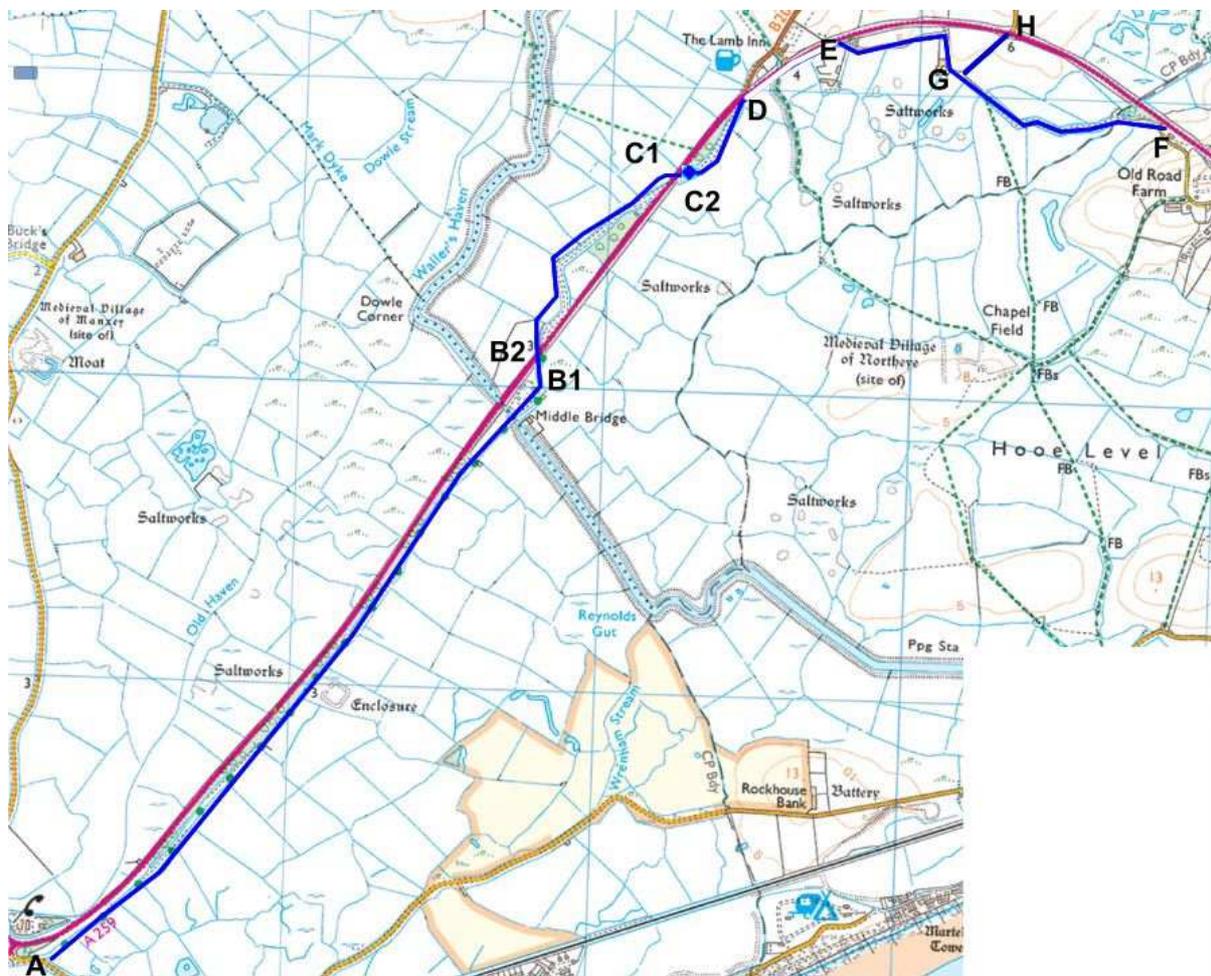


APPLICANTS STATEMENT

Our reference- Hooe B

THE APPLICATION ROUTE



Application is being made to add sections of the former road from Pevensey to Little Cooden to the definitive map and statement, specifically by

Adding a bridleway between point A, a junction with the road between Pevensey and Cooden at grid reference TQ65210 05073 to point B1, a junction with the A259 at grid reference TQ 66794 07019

Adding a bridleway between point B2, a junction with the A259 at grid reference TQ 66798 07139 to C1, a junction with the A259 at grid reference TQ 67195 07689

Adding a bridleway between point C2, a junction with the A259 at grid reference TQ 67225 07702 and point D, a junction with the A259 at grid reference TQ 67409 07948

Adding a bridleway between point E, a junction with the A259 at grid reference TQ 67697 08154, and point F at grid reference TQ 68788 07924

Adding a bridleway between point G at grid reference TQ 68146 08070 and point H, a junction with the A259 at TQ68297 08205.

The routes are in Pevensey and Hooe parishes as well as a small portion in Bexhill

None of them are currently on the definitive map or statement. They are shown as maintainable by the highway authority on the online map of maintainable streets.

I believe that it cannot be disputed that the application routes formed part of the county road, open to the public, before the current, straighter, route was built. So I have provided only limited historical evidence as to its status.

I have found no evidence in quarter sessions records of any stopping up or diversion of the routes. There are two traffic regulation orders in force. This is dealt with below.

1. DOCUMENTARY EVIDENCE OF HIGHWAY STATUS

1.1 Discovery of Evidence

1.1.1 In order to be able to modify the definitive map and statement, the surveying authority needs to have a discovery of evidence which shows that it can be reasonably alleged that the map and statement are incorrect.

1.1.2 As the route does not appear to have been considered in the context of rights of way before, I suggest that all of the evidence in this statement is new.

2. HISTORIC MAPS

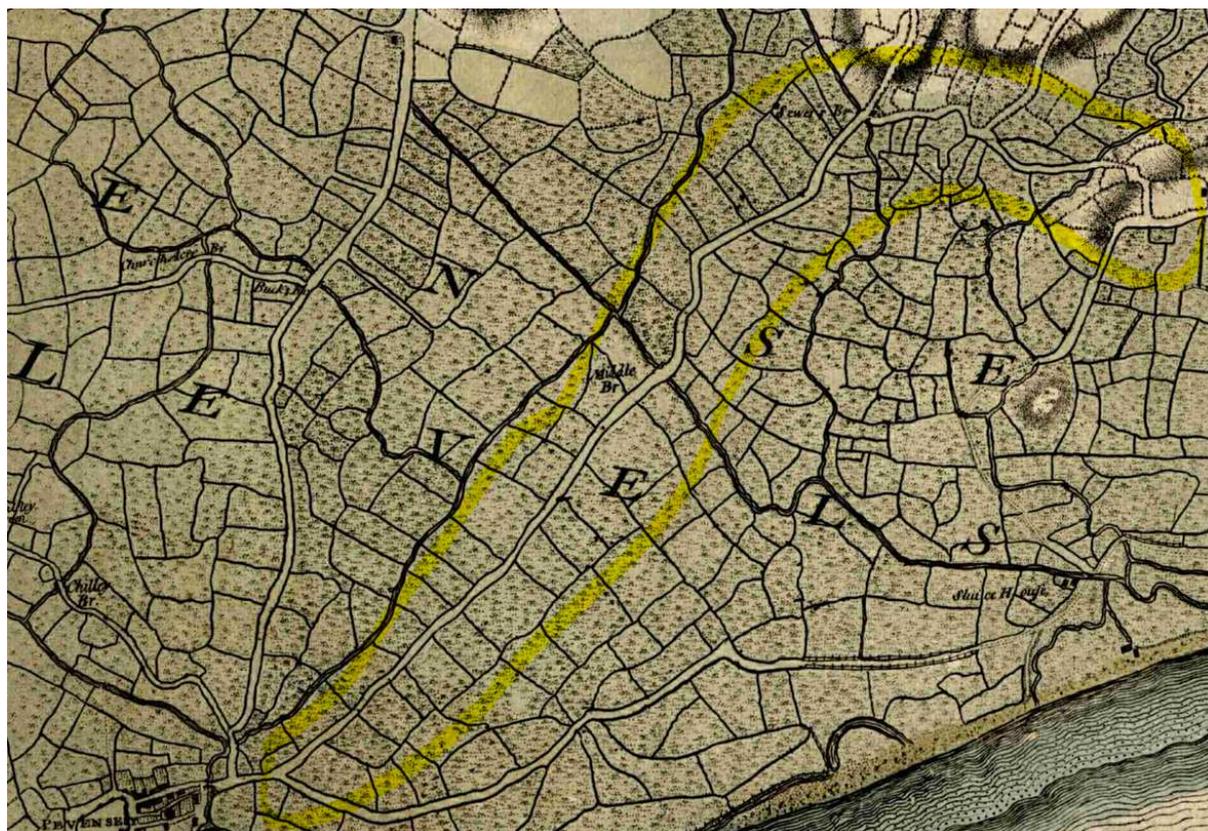
2.1.1 The application route is clearly a highway of some antiquity. For example here it is displayed in Yeakell and Gardner's map.

