

Robin Hickin
Objection to DMMO Newnham Lane Statement of Case.

Introduction

As a lifelong motorcyclist I learnt about groups who organised excursions and aimed to protect Green Roads for public use in the late 1990's. I formally joined in the early 2000's and have enjoyed the company exploring the countryside's green road network. Firstly in Warwickshire area with guidance from more experienced members and then within the west midland area, Northamptonshire, Leicestershire, Oxfordshire, Gloucestershire and then further afield.

One thing became evident to me as my knowledge of green roads improved was that all other highway authorities in the surrounding counties had byways open to all traffic along with in some cases Unclassified County Roads (UCRs), whereas Warwickshire had over 120 UCRs and virtually no Byways. This point has become more significant since NERC Act 2006 as the limited UCR network in Warwickshire was saved being only recorded on the list of streets.

Prior to the NERC act DMMO applications in Warwickshire for Byways open to all Traffic numbered more than 70 pre NERC. Since NERC only two of those applications have been processed in 15 years. Sadly the person who research and submitted all those DMMO Application has since passed away.

It is difficult therefore to understand why WCC has processed to applications on routes currently on the LOS which were logged after 2015. This current DMMO to downgrade the E5310 Newnham Lane and the E2289 at Sawbridge. In the case of the E2289 the New residents at a Barn conversion complained about traffic using the road and fenced the road on their land down to 16 feet to try to restrict use. Evidence provided in the 1750;s Inclosure awards and accompanied document clearly denotes the road as an all-purpose carriage way 40 feet wide with rights to drove cattle, pigs, sheep, and geese. However despite this definitive evidence of carriageway status WCC have currently chosen to ignore this and proposed to take the road off the LOS and added it to the DMS, whereas in the case of E5310 Newnham Lane they rely on the same era Tithe document to justify the down grading of this road.

Along with this and alleged facts that the road does not appear on various iterations of maps, many of WCC E-Roads do not, to this day, appear on current OS Maps. An example is attached of two E-Roads in the parish of Ladbroke which are dissected by the construction of HS2. After contacting HS2 on their lack of recognition of these E-Road I am lead to believe they have been instructed by officers of WCC to regard all E-Roads as Bridleways. NB HS2 own designation Web link below

[Technical Standard - Roads.pdf](#)

2.4 Types of road 2.4.1 There are seven main types of road, as follows: • Motorway – A 'special road' for certain classes of motorised vehicles only, maintained by Highways England • All-purpose trunk road – A strategic 'A' road for long-distance traffic, maintained by Highways England Technical Standard - Roads Document no.: HS2-HS2-HW-STD-000-000001 Revision: P01 Template no.: HS2-HS2-QY-TEM-000-000008 Page 3 Uncontrolled when printed • Primary route – A network of other 'A' roads, important at a regional level and maintained by local highway authorities • Principal road – Other 'A' roads, important at a sub-regional level and maintained by local highway authorities • Secondary road – 'B' roads, important at a district level and maintained by local highway authorities • Classified road – Roads of local importance only, maintained by local highway authorities • Unclassified road – Other roads, ranging from urban streets to country lanes (including unsurfaced 'green lanes' in remote areas), maintained by local highway authorities NOTE – Classified roads have a 'C' number, but this is for internal use by the local highway authority and is not shown on traffic signs. Similarly, unclassified roads may be given a 'D', 'E' or 'U' number for the highway authority's internal reference purposes only

At recent presentation to the Coventry, Warwickshire & Solihull LAF no recognition had been given to the E-Roads bisected by the construction of the rail line. WCC ROW representative appeared uninterested in this important fact. To a lay person like myself it appears that WCC officers have an unwritten policy to try and downgrade or delete all E-Roads in the county.

Evidence

As a Warwickshire resident since 1979 I have been a user of all classes of highways within the county. From 2005 I was elected as National Rights of Way officer for a motorcycle organisation with the aim to protect green roads for the enjoyment of its members and the general public, a post I held for the next 10 years. As such I had many meetings with my local ROW dept of WCC, and by enlarge cultivated a good working relationship with them. During this period all classes of ROW were their responsibility along with unclassified road network. Newnham Lane often came to the fore either as a result of TTRO, as the road was seen to be out of repair and in 2008 the then Definitive Map officer conducted an investigation into the provenance of the E5310. This report along with its conclusions has never been available to outside parties and even after repeated requests others have had to resort to FOI request although it is mentioned in WCC DMMO documentation in this instance.

My personal evidence relies on the fact that for at least the last 70 years Newnham Lane has been on WCC LOS, as a vehicle highway and public road I have used this over the last almost 20 years with colleagues locally. I have never encountered other users over the times of my use although at time evidence of hoof prints were sometimes visible. I have never been approached by the land owner or other persons to challenge my use of this road although in recent time I am aware of others who have been challenged by the owner of the property at the Newnham end of the road, but not on the road itself. During the 2019 ABR Rally based at Radley Hall included in one of their ride out routes and many people used it on that occasion.

My own personal research of the E5310 & 5341 has not uncovered any evidence the Officers of WCC or its predecessor highway authority made an error in recording the route as a Public Road. On the contrary there exist numerous correspondences from the county surveyor who confirms both at the time of the production of the DMS 1n the 1950's and on various occasions sine that Newnham Lane E5310/E5341 is a public road.

Conclusion

1. WCC statement is flawed in so far as they interpret documents are only in favour of the road being recorded in error, but show no evidence of when this error was made and who was responsible for this error.
2. Their interpretation of the mapping evidence is flawed by the fact the many of Warwickshire E roads do not appear on the most up to date of OS maps.
3. The user evidence shows almost continuous use by motorised users for at least the last fifty years as well as other traffic.
4. As the road was exempt from the regulation within the NERC Act 2006 by virtue of only being recorded on the LOS, then if this route if it is to be added to the DMS it can only be recorded as Byway Open to All Traffic by virtue of its continuous legal use for the last fifty years by motor vehicles.
5. There appears to be a desire by WCC to prioritise the downgrading of UCR's in preference to dealing with the enormous backlog of genuine DMMO application they have.

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