SUSSEX AREA

ROW 3296404 Piddinghoe Byway, Final statement by the applicant.

There have now been a substantial number of exchanges between the parties so I will limit my response to some issues newly raised by the Newhaven and Seaford sailing club:

1) The mapping evidence
2) The Inland Revenue documents dated from the Finance Act 1910.
3) The evidence from a conveyance
4) The book "the history of Piddinghoe"

THE MAPS

The sailing club has introduced a number of maps not previously examined. We can now say that the majority of old maps show the route, either in full or in part. This does suggest the existence of the route of a road of some significance, although not as significant as the main Lewes- Newhaven road. In most cases the route is not shown as gated and appears to be shown in the same way as other public roads. (although some public roads were gated at the time)

THE INLAND REVENUE DOCUMENTS

My understanding of the argument put forward by the sailing club is that the application route is part of Inland Revenue hereditaments 1382 and 1393, for which there is no rights of way deduction.(even though 1382 contains part of the path on the west side of the river bank which is a recorded public footpath today)

Although it does not explicitly say so, it is implicit in what the club says that the Revenue made a mistake in not labelling the route as part of these hereditaments. Where a hereditament is in a number of parts, each part is normally clearly labelled with the hereditament number and the initials "pt" in brackets. The application route is not so labelled.

The club says that the numbers and acreage added by the Ordnance Survey when drawing up the base map has been used by the Revenue in field books to describe the land included in the hereditaments.

I comment as follows

A) Whilst it is possible that the Revenue made an error, I have not come across a similar error in the course of examining most of the Finance Act maps for the counties of Sussex. The surveyors in this area appear to have been particularly conscientious.
B) It is not correct that hereditaments were defined by the field book entries. They were defined by the numbers given to them on the map. The key referred to by the sailing club is a key provided

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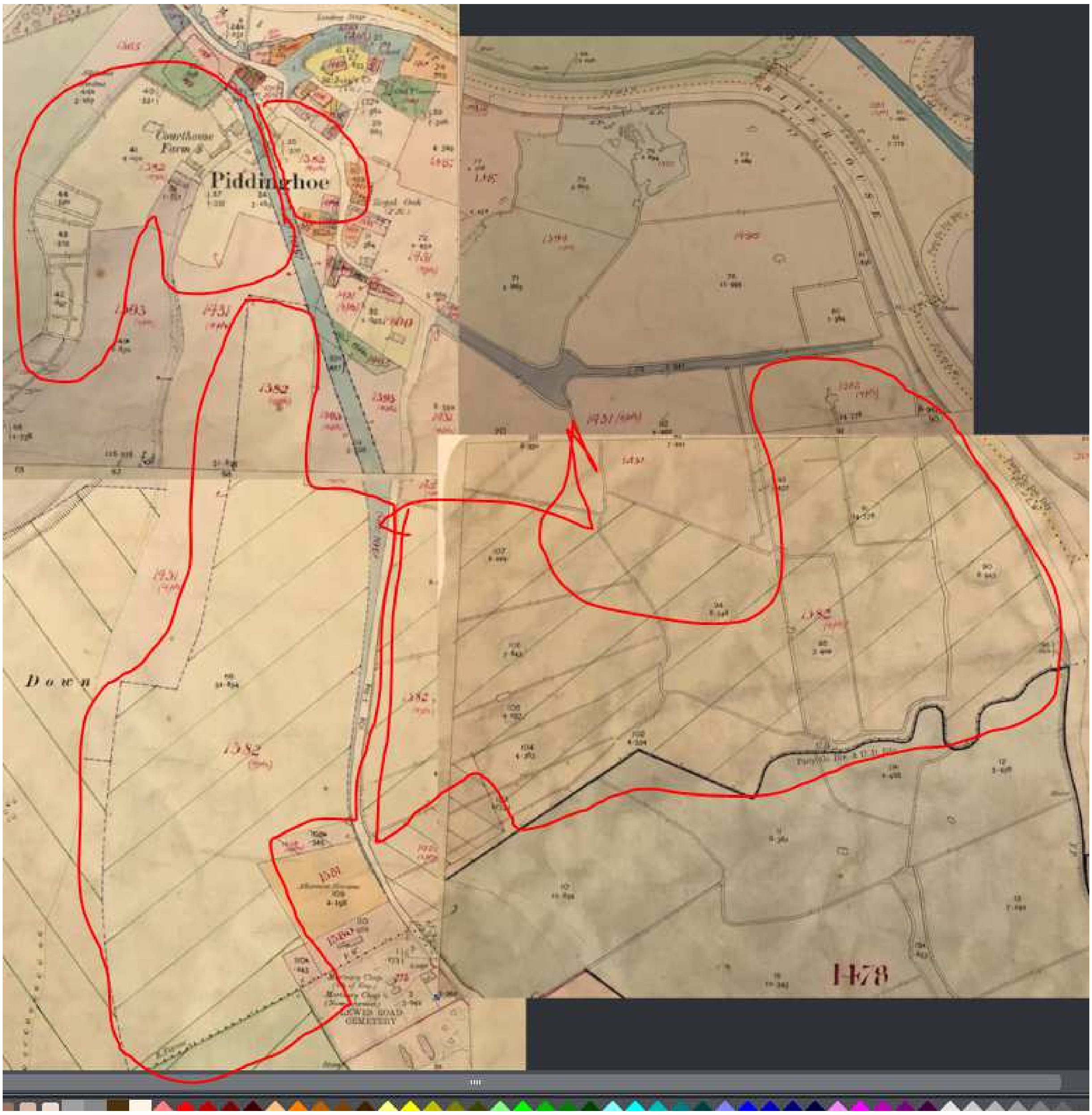
by the Ordnance Survey in making the underlying map not by the Revenue as part of the Finance Act survey.

