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Y Rhadyr
Brynbuga
NP15 1GA

County Hall
Rhadyr
Usk
NP15 1GA

Tuesday, 22 November 2016

Dear Councillor

INDIVIDUAL CABINET MEMBER DECISIONS

Notice is hereby given that the following decisions made by a member of the cabinet will be made on Wednesday, 30 November 2016.

1. **DEFINITIVE MAP MODIFICATION ORDER 2016, Section 53 (C)(i)** 1 - 348
Wildlife and Countryside Act 1981, Restricted Byway (53-16),
Great Panta, Devauden

Division/Wards Affected: Devauden
COUNTY COUNCILLOR: P Murphy

AUTHOR: Paul Keeble
Group Engineer (Highway & Flood Manager)

CONTACT DETAILS

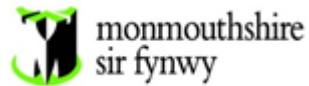
E-mail: paulkeeble@monmouthshire.gov.uk
Telephone: 01633 644733

Yours sincerely,

Paul Matthews
Chief Executive

CABINET PORTFOLIOS

County Councillor	Area of Responsibility	Partnership and External Working	Ward
P.A. Fox (Leader)	<p>Organisational Development Whole Council Performance, Whole Council Strategy Development, Corporate Services, Democracy.</p> <p>Environment, Public Services & Housing Development Control, Building Control, Housing Service, Trading Standards, Public Protection, Environment & Countryside.</p>	<p>WLGA Council WLGA Coordinating Board Local Service Board</p> <p>SEWTA SEWSPG</p>	Portskewett
R.J.W. Greenland (Deputy Leader)	<p>Innovation, Enterprise & Leisure Innovation Agenda, Economic Development, Tourism, Social Enterprise, Leisure, Libraries & Culture, Information Technology, Information Systems.</p>	<p>WLGA Council Capital Region Tourism</p>	Devauden
P.A.D. Hobson (Deputy Leader)	<p>Community Development Community Planning/Total Place, Equalities, Area Working, Citizen Engagement, Public Relations, Sustainability, Parks & Open Spaces, Community Safety.</p>	<p>Community Safety Partnership Equalities and Diversity Group</p>	Larkfield
E.J. Hackett Pain	<p>Schools and Learning School Improvement, Pre-School Learning, Additional Learning Needs, Children's Disabilities, Families First, Youth Service, Adult Education.</p>	<p>Joint Education Group (EAS) WJEC</p>	Wyesham
G. Burrows	<p>Social Care, Safeguarding & Health Adult Social Services including Integrated services, Learning disabilities, Mental Health. Children's Services including Safeguarding, Looked after Children, Youth Offending. Health and Wellbeing.</p>	<p>Gwent Frailty Board Older Persons Strategy Partnership Group</p>	Mitchel Troy
P. Murphy	<p>Resources Accountancy, Internal Audit, Estates & Property Services, Procurement, Human Resources & Training, Health & Safety.</p>	<p>Prosiect Gwrydd Wales Purchasing Consortium</p>	Caerwent
S.B. Jones	<p>County Operations Highways, Transport, Traffic & Network Management, Waste & Recycling, Engineering, Landscapes, Flood Risk.</p>	<p>SEWTA Prosiect Gwrydd</p>	Goytre Fawr



Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT:	DEFINITIVE MAP MODIFICATION ORDER 2016, Section 53 (C)(i) Wildlife and Countryside Act 1981, Restricted Byway (53-16), Great Panta, Devauden
DIRECTORATE:	ENTERPRISE
MEETING:	Individual Cabinet Member Decision – Councillor P. Hobson
DATE:	30th November 2016
DIVISIONS/WARDS AFFECTED:	Devauden

1. PURPOSE:

- 1.1. To consider, under the above legislation if the route shown on the attached map in Appendix 1 should be added to the Definitive Map and Statement.
- 1.2. The Authority is acting in a quasi-judicial capacity and must reach a decision based on the evidence presented. We are not required to resolve conflicts in the evidence and there may well be evidence on both sides of the issue. We must weigh up the evidence using the test of the “balance of probabilities”, and, if on this balance it is reasonable to conclude that the evidence shows that change should be made, we must do so. Although officers have considered the evidence, and made a recommendation based on their appraisal, the Cabinet Member must consider the evidence and reach their own conclusions. If a modification order is to be made anyone has a right to object. The matter would then be determined by the Planning Inspectorate for Wales.

2. RECOMMENDATION:

- 2.1. That having considered the documentary and other evidence, and the recommendations of the Rights of Way Advisory Panel (Appendix 2), the Cabinet Member for Community Development make a Definitive Map Modification Order (DMMO) under the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement a restricted byway, from point A to J shown on the map in Appendix 1 attached. Also to confirm or seek confirmation of the Order.

3. KEY ISSUES:

- 3.1.1 A number of routes in the Monmouthshire County Council area have been recorded on Highway Authority records as Unclassified County Roads, but were subsequently struck off these records for reasons which have not yet been determined. As a result of this there is some ambiguity over their status. Additionally these routes would now be subject to the Natural Environment and Rural Communities Act 2006 (NERC Act). This removes vehicular status unless one of the conditions in the act apply.
- 3.1.2 The status of one such route (Route 53-16) in the Devauden area has been the subject of an ongoing dispute for some years and has been added back to the List of Streets. The List of Streets is not regulated at the current time by any process which allows for challenge and this led to an ombudsman complain by the landowner. The ombudsman was satisfied that the Council would reconsider the issue via the Definitive MAP Modification process.
- 3.1.3 The Highway Authority therefore appointed Robin Car Associates to undertake the necessary investigations and consultation with a view to producing an advisory report to assist them in determining whether or not the route should be added to the Definitive Map. A copy of this report and bundle

of supporting evidence form the background papers to this report and are shown in Appendix 2.

- 3.1.4 The evidence includes historical documents, no witness statements and no evidence forms. Two public consultations have been carried out including a public participation meeting and the comments received are shown within the bundle as part of the supporting evidence.
- 3.1.5 The Rights of Way Advisory Panel which met on the 19th July 2016 (appendix 1) recommended that the order is made. If the objections made are sustained it is likely that the claim will go to the Planning Inspector for determination.

4 REASONS:

- 4.1.1 There are a number of historical documents that when taken together argues that, on the balance of probabilities, C53-16 should be recorded as a restricted byway.

5 RESOURCE IMPLICATIONS:

- 5.1.1 The Council are legally obliged to make a Definitive Map Modification Order if public highway rights are reasonably alleged to subsist. Such Orders must be advertised in the local press and if objections are received, and not subsequently withdrawn, the Order must be referred to the Welsh Assembly Government/Planning Inspectorate for determination, and may lead to a local public inquiry.
- 5.1.2 The Resource implications of this procedure is not inconsequential however this cannot lawfully be taken into account when determining whether or not to make a Definitive Map Modification Order.

6 WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

- 6.1 The Order if made will neither positively nor negatively impact on the well-being goals or the sustainable development principals. Licencing & Regulatory Agenda item 1, 19th July 2016 (Appendix 4).

7 CONSULTEES:

Corporate Management Team, Rights of Way Advisory Panel Members (Licensing and Regulatory Committee), Select Committee Chairmen, Cabinet Members, Local Member, Head of Finance and Head of Legal Services

8 RESULTS OF CONSULTATION:

No objections received.

9 BACKGROUND PAPERS

Modification Order Plan (Appendix 1)

Decision from Rights of Way Advisory Panel (Licencing & Regulatory)held 19th July 2016 (Appendix 2)

Robin Carr Associates Report and appendixes (Appendix 3)

Wellbeing and Future Generations Report (Appendix 4)

[Additional Appendices \(Link to Special Licensing Committee 9th July 2016\)](#)

10 AUTHOR

Paul Keeble

Group Engineer (Highway & Flood Manager)

11 CONTACT DETAILS

E-mail: paulkeeble@monmouthshire.gov.uk

Telephone: 01633 644733

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

**SUBJECT: DEFINITIVE MAP MODIFICATION ORDER (DMMO)
WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53
(3)(C)(i): FOR A RESTRICTED BY-WAY 53-16 TO BE ADDED
TO THE DEFINITIVE MAP & STATEMENT OF PUBLIC
RIGHTS OF WAY**

DIRECTORATE: Operations (Chief Executives)

**MEETING: LICENCING & REGULATORY COMMITTEE - RIGHTS OF WAY
ADVISORY PANEL**

DATE: 19th July 2016

DIVISIONS/WARDS AFFECTED: Devauden

1. PURPOSE

To consider, under the above legislation if the route shown on the attached map in Appendix 1 should be added to the Definitive Map and Statement.

The Authority is acting in a quasi-judicial capacity and must reach a decision based on the evidence presented. We are not required to resolve conflicts in the evidence and there may well be evidence on both sides of the issue. We must weigh up the evidence using the test of the “balance of probabilities”, and, if on this balance it is reasonable to conclude that the evidence shows that change should be made, we must do so. Although officers have considered the evidence, and made a recommendation based on their appraisal, members must themselves consider the evidence and reach their own conclusions. If a modification order is to be made anyone has a right to object. The matter would then be determined by the Planning Inspectorate for Wales.

2. RECOMMENDATION

That the Rights of Way Advisory Panel advise the Cabinet Member for Community Development to make a Modification Order (under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement a restricted byway, from point A to J shown on the attached map in Appendix 1, and to seek confirmation of the order. The details of the case are included in the Reports Appendix 2.

3. KEY ISSUES

A number of routes in the Monmouthshire County Council area have been recorded on Highway Authority records as Unclassified County Roads, but were subsequently struck off these records for reasons which have not yet been determined. As a result of this there is some ambiguity over their status. Additionally these routes would now be subject to the Natural Environment and Rural Communities Act 2006 (NERC Act). This removes vehicular status unless one of the conditions in the act apply.

The status of one such route (Route 53-16) in the Devauden area has been the subject of an ongoing dispute for some years and has been added back to the List of Streets. The List of Streets is not regulated at the current time by any process which allows for challenge and this led to an ombudsman

complain by the landowner. The ombudsman was satisfied that the Council would reconsider the issue via the Definitive MAP Modification process.

The Highway Authority therefore appointed Robin Carr Associates to undertake the necessary investigations and consultation with a view to producing an advisory report to assist them in determining whether or not the route should be added to the Definitive Map. A copy of this report and bundle of supporting evidence form the background papers to this report and are shown in Appendix 2.

The evidence includes historical documents, no witness statements and no evidence forms. Two public consultations have been carried out including a public participation meeting and the comments received are shown within the bundle as part of the supporting evidence.

4. REASONS FOR RECOMMENDATION

There are a number of historical documents that when taken together argues that, on the balance of probabilities, C53-16 should be recorded as a restricted byway.

5. RESOURCE IMPLICATIONS

The Council are legally obliged to make a Definitive Map Modification Order if public highway rights are reasonably alleged to subsist. Such Orders must be advertised in the local press and if objections are received, and not subsequently withdrawn, the Order must be referred to the Welsh Assembly Government/Planning Inspectorate for determination, and may lead to a local public inquiry.

The Resource implications of this procedure is not inconsequential however this cannot lawfully be taken into account when determining whether or not to make a Definitive Map Modification Order.

6. CONSULTEES

Corporate Management team, all select Committee Chairman
Head of legal service, Head of Finance, Head of Operations, Licensing and Regulatory Committee Members

7. BACKGROUND PAPERS

Appendix 1 –Location Plan
Appendix 2 - Report and document bundle produced by Robin Carr Associates.

8. AUTHOR

Paul Keeble
Traffic & Network Manager

CONTACT DETAILS

E-mail: paulkeeble@monmouthshire.gov.uk
Telephone: 01633 644733



Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer</p> <p>Paul Keeble</p> <p>Phone no: 01633 644733 E-mail: paulkeeble@monmouthshire.gov.uk</p> <p>Name of Service: Highways, Operations Division</p>	<p>Please give a brief description of the aims of the proposal</p> <p>To determine the status of the c53-16 which is recorded as an Unclassified County Road but was subsequently struck off the highway records for reasons which have not yet been determined. As a result of this action it is necessary to investigate and resolve to remove the ambiguity over the status of the route.</p> <p>Date Future Generations Evaluation form completed 29th June 2016</p>
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NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc



- 1. Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.




Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth,</p>	<p>Neutral</p>	<p>N/A</p>

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
provides jobs		
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Neutral	N/A
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Confirming the status of this highway will ensure that people are able enjoy walking this route.	N/A
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Neutral	N/A
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Neutral	N/A
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Confirming the status of this highway will ensure that people are able enjoy walking this route.	N/A
A more equal Wales People can fulfil their potential no	Neutral	N/A

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
matter what their background or circumstances		

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term Balancing short term need with long term and planning for the future</p>	N/A	
 <p>Collaboration Working together with other partners to deliver objectives</p>	N/A	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The landowners and other interested parties have been kept fully informed of the review of the status and classification of this route including the sharing of reports from specialist lawyers and more recently an invitation to comment on the draft investigation report including attendance at a public meeting.</p>	<p>N/A</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>N/A</p>	
 <p>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>N/A</p>	

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link:<http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	N/A		
Disability	N/A		
Gender reassignment	N/A		
Marriage or civil partnership	N/A		
Pregnancy or maternity	N/A		
Race	N/A		
Religion or Belief	N/A		
Sex	N/A		
Sexual Orientation	N/A		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	N/A		

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	N/A	<i>Safeguarding is about ensuring that everything is in place to promote the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.</i>	
Corporate Parenting	N/A		

5. What evidence and data has informed the development of your proposal?

The review of C53-16 has involved a detail study and review of all available information and the employment of a specialist Rights of Way Consultants to compile the detailed investigation and consultation report as attached.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

This report seeks to clarify the status of the route as a restricted byway under section 53 (3)(c) (i) of the Wildlife and Countryside Act 1981 and to the Definitive Map and Statement.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Add c53-16 to the Definitive Map and Statement	After Cabinet Member approval	Paul Keeble	TBA

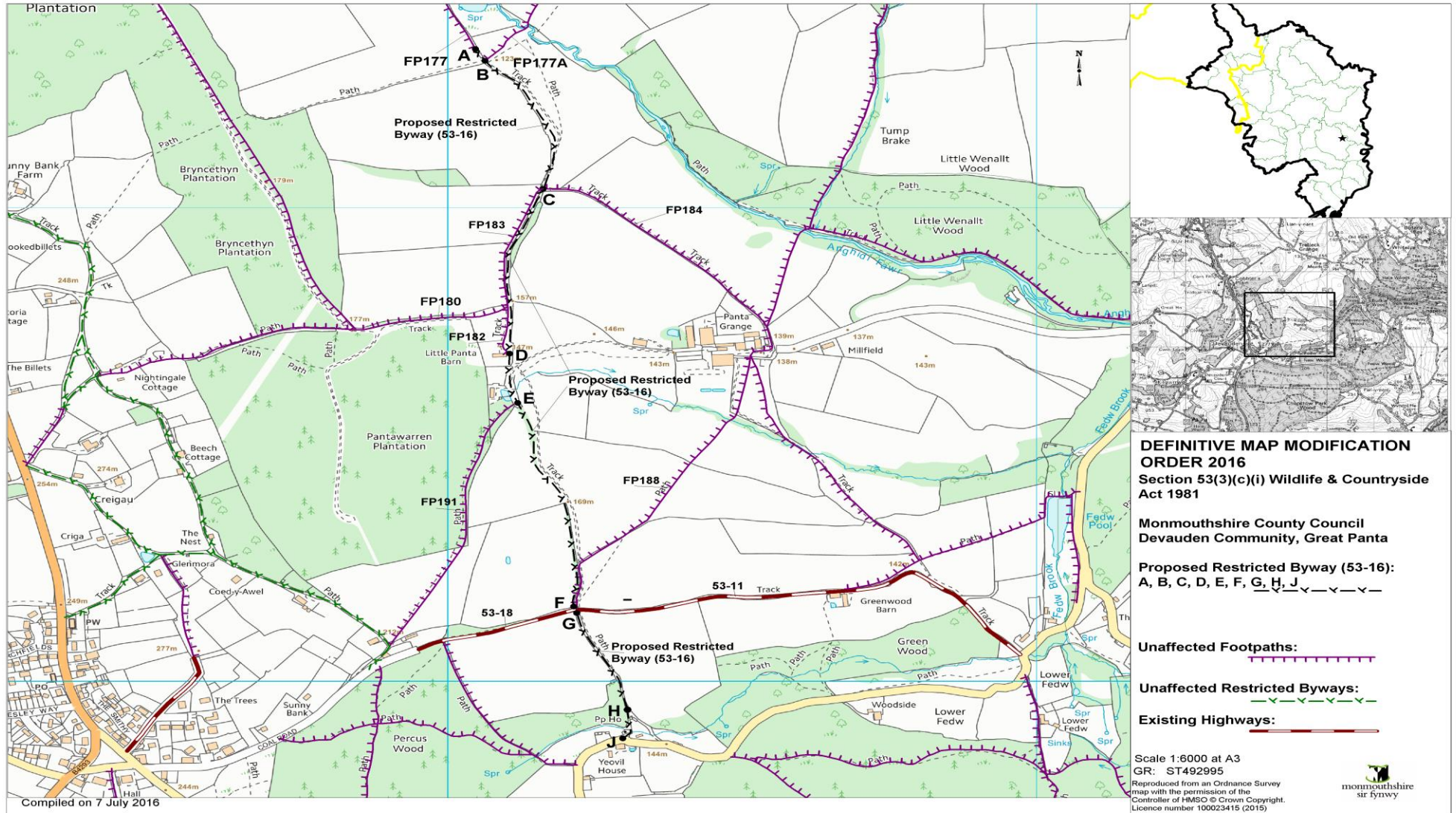
8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	
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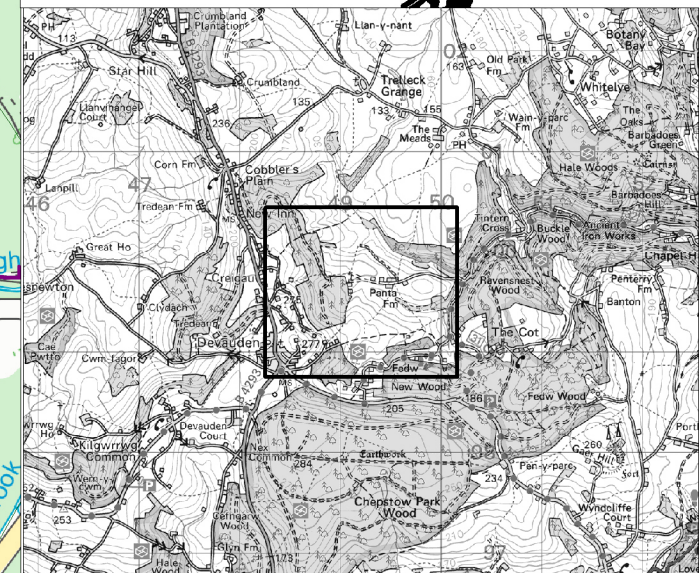
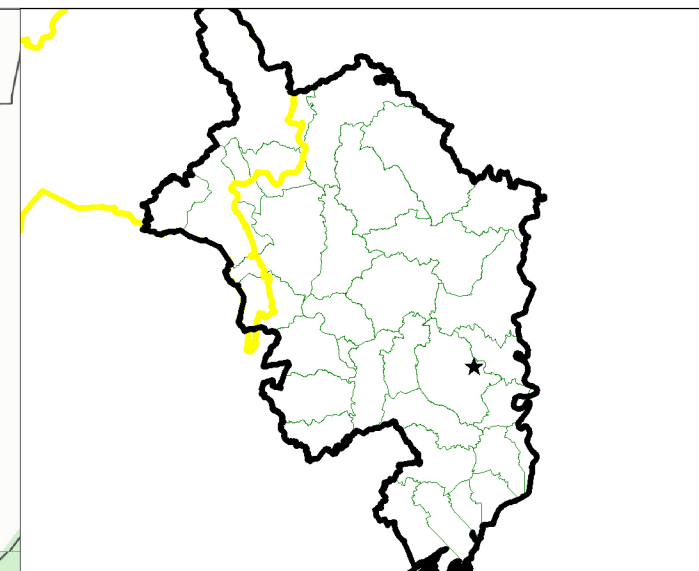
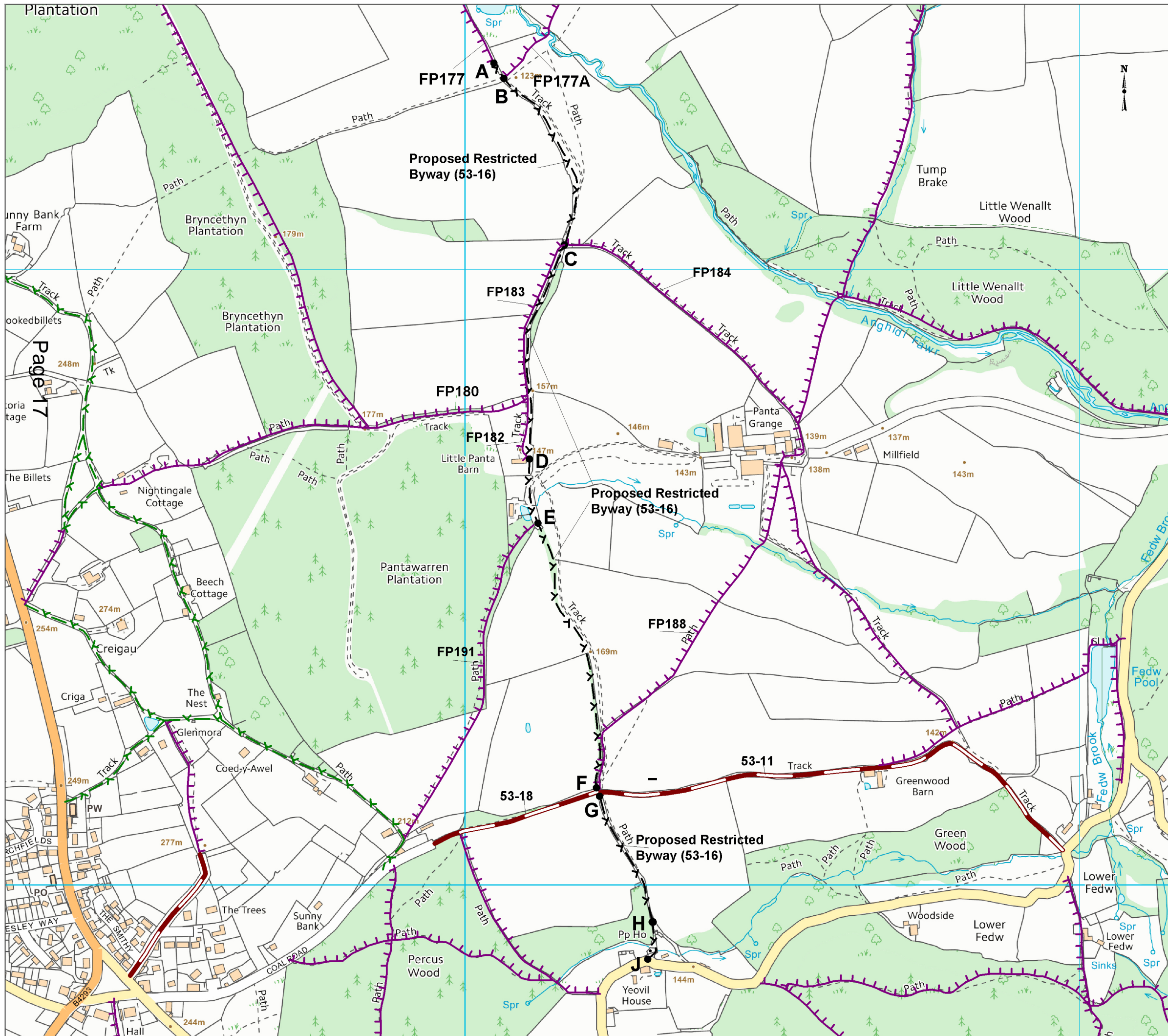
9. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	<i>e.g. budget mandate, DMT, SLT, Scrutiny, Cabinetetc</i>		<i>This will demonstrate how we have considered and built in sustainable development throughout the evolution of a proposal.</i>

Appendix 1



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**DEFINITIVE MAP MODIFICATION
ORDER 2016**
Section 53(3)(c)(i) Wildlife & Countryside
Act 1981

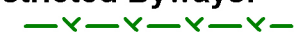
Monmouthshire County Council
Devauden Community, Great Panta

Proposed Restricted Byway (53-16):
A, B, C, D, E, F, G, H, J

Unaffected Footpaths:



Unaffected Restricted Byways:



Existing Highways:



Scale 1:6000 at A3
GR: ST492995

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ROBIN CARR ASSOCIATES

Public Rights of Way Management & Consultancy Services

Investigation into the Status of Monmouthshire Lanes Community of: Devauden Route: 53-16

Client: Monmouthshire County Council

1.0 Introduction

1.1 My name is Robin Carr. I am an independent consultant, specialising in Public Rights of Way and Highway matters. I am a Fellow of the Institute of Public Rights of Way & Access Management (IPROW), a Member of the Institute of Sports, Parks and Leisure (ISPAL) and a Registered Expert Witness and I hold a Certificate in Leisure Management.

1.2 My experience is based, most generally, on an expertise that has been developed over a twenty-four year period as a Public Rights of Way practitioner.

2.0 Instructions

2.1 I am instructed by Paul Keeble Traffic and Network Manager, of Monmouthshire County Council, Highways, County Operations, County Hall, The Rhadyr, Usk NP15 1GA.

2.2 My instructions are to:

- a) investigate the status of the lane highlighted on Plan 1 attached to this report (this plan is also included in Appendix 1 of the document bundle attached to this report);
 - b) carry out such consultations and site visits/meeting as deemed necessary in connection with the above;
 - c) produce an advisory report for the County Council in order to assist them in making a decision whether or not the route in question should be added to the Definitive Map and statement of Public rights of Way (hereafter referred to collectively as “the Definitive Map”); and
-

- d) if the route is determined to be a highway whether or not it is maintainable at public expense

Site Visit and Documents Consulted

- 2.3 As part of my investigation and in accordance with my instructions I have conducted a site inspection. This was undertaken on Tuesday 16th December 2014 and I was accompanied by my wife and the land owners.
- 2.4 A substantial proportion of the route clearly has not been passable for some considerable time, it being substantially overgrown. It would however appear to be a route of some antiquity with a number of sections of the route having the physical form of a sunken lane or Holloway.
- 2.5 I have had sight of a range of documents obtained from a number of different sources. A list of documents I have consulted in the compilation of my report is attached as Appendix 2. It should be noted that not all of these documents were found to be relevant to my investigation and only those which are relevant have been included in the document bundle accompanying this report.
- 2.6 I have also been instructed to investigate the status of two other routes (Route53-11/53-18 and Route 53-19) in the immediate vicinity of the route that is the subject of this report (Route 53-16). This arises, in part, from a request made by the owners of the land crossed by Route 53-16, as well as being a time/cost effective working practice. The bundle attached to this report is therefore also relevant to my reports into the status of these other two routes.

Matters which are not relevant to my Investigation

- 2.7 As set out above my instructions are to undertake the necessary investigations etc and to produce an advisory report to assist the County Council to determine whether or not to add the route under investigation to the Definitive Map. If the route is to be added this would be achieved by making a legal order known as a Definitive Map Modification Order.
- 2.8 Definitive Map Modification Orders do not extinguish, create or divert public rights of way, they only modify the legal record (the Definitive Map) to reflect the existing situation. It therefore follows that if Route 53-16 was to be added to the Definitive Map the corresponding Definitive

Map Modification Order would not create any new rights, it would only seek to record those that, as a matter of evidence, have been demonstrated to already exist.

2.9 In view of the above, and whilst they may be matters of genuine concern, issues such a desirability, suitability, need, future maintenance, privacy, security and even public safety are not matters that can be lawfully taken into consideration.

2.10 On a number of occasions during my investigations issues and concerns have been raised regarding various procedural matters and the conduct of the County Council etc in this matter have been raised. These are not matters that relate to the status of the route under investigation, and as such they will not be taken into consideration as part of my findings.

2.11 I am also aware that there have been a number of previous reports, opinions, decisions and submissions made by both the County Council and other parties in respect of this matter. Whilst not obliged to do so, but in keeping with my role as an expert witness, I have prepared this report in keeping with the principles of the Civil Procedure Rules. As such the opinions I have expressed represent my true and complete professional opinions on the matters to which they refer, and I have not been influenced by the opinions of the third parties.

3.0 Understanding of the Background to the Case

3.1 For the purposes of the Highways Act 1980 Monmouthshire County Council are the Highway Authority for their area. They are also the Surveying Authority in respect of maintaining the Definitive Map and Statement of Public Rights of Way for their area.

3.2 In 2003 a resident of Devauden made enquiries with the County Council regarding the status of Route 53-16. Officers of the County Council subsequently sought to determine the status of the route and then in June 2008 the Council were served notice under Section 56 of the Highways Act 1980 requiring them respond on the matters of whether a) the route was a highway maintainable at public expense and b) whether it was out of repair. At this time the route was not recorded on either the List of Streets Maintainable at Public Expense (the List of Streets) or the Definitive Map.

- 3.3 It would appear that this resulted in proposals that the route be added to the Highway Authority's List of Streets Maintainable at Public Expense, however the issue seems to have continued to be considered and discussed with various parties resulting in a report being produced by Council Officers in November 2010. From this report the Authority confirmed its position that it believed that Route 53-16 was a highway maintainable at public expense.
- 3.4 Whilst the matter of the status of Route 53-16 appears to have been determined the issue of its state of repair still remained outstanding and as a result of this in October 2011 a further Notice under the provisions of Section 56 of the Highways Act 1980 was served on the County Council. The Council were advised that if the road was not repaired then application would be made to the Magistrate's Court seeking an order/direction that the required works be carried out within a specified period. The Council were subsequently required to attend Court in March 2012, however an agreement/compromise was reached resulting in the case not having to be heard.
- 3.5 Route 53-16 is currently recorded on the List of Streets with reference to its status being a Restricted Byway. The owners of the land crossed by Route 53-16 have had a level of involvement in parts of these proceedings, but the addition of a route to the List of Streets is not regulated by any process which allows for challenge (other than Judicial Review). Feeling aggrieved by this they made a complaint to the Ombudsman in February 2014. The Ombudsman sought clarification on a number of matters from the County Council on their behalf and closed the file on the matter at the end of March 2014 being satisfied that the County Council were prepared to reconsider the issue via the Definitive Map Modification Order process.
- 3.6 The decision to make a Definitive Map Modification Order is quasi-judicial in nature and therefore must be made based upon matters of evidence rather than a simple commitment to do so made to the Ombudsman. In view of the dissatisfaction expressed by the land owners over the decision making processes employed so far in this case the Council decided to commission an independent investigation and assessment of the evidence to assist in their decision making process.

3.7 Robin Carr of Robin Carr Associates Public Rights of Way Management & Consultancy Services was ask to tender for this work, and was subsequently awarded the contract to undertake the commission.

4.0 Legislative Context

4.1 Within the scope of my instructions I have been asked to provide guidance to assist the Authority in making their decision whether or not they should promote a Definitive Map Modification Order in respect of the route under investigation.

4.2 In order to address this matter it is necessary to consider issues surrounding how highways come into being. I have therefore set out within this section of the report my understanding of the general principles that apply to these matters.

Public Rights of Way - General

4.3 Footpaths, bridleways, restricted byways and byways open to all traffic, often referred to as public rights of way, are public highways. A highway is a way over which the public have a right to pass and re-pass. Not all highways are maintainable at public expense, nor is there any need for a way to have been “adopted” before it is either a highway or a highway `maintainable at public expense.

4.4 Whilst topographical features may be attributed to, or provide evidence of, the existence of a public highway, the public right itself is not a physical entity, it is the right to pass and re-pass over (usually) private land.

4.5 Once a highway has come into being, no amount of non-user can result in the right ceasing to exist. The legal principal of “Once Highway, Always a Highway”¹ applies. Such rights, except in very limited circumstances, can only be changed by way of certain legal proceedings either by way of local authority administrative order or a Court Order.

¹ Harvey v Truro Rural District Council (1903) 2 Ch 638 & Dawes v Hawkins (1860) 8 CB (NS) 848, 141 ER 1399

Types of Highway

4.6 As mentioned above, a highway is a way over which the public have a right to pass and re-pass. The nature and extent of the right (i.e. who may use it) is dependent upon the specific type of highway status attributed to a route.

Common Law

4.7 Under the common law there were, and indeed still are, only three types of highway. These are:

- Footpaths,
- Bridleways; and,
- Carriageways

4.8 The right to pass and re-pass on a public footpath is restricted to pedestrians with usual accompaniments (e.g. a pushchair).

4.9 The right to pass and re-pass on a public bridleway is restricted to pedestrians, horse riders (including people leading horses) and possibly the right to drive cattle.

4.10 The right to pass and re-pass on a public carriageway is open to all traffic, namely pedestrians, horse riders (including people leading horses), non-mechanically propelled and mechanically propelled vehicles.

Statute

4.11 Over time the legislature has brought into effect various statutes which restrict or extend the extent of use on certain types of highway. For instance under the provisions of the Countryside Act 1968 cyclists are granted a right to use bridleways. Other legislation provides for Public Carriageways to be subdivide into various categories which include, motorways, cycle tracks, restricted byways and byways open to all traffic.

4.12 When determining the status of a specific route one must first consider the common law situation and then apply any necessary restrictions to status imposed by statute in respect of restricted byways and byways open to all traffic (e.g. the effects of the Natural Environment and Rural Communities Act 2006 (discussed below)). Motorways and cycle tracks can only be created by statutory order and are therefore not under consideration in this case.

Establishment of Highways

Dedication and Acceptance

- 4.13 Subject to a small number of exceptions, before any highway over land can come into being there must be an act of dedication by the landowner followed by the acceptance of the strip of land as a highway by the public, usually (but not always) demonstrated by the public using the way. It is important to note that a highway is a specific linear corridor of land and that there is no general right to wander at will over land (excepting that provided by the Countryside and Rights of Way Act 2000, which does not apply in this instance).
- 4.14 The act of dedication may be express, or implied depending upon the actions or inactions of the land owner. Acceptance is usually demonstrated by public user, however acceptance of a way as a highway by the Highway Authority may also suffice. The principles of how rights can come into being are further discussed in more detail below:

Statute

- 4.15 It is possible for highways to be created as a result of statutory processes such as enclosure awards, or in more modern times various types of statutory creation order or agreement. Such processes invariably result in the production of a range of documents confirming their effect as well as the grounds upon which they have been made.
- 4.16 The Highways Act 1980, Section 31 has also, to a certain extent, codified the common law (discussed below) by identifying a specific set of circumstance whereby a presumption of dedication may arise. One of these circumstance is the requirement that the way in question must be used for a full period of twenty years, with such use being further qualified as having to be “as of right” and “without interruption”. There is no suggestion in this case that rights have come into being as a result of modern user therefore I do not propose to discuss the detail of Section 31 of the Highways Act 1980 in further detail.

Common Law

- 4.17 The establishment of highway rights under the common law is not bound by the “20 year rule” discussed above, and it is understood that the Courts have clarified² that rights can be established in a very short period of time. It may therefore be helpful to look at this area in more detail.
- 4.18 Halsbury³ states – *“Both dedication by the owner and user by the public must occur to create a highway otherwise than by statute. User by the public is a sufficient acceptance. And - An intention to dedicate land as a highway may only be inferred against a person who was at the material time in a position to make an effective dedication, that is, as a rule, a person who is absolute owner in fee simple; and At common law, the question of dedication is one of fact to be determined from the evidence. User by the public is no more than evidence, and is not conclusive evidence ... any presumption raised by that user may be rebutted. Where there is satisfactory evidence of user by the public, dedication may be inferred even though there is no evidence to show who was the owner at the time or that he had the capacity to dedicate. The onus of proving that there was no one who could have dedicated the way lies on the person who denies the alleged dedication”.*
- 4.19 It is my understanding that the inference of dedication may arise in three ways:
- i) First, the inference may arise from the fact that the owner has done exactly what one would expect from any owner who intended to dedicate a new highway (e.g. express dedication). For example⁴ where a new bridge which was constructed by a railway company, and the bridge was subsequently used by the public freely from the time it was completed, it was concluded that the way had been dedicated as a carriageway at a point when the bridge had been in use for only 18 months.
 - ii) Second, the inference has been drawn mainly from evidence that the way was already recognised as being a highway by the start of the period covered by living memory, coupled with the absence of anything to show that the public recognition was misplaced.

² North London Railway Co v Vestry of St Mary, Islington (1872) 27 L.T. 672 – Dedication was found to have occurred within an 18 month period

³ Halsbury’s Laws of England (Volume 55 ‘Highways’)

⁴ North London Railway Co v Vestry of St Mary, Islington (1872) 27 L.T. 672

In this class of case the common law approach simply recognises that the facts all point one way, and that it is immaterial that the claimant cannot identify the early owners or show the actual date when dedication was likely to have occurred⁵.

- iii) Third, a dedication may be inferred from use and enjoyment by the public as of right, known by the owner and acquiesced in by him. The owner's recognition of the fact that the public is using the way as a highway may itself be a matter for inference, rather than clearly proven fact⁶.

4.20 It is the second of these options that will most likely apply in this case.

Natural Environment & Rural Communities Act 2006

4.21 Section 67(1) of the Natural Environment & Rural Communities Act 2006 extinguished, on commencement, public motor vehicular rights over every highway that is not already shown on the definitive map and statement, or is there shown as a footpath, bridleway, or restricted byway. In effect this means that public rights of way for mechanically propelled vehicles have been extinguished over every highway not already shown on the definitive map and statement as a byway open to all traffic.

4.22 In the absence of further qualification this provision would extinguish public rights of way for mechanically propelled vehicles over virtually the whole of the existing highway network. But subsection 67(2) introduces a series of exceptions to protect certain highways from such extinguishment under subsection 67(1). Any way that qualifies under any one, or more, of these exceptions would not have its public rights of way for mechanically propelled vehicles extinguished.

4.23 Because clause 67(1) explicitly extinguishes public motor vehicular rights over every highway that was not shown on 2nd May 2006 [in England] on the definitive map and statement as a byway open to all traffic, there is a clear presumption that this will be the case unless it can be shown that one (or more) of the five exceptions in subsections 67(2) or the transitional arrangements in subsection 67(3) apply.

⁵ See e.g. *Williams Ellis v Cobb* [1935] 1 KB 310 (CA)

⁶ See e.g. *Parker J in Webb v Baldwin and others* (1911) 75 JP 564 at p565

A summary of the five exceptions

4.24 The five exceptions may be summarised as follows:

- *Subsection 67(2)(a)* excepts ways that have been lawfully used more by motor vehicles than by other users, e.g. walkers, cyclists, horse riders and horse-drawn vehicles, in the five years preceding commencement. The intention here is to except highways that are part of the 'ordinary roads network'.
- *Subsection 67(2)(b)* excepts ways that are both recorded on the "list of streets" as being maintainable at public expense and are not recorded on the definitive map and statement as rights of way. This is to exempt roads that do not have clear motor vehicular rights by virtue of official classification but are generally regarded as being part of the 'ordinary roads network'.
- *Subsection 67(2)(c)* excepts ways that have been expressly created or constructed for motor vehicles.
- *Subsection 67(2)(d)* excepts ways that have been created by the construction of a road intended to be used by mechanically propelled vehicles.
- *Subsection 67(2)(e)* excepts from extinguishment ways that had been in long use by mechanically propelled vehicles before 1930, when it first became an offence to drive 'off-road'.

4.25 Section 67(4) of the 2006 Act provides that where a public vehicular right existed, but has now been extinguished by virtue of the provisions of the Act, a private right of way is retained, whether previously used or not.

Modifying the Definitive Map – Section 53 of the Wildlife and Countryside Act 1981

4.26 For the purposes of Section 53 of the Wildlife and Countryside Act 1981, Monmouthshire County Council are the Surveying Authority and have a duty to ensure that the Definitive Map and Statement are properly maintained by way of a process of continuous review. This means that when they discover evidence that suggests the legal record needs to be amended/updated they should promote a Definitive Map Modification Order to effect the required change.

4.27 In particular Section 53 (3)(c) requires that an Order made upon the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—

- (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;
- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

Section 32 of the Highways Act 1980

4.28 Section 32 of the Highway Act 1980 which states:

A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

Standard of Proof

4.29 With regard to the standard of proof, it should be noted that an Order must made under Section 53(3)(c)(i) if there is a reasonable allegation in favour of the existence of public rights. Such an Order can however, only be confirmed if, on the balance of probability, the alleged

rights can be shown to subsist. The test for making an Order therefore differs from the test for confirmation⁷.

4.30 For an Order to be made under Section 53(3)(c)(ii) (iii) the standard of proof for both making and confirmation is on the balance of probability

4.31 If the above tests appear to be satisfied, yet there is a conflict of credible evidence, which cannot be reconciled, the Authority is also obliged to make an Order⁸.

5.0 Consultations

5.1 As part of the investigation into the status of Route 53-16 a range of user representative groups, the Community Council, land owners and adjoining landowners have been consulted and offered the opportunity to submit relevant evidence for consideration. Notices were also posted at convenient points on the route to advise of the consultation exercise and investigation. Information was also placed on the Community Council website and I attended a Community Council meeting on 26th January 2015.

5.2 Copies of consultation responses and associated correspondence are included in the bundle attached to this report under Appendix 26. Any relevant evidence that was submitted is discussed later within the report and included in separate appendices.

5.3 A further consultation exercise was undertaken following the completion of my investigations in order to allow a further opportunity for the submission of relevant documents/evidence. Copies of responses received are included in the document bundle at Appendix 27.

⁷ Todd & Bradley v Secretary of State for the Environment, Food and Rural Affairs [2004] EWHC 1450 (Admin)

⁸ R v Secretary of State for Wales Ex p Emery [1998] 4 All E.R. 367

6.0 Summary Description of Available Evidence

6.1 In this section of my report I have sought to objectively set out what each document, as a matter of fact, shows. Matters of interpretation are dealt with in the follows sections of the report.

Eighteenth and Nineteenth Century Commercial Maps (Appendix 3)

- 6.2 Cary's map (1805), Teesdale's map (1829) and Moule's map (1848) do not show the route.
- 6.3 Price's map (1823) and the David and Charles map (1830) show the route as a continuous road through to Trelleck Grange.
- 6.4 Greenwood's map (1830) shows the southern section of the route as far north as the junction with the track to Panta Farm. It also shows a continuation to Trelleck Grange but the middle section between the junction with the track to Panta Farm (to the south) and Parish Boundary (to the north) is not shown.
- 6.5 Hall's map (1831) and the Gray & Son map (1840) shows the route running through to Trelleck Grange but the southern section to the south of routes 53-18/53-11 is not shown

Tithe Map 1839 (Appendix 4)

- 6.6 Two copies of the Tithe Map for the area have been consulted. The first is located at the Gwent records Office, the second at the National Archives in Kew. Digital images of both documents have been consulted and both show the route under investigation. Neither show the route shaded in any colour.

Ordnance Survey Maps (Appendix 5)

- 6.7 The 1833 first Edition 1 inch Ordnance Survey Map shows the route as a continuous road running north to Trelleck Grange.
- 6.8 The 1881, 1901 and 1920/1 Ordnance Survey 25 inch County Series maps show the route as a road or lane with boundaries each side running northwards past Panta Barn, and then as an unbounded path or track. The 1886 Ordnance Survey 6 inch County Series Map shows the same.

1910 Finance Act Records (Appendix 6)

- 6.9 The 1910 Finance Act maps show the section of the route running south from its junction with routes 53-18 and 53-11 as being excluded from valuation. The route running north to Trelleck Grange is included within Hereditament Nos 225 and 324. Deductions of £20 and £5 respectively are claimed in respect of public rights of way across the land.

Highway Authority Maps/Records (Appendices 7 – 14)

- 6.10 The 1949 Highway Record Map (Appendix 7) shows the route in purple with the reference number 53-16. A small section at the southern end appears not to be shown. The purple line has been crossed out with the word “out” next to it.
- 6.11 The 1952 Highway Record Map (Reproduced and Updated 1987) (Appendix 8) is a composite map showing both publically maintainable roads and public rights of way. The route has not been marked onto the Ordnance Survey base map as being a highway of any description.
- 6.12 The 1955 Highway Record Map (Appendix 9) shows the route by a solid black line with the reference number 53-16. A small section at the southern end appears not to be shown. The black line has been crossed out in respect of the section running northwards from route 53-18 and 53-11. There is evidence of post 1955 amendments to this record set by reference to route 53-19 in 1960 and the restoration of route 53-11 to the record in 1993.
- 6.13 An undated hand written schedule of highways (Appendix 10) refers to route 53-16 calling it “*Great Panta Road*” stating that it is “*not maintained at all*” and refers the reader to “*See ‘Schedule of Amendments’ Div. 2*”. This schedule does not contain a complete list of all highways.
- 6.14 An undated extract of a list of highways in Division 2 (Appendix 11) appears to have included route 53-16 but it has been scored/crossed out.
- 6.15 A list of unclassified roads which appears to be from a file of highway returns to Central Government and believed to originate circa 1970 (Appendix 12) includes the road but it has been crossed out.

- 6.16 A set of undated highway maps using a 1921 Ordnance Survey 25 inch County Series base map, but believed by the Highway Authority to have been compiled circa 1974 (Appendix 13) shows the route shaded brown and annotated 53-16. The route has then been crossed out and annotated “out” and “See schedule of amendments”
- 6.17 A further set of undated highway maps, using metric series Ordnance Survey base maps, and believed by the Highway Authority to have been compiled circa 2008 (Appendix 14) show the route shaded pink and annotated C53-16. These maps are understood to be an interpretation of the 2008 List of Streets discussed below.

List of Streets (Appendix 15)

- 6.18 The 1988 version of the Highway Authority’s List of Streets Maintainable at Public Expense does not include route 53-16. A version of the List of Streets dated 2008 does include the route, but the entry detail is incomplete. A supplementary sheet appended to the current List of Streets includes route 53-16 showing a last date of amendment to that specific record as 16 May 2012.

Definitive Map and Associated Documents (Appendix 16)

- 6.19 The route is not recorded on either the Draft or Definitive Maps for the area, however a number of public footpaths were claimed and are subsequently recorded as terminating on, or running immediately adjacent to the route. The Statements that accompany the Draft and Definitive Maps which relate to these footpaths refer to route 53-16 as a County Road.
- 6.20 The “Additions and Deletions Map” shows that no amendments were made that affect the route between the Draft and Provisional Stages of productions of the Definitive Map. The Provisional Map appears to have been relabelled as the Definitive Map during the process.

The 1972 Special Review of the Definitive Map (Appendix 17 & 18)

- 6.21 General correspondence relating to Special Review of the Definitive Map (Appendix 17) shows that in addition to matters relating the general review and the reclassification of Roads Used as Public Paths, the County Council were also considering the status of various unclassified road and green lanes that were on their highway records.

- 6.22 The Draft Map of the Special Review (appendix 18) records route 53-16 as a public footpath. Associated correspondence suggests that it was being added at this time because when the original Definitive Map was produced it was thought to have been a County Road.

1920 Sales Particulars for the Trelleck Grange Estate (Appendix 19)

- 6.23 A number of extracts from some sales particulars which are understood to relate to the sale of the Trelleck Grange Estate circa 1920 have been provided by the land owners. The extracts relate to the sale of a number of land holdings, some of which refer to roadside frontages etc.
- 6.24 The preamble to the sale particulars under “Remarks and Stipulations: 1. Situation” remarks that the estate “.....*is intersected by many good parish roads*”. At point 3 the farms are described as having “.....*good frontages to parish roads*”. The specific entry for “the Panta Farm” does not however refer to any roadside frontage.
- 6.25 A description of the land parcels (referenced to the 1920 OS Map – Appendix 5) lists parcels 24, 142 and 145 which correspond with Route 53-16 as a Road. Parcels 280 and 281 which correspond with the track running from Route 53-16 past Little Panta are listed as a Lane and Parcel 273 which is the road/lane running east from Little Panta is described as a Road.

Documents relating to the purchase of Panta Farm in 1977 (Appendix 20)

- 6.26 A map showing the boundary of Panta Farm edged in red and which I understand is connected to the purchase of Panta Farm in 1977 has been provided by the land owners. The route under in investigation is included within the land holding. Route 53-18/53-11 is not included within the land holding.
- 6.27 Various property deeds have also been submitted which clearly show that Route 53-16 is part of the land holding and was sold with the surrounding land. The schedules included in the deeds refer to Route 53-16 as a Track and the access road to Little Panta as a Driveway. There also appears to be a private right of way/easement over parts of Route 53-16 for forestry purposes.

7.0 General Comments and Interpretation of Documents

- 7.1 In this section of the report I have sought to set out matters relating to the interpretation of individual documents and document types. I have also commented on the evidential value of

documents. A discussion on specific issues which may be of assistance in determining this matter is included in the report at Section 8 below

Planning Inspectorate Definitive Map Orders: Consistency Guidelines

- 7.2 The Planning Inspectorate have produced a document entitled: “Definitive Map Orders: Consistency Guidelines”. This is available for download on the Planning Inspectorate’s website. Extracts of the document that may be of assistance in this particular case are included in the bundle attached to this report under Appendices 21 – 24.

Other Published Articles

- 7.3 Two further articles published in the Institute of Public Rights of Way and Access Management’s journal “Waymark” are included in the bundle at Appendix 26. The first of these provides a concise overview of the history of highway authority records, the second provides an insight into the problems associated with the management of highway authority records. Both articles may be considered to be of assistance and relevant in determining issues relating to this particular case.

Eighteenth and Nineteenth Century Commercial Maps (Appendix 3)

- 7.4 An extract from the Consistency Guidelines relating to these documents is included in the bundle at Appendix 21.
- 7.5 Maps of this nature were generally produced as a commercial enterprise and therefore aimed at the sort of people who would be likely to make use of them. This would, quite often be reasonably well heeled members of society with the means to purchase the maps and also then to use them for the purposes of travelling throughout the county to which they relate. It therefore follows that the ways shown upon them may generally be considered to have been available for their use, in other words they were public highways. As a result the showing of a road on such maps is generally considered to be supportive of the existence of highway rights and the more maps a way is shown on, the greater the evidential value of the document set.
- 7.6 In this particular case, a number of commercial maps show the route, and/or parts of the route, and are indicative that historically it formed part of a through route running to Trelleck Grange.

Overall in my opinion this document set is supportive of the proposition that the route is a public highway.

Tithe Map 1839 (Appendix 4)

- 7.7 An extract from the Consistency Guidelines relating to these documents is included in the bundle at Appendix 23
- 7.8 Tithe maps and apportionments were produced as part of the process of transferring the payment of tithe duties from material goods to a monetary payment. They were not particularly interested in defining public highways unless they were likely to adversely affect the final valuation of the land. As such it is possible to find reference to the existence and status of public highways (of any description) in the documentation. Some areas of land, such as roads and tracks, may be found to be colour washed in a shade of brown. Such colour washing indicates that the land in question was not subject to tithe, or in other words it was not productive land, it is not, as is sometimes suggested, necessarily indicative of a route being a public highway. It was also possible for highways to be included within tithable land holdings by virtue of the fact that the highway verges could be harvested for its herbage.
- 7.9 Notwithstanding the above, tithe maps do provide what is probably the most accurate large scale mapping of its time, and as such it is of value in determining the existence of physical features, which in turn may be of assistance in determining whether or not public highway rights may exist. In this case the Tithe Map confirms the physical existence of the route but is generally silent on the matter of status.

Ordnance Survey Maps (Appendix 5)

- 7.10 An extract from the Consistency Guidelines relating to these documents is included in the bundle at Appendix 21.
- 7.11 It should be emphasised that the depiction of a way on an Ordnance Survey map is not, of itself, evidence of a highway. Whilst it is understood that the courts have treated Ordnance Survey maps as not being evidence of the status of a way, they are evidence as to what physically existed at the time of survey.

- 7.12 In this particular case the earliest edition of the Ordnance Survey, the 1833 first Edition 1 inch map, shows the route as a continuous road running north to Trelleck Grange. This is consistent with some of the earlier commercial maps discussed above, and would suggest that in the early to mid-Nineteenth Century there was a though route of equal status throughout. This may certainly dispel any suggestions that it was originally a cul-de-sac route.
- 7.13 The later Nineteenth Century and early Twentieth Century editions may suggest that the northern section of the route had fallen into decline and was less of a prominent physical feature in the landscape, being shown as a path or track, and later recorded on the Definitive Map (Appendix 16) as a public footpath. The section of the route under investigation (Route 53-16) however remained a more prominent feature in the landscape and was shown as lane with fixed boundaries. It does not, of course, automatically follow that its physical presence is indicative of it enjoying some level of public highway status.

1910 Finance Act Records (Appendix 6)

- 7.14 An extract from the Consistency Guidelines relating to these documents is included in the bundle at Appendix 24.
- 7.15 The 1910 Finance Act provided for the levying of tax ('Increment Value Duty') on the increase in site value of land between its valuation as at 30 April 1909 and its subsequent sale or other transfer. The valuation process allowed for deductions for, among other things, the amount by which the value would be reduced if the land were subject to any public rights of way.
- 7.16 Evidence of the possible existence of a public right of way in Finance Act documentation usually arises in one of two ways-
- reference to it in one or more of the various documents forming part of the valuation process, (i.e. a deduction was claimed); or
 - the exclusion of a route from the assessable parcels of land shown on the map record.
- 7.17 Land under the control of a Rating Authority (which would include a Highway Authority) was excluded from valuation, therefore the exclusion of a path track or way from valuation may be considered very good evidence in support of the existence of public highway rights, but not necessarily carriageway rights. There are certainly instances of footpaths and bridleway being

excluded from valuation, however in such instances the class of user is often determined by the physical characteristics of the route (e.g. flights of steps etc making the route only available to pedestrians). In this case the section of the route running south from its junction with routes 53-18 and 53-11 was excluded from valuation. This may be considered to be good evidence in support of the existence of highway (and most probably public carriageway) rights.

7.18 The section of the route running northward towards Trelleck Grange is not excluded from the valuation but is included in the surrounding land holdings (Hereditaments) with deductions of £20 and £5 being claimed in respect of public rights of way. Other public rights of way are known to exist within these land holdings (See Definitive Map – Appendix 16) therefore it is impossible to determine which routes the deductions were claimed for. As a result it is difficult to attribute this record set any great evidential value in respect of this section of Route 53-16.

7.19 The fact that one section of the route was excluded and the other was not may also have some bearing in the interpretation and evidential value of these documents. It would certainly suggest that the section of Route 53-16 that runs northwards from its junction with routes 53-18 and 53-11 was considered to be of a different status to the section running south from this junction. It may be that the different sections of the route enjoyed different statuses, or it may be that they are of the same status but that the northern section had generally fallen into disuse by this time and was no longer considered to enjoy such status. It is not possible to ascertain this from this document set.

Highway Authority Maps/Records (Appendices 7 – 14)

7.20 An extract from the Consistency Guidelines relating to these documents is included in the bundle at Appendix 24.

7.21 The “List of Streets” article included Appendix 25 of the bundle sets out a helpful summary of the history of the “List of Streets” and associated documents. When interpreting these documents it is important to ensure that they are afforded the appropriate level of evidential value and their history and background is paramount to determining this.

7.22 There has been some suggestion that some of these documents represent nothing more than the informal opinion of an unknown officer of the authority. I cannot agree with this

interpretation. They are a highway authority record, albeit a non-statutory one, and as such they must be afforded a fair degree of evidential weight as they still represent the Highway Authority's views at that time.

- 7.23 The issue of why the route was removed from these records is of key importance to the determination of this matter and the subject of discussion later within this report. In this section of the report I have concentrated on more general matters of interpretation.
- 7.24 Prior to local government reorganisation in 1974 the parish/community of Devauden fell within the former Chepstow Rural District Council area. Therefore when the 1949 (Appendix 7), 1952 (Appendix 8) and 1955 (Appendix 9) Highway Records were produced there was no statutory requirement for the Highway Authority (the rural district council) to maintain a list of streets, or for any such records that were produced to be available for public inspection. This will have an effect on their overall evidential value.
- 7.25 Some caution must be exercised when interpreting the 1952 Highway Record (Appendix 8) as it appears to be a composite map produced in 1987 based upon the 1952 record. As a result it is quite likely that any changes to the network between 1952 and 1987 have been incorporated into the plan. It is not therefore possible, taking this document in isolation to identify whether the exclusion of Route 53-16 is as a result of it being removed from the Record prior to the production of the original record in 1952, or as a result of its removal at some time prior to the compilation of the copy document in 1987. When the document is considered alongside the 1955 Highway Record (Appendix 9) which shows route 53-16 albeit crossed out, this would suggest the latter is most probable. This issue is discussed further later in the report.
- 7.26 In order to attribute them appropriate evidential value the two undated schedules (Appendix 10 and 11) need to be considered in terms of their likely date of production. The schedule at Appendix 10 appears to be a schedule or proposed amendments which suggests that it was produced before route 53-16 was removed from the highway records. It may therefore be considered to be evidence that the route was included in the highway record at that the time of this documents production. The schedule at Appendix 11 appears to have been originally produced prior to the removal of the route from the highway records because route 53-16 is listed and then subsequently crossed out. Due it not being possible to attribute it a specific date it must be treated with caution.

- 7.27 The 1970 Highway Record (Appendix 12) appears to be part of a return made to Central Government (for financial purposes) with respect to the length of highways within the County Council's area. It will have been based upon the County Council's highway records at that time and may be considered to be of good evidential value.
- 7.28 It is understood by the Highway Authority that the map contained within Appendix 13 was compiled circa 1974 although it is undated and uses a 1921 base map. The lack of clear dating evidence means that this must be treated with some caution, but if it has been dated correctly it was produced at a time when the County Council was the Highway Authority and it would constitute being an interpretation of the "List of Streets" at that time.
- 7.29 Notwithstanding the above I do have some doubts as to whether this document was compiled in 1974. My reason for doubting this date is that the route was crossed out in the 1970 highway schedule/returns (Appendix 12) therefore there would be no reason to show the route and then subsequently remove it. It would simply have not been shown at all. I therefore consider that this map was produced prior to 1970, although it is unclear as to at what date. In the absence of clear dating evidence they must be treated with some caution.
- 7.30 With regard to the 2008 Highways Maps (Appendix 14) these correspond to the route being added to the current "List of Streets" in 2008 (Appendix 15). This addition of the route to the record was as a direct result of the current ongoing dispute. Whilst it represents the Highway Authority's current view on the matter I consider that it would be inappropriate to afford it any great evidential value when determining this matter.

List of Streets (Appendix 15)

- 7.31 An extract from the Consistency Guidelines relating to these documents is included in the bundle at Appendix 24.
- 7.32 Highway Authorities are obliged⁹ to maintain a list of all streets within their area that are maintainable at public expense. The definition of "street" includes any highway. The omission

⁹ Highways Act 1980, Section 36

of a publically maintainable highway from the list would represent a failure in the Authority's legal obligations. Furthermore the inclusion of a way that is not maintainable at public expense may result in unlawful expenditure on the part of the Highway Authority. A degree of care must therefore be exercised by the Highway Authority in compiling and maintaining its records. In view of the above the inclusion of a street in this list may be considered to be prima facie evidence that the way in question is highway maintainable at public expense.

- 7.33 It should however be noted that not every public highway is maintainable at public expense. As a result any highway that is maintainable by a third party (i.e. other than the Highway Authority), or any highway to which no maintenance liability is attached, should not be included in this set of records. This would not diminish the status of such a way as a highway.
- 7.34 Notwithstanding the above, in my experience these documents are often misunderstood and misinterpreted, even by those with responsibility for their management. Furthermore as they are not governed by the same sort of administrative procedures employed in the management of Definitive Maps and Statements of Public Rights of Way it can be difficult to identify any documentary audit trail in relation to the recording of specific routes. Such problems usually however relate to the under recording of routes rather than over recording (See article at Appendix 26).
- 7.35 Route 53-16 was not included in the 1988 List of Streets which would indicate that at that time the Highway Authority did not consider it to be a highway maintainable at public expense. This is, of course, a commentary on maintenance liability rather than actual status. It is also wholly consistent with the references in earlier highway records to the route being removed from the record.
- 7.36 With regard to the 2008 and 2014 List of Streets extracts, these correspond to addition of the route to the records as a direct result of the current ongoing dispute. Whilst it represents the Highway Authority's current view on the matter I consider that it would be inappropriate to afford it any great evidential value when determining this matter.

Definitive Map and Associated Documents (Appendix 16)

- 7.37 The Definitive Map and Statement provide conclusive evidence¹⁰ (as of their Relevant Date) as to the existence, status and alignment of the highways described within them, generally without prejudice to the possible existence of additional or higher rights.
- 7.38 The “without prejudice” caveat contained within the conclusive evidence provisions means that whilst these documents provide conclusive evidence as to the existence of the rights recorded within them, they do not provide evidence of the non-existence of any rights that are not shown. It is not therefore possible to infer that highway rights do not exist over a piece of land by virtue of the fact that they are omitted from the Definitive Map and Statement.
- 7.39 Route 53-16 was not claimed in accordance with Part IV of the National Parks and Access to the Countryside Act 1949 and subsequently was not recorded on the Definitive Map for the area. This was not because the route was not considered to be a public right of way, but because highway authority records at that time (see Appendix 7) showed it as an unclassified county road.
- 7.40 A number of footpaths are recorded on the Definitive Map as commencing on or running adjacent to Route 53-16. Some of the Statements for these paths refer to Route 53-16 as being a County Road. Whilst the Definitive Map and Statement do provide conclusive evidence the particulars contained within them, this conclusive status does not apply to the status of Route 53-16.
- 7.41 When considering the evidential value of these documents it must be remembered that the original claims for routes were made by parish/community councils and such bodies were required to hold a public meeting on the subject. The maps and statements were then subject to a number of public consultation exercises where there was opportunity to make objections and representations. The fact that Route 53-16 was considered to be a County Road during that time would have been in the public domain and open to a degree of scrutiny. It would certainly be reasonable to conclude that had anyone wished to challenge the status of the Route at that

¹⁰ Wildlife and Countryside Act 1981, Section 56

time they would have had the opportunity to do so, even if not directly as part of the Definitive Map process.

- 7.42 The fact that the Definitive Map process was conducted at a time contemporaneous with the production of the 1949 Highway Records may increase the overall value of the Highway Records in question.

