



## WOOTTON MANOR ESTATE

# OBJECTION

‘statement of reasons’

IN RESPECT OF THE EAST SUSSEX (PUBLIC RESTRICTED BYWAYS LONG MAN 44a  
and LONG MAN 44b) DEFINITIVE MAP MODIFICATION ORDER 2021

MADE BY EAST SUSSEX COUNTY COUNCIL

Mrs Sabrina Harcourt-Smith and the Trustees of the 1982 Children’s Settlement (“The Wootton Manor Estate” hereby OBJECT to the above Order.

The Reasons for this Objection are:

1. East Sussex County Council (ESCC) have not properly afforded consideration to the Evidence provided by the Objector in 2018 to the proposed Claim RWO199 for a Public Restricted Byway following notification of the proposal to the Wootton Manor Estate, namely
  - Wootton Manor Estate RESPONSE & OBJECTION TO ORDER
  - Wootton Manor and Folkington Estate Timeline
  - Wootton Back Drive - Statement of Mark Sullivan rev2 7Apr18
  - Mark Sullivan ANNEX PHOTOGRAPHIC EVIDENCE.

Copies of these submissions can be supplied on request.

The Objector finds that the reasons and analysis offered by ESCC for making the order fall far short of the independent and objective approach required.

The ESCC analysis is partial and fails to examine and address the important factual evidence presented by the Objector, in particular:

- a) The lack of evidence for any public highway or public right of way north of the former turnpike and route of the Pevensey to Lewes Roman Road (north of Modification Order map point D, at Hide Cottage)
- b) The change in field layout that took place in the early 19<sup>th</sup> century north of the former turnpike, subsequent to the completion of the first edition of the Ordnance Survey for the area

- c) The closure of part of the lane between the former turnpike and the new turnpike brought into use in 1821, as a result of the construction of the Brighton, Lewes and Hastings Railway in 1844-46, the course of the closed lane being visible on the ground
- d) The provision of a private farm access road on a new route with a bridge over the railway, which was not built as a public road and which has been treated as a private access road by the railway administration, the local highway authority and the landowner as such since it was brought into use
- e) The ESCC case relies on Ordnance Survey maps despite the official guidance that the appearance of a track or path on such maps cannot be taken to denote a public right of way.
- f) ESCC has ignored the detailed analysis made by the Objector in 2018 pointing out the mismatches and obvious errors in earlier maps with the designated route.
- g) ESCC has not tested the proposition that the route claimed is a byway. The Objector has seen no evidence of higher rights of use, and suggests if any rights exist they are for foot passage only.

## **2. Further details**

### **Modification Order – Sections B-C-D**

If there were to be found to be evidence of a 'highway' between points B and D on the map accompanying the Modification Order, that is, between Bridleway Long Man 18c, known locally as Oggs Lane, and the line of the old turnpike adjacent to Hide Cottage, the first edition OS map (2": 1 mile original base) shows that the track which is the basis for this conclusion was not on the alignment now proposed by ESCC as a claimed 'highway' (RoW). It ran significantly further west. The section B to D shown on the Order Map was not a public highway at any time, and has no place in the Modification Order.

### **Modification Order – Section D-E**

If it were to be determined that the part of the Wootton Back Drive between the line of the old turnpike (point D on the Order Map) and the point 250 yards north of point E on the Map, where the private farm access drive built for the landowner by the Brighton Lewes & Hastings Railway in 1845 diverges to the west from the original Folkington Lane is a 'highway' on the balance of evidence, the following conclusions should be reached:

- a) The section of the Wootton Back Drive that was built by the railway company by agreement with the then owner of the Wootton Manor Estate in 1845-46 is not and never has been a highway

- b) It was built to the standards of a private access drive or carriageway and not to the standard for a public road set out in the authorising Act
- c) The highway status remains with the length of the former Folkington Lane which was closed when the railway was constructed, this alignment being clear on maps produced before the 1840s and being clearly visible on the ground by inspection, both north and south of the railway line. This alignment commences at a point on the A27 opposite the start of the Folkington Manor Farm Drive, 80 yards east of Point E on the Order Map.

Detailed evidence to support these findings, in the form of extracts from the Act of Parliament authorising the construction of the railway, measurements of the bridge and the roadway north and south of the bridge, and photographs, was submitted by the Objector in 2018.

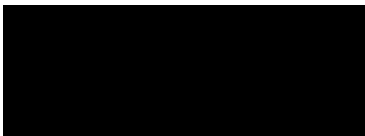
If required, further information will be submitted to further substantiate the evidence submitted to the ESCC by the Objector in 2018.

#### **4. Conclusion**

The Definitive Map Modification Order should be withdrawn. If the Order is not withdrawn, it should not be confirmed.

The Wootton Manor Estate reserves the right to submit additional information in support of these grounds of objection, either by Written Representation or at Inquiry.

Signed



for

**The Wootton Manor Estate.**

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13 December 2021

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