

**SECTION 53 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE EAST SUSSEX COUNTY COUNCIL (LEWES DISTRICT)**

**DEFINITIVE MAP AND STATEMENT**

**THE EAST SUSSEX (PUBLIC FOOTPATHS SOUTH HEIGHTON 22a and SOUTH HEIGHTON 22b)**

**DEFINITIVE MAP MODIFICATION ORDER 2021**

**OBJECTION**

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1. This Objection is made by the Glynde Estate (“the Objector”). The Objector objects to the confirmation of the above Order on the grounds that the evidence does not show on a balance of probabilities that a public right of way exists on the Order Route or at all.
  
2. The Objector says that:
  - 2.1. The status of this route has already been the subject of a claim under the National Parks and Access to the Countryside Act 1949 in connection with the preparation of the Definitive Map. There is no evidence of an error in the process or that there is new evidence enabling the modification of the Definitive Map.
  
  - 2.2. The London Brighton and South Coast Railway Act 1914 is not evidence that the Order Route existed as a public right of way. The plan makes no direct reference to sections of the Order Route.
  
  - 2.3. The minutes of the evidence from the 1956 Sub-Committee hearing set out in detail the purpose of the crossing of the railway, and the arrangement of the gates that were kept locked. That was consistent with the status of an occupation crossing only and this was not challenged. No means of crossing the railway on foot was provided and such provision would have been required had this been a public right of way.

- 2.4. There is no evidence of the express dedication or statutory creation of a crossing of the railway at the point of the claimed route. This is the only way that it could have become a public right of way. No user of the railway crossing by the public could lead to a finding of a public right of way because such user would be a criminal offence, namely trespass on the railway, which has been a statutory provision since 1840.
- 2.5. The evidence can only therefore relate to a section of the claimed route (between the railway and the riverbank). It cannot be extended to the remainder of the claimed route so as to create a through route.
- 2.6. Apart from the Railway Act, no other evidence supports public status for the section between the railway and the riverbank.
- 2.7. The proposed diversion set out in the 1914 Act was not implemented, and the reason for this is unknown. It may have been the position that it was realised that the physical track shown on the plan was not in fact a public path so that removing it from the land was not necessary.
3. The Objector reserves its position to make such further submissions in respect of the Order when the same is determined by the Secretary of State.

**ET Landnet Limited**

20 December 2021

**The Quarry Office, Pen Y Garn  
Cefneithin, Llanelli SA14 7EU**