The 1972 Special Review of the Definitive Map (Appendix 17 & 18)

- 7.43 The Special Review was conducted as a result of the provisions of the Countryside Act 1968, but was never completed and subsequently abandoned as a result of procedural problems with the way in which the County Council had undertaken the work.
- 7.44 Part of the requirements of the Special Review was to reclassify routes that had been recorded on the Definitive Map as Roads Used and Public Paths (RUPPs). This reclassification process included (albeit the Courts later ruled that it was incorrect) a suitability test when determining the revised status of these routes.
- 7.45 In addition to this work it would appear that Monmouthshire County Council also decided to consider the status of various unclassified county roads with a view to adding them to the Definitive Map. Strictly speaking this was not part of the Special review process, but there was no reason why such work could not be undertaken. It is unclear whether a suitability test similar that that to be used for RUPPS was being employed in respect of these routes.
- 7.46 The Special Review Map shows that it was proposed that Route 53-16 be added to the Definitive Map as a Public Footpath. Documentation associated with the review suggest that the reason for it not being originally claimed was because it was thought (possibly mistakenly) to have been a County Road at that time. This may suggest that by the time the Special Review commenced the route had already been removed from the highway records.
- 7.47 Had the Special Review been completed and taken effect there is little doubt that Route 53-16 would now be recorded, in conclusive form, on the Definitive Map as a footpath. However, the process was not completed and therefore this document set cannot be afforded such a level of evidential value that it might have been. Nonetheless it does give a clear indication of what the

status of the route was considered to be in the early 1970's although this must be treated with some caution as consideration may have been given (incorrectly) to matter of suitability and by this time the lane is understood to have been substantially overgrown and subject to only minimal use.

1920 Sales Particulars for the Trelleck Grange Estate (Appendix 19)

- 7.48 A number of extracts from some sales particulars which are understood to relate to the sale of the Trelleck Grange Estate circa 1920 have been provided by the land owners. The extracts are limited and the map referred to has not been provided. A full copy has been requested but has not been forthcoming. This will inevitably have an effect on the evidential value of the document sources.
- 7.49 If the entry for "The Panta Farm" is cross reference with the 1910 Finance Act field book entry for "Great Panta" (as shown on the 1920 OS) the acreages appear to match suggesting that they are one and same.
- 7.50 Some of the properties listed in the sales particulars refer to roadside frontages etc. but Route 53-16 does not appear to be referred to. This would certainly suggest that it was not considered to be a public road at that time, but in the absence of the complete document set this must be treated with caution.
- 7.51 The reference in the schedules to Route 53-16 being a "Road" must also be treated with caution as it does not specify whether the road is public or private. It does however suggest that it may have been in a substantially better condition than it is today.

Documents relating to the purchase of Panta Farm in 1977 (Appendix 20)

- 7.52 It is unclear what the precise status of the map referred to is. It may be a plan used for a land charge search when the property was purchased, or it may have formed part of the deeds. It clearly shows that Routes 53-11 and 53-18 are not included in the land holding edged in red whereas Route 53-16 is included. This may be indicative that Route 53-11 and 53-18 are of a different status to Route 53-16. It is however important to understand that ownership of the land is not actually relevant to the existence or otherwise of public highway rights, as the subsoil

of most highways belongs to the adjoining land owners, and the highway right is the right of the public to pass and re-pass over (usually) private land.

7.53 Various deeds confirm that Route 53-16 was included in the land holding, but as already stated above, this does not necessarily mean that highway rights do not exist. It would certainly suggest that there may be some difference in status between Route 53-11/53-18 which was excluded from the land holding and 53-16 which is not. It is also notable that 53-16 is referred to as a Track whereas the access road to Little Panta is defined as a Driveway, thus clearly differentiating between the two. The lack of any qualification between public and private again means these references should be treated with caution.

7.54 Perhaps of greater significance is the fact that a right of way for forestry purposes appears to have been granted over a section of Route 53-16. If the route had been a public carriageway such a right would not be necessary and this may be indicative that Route 53-16 did not enjoy public carriageway rights. It may have been a highway of lower status, or indeed not had any public rights over it at all. However the first reference to such a right in the extracts provided, is in the deeds dated 1959. If highway rights are shown to have existed prior to this date, and had not been stopped up (by due legal process), the private rights would be irrelevant. This is a matter to be determined by consideration of all of the available and relevant evidence.

8.0 Discussion

8.1 Having considered what evidence is available and commented upon matters such as the interpretation and evidential value of specific document types there are a number of issues which I consider need to be addressed in order to assist the Authority in determining whether or not to promote a Definitive Map Modification Order.

8.2 It is a matter of documented fact that Route 53-16 has previously been included in the Highway Authority's records and that it was attributed the status of an "unclassified county road". In order to afford these document appropriate evidential value, and also to assist in bring the current dispute to a resolution I consider that it may be expedient to address the following issues:

- a) When was Route 53-16 removed from the Highway Records?
- b) Why was Route 53-16 removed from the Highway Records?

- c) If it was correctly shown on the Highway Records what rights can be inferred from its classification as an unclassified county road?

When was Route 53-16 removed from the Highway Records?

- 8.3 Route 53-16 was shown on the 1949 (Appendix 7) and 1955 (Appendix 9) Highway Maps. In my opinion this suggests that at the time of their production the route was considered by the Highway Authority to be a highway maintainable at public expense at the status of unclassified county road. There would certainly no logic, and I consider it highly improbable, that the Highway Authority would show a road on a newly produced document only to immediately cross it out. The crossing out on earlier (superseded) documents suggests that they were still in use and being updated.
- 8.4 I have already questioned the 1952 Highway Map (Appendix 8) by virtue of the fact that it is a version of the 1952 record reproduced (with additional public rights of way information added etc) in 1987. In my opinion it is highly probable that such a document, if it were to be of any use, would show any changes (creations, extinguishments and diversion etc) that had taken place between the production of the original (1952) and the making of the copy (1987). If this were not the case it may lead to incorrect information being provided, especially when a) the route is still shown on the 1955 Highway Record (Appendix 9); and b) that by 1987 the Authority had clear duties with regard to maintaining a list of streets and making such records publically available. I do not therefore think that the 1952 Highway Record (Appendix 8) can be relied upon for the purposes of identifying when Route 53-16 was removed.
- 8.5 From this information I consider it reasonable to conclude that Route 53-16 was still included in the Highway Records in 1955 and that its removal occurred sometime after that date.
- 8.6 As stated previously I consider that the 1970 Highway Record (Appendix 12) may be part of a return made to Central Government (for financial purposes) with respect to the length of highways within the County Council's area. This is speculative but if I am correct then it amounts to a snap-shot in time with regard to what routes were considered highway at that time. In other words it is correct as of 1st April 1970 and will not show any changes made after that date.

- 8.7 Of course by 1st April 1970 as can be seen from the record of that date (Appendix 12) the route had been struck off the list of highways. Due to the logistics of the process and copying technology of the time, in my view, lists of this nature were far more likely to be duplicated and then updated/amended by the Authority each year, for the purposes of submitting the returns than the maps.
- 8.8 By reference to this document I consider it reasonable to conclude that Route 53-16 had been removed from the highway records at some point before 1st April 1970.
- 8.9 I do not consider that the Highway Maps which are said to have been compiled in 1974 (Appendix 13) were produced at that time (they have been referred to as the 1974 maps for convenience). My reasons for this are that route 53-16 had already been struck off the 1970 list of unclassified road (Appendix 12) and the documentation relating to the Special Review (appendix 17 & 18) when the route was proposed to be shown on the Definitive Map as a footpath and is referred to being previously considered to be a public road also appears to pre-date 1974. Again I consider it highly improbable, that the Highway Authority would show a road on a newly produced document only to immediately cross it out.
- 8.9 If my assessment and interpretation of the 1970 Highway Record (Appendix 12) is incorrect then the above dates may have to be reconsidered
- 8.10 In the absence of further information/evidence it is unlikely that it will be possible to identify a specific date for the removal of Route 53-16 from the Highway Authority's records, but taking into account the above information I consider that Route 53-16 was struck off the records at some point between 1955 and 1970.

Why was Route 53-16 removed from the Highway Records?

- 8.11 The inclusion of Route 53-16 in the Highway Authority's records and more particularly its subsequent removal from those records are, in my opinion, key issues to the determination of this case. It is a matter of well documented, and in my view indisputable, fact that Route 53-16 was included in the Highway Authority's records and attributed the status of an unclassified county road. It is also a matter of well documented, and in my view indisputable, fact that Route 53-16 was struck off the Highway Authority's records at some point (probably between

1955 and 1970). If it is possible to reach a sustainable conclusion as to why the route was removed from the Highway Records, it will then be possible to also reach a conclusion as to whether any public highway rights still exist today, and indeed whether a Definitive Map Modification Order should be made to record such rights on the Definitive Map.

- 8.12 In my opinion there are a number of reasons why Route 53-16 may have been struck off the Highway Records. These are that:
- i. it was shown on the record in error (i.e. it was never a public highway of any status)
 - ii. that highway rights did exist but they were stopped up using due legal process
 - iii. that they were removed for other reasons, such as an incorrect process administrative process or a lack of understanding of highway law (this would not result in the extinguishment of any rights); or
 - iv. they were removed (albeit incorrectly) as a result of the Special Review of the Definitive Map

Was Route 53-16 shown on the Highway Records in error?

8.13 If Route 53-16 was shown on the Highway Records in error, strictly speaking this would mean that it was not a highway maintainable at public expense, but would not preclude the possible existence of a privately maintainable public highway, or a highway for which no maintenance liability is attached. Notwithstanding this, for clarity I propose to deal with the issue of whether or not Route 53-16 is a highway of some status. I will address the issue of maintenance liability later within my report.

8.14 In order to answer this point it is necessary to consider all of the available and relevant evidence that pre-dates the 1949 Highway Records. If the evidence shows that Route 53-16 was a public highway prior to 1949, in the absence of evidence of a legal stopping up procedure pre-dating its inclusion on that Highway Record, it would be reasonable to conclude that those rights were still in existence as of 1949, and therefore that the records of that date were correct. The legal principle of “Once a Highway, Always a Highway”¹¹ would apply.

¹¹ ¹¹ Harvey v Truro Rural District Council (1903) 2 Ch 638 & Dawes v Hawkins (1860) 8 CB (NS) 848, 141 ER 1399

- 8.15 The depiction of Route 53-16 on some of the early Commercial Maps (Appendix 3) as a through route to Trelleck Grange and parts of the route on other maps clearly indicates that it has physically existed for nearly 200 years, and when one looks at the reasons why such maps were produced (to assist travellers etc) these documents can be said to be indicative, if not prima facie evidence, of the route being a public highway, and if so, probably a public carriageway.
- 8.16 The Tithe Map (Appendix 4) further confirms the physical existence of the route and when considered in conjunction with the Commercial Maps (Appendix 3) may be said to be further supportive of the proposition that the route is a public highway. It certainly does not detract from such proposition. The same would apply to the Ordnance Survey Maps (Appendix 5).
- 8.17 The records relating to the 1910 Finance Act (appendix 6) show that the section of Route 53-16 which runs southwards from its junction with Route 53-11 and 53-18 was excluded from the valuation. Such exclusion can be taken as strong evidence in support of that section of the route enjoying public highway status, and probably public carriageway status.
- 8.18 The section of the route running to the north of the above mentioned junction however was not excluded from valuation, but included in the adjoining land holdings. Deductions of £20 and £5 were claimed in respect of public rights of way across the parcels of land within which the route was included. Whilst this acknowledges the existence of public rights somewhere across the land holding it is not possible to attribute the deduction directly to Route 53-16 especially as other public rights of way are known to exist within the land holding.
- 8.19 The fact that the section of Route 53-16 to the north of its junction with Routes 53-11 and 53-18 was not excluded from valuation is by no means evidence that highway rights did not exist, but it does raise the issue of why one section of the route was excluded, and one was not. It may have been because the section north of the junction was of a lower status than that running to the south; or it may have been because the section to the north of the junction did not have any public rights over it at all.
-

- 8.20 The estate sales particulars and deeds (Appendices 19 and 20) identify Route 53-16 as a Road but are silent as to whether it is public or private, the exception being the right of way/easement for forestry purposes. This would suggest that the route is not a public carriageway, but does not negate the possibility of it being a public rights of way of a lower status (e.g. a footpath or bridleway).
- 8.21 Taking the available pre-1949 evidence as a whole it is finely balanced. The one thing that we do not have available to us, that was available when the 1949 Highway Record was produced is local knowledge and living memory dating back to the late Nineteenth Century. Had such knowledge still been available it may have been possible to shed further light on the matter.
- 8.22 Taking the above matters into account, and the fact that there is no evidence which categorically shows that Route 53-16 was included in the 1949 Highway Records in error (although I do accept there is some evidence to support such a proposition) I am of the opinion that Route 53-16 was probably not shown in error, the case for the section of Route 53-16 which runs southwards from its junction with Route 53-11 and 53-18 being strongest because of the 1910 Finance Act evidence.

If highway rights did exist were stopped up as a result of due legal process?

- 8.23 If Route 53-16 is a highway maintainable at public expense its removal from the Highway Records some time during the period 1955 – 1970 would not in itself result in the extinguishment of the highway rights or the maintenance liability. This could only be achieved by way of some form of legal order, probably via a Magistrates Court. The decision to apply for such an Order would not (certainly in the period 1955 – 1970) usually be delegated to Officers of a Highway Authority but would be a decision for a committee of elected members. The process also usually requires the agreement of the Parish/Community Council who generally have a right of veto in such matters.
- 8.24 I am advised that the Monmouthshire County Council Roads and Bridges Committee minutes and the Devauden Community Council minutes for the period 1929 – 1974 have been checked by Officers of the County Council and no evidence of any formal legal closure procedures etc has been discovered in respect of the route in question. Similarly Officers of the County Council have checked Quarter Sessions Court records for the area and again no evidence of formal

closure proceedings have been discovered. For the purposes of fulfilling my brief I have not repeated this exercise and am satisfied that these records have been properly checked.

- 8.25 In the absence of any evidence to support the proposition that Route 53-16 has been subject to formal closure proceedings the only reasonable conclusion to be reached is that any public highway rights that did/do exist have not been legally extinguished.

Was Route 53-16 removed from the Highway Records for other reasons, such as an incorrect administrative process or a lack of understanding of highway law?

- 8.26 It is my experience that the practice of removing routes from highway records for reasons other than those discussed above has been, and possibly still continues to be widespread. This is generally not because of any deliberate attempt to falsify the records, but more of an effort to reconcile the Highway Records with what has and is habitually maintained by the Authority. This appears to arise as a result of a misunderstanding that if they are to fulfil their purpose the records whether the List of Streets or a less formal internal document need to show all highways that are “maintainable” rather than just those highways that are actually “maintained”. The “Highway Record Management” article at Appendix 25 discusses this matter and may be of interest.

- 8.27 If Route 53-16 is a highway maintainable at public expense and established that there appears to be no evidence to support the proposition it was removed from the Highway Record as a result of formal legal proceedings, it would appear logical that its removal must have been for some other purpose. The undated hand written schedule (Appendix 10) found within the highway records includes Route 53-16 and may suggest that it was removed from the records because it was “*not maintained at all*”. I am of the opinion that this is the most likely explanation for the Route being removed from the records.

Was Route 53-16 removed from the Highway Records as a result of the Special Review of the Definitive Map?

- 8.28 It has been suggested that the removal of Route 53-16 from the Highway Records may have been as a result of it being proposed for addition to the Definitive Map as a footpath as part of the Special Review (Appendix 18) . There is certainly evidence (Appendix 17) to demonstrate that the County Council were pro-actively reviewing their unclassified roads/green lanes and

were considering their inclusion on the Definitive Map so this is a possibility. However the timing of the removal of Route 53-16 from the Highway Records (by 1970) and the documentation relating to the Special Review (post 1970) suggest that this is unlikely. There are also reference to the Route being added at the Special Review due to it not being originally shown on the Definitive Map due to it being thought to have been a county road. This would tend to suggest that it was removed from the Highway Records before the Special Review rather than part of it.

9.0 Conclusions Regarding Status

9.1 As discussed earlier within my report, my instructions are to provide guidance to the Authority with a view to assisting them to determine whether or not to make a Definitive Map Modification Order. The route under investigation (Route 53-16) is not currently shown on the Definitive Map therefore the legislative test for the purposes of making an Order, as set out in paragraph 4.27 – 4.31 above is whether public rights are “reasonably alleged to subsist”. In reaching my conclusions I will therefore apply this test.

9.2 In paragraph 8.13 – 8.22 above consideration was given to whether Route 53-16 had been correctly included in the Highway Records and I concluded that whilst the evidence was finely balanced it probably had. When the highway records themselves (Appendices 6 – 14), along with the Definitive Map and its associated records (Appendices 16 – 18) are thrown into the balance as well, the case in support of the proposition that Route 53-16 is a highway is further strengthened as these records refer to the route as being an unclassified county road.

9.3 The issue of what highway rights can be inferred from the inclusion of a route in highway records as an “Unclassified County Road” has been the subject of much discussion over the years. Government Advice issued in 1998 suggests that, with regard to status, the inclusion of a route in the List of Streets as an unclassified county road may be evidence of vehicular rights but it must be considered along with all other available evidence

9.4 More recent research¹² (2013) into the matter commissioned by the Motoring Organisations’ Land Access and Recreation Association concluded that “*Unclassified County Roads are public*

¹² Unsealed Unclassified Roads. Their History, Status and the effect of the Natural Environment and Rural Communities Act 2006 – LARA 2013

vehicular highways. While doubt may be attached to individual routes in some authorities, where there is no specific evidence to the contrary, the balance of probability must be that routes recorded as UCRs are vehicular highways”

- 9.5 It is certainly my experience that the findings of the 2013 report are sustainable and that in general terms, in the absence of evidence to the contrary, a route recorded in the highway records, whether a formal List of Streets or an internal highway authority document, as an unclassified county road is a vehicular highway.
- 9.6 Having considered all of the available and relevant evidence into account and whilst acknowledging that there is some evidence by way of the property deeds and etc which may suggest to the contrary I am of the opinion that public highway rights to a level of public carriageway (i.e. public vehicular highway rights) are reasonably alleged to subsist.
- 9.7 With regard to the recording of the route on the Definitive Map, having established that, at common law, the route is reasonably alleged to enjoy public carriageway status it is necessary to consider the implications of the Natural Environment and Rural Communities Act 2006. This legislation, as discussed in paragraphs 4.21 – 4.25, essentially extinguishes public rights for mechanically propelled vehicles over all public carriageways unless certain exceptions apply. In this particular case none of the exceptions do appear to apply therefore public rights for mechanically propelled vehicles do appear to have been extinguished and therefore the appropriate status for the route would be that of Restricted Byway.
- 9.8 I should stress that the case in favour of such rights is significantly weakened in respect of the section of Route 53-16 which runs northward from its junction with Routes 53-11 and 53-18 due to it not be excluded from valuation in the 1910 Finance Act records. Whilst the County Council is duty bound, in law, to promote a Definitive Map Modification Order if there is a “reasonable allegation” over the existence of rights, such an Order may only be confirmed if the alleged rights are shown, on balance of probability, to subsist. It is therefore possible that any Order relating to this northern section may not be capable of confirmation.

11.0 Should the Route be shown on the List of Streets Maintainable at Public Expense?

11.1 It would appear that Route 53-16 was removed from the old Highway Records as a result of procedural anomaly rather than due legal process, therefore if it was maintainable at public expense at that time, it will remain so today. Furthermore its addition to the Definitive Map as a Restricted Byway would also mean that it is maintainable at public expense, albeit with no obligation for it to be maintained to a standard suitable for vehicles. Route 53-16 should therefore be included in the List of Streets Maintainable at Public Expense.

11.2 In the event of a Definitive Map Modification Order being made but it subsequently not being confirmed this situation will have to be further reviewed.

12.0 Decision Required from the Authority

12.1 The decision whether or not to make a Definitive Map Modification Order is quasi-judicial in nature which means that the decision must be made upon an objective assessment of all of the available and relevant evidence, and not the recommendations of a third party.

12.2 Whilst it is my opinion that when all of the available and relevant evidence is considered there is a reasonable allegation that Route 53-16 does enjoy Restricted Byway rights, the Authority must make its own decision based upon the evidence placed before it.

Statement of Truth

I understand that my overriding duty is to the court (in this case the County Council who are charged with making a quasi-judicial decision) and I have complied with, and continue to comply with, that duty.

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

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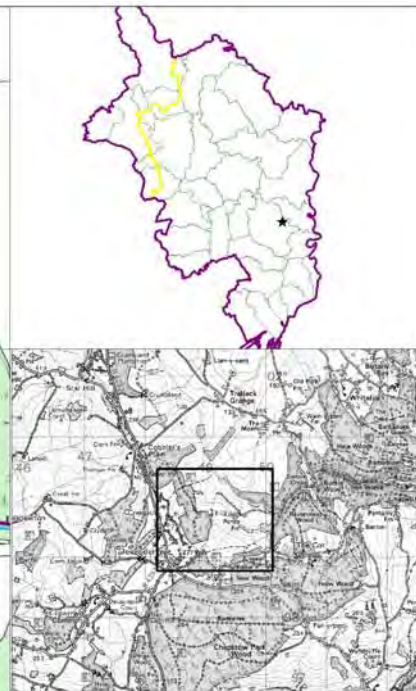
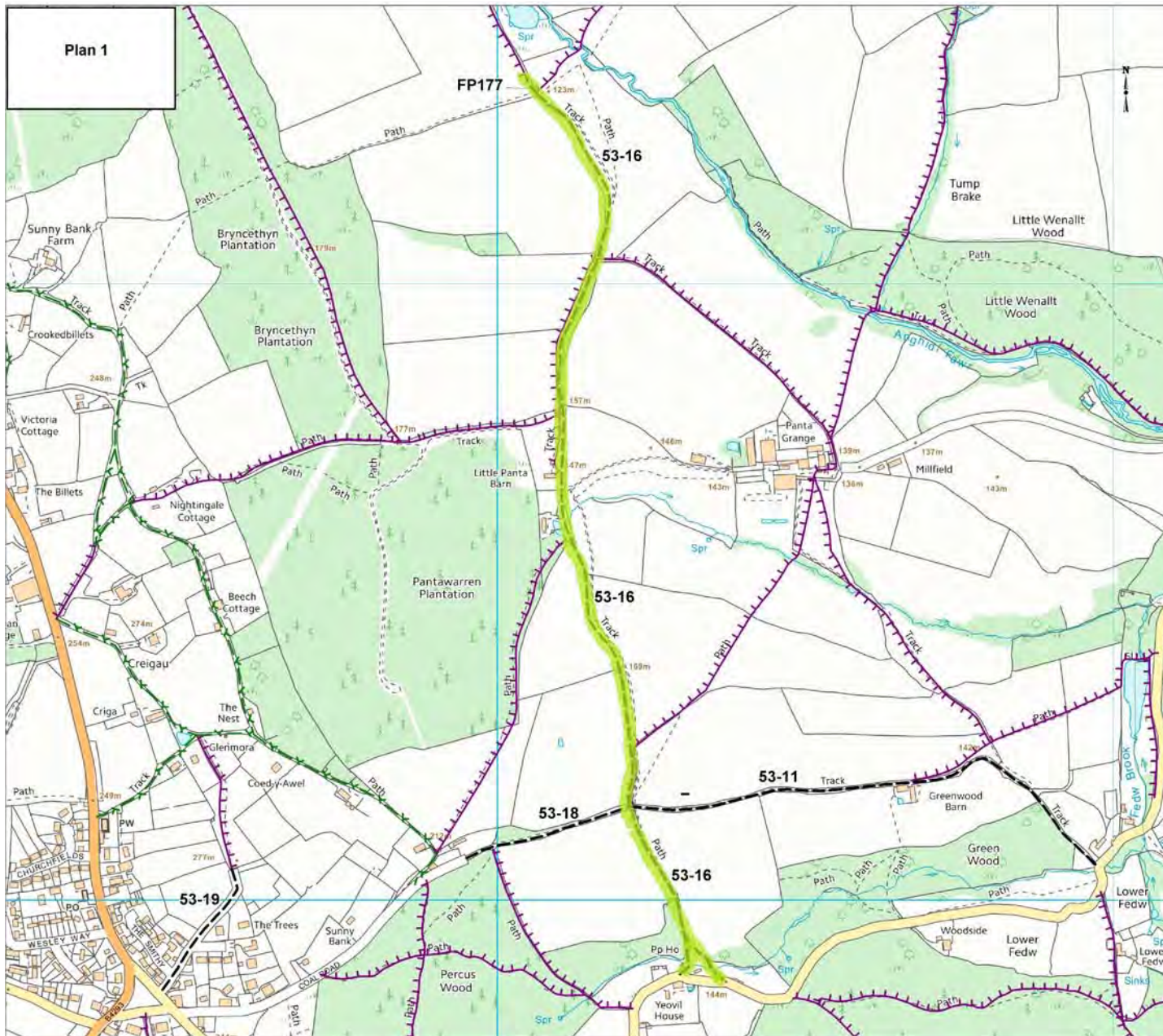
Robin Carr

FIPROW, MILAM (Cert)




1st June 2015

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CONSULTATION PLAN ONLY 2014
 To investigate the status of Public Routes
 County Unclassified Road 53-11
 County Unclassified Road 53-16
 County Unclassified Road 53-18(part)
 County Unclassified Road 53-19
 In the Community of Devauden
 Panta Farm

Routes in question: 
 Unaffected Footpaths: 
 Unaffected Restricted Byways: 

Scale 1:6000 at A3
 GR: ST491996
 Reproduced from an Ordnance Survey map with the permission of the



Plan 1 route 53-16 highlighted
 Appendix | 1

Wildlife and Countryside Act 1981, Section 53**Investigation into the status of certain roads in the Monmouthshire County Council area****Routes: a) Routes 53-11 and 53-18, b) Route 53-16; and c) Route 53-19****Client: Monmouthshire County Council**

Document Locations:

- MCC = Monmouthshire County Council (County Hall)
- GRW = Gwent Records Office (Digital Images at MCC)
- NA = National Archives, Kew (Digital Images at MCC)
- RCA = Currently held by Robin Carr Associates (to be returned to MCC)
-

Document	Date	Document Location
Highway Authority Maps/Records	1949	MCC
Highway Authority Maps/Records	1952 (reproduced 1987)	MCC
Highway schedules	Undated	MCC
Highway Authority Maps/Records	Undated – OS base map 1921	MCC
Highway Authority Maps/Records	1955	MCC
List of Streets	1988	MCC
List of Streets	2008	MCC
List of Streets	2014/Current	MCC
Definitive Map & Statement	Published 1967	MCC
Draft Definitive Map & Statement	1952	MCC
Draft Additions and Deletions maps	1952	MCC
Special Review Map	1972	MCC
1910 Finance Act Records	1910	GRO & NA
Tithe Map	1839	GRO & NA
Greenwood's Map	1830	GRO
Moule	1848	GRO
Hall	1831	GRO
Price	1823	GRO
Teesdale	1829	GRO
Gray & Son	1840	GRO
Cary	1805	GRO
David & Charles Map	1830	GRO

Ordnance Survey Map	1833	GRO
Ordnance Survey Map	1881	GRO
Ordnance Survey Map	1886	GRO
Ordnance Survey Map	1901	GRO
Ordnance Survey Map	1920/1	GRO
Property Sales Details	1920	Mr & Mrs Brooke
Property Sale Details	1977	Mr & Mrs Brooke

Files Assessed

MCC File – PROW 68 (File 2)	MCC File – PROW 20	MCC
MCC File – Devauden FP 177	MCC File – Definitive Map Review 1974	MCC
MCC File – Devauden FP 182	MCC File – Photographic Survey UCR 53-16	MCC
MCC File – Devauden FP 188	MCC File – Special Review of Unclassified County Roads/Green Lanes	MCC
MCC File – Devauden FP 189	MCC File – Great Panta Box 115 Shelf N1	MCC
MCC File – Devauden FP 187	MCC File – Representations re UCR 53-16 from Acuity Legal dated 27 th March 2014	MCC
MCC File – Devauden FP 191		MCC
MCC File – Devauden FP 192		MCC
MCC File – Devauden FP 372		MCC



18th & 19th Century Commercial Maps (Appendix 3)

Cary's Map 1805

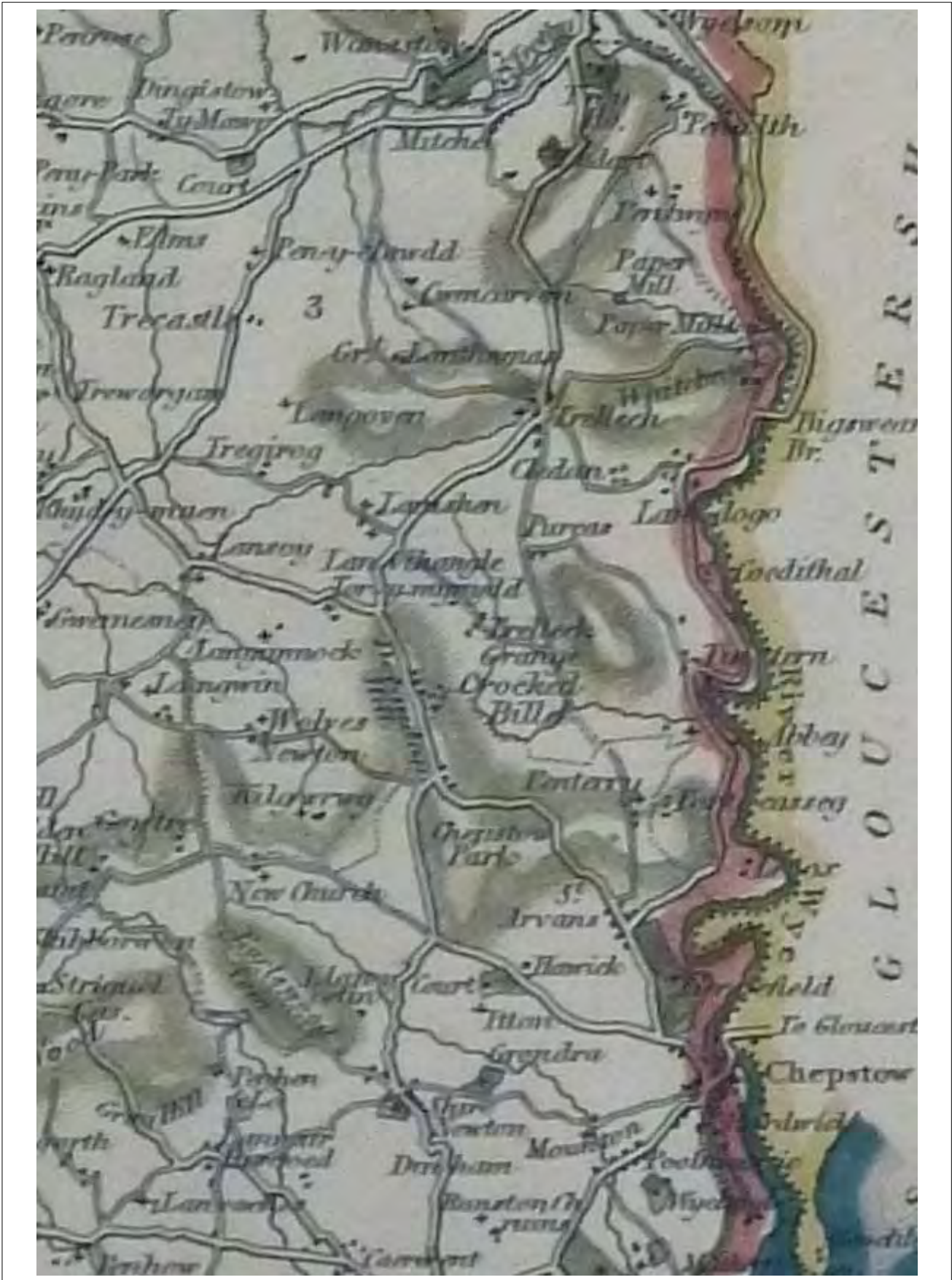
Appendix | 3.1



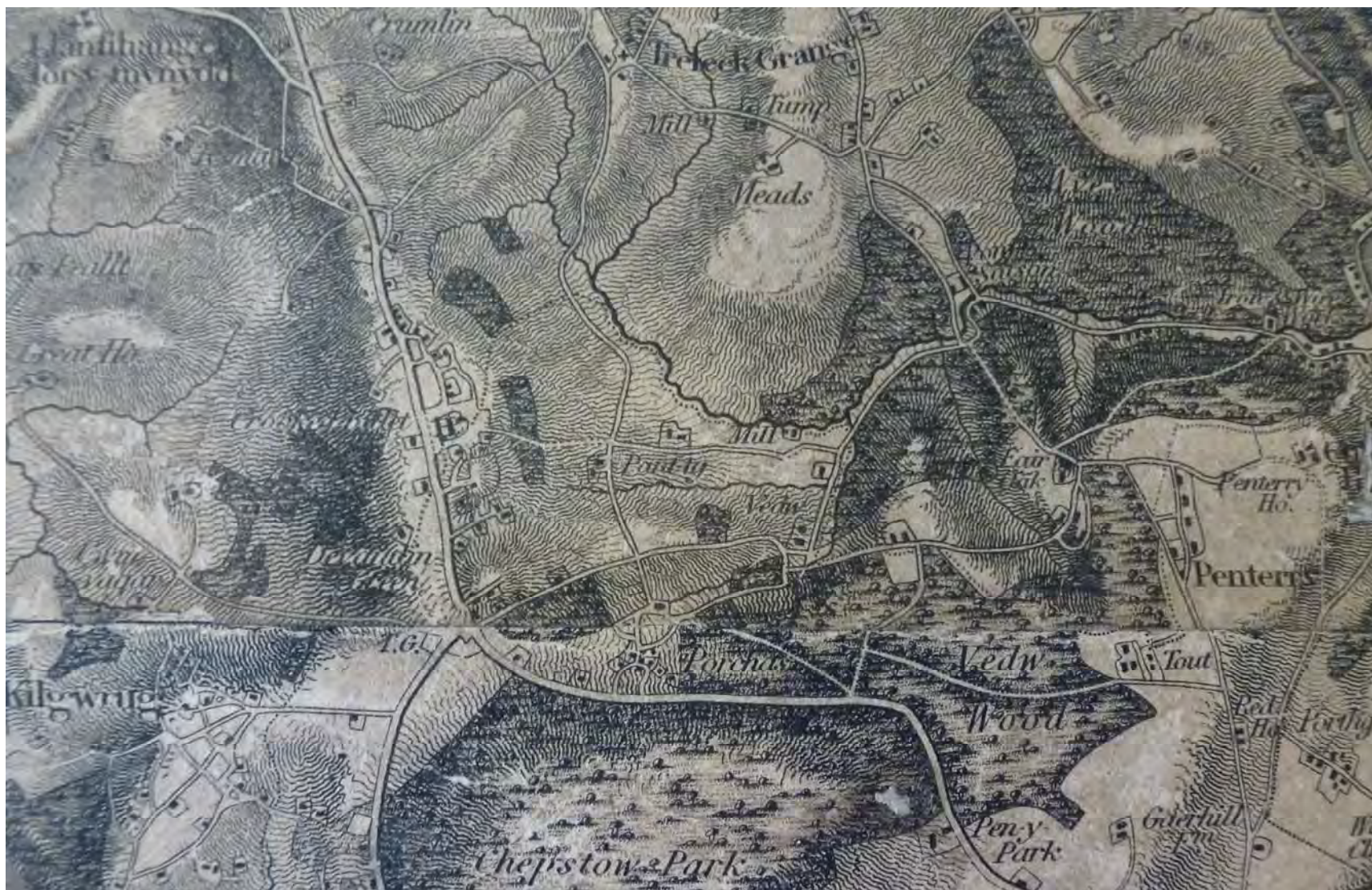
18th & 19th Century Commercial Maps (Appendix 3)

Teedale's Map 1829

Appendix | 3.2



18th & 19th Century Commercial Maps (Appendix 3)
Thomas Moule's Map 1848



18th & 19th Century Commercial Maps (Appendix 3)

Price's Map 1823

Appendix | 3.4



18th & 19th Century Commercial Maps (Appendix 3)
David & Charles Map 1830



18th & 19th Century Commercial Maps (Appendix 3)
Greenwoods Map 1830



18th & 19th Century Commercial Maps (Appendix 3)

Hall's Map 1831

Appendix | 3.7

Page 66



18th & 19th Century Commercial Maps (Appendix 3)

Gary & Son Map 1840

Appendix | 3.8



Tithe Map 1839 (Appendix 4)
Tithe Map (Composite)



Tithe Map 1839 (Appendix 4)
Tithe Map (1) (Gwent Record Office)



Tithe Map 1839 (Appendix 4)
Tithe Map (2) (Gwent Record Office)



Tithe Map 1839 (Appendix 4)
Tithe Map (3) (Gwent Record Office)



Tithe Map 1839 (Appendix 4)
Tithe Map (4) (Gwent Record Office)



Tithe Map 1839 (Appendix 4)
Tithe Map (National Archives, Kew)



Ordnance Survey maps (Appendix 5)

OS 1 inch 1833(1)

Appendix | 5.1

Page 74



Ordnance Survey maps (Appendix 5)

OS 1 inch 1833(2)

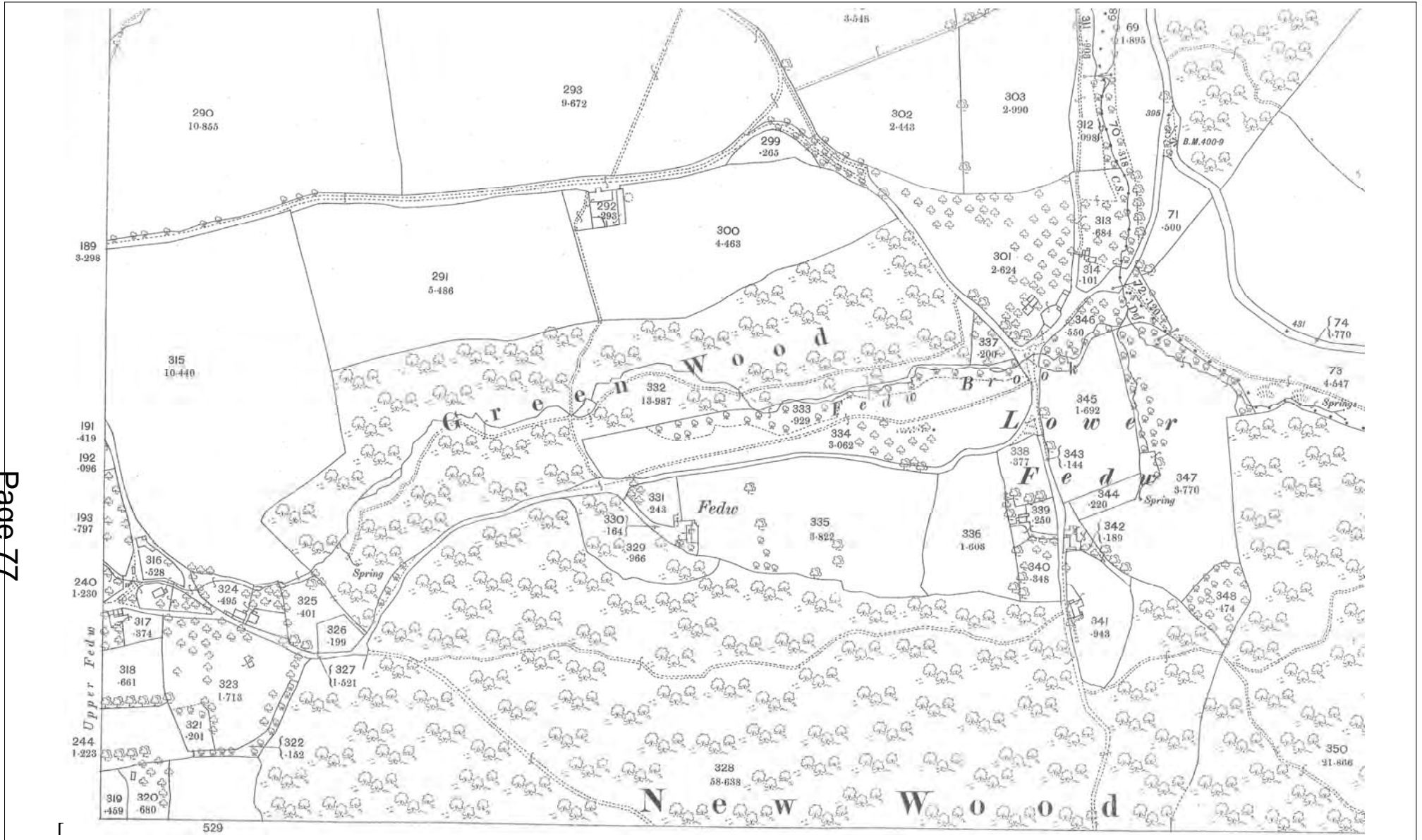
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Ordnance Survey maps (Appendix 5)

OS 25 inch 1881(1)

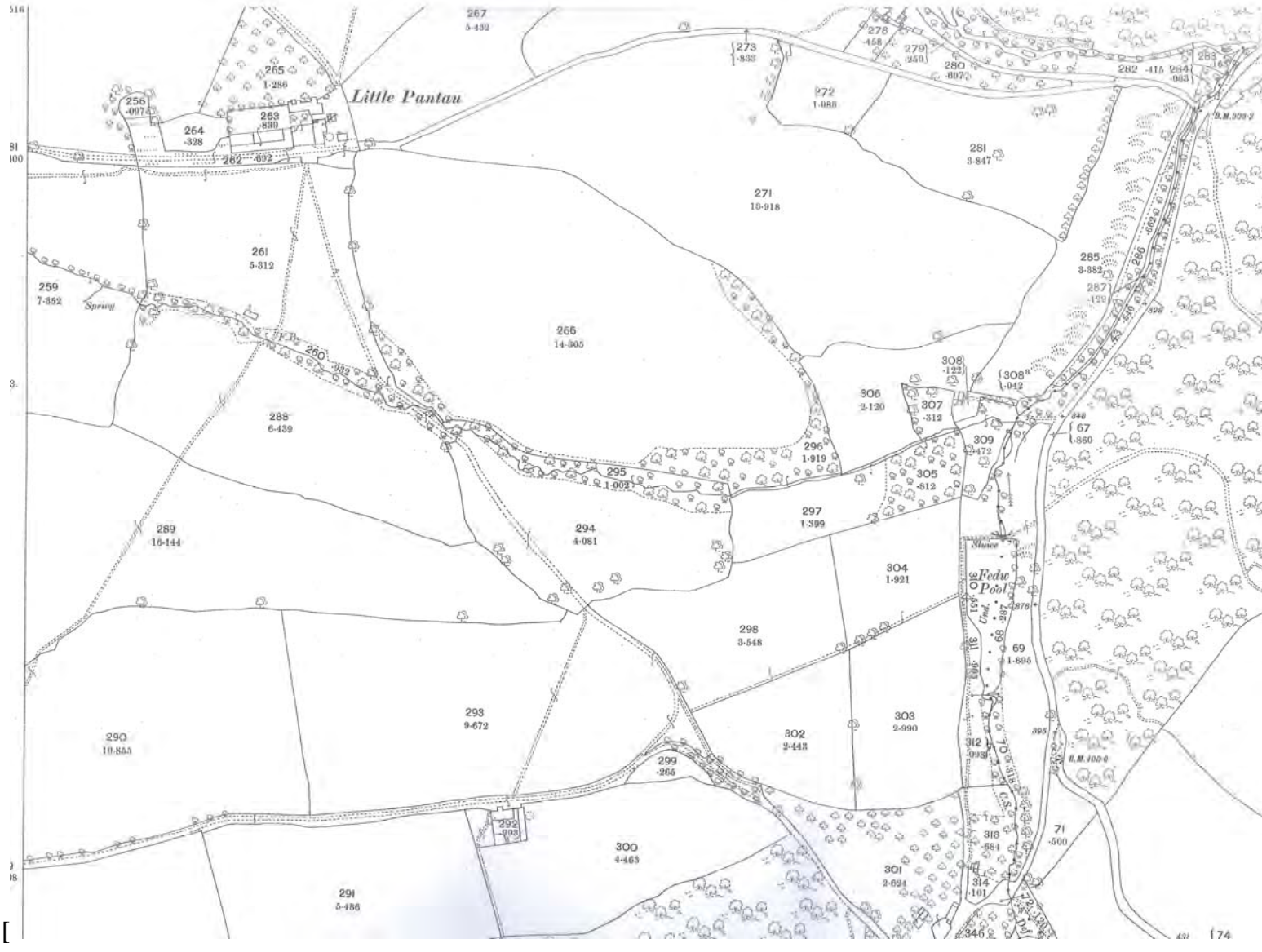
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Ordnance Survey maps (Appendix 5)

OS 25 inch 1881(2)

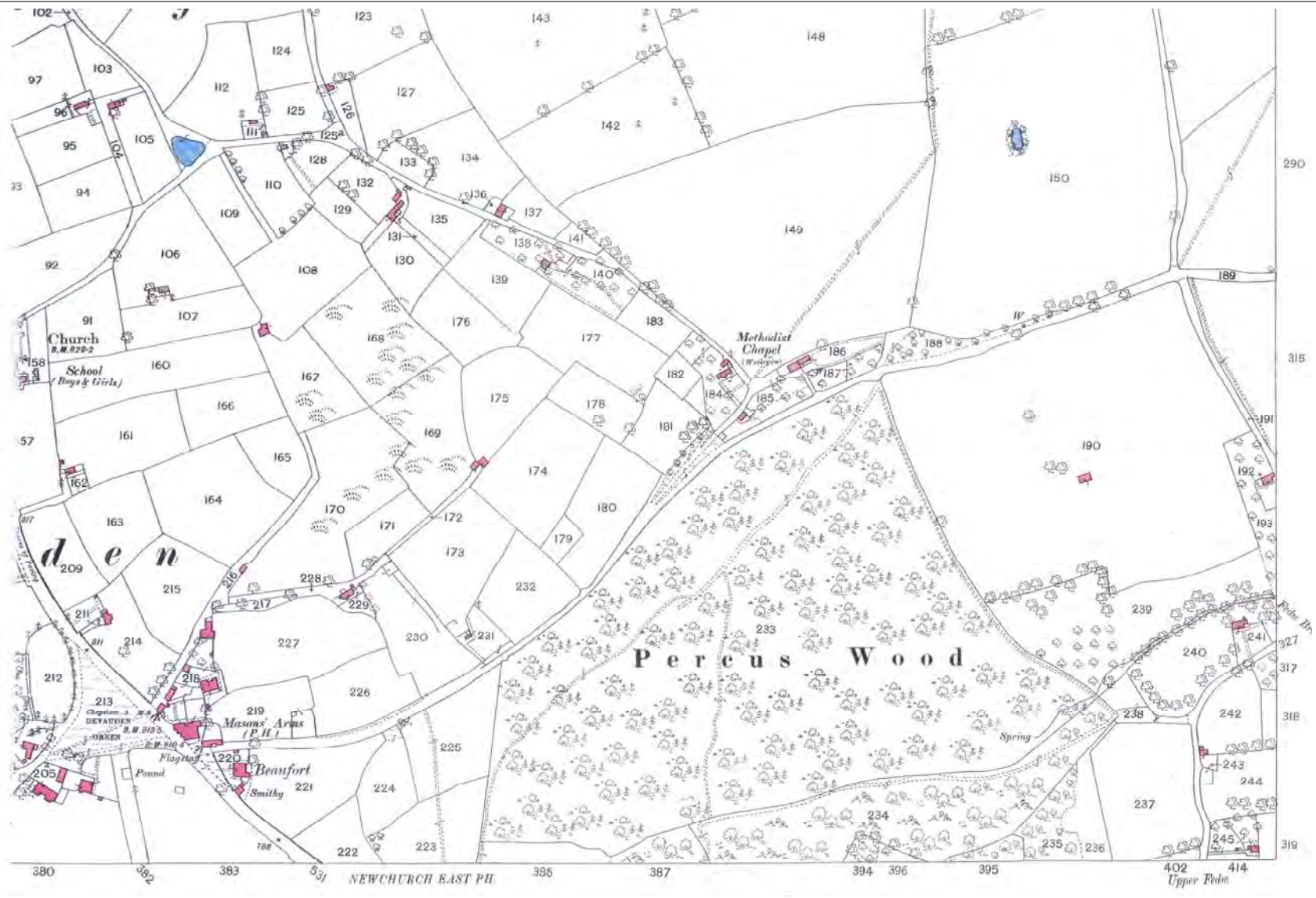
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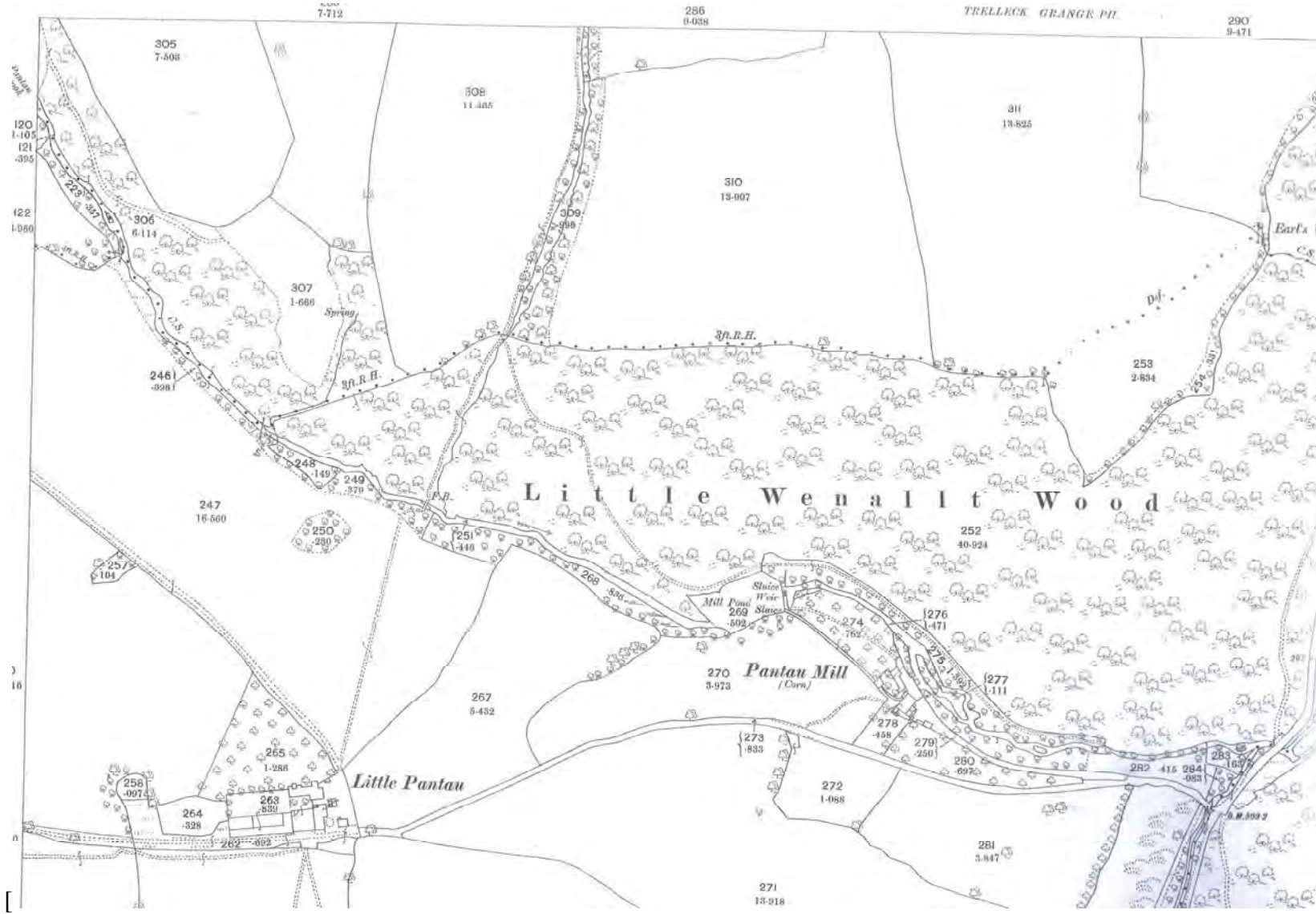
Ordnance Survey maps (Appendix 5)

OS 25 inch 1881(3)

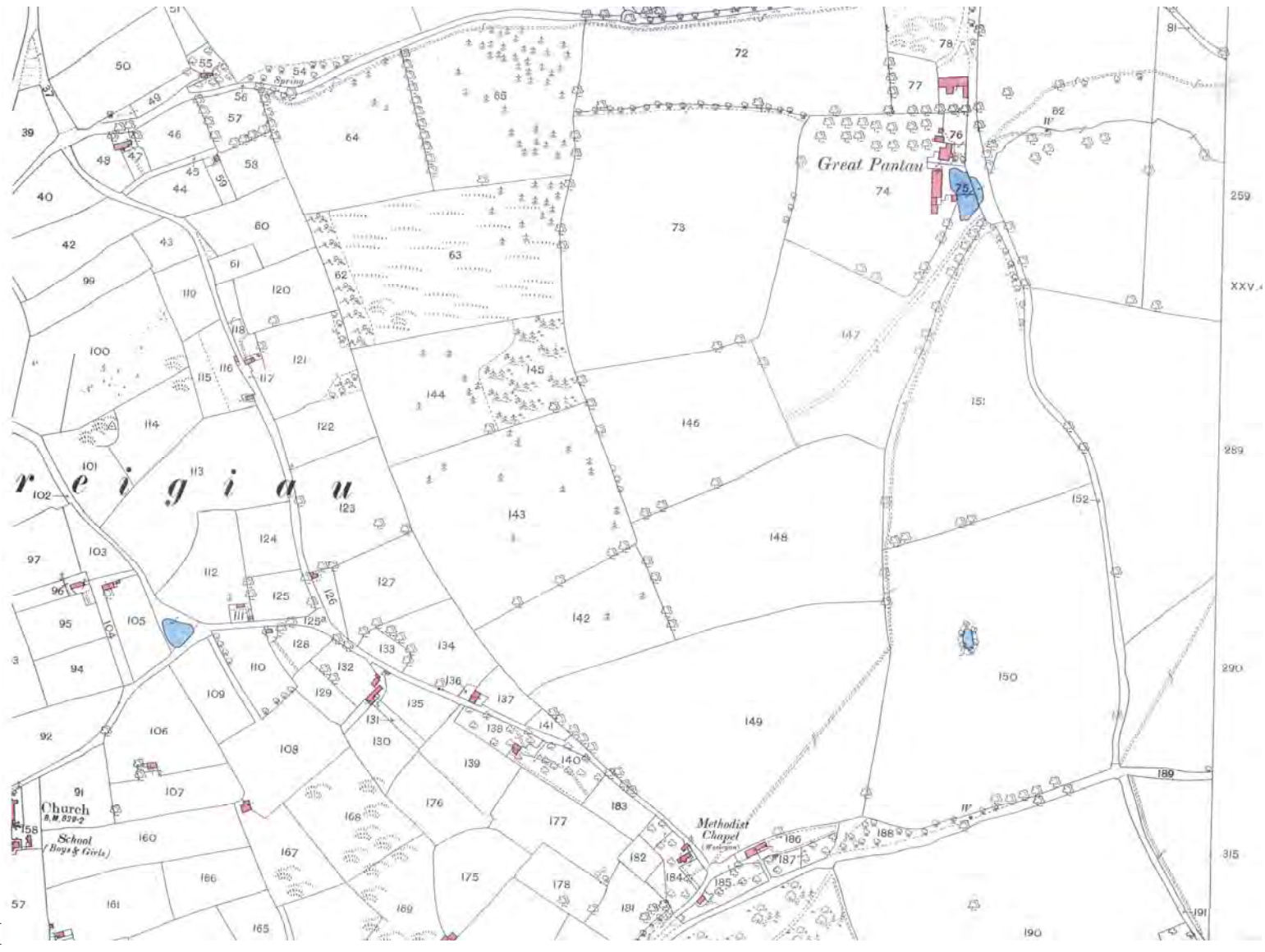
Appendix | 5.5



Ordnance Survey maps (Appendix 5)
OS 25 inch 1881(4)
Appendix | 5.6



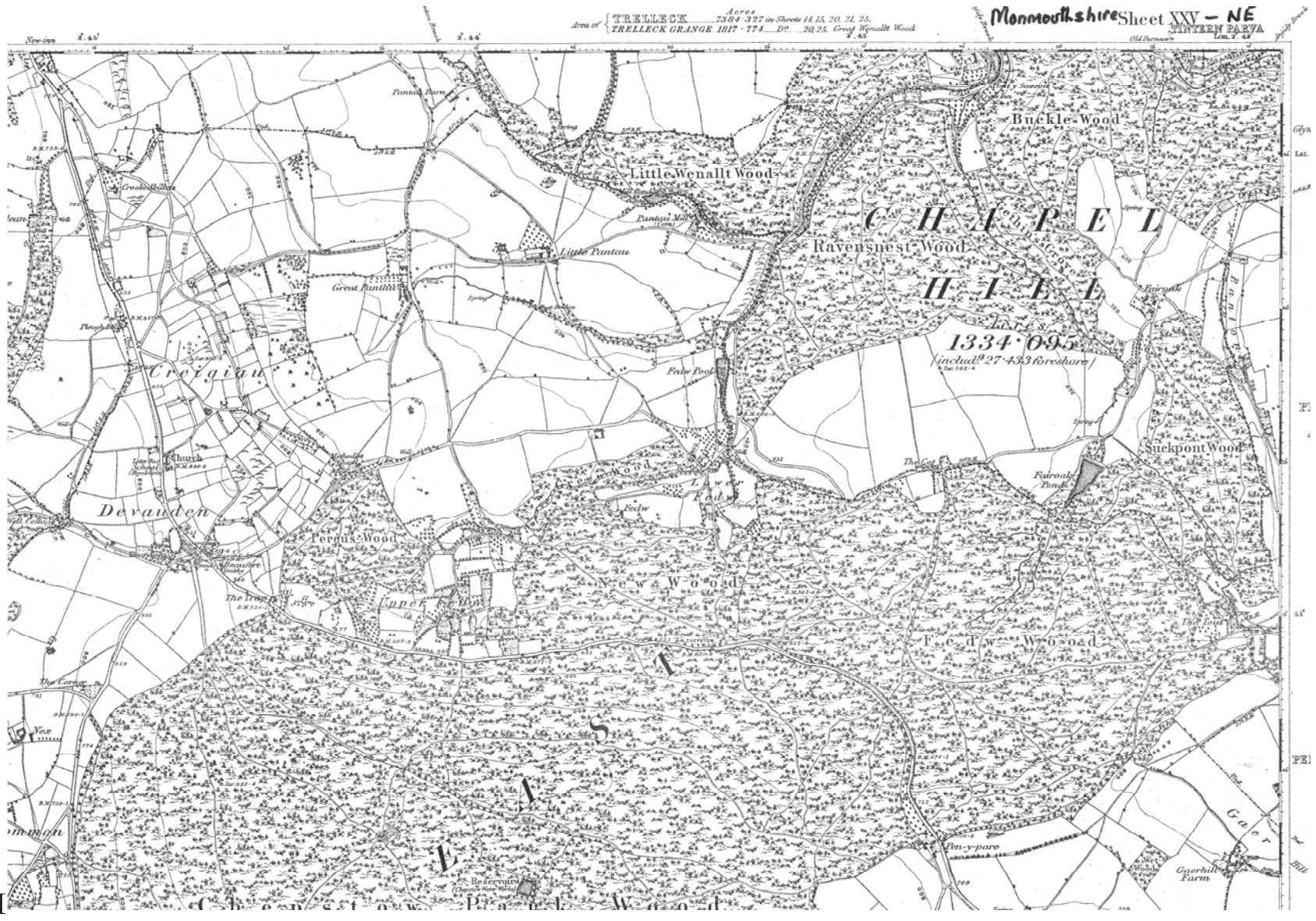
Ordnance Survey maps (Appendix 5)
OS 25 inch 1881(5)
Appendix | 5.7



Ordnance Survey maps (Appendix 5)

OS 25 inch 1881(6)

