

Access considerations for Carriers' application.

As requested by Fiona here are brief notes on the status of the path adjacent to the Carriers and proposed to be utilised for access.

The path is shown on almost all OS maps as an existing pathway but not designated as a footpath or any other formal right of way.

It is recorded in the Sandon Inclosure Award as a private carriageway and adjacent landowners are designated as required to maintain it. The description of it in the Award is of a wider path than is currently the position. The use of the word private is used in contrast to state owned, but does not mean that the right of way is restricted.

The fact that the path is not at the moment recorded as an official right of way on the Definitive map does not mean that it is not a right of way. It simply means that it is not so recorded. An application can be made to the County Council to modify the definitive map to include it as having been overlooked on the basis of historic evidence and/or user evidence. In this case an application will probably be made on both grounds possibly through the BHS. Whilst such applications are usually very slow to be considered where there is a potential development they may make their way to the top of the pile.

If a modification order is granted that will mean that there must be a right of access over the path to the public, but would not stop the development of the path as an access route subject to the right of way. The PC might consider supporting or even making the application to modify themselves.