

**From:** "Jean Smith"  
**Date:** 11 December 2011 17:26:13 GMT  
**To:** "Hugh Craddock (BHS/EWD)"  
**Cc:** "Tim Richardson",  
"Alex Stewart", "Andrew Cooper"  
**Subject:** RE: Epsom and Walton Downs: Tattenham  
Straight and Lonsdale Stand works

Dear Hugh

Thank you for your email. I'm sure you will appreciate, and prefer, that as your questions are couched in legalistic terms you should receive a legal response. I shall therefore be forwarding it to Frances Rutter.

Kind regards

Jean

**From:** Hugh Craddock (BHS/EWD) **Sent:** 11 December 2011 10:10 **To:** Jean Smith **Cc:** Tim Richardson; Alex Stewart; Andrew Cooper **Subject:** Epsom and Walton Downs: Tattenham Straight and Lonsdale Stand works

Dear Jean

On Monday, the board of conservators granted approval to the racecourse to undertake various works in connection with the Tattenham Straight enclosure and the Lonsdale Stand. We have no view on the merits of the works in relation to either site. However, we are greatly concerned about the decision of the board to authorise the removal of fill material from the lower slopes of Six Mile Hill, and the consequential vehicle movements across the downs.

The extraction site is part of the 'hatched area', which (as I am sure you will know) is designated under the 1984 Act as an area on which hack riding is permitted after noon "if in the opinion of the Training Grounds Management Board conditions permit". The approved proposals for 'restoration' envisage that the site will be rendered permanently unsuitable for use by equestrians. In short, the board has approved plans for this site which are incompatible with one of the purposes for which it is designated under the Act.

So I would be grateful if you would consider the following questions on behalf of the board, and let me have a reply:

1. Does the board consider the use of the hatched area to extract fill will render it permanently inaccessible to hack riders? If so, does the board consider this outcome lawful in respect of land designated for the purposes of the Act as a part-time hack area? If so, please say what advice was tendered to the board (as regards the lawfulness of the extraction proposals), so that, insofar as the board considered it had discretion to approve the extraction, it did so after striking a proper balance between the various interests in the site?
2. Does the board agree that the passage of 226 x 20 tonne HGV movements along the hard track at the foot of Six Mile Hill (public bridleways 639/138/65) between the foot of Walton Road and Epsom Lane North, presumably all to be done on weekday afternoons, is likely to constitute a public nuisance in a designated public bridleway? Does the board agree that such movements are likely to create an offence under byelaw 2(2)(e), which provides that: "A person shall not on the Downs: ...intentionally obstruct endanger or give reasonable cause for annoyance to any other person in the proper use of the Downs", and that neither the board nor the racecourse is capable of mitigating the effect of that byelaw? Does the board agree that movements could alternatively take place along Walton Road (north across Six Mile Hill, a public road), or south along Ebbisham Lane and via other local roads? If so, what consideration did the board give to the impact on the vehicle movements on downs users, and what consideration did it give to these alternatives?
3. Access to the hatched area will require HGVs to cross the sand track in the vicinity of Walton Road. What powers will the board exercise to restrict use of the sand track and the grass banks on either side (part of a designated linear hack area) to enable a suitable crossing to be put in place? Does the board intend to grant a specific consent for that purpose, and if so, when is it scheduled to do so? Will the crossing be removed at the close of business each day (as it presumably will be removed from the parallel Mac track), or will it be left in place across the sand track while excavation continues: if so, for how long?

I look forward to receiving your response to our questions. It would be helpful to receive this in advance of the racecourse's application for

planning permission for the works, and the proposal for the consent of the council under the proviso to s.10(1) of the Act, so that our comments on the applications can reflect your advice.

regards

Hugh

Hugh Craddock

BHS Area Access & Bridleways Officer, Epsom and Walton Downs

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