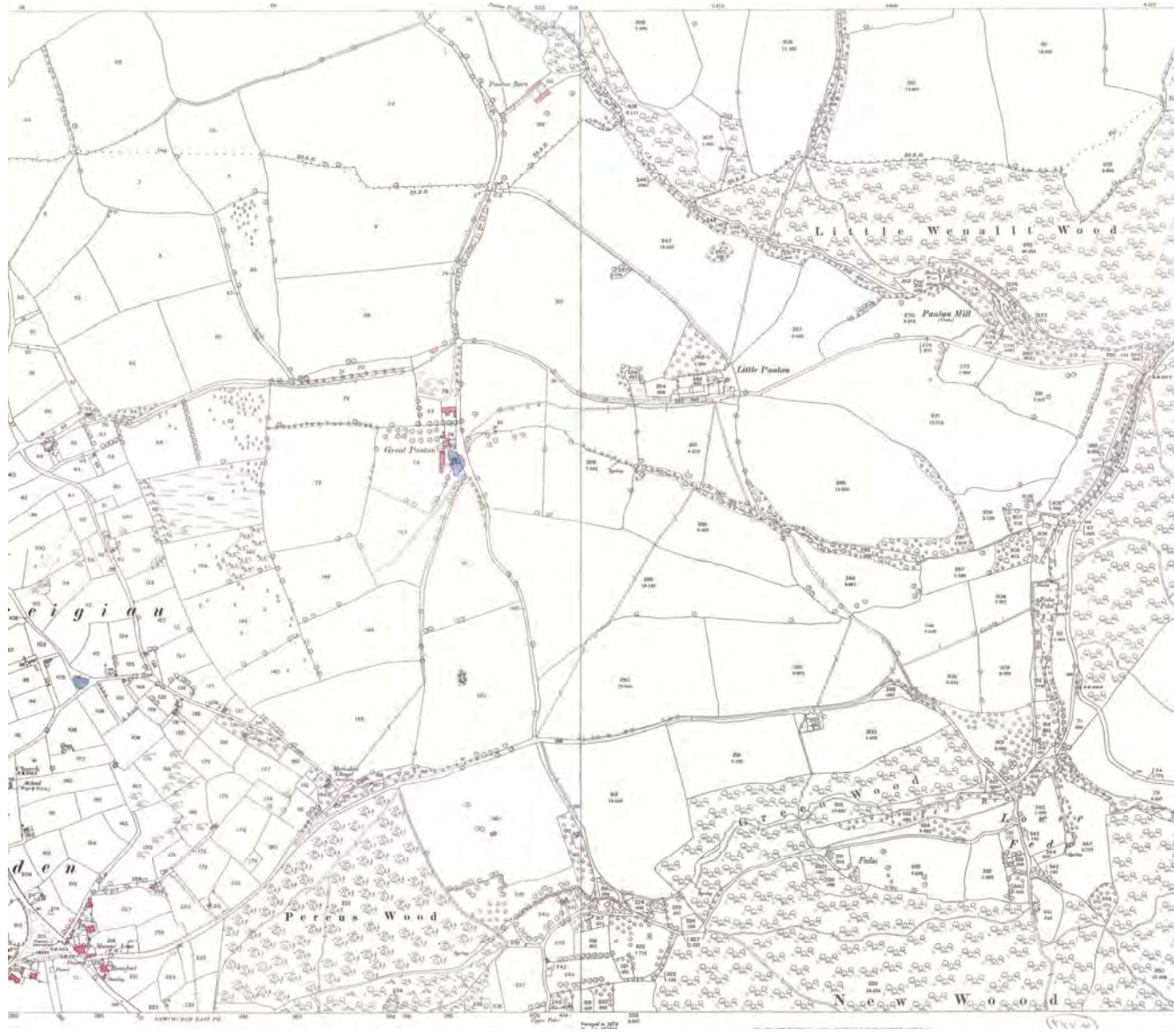
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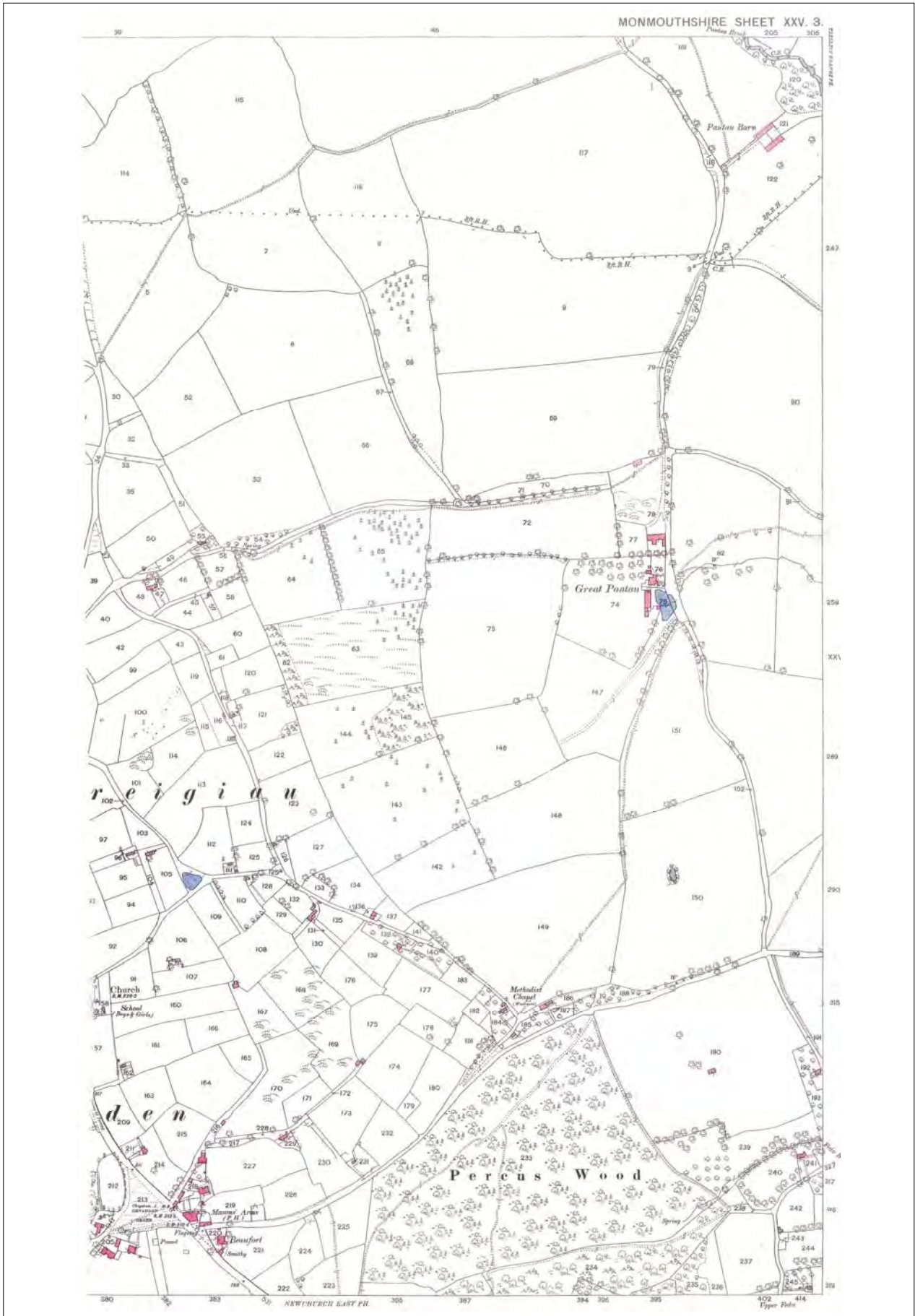
Ordnance Survey maps (Appendix 5)
OS 6 inch 1886(1)
Appendix | 5.9



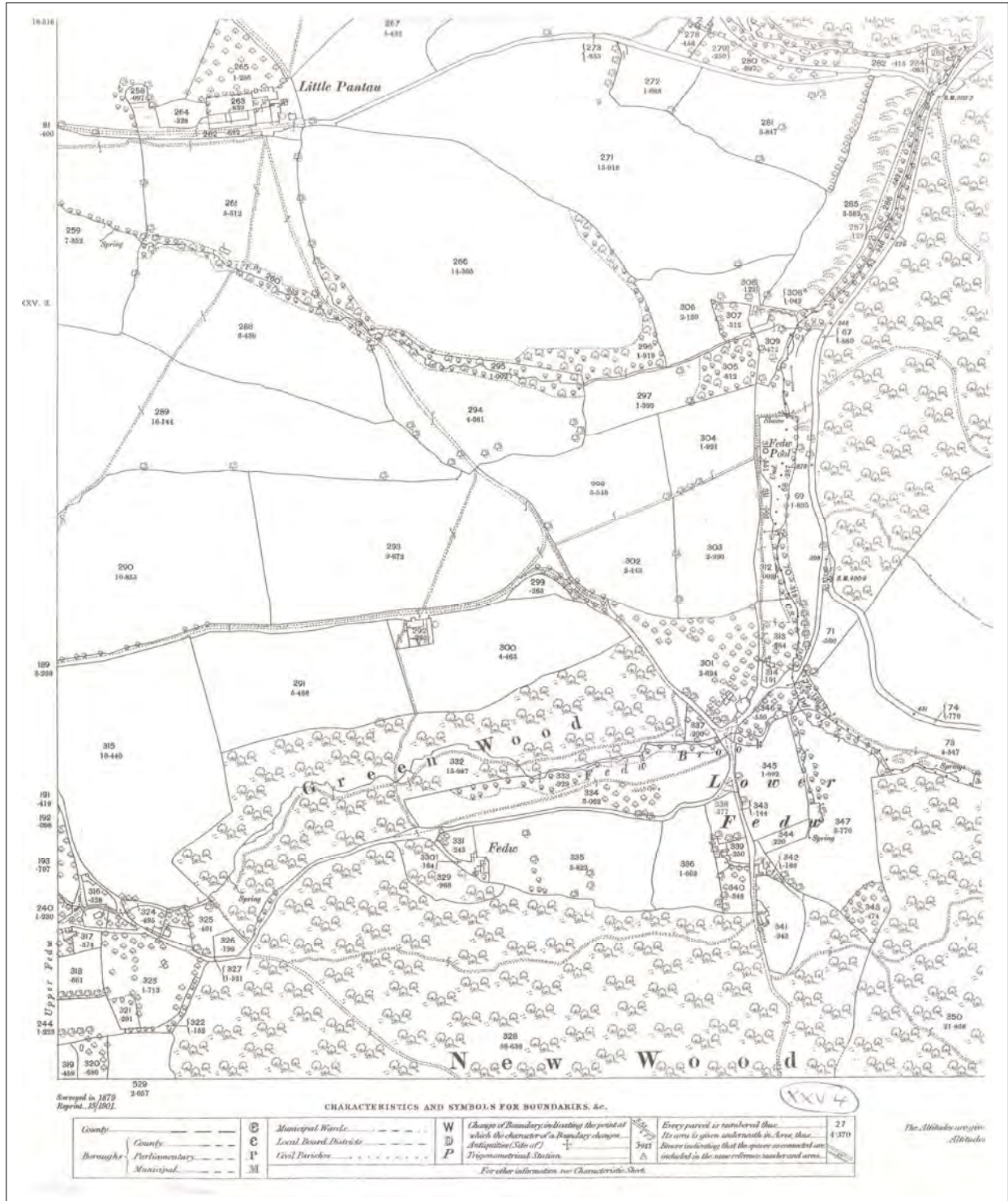
Ordnance Survey maps (Appendix 5)
OS 6 inch 1886(2)



Ordnance Survey maps (Appendix 5)
OS 25 inch 1901 (Composite)



Ordnance Survey maps (Appendix 5)
OS 25 inch 1901 (1)



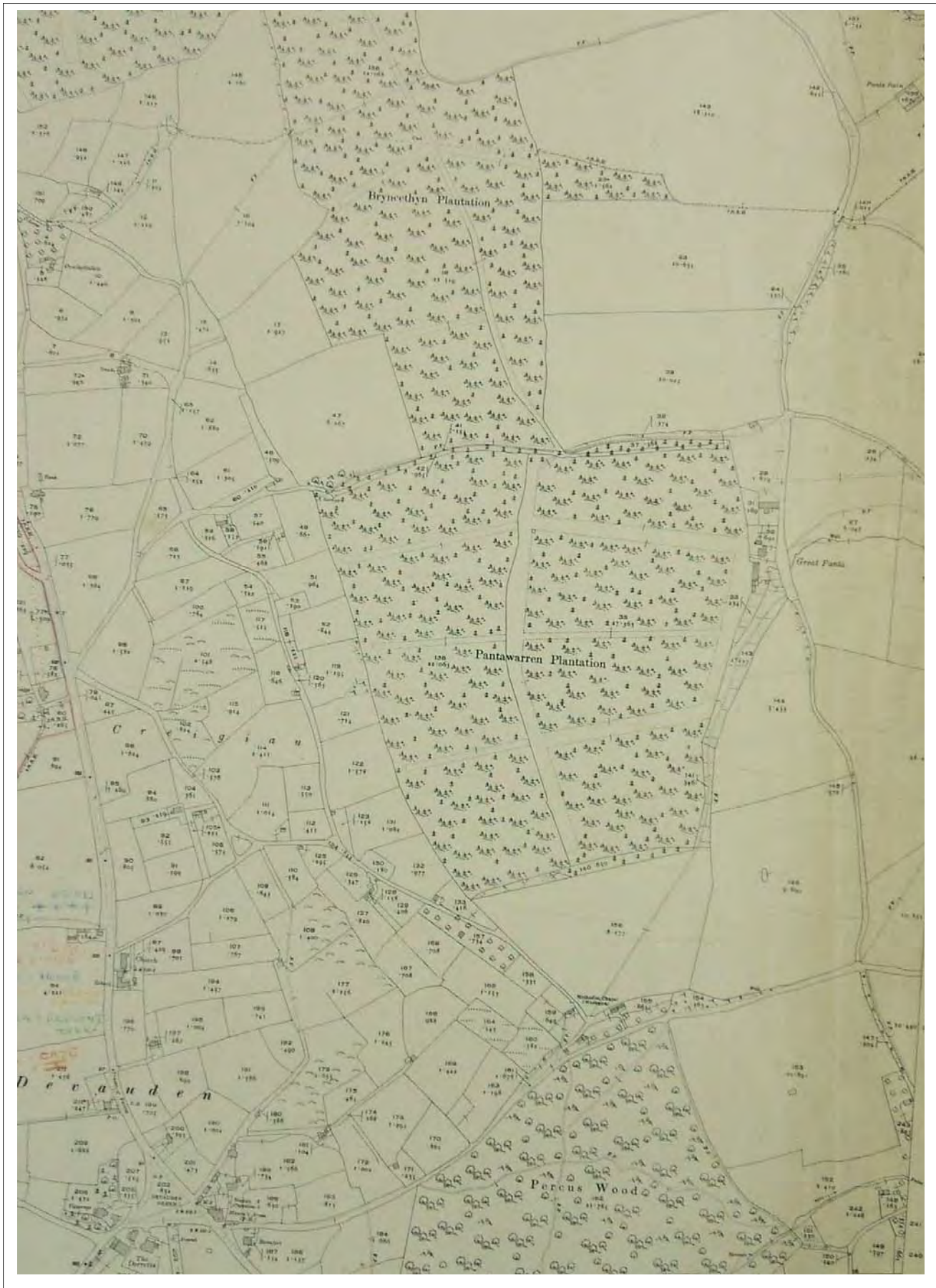
Ordnance Survey maps (Appendix 5)
 OS 25 inch 1901 (2)
 Appendix | 5.13



Ordnance Survey maps (Appendix 5)

OS 25 inch 1920 (1)

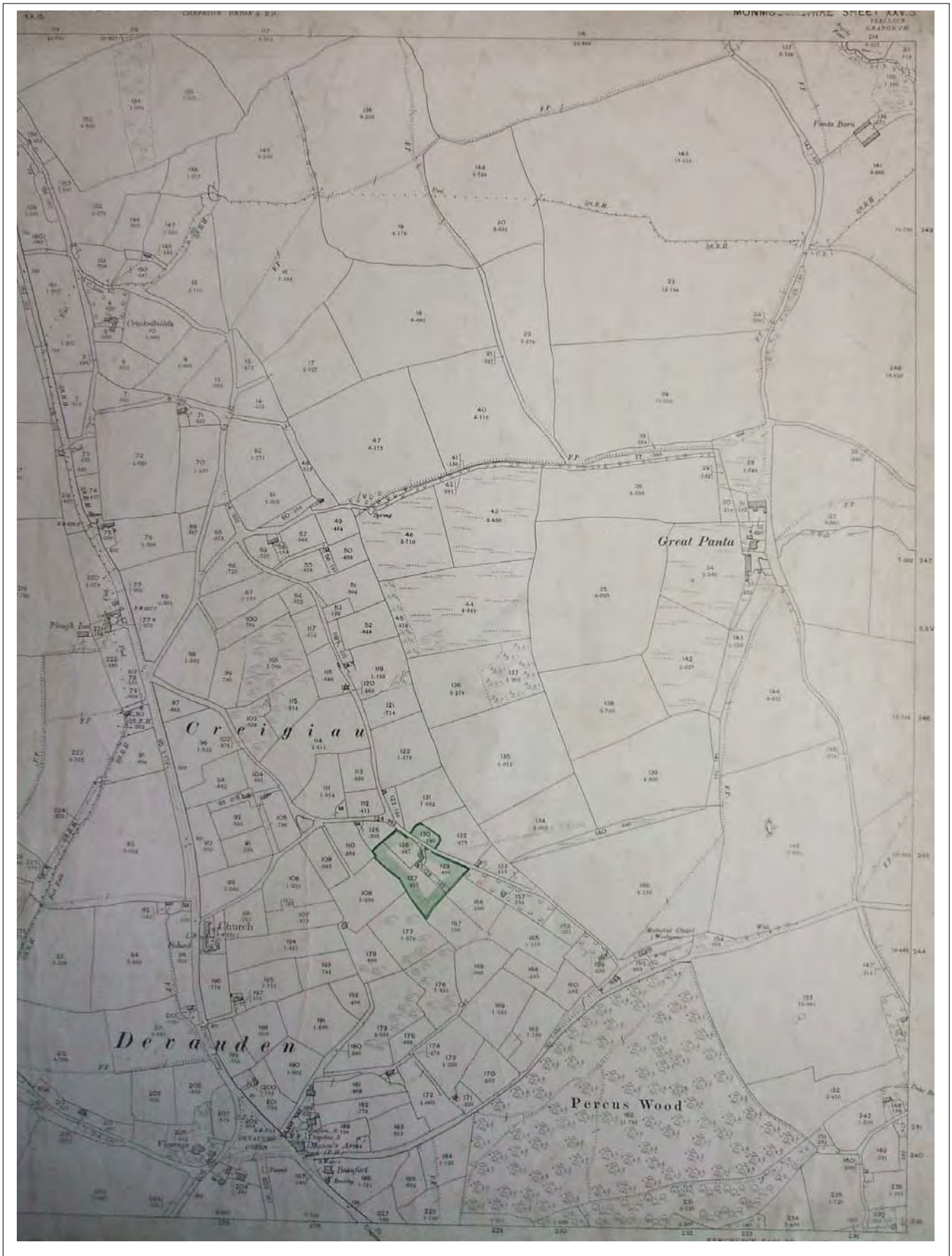
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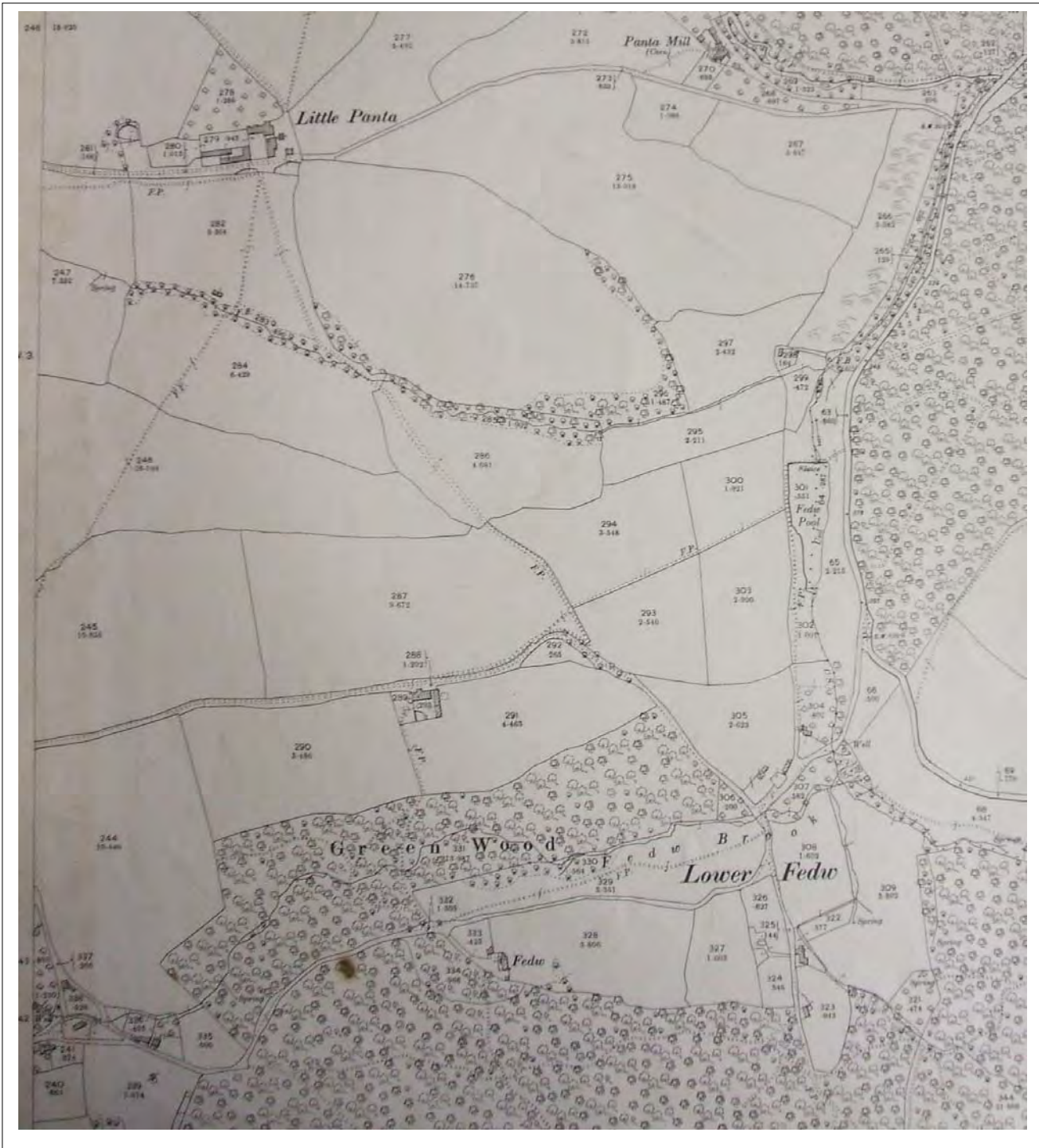
Ordnance Survey maps (Appendix 5)

OS 25 inch 1920 (2)

Appendix | 5.15



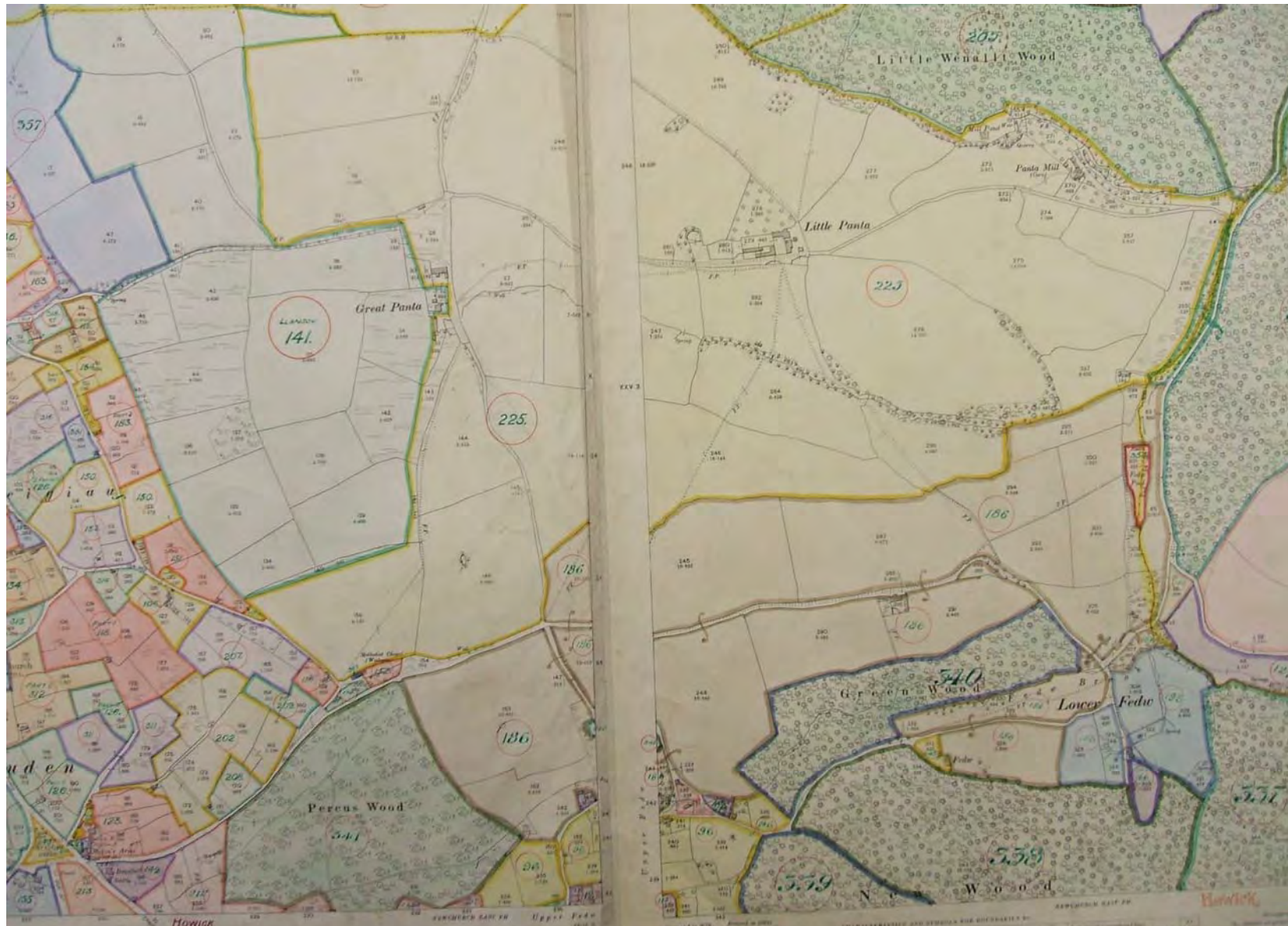
Ordnance Survey maps (Appendix 5)
OS 25 inch 1920 (3)



Ordnance Survey maps (Appendix 5)
OS 25 inch 1920 (4)



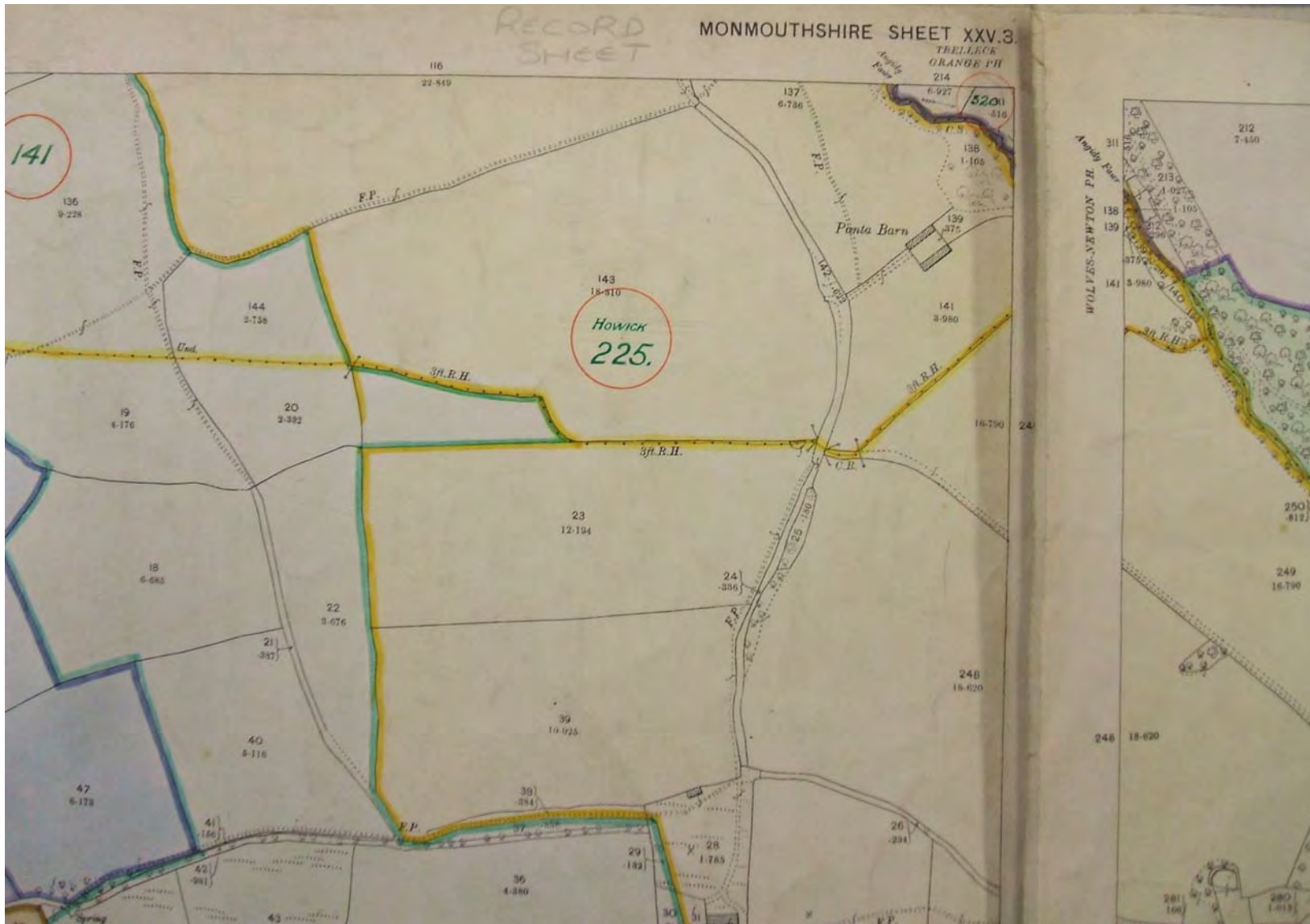
1910 Finance Act Map (Appendix 6)
 1910 Finance Act Map (Composite) (Not to Scale)



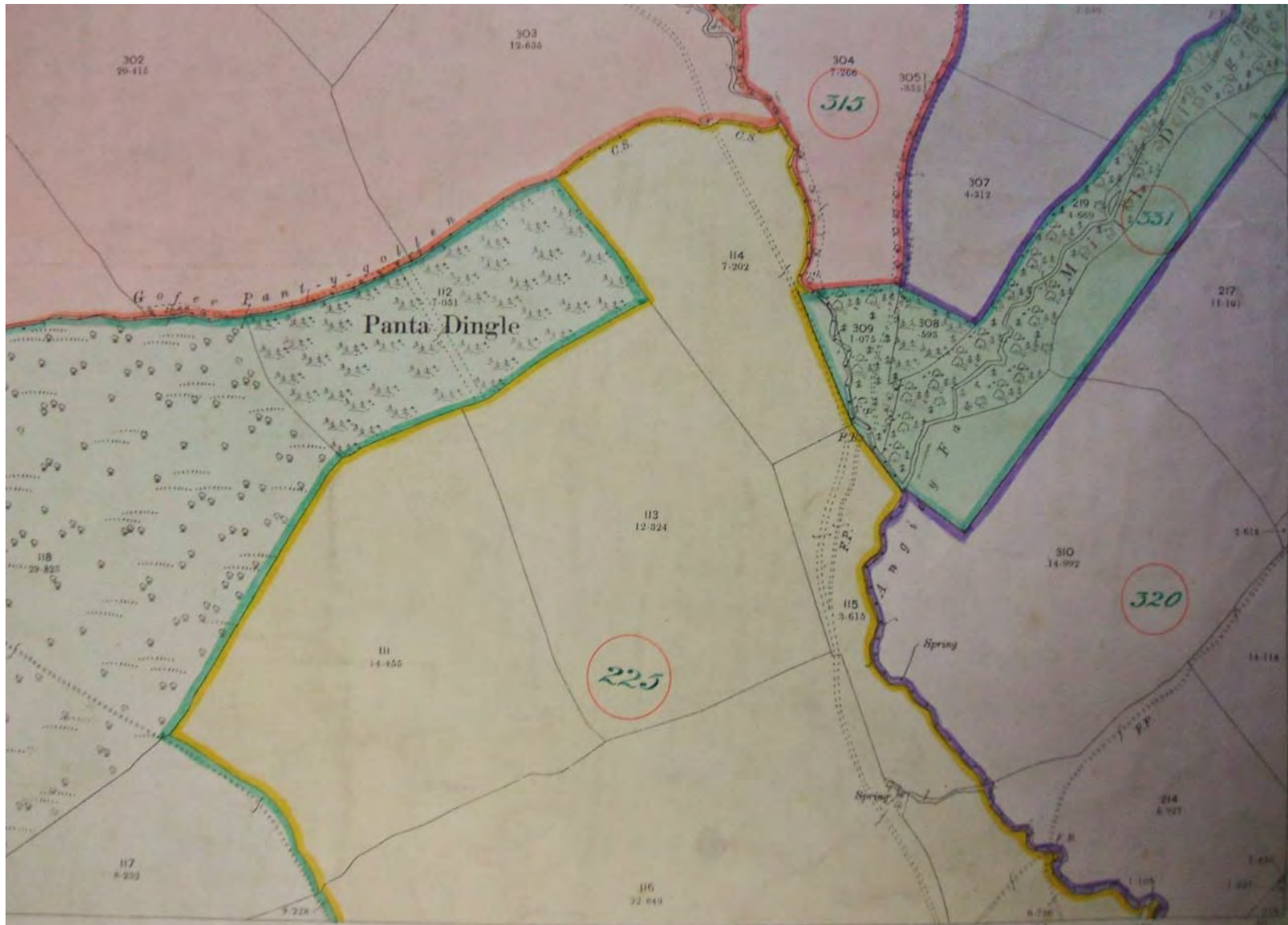
1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (1) (Not to Scale)



1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (2) (Not to Scale)



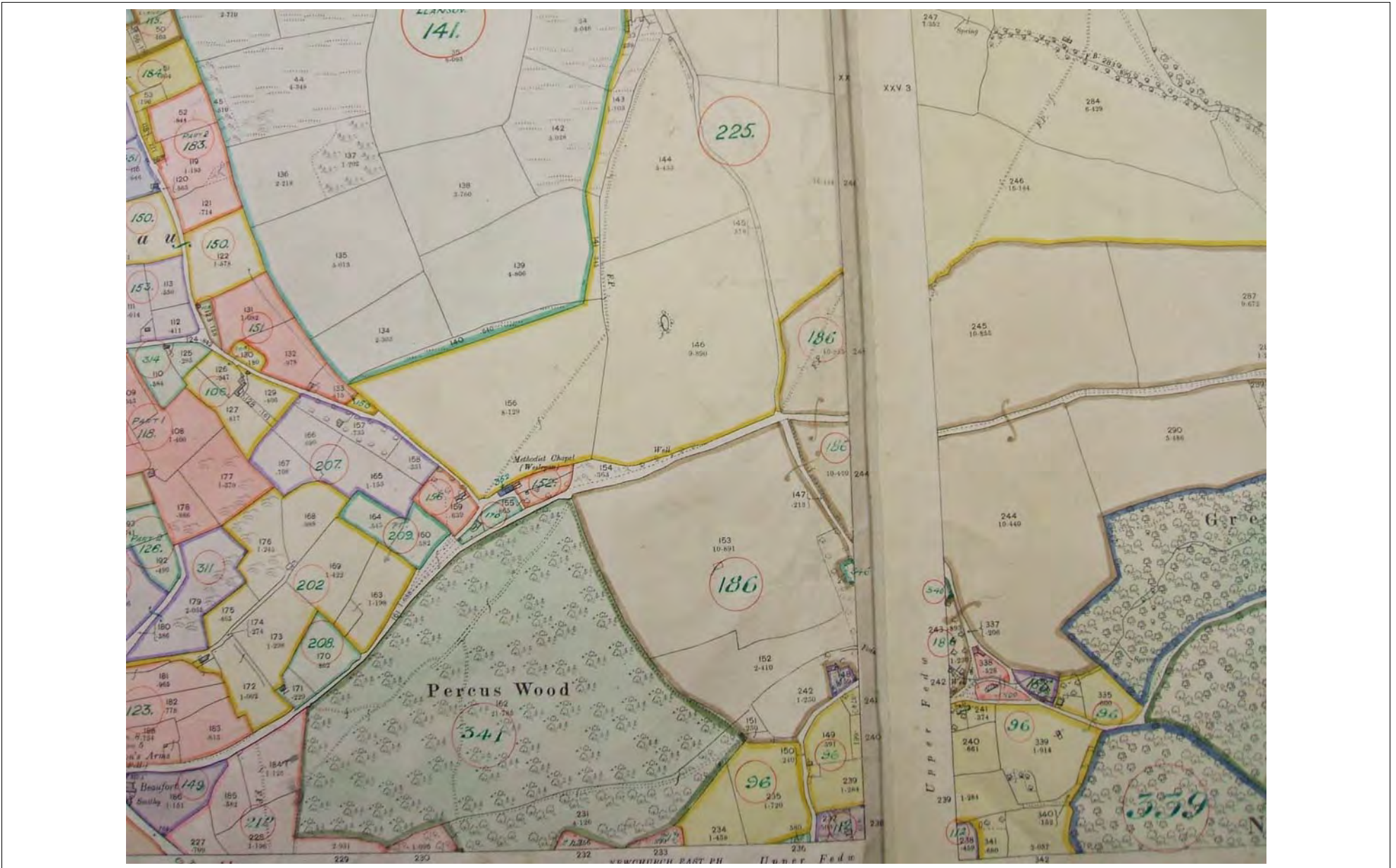
1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (3) (Not to Scale)



1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (4) (Not to Scale)



1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (5) (Not to Scale)



1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (6) (Not to Scale)



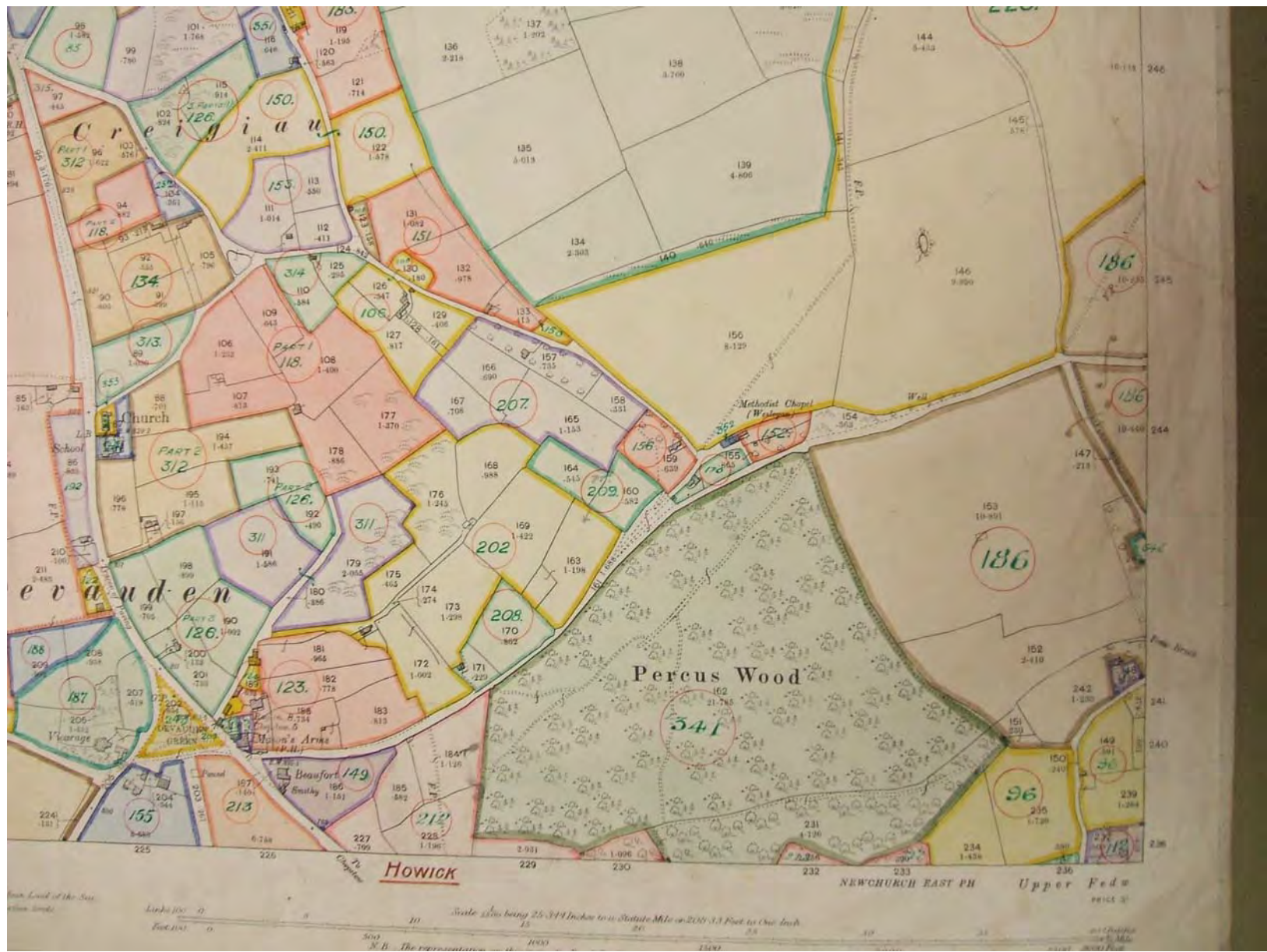
1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (7) (Not to Scale)



1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (8) (Not to Scale)



1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (9) (Not to Scale)
Appendix | 6.10



1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (10) (Not to Scale)
Appendix | 6.11



1910 Finance Act Map (Appendix 6)
1910 Finance Act Map (11) (Not to Scale)
Appendix | 6.12

Including 1911 & 1914

Reference No. 225 Map No.

Situation Paula
 Description Home land
 Extent Home land

Gross Value { Land £ 64.00 Rateable Value { Land £
 Buildings £ 74 Buildings £ 74

Gross Annual Value, Schedule A, £
 Occupier George Wood
 Owner Chas. Brampton Roberts
 Interest of Owner Freehold
 Superior interests

Subordinate interests

Occupier's tenancy, Term years from 2nd Feb 1909
 How determinable
 Actual (or Estimated) Rent, £ 133
 Any other Consideration paid
 Outgoings—Land Tax, £ 2.2.0 paid by tenant
 Tithe, £ 0.18.0 paid by
 Other Outgoings

Who pays (a) Rates and Taxes (b) Insurance as Usual & (c) Owner.
 Who is liable for repairs Owner
 Fixed Charges, Easements, Common Rights and Restrictions
Letting Rent due to Ch. Wood
13/3

Former Sales. Dates (Part of) 2nd July 1894
 Interest Freehold
 Consideration £7750
 Subsequent Expenditure

Owner's Estimate. Gross Value
 Full Site Value
 Total Value
 Assessable Site Value

Site Value Deductions claimed by owner

Roads and Sewers. Dates of Expenditure
 Amounts

Reference No. 225
 Particulars, description, and notes made on inspection
Paula Farm Newchurch East.
Area. 288 a 1 r 5 p.
287 a 1 r 3 p.
 For particulars see References kept.

Charges, Easements, and Restrictions affecting market value of Fee Simple
Likes £6.18.0 @ 25.4p. £170.
Chief rent £ 13.3 @ do £117
P. R. of way say £20
£210

Valuation.—Market Value of Fee Simple in possession of whole property
 in its present condition
Farm £3225
Sporting 175
Timber 100.
£3500

Deduct Market Value of Site under similar circumstances,
 but if divested of structures, timber, fruit trees, and
 other things growing on the land
As on next page £2250

Difference Balance, being portion of market value attribut-
 able to structures, timber, &c. £ 1250

Divided as follows:—
 Buildings and Structures £ 875
 Machinery £
 Timber £ 100
 Fruit Trees £ 55
 Other things growing on land £ 220

Market Value of Fee Simple of Whole in its present condition
 (as before) £ 3000
 Add for Additional Value represented by any of the following
 for which any deduction may have been made when
 arriving at Market Value:—
 Charges (excluding Land Tax) as above £ 210
 Restrictions £
 GROSS VALUE... £ 3210

Reference No. 324	Map No. 2011 7 2012 21, 22, 23	Reference No. 324
Situation Chapel Farm		Particulars, description, and notes made on inspection
Description To. Blops Land		Chapel Farm, Bellet Orange.
Extent 232ac 1/3 rd		Area 231 ac 0 rds 12 f.
Gross Value	Land, £	For particulars see preliminary Report
	Buildings, £	
	Rateable Value	
	Buildings, £	
Gross Annual Value, Schedule A, £		
Occupier J. Heath		
Owner E. J. Thompson Roberts		
Interest of Owner		
Superior interests		
Subordinate interests		
Occupier's tenancy, Term Yearly, from		
How determinable		
Actual (or Estimated) Rent, £206.		
Any other Consideration paid		
Outgoings—Land Tax, £ 14 8 paid by Owner		
Tithe, £ 2 9 11 paid by		
Other Outgoings		
Who pays (a) Rates and Taxes (b) Insurance a, Occupier (c) Owner do.		
Who is liable for repairs		
Fixed Charges, Easements, Common Rights and Restrictions		
Former Sales, Dates Llanwr Farm 2 Nov 1901		
Interest		
Consideration £2080 11 6		
Subsequent Expenditure		
Owner's Estimate, Gross Value		
Full Site Value		
Total Value		
Assessable Site Value		
Site Value Deductions claimed		
Roads and Sewers, Dates of Expenditure		
Amounts		
		Charges, Easements, and Restrictions affecting market value of Fee Simple
		Incised Charge £1 @ 30yrs £30
		Rk. of Way 5
		Valuation.—Market Value of Fee Simple in possession of whole property in its present condition
		Farm 0280
		Shooting 145
		Timber 75
		£3500
		Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land
		As on next page £2800
		Difference Balance, being portion of market value attributable to structures, timber, &c. £1000
		Divided as follows:—
		Buildings and Structures £700
		Machinery £1
		Timber £45
		Fruit Trees £225
		Other things growing on land £200
		Market Value of Fee Simple of Whole in its present condition (as before) £3500
		Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—
		Charges (excluding Land Tax) As above 35
		Restrictions
		GROSS VALUE £3535

1910 Finance Act Field Book (Appendix 6)

Hereditament 324 (1)







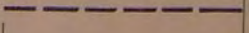

Highway Authority maps/records (Appendixes 7-14)
1949 Highway Record (1) (Not to Scale)
Appendix | 7.1

TRUNK AND COUNTY ROADS.

AS AT 1ST APRIL, 1949.

ENCE: ▶

EXISTING TRUNK ROADS SHEWN THUS :

"	CLASS 1	"	"	"	A	
"	CLASS 2	"	"	"	B	
"	CLASS 3	"	"	"	S	
"	UNCLASSIF'D	"	"	"	C	
"	GREEN LANES	"	"	"		
"	CLASS 2 ROADS PROPOSED TO BE UP-GRADED TO CLASS 1 ROADS SHEWN THUS :					

Highway Authority maps/records (Appendixes 7-14)
1949 Highway Record (2)



Highway Authority maps/records (Appendixes 7-14)

1952 Highway Record Updated to 1987 (1)

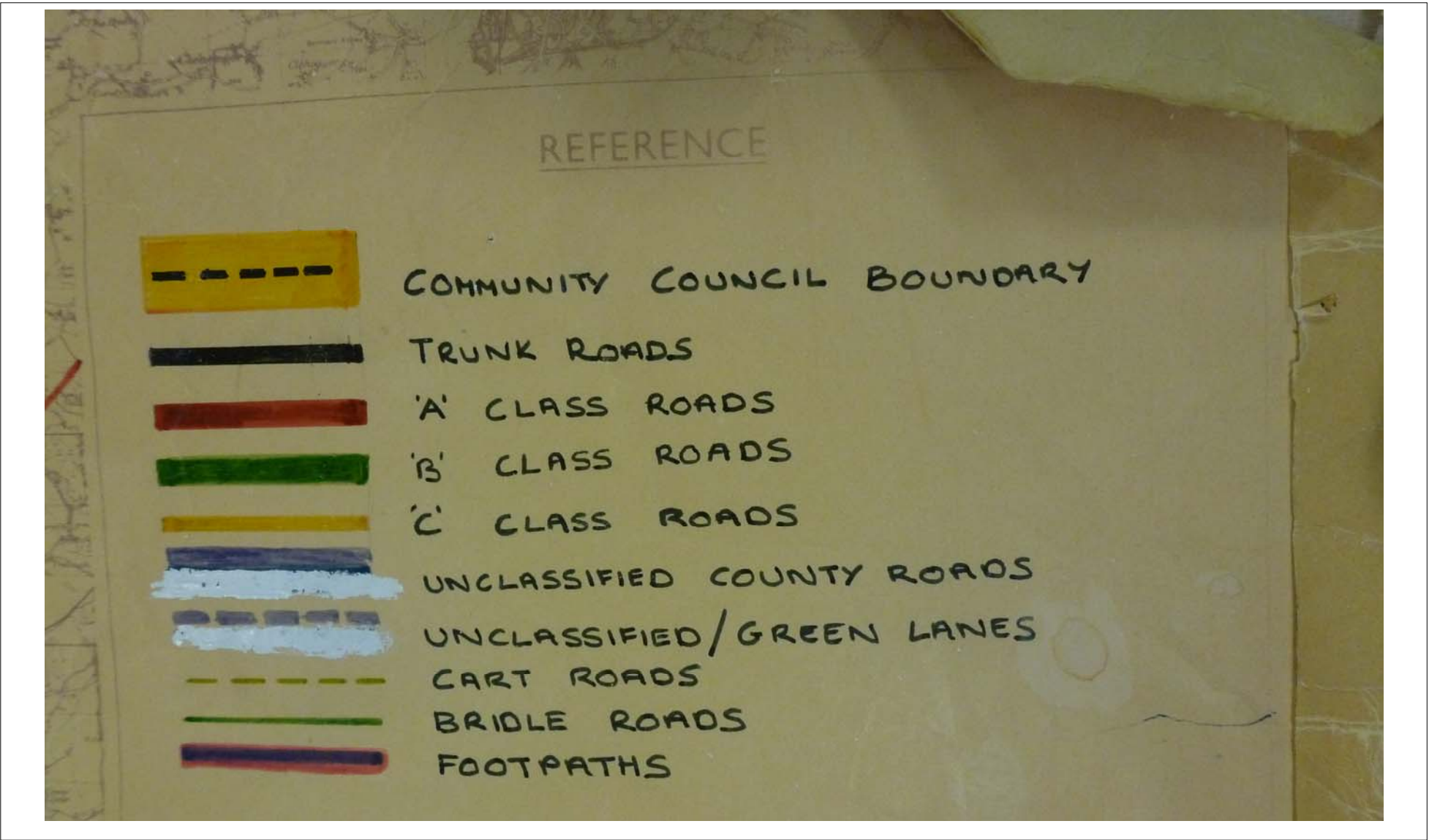
Appendix | 8.1

HIGHWAYS
1952 Edition

Gwent C.C.
Updated

EXPECTED FOR M.D.C 1987

Highway Authority maps/records (Appendixes 7-14)
1952 Highway Record Updated to 1987 (2)



Highway Authority maps/records (Appendixes 7-14)
1952 Highway Record Updated to 1987 (3)



Highway Authority maps/records (Appendixes 7-14)

1955 Highway Record

ROUTE NO.	DESCRIPTION.	6" SHEET NO.	DN. NO.	MILEAGE	
				+	-
C.50-15	Spur Deleted - "Not maintained at all" * From Massin's Wood to joint. of route C.50-7 at Yew Tree. See Schedule of Amendments. Div. 2. Monmouth R.D.	21-1	2		0.09
C.51-3	Trellech Cross. Deleted <u>that the</u> * <u>length</u> 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 mls.				
C.53-1 S.53-1	Tintern Cross - St Atvans * From joint with C.53/3 to joint with C.53-4. See <u>Schedule of Amendments, Div. 2.</u> <u>has never been maintained</u>	25-4	2	on the sheet	0.53
C.53-15	Spur ("Not maintained at all") * See Schedule of Amendments, Div. 2.	21-1	2	Class 3 involved	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	Feder Brook Road. "Not maintained at all" * See "Schedule of Amendments, Div. 2"	25-4 6+25	2		0.52
C.53-16	Great Pantia Road. "Not maintained at all" * See "Schedule of Amendments" Div. 2.	25-3 6+25	2		0.97
S.53-19	Greigian Spur. Green Lane. * "Not maintained at all" See "Schedule of Amendments" Div. 2.	25-3 6+25	2	indicated	0.15
C.56-1	Station Road. From joint. of C.56/1 S.E. to Rly. Bridge. "Fully maintained but shown on map". See "Schedule of Amendments" Div. 2.	13-16	2		0.09
C.53-2	Kilgarry Road. "Not maintained at all" * See "Schedule of Amendments" Div. 2.	25-7 6+25	2		0
	Abertawe - Llanthomas - From Passer...				

Highway Authority maps/records (Appendixes 7-14)
Undated Hand written schedule

HIGHWAY DIVISION NO. 2.					PLAN NO.			
ROUTE NO.	DESCRIPTION OF ROAD	AREA IN WHICH ROAD IS SITUATED		GENERAL DESCRIPTION INCLUDING POINTS OF COMMENCEMENT AND TERMINATION.	LENGTH OF ROAD IN		TOTAL IN DIVISION.	ORD SHEET NO. 6 INCH.
		URBAN.	RURAL.		URBAN AREA.	RURAL AREA.		
S.53-3	Ravensnest Wood Road.		Chepstow.	From the junction of Route B.4293 Upper Fedw through Lower Fedw crossing S.53-1 at Pontysaeson to junction S.53-2 near Old Furnace.		1.99		25
C.53-4	Glyn Wood Road.		Chepstow	From the junction of Route S.52-1 near Fair oak to the junction of Route S.53-2.		0.99		25 and 26.
C.53-5	The Cot.		Chepstow	From the junction of Route B.4293 northwards to the junction of Route C.53-3.		0.63		25
C.53-6	Tout Road Green Lane.		Chepstow	From Tout Farm to Route S.53-1.		0.11		25 and 26.
C.53-7	Chapel Hill Road Green Lane Part.		Chepstow	From the junction of Route S.53-1 to the junction of Route A.466 at Tintern.		1.77		26
C.53-8	Piccadilly Spur.		Chepstow	Spur from Route S.53-1 to Piccadilly.		0.04		26
C.53-9	Link.		Chepstow	Link between Routes S.53-2 and C.53-4.		0.18		26
C.53-12	Greenwood Road.		Chepstow	From the junction of Route S.53-1 near "Fair oak" to "The Cot".		0.64		25
C.53-13	Link		Chepstow	Link between Route C.53-7 and Route C.53-14.		0.02		26
C.53-14	Church Wood Road Green Lane Part.		Chepstow	From Butchers Hall to the junction of Route C.53-7.		0.29		26
C.53-15	Porthgaseg Spur.		Chepstow.	Spur from Route C.53-7 to Porthgaseg.		0.22		26
C.53-17	Spur Green Lane.		"	Spur from Route C.53-14 to Wood.		0.06		26

Highway Authority maps/records (Appendixes 7-14)
Division 2 Highway List Undated (1)

UNCLASSIFIED ROADS.														SHEET NO				
														PLAN NO				
ROUTE NO	DESCRIPTION OF ROAD.	URBAN AREA IN WHICH ROAD IS SITUATED	RURAL AREA IN WHICH ROAD IS SITUATED	GENERAL DESCRIPTION INCLUDING POINTS OF COMMENCEMENT AND TERMINATION	CLAIMED ROADS	DIVISION 1		DIVISION 2		DIVISION 3		DIVISION 4		DIVISION 5		TOTAL LENGTH IN DIVISION		TOTAL LENGTH OF ROAD IN FEET
						U.	R.	U.	R.	U.	R.	U.	R.	U.	R.	U.	R.	
C53-12.	Greenwood Road		Chopston	Continued from previous sheet. From the junction of Route S.53-1 near "Fair oak" to "The Cot".				5.71								5.71	25	
C53-13	Link		"	Link between Route C53-7 and Route C53-14.				0.02									26	
C53-14	Church Hood Road Green Lane Part		"	Ebon Butchers Hall to the junction of Route C53-7				0.29									26	
C53-15	Forthgasog Spur		"	Spur from Route C53-7 to Forthgasog				0.22									26	
C53-16	Spur Green Lane		"	Spur from Route C53-14 to Hood.				0.06									26	
C53-18	Chapel Road		"	From junction of Route D4293 at Devauden to the Methodist Chapel.				0.29									25	
C53-19	Ferry Road.		"	From the junction of Route A.466 to River Eye (Spur).				0.11									26	
C53-21	Hyndeliff Road.		"	Spur from Route A.466 to Hyndeliff.				0.34							1.97		26	
continued on next sheet.								7.68							7.68			

Highway Authority maps/records (Appendixes 7-14)
1970 List of Unclassified County Roads (2)

1970

GENERAL SUMMARY.
MILEAGE APRIL 1970

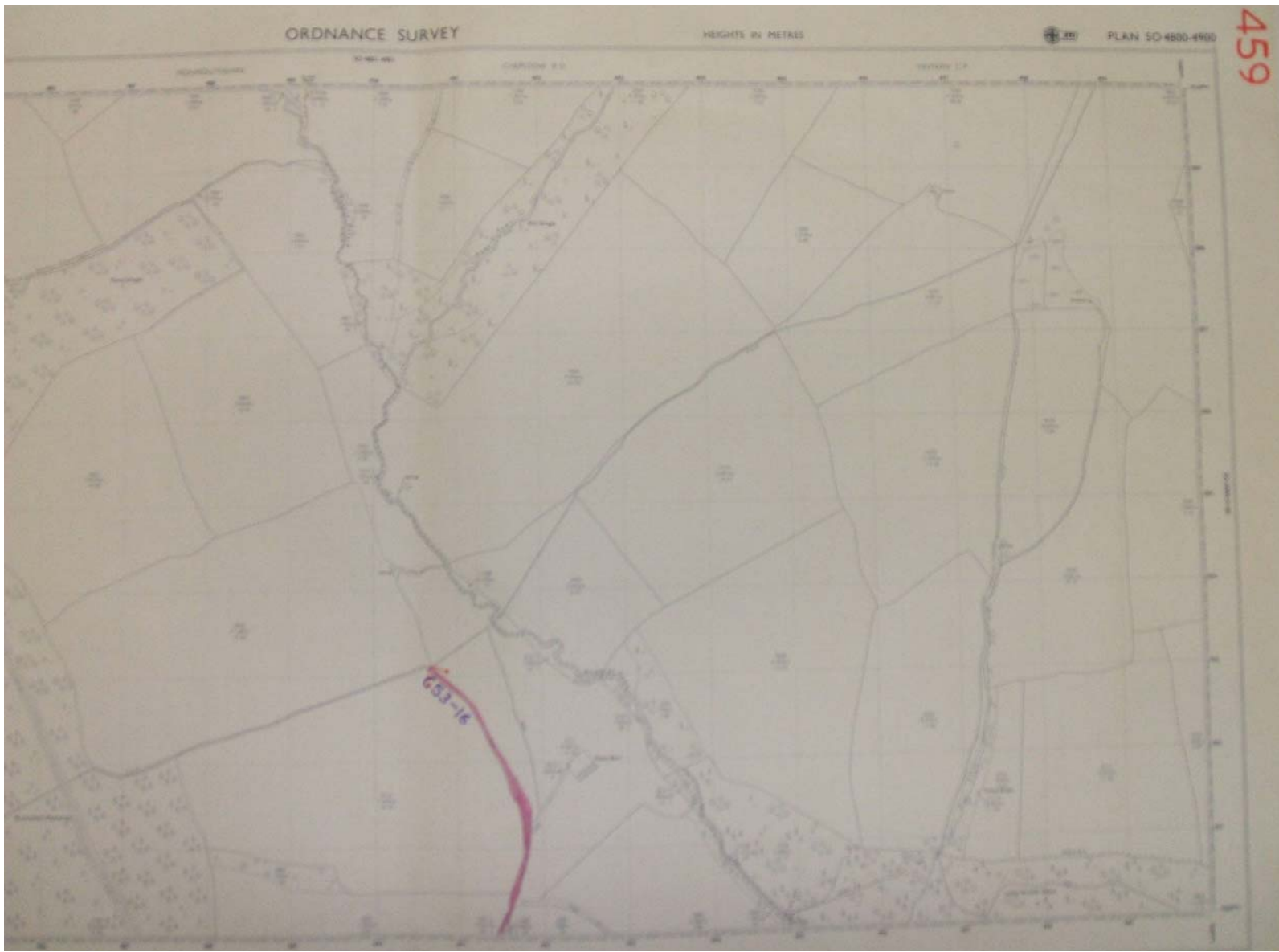
ROAD.	CLAIMED ROADS.	DIVISION 1.		DIVISION 2.		DIVISION 3.		DIVISION 4.		TOTAL LENGTH IN DIVISIONS		TOTAL LENGTH IN DIVISIONS	TOTAL LENGTH URBAN ROADS IN COUNTY.	TOTAL LENGTH INCOUNTY INC4- CLAIMED ROADS.
	URBAN.	URBAN	RURAL.	URBAN.	RURAL.	URBAN	RURAL.	URBAN.	RURAL.	URBAN	RURAL.			
COLUMN.	1.	2.	3.	2.	3.	2.	3.	2.	3.	2.	3.	2&3.	1&2	1,2&3.
M. UNCL						1.00	10.97	7.05		8.05	10.97	19.02	8.05	19.02
TRUNKS	4.40	2.85	22.68	4.10	19.24	1.80	11.32	3.54	13.52	12.29	66.76	79.05	16.69	83.45
PRIN- CIPAL	51.23	5.67	0.46	9.26	14.71	1.08	0.04	23.72	13.33	39.73	28.54	68.27	90.96	119.50
CLASS2	21.66	8.13	49.02	3.79	25.10	0.74	10.57	7.45	13.43	20.11	98.12	118.23	41.77	139.89
CLASS3	59.03	5.25	85.36	2.45	82.46	5.79	84.23	15.35	45.76	28.84	297.81	326.65	87.87	385.68
UNCL	5.18	0.57	186.14	2.51	146.70	-	125.92	0.37	77.58	3.45	536.34	539.79	8.63	544.97
TOTAL	141.50	22.47	343.66	22.11	288.21	10.41	243.05	57.48	163.62	112.47	1038.54	1151.01	253.97	1292.51

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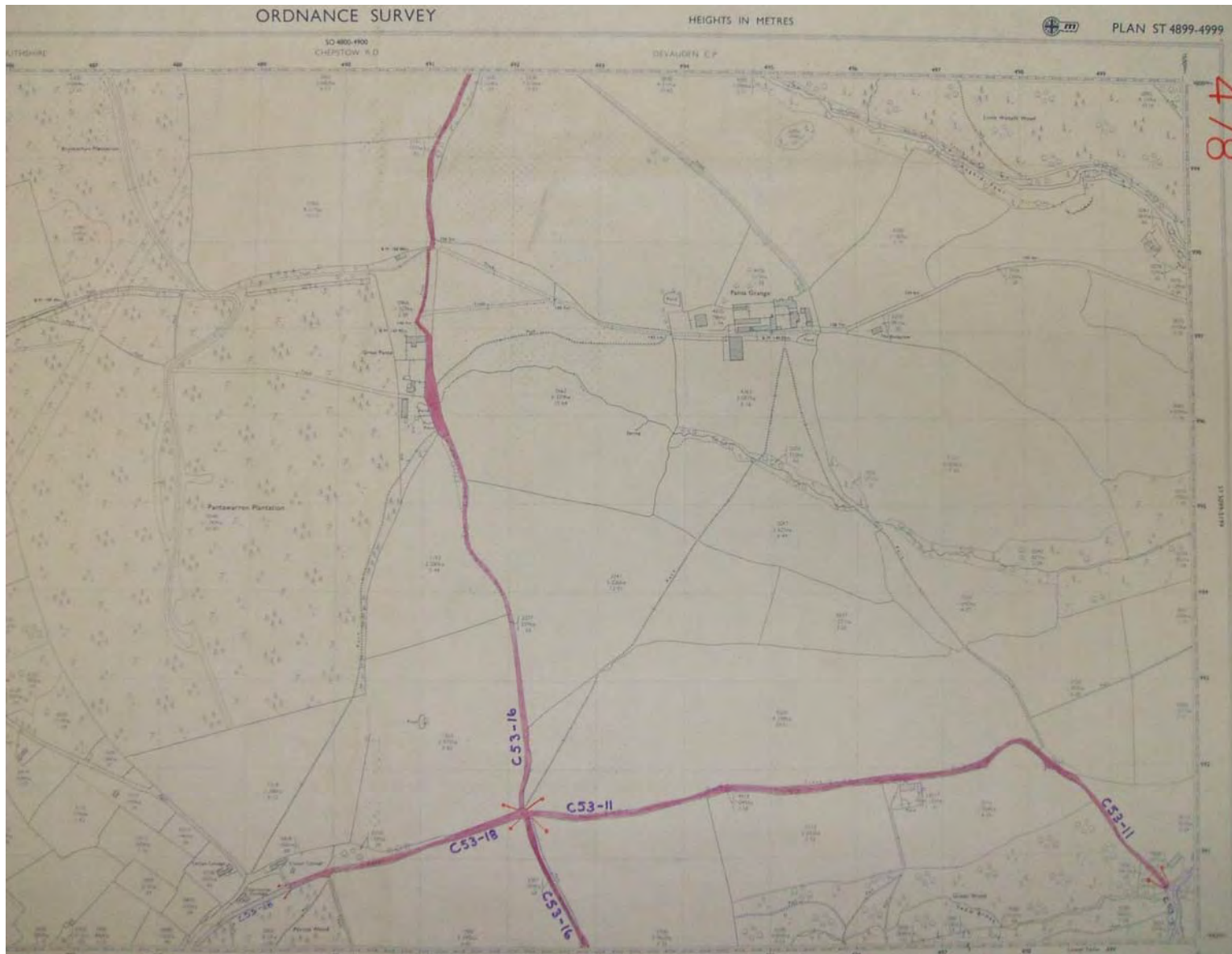
Highway Authority maps/records (Appendixes 7-14)
1974 List of Unclassified County Roads (3)



Highway Authority maps/records (Appendixes 7-14)
Undated Highway Maps (compiled circa 1974) (Composite)



Highway Authority maps/records (Appendixes 7-14)
Undated Highway Maps (compiled circa 2008) (1)



Highway Authority maps/records (Appendixes 7-14)
Undated Highway Maps (compiled circa 2008) (2)

Register for County Area - Eastern - Sub-Area 7

Route: C53-8 Name: PICCADILLY SPUR (GREEN LANE)
 Description: SPUR FROM R.95 TO PICCADILLY

Highway Authority: Gwent CC	Classification: Green Lane	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted: Unknown	
Carriageways: 1	Lanes/carriageway: 1	Speed limit: De-restricted	Last amended: 14/06/1988	
Start OS Grid Ref: 51949719	Finish OS Grid Ref: 52019716	Length: 00.06 kms	Type: Rural	

Route: C53-9 Name: LINK
 Description: LINK BETWEEN R.94 AND 95

Highway Authority: Gwent CC	Classification: Unclassified County	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted: Unknown	
Carriageways: 1	Lanes/carriageway: 1	Speed limit: De-restricted	Last amended: 04/07/1988	
Start OS Grid Ref: 52090026	Finish OS Grid Ref: 52410021	Length: 00.29 kms	Type: Rural	

Route: C53-12 Name: GREENWOOD ROAD
 Description: FROM JUNCTION OF R.95 NEAR FAIRDAK TO JUNCTION WITH ROUTE C53-5

Highway Authority: Gwent CC	Classification: Unclassified County	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted: Unknown	
Carriageways: 1	Lanes/carriageway: 1	Speed limit: De-restricted	Last amended: 14/06/1988	
Start OS Grid Ref: 51359954	Finish OS Grid Ref: 50319288	Length: 01.40 kms	Type: Rural	

Route: C53-13 Name: LINK (GREEN LANE)
 Description: LINK BETWEEN ROUTE C53-7 AND ROUTE C53-14

Highway Authority: Gwent CC	Classification: Green Lane	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted: Unknown	
Carriageways: 1	Lanes/carriageway: 1	Speed limit: De-restricted	Last amended: 12/07/1988	
Start OS Grid Ref: 53100002	Finish OS Grid Ref: 53119998	Length: 00.03 kms	Type: Rural	

List of Streets (Appendix 15)
 List of Streets 1988 (1)

Register for County Area - Eastern - Sub-Area 7

Route: C53-14 Name: CHURCH WOOD ROAD (GREEN LANE)
 Description: FROM CHURCHGRAVE COTTAGES TO JUNCTION OF ROUTE C53-7

Highway Authority: Gwent CC	Classification: Green Lane	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted: Unknown	
Carriageways: 1	Lanes/carriageway: 1	Speed limit: De-restricted	Last amended: 12/07/1988	
Start OS Grid Ref: 52709987	Finish OS Grid Ref: 53149999	Length: 00.50 kms	Type: Rural	

Route: C53-15 Name: PORTHCASSEB SPUR
 Description: SPUR FROM ROUTE C53-7 TO PORTHCASSEB

Highway Authority: Gwent CC	Classification: Unclassified County	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted: Unknown	
Carriageways: 1	Lanes/carriageway: 1	Speed limit: De-restricted	Last amended: 14/06/1988	
Start OS Grid Ref: 52229817	Finish OS Grid Ref: 52529809	Length: 00.32 kms	Type: Rural	

Route: C53-17 Name: SPUR (GREEN LANE)
 Description: SPUR FROM ROUTE C53-14 TO WOOD

Highway Authority: Gwent CC	Classification: Green Lane	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted: Unknown	
Carriageways: 1	Lanes/carriageway: 1	Speed limit: De-restricted	Last amended: 14/06/1988	
Start OS Grid Ref: 52949998	Finish OS Grid Ref: 52869992	Length: 00.10 kms	Type: Rural	

Route: C53-18 Name: CHAPEL ROAD
 Description: FROM JUNCTION OF R.83 AT DEVAUDEN TO THE CHAPEL COTTAGE

Highway Authority: Gwent CC	Classification: Unclassified County	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted: Unknown	
Carriageways: 1	Lanes/carriageway: 1	Speed limit: De-restricted	Last amended: 14/06/1988	
Start OS Grid Ref: 46499882	Finish OS Grid Ref: 48959987	Length: 00.55 kms	Type: Rural	

List of Streets (Appendix 15)
 List of Streets 1988 (2)

Register for County Area - Eastern - Sub-Area 7

Route: C51-20 Name: FERRY ROAD
Description: FROM JUNCTION OF A466 TO RIVER WYE (SPUR)

Highway Authority: Gwent CC Classification: Unclassified County District: Monmouth DC Area: Eastern Sub-area: 7

Structural Maintenance: Southern Division Cyclic Maintenance: Southern Division Winter Maintenance: Southern Division Date adopted: Unknown

Carriageways: 1 Lanes/carriageway: 1 Speed limit: De-restricted Last amended: 14/06/1988

Start OS Grid Ref: 53229998 Finish OS Grid Ref: 53240014 Length: 00.19 kms Type: Rural

Route: C53-21 Name: WYNDCLIFF ROAD
Description: SPUR FROM A466 TO WYNDCLIFF

Highway Authority: Gwent CC Classification: Unclassified County District: Monmouth DC Area: Eastern Sub-area: 7

Structural Maintenance: Southern Division Cyclic Maintenance: Southern Division Winter Maintenance: Southern Division Date adopted: Unknown

Carriageways: 1 Lanes/carriageway: 1 Speed limit: De-restricted Last amended: 14/06/1988

Start OS Grid Ref: 53099685 Finish OS Grid Ref: 53179729 Length: 00.55 kms Type: Rural

Route: C53-22 Name: ST. ANNE'S ROAD
Description: FROM JUNCTION OF A466 NORTH OF BEAUFORT ARMS TO JUNCTION WITH ROUTE C53-7

Highway Authority: Gwent CC Classification: Unclassified County District: Monmouth DC Area: Eastern Sub-area: 7

Structural Maintenance: Southern Division Cyclic Maintenance: Southern Division Winter Maintenance: Southern Division Date adopted: Unknown

Carriageways: 1 Lanes/carriageway: 1 Speed limit: De-restricted Last amended: 14/06/1988

Start OS Grid Ref: 53229996 Finish OS Grid Ref: 53159999 Length: 00.08 kms Type: Rural

Route: C53-23 Name: TINTERN BRIDGE
Description: FROM JUNCTION OF A466 TO CENTRE OF TINTERN BRIDGE AT COUNTY BOUNDARY

Highway Authority: Gwent CC Classification: Unclassified County District: Monmouth DC Area: Eastern Sub-area: 7

Structural Maintenance: Southern Division Cyclic Maintenance: Southern Division Winter Maintenance: Southern Division Date adopted: unknown

Carriageways: 1 Lanes/carriageway: 1 Speed limit: De-restricted Last amended: 14/06/1988

Start OS Grid Ref: 52940022 Finish OS Grid Ref: 53010029 Length: 00.12 kms Type: Rural

List of Streets (Appendix 15)

List of Streets 1988 (3)

Register for County Area – Eastern –Sub-Area 7

Route: C53-8 Name: PICCADILLY SPUR (GREEN LANE)
 Description: SPUR FROM R.95 TO PICCADILLY

Highway Authority: Gwent CC	Classification: Green Lane	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted:	Unknown
Carriageways: 1	Lanes/Carriageway: 1	Speed limit: De-restricted	Last amended:	14/06/1988
Start OS Grid Ref: 51949719	Finish OS Grid Ref: 52019716	Length: 00.06 kms	Type: Rural	

Route: C53-9 Name: LINK
 Description: LINK BETWEEN R.94 AND 95

Highway Authority: Gwent CC	Classification: Unclassified County	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted:	Unknown
Carriageways: 1	Lanes/Carriageway: 1	Speed limit: De-restricted	Last amended:	04/07/1988
Start OS Grid Ref: 52090025	Finish OS Grid Ref: 52410021	Length: 00.29 kms	Type: Rural	

Route: C53-11 Name: FEDW POOL LANE
 Description: FROM JUNCTION OF C53-16 NORTHEAST OF PERCUS WOOD TO JUNCTION WITH ROUTE C53-5 SOUTH OF FEDW POOL.

