

THE BAYLES
KILGWRRWG
CHEPSTOW
NP16 6PT

27.1.15

Dear Sir,
Part of
Re 53-11/53-18
Leading to Cole Lane Devaudon
CHEPSTOW

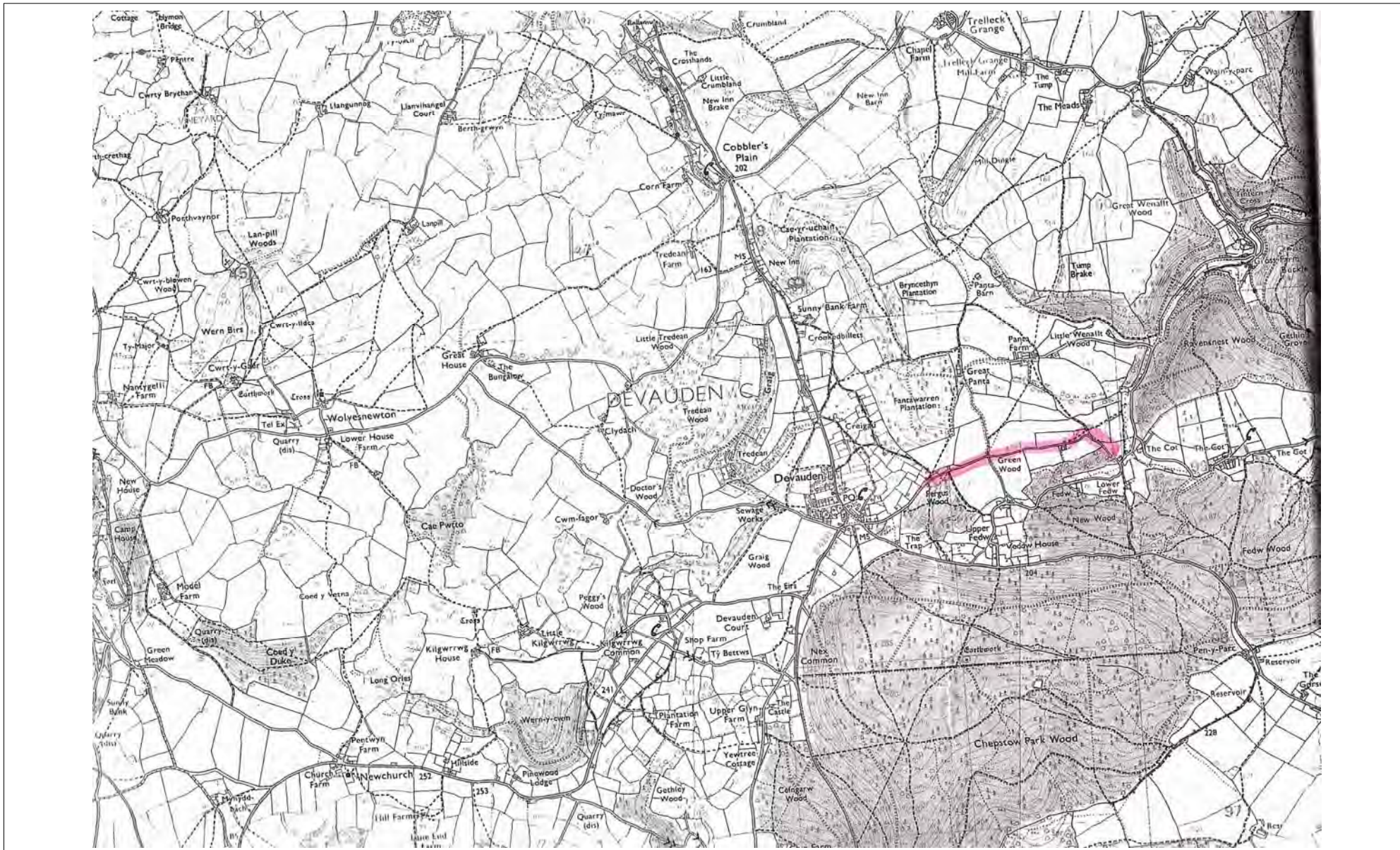
I have been riding this
route for 47 years and
hope that this route will
be designated a bridle way.

yours

Mary Cusker

MARY CUSKER

I enclose map with the route
marked.



Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (1) (page 2) - Letter 27-1-2015 MC

Ref: RCA/MCC/UCR/Chepstow

12 Wesley Gardens,
Devauden,
Chepstow,
NP15 5PZ
26/1/15

Tel. 01291 650772

Dear Sirs,

I cannot provide any evidence of road 53-16 being closed, but I would have thought that the extensive research carried out by the Countryside Dep't has convincingly indicated that it has not. The other roads have been walked or driven on for so long that there can surely be no opposition to their remaining as they are. Road 53-16, lying as it does on farmland and, at the south end, through the curtilage of at least one house, has been the cause of considerable disagreement.

My experience of walking it from the north dates back to the 1970s, when the O.S. maps, which continued the same until 1998, showed an unbroken line of footpaths extending to Little Panta Barn. At that time Great Panta was a ruin and the line of 53-16 could be followed to its junction with FP205.

Concerned by information that the road was not a Right of Way, I began to make serious enquiries in 2003, ultimately leading to my application to the Magistrates' Court in 2012. All sides agreed to seek a compromise, which initially appeared possible but a train of complications has resulted in the current investigation.

My intention from the outset has been to establish pedestrian access to the two "gaps": FP205 - 179 and FP180 - 175. I would feel very uneasy if the result of my endeavours ^{were that} the southern section of 53-16 up to Coal Road could be opened up for any higher category of use. There can surely be no question of restoring the road to the north of your map up to Trellech Grange.

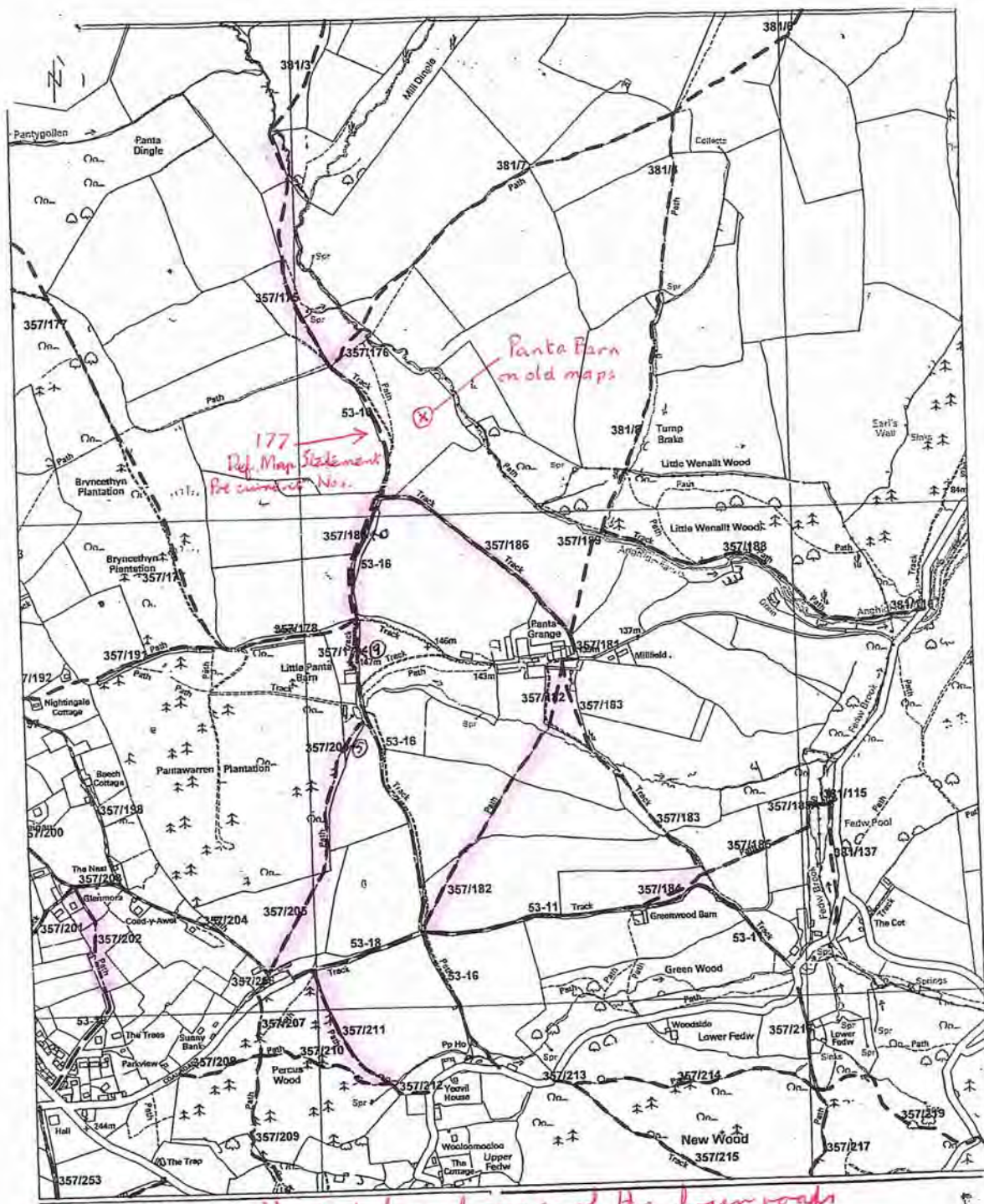
I am puzzled by your indication of "FP177". The current path numbers are: to N - 175, to NE-176; 177 is mentioned only, and on older maps, as the section to the south.

