

Panta Farm
Devauden
Chepstow
Monmouthshire
NP16 6PS

Robin Carr Associates.
2 Frisage Avenue
Northallerton
North Yorkshire
DL6 1BZ.

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 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 Mussel's 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.
- The 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)

- 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.
- 4. Definitive Map Review and Special Review:-**
- 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?
- 7. Summary:-**

- 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.
- 6. The List of Streets:-**

- 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.
- 5. The NERC Act 2006**

- 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.

28-1-15 RBJ BROOK

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

The earliest documentary evidence.

No Inclusion 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.

The map 1842

- The map has notation "Little Panta" for farm adjacent to the alleged route
- The 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)-(g)(e)(d)(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 Müsssel'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 5.*

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 standing. 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 Tithes 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.

ROUTE NO	DESCRIPTION	6" DN SHEET NO	MIRAGE
C 50-15	Spur Deleted - "NOT maintained at all" From Warm West & print of route C. 50-7 at New Tree. See Schedule of Amendments. Div. 2. Memoranda R.D.	21-1	2
C 51-3	Deleted Spur to Tuleek Cross. Deleted Spur to Route from print. with C. 51-2 & print. with C. 51-6. "Not maintained at all" See Schedule of Amendments - Div. 2. Memoranda R.D.	20-8	2
C 53-1	Tuleek Cross - St. Andrews From print with C. 53/3 & print with C. 53-4. See general & special "NOT maintained at all" See Schedule of Amendments, Div. 2. NOT maintained at all See Schedule of Amendments Div. 2. 3	25-4	2
C 53-3	Deleted Cross Tuleek Cross. From print. C. 51/6 with C. 51-2. See Schedule of Amendments, Div. 2.	20-8	2
C 53-11	Feder's Brook Road. "NOT maintained at all" See Schedule of Amendments, Div. 2.	25-4	2
C 53-16	Great Parake Road. "NOT maintained at all" See Schedule of Amendments, Div. 2.	25-5	2
53-19	Traveller's Spur. Spun Lane. "NOT maintained at all" See Schedule of Amendments, Div. 2.	25-3	2
C 53-1	Station Road. From print of C. 56/1 & S.E. "Full maintenance of this spur" See Schedule of Amendments, Div. 2.	13-16	2
C 53-2	Kidney Road. "NOT maintained at all" See Schedule of Amendments, Div. 2.	25-7	2

6" DN SHEET NO
 MIRAGE

Appendix 1(a)

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.

ISH.

Acreege,	...
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

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

Capital Stock Raisings and

Corn Growing Farm

known as

Hygge Farm

TREBLECK

290a. 3r. 24p.

with frontage to the Monmouth and Chestow 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

...	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

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

comprises

with tiled
ading fine
r, Kitchen

Monmouth

arm

Farm

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 Stables, Cow House for 6 or 8, Piggeries, Barn

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

The House

Ir. 39p.

on the Roadside with long frontage, in all about

TRELLECK GRANGE

The Smyth

comprising

comprising

well known as

Great House Farm

TRELLECK GRANGE

291a. Ir. 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).



Appendix
Diagram 3

Jeff Martin, Corporate Director - Environment / Cynnyddur Corfforedig - Admyn yr Amgylchedd
Monmouthshire County Council, County Hall, Cwmbarn, NP44 2XH / Cyngor Sir Fynwy, Neuadd y Sir, Cwmbarn, NP44 2XH
Tel/Ffôn: 01633 644644 Fax/Ffôn: 01633 644701 Text tel/Ffôn tesim: 01633 644868

J Cheshire
Engineering Assistant

Yours sincerely

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

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.

RE:- GREEN LANE AT GREAT PANTER FARM

Dear Mr West

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 Cyt: JC/MP82
Your Ref: Eich Cyt:
Date: 22 December 2004

Monmouthshire
COUNTY COUNCIL
COUNCIL

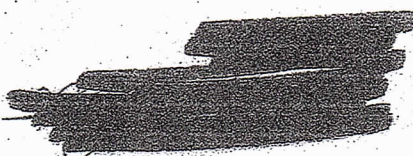


Discreetly (4) Appendix

NOTE: Mr Martin has written with Highway. My contact
person to him was
Andrew Walsh.

RECEIVED
- 8 DEC 2011

No. 8. M. West



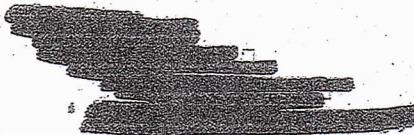
Thank you for your commitment that the above road is maintainable by the County Council. My claim, as you know, is that it is out of repair and by section 15, if the road is not repaired, to apply for an order from the Magistrates' Court obliging the authority to carry out the necessary work with a specified period. I have to make this application within six months after receipt of your decision.

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 advised that progress was being made in discussions with the council, so I allowed the process to expire. You will therefore understand why I have made it clear, in correspondence with Mr. Keeble of Highway Department, that the claim of progress, in writing, of improvement in repair, will divert me from lodging my complaint with the court. As I have told Mr. Keeble, I shall be waiting about two months from receiving the admission of responsibility. To my regret, I imagine that, at some stage, you will have dealings with Mr. Brooke and/or his solicitors who should be aware that I will be satisfied by such a response, including a change encounter with Mr. Brooke, is to have the sections of the road resurfaced as public footpaths. Mr. Brooke seems to accept this outcome in respect of the northern section, but not the southern one which passes through the village of a house occupied by the tenants. There is a road, 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 County Council staff that the route was not a public right of way, and in December 2004, a letter from Highway informed me that it was not documented highway land. Only when the Detective Map Officer, Mandy Muswell, produced a sheet of evidence, and I found that the road appeared on Highway Map with Highway Number, did I persuade that department that the road is a highway. The reasonably alleged route may well be more to Mr. Brooke's liking, bringing with it no threat of vehicular access. I am holding it in my hands, but in case the conditions that the road has been extinguished should be decided, prove correct. Yours sincerely,

Unsettled road 53-16 Deveden

12/11/11
Tel: 01291 550772
Fax: 01291 550772

Appendix 5



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 "PROV-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

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Irene Brooke

Appendix 7

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 Mathews, at PO Box 106, Caldicot, NP26 9AN (<mailto:paulmathews@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