Highway Authority: Gwent CC	Classification: Green Lane	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted:	Unknown
Carriageways: 1	Lanes/Carriageway: 1	Speed limit: De-restricted	Last amended:	07/10/2008
Start OS Grid Ref:	Finish OS Grid Ref:	Length: 00. kms	Type: Rural	

Route: C53-12 Name: GREENWOOD ROAD
 Description: FROM JUNCTION OF R.95 NEAR FAIROAK TO JUNCTION WITH ROUTE C53-5

Highway Authority: Gwent CC	Classification: Unclassified County	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted:	Unknown
Carriageways: 1	Lanes/Carriageway: 1	Speed limit: De-restricted	Last amended:	14/06/1988
Start OS Grid Ref: 51359954	Finish OS Grid Ref: 50319888	Length: 01.40 kms	Type: Rural	

Route: C53-13 Name: LINK (GREEN LANE)
 Description: LINK BETWEEN ROUTE C53-7 AND ROUTE C53-14

Highway Authority: Gwent CC	Classification: Green Lane	District: Monmouth DC	Area: Eastern	Sub-area: 7
Structural Maintenance: Southern Division	Cyclic Maintenance: Southern Division	Winter Maintenance: Southern Division	Date adopted:	Unknown
Carriageways: 1	Lanes/Carriageway: 1	Speed limit: De-restricted	Last amended:	12/07/1988
Start OS Grid Ref: 53100002	Finish OS Grid Ref: 53119998	Length: 00.3 kms	Type: Rural	

List of Streets (Appendix 15)
 List of Streets 2008 (1)

Route: C53-16

Name: GREAT PANTA ROAD

Description: FROM JUNCTION OF c53-3 NEAR WELL COTTAGE TO PASS GREAT PANTA AND PANTA BARN AND JUNCTION WITH PUBLIC FOOTPATHS 177 & 177A DEVAUDEN

Highway Authority
Gwent CC

Classification
Restricted Byways

District
Monmouth DC

Division
Eastern

Structural
Southern Division

Maintenance Responsibility
Cyclic
Southern Division

Winter
Southern Division

Date adopted
Unknown

Carriageways: 1

Lanes/Carriageway: 1

Speed limit: De-restricted

Date Last amended: 16/05/2012

Start OS Grid Ref: 49070032

Finish OS Grid Ref: 49329889

Length (Km): 01.49

Type: Rural

Route: C53-17

Name: SPUR (GREEN LANE)

Description: SPUR FROM ROUTE C53-14 TO WOOD

Highway Authority
Gwent CC

Classification
Green Lane

District
Monmouth DC

Division
Eastern

Structural
Southern Division

Maintenance Responsibility
Cyclic
Southern Division

Winter
Southern Division

Date adopted
Unknown

Carriageways: 1

Lanes/Carriageway: 1

Speed limit: De-restricted

Date Last amended: 14/06/1988

Start OS Grid Ref: 52949998

Finish OS Grid Ref: 52869992

Length (Km): 00.10

Type: Rural

View of Appendix 15 2012

List of Streets (2012)

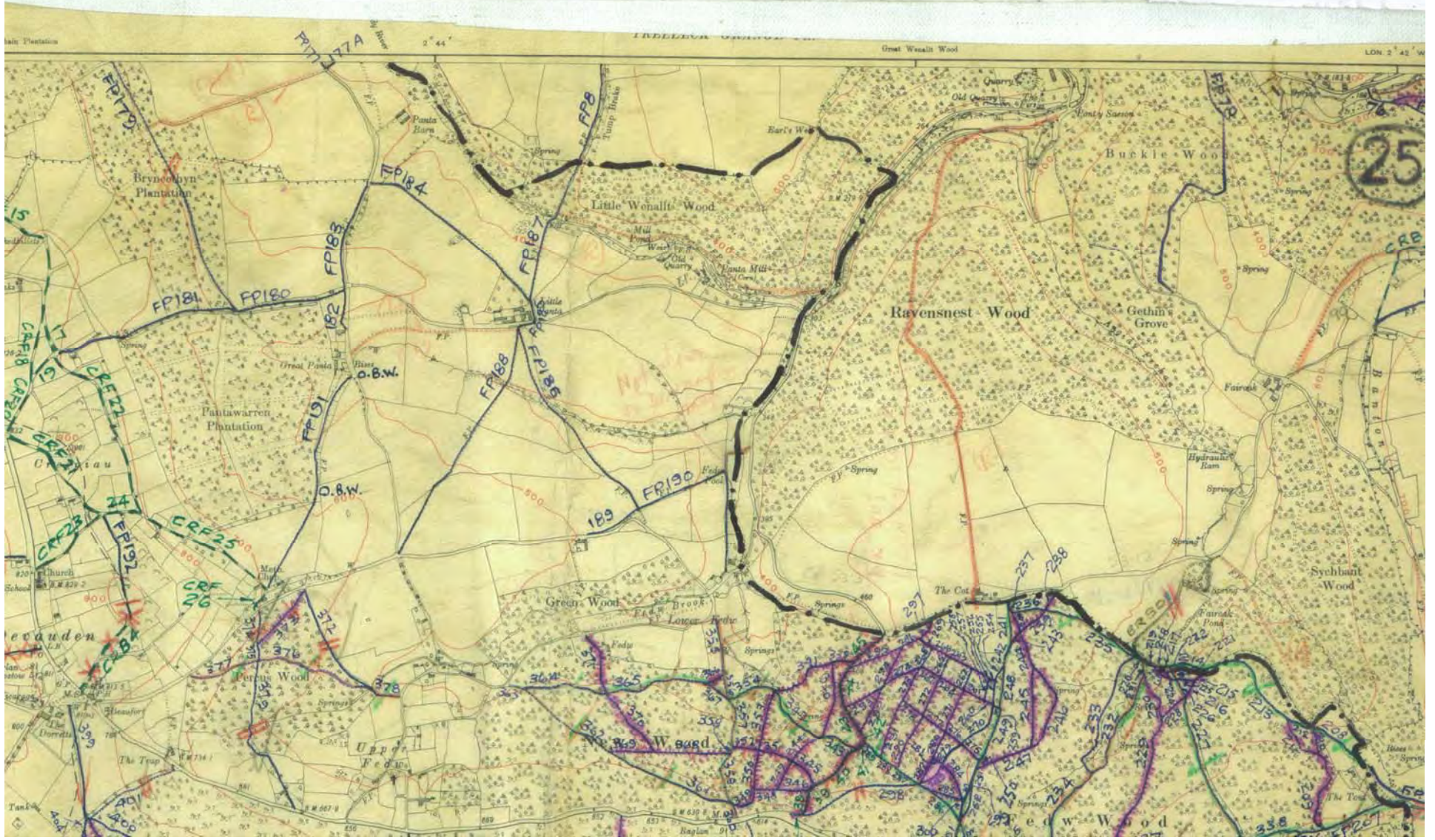
List of Streets (Appendix 15)

List of Streets 2012

Appendix | 15.6

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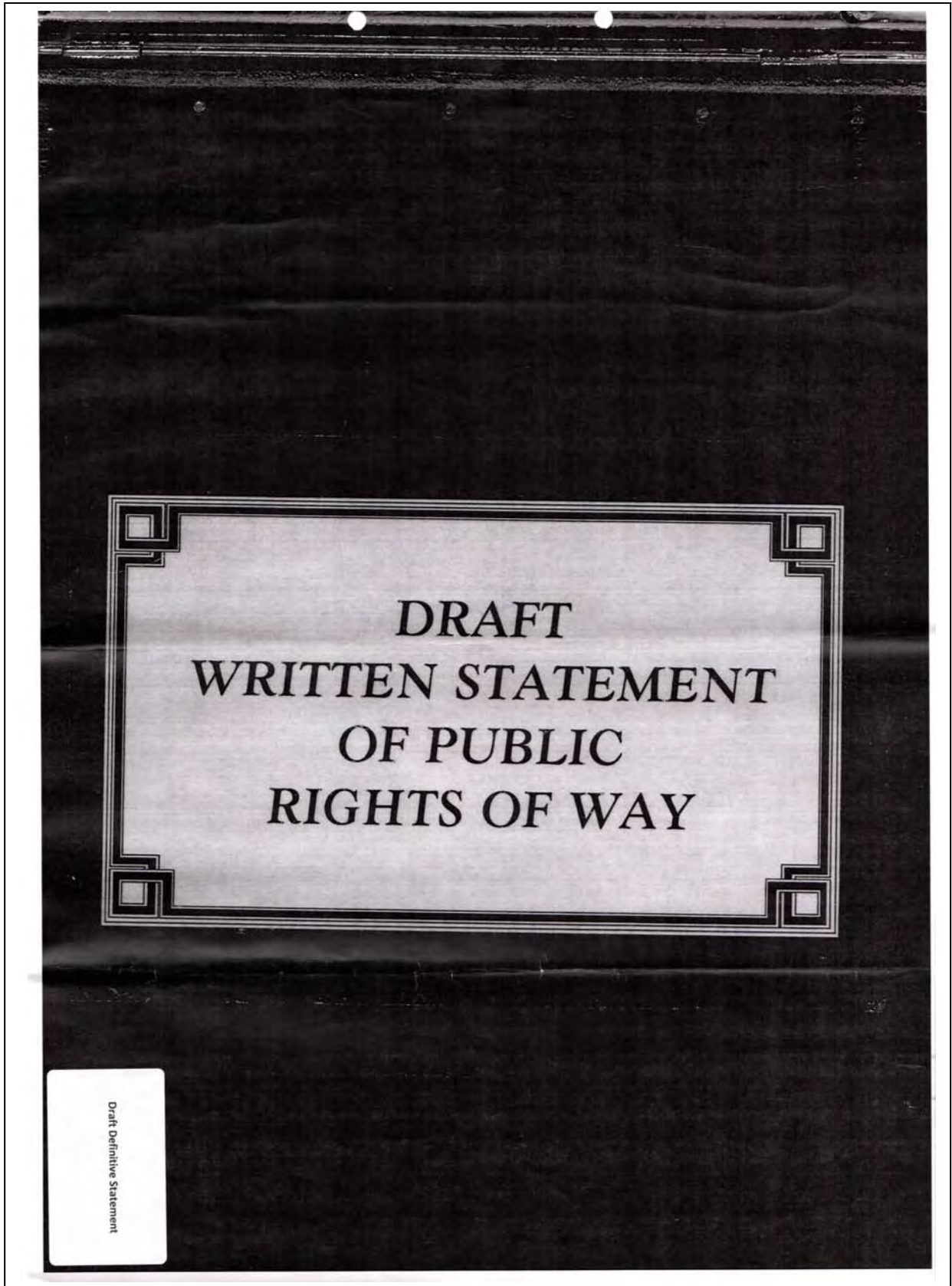
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Definitive Map and Associated Documents (Appendix 16)
Draft Definitive Map sheet 25 (1) (Not to Scale)



Definitive Map and Associated Documents (Appendix 16)
Draft Definitive Map sheet 20 (2) (Not to Scale)



Definitive Map and Associated Documents (Appendix 16)
Draft Definitive Map Statement cover

PARISH OF DENBIGH.
 N.B.—The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Space and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."

Number of Paths coinciding with No. on Map (See Paras. 2 and 3).	Kind of Path (Use Symbols. See Para. 4).	Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.
161	F.P.		From County Road south of 160 to County Road near Wern House.	
162 & 163	F.P.		From County Road south of Methodist Chapel via Lower Glyn to Ty-du.	
164 & 165	F.P.		From Lower Glyn to County Road near Ty-du.	
166	F.P.		From junction with 164 & 165 North to County Road.	
167	F.P.		From County Road 330 yds. south of The Castle due west to Parish Boundary.	
168	F.P.		From cross roads at Hex Common due north to County Road near Hex.	
169	F.P.		Short Cut at "The Corner".	
170-172	F.P.		From County Road 550 yds. west of The Corner via Well Cottage to Tredean Lodge.	
173	F.P.		From junction with 171 at Well Cottage to Devauden P.O. <small>THE COUNTY RD NEAR</small>	
174 & 175	F.P.		From Devauden Church to Tredean Arms.	
176	F.P.		Link between two County Roads at New Inn.	
177	F.P.		End of County Road near Panta Barn north to Parish Boundary.	
177A	F.P.		From 177 N.E. to Parish Boundary.	
178			Link between County Roads at New Inn.	
179	F.P.		Cobblers Plain to Pantawarren Plantation.	

Nathern
 For Est...
 MAGEE & LLOYD
 sh
 Llangwm
 St Arvans
 Kilgwrw

The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Spaces and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."

Name of Path, if any, or its destination.	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.	Signature, description and address of persons carrying out survey and dates.
	From County Road south of 160 to County Road near Wern House.		
	From County Road south of Methodist Chapel via Lower Glyn to Ty-du.		
	From Lower Glyn to County Road near Ty-du.		
	From junction with 164 & 165 North to County Road.		
	From County Road 330 yds. south of The Castle due west to Parish Boundary.		
	From cross roads at Hex Common due north to County Road near Hex.		
	Short Cut at "The Corner".		
	From County Road 550 yds. west of The Corner via Well Cottage to Tredean Lodge.		
	From junction with 171 at Well Cottage to Devauden P.O.		
	From Devauden Church to Tredean Arms.		
	Link between two County Roads at New Inn.		
	End of County Road near Panta Barn north to Parish Boundary.		
	From 177 N.E. to Parish Boundary.		
	Link between County Roads at New Inn.		
	Cobblers Plain to Pantawarren Plantation.		

Definitive Map and Associated Documents (Appendix 16)
 Draft Definitive Map Statement (Numbers not included)

166	F.P.	FROM JUNCTION WITH 104 S.W. ...
167	F.P.	From County Road 330 yds. south of The Castle due west to Parish Boundary.
168	F.P.	From cross roads at Hex Common due north to County Road near Hex.
169	F.P.	Short Cut at "The Corner".
170-172	F.P.	From County Road 550 yds. west of The Corner via Well Cottage to Tredean Lodge.
173	F.P.	From junction with 171 at Well Cottage to Devauden P.O.
174 & 175	F.P.	From Devauden Church to Tredean Arms.
176	F.P.	Link between two County Roads at New Inn.
177	F.P.	End of County Road near Panta Barn north to Parish Boundary.
177A	F.P.	From 177 N.E. to Parish Boundary.
178	F.P.	Link between County Roads at New Inn.
179	F.P.	Cobblers Plain to Pantewarren Plantation.

Definitive Map and Associated Documents (Appendix 16)
 Draft Definitive Map Statements 166 - 179

N.B.—The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Spaces and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."

Kind of Path as Symbols, see Para. 4)	Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.	Signature, description and address of persons carrying out survey and dates.
F.P.		From junction of 182 & 183 to junction of C.R.F. 17 & 22.		
F.P.		Runs parallel to County Road for 350 yds. north of Great Panta.		
F.P.		From County Road near Panta Barn to Little Panta.		
F.P.		From Little Panta to junction of 189 & 190.		
F.P.		From Little Panta north to Parish Boundary.		
F.P.		From Little Panta S.W. to join County Road.		
F.P.		From County Road via Fedw Pool to Lower Vedw.		
F.P.		From Great Panta to Methodist Chapel.		
F.P.		Continuation of C.R.B. 4 to junction of C.R.F. 23 & 24.		
F.P.	Itton School to Pilsore Wood.	Continuation of County Road to Parish Boundary.		
F.P.	Rogerstone Grange to Pen-y-pare.	From Parish Boundary to County Road near Pen-y-pare.		
F.P.		From County Road near Pen-y-pare to junction of 199 & 203.		
F.P.		From junction of 196 & 197 to "The Gorse".		
F.P.		From junction of 197 & 203 to Gaerhill Farm.		
F.P.		Gaerhill Farm east to Parish Boundary.		

Definitive Map and Associated Documents (Appendix 16)
Draft Definitive Map Statement (Numbers not included)

Appendix | 16.7

N.B.—The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Space and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."

Number of Paths coinciding with No. on Map (See Paras. 2 and 3).	Kind of Path (Use Symbols. See Para. 4).	Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.
180 & 181	F.P.		From junction of 182 & 183 to junction of C.R.F. 17 & 22.	
182 & 183	F.P.		Runs parallel to County Road for 350 yds. north of Great Panta.	
184	F.P.		From County Road near Panta Barn to Little Panta.	
185 & 186	F.P.		From Little Panta to junction of 189 & 190.	
187	F.P.		From Little Panta north to Parish Boundary.	
188	F.P.		From Little Panta S.W. to join County Road.	
189 & 190	F.P.		From County Road via Fedw Pool to Lower Vedw.	
191	F.P.		From Great Panta to Methodist Chapel.	
192	F.P.		Continuation of C.R.B. 4 to junction of C.R.F. 23 & 24.	
193 & 194	F.P.	Itton School to Pilmoore Wood.	Continuation of County Road to Parish Boundary.	
195	F.P.	Rogerstone Grange to Pen-y-parc.	From Parish Boundary to County Road near Pen-y-parc.	
196 & 197	F.P.		From County Road near Pen-y-parc to junction of 199 & 203.	
198	F.P.		From junction of 196 & 197 to "The Gorse".	
199	F.P.		From junction of 197 & 203 to Georhill Farm.	
200	F.P.		Georhill Farm east to Parish Boundary.	

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Definitive Map and Associated Documents (Appendix 16)
Draft Definitive Map Statements 180 - 200

184	F.P.		From County Road near Panta Barn to Little Panta.
185 & 186	F.P.		From Little Panta to junction of 189 & 190.
187	F.P.		From Little Panta north to Parish Boundary.
188	F.P.		From Little Panta S.W. to join County Road.
189 & 190	F.P.		From County Road via Fedw Pool to Lower Vedw.
191	F.P.		From Great Panta to Methodist Chapel.
192	F.P.		Continuation of C.R.B. 4 to junction of C.R.F. 23 & 24.
193 & 194	F.P.	Itton School to Pilsnore Wood.	Continuation of County Road to Parish Boundary.
195	F.P.	Rogerstons Grange to Pen-y-parc.	From Parish Boundary to County Road near Pen-y-parc.
196 & 197	F.P.		From County Road near Pen-y-parc to junction of 199 & 203.
198	F.P.		From junction of 196 & 197 to "The Gorse".
199	F.P.		From junction of 197 & 203 to Gaerhill Farm.
200	F.P.		Gaerhill Farm east to Parish Boundary.

Definitive Map and Associated Documents (Appendix 16)
Draft Definitive Map Statements 184 - 200

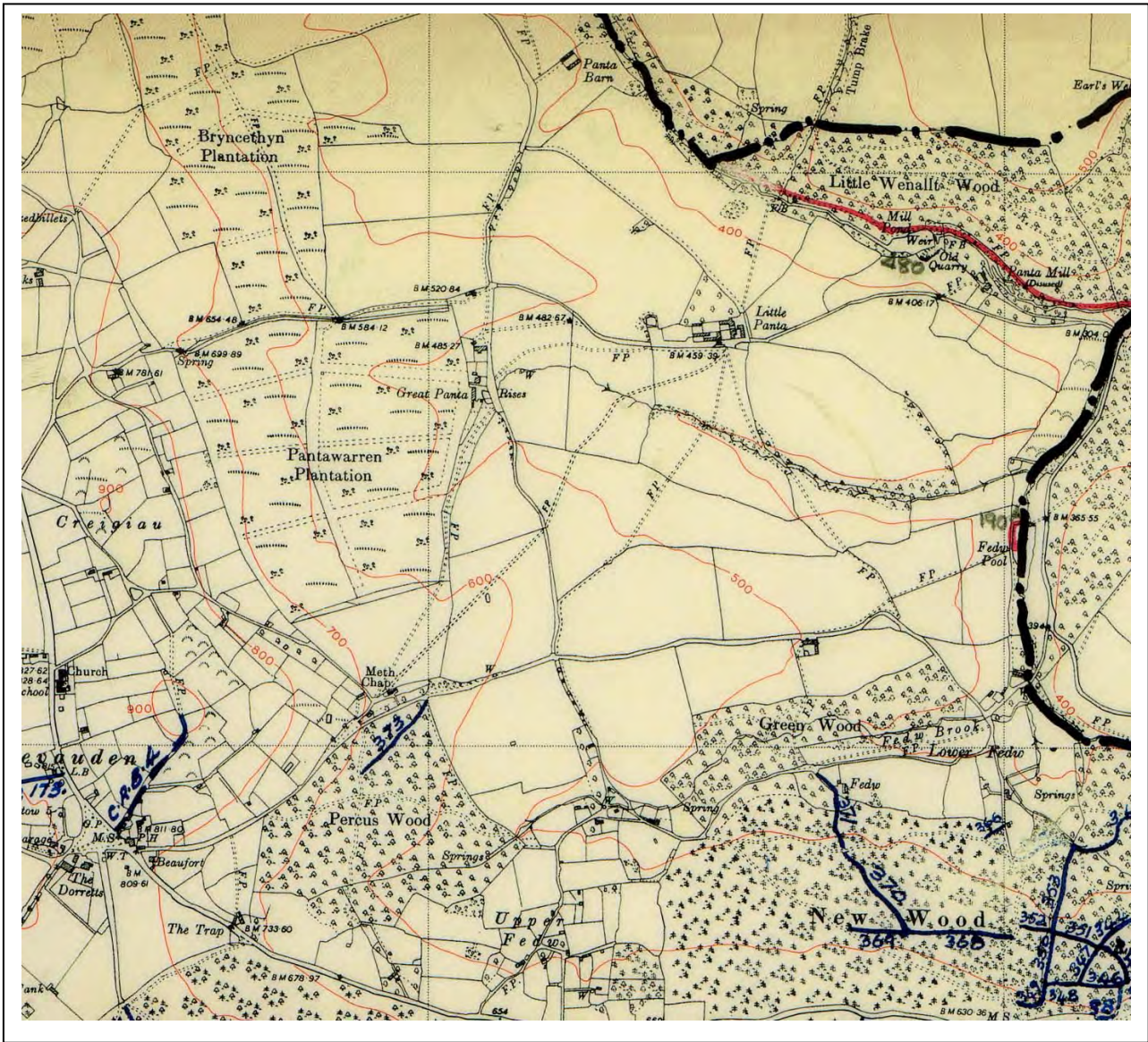
Number of Paths coinciding with No. on Map (See Paras. 2 and 3).	Kind of Path (Use Symbols, See Para. 4).	Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief ground for belief that way is public.
201	F.P.		Gearhill Farm north to Parish Boundary.	
202	F.P.		From junction of 199 & 203 E.N.E. to Parish Boundary.	
203-207	F.P.		From junction of 197 & 202 to Parish Boundary near the Toul.	
208-338	F.P.		Paths in Padw Wood.	
339-371	F.P.		Paths in New Wood.	
372-379	F.P.		Paths in Percus Wood.	
380-398	F.P.		Paths in Cefn-Garw Wood.	
399-486	F.P.		Paths in Chespatow Park Wood.	

The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Spaces and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."

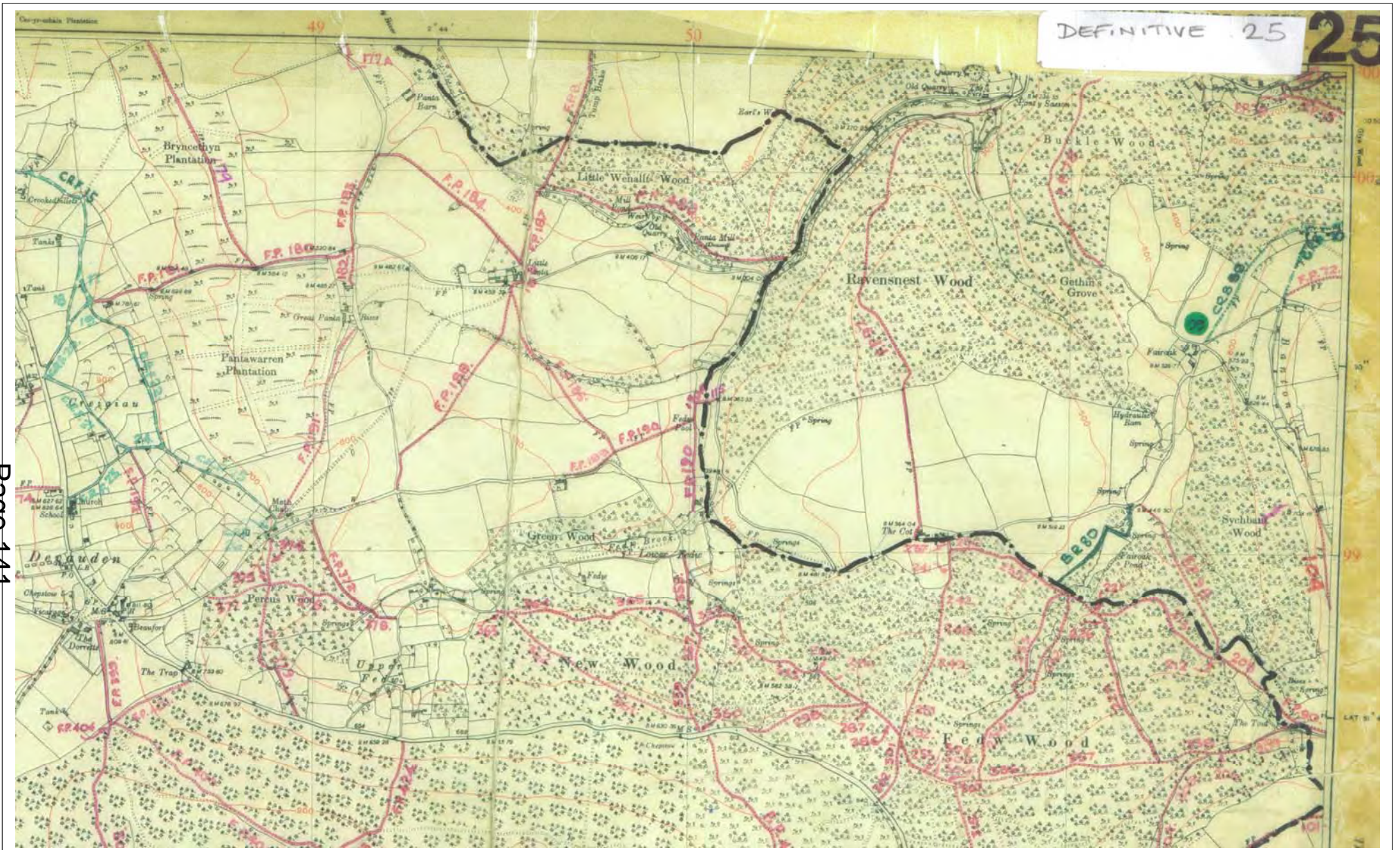
Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.	Signature, description and address of persons carrying out survey and dates.
	<p>Garrhill Farm north to Parish Boundary.</p> <p>From junction of 199 & 205 E.N.E. to Parish Boundary.</p> <p>From junction of 197 & 202 to Parish Boundary near the Tent.</p> <p>Paths in Redw Wood.</p> <p>Paths in New Wood.</p> <p>Paths in Percus Wood.</p> <p>Paths in Cefn-Garw Wood.</p> <p>Paths in Chepatow Park Wood.</p>		

Definitive Map and Associated Documents (Appendix 16)
 Draft Definitive Map Statements (No Numbers included)

Appendix | 16.11



Definitive Map and Associated Documents (Appendix 16)
Additions and Deletions Map (Not to scale)



Definitive Map and Associated Documents (Appendix 16)

Definitive Map sheet 25 (1) (Not to Scale)



Definitive Map and Associated Documents (Appendix 16)
Definitive Map sheet 20 (2) (Not to Scale)

County Of Monmouth
**DEFINITIVE MAP OF
PUBLIC RIGHTS OF WAY
WRITTEN STATEMENT**

Definitive Statement

Definitive Map

Definitive Map and Associated Documents (Appendix 16)
Definitive Map Statements cover

Appendix | 16.15

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SURVEY OF RIGHTS OF WAY.

LOCAL AUTHORITY (Borough, District or Parish Council).....CHEPSTON RURAL DISTRICT COUNCIL.....

PARISH OF.....SEVAUDEN.....

N.B.—The Pamphlet references in this Form are to the January, 1950 Edition of the Memorandum prepared by the Commons, Open Spaces and Footpath Preservation Society entitled "SURVEY OF RIGHTS OF WAY."

Number of Paths coinciding with No. on Map (See Paras. 2 and 3).	Kind of Path (Use Symbols, See Para. 4).	Name of Path, if any, or its destination	Concise description of Path commencing with its starting point. Give features occurring on Path in correct order, and its widths where well defined. If metalled, by whom repaired. (See Para. 5 on Pages 11, 12 and 13).	Brief grounds for belief that way is public.	Signature, description and address of persons carrying out survey and dates.
162 & 163	F.P.		From County Road south of Holywell Chapel via Lower Glyn to Ty-du		
164 & 165	F.P.		From Lower Glyn to County Road near Ty-du		
166	F.P.		From junction with 164 & 165 North to County Road		
167	F.P.		From County Road 350 yds north of The Gattie due west to Parish Boundary		
168	F.P.		From cross roads at Box Concoen due north to County Road near Box		
169	F.P.		Short cut at 'The Corner'		
170-172	F.P.		From County Road 550 yds west of The Corner via Well Cottage to Troedan Lodge		
173	F.P.		From junction with 171 at Well Cottage to Sevauden P.S.		
174 & 175	F.P.		From Sevauden Church to Troedan Inn		
176	F.P.		Link between two County Roads at Box Inn.		
177	F.P.		End of County Road near Panta Burn north to Parish Boundary		
177a	F.P.		From 177 S.E. to Parish Boundary		
178			Link between County Roads at Box Inn		
179	F.P.		Cobbles Plain to Pantaserwen Llablathen.		
180 & 181	F.P.		From junction of 182 & 183 to junction of C.R.F. 17 & 22		
182 & 183	F.P.		Run parallel to County Road for 350 yds north of Great Panta		
184	F.P.		From County Road near Panta Burn to Little Panta		
185 & 186	F.P.		From Little Panta to junction of 189 & 190		
187	F.P.		From Little Panta north to Parish Boundary.		
188	F.P.		From Little Panta S.W. to join County Road		

Definitive Map and Associated Documents (Appendix 16)

Definitive Map Statements 162 - 188

189, 190 & 190A	F.P.		From County Road via Fedn Pool to Lower Veda
191	F.P.		From Great Panta to Methodist Chapel
192	F.P.		Continuation of C.R.D.4 to junction of C.R.F.23 & 24
193 & 194	F.P.	Itton School to Pimcore Wood	Continuation of County Road to Parish Boundary
195	F.P.	Rogerstone Grange to Pen-y-parc	From Parish Boundary to County Road near Pen-y-parc
196 & 197	F.P.		From County Road near Pen-y-parc to junction of 199 & 203
198	F.P.		From junction of 196 & 197 to 'The Green'
199	F.P.		From junction of 197 & 203 to Gaerhill Farm
200	F.P.		Gaerhill Farm east to Parish Boundary
201	F.P.		Gaerhill Farm north to Parish Boundary
202	F.P.		From junction of 199 & 203 E.N.E. to Parish Boundary.
203 - 207	F.P.		From junction of 197 & 202 to Parish Boundary near the Tent
208, 212, 214, 217, 219, 226, 227, 231, 237, 241, 242, 246, 251, 253, 254, 257, 270, 279, 286, 289, 302, 304, 307, 315, 316, 323, 324, 333, 335, 338	F.P.		Paths in Fedn Wood
342, 343, 354, 365, 367	F.P.		Paths in Bea Wood
372, 374, 379	F.P.		Paths in Fergus Wood
382, 385, 387, 389, 391 393, 395	F.P.		Paths in Cefn-Sars Wood
399, 401, 404, 409, 419, 424, 429, 434, 449, 454, 457, 461, 463, 464, 468, 470, 471 473, 475, 477, 479	F.P.		Paths in Chapston Park Wood.
480	F.P.	Little Wenallt Wood	From junction with F.P.107 in an easterly direction through wood to County Road,
481	G.R.	Fedn Wood	From junction with County Road in an easterly direction to junction with F.P.324.
482	C.R.F.		From County Road S. of Penyparc in a S.W. direction to Parish Boundary.

Definitive Map and Associated Documents (Appendix 16)
Definitive Map Statements 189 - 482

Chief Executive Officer

9th August 1978
IPN/EE
JAW/MM

THE COUNTRYSIDE COMMISSION : STUDY OF GREEN LANES

I refer to your memorandum dated 14th July 1978 in respect of the above mentioned matter together with a copy of a letter dated 12th July 1978 received by you from the Association of County Councils.

I confirm that there is a considerable mileage of 'Green Lanes' in the County and the exact mileage can be obtained from the County Surveyor. The legal status of the Green Lanes is that they are Unsurfaced County Unclassified Roads.

The needs of all types of user are being met whereby where complaints are received regarding obstructions, necessary remedial works required etc action is taken to ensure that the complaints are remedied as soon as is convenient. Conflicts between users do arise on the odd occasion e.g. between walkers and motorcyclists and between landowners and motor cyclists when these lanes are used for trail riding or scrambles.

Green Lanes make an immense contribution to the landscape and are of great value in fostering plant growth and animal sanctuary etc and provide a valuable means to the public of obtaining more access to the countryside.

These lanes are in fact highways by which much of the trade of the country was carried out but over the years with the improvement of other highways have deteriorated in many cases to where they are little more than footpaths.

It is my opinion that these Green Lanes do not, in the majority of cases, hinder farming activities but do in fact give access to fields though occasionally landowners do attempt to plough them up and incorporate them into adjoining fields which is to the detriment of the countryside and to the public.

I trust this information is of value to the Association but should they require any further information I will be pleased to supply it on request.

Mr. J.A. Willis

584

Me.

ASSOCIATION OF COUNTY COUNCILS

A. C. HETHERINGTON, C.B.E.
SECRETARY

W. D. PARTRIDGE, LL.B.
DEPUTY SECRETARY

I. G. CUNNINGHAM, M.A.
EDUCATION OFFICER

G. MATTHEWS, M.A.

L. R. ROBERTS, LL.B.

B. J. A. BINDER, M.A.
(FINANCE)

P. J. COLES, M.Sc.
(EDUCATION)

UNDER-SECRETARIES

RECEIVED

13 JUL 1978

SECY DEPT.

EATON HOUSE,

66A EATON SQUARE,

WESTMINSTER, SW1W 9BH.

TELEPHONE: 01-235 1200

YOUR REF:

OUR REF: 3A/W/H.36/1

12th July, 1978

Dear Sir,

Study of Green Lanes

A Report to the Countryside Commission
by the Dartington Amenity Research Trust

I refer to my letter of 31st January 1978 in which I asked for your observations on DART'S report on "Modifications of Rights of Way".

DART have now informed me that following their earlier work, they have been asked by the Countryside Commission to carry out a study of Green Lanes. I understand that this will comprise a short desk study including any relevant literature and correspondence with interested parties, and a survey in a District of each of three counties. The South Hams area of Devon will be the first study area; the others are yet to be selected.

In each study area DART are to determine:-

- (i) the mileage of "Green Lane" (appropriately defined);
- (ii) their legal status (none, footway, bridleway, RUPP, county road, etc.);
- (iii) the extent to which the needs of all types of Green Lane user are being met (and what conflicts occur between users);
- (iv) the contribution made by Green Lanes to the landscape;
- (v) their historical or archaeological significance;
- (vi) the extent to which Green Lanes assist or hinder farming activities.

ACC/198/78(s)

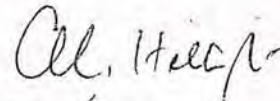
- 1 -

IF TELEPHONING PLEASE ASK FOR: Mr Weston

DART have said that they would welcome any further information or comments on the points listed above, and they would be particularly interested to hear about any difficulties that the variety of designations which might be applied to Green Lanes can cause local authorities.

DART have asked for any comments the Association might have by the 11th August and I should be pleased to receive any observations you may wish to make.

Yours sincerely,



Secretary

The Chief Executive (or other appropriate officer) of the Counties of: Cheshire, Cumbria, Dorset, Gwent, Hertfordshire, Kent, Nottinghamshire, Powys, West Sussex, and Wiltshire.

as

BOROUGH OF NEWPORT *ST T*

D.P. CARTWRIGHT, C.Eng., F.I.C.E.,
F.R.Mun.E., F.I.Struct.E.
Director of Technical Services.

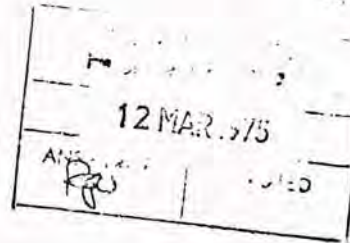


CIVIC CENTRE,
NEWPORT,
GWENT,
NPT 4UR.

Tel: 0633 65491
Ext:

Please Quote: GWT/RSE/R.5

Your Ref:



10 March 1975

County Surveyor
Gwent County Council
Victoria Street
CWMBRAN
Gwent

Dear Sir

UNCLASSIFIED ROADS - GREEN LANES

You may be aware that the County Planning Officer has carried out a Special Review of 'roads used as public paths' under the 1960 Countryside Act and the draft plans are currently on deposit for public comment.

The plans relating to the Newport District have been studied and I have noted that certain roads which are described in the schedules originally passed to this Authority by Gwent as unclassified county roads (green lane) are included in the review.

The proposal is that certain county roads should be downgraded to either footpath, bridge way or byway status and I am concerned that inappropriate and possibly invalid procedure is being carried out. My understanding of the 1968 Act is that the review should only apply to RUPP'S, which are shown as cart roads on the existing definitive maps. The present situation would therefore appear to be that county roads, maintainable at the public expense and with full highway status, albeit as green lanes are being proposed for down grading by means of inappropriate procedures.

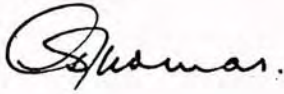
I should be pleased to receive any comments you may have as I understand that the advertisement period terminates at the end of this month.

Continued

The relevant roads within the Newport District are as follows:-

<u>County road No.</u>	<u>Description</u>	<u>County Planners ref. No.</u>
C91.6	Percoed Lane	St Brides 1 and 2.
C91.7	Pont Estyll	" 3
C91.9	Wheel Lane	" 5 and 4
C91.10	Wheel Lane to St Brides	" 6
C82.5	(Part) off Broadstreet Common	Peterstone 6
C100.25	Picked Lane	Nash 1

Yours faithfully



G W THOMAS
For Director of Technical Services

Road No.	Condition	Status as agreed with County Surveyor	Div.	6" Sheet Nos.	Reclassification
<u>CHEPSTOW RURAL DISTRICT</u>					
C 43 - 9	Cart track well used as access to cottages	Byway	2	20 40SE	BWs 12 and 18 Devauden ✓
43 - 14	Grass track between entrance to Tor-y-mynydd and 43-17 surfaced	Part surfaced, part BR	2	20 40SE	BR 10, Devauden, FP 11, Devauden ✓
43 - 17	Surfaced	Surfaced	2	20 40SE ✓	
51 - 4	Cart track to first cottage on left going north, then narrow muddy path as far as wood. Evidence of use by horses. Part is stream bed	BR	2	21 50SW	BRs 91, 98, 117 Tintern ✓
51 - 13	Blocked both ends by barbed wire and fence therefore grown over	FP	2	21 50SW	FP 96, Tintern ✓
53 - 6	Unsurfaced hardcore track to house	Byway	2	26 59NW	BW 128, Tintern ✓
53 - 7	Width between 6 - 10 ft. Track varies between a grass surface to bare slabs of rock	FP	2	26 59NW	FP 46, Tintern ✓
53 - 14	Access from cobbled unclassified road too steep for wheeled vehicles. Used as FP to Grove Cottage and well	BR	2	26 59NW	BR 58, Tintern ✓
53 - 17	8 feet wide	BR	2	26 59NW	Part of BR 57 Tintern ✓
60 - 4	Track well used as access to various houses, 8 - 10 ft. wide. Gravel with grass in centre	Byway	2	20 40SE	BW 20, Devauden ✓

The 1972 Special Review of the Definitive Map (Appendix 17 & 18)

Review table (1)

Appendix | 17.6

NATIONAL PARKS AND ACCESS 1949

4 units objection

REVIEW OF RIGHTS OF WAY

RECLASSIFICATION OF COUNTY GREEN LANES

Road No.	Condition	Status as agreed with County Surveyor	Div.	6" Sheet Nos.	Reclassification
<u>ABERGAVENTNY RURAL DISTRICT</u>					
C 1 - 2	Surfaced from Llanthony end as far as Llwyon-On, then narrow muddy winding track suitable as a BR as far as Tafalog Bridge. Then surfaced northwards.	Part surfaced, part BR	1	1 22NE/23SE	BRs 505, 506, 507, Crucorney ✓
1 - 7	Surfaced from eastern end as far as track off the South. Then steep grass track to end.	Part surfaced, part BR.	1	3 32SW	BRs 508 and 509 Crucorney ✓
2 - 2	South access is through farmyard and 2 gates. Sunken muddy track. Varying in width.	Part surfaced, part BR	1	3 32SW/32NW	BRs 510 and 511 ✓
3 - 1	From New Inn Farm to gate it is surfaced with wide grass strip in centre. From there to its junction with C 3 - 3 it is unsurfaced.	Part surfaced, part byway,	1	3 22NE/22SE	FPS 512 and 513 BRs 514 to 520 Crucorney ✓
3 - 2	Surfaced to farmhouse, then BR.	Part surfaced, part BR	1	3 22/SE	BRs 521, 523, 524, 525 Crucorney ✓
3 - 3	Surfaced from eastern end to ¼ mile beyond Pen-rhiw, then centre track, which is used for motor rallies.	Part surfaced, part byway	1	3 32SW/22SE	BWs 538, 539, 540, 541 Crucorney ✓
3 - 4	Surfaced from southern end to Pentwyn and from there to Ty-Coch it is a grass track. From Ty-Coch to T. Chapel it is surfaced.	Part surfaced, part BR	1	3 22SE	BRs 528, 529 Crucorney ✓

The 1972 Special Review of the Definitive Map (Appendix 17 & 18)

Review table (2)

Appendix | 17.7

G.M.Murray, Esq.,
County Surveyor.

JAW/MM
CS 477

30th November, 1971.

The Countryside Act 1968
Special Review of County Green Lanes

The inspection of the County Green Lanes in Chepstow Rural District has now been completed.

I enclose herewith a schedule together with the necessary plans indicating which category i.e. Footpath, Bridleway or Byway, these Green Lanes are to be included in the Special Review according to their condition.

I should be pleased to receive your observations on these proposals in due course.

Encl.

CHEPSTOW RURAL - ALTERATIONS TO GREEN LANES

<u>Green Lane No.</u>		<u>Sheet No.</u>
43 - 9	Byway	40 SE >
43 - 14	Part surfaced, part BR	40 SE >
43 - 17	Surfaced.	40 SE >
51 - 4	B.R.	50 SW >
51 - 13	FP.	50 SW >
3 - 6	Byway.	59 NW >
53 - 7	FP.	59 NW >
53 - 14	FP	59 NW >
53 - 17	FP	50 NW >
60 - 4	Byway.	40 SE >
100 -10	Part surfaced, part BR	49 SW >
100 -11	Surfaced.	49 SW >

The 1972 Special Review of the Definitive Map (Appendix 17 & 18)
Chepstow Rural – Alterations to Green Lanes - table

Appendix | 17.9

MONMOUTHSHIRE COUNTY COUNCIL
COUNTY ENGINEER & SURVEYOR'S DEPARTMENT.

COPY FOR COUNTY PLANNING /
OFFICER

477/GME/JB

KHE/MD

11th March, 1971

The Countryside Act, 1968
"Special Review"
Green Lanes

THE CLERK OF THE
COUNCIL

With reference to your memo. of 21st January, my Divisional Surveyors have inspected all the scheduled Green Lanes in their areas and it is found that, rightly or wrongly, over the years a considerable number of them have been surfaced so as to bring them up to a standard equal to that of the average County Unclassified Road in rural areas. Some 36 Green Lanes, totalling 21.79 miles are involved and I should be glad of your assurance that there is no legal difficulty regarding the deletion of these routes from the Green Lanes to be investigated in the Special Review of Rights of Way. It is, of course, not necessary to consider re-classification as they are already a part of the County Council's Unclassified Road numbering system.

Please forward etc.
JHG.

The 1972 Special Review of the Definitive Map (Appendix 17 & 18)
Special Review Green Lanes Letter dated 11th March 1971

Appendix | 17. 10

MONMOUTHSHIRE COUNTY COUNCIL

COUNTY ENGINEER & SURVEYOR'S DEPARTMENT.

SHEET

All Divisions

(N.B. This Sheet should refer to one subject only)

c.s. 473/1/4/GEM/JB

JUR REF.

3rd February, 1971

Green Lanes

THE ASSISTANT
COUNTY SURVEYOR
(M)

Discussions with the Clerk and the County Planning Officer have confirmed that the County's Green Lanes should be included in the Special Review of Public Rights of Way and re-classified as -

- (a) a "By-way open to all Traffic," or
- (b) a "Bridleway", or
- (c) a "Footpath".

This is, of course, a change from the previous review of Rights of Way and is a result of the provisions of the Countryside Act, 1968 which endeavoured to restore uniformity throughout the Country.

The bulk of this work will, of course, be carried out by the Footpaths Section of the County Planning Department, but I should be glad if Divisional Surveyors would have a preliminary look at all the Green Lanes in their areas to see which of them should now properly be regarded as normal Unclassified Roads owing to their condition having been improved in the past. This should remove a certain number from those which have to be investigated by the Planning Department. They will, of course, be getting in touch with the Divisional Surveyors and should be given every possible assistance regarding local knowledge of the history of any of these roads and the extent to which they are normally used by wheeled vehicles.

G.N. Murray, Esq.,
County Surveyor

JAW/JK/EE
CS 477 GMM/JB

14th January, 1971.

The Countryside Act, 1968
"Special Review"

I refer to yesterday's telephone conversation between Mr. Murray, the County Surveyor, and Mr. Willis of this Department in respect of the unsurfaced County Green Lanes which are indicated on the Highways Map as County Unclassified Roads.

I am of the opinion that under the provisions of The Countryside Act, 1968 it is intended that these unsurfaced Green Lanes should be indicated on the Rights of Way Maps as either Bridleways or Byways open to all traffic, depending of course on their existing surface condition, width, etc.

In view of the fact that the "Special Review" is being carried out at present this would appear to be an opportune time to resolve this question.

I should, therefore, be pleased to receive your comments and observations in due course, and maybe you would like to pursue this matter with the Clerk of the County Council to whom I have sent a copy of this memo for information.

25 days overdue

National Parks and Access to Countryside Act 1949
Review of Rights of Way
Additions and Deletions - General

1. ABERGAVENTNY BOROUGH

- FP No. 69 - Added to map to give continuity to FP 197 in Llantilio Pertholey - Approved by Abergavenny Borough Council and Rural District/Parish Council.
Sheet 21 NE - 2916
- BR No. 28 - Deleted as it is a District Road in Abergavenny Borough (Belgrave Road).
Sheet 21 SE - 2814/2914
- BR No. 76 - This Bridleway was previously shown in Parish of Llantilio Pertholey as BR's 1 and 2 this was found to be incorrect and the Map has been amended to show it correctly in Abergavenny Borough.
Sheet 31 SW - 3013
- FP No. 8 - Part deleted as it has been made up and is a District Road in Abergavenny Borough (Belmont Close).
Sheet 31 SW - 3013

CHEPSTOW RURAL DISTRICT

PARISH OF CAERWENT

- BR No. 3 - Extended to join BRs No. 2 and 4 to give continuity to route - agreed by Parish and Rural District Councils. Omitted in error from Definitive Map. Sheet 49 SW - 4494
- FP No. 10 - Deleted as being a short length of Footpath with no connection to any County Road or Right of Way and considered as being of no further use to the Public. Approved by Parish and Rural District Council. Sheet 49 SE - 4990
- FP No. 73 - As above. Sheet 49 SW - 4390
- FP No. 66 - Extended to Old Caerwent Road in order to make Map agree with original statement. Sheet 49 SE - 4690
- BR No. 108 - Added to the Map at request of Parish Council. Omitted from Definitive Map in error. Approved by Rural District Council. Sheet 48 NW, 49 SW, - 4489 - 4490
- FP No. 109 - Added to map to give continuity to route. Approved by Parish and Rural District Councils. Sheet 48 NW - 4489

PARISH OF CALDICOT

- FP No. 42 - Added to Map at request of Parish Council. Approved by Rural District Council. Omitted from Definitive Map in error. Evidence of Public use. Sheet 48 NE - 4788
- Fps No. 74 & 75 - As above. Sheet 48 NE - 4788

PARISH OF DEVAUDEN

- BW No. 264 - Added to map to give continuity to FP 150 and to give outlet to village of Devauden. It would appear that it was assumed to be a County Road at Original Survey. Approved by Parish and Rural District Councils. Sheet 49 NE - 4890
- Fps No. 97 265, 266, 267, 268 - As above. Sheet 49 NE - 4999

- FPs No. 269, 270 - Added to map to give continuity and outlet to the County Road for FP No. 164. Approved by Rural District and Parish Councils. Sheet 49 NE - 4899
- FP No. 272 - Added to map to preserve public access to Methodist Chapel and afford continuity of route. Approved by Rural and Parish Councils. Sheet 49 NE - 4899
- BR No. 273 - Added to map to give access to County Road and continuity to route. Sheet 59 NW - 5097
- BR No. 250 - Upgraded from FP to BR at request of Parish Council to give continuity to route. Approved by Rural District Council. Sheet 59 NW - 5097

PARISH OF LLANGWM

- FP No. 127 - Added to map at request of the Parish Council. Approved by Rural District Council. Omitted in error from Definitive Map. Sheet 40 SW - 4300

PARISH OF MATHERN

- FP No. 63 - Deleted from Definitive Map - no longer exists. Original Statement roads:- "No sign of path obstructed by settlement smallholdings - Formerly (prior to 1914) a public path". Approved by Rural and Parish Councils. Sheet 59 SW

PARISH OF ROGIET

- FPs 24, 25 - Added to map at request of Parish Council - omitted in error from Definitive Map. Approved by Rural District Council. Sheet 48 NE - 4687/4688

PARISH OF SHIRENEWTON

- FP No. 9 - Line amended to avoid Farm Buildings at request of Parish Council. Approved by Rural District Council. Sheet 49 NW - 4195
- FP No. 23 - Line amended to agree with prevailing site conditions as requested by the Parish Council. Approved by Rural District Council. Sheet 49 NW - 4396
- FP No. 42 - As above. Sheet 49 NW - 4396/4495
- FP No. 74 - As above. Sheet 49 SW - 4494

DEVAUDEN

265	FP	49 NE	Bryn Jones	Objection to downgrading	County Green Lane, should be re-class as a By Way
			Negotiate. RKJ etc.		
180	FP	49 NW	Monmouthshire	Objection to	No change between
179	FP	49 NW	Motor Cycle	downgrading	Definitive and Review
182	FP	49 NW	Club		Maps. Therefore not
184	FP	49 NW			a valid objection.
185	FP	49 NW			
266	FP	49 NE	Monmouthshire	Objection to	County Green lane
265	FP	49 NE	Motor Cycle Club	Negotiate. RKJ etc	should be re-classified as a Byway.
185	FP	49 NW	Brain Goad	Objection to	No change between
			11 Gwladys Pl.	downgrading	Definitive and Review
			Caerleon		Maps. Therefore not
					a valid objection.

Chief Executive Officer

6th September, 1974
IPN/
JAW/MM

THE COUNTRYSIDE ACT 1968
SPECIAL REVIEW OF PUBLIC RIGHTS OF WAY

I refer to the letter dated 20th August 1974 received by you from the Sports Council for Wales in respect of the above mentioned matter.

As you are aware that in carrying out the Special Review of Public Rights of Way as a general rule no alterations were made which in any way altered the existing Public Rights over any path or track i.e. Cartroad/Bridleway were reclassified to Bridleways and Cartroad/Footpaths were reclassified to Footpaths.

Certain County Green Lanes were also included in this Review and these were inspected and reclassified according to their condition to either Footpath, Bridleway or Byway open to all traffic.

Any persons aggrieved by the proposals can submit, within the time allowed, objections which have to be forwarded to the Secretary of State at the Welsh Office for determination in accordance with the Statutory Procedure laid down.

