

The Story of Cradle Lane,

Parish of Kingsley/Headley, HAMPSHIRE

1971 – 2011

Cllr Mrs Maureen Comber



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The Old Cottage, true to its name, sits on the southern boundary of Alice Holt Forest. Approximately 500 yds to the East is the A325. This is an old Toll road commissioned in 1825 under an Act of Parliament for George III and having changed little since, it now carries around 20,000 vehicles a day and is impossible to cross on horse back with any degree of safety. This is particularly frustrating since BW62 along the edge of the Forest to the village of Kingsley is just the other side from where I live.

A hundred yards to the east and opposite to the entrance to the Forest, is Cradle Lane. Ancient in origin it probably dates from the Iron Age which the archaeologists tell me is because it follows a wide curve which is typical of roads of this date around a settlement. From the forest boundary it takes a gentle downhill slope to the River Slea approx. $\frac{3}{4}$ mile. Across the ford at this point the soil changes abruptly from heavy clay to sand and the gradient gently rises for another $\frac{1}{4}$ mile to exit very close to Broxhead Common.

Except for the first 100 yds where it passes seven houses the lane is unmade and on fragile clay soil. It is a designated Byway Open to All Traffic.

1971

Intel introduces the 4004, the first microprocessor.

Britain adopts decimal currency.



Indo-Pakistan war. East Pakistan becomes the separate state of Bangladesh.

First (and last) British launched satellite, "Prospero", launched from Woomera, Australia.

Idi Amin overthrows Ugandan President, Milton Obote.

Bahrain independent from UK.

Inoue Daisuke invents the Karaoke machine.

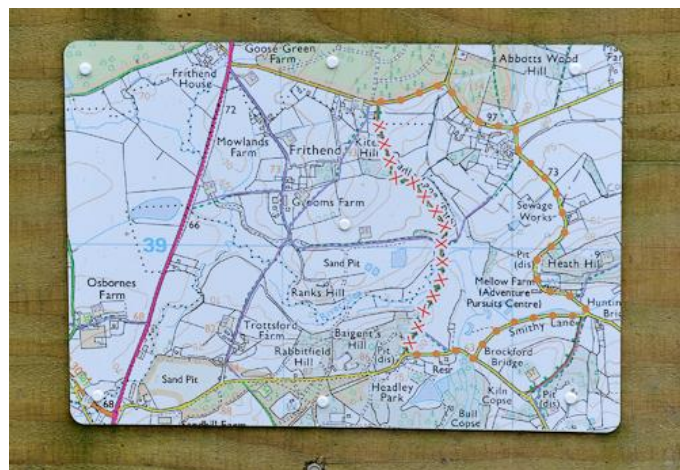
My husband, Colin and I, our two small boys and two horses, moved to the Old Cottage in 1971.

Earlier that year we had been participating in a transport study for the World Bank in East Pakistan, when the country had undergone a coup during its transformation to Bangladesh. Never had we been more pleased to see the RAF land on that pock marked runway and lift us back to civilisation.

It wasn't long before Colin who is a Transport Economist was off again on a port study in Korea, while I was left to enjoy the move to our new abode. There was so much to explore and it wasn't long before I was out and about in the countryside on horse back. However things are not always what they seem.

Cradle Lane is the mile long link between Alice Holt Forest and Broxhead Common. It was very neglected with trees jostling for light and space but a very pleasant ride in summer. In the winter however it became very wet and muddy underfoot.

I wondered how it could be improved. I started talking to other riders. I approached the local Kingsley Parish Council. But I was getting nowhere. I decided to become a member of the Council.



1977

Star Wars hits the cinemas.

Collision between two Boeing jumbo jets at Los Rodeos airport, Tenerife, in the worst air disaster in history.

British Airways introduces a regular supersonic Concorde service between London and New York City.

Elvis Presley dies.

Silver Jubilee of Queen Elizabeth II.

Apple introduces the Apple II computer.



A power-cut blacks out New York City. Widespread looting and vandalism occur.

May 1977 I am a member of Kingsley Parish Council. I am also their rights of way representative. I complained about the state of Cradle Lane at a meeting of the Parish Council.

23rd May 1977 A letter from the Clerk of Kingsley Parish Council to the County Divisional Surveyor at Petersfield which reads:

"At a meeting of the Parish Council, a complaint was made that this lane is in a very muddy state.

"It lies much lower than the road to Dockenfield that runs at the end of the lane, and all the water from the road flows down filling the ditches and carrying all the mud with it.

Can anything be done to help the residents in this area.

A reply would be appreciated.

Signed M. E. Taylor, Clerk

27th May 1977 The reply came four days later. It said:

"Thank you for your letter of 23rd May. My local Area Superintendent is investigating the problems mentioned and will take any necessary remedial action accordingly."

Signed: County Divisional Surveyor.

27th June 1977 Kingsley Parish Council wrote to the Chief Health Officer of the District Council saying that it had a complaint of sewage overflow from a cottage bordering the Lane,

"It collects in the low lying places and ditches. With the warmer weather the Parish Council feel this to be a big health risk, and would appreciate your inspection of the offending cesspit."

7th July 1977 reply received from the Chief Housing and Health Officer confirming that he had met with the owner of the property and discussed the whole problem with him. He agreed that certain works need to be carried out, that he will contact his builder, and that a meeting between them will be held on site at a very early date to discuss implementation of his requirements.

18th July 1977 The Clerk to Kingsley Parish Council writes to ask the Housing and Health Officer if he can specify what the remedies are?

26th July 1977 A reply to the above states

"I again met the owner and his builder yesterday and discussed in detail his cesspit and the overflow into the bridleway. He has now agreed that the overflow from this tank shall be discharged into a soak-away to be constructed on his own land. He has asked his builder to give him an estimate of the cost of the operation before commencing work"

5th September 1977 A further letter from the Health officer. The owner has had an estimate for the work and considers it to be excessive. He has now agreed and given instructions for the more frequent emptying of the cesspool, as required, to eliminate the overflow discharge on to the bridleway. This should abate the nuisance complained of by the Parish Council. !!

Some months later it was found that this did not resolve the problem and the owner had to install a new foul drainage system which drained in a different location.



Kingsley Centre Main Road

1982

Argentina invades Falkland Islands, a British colony, resulting in Falklands War. The war ends with a British victory.

First artificial heart transplant.

Italy wins soccer World Cup.

The Mary Rose, a sunken Tudor battleship is raised from the sea near Portsmouth, England.



27th September 1982 The Clerk to the Kingsley Parish Council wrote to the Chief Technical Officer at East Hampshire.



Headley Parish Council

"Footpath 29 Cradle Lane area. Drainage has greatly improved the top end but some work is needed at other points. The surface requires attention, in places it is knee deep in water."

18th October 1982 Another letter from the Clerk to the Rights of Way Officer East Hampshire District Council from Headley & District Bridleways Protection Group entitled, 'Cradle Lane, Frith End, Hants RUPP.'

"We would like to draw your attention to the condition of Cradle Lane which has been impassable in wet weather for several years."

"We understand there was a drainage problem from an adjoining property which has now been rectified and suggest that now would be a good opportunity to drain and repair the path."

"Members of our committee would be happy to attend a site meeting."

"I have sent a copy of this letter to Headley Parish Council and the Rights of Way Officer at Hampshire County Council."



1983

United States forces invade Grenada.

President Reagan proposes Strategic Defense Initiative ("Star Wars").



Ameritech Mobile Communications (now Cingular) launches the first US cellular telephone network in Chicago.

Brinks Mat robbery in London: 6,800 gold bars are stolen.

21st January 1983 From the Clerk of Kingsley Parish Council.

"Cradle Lane, Mrs Dale, (Now Mrs Comber) parish councillor living at Frith End, says the trees have been cut down all the way through the lane but the ground condition on the North side of the river bank needs attention.

"She also told the Council at their meeting on the 18th January, that in the middle of the lane is an island of trees and there is a very wet patch to the right and left of the island. Her suggestions are, for the trees to be cut down and the water drained to the left or Eastern side, which would take it into a ditch and across the field thus leaving the rest of the lane to dry out. Afraid it would be impossible to get a digger to this site at any time of the year, she regrets it seems shovel would be necessary."

23rd June 1983 Letter from the Clerk, Kingsley Parish Council to the Chief Technical Officer, East Hampshire District Council.

"Cradle Lane, I have been asked to draw to your attention that the work of draining the RUPP Cradle lane has not been carried out, also Bridleway 62 that runs off the Bentley road near the Frith End Crossroads and runs alongside the Alice Holt wood, is badly in need of attention and in places culverts are necessary."

12th July 1983 Letter from the County Divisional Surveyor to Kingsley Parish Council replying to the above:

"I refer to your letter of 23rd June 1983 which has been forwarded to me by East Hampshire District Council for item 1 (Item 2 will be dealt with by the District Council).

"My assistant has reported on his site inspection with your Chairman, Mrs Dale (Now Mrs Comber) on 11th July 198, but I will have to clear the likely expenditure with the County Surveyor.

"Obviously it will be of great assistance if private arrangements could be made for the mud to be cleared from some of the worst sections."

"With reference to your complaint regarding the road used as a public path (RUPP's) No. 29 in the Parish of Kingsley, the responsibility for the care and maintenance lays with the Hampshire County Council.

"I have now forwarded your complaint on to them and in the event of you wishing to make further enquiry it should be directed to Mr M. Elborne, 1 Ramshill, Petersfield, Hants."



1985

"Live Aid" pop concert held in London and Philadelphia to raise money for the starving in Africa.

French secret agents sink Greenpeace ship, "Rainbow Warrior".

British Telecom announces the retirement of Britain's red telephone boxes.