The following is probably irrelevant, but I have been concerned recently to find notices stating "Private No Public right of way" positioned where no footpath is shown on current maps. The 53-16 route provides a valuable N - S link, without which the local footpath network loses cohesion.

Yours faithfully,



MR. G.M. WEST



Footpaths affected by closure of the four roads are highlighted. The unhighlighted sections of 53-16 were clearly not shown as FPs, only because they are part of a road.

S.K.F. Greenslade, C.P.F.A., I.R.R.V.,
 Corporate Director, Regeneration, Environment and Resources Directorate/
 Cyfarwyddwr Ceffnoddig, Cyfarwyddiaeth Adfywio, Yr Amgylchedd ac Adnoddau
 Monmouthshire County Council, County Hall, Cwmbran, NP44 2XH. Cyngor Sir Fynwy, Neuadd y Sir, Cwmbrán, NP44 2XH.
 Tel/Ffôn: 01633 644644 Fax/Ffacs: 01633 644260



Subject: Investigation into the status of Lanes - Monmouthshire
From: Robin Carr Associates (robin.carr1@btinternet.com)
To: robert-irenebrooke@farmline.com;
Date: Saturday, 31 January 2015, 17:07

Dear Mr and Mrs Brooke

Please accept this email as confirmation of receipt of your letter dated 29th January 2015 and its attachments. A copy of your letter and attachments will be included in the bundle attached to my report and afforded appropriate evidential value. A copy of this response will also be included in the bundle

With regard the issues raised in your letter, I can assure you, as I have done previously, that as a Registered Expert Witness I will conduct my investigation, compile my report and reach my conclusions with complete impartiality.

On the matter of Ms Mussel's report, whilst this report contains copies of relevant evidence the report itself is not evidence. I will not therefore be taking any of Ms Mussel's views and interpretations into account in forming my own conclusions. Similarly I will not be taking into account the interpretations placed on documents by other third parties (e.g. you, your solicitor, any other consultant or Counsel consulted by any party). Such opinions are not evidence, they are the opinions and interpretations of third parties. Similarly, as I have stated on numerous occasions I have no interest in any procedural matters in how the County Council has approached this matter, or indeed the complaint to the Ombudsman. Again this is not evidence that has any bearing on the outcome of the case.

With regard to the evidential value of any particular document set (including the 1949 Highway Authority records) this is not a matter that I am prepared to discuss at this time. My view on the appropriate weight to be afforded to each document set, as well as the evidence when taken in the whole, will be set out within my report.

With regard to the third paragraph of my consultation letter in which I state that "*the removal of the routes from the records would not in itself result in the extinguishment of any highway rights or maintenance liability*", this is correct. Furthermore I am of the opinion that your understanding that "*this would only be correct if the record was one that was capable of recording the legal status in the first place*" is incorrect.

The addition or removal of a route from any highway record (of whatever evidential weighting) would not in itself create or extinguish the highway right. As I explained at the Community Council meeting highways only cease to exist if they are legally extinguished (via a legal order process or court order) or if they are destroyed (e.g. coastal erosion). The removal of the route from the 1949 Highway Authority records would not therefore, in itself, result in the extinguishment of any highway rights or maintenance liabilities. Whether the route should have been on these records in the first instance is a matter of evidence and will be addressed in my report.

If, for arguments sake, the available evidence, when taken in the whole, concludes that the 1949 Highway Records were:

- a) correct in showing the route, then its removal would only be legitimate if it was as the result of due legal process (a legal order process or court order). If not then its removal would not result in the extinguishment of the highway right, it would simply mean that the record set in question was, as a result of the deletion, wrong; or
- b) incorrect in showing the route (ie it is shown in error) then its removal would not require a legal process, but this does not alter my statement which when taken in context is still factually correct ie the crossing out of a route from a highway record does not extinguish any highway rights that actually exist. This is because the administrative process of maintaining the highway record is completely separate to the legal process of creating or extinguishing public rights. This applies to any record set whether the modern day List of Streets or an earlier highway record of lower evidential value.

This matter will be discussed within my report in so much that before the 1949 Highway Authority Record can be afforded appropriate evidential value it will be necessary to examine the available (pre-1949) evidence with a view to concluding whether or not it supports the inclusion of the route in the Highway Authority's records at that time.

With regard to my report being made available, it is my understanding that it will be made available prior to the meeting (as part of the publication of committee papers) at which the Council will determine whether or not to promote a Definitive Map Modification Order.

With regard to the 2008 List of Streets extract, a copy will be included in the bundle attached to my report, even though it will not be afforded any great evidential value, and you will be able to view it at that time. I doubt very much that anyone has any interest in showing you different documents in the manner you suggest, but following publication of my report by the Council (ie once it is in the public domain) I will be happy to provide you (subject to approval by the Council) with copies of any documents contained within my bundle direct, upon receipt of payment for my time and any expenses incurred in providing them. You will then be able to compare any documents you wish.

Finally, in respect of the final paragraph of your letter, the majority of your submissions do not actually constitute relevant evidence in terms of my investigation so it is unlikely that I will require further clarification. The documentation is however of assistance in clarifying and confirming some of the background to the case. The exception to this would be the sale documents to which you have referred and provided extract copies. I should be obliged if you would provide me with a full copy of the sale particulars and any accompany maps. This will enable me to fully consider the value of this document. If no such copies are forthcoming I will afford the extracts appropriate weight based upon the limited extracts provided.

Kind Regards

Robin Carr

Robin Carr Associates
Public Rights of Way Management & Consultancy Services

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Lower Veddw
Devauden
Chepstow NP16 6PH

Tel: 01291 650293
Email: jmclarke@veddw.net

13th January 2015

Robin Carr Associates
2 Friarage Avenue
Northallerton
North Yorkshire DL6 1DZ

Your Ref: RCA/MCC/UCR/Chepstow

Dear Sirs

Re: Investigation into the status of certain roads in the Monmouthshire County Council Area

I refer to your Consultation Document dated 30th December 2014, and in particular to routes 53-11 & 53-18, but also 53-16. I have lived at Lower Veddw since 1987, and frequently walk my dog along all the local lanes.

More than twenty years ago I was challenged by a local farmer who said I had no right walking up Route 53-11 because he claimed it was his private property. At the time he was submitting a planning application to convert Greenwood Barn, which is located on that route, to a private dwelling. He eventually managed to gain permission on appeal, and has since cut the overhanging trees and concreted the lane down to the Fedw, so you can now say 53-11 is a carriageway as far as Greenwood Barn.

After being told I was trespassing, I contacted the Monmouthshire footpath group, who told me that Coal Lane (as the lane from the Fedw to Devauden is called locally) it was not a registered right of way, but might be an unmaintained road. I then wrote to the Council and received a reply from the County Solicitor saying it was not marked as a road. At that point my neighbour, Jim Woodford of "Woodside", The Fedw, came to my aid. He produced some deeds relating to a small piece of land he owns abutting the lane, which showed the lane under separate block numbers. I wrote again to the County Solicitor with my evidence. This time I received an acknowledgement that Route 53-11 was indeed a public road. I expect the same applies all the way to Devauden, including route 53-18. Unfortunately I did not retain the correspondence.

This lane (53-11 & 53-18) is very popular with walkers, and to a lesser extent, with motor cyclists and horse riders. In practice it is a bridleway (apart from the stretch from Fedw Lane to Greenwood Barn, referred to above) and has been used as such certainly since 1987. No one, I imagine, would like it to be made into a viable carriageway. However, given the fact that the lane is very popular and used a great deal, a certain amount of maintenance would be justified and welcome.

Route 53-16 from Fedw Lane to Great Panta (I have never tried walking beyond that point) is an entirely different matter. In my time this route has not been viable even for walkers. There is an overgrown gully running between the two fields immediately above the Fedw which ends at the point where 53-11 crosses 53-16, and nothing beyond that. At the Fedw end there used to be a stile close to the pumping station, but now there is no evidence of a footpath at any point.

It is possible, even probable, that a strip of land all along 53-16 remains public property. The lane passing through our land at Lower Veddw falls into the same category. We do not own it. It has been shown on local maps as a public right of way since before we moved here.

Yours faithfully



James Maxwell Clarke

Cc: Mr & Mrs D Marland, Fedw Cottage

Greenwood Barn
The ~~Veddw~~ F E D W,
Devauden
Chepstow

Mr Robin Carr
2 Friarage Avenue
Northallerton
North Yorkshire
DL6 1DZ

27th January 2015

Dear Mr Carr

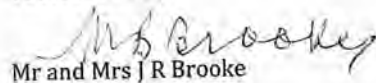
We are writing to you with regard to your consultation of the lane numbered 53-11 on the plan.

