

From: [REDACTED]
Sent: 11 October 2022 17:41
To: [REDACTED]
Subject: RE: Public right of way - Pymoor - Reference 398388

Dear [REDACTED]

I understand that you have referred this to Cllr Dupre, who in turn has been in communication with The Director of Highways and Transport.

I have provided a full brief to the Director of Highways and Transport and I am sure she will provide a response via Cllr Dupre

Kind regards

[REDACTED]
Rights of Way Officer
East Cambs and Fenland

From: [REDACTED]
Sent: 11 October 2022 14:33
To: [REDACTED] <[\[REDACTED\]@cambridgeshire.gov.uk](mailto:[REDACTED]@cambridgeshire.gov.uk)>
Subject: RE: Public right of way - Pymoor - Reference 398388

Thank you [REDACTED], but I don't understand, when something similar happened to another resident in the village they were given a few months to rectify the issue before "Formal Enforcement Action" would be taken. I know that to be true as I read the letter from the council myself.

Why isn't this the same course of process for this particular case? 4 years is unacceptable.

Thank you.

[REDACTED]

----- Original Message -----

From: [REDACTED] <[\[REDACTED\]@cambridgeshire.gov.uk](mailto:[REDACTED]@cambridgeshire.gov.uk)>
To:
Sent: Tuesday, 11 Oct, 22 At 14:24
Subject: RE: Public right of way - Pymoor - Reference 398388

Dear [REDACTED]

As I have said before, we are in contact with the land owner and following our standard procedures to resolve obstructions to Public rights of Way

Any escalation will not make any difference to time scales as this case is already in progress

Thank you for your concerns about these obstructions

Kind regards

[REDACTED]

From: [REDACTED]
Sent: 11 October 2022 14:12
To: [REDACTED] <[\[REDACTED\]@cambridgeshire.gov.uk](mailto:[REDACTED]@cambridgeshire.gov.uk)>
Subject: RE: Public right of way - Pymoor - Reference 398388

Hello [REDACTED] - is there any way to progress this as 4 years is a unacceptably long time when other members of our community have not been afforded the same length of time to resolve matters.

How do I progress this further - contact my local MP?

Thank you.

[REDACTED]

----- Original Message -----

From: [REDACTED] <[\[REDACTED\]@cambridgeshire.gov.uk](mailto:[REDACTED]@cambridgeshire.gov.uk)>
To:
Sent: Tuesday, 11 Oct, 22 At 14:05
Subject: RE: Public right of way - Pymoor - Reference 398388

Hi [REDACTED]

Still in progress

Kind regards

[REDACTED]

Rights of Way Officer

East Cambs and Fenland

From: [REDACTED]
Sent: 11 October 2022 13:59
To: [REDACTED] <[\[REDACTED\]@cambridgeshire.gov.uk](mailto:[REDACTED]@cambridgeshire.gov.uk)>
Subject: Fwd: Public right of way - Pymoor - Reference 398388
Importance: High

Hello [REDACTED] I would be pleased if you can provide me with an update of this please.

Thank you.

----- Original Message -----

From: [REDACTED]
To: highways@cambridgeshire.gov.uk
Sent: Friday, 16 Sep, 22 At 11:21
Subject: Public right of way - Pymoor - Reference 398388

Hello [REDACTED], I wondered if there is any update on this.

I find it difficult to understand and accept that currently its taken 4 years to try and resolve - from speaking to friends and relatives who have experienced encounters with the council they have all been given a period of time to resolve their issue and if this doesn't happen then "Formal Enforcement Action" was sited.

I would be pleased to for an update.

Thank you.

----- Original Message -----

From: [REDACTED]@cambridgeshire.gov.uk
To:
Sent: Saturday, 30 Jul, 22 At 12:50
Subject: Additional information has been added to your fault report.

Reference: [REDACTED]
Date reported: Wednesday 20th July 2022
Location: Downham Byway 37, Little Downham
Fault type: Public rights of way
Description of fault: Obstruction on path

The team dealing with your fault has updated the record with the following information:

Dear [REDACTED]

Just to confirm that negotiations are ongoing and complexed. I am afraid these obstructions will take some time to resolve but are not being ignored

Kind regards

[REDACTED]
*Rights of Way Officer
East Cambs and Fenland*

From: [REDACTED]
Sent: 11 October 2022 15:36
To: [REDACTED]@cambridgeshire.gov.uk>
Cc: [REDACTED]@cambridgeshire.gov.uk>
Subject: RE: County Council action

Hi [REDACTED]

Strangely enough I am in the process of producing a briefing paper to send to [REDACTED], [REDACTED], [REDACTED] and [REDACTED] about these issues.

