

Newhaven & Seaford Sailing Club
Marine Parade
Seaford
East Sussex
BN25 2QR

2 July 2023

The Planning Inspectorate
via email:
rightsofway2@planninginspectorate.gov.uk

Your ref: ROW/3296404

Dear Sir / Madam,

**The East Sussex (Public Restricted Byway Piddinghoe 15)
Definitive Map Modification Order 2021**

Thank you for circulating the Statements of Case, and for providing the opportunity for NSSC to comment.

I think it is important that NSSC responds to a couple of points made by ESCC in their Statement of Case, which is dated 22 May 2023.

In the Statement of Case, ESCC suggest that the Inland Revenue maps and books completed for the 1910 Finance Act provide the strongest evidence in favour of Mr Smith's application (ESCC's Statement of Case was written before NSSC's Statement of Case was available).

NSSC's Statement of Case shows evidence contained within the Inland Revenue maps and books, which proves that the entirety of the application route *was* assessed and valued under the 1910 Finance Act. The Inland Revenue books show that the application route was included within two hereditaments, 1382 and 1393, both part of Court Farm, Piddinghoe. The shading used on the Inland Revenue maps for the application route is consistent with the shading used for those same hereditaments.

Further, the NSSC Statement of Case includes evidence that where a right of way existed across other hereditaments within the Piddinghoe area, the Inland Revenue noted the existence of the right of way within their books and then allowed a deduction for it. No right of way was noted or deduction given by the Inland Revenue for the hereditaments which contained the application route.

The Inland Revenue maps and books actually provide clear evidence that the application route was not a right of way. Please refer to NSSC's Statement of Case to review the Inland Revenue evidence.

The second point that NSSC wishes to make is in relation to the statement by ESCC on page 3 of their document, where they refer to the right to divert the track being written in a *draft* copy of the 1930 conveyance:

“The 1930 Conveyance does appear to show the Order route as numbered 79 and with the right to divert it, although the objector states that this is a draft copy so consideration may need to be made about if this was in the final copy and why a right was needed at all if it was a private route and not a public one”.

ESCC seem to be suggesting that the right to divert the track may have only been present in the draft copy of the 1930 conveyance and not in the final version of that document. However, it can be seen that this is not the case as the relevant text is present in paragraph 3 of Register of Title ESX53479. An official copy of Register of Title ESX53479 was supplied as an appendix in both NSSC’s first response (dated 31st January 2018) and in the NSSC Statement of Case dated 23 May 2023.

Paragraph 3 of Title number ESX53479 states:

The land has the benefit of the following rights granted by the Conveyance dated 25 August 1930 referred to in the Charges Register:-

“Together also with a right of way for all purposes over and along the farm road running from the point marked “F” on the said plan to the Turn-pike running from Newhaven to the Village of Piddinghoe Together also with a right for the Purchasers to divert the farm road numbered 79 and 93 on the said plan to other portions of the property hereinbefore conveyed provided that the ingress to and egress from such Farm Road from and to the land hereby conveyed is not varied.”

The recording in the 1930 Conveyance of a right to divert the track would indicate that the use of the track was for the owner of the land and for persons permitted by the owner only. Had a Public Right of Way been in existence, granting of a Right of Way to the vendor would not have been necessary. The identified right to divert the track is inconsistent with the existence of any public right of way.

Yours sincerely,

Duncan Barrows

Newhaven & Seaford Sailing Club