from Natural England before carrying out repairs to any track that passes through the SSSI (see appendix 1 for tracks that fall into this category). It is the responsibility of the group or individual wishing to carry out the repair to obtain permission in writing from Natural England before work commences. The address to which an application to Natural England should be made can be found in the appendix.
- 2.4 Repairs must comply with section.38 (2) & (4) of the Commons Act 2006(see appendix)
- 2.5 The use of recycled materials, such as road planings, are subject to controls regulated by The Controlled Waste Regulations 1994. A strict quota system based on the length of track will be applied to the use of such materials, which equates to no more than 2.5 tonnes per 100 metres per annum. There is a legal requirement for a transfer docket to be issued by the carrier of materials and a copy of this document must be handed to the Society for its records.
- 2.6 In order to preserve the rural nature of the Common and to discourage fast traffic, access tracks through open areas generally shall not exceed 12 feet in width. Efforts should be made to reduce track widths, with passing places installed at appropriate points if necessary.
- 2.7 The speed limit on the Common is 15mph on open tracks and 5mph through residential areas. Residents' groups are requested to inform its members and visitors of the speed limits and assist the Society by drawing this to the attention of persistent offenders. Signs displaying speed limits should be placed at appropriate points.
- 2.8 Where a residential access track adjoins the Public Highway, the Society will consider a request for a contribution towards the maintenance of the first 6 metres of track where a firm surface is required for safety reasons. This will only apply after consultation with the Highway Authority.
- 2.9 Where appropriate, the Society encourages the use of shingle as a top dressing to tracks to reduce speed and wear. This is particularly beneficial in residential areas where aesthetics should also be considered.
- 2.10 The Society does not accept responsibility for the maintenance of the tracks nor does it contribute towards the cost, except under the circumstances stated in 3.2 and 4.8. Any repairs to tracks which do not comply with the Society's rules, or the statutory requirements of any regulating body, may be removed at the expense of the person or persons responsible for the laying of such materials.

Appendix 1

Residential Access Track	Length (metres)	Status	Residential Properties	Natural England Permission required	Road Planings Quota (tonnes)
Anthony's	427	None	25		10.5
Northern Perimeter Track	1100	SSSI	3	Yes	27.5
Western Perimeter Track	1079	SSSI/SNCI	11	Yes	27
Seven Acres Track	334	SSSI	7	Yes	8
Heather Farm	149	None	4		4
Deep Pool (part)	159	SNCI	6		4
Grasslands	84	SSSI	2	Yes	2
Cheapside & Lemons Lane	825	SNCI	38		20
Carlton Rd (North)	196	SNCI	10		5
Carlton Road (South)	212	SNCI	22		5
Castle Road (Shores Road end)	36	None	38		1.5
Horsell Birch	305	None	25		7
Horsell Birch (Cricketers)	134	SNCI	4		3
Viggory Lane (North)	180	None	27		4.5
Littlewick Common	676	SNCI	20		17
Broomhall Lane (end property)	45	None	1		1.2
Well Path (Blackpatch Common)	118	None	10		3
	6059		252		150

Contact details for applications to repair tracks within the SSSI:

Carole Mortimer
Natural England
Howard House
31 High Street
Lewes BN7 2LU

Commons Act 2006

Section 38 Prohibition on works without consent

(1) A person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which this section applies.

(2) In subsection (1) “restricted works” are—

- (a) works which have the effect of preventing or impeding access to or over any land to which this section applies;
- (b) works for the resurfacing of land.

(3) The reference to works in subsection (2)(a) includes in particular—

- (a) the erection of fencing;
- (b) the construction of buildings and other structures;
- (c) the digging of ditches and trenches and the building of embankments.

(4) For the purposes of subsection (2)(b) works are for the resurfacing of land if they consist of the laying of concrete, tarmacadam, coated roadstone or similar material on the land (but not if they consist only of the repair of an existing surface of the land made of such material).

(5) This section applies to—

- (a) any land registered as common land;
- (b) land not so registered which is—
 - (i) regulated by an Act made under the Commons Act 1876 (c. 56) confirming a provisional order of the Inclosure Commissioners; or
 - (ii) subject to a scheme under the Metropolitan Commons Act 1866 (c. 122) or the Commons Act 1899 (c. 30);
- (c) land not falling within paragraph (a) or (b) which is in the New Forest and is subject to rights of common.

(6) The prohibition in subsection (1) does not apply to—

- (a) works on any land where those works, or works of a description which includes those works, are carried out under a power conferred in relation to that particular land by or under any enactment;
- (b) works on any land where the works are carried out under a power conferred by or under any enactment applying to common land;
- (c) works authorised under a scheme under the Metropolitan Commons Act 1866 or the Commons Act 1899 without any requirement for any person to consent to the works;
- (d) works for the installation of electronic communications apparatus for the purposes of an electronic communications code network.

(7) In subsection (6)(a) the reference to an enactment does not include Part 2 of this Act.

(8) For the purposes of subsection (6)(b), an enactment applies to common land if it is expressed to apply (generally) to—

- (a) registered common land;
- (b) common land; or
- (c) any common or commons, commonable land, land subject to inclosure under any enactment or other land of a similar description.

(9) Subject to the following provisions of this Part, consent given to works under subsection (1) of this section constitutes consent for the purposes of that subsection only.