This is an outstanding issue, with a lot of history from prior to myself commencing post.

Basically my predecessors chose to ignore these obstructions, with little or no evidence being accessible as to any attempts to enforce the definitive Public right of Way.

I am responding to more recent complaints / reports that have come in and following significant difficulty in establishing communication with the land owner, I have recently had a site meeting to discuss the obstructions.

The owner, [REDACTED], is well known to CCC and [REDACTED] has advised me that CCC are currently taking legal action against him in relation to his [REDACTED] elsewhere in the County. In fact when I informed him that I was due to meet with [REDACTED], [REDACTED]'s initial response was that I should not go there alone!

From my meeting with [REDACTED], it was very apparent that my usual limited powers to resolve such issues will have no effect.

Hence, I am in the process of escalating this case.

I will send further information in due course.

Kind regards

[REDACTED]

From: [REDACTED]@cambridgeshire.gov.uk>
Sent: 11 October 2022 15:22
To: [REDACTED]@cambridgeshire.gov.uk>
Cc: [REDACTED]@cambridgeshire.gov.uk>
Subject: FW: County Council action

Hi [REDACTED]

Sorry to be bothering you again so soon – it does seem that Cllr Dupre has a few issues at the moment.

I was hoping that you would be able to let me have a bit of background on the status of the PROW at Mount Pleasant Farm, from the email below it sounds like you have already been in contact with the residents who have expressed their concern at the route being blocked. It sounds like there is a

blocked PROW and now the farm owners have blocked another route that isn't a PROW – and they may well have good reasons for that.

Thanks

██████████

From: Cllr Lorna Dupre <Lorna.Dupre@cambridgeshire.gov.uk>

Sent: 11 October 2022 14:58

To: ██████████@cambridgeshire.gov.uk>

Subject: County Council action

Good afternoon, ██████████. This just in from a local resident in Pymoor. Things just aren't happening where the Council has powers to intervene.

A few months ago you kindly gave me the email address of ██████████ at the Highways department for the person to contact with regards to the blocking of Public Rights of Way.

I contacted ██████████ and I received a very prompt response which I was pleased with however, given that the issue was raised 4 years ago and there appears to be no visible progress I wonder if this can be raised further to more senior people. The obstruction is at Mount Pleasant Farm and I fear that this will rumble on and the pathway will never ever become a public right of way again. Runners and dog walkers (of which I do both) aren't able to enjoy this pathway anymore and now today, the proprietor of Mount Pleasant Farm has blocked another footpath which is used many times a day by local dogwalkers. In this particular instance this one isn't a legal right of way, but has been used for a long time (so we can't raise this with the council). However, I wonder where this behaviour will stop.

I have attached a photo to show you of the blocked pathway, this was put there at the weekend, and the gate this morning.

Perhaps you can guide me who I can contact to raise the Mount Pleasant Farm Right of Way further.

Thank you,

Lorna Dupré

Cllr Lorna Dupré

Cambridgeshire County Council, Sutton division—Chair of Environment & Green Investment Committee

East Cambridgeshire District Council, Sutton ward—Leader of the Liberal Democrat Group

From: [REDACTED]

Sent: 11 October 2022 17:34

To: [REDACTED]@cambridgeshire.gov.uk>; [REDACTED]

[REDACTED]@cambridgeshire.gov.uk>; [REDACTED]

[REDACTED]@cambridgeshire.gov.uk>; [REDACTED]

[REDACTED]@cambridgeshire.gov.uk>; [REDACTED]@cambridgeshire.gov.uk>

Subject: significant obstructions to Downham Byway 37

Dear all

Please find attached a briefing paper and relevant documents about Downham Byway 37

I would appreciate a clear steer from yourselves as to how this should be progressed?