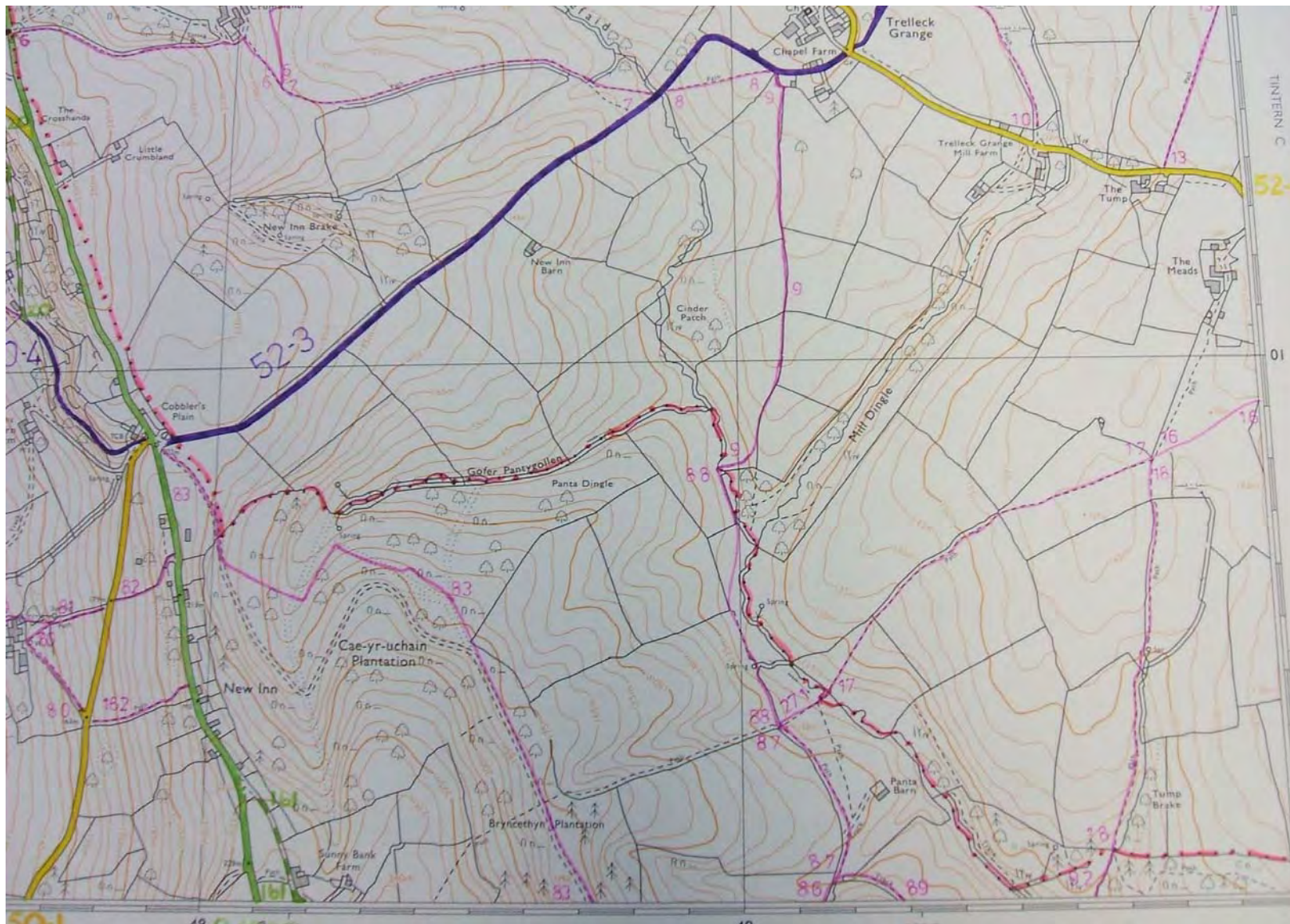
Therefore under the existing legislation the views and interests of all sections of the community have the right to be heard and are taken into account and it is not intended to deprive any person of any facility that they may have enjoyed in the past.

Mr. J.A. Willis

584



The 1972 Special Review of the Definitive Map (Appendix 17 & 18)
Extract of Special Review Map (Not to Scale)



The 1972 Special Review of the Definitive Map (Appendix 17 & 18)

Extract of Special Review Map (Not to Scale)

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
 ding 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. 0r. 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, 8, 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).

*Copy of SALES PARTICULARS 1920
FOR THE PANITIA FARM
+ Schedule of Land.*

By direction of Lieut.-Colonel C. M. CROMPTON-ROBERTS,

DS 1901 MAP

land parcels

CHEPSTOW

SIX MILES FROM THE TOWN & SEVEN MILES FROM MONMOUTH.

IN LOTS.

THE TRELLECK GRANGE ESTATE

2,645 Acres

Situated in the Parishes of Trelleck, Trelleck Grange, Wolvesnewton,
Newchurch East, Llanvihangel Torymynydd and Llanishen, and comprising

TRELLECK GRANGE

A Gentleman's Residence, containing Three Reception Rooms, Eight Bed and
Dressing Rooms, Bath Room, Etc., with 95 Acres.

Possession of House, Lady Day next.

EIGHT CAPITAL FARMS equipped with Good Houses and Buildings.

Small Holdings, Cottages and Accommodation Land, also about

250 ACRES FINE SOFT WOOD PLANTATIONS running some
2,500 to the acre, and up to 30-ft. in height, close to good roads.

Which Messrs.

JOHN D. WOOD & Co.

Will Sell by Auction (unless sold privately meanwhile),

At the "Beaufort Arms Hotel," Chepstow,

On Tuesday, 20th JULY, 1920, at 1.30 p.m.

Solicitors: Messrs. WILLIAMS & TWEEDY, Monmouth.

Land Agent: G. W. ORR, Esq., Hilston Estate Office, Monmouth.

+ whole is 1300 acres, 1000 of which is planted in wood which on road frontage to the sea

Remarks and Stipulations.

1.—**SITUATION.**—The Estate is situated on the main road from Chepstow to Monmouth and Raglan, about 7 miles from Chepstow, 8 miles from Monmouth, and 7 miles from Raglan, and is intersected by many good parish roads. It is situated in the parishes of Trelleck Grange, Trelleck, Newchurch East, Llanvihangel Torymynydd, Wolvesnewton and Llanishen.

2.—**MARKETS.** Important markets for the sale of produce are at Monmouth, Chepstow and Raglan, while Hereford, Newport and Cardiff, and other important South Wales towns are within easy reach.

3.—**FARMS.** The Farms are of convenient size, easily worked, and with commodious premises. There are several attractive Small Holdings situated on or close to the Monmouth and Chepstow main road, and numerous cottages. The lots have good frontages to parish roads, and several of the occupations are bounded and intersected by streams of running water, and there are numerous springs.

4.—**TRELLECK GRANGE** is a most attractive moderate-sized Residence, occupying a well-chosen position facing South East, and commanding beautiful views. It contains 8 Bedrooms, 1 Bath Room and 8 Reception Rooms, Lavatory and 2 W.C.'s. Acetylene Gas. Good Water Supply and Modern Sanitation. Possession can be had at

5.—**LOT 4** is a most attractive

Sporting Estate of 491 Acres,

including the well-known Carruchan Woods, Great Panta Farm, Little Wenall Wood, well-watered and intersected by two brooks, one of which is a good trouting stream. There is a good Farmhouse suitable for a Gentleman Farmer's occupation, and two Superior Cottages.

6.—**THE TENANCIES** of the Farms are Yearly, from Candlemas (Feb. 2nd.), and the Cottages and Accommodation Land 25th March, unless otherwise stated, and generally, the tenants pay the rates on their holdings. Such Agreements as at present exist may be seen at the office of the Vendor's Solicitors during business hours, within seven days of the date of sale, upon reasonable notice being given, or in the sale room at the time of the sale.

7.—**TENURE.** The whole of the lots are Freehold.

8.—**TIMBER.** The Timber on the respective lots has been carefully valued at the bare market price, and shall be paid for at the sum stated in the descriptions of each lot, in addition to the purchase money. Allowance has been made for bark and for rotten or defective trees. Any dispute as to the ownership of any trees to be left to the decision of the Auctioneers, which shall be final. Timber felled or already sold is reserved with right to enter and remove same within one year of completion of sale, the owner of the timber making good any extraordinary damage.

9.—**PLANS AND DESCRIPTIONS.** The Plans and Schedules are based upon the Ordnance Survey and are for reference only. They have been carefully revised and are believed to be correct, and the various lots are open to inspection. Each Purchaser shall be deemed to have satisfied himself that the within descriptions, including statements as to rental and tenancies, sufficiently describe the several lots, and any error or misapprehension shall not annul the sale nor entitle either party to compensation.

10.—Each Purchaser shall be deemed to have knowledge of the various lots, but if any dispute arises between the Vendor and any Purchaser, or between Purchasers, as to the ownership or position of any boundary of any lot or lots, or any point whatever arising out of the plan and particulars attached hereto, or in the interpretation of the particulars, or as to the apportionment of any rents or outgoings, the matter in dispute shall not annul the sale but shall (subject to Clause 11 hereof) be referred to the arbitration of the Auctioneers whose decision shall be conclusive and binding on all parties and whose costs shall be paid as they may decide, and all parties shall accept as final the awards of the Auctioneers.

11.—The approximate amounts of the Commuted Tithe and Land Tax, and other outgoings (if any) and the apportionments of same between the various lots have been made as stated in these particulars for the information of the Purchasers, but no guarantee of accuracy is given or implied nor shall legal apportionments be required. Each Lot is sold subject to Land Tax as assessed whether stated in the Particulars or not.

Lot is reserved to the Vendor
Stipulation No. 19).

on Plan No. 1).

Attractive Farm

known as

Trelleck Farm

at TRELLECK GRANGE

measuring about

1r 26p.

5 acres are grass and 59 arable.

Stable and Farmhouse

with Orchard adjoining, is roofed and contains Four Bed room, Hall, Two Sitting Rooms, inside, Wood Shed, etc., and recently repaired and re-roofed.

Apply (see Conditions of Sale

Other Premises

Construction with tiled roofs and Feeding Walk, Stable for 3, Barn with Hay Loft, Chaff and Pigsties. Round a Second Cattle Shed with Crib, Two to tie about 6, Detached Cart and a Detached Small Yard, with Crib.

3D 3.

Description.	Acreage.
TRELLECK PARISH.	
...	9.302
...	547
...	727
...	549
...	238
...	304
...	8.760

175 +	Ditto	6.555
171	Ditto	7.877
167	Arable	11.800
157	Grass	1.999
166	Ditto	10.300
170 +	Grass	9.538
169	Arable	9.839
168	Trees	1.349
184	Arable	17.105
165	Grass	10.101
185	Ditto	8.277
186	Trees	525
209	Grass	9.038
206	Ditto	9.471
207	Arable	13.825
208 +	Grass	13.907
205	Trees	1.479
317	Ditto	1.998

NEWCHURCH EAST PARISH.

237	Arable	2.834
238	Trees	1.331

TRELLECK PARISH.

Pt. 1617	Grass	250
		<hr/>
		167.415

Let to Mr. A. Morgan, with other lands, apportioned
Rent £195.

Apportioned Outgoings:

Tithe Free.

Land Tax £5.

Value of Timber £111.

The Sporting over this Lot is reserved to the Vendor
until 25th March, 1921. See stipulation No. 19.

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

**A Particularly Attractive and Valuable
Sporting, Agricultural and
Forestral 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

Ord. No.	Description	Arrears
NEWCHURCH EAST PARISH.		
32	Premises	593
33	Ditto	239
34	Ditto	182
35	Grass	1,282
37	Ditto	3,047
40	Road	234
143	Arable	1,103
144	Plantation	6,333
145	Road	158
146	Grass	9,890
146	Ditto	9,129
146	Ditto	25,144
23	Ditto and Plantation	14,194
39	Arable	10,025
41	Road	335
42	Trees	180
248	Arable	18,820
247	Grass	7,352
147	Grass	345
38	Ditto	384
250	Trees	812
251	Ditto	280
252	Ditto	940
245	Grass	16,790
277	Ditto	5,432
278	Orchard	1,286
281	Lane	166
280	Ditto	1,013
279	Premises	943
282	Grass	5,384
284	Ditto	6,429
253	Mill Pond	593
255	Trees	414
259	Ditto	409
286	Rough Grass	4,081
285	Trees	1,002
296	Ditto	1,487
276	Grass	14,737
283	Trees	890
271	Orchard	764
272	Grass	3,815
270	Panta Hill	693
269	Grass	1,322
268	Orchard	607
273	Road	833
274	Grass	1,088
267	Ditto	3,847
275	Ditto	13,918
297	Ditto	2,432
298	Ditto	164
Pt. 263	Trees	525
266	Grass	3,382
264	Trees	862
Pt. 203	Grass	150
18	Caeruchan Plantation	6,685
19	Ditto	4,176
20	Ditto	2,332
21	Ditto	387
22	Ditto	3,676
29	Ditto	132
30	Ditto	216
34	Ditto	3,046
35	Ditto	8,093
36	Ditto	4,380
37	Ditto	358
40	Ditto	5,716
CAERUCHAN PARISH.		
42	Ditto	2,251
43	Ditto	3,520
44	Ditto	4,348
45	Ditto	510
46	Ditto	2,710
134	Ditto	2,303
135	Ditto	5,013
136	Ditto	2,218
137	Ditto	1,202
138	Ditto	2,760
139	Ditto	4,806
140	Ditto	640
142	Ditto	3,028
242	Little Wenallt	27,252
WOLVESNEWTON PARISH.		
114	Arable	7,202
113	Ditto	12,324
111	Ditto	14,455
116	Ditto	22,849
115	Grass	3,615
137	Ditto	6,736
138	Trees	1,105
141	Grass	3,980
139	Panta Barn	375
140	Trees	155
142	Road	622
143	Arable	18,310
139A	Trees	202
114	Panta Dingle	7,051
117	Caeruchan Plantation	8,232
118	Ditto	29,823
119	Ditto	24,045
134	Ditto	1,864
135	Ditto	3,855
136	Ditto	9,226
144	Ditto	2,758
153	Ditto	4,859
LLANVHANGEL-TORMYNYDD PARISH.		
280	Grass	357
Pt. 282	Ditto	652
TRELLECK GRANGE PARISH.		
313	Wood	4,964
316	Ditto	488
299	Grass	912
491,305		

The Keeper's Cottage, Ord. No. Pt. 32, is let to the Rev. E. Garmon Thomas, until 25th March, 1921, at £5 per annum. Ord. Nos. 299 in Trelleck Grange Parish, and 280 and Pt. 282- in Llanvhangell Tormynyndd Parish, are let with other lands to Mr. Thos. Jones, apportioned Rent £2 per annum. The woods and plantations are in hand, and the remainder is let to Mr. T. S. Scard on a Yearly Candlemas Tenancy at £153 10s. per annum.

Apporportioned Outgoings.
 Tithe £43 os. 8d.
 Chief Rent £1 1s. 9d.
 Value of Timber £

The whole of the Valuable Timber in Little Wenallt Wood and Carruchan Woods will be included in the sale.

(2)

Panta Mill
and
Little Panta Farmhouse and Premises
and the well known

*Larch and Spruce
Plantations*

Cae-ruchan Wood

including approximately 170 acres of exceptionally valuable and well grown plantations of European, Japanese and Siberian Larch, Sitka, Norway and other spruces, Douglas Fir, Corsican, Weymouth and Banks Pines ranging from 11 years to 12 years old, running to nearly 30-ft. high and averaging some 2,500 poles per acre and which a few years ago were awarded First Prize at the Royal Show as the best plantation in the Western Counties, about 14 acres have been cleared. Also

Valuable Mixed Woodlands

known as

Little Wenallt Wood

containing a large quantity of capital Oak and a variety of soft woods, mostly ripe.

Great Panta Farmhouse

is suitable for conversion into a

Gentleman Farmer's Residence

it faces South, commands remarkably pretty views, is double fronted, built of stone, rough casted with slated roof and contains Square Hall, Dining and Drawing Rooms, each facing South, commanding pretty views;

On the First Floor are Three Best and Two Maid's Bed Rooms, Bath Room (bath installed by tenant) and above are Two Store Attics, Two Staircases. Capital Scullery, Dairy and Second Ditto.

There is a good Garden, and Orchard at rear of the Garden.

The water is pumped to the house and premises by a ram from the stream running through Ord No. 283.

Outside are Coal House and Cellar.

The Farm Premises

are principally of stone and slate, and comprising, Large Yard, Three bay Barn, Range of Four Loose Boxes, Timber built Loose Box, Capital Modern Brick Built Cow-house to the 20, with Feeding Passage, Five-stall Stable, with Granary and Loft over, Trap Shed, Harness Room and Chaff House, Two Large Cattle Boxes, Four-bay Cart Shed, Engine House, etc.

In Ord. No. 141 is a set of

Off Buildings

known as

Panta Barn

comprising a Large Cattle Shed, with Eight-bay Stone Built Open Shed, Large Three-bay Barn, etc., and at Little Panta is a Stone Built and Slated

Superior Cottage

containing: Porch Entrance, Kitchen, Parlour, Scullery, Dairy and Four Bed Rooms, recently re-roofed, and a

Set of Farm Premises

comprising Large Yard, a Range of Stone Built Cow-houses for 6 with Feeding Walk and Two Cow-houses each for 6 with Feeding Walks, a Loose Cow-house, Loose Box with Granary Loft over, and a Second Yard with Large Stone Built Barn.

At Panta Mill (at present disused) is a

Second Farmhouse

built of stone with slated roof, double-fronted, and containing: Four Bed Rooms, Vestibule, Two Sitting Rooms, Larder and Store, and adjoining is the old

Water Mill

on Two Floors, which could be converted into capital

Store Rooms

also adjoining

Farm Buildings

principally of stone construction with tiled roofs, comprising a Range of Three Loose Boxes, Mixing House with copper with Granary Loft over, Loose and Cow Boxes, Timber Built Cart Shed, etc., Store House.

A good deal of

The Land

on the Farms lies on a southern slope and most of the pasture lands are well watered

The Brook

running along the Northern boundary of the estate is

A Good Trouting Stream

and the woods are well placed on the hillsides, good high birds being obtained.

The Plantations

are estimated to contain an average of about 3,000 poles to the acre, and the greater proportion are, although only 12 years old, nearly 30 feet in height.

4

The following rights of way are reserved to the owners for the time being of this Lot upon payment for any extraordinary damage done by timber hauling.

1. Over the track intersecting Ord. Nos. 303, 293, 284 and 285 on Lot 31.
2. Over the track intersecting Ord. Nos. 147 and 146 on Lot 10.

The Sporting over this Lot is reserved to the Vendor until 25th March, 1921 (see Stipulation No. 19).

Ord. No. 159 is let to Mr. T. I. Michaelmas Tenancy at £3 per annum. Ord. No. 179, let to A. Haines at £1 per annum.

Apportioned Outgoings:

Tithe £1 14. 9d.
Land Tax 13s. 3d.

LOT 5 (Coloured Yellow on Plans Nos. 1 and 2)

A Most Attractive Small Holding

situated at Devauden, and extending to about

22a. 2r. 3p.

upon which is a

Detached Cottage

built of Stone with Tiled Roof, containing Two Bed Rooms, and Two Rooms upstairs, Store, etc. Pigstye, Large Garden with Fruit Trees. Also

Farm Buildings

situated on various parts of the land, comprising an

Old Cottage

with Leap-to, suitable for conversion into a good Cattle Shed, with Loft over, and three other useful sheds, one with Small Enclosed Yard.

SCHEDULE.

Ord. No.	Description.	Acreage.
NEWCHURCH EAST PARISH.		
106	Grass	1.233
107	Ditto	.813
108	Grass	1.400
109	Arable	.643
110	Grass	.584
125	Ditto	.295
157	Orchard	.735
158	Grass	.331
163	Ditto	1.198
165	Ditto	1.453

LOT 6 (Coloured Blue on Plans Nos. 1 and 2)

Three Enclosures

Accommodation

situated close to Devauden, adjoining Lot 5, extending to about

2a. 1r. 1p.

upon which is a Useful Shed, beam and Pt. 133 in Newchurch East Roberts on a Yearly Candelmas Tenancy per annum.

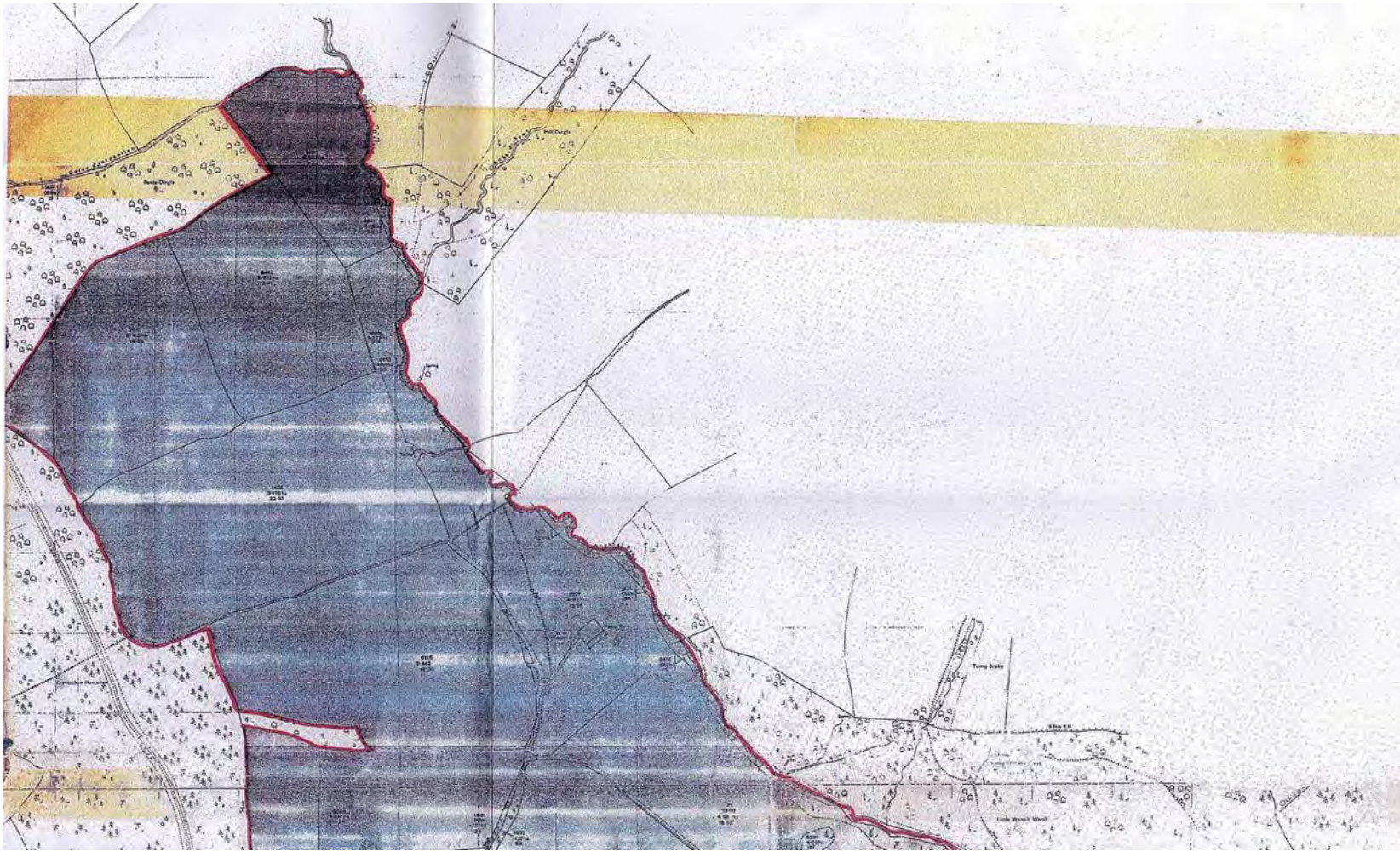
Apportioned Outgoings:

Tithe 2s. 6d.
Land Tax 1s. 1d.

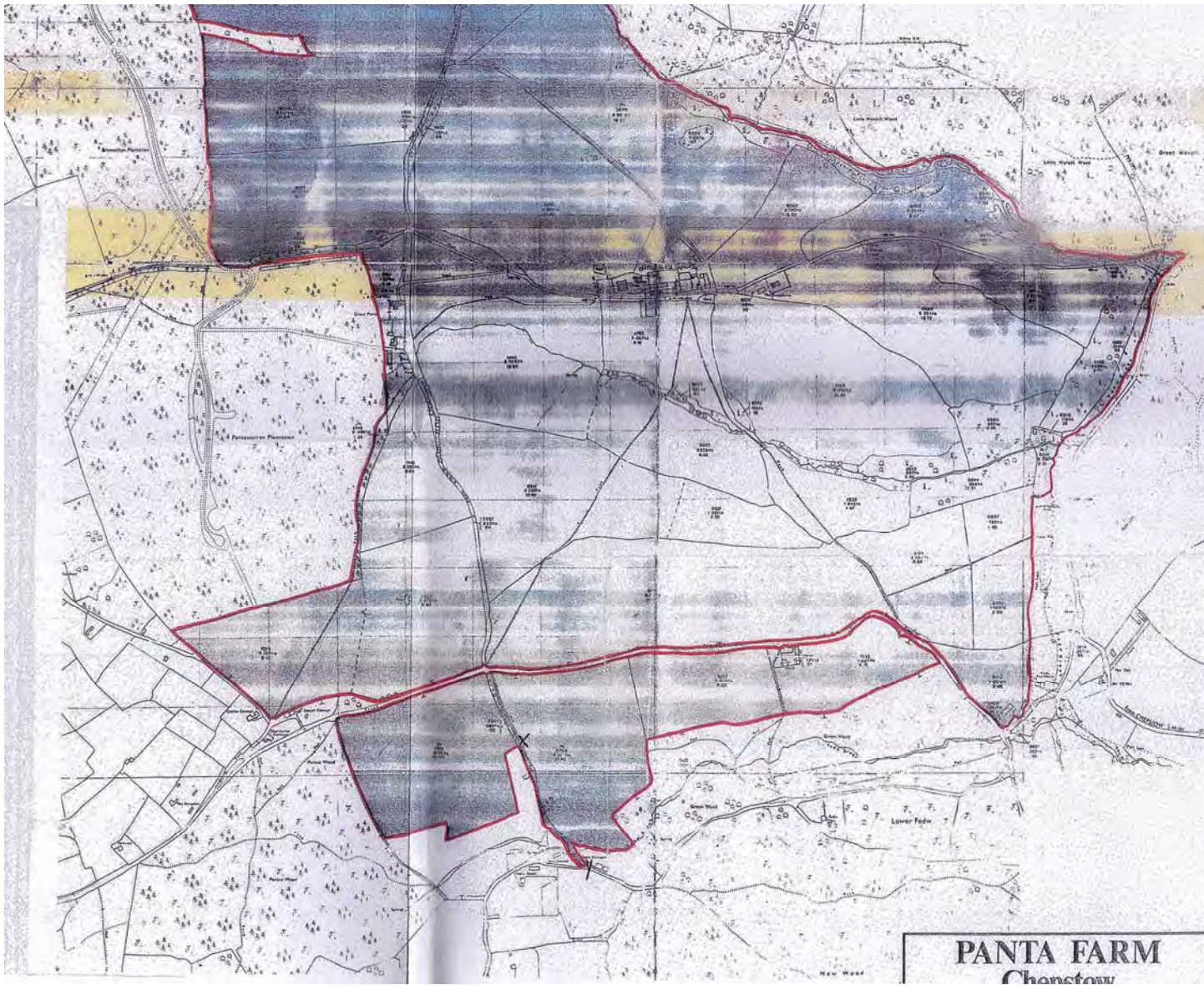
LOT 7 (Coloured Brown on Plans Nos. 1 and 2)

Three Enclosures

Accommodation



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
1977 Conveyance Plan (2 – North Section)



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
1977 Conveyance Plan (1 – South Section)

15400
C/4
A/10

5 OCT 1977
FINANCE ACT 1931

This Conveyance

is made the Thirtieth day of September One



TRAC

thousand nine hundred and seventy-seven BETWEEN SHIRLEY YOUNG LIMITED the registered office of which is at 9 Basinghall Street London EC2V 5BQ (hereinafter referred to as "the Vendor") of the one part and JUBILEE FARMS LIMITED the registered office of which is situate at 16 Eastcheap London EC3M 1JL (hereinafter referred to as "the Purchaser") of the other part.

WHEREAS :

The Vendor is seized of the property hereinafter described and intended to be hereby assured for an estate in fee simple in possession free from encumbrances subject only as hereinafter mentioned and has agreed with the Purchaser for the sale to it of the said property for the like estate at the price of Two hundred and seventy thousand pounds (£270,000.00) in the manner hereinafter appearing.

NOW THIS DEED WITNESSETH as follows :-

1. In pursuance of the said Agreement and in consideration of the sum of Two hundred and seventy thousand pounds (£270,000.00) now paid by the Purchaser to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as Beneficial Owner hereby conveys unto the Purchaser ALL THOSE several pieces or parcels of land more particularly described in Parts I and II of the First Schedule hereto TOGETHER WITH the message or dwelling house and all other buildings erected and being thereon or on some part thereof and for the purposes of identification shown edged red on the plan annexed hereto The land described in Part I of the First Schedule was formerly known as "The Panta" Devauden in the County of Monmouth and the land described in Part II of the First Schedule formerly formed part of "The Veddw Farm" Devauden and the whole of the said land hereby conveyed is now known as "Panta Farm" Devauden in the County of Gwent (formerly Monmouth) TO HOLD the same unto the Purchaser in fee simple SUBJECT as to the land described in Part I of the First Schedule hereto

(a) To and with the benefit of the matters referred to in a Conveyance dated the Second day of November One thousand nine hundred and fifty-nine and made between John Oliver Davies of the one part and William Andrew Wagg and Grace Gooding Wagg of the other part.

(b) To and with the benefit of a Deed of Grant dated the Twenty-second

day of May One thousand nine hundred and sixty-four and made between the said William Andrew Wagg and Grace Gooding Wagg of the first part Barclays Bank Limited of the second part and The Newport and South Monmouthshire Water Board of the third part _____

(c) To and with the benefit of a Wayleave Agreement with the South Wales Electricity Board _____

(d) To and with the benefit of the covenants as to fencing contained in a Conveyance dated the Eleventh day of March One thousand nine hundred and seventy and made between Chaffcombe Farms Limited of the one part and James Noah Prewett of the other part _____

AND as to the land described in Part II of the First Schedule

- (a) To the exceptions reservations rights and declarations contained in a Conveyance dated the Twenty-eighth day of January One thousand nine hundred and sixty-five and made between The Queen's Most Excellent Majesty of the first part The Crown Estate Commissioner of the second part and the said William Andrew Wagg and Grace Gooding Wagg of the third part _____
- (b) To and with the benefit of a Deed of Grant dated the Twenty-ninth day of January One thousand nine hundred and sixty-five and made between the said William Andrew Wagg and Grace Gooding Wagg of the one part and the said Newport and South Monmouthshire Water Board of the other part and _____
- (c) To and with the benefit of all Wayleaves with the South Wales Electricity Board _____

EXCEPT AND RESERVING UNTO THE VENDOR :-

- (i) As incident to the ownership and occupation of OS Nos. Part 1700 and 2286 retained by the Vendor the right at all times and for all purposes with or without horses cars or other vehicles mechanically propelled or otherwise to pass and repass over and along the access way being OS No. 3193 between the points "X" and "Y" on the plan annexed hereto and _____
- (ii) The right to enter upon OS. No. Part 1700 with or without workmen for the purpose of connecting up to the stop-cock therein situated lay supply pipes (such pipes to be at a depth which will not affect subsequent cultivation) and forever thereafter drawing water from such connection for the benefit of OS Nos. Part 1700 and 2286 retained

by the Vendor with right of entry reserved to the Vendor for the purpose of maintaining or renewing the said pipes the Vendor or those exercising the said right making good any damage caused in the exercise of such right and leaving the land so far as possible in the same condition as it was at the time of entry

but otherwise free from encumbrances

2 It is hereby declared that the fence dividing OS No. Part 1700 from the part retained by the Vendor shall hereafter be a party fence and maintainable as such

3 The Vendor (so far as it can lawfully assign the same) hereby assigns unto the Purchaser the benefit of the exceptions and reservations and covenants as to fencing contained in the several Conveyances more particularly mentioned in the Second Schedule hereto

4 The Vendor hereby acknowledges the right of the Purchaser to production and delivery of copies of the documents specified in the Third Schedule hereto and hereby undertakes with the Purchaser for the safe custody thereof

IN WITNESS whereof the Vendor and the Purchaser have caused their respective Common Seals to be hereunto affixed the day and year first before written

THE FIRST SCHEDULE above referred to

Part I

ALL THOSE several pieces or parcels of land containing in the whole 290.04 acres or thereabouts situate at Devauden in the several Parishes of Newchurch East and Wolvesnewton in the County of Gwent and comprising the following land on the Ordnance Survey Map for the said Parishes

Newchurch East

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acreege</u>
0966	Great Panta	Buildings	3.28
Part 8548		Wood	1.80 est
1143	Five Acres	Arable	5.44
2037		Track	.64
1323	Pool Field	Arable	9.83
9318	Top Field	Arable	8.12
3241	Long Meadow	Arable	12.91
5837	Long Meadow	Arable	3.26
0005	Lower Wagon House	Arable/Ley	11.24

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acreage</u>
9784	Upper Barn Wagon House	Arable/Ley	10.17
1501 and 1191		Track	.34
1600		Copse	.34
2200	Elm Field	Arable/Ley	18.59
2662	Great Panta	Pasture	15.64
5000		Rough	3.20
Part 3800	Cherry Meadow	Pasture	16.50
5393		Rough	.27
6580	Mill Fields	Pasture	5.39
4976		Orchard	1.28
4870	Little Panta	Farmhouse and Buildings	1.94
4762	Front Meadow	Pasture	5.16
5047	Ram Field	Arable/Ley	6.49
7339	Weather Disher	Pasture	4.07
8043		Copse	2.04
7155	White House	Arable/Ley	14.84
5952		Copse	.26
5055		Copse	.82
0076	Mill Fields	Pasture	5.67
0078		Track	.45
7978		Driveway	.58
1173		Track	.32
0070	Upper Mill Ground	Pasture	5.46
0060	Thirteen Acre Field	Arable	13.72
6270	Bungalow		.20
0050		Copse	2.40
0348		Copse	.28
Part 2500		Copse	.35
Part 0081		Rough	1.39
1158		Copse	2.78
1560		Copse	.85
Wolvesnewton			
9081	Smithies Field	Pasture	7.01
9871		Copse	.35

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acreage</u>
8462	Lower Clynas	Arable/Ley	12.41
6653	Upper Clynas	Arable/Ley	14.36
8435	Kerpant	Arable/Ley	22.56
9955	Barn Meadow	Pasture	3.28
0153		River	.20
3124		Rough	.38
2131		Rough	.32
2321	Barn Meadow	Pasture	12.26
2419	Panta Barn	Buildings	.17
3616		Rough	.16
0115	Eighteen Acre Field	Arable	18.39
			<u>290.04 acres</u>

Part II

ALL THOSE several pieces or parcels of land containing in the whole 68.71 acres or thereabouts situate in the Parish of Newchurch East in the County of Gwent and comprising the following land on the Ordnance Survey Map for the said Parish

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acreage</u>
2507		Track	.22
1700	Purkis Field	Arable/Ley	10.49
Part 3700	Broomy Field	Arable/Ley	10.40
5026	Barn Field	Arable	20.51
6517	Greenwood Barn	Buildings	.31
5513	Six Acre Field	Arable/Ley	5.52
7515	Barn Piece	Arable/Ley	4.75
8728	Veddw Fields	Arable	6.08
0044		Pasture	2.21
Part 0344		Copse	.51 est
0037	Veddw Fields	Pasture	1.93
0026	"	Pasture	2.96
0013		Pasture	2.48
9808	Fedw Barn	Buildings	.14
Part 3193		Track	.20
			<u>68.71 acres</u>

THE SECOND SCHEDULE above referred to

14th October 1965	Conveyance	William Andrew Wagg and Grace Gooding Wagg (1) James Richard Ferard (2)
18th August 1969	Conveyance	Chaffcombe Farms Limited (1) Ann Durell (2)
1st March 1970	Conveyance	Chaffcombe Farms Limited (1) James Noah Prewett (2)

THE THIRD SCHEDULE above referred to

20th June 1969	Conveyance	William Andrew Wagg and Grace Gooding Wagg (1) Chaffcombe Farms Limited (2)
20th June 1969	Mortgage with Statutory receipt endorsed dated 11th August 1972	Chaffcombe Farms Limited (1) The Agricultural Mortgage Corporation Limited (2)
2nd July 1969	Mortgage with Statutory Receipt endorsed dated 18th August 1969	Chaffcombe Farms Limited (1) Midland Bank Limited (2)
18th August 1969	Mortgage with Statutory Receipt endorsed dated 29th September 1971	Chaffcombe Farms Limited (1) Midland Bank Limited (2)
20th January 1970	Further Charge Statutory Receipt for which endorsed on Mortgage of 20th June 1969	Chaffcombe Farms Limited (1) The Agricultural Mortgage Corporation Limited (2)
30th December 1970	Legal Charge with Statutory Receipt endorsed dated 30th June 1972	Chaffcombe Farms Limited (1) Arpath Investments (Cardiff) Limited (2)
22nd March 1972	Legal Charge with Statutory Receipt endorsed dated 16th August 1972	Chaffcombe Farms Limited (1) Trustees of P. H. Butler Deceased (2)
20th September 1972	Conveyance	Chaffcombe Farms Limited (1) Hendlemouth Properties Limited (2)
2nd April 1973	Conveyance	Hendlemouth Properties Limited (1) Malcolm Rhonnda Young Peter Malcolm Gavin Young and Richard William Shirley Young (2)
8th April 1973	Legal Charge with Statutory Receipt endorsed dated 23rd March 1975	Malcolm Rhonnda Young Peter Malcolm Gavin Young Richard William Shirley Young (1) Williams & Glyn's Bank Limited (2)
24th March 1975	Conveyance	Malcolm Rhonnda Young Peter Malcolm Gavin Young Richard William Shirley Young (1) Shirley Young Limited (2)

THE COMMON SEAL of)
SHIRLEY YOUNG LIMITED)
was hereunto affixed in the)
presence of :-)

Director : *Peter H.G. Young.*

Director : *Richard L.S. Young*
Secretary :

THE COMMON SEAL of)
JUBILEE FARMS LIMITED)
was hereunto affixed in the)
presence of :-)

J. Lawrence Jones
Director :

L.R. Brown
Secretary :



MEMORANDUM. By a Transfer dated 23rd November 1989 the within named Jubilee Farms limited transferred Veddaw Barn comprising three acres or thereabouts as its more particularly delineated and edged red on the plan annexed to the said Transfer (being part of the property comprised in the within written conveyance) unto David Laurence Jarrett and Jocelyn Fiona Jarrett for an estate in fee simple.

Memorandum: By a transfer dated 5th July 1995 Jubilee Farms Limited transferred Greenwell Barn extending to a quarter of an acre or thereabouts as is delineated and edged red on the plan attached to the said Transfer (being part of the property comprised in the within written conveyance) to John Robert Scoble and Margaret Leys Scoble.

SHIRLEY YOUNG LIMITED

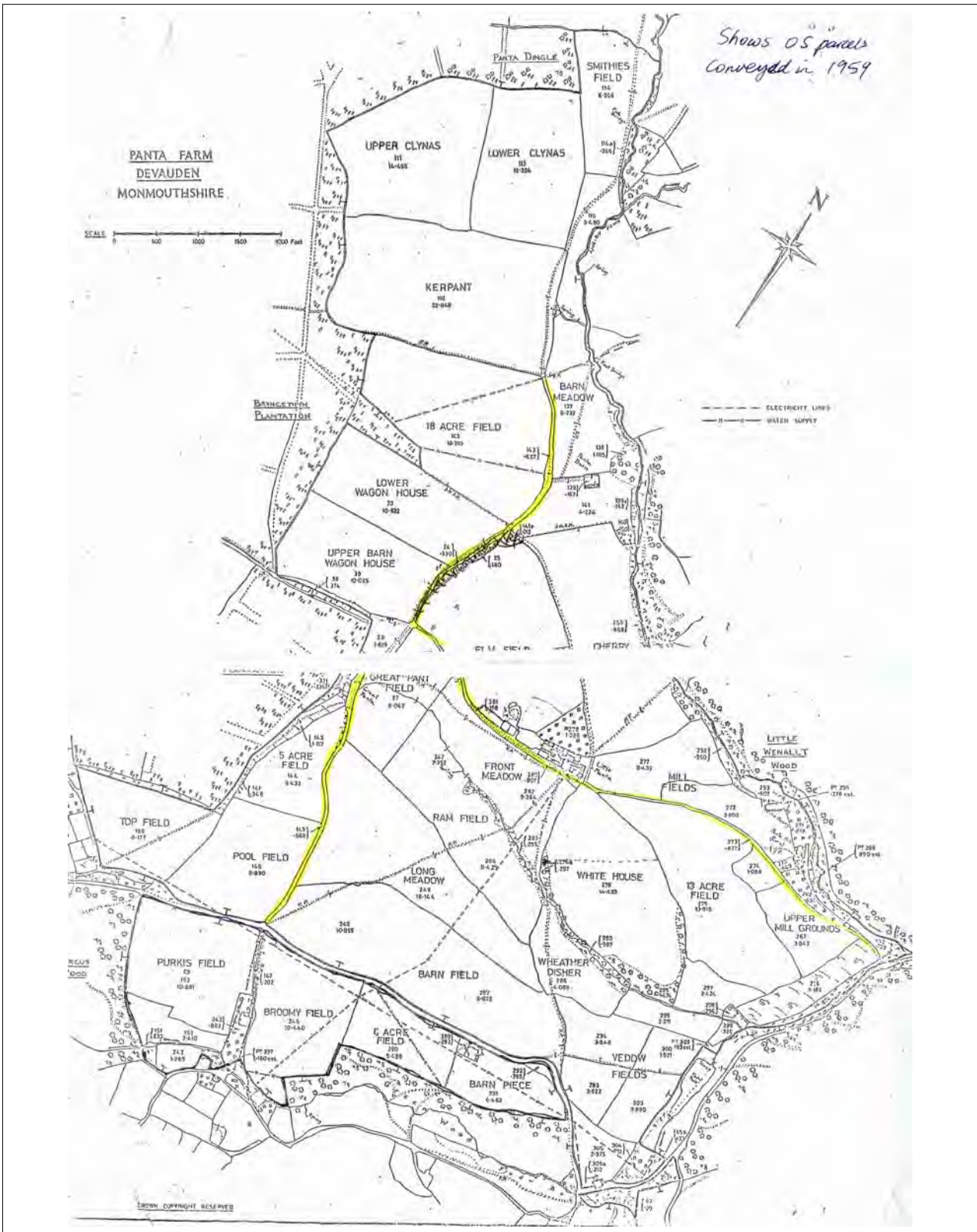
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JUBILEE FARMS LIMITED

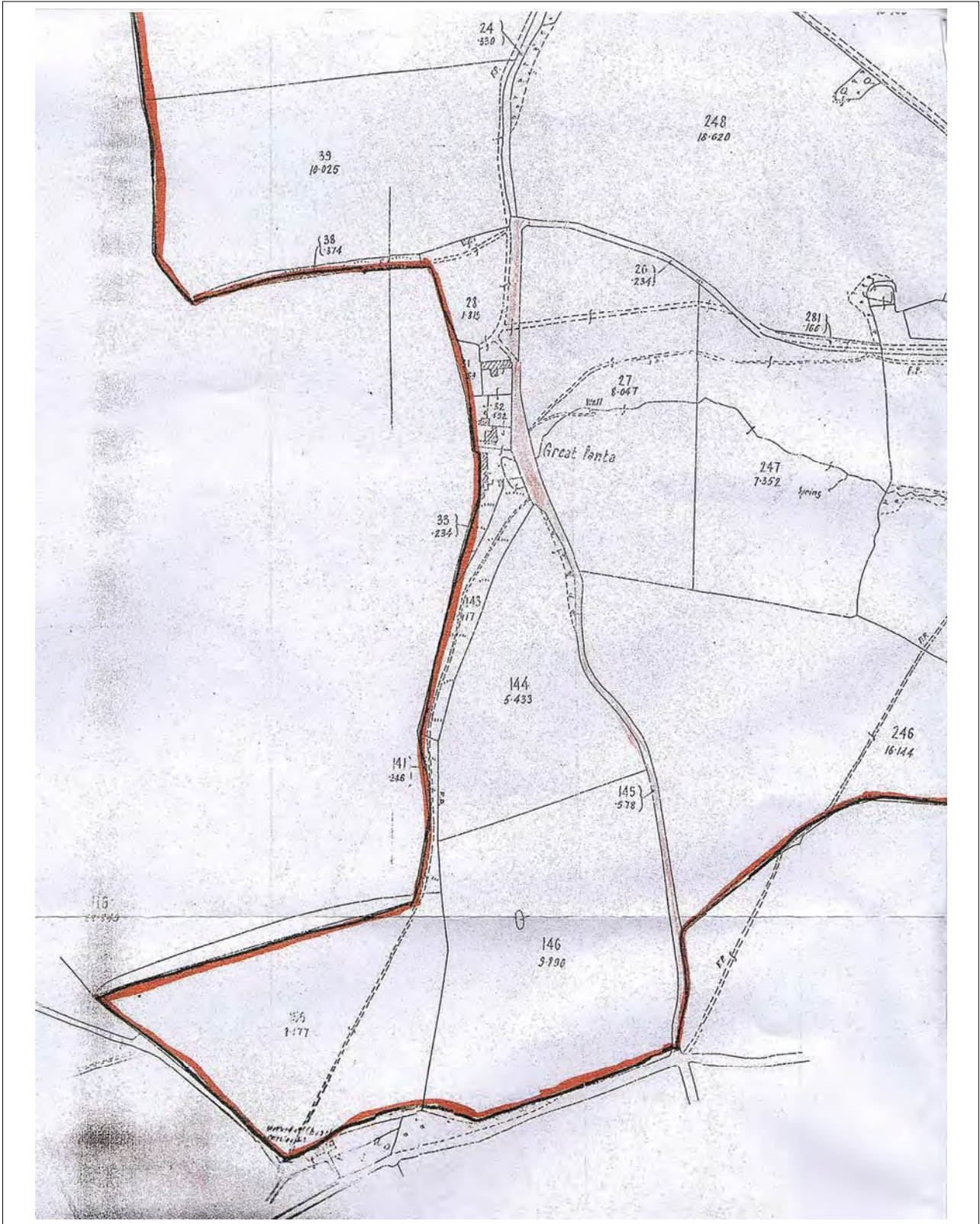
Conveyance

of freehold land known as Panta Farm Devauden in the County of Gwent

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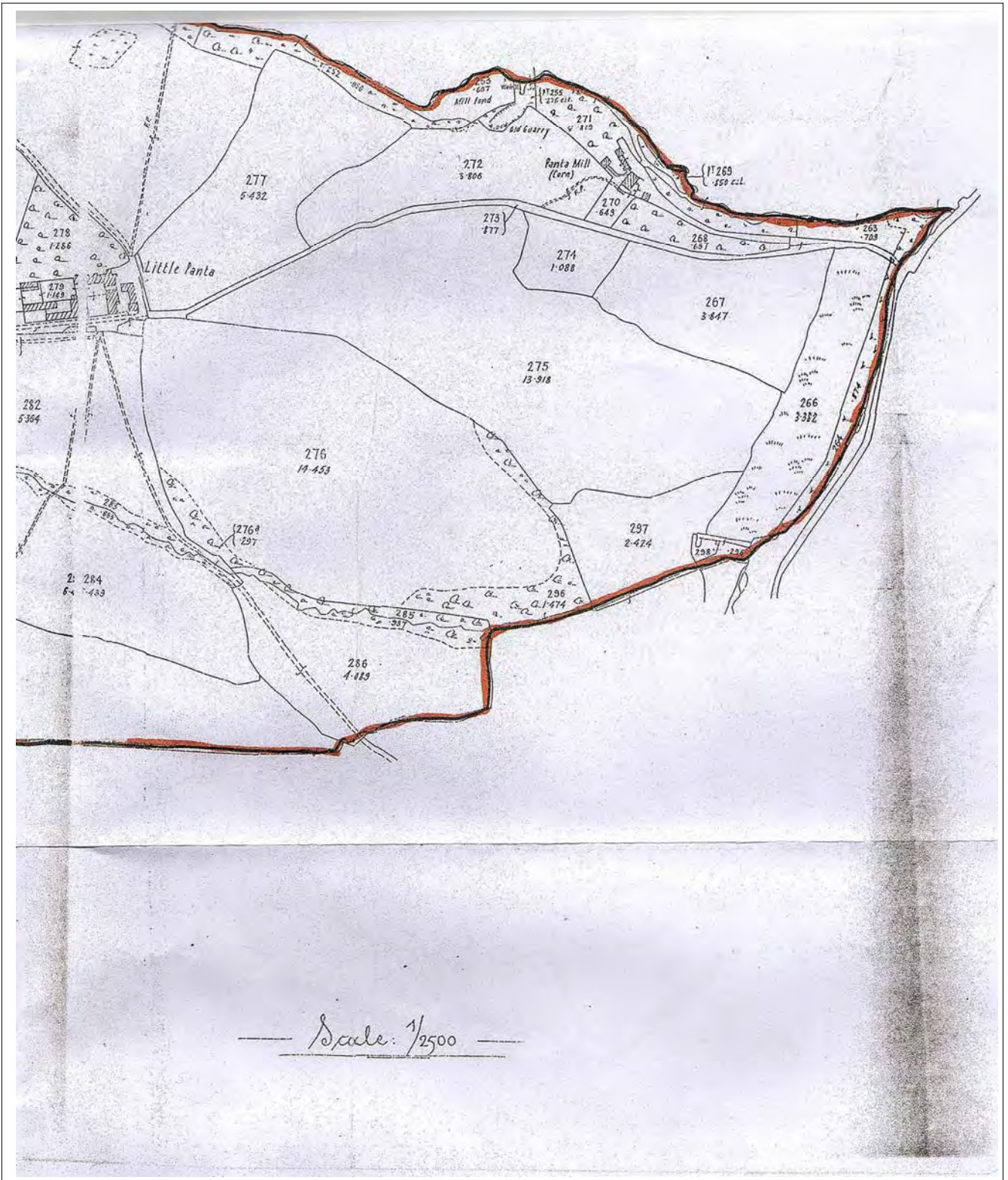


Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1959)



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1959)

Appendix | 20.12



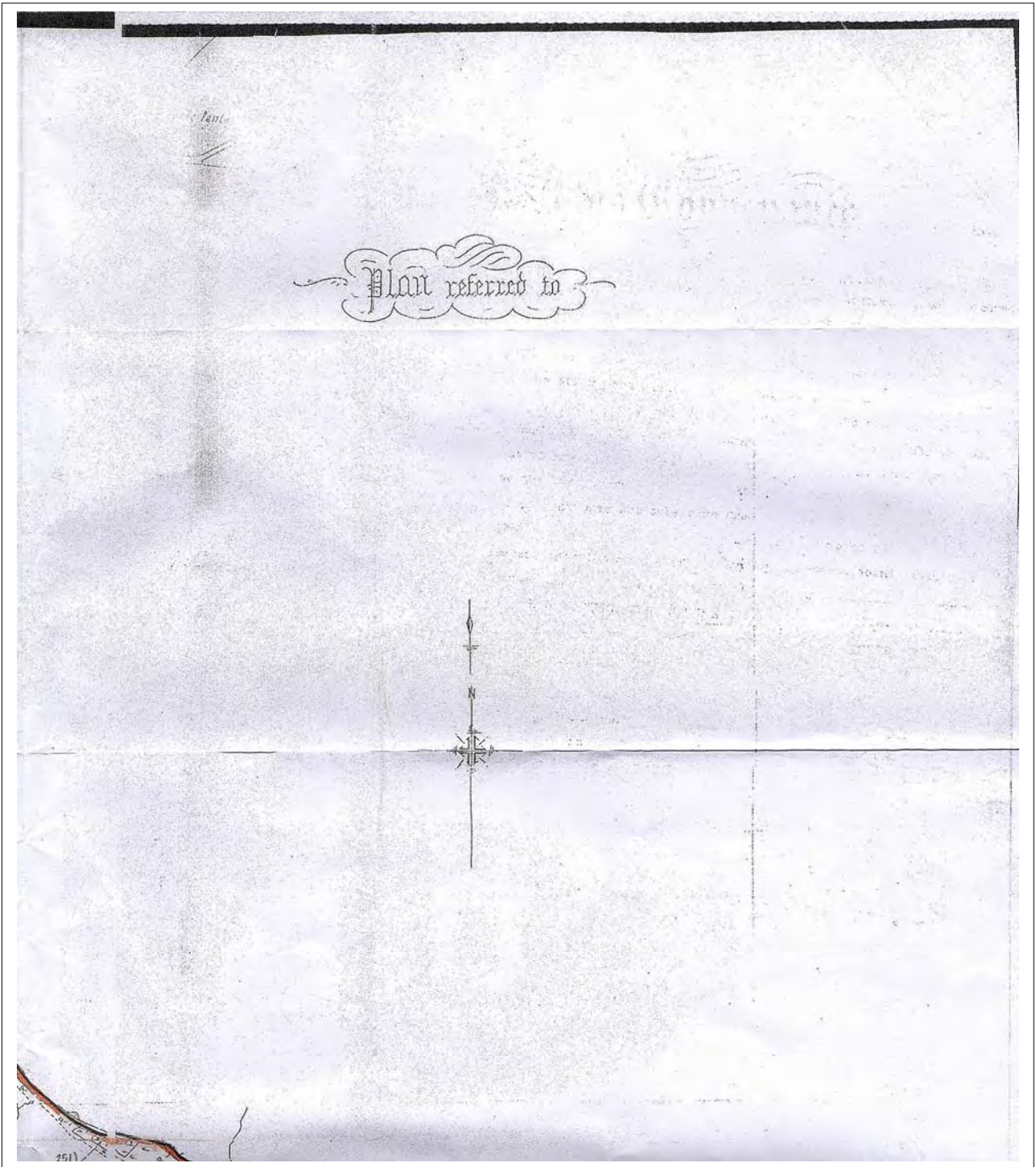
Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1959)
Appendix | 20.13



Documents related to 1977 Purchase of Panta Farm (Appendix 20)

Various property deeds (1959)

Appendix | 20.14



Documents related to 1977 Purchase of Panta Farm (Appendix 20)

Various property deeds (1959)

Appendix | 20.15

Examined with original licence
this to
30th September 1977 x0

①
②
E

This Conveyance

is made the Second day of November One thousand nine hundred and fifty nine B E T W E E N JOHN OLIVER DAVIES of Mona Lodge Usk in the County of Monmouth Retired Timber Merchant (hereinafter called "the Vendor") of the one part and WILLIAM ANDREW WAGG and GRACE GOODING WAGG his Wife both of Lower Gockett Lydart near Monmouth in the said County (hereinafter called "the Purchasers") of the other part

W H E R E A S the Vendor is seised of the property hereinafter described in fee simple in possession subject as hereinafter mentioned but otherwise free from incumbrances and has agreed to sell the same to the Purchasers for the like estate in possession subject as hereinafter mentioned but otherwise free from incumbrances at the price of Thirteen thousand three hundred and sixty five pounds and it has been agreed that the same shall be vested in them as joint tenants in manner hereinafter appearing

N O W THIS DEED W I T N E S S E T H as follows :-

1. I N pursuance of the said agreement and in consideration of the sum of THIRTEEN THOUSAND THREE HUNDRED AND SIXTY FIVE POUNDS now paid by the Purchasers to the Vendor (the receipt of which sum the Vendor hereby acknowledges) the Vendor as BENEFICIAL OWNER hereby CONVEYS unto the Purchasers A L L T H O S E several pieces or parcels of land containing in the whole 295.934 acres or thereabouts situate at Devauden in the several Parishes of Newchurch East Wolvesnewton and Trelleck Grange in the County of Monmouth T O G E T H E R W I T H the messuage or dwellinghouse and all other buildings erected and being thereon All which property is known as The Panta Devauden aforesaid and is more particularly described in the First Schedule hereto and for the purpose of identification only delineated and edged red on the plan hereto annexed T O G E T H E R W I T H the benefit of the rights covenants and agreements (so far as they affect the property hereby conveyed) contained in a Deed dated the First day of March One thousand nine hundred and thirty and made between the Vendor of the one part and The Rural District Council of Chepstow of the other part relating to interruption of flow of water in the Pedw Brook T O H O L D the same unto the Purchasers in fee simple S U B J E C T to the terms of the said Deed of the First day of March One thousand nine hundred and thirty

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1959 – page 1)

*Excluded from conveyance
Davis to Wagg 2nd Nov 1959*

and SUBJECT ALSO to a right of way at all times for all purposes of afforestation or for purposes connected with forestry along the road or track coloured brown on the said plan doing thereby no unnecessary damage and making compensation for all damage thereby done or occasioned to the land being a right of way demised (with other rights and property) to the Minister of Agriculture and Fisheries for the term of Nine hundred and ninety nine years by a Lease dated the Twenty eighth day of April One thousand nine hundred and forty nine and made between the Vendor of the one part and The Minister of the other part

2. THE Purchasers hereby DECLARE as follows :-

(a) The Purchasers shall hold the said property upon trust to sell the same with power to postpone the sale thereof and shall hold the net proceeds of sale and other money applicable as capital and the net rents and profits thereof until sale upon trust for themselves as joint tenants beneficially

(b) Until the expiration of Twenty one years from the death of the survivor of the Purchasers the Trustees for the time being of this deed shall have power to mortgage charge lease or otherwise dispose of all or any part of the said property with all the powers in that behalf of an absolute owner

3. THE Vendor hereby acknowledges the right of the Purchasers to the production of the documents specified in the Second Schedule hereto and to delivery of copies thereof and undertakes with the Purchasers for the safe custody thereof

I N W I T N E S S whereof the parties hereto have hereunto set their hands and seals the day and year first before written

-THE FIRST SCHEDULE-

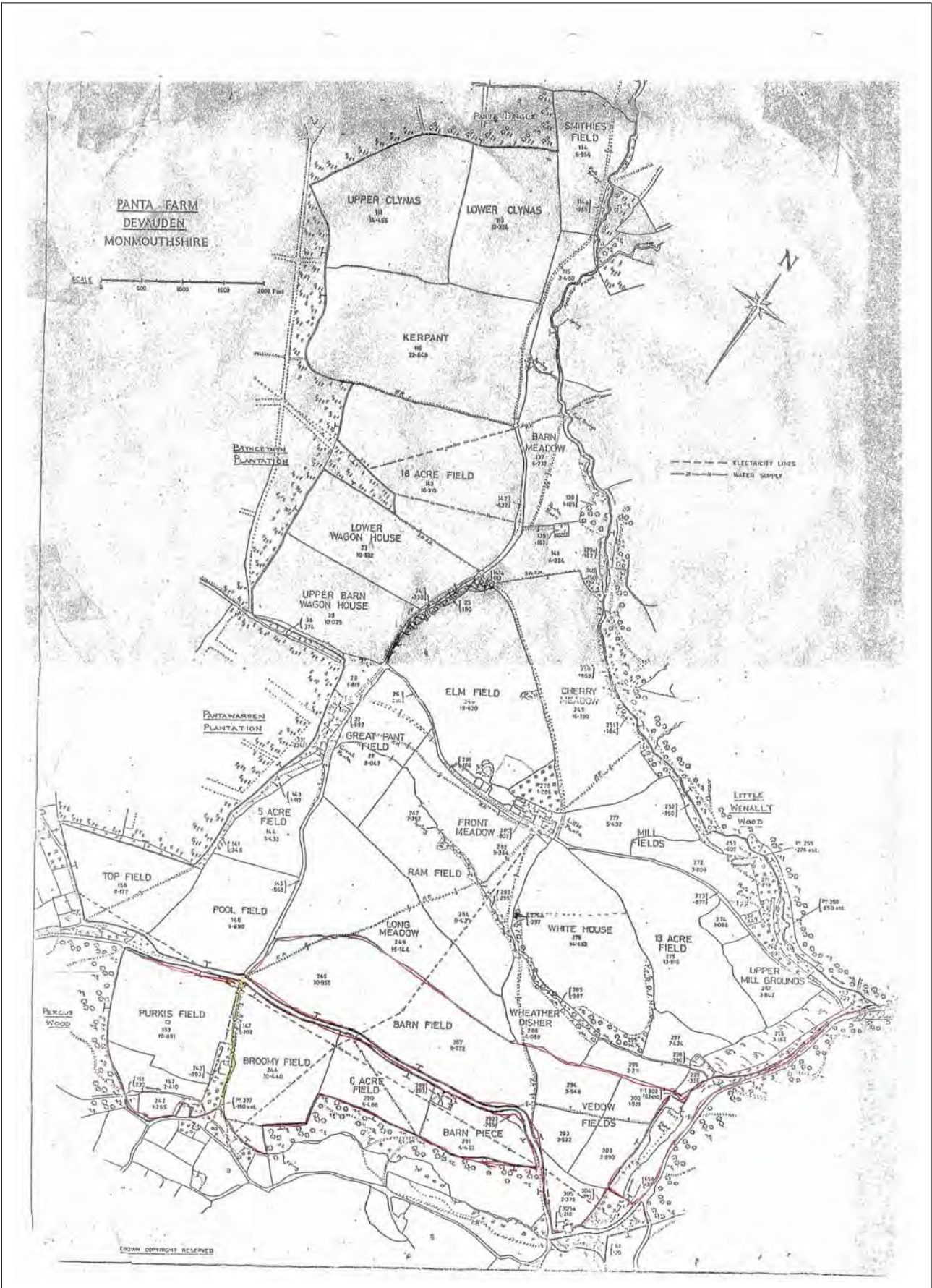
No. on O.S. Map	Area in Acres	
	1901 Edition O.S. Map	1921 Edition O.S. Map
PARISH OF NEWCHURCH EAST		
32	.693	.692
33	.239	.234
31	.182	.169
28	1.765	1.819
27	8.047	8.047
26	.234	.234
143	1.103	1.117
144	5.433	5.433
145	.578	.578
146	9.890	9.890
156	8.129	8.177
246	16.144	16.144
23	12.194	10.632
39	10.025	10.025
24	.336	.336
25	.180	.180
Carry Forward	75.192	73.701

- THE FIRST SCHEDULE (continued) -

No. on O.S. Map	Area in Acres	
	1901 Edition O.S. Map	1921 Edition O.S. Map
<u>PARISH OF NEWCHURCH EAST</u>		
	75.192	73.701
	<u>Brought Forward</u>	<u>18.620</u> ✓
248	18.620	18.620 ✓
247	7.352	7.352 ✓
141	.345	.346 ✓
38	.384	.374 ✓
250	.812	.859 ✓
251	.180	.184 ✓
252	.040	.950 ✓
249	16.795	16.790 ✓
277	5.432	5.432 ✓
278	1.286	1.286 ✓
281	.166	.166 ✓
280	1.013	.807 ✓
279	.943	1.149 ✓
282	5.364	5.364 ✓
284	6.429	6.439 ✓
253	.593	.607 ✓
Pt. 255	.276 est	.276 est
286	4.081	4.089 ✓
285	1.002	.987 ✓
296	1.487	1.474 ✓
276	14.737	14.453 ✓
276a		.297 ✓
283	.890	.855 ✓
271	.764	.819 ✓
272	3.815	3.806 ✓
270	.693	.649 ✓
Pt. 269	.850 est	.850 est
268	.697	.697 ✓
273	.833	.877 ✓
274	1.088	1.088 ✓
267	3.847	3.847 ✓
275	13.918	13.918 ✓
297	2.432	2.424 ✓
298	.164	.296 ✓
Pt. 299	.150 est	.211 est
263	.696	.709 ✓
266	3.382	3.382 ✓
264	.662	.874 ✓
<u>PARISH OF WOLVE-SHEWTON</u>		
114	7.202	6.956 ✓
114a		.365 ✓
113	12.324	12.324 ✓
111	14.455	14.455 ✓
116	22.849	22.849 ✓
115	3.615	3.480 ✓
137	6.736	6.732 ✓
138	1.105	1.105 ✓
141	3.980	4.224 ✓
141a		.013 ✓
139	.375	.167 ✓
139a	.202	.162 ✓
140	.155	.150 ✓
142	.622	.622 ✓
143	18.310	18.310 ✓
<u>PARISH OF TRELLECK GRANGE</u>		
214	6.927	6.927 ✓
<u>Totals</u>		<u>295.934</u>
<u>296.267</u>		

/THE SECOND SCHEDULE

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1959 – page 3)



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1961 Conveyance Plan)

The Purchasers shall hold the said property upon trust to sell the same with power to postpone the sale thereof and shall hold the net proceeds of sale and other money applicable as capital and the net rents and profits thereof until sale upon trust for themselves as joint tenants beneficially

(b) Until the expiration of twenty one years from the death of the survivor of the Purchasers the trustees for the time being of this Deed shall have power to mortgage charge lease or otherwise dispose of all or any part of the said property with all the powers in that behalf of an absolute owner

I N W I T N E S S whereof the Official Seal of the Commissioners has been hereunto affixed and the Purchasers have hereunto set their hands and seals the day and year first above written

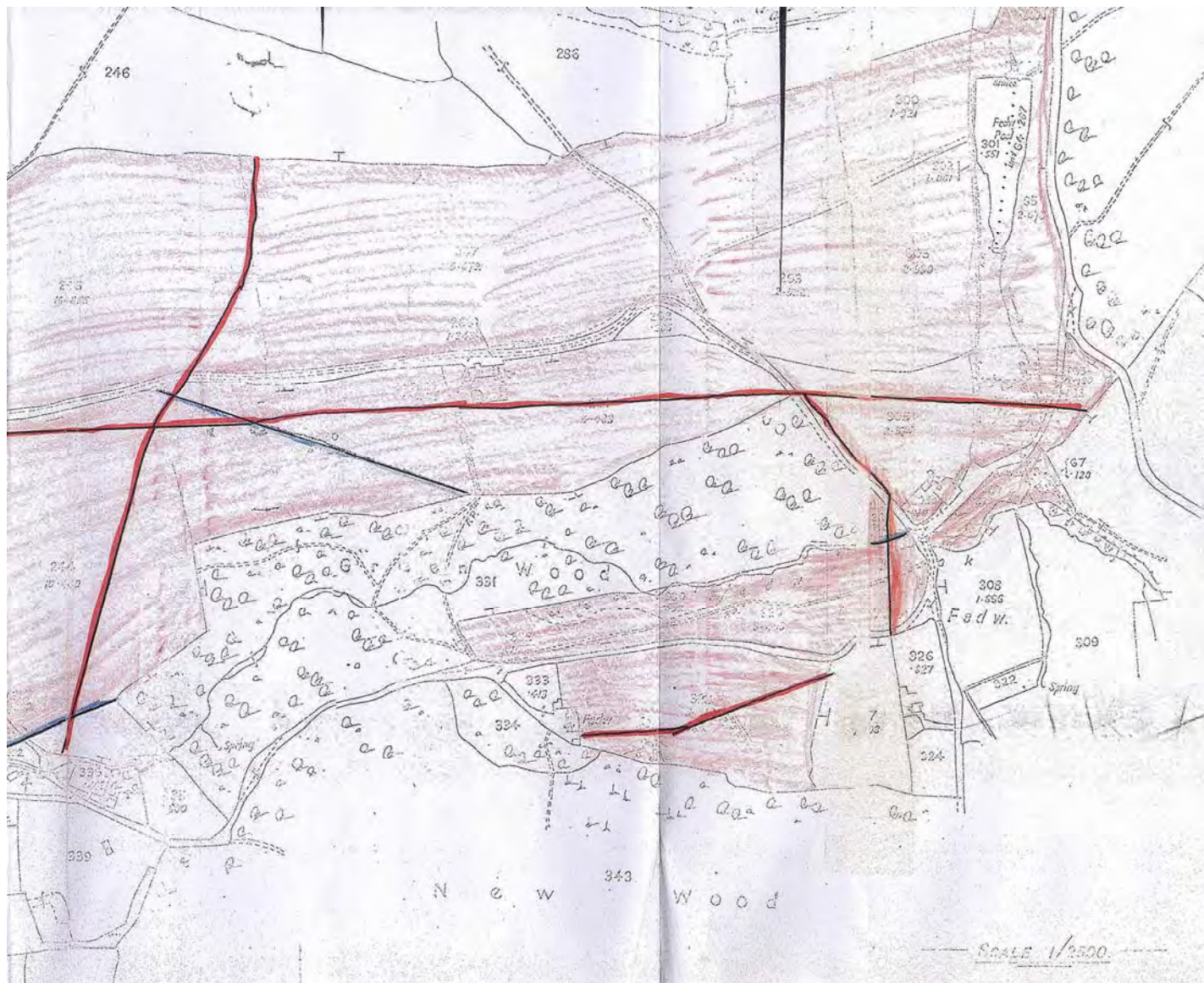
THE FIRST SCHEDULE hereto

<u>O.S. No.</u>	<u>Description</u>	<u>P. P.</u>
<u>147</u>	Road	32.
<u>151</u>	Pasture	37.
<u>152</u>	Pasture Orchard	2. 1. 25.
<u>153</u>	Tenants Pasture	10. 3. 23.
<u>242</u>	Pasture Orchard	1. 0. 35.
<u>243</u>	Garden Orchard	3. 21.
<u>244</u>	Pasture	10. 1. 31.
<u>245</u>	Tenants Pasture	10. 3. 17.

