

# GREEN LANES PROTECTION GROUP

Mr Paul Hopkins  
Countryside Access Management Ltd  
Talwrn, Cwmystwyth  
Ceredigion SY23 4AF

11 Aug 2018

Dear Mr Hopkins

**Application for DMMO under Section 53(5) of the Wildlife and Countryside Act 1981 – BW 8 Cheselbourne and BW 18 Dewlish - Ref T339**

I wrote holding letters on 5 and 6 Aug, since when I am grateful to have received from you copies of what is contained in the CD submitted by FoDRoW on 11 Dec 2004. This letter replaces my earlier letters.

I object to the proposed modification because any pre-existing public vehicular rights have been extinguished.

I rely on the Joint Opinion of George Laurence QC and Ross Crail dated 26 Jan 2007 (attached). They gave as their considered view the following:

"12. *The documentary evidence:* Paragraph 1 of Schedule 14 (in conjunction with the 1993 Regulations) clearly requires the applicant to identify (in list form) the particular items of documentary evidence upon which he relies in support of his application, *and to provide copies of them*. Unless and until the applicant has provided the surveying authority with an itemised list of documents and a set of copies of the listed documents, he cannot in our view be regarded as having complied with the statute." They go on to say " Selected extracts, or summaries, or interpretations, of documents are very different from copies, which give the full picture and enable the reader to form his own impressions of the meaning and significance of the documents." (my emphasis).

The Green Lanes Protection Group presently represents the following organisations: Allen Valleys Action Group, Battle for Bridleways Group, Brecon Beacons Park Society, British Driving Society, Cambrian Mountains Society, Campaign for National Parks, Campaign to Protect Rural England, Campaign for the Protection of Rural Wales, Country Land and Business Association, Cycling UK, Exmoor Society, Friends of the Lake District, Friends of the Ridgeway, Green Lanes Environmental Action Movement, Long Bostle Downland Preservation Society, North Wales Alliance to Influence the Management of Off-Roaders, Peak & Northern Footpaths Society, Peak District Green Lanes Alliance, Save our Paths (North Wales), South Downs Society, West Somerset & Exmoor Bridleways Association and Yorkshire Dales Green Lanes Alliance.

I add that, although the views expressed by Counsel do not have statutory force and have not been tested in law, DCC is obliged to make a decision on issues raised and to that end rely on the best legal authority available - which Counsel's Joint Opinion most certainly is.

I strongly endorse the view that extracts are inadequate. In my own personal experience, on a number of occasions extracts have omitted qualifying wording which substantially alters the context, meaning and application of passages which superficially convey rights of way. This can take a number of forms, such as limiting the public who can use the way, or limiting the type of use (such as the type of vehicles), or limiting the periods in which the use can happen. There may also be differences between the claim and the existing DM&S as to route definition, eg as to width, line, or length. An exception may be made in respect of Award maps, which may be far too large to copy, but only if the sections copied carry meaningful information which is identified.

For a start, there is confusion as to parishes. The application lists 4 parishes (Cheselbourne, Dewlish, Piddlehinton and Piddletrenthide) whereas the s53 Register omits the last two, and so does the Consultation. The Consultation map shows Puddletown as well, so it must be assumed that BR 8 lies wholly within Cheselbourne.

Mr Stuart has listed the 4 documents on which he relies, but does not identify any passages which serve his purpose. I have examined the copies of the material on the FoDRoW CD (kindly supplied by you) and this is conspicuously short of the requirements identified by Counsel. As to Piddletrenthide, the extract from the Award itself records nothing meaningful. The attached map sections appear to record nothing but existing main roads, new private roads and 'bridle and foot ways'. As to the Dewlish Award, there is a list of 'Public Carriage Roads and Highways' but which of these is relied on for evidence remains unknown, and the maps (which are virtually illegible) do not help. As to Cheselbourne, in the short truncated extract from the Award there is a list of 'Public and Private Carriage Roads Halter Paths and Public and Private Highways' but again no relevant passage has been identified and the 3 map extracts do not help. As to Piddlehinton, the extract from the Award identifies 4 'Public Carriage Roads ...', marked B, C, D and E, albeit C and D are incomplete. In the two map extracts the letters C, G, L(?), P and Q can be deciphered but there is no indication as to the extent of what they relate to.

## **Conclusion**

The applicant has failed to produce or identify any meaningful evidence which serves to prove the existence of public vehicular rights over the way. Were that evidence now to be produced by the TRF, it would be far too late (see *Maroudas* as to late evidence).

Yours sincerely