We own Greenwood Barn, which is adjacent to this lane. Monmouthshire County Council has told us previously that it is not responsible for the maintenance of this lane and we have therefore maintained the route to our home ourselves. We would be happy for the Council to take over this responsibility.

Ramblers and horse riders regularly use the lane and we have no objection to this. Motorcycles occasionally use the lane but this damages the surface and causes erosion, this renders the lane almost impassable to others.

If we can be of any further help please let us know.

Yours sincerely

 (MRS M. B. BROOKE) JRB
Mr and Mrs J R Brooke

Subject: MCC Consultation

From: Anneunderwood3@aol.com (Anneunderwood3@aol.com)

To: consultancy@prow.biz;

Date: Friday, 30 January 2015, 19:12

Dear Robin

Attached is a document giving my comments on behalf of the British Horse Society to the consultation on Monmouthshire County Council's highway records for Devauden.

As is explained, I have not had occasion to research any rights of way in Devauden, but have made some general comments and have provided some information on the one claim for a DMMO for which I used the 1949 highway records.

You are probably aware that Monmouthshire was a much larger county when these records were compiled and the surveys were carried out for the definitive map. There have been two local authority boundary changes since, so there are implications for other councils whose parishes were included in the records.

I have become increasingly concerned over the years at the number of routes that have been recorded as footpaths when investigation has revealed them to be former highways with higher status. This has implications for some of the recorded routes when they may be connected to footpaths, as with 53-16 and 19. Routes seem to be recorded as footpaths when they traverse open fields, as distinct from enclosed routes.

The horse riders at the public meeting in Devauden have asked for assistance in reclaiming some routes they used to use which have been recorded as footpaths and had stiles put on them in recent years.

Regards

Anne Underwood

Access & Bridleways Officer for Newport & Monmouthshire, British Horse Society

34 Greenmeadow Drive, Penhow, Caldicot, NP26 3AW. Tel: 01633 400886

CONSULTATION FOR MONMOUTHSHIRE COUNTY COUNCIL

ROUTES 53-11 & 18, 16 & 19

Prior to this consultation, the British Horse Society had not, while I have been Bridleways & Access Officer for Monmouthshire and Newport, been approached for advice and assistance by equestrians in the Devauden area. Consequently, there has been no requirement for me to undertake historical research or assist with the gathering of evidence for routes in this part of Monmouthshire.

While I cannot provide specific evidence on the above routes, I would like to comment on the recording of rights of way in general in the County.

I believe there to be considerable under recording of historical rights of way at higher levels in the County. This applies to the parish surveys, as well as what may or may not have existed on highway records.

The highway network has substantially altered over the past 200 years or so with changes to industry, the way the rivers were once used for transport, and the very poor state of pre-turnpike roads (described as "ditches" when parliament was petitioned to pass the first turnpike act in 1754). This has led to a number of old highways falling into disuse as new roads were developed. These highways have frequently been recorded in parish surveys as footpaths, although landowners are often aware of their history. I have listed some significant ones below.

Much of rural Monmouthshire remained unchanged from the 19th century until after World War II. There was no electricity, no mains water, and no tarmac to minor roads. Consequently, the villages and settlements remained undeveloped, with very small, stagnant populations. This has only changed from the 1950s onwards.

I have seen the 1949 highway records at County Hall and believe these may have been compiled to assist with identifying the roads that were used by and needed to be improved for vehicular traffic, and those that were more suitable as conforming to requirements for inclusion on the definitive map. I saw a set of digitalised maps and a book of maps with amendments on them. These amendments indicated that some routes should be removed from the records, and I was given to understand that the intention had been to reclassify them as bridleways or roads used as public paths on the definitive map. There would seem to be no other purpose for removing them from the records without seeking extinguishment.

I noted that highway junctions were marked with arrows on the maps. I think it is likely that they were plotted from grid references or from descriptions of the junctions. In most cases the route between the two would be obvious, but in one that I researched recently for a DMMO it was not. I have given details below.

It is only recently that O/S maps have shown unclassified highways, and there are a number of them that I would not consider suitable for vehicular use that are no different in character from those that have been crossed off. It may be they remained on the list of streets because a decision about them had not been made when work on reviewing the maps was stopped. This may indicate the routes were not crossed off the list of streets until a decision had been made in respect of each one. If none were ever added to the definitive map, then it may be a decision had been made to do so "en masse" at the end of the review process.

In the event, I have been told by council officers that these routes were never added to the definitive map, nor were they returned to the list of streets.

The sizeable number of these "reviewed, crossed off highways", spread throughout the various parishes, indicates there was a definite process in existence.

I came to this area in 1971, at which time the definitive map had not been published, and the earliest maps I purchased did not show rights of way. Without challenge, I rode my horses where I was told I could by locals, or explored routes that were not blocked off with stiles or notices.

I had heard about the preparation of definitive maps, and that Monmouthshire had not completed the process of finalising theirs. At some point, I either read or heard in the news that the Government was insisting that work on verification and amendment must stop, and the maps must be published as they were. Therefore Monmouthshire's definitive map has only ever existed in draft form.

In the years following this, I found bridle gates, field gates and slip rails on routes I, or others, had ridden replaced with stiles or footpath signs. Some of these routes I had already stopped using because there were too many gates or they were difficult to open. There was plenty of woodland to ride in and quiet country lanes so I never queried these changes.

I understand that Panta Farm once belonged to the Duke of Beaufort, as did Trelleck Grange and much other land around. It seems reasonable that a road in the position of 53-16 would have connected these two properties to Devauden and to Parkhouse, Trellech and Llandogo. This would be a shorter route to Trellech than the old London Road, and an alternative to paying tolls when the latter was turnpiked after a 1758 Act of Parliament.

I walk with Lower Wye Ramblers who frequently use the footpaths on Panta Farm and on one occasion was shown an old holloway which looks to be part of 53-16. It is typical of similar holloways in southern Monmouthshire that have developed as a result of public use over a long period of time by carts, ridden or pack horses/mules. I understand from Dr Mark Lewis, Curator of the National Roman Legionary Museum at Caerleon, it is sometimes possible to date the hedges of these holloways. Many of the roads in Monmouthshire are believed to be of Roman origin, and the museum is able to confirm or give an opinion on some of them.

The connecting footpaths that lead to Trellech Grange and beyond should have higher rights to reflect that the route of this holloway would have continued.

I believe I have walked 53-19 with the Ramblers, and remember it also looked like a cart road. Its connection to a restricted byway by a footpath does not make sense without continuation at a higher status all the way through.

53-11 and 18 are in use as public rights of way by horse riders and walkers. Known locally as Coal Lane, it signifies an association with the Angiddy Valley's industrial past and would have carried supplies by pack animals and/or wagons.

The Welsh National Library at Aberystwyth has records of the Beaufort Estate, particularly the Beaufort Atlas, compiled by J Aram in 1763. This may give some information on these roads and others.

These "footpaths" have often continued to be used by horse riders. This can continue until the land changes ownership, which results in a challenge leading to a successful DMMO. An example is given below.

I have not viewed the Council's highway records in detail but believe, particularly where they match early Ordnance Survey and travellers' maps, they are likely to be accurate. Many of these old routes, when local industry and use of the river ports declined, simply fell into disuse or were no longer maintained to remain passable.

Significant Former Highways Unrecorded or Recorded as Footpaths

1. The principal road from London to Cardiff and beyond as recorded in John Ogilby's *Britannia, Volume the First, or an Illustration of the Kingdom of England and Dominion of Wales By a Geographical and Historical Description of the Principal Roads thereof*, 1675.

King Charles II employed John Ogilby to survey the principal roads of England and Wales. He and his team measured distances with a map wheel, and described each route in ribbon form in this first ever road atlas.

While much of this highway is still in use today, sometimes as country lanes, a clearly identifiable section through Wentwood Forest is unsurfaced and unrecorded, another part is a footpath. It is still useable today on foot, bicycle or horseback under the open access policy of the forest owners. Its route is also clearly described in Archdeacon William Coxe's *A Historical Tour Through Monmouthshire*, 1801, 2nd edition 1904.

2. The coach road from Newport to Chepstow prior to the construction of the turnpike road in the 1760s. This is mentioned in the parish records of Llanvaches and Penhow, both now part of Newport, and in Sir Joseph Bradney's *A History of Monmouthshire, Vol. 4, Part 2*, 1932, 2nd edition 1994.