O.S. No.	Description	A.	R.	P.
287	Pasture	9.	2.	28.
289	Buildings		1.	7.
290	Tenants Pasture	5.	1.	38.
291	Pasture	4.	1.	34.
292	Pasture		1.	2.
293	Tenants Pasture	2.	2.	3.
294	Tenants Pasture	3.	2.	8.
295	Rough Pasture	2.	0.	34.
299	Pasture		1.	14.
300	Pasture	1.	3.	27.
302	Pasture	1.	0.	0.
303	Pasture	2.	3.	38.
304	Pasture, Orchard House etc		3.	7.
305	Pasture	2.	1.	20.
306	Pasture Orchard			32.
307	Pasture		2.	11.
305A	Buildings etc.			34.
328	Pasture	3.	3.	11.
329	Pasture	3.	1.	25.
330	Brake		2.	13.
pt 337	Road			27.
Chapel Hill Parish				
65	Pasture	2.	0.	13.
65B	Pasture			19.
66	Rough Pasture		2.	C.
67	Pasture Orchard			19.
<u>TOTAL</u>		86.	3.	6.

THE SECOND SCHEDULE hereto

- (a) All mines minerals quarries beds or veins of slate and stone and of clay and all other mineral substances whatsoever (hereinafter called "the reserved substances") within or under the property with full power for Her Majesty Her Successors and assigns and for the Commissioners and Her or their grantees lessees tenants servants agents and all persons authorised by Her or them or any of them at all times hereafter to work and get the reserved substances but by underground workings only compensation being payable for all damage thereby done or occasioned to the property and to all buildings constructions and apparatus now or hereafter erected or placed thereon or thereunder
- (b) The right to use the banks of the Feddw Pool and of the Feddw Stream for the purpose of fishing and all necessary rights to access thereto for such purpose together with the right to do all such things included



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1965 Conveyance Plan (1))



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1965 Conveyance Plan (2))

Examined with original
examined copy
Lawrence Jones 10 copies
30-9-77

R 2 (22) ③

PD
Stamp

Stamp Duty Paid
124



Excl
incl
as
witness
as of fee
1
K. J. Jones
Chapman
by
W. J. Jones
Chapman
as of fee
G. J. Jones
27/3/69

Conveyance is made the
Twenty eighth
of January One thousand nine hundred and sixty
nine by B E R W E N THE QUEEN'S MOST EXCELLENT MAJESTY
of the first part THE CROWN ESTATE COMMISSIONERS
(hereinafter called "the Commissioners") on behalf of
Her Majesty acting in exercise of the powers of the
Crown Estate Act 1961 of the second part and WILLIAM
ALFRED WAGG Farmer and GRACE GOODING WAGG his wife
both of Panta Farm Devauden Onepston in the County of
Monmouth (hereinafter called "the Purchasers" which
expression shall where the context so admits include
the successors in title of the Purchasers) of the
third part

WHEREAS :-

- (1) The property hereinafter described and hereby assigned forms part of the Crown Estate
- (2) The Commissioners have agreed for the sale to the Purchasers for the sum of twelve thousand four hundred pounds of the fee simple in possession thereof subject as hereinafter mentioned but otherwise free from incumbrances

NOW THIS DEED WITNESSETH :-

IN consideration of the sum of TWELVE THOUSAND FOUR HUNDRED POUNDS paid by the Purchasers to the Commissioners (the receipt whereof the Commissioners hereby acknowledge) the Commissioners hereby grant and convey unto the Purchasers ALL THOSE pieces of land containing eighty six acres three roods and six perches or thereabouts situate at Tintern in the County of Monmouth and more particularly described in the first schedule hereto and delineated on the plan annexed hereto and thereon coloured pink together with the messuages and buildings erected thereon and known as The Veadw Farm Devauden aforesaid and EXCEPTING AND RESERVING unto the Queen's Majesty and Her Successors as set out in the second Schedule hereto TO HOLD the same unto the Purchasers in fee simple subject to
(a) all easements quasi easements and incidents of title (if any) affecting the property hereby assured
(b) The existing right of way for all purposes over the tracks encompassing the track numbered 306 on the plan such right being for the benefit of the said

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1965 Conveyance page 1)

land numbered 250

(c) The rights of the Newport and South Monmouthshire Water Board by virtue of the provisions and powers contained in the Newport and South Monmouthshire Water Board (Feddw Spring) Order 1962 in relation to the lines of pipes indicated on the said plan by purple and green lines thereon

2. IT IS HEREBY AGREED AND DECLARED as follows:-

(i) The said waterpipes the approximate positions of which are shown by purple and green lines on the said plan are the property of the Newport and South Monmouthshire Water Board and such pipes are not included in nor shall they be deemed to have been conveyed by these presents

(ii) The bed of the Feddw Pool being Ordnance Survey No. 301 on the said plan the bed of the Feddw Stream and the waters and fishing therein are not included in nor shall they be deemed to have been conveyed by these presents

3. THE Purchasers hereby declare as follows:-

(a) The Purchasers shall hold the said property upon trust to sell the same with power to postpone the sale thereof and shall hold the net proceeds of sale and other money applicable as capital and the net rents and profits thereof until sale upon trust for themselves as joint tenants beneficially

(b) Until the expiration of twenty one years from the death of the survivor of the Purchasers the trustees for the time being of this Deed shall have power to mortgage charge lease or otherwise dispose of all or any part of the said property with all the powers in that behalf of an absolute owner

I N W I T N E S S whereof the Official Seal of the Commissioners has been hereunto affixed and the Purchasers have hereunto set their hands and seals the day and year first above written

THE FIRST SCHEDULE hereto

O.S. No.	Description	R. P.
Newchurch East Parish		
✓ 147	Road	32.
✓ 151	Pasture	37.
✓ 152	Pasture Orchard	2. 1. 25.
✓ 153	Toments Pasture	10. 0. 23.
✓ 242	Pasture Orchard	1. 0. 35.
✓ 243	Garden Orchard	3. 21.
✓ 244	Pasture	10. 1. 31.
✓ 245	Toments Pasture	10. 3. 17.

O.S. No.	Description	A.	B.	P.
287	Pasture	9.	2.23.	
288	Buildings		1.	7.
290	Tenants Pasture	5.	1.38.	
291	Pasture	4.	1.34.	
292	Pasture		1.	2.
293	Tenants Pasture	2.	2.	3.
294	Tenants Pasture	3.	2.	8.
295	Rough Pasture	2.	0.34.	
299	Pasture		1.14.	
300	Pasture	1.	3.27.	
302	Pasture	1.	0.	0.
303	Pasture	2.	3.38.	
304	Pasture, Orchard House etc	3.	7.	
305	Pasture	2.	1.20.	
306	Pasture Orchard		32.	
307	Pasture		2.11.	
305A	Buildings etc.		34.	
328	Pasture	3.	3.11.	
329	Pasture	3.	1.25.	
330	Brake		2.13.	
pt. 337	Road		27.	
Chapel Hill Parish				
65	Pasture	2.	0.13.	
65B	Pasture		19.	
66	Rough Pasture		3.	C.
67	Pasture Orchard		19.	
		TOTAL	86.	3. 6.

THE SECOND SCHEDULE hereto

(a) All mines minerals quarries beds or veins of slate and stone and of clay and all other mineral substances whatsoever (hereinafter called "the reserved substances") within or under the property with full power for Her Majesty Her Successors and assigns and for the Commissioners and Her or their grantees lessees tenants servants agents and all persons authorised by Her or them or any of them at all times hereafter to work and get the reserved substances but by underground workings only compensation being payable for all damage thereby done or occasioned to the property and to all buildings constructions and apparatus now or hereafter erected or placed thereon or thereunder

(b) The right to use the banks of the Fodw Pool and of the Fodw Stream for the purpose of fishing and all necessary rights to access thereto for such purpose together with the right to do all such things including the cutting and trimming of growth on the said banks as may be necessary to avoid any blockage in the run of the stream or any erosion of the banks of the stream

any other impediment to the maintenance and fishing of the said Pool and stream Together also with the right to maintain the sluice and to operate the same and to control the water levels in the said Pool and stream and to enter with all necessary materials to repair the said sluice whenever occasion shall arise

(THE OFFICIAL SEAL OF THE CROWN ESTATE COMMISSIONERS hereunto affixed was authenticated by:- HARRY ANDERSON CLIFFORD GILL. Authorised by the Crown Estate Commissioners)

SIGNED SEALED AND DELIVERED by the said WILLIAM ANDREW WAGG in the presence of:-

[Signature]
W. A. Wagg, ○

[Signature]
S. K. K.
C. P. S.

SIGNED SEALED AND DELIVERED by the said GRACE GOODING WAGG in the presence of:-

G. G. Wagg, ○

[Signature]

MEMORANDUM

By a Conveyance dated the *fourteenth* day of *October* 1965 the within named WILLIAM ANDREW WAGG and GRACE GOODING WAGG conveyed a piece of land surrounding Fedw Pool being part of the property comprised in the within written Conveyance and forming part of the land numbered 65 and 302 on the O.S. Map unto JAMES RICHARD FERARD of 7a Holland Villas Road Kensington London, W.14 for an estate in fee simple subject to the Covenant and Exception and Reservations therein contained and acknowledged his right to production and delivery of copies of the within written Conveyance and undertook for the safe custody thereof

MEMORANDUM

By a Conveyance dated the *seventh* day of *December* 1965 the within named William Andrew Wagg and Grace Gooding Wagg conveyed a piece of land situate in the Parish of Newchurch East in the County of Monmouth adjoining premises known as Woodside The Voddw Devauden in the said County being part of the lands comprised in the within written Conveyance unto Frederick Llewellyn Sloman and Barbara Sloman both of Woodside Devauden aforesaid for an estate in fee simple subject to the covenant and Exceptions and Reservations therein contained and acknowledged their right to production and delivery of copies of the within written Conveyance and undertook for the safe custody thereof

*Examine
copy
- final
as to
N.M.B. etc
2/3/69*

COPY MEMORANDUM endorsed on Conveyance of 28th June 1965

MEMORANDUM. By a Conveyance dated the 20th day of June 1969 the within named William Andrew Wagg and Grace Georing Wagg conveyed Yeddw Farm Devauden comprising 76.353 acres or thereabouts and Nos. 147, 151, 152, 153, 242, 243, 244, 245, 248, 249, 250, 251, 252, 253, 254, 255, 299, 300, Pt. 302, 303, 304, 305, 307, 305a., & Pt. 337 for the Parish of Newchurch East and Pt. 65, 65b., 66 & 67 for the Parish of Chapel Hill (being part of the property comprised in the within written Conveyance) unto Chaffcombe Farms Ltd. whose Registered Office is situate at Chaffcombe House Chard in the County of Somerset for an estate in fee simple And acknowledged the Company's right to production of (inter alia) the within written Conveyance.

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1965 Conveyance page 6)

Examined with original Lancelotti 20-9-77

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THIS DEED WAS MADE AND SIGNED the 2nd day of April 1977

ALAN MARK HURSTON and ROBERT HURSTON whose registered office is situate at 21 St. Paul's Churchyard London E.C.4. (hereinafter called "the Vendors") of the one part and MALCOLM ROBERT YOUNG PETER MALCOLM DAVID YOUNG and RICHARD WILLIAM SHIRLEY YOUNG all of Wyke Farm Winterbourne Bassett Swindon in the County of Wiltshire (hereinafter together called "the Purchasers") of the other part

0793 73/359

WHEREAS :-

The Vendors are seized of the land hereinafter described and intended to be hereby assured for an estate in fee simple in possession free from incumbrances subject only as hereinafter mentioned and have agreed with the Purchasers for the sale to them of the land as tenants in common at the price of TWO HUNDRED AND SIXTY THOUSAND POUNDS (£260,000) in the manner hereinafter appearing

NOW THIS DEED WITNESSETH as follows:-

In pursuance of the said Agreement and in consideration of the sum of TWO HUNDRED AND SIXTY THOUSAND POUNDS (£260,000) now paid by the Purchasers in equal shares to the Vendors (receipt whereof the Vendors hereby acknowledge) the Vendors as Beneficial Owners hereby convey unto the Purchasers ALL THOSE several pieces or parcels of land more particularly described in Part I and II of the First Schedule hereto TOGETHER WITH the messuage or dwellinghouse and all other buildings erected and being thereon or on some part thereof and for the purposes of identification shown edged red on the plan annexed hereto. The land described in Part I of the First Schedule was formerly known as "the Panta" Devauden in the County of Monmouth and the land described in Part II of the First Schedule formerly formed part of "The Viddy Farm" Devauden and the whole of the said land hereby conveyed is now known as "Panta Farm" Devauden in the County of Monmouth TO HOLD the same unto the Purchasers in fee simple as beneficial tenants in common in equal shares SUBJECT as to the land described in Part I of the First Schedule hereto

(a) to the effect referred to in a Conveyance dated the Second day

Oliver Davies of the one part and William Andrew Wagg and Grace Gooding Wagg of the other part

(b) to and with the benefit of a Deed of Grant dated the Twenty-second day of May One thousand nine hundred and sixty-four and made between the said William Andrew Wagg and Grace Gooding Wagg of the first part Barclays Bank Limited of the second part and The Newport and South Monmouthshire Water Board of the third part

(c) to and with the benefit of a Wayleave Agreement with the South Wales Electricity Board

(d) the covenant as to fencing contained in a Conveyance dated the Eleventh day of March One thousand nine hundred and seventy made between Chaffcombe Farms Limited of the one part and James Nash Prowett of the other part
And as to the land described in Part II of the First Schedule

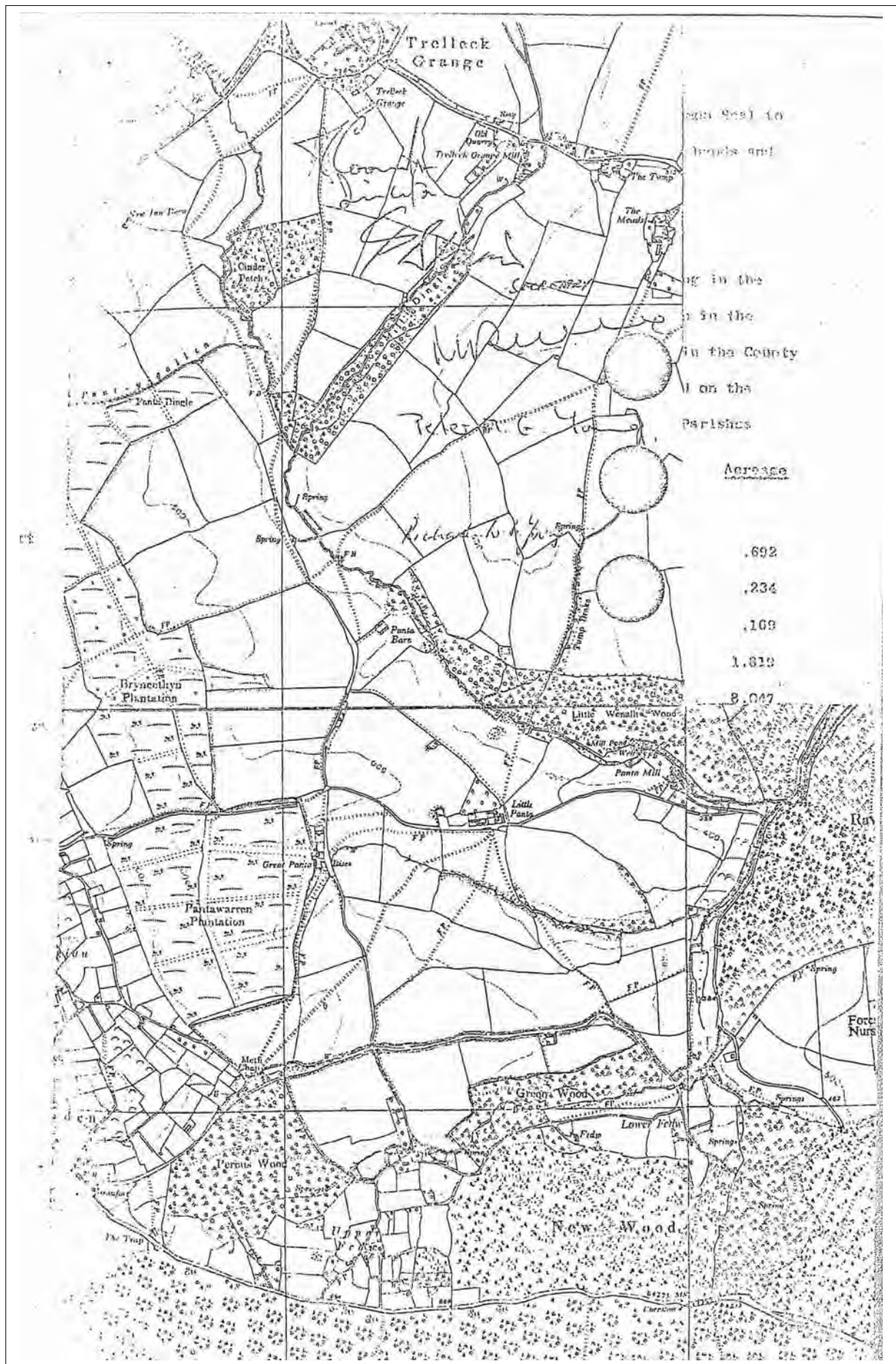
(a) to the exceptions reservations rights and declarations contained in a Conveyance dated Twenty-eighth day of January One thousand nine hundred and sixty-five and made between The Queen's Most Excellent Majesty of the first part The Crown Estate Commissioners of the second part and the said William Andrew Wagg and Grace Gooding Wagg of the third part

(b) to and with the benefit of a Deed of Grant dated the Twenty-ninth day of January One thousand nine hundred and sixty-five and made between the said William Andrew Wagg and Grace Gooding Wagg of the one part and the said Newport and South Monmouthshire Water Board of the other part and

(c) to and with the benefit of all Wayleaves with the South Wales Electricity Board

2. THE Vendors (so far as they can lawfully assign the same) HEREBY ASSIGN unto the Purchasers the benefit of the exceptions and reservations and covenants as to fencing contained in the several Conveyances more particularly mentioned in the Second Schedule hereto

3. IT IS HEREBY DECLARED that the Purchasers or other the trustees for the time being of this deed shall have full power to mortgage charge lease or otherwise dispose of all or any part of the said PROPERTY with all the powers in that behalf of an absolute owner



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1973 Conveyance (1) page 3)

W. I. T. H. E. S. O. whereas the Vendors have caused their Common Seal to be hereunto affixed and the Purchasers have hereunto set their hands and seals the day and year first before written

THE FIRST SCHEDULE above referred to

Part I ALL THOSE several pieces or parcels of land containing in the whole 289.097 acres or thereabouts situate at Fawcote in the several parishes of Newchurch East and Wolves-Narfen in the County of Monmouth and comprising the following plots of land on the 1921 Edition of the Ordnance Survey Map for the said Parishes

<u>Plot Number</u>	<u>Parish</u>	<u>Acres</u>
	<u>Newchurch East</u>	
32		.692
33		.234
31		.169
28		1.819
27		8.047
26		.234
143		1.117
144		5.435
145		.578
146		9.890
150		8.177
246		16.144
23		10.632
30		10.025
24		.330
25		.180
248		18.620
247		7.352
141		.345
38		.374
250		.880
251		.117

Plot Number	Parish	Amount
	Newchurch Kent (Cont'd)	
	Brought forward	101.436
252		.950
249		16.700
277		5.432
278		1.286
281		.166
280		.807
279		1.149
282		5.364
284		6.439
253		.607
Pt. 255		.276 est
286		4.059
285		.987
296		1.474
276		14.453
276a		.297
283		.855
271		.019
272		3.806
270		.649
Pt. 269		.850 est
268		.697
273		.877
274		1.088
267		3.847
275		13.918
267		2.424
268		.206
263		.700
265		3.392
264		.174
	c/r	197.083

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1973 Conveyance (1) page 5)

<u>Plot Number</u>	<u>Parish</u>	<u>Acreage</u>
	WOLVERHAMPTON	b/f 197.083
114		6.956
114a		.365
113		12.324
111		14.455
116		22.849
115		3.480
137		6.732
138		1.103
141		4.224
141a		.013
139		.167
139a		.162
140		.150
142		.622
143		16.310
		<u>289.007</u>

Part II ALL THOSE several pieces or parcels of land containing in the whole 74.972 acres or thereabouts situate in the Parishes of Newchurch East and Chapel Hill Tintern in the County of Monmouth and comprising the following plots of land on the 1921 Edition of the Ordnance Survey Map for the said Parishes

NEWCHURCH EAST PARISH

<u>Plot Number</u>	<u>Acreage</u>
147	.202
151	.230
152	2.410
153	10.891
242	1.226
243	.857
244	10.424

NENCHURCH EAST PARISH (Cont.)

<u>Plot Number</u>	<u>Area</u>
245	10.355
287	9.672
289	.293
290	5.436
291	4.463
292	.265
293	2.522
294	3.548
295	2.211
299	.336
300	1.921
302	.183
303	2.990
305	2.375
307	.570
305a	.210
337	.160

CHAPEL HILL TINTERN PARISH

66	.500
67	.120
	<u>74.972</u>

THE SECOND SCHEDULE above referred to

14th October 1965	Conveyance	William Andrew Wagg and Grace Gooding Wagg (1) James Richard Forard (2)
18th August 1969	Conveyance	Chaffcombe Farms Limited Ann Durrell (2)
1st March 1970	Conveyance	Chaffcombe Farms Limited James Nash Forard (2)

THE COMMON SEAL OF HENDLEBOROUGH)
PROPERTIES LIMITED was hereunto)
affixed in the presence of :-)

[Signature]
Director

SIG:
said
the
37
SIG:
said
YOU

SIGNED, SEALED & DELIVERED by the)
said MALCOLM BUCHANAN YOUNG in the)
presence of :-)

Malcolm R. Young

Deborah French
(ADDRESS AND OCCUPATION IS GIVEN)

SIGNED, SEALED & DELIVERED by the)
said PETER MALCOLM GAVIN YOUNG in)
the presence of :-)

Peter M.G. Young

Deborah French
3 Kingsway Avenue
London E.C.2

SIGNED, SEALED & DELIVERED by the)
said RICHARD WILLIAM SHINLEY)
YOUNG in the presence of :-)

Richard W. Young

Deborah French
3 SLUDGE AVENUE
LONDON S.W.3.
OCCUPATION: SECRETARY

DATED 2nd April 1973

HENDLEIGH PROPERTIES LIMITED

and

M.R. YOUNG and OTHERS

CONVEYANCE

of land and premises known as
"Panta Farm" located in the
County of Monmouth

4 The Vendor hereby acknowledges the right of the Purchaser to production and delivery of copies of the documents specified in the Third Schedule hereto and hereby undertakes with the Purchaser for the safe custody thereof _____

IN WITNESS whereof the Vendor and the Purchaser have caused their respective Common Seals to be hereunto affixed the day and year first before written _____

THE FIRST SCHEDULE above referred to

Part I

ALL THOSE several pieces or parcels of land containing in the whole 290.04 acres or thereabouts situate at Devauden in the several Parishes of Newchurch East and Wolvesnewton in the County of Gwent and comprising the following land on the Ordnance Survey Map for the said Parishes _____

Newchurch East

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acres</u>
0966	Great Panta	Buildings	3.28
Part 8548		Wood	1.60
1143	Five Acres	Arable	5.44
2037		Track	.64
1323	Pool Field	Arable	9.83
9318	Top Field	Arable	8.12
3241	Long Meadow	Arable	12.91
5837	Long Meadow	Arable	3.26
0005	Lower Wagon House	Arable/Ley	11.24

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acreage</u>
9784	Upper Barn Wagon House	Arable/Ley	10.17
1501 and 1191		Track	.34
1600		Copse	.34
2200	Elm Field	Arable/Ley	18.59
2862	Great Panta	Pasture	15.64
3000		Rough	3.20
Part 3600	Cherry Meadow	Pasture	16.50
5393		Rough	.27
5560	Mill Fields	Pasture	5.39
4976		Orchard	1.28
4870	Little Panta	Farmhouse and Buildings	1.94
4762	Front Meadow	Pasture	5.16
5047	Ram Field	Arable/Ley	6.49
7339	Weather Disher	Pasture	4.07
8043		Copse	2.04
7155	White House	Arable/Ley	14.84
5852		Copse	.26
5055		Copse	.82
0076	Mill Fields	Pasture	3.07
0078		Track	.45
0078		Driveway	.58
1173		Track	.32
0070	Upper Mill Ground	Pasture	5.46
0060	Thirteen Acre Field	Arable	13.72
6270	Bungalow		.20
0050		Copse	2.40
		Copse	.28

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1973 Conveyance (2) page 2)

Appendix | 20.40

4976		Orchard	1.28
4870	Little Panta	Farmhouse and Buildings	1.94
4782	Front Meadow	Pasture	5.16
5047	Ram Field	Arable/Ley	6.49
7339	Weather Disher	Pasture	4.07
8048		Copse	2.04
7155	White House	Arable/Ley	14.84
5952		Copse	.26
5055		Copse	.62
0078	Mill Fields	Pasture	5.17
0078		Track	.45
7878		Driveway	.58
1173		Track	.32
0070	Upper Mill Ground	Pasture	5.46
0060	Thirteen Acre Field	Arable	13.72
6270	Bungalow		.20
0050		Copse	2.40
0848		Copse	.28
Part 2500		Copse	.35
Part 0081		Rough	1.39
1158		Copse	2.78
1560		Copse	.85
Wolvesnewton			
300	Grubies Field	Pasture	
		Copse	

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1973 Conveyance (2) page 3)

Appendix | 20.41

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acreage</u>
8462	Lower Clynas	Arable/Ley	12.41
6653	Upper Clynas	Arable/Ley	14.36
8435	Kerpant	Arable/Ley	22.56
9955	Barn Meadow	Pasture	3.28
0153		River	.20
3124		Rough	.38
2131		Rough	.32
2321	Barn Meadow	Pasture	12.26
2419	Panta Barn	Buildings	.17
3616		Rough	.16
0115	Eighteen Acre Field	Arable	<u>18.39</u>
			<u>290.04</u>

Part II

ALL THOSE several pieces or parcels of land containing in the whole 68.71 acres or thereabouts situate in the Parish of Newchurch East in the County of Gwent and comprising the following land on the Ordnance Survey Map for the said

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acreage</u>
1700	Purkis Field	Arable/Ley	16.49
Part 3700	Broomy Field	Arable/Ley	10.40
5026	Barn Field	Arable	20.51
6517	Greenwood Barn	Buildings	.31
5513	Six Acre Field	Arable/Ley	5.52
7515	Barn Piece	Arable/Ley	4.75
8728	Veddw Fields	Arable	6.08

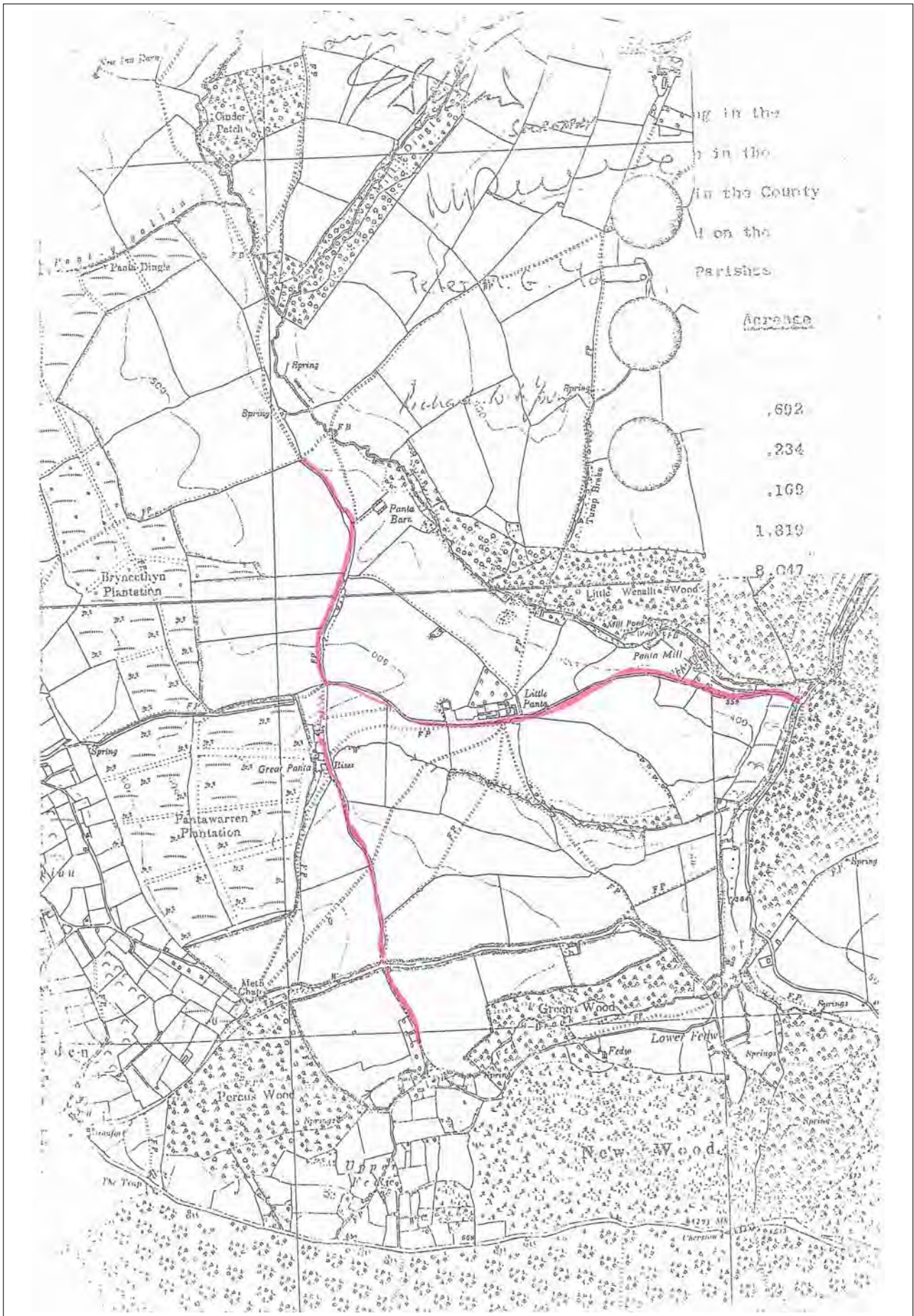
Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1973 Conveyance (2) page 4)

Part II

ALL THOSE several pieces or parcels of land containing in the whole 68.71 acres or thereabouts situate in the Parish of Newchurch East in the County of Gwent and comprising the following land on the Ordnance Survey Map for the said Parish

<u>OS. No.</u>	<u>Name</u>	<u>Description</u>	<u>Acres</u>
2507		Track	.21
1700	Purkis Field	Arable/Ley	10.49
Part 3700	Broomy Field	Arable/Ley	10.40
5026	Barn Field	Arable	20.51
6517	Greenwood Barn	Buildings	.31
5513	Six Acre Field	Arable/Ley	5.52
7515	Barn Piece	Arable/Ley	4.75
8728	Veddw Fields	Arable	6.08
0044		Pasture	2.21
Part 0344		Copse	.51
0037	Veddw Fields	Pasture	1.98
0026	"	Pasture	2.96
0013		Pasture	2.48
9808	Fedw Barn	Buildings	.14
Part 3193		Track	.20
			<u>68.71</u>

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
Various property deeds (1973 Conveyance (2) page 5)



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1973 Conveyance (2) page 6)

W I T H E S S witness the Vendor and the Purchaser have hereunto set their hands and seals the day and year first before written.

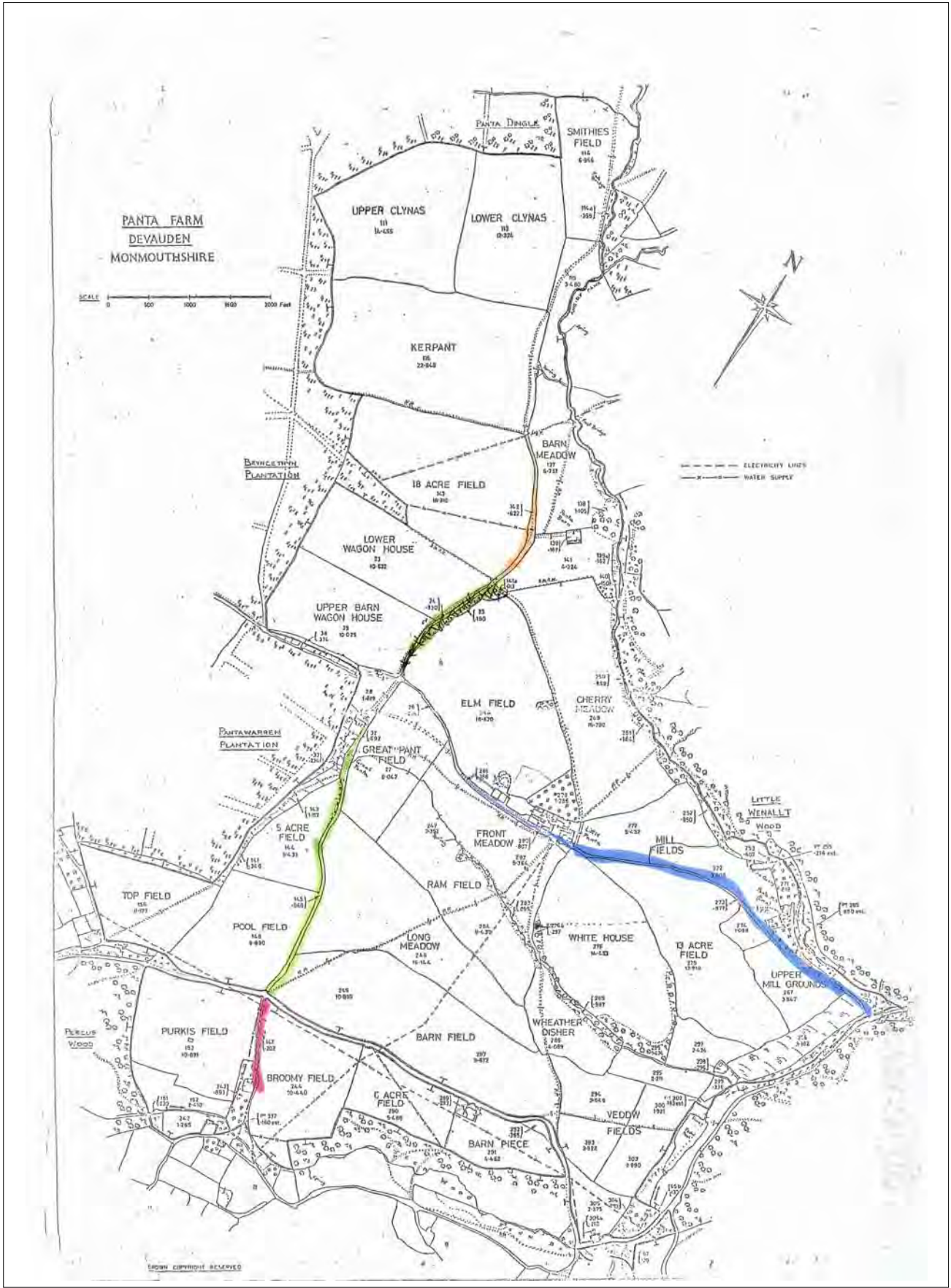
THE FIRST SCHEDULE above referred to

Art 1 ALL THOSE several pieces or parcels of land containing in the whole 289,097 acres or thereabouts situate at Pevenden in the several parishes of Newchurch East and Wolves-Newton in the County of Monmouth and comprising the following plots of land on the 1921 Edition of the Ordnance Survey Map for the said Parishes

<u>Plot Number</u>	<u>Parish</u>	<u>Acreage</u>
	<u>Newchurch East</u>	
32		.692
33		.234
31		.169
28		1.818
27		8.047
145		.234
143		1.117
144		5.433
142		.578
146		9.890
150		8.177
246		16.144
23		10.632
39		10.025
24		.330
25		.180
248		18.620
247		7.352
141		.346
38		.374
250		0.500

	Brought forward	107,488
252		.950
249		16,790
277		5,432
278		1,286
281		.166
280		.807
279		1,149
282		5,364
284		6,439
253		.607
Pt. 255		.276 est
286		4,039
265		.987
296		1,474
276		14,453
276a		.297
283		.855
271		.819
272		3,806
270		.649
Pt. 269		.850 est
268		.697
273		.877
274		1,088
267		3,847
275		13,918
297		2,424
298		.296
263		.709
265		3,382
264		.171
	277	107,683

Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1973 Conveyance (3) page 2)



Documents related to 1977 Purchase of Panta Farm (Appendix 20)
 Various property deeds (1973 Conveyance Plan)

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SECTION 12 MAPS (COMMERCIAL, ORDNANCE SURVEY, ESTATE ETC) AND AERIAL PHOTOGRAPHS

REFERENCE MATERIAL

Statutes

Survey Act 1841

Case Law

Hollins v Oldham 1995 C94/0206, unreported. Judicial view on cross roads: 'Burdett's map of 1777 identifies two types of roads on its key: firstly turnpike roads, that is to say roads which could only be used on payment of a toll and, secondly, other types of roads which are called cross roads ... This latter category, it seems to me, must mean a public road in respect of which no toll was payable'.

Kent County Council v Loughlin 1975 (see also Section 8) Denning LJ stated 'The county council archivist produced maps between 1769 and 1819. None showed Fairly Lane at all, but they were to so small a scale that they showed only public carriageway roads'. This remark is taken by some to mean that Lord Denning considered that all highways on pre-1820 maps are public highways. However, it is unlikely that he was generalising on all highways on such maps.

Attorney General v Antrobus (1905) – Judicial view on whether OS maps are evidence of a way being public or private: "Such maps are not evidence on questions of title, or questions whether a road is public or private.....in my opinion admissible on the question whether or not there was in fact a visible track at the time of the survey".

Clode and Others v LCC 1913 - Judicial views on some commercial maps 'I do not think that the Horwood maps were admissible in evidence ... they were apparently but the speculations of a publisher, not official productions, put forth as topographical guides to parts of London. In my opinion these maps are not admissible for that purpose, the maps were just a private adventure for the purpose of profit on the sale of them'.

Attorney General v Horner, 1913 – Some judicial views on the Ordnance Survey map of 1874. 'Such maps are not evidence on questions of title, or questions whether a road is public or private, but...set out every track visible on the face of the ground and are in my opinion admissible on the question of whether or not there was in fact a visible track at the time of the survey'.

Merstham Manor Ltd v Coulsdon UDC 1936 Some judicial views on various maps 'The road is again shown on the map of 1802 by Faden and again in Greenwood's map of 1822 and 1823; but, of course, these maps only show it as a road. There is nothing in the maps to show whether or not the

topographer-author was intending to represent the road on his map as a public highway. All the Ordnance Survey maps show the road, but it was admitted by Mr Godley, a witness from the Ordnance Survey Department, that they show any road which is there on the surface whether it is a public highway or not'.

Masters v SSE [1999] WL 809077: the inferences that can be drawn from thickened casing lines or 'shading' on the south and east sides of roads shown on OS maps. Where evidence is presented which shows that, on the basis of detailed comparison with other public roads in the locality, the shading of the route in question resembles the way other known public carriageways were depicted by OS, the inference may be drawn that the status is similar.

Commission for New Towns v J J Gallagher Ltd [2003] 2 P & CR: Contains a useful discussion on the value of a wide range of mapping evidence in a case where the expert witnesses were Dr Hodson and Professor R Kain

Norfolk County Council v Mason [2004]: Contains a discussion on the value of a number of different map sources as evidence.

Planning Inspectorate Guidance

[Rights of Way Advice Note No.4](#) – meaning of 'cross road' See paragraph 2.24 et seq.

Other Publications

'Rights of Way: A guide to law and practice' by John Riddall and John Trevelyan (published by the Open Spaces Society and the Ramblers' Association Chapter 6.4).

'OS Maps – a concise guide for historians' - R Oliver 1993. As well as providing a concise history of the OS, it includes a lengthy chapter on the depiction of detail on OS maps, comprising a comprehensive dictionary from 'Accuracy' through to 'Zincography.' This is a very useful book for detailed information on OS maps.

'Ordnance Survey instructions to field examiners and revisers and internal Circulars (various dates 1884 – 1961) list in detail the tasks of field examiners engaged in the revision of Ordnance Survey maps at various scales in relation to roads, bridle roads and footpaths.

'Ordnance Survey Maps – a descriptive manual' - J B Harley, 1975 - A comprehensive study of the development of OS maps.

'Maps and Air Photographs,' - G C Dickinson - The first chapter is particularly good on the different mathematical projections developed for maps.

'The Early Years of the Ordnance Survey,' - C Close (published in 1926 and reprinted in 1969), - The early history of the OS, by the Director of the OS from 1911 – 1920.

'Map of a Nation – A biography of the Ordnance Survey' – Rachel Hewitt
2010

'The Ordnance Survey of the United Kingdom' – T. Pilkington White, 1886 –
A history of the OS by its serving Executive Officer. Available as a reprint on
demand.

'Maps and Map-Makers' - R V Tooley 1952 – Chapter viii covers the County
maps in detail.

GUIDANCE

Introduction

- 12.1 The fundamental problem with all maps is that they incorporate compromises in their efforts to represent a spherical surface onto a flat surface. Thus, no one map is capable of simultaneously representing accurately the four factors involved of distance, direction, area and shape. That said, the 17th and 18th centuries saw a tremendous surge in the development of the mathematical requirements of maps, and in the manufacture of the precision instruments required for the accurate assessment of bearing and level.
- 12.2 In many instances, the purpose of the presentation of a map at an inquiry is to support arguments regarding the status of a route. Any route on such a map needs to be assessed carefully against the route shown on the Order Map, to ensure that the routes substantially agree. The age of the map may also be significant in relation to its accuracy, as will the key attached labelling the types or status of the routes inscribed on the map.

Pre-1800 Maps and Atlases

- 12.3 The value of pre-1800 maps and atlases is variable, as they are generally compromised by a lack of sophistication. Colonel Close, a former Director General of the OS, considered that *picturesque and interesting as old county maps are, they leave a great deal to be desired on the score of accuracy errors of up to 10% can be found in Elizabethan maps*'. Only a few were based on trigonometric surveys, or on a recognised mathematical projection.
- 12.4 The original six 'Great Post Roads' are shown on Thomas Gardiner's maps of 1677. Secondary roads are also shown on these maps branching off at the main Post Towns. The key attached to some of the maps shows several of these branch routes as 'By posts (foot and horse)'. However, if the key does not accompany the maps, they are unlikely to be good evidence regarding the status of these secondary routes.
- 12.5 Most of the county maps produced in considerable numbers in the second half of the 18th century were in response to an offer by the Royal Society of Arts of a prize of £100 for a map of any county on a scale of 1 inch to the mile. In 1765, Benjamin Donn won the £100 award offered by the Royal Society for his map of Derbyshire.
- 12.6 Many of these early map makers made use of trigonometric surveys in the production of their County maps, including Burdett for Cheshire and Derbyshire, Yates for Lincolnshire, Staffordshire and Warwickshire, Armstrong for Durham, Prior for Leicestershire, Hodskinson for Suffolk and Strachey for Somerset. Cary maintained a high standard with his maps, and in 1794 was employed by the Postmaster General to supervise the survey of 9000 miles of turnpike roads. Cary also employed Aaron Arrowsmith to be the land surveyor for his 'Map of the Great Post Roads between London and Falmouth,' produced in 1784. It was as a result of

Cary's belief that he could copy OS maps without restriction that, in 1817, the OS took steps to copyright the maps it produced.

- 12.7 Although the second half of the 18th century saw considerable progress, both in the number of maps produced and in their technical accuracy, they were not always reliable for their topographical details. Dr Hodson maintains that *the greatest scope for error ... lies with the county map, few of which were surveyed entirely de novo.*¹⁹ Nevertheless, in *Gallagher* Neuberger J was satisfied that the historical maps he was considering demonstrated that Beoley Lane had existed as an identified way since about 1722, accepting that old maps contained inevitable inaccuracies. He was less able to draw confident conclusions from any of the historical maps as to whether or not it was a public carriageway. The map on which he placed most reliance was that of Cary (dated post-1800).
- 12.8 However the evidential value of the older maps can be significant in helping to determine the location of a way, and may be helpful in determining the status of a route, especially in conjunction with other maps. Although the level of accuracy of sketch maps may be difficult to determine, they too can be of value in some circumstances.

Ordnance Survey Maps

- 12.9 The formation of the Ordnance Survey in 1791 reflected the experience gained in the military survey of Scotland by William Roy, the intellectual founder of OS, and was in response to a military need for accurate maps of southern England in preparation for a possible Napoleonic War. Whilst the earliest one-inch maps were produced in response to these military concerns, there was a shortage of trained military surveyors and many of the early maps were produced by local civilian surveyors. The suggestion that all road or ways shown on the first edition of the one inch maps are of roads or ways suitable for wheeled artillery is likely to be no more than a generalisation. However, the Old Series 1 inch maps did label turnpike roads and distinguished them from other roads by a thickening of the casing lines on the south and east side of the road.
- 12.10 Over the years, OS developed a variety of maps to meet the growing need for accurate and up-to-date maps of the UK and the production of maps for sale to the public became an activity of increasing importance to OS from the early twentieth century, although the sale of maps to the public had occurred throughout its existence.
- 12.11 The first one-inch maps (1:63,360) were produced in 1801 and covered Kent, part of Essex and London. It was not until 1873 that the whole of the UK was covered. They were relatively unsophisticated monochrome maps, with relief indicated solely by hachures. Inspectors may also be presented with copies of the Ordnance Drawings, which were carried out for southern England over the period 1789 – 1840. They were drawn to a variety of scales, 2 inches, 3 inches and 6 inches to the mile. Some of the drawings were made 20 years before the relevant one-inch map was

¹⁹ RWLR article 'The evaluation of older maps' July 1999, section 9.3, page 31

published. Some larger scale drawings show footpaths which did not appear on the printed map.

- 12.12 A demand for maps showing the countryside on a larger scale led to a six inch to the mile map of Ireland, (1:10,560). This was then extended to the rest of the UK. From 1840, the one inch maps of northern England and Scotland were reductions of the six-inch survey.
- 12.13 The industrial development of the Victorian era, followed by the rapid expansion of towns and communications, led to a demand for even larger scale plans. In 1858, it was decided to publish the whole of the UK on a scale of 1:2500 (approximately 25 inches to the mile).
- 12.14 The first edition OS maps, in the eyes of Colby, the Superintendent of the Survey, were *prodigies of excellence in comparison with earlier maps*, but it became apparent that some of the early one-inch maps suffered from errors as they *had been made in a hasty manner during the war*. This was particularly true regarding the maps for Lincolnshire, Hampshire and Lundy Island, although Colby had sought to identify, correct and eliminate inaccuracies found during the surveying process. In addition, the maps had been constructed using a mathematical projection which had some inherent inaccuracies at the extremes of the map to the north and south. To overcome this problem, the OS utilised a series of meridians for differing parts of England and Wales. As a result, roads and paths on adjacent maps at county boundaries do not always match precisely, and reflect the north/south errors in the projection. However, since this mismatch is created by the projection process used for the making of the map, the positional accuracy is not significant.
- 12.15 The process of refashioning the old County Series scale maps to National Grid standards was undertaken between 1948 and 1980. The process, referred to by the OS as 'Overhaul' or the 'Cotswold Adjustment', attempted to eliminate errors, particularly those of distortion and mismatching. The methodology used involved a degree of 'cut and paste' technique to align the former projection with the National Grid. Recent advances in global positioning systems and their ready availability have revealed positional discrepancies on the ground. These differences, where they occur, are normally of 3 – 5 metres, but can be up to 10 metres in places. However, the fact that satellite technology may demonstrate that all the objects in a given area are a few metres out in relation to their current depiction on a two-dimensional plan will have little impact upon the relative position of one feature to another on the ground. Any positional inaccuracy revealed by GPS technology does not detract from the usefulness of pre-GPS Ordnance Survey maps as a record of what was observable on the ground at the time of the maps were surveyed.
- 12.16 The status of routes on early OS maps is still a matter of debate at inquiries. The following points may assist in reaching a decision on the evidence provided by a particular map.
- 12.17 Bench marks were located along a line of levelling, and often followed lines of communication. However, they can also be found on rocks in the

middle of private land. Consequently it cannot be assumed that a bench mark is indicative of a public right of way.

- 12.18 Access for surveyors was governed by the Survey Act of 1841, which gave surveyors virtually unlimited access. Thus, the indication of spot heights along a route would not necessarily be proof of a public right of way.
- 12.19 The practice of annotating paths 'F.P.' on large scale maps from 1883 arose from an instruction to surveyors issued in February of that year (quoted by Dr R Oliver in *'OS Maps – a Concise Guide for Historians'*) that *'the object of... 'F.P. being that the public may not mistake them for roads traversable by horses or wheeled traffic'*. The inclusion of "F.P." gave rise in 1885 to letters being written to *The Times* complaining that the public were likely to view such annotations as indicating the existence of a public footpath. On behalf of the OS, Col. Pilkington-White responded that it was the practice to show paths on the ground, irrespective of whether they were public or private. From 1888, Ordnance Survey maps carried a disclaimer to the effect that the representation of a track or way on the map was not evidence of the existence of a public right of way²⁰.
- 12.20 An 1893 OS circular instructed that *"all footpaths over which there is a well-known and undisputed public right of way should be shown"*. This instruction appears to be at odds with the disclaimer that the post-1888 maps carried and with the 1885 response of Col. Pilkington-White in *The Times*. The 1893 Circular was also issued after the 1893 Dorrington Committee had concluded that no inquiry by the surveyor could determine whether a path was a public or private one.
- 12.21 The Instructions to Surveyors (see 'Other Publications' above) set out the parameters under which the surveyors were to undertake their task. It was not until 1905 that surveyors were instructed that 'OS does not concern itself with rights of way, and survey employees are not to inquire into them.' However in the same paragraph of these Instructions, there is a note stating that *'A clearly marked track on the ground is not in itself sufficient to justify showing a path, unless it is in obvious use by the public'*. The 1905 instructions appear therefore to be somewhat ambiguous; subsequent instructions to surveyors contain equally ambiguous instructions as surveyors were given directions as to the nature of paths that should and should not be recorded whilst maintaining that public rights of way were not the concern of OS.
- 12.22 The Dorrington Committee also recommended the adoption of a fourfold classification scheme for roads being shown on OS maps, with each classification being dependant on the width of the road at issue and the type of traffic each road could carry. In relation to what were to be shown as first and second class roads, the committee considered that it was *'desirable that the roads thus classified as first and second class should be of such a nature that the public are certain of having free access over*

²⁰ On late 20th century OS maps which show those ways which are recorded in definitive maps and statements, the disclaimer is modified to acknowledge that some routes shown are public rights of way.

them, not disturbed either by their physical condition or by their being private' and that 'any of the roads in these two classes which are not repaired by an authority under legal obligation to maintain them, and are in consequence not highways, should be indicated by a slight modification of the characteristic adopted, such as dotted lines. This paragraph would apply principally to roads in public and private parks, private roads of good character, but not necessarily open to the public.'

- 12.23 A number of other documents were produced in connection with the production of OS maps which can be of assistance in providing supporting evidence of the existence and status of some routes. Information on named routes may be found in the relevant Object Name Books, which provided details of the authorities for named features. Some of the County Series maps were accompanied by Books of Reference, which contain details of the numbered land parcels. Other sources of information include Boundary Remark Books and the subsequent Boundary Record Maps.
- 12.24 In 'OS Maps – a concise guide for historians,' Oliver states that *Footpaths and bridleways were not normally identified as such on 1:10,560 and larger scale mapping prepared before c1883, although occasional exceptions are encountered, e.g. on several 1:10,560 or 1:2500 first edition sheets in Yorkshire, North Riding and southern Durham. Otherwise, particularly on 1:10,560 maps, foot and bridleways, tracks and very minor roads look much the same.* Oliver also states that pecked lines were used for features which were not obstructions to pedestrians, which were indefinite, or surveyed to a lower standard than usual. They could also be used to indicate overhead details such as electricity transmission lines.
- 12.25 From 1884 onwards, on the large scale plans, those metalled public roads for wheeled traffic, kept in proper repair by the local highway authority, were to be shown with shaded or thickened lines on the south and east sides of the road. In a paper by Yolande Hodson 'Roads on OS 1:2500 Plans 1884-1914' (RWLR July 1999) explains the background to this practice and Dr Hodson remarks that the primary purpose of the shading of roads on the large-scale maps was to guide the draftsman in the preparation of revisions to the 1" maps. Although Dr Hodson concludes that shaded lines are not necessarily an indication that such roads shown in such a manner were public, the judgment of Hooper J in the case of *Masters* at first instance suggests that, in some circumstances, this may have been the case.
- 12.26 The 1" series of maps produced from the 1890s onwards (including the 'Popular' series) were marketed at the touring and walking public and paved the way for the current small-scale Explorer and Landranger series. These maps were produced to compete with the product of the commercial map makers in business at the time (primarily Bartholemew, whose 1/2" series had been extensively used by the military in the Great War as it contained a coloured road classification system). In 1912 a War Office Committee had recommended the introduction of a coloured system of road classification for OS maps which was used in the

preparation of the Popular Edition (1919 – 1926). The Committee recommended that “*Carriage Drives, private roads and minor roads are never coloured*”; whereas on the popular edition the key stated “*private roads are uncoloured*”.

- 12.27 Until 1931, the OS and highway authorities used different systems to classify roads. Although the numbers used in the Ministry/Department of Transport’s national classification began to appear on 1:2500 maps from 1938 and on 1:10,560 maps from 1945, OS had begun publishing the half inch Ministry of Transport Roads Map series showing the national classification in 1922.
- 12.28 Most roads on OS current 1:25,000 and 1:50000 maps are coloured according to their category, as identified in the key/legend. However, some minor ways may be left uncoloured. These are known informally as “White Roads.” The OS has consistently felt unable to identify the status of these minor ways which are described as “other road, drive or track.”
- 12.29 The areas of each field were published on 1:2500 maps, with a parcel number to identify the particular field. Bracing indicates parcels that were measured together. A road braced with a private field may be suggestive of private status. But this would be no more than the surveyor’s perception and would carry little evidential weight.
- 12.30 Public roads depicted on 1:2500 maps will invariably have a dedicated parcel number and acreage. It has been argued that all parcels which have the shape of a way and are so numbered and measured are therefore highways. This argument has not been substantiated. Such depiction is far from conclusive for the confirmation of highway status.
- 12.31 Later OS surveys and maps, especially the larger scale plans, provide an accurate representation of routes on the ground at the time of the survey. The inaccuracies of the earlier projection were virtually eliminated by the development of an alternative form of map projection. However, it should be emphasised that the depiction of a way on an OS map is not, of itself, evidence of a highway. The courts have treated Ordnance Survey maps as not being evidence of the status of a way. For example, in the case of *Attorney-General v Antrobus* [1905] 2 Ch 188 at 203, Farwell J stated in relation to an Ordnance map of 1874:
- “Such maps are not evidence on questions of title, or questions whether a road is public or private, but they are prepared by officers appointed under the provisions of the Ordnance Survey Acts, and set out every track visible on the face of the ground, and are in my opinion admissible on the question whether or not there was in fact a visible track at the time of the survey”.*
- 12.32 Similarly, in *Moser v Ambleside Urban District Council* (1925) 89 JP 118 at 119, Pollock MR stated:
- “If the proper rule applicable to ordnance maps is to be applied, it seems to me that those maps are not indicative of the rights of the parties, they*

are only indicative of what are the physical qualities of the area which they delineate....."

- 12.33 In *Norfolk CC v Mason* [2004] NR205111, Cooke J observed "*Throughout its long history the OS has had a reputation of accuracy and excellence..... It has one major, self-imposed, limitation; it portrays physical features, but it expresses no opinion on public or private rights—though no doubt it is obvious what a blue line labelled "M1" must mean.*"
- 12.34 Nevertheless, the inclusion of a route on a series of OS maps can be useful evidence in helping to determine the status of a route, particularly when used in conjunction with other evidence (Section 2.16 to 2.21, 'Evidential Weight' refers).

Other post-1800 Maps

- 12.35 The 19th century saw a considerable increase in the production of maps in the UK. Estate Maps were normally compiled by professional surveyors and are therefore likely to be reasonably accurate. However, they would not necessarily include any public rights of way which crossed the estate. They usually form part of a collection of estate papers, which may be deposited in county record offices.
- 12.36 Bryant and Greenwood produced well-made maps, using surveyors and a triangulation system. Greenwood published surveys of 38 counties between 1817 and 1834, while Bryant covered 11 English counties between 1822 and 1835. There was considerable competition between them, with both publishing maps virtually simultaneously for Surrey (1822/1823) and Gloucestershire (1824). The competition between Bryant and Greenwood, and the other map makers, may explain why the standards of accuracy of some of the maps produced differ from county to county. Though Greenwood employed his own surveyor for his triangulation work, there was criticism by Thomas Hodgson, also a surveyor, that Greenwood's system of measuring distances for his maps was based on 'pacing' not 'chaining.' Hodgson suggests that *the high costs of Greenwood's surveys and the speed with which they were done, reinforces the view that his topographical mapping was imperfectly executed*²¹.
- 12.37 Other map makers producing County maps at the time included Baker, Campbell, Donald, Drinkwater, Ellis, Fryer, Green, Hennet, Hutchings, Jeffreys, Lindley and Crossley, Phillips, Price, Ruff, Swine and Teesdale. Most of these businesses collapsed due to the increasing competition from the OS.
- 12.38 Maps produced to record specific activities, such as mining and encroachment, are generally good evidence of what they portray.
- 12.39 In 1901, the War Office was using large numbers of the half-inch series maps produced by Bartholomew. These had been reduced from OS

²¹ RWLR article 'The evaluation of older maps' July 1999, section 9.3, page 31

maps, but Bartholomew's maps included a new method of layer relief colouring, which was particularly popular with the War Office.