2.2 YEAKELL AND GARDNER'S SUSSEX 1778-1783

2.2.1 This map is available on-line as part of the "Old Sussex Mapped" project of the University of Portsmouth at http://www.envf.port.ac.uk/geo/research/historical/webmap/sussexmap/Yeakell_36.htm

2.2.2 WHAT THIS EVIDENCE SHOWS

2.2.3 The application routes are shown as part of the road leaving Pevensey in an east-northeast direction.



2.2.4 THE SIGNIFICANCE OF THIS EVIDENCE

2.2.5 The prospectus for this series of maps sets out the aim of covering all of Sussex and showing all public and private roads and all bridleways. These aims were not achieved. Only the southern half of the county was covered and few private roads were shown. (The sheer volume of missed out private roads and tracks can be seen by comparing the number of roads shown on later maps such as the first edition of the ordnance survey 1-2500 series.) The existence of a way on this map means that it was more likely than not, a public route.

2.2.6 The map does not have a key.

3. FIRST EDITION OF THE ORDNANCE SURVEY 1" MAP

3.1.1 Copies of the first edition of these maps can be found at the University of Portsmouth web site at <https://www.visionofbritain.org.uk/> and the National Library of Australia at <https://nla.gov.au/nla.obj-231917049/view>

3.1.2 The maps for Sussex were first published between 1813 and 1819.

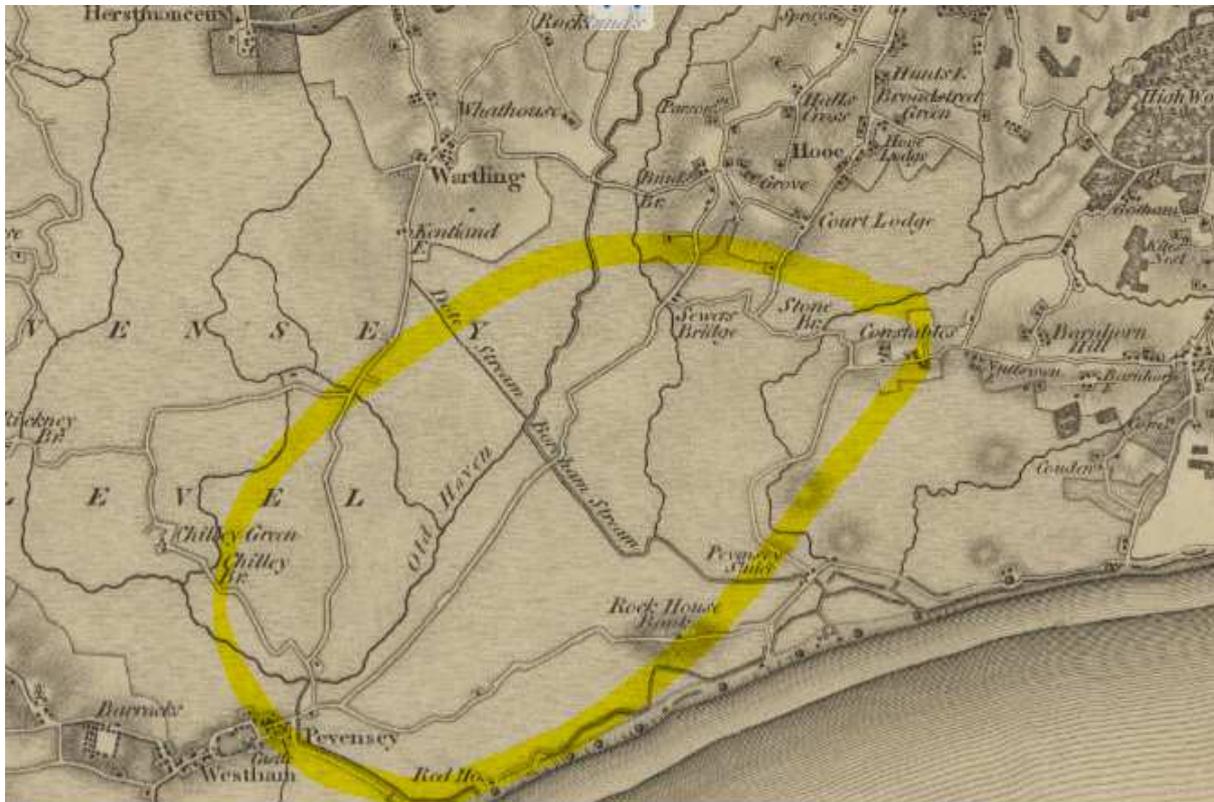
3.1.3 Copies of the instructions given about the portrayal of private roads are given in correspondence held at the national archive under reference OS 3/260. The instruction given is "as these plans are intended for military purposes no existing roads should be omitted; but to distinguish those roads which are entirely on trespass the line of the main road from which they branch is not to be broken for them"

3.1.4 THE EVIDENCE PRESENTED BELOW

3.1.5 This evidence is taken from the National Library of Australia.

3.1.6 WHAT THIS EVIDENCE SHOWS

3.1.7 The application routes are shown as part of the road leaving Pevensey in an east-northeast direction.



3.1.8 THE SIGNIFICANCE OF THIS EVIDENCE

3.1.9 The application routes were in existence as part of a through road at the time.

4. TURNPIKE PLANS

4.1.1 Although I believe that the route may have been a turnpike I have not found any relevant documents.

5. OTHER MAPS

5.1.1 The National Library of Scotland has a number of maps covering the application route at .

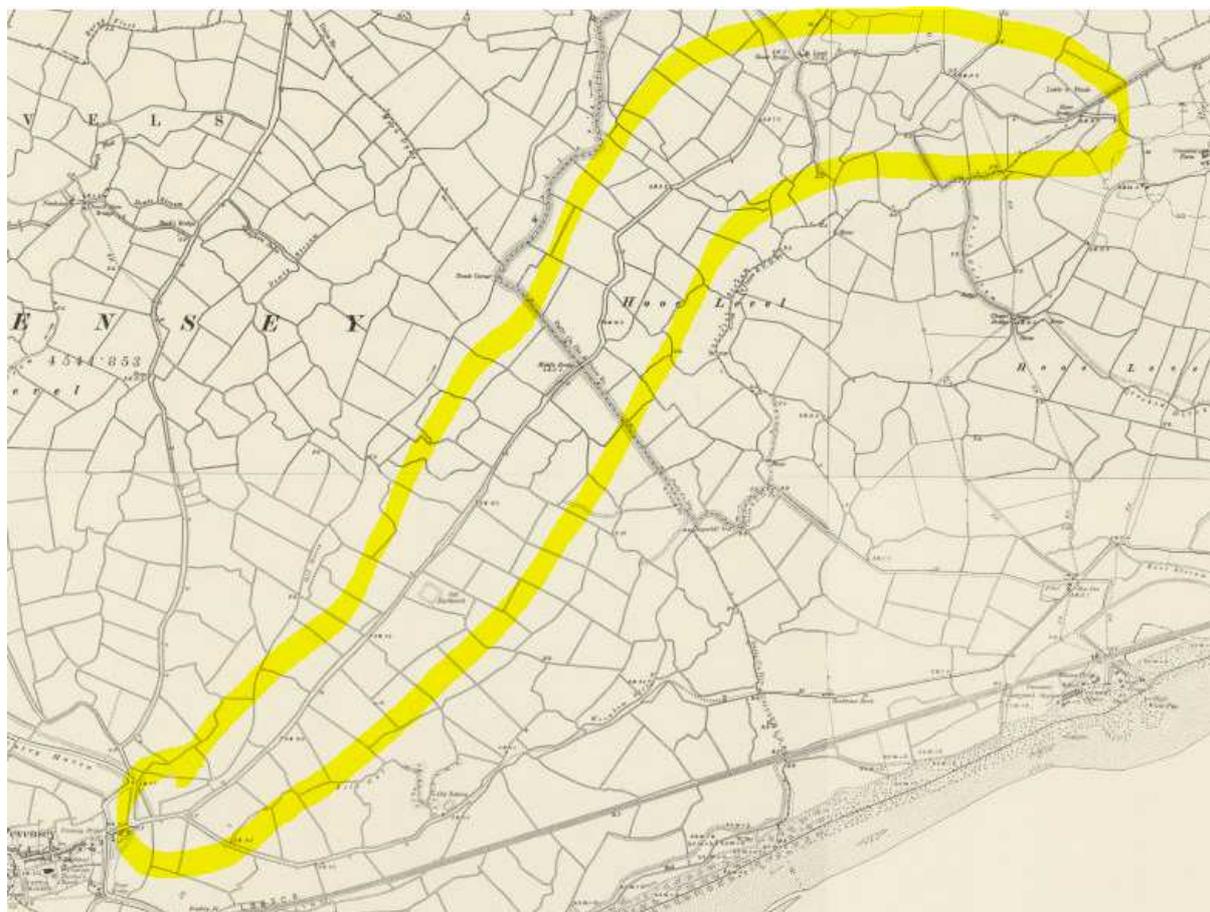
<https://maps.nls.uk/geo/explore/#zoom=14&lat=50.83567&lon=0.36053&layers=6&b=1>