Britain and Ireland sign the Anglo-Irish agreement, giving the Republic of Ireland, for the first time, a role in Northern Ireland.

39 soccer fans are killed in the Heysel Stadium disaster.

Nintendo releases the Nintendo Entertainment System in the USA.

First Blockbuster Video store opens, in Dallas, Texas.

Free Software Foundation founded.

1st February 1985, Letter from the Clerk Kingsley Parish Council:

"Mrs Dale (now Mrs Comber) has asked me to write concerning the state of Cradle Lane. Some work was carried out when a grader was brought in last year but unfortunately nothing further was done and now due to the wintry weather the lane is in a deplorable state.

"According to the 'Law of Footpaths and Bridleways' section 2 Maintenance of Footpaths and Bridleways' item (iv) 'Extent of Maintenance, Mrs Dale (now Mrs Comber) feels there is a statutory duty for the surface of this lane to be rendered passable at all times. It has not been passable for months.

"NB If you are unable to carry out the necessary work, there is a David Ashcroft at Frensham who has the equipment and for £9/hr will undertake the contract."

27 February 1985 – The Clerk now writes to the County Councillor:

"Cradle Lane (RUPP)

"Mrs Dale (Now Mrs Comber) has asked me to write and give you something of the history of the problem at Cradle Lane.

"Mr West – Assistant County divisional Surveyor – inspected the site with Mrs Dale on 11th July 1983 and in a letter to me dated 12th July '83 Mr Elborn said he would have to clear likely expenditure with the County Surveyor.

"Nothing was done until last year when at the end of the dry spell a grader was sent in. Unfortunately, they didn't follow up quickly with the ditching and consequently the Lane is in a worse state than before.

"The last time Mrs Dale spoke to Mr West – 4th January 1985 – about Cradle Lane, he said he was trying to get it downgraded to a bridleway. This I am afraid would not meet with local approval. I wrote to Mr Elborn on 1st February 1985 regarding the deplorable state of the Lane and drawing his attention to the 'Law of Footpaths and Bridleways' section 2 'Maintenance of Footpaths and Bridleways' item 1V 'Extent of Maintenance' and that Mrs Dale felt it was a statutory duty for the surface of the lane to be rendered passable at all times. I also gave the name of a local man who would undertake the work for £9/hr.

"I had no reply."

When speaking to Mr West on another matter, I mentioned Cradle Lane and he said a colleague was dealing with this. I've still not received reply.

Mrs Dale thinks the County divisional Surveyor's Department should 'get on and do the work and stop pussyfooting around'

8th March 1985 brings a letter from the County Divisional Surveyor to Kingsley Parish Council, which reads:

"I must apologise for the delay in replying to your letter dated 1st February, 1985.

"My works Manager and Area Highway Superintendent walked Cradle Lane on Friday, 8th February, 1985 and found that even after continuous rain, following melting snow, the lane was passable on foot; they also noted that a wheeled vehicle, the tracks of which were visible, had negotiated the lane.

"I therefore, consider that this lane has been maintained in a reasonable condition."

13th March 1985 I replied to the above in my capacity of Chairman of Kingsley Parish Council:

"Thank you for your letter of 8th March. I am pleased to see that you have taken the trouble to walk along Cradle Lane but very surprised to hear that you consider it passable and therefore unnecessary to ditch and drain properly.

"I would like to remind you that under the Highways Act 1959, it is the duty of the Council to maintain the path in such a state as to be safe and fit for ordinary traffic having regard to the nature of the user. You say it is passable and therefore nothing needs to be done, but having had to struggle through the deep mud of the entire length both on horse back and on foot, I can assure you that it is neither fit nor safe for walkers, riders, or vehicles.

"As Chairman of Kingsley Parish Council and local representative for The British Horse Society, I strongly urge the Council to execute its statutory duty as soon as possible.

"On 7th March at 12.15pm, I found myself walking through a river of sewerage which had been pumped into the ditch in front of the houses in Cradle Lane. This ditch is discontinued where it leaves the tarmac and the contents overflow all over the Lane. The Health control and Pollution Officer of the Thames Water Authority know and can confirm this. If I do not hear from you by 31st March I shall refer the matter to Mr Mates MP.

21st March 1985 brings a reply from the County Divisional Surveyor.

"Thank you for your letter of the 13th March, 1985.

"I regret that I have been unable to answer any sooner but, as you are possibly aware, we are in the throws of reorganization of the department and I have been spending very little time in Petersfield recently.

"With regard to Cradle Lane, as you know, we have in the past season carried out a reasonable amount of work relating to the cutting back of hedgerows, overhanging branches etc., to make Cradle Lane safer.

"I did not walk the lane myself but, in fact, asked my works Manager and the Area Highway Superintendent to do this. As you will have seen from the letter they did this after a period of rain following melting snow. Whilst neither would pretend that conditions were ideal, they were passable.

"I would very much like to respond to your request in a positive way. However, all my spare resources are at present allocated to programmed works which have slipped because of the severe winter conditions we have recently experienced, and the remainder of my men are carrying out urgent frost damage repairs; in fact I see this type of work carrying forward into April.

"Instructions have, nevertheless, been issued that when this work is done Cradle Lane will be looked at again with a view to putting down some hard material, but I think you should bear in mind that we cannot spend scarce funds on this type of lane when other more used roads and footways are begging for attention.

"The situation at Cradle Lane is further exacerbated by the inability of heavy lorries to gain access, so that any work which has to be done will be carried out by dumper truck, therefore making it more expensive.

"I am sorry for any misunderstanding which may have occurred and hope you will bear with this in view of the problems we are experiencing."

27th March 1985, I replied and copied to my County Councillor:

"In reply to your letter of 21st March 1985.

"Firstly, it is now two years since Mr West first walked Cradle Lane with me and marked with red spray paint where the ditches and culverts should be dug.

"... it is now two years since Mr West first walked Cradle Lane with me and marked with red spray paint where the ditches and culverts should be dug...."

"It was then left after the wet spring, waiting for dry weather to put the grader in, in order to follow with the digger. Two long dry summers have passed since then at the end of which the grader came and the digger didn't, consequently the mud is ten times worse.

"Secondly, I must stress the need for drainage, without which anything put on the surface would just add to the mud. No surfacing will be necessary if the road is properly ditched and it does not have to be one long drain. I appreciate funds are scarce but if the ditching is done properly no further maintenance to the surface should be required.

"This lane is one of our oldest green lanes and would be much more used than at present if ground conditions were in a safe and fit state, which they would be if the Council had not neglected its statutory duty for so many years. I hope therefore to hear that you will see to the drainage in Cradle lane in the very near future, anything else such as depositing hard material would in my view be a waste of your scarce resources."

18th April 1985 A letter from the Clerk of the Headley Parish Council in whose parish the other end of Cradle Lane resides. It is copied to John Ellis, Chairman Footpaths & Open Spaces Committee and the Rights of Way Officer of East Hampshire District Council:

"The Parish Council is extremely concerned about the surface of this RUPP both in Headley Parish and through to the adjoining Kingsley Parish.

"Several members of the council, regular young active footpath walkers, have been forced, in the recent past, to abandon this path because it has been impossible to negotiate the very thick mud.

*"My Council considers that what is required is a proper drainage scheme for this RUPP, and as far as that part of the RUPP in **Headley Parish** is concerned we would like to see it downgraded to a bridleway following the successful remedial work.*

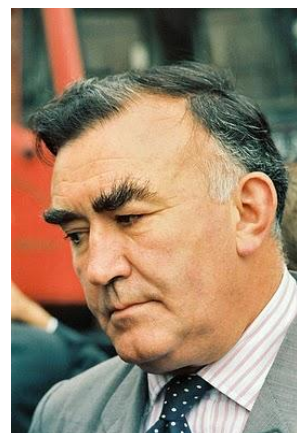
"I look forward to receiving your comments in due course."

30th July 1985 A letter from Michael Mates MP to Kingsley Parish Council:

"Thank you for letting me see the correspondence which you have had over the years about Cradle Lane, Frith End. I now return it having taken a copy for my file.

"I have written to the County Council about the state of this lane and will get in touch with you when I hear from them."

Michael Mates



15th August 1985 – Letter from the County Surveyor to Michael Mates MP.

"Thank you for your letter of 30th July which has been forwarded to me by the Area Surveyor at Petersfield.

"I am having to take a very hard look at the amount of money we are spending on the maintenance of RUPP's. Clearly the Parish Council have not been satisfied with the answers which my previous Divisional Surveyor had given them. The position was very difficult for him as he had very limited funds available to him and it was quite clear that the amount of money needed to be spent on this lane to bring it up to a reasonable standard was quite beyond his budget.

"It must be said that the use of this lane is almost entirely recreational and appears to be occasionally used by four-wheel drive vehicles and motorcycle scramblers, some cross country walkers and horse riders, mainly I understand people using Mrs Dale's facilities – Mrs Dale at present being the Chairman of Kingsley Parish Council.

"I must say I cannot give you a categorical promise that we will put this lane right before next winter since the sums of money involved will be many thousands of pounds, however, I am looking further into the matter to see just what options are available and will contact you again in the near future."

9th September 1985 Letter to the County Surveyor from the Clerk, Kingsley Parish Council.

"Mrs Dale (Now Mrs Comber) has received a copy of your letter to Mr Mates dated 15th August 1985 and reference as above.

Mrs Dale has asked me to write as she is rather mystified by your remark in paragraph 3 which says 'some cross country walkers and horse riders, mainly I understand people using Mrs Dale's facilities'. She would like to know what facilities you are referring to and as the letter was to someone of Mr Mates standing she is entitled to an explanation."

2nd September 1985 Date of the minutes of the Headley & District Bridleways Group. They record that the Group is writing to object to the state of the path.