- 12.40 Some Motorists' or Cyclists' maps are occasionally quoted as evidence that routes had been used by vehicles prior to the date when the Road Traffic Act 1930 made the use of motor vehicles on bridleways and footpaths an offence without lawful authority. Certainly there is some evidence that the CTC (Cyclists Touring Club) corresponded with Bartholomew regarding routes used by their members. However, current evidence indicates that, although Bartholomew were highly regarded as map producers, they did not employ independent surveyors to carry out any surveys on the ground nor to determine the nature and status of the roads on their maps. Moreover, they do not appear to have examined the legal status of the routes on their Cyclists' Maps before colouring them for use as suitable for cyclists. Neither do they appear to have assessed the legal status of the roads on their Motorists' Maps prior to publication.
- 12.41 As a result of the OS taking HG Rowe and Co to the High Court in 1913 for infringement of its copyright, it was legally established that Rowe's New Road Map for Cyclists and Motorists was no more than a direct photographic reduction from the OS map.
- 12.42 Commercial maps are rarely sufficient in their own right to permit the inference to be drawn that a route is a highway. However, combined with evidence from other sources, they can tip the balance of probability in favour of such status.

Aerial Photography

- 12.43 Aerial photographs may be presented at an inquiry in order to confirm the existence of a route at the time the photographs were taken. Confirmation is often difficult, especially if confirmation of a footpath is sought from a single photograph. It must be borne in mind that it is hard to determine the correct orientation of the photograph unless the direction of the flight has been indicated on the back of the photograph. It is essential to try and find 3 points on the photograph which are shown on the map. The orientation of the photograph should be checked with a map and it must be remembered that the scale of the map and the photograph is likely to differ. The time of day a photograph was taken can be significant, as shadows can hide or distort the line of a narrow path. An oblique photograph may also hide a number of features which exist on the map.
- 12.44 An aerial photograph cannot be taken as evidence of what rights might exist over a route, only that a route might be discernible on the ground at the date when the photograph was taken.

Concluding Comment

- 12.45 Most maps are potentially helpful evidence of the physical existence of routes, especially if consistently shown. However, they are less helpful in

terms of determining the status of the routes shown, and all mapping evidence is more helpful in conjunction with other evidence.

SECTION 6 HIGHWAY RECORDS AND RELATED DOCUMENTS

REFERENCE MATERIAL

Statutes

Highway Act 1835 – sections 5 & 23

Highways Act 1862

Public Health Act 1872

Highways and Locomotives Act 1878 (see 'Turnpikes')

Local Government Act 1894

Local Government Acts 1924, 1929

Rights of Way Act 1932

National Parks and Access to the Countryside Act 1949

Highways Act 1980

Note: The above list is not exhaustive. They are some of the acts from which Highway Records may emanate.

Case Law

R v SSE & Somerset CC ex parte Masters [1999] CO3453/97 – amongst other things, evidential status of 1929 Handover Maps

Fortune and others and Wiltshire County Council [2010] EWHC 2683 (Ch) and [2012] EWCA Civ 334 – thorough examination of relevant highway documents and their evidential value

Other Publications

Articles in Sections 1 (History) and 9 (Evidence of the Existence of Highways) of the RWLR.

GUIDANCE

Introduction

- 6.1 All highway records have to be interpreted carefully, with particular attention paid to the meanings of words within the given context. Usually they will provide suggestive, rather than conclusive, evidence on the case as a whole, but they may be conclusive evidence of what they purport to show. Below are listed some of the types of highway records that may be presented at inquiries, with some general commentary. It is helpful, in understanding 19th century evidence, to know something of the development of the highway network in England and the legal framework within which the development took place. The RWLR article on 'Highway Use and Control up to 1895' provides a useful outline.

Manorial Records

- 6.2 Manorial records may include Court Rolls (which carry the same weight as their successors in Quarter Sessions); and books and papers relating to a variety of matters, including references to issues connected with highways and bridges.

Quarter Sessions and Petty Sessions

- 6.3 Quarter Sessions records go back a long way. They may provide conclusive evidence of the stopping up or diversion of highways. Presentments or indictments for the non-repair of highways may also be found here and may provide strong evidence of status where they are confidently identifiable. It should be borne in mind that Quarter Session records are conclusive evidence of those matters the Court actually decided, but are not conclusive in relation to other matters. Reliance on orders alone can be misleading and evidence of completion may be required. Petty Sessional records may also be a source of evidence.

Deposited Plans of Public Undertakings

- 6.4 The legal deposit of plans or public undertakings was first provided for in the 1793 Standing Orders of the House of Lords. The need for such deposits was recognised following the canal mania of the early 1790s when it became evident that canal bills were being hurried through Parliament without proper scrutiny. Thereafter, promoters of canal or waterworks bills (and later bills for other public undertakings) were required to submit to the Lords plans of works, books of reference, and other papers before a bill was brought up from the Commons to the Lords. In 1837 an Act compelled the local deposit of plans of public undertakings with the Clerk of the Peace, although in practice local deposit had been taking place from a much earlier date.
- 6.5 Plans of canals, river navigations and highway diversions are common from 1793 onwards. By the early 19th century, records of harbour works and turnpike improvements are also found. From 1829 until the late 19th century railway undertakings predominate. (Canal, Railway and Turnpike

documentary evidence is covered in more detail in later sections of these guidelines). Papers relating to schemes for street lighting, tramways, gas, electricity and water undertakings become numerous in the late 19th century.

- 6.6 Any of these various types of document may provide evidence on adjacent paths, roads or tracks and therefore could be relevant as evidence in relation to the existence of Highways.

County Records

- 6.7 County records go back into the 19th century and may consist of any of the following, in addition to those items already mentioned:

County Surveyor's Annual/Quarterly Reports

Report of County Works Committee

Special Reports on Main Roads

Various minutes, estimates, tenders and grants

Rights of Way Reports

1929 Handover Maps and Records

County List of Streets

County Surveyor's Map and other records of Roads and Bridges

Aerial Photographs

Definitive Maps and Statements

Often these records bear notes relating to rights of way. Some of the annotations may have been for internal administrative purposes and may sometimes reflect only the views of the surveyor or engineer of the day. The evidence they provide therefore needs to be viewed in context. An article in Section 9 of the RWLR called 'Highway Authority Records' provides helpful background, particularly on those relating to County Roads and the Definitive Map.

1929 Handover Maps

- 6.8 The following comments apply to the 1929 and all other formal handover/takeover documents and to today's List of Streets⁸. The view that this form of documentary evidence may be relevant appears to have been endorsed by Hooper J in *R v SSE and Somerset County Council ex parte Masters 1999*. The Secretary of State for the Environment (SSE) had argued that such documents were a positive indication of what the Highway Authority then believed to be the status of the roads listed.

⁸ Section 36(6) of the Highways Act 1980 requires every highway authority to make and keep up to date, a list of streets within its area which are highways maintainable at the public expense.

Hooper J rejected as irrelevant a counter argument that SSE's conclusion was one which could not lawfully be reached in the light of *Stevens v SSE 1998*. He found that SSE's decision to treat the handover documentary evidence as a relevant consideration had not been one that no reasonable tribunal could have taken on the evidence available, i.e. it was not 'Wednesbury unreasonable'⁹. It should be noted that it is unsafe to hold that the fact that a road does not appear to have been accepted by the new highway authority at the time of handover necessarily suggests that it can not have been a highway.

- 6.9 The evidential strength of handover and similar documents is that they are conclusive evidence of the highway authority's acceptance of maintenance responsibility, a commitment that would not normally have been undertaken lightly. However, Inspectors should be mindful that these documents were principally for internal administrative use, were not readily available to the public and did not purport to be a record of rights. Consequently, while such evidence may weigh in favour of the existence of public rights, their evidential weight will be for the Inspector to decide in the context of other evidence.

Highways Act 1980 Section 56

- 6.10 It is sometimes argued that a successful claim against a highway authority under HA80, s56, at the Magistrates' Court and is a legal event which establishes a public right. The Court's decision may be legal evidence of a maintenance responsibility, and may be evidence in support of public rights; but it is not, in itself, conclusive in that respect.

Deposited Maps of Admitted Rights of Way

- 6.11 Under s31(6) of the Highways Act 1980 a landowner can deposit with the appropriate Council a map of their land on a scale of not less than 6 inches to the mile with a statement indicating what ways (if any) over the land they admit to have been dedicated as highways. If this is done, a statutory declaration by the owner or his successors in title should be lodged within 10 years to the effect that no additional way (other than specifically indicated in the declaration) has been dedicated. Similar statutory declarations should be made every subsequent 10 years.¹⁰ As this procedure was first introduced in the Rights of Way Act 1932, records of any statutory declarations made can go back many years. In the absence of proof to the contrary, a properly made statutory declaration of this type is sufficient evidence to rebut the intention of the owner or his successors in title to dedicate any additional highway during the associated relevant period. Councils are required to keep a register of these deposits and declarations for public inspection.¹¹

⁹ *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948] 1KB223

¹⁰ This figure was amended from six years to 10 years by the Countryside and ROW Act 2000 and came into force in England on 13 February 2004 and in Wales on 31 May 2005. Transitional provisions apply to deposits and declarations made prior to the change.

¹¹ Brought into force in England on 1 October 2007 (Statutory Instrument 2007/2334) and in Wales on 15 January 2006

- 6.12 Following the 1932 Act, many local authorities began to produce lists and maps usually only of non-vehicular rights of way, which may survive in more or less detail. Such documents may reflect the view of the authority, and may provide supporting evidence of the status of a way, but are not conclusive.

Parish Records

- 6.13 Prior to 1894 when the Local Government Act transferred responsibility for the maintenance of public highways to Rural District Councils, such responsibility generally belonged to the parish. Relevant Acts often included provision for the use of locally available materials and there was a statutory requirement upon parishioners to fulfil a fixed annual labour commitment. The final responsibility for maintenance lay with the local Surveyor of Highways who was obliged to keep a detailed account of public monies expended. Some of these records survive, usually in county archives. Under the 1862 Act parishes could combine to form Highway Boards, and their records are also found in county archives.
- 6.14 It is generally accepted that longer distance use of horse drawn vehicles increased significantly during the late 18th and early 19th century. Some highways which had been adequate for hoofed traffic were unsuitable for wheeled traffic and consequently fell into disuse. Parishes were often reluctant to expend time, money and effort for the benefit of travellers who merely passed through. It was frequently the maintenance of highways, which was the main point of contention in legal wrangles concerning the highway network, not the rights to use a particular highway.
- 6.15 Because of the reluctance of some parishes to spend money on highway maintenance, a rebuttable presumption can arise from an entry in a local Highway Surveyor's Account Book. However, it is necessary to check that the highway can be identified accurately from the records. Some of the names used may since have been changed, corrupted or, like some highways, have fallen into disuse.
- 6.16 More recent parish records are also of great importance, particularly those relating to the Parish Survey from which the Definitive Map followed. These usually include a statement which accompanied the Draft Map, a survey card and also the relevant contemporary parish council minutes.

Deeds of Sale (Conveyance or Transfer)

- 6.17 The inclusion of a specific reference to a public right of way within (or adjacent to) land being conveyed is of some evidential value. However, it should be borne in mind that the conveyance or transfer was essentially dealing with private rights of property and was not prepared with a view to defining public rights. Similarly, the inclusion in a conveyance or transfer of mutual private rights for the purchaser and others over the land is not conclusive evidence that there is no public right over it. Mutual private rights might have been included by the conveyancer out of

abundant caution. The evidence provided by a conveyance or transfer needs to be considered along with all other relevant evidence.

- i Sales particulars, as opposed to the actual conveyance document, should be treated with special caution. The art of embellishment in advertising is not a newly acquired skill. Nevertheless, if a public right of way were admitted, a convincing reason for disregarding the entry would need to be provided before it could be entirely discounted.

SECTION 8 TITHE COMMUTATION DOCUMENTATION

REFERENCE MATERIAL

Statute

Tithe Commutation Act 1836 ((as amended by the Tithe Act Amendment Act, 1837)

Case Law

Robinson Webster (Holdings) Ltd v Agombar (2001)(9 April 2001 HC 000095); weight attached to evidence of occupation of land by the parish officers

Attorney – General v Antrobus [1905] 2 Ch 188: Whether or not a piece of land is a road *is one of the matters material to the preparation of the award and plans*. This is subsequently qualified by... *I must not be understood as deciding that, in my opinion, the tithe map would be evidence on any matter (although it is a public document) which is not within the scope and purview of the authority of the Commissioners who made it*

Copestake v West Sussex County Council [1911] 75 JP 465: The tithe map is not admissible as evidence of the extent of a public right ... *It was the business of the person responsible for making this map to ascertain what land in the parish was, and was not, titheable. It was not their business to define the extent of public rights of way*. However, this would not be regarded as correct today. (See *Maltbridge Island Management Co v SSE* below)

Maltbridge Island Management Co v SSE and Hertfordshire County Council [1998] EWHC Admin 820: Sullivan J held that evidence based on an analysis of Tithe Maps and Apportionments may be admissible as to the existence or non-existence of a public right of way. The weight to be attached is a matter for the Inspector. It cannot be conclusive. He also approved the passage in *Sauvain*, 2nd Ed, p47, paragraphs 2-72

Kent County Council v Loughlin [1975] JPEL 348, 235 EG 681: The judgment asserts that *on the question of whether there was a road at the specific place the tithe map was of much importance*. The judgment continues that the absence of a lane from the tithe map is sufficient to show that the lane did not exist as a road at the time, but Lord Denning MR acknowledged that it could have existed as a footpath. (But see also *Gallagher*)

Giffard v Williams (1869) 38 LJ Ch 597: It is impossible to treat the tithe map otherwise than as a public document

Smith v Lister (1895) 64 LJ QB 709: Accepts both first and second-class maps as evidence

Stoney v Eastbourne Rural District Council [1927] 1 Ch 367: The judgment maintains that ..to say that an ordinary pasture or arable field, over which a right of public footpath exists, has its titheability confined to other parts of the field, not including the small strip of land covered by the footpath, seems to me quite contrary to common sense and to the documents which we have before us

Attorney – General v Stokesley Rural District Council [1928] 26 LGR 440: If produced from proper custody, tithe maps may, in cases where the question is whether a highway was dedicated to the public before or after 1836, be used in conjunction with evidence of uninterrupted user within living memory as evidence that the way was dedicated to the public

Webb v Eastleigh Borough Council 1957: Although maps may be evidence of the existence of a highway, they are not evidence of the legal boundaries of the highway

Merstham Manor Ltd v Coulsdon and Purley Urban District Council [1937] 2 KB 77: Tithe maps make no distinction between a public and a private road, their object is to show what is titheable and the roadways are marked upon them as untitheable parts of land whether they are public or private

Attorney-General v Beynon [1970] 1 Ch 1, a tithe map was stated to be admissible evidence for determining the physical boundary of a road

Commission for New Towns v J J Gallagher Ltd [2002] 2 P & CR 24: A lane, owned by two people, farmed as pastureland with tithe rent-charge apportioned to it is not inconsistent with it being a public carriageway

Other Publications

'Rights of Way: A guide to law and practice' by John Riddall and John Trevelyan (published by the Open Spaces Society and the Ramblers' Association), pages 139 and 140

The Tithe Surveys of England and Wales, by Roger Kain and Hugh Prince, CUP 1985

The Tithe Maps of England and Wales, by Roger Kain and Richard Oliver, CUP 1995

The Planimetric Accuracy of Tithe Maps, *The Cartographic Journal* vol 13 part 2 (Dec 1976) pages 177-183

Tithe Surveys for Historians' by Roger J P Kain and Hugh C Prince (published by Phillimore & Co. Ltd) 2000

Instructions issued by the Tithe Commissioners to the tithe map surveyors for the purpose of the Tithe Commutation Act 1836 (PRO IR18 14586)

'Conventional Signs to be used in the Plans made under the Act for the Commutation of Tithes in England and Wales (British Parliamentary Paper 1837 XLI 405)

Relevant articles may be found in the Rights of Way Law Review

GUIDANCE

Introduction

- 8.1 The 1836 Act converted tithes (the tenth part of the annual produce of agriculture), provided for the support of the priesthood and religious establishments, into a tithe rent-charge, a monetary payment based on the seven year average price of wheat, oats and barley. This was normally done parish by parish and resulted in some 12,000 documents which apportioned the payment fairly over the different lands in the tithe district. The apportionment of tithes was recorded in a schedule and on a map. Files containing correspondence pertaining to the production of the documents occasionally survive in local record offices.
- 8.2 Tithe documents are solely concerned with identifying titheable land. Apportionments are statutory documents which were in the public domain and tithe maps have been treated by the courts as good evidence as to whether land was titheable or not titheable. However, tithe maps were not intended to establish or record rights of way. There are a number of reasons why land might not have been subject to tithe in addition to the possibility of it being highway land. One of these was that the land was barren, but other examples include land held either by the church or some other religious community, or land which had only recently been converted to productive land from previous barren heath or waste land. It is dangerous to assume the maps to be proof of something that it was not the business of the Commissioners to ascertain, or to lay down rigid rules for their interpretation. Tithe commutation documents vary considerably from one to another in quality and detail.
- 8.3 The referenced article 'Interpreting Tithe Map Evidence', includes a useful extract from the instructions issued to the tithe map surveyors, and provides a helpful insight into the subject. The remaining 'other publications' provide additional insight into the tithe commutation process. However, the importance and interpretation they place on the depiction of a route as a separate parcel of land is not altogether agreed.

Case Law

- 8.4 While there appears to be some divergence of opinion between some of the judgments, this is not necessarily the case. Both *A – G v Antrobus* and *Kent County Council v Loughlin* relate to roads which would have crossed someone's titheable landholding and which were not shown on

the tithe map (negative evidence). In *Copestake v West Sussex County Council* the road was shown bounded on either side by the fences of old enclosures (positive evidence). In the former cases, but not the latter, the presence, or not, of a road was clearly a material matter, as it would have affected the productivity of the landholding and hence the rent payable. (See also *Gallagher*.)

Evidential Value

- 8.5 Tithe documents can generally give no more than an indication as to whether any way is public or private. This is because a private right of way can diminish to no less an extent than a highway the productiveness of the land for tithe assessment. Nevertheless, the absence of a route from a Tithe Map does not necessarily mean that no highway existed. It may simply mean that its existence had no effect on the tithable value of the land (see also 'Status' below). Where tithe maps are shown to have been based on earlier parish or estate maps (see below at 8.10, they may have evidential value relating to the purpose for which they were originally produced.

First and Second Class Maps

- 8.6 The Tithe Commissioners appointed Lieutenant R K Dawson as the Assistant Tithe Commissioner and Superintendent of the surveys. He produced advice and instructions on the technical specifications for the maps which, in part, led to the amendment of the Tithe Commutation Act.
- 8.7 The amending Act of 1837 established two classes of tithe map. First class maps had the Commissioners' seal attached, showing them to be reliable as a true record of matters relating to the purposes for which the map was designed. However, second class maps, which failed in some, often minor, way to meet the stringent test for first class status, are not necessarily inferior from a cartographic point of view. Both first and second class maps have been accepted by the courts as evidence.
- 8.8 Following the amendment to the 1836 Act, the Tithe Commissioners revised their instructions on the form of maps, setting out that the most acceptable plans would be the plain working plans containing little ornamentation and colour. (See below with regard to copies.) Whilst First Class Maps still had to conform to the prescribed technical specifications in terms of surveying techniques, the Commissioners no longer considered it essential for a system of conventional signs to be used.
- 8.9 Maps may have been newly prepared for the tithe survey, but existing maps could also be used as a base. These varied from estate maps to Township and Parish Maps, some of which may have dated from many years prior to the tithe commutation process. The decision on whether or not to commission a new survey was entirely a matter for the landowners concerned.

Statutory Copies

- 8.10 The 1836 Act required three maps to be produced: an original and two statutory copies. The original was retained by the Tithe Commissioners; one copy was for the relevant diocesan office and the second copy was for local deposit in the tithe district. The original map may be less colourful than the copies produced for local use and there may be variations between the maps. Some of the variations may be due to copying error and some may be deliberate (for example the use of extra colour or adornment). It is therefore important to identify which copy of the map is being examined. The original maps are generally the ones to be found in the Public Record Office.

Other Related Documents

- 8.11 Each Tithe Map will have been accompanied by an Apportionment giving the details of the way in which payment of the commuted tithes had been divided up or 'apportioned'. In addition there may be a file of incidental notes and documentation containing information on a variety of related matters and in varying detail. Either of these documents may provide information which can assist in the interpretation of the map in relation to the existence of highway rights. Without reference to these documents, the value of the evidence of the map alone may be affected.

Colouring of Roads

- 8.11 The colouring of a road (usually sienna) on a tithe map is not, in itself good evidence of public vehicular rights. There is general agreement among the RWLR authors that the colouring on maps varies. It is therefore important to establish whether there is a key or other information in the tithe documents which provides an explanation. In the absence of such an explanation or other corroborative evidence the colouring is arguably of little evidential value in itself.

Status

- 8.12 Both public and private roads had the capacity to diminish the productiveness of land for the assessment of tithe. It follows therefore that the inclusion of a road under the heading 'roads and waste' is not, in itself, good evidence that it was public. However, the annotation of a road 'to' or 'from' a named settlement is suggestive of public rights. Where a road is shown braced to adjacent titheable land, this indicates that the parcels have been measured together and tithe apportioned accordingly. It is not inconsistent with the existence of highway rights (see *Gallagher*). The Award will sometimes establish the ownership of the way depicted, but again, this does not preclude the existence of highway rights. It is unlikely that a tithe map will show public footpaths and bridleways as their effect on the tithe payable was likely to be negligible.

Concluding Comment

- 8.13 Tithe maps are generally good evidence of the topography of the roads they portray, especially those which form boundaries of titheable land.

They may not necessarily be good evidence either of public rights or the nature of any public right that may exist. The full value of a particular map can only be determined by careful consideration of all the available tithe documents, including any relevant contemporaneous instructions or keys, and by comparing it with other reputable maps of the time to establish the relevance of the way to the overall road network. However, as statutory documents, where they do provide evidence it should be given the appropriate weight bearing in mind the original purpose of the documents concerned and the issues identified above.

SECTION 11 PART 1 - FINANCE ACT 1910

REFERENCE MATERIAL

Statute

Finance (1909 – 1910) Act 1910

Inspectors should be familiar with the following sections:

Sections 7 –10; 35, 37 & 38:	Exceptions
Section 25:	Allowable deductions
Sections 26 & 27:	Valuation of land for the purposes of the Act
Section 30:	Duties of Commissioners to keep records

Case Law

Robinson Webster (Holdings) Ltd v Agombar [2001] EWHC 510 (ch) (9 April 2001) – weight attached to evidence of non-inclusion of a route in the taxable land of a hereditament

Maltbridge Island Management Co v SSE (31/7/98) – whether weight may be attached to Finance Act evidence

Fortune v Wiltshire CC [2012] EWCA Civ 334 – significance of the exclusion of a route from adjacent hereditaments when weighed with all other relevant evidence

Other Publications

'Valuation Office Records Created under the Finance (1909-10) Act 1910', National Archives Information Leaflet no. 68

'Land and Society in Edwardian Britain', Brian Short, Cambridge University Press, 1997

Maps for Family and Local History, The records of the Tithe, Valuation Office and National Farm Surveys of England and Wales, 1836 – 1943, Geraldine Beech and Rose Mitchell, published by The National Archives, second edition, 2004

The National Archives Research Guide, National Farm Surveys of England & Wales, 1940 – 1943

The National Farm Survey 1941 – 1943; State Surveillance and the Countryside in England and Wales in the Second World War, Brian Short,

Charles Watkins, William Foot and Phil Kinsman, published by CABI Publishing, 1999

The following articles, which are of interest, have appeared in the RWLR

'Rights of Way and the 1910 Finance Act,' - Zara Bowles, RWLR Sept 1990 (see below at 11.2);

'Uncoloured roads on 1910 Finance Act maps,' David Braham Q.C. May 2002

GUIDANCE

Introduction

11.1 The 1910 Act provided for the levying of tax ('Increment Value Duty') on the increase in site value of land between its valuation as at 30 April 1909 and, broadly speaking, its subsequent sale or other transfer. There was a complex system for calculating the 'assessable site value' of land, which allowed for deductions for, among other things, *the amount by which the gross value would be diminished if the land were sold subject to any fixed charges and to any public rights of way or any public rights of user and to the right of common and to any easements affecting the land* (Section 25(3)).

11.2 Whilst numerous articles of relevance have appeared in the RWLR, 'Rights of Way and the 1910 Finance Act' by Zara Bowles (RWLR Sept 1990) provides a short overview of the Act in relation to public rights of way. However, some of the views and conclusions expressed should now be seen as questionable as subsequent research has informed general understanding of these records. Professor Short's book and the National Archives leaflet set the historical context.

Evidential Value

11.3 Evidence of the possible existence of a public right of way in Finance Act documentation usually arises in one of two ways-

- reference to it in one or more of the various documents forming part of the valuation process, or
- exclusion of a route from the assessable parcels of land shown on the map record.

Reference to a possible route in the documentation

11.4 An early part of the valuation process was the completion of a 'Form 4' by the landowner. This form asked whether the relevant unit of land ownership (these were known as 'hereditaments') was subject to any public rights of way or any public rights of user. Information from Forms 4 was copied into Field Books in the District Valuation Office before the valuers went into the field to inspect and assess the hereditaments. In these books, and in other forms such as Form 36, sent back to landowners with the provisional valuation, and Form 37, the office copy

of Form 36, the distinct categories were run together into 'public rights of way or user'. Information from the Field Books (which are kept in the National Archive at Kew), including deductions in value for 'public rights of way or user', was copied into the relevant columns in the Valuation Books, which are normally now found in Local Record Offices. Working plans (see below at 11.7), sometimes with detailed annotations, were completed in the field and the final record plans, which normally show only hereditament boundaries, were compiled from them.

- 11.5 Although direct evidence of the acknowledgment by a landowner of a public right of way from an entry on a Form 4 may be considered to be very strong, the vast majority of them were destroyed after the transcription of their information into the Field Books. However, evidence of the existence of a public way across a hereditament may be deduced from, for example, a Field Book entry showing a deduction under 'public rights of way or user', with further clear hand-written details, such as use of the words 'public footpath'. The position of such a way may be shown by annotations on the working plans or written information in the Field Book. But where hereditaments were large and crossed by numerous paths it may not be possible to conclude from written information that a particular route was referred to. Even where field plans are annotated, and paths marked as 'public', it may be unclear when and by whom annotations were made. Evidence from Field Books and plans may provide good evidence of the reputation of a way as public, but care should be exercised when drawing conclusions from material not known to be provided directly by or on the authority of the landowner.
- 11.6 It has been asserted that the term 'public right of user' refers to private rights of way, but, apart from some apparently anomalous entries on a few surviving Forms 4, there is no evidence of this use of the term. It would normally refer, when distinguished from a public right of way, to a non-linear public right, such as a right of recreation. A private right of way is normally a form of easement, and a deduction for such a way would be expected to be found under the heading of easements.

Exclusion of a route on the map record

- 11.7 Working copies of the plans are normally found in Local Record Offices. Most final record plans are in the National Archive. They are based on large-scale Ordnance Survey plans. The 1910 Act required all land to be valued, but routes shown on the base plans which correspond to known public highways, usually vehicular, are not normally shown as included in the hereditaments, i.e. they will be shown uncoloured and unnumbered. It is possible, but by no means certain, that this is related to s.35(1) of the Act: *No duty under this part of the Act shall be charged in respect of any land or interest in land held by or on behalf of a rating authority.* The practice would also be compatible with s.25(3) which states that *The total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were sold subject to... any public rights of way.* So if a route in dispute is external to any numbered hereditament, there is a strong possibility that it was

considered a public highway, normally but not necessarily vehicular, since footpaths and bridleways were usually dealt with by deductions recorded in the forms and Field Books; however, there may be other reasons to explain its exclusion. It has been noted, for example, that there are some cases of a private road set out in an inclosure award (see section 7) for the use of a number of people but without its ownership being assigned to any individual, being shown excluded from hereditaments; however this has not been a consistent approach. Instructions issued by the Inland Revenue to valuers in the field deal with the exclusion of 'roadways' from plans, but do not explicitly spell out all the circumstances in which such an exclusion would apply.

- 11.8 In his article 'Uncoloured roads on 1910 Finance Act maps' (RWLR May 2002) David Braham Q.C. considers the significance of exclusion of a route from assessable land. This approach received judicial endorsement in the case of *Fortune v Wiltshire CC [2012]* in which Lewison J gave careful consideration to the interpretation of routes excluded from adjacent hereditaments. In essence he concluded that the Finance Act records are not definitive; they are "simply one part of the jigsaw puzzle" to be considered along with other relevant material particular to each case.

Concluding Comment

- 11.9 Documents and plans produced under the Finance Act can provide good evidence regarding the status of a way. In all cases the evidence needs to be considered in relation to the other available evidence to establish its value; this is particularly important where a deduction for a public right of way is shown in the Finance Act records but its line is not apparent. It should not be assumed that the existence of public carriageway rights is the only explanation for the exclusion of a route from adjacent hereditaments although this may be a strong possibility, depending on the circumstances. It must be remembered that the production of information on such ways was very much incidental to the main purpose of the legislation.

I have a little list....

Until relatively recently I had considered the list of streets to be a pretty much homogenous document. I knew that some highways were there because they were pre 1835 publicly maintainable highways, whilst others were added as a result of later 'adoptions' of one kind or another. Like many who work in the area of definitive map I had encountered a number of 'handover' documents too. I also knew that the list of streets had its origins in 1925 public health legislation and that originally there was only a requirement to hold a list for urban areas, and that the present obligations in respect of the list of streets were set out in the Highways Act 1980. For a recent case, in order to properly understand the records involved, it was necessary to look into the twists and turns that the list took between 1925 and the present day.

1925 Urban (but not rural) authorities were required by S84 (1) Public Health Act 1925 to keep a list of streets showing the streets within their district that were repairable by the inhabitants at large. S84 (2) required that the list of streets so produced was to be open for public inspection.

1929 S30 of the Local Government Act 1929 transferred the responsibility for the maintenance of highways from the rural district areas to county councils. At this time documents often known as 'handover' documents were commonly produced. These are not the "list of streets". The rural district councils (RDCs) were not covered by the requirement in S84 of the Public Health Act 1925 and they had no duty to keep such a document. There was no duty to produce 'handover' documents, whilst it seems to be common practice that this exercise was done, these documents, unlike the list of streets, are not statutory, nor open to the public and must by their nature be considered to be internal to the councils involved. Undoubtedly, prior to 1929, many RDCs had highway records but these were not statutorily open to public inspection, unlike the lists of streets held by the urban district councils (UDCs). It must be remembered that at the time many UDCs covered, in addition to an urban centre, areas that were rural in nature.

Once the county council took over responsibility for the highways in rural district areas it may (and in many cases obviously did) compile some sort of record of the highways it considered it was obliged to maintain. However, this document is not the 'list of streets' as S84 is not listed in Schedule 1 to the Local Government Act 1929 as being one of the parts of pre-existing legislation that was being extended to the county councils as they became highway authorities. Therefore from 1930 to the coming into effect of the Highways Act 1959 there was no obligation on the county council to produce and keep up to date a statutory 'list of streets'. Any records that exist from this period, and especially those that relate to rural highways in former RDC areas must be treated as "internal" rather than statutory documents open to public inspection.

1959 The Highways Act 1959 repealed S84 of the Public Health Act 1925 and enacted S38 (6) to replace it. This required that the "council of every borough and urban district" (but not counties) had to make and keep up to date a list of streets within their areas,

which are highways maintainable at public expense. This list was to be made available for public inspection.

- 1974 Local government re-organisation, and the Local Government Act 1972 transferred the 1959 Highways Act requirement from urban and borough councils to county councils. It did so by the operation of Schedule 21, principally Section 15, which also required that copies of the list of streets made by the county council for each district within the county had to be supplied to the relevant district council, to be deposited at their offices for public inspection. Schedule 21 made a number of other amendments to the Highways Act 1959 and all were authorised by S188 (7)(a) of the Local Government Act 1972.
- 1980 Highways Act S36 (6) and (7) require the county council to keep a list of highways maintainable at public expense and that such a list be available for public inspection at the highway authority offices and the section of the list that applies to each district area is to be supplied to the relevant district council and kept at their offices for public inspection. This is the law as it presently applies to county councils. For Metropolitan and Unitary Authorities the same requirement exists, usually applied by the legislation that enacted the relevant local government re-organisation.

Curiously, there appears to be a period of around 29 years when county council records that were in practical effect like the 'list of streets', were in legal terms not the "list of streets". Crucially, unlike the 1925 urban list of streets, and the later 1959, and post 1974 lists of streets, county documents from the period immediately after 'handover' were not open to public inspection as a matter of course.

“A Bottle of Tipex and a Crayon” Good Practice in Highway Records Management?

Following the recent apparent demise of the Discovering Lost Ways Project, which failed not, as some suggest, because the Definitive Map system is cumbersome, and overly complicated etc (and broken), but because those with responsibility for the project did not listen to those professionals who knew better than them, there have been calls for a major overhaul of the system.

If such an overhaul were to take place it would, as we have seen from the recent attempts, at legislating away problems, rather than dealing with them, potentially result in a dumbing down of the system, and almost inevitably the further blanket loss of historic rights on a scale that, apart from NERC, we have not seen since late 1930's Germany!

The fact of the matter, of course, is that the system does work, and indeed works very well, although as with anything, it would benefit from relatively minor amendments and changes to improve it.

So, what has this to do with the List of Streets you ask? Well, it has been said, on more than one occasion, that in our little world of Public Rights of Way *“we have this complex system for recording public highways on the Definitive Map, whereas the highway maintenance records are managed by a system involving a bottle of tipex and a pack of multi-coloured crayons!!”*.

I know a) which system I prefer, namely the one that best protects the rights of the public and is least open to abuse; and, b) that tipex and crayon management causes all sorts of problems and is the root of all evil!

Of course, the culture of “crayon management” has, in my experience, developed as a result of a lack of understanding, principally by those who both use and manage these documents, of the records themselves, and what they are meant to show. It is a widespread problem and I do not know of a single Highway Authority in England or Wales that actually manages these records correctly (a few may stick their heads above the parapet as a result of this article, but I doubt there will be many). If it is not misunderstanding, it can only be a gross dereliction of duty and a knowing disregard of statutory obligations. Whilst ignorance may be bliss, there is “something to be seen in the woodshed” and a serious problem to be addressed, especially as we are now seeing legislation being implemented (e.g. CROW & NERC), which is drafted on the premise that the records are being correctly maintained.

So, what is the List of Streets?

To answer this properly we do perhaps have to break the term down into its component parts, namely by defining what is meant by the term “street” and then identifying which of these “streets” are “maintainable at public expense”

What is a Street?

The legal concept of a “Street” is a creation of statute, with its modern definition deriving from the Section 4 of the Public Health Act 1875. However care must be taken to ensure its proper interpretation, depending upon when and in what context the term is used. This article does not cover every variation of the definitions, but does, I think cover the key points.

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The common meaning of the word street is “*a road with houses on one or both sides of it*”, was approved by Jessel M.R in Taylor v Oldham Corporation(1876-7):

“The street itself is no doubt properly the paved or prepared road, that is, the street. It sometimes includes the houses along each side of it. But that is not its proper meaning. It is called a street even without houses. There are some streets with no houses. But the usual common meaning of the word “street” is a road with houses on one or both sides of it”.

The common definition is not, in any way restricted to public highways, it can, and does also include ways, which are not dedicated as public highways; and will apply wherever there is no alternative definition provided within a statute.

The Public Health Act 1875 defined the term “street” as including any highway (not being a turnpike road), and any public bridge (not being a County Bridge) and any road, lane, footway, square, court, alley or passage whether a thoroughfare or not. Other Acts of the time provide the same definition.

In “The Law Relating to Highways” by A Glen (Barrister) Second Edition (1897) the author argues that the word “includes” was used within the definition of the term “street”, and not the word “means”; hence the term not only applied to a “highway...etc ”, but also to anything which is a street in the ordinary sense of the term.

The modern legislative definition of street, and which supersedes that within Section 329 of the Highways Act 1980, is perhaps more tightly defined and may be found within Section 48 of the New Roads and Street Works Act 1991 where “...a ‘street’ means the whole or any part of any of the following, irrespective of whether it is a thoroughfare-

- a) any highway, road, lane, footway, alley or passage,
- b) any square or court, and
- c) any land laid out as a way whether it is for the time being as a way or not.

Whilst, in some circumstances, there may be some uncertainty whether reference to a “street” can be interpreted as a reference to the existence of public rights, we can be certain that, by the inclusion within the definition, of the term “highway”, that it does apply to all classifications of routes recorded within the Definitive Map and Statement, provided of course that they are publicly maintainable.

What is Maintainable at Public Expense?

Firstly, on this particular issue, let’s get away from the concept that for something to be “maintainable at public expense” it has to be “adopted”. This is utter buncombe!! (that would be a technical term used only in polite consultant speak). If we must use the term “adopted” then use it in its proper context, i.e. a highway that has been subject to the process of adoption, thus making it maintainable at public expense; rather than applying it to everything that should be on the List of Streets, much of which may never have been subjected to such a process.

It is not within the scope of this article to set out the history of highway maintenance responsibility. We can however list the circumstance/types of highway, which are maintainable at public expense (or as previously, by the inhabitants at large), and should therefore be on the List of Streets. These may be summarised as:

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- Footpaths, awarded bridleways and carriageways ‘made’ prior to implementation of the Highways Act 1835 (i.e. Ancient Highways);
- Awarded bridleways and carriageways ‘made’ after the implementation of the 1835 Act, which have been ‘adopted’ (e.g. Highways Act 1980, Section 38) ;
- Footpaths and bridleways that existed upon implementation of the National Parks and Access to the Countryside Act 1949;
- Footpaths and other bridleways ‘made’ prior to the implementation of the Highways Act 1959;
- Reclassified RUPPs, as from their date of reclassification; and
- Footpaths, bridleways and restricted byways created or diverted by Public Path Order or agreement.

How do we Add or Remove Routes form the List of Streets?

Whilst the List of Streets does not enjoy a process equivalent to Definitive Map Modification Orders, the circumstances under which routes can be added or removed are both limited and specific. Routes can only be added to the List of Streets if they satisfy one of the criterion listed above.

The circumstances for removal are even more limited, namely if:

- the public highway rights cease to exist (e.g. through due legal process);
- a Magistrates Court issues an Order under Section 47 of the Highways Act 1980 to remove the maintenance liability; or
- there is cogent evidence to suggest the route is recorded in error.

They cannot be removed simply at the whim of a Council Officer, or even because the route has never been maintained, as the latter certainly does not prevent it from being “maintainable”.

The Correlation between the Definitive Map and the List of Streets

As discussed above, the majority of public rights of way are highways maintainable at public expense and as such the Highway Authority is directly responsible for their maintenance, yet for some inexplicable reason Highway Authorities are most reluctant to record these routes on their List of Streets Maintainable at Public Expense.

Is it important you ask?

Well, failure to maintain the List of Streets correctly does constitute a breach of the statutory requirement to maintain this publicly available record. Similarly, failure to properly record “adopted estate paths” (for want of a better description) on the Definitive Map and Statement also constitutes a breach of the Statutory Duty to keep these records up to date. Both of these issues at very least must constitute maladministration, but that aside it results in poor customer service and misinformation being provided to the general public.

It would appear that this problem arises from a failure to either understand, or accept, what these sets of records are actually meant to record.

The Definitive Map and Statement are a record of the status and alignment (amongst other things) of the lower classes of public highway. It is not however a record of maintenance liability.

On the other hand, the List of Streets is supposed to record ALL public highways, which are maintainable at the public expense, not only those that have been “adopted”, and not only those which have a sealed surface, or only those that are actually maintained, but all publicly maintainable highways.

So what are the consequences of not maintaining these documents in a correct and lawful manner?

We have already concluded that it constitutes a failure of two Statutory Duties placed upon the highway Authority; and it can also lead to incorrect and misleading information being provided to the general public, who rely upon Highway Authorities to advise them correctly, and these factors alone should be sufficient to require change, but there is one other serious implication resultant of not keeping these recorded in a correct and proper manner.

On the first of January 2026, if the current legislation comes into force, all pre-1949 public footpaths and bridleways, which are not recorded on the Definitive Map will, by virtue of the provisions of the Countryside and Rights of Way Act 2000, be automatically extinguished, and that includes all such routes currently shown on the List of Streets Maintainable at Public Expense. The legislation provides no saving for these routes because it presumes that Authorities maintain their records in a correct and lawful manner. Unless action is taken to protect these ancient snickets, alleyways and ginnels etc the very character of some of our ancient cities may be lost.

And that is far more than maladministration, it is criminal!

Of course some will say that 2026 is a long way off, and we needn't worry, yet I would ask you to consider how many Authorities have completed Definitive Maps for their formerly excluded areas (the County Boroughs etc)? That duty has been in place for Twenty-five years and some Authorities have not yet even started that process!

Now, go and be controversial, send a copy of this article to your highway maintenance engineers and those responsible for maintaining the List of Streets, then start asking questions..... and watch out for the tipex bottle!!

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THE BAYLES
KILGWRRWG
CHEPSTOW
NP16 6PT

27.1.15

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

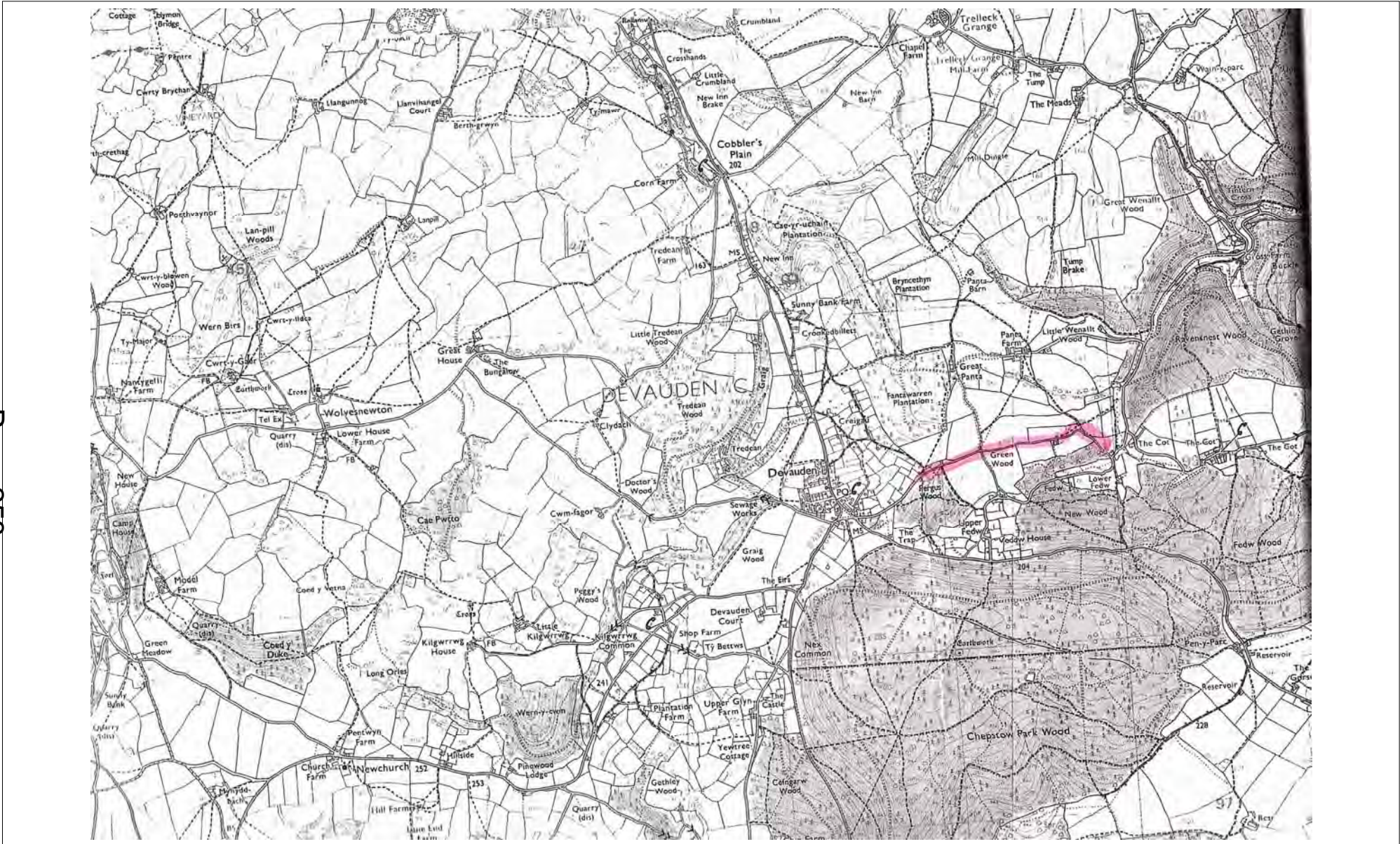
I have been riding this
route for 47 years and
hope that this route will
be designated a bridle way.

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.

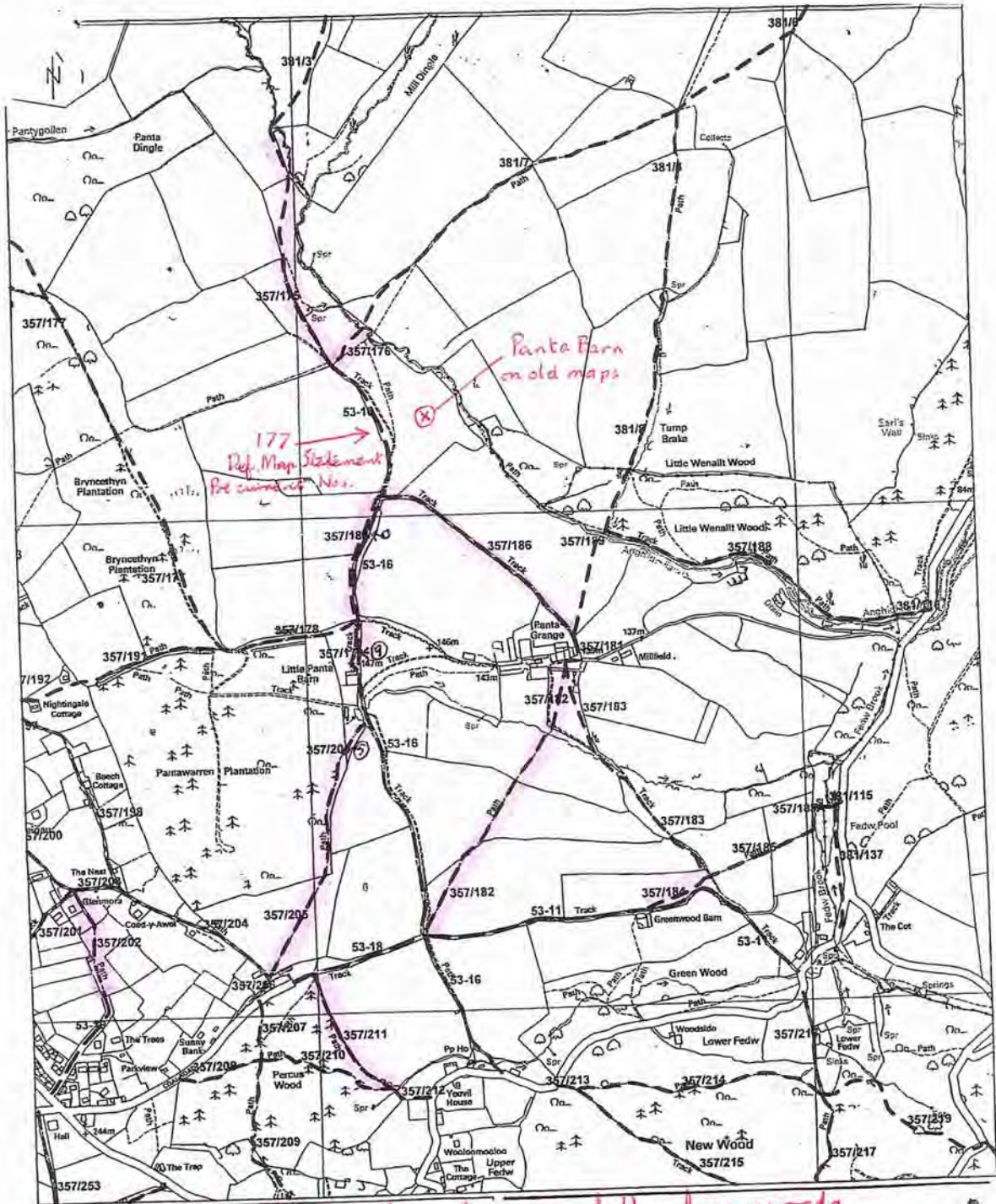
I am puzzled by your indication of "FP177". The current path numbers are: to N - 175, to NE-176; 177 is mentioned only, and on older maps, as the section to the south.

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

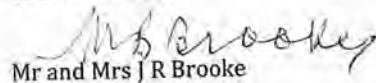
We are writing to you with regard to your consultation of the lane numbered 53-11 on the plan.

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

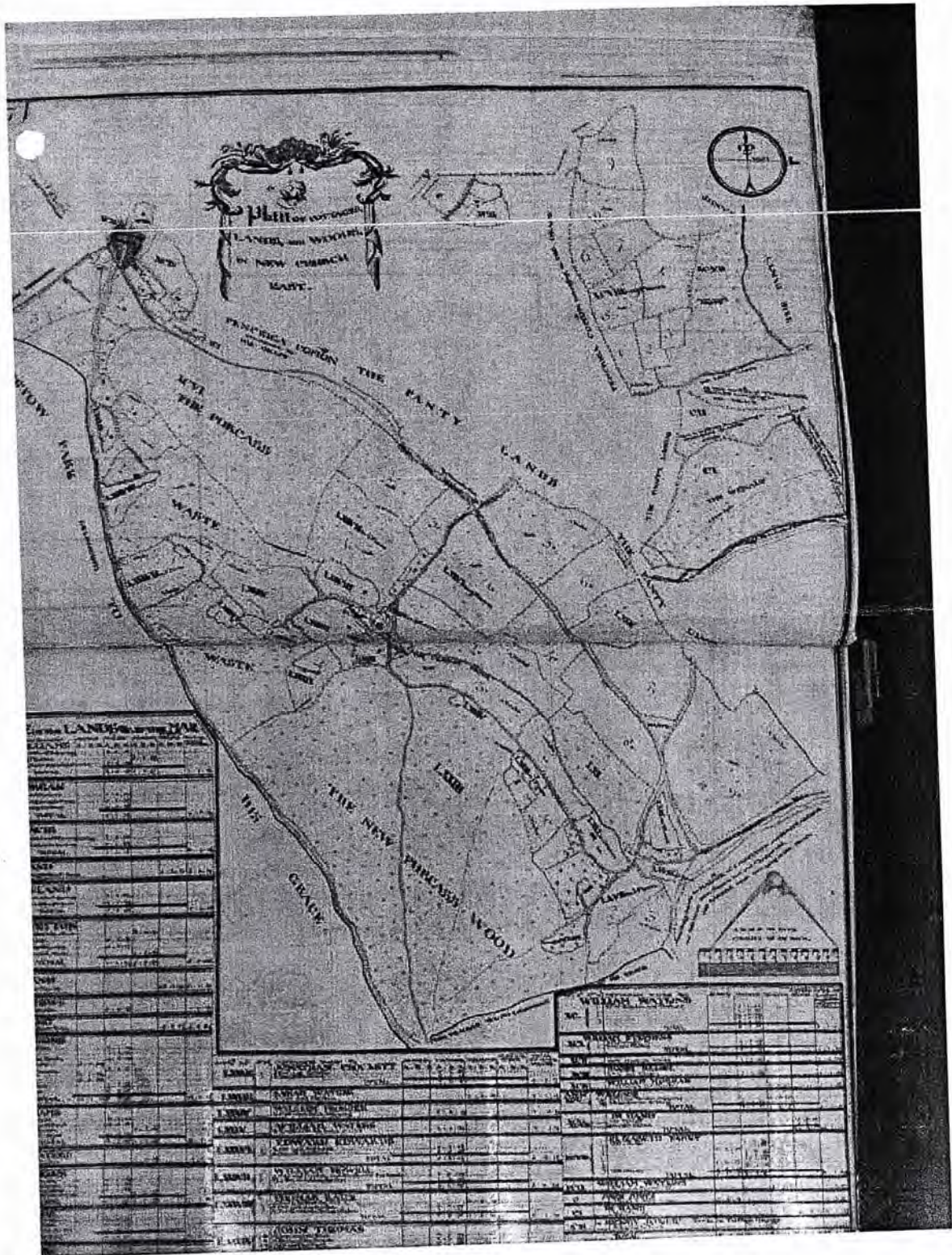
I have lived at Cherry Tree Cottage, Coal Road, Devauden since 1978. During the period since, the route from Coal Road going east along routes 53-18 and 53-11 has been used regularly by walkers, horse riders and motorcyclists. The latter group have used the route for one of their annual events under 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



Copies of consultation responses and associated correspondence (Appendix 26)
 Consultation Responses (1) (page 20) – Email 30-1-15 MD-2

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*).

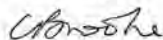
Naturally we have had disagreements with you during this consultation but we trust that you will be impartial, fair and independent in your report.

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)

appendix 4

- 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)

Appendix 5.

- 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

7

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

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
... of Five Bed Rooms, ...

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 Dairy in the second Cottage

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

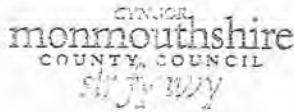
very pleasantly placed, is roomy and comfortable, and contains Hall, Two Sitting Rooms, Kitchen, Large Back Hall, Cellar, Dairy, etc. Above are Six Bed Rooms, Bath Room, with Lavatory Basin, W.C. and Two Attics. There is a nice Garden and Water is laid on by gravitation from the Estate supply (see Conditions 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 Parva 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		0.00



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

NOTE: This document 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

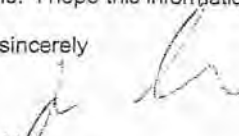
RE:- GREEN LANE AT GREAT PANTER FARM

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

[Redacted]

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,

[Redacted Signature]

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

Subject: Re: Monmouthshire Routes 53-11 and 53-18, route 53-16 and route 53-19
From: Dale Wyatt (row@glass-uk.org)
To: robin.carr1@btinternet.com;
Date: Thursday, 29 January 2015, 10:20

Dear Mr Carr

Sabre maps provides a very useful resource for old maps. The old DoT maps are listed under 'Maps' then 'Historic OS Maps'.

Based on the fact that this road is marked as some other roads in the area that are now tarred, it is logical to assume that they are (or were) part of the general road network. Due to the effect of the NERC Act we lost many old unsurfaced roads that we used to drive in this area. I would really like to see this added as a U-Road to the List of Streets. Coupled with the fact that there is more evidence of MPV use (motorcycle) than any other user suggests vehicular status is the logical choice.

I would also suggest that an unsurfaced, unclassified road carries the same status as that of a byway and there are a number of those in the area eg...

<http://www.streetmap.co.uk/map.srf?x=351099&y=199746&z=115&sv=351099,199746&st=4&ar=y&mapp=map.srf&searchp=ids.srf&dn=845&ax=351099&ay=199746&lm=0>

Adding it to the List of Streets would mean that it would be open to ALL classes of user, and therefore an additional recreational resource.

I know the area well and have been driving unsurfaced roads in this area for almost 30 years.

Kind regards

Dale Wyatt
GLASS Rights of Way Officer
row@glass-uk.org

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They may contain privileged information and are intended for the named addressee(s) only, and must not be forwarded or distributed without the consent of the sender. If you are not the intended recipient, please notify us immediately and do not disclose, distribute, or retain this email or any part of it. Unless expressly stated, opinions in this email are those of the individual sender, and not of GLASS, or its membership. You must take full responsibility for virus checking this email and any attachments.

The Green Lane Association Ltd is a national user group protecting our heritage of ancient vehicular rights of way. Registered in England, No 5369836, Registered Office: Tudor House Mews Westgate Grantham Lincs NG31 6LU

On 29 Jan 2015, at 09:37, Robin Carr Associates <robin.carr1@btinternet.com> wrote:

Dear Mr Wyatt

29/01/2015 11:00

Subject: Re: Monmouthshire Routes 53-11 and 53-18, route 53-16 and route 53-19
From: Robin Carr Associates (robin.carr1@btinternet.com)
To: row@glass-uk.org;
Bcc: robin.carr1@btinternet.com;
Date: Thursday, 29 January 2015, 9:37

Dear Mr Wyatt

Thank you for your email and attachments. A copy will be included in the document bundle attached to our report and given appropriate evidential weight/value.

With that in mind I would be interested to know a little more about the two Ministry of Transport maps you have provided - where are these held and by who?
I should be interested to know their provenance as they are not a record set that I have come across before - especially as it would be local highway authorities and not the MOT who would maintain records of local highways.

It is unlikely that any of the routes would only be added to the List of Streets as this would suggest that they are public carriageways of a status higher than Byway Open to All Traffic. In view of the provisions of the NERC Act if vehicular rights are determined to exist it is likely that the highest recorded status would be Restricted Byway and as such they should be recorded on both the Definitive Map and the List of Streets.

The decision as to the extent of any public rights will, of course, be determined upon the available evidence rather than their current physical state. I note that route 53-16 is (in part) shown on the later of the two MOT maps you have provided.

Kind regards

Robin Carr

Robin Carr Associates
Public Rights of Way Management & Consultancy Services

Address: 2 Friarage Avenue, Northallerton, North Yorkshire DL6 1DZ
Email: robin.carr1@btinternet.com
Web: www.prow.biz
www.blastkleen.com
Tel: 01609 781717
Mob: 07976 624 029

From: Dale Wyatt <row@glass-uk.org>
To: consultancy@prow.biz
Cc: John Askew <monmouthshire.rep@glass-uk.org>
Sent: Wednesday, 28 January 2015, 17:41
Subject: Monmouthshire Routes 53-11 and 53-18, route 53-16 and route 53-19

Dear Mr Carr

Earlier this month I was passed a copy of your consultation for the old roads near Devauden. My proposal would be to add the Routes 53-11 and 53-18 to the List of Streets as this is where they should

logically be listed. Please find attached a PDF showing a recce of the road and also some old maps at the end. The most important being the Department of Transport maps that would have been pre-handover. These clearly show Routes 53-11 and 53-18. Motorcycle use is clearly evident on the ground as well so it is considered a recreational vehicular highway by some users.

Route 53-16 and route 53-19 are not shown, so they were either private roads, or not considered part of the general road network. They are extremely overgrown and it's been a very long time since they have been used by anyone. A lot of work would be require to make these usable again. perhaps these routes would be more suitable to be added as bridleways to the Definitive Map.

Could please add me to you mailing list for any further road consultations in Monmouthshire please?

Many thanks

Dale Wyatt
GLASS Rights of Way Officer
row@glass-uk.org

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Subject: Monmouthshire Routes 53-11 and 53-18, route 53-16 and route 53-19
From: Dale Wyatt (row@glass-uk.org)
To: consultancy@prow.biz;
Cc: monmouthshire.rep@glass-uk.org;
Date: Wednesday, 28 January 2015, 17:41

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Route 53-16 and route 53-19 are not shown, so they were either private roads, or not considered part of the general road network. They are extremely overgrown and it's been a very long time since they have been used by anyone. A lot of work would be require to make these usable again. perhaps these routes would be more suitable to be added as bridleways to the Definitive Map.

Could please add me to you mailing list for any further road consultations in Monmouthshire please?

Many thanks

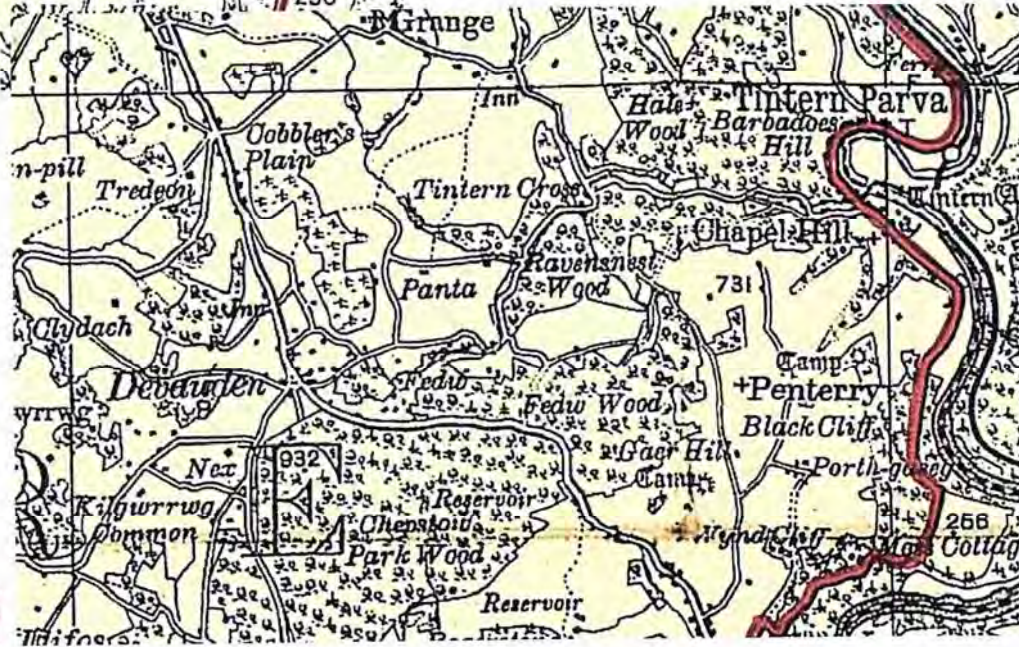
Dale Wyatt
GLASS Rights of Way Officer
row@glass-uk.org

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They may contain privileged information and are intended for the named addressee(s) only, and must not be forwarded or distributed without the consent of the sender. If you are not the intended recipient, please notify us immediately and do not disclose, distribute, or retain this email or any part of it. Unless expressly stated, opinions in this email are those of the individual sender, and not of GLASS, or its membership. You must take full responsibility for virus checking this email and any attachments.

