

THE BAYLES
KILGWRRWG
CHEPSTOW
NP16 6PT

27.1.15

Dear Sir, Part of

Re S3-11/S3-18

Looking to Cole Lane Devon
ETHERSDEN

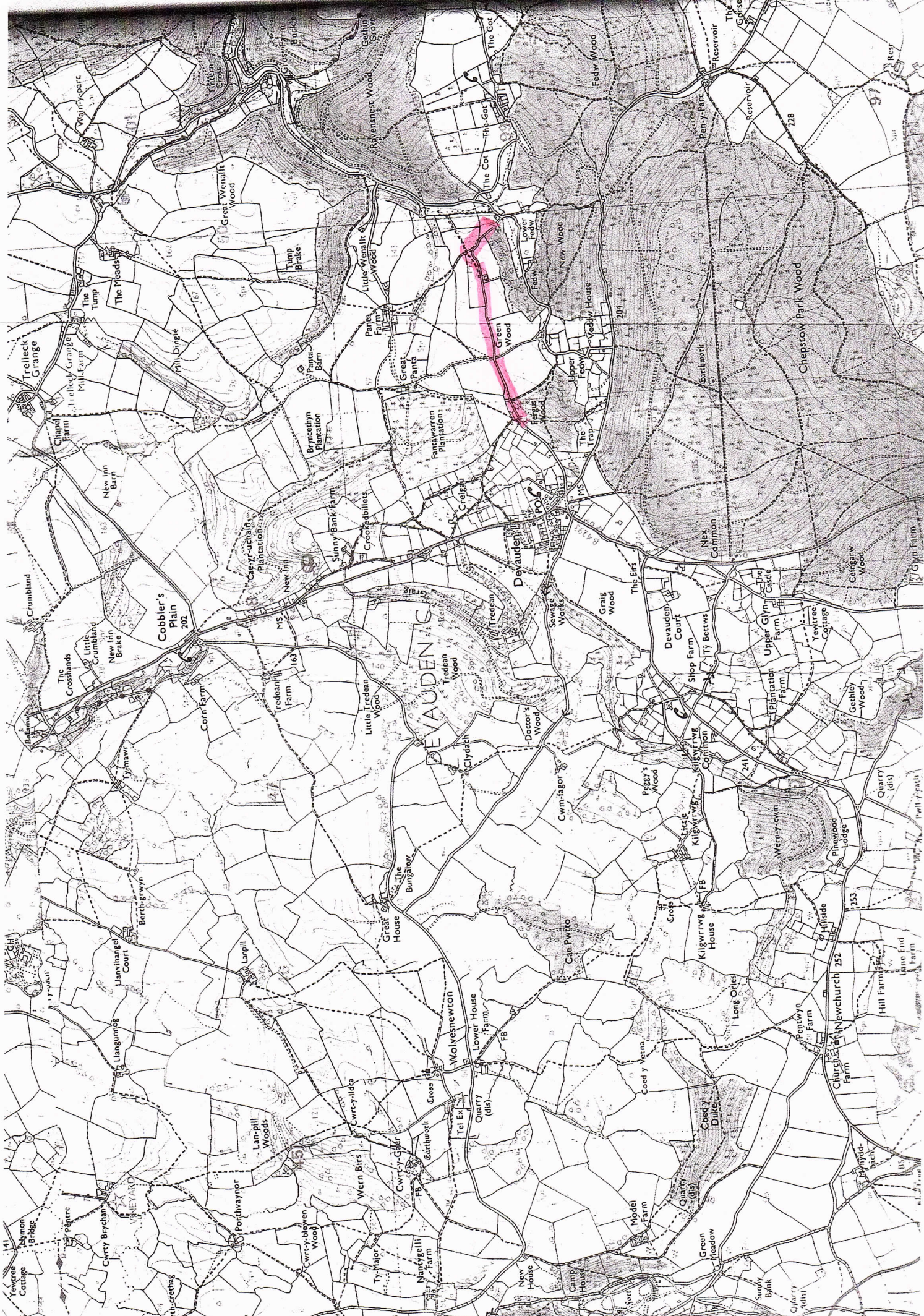
I have been hiding this
note for 47 years and
hope that this note will
be design at a bridge way.