9th September 1985 My response to Michael Mates MP.

"Please thank your office for being good enough to forward the reply re Cradle Lane so promptly. Thank you also for acting on our behalf.

"The tone of the letter baffles me in particular the second paragraph which speaks of people using my facilities and me being Chairman of the Parish Council. I just do not know what facilities he is referring to as I have none. As you know I breed hunters and have two brood mares and inevitably the young stock and the stallion which only I ride, not even any of my family ride, so I do not know what he means by 'using my facilities and have written to ask.

"It is of course no secret that I am Chairman of Kingsley Parish Council and as such represent quite a few people and I know the County Council have received many letters (at least 25) asking for Cradle Lane to be drained, also one from Headley Parish Council who refer to it as (one of our oldest lanes) and another from Hampshire Association of Parish Councils, so they are somewhat misleading in making it seem that only I use it.

"With eight accidents a day involving horses being reported to The British Horse Society I hope you will continue to insist that this work should be done and delayed no longer.

"As far as finances go, they pleaded poverty ten years ago in the 'never had it so good days'. I have not been able to ride Cradle Lane for many weeks now, it is in such an awful state and not safe for tendons or muscles as far as horses go.

"I hope you had an enjoyable holiday."

16th September 1985 Letter from the County Surveyor to Michael Mates MP.

"Cradle Lane, Frith End. I refer to your letter of 12th September, and I have looked again at the letter I sent to you on 15th August.

"First of all I apologise if the words used therein caused any concern to Mrs Dale. Certainly it was not intended to convey an impression that Mrs Dale was providing facilities. I think, more properly, the word should have been "property" since people undertaking activities associated with those listed in the third paragraph of my letter of 15th August do use Mrs Dale's land from time to time. In no way can Mrs Dale be accused of providing those self-same facilities. I hope this explanation clears up any misunderstanding there may have been.

"So far as any works of improvement to the lane are concerned, I can only reiterate that which I said before; because of the many conflicting demands on the budget we have to consider which priorities we can follow at present, but we are still looking into the matter."

23rd September 1985 Letter to Michael Mates MP

"Thank you for sending on the letter from the County Surveyor dated 16th September.

"I will of course accept his apologies although even his misuse of the English language does not excuse him, for none of the people undertaking activities associated with those listed, use my property. I wonder who his informant is?

"In any case surely he is digressing and all of that is irrelevant.

"They have made an awful mess of this lane and it is to all intents and purposes, unusable.

"The Highways Act states that they have a statutory duty to keep it safe and fit having regard to the nature of the user

"As the representative of The British Horse Society for North East Hants and Chairman of Kingsley Parish Council and being extremely concerned about the escalating road accident figures concerning horses, please will you ensure that this statutory duty is carried out immediately as they have 'looked into the matter' for at least twelve years."



1986

Challenger Space Shuttle explodes killing 7 astronauts.



Chernobyl Accident (first nuclear disaster) in Soviet Union.

Corazon Aquino assumes presidency of The Philippines deposing Ferdinand Marcos.

United States bombs Libya.

Argentina wins soccer World Cup. England were knocked out 2-1 in Quarter Finals by Argentina, including Diego Maradona's "Hand of God" goal.

Oprah Winfrey show airs for the first time.

29th September 1986 Letter from my MP Michael Mates

"You will remember writing to me last year about Cradle Lane and I recently enquired of the County Surveyor as to what, if anything had happened.

"You might be interested to see the enclosed reply that I have received from Mr Jacomb which please do not trouble to acknowledge."

26th September, 1985 Letter from the County Divisional Surveyor to Mr Michael Mates MP:

"Thank you for your letter of 23rd September.

"I was unable to undertake some maintenance work last winter during the heavy frosts. Unfortunately the work was not completed as the lorries delivering the material were damaging the acceptable lengths of the track as the ground thawed out.

"A situation arose whereby more damage was being caused than repaired, and regrettably work had to cease to avoid even greater calls upon the limited funds available for highway maintenance.

"Mrs Dale (Now Mrs Comber) has written to the engineer who dealt with the work saying that she is very satisfied with the work undertaken to date, but that the gully at the far end desperately needs finishing. I accept that this is the case but see little prospect of funds being available this financial year."

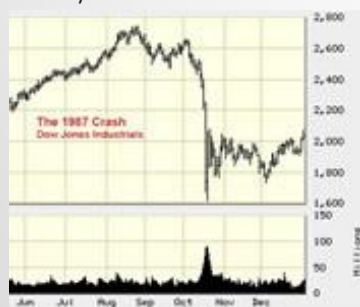
There is a hand written note at the end which says it will be attended to asap.

6th November 1985 Minutes of the Headley & District Bridleways Group record that all present will write to their MP with regard to the state of Cradle Lane.



1987

Stock Market crashes on Black Monday.



INF agreement between United States and USSR eliminates an entire class of nuclear weapons.

Portugal signs agreement to return Macau to China in 1999.

7th January 1987 Letter from Michael Mates MP in reply to mine dated 5th January.

"I note what you say about Cradle Lane and will pursue this matter with Mr Jacomb.

"I will write to you again when I have his reply.

"With best wishes for 1987".

24th July 1987 Letter from Christine Witherby for the Riding Group, Alice Holt Forest.

"I am writing to you once again to draw your attention to the deplorable state of Cradle Lane. As you are aware, a considerable length of the lane nearest Frith End was repaired about two years ago and owing to bad weather, a 40 yard stretch on the north side of the river was never attended to and owing to deep mud, this piece has been totally impassable for horses and walkers ever since. Because of this short section which is roughly in the middle, the whole lane cannot be used.

"In view of the Riding and Road Safety campaign being publicised at present by The British Horse Society whose aim is to improve bridleways and keep horses away from roads, it seems a good moment to tackle this problem again.

"I understand the matter has been referred to Michael Mates MP for East Hampshire and your office has conveyed its intention of arranging completion of this section before the coming winter. As a considerable amount of money has already been spent, it seems a pity if this is not carried out"

29th July 1987 County Surveyor to the Clerk of Kingsley Parish Council.

"Thank you for your letter of 21st July.

"I fully appreciate the condition of the last section of Cradle Lane and can assure you that it has not been forgotten.

"In order to repair the last section of the track the lorries carrying the material will have to travel over the already repaired section. Regrettably whenever the track has been inspected with a view to undertaking the work it was found that the lorries delivering the material would cause so much damage to the repaired section that I was unable to commission the final repair work.

"I believe Mrs Dale was made aware of this in January 1985 and accepted that we should keep the track as rural as possible, merely repairing the very wet and muddy sections, rather than providing a gravel track throughout, thus encouraging its use by wheeled vehicles."



1994

South Africa holds its first multi-racial elections.

Nelson Mandela elected President of South Africa.



Rwandan genocide: 800,000 Tutsi killed in Rwanda.

Channel Tunnel (Eurotunnel) opens between the UK and France.

Brazil wins soccer World Cup.

The web browser, Netscape Navigator 1.0, is released.

3rd May 1994 Letter received the Rights of Way Field Officer, Hampshire County Council. It is entitled 'Green Lane Repairs'. It and says,

"As far as Cradle Lane (Headley 36/ Kingsley 39) is concerned, it is in the 'melting pot' along with all the other well deserving cases in my area. Suffice it to say that it is in the top quarter of my list and I hope to do something with it in the next 2/3 years"

23rd May 1994, I replied:

"....Cradle Lane was repaired successfully a few years ago and it seems a shame to allow all the good works to regress for the sake of a stitch in time. It is deteriorating fast and use by four wheel drivers during this wet weather has made deep wheel ruts and hastened its destruction. I do hope that restoration can be forwarded to the top of the list, after all I see in my Blue Book that the Highway Authorities have a duty to keep the road as dedicated to the public in such a state as to be safe and fit for ordinary traffic. At present it is only fit for 4x4's. The rest of us struggle through it hoping not to lose the horses shoes or pull its tendons which requires a two year lay off for a horse.

"Yours in hope"

On 18th September 1994 A neighbour wrote:

"Although our house is in Surrey, our sheep graze both sides of the county boundary; in particular they graze 4 acres adjoining Baigent's Bridge in Cradle Lane. As a matter of good husbandry we have to check them at least once a day which involves a walk of 20 minutes.....we are all too well aware of the dreadful state of Cradle Lane about which we have previously written to one of your Councillors.....The advent of the 4 wheel drive "sport" has destroyed this beautiful amenity and made it very dangerous. When we first

encountered the 4 wheel drive people on one of our checking visits to our grazing we were naïve enough to think that they were really in trouble and offered to go and get our tractor to pull them out. They soon made it clear to us that it was the central delight of the "sport" to get stuck. Certainly the appearance of the lane demonstrates how often they do this,.....Our main concern is for young people, there are very few places they can ride or walk in safety and the present condition of Cradle Lane reduces their number....We do hope that you will be able to restore the lane to its old and safe condition for the benefit of all country lovers."

17th October 1994. Letter faxed to me by another neighbour from HCC.

"Dear Sir/Madam

Green Lanes

"I write in reply to your recent communication regarding Headley 36/Kingsley 29 for which I thank you.

"This lane is one of five hundred throughout Hampshire, which have both a definitive right of way classification and County "U" road status, being once part of the wider road network of the county. As such their maintenance and upkeep used to be the responsibility of the County Surveyors Department. However, most of that department's resources have always been directed at metalled (surfaced) roads, and therefore although the unsurfaced routes enjoyed a "U" classification, many have not received any maintenance for at least 50 years, some not even since the First World War!!

Recognising that these unsurfaced dual classification routes were no longer viable for ordinary traffic, but were more recreational in character, the responsibility for their maintenance passed to the Countryside and Community Department in April 1992.