This road continues unsurfaced from the last house on Duckpool Lane, Penhow, until it meets a stream with a gate into a field on the far side. It continues as a footpath to Hendrew Lane. There are exposed cobbles on part of the footpath. Beyond Hendrew Lane it may have continued as the footpath to Mill

Farm or, more probably, on a double hedged track further north which is not recorded as a right of way. Both of these are shown on the 1830 O/S map. It continued to Newport via Catsash and Christchurch. This was the only route into Newport until the road from Langstone and the Coldra to Maindee was constructed in c.1820. (www.newportpast.com)

3. The road from Shirenewton to Usk prior to the construction of the present turnpike road from Chepstow to Usk in the 1830s. This ran through Pant-y-Cosyn Farm to Bully Hole Bottom and is recorded as a footpath. Part of it is surfaced as a driveway to the farm, part is a sunken cart track through a field. (Information from old maps, local residents and landowner.)
4. The lane from Pencoed and Llandeud to the great road (The old London Road as in example 1), mentioned in Penhow parish records of a boundary walk. The only route that meets the description is the footpath past Llandeud Church, crossing the present A48 by the Foresters Oaks public house and continuing on the footpath to Caerlicken Lane. There is an old holloway in one of the fields. A resident of the adjacent property remembers a gully continuing to the A48 before it was widened in the 1960s.
5. The road from Penycamawr to Llantrissant via Bertholey House. This is described in *A Historical Tour Through Monmouthshire*, 1801, as above. It is recorded on early O/S maps and on an 1836 travellers' map in my possession published by J & C Walker. Its course through Wentwood is on copies of the Beaufort Estate Records held in the National Library that were sent to me by Professor Oliver Rackham of Cambridge University. It is recorded on the definitive map as a footpath for its entire length.

Its history as a highway was known to the owners of Bertholey farmhouse when I rode it, with others, in the 1980s to travel to the Newbridge Inn for lunch before it became a gastro-pub. There were bridle gates round the house and a field gate into Wentwood. The property changed hands in the 1990s and the house was demolished and rebuilt to a grand scale. The field the highway runs through was ploughed up then reseeded and the footpath was diverted away from the house.

From the gate out of Wentwood into the first field, the road ran as a trackway between two fences for about 100 metres before it opened out to the full width of the field. The new owner erected a locked gate at this point with a stile beside it (not to Council specifications). This was reported as an obstruction some years ago, but it remains in place. From time to time, the council has to clear vegetation from the surface of the path in the part between the two gates that is no longer grazed or otherwise maintained.

There is a permissive footpath on this property which is part of the Usk Valley Walk. This also features on Oliver Rackham's papers as a highway. It used to have a field gate into Wentwood which was replaced by a stile and later by a kissing gate. I used it on horseback a few times while the original gate was there.

There is evidence that another footpath through this property may also be a historical route with higher rights.

There are many cases like this, too many for me to act on unless riders ask for assistance.

The parishes of Penhow, Llanvaches, Llantrissant and Llandeud have no rights of way higher than footpaths recorded on the definitive map. Some of these paths have the characteristics of paths with higher rights. One, in Penhow, is known locally as "the bridle path".

Perhaps some of these routes are included in the old highway records, I have not checked.

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Perhaps some of these routes are included in the old highway records, I have not checked.

bridleway status. This highway was never removed from the list of streets, possibly because the precise route through the property had not been established.

The origin of the map supplied by the council in the 1880s showing the highway going through the stream has not been discovered, and it may be there were other records. A former member of Monmouthshire Council's Planning Department was a member of the Trail Riders Federation who led groups of motorcyclists through this route in the 1970s. The former chair of Newport's Local Access Forum was one of the motorcyclists and told me about this.

This DMMO is still going through the legal process.

Successful DMMO

A trackway between Earlswood via Cribau Mill to Llanvair Discoed was used by many horse riders although part of it had been recorded on the definitive map as a footpath. Another part of the route had not been recorded where the footpath continued in a different direction. It was particularly popular because it had only one very easy bridle gate on it, as against a nearby bridleway that had many gates, most not openable from horseback.

The property was sold and the new owners started to challenge riders. Advice was sought and a considerable amount of user evidence was submitted for a DMMO. This included a number of elderly people who had driven carts down it to go to market until a bad storm washed much of the surface away sometime after World War 1. No valid objections were made to this, but it still took 12 years for the order to be made and confirmed.

Enquiries to the Council from Landowners or their Representatives

I am aware of two instances where the council has been consulted the about rights of way anomalies.

One was the case of the old mill at Llandeud mentioned above. At the time of conveyancing in 1986, a firm of solicitors wrote to the highways department of the council asking if there was a highway through the property. This was probably because they had noticed the division of the property on the deeds. I have seen the council's reply to the letter, which was that there seemed to be a gap on their records of about 60 metres between two highways.

The other case was a property near Earlswood Chapel, Shirenewton. There was a bungalow at the bottom of the hill which I frequently rode past from the end of 1976 onwards. At first, it had slip rails onto a ramp leading from the road through its garden to a standard field gate. This opened onto a cart width path which ran parallel to the road through a property known as Parsons Grove before eventually meeting the road again. There was a yellow acorn sign on the post securing the slip rails, which sign used to appear on many rights of way. On the other side of the road opposite the ramp was the unsurfaced start of what is now a restricted byway. This gave the appearance of a crossroads. I never used this route, but considered it could have been an earlier or alternative route down the hill.

Later, I noticed the slip rails and the gate at the end of the garden had been replaced by fences. On making enquiries of a neighbouring friend, I was informed the owners wanted to sell the bungalow, and had enquired of the council about the status of the right of way. They were told there was nothing on the records and that it was "a private matter" between the two properties.

This could have been one of the "crossed off" highways. To me, it reveals a lack of wisdom from the council, also present in the previous example, that they did not state that, although no rights of way were recorded, there could be unrecorded ones in existence.

These examples may indicate that the 1949 highway records were missing, or stored away from access by highways personnel. The enquiry to the council about the Llandeud property must have been made close to the time the map of the through highway was supplied by the Planning Department. The rider who obtained this had made her enquiry to the then elected ward councillor (now deceased) and not direct to the council. Could it be that the Planning Department had some relevant records?

General Observations

In the years I have been walking in Monmouthshire, I have been struck by the number of footpaths that show signs of being old highways, or have what appear to be old highways running beside them. These signs include

double hedging, holloways, sunken and levelled tracks, tracks cut a cart width across to make them level on hillsides, and differing colouration of the grass in fields where there would appear to be a surface underneath. When I rode with the Curre Hunt, it was possible to detect some of these surfaces by the altered "give" in the ground and the different sound of the horses' hooves. Also noticeable in parts of the county are sharp turns in some country lanes where there are signs of unregistered trackways going straight on which may have once formed junctions or crossroads.

If I check these out on the oldest maps, particularly the 1830 O/S map, they are recorded similarly to the highways of that time that are on the current list of streets.

As well as the literary sources already mentioned, I have found the following of value:-

Turnpike Roads by Ivor Waters, 1985. This author has written many other books about the history of south east Monmouthshire which may have useful information. They were published in very limited editions but there are copies in some of the public libraries.

The Mapping of Monmouthshire by D P M Michael, 1985.

This makes particular mention that maps engraved by John Cary in the late 18th and early 19th centuries (he died in 1835) were drawn from actual surveys, again using map wheels and intended for travellers. They are therefore likely to be very accurate representations of the roads of the time.

Anne Underwood

Access & Bridleways Officer, British Horse Society

30th January 2015

Subject: Fwd: Bridleway
From: Robin Carr (robin.carr@btinternet.com)
To: robin.carr1@btinternet.com;
Date: Saturday, 31 January 2015, 11:58

Yours I believe

RC

Sent from my iPad

Begin forwarded message:

From: Dave Hancock <dave.hancock@ridgeway.co.uk>
Date: 31 January 2015 11:13:31 GMT
To: "robin.carr@btinternet.com" <robin.carr@btinternet.com>
Subject: Bridleway

Mrs G H Hancock
The old Granary
Devauden
Chepstow
NP16 6PP

Please accept this email as confirmation that I have had uninterrupted
Access with my horses over public way number 53-18 and 53-11 (coal road)
Since 1978 and wish this to continue.

Georgene Hancock

Dave Hancock
Group Parts Stock Consultant
Ridgeway Newbury Volkswagen

Phone 01635 40678 Fax 01635 523804

www.ridgeway.co.uk/volkswagen www.volkswagennow.co.uk

Ridgeway Newbury Volkswagen, The Triangle, Newbury Motor Park, Newbury, Berkshire,
RG14 7HT

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Subject: Investigation into routes 53-11/53-18, 53-10 and 53-19
From: MICHAEL DAVIES (michaeldavies124@btinternet.com)
To: consultancy@prow.biz;
Date: Friday, 30 January 2015, 10:01

Dear Sir

I have lived at Cherry Tree Cottage, Coal Road, Devauden since 1978. During the period since, the route from Coal Road going east along routes 53-18 and 53-11 has been used regularly by walkers, horse riders and motorcyclists. The latter group have used the route for one of their annual events under the organization, I believe of the Forest of Dean Motorcycle Club. In fact part of the route 53-18 used to be used as a section for testing riding skill. The route has also been used by 4x4s and quad bikes but much less so recently since the erosion of the route just below Chapel Cottage.

I believe this is a well defined very ancient road through glorious countryside which should be preserved for all, for now and for future generations.