Yours

Mary Cusker

MARY CUSKER

I enclose map with the route
marked,



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~~^{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 1988, 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 ~~was~~^{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.

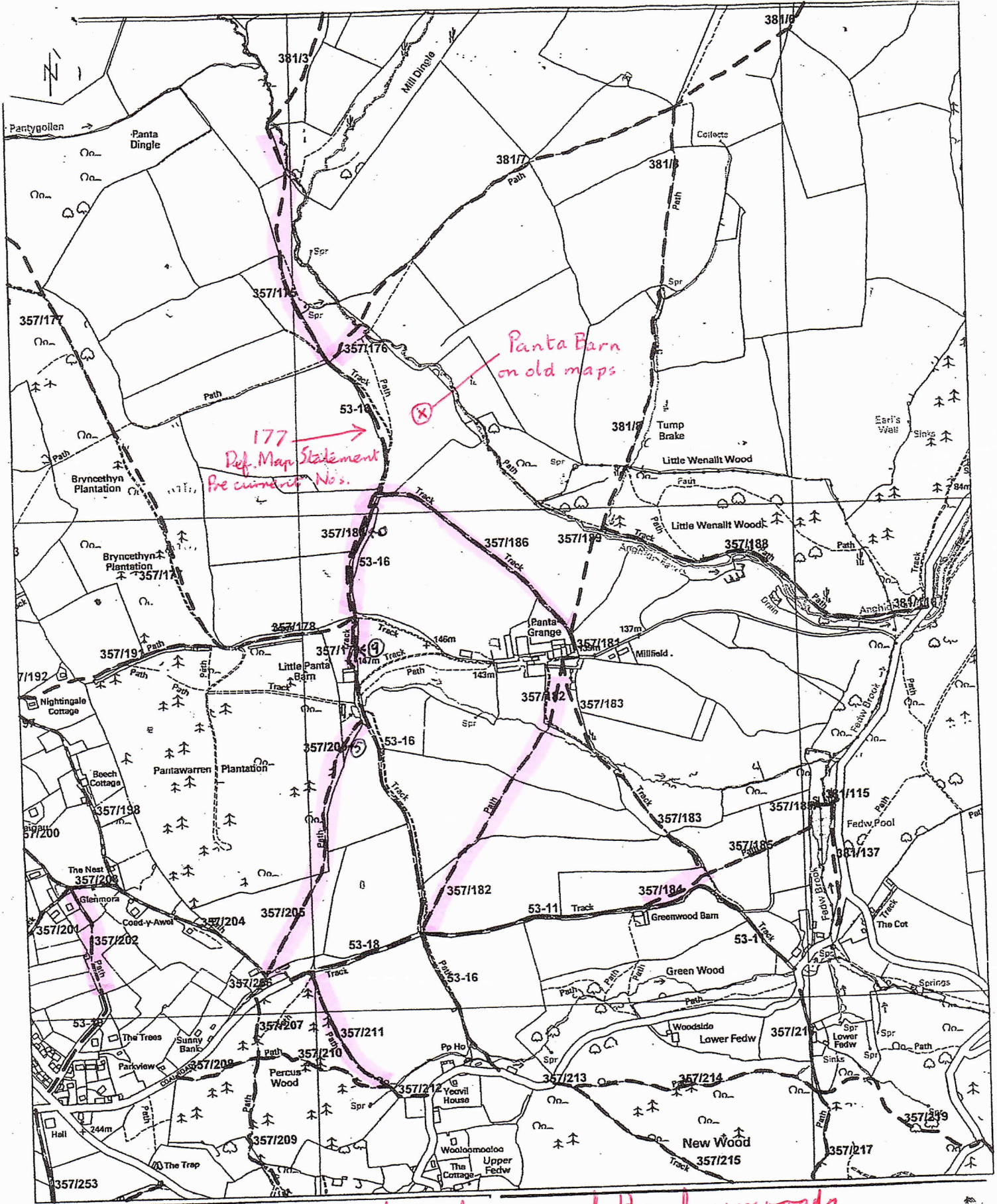
I am puzzled by your indication of "FP177". The current path numbers are: to N - 175, to NE-176; 177 is mentioned only, and on older maps, as the section to the south.

