

My ref: E2289

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Dear Mrs Marwood

Unclassified County Road, E2289 Wolfampcote Lane

As promised, I have detailed below the points we discussed today so that you may consider the options with your husband.

General - gates

Gates across a public right of way or public road, like E2289, are the responsibility of the landowner to keep in good repair. The landowner should ensure they are safe and easy for the public to open and closed. Unfortunately, unsafe gates could result in a claim against the landowner for damages (if any arise), whilst gates that are difficult to close are often left open. And if they are locked or difficult to open, they could be considered an obstruction, contrary to the Highways Act 1980.

I should also have mentioned for completeness that unfortunately, unlike public rights of way, we cannot authorise new gates, in new locations, across any public roads unless they are authorised by a legal order, which is quite unusual.

Gate 1 – 10ft wide (location shown on the attached plan)

Whilst this gate is easy to open and close, the top rail of this gate is broken and users may snag themselves on the broken pole. From our discussion, I understand that for the foreseeable future you propose to secure the gate in an open position whilst works take place on the neighbouring barns, although, you propose to replace the gate when these works are complete. In light of this information, I do not have an issue with the current gate but until the gate is secured in an open position, I would strongly recommend that foam (or something similar) is secured around the ends of the broken pole.

When it comes to replacing the gate, in the interest of improving the route for equestrian users in particular, we would be able to provide a 10ft field gate (with hanging and slam), with a bridle handle attachment, for you to install – subject to when you would need the gate. At this current time, I would be able to supply the gate after March 2008.

Gate 2 – 12ft wide (location shown on the attached plan)

The latch has broken on this gate and when open, it drops and snags on the floor. This makes it difficult to open and close and needs to be improved. Rather than attempting to repair this rather old gate, we discussed changing it for a new one that would have a long handle to make it easier for equestrians to use. We also discuss hanging the new gate on the opposite side to the current one to avoid the barb wire in the next field. The gate would still open into your field. I have no objections to this proposal.

Like gate 1, I would be able to supply a new gate, with hanging and slam posts and a bridle handle after 2008 for you to install. Unfortunately, due to budget limitations, I am unable to provide a gate beforehand. Alternatively, if you would like to change the gate sooner because of problems with stock control, I could arrange for our Ranger team to install a gate, if you were able to provide a metal field gate with a spring bolt latch (like the one we looked on the new gates down the road). This would enable us to attach the bridle handle.

If we delay until after March, I would request that you improve the current gate as best as possible to help avoid complaints. This should also help to help keep the field stock proof.

Width of the Road and the Highways Act 1980, Section 31(6)

As discussed, I enclose further information on making a deposit and statutory declaration under Section 31(6). Hopefully this is fairly self explanatory but if you have any queries, my colleague Claire Lumley-Holmes in the Definitive Map team will be able to help. Contact details on the enclosed forms.

In respect of fencing off the road from the field with post and rail fencing, the true width of the road is unknown. This question has not previous arisen. Consequently, the evidence has not been sought and we are unable to define the width of the road at this time but it would be at least the width of the existing stone track. Evidence relating to the width of the road may be discovered at the County Records Office in Warwick.

In the long term, it is the intention of the Definitive Map Team to investigate the status and width of all non-tarmac surfaced Unclassified County Roads (E roads) but this is unlikely to be for many years. In the meantime, if you wish to fence off the road, I would strongly recommend that a minimum width of 5 metres is provided. This would enable a horse and vehicle to pass one another. These fences may however need to be moved in the future if evidence showed the highway to have a greater width. A lesser width could result in complaints being received from members of the public.

In providing 5 metres, I appreciate that you would not like the public to presume that you have dedicated this width if future investigations were to establish that the highway

had a lesser width. I would therefore suggest that the following paragraph is inserted into your Section 31(6) deposit and statutory declaration. This would negate the presumption arising during the lifespan of the two documents.

The ways coloured (*insert a colour*) on the said plan is an Unclassified County Road. I/We have provided a permissive width of 5 metres between enclosing fences between points A and B on the plan. This is without prejudice to any future investigation that may establish that the public highway has a greater or lesser legal width.

Public Rights of Way

In addition to E2289, I note that the field with the above gates in is crossed by two public footpaths (R251a and R250) and thought you might find the enclosed leaflet, 'Public Rights of Way. A Guide for Landowners' helpful.

When the new fences are erected alongside E2289, you will need to provide gates for these footpaths and for reasons of stock control, this letter may be considered authorisation to install two gates in these new fence lines for R251a and R250. However, as these fence lines are new, we would look to you to provide and install the gates at your own cost, although we could sell you suitable, self-closing pedestrian gates or kissing gates. I can provide further details on request.

If in the future you have any queries about these footpaths (shown on the enclosed copy of the Definitive Map), for example if you would like additional waymarkers or waymarker posts, please do not hesitate to contact my colleague Marina Kirchem who is the Rights of Way contact for the Parish of Granborough. Her direct line phone number is 01926 413422. Marina is not however, likely to be in the office for a few weeks but if anything urgent crops up, please do not hesitate to ring the office and we will seek to help in her absence.

Way forward

If after considering the options for the two existing field gates, you can let me know which way you would like to go, I can make any necessary arrangements. Thank you.

I look forward to hearing from you in the near future.

Yours sincerely

Annmarie Grace
Access Project Co-ordinator