I will also send in the post copy of a map of the area from I believe the 18C, the original of which is I believe in Gwent Archives, Ebbw Vale; this map clearly shows the route 53-18/53-11

regards

Michael Davies

Sunnybank
Coate Rd
Devonport
Christians
Mtn
NP166PF

27.1.2015

Dear Sir

the unclassified road ⁵³⁻¹¹ ~~53-18~~
I have walked occasionally all my
life & when I was a child I can
remember a car being driven all
the way through, of course today
that would be impossible because
of erosion & farm machinery but
it used by Motor cyclists & horse riders.

53-16 is a path that I have
walked many times, more so when
I was young I don't walk it
much now because I know that
the farmer doesn't like people on
his property, the last time I walked
it was with the lower Wye
Bramblers about 18 months ago.

53-19 I walk frequently &
have all my life.

Yours sincerely
P.A.M.

PETER A. MAT.
Date of birth 28.2.48

Panta Farm
Devauden
Chepstow
Monmouthshire
NP16 6PS

Robin Carr Associates.
2 Friarage Avenue
Northallerton
North Yorkshire
DL6 1DZ.

29th January 2015

Dear Mr Carr

Consultation Response. Alleged route 53-16.

In response to your request for information, evidence and comments we have enclosed the following

1. Chronology Summary of Historical evidence with regard to alleged highway 53-16 at Panta Farm.
2. Comments on Ms Mussel's Report dated November 2010. (We assume you have a copy of this report)

In compiling the chronological summary of the historical evidence that we have seen so far and the comments on Ms Mussel's Report we have referred to the Planning Inspectorate Consistency Guidelines and the "blue book" for guidance.

In October 2012 we supplied documents to MCC with respect of this long running investigation into the above route.

This information was supplied prior to a meeting with Counsel as a list of discussion topics and may not be a complete list of evidence. Unfortunately MCC cancelled the meeting at the last minute. If you do not have this information please let us know.

We note your assurances that only the actual evidence will be considered in reaching your conclusion however we do have serious concerns with the contents of Ms Mussel's Report which the Council have used to justify the addition of the alleged routes to the current highway records.

As well as the errors and omissions in Ms Mussel's report the fundamental flaw is the interpretation of the maps and documents which contain reference to 53-16 and have 53-16 removed and deleted.

These are non statutory and internal documents, not open to public scrutiny, and as such the inclusion of the route will have the same evidential value as the removal and crossing out of the routes.

Other routes have also been crossed off the maps and MCC is not claiming that these are highways. This is inconsistent with MCC's claim that a legal order is necessary to remove a way from a highways map.

The documents are not legal records of the status of the route and no legal order would have been required to remove the route from these records. None of these records is the statutory List of Streets.

In your consultation at Paragraph 3 you also state "*the removal of the routes from the records would not in itself result in the extinguishment of any highway rights or maintenance liability*".

We understand this would only be correct if the record was one that was capable of recording the legal status in the first place.

At some time in 2013 the routes subject of this investigation have been added to the List of Streets in advance of your report and prior to any DMMO's being made.

- 53-18 from Devauden to Chapel Cottage was previously recorded as an Unclassified County Road (*now downgraded to a restricted byway*)
- 53-19 previously not recorded (*now recorded as a restricted byway although part of it is obviously an adopted highway*).
- 53-11 Unrecorded green lane (*now recorded as a restricted byway*).
- 53-16 Unrecorded and impassable (*now recorded as a restricted byway*).

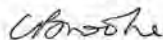
Naturally we have had disagreements with you during this consultation but we trust that you will be impartial, fair and independent in your report.

We understand we will see a copy of your report and the evidence when it is published.

At the present time MCC has refused to allow us to inspect the document you described as a List of Streets with the alleged route added in 2008. It has stated there is no public interest in providing the information we requested. The council say we will now have to wait for your report to be published to see these records but will we be shown the same document?

If there is anything you would like us to explain further or any documents you wish to see we will be happy to arrange this.

Yours sincerely



Mr and Mrs Robert Brooke

Comments on Ms Mussels November 2010 Report for Mr Carr's investigation.

The decision by MCC to add the alleged way 53-16 to the List of streets was apparently based on the evidence contained in Ms Mussel's Reports. The most recent report was dated Nov 2010. We believe the alleged way should be removed from the List of Streets until such time as a Definitive Map Modification Order is confirmed.

Ms Mussel's report is not a complete record of the available evidence and contains a number of errors as listed below. Please read these comments in conjunction with the Report.

1. Introduction:-

- The alleged way was never on the statutory List of Streets.
- Ms Mussel prepared a report prior to 2008.
- It was information in this report that persuaded Mr West to serve his S 56 Notice on MCC.
- If the way is private no legal order would be necessary.
- There is no evidence that the way was an ancient drovers road.
- The complainants preference for a footpath is irrelevant.

2. Historical evidence:-

- Historic maps show other routes that are not public highways today.
- OS maps may point to claimed ways having the appearance of a road but provide no indication of whether the route is public or private.
- Tithe maps not usually concerned with legal status of roads.
- Quarter sessions and Magistrates Court records have not been searched. *(MCC have now stated that these records have been checked. We would like this to be confirmed.)*
- Monmouthshire Roads and Bridges Minute books are not concerned with minor roads so nothing relevant would be found here.
- Devauden community council minute books have records of public rights of way being obstructed but none relate to the way in question.
- As the route was considered private in 1910(Finance Act records) and 1920(sales particulars) it would seem logical that if it was ever public any legal order would be found before this time and not between 1929 and 1974. No handover map has been found.

3. Definitive Map and Statement:-

- No footpaths would be rendered useless if 53-16 was not a public highway. It is clear from the statement that footpaths 182 and 191 both commence at Great Panta Farm. These footpaths both connect to the wider rights of way network.
- On one hand Ms Mussel claims the definitive map was checked and then she says it wasn't. *(there are documents which form part of the definitive Map review and Special Review which suggest the surveyor was incorrect in his assumption that the way was a county road)*

4. Definitive Map Review and Special Review:-

- Appendices 25 and 26 have nothing to do with this review. They are highway records.
- There is no evidence that highways engineers desired that the route in question should be removed from highways maps and entered onto the rights of way register. There is a memo which includes a list of highways that engineers proposed for downgrading. This memo does not include 53-16. The entries listed in the memo were not removed from highway records and remain on the records today.
- There is no evidence that the “schedule of amendments” was part of this review.
- There is no justification to alter the highways records.

5. The NERC Act 2006

- It is not proven that 53-16 is a full public vehicular highway.
- It is accepted by everyone (except Ms Mussel) that the NERC Act would extinguish any vehicular rights **if** they existed.

6. The List of Streets:-

- The first statutory List of Streets for Chepstow Rural District Council was compiled in 1988. Previous highway records were internal documents.
- The List of Streets is a record of highway maintenance responsibility not a record of status.
- No one can say when numbers were attributed to highways.
- The route has clearly been carefully removed from all highways maps and lists. Highway lengths are calculated to two decimal places.
- The schedule of amendments is referred to on maps and on another highway record.
- The alleged route was never on the List of Streets so could not be wrongly removed.
- It is therefore perfectly possible that the route was entered on highway lists erroneously and was never a highway maintainable at public expense and was therefore legitimately removed from the non statutory highway lists.

7. Summary:-

- MCC responded to S 56 Notice and told the Magistrates Court that the alleged route was on the List of Streets. **This was incorrect it was not on the List of Streets.**
- The whole of the alleged route was conveyed. We own the all the land in question and have full paper title.
- OS maps cannot indicate the status that any route should be recorded.
- OS maps cannot suggest that highways maps have been amended erroneously.
- Definitive Map and Special Review Appendix 24 was commenced in 1971 and abandoned in 1979.
- How can Ms Mussel know what highways engineers desired in 1970's?

- There is no evidence that the route in question was ever a public highway.
- The NERC Act would apply **if** public rights were proven.
- As the alleged route is neither on the List of Streets nor the Definitive Map it is unclear why MCC admitted liability in the Magistrates Court and to the complainant.

8. Conclusion:-

- There is no historic evidence included in the report that actually shows the route in question is a publicly maintained road.
- The complainant did not proceed to the Magistrates court in 2008.

Chronology of Historical Evidence with regard to alleged highway 53-16 at Panta Farm.

The earliest documentary evidence.

No Inclosure award has been found (to our knowledge).

1830 David and Charles map

1833 OS map

- Both these maps are exactly the same. The alleged route is shown along with other routes which are not public highways.

1830 Greenwood map.

- This map does not show the alleged route.

Tithe map 1842

- Tithe map has notation "Little Panta" for farm adjacent to the alleged route
- Tithe maps were not concerned with the legal status of roads.

OS maps of various dates.

- OS maps cannot differentiate between public and private routes.
- OS maps are a record of the features on the ground.
- The alleged route is shown in the same way as the undoubtedly private road to Panta Farm and other routes which are not public highways.

OS map 1901 Surveyed 1879 (shows more detail than other historic maps).

- This map shows many obstructions and barriers along the alleged route. There is a stream, a number of fences and/or gates and trees along its length. It is not open at either end. This is suggestive of private land.
- The position of the alleged route to access Great Panta Farm and Panta Barn and the fact that the route terminates in a field within the farm is entirely consistent with the route being private farm land.

Finance Act Map 1910.