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



Subject: Investigation into the status of Lanes – Monmouthshire

From: Robin Carr Associates (robin.carr1@btinternet.com)

To: robert-irenebroke@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 accompanying 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

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

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

A handwritten signature in cursive script, appearing to read 'Mr Clarke'.

James Maxwell Clarke

Cc: Mr & Mrs D Marland, Fedw Cottage

Greenwood Barn
The ~~Veddw~~ FEDW,
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


Mr and Mrs J R Brooke

(MRS. M. B. BROOKE) JW

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 Penyaemawr 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.

Research on a Highway at Llandevaud for DMMO

This parish is now part of Newport, but was included in Monmouthshire and the later Gwent County Council until 1996. It is a fairly typical case of what can happen with the arrival of new landowners.

Used by horse riders for many years, and considered a highway by multi-generation farming families at both ends, the route connects the B4245 at Llanmartin to the A48 at Llanbeder, Langstone. A footpath runs alongside it in the fields to the east. One of the properties on it is a former mill, and diversion of an adjacent stream to power it while it was working meant it could only be accessed from the south. The stream has now been restored to its original course and access to the property is now from a driveway to the north connecting to the A48 via a minor highway.

Riders used two routes since the first user evidence dating back to the early 1950s. One was the route through the original stream bed which was the highway while the mill was working. The route was untithed and the Land Registry records show the property divided into two parts, bisected by the highway on unregistered land. The other route used parts of the footpath and the driveway to the property from the north. The mill building was a ruin, the mill house was in use as a dwelling.

Present highway records show an unclassified highway, C100-12, running from the B4245 to the old mill. This is a very deep holloway. On the definitive map the footpath continues through the property to the connecting highway to the A48 with a bridge over the stream.

In 1986 a relative of the occupiers, a builder, took ownership of the mill, and started to challenge riders using the driveway route. At around this time, a rider who gave user evidence made an enquiry to the council about the route. They sent a map showing the highway continuing through by the stream bed. The map was accompanied by a compliment slip from the Planning Department but without date or signature.

The new owner of the mill altered and extended the mill house and in 1990 legally diverted the footpath which had run between the buildings, partially onto the route of the highway. Some riders carried on using the driveway route which remained open. The route through the stream also remained passable.

Towards the end of the 1990s, the farm to the east of highway C100-12 was sold. The new occupier cut down hedging and dumped old fencing and other rubbish into the highway, totally obstructing it. Letters were written to Newport Council, but apart from promises, no action was taken to clear it. In 2009, the route was cleared from the south by volunteers who had become increasingly desperate as their alternative to riding on this route was to use the now very busy B4245.

When they reached the mill, they found alterations had been made. The property had been divided into two, with the original mill house sold off and the ruined mill building converted into a cottage now inhabited by the former owner of the whole. The route through to the driveway had been fenced off, with a stile on the diverted footpath. Where the highway had descended to the ford, the bank had been built up and fenced across, totally obliterating any route through or across the stream.

After an exchange of letters with the council who confirmed their opinion that the only right of way through the property was the footpath, I was contacted for assistance. A claim for a DMMO followed, with user evidence for both routes and some documentary evidence.

The council felt there was insufficient evidence to make the order, so we appealed to the Planning Inspectorate and the appeal was granted for the route through the stream.

I carried on doing some research after the appeal, based on comments the council had made on the application. I went to view the 1949 highway records. These showed the two highways meeting to the south of the mill, i.e. there was a through highway route. However, the line representing the course of the highway through the property had been drawn beside the original course of the footpath. As far as I am aware, it was not possible to ford the stream at this point, so this has enforced my view that the highways were originally recorded where they joined and in this case, someone had drawn a straight line to it. I looked at the amendment book, which showed C100-12 with a green line drawn in beside it which I was told was indicative of it being considered for

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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LANDS OF THE PARISH OF ST. JAMES

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WILLIAM WATSON

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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

Sunny bank
Coale Rd
Devander
Chesford
Mon

NP16 6PF

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
Ramblers about 18 months ago.

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

Yours sincerely

P. A. May

PETER A. MAY.

Date of birth 28.2.48