C) Hereditament 1382 is a large hereditament which is covered by four Finance Act map. Apart from the maps mentioned by the sailing club, it is also shown on maps IR 124/1/212 (Bottom left on the map below) and IR 124/1/213 (bottom right on the map below) The four parts, not including the application route, are highlighted. It is covered in yellow, unlike the application route



D) Hereditament 1393 is in 4 parts, all of which are displayed, at least in part, on map IR 124/1/203 as shown on the map below. None of them include the application route. Nor is this hereditament shown in the same colour as the application route, even when allowing for the quality of the photography and any fading in the maps.

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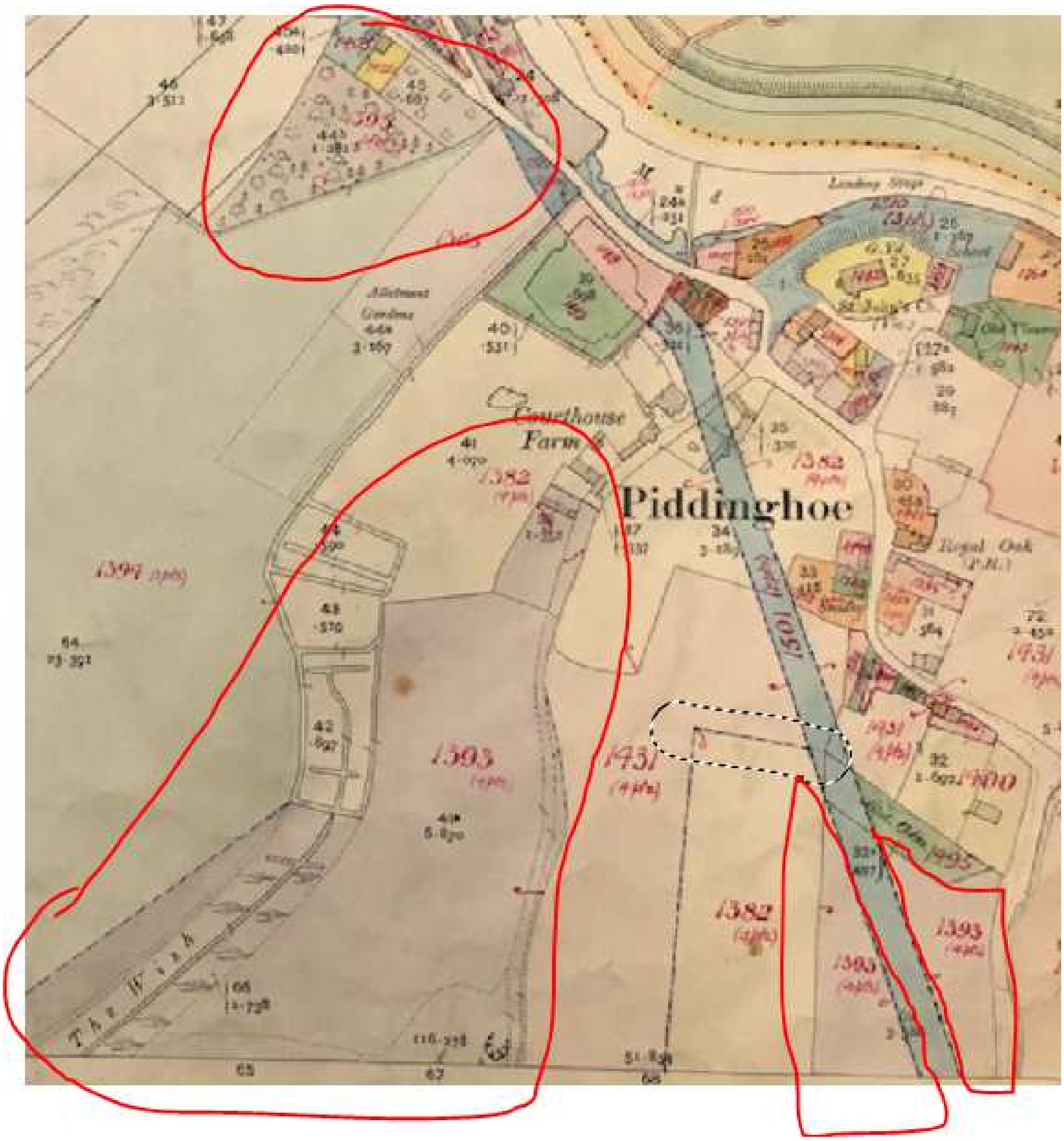
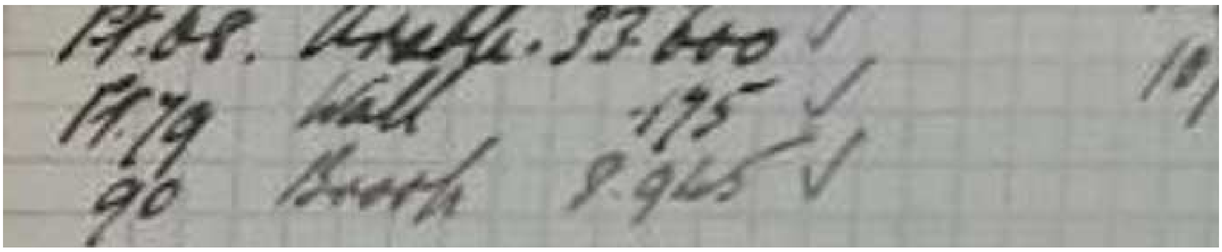