5.1.2 THE EVIDENCE PRESENTED BELOW

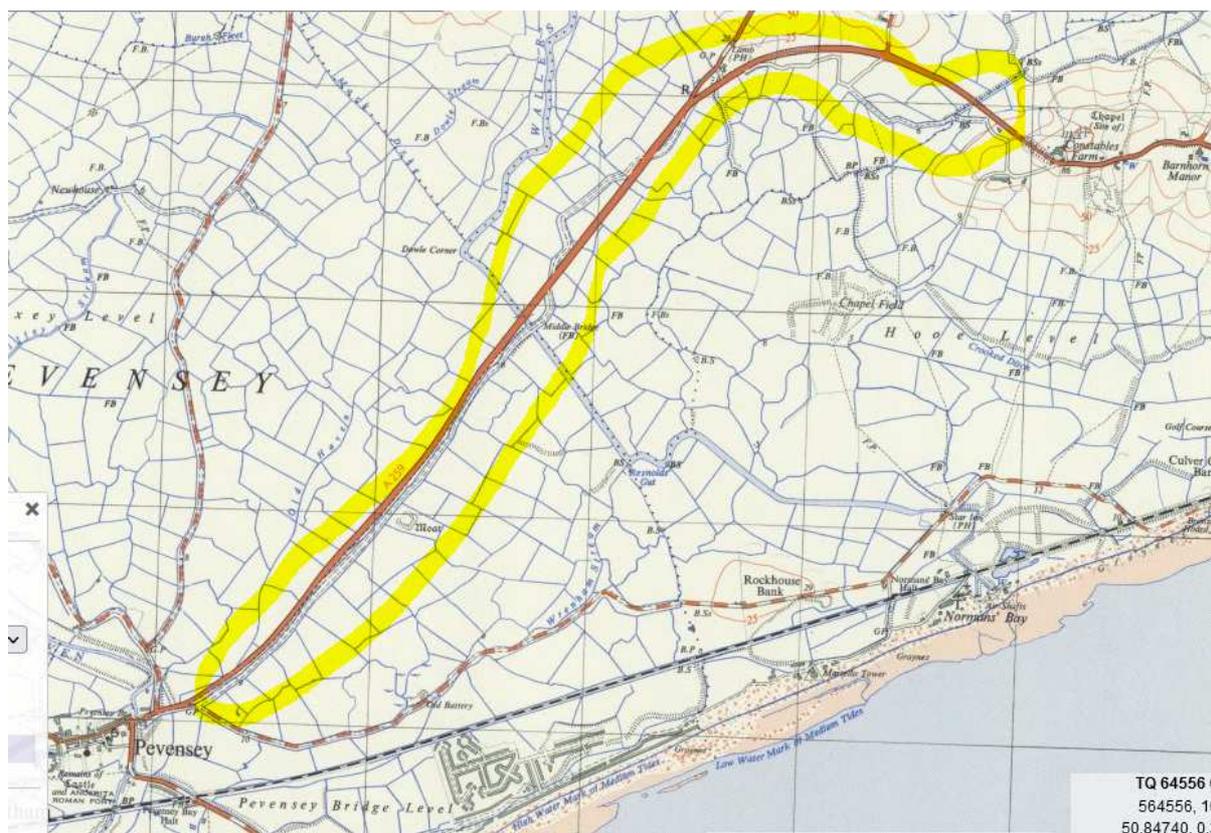
5.1.3 The evidence is taken from this source

5.1.4 WHAT THIS EVIDENCE SHOWS

5.1.5 Ordnance Survey 6 inch map of around 1900. The winding nature of the north east part of the route can be clearly seen



5.1.6 Ordnance Survey 1-25000 map of 1937-61. The application routes have been replaced as main roads by a new straighter road. The contrast between the old route and the new route can be clearly seen.



5.1.7 THE SIGNIFICANCE OF THIS EVIDENCE

5.1.8 This evidence makes clear that the application routes are the old route of a main road north east of Pevensey.

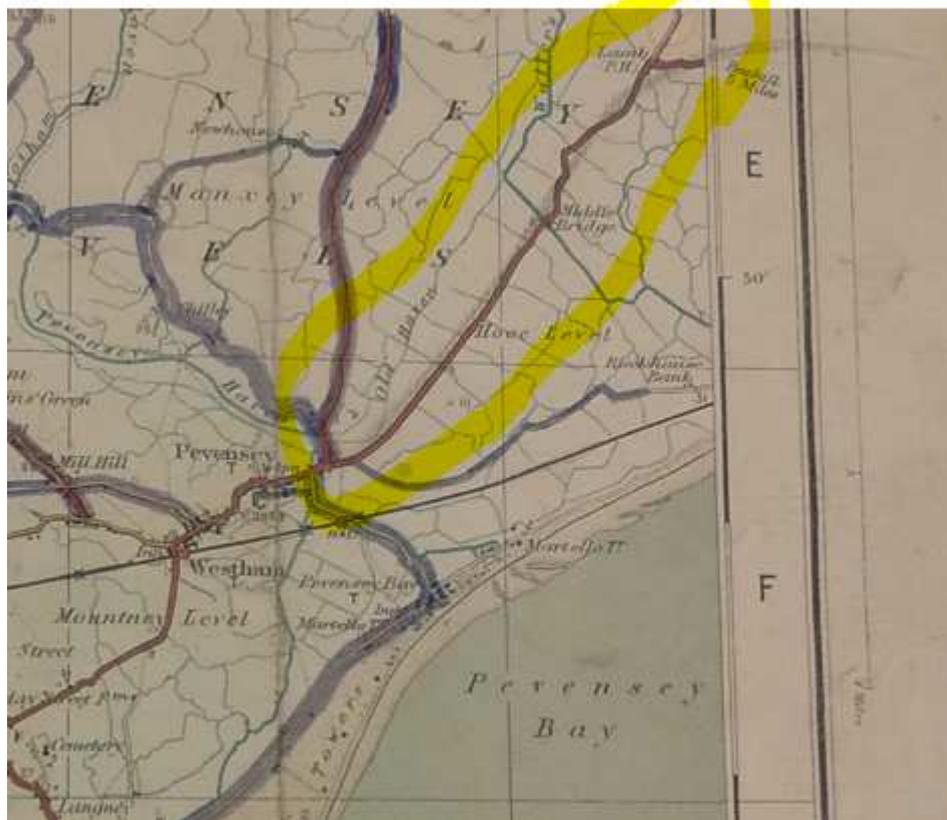
6. THE HANDOVER OF RESPONSIBILITY FOR HIGHWAYS

6.1.1 In 1930 responsibility for minor roads passed from district councils to county councils. However until 1934 East Sussex delegated responsibility for these roads back to the district councils. District Councils prepared handover maps and schedules showing the roads that they were responsible for and for which the county council would now take over responsibility. The County had previously taken responsibility for major roads. The application route was in the Eastbourne Rural District Council and Bexhill Urban District Council area at the time. My understanding is that there is no handover map for Bexhill because the authority remained a highway authority.

6.1.2 The handover map for Eastbourne Rural is held at the East Sussex Records Office under the reference R/C 65/4

6.1.3 WHAT THIS EVIDENCE SHOWS

6.1.4 The application route is clearly shown on the map but is not highlighted as a road to be handed over.



6.1.5 THE SIGNIFICANCE OF THIS EVIDENCE

6.1.6 Either the road was not of any significance or it was a major road for which the county was already responsible. Given that it is portrayed in the same way as other major roads I suggest that the latter is more likely.

7. ORDERS

7.1.1 A number of orders have been made in respect of the application route.

7.2 1955 order

7.2.1 Page 2937 of the London Gazette dated 20/5/1955 contains the following notice. Passage over Middle bridge, which forms part of the application route, is expressly forbidden to motor vehicles. Part of the remainder is also barred to motor vehicles, but with exceptions. The route is numbered UC1137 . I have not found any documents which rescind this order.

ROAD TRAFFIC ACT, 1930—SECTION 46 (1).

ROAD AND RAIL TRAFFIC ACT, 1933—
SECTION 29 (4).

NOTICE is hereby given that on the 3rd day of May, 1955, the Minister of Transport and Civil Aviation confirmed The County Council of East Sussex (Roads Restriction) (Hooe) Order (No. 2), 1954.

The effect of the Order (which may be inspected at the office of the undersigned) is to prohibit the driving of any motor vehicle on the length of road specified in the First Schedule hereto and to prohibit (with certain exceptions) the driving of any motor vehicle on the lengths of road specified in the Second Schedule hereto.

FIRST SCHEDULE.

That part of the Pevensey—Upper Barnhorn Old Road (Route UC1137) which passes over the bridge known as Middle Bridge in the parishes of Hooe and Pevensey.

SECOND SCHEDULE.

The following lengths of the Pevensey—Upper Barnhorn Old Road (Route UC1137):—

(i) from Middle Bridge north-eastwards to the junction with the Eastbourne—Bexhill Road (Route A259), a distance of approximately 240 yards;

(ii) from Middle Bridge south-westwards for a distance of approximately 200 yards.

Dated this 20th day of May, 1955.

H. S. MARTIN, Clerk of the County Council.

County Hall,
Lewes.
(161)

In 2005 the East Sussex County Council made an order which appears to me to cover the whole of the application route which prohibits the use by motor vehicles other than in certain limited circumstances for access only.