" Since then all of the routes have been carefully surveyed, in a bid to establish what work is required to put them in good order, and, how much that work will cost. The survey produced a total repair liability of £¹/₂ m, and after much discussion by council members, a sum of £50,000 was allocated for the financial year 1992/93. A similar sum has also been allocated for the last two financial years.

"The figure is obviously not sufficient to tackle the whole problem, but my colleagues and I in consultation with other interested parties, have drawn up a programme of work, aimed at using the resources in the most economical way and to give the most benefit to the overall path network. Further resources will be allocated each year, in order that we may attempt to reverse fifty years of neglect.

"The path that you have reported is not included in this years programme but will be considered for some work as soon as resources permit.

"I hope that this clarifies the present situation for you and demonstrates the scale of the problem that we are attempting to tackle, but which will require many years to overcome.

"If you require any further information, or indeed have any further observations on this, or any other public rights of way, then please do not hesitate to contact me.

"Yours Sincerely

"Rights of Way Field Officer"



14th November 1994. Letter to me from The British Horse Society, County Bridleways Officer (south): (CABO)

"I have just received a telephone call asking us to recommend any Green Lanes, RUPPS or BOATS that are in need of serious repair. However they need to form part of a network of routes to receive priority.

"Would you be kind enough to study your area, and let me have your report, quoting map grid reference, the route number or a copied section of the map if possible."



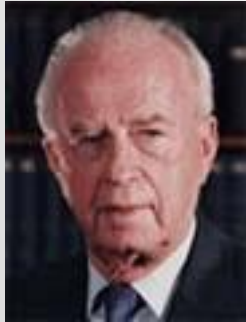
1995

Terrorist bombing kills 168 people in Oklahoma City.

O.J. Simpson Trial. Simpson is acquitted.

Dayton settlement ends war in Bosnia.

Israeli Prime Minister Yitzhak Rabin is assassinated.



Netscape goes public, start of Internet stock market boom.

WTO (World Trade Organization) comes into effect.

Microsoft introduces Windows 95.

Sony PlayStation console released in the USA.

The Million Man March occurs in Washington DC.

15th January 1995 The date of the report in which the BHS CABO states

"We did come across two Landrovers, who had just driven Cradle Lane and we tried to point out that in our opinion they are the only ones who can use the lane now. It is impossible for walkers and dangerous for horse riders.

"I am fully aware that these vehicles have every right to use these lanes, but inevitably public funding is wasted on the upkeep whilst these wanna be rally drivers are allowed to ruin our countryside and making it unusable for anyone else."

19th January 1995 I wrote to the Access and Rights of Way Department of The British Horse Society.

"In reply to your Letter to CABOS undated. Nearly all BOATS in this corner of N.E. Hampshire are most definitely not kept 'as dedicated to the public in such a state as to be safe and fit for ordinary traffic'. Nearly all are on heavy clay land, poorly drained where the ditches have not been cleared or no longer exist. Culverts broken and not working. Many are sunken lanes which turn into rivers and or bogs in the winter.

"These roads are being abused and torn up by 4x4 vehicles. I myself and other local people have seen on more than one occasion and on more than one route, half a dozen or more vehicles in convoy, together with a special towing truck to extricate the ones that get stuck, doing the round of the local BOATS. It is usually in the winter when 'its more fun' because it is so wet. It is of course the time when the land is most vulnerable to damage.

"Treading a thin line' to protect carriage drivers is benefitting nobody. Carriage drivers are certainly unable to use them as are the walkers and riders. Surely the difference between Carriages and 4x4's is that one is a motor vehicle. Such discrimination needs to be recognised in law. This being the case the BHS should be seeking a Private Members Bill to highlight this need in order to protect the rights of the Carriage drivers, and the terrible damage to the environment inflicted by the few, and to the detriment of the many others who would like to use these ancient highways. Would we allow any other of our historical monuments or antiques to be abused in this way?

"While on the subject of Private Members Bills, surely that is what is needed to give reciprocal rights for horse riders to use cycleways. It seems quite wrong for cyclists to have the use of Bridleways if equestrians do not have equal rights on cycle tracks. Whatever were the BHS doing in 1968 to have let this happened?

"BOATS in desperate need of protection in this area are:

"Cradle Lane, Parish of Kingsley No.29, Headley 36

"Picketts Hill to Smith Lane, Headley No.37

"Hardings Ride, Binsted No. U231 BW60

"Wyck Lane , Binsted U229

"Yours Sincerely"

February, March 1995 I receive further letters from neighbours.

25th March 1995 A reply from Kingsley Parish Council:

"Thank you for your letter of 10th March 1995 which was placed before the Council on 16th March.

"I can assure you that the Parish Council has written to the Hampshire County Council more than once reporting the condition of Cradle Lane, the most recent being 28th February 1995.

"I have received reply to that letter from the Rights of Way Officer saying, and I quote. "The responsibility for repair and maintenance of Byways in the Eastern area lies with my office. It is my hope and intention to be able to carry out some repair work to the lane in the area of the ford crossing during the next financial year"

20th June 1995. Turns out to be a red letter day. The Rights of Way Field Officer advises that as part of the Countryside and Community Department's "green lane" repair programme, certain work will soon be carried out on Cradle Lane.

"The work will involve drainage and culverting and some surface improvements in the area of the stream crossing.

"The ultimate aim is to create a three metre wide path free of surface and overhanging vegetation, with a surface that is level and firm. It must be emphasised that there is no intention to improve the route so that it can be used by ordinary vehicular traffic. Although this lane does have public vehicular rights, its main purpose is for recreational use by pedestrians, cyclists and horse riders,"

27th June 1995. My reply to the above:

"We are delighted to hear that at long last improvements are to be made.... "

"We are delighted to hear that at long last improvements are to be made.... "

"A wet winter can never be as bad if one does not need to struggle through the mud on a regular basis.

"It does concern us however that any improvements will be short lived if a Traffic Order is not placed on the Byway. During the winter months it is regularly used by convoys of 4x4 vehicles which seem to enjoy extricating each other from the river ford crossing. They also make deep wheel ruts in the soft condition and this makes it unpleasant and dangerous for others seeking recreational use. A good example is Hardings Ride which has suffered severe damage since an attempt was made to improve it last year.

"Conditions at the moment are perfect to access your maintenance vehicles so hopefully you will start the work soon.

"Yours sincerely"



1996

Bomb kills 19 US servicemen in Saudi Arabia.

Prince Charles and Princess Diana divorce.



NexT merges with Apple.

10th July 1996 A year later we were still waiting for the work to start when we receive a letter very similar to that dated the previous year on 20th June 1995 telling us the work would start soon.

July 1996 The Chair of the Three Counties Bridleways Group endorsed the request for a Traffic Regulation Order to protect the impending work.

“Hampshire County Council has made improvements to the ford crossing and the surface of this byway over the years, but the good work that has been carried out is subsequently destroyed by 4WD vehicles. Has the time not come for a TRO to be made for this byway? It is the link between Headley and the Alice Holt/Dockenfield area, being the only north/south route to the east of the A325, apart from the roads, which is available to horse riders until Frensham, (in Surrey).

“While we appreciate that others are entitled to their ‘hobbies/recreation’ it seems to me the result of the passage of 4WD vehicles down unsuitable byways is detrimental to the countryside as a whole and the resources of Hampshire County Council in particular.

“Please can serious thought and some action be taken to make a TRO on this byway, even if it is only for the winter months when most damage is likely to occur. The temporary TRO on Hardings Ride seems to be

working successfully”

“Yours Sincerely”

“The water ran down the wheel ruts and soon became little cutting streams which eventually evolved into ravines deep enough to fall into. The horses stuck to the middle ground between the wheel ruts but then the sides started crumbling making the footing more dangerous. “

Well the work got done and everyone sighed a sigh of relief. The increased enjoyment of the lane was immeasurable... but then the wheel tracks appeared because no TRO had been put in place as requested by local people.

The water ran down the wheel ruts and soon became little cutting streams which eventually evolved into ravines deep enough to fall into. The horses stuck to the middle ground between the wheel ruts but then the sides started crumbling making the footing more dangerous.



N Korea announces that it has nuclear weapons.

Over 1,000 are killed, and severe damage is caused along the US Gulf Coast, as Hurricane Katrina strikes the Louisiana, Mississippi and Alabama coastal areas. Levees protecting New Orleans give way and the city is flooded.

Pope John Paul II dies.



Tony Blair wins his 3rd successive general election in the UK.

Prince Charles marries Camilla Parker Bowles.

The last Syrian troops withdraw from Lebanon.

Michael Jackson found not guilty in his trial on child molestation charges.

Angela Merkel becomes Germany's first female chancellor.

Former Iraqi dictator, Saddam Hussein, goes on trial in Baghdad.

7/7 Terrorist attacks in London against the underground rail system and a bus.

First human face transplant is performed in Amiens, France.

27th April 2005 and **3rd May 2005** I wrote to Binsted and Kingsley Parish Councils asking for their support in order to once again address the maintenance problems of Cradle Lane. I would also try and raise some funds through the Aggregate Levy since the area is awash with sandpits.

Their response was immediate and affirmative. In the meantime Entrust, the aggregate Levy body, responded asking for details of the scheme and possible cost, also how much Hampshire County Council would be contributing.

12th July 2005 I emailed the Assistant Head of Countryside Service at Hampshire County Council with my proposal and supporting letters from the Parish Councils'.

"Before I make the application I now need a letter of support from you with an estimate of the likely cost of improvements"

22nd July 2005 I receive a reply which says:

"Thank you for your note, I am sorry that it has taken me such a long time to acknowledge receipt.

