

Statement of case

1. I have been riding this carriageway on my motorbike ever since 1986.
2. I have ridden it frequently on an ad hoc basis, ever since then, whether it has been when I am in the area, or when I set out purposely on a circular ride out with friends.
3. It has appeared as publicly maintainable on divisional engineer's maps in my possession for probably more than 50 years.
4. I have always known it to be a public vehicular right, and I have always used it with that knowledge.
5. I have carried out functions on behalf of, and in agreement with, the Highways Department of Warwickshire County Council when a voluntary restraint code was trialled sometime around the late 1990s early 2000s. The trial was to request vehicular users to travel from Newnham to Aston Cantlow in one direction only, so that any damage to the hill section would be lessened.
6. This temporary measure was in place until suitable remedial surfacing was put in place. That resurfacing was undertaken about the same time as Stroat Lane, Great Alne, probably the same financial year and contract, but I can't be any clearer about the exact dates. I expect that the Highways Department would have contract files relating to the works carried out.
7. My recent further research shows that it has been acknowledged as a county road of vehicular status by every County Surveyor since the 1930s, at least. That's nearly a century!
8. In 1971 the Clerk of the Aston Cantlow Parish Council was specifically informed by Mr D. Morris, County Surveyor, Warwickshire County Council, that it is "an unclassified county road, [and] this again I am afraid cannot be changed."
9. The length of time that the highway has been maintained as such - as indicated by the handover maps – exempts it from the effects of the Natural Environment and Rural Communities Act (NERC).
10. The duration of my use alone meets the criterion of 20 years use as of right and presumption of dedication even if the status was otherwise in question.
11. The making of an order as it stands is pointless if it is the true intention of making it available to walkers, horse riders, cyclists and others because its status as an acknowledged unclassified county road already attributes those rights to those users, and it is neither necessary or desirable, to consider any modifications under the terms of Definitive Map and Statement.