EAST SUSSEX COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984

The East Sussex
(UC7137 Old Marsh Road / Barnhorn Old Road, Pevensey & Hooe Levels & UC7130 Green Road, Hooe)
(Prohibition of Motor Vehicles, except for Access) Order 2005

East Sussex County Council in exercise of its powers under sections 1(1) and (2) and 2(1) to (3), of, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, ("the Act"), as amended, and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

1. The County Council of East Sussex (Roads Restriction (Hooe) Order (No.2) 1954, is hereby revoked.
2. Save as provided in Article 3, no person shall cause or permit any motor vehicle to use the lengths of road specified in the Schedule to this Order.
3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to enter those lengths of road specified in the Schedule to this Order for the purpose of accessing any business or residential property, or for so long as may be necessary for the vehicle to be used-
 - (a) for or in connection with the conveyance of goods or livestock to or from any premises, piece, or parcel of land situated on or adjacent to any of those lengths of road;
 - (b) for the purpose of agriculture on any land adjacent to the lengths of road or for or in connection with the conveyance or haulage of timber felled upon that land;
 - (c) in connection with the carrying out on, or on premises situated on or adjacent to, any of those lengths of road of any of the following operations, namely;
 - (i) building, industrial or demolition operation;
 - (ii) the removal of obstructions to traffic;
 - (iii) the maintenance, improvement or reconstruction of the road; and
 - (iv) the laying, erection, alteration or repair in or in land adjacent to, the road, of any sewer, or any main, pipe or apparatus for the supply of water, gas or electricity, or any telecommunications system as defined in the Telecommunications Act 1984;
 - (d) for fire brigade, ambulance or police purposes;
 - (e) in the service of a local authority, water authority or the Environment Agency in pursuance of their statutory powers or duties; or
 - (f) by Sussex Wildlife Trust, The Countryside Agency, Royal Society for the Protection of Birds, or any landowner or person(s) with the landowners permission.
4. This Order may be cited as "The East Sussex (UC7137 Old Marsh Road / Barnhorn Old Road, Pevensey & Hooe Levels & UC7130 Green Road, Hooe) (Prohibition of Motor Vehicles, except for Access) Order 2005" and shall come into operation on 22 July 2005.

SCHEDULE
Prohibition of Motor Vehicles (except for Access)

- | | |
|--|---|
| 1. UC7137 Old Marsh Road & Old Barnhorn Road - | from its junction with the UC7106 Normans Bay Road, north-eastwards, then eastwards to a point 148 metres east of the Wealden/Rother District boundary at "Stone Bridge". |
| 2. UC7130 Green Road | - for its entire length. |

THE COMMON SEAL of EAST SUSSEX)
COUNTY COUNCIL was affixed hereto)
on the twentieth day of July)
two thousand and five in the presence of:-)



Authorised Signatory



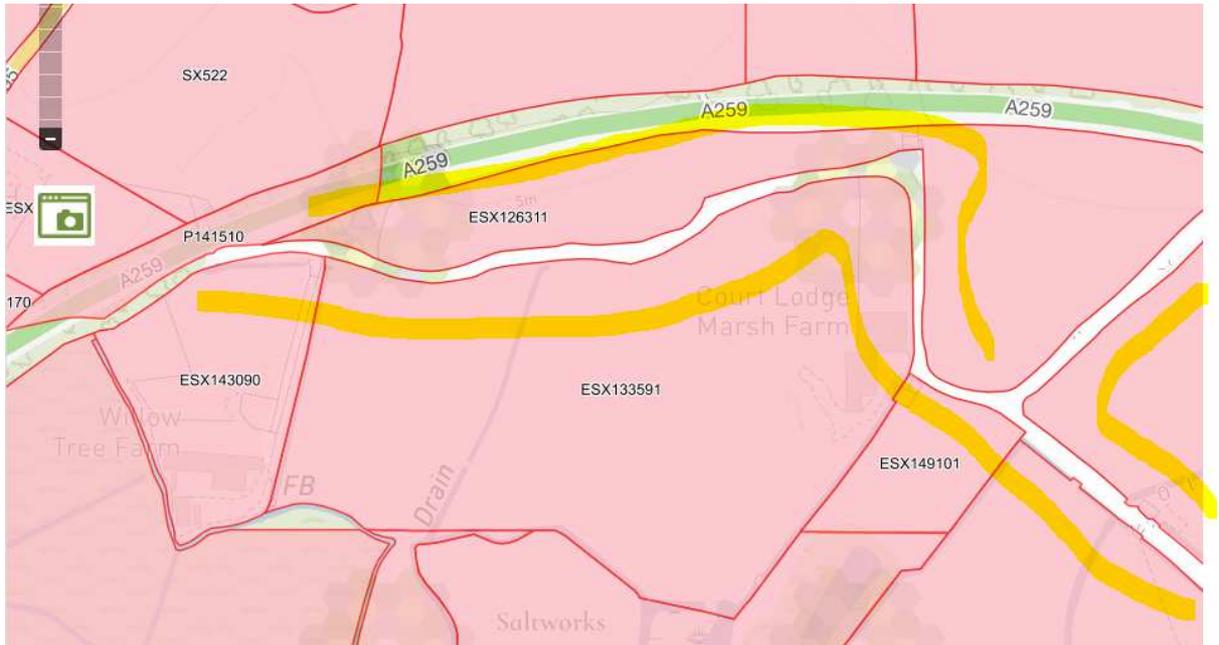
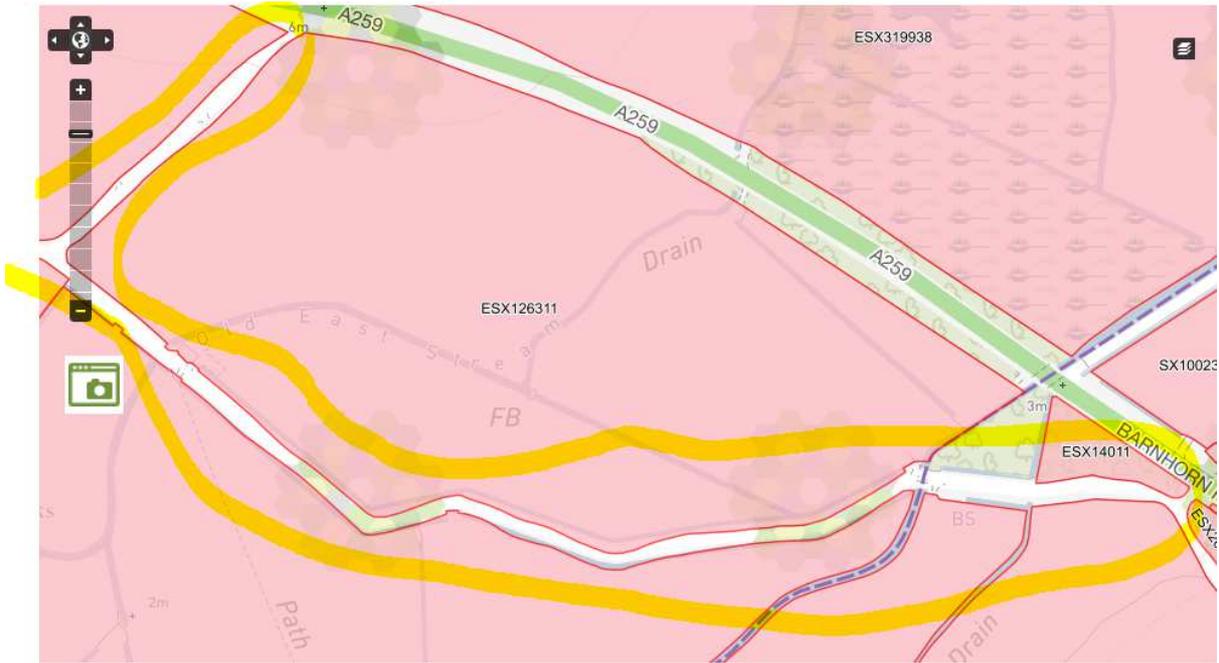
H & T Ctte. 2.4.74 - para 4.2 joint report of County Secretary & County Engineer - para 4. P&H Sub Ctte 01.06.05, item 9A, Minute 10-10.5.