"I appreciate that you are taking this on and trying raise funds yourself and I will do what I can to help. I don't know the current condition of the routes so I will have to pass your note to the Area ROW Officer so that he can have a look the next time he is your way. I can't give you an assurance that HCC would agree to impose a TRO. We use these powers sparingly as we respect everyone's rights and look to impose TROs only when there is a known problem or clear evidence that there is potential and likelihood that a problem will arise.

23rd July 2005 I responded the next day.

"Thank you for passing on the correspondence to the Area ROW Officer. He will be up to speed with the Hardings Ride situation as we walked it earlier this year.

"As per the TRO on Cradle Lane I can only say that there could be no better candidate for a TRO. As you know the sub-soil north of the river is clay and therefore subject to deep erosion when used by vehicles. My neighbour has contacted your department about troubles he has been experiencing with vehicles. He is by the way a magistrate. In any event such use as there is clearly that of 4x4's pitting themselves against the terrain rather than any desire to see the ancient lane, clearly evidenced by increased use during the winter months when the ground is soft and wet. Other users have rights as well and one of them is not to break a leg in the deep ruts caused by motor vehicles.

"I cannot proceed with my grant aid request until I have full support from your department so would urge you to speed up your response as this procedure is likely to take some time I suspect, but nevertheless fingers crossed".

2006

Apple announces first Intel-based Macintosh computer.

Italy wins soccer World Cup.



Former Iraqi dictator, Saddam Hussein sentenced to death.

Microsoft releases first versions of Windows Vista.



20th February 2006 The Chairman of Kingsley Parish Council writes to the County Councillor asking him if he could help in progressing the matter

'Mrs Comber is trying to raise funds for repairs to the surface and drainage of Cradle Lane and Hardings Ride in our parish by an application to ENTRUST, which has the support of both ourselves and Binsted Parish Council. In order to proceed with this application she needs an estimate of likely costs and a letter of support from HCC. She has been trying to obtain a response on this from HCC since July 2005 but without result.....'

11 June 2006 I wrote to the Assistant Head of Countryside:

"Just to confirm our conversation when we spoke at the South Downs PI last Thursday.

"Since my request for a letter of intent and approximate costing for the repair of Cradle Lane and Hardings Ride, about which I wrote to you in July 2005 you have also spoken with my County Cllr on two occasions when he asked you why you had not replied. Apparently you need further information but as I still do not exactly know what that is will you write and tell me yourself"

1st September 2006 the reply from the Assistant Head of Countryside at HCC says:

"I am ever so sorry that time is passing by and that you have to receive the information you were seeking below. As you will be aware we are at full stretch at the moment and have not been able to fill quickly the vacancy left by Rob Thompson when he left the County Council at the end of 2005. We are doing our best to keep on top of current rights of way maintenance and ensure that funding allocated for countryside access through the Local Transport Plan is spent in accordance with the criteria and agreed priorities.

"You have previously mentioned the possibility of funding towards this project and the implementation of a TRO. From our discussions I believe you are aware that neither is likely to be possible. We do of course support plans to improve paths and particularly where this will be a benefit to all users. We are reluctant to agree to path improvements where one type of use then has to be prohibited.

"This work will of course be a call upon HCC time and resources and we do need to be satisfied that it fits with our current priorities. The additional information I need to know is –how will the work be done? when? who will be the beneficiaries ?will there be on-going maintenance costs? In principle we would be pleased to support your application for funding and I would be happy to write more formally if this would be appropriate. Please let me know what you can and how you would like me to respond to your request.

"We are currently recruiting to the vacancy in the NE of the county

"Thank you"

I replied that it was now more than a year since I had written asking for an estimate of the work and that the request was supported by Kingsley and Binsted Parish Councils. The funding from ENTRUST would require such an estimate.

I was aware that there is possibly never a moment when the ROW Dept. is not at full stretch and that a TRO would be necessary to protect and prolong the maintenance programme. It seemed to me that to deny all unmotorised users these benefits because of a few 4WD drivers who are admittedly 'mudplugging' as a sport rather than any peaceful and quiet recreational use, is inappropriate especially when today's concerns are with climate change and obesity.

I then made a bullet point of the items required and offered to send photographs and ended by saying

"Whatever, a letter of goodwill towards the project and an estimate of the cost will enable me to proceed with the application to fund the improvement of these rights of way which is long overdue."

4th September 2006 an email in response.

"One concern I have is that it seems from your note that the proposed improvements are dependent upon the condition that TRO's are applied.

"This may well be the right course of action but I cannot guarantee that a TRO can be imposed as there is a thorough process to follow with the final decision being made by the Executive Member for Recreation and Heritage." I would need to be satisfied at the outset that the works are needed and

that once completed they justify the prohibition of vehicles. I am sorry that I can't be more positive at this stage but I am sure that you'll appreciate that I must consider the rights and interests of all users before taking the action you propose.

"I shall ask that the Northern Area Team contact you with a view to arranging to meet with you to see the routes."

7th September 2006 I receive a letter from the Area Team Leader, HCC ROW.

It says he will be acquainting himself with the route during the next few weeks and requests that I forward any communications that I have with the Parish Councils and ENTRUST.

24th September 2006 I send the required papers and wonder why they have not been passed to him from his own department. I offer to accompany him on a site visit if he has not already completed one.



2007

Microsoft releases Windows Vista to home users.

Thousands of British cars are damaged by contaminated fuel.

Sony PlayStation 3 released worldwide.

Live Earth concerts held in 9 major cities around the world.

Tony Blair resigns as Prime Minister of the UK, and is replaced by Gordon Brown.



Apple introduces the iPhone.

Global financial crisis triggered by liquidity problems in US banking system.

May 2007 A year passes and nothing more is heard from the ROW Dept. of HCC. I stood for election to the District Council. On election day there were three re-counts and a verification count. I got in by one vote.

22nd August 2007 Email to the Area ROW Officer who has returned to work in his old job. I remind him about the state of Cradle Lane.

6th September 2007 I send an email to the Network Development Officer, ROW, HCC. It says:

"I have picked up your consultation on TRO's from the BHS and am disappointed to see that Cradle Lane (BW29 Kingsley or U231) is not included.

"It has been the subject of numerous letters and emails both to the Assistant Head of Countryside and the Area ROW Officer. Please will you add it to your list."

6th September 2007 A response from HCC by email:

"I regret that I am unable to add this bridleway to the current list, as the consultation phase is now virtually complete, but I have copied your email to the Officers concerned and I am sure that they will consider it for inclusion in the next round of consultation."

6th September 2007 – I respond

"I find it lamentable. I have offered to get funding for you and had the offer ignored. Cradle Lane is in a dangerous condition and needs immediate attention. I first wrote to the Assistant Head of Countryside on 12th July 2005, Kingsley Parish Council Chairman wrote to the County Cllr on 20th February 2006. The last communication was from the Area Team Leader on 24th September 2006. May I ask how much notice is required and how long have all the others on the list been waiting?"

I also emailed my County Cllr to complain of this oversight.

26th September 2007 I write to the Leader of HCC

"As you will see in 2005 I had two letters of support from Kingsley and Binsted Parish Councils' All I asked your ROW Dept. for was a letter of support and a rough estimate for the cost of the work so that I could apply for a grant from the aggregates levy. Despite several requests and also from my County Cllr. nothing was forthcoming.

"This is partly why I was dismayed to find it was not even on the list of proposed maintenance. In addition the lane has been in a very poor state for most of the last thirty six years. It was repaired about ten years ago, but without a TRO it is now so deeply eroded that it is dangerous and my Grandson sustained a twisted ankle and grazing to his elbow when he fell into the now cavernous wheel ruts. The truth is that this lane is on delicate clay subsoil that is just not suitable for motorised vehicles.

"This ancient lane meets all the criteria for both repair and a TRO stated in your policy statement regarding the use and management of mechanically propelled vehicles on rights of way in the countryside....Please help us to retain this valuable historic asset which provides abundant flora and fauna especially down by the river. I am afraid the vehicles see it as a challenge and do not value it as the locals do for its tranquillity or its wildlife. They are in fact a public nuisance as they make it unsafe for other users such as horse riders, cyclists and walkers.

"It would be very much appreciated locally if it could be both repaired and protected in the very near future for the use and enjoyment of non-motorised users who appreciate its tranquillity."



25th September 2007 _response from The Leader - Hampshire County Council

"The consultation recently undertaken by the Countryside Service was in response to cases where there has been considerable representation from the local community to take action on particular rights of way. In many cases the request for action has been made by the Parish Council.

"There are many other examples in the county where the County Council has received requests for action from members of the public. It would be an unmanageable task to follow all these requests at once. Not only does the Council need to consult, if action is then deemed necessary, the case will be considered by elected members and advertised through the local media. Further considerations include the need for barriers and signs and enforcement measures if a Regulation Order is imposed. All of this, as you will appreciate, is time consuming and expensive. Simply, this means that we do have to prioritise which cases we take forward. I note from your email that you raised the problems on this route quite some time ago. The length of time a matter has been outstanding has to be weighed against issues such as the severity of the problem and how people will be affected.

"The recent consultation grouped many cases together for efficiency reasons. This does not preclude action being taken in response to other problems in the county. In light of your correspondence Countryside Services officers will review the problems associated with Cradle Lane and let you know what is considered to be the most appropriate course of action."

