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Access Land and Rights of Way Consultants
for
Public Authorities and Private Landowners
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Specialist Research and Boundary Surveys

23rd April 2012

Observations of Chobham common S38 inquiry w/e 20th April 2012-04-23

1. Separate advocate from expert witness
2. BHS must call witnesses and not let them speak as individuals otherwise it compromises the ability to sum up and make legal submissions
3. Challenge all evidence in cross examination
 - e.g. a. Only one rider was called as a witness that self closing gates were ok – expert rider
 - b. commercial rider – takes out paid rides perhaps has a beneficial interest in helping SWT ie by permission of manager.
4. Monitoring – not for access or displacement.
 - Monitoring squares only 4mx4m fencing not included in application
 - No monitoring of M3 corridor Why?
 - No monitoring of exempt grazing enclosures
 - No public access to exempt grazing enclosures
 - Plots supposed to be random but show signs of grouping
 - No internal controls of equal size
 - No attempt to address and cost benefit analysis
 - Monitoring consultants not there to be cross examined
 - No like for like scientific comparison
 - No displacement monitoring or base line measurements
5. Professor Newton's published paper was not included in the referencing evidence even though both Dr Day and Isabel Alonso were involved in the research. Why was it consciously excluded. Neither of them has published any challenge or rebuttal of the findings yet both sought to rubbish the paper at the inquiry. They have had over 3 years to challenge but have chosen not to.
6. The inquiry and cross examination really showed the need for a clearer policy on self closing gates and a published trials result with serious recommendations.
7. No trials or monitoring of alternative in combination techniques is proposed yet that was the crux of Eyres and Moss evidence.
8. As with Hartlebury the main point of cross examination and SWT evidence re public access was that a couple of gates which enabled access was sufficient not to deny access despite the effect of dangerous self closing gates and was sufficient to allow acclimatisation even if the users did not use them.

RJM 23rd April 2012