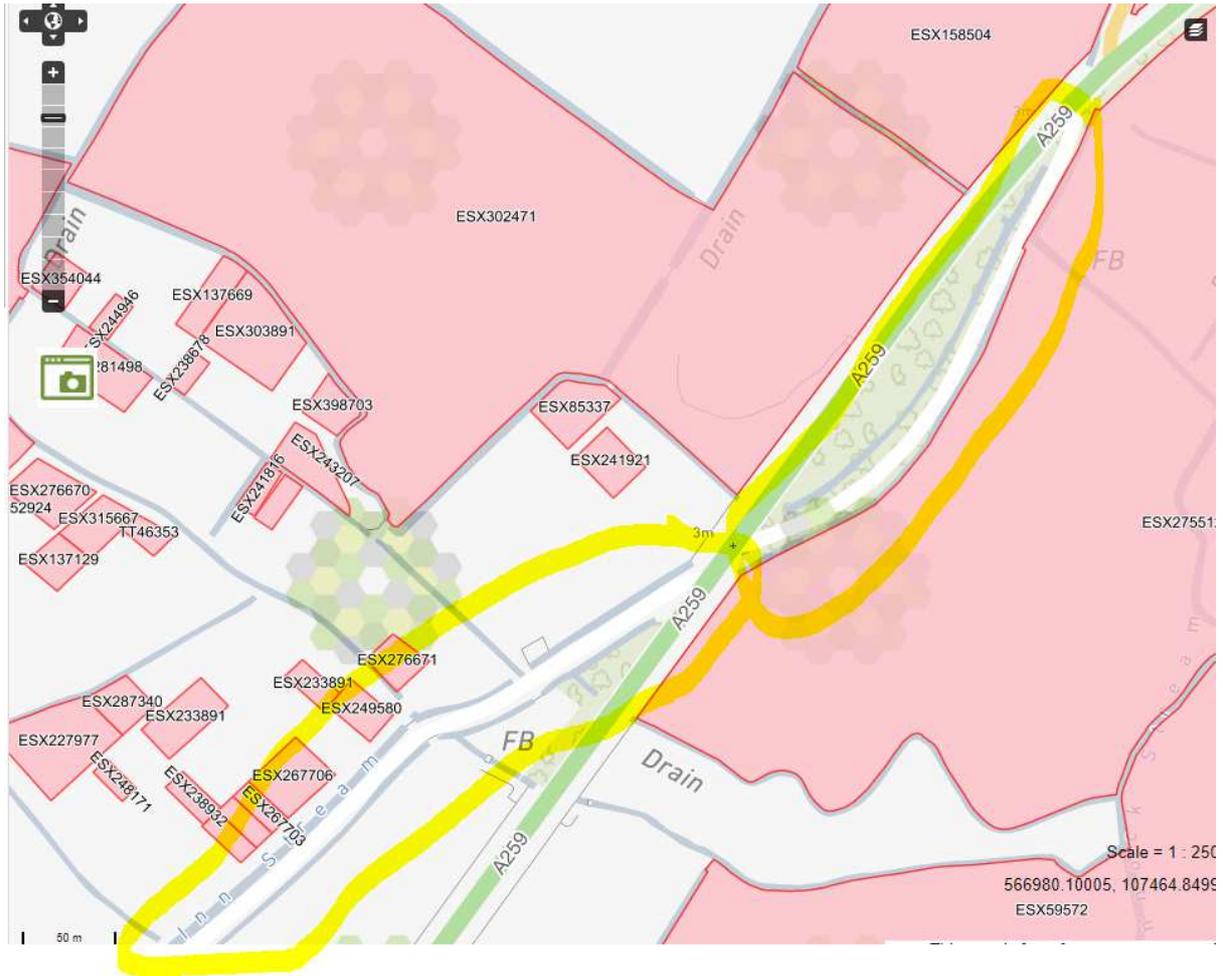
7.2.2 THE SIGNIFICANCE OF THIS EVIDENCE

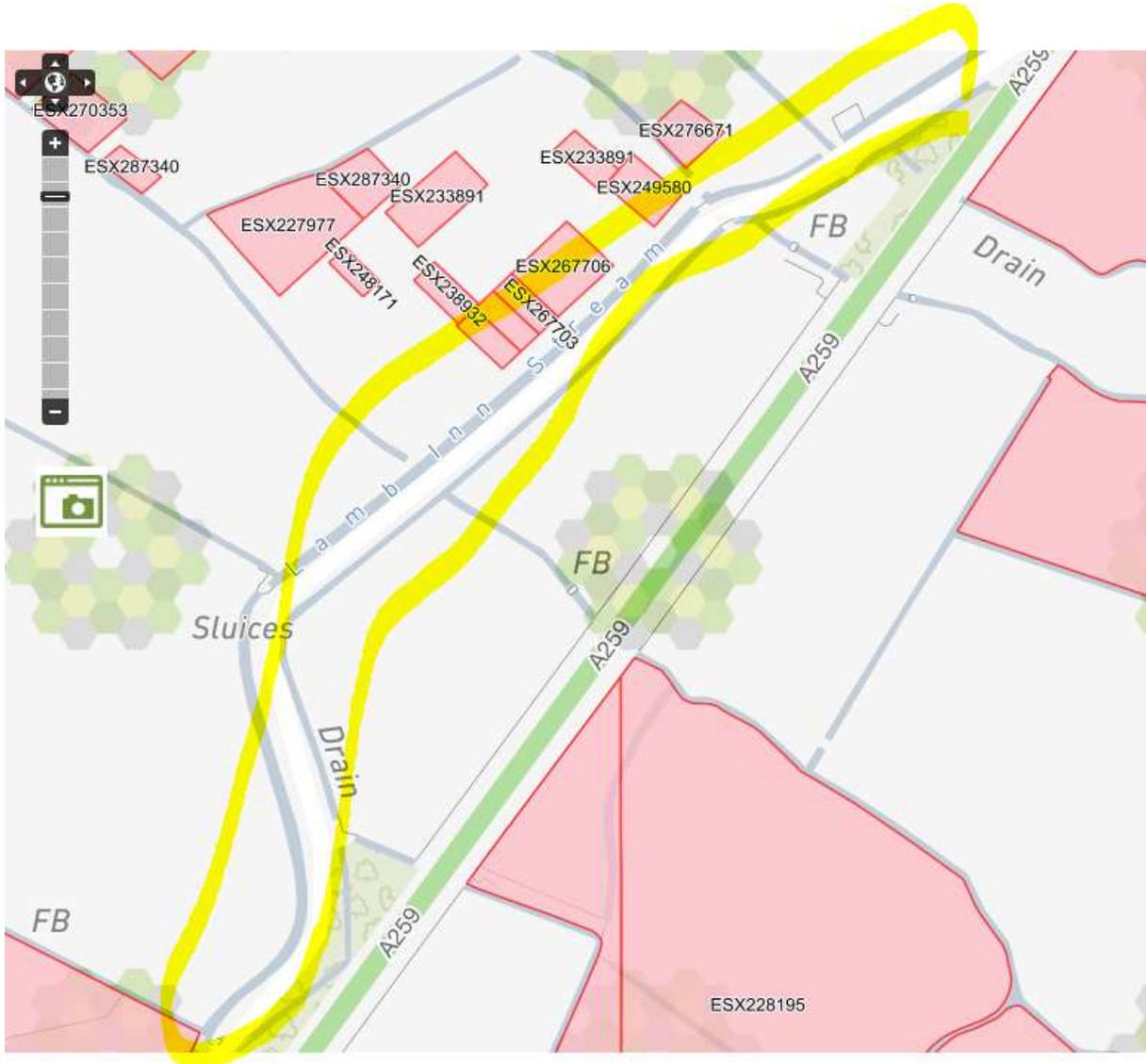
7.2.3 The use of the routes by vehicles except in very limited circumstances is prohibited.

8. CURRENT OWNERSHIP

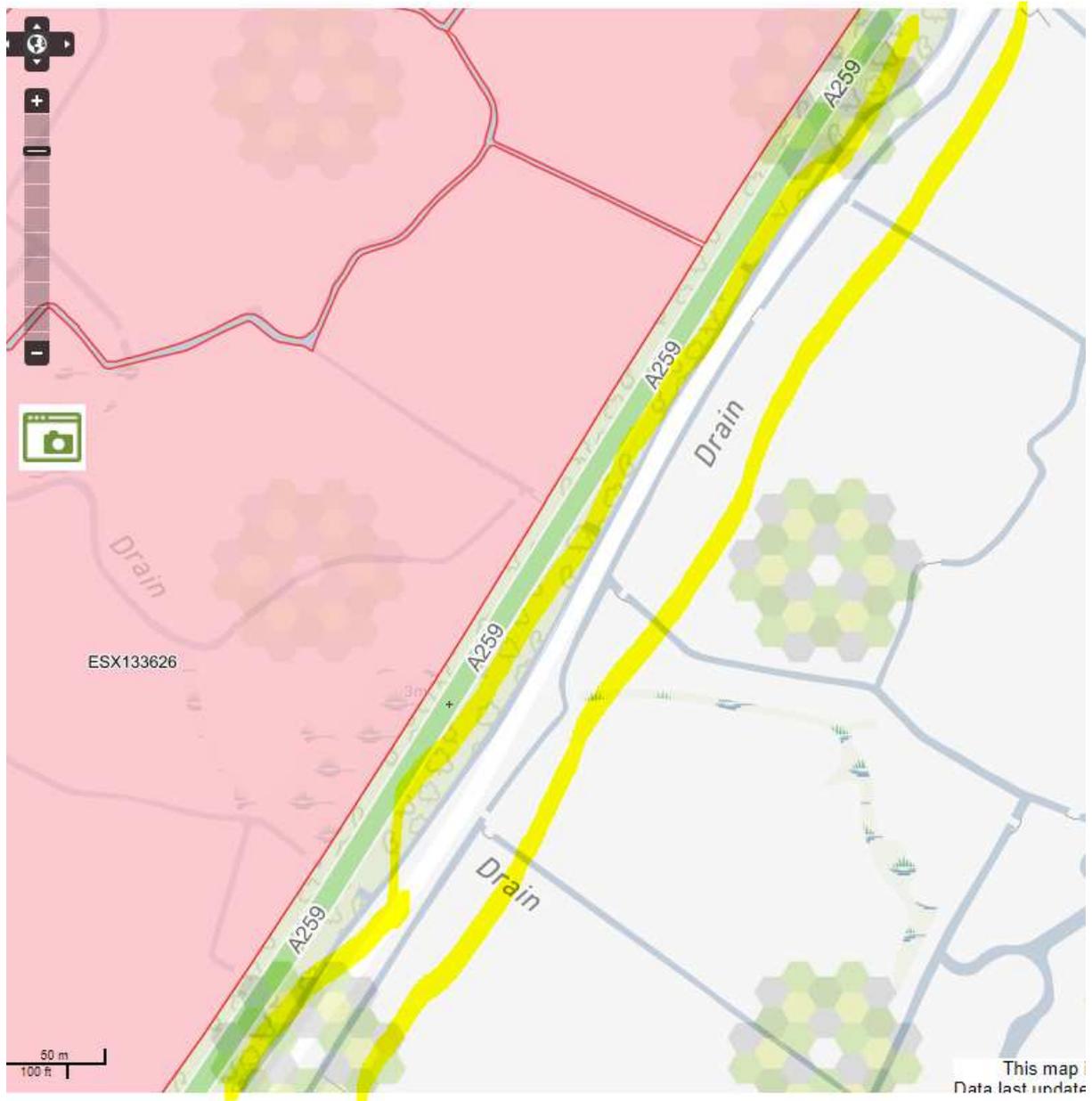
8.1.1 The maps below are taken from the Land Registry online map. They are ordered from the north east to the south west