E) The field book entry for hereditament 1382 is said by the sailing club to include land parcel 79. The entry on the schedule claimed to show this appears to be to say 1779 although it could say part of 79. If it is part of 79 there should be a divide between the two parts, but there is not. The parcel is described as a wall, but this is clearly not the case. I am not convinced that the entry in the field book refers to the land parcel on the map.



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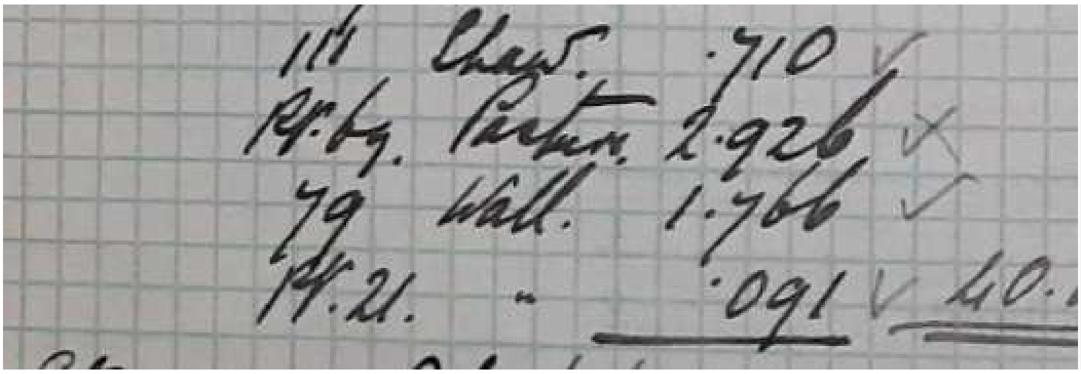
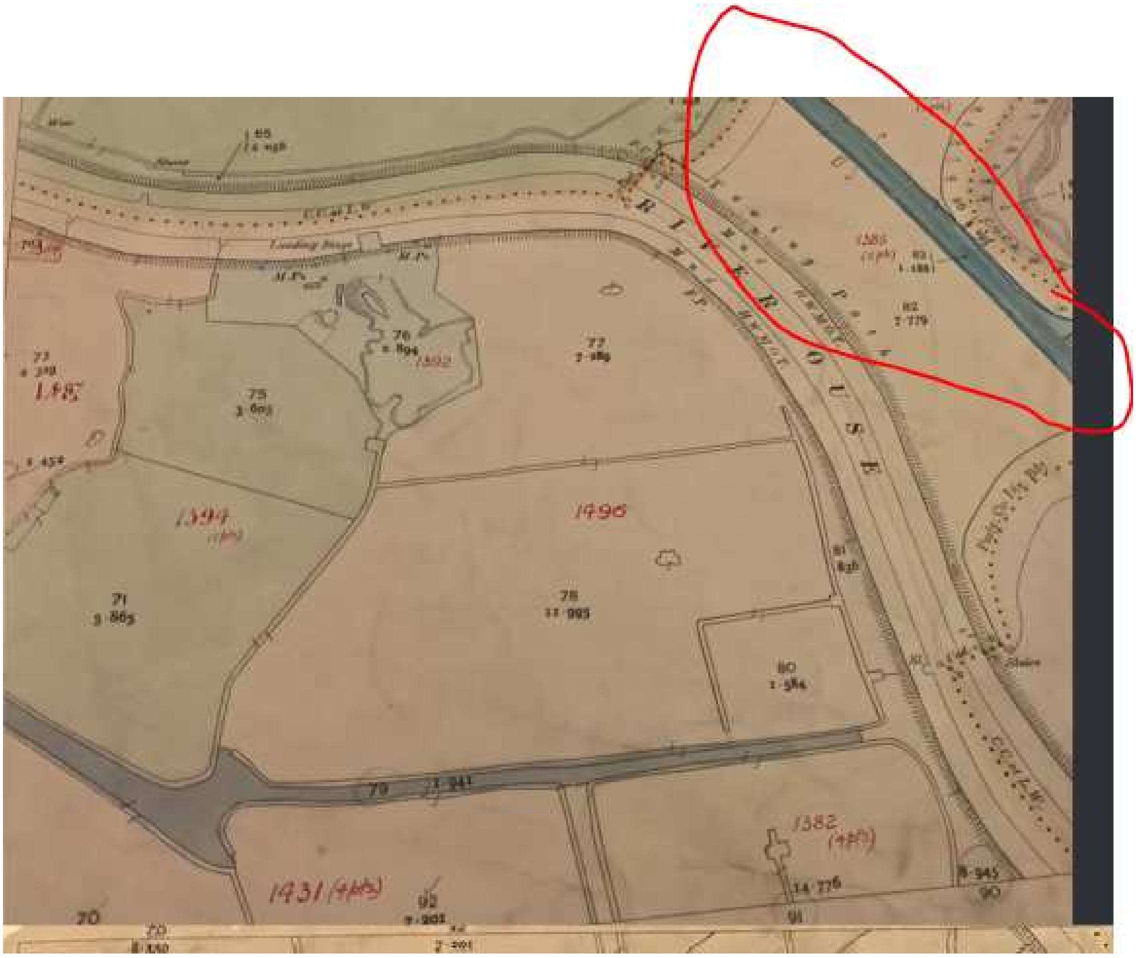
F) The field book entry for hereditament 1393 is said by the sailing club to include land parcel 79. The 79 here is not referred to as a part even though it is above.. The parcel is described as a wall, but this is clearly not the case. Nor is the application route near the four parts of 1393



G) By contrast we know that blue was a colour used to depict land owned by a highway authority because (as it is not disputed) the land had been bought for the construction of the Piddinghoe bypass. We know that the council has already bought the land because it is shown separately from other hereditaments. Land owned by working railways was also exempt from valuation under the 1910 Finance Act and railways were sometimes coloured blue. I note that the map showing the eastern end of the application route shows the Lewes to Newhaven railway in blue. See below.



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H) Just because we become used to using the term “white roads” that does not mean that all exempt land must be shown in white It appears to me that the evidence shows that the application route was exempt for the purposes of Inland Revenue valuation.. Given that this is the case I think that it most likely that this was because it was owned by a highway authority as a public road. The alternatives are so unlikely that it is for those who assert an alternative explanation to provide evidence to support such an alternative. None has been presented.

THE EVIDENCE FROM A CONVEYANCE

Those entering into the conveyance may have believed that the route was not public. That does mean that it was not.

THE BOOK “THE HISTORY OF PIDDINGHOE”

The inspector will have read my interpretation of this book and is now being offered another. I do not think that I can add anything to what I have said before other than to say that the author did not mention rights of way at all, even though there are a number of regularly used rights of way in the parish. Sadly this seems to be the case with many writers of parish histories unless they are keen walkers.

Chris Smith for the Ramblers 14/6/23

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