Please use the link below for document 3

[\\ccc.cambridgeshire.gov.uk\data\Et Shared\8 Highways\Highways Maintenance\PROW\Parish Folders\65 Downham \(Little\)\Downham 37 Pygore\3.AP2009](\\ccc.cambridgeshire.gov.uk\data\Et Shared\8 Highways\Highways Maintenance\PROW\Parish Folders\65 Downham (Little)\Downham 37 Pygore\3.AP2009)

Kind regards

[REDACTED]

Rights of Way Officer

East Cambs & Fenland

M: [REDACTED]

E: [REDACTED]@cambridgeshire.gov.uk

Cambridgeshire Highways

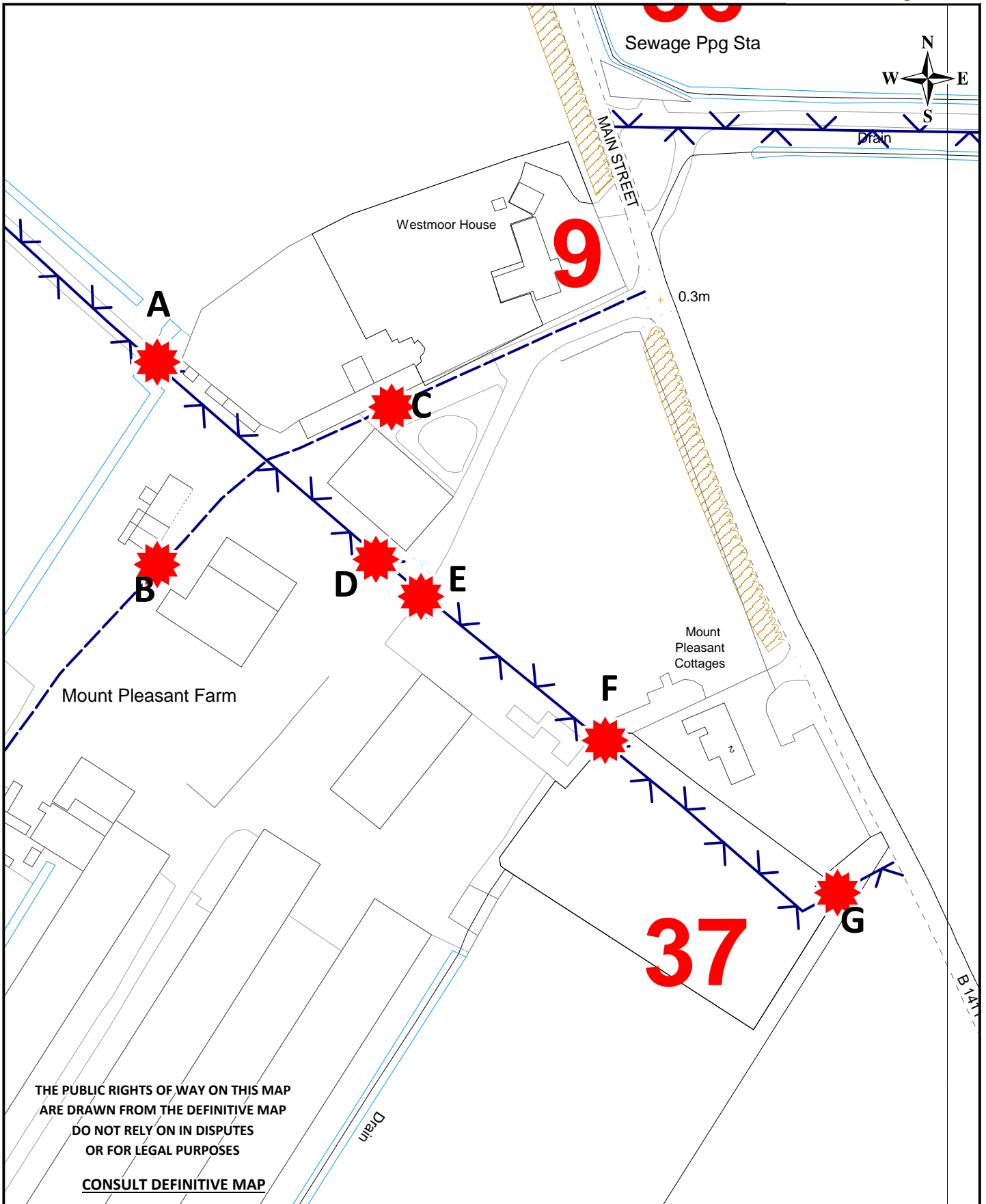


Place and Economy

Cambridgeshire County Council

A: Box ET1029, Highways Depot, Stirling Way, Witchford, Cambs CB6 3NR








Downham Byway 37: Pygore Drive



Scale: 1:14157

Date: 09/11/2021

By: fe311

Key - Drawn from the Definitive Map			
Permissive Footpath (red)		Public Footpath	
Permissive Bridleway (red)		Public Bridleway	
Permissive Access (red)		Byway Open to All Traffic	
Parish Boundary (yellow)		Restricted Byway	

My ref: [REDACTED]

Your ref:

Date: 11th April 2022

Contact: [REDACTED]

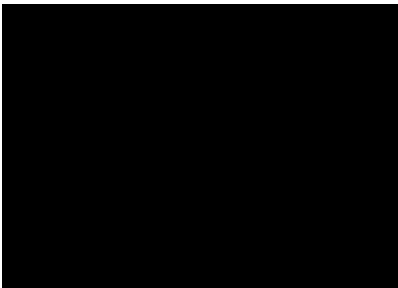
Telephone: [REDACTED]

E Mail:

[REDACTED]@cambridgeshire.gov.uk

**Place and Economy
Highways Service**

**Box ET1029
Highways Depot
Stirling Way
Witchford
Cambs
CB6 3NR**



Dear Sirs

Obstructions on Downham Byway 37 and Downham Footpath 9

I am contacting you with regard the two Public Rights of Way, which pass through Mount Pleasant Farm.

I have found evidence of correspondence between yourself and [REDACTED] of Cambridgeshire County Council about the obstructions that existed back in 2008, but have struggled to find any reference as to how these were resolved?

I do however, have a copy of an aerial photograph from 2009, which suggests that the routes of both these Public Rights of Way were clear at the time. (Copy attached)

Since then, the site of Mount Pleasant Farm has clearly gone through a significant level of Development.

This has resulted in several significant, illegal obstructions now blocking the Definitive Line of Downham Byway 37 and Downham Footpath 9

I have marked these on the enclosed map and provide corresponding details below:

- A. Historically there has been a gate at this point, which is an illegal obstruction. However, more recently the culvert, which the Byway crossed has been removed

This is legally recorded as a Public Byway Open to all Traffic. This means that it cannot be gated and passage along its route most certainly cannot be prevented through spanning it with a ditch.

B & C. Gates have been erected at these two locations across the legal line of Downham Footpath 9. As there is no record of any within the Definitive Statement for this Public Right of Way, gates can only be erected with the consent of the County Highway Authority. Legislation states that gates should only be erected across a Public Footpath or Bridleway to prevent the ingress or egress of agricultural livestock.

We do, however, where circumstances arise, on occasions, grant consent for security reasons. As this is a public footpath, the gates should still ensure unimpeded access for pedestrians.

D. At this point the Public Byway is obstructed, primarily by parked lorry trailers

E, F & G. At these three points the definitive line of the Public Byway is obstructed by fences.

Relevant Rights of Way Legislation:

Under section 131 of the Highways Act 1980

Penalty for damaging highway, etc

- (1) *If a person, without lawful authority or excuse –*
- (a) *Makes a ditch or excavation in a highway which consists of or comprises a carriageway, or*
 - (b) *Removes any soil or turf from any part of a highway, except for the purpose of improving the highway and with the consent of the Highway Authority for the highway, or*
 - (c) *Deposits anything whatsoever on a highway so as to damage the highway, or*
 - (d) *Lights any fire, or discharges any firearm or firework, within 50 feet from the centre of a highway which consists of or comprises a carriageway, and in consequence thereof the highway is damaged,*
- He is guilty of an offence*

Section 137 of the Highways Act 1980

- (1) *If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine....*

Under Section 143 of the Highways Act 1980

- (1) *Where a structure has been erected or set up on a highway otherwise than under a provision of this Act or some other enactment, a competent authority may by notice require the person having control or possession of the structure to remove it within such time as may be specified in the notice.*
- (2) *If a structure in respect of which a notice is served under this section is not removed within the time specified in the notice, the competent authority serving the notice may, subject to subsection (3) below, remove the structure and recover the expenses reasonably incurred by them in so doing from the person having control or possession of the structure.*

(3) The authority shall not exercise their power under subsection (2) above until the expiration of one month from the date of service of the notice.

Action required to clear illegal obstructions

Downham Byway 37 has a historically evidenced width of 10m

The full 10m width must be unimpeded as it passes through Mount Pleasant Farm through to the point it joins the B1411

A. The culvert must be replaced, and the gate removed

B & C. Retrospective formal consent for the gates must be sought from CCC, ensuring there is unimpeded access for pedestrians

D. All obstructing vehicles and any other obstructions to be removed

E, F & G. All obstructing fences to be removed.

I would welcome a site meeting with yourself to discuss how this can be resolved.