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Registered Office: Tudor House Mews Westgate Grantham Lincs NG31 6LU

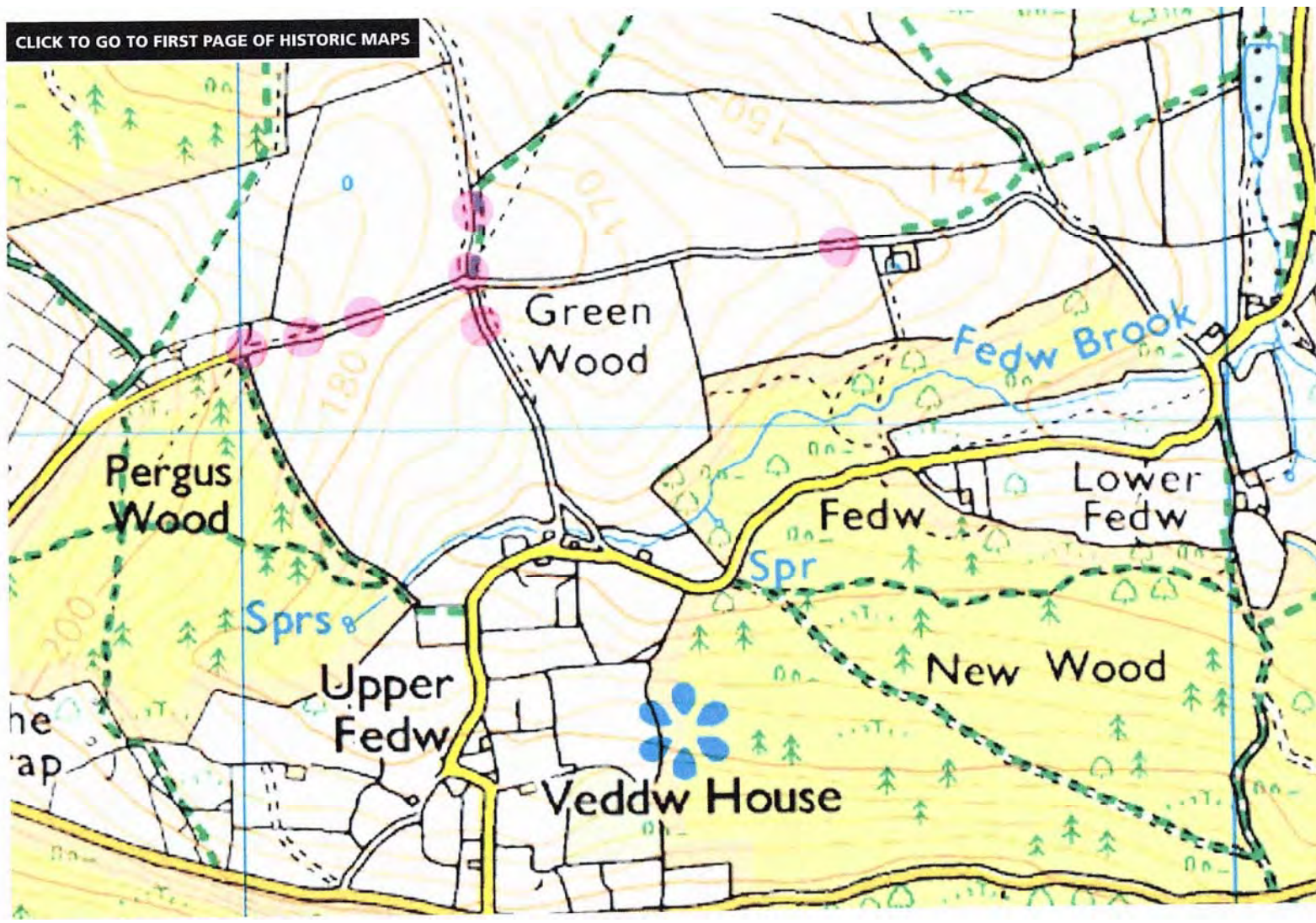


1923 Ministry of Transport map clearly shows the road, so the MoT regarded this as a road. Interestingly the unclassified tarmac road to the south is not shown at all, or the cross road.



1926-1928 Ministry of Transport map clearly shows the road, so the MoT regarded this as a road. Interestingly the unclassified tarmac road to the south is not shown at all, or the cross road.

Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 5) - Email 28-1-15 DW Right of Way Officer GLASS- maps 5



Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 6) - Email 28-1-15 DW Right of Way Officer GLASS- map 6



Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 7) - Email 28-1-15 DW Right of Way Officer GLASS-photographs 7

BACK TO MAP





Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 9) - Email 28-1-15 DW Right of Way Officer GLASS-photograph 9



Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 10) - Email 28-1-15 DW Right of Way Officer GLASS-photograph 10



BACK TO MAP



The section to the south has been built over with a land drain under it for field access. There is a drop into the sunken lane beyond



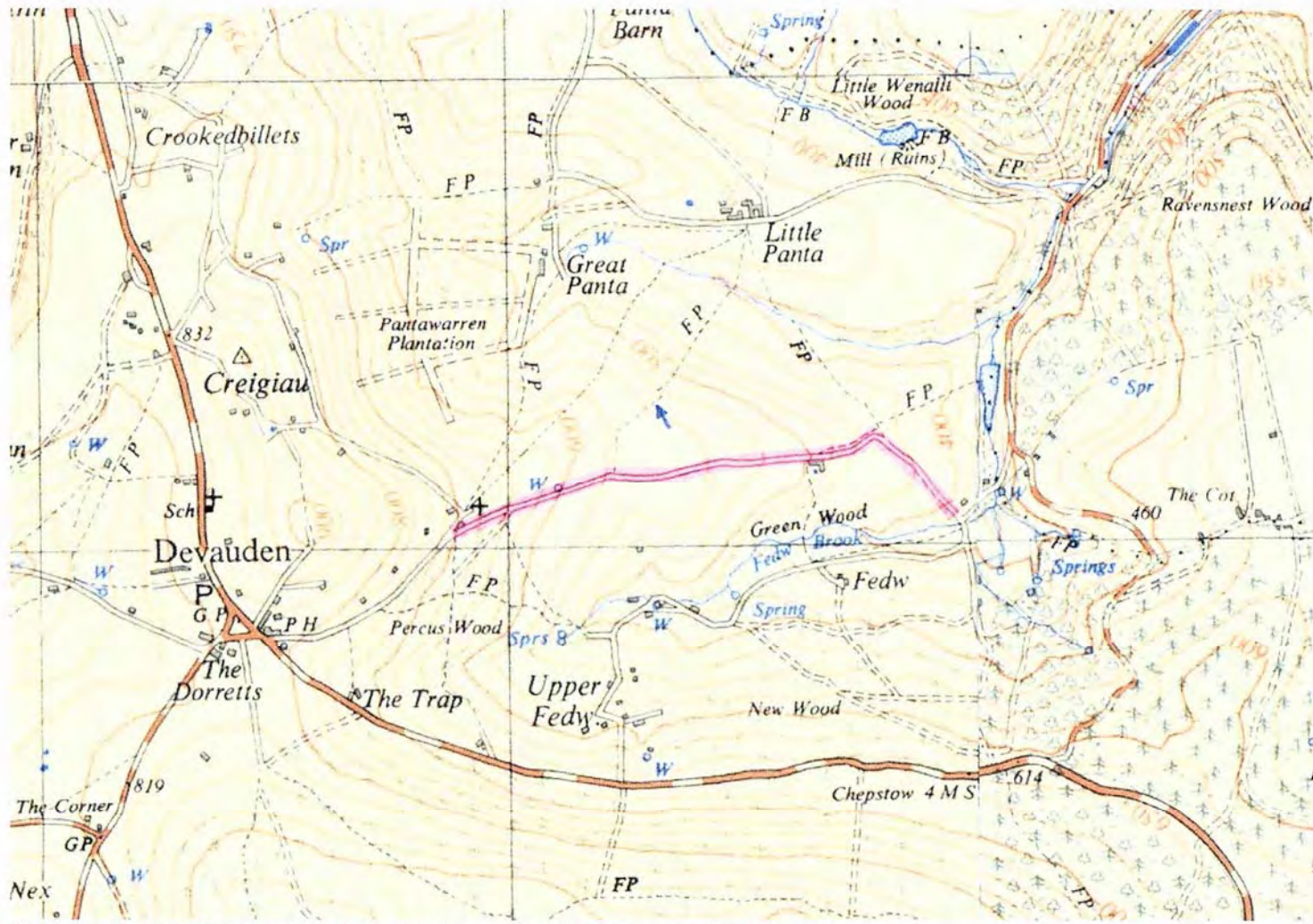
There is a drop into the sunken lane beyond



Line of lane within trees, sunken.

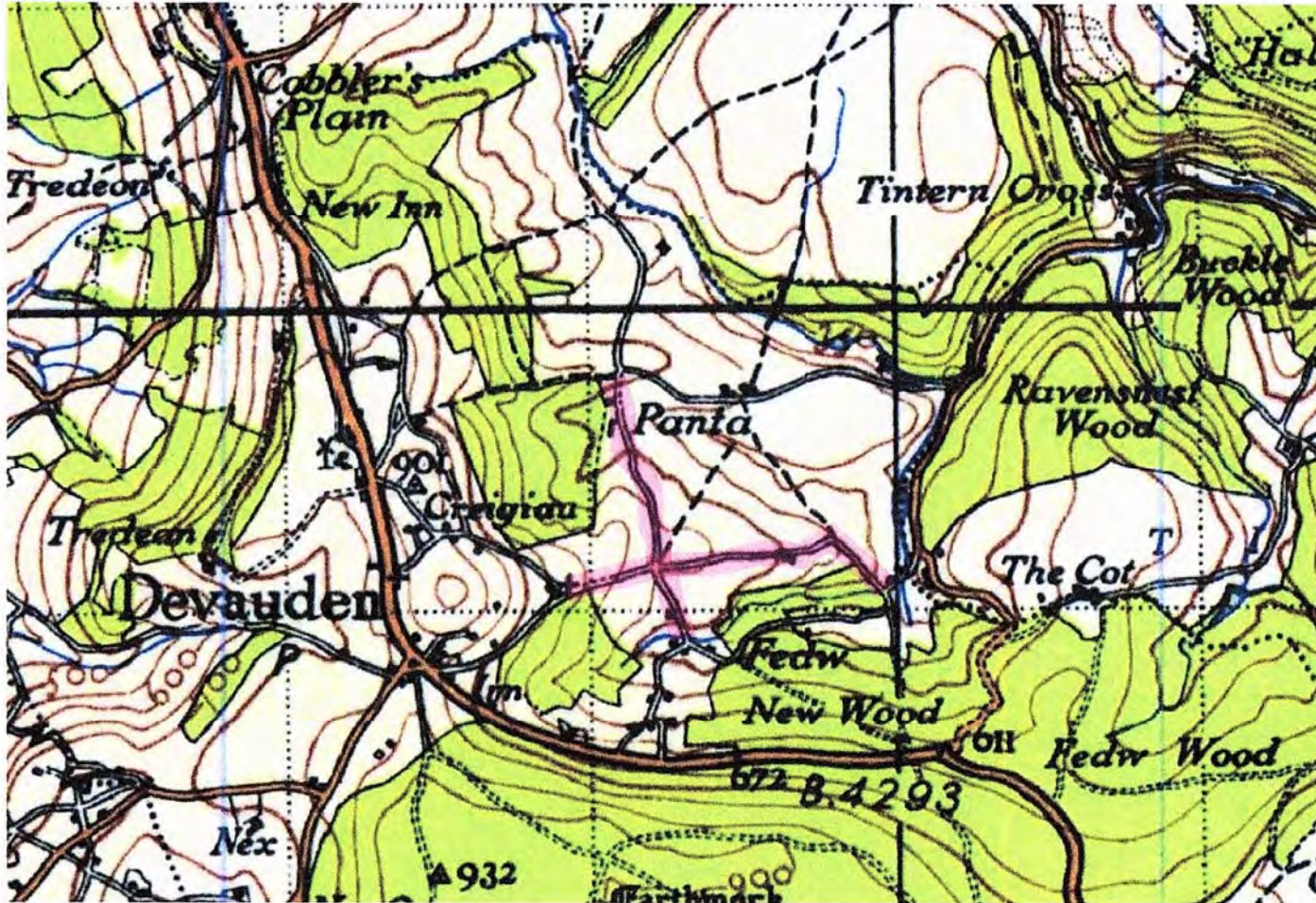


Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 13) - Email 28-1-15 DW Right of Way Officer GLASS-photographs 13



Old 25k map showing road clearly marked, with the same emphasis as the unclassified tarmac road to the south. The cross road however is not, so possibly not even used back then,

Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 14) - Email 28-1-15 DW Right of Way Officer GLASS-map 14



Historical OS showing both roads with the same emphasis as the unclassified tarmac road to the south.



Llywodraeth Cymru
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
Ffôn 01443 33 6000 Ffacs 01443 33 6001
E-bost cadw@cymru.gsi.gov.uk
Gwefan www.cadw.cymru.gov.uk

Plas Carew, Unit 5/7 Cefn Coed
Parc Nantgarw, Cardiff CF15 7QQ
Tel 01443 33 6000 Fax 01443 33 6001
Email cadw@wales.gsi.gov.uk
Web www.cadw.wales.gov.uk

Mr Robin Carr
Robin Carr Associates

consultancy@prow.biz

Eich cyfeirnod Your reference	RCA/MCC/UCR/Chepstow
Ein cyfeirnod Our reference	AD
Dyddiad Date	27 January 2015
Llinell uniongyrchol Direct line	01443 336097
E-bost Email:	Adele.davies42@wales.gsi.gov.uk

Dear Mr Carr

**WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53
INVESTIGATION INTO THE STATUS OF CERTAIN ROADS IN THE MONMOUTHSHIRE
COUNTY COUNCIL AREA ROUTES: a) ROUTES 53-11 AND 53-16, b) ROUTE 53-16;
AND c) ROUTE 53-19**

Thank you for your letter of 30 December 2014 inviting Cadw's comments on the above proposal.

Route 53-19 is close to the essential setting of PGW (Gt) 61 Chepstow Park but as it does not enter it or the Historic Park and Garden itself. None of the other routes pass through any scheduled ancient monuments, historic parks and gardens or historic landscapes.

Therefore Cadw has no comment.

Yours sincerely

Adele Davies
Diogelu a Pholisi/ Protection and Policy

Cadw yw gwasanaeth amgylchedd hanesyddol Llywodraeth Cymru. Ein nod yw hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

Cadw is the Welsh Government's historic environment service. Our aim is to promote the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



Subject: Re: Re: Consultation 53-16
From: Robin Carr Associates (robin.carr1@btinternet.com)
To: a.r.brooke@hotmail.co.uk;
Date: Wednesday, 28 January 2015, 17:15

Dear Mr Brooke

Thank you for your email and attached letter, the contents of which are noted.

In response to the comments made I can offer the following responses:

It is unlikely that a land charge search would have disclosed the existence of any highway in 2008 because the search questions ask what is on the Authority's records rather than do any highway rights exist. As it would appear that the routes under investigation were not on the Highway Authority's records at that time the search was undertaken, they would have been correctly answered in the negative. This is not, of course, evidence that the alleged rights do not exist, it simply confirms they were not recorded on the Authority's records at that time.

I enclose a plan showing the routes under investigation. This may be clearer than the copy attached to my letter. This digital copy clearly identifies the routes under investigation. There is, of course, no doubt that the route referred to as 53-16 has physically existed for well over 100 years and is clearly shown on large scale Ordnance Survey mapping. Such maps do, of course carry a disclaimer to the effect that the showing of any path track or way is not evidence of public rights. Such maps will be accorded appropriate evidential value within our investigation.

with regard to the route being previously added to the Highway Record, I can advise that there is no statutory requirement for a Highway Authority to notify anyone when adding a route to the List of Streets - this may not be ideal and in this instance, it would appear to be one reason why the Council is now considering whether or not the route should be added to the Definitive Map using a legal order process that does include advertising and notification requirements

Your objection to the recording of the route on the Definitive Map is noted. I must however stress that the Council is obliged to make a Definitive Map Modification Order if it is satisfied that the alleged rights are "reasonably alleged to subsist" however such an Order can only be confirmed if it is shown that the rights "on balance of probability subsist". There is therefore no requirement for the Council to produce conclusive evidence of the existence of the rights before they are recorded on the Definitive Map. You may therefore be expecting a far greater evidential burden to be satisfied than is actually required. Such matters will be discussed with our final report, which we understand will be available to the public in due course.

I trust that the above is of assistance

Robin Carr

Robin Carr Associates
 Public Rights of Way Management & Consultancy Services

Address: 2 Friarage Avenue, Northallerton, North Yorkshire DL6 1DZ
 Email: robin.carr1@btinternet.com
 Web: www.prow.biz
 www.blastkieen.com
 Tel: 01609 781717
 Mob: 07976 624 029

From: Alistair <a.r.brooke@hotmail.co.uk>
To: "consultancy@prow.biz" <consultancy@prow.biz>
Sent: Wednesday, 28 January 2015, 16:01
Subject: Re: Consultation 53-16

Dear Mr Carr,

Please find attached my letter in reference to the above consultation.

Regards,
 Alistair

Great Panta Barn
Panta Farm
Devauden
Chepstow
NP16 6PS

Robin Carr Associates
2 Friarage Avenue
Northallerton
DL61DZ

29.1.2015

Consultation 53-16

Dear Mr Carr,

I am not aware of any legal evidence that supports the claim by MCC that there is a public vehicular highway on the alleged route.

A legal land charge search at the time the farm was purchased did not identify a highway and more recently (2008) planning permission granted to convert Great Panta Barn made no reference to a highway. I am aware of public footpath No 182 that exists to the north of the barn.

I would be grateful if you could provide a more detailed map of the exact position of the proposed route as it is not clear on your consultation map.

I have had no notification from MCC that this alleged route has been added to its highway records although I understand that this was done in 2013.

I would strongly object to this alleged route being added to the Definitive Map without conclusive evidence that highway rights exist.

Yours sincerely

Alistair Brooke

Nightingale Cottage
Devauden

Letter to Devauden Community Council

16.1.2015

Sunny Bank Farm was bought by my father in 1945.

I have lived above Panta Farm since then. I have visited Panta Farm many many times over this period. My old school pals were born there as their father was the Bailiff there.

The land in question was never surfaced or used by vehicles in all these years. It was only used by farm traffic. The land and ditch 53-16 has never had a public right of way.

The old green Lane 53-11 on the map has only had horses and walkers and farm traffic to my knowledge over all this same time.

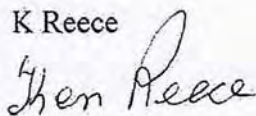
My 70 years of living overlooking these areas has given me a lot of knowledge.

I hope this will be of help in your decisions.

There are a number of people still living in Devauden who were born here who can support my opinion.

I served on Devauden Community Council from 1967 until approx 2012 and was a County Councillor from 1971 until 2000.

K Reece



G Jeremy
38 Wesley Way
Devauden
Chepstow
NP16 6PG
17 Jan 2015

To Nigel James Clerk to the Devauden Community Council.

I have been asked by Mr Robert Brooke to write about my life and knowledge of Panta Farm.

My father Edward Jeremy moved into Panta Farmhouse in 1925 as bailiff for Mr Davies. I was born in the farmhouse in 1936 and went to school in Devauden. We walked to school down the track towards Little Panta (now called Great Panta) up the side of the wood, across the Chapel field and onto Coal Lane. Mr Edgar Davies, the farm waggoner and farmhand lived at Little Panta in a farm cottage and his family walked the same footpath to Devauden. Sometimes we walked from the farmhouse, south, down to the Ram field, across the brook and up the field on a footpath onto Coal lane and up to Devauden.

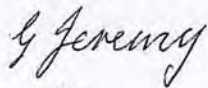
At the top of the farm in Pool field there was a gate onto Coal lane. A farm track ran for about 100 yards in the direction of Little Panta down towards the farm. We used to run the horse and cart and later the tractor down this short track and onto Long Meadow. This track was not used by other vehicles or people and after 100 yards became a ditch/gully blocked by trees and fences and not passable. Further down, on the other side of the existing barn conversions, the ditch was again blocked by trees and fenced. I remember it well as I used to go rabbiting here. No farm vehicles or carts could travel through this ditch/gully.

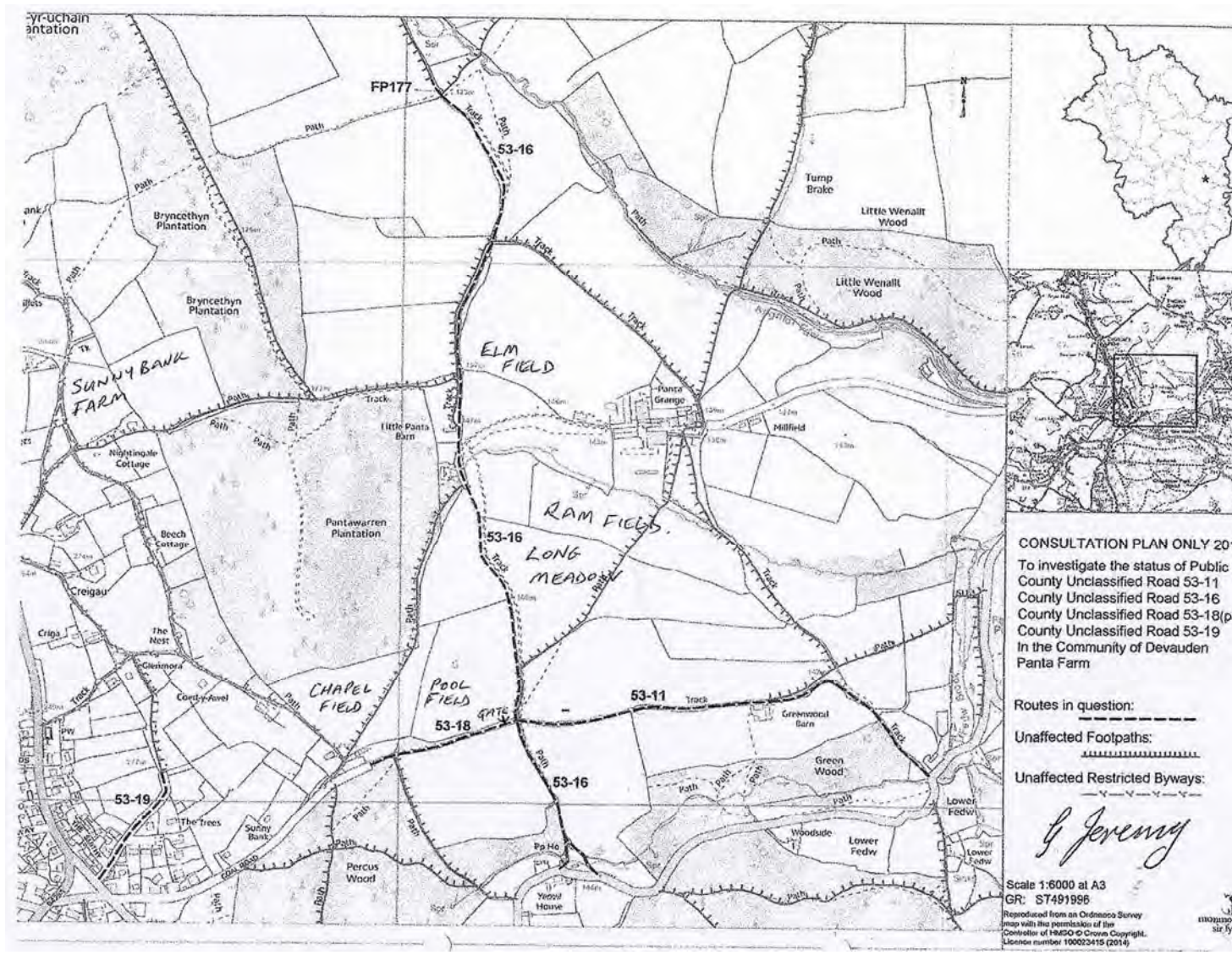
When my family left the Panta Farm in October ¹⁹⁵⁹ 1956 no one could travel this ditch. I was still living locally and worked for the new owners Mr Wagg for a short while and then in 1970's when Mr Hector bought the farm.

There are other places on the farm with ditches/gullies. One went up west along Elm field, through Panta Warren plantation on the way to Sunny Bank Farm.

I hope this is useful. It is a true memory of my time at Panta Farm.

Mr G Jeremy.





Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 22) – Letter 17-1-15 GJ-2

Robin Carr Associates

From: Starynskyj Natasha <Natasha.Starynskyj@dwrcymru.com>
Sent: 15 January 2015 16:13
To: Robin Carr Associates
Subject: RE: RH/HQ78/61(18) - Investigation into status of certain roads in the Monmouthshire County Council area

Dear Robin

Thank you for your email. I can confirm that on this basis Dwr Cymru would not object.

Regards

Natasha

From: Robin Carr Associates [mailto:robin.carr1@btinternet.com]
Sent: 14 January 2015 17:28
To: Starynskyj Natasha
Subject: Re: RH/HQ78/61(18) - Investigation into status of certain roads in the Monmouthshire County Council area

Dear Natasha

Thank you for your email

I can confirm that the proposed works amount to potentially recording the routes in question on the legal register of public rights of way and that this will not affect Dwr Cymru's apparatus or its statutory powers to access to the apparatus. I can also confirm that that no physical works will be undertaken as part of the current project and that Dwr Cymru's access to its apparatus will not be affected.

I trust that this is to your satisfaction

Kind Regards

Robin Carr

Robin Carr Associates
Public Rights of Way Management & Consultancy Services

Address: 2 Friarage Avenue, Northallerton, North Yorkshire DL6 1DZ
Email: robin.carr1@btinternet.com
Web: www.prow.biz
www.blastkleen.com
Tel: 01609 781717
Mob: 07976 624 029

From: Starynskyj Natasha <Natasha.Starynskyj@dwrcymru.com>
To: "consultancy@prow.biz" <consultancy@prow.biz>
Sent: Thursday, 8 January 2015, 10:06
Subject: RH/HQ78/61(18) - Investigation into status of certain roads in the Monmouthshire County Council area

Dear Sir/Madam

Further to your letter dated 30 December 2014 and my subsequent telephone conversation with a member of your team on 8 January 2015, I can confirm that Dwr Cymru does have water and sewerage apparatus in the area.

Please see the attached GIS plans. Please note the disclaimer on the plan.

As discussed, Dwr Cymru will require confirmation that the proposed works will not affect its apparatus or its statutory powers to access to the apparatus. Please can you confirm that no physical works will be undertaken and that Dwr Cymru's access to its apparatus will not be affected?

Yours sincerely

Natasha Starynskyj
Legal Officer

Tel: 01443 452561

From: Callister Mark
Sent: 07 January 2015 16:21
To: Starynskyj Natasha
Subject: RH/HQ78/61(18) - Investigation into status of certain roads in the Monmouthshire County Council area

Natasha,

Re: RH/HQ78/61(18) – Investigation into status of certain roads in the Monmouthshire County Council area

I advise that Dwr Cymru Welsh Water does operate both water and sewerage apparatus in the area highlighted on the plan provided by Robin Carr Associates.

I attach a copy of the relevant AIS plans for your reference.

Regards,
Mark

 **Mark Callister**
Project Engineer | Developer Services | Dwr Cymru Welsh Water
PO Box 3146 | Cardiff | CF30 0EH | T: 0800 917 2652 | F: 02920 740472 | Ext. 34603

 Before you print please think about the ENVIRONMENT

Developer Services have an on-line service at www.dwrcymru.com. Here you can find all the services available, complete application forms and also make payments. If you have a quotation you can pay for this on-line or alternatively by telephoning 0800 917 2652 using a credit/debit card. Welsh Water participates in the Diolch awards. If we've gone the extra mile to provide you with excellent service, let us know. You can nominate an individual or team for a Diolch award through our [website](http://www.dwrcymru.com)

Dwr Cymru Welsh Water is investing heavily and working hard to ensure top quality services to all its communities. The company is investing £1.3 billion in its water and sewerage network between 2010 – 2015.

It is a 'not-for-profit' company which has been owned by Glas Cymru since 2001. Welsh Water does not have shareholders and any financial surpluses are reinvested in the business for the benefit of customers. Visit our website at www.dwrcymru.com to find out more about us.

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2

attachments and promptly inform the sender.

Company Name - DWR CYMRU CYFYNGEDIG. Registered Office: Pentwyn Road, Nelson, Treharris, Mid Glamorgan CF46 6LY Company No. 02366777

Mae Dwr Cymru Welsh Water yn buddsoddi'n hael ac yn gweithio'n galed i sicrhau gwasanaethau o'r ansawdd uchaf i'w holl gymunedau. Mae'r cwmni'n buddsoddi £1.3 bilion yn ei rwydwaith dwr a charthffosiaeth rhwng 2010 a 2015.

Mae'n 'gwmi mid-er-ellw', sydd wedi bod ym mharchnogaeth Glas Cymru ers 2001. Nid oes gan Dwr Cymru Welsh Water gyfranddalwyr, ac mae unrhyw wargedion ariannol yn cael eu hail-fuddsoddi yn y busnes er budd cwsmeriaid. Manylion pellach ar ein gwefan www.dwrcymru.com

Mae'r neges hon ac unrhyw ffeiliau atoddedig at sylw'r bobl y cyfeirirwyd nhw atynt yn unig. Gallant gynnwys deunydd perchnogol, gwybodaeth gyflinachol alheu fod yn destun breiniâu masnachol. Ni ddylid eu copio, datgelu i neu ddiethyddio gan unrhyw barti arall. Os derbyniwyd llywy gamgymeriad, diliwch y neges ac unrhyw atodladdau a hysbyswch yr anforwr yn syth.

Enw'r cwmni - DWR CYMRU CYFYNGEDIG. Swyddfa gofrestrdedig: Heol Pentwyn, Nelson, Treharris, Morgannwg Ganol CF46 6LY Rhif y cwmni 02366777

3

Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (3) (page 24 & 25) – Email 14-1-15 NS-2&3

Appendix | 26.67

Robin Carr Associates

From: owen_woodside2015@btinternet.com
Sent: 03 January 2015 17:15
To: consultancy@prow.biz
Subject: Devauden
Attachments: RCA-03-01-2015.pdf

Your ref. RCA/MCC/UCR/Chepstow (Devauden)
Dated 30-12-2014

Dear Mr Carr.

Thank You for your Consultation letter re UCR 53-16 (Shortfall of Reg.) hopefully, please find attach. copy of what I sent to Mr George West where you will observe, the plan depicts what is presently reg. FP 177&3 as a Road to Trelleck Grange, albeit probably un-fenced on the northern section, the Plan is from Cassini Historical Map, Old Series c1828-1831 (matching OS L/ranger 162) title Gloucester & Forest of Dean **Red Cover**, I say road, I use the premise present legislation, due to both the 1773 H A & 1835 H Acts, roads in existence as of the 31st Aug. 1835 are still highways today, unless of course they have been legally 'stopped up'/diverted.

I can offer no explanation why the section is believed to have been removed from the L o Streets, as unlike Herefordshire, I have never examined Monmouthshire highways/Parish minute books, though I note before the 1974 L Gov. re-org, FP 177 went to the former RDC boundary, then continued as FP 3 . Where ways are affected by RDC/PARISH political boundaries, I have found is a 'recipe' for Anomalies, also County/Parish (Community in Wales) councils/committee's are usually dominated by landed interests, though I would have thought in their interest to Add to the L o S as Enhances their land values, have a highway maintained at public expense, even if only a R/Byway, though the Duty to maintain is only commensurate with it's use, can be charged for unreasonable surface damage.

Appears to myself, the easy solution is for the h a to Add to L o S of their own **Volition**, they don't have to make Orders, though I seem to recall reading somewhere recently, there is now a requirement to Advertise in the local rag?, whereas DMMO is fraught with problems, with the inevitable Public Inq. and appears to myself, considerably more Insp. decisions are being challenged in the Courts with the inevitable expense and wasting Officers time.

Cassini 1830-1833 matching OS 161 The Black Mountains & 1809-1833 matching OS 171 Cardiff & Newport, these 2 with the one above covers most of Monmouthshire. I would appreciate an acknowledgement you have been able to download a reasonably copy of my scan, obviously if you think I be of any help, come back. Regards Owen (local corr. the OSS, tel 01989 770302 ex. dir, **New** e-mail address may differ from what Mon. C.C supplied.

Robin Carr Associates

From: Katherine Marland <katherine.marland@mac.com>
Sent: 20 January 2015 13:00
To: consultancy@prow.biz
Subject: Consultation RCA/MCC/UCR/Chepstow

Dear Mr Carr,

In response to your letter of 30th December regarding the investigation into the status of certain roads in the Monmouthshire County Council area:

We live at Veddw Cottage and have done so since February 2008.

The map that was included with your letter shows route 53-16 running from the Fedw up to Coal Lane (53-18 to 53-11) and beyond. The start of this route (at the Fedw end) is forked. The right hand fork runs between Well Cottage and Veddw Cottage and the left hand fork runs immediately to the west of Well Cottage. Aside from their inclusion on the map you sent us, it would never have occurred to us that these were 'routes'. They were not marked as rights of way when we bought our house and we have never been notified to the contrary by Monmouthshire County Council.

Since we moved here 7 years ago, the section of 53-16 that runs beside Veddw Cottage has been an impassable, overgrown, muddy ditch. This is because there is an essential storm drainage pipe that runs between the bottom of the hill and the ditch. Any water coming off the lane comes out of the pipe and flows along the ditch and into the stream.

The section that runs the other side of Well Cottage has also been inaccessible. Our neighbour has subsequently cleared the first part of this route but beyond that there is no access to Coal Lane.

Not only would it require a considerable amount of effort to get through to Coal Lane along the route(s) in question but it would also be counterproductive since there is a well-signed footpath that runs from the Fedw up through Percus Wood onto Coal Lane just a short way along the lane (marked as an 'unaffected footpath' on the map you sent us). Consequently, we can not find any reason why the routes in question should be included on a Definitive Map and would like to register our objection.

Please do not hesitate to contact us if we can be of further assistance.

Yours sincerely,

Alexander & Katherine Marland

*Veddw Cottage
Devauden
Chepstow
NP16 6PH
Telephone 01291 650801*

Robin Carr Associates

From: judith.bolton360@gmail.com
Sent: 30 December 2014 20:30
To: Robin Carr Associates
Subject: Re: Investigation into the Status of Routes for Monmouthshire County Council

Dear Mr Carr,

Thank you for your correspondence below.

The routes are not within the St Arvans Community boundary, and so the Council has little detailed knowledge of them.
However, from personal experience as a walker in the area, I have walked 53-18 and 53-11 on a number of occasions. It is also evident that annoyingly, off-road motorcycles have also used 53-18.

Yours sincerely,

Judith Bolton
Clerk St Arvans Community Council

Sent from Windows Mail

From: [Robin Carr Associates](#)
Sent: Tuesday, 30 December 2014 16:18

Dear Sir/Madam

Please find attached a consultation letter in respect of investigations we have been instructed to undertake by and on behalf of Monmouthshire County Council
We should be obliged to receive any responses etc by 31st January 2015

Thank you for your attention to this matter

Robin Carr

Robin Carr Associates
Public Rights of Way Management & Consultancy Services

Address: 2 Friarage Avenue, Northallerton, North Yorkshire DL6 1DZ
Email: robin.carr1@btinternet.com
Web: www.prow.biz
www.blastkleen.com
Tel: 01609 781717
Mob: 07976 624 029

Robin Carr Assoc.
RCA/MCC/UCR/Chepstow.
Ref: Rights of Way.

"Well Cottage"
The Veddw
Derawden Chepstow.
Monmouthshire.

Dear Sir/Madam,

23/01/15.

In response to your letter of 30th Dec. 2014,
regarding local Rights of Way. My family has lived here
for forty years in April and we are familiar with the paths
and bridleways within this area.

I have enclosed a Land Registry map showing—
— = Clear Rt. of way, which is viable (the little used).
I have regularly cleared this pathway which runs down the
western boundary of our property, ultimately joining
Veddw lane (by pumping station) with Coal Road in the North.

— = Superfluous and not used in 40 years. A 'storm ditch'
has been dug by the council to 'help' prevent flooding into
our neighbour's garage (Fedw Cottage) — this makes access impossible—
both to a Right of Way or the neighbour's garage!

You will see from the attached map that a Rt. of Way
is not necessary on both sides of "Well Cottage" since it is
adequately served by the existing one (which I keep clear) by
the side of the Waterboard Pumping Station. A site inspection
would further show the logic of the above points.

Yours faithfully.

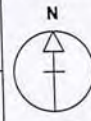
R. K. M. Gilwray

R. K. M. Gilwray

LR

TITLE NUMBER
CYM314892

MONMOUTHSHIRE / SIR FYNWY

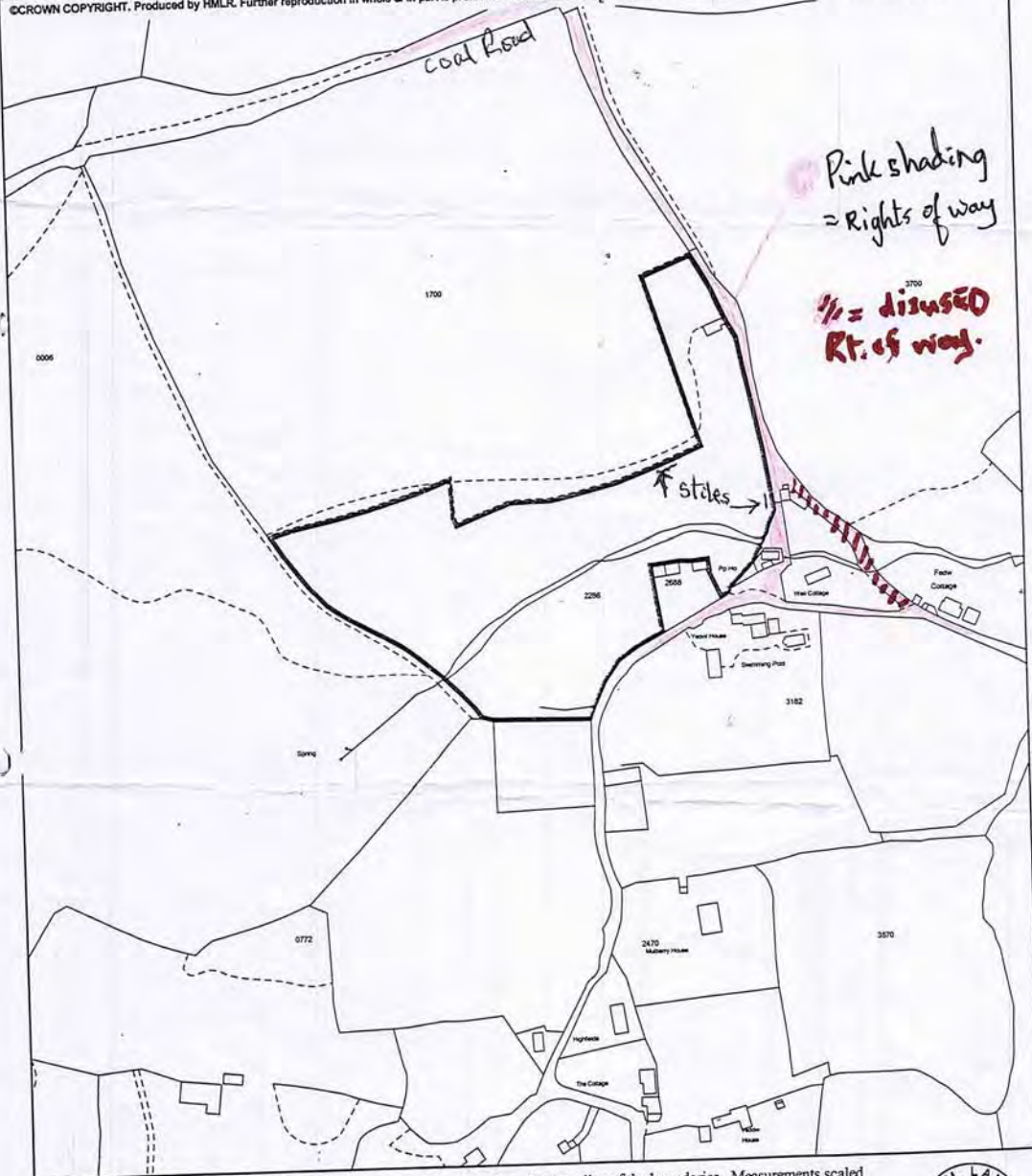


ORDNANCE SURVEY MAP REFERENCE:

ST4998NW

SCALE 1:2500

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This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.
This official copy shows the state of the title plan on 11 October 2006 at 12:09:03. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 11 October 2006.
This title is dealt with by the District Land Registry for Wales.



Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (4) (page 2) – Letter 23-1-15 RG-plan 2

Appendix | 26.72

Page 328

Subject: RH/HQ78/61(18) – Investigation into status of certain roads in the Monmouthshire County Council area
From: Starynskyj Natasha (Natasha.Starynskyj@dwrcymru.com)
To: consultancy@prow.biz;
Date: Thursday, 8 January 2015, 10:06

Dear Sir/Madam

Further to your letter dated 30 December 2014 and my subsequent telephone conversation with a member of your team on 8 January 2015, I can confirm that Dwr Cymru does have water and sewerage apparatus in the area.

Please see the attached GIS plans. Please note the disclaimer on the plan.

As discussed, Dwr Cymru will require confirmation that the proposed works will not affect its apparatus or its statutory powers to access to the apparatus. Please can you confirm that no physical works will be undertaken and that Dwr Cymru's access to its apparatus will not be affected?

Yours sincerely

Natasha Starynskyj

Legal Officer

Tel: 01443 452561

From: Callister Mark
Sent: 07 January 2015 16:21
To: Starynskyj Natasha
Subject: RH/HQ78/61(18) - Investigation into status of certain roads in the Monmouthshire County Council area

Natasha,

Re: RH/HQ78/61(18) – Investigation into status of certain roads in the Monmouthshire County Council area

I advise that Dwr Cymru Welsh Water does operate both water and sewerage apparatus in the area highlighted on the plan provided by Robin Carr Associates.

I attach a copy of the relevant AIS plans for your reference.

Regards,

Mark



Mark Callister
Project Engineer | Developer Services | Dwr Cymru Welsh Water
PO Box 3146 | Cardiff | CF30 0EH | T: 0800 917 2652 | F: 02920 740472 | Ext. 34603

P Before you print please think about the ENVIRONMENT

Developer Services have an on-line service at www.dwrcymru.com. Here you can find all the services available, complete application forms and also make payments. If you have a quotation you can pay for this on-line or alternatively by telephoning 0800 917 2652 using a credit/debit card. Welsh Water participates in the Diolch awards. If we've gone the extra mile to provide you with excellent service, let us know. You can nominate an individual or team for a Diolch award through our [website](#)

Dwr Cymru Welsh Water is investing heavily and working hard to ensure top quality services to all its communities. The company is investing £1.3 billion in its water and sewerage network between 2016 – 2015.

It is a 'not-for-profit company' which has been owned by Glas Cymru since 2001. Welsh Water does not have shareholders and any financial surpluses are reinvested in the business for the benefit of customers. Visit our website at www.dwrcymru.com to find out more about us.

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Company Name - DWR CYMRU CYFYNGEDIG. Registered Office: Pentwyn Road, Nelson, Treherria, Mid Glamorgan CF46 6LY Company No. 02366777

Mae Dwr Cymru Welsh Water yn buddsoddi'n hael ac yn gweithio'n galed i sicrhau gwasanaethau o'r ansawdd uchaf i'w holl gymunedau. Mae'r cwmni'n buddsoddi £1.3 bilion yn ei nwydwaith dŵr a charthffoslaeth rhwng 2010 a 2015.

Mae'n 'gwmi' nidi-er-elw', sydd wedi bod ym mherchnogaeth Glas Cymru ers 2001. Nid oes gan Dwr Cymru Welsh Water gyfranddallwyr; ac mae unrhyw warddion arddanol yn cael eu hail-fuddsoddi yn y busnes er budd cwsmeriaid. Manylion pellach ar ein gwefan www.dwrcymru.com



Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (4) (page 8) – Email 8-1-15 NS Welsh Water-5



Providing information to the residents of Devauden since 2005

Website navigation menu: Home, Events, News, About Devauden, Living in Devauden, Calendar, Contact.

Public Rights of Way Consultation (/news/916-public-rights-of-way-consulation.html)

Main article text: Northampton County Council has commissioned an independent report to investigate the status of a number of roads/paths in the Devauden area before deciding if they should be recorded on the Cadastre Map...



Can You Help? The consultant (Robin Carr Associates) preparing the report that will assist the Council in finalising status of the routes is looking for documents that contain evidence about the existence or otherwise of the rights of way over the route...

Details: Council (2 January 2015) List of documents associated with 20 Dec 2014 documents...



Send an email to newsletter@devauden.org.uk

Clubs: Mother and Toddler Group (living-in-devauden/clubs/101-mother-and-toddler-group.html)

Navigation menu for the website with categories: Events, About Devauden, Living in Devauden, News. Includes sub-links for various activities and services.

Page 333

Copies of consultation responses and associated correspondence (Appendix 26) Consultation Responses (4) (pages 9 & 10) – The Devauden Village Website-1 & 2

Subject: PRow Status Mon CC Chepstow
From: allen thomas (ajt813thomas@mail.com)
To: consultancy@prow.biz;
Date: Sunday, 4 January 2015, 15:23

Dear Mr Carr,

Thank you for your letter of 30 Dec 14 Ref: RCA/MCC/UCR/ Chepstow
I regret that I am unable to throw any light upon the reasons why the routes were removed from the Highway records.

Our knowledge of the routes is limited to the past 30 years when I know that all the routes in your attached plan (except part of 53-16 north of its junction with 53-18 where it is completely overgrown) have been used as footpaths. I believe local residents have used these paths for much longer.

Yours sincerely
Mr A J Thomas
Footpath Officer
Lower Wye Group - Rambler's Association

Subject: Devauden
From: owen_woodside2015@btinternet.com (owen_woodside2015@btinternet.com)
To: consultancy@prow.biz;
Date: Saturday, 3 January 2015, 17:14

Your ref. RCA/MCC/UCR/Chepstow (Devauden)

Dated 30-12-2014

Dear Mr Carr.

Thank You for your Consultation letter re UCR 53-16 (Shortfall of Reg.) hopefully, please find attach. copy of what I sent to Mr George West where you will observe, the plan depicts what is presently reg. FP 177&3 as a Road to Trelleck Grange, albeit probably un-fenced on the northern section, the Plan is from Cassini Historical Map, Old Series c1828-1831 (matching OS L/ranger 162) title Gloucester & Forest of Dean **Red Cover**, I say road, I use the premise present legislation, due to both the 1773 H A & 1835 H Acts, roads in existence as of the 31st Aug. 1835 are still highways today, unless of course they have been legally 'stopped up'/diverted.

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Print

https://uk-mg-bt.mail.yahoo.com/neo/launch?...partner=bt-1&.rand=4...

Print

https://uk-mg-bt.mail.yahoo.com/neo/launch?...partner=bt-1&.rand=4...

Subject: RE: Investigation into the Status of Routes for Monmouthshire County Council
From: Webb, Ann E. (AnnWebb@monmouthshire.gov.uk)
To: robin.carr1@btinternet.com;
Date: Friday, 2 January 2015, 11:44

Robin Carr Associates
 Public Rights of Way Management & Consultancy Services

Dear Robin

I do not recognise these lanes as being in my Ward i.e. St Arvans with Tintern, however please confirm that these lanes are not within my Ward, the map is difficult to read on a laptop!

I am concerned though as why have you contacted me, please let me know asap.

I do have concerns about a few lanes/byways/green lanes in my Ward and please let me know the extent of your remit.

Best regards

Ann (Webb)

From: Robin Carr Associates [mailto:robin.carr1@btinternet.com]
Sent: 30 December 2014 16:18
Subject: Investigation into the Status of Routes for Monmouthshire County Council

Dear Sir/Madam

Please find attached a consultation letter in respect of investigations we have been instructed to undertake by and on behalf of Monmouthshire County Council

We should be obliged to receive any responses etc by 31st January 2015

Thank you for your attention to this matter

Robin Carr

Address: 2 Friarage Avenue, Northallerton, North Yorkshire DL6 1DZ
 Email: robin.carr1@btinternet.com
 Web: www.prow.biz
 www.blastkleen.com
 Tel: 01609 781717
 Mob: 07976 624 029

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1 of 2

14/01/2015 17:14 2 of 2

14/01/2015 17:14

Subject: Re: Investigation into the Status of Routes for Monmouthshire County Council
From: judith.bolton360@gmail.com (judith.bolton360@gmail.com)
To: robin.carr1@btinternet.com;
Date: Tuesday, 30 December 2014, 20:30

Dear Mr Carr,

Thank you for your correspondence below.

The routes are not within the St Arvans Community boundary, and so the Council has little detailed knowledge of them.

However, from personal experience as a walker in the area, I have walked 53-18 and 53-11 on a number of occasions. It is also evident that annoyingly, off-road motorcycles have also used 53-18.

Yours sincerely,

Judith Bolton
Clerk St Arvans Community Council

Sent from Windows Mail

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Sent: Tuesday, 30 December 2014 16:18

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Robin Carr Associates
Public Rights of Way Management & Consultancy Services

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Email: robin.carr1@btinternet.com
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2 Friarage Avenue
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DL6 1DZ

Ty Coch Way
Cwmbran
Torfaen
NP44 7EZ

Your Ref
RCA/MCC/UCR/Chepstow

Direct Line
01633 628277

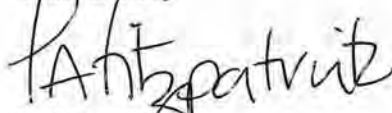
Date
07 January, 2015

Dear Sir,

Further to your letter of the 30th December 2014, please find enclosed for your information, two plans showing where Western Power Distribution (WPD) have underground cables, these cables have been in situ for a number of years and supply electricity to the properties accessed via the road in question, please note the cables are only situated just off the main road and not along the complete length of the road highlighted on your plan.

If you should require any further information then please do not hesitate to contact me.

Yours faithfully



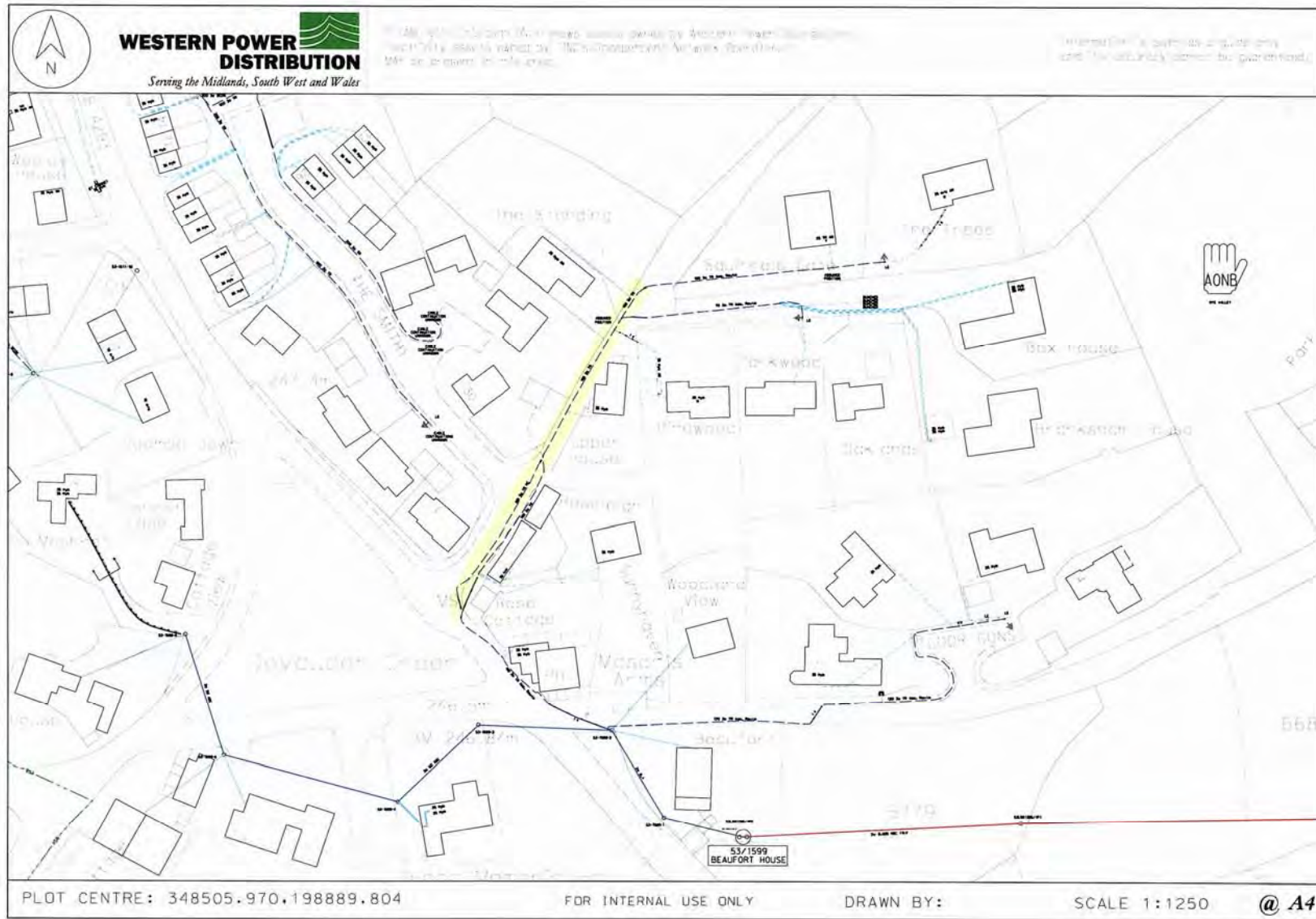
Paul Fitzpatrick
Surveyor/Estates Officer
East Mon
South East Wales



Printed on recycled paper

Western Power Distribution (South Wales) plc.
Registered in England and Wales No. 2366985
Registered Office:
Avonbank, Feeder Road, Bristol BS2 0TB

Western Power Distribution (South Wales) plc.
Cofrestrwyd yng Nghymru Rhif. 2366985
Swyddfa gofrestrdeb:
Avonbank, Feeder Road, Bristol BS2 0TB



Copies of consultation responses and associated correspondence (Appendix 26)

Consultation Responses (4) (page 17) – Email 7-1-15 PF-Western Power



Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (4) (page 18) – Email 7-1-15 PF-Western Power



Your Ref:
My Ref: RCA/MCC/UCR/Chepstow
Date: 30th December 2014

CONSULTATION

Dear Sir/Madam

Wildlife and Countryside Act 1981, Section 53
Investigation into the status of certain roads in the Monmouthshire County Council area
Routes: a) Routes 53-11 and 53-18, b) Route 53-16; and c) Route 53-19
Our Client: Monmouthshire County Council

Robin Carr Associates is in receipt of instructions from Monmouthshire County Council to undertake and independent and impartial investigation into the status of a number of roads/lanes/tracks within the County Council's area. The purpose of the investigation is to assist and advise the Council in determining whether or not these routes enjoy public highway status (e.g. footpath, bridleway or carriageway). Upon completion of our investigations we are to produce an advisory report to enable the Council (in their role as Highway and Surveying Authority) to decide whether or not these routes should be recorded on the Definitive Map (the legal register of public rights of way) and/or the List of Streets Maintainable at Public Expense.

As part of the investigation we are writing to you to advise you of our investigation and to offer you the opportunity to engage in the process by way of the submission of any evidence and/or comments that you consider should be taken into account when a decision is made. The routes under investigation are highlighted on the attached plan.

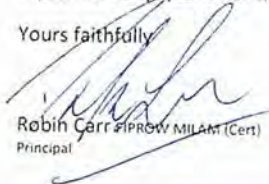
By way of background information we can advise that it has been ascertained that in the 1950's each of these routes was included in a number of the Highway and Surveying Authority's records with the status of Unclassified County Road. This may suggest that at that time they were considered to be public vehicular highways. At some point after that the routes were removed from the records, however the reason for their removal has not yet been identified. The actual removal of the routes from the records would not in itself result in the extinguishment of any highway rights or maintenance liabilities, this would require a formal legal process, of which no evidence has yet been found.

We are therefore seeking evidence relating to a) the existence or otherwise of public highway rights over these routes; and b) evidence relating to how and why the routes were removed from the highway records. In order to ensure that any information, evidence and comments you wish to submit are included in our report they should be submitted in writing to Robin Carr Associates no later than 31st January 2015.

In the case of utility companies please advise if any of your apparatus runs under the routes in question.

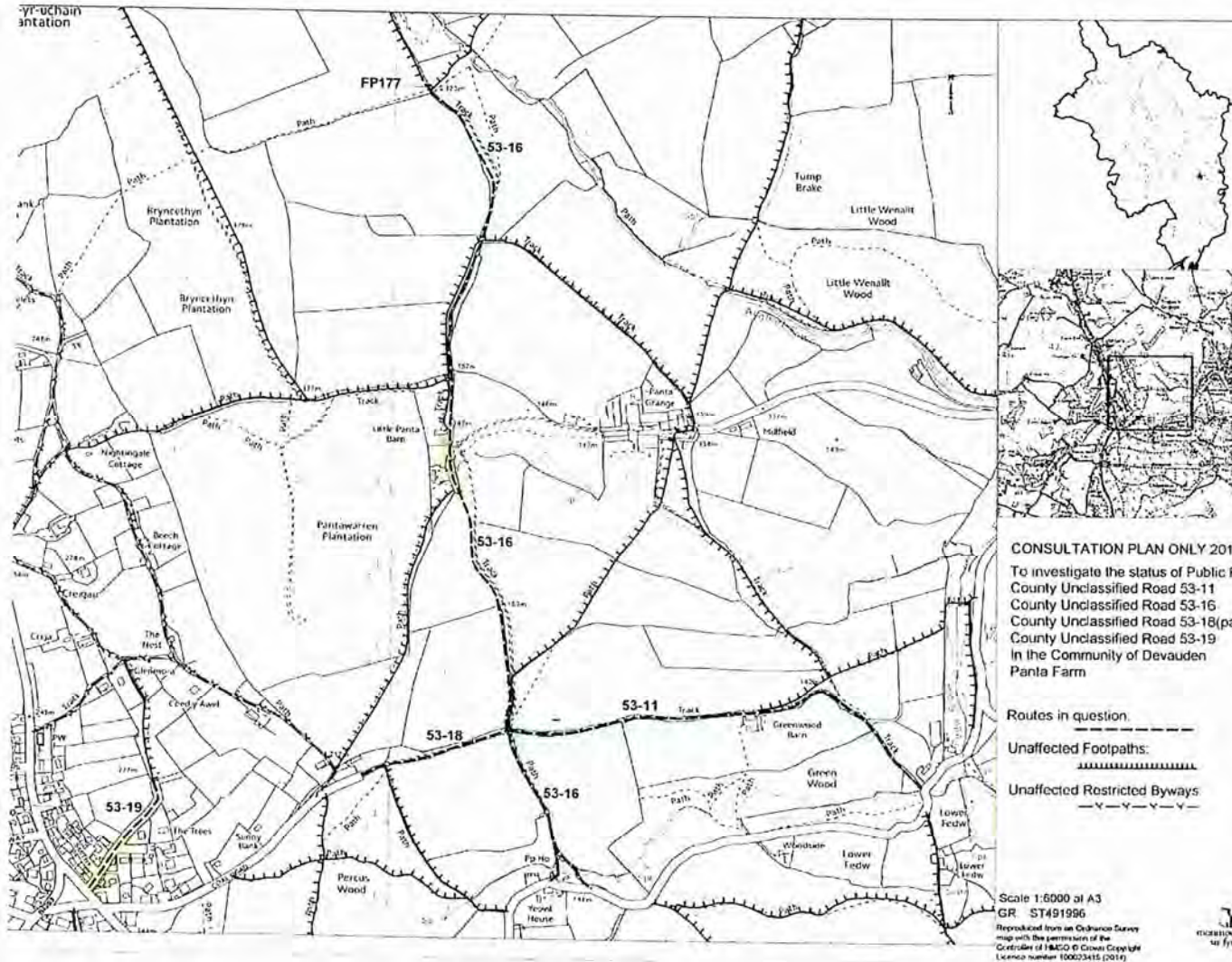
If you have any queries or wish to discuss this matter please do not hesitate to contact me

Yours faithfully



Robin Carr FIPROW MILAM (Cert)
Principal





Copies of consultation responses and associated correspondence (Appendix 26)
Consultation Responses (4) (page 20) – Consultation Letter 30-12-14 RC-2

Future Generations

Officer: Paul Keeble – Group Engineer (Highway & Flood Management) Phone no: 016330644733 E-mail: paulkeeble@monmouthshire.gov.uk	Please give a brief description of the aims of the proposal To determine whether or not to register the route in question as a restricted byway on the Definitive Map and Statement.
Name of Service Highways	Date Future Generations Evaluation 28 th October 2016






NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc

1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	n/a	n/a
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	The Order if made will not change the environment. If any maintenance if the order is required the Authority will follow the Rights of WAY Biodiversity Manual.	n/a

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	If the Order is made it will provide a better network for people to use..	n/a
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	The Order if made does not impact on the community.	n/a
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	n/a	n/a
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	n/a	n/a
A more equal Wales People can fulfil their potential no matter what their background or circumstances	n/a	n/a

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>The long term result if this Order is made will be that the route is recorded correctly on the Definitive Map and Statement. The status of the route will be clarified for future reference.</p>	<p>n/a</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>n/a</p>	<p>n/a</p>
 <p>Participation</p> <p>Involving those with an interest and seeking their views</p>	<p>All the adjacent property owners have been consulted and all their evidence has been included within the body of the reports.</p>	<p>n/a</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The Order if made will clarify the status of the route and prevent confusion of responsibilities in the future.</p>	<p>n/a</p>
 <p>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>n/a</p>	<p>n/a</p>

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link:<http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	n/a	n/a	n/a
Disability	n/a	n/a	n/a
Gender Reassignment	n/a	n/a	n/a
Marriage or civil Partnership	n/a	n/a	n/a
Pregnancy or maternity	n/a	n/a	n/a
Race	n/a	n/a	n/a
Religion or Belief	n/a	n/a	n/a
Sex	n/a	n/a	n/a
Sexual Orientation	n/a	n/a	n/a
Welsh Language	n/a	n/a	n/a

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	n/a	n/a	n/a
Corporate Parenting	n/a	n/a	n/a

5. What evidence and data has informed the development of your proposal?

The report by Robin Carr Associates along with all relevant appendixes consists of all the evidence and data that has informed the development of this proposal.

The evidence consists of historical documentation. The Authority has investigated this; 2 pre-order consultations with all the adjacent landowners, various public rights of way user Associations and Societies and Utility providers. Along with all this evidence other case law and legislation such as the 1981 Wildlife and Countryside Act and the 2006 Natural Environment and Rural Communities Act has been applied and discussed in these reports.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The Order if made will neither positively nor negatively impact on the well-being goals or the sustainable development principals.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
n/a			
n/a			
n/a			

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	Three years after the Order has been confirmed.
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VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	The Rights of Way Advisory Panel (RWAP) in assessing the evidence and assisting the Community Services Cabinet Portfolio Member to determine whether or not to make a Definitive Map Modification Order.	17th July 2016	Members recommended making the order.
2	Single Member Cabinet Decision	31st August 2016	