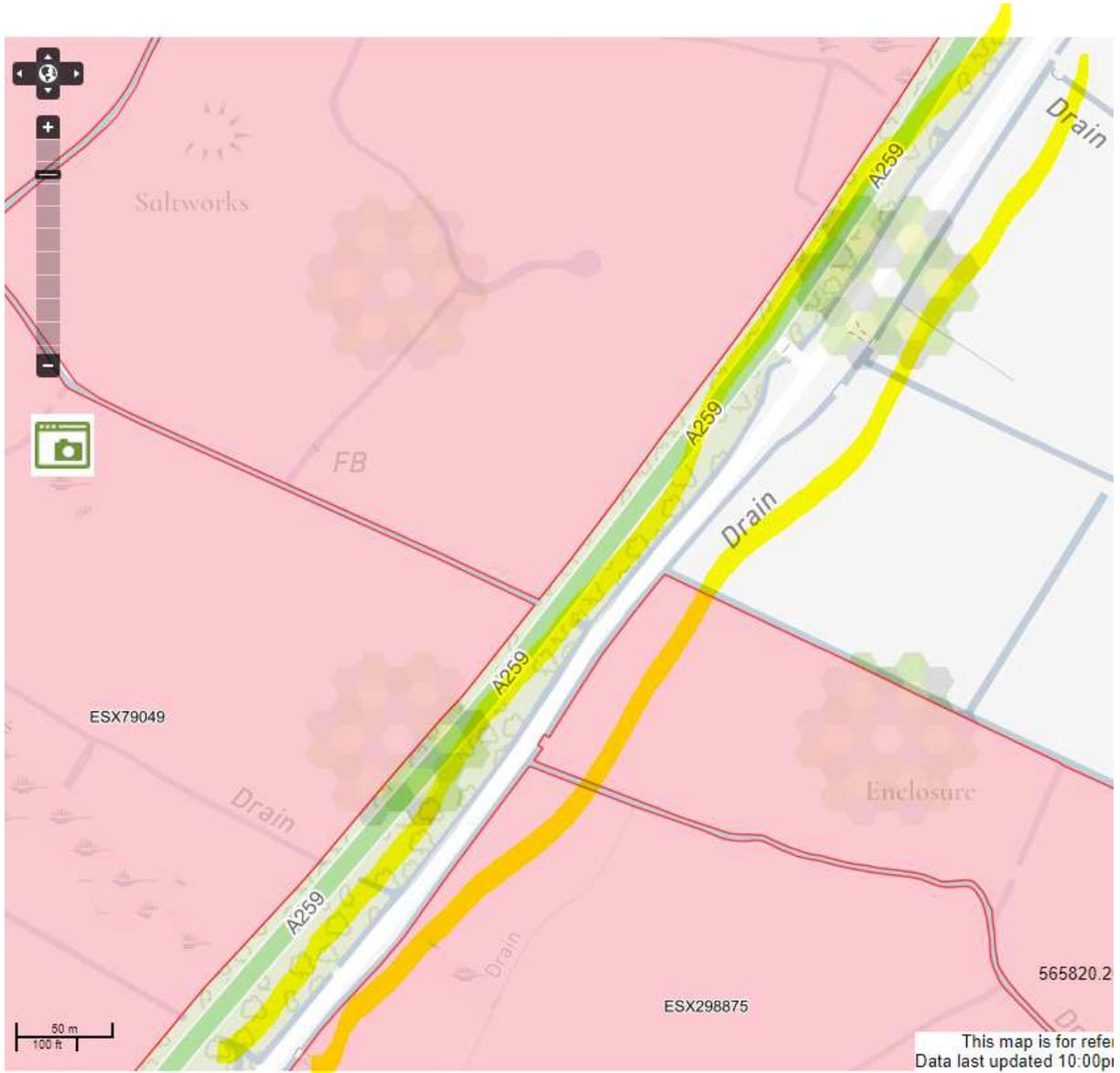


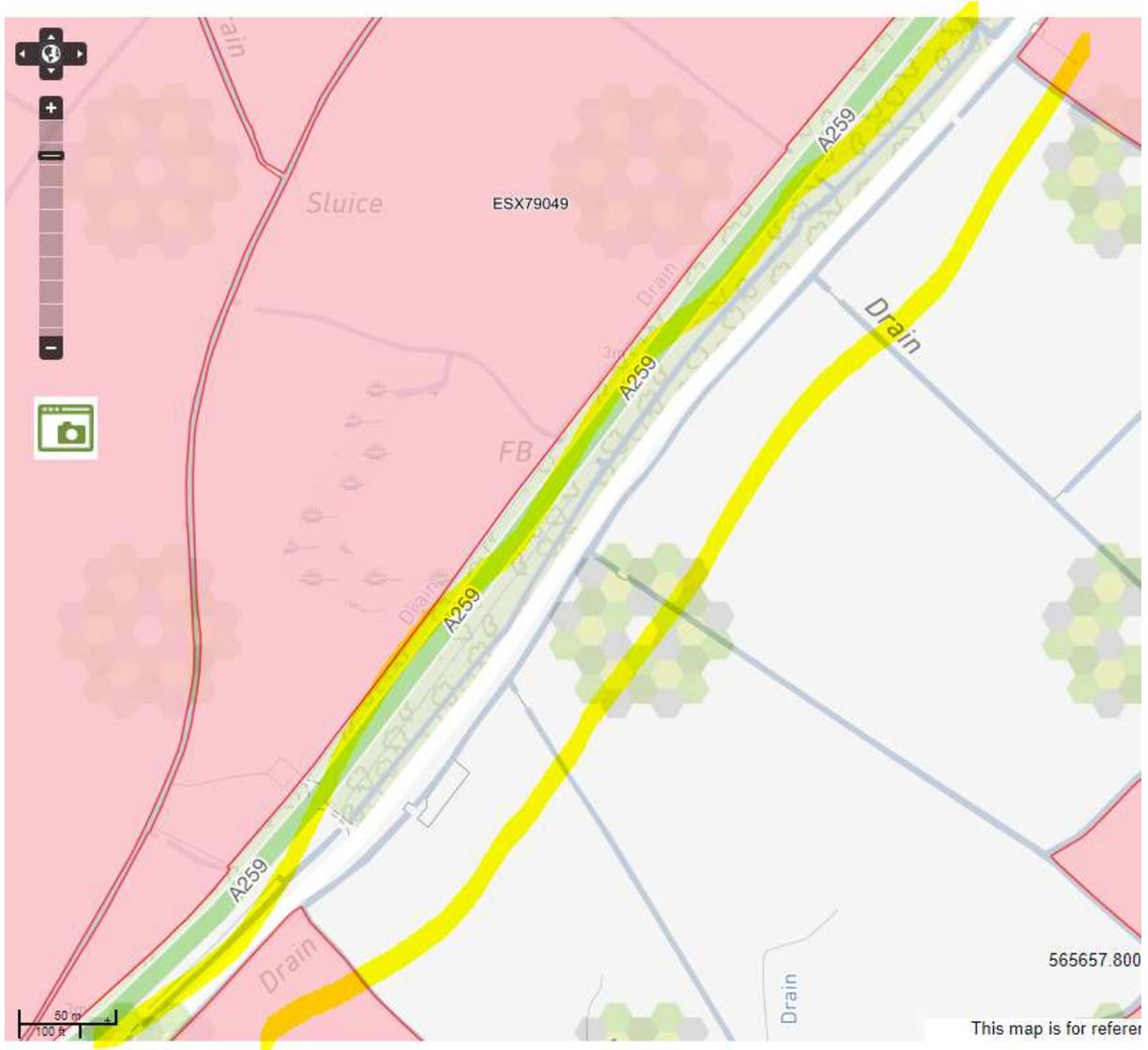


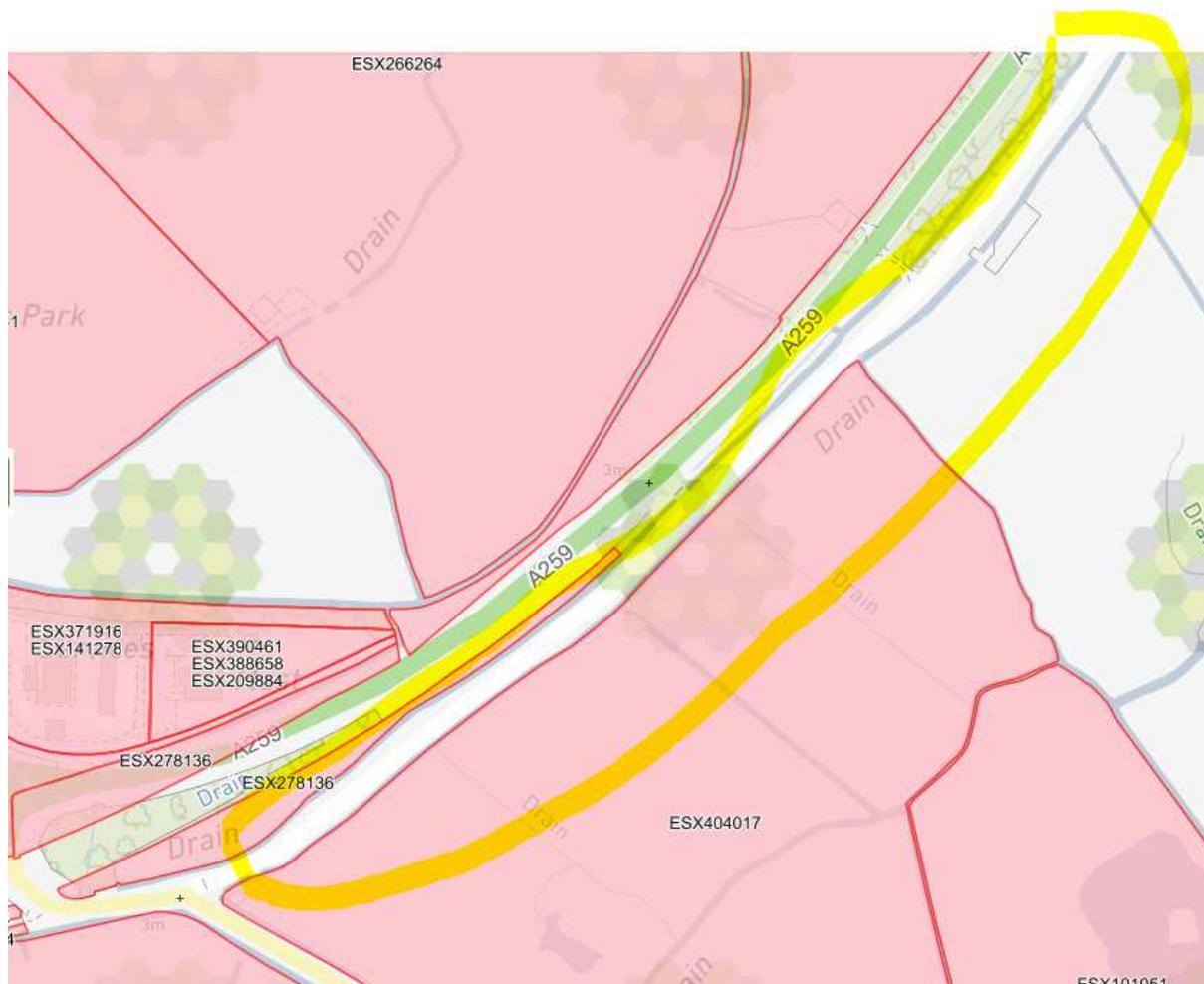












8.1.2 THE SIGNIFICANCE OF THIS EVIDENCE

8.1.3 None of the route is registered. This is supportive of highway status because a route owned by the highway authority would not have changed hands since the registration of land on change of use first became mandatory.

9. THE ONLINE MAP OF MAINTAINABLE STREETS