26th September 2007 I responded,

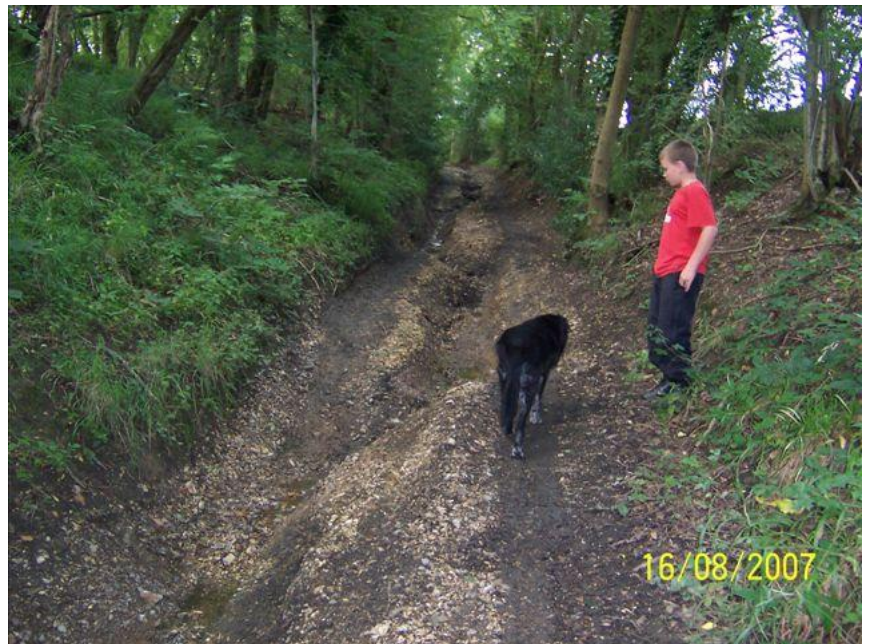
"All I asked your ROW Dept. for, was a letter of support and a rough estimate for the cost of the work so that I could apply for a grant from the Aggregates Levy. Despite several requests and also from my County Cllr nothing was forthcoming.

"That is why I was dismayed to find it was not even on the list....."

"It would be very much appreciated locally if it could be both repaired and protected in the very near future for the use and enjoyment of non-motorised users who appreciate its tranquillity."

10th October 2007 – a reply from the Leader

".....The consultation we have carried out was a preliminary stage and it is not too late to add Cradle Lane to this list for consideration. Officers in the Countryside Service will therefore look again at this route and make a recommendation for the most appropriate course of action....."



4th December, 2007 I email the Area Team Leader reminding him that he was going to look at Cradle Lane and ask for an update.

4th December, 2007 A reply by email tells me he is checking his files.

5th December, 2007 A further email advises me that he is discussing with the Area Officer and the outcome will very much depend on priorities and resources. He will endeavour to let me know their conclusions when they reach them.

7th December, 2007 In my response I say that I hope it doesn't take him too long to reach a conclusion. I would rather he didn't leave me with no option other than sec 130a.

Price of petroleum reaches US \$100 per barrel for the first time ever

Microsoft make a \$44.6 billion offer to buy Yahoo!

Iran launches its first space rocket.

Fidel Castro resigns as President of Cuba.

The Singapore Flyer, the tallest ferris wheel in the world, opens.

Queen Elizabeth II opens Terminal 5 at London's Heathrow Airport.



US elects first black President (Barack Obama).

2nd June, 2008 Email to the Assistant Head of Countryside.

"I don't know whether the Area Team Leader is off sick or what other explanation there might be for not receiving further information on the subject of Cradle Lane which is now so damaged that it is dangerous to use. I see there is concern from Dockenfield residents as well."

17th August, 2008 Email to the Assistant Head of Countryside:

"I have been writing to you about the dangerous state of Cradle Lane since 2005. I have sent you letters of support for the restoration work needed from both Binsted and Kingsley parish Council. I have even offered to try and find funding to help with the work. I last spoke to you about it at the LAF meeting in Bentley on 9th July this year at which you said that you and the Area Team Leader had, or intended to walk it. Our County Cllr has also requested that this should be a priority. I have also been emailing yourself and the Area Team Leader since last December after I met you at the Land Management consultation at Basingstoke the previous October. Despite all of this absolutely nothing has happened and my emails have brought no response. Instead TRO's have been made for half a dozen or so other BOATS with Cradle lane being ignored."

"I now attach six photographs taken yesterday. My husband and I have never seen the lane in such a bad state before and he was born on the farm which adjoins Cradle Lane some sixty odd years ago."

"The recent deterioration looks to us as if it has been caused by a vehicle getting stuck and having to be pulled out. The drains which took the water from the ditch, under the path to the river have been ripped out in the process. If you look carefully at the photos you will see that a cavernous rut has opened across the lane which would be a definite health and safety issue for a walker. As a horse rider I would not attempt it."

"Please may I know when this dangerous situation will be addressed and when the restoration work will proceed? Local people have waited far too long already. I will repeat that any lasting effect for repairs will have to be accompanied by a TRO as the fragile clay subsoil is unsuitable for use by vehicles."

I copied this to Headley and Kingsley Parish Councils asking them to add confirmation. This they did`

1st September, 2008 A response from the Assistant Head of Countryside

"Thank you for your recent note regarding the deteriorating condition of Cradle Lane. I have inspected this route in the past in response to your previous requests but clearly matters are now considerably worse – as your photos show."



"As you know we do use TROs as a last resort and we do need to consider all other available courses of action before moving to prevent access by certain types of traffic. The TROs we have made recently arise from cases which we have been on our books for some time and which we have considered and consulted upon thoroughly. We now need to do the same for Cradle Lane and I shall commence the process by looking again at the condition of the route and what action it is practical to take to rectify the problems that now clearly exist."

"I shall make a start in the next few days and let you know what action we intend to take."

2nd September, 2008 I reply:

".....Twelve years is far too long to wait and I now believe that you are leaving me with little choice but to serve a sec56 notice on the Council with regard to the restoration works needed to Cradle Lane.

"In addition, as their District Cllr, I have received letters from residents in Selborne with regard to the equally terrible state of BOATS 68 AND 38 which have been suffering from a lack of maintenance and abuse from motor vehicles, for a considerable time. Please will you be good enough to look at these when you are in the area so that I may tell my constituents when they may hope for the work to be done. In these cases also a TRO will be necessary to protect the repairs as they are similarly on fragile clay subsoils.

"I look forward to hearing from you shortly."



16th November, 2008 The Chairman of Kingsley Parish Council sends an email to the Area ROW Officer thanking him for his work in arranging a temporary TRO now in place on Cradle Lane. She says she has been asked when the repairs will take place and she knows the residents along the lane have been concerned for some time about off-road vehicles passing in front of their houses.



21st November, 2008 A reply to the Chairman's email suggests that she doesn't contact him direct about new problems but uses the contact centre.

"As for Cradle Lane there are no definite plans for repairs at present, and certainly no cash! What we will do shortly is barrier the route to vehicles, horses and cycles whilst allowing walkers through. I'll put the signs up then as otherwise they will have, from experience, no effect at all. We will also try and make the pedestrian approach to the bridge somewhat better on either side. That will be it until I can devise a way forward more generally, and find some money. In the meantime if you know who the owners to either side of the BOAT are that would be a great help and would make for more rapid progress."

It must have been soon after this that I received a phone call from this Officer asking if, as an adjacent landowner I would agree to the temporary closure of Cradle Lane for approximately three months.

I did of course agree and was hopeful that it would be completed in that time.

December, 2008 – My County Cllr brings a question to full Council of Hampshire County Council with regard to the state of Cradle Lane and the need for maintenance. He points out that it is a Statutory Duty.



Barack Obama inaugurated as 44th US President.

Barack Obama wins Nobel Peace Prize.

Leaked emails from University of East Anglia ("Climategate") lead to public doubts about climate science and global warming theories.



IMF predicts the worst outlook for the economy for more than half a century.

Iran launches its first satellite into orbit.

Mahmoud Ahmadinejad reelected as President of Iran. Thousands of opposition supporters take to the streets to protest.

17th January, 2009 I email my County Cllr:

"....at the beginning of December, you kindly asked a question at council over the state of BOAT U29, Cradle Lane, which is now closed to all except walkers due to its unsafe condition. In fact I have not been able to have the pleasure of riding on it for many years due to the derelict state of the surface of the path, photos of which I have sent to you previously. You have said that you have not received a reply in writing so I am still waiting. I am sure that you understand my frustration in these matters and why I am now beginning to think that the Local Government Ombudsman (LGO, may be the only one who can help. This is why I am addressing this also to Judith Downing, HCC's Compliance Officer, who may be able to assist with the questions above. I shall then have shown, and I know you can confirm, that I have taken more than reasonable steps to get this problem resolved. This is a requirement before approaching the LGO. I am also very embarrassed to have to keep bothering you."

20th January 2009 My County Cllr still hasn't had an answer when he writes again to the Executive Member for Recreation and Heritage at HCC

6th February, 2009 A letter is forwarded to me by my County Cllr. It is from the Executive Member for Recreation and Heritage and says:

"Thank you for your letter of 20th January regarding the condition of Cradle Lane and my response to your question at Full Council. The text of my response at Council is as follows:

"It is frustrating when routes such as Cradle Lane are damaged or become difficult to use through the actions of others or as a result of particularly poor weather conditions. Countryside Service officers have been monitoring the condition of Cradle Lane for some time. Within the last ten years the Service has undertaken work to improve the drainage and surface conditions with the intention of improving access for all users. This did have some positive results but more recently the route has suffered due to the combined effects of sustained wet weather and use of motor vehicles.

"The very nature of the route means that water flows down the path towards the valley bottom where the path fords the river. Water has carved out channels in the surface which, over time, have become deeper and more of a problem for path users. Added to this use by horses but particularly by motor vehicles, has damaged the surface leaving the route badly eroded. The condition has been monitored and although it has deteriorated, the case for action has not been as strong as it has been on other routes. Much more recently however, the route has suffered further extensive damage near to the ford which has exposed drainage pipes and made the route unsafe to all users except walkers who are still able to use the footbridge. The route has therefore been closed to all users except walkers.