- The map and survey, by including the alleged route within Plot 225 clearly indicates it was not public since public roads did not receive assessment numbers.
- This suggests the route was private.

1920 Sales particulars and conveyance documents for the Trelleck Grange Estate.

- Sales particulars and Maps refer to Little Panta Farm adjacent to the alleged route.
- Local residents have confirmed that this was the correct name at that time.
- All land parcels for alleged route have been conveyed to new owners.
- Particulars for Panta Farm make no reference to county road, parish road or highway. Other Lots make references to "close to parish road, long road frontage and near main road".

- The accompanying map confirms the alleged route is considered to be private.
- The vendors clearly considered the alleged route to be private.
- See extracts from sales particulars 1920 *Appendices (a)-(e)-(f)*

1929 Handover Map.

- To our knowledge no Handover Map has been discovered.

Highways Map dated 1949. (date unverified)

- Has the date of this document been confirmed?
- When were numbers attached to highways?
- Were highways surveyed prior to routes being added to the map? It would appear that no survey was carried out by highways engineers. OS mapping evidence and statements from local residents confirm the route was impassable at this time. This would suggest it was added to highway records in error and would explain the subsequent removal.
- There is no historic evidence which would justify the route being correctly given an Unclassified County Road number.
- These records have no legal standing and the inclusion of a route with an Unclassified County Road number at some unknown point has no more weight or status than the crossing off of the same route.
- Other routes were also removed from this map. These routes are not public highways. No legal orders have been found for these routes. This indicates that a legal order was not necessary to remove a way from this map.
- We have not yet examined this map. It was not available when we inspected MCC records in October 2012.

Highways records dated 1955

- It would appear that if any survey was carried out by highways engineers it was carried out after the map was drawn up. OS mapping evidence and statements from local residents confirm the route was impassable at this time. This would suggest it was added to highway records in error and would explain the subsequent removal.
- The alleged route was removed from this record.
- This would confirm that highways engineers/ surveyors believed the route was not maintainable by the authority and was private.

Schedule of amendments

- To date no schedule of amendments has been found. Although one clearly existed at some time.

Maintenance Schedules

- To date we have been unable to investigate highway maintenance records.

Non Maintenance sheet

- There is a single sheet which states “53-16 was not maintained at all see schedule of amendments”. This document was in a Countryside file in April 2012 though it clearly didn’t originate there. It was not included in Ms Mussel’s report as she was unable to remember where she had found it and she did not believe it was relevant to her investigation. We have not been given access to highways records. Mr Carr should investigate this document further.
- Copy enclosed. *Appendix 2*

Definitive Map and Statement 1952 to 1967.

- Reference is made to County road in the definitive statement. It seems from the OS mapping evidence and local residents’ memories that the surveyor did not actually see the alleged route. It is possible that an incorrect highways record or map was referred to in recording the statement rather than an actual survey.
- Whilst we are aware that the definitive map and statement are conclusive evidence of rights of way, there is conflicting evidence with regard to the statement in this case.
- The fact that public footpath No’s 182 and 183 run parallel to the alleged route may suggest the alleged route is private.

Highways records dated 1970 (date to be verified)

- The alleged route was removed from this record.
- The route was removed and the running total for the length of highway was recalculated to two decimal places.
- This would confirm that the highways engineers believed the route was not maintainable.
- This record contained documents from 1939 to 1970.
- There were record sheets totalling each class of highway for April 1970 and September 1970. This would indicate that highway records were kept carefully and were up to date.
- The pre 1988 highways lists have no legal status. They were non statutory and informal and so no legal order would be necessary to make changes to them.

Definitive Map Review and Special Review. 1971 to 1979

- Reference in council records to first survey erroneously believing the alleged route was a county road. (copy enclosed)
- Motorcycle club did not ask for the alleged route to be added to the new definitive map at the pre consultation stage in 1971. They had carefully listed every route in the County that they believed should be open to motorcycles and not downgraded onto the definitive map.
- This would suggest the alleged route was not believed to be a County Road at this time.

Highways records dated 1974 (date to be verified)

- We believe this record did not contain the alleged route when we inspected it in October 2012.
- This suggests the alleged route is not publicly maintainable.
- Mr Carr states that this document, described to him as the List of Streets, contains 53-16 (added in 2008) when he inspected it recently.
- MCC will not allow us to see this document until after Mr Carr's report is published so we are unable to clarify this point.

1977 Panta Farm purchased.

- Legal searches do not disclose any highways or rights of way on the alleged route.
- No disclosure of review or special review process in searches.
- Conveyance documents include all land parcels for alleged route.
- This would suggest the alleged route was private.
- Conveyance documents do not include land parcels for 53-11. We were told by MCC predecessors that this way was not maintained by the highway authority. (Map enclosed) *Appendix 3*

1988 Statutory List of Streets.

- The alleged route was not included.
- This suggests the alleged route is not publicly maintainable.

2004 letter from MCC highways engineer to Mr West. (copy enclosed)

- Confirms many different departments have been consulted.
- Confirms Adoption Plans past and present have been checked.
- Confirms the alleged route is not documented as highway land.
- Suggests Mr West requests a Land Registry check.

2004 and 2009 Planning permissions.

- Planning permissions for restoration of farmhouse and conversion of barn did not mention any public vehicular highways in the vicinity of either property.

2011 Letter from Mr West to MCC chief executive. (Copy enclosed)

- Mr West confirms that he did not believe the alleged route was a highway until Ms Mussel gave him the highway records with highway numbers.

Discrepancies on maps and records with regard to Great Panta and Little Panta.

- At some time in the past the two names have become transposed.
- The current farmhouse known as Panta Farm was previously known as Great Panta. This makes sense as it is the larger, more dominant farm steading. Little Panta was the farm adjacent to the alleged route.
- The names are changed on the OS maps but the older local people still refer to the farm adjoining the alleged route as Little Panta. It is referred to as Little Panta on Title Map in 1845 and on sales particulars in 1920.

- The fact that the highways record in 1950 or thereabouts refers to Great Panta when the farm was actually known as Little Panta would indicate that the route was added at this time without reference to local people and without a survey.
- It would not have been known as Great Panta Road.

Maintenance of alleged route.

- There is no record of any maintenance having been carried out on the alleged route by the Parish or the Highway Authority. This is in contrast to other UCR's which are inspected annually. There is a document in MCC records which states with regard to 53-16 "Not Maintained At All See Schedule of Amendments" the source of this document has not yet been established.
- The fact that no member of the public has previously reported the alleged route obstructed and no previous owner has asked the Highway Authority or the Parish to maintain it suggests the route was considered by everyone to be private.

Complaint to Ombudsman.

- Having added the alleged route to the List of Streets MCC was proceeding with a Traffic Regulation Order. We did not believe this was the correct legal process when the status was in dispute.
- Following the Ombudsman's involvement MCC finally agreed that a DMMO was the correct procedure in this case.

Irregularities with regard to the List of Streets (LoS)

- In 2008 Ms Mussel instructed Mr Keeble to add the alleged route to the statutory List of Streets. She stated she "had already coloured the routes on the highways maps".
- A copy of this letter enclosed. *Appendix 6.*
- LoS entry includes 53-16 as a Green Lane last amended 7/10/2008
- In March 2012 MCC informed the Magistrates Court that 53-16 was on the LoS. ***This was not correct.***
- 11th May 2012 MCC officers confirmed that 53-16 was ***not*** included on the LoS.
- 10th October 2012. LoS had loose sheets inserted in file with handwritten note on cover. The entry for 53-16 classified as Restricted Byways. Copy enclosed.
- Throughout this time all officers involved were fully aware that the status of the route was unclear and in dispute.
- MCC agreed to take further legal advice from Counsel this time including all the evidence that had previously been withheld.
- November 2012 Counsels Advice said that without further evidence he was unable to conclude public rights existed.
- December 2014 LoS include the loose sheets now securely fixed in file along with the original entries. This may suggest that highways officers are not totally convinced that these new entries should be included.
- New sheets include 53-16 as Restricted byways, date last amended 16/05/2012 and a handwritten scribble "sheets added 2013". The description includes Panta Barn which no longer exists. No proper survey has been done.

- The entry for 53-18 Coal Lane/Road previously classified this road as Unclassified County Road this has now been downgraded to a restricted byway. This anomaly may have legal consequences for any resident planning to sell their home.
- MCC apparently have no formal process to add routes to the LoS. There seems to be no formal record of who amended the LoS and why it was amended.
- Ms Mussel obviously believes that the inclusion of the route in the LoS strengthens her claim that highway rights exist as she has tried to add the route on three separate occasions although she seems unsure of its status.

December 2014 and January 2015 MCC refused to allow access to council records.

- Copy of letter from monitoring officer. *Appendix 7*
- Mr Carr's Report cannot be impartial if all MCC records cannot be scrutinised by local people. We simply wanted to verify the contents of a file which Mr Carr had been shown as it differed from our record of the same file. This may be a simple misunderstanding but we have been unable to clarify this point.

Conditions of Sale

ises

h tiled roofs and
Walk, Stable for 3,
Hay Loft, Chaff
Round a Second
d with Crib, Two
t 6, Detached Cart
d Small Yard, with
b.