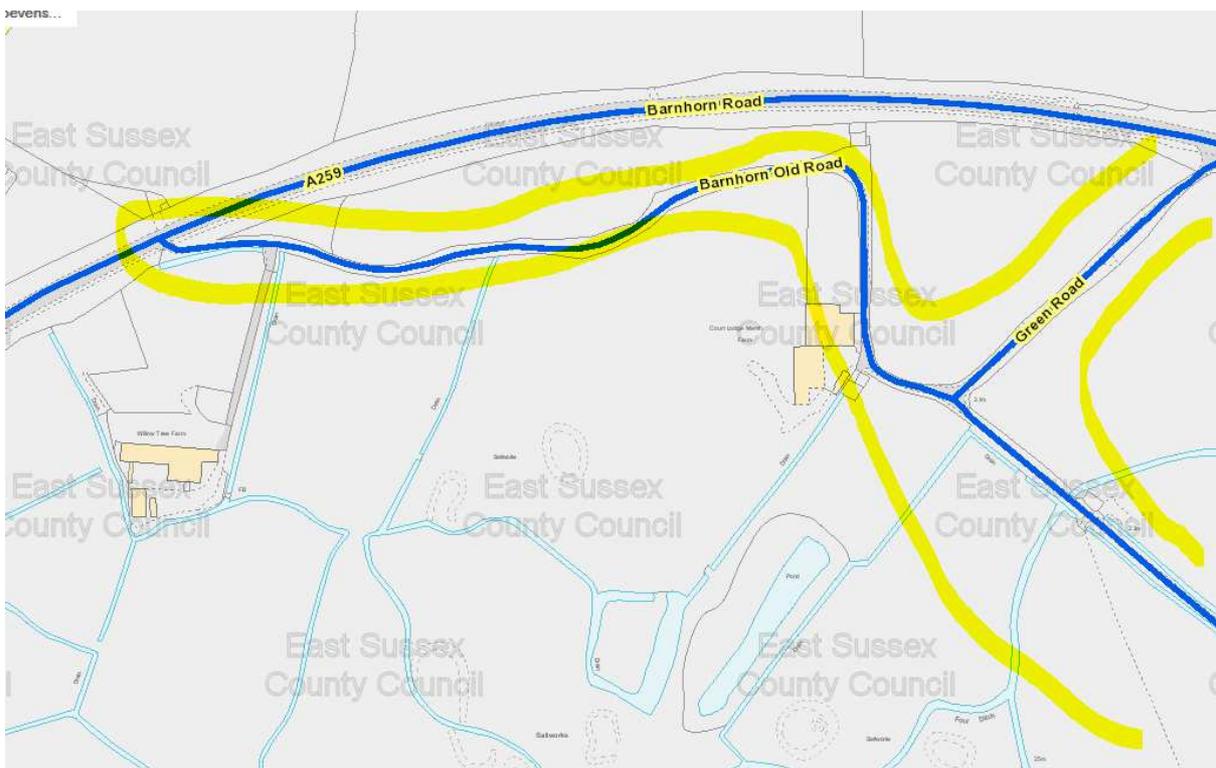
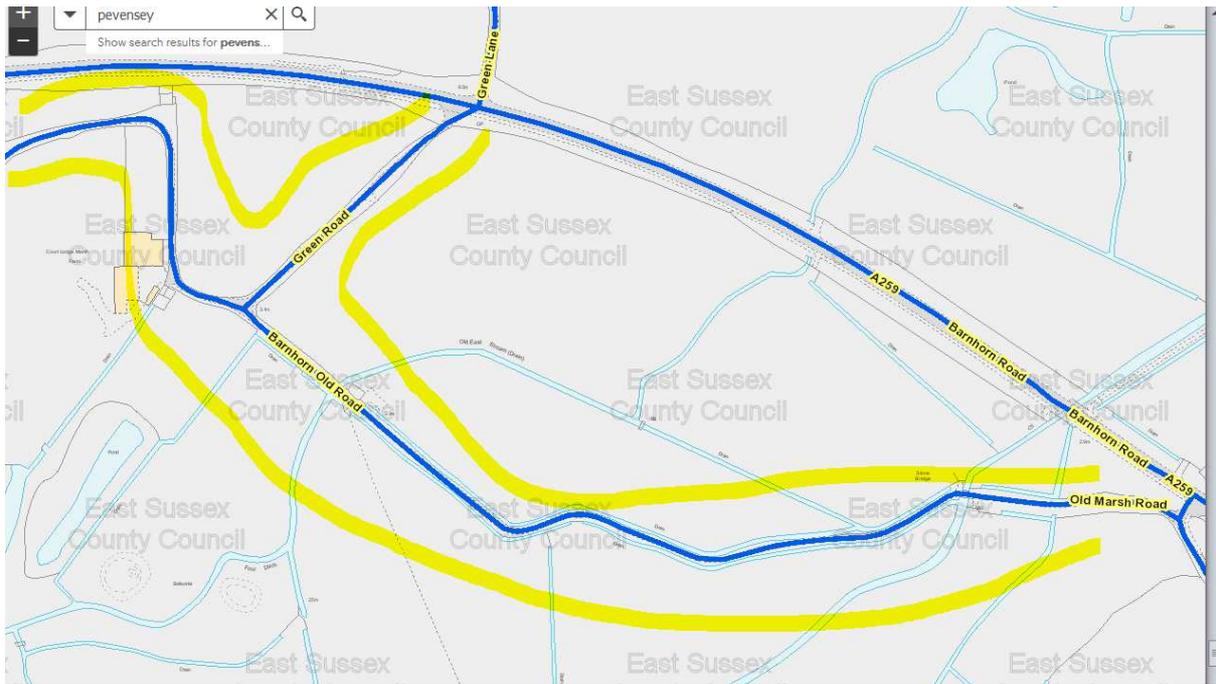
9.1.1 Both East and West Sussex Councils maintain online maps of streets that they are responsible for maintaining. The West Sussex map can be found at <https://www.westsussex.gov.uk/transport-and-highways> The East Sussex Map can be found at <https://escs.maps.arcgis.com/apps/webappviewer/index.html?id=f1ebafa02f6746a39a693e7ead3ff1fb>