"Options for the remedial work needed are now being developed. These include major drainage work and surface repairs to give access to the ford, or, alternatively, the provision of a bridle bridge crossing so that walkers, cyclists and riders can cross safely. The Countryside Service will be looking for the most cost effective solution to the problem however in any event it is likely that a Traffic Regulation order will be considered with the intention of prohibiting access and any further damage from motor vehicles. The improvement works will be funded from 2009/10 budget unless more urgent pressures need to be met."

It was the last sentence that rang alarm bells for me. The way things had been going; one could bet that there would of course be more urgent pressures.

23rd February 2009 I wrote to my County Cllr:

"Thank you for passing me the response from the Director of Recreation and Heritage. It is sad that it has taken nearly three months for you to get a reply but I suppose that beats the three or so years I have been trying to get an answer to my emails from the ROW Department. This was despite a letter from the Leader Cllr Ken Thornber, asking me to monitor the situation by contacting them directly.

"I would like to point out that the Director is misguided if she thinks, as stated in her second para. that:

1. *Use by horses but particularly motor vehicles has damaged the surface". Horses have not been able to use the path for many years due to its dilapidated state. Deterioration starts with the wheel tracks*



made by motor vehicles which then encourages erosion by water.

2. *It is a Statutory Duty for the Highway Authority to keep a highway suitable for its designated use. If this was done there would be no 'damage' by horses and there can certainly be no comparison between the weight and horse power of a motor vehicle and a single ridden horse.*
3. *The damage, which is bad enough to have closed the lane, is entirely due to use by motor vehicles. This is an old horse and cart route, on fragile clay subsoil. It is quite obviously not suitable for motorised use. The Council needs to acknowledge this fact in order to save themselves aggravation and the continuum of hugely expensive repairs. I therefore welcome the intention to consider a permanent TRO for motor vehicles.*
4. *I would like to remind HCC that as a District Cllr for East Hampshire District Council, our Local Development Framework has as its highest priority, the intensification of protection for the natural and built environment. These old horse and cart roads, of which we have many in East Hants, are part of that environment. Since becoming a Councillor, I have had many complaints with regard to the unusable state of many of the byways in my area.*
5. *If Countryside Officers have been monitoring the condition for some time, please can she tell me why I have been repeatedly told, that they have not had time to look at it and have not responded to my emails.*
6. *The ford has never been a problem for horse riders so a bridgeway bridge, which will add to the expense, is quite unnecessary, unless of course the motor vehicles have also broken the river bed.*

"I am sorry to say that I am not content with the intention to fund the improvement works from the 2009/10 budget, "unless more urgent pressures need to be met". From long experience of your Rights of Way Department, I am quite sure there will be more urgent pressures. For example FP42 in Petersfield is to be repaired at the cost of some 40k even though



- *There has never been a demand for its refurbishment*
- *It serves pedestrian traffic only*
- *It leads nowhere other than to the A3M where there is not a pedestrian crossing*
- *It will lead to security problems for the properties behind which it runs.*

"Local people have been inconvenienced by the lack of maintenance to Cradle Lane for far too long. I will therefore be taking this up with the Local Government Ombudsman immediately. Of course it may be that the Director can assure me that the problem will be dealt with so that the lane can be enjoyed through the Spring and Summer months of this year. If this assurance is given in the very near future, then I will be more than happy to re-consider my intention.

"I would like to finish by saying how grateful I am to you for your efforts over the last three years which is when Kingsley parish Council first wrote to you in this regard. I am sorry that you are not receiving more immediate support from your organisation."

1st March 2009 A local resident emails the Area ROW Officer :

"Just to update you, another 4x4 was stuck in the ford yesterday, Saturday 28th February. I couldn't get down to see him but I thought these photos may help to illustrate the increasing damage being done to the lane and the land drains."

3rd March 2009 The reply to the above:

, "Thanks. The barriers are now in place at either end of the track so there shouldn't be any more vehicles for the time being."

9th March 2009 An email to the Network Development Officer, HCC from a local resident says:

"I see that Cradle Lane has now been closed to all but pedestrians, due to the damage inflicted by off road vehicles. Having ridden this bridleway in the past I can only agree that it is exceedingly dangerous for horses.



"I hope that it has been closed for repair rather than just closed – rather a negative action on the council's part. I would also like to think that when it is re-opened, some thought will be given to its reclassification such that it cannot be used by off roaders, thus preserving its surface."

"In your notice at the Headley Park end of the byway you state that drivers and riders can ride to the far end of Cradle Lane using the roads indicated. Yes, we can, but as those who drive round the lanes seem to take exception to them being used by horses, all riders try to keep OFF the roads. At present the BHS are running a campaign for more bridleways not fewer."

1st June 2009 I emailed the CEO of East Hampshire District Council and asked if he would make formal enquiries to see if Cradle Lane was in fact on the priority maintenance list for 2009.

2nd June 2009 – He forwarded my message to the EHDC Community Access Officer.

5th June 2009 I receive a reply:

"Dear Cllr Comber

"I will contact the Area East Team at HCC to see where it is on their programme schedule and get back to you on this."

11th June 2009 I contact her again.



"As this lane is adjacent to our property you can imagine what a disadvantage this has been to me as a horse rider. We do not take vehicles along it and never have. It is not suitable for vehicles being a fragile clay subsoil. It is a very ancient well documented highway and as you know point one of EHDC's LDF is to intensify the protection of the natural environment."

"Sorry to have to bother you but there is a much better chance of you're getting a response than me sadly."

14th June 2009 I receive the reply,

*"I have heard back from HCC. **It would appear that it is not down as planned work in this years maintenance programme.**"*

22nd June 2009

"Have you been able to make any progress re this enquiry"

24th June, 2009 The reply

"Dear Cllr Comber

"I have asked HCC about this and it has been passed onto Countryside department, so am waiting for a response from them at present."

"I will let you know once I receive a response, which hopefully won't take too long."



24th July, 2009

"Are we any further with this enquiry please"

28th June, 2009

"Thank you. I hope it will not take too long

28TH JULY 2009

Correspondence and papers received by Bob Milton after an FOI request are revealing . Photos have been submitted of the actual off roaders inflicting their horrible damage near the ford. The number plates have been blanked out. Should they not be made to pay for the damage they deliberately cause to the Lane?

2nd August, 2009 I write

" Please could you let me have the list of streets for East Hants. If it is very long I particularly require the parishes of Headley, Kingsley and Selborne.

"Have you heard any more with regard to Cradle Lane from HCC Countryside?

21st August, 2009 – The list of streets arrives by email and I respond

"Thank you, well done. I hope you have enjoyed your holiday.

"I presume that you have heard nothing more from HCC re the maintenance of Cradle Lane? No need to chase it further but please just drop me a line to that effect if you will.

"Thanks again"

1st December 2009 Email to as previous:

"Forwarding as I think our new member of staff describes the situation very well. I hope you will bear her observations and comments in mind when considering promotion of cycle trails

.
"Any news on the repair of Cradle Lane yet?

So in the end EHDC were unable to get any answers either!!



2010

Haiti hit by major earthquake.

Ash from a volcano in Iceland closes European airspace for several days, causing travel chaos.

Violent riots in Greece, after government announces austerity program.

Apple introduces the iPad.



Election in Britain results in a "hung parliament" (no party having a majority). Liberal Democrats and Conservatives form a coalition government. David Cameron of the Conservatives becomes Prime Minister.

8th April 2010 Email to the new Area Rights of Way Officer for NE Hants.

"Cradle Lane has now had three consecutive TRO's closing it to all traffic. As an adjoining landowner I agreed to the first TRO, and as I had been promised that the work would be done during 2009/10, I had no hesitation in agreeing. Nobody consulted me over the second or third applications for closure. As a Cllr I have frequent inquiries as to when this valued local open space will be open again, so I would be much obliged if you will tell me when I might advise of its reopening."

30th April, 2010, A further email.

"I have not had a response to my email below so am sending again in case you missed it. Cradle lane has been the subject of three consecutive TRO's preventing access directly to my property. I would like a definite date for the refurbishment otherwise my patience has run out and I will instruct my Lawyers to look into the matter."

20th May 2010, A response at last.

"Cradle Lane: this project is scheduled for the current financial year to be achieved largely through Local Transport Plan (LTP) funding but with top up from HCC Section 106 developer contributions. You will be aware of the importance of this route in the context of Shipwrights Way. Re-opening of the route will not be possible without substantial works being carried out at considerable cost. Not only to the river crossing point (ford) but also the northern approach to the ford. We are currently in discussion with the Environment Agency over our intended design for the river crossing and are anxious for early agreement on this."

20th May, 2010 I reply to the above:

"Thank you for the update. I would comment thus:

"As you rightly point out there is much restoration to do north of the river crossing. David suggests that the situation is not helped by taking the water from the ditch under the Lane to the river. He suggests it would be better to let the ditch continue through the river meadows to the right of the footbridge and discharge into the river from there. As we own the land this would not be a problem

"Please remember that the damaged section of Cradle Lane is on a fragile clay subsoil which is not workable when wet. Therefore work needs to be done during the summer months while the ground is dry, like now. Miss the moment and yet another year will be lost.

"As I said last time it was repaired in 1996, a permanent TRO to prevent use by motorised vehicles will be needed if the refurbishment is expected to last; also the means of stopping that use, by posts or some such. Cradle Lane is a very ancient lane and quite unsuitable for heavy motorised vehicles. The tyre marks turn into drains which deepen over time and erode as you see at the present.

"Finally thank you very much for your continuing efforts. I am keeping my fingers crossed."



12th August, 2010 email from the Area ROW Officer,

"Regarding the contents of the text I have highlighted in blue below, can I thank you for this kind offer and advise that it is one we would like to accept.