Acreeage.

| | | |
|------|-----|-------|
| ISH. | ... | 9'302 |
| | ... | '547 |
| | ... | '727 |
| | ... | '549 |
| | ... | '238 |
| | ... | '304 |
| | ... | 8'760 |

LOT 4 (Coloured Pink on Plan No. 1).

**A Particularly Attractive and Valuable
Sporting, Agricultural and
Forestal Estate**

situated in the Parishes of Wolvesnewton, Newchurch
East and Trelleck Grange, and extending to some

491a. 2r. 1p.

and including a useful

Grazing and Mixed Farm
known as

The Panta Farm

extending to some 288 acres, upon which is

7

1 (b)

| | |
|-----|-------|
| ... | 438 |
| ... | 7447 |
| ... | 11540 |
| ... | 8324 |
| ... | 329 |
| ... | 7508 |
| ... | 12559 |
| ... | 1236 |
| ... | 2857 |
| ... | 3214 |
| ... | 783 |
| ... | 12750 |
| ... | 10702 |
| ... | 16104 |
| ... | 14026 |
| ... | 522 |
| ... | 703 |
| ... | 3085 |
| ... | 423 |
| ... | 12578 |
| ... | 11414 |
| ... | 5308 |
| ... | 12445 |
| ... | 204 |
| ... | 8522 |
| ... | 037 |
| ... | 510 |
| ... | 764 |
| ... | 247 |

... Capital Stock Raising and
Corn Growing Farm
known as
Hygga Farm
TRELLECK
290a. 3r. 24p.
with frontage to the Monmouth and Chepstow Road.

The House
Stone Built with Slated Roof, contains Hall, Two Sitting Rooms, Kitchen, Back Kitchen, Dairy, etc. Above are Six Bed Rooms and a Box Room.

WATER LAID ON
by gravitation from a spring on the farm.

The Premises
Stone Built with Slate, Tile and Iron Roof, includes a

1(c)

Attractive Farm
known as
Chapel Farm
TRELLECK GRANGE
extending to some
228a. 3r. 28p.
having long frontages to Parish Roads, conveniently worked

The Farmhouse
built of Stone with Slated and Tiled Roof, and is at present divided into

Two Cottages
containing respectively Three Rooms upstairs and Two Rooms downstairs, with Dairy in the principal part, and Two Rooms up and Attic, and Large Kitchen and

Farm
arm
Monmouth
with tiled
ading fine
r, Kitchen
comprises

1(d)

A Very Desirable Small Farm
known as
Little Crumbland Farm
having long Frontage to the Main Road from Monmouth
to Chepstow, and extending to about
23a. Or. 6p.

The House
is of picturesque appearance, is built of stone with tiled
roof, and occupies a good position commanding fine
views. It contains Three Bed Rooms, Parlour, Kitchen
and Outside Scullery.

The Farm Buildings
are built of stone with slated and tiled roof and comprises
Three Stall Stable, Cow House for 6 & Pigstye, Barn

1(e)

comprising

The Smithy
TRELLECK GRANGE

on the Roadside with long frontage, in all about

1r. 39p.

The House

is substantially built of stone with slate roof and contains Two Rooms downstairs and Three Bedrooms. There is also a large Carpenter's Shop which, being under the same roof would, at a small cost, provide additional accommodation.

The Buildings

1(f)

well known as

Great House Farm

TRELLECK GRANGE

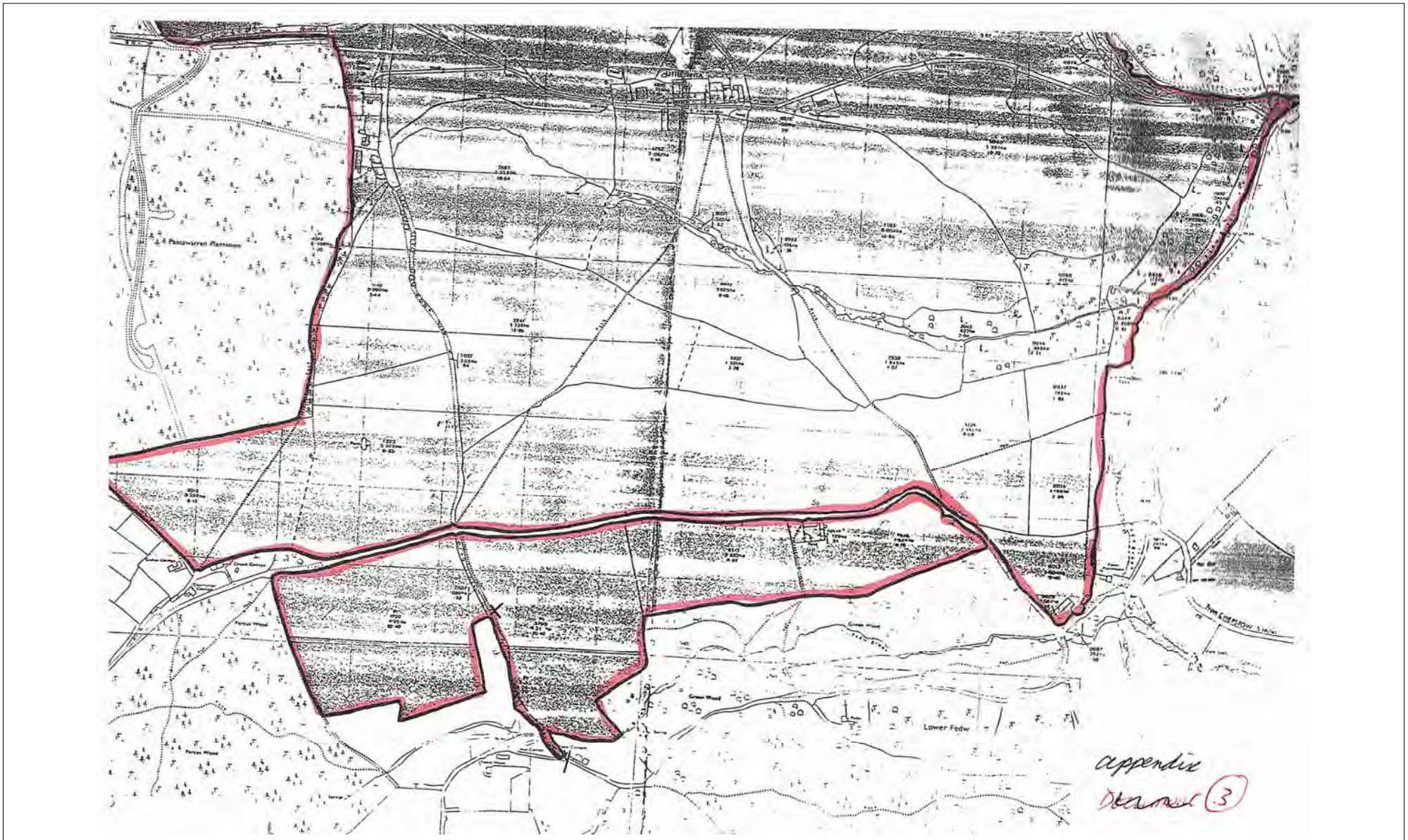
291a. 1r. 26p.

lying in a ring fence, and having long Road Frontages.

The House

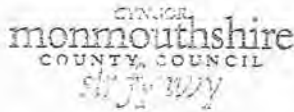
very pleasantly placed, is roomy and comfortable, and contains Hall, Two Sitting Rooms, Kitchen, Large Back Hall, Cellar, Dairy, etc. Above are Six Bed Rooms, Bath Room, with Lavatory Basin, W.C. and Two Attics. There is a nice Garden and Water is laid on by gravitation from the Estate supply (see Conditions of Sale No. 7).

| ROUTE NO. | DESCRIPTION. | 6" SHEET NO. | DN. NO. | MILEAGE | |
|---------------------------|--|--------------|---------|---------|------|
| | | | | + | - |
| C.50-15 | Spur Deleted -- "Not maintained at all". * From Masons Wood to joint. of route C.50-7 at Yew Trees. See Schedule of Amendments, Div. 2. Monmouth R.D. | 21-1 | 2 | | 0.0 |
| C.51-3 | Trellech Cross. Deleted that the * length from joint. with C.51-2 to joint. with C.51-6. "Not maintained at all" - See Schedule of Amendments - Div. 2. Monmouth R.D. | 20-8 | 2 | | 0.10 |
| | Description of remaining lengths of C.51-3 will be as follows: - From the junction of route C.51-6 at Trellech Cross to junction with route C.51-2 - - - and from junction with route C.51-6 crossing route C.40-2 to junction with route S.40-1. = 0.90 mt. | | | | |
| C.53-1 53-1 | Tintern Cross - St. Atvans * From joint with C.53/3 to joint with C.53-4. See Schedule of Amendments, Div. 2. "Has never been maintained" Not amended as Class 3 involved | 25-4 | 2 | | 0.57 |
| C.51-18 | Spur (Not maintained at all) See Schedule of Amendments, Div. 2. | 21-1 | 2 | | 0.09 |
| C.51-3 | Trellech Cross. From joint. C.51/6 West to joint. C.51-2 "Not maintained at all" See Schedule of Amendments, Div. 2. | 20-8 | 2 | | 0.10 |
| C.53-11 | Fedro Brook Road. "Not maintained at all" See "Schedule of Amendments, Div. 2" | 25-4 6+25 | 2 | | 0.52 |
| C.53-16 | Great Parka Road. "Not maintained at all" See "Schedule of Amendments" Div. 2. | 25-5 6+25 | 2 | | 0.97 |
| 53-19 | Greigian Spur. Green Lane. * "Not maintained at all" See "Schedule of Amendments" Div. 2. | 25-3 6+25 | 2 | | 0.02 |
| C.56-1 | Station Road. From joint. of C.56/1 S.E. to Rly. Bridge. "Fully maintained" Spur on map. See "Schedule of Amendments" Div. 2. | 13-16 | 2 | | 0.09 |
| C.28-2 | Kilgarry Road. "Not maintained at all" See Schedule of Amendments Div. 2. | 25-7 6+25 | 2 | | 0.02 |



Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (2) (page 19) – Letter 29-1-15 R&IBrooke-19

NOTE: Mr. Cheshire is no longer with Highways. My contact previous to him was Andrew Welch. Deceased Appendix (4)



F.A.O. Mr West

The person dealing with this matter is:
Mr J Cheshire
Tel.No./Ffôn: 01633 644753
Fax No: 01633 644726
E-Mail: highways@monmouthshire.gov.uk
Our Ref./Ein Cyf: JC/MP82
Your Ref: Eich Cyf:
Date: 22 December 2004

Dear Mr West

RE:- GREEN LANE AT GREAT PANTER FARM

With reference to the above green lane I would like to confirm that an extension search has been carried out on the area in question. I have spoken to many different departments, to gather as much information as possible.

I have spoken to Gordon Hill in the Countryside Department and have included a copy of the documents I have received. I have also discussed this with Mr Steve Dudson, and the adoption plans, past and present and found that the area in question is not documented as highway land. As an alternative could you contact our Legal Services Department and request a Land Registry check, by contacting Mrs Cheryl Swanson on 01633 644081.

Sorry for the delayed reply but the information requested came from three sections. I hope this information helps.

Yours sincerely

J Cheshire
Engineering Assistant

Jeff Martin, Corporate Director - Environment - Cyfarwyddwr Corfforedig - Adran yr Amgylchedd
Monmouthshire County Council, County Hall, Cwmbran, NP44 2XH / Cyngor Sir Fynwy, Neuadd y Sir, Cwmbran, NP44 2XH
Tel./Ffôn: 01633 644644 Fax/Ffôn: 01633 644701 Text tel./Ffôn testun: 01633 644868

33

1/12/11
Tel. 01291 560772
Our ref. DU/H45,0004

Appendix 5

C

Dear Ms Williams,

Unclassified road 53-16 Devauden

Thank you for your confirmation that the above road is maintainable by the County Council. My claim, as you know, is that it is out of repair and my intention is, if the road is not repaired, to apply for an order from the magistrates' court obliging the Authority to carry out the necessary work within a specified period. I have to make this application within six months after receipt of your admission.

I am pleased that this matter has finally been passed to your department, to which I feel it should have been referred at the outset, three years ago. During those years I have sent in my initial Notice three times, on each occasion being persuaded that progress was being made in discussions with the landowner, so I allowed the process to expire. You will therefore understand why I am determined to see it through this time.

I have made it clear, in correspondence with Mr. Keeble of Highway and Mr. Brooks to accept that the road has not been extinguished, will divert me from lodging my complaint with the court. As I have told Mr. Keeble, I shall do so after about two months from receiving the admission of responsibility. To my surprise, on the generous side, I expect to make the approach on Friday, 27th January, 2012.

I imagine that, at some stage, you will have dealings with Mr Brooks and/or his solicitors who should be aware that I will be satisfied by much less than restoration of the road. My concern, which I have repeated wherever appropriate, including a chance encounter with Mr. Brooks, is to have two sections of the road reclassified as public footpaths. Mr. Brooks seems to accept this outcome in respect of the northern section, but not the southern one which passes through the curtilage of a house occupied by his tenants. There is in fact, an easy route for a diversion, which I would happily accept.

When I first started seriously probing the situation, in 2003, I did not know the road was in the List of Streets and I intended to take the line that the right of access for pedestrians could be reasonably alleged to exist. I had previously been told by Countryside staff that the route was not a public right of way, and in December 2004, a letter from Highways informed me that it was 'not documented as Highway land'. Only when the Definitive Map Officer, Mandi Mussell, produced a sheaf of evidence, and I found that the road appeared on Highways' map with Highways' number, did I persuade that department that the road is 'theirs'. The 'reasonably alleged' route may well be more to Mr Brooks's liking, bringing with it no threat of vehicular access. I am holding it in reserve in case his contention that the road has been extinguished should, unexpectedly, prove correct.

Yours sincerely,

MR. B.M. WEST

RECEIVED
- 8 DEC 2011

Appendix 6.

MONMOUTHSHIRE COUNTY COUNCIL
ENVIRONMENT DEPARTMENT
MEMORANDUM

To: Paul Keeble
Date: 9 October 2008
From: Mandy Mussell
Definitive Map Officer
Our Ref: Great Panta, Devauden
Your Ref:
Tel. No. Ext. 4813

NOTES

Recording issues surrounding the removal of various County Unclassified Roads from the "List of Streets" in the Community of Devauden near Great Panta.

I refer to your last email. Lee's question truly concerns me with regards to record keeping for highways and how this whole time consuming, report writing and meetings will end up not achieving the correct result.

George West wants the routes maintained by the Authority. His particular desire is that route 53-16 connecting with public footpaths 177 and 177a Devauden be opened and cleared for walking.

I recall in a previous email to you that the highway records should be coloured that also means that the books should be added to. Please find attached a copy of the duly amended pages. The data highlighted yellow needs checking, I think, by Paul Frampton who may update your GIS highway layers.

I have coloured in the maps but am not confident at all that this is correct as prior to this the site should be inspected. I am really concerned with the area at the south of 53-16 near Well Cottage.

Further along Great Panta Road, as I now call it, I have been lead to believe that encroachment by the occupants of Great Panta has occurred. If Highways find this then you would need to take enforcement action. This may result in the building over the highway being removed. Or the other way to resolve this would be for the landowner that has taken some of the highway within their property boundary paying for the extinguishment of the public rights over that section they have claimed.

There maybe encroachment near Well Cottage to investigate.

What about structural, cyclic and winter maintenance? Public Rights of Way maintenance and the budget or the programme for this must be agreed with Ruth. When this is agreed then under the above mention headings instead of "Southern Division" the "PROW-Countryside" can be inserted. Both the A4 sheets from the adoption book and the maps must also have a date and a reference to a file. So that years later when issues arise like these the reasons for taking and adding information to Legal documents can be easily explained.

The next thing to do is a Traffic Regulation Order that will remove public vehicular rights but retain rights to the use of the way for horses, cyclist and walkers.

Mandy Mussell
Definitive Map Officer

Appendix 7

Irene Brooke

From: "Trigg, Mike J." <MikeTrigg@monmouthshire.gov.uk>
To: "Irene Brooke" <robert-irenebrooke@farmline.com>
Sent: 13 January 2015 13:07
Subject: RE: Mr Carrs investigation (140705) 140724

Dear Mr Brooke,

I refer to your request, which was considered under the Environmental Information Regulations 2004.

I refer to our original response, which appears below, and your subsequent questions. I understand that you have now visited our offices and met with Mr Paul Keeble, but we have still been unable to completely satisfy you with regard to providing information.

There is nothing further we can do at the moment for your request, but I can confirm that all information used in the investigation will be included in the final report and will therefore be available in the reasonably near future. As all information will be included, it follows that the information you seek will be there. Information which is not complete, such as this, is excepted from release by Regulation 12(4)(d). This is, however, subject to a public interest test.

Whilst we appreciate that you would like to know as much as possible about the investigation being undertaken, there is no obvious *public* interest in undertaking further work to establish answers to your questions now. There is, however, a public interest in ensuring that limited officer time is spent as effectively as possible. We must therefore conclude that the exception is engaged, and will not be looking to provide any more information prior to completion of the investigation report.

If you are dissatisfied with the way the Council has handled your request for information, you can request a review by writing to the Council's Chief Executive, Paul Matthews, at PO Box 106, Caldicot, NP26 9AN (<mailto:paulmatthews@monmouthshire.gov.uk>). If you remain dissatisfied with the handling of your request, you have a right to appeal to the Information Commissioner at:

Information Commissioner's Office
2nd Floor
Churchill House
Churchill Way
Cardiff
CF10 2HH

Telephone: 02920 678400
Email: wales@ico.gsi.gov.uk
Fax: 02920 678399

There is no charge for making an appeal.

Regards,

Mike Trigg,
Data Protection and FoI Officer

Telephone: 01633 644744
Mobile: 07799 133017
miketrigg@monmouthshire.gov.uk

15/01/2015