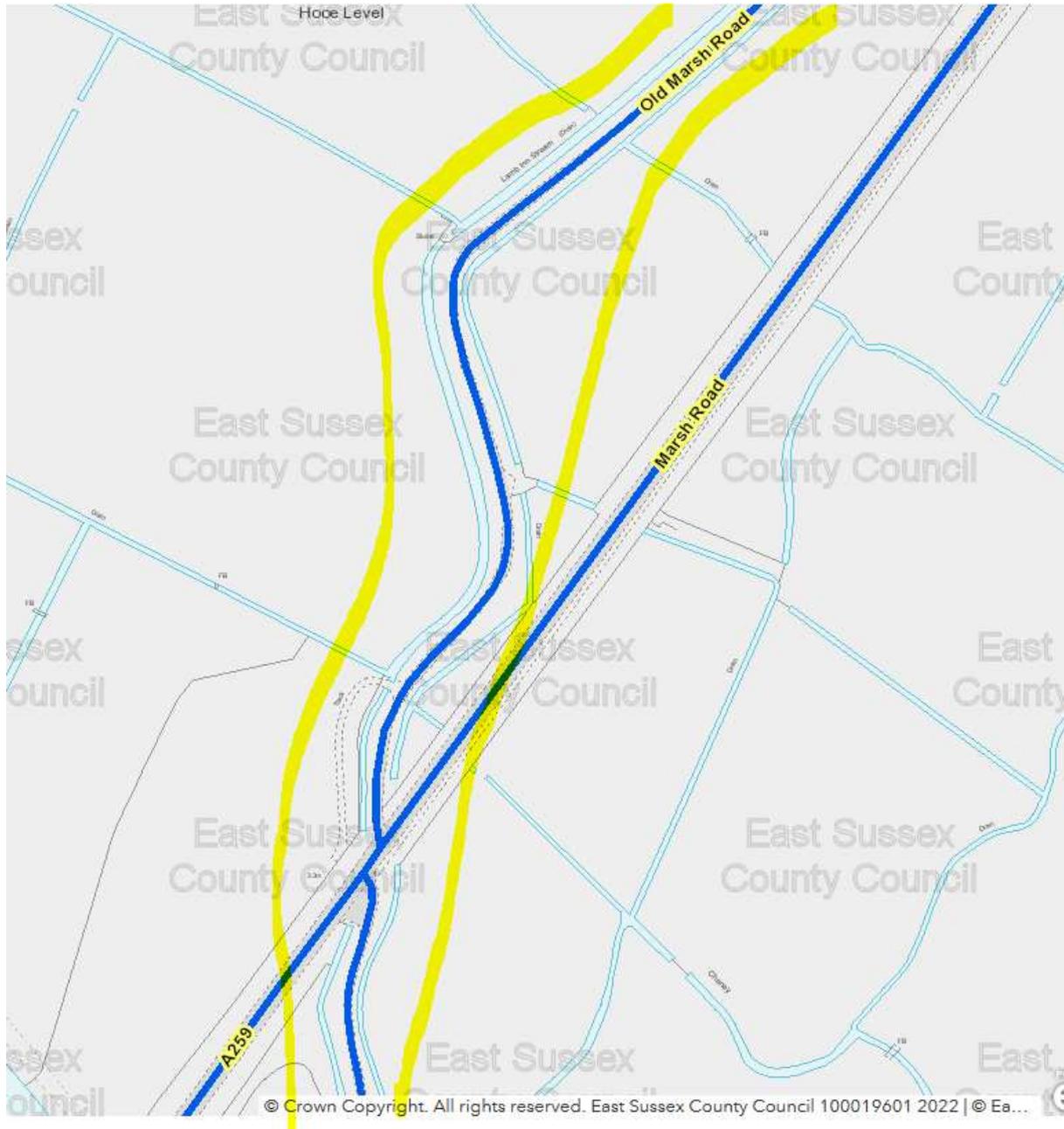
9.1.2 THE EVIDENCE PRESENTED BELOW

9.1.3 The evidence below is taken from this source.

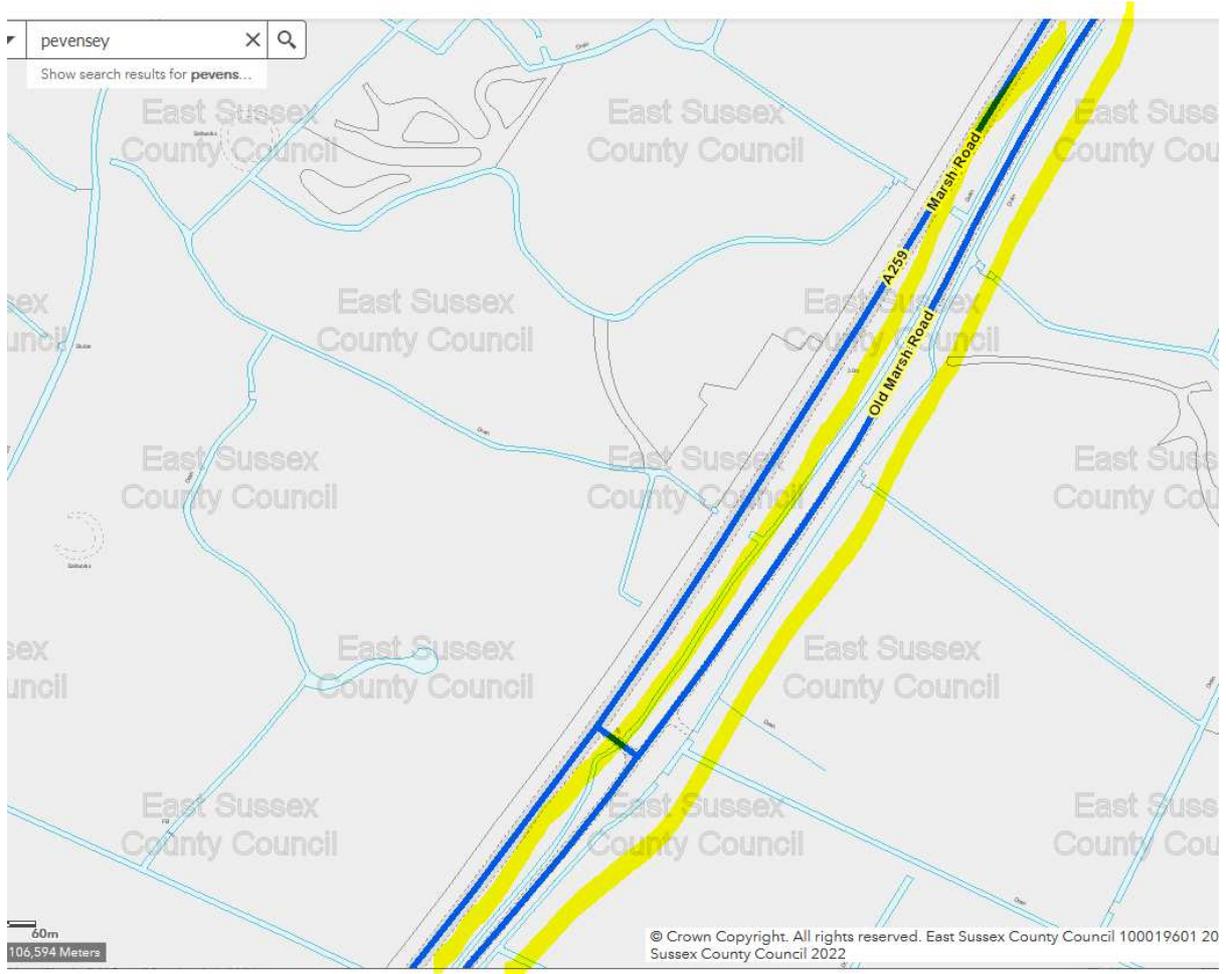
9.1.4 WHAT THIS EVIDENCE SHOWS

9.1.5 Routes which ESCC is liable to maintain are highlighted in blue. Below is a series of maps presented north east to south east. The road names are given.











9.1.6 THE SIGNIFICANCE OF THIS EVIDENCE

9.1.7 If there were no public rights over the route it would normally be outside the council's powers to maintain it. The portrayal of the route on this map is therefore evidence of the existence of public rights.

10. THE CHARACTER OF THE ROUTE TODAY

10.1.1 The photographs below illustrate the character of the route today

10.1.2 THE EVIDENCE PRESENTED BELOW

10.1.3 The photos below are taken from Google Streetview

10.1.4 WHAT THIS EVIDENCE SHOWS

10.1.5 Point A



10.1.6 Point B1



10.1.7 Point B2



10.1.8 Point C1



10.1.9 Point C2



10.1.10 Point D



10.1.11 Point E



10.1.12 Point H



10.1.13 Point F



10.1.14 THE SIGNIFICANCE OF THIS EVIDENCE

10.1.15 I suggest that the routes have the characteristics of byways rather than ordinary carriageways.

11. CONCLUSION

11.1.1 I suggest that it is clear that the application routes were ordinary carriageways for many years but that, following the building of a straighter route, they now have the character of byways and so should be on the definitive map and statement.

11.1.2 I have applied for bridleway status because of the effect of the various orders on the routes, but I acknowledge that the authority may consider that they are byways.

12. REQUEST

12.1.1 I request the surveying authority to add the route to the definitive map as bridleways.

12.1.2 I request the opportunity to respond to any comments made on this application.