"Things are now starting to gather speed with regards to the execution works and the latest I have for you is that a specification has now been finalised and we shall shortly be going out to tender. Despite, at one stage, the set back of losing most of the funding that had originally been identified for this project, through a variety of means we are now back on track and hope to be able to press on with the works before the onset of autumn/winter. Which is vital in the case of the latter. Fingers crossed over the weather!"

"Importantly, following your/David's kind offer, the idea of creating a new ditch line has been added as an item in the specification and I will keep you informed as things move on. Ideally, perhaps a meeting with David at some stage is something that would be beneficial, and most certainly in advance of the contractor commencing works."

"I will be in touch again and do keep in touch with me on any thoughts queries you may have"

12th August, 2010

"Good news indeed. We can offer you any day next week for a meeting so just let me know which is most convenient for you."

8th September, 2010 Email from me to Area ROW Officer.

"You say in your email below that things are gathering speed but it is nearly four weeks since you wrote and I have heard nothing from you since. I hope you are well and haven't succumbed to the bugs which seem to be circulating at the moment."

"Please just let me know that you have received this email and what your expectations are? Autumn fast approaches and the work needs to be done before the ground conditions deteriorate. Have you got a TRO to prevent destruction of the new work by 4x4's lined up?"

9th September, 2010 A reply:

"No bugs thank goodness but did sustain a back injury on Monday which has left me hobbling around at a very slow pace!!"

"The closing date for tenders is tomorrow. Although the opening of the tenders will take place in Winchester and I will have no role in this, the outcome will be shared with me very soon afterwards and so this is all very positive."

"Of course I understand the absolute need to crack on before the onset of winter and a priority for me over the coming days will be to push the process along to ensure we get the winning contractor on site without delay. I will keep you informed on this, especially as we will need to involve your David at some point soon. Regarding cutting of the new ditch that is."

"On the question of the TRO, the current Temporary Order has just been extended sufficiently to allow us time to complete the works and then decide where we go from there. There is no question that vehicles will be given access for this winter or the foreseeable future. Mark and I are of the same mind regarding a permanent Order being made and this I will be working towards once the works are out of the way."

"One last thing, the person who, under normal circumstances would have been overseeing the project, has handed in her notice and so this will now fall to me! As I have said, I will keep you informed."

"Possibly, the best time to meet up with David will be at the time of the 'pre-start' site contract meeting. I will let you know once we have sorted out a date."

14th October, 2010

"Works are due to commence next week. In fact, it is likely that the contractor - J HAMMOND & SON - will be setting up from Monday."

"Jim (Hammond) is the father and will be running the job. He is a very helpful and pleasant gentleman and so if David would like to go along and make contact that would be really good. I have explained to Jim where David and yourself fit into this, as landowners that is and the kindness you have shown towards us cutting the new ditch at the bottom of the lane."

"Two of my lads are due to be on site later today and tomorrow doing some essential clearance work in advance of Jim's arrival."

"The residents of Cradle Lane, as well as Parish Clerks for Binstead, Kingsley and Headley have all been advised about our intentions. If you think there is anybody else that should, as a courtesy, be told please do advise - thanks."

"Any problems let me know."

25th October, 2010 From me:

"I checked every day last week and again today. Except for an 8' temporary fence across the lane near the river absolutely nothing has been done. All this lovely weather and we are still waiting."

26th October, 2010 From ROW Officer:

"I am investigating what you have said with regards to the works at Cradle Lane and hope to make a personal visit at some stage this week."

28th October, 2010

"Have looked in to your concerns and also I visited the site yesterday."

"Contrary to your belief that "nothing had been done", I found this not to have been the case. Clearly there must have been a misunderstanding on your part, Maureen."

"The only way I can describe what I saw yesterday is to say that a substantive start has been made with a considerable amount of work already undertaken. In fact, over 100 tonne of stone has already been delivered on to the site and laid by the contractor. The contractor also assures me that he was present for the whole of last week and against the amount of work I saw to have been done, I can have no reason to doubt him."

"I do hope this puts your mind at rest."

"Essentially, we will shortly need to meet with David and agree the line of the ditch where you have agreed it can cross your land. As I have said before, this can be done through my attendance on site meeting with your David and the contractor or, I am very happy for David to make his own introduction to the contractor, Jim Hammond, sometime during the next few days. Whatever suits you/David best. Do let me know"

28th October, 2010

"I took these pictures at 6.00 PM this evening and as you see nothing has been done until we looked at the beginning which I had no idea would be done as well."

2nd November, 2010

"Thank you for this. I will now make arrangements with the contractor to speak with David about the ditch and its alignment."

"Since that date the work progressed and Cradle Lane looks as I have never seen it before."



2011

*Rejoice. Rejoice.
After.....
years etc etc*

5th January, 2011 Cradle Lane is still closed. I wrote the following to the County Councillor:

"Dear Mark,

"I attach the story of Cradle Lane so far. Are you able to confirm that the Traffic Regulation Order preventing use by 4WD's has been applied for?

"When I ask David M he just says the existing TRO will take us up to March.

"That makes me think that it might be thought that by then the weather will be better and there will be no need for a permanent TRO; more especially since the existing TRO cannot be valid in any case because the maximum number of times it can be renewed is three. HCC doing its own thing again!!

"I know there has been consultation with Headley and Kingsley PC's, not sure about Binsted. The locals have long wanted a ban of 4WD's as you will see from the saga attached. I hope this time that localism will deliver just that even tho' the officers might not like it and dream up all sorts of reasons why not.

"It would indeed be a disaster if all the good work was ruined yet again.

"I hope you can help reassure me.

"All the Very Best for 2011"

I have not had a reply. How long does it take to get a TRO? David Cameron says "We believe that when people are given the freedom to take responsibility, they start achieving things on their own and they're possessed with new dynamism."

So will the Big Society enable the long held wish of local people to protect the environment of Cradle Lane from the ravages of 4WD's?

Only time will tell but in the meantime the HCC Rights of Way Officer tells me his contract will not be renewed.

10th February 2011 I am surprised by an email sent from the Project Officer appointed to facilitate what was to be a multi-user route but is now for walkers and cyclists but will include horse riders and the disabled where appropriate !! How strange is that? Since they will be incorporating every available Public Bridleway into the route surely horse riders should expect to be accommodated equally? In any case the last we heard was that the route itself was still in draft and open to suggestion. In addition I had asked some questions which the Portfolio Holder would put to the Steering Group when they met and get back to me. I know the meeting took place but I have heard not a whisper from him. Anyway the email reads:

"Dear all

"I am writing on behalf of the Shipwrights Way Steering Group to suggest a date for your diaries...

"I am pleased to announce that on 12th March we plan to open the first two sections of the Shipwrights Way, which mark the start of the route at Alice Holt and the end point for phase 1 of Queen Elizabeth Country Park - in total around 5 miles of the 28-mile route.

"I will send further details nearer the time, and you will of course be invited to join us to help cut the ribbon and to walk or ride (by cycle or horse!) both of these sections. Both include recent extensive improvement work, and will be waymarked with the new Shipwrights logo."

10th February 2011 I replied immediately:

"You seem to have forgotten that at your last meeting you said the trail was still a draft and open for discussion for a possibly better route. *"(I will certainly come back to you when we are looking at your area.)"* You offered a meeting to discuss as did your predecessor, but that offer has never materialized. Certainly the recipients to your email expected further consultation I feel sure.

"Unfortunately as I rather feared the scheme seems to be a fait accompli. However that still does not mean you do not have to answer the questions which I put to you. Indeed not to do so would leave EHDC and the other partners open to Judicial Review. Just to remind you of these:

1. Cradle Lane is not yet open and is still subject to a TRO. If that comes to an end by 12th March will there be a permanent TRO preventing abuse by 4WD's to protect the lane in future?

2. You made it clear that horse riders will have to pay to use the trail where it runs through Alice Holt is that still the case? Has anyone even asked the Secretary of State for permission to upgrade footpaths to bridleways or create bridle rights on sections of the route which are neither? *"(I will ask the FC again about the possibility of dedication, as you suggest, and will note the funding streams you cite.)"*
3. I have asked you to send me a map detailing the exact route so that it can be seen which is definitive footpath or bridleway or permissive.

"(I'm sorry, we are not making maps publicly available at the moment, as we now need time to assess the stakeholder event response and to talk to landowners etc (in your area as landowner, you know it includes Cradle Lane)"

Why have you not done as I requested? Is it because you have forgotten that I not only represent horse riders, I am also a District Councillor, which one cannot detect from your email?

4. We have had no discussion of the route after Cradle Lane. Many people would not be happy to see cycle paths across Broxhead Common SSSI or the bridleways as they are, are too narrow for multi- user. What risk assessment has been done to ensure no conflict between users?
5. I am not clear about the funding. Sec. 106 monies cannot be used where the use of the path is discriminatory. Just what other avenues of funding have been explored?
6. What is the situation with regards to the 200 metre strip near Bentley Station which is not owned by the FC?
7. There are several questions addressed to the Steering Group by Bob Milton in his email of 10th December 2010. Have these been answered?

"The Steering Group now need time to consider all of the above and determine the best way forward; this will be on a section-by-section basis over the next year or so, during which I will be meeting with relevant people to assess issues. I will send updates periodically by email and we shall call another meeting when there is more to report - at a guess in 6-12 months' time - in the meantime please feel free to contact me with any thoughts/queries or alternative route suggestions."

So what happened to change the timetable. Why such unseemly haste?

"I shall be interested to hear from you."

I had hoped this story was drawing to a close but as you can see there are still questions to be answered. That is what Councillors do, ask questions and be prepared to keep asking them until they are happy with the answers.

Cllr Mrs Maureen Comber