You can contact me either by phone or email

Thank you for your assistance

Yours sincerely



Rights of Way Officer
East Cambs and Fenland

Your ref:
My ref:
Date: 10th January 2008
Contact: [REDACTED]
Direct Dial: [REDACTED]
Fax: [REDACTED]
E Mail: [REDACTED]@cambridgeshire.gov.uk

Office of Environment & Community Services
Deputy Chief Executive, Brian Smith

Countryside Services
Box No ET1009
Babbage House
Castle Park,
Castle Hill
Cambridge
CB3 0AT
DX 137870

Dear [REDACTED]

Cophall Drove, Little Downham.

We met at the end of November whilst I was out on a site visit with [REDACTED]. You asked that I review correspondence and our dealings with complaints regarding access to Cophall Drove, Little Downham.

Cophall Drove is, as you know, recorded as a public footpath. As such our jurisdiction only extends to the protection and assertion of the public's right on foot. I am satisfied that access on foot was available on our last inspection and there is no further action the County Council can or needs to take. Any infringement of private rights is a private matter between the individuals concerned.

We have been working closely with the Environment Agency who, I understand, are investigating other matters relating to this drove.

Pygore Drove, Little Downham.

We also spoke about Pygore Drove and particularly the end of the byway where it passes through the farm yard. The public have a legal right of passage over the recorded definitive route, and this is currently obstructed by gates and a section of cultivate land. This route should be opened up and made available for use and my officers would be pleased to advise on what is required.

You expressed the view that the recorded route is not one you recognise. I am unclear as to whether you are contesting the status and/or route of the byway, or are concerned about the use of the byway through the farmyard. My staff can you advise on the options available to you in either case.

I would be grateful if you could contact the office so we can arrange a mutually convenient time to agree what action needs to be taken on Pygore Drove. Our main number is [REDACTED] and you need to talk to either [REDACTED] or [REDACTED].

I look forward to hearing from you,

Yours sincerely,

[REDACTED]
Countryside Access Team Leader

08/01/2008

Byway Open to All Traffic No. 37 Little Downham (Pygore Drove)
Additional notes to those provided in November 2007

1.0 Introduction

- 1.1 Additional documents have been discovered since the research of 2007, which focused on the route as recorded on the current Definitive Map & Statement. These shed further light on the history of the drove, which can then better inform decision-making.

2.0 Documents

- 2.1 1910 Finance Act map: shows drove with clear physical boundaries running down original southern route. It is uncoloured, indicating that the valuers considered it not productive and thus not rateable land. It joins with another uncoloured route, known now as Main Street. This strongly implies that it was considered to be public highway at the time.
- 2.2 1929 Highway Records handover map: shows a bold green line turning east at Mount Pleasant Farm, but above the FP line along which FP9 runs. It looks like it was originally drawn continuing down the drove along the old route, but was rubbed out.
- 2.3 FP9 was recorded on the 1953 Definitive Map & Statement for the Isle of Ely County as running from the main street to opposite Mount Pleasant Farm. On earlier County Series Ordnance Survey maps it is shown as a double pecked line feature annotated 'FP' and running between a footbridge at either end. It is clearly within a strongly bounded field.
- 2.4 1950s/60s 'Isle of Ely [County Council] Soft or Green Drove & County Roads map': This may have been produced as a result of the 1959 Highways Act which required highway authorities to hold a list of streets maintainable at public expense. It is an important part of the highway records. It shows Pygore Drove as a 'soft or green drove' maintainable at public expense. It is of a small scale but it looks like the route is shown with the 'diversion', as it appears to come out opposite Frith Head Drove.
- 2.5 Correspondence between Little Downham Parish Council and Cambs CC1968-69 requesting that CCC recognise all the old soft droves as public roads; CCC acknowledging that it would be most appropriate for them to be recorded as BOATs (which is largely what happened).
- 2.6 Survey notes for 1972 definitive map Special Review: We now know that routes described throughout the survey as 'shown as old RDC drove' are those shown by a green dashed line on the 1929 maps. These were the equivalent of RUPPs but were never recorded as such in the Isle of Ely on the Definitive Map & Statement. They were accepted to be publically maintainable soft roads, what we would now call unclassified roads.
- 2.7 The notes for this route say:
'Include the whole of the former route as a byway or alternatively omit section SE of Mount Pleasant Farm altogether and include the section of No. 9 FP as a byway.'

The former was chosen but there is no reasoning as to why.

- 2.8 Pygore Drove was finally recorded on the DM&S in 1987 with a s55 Wildlife & Countryside Act 1981 DMMO giving effect to the Special Review.
- 2.9 The southern section of BOAT 37 disappears from OS maps in the late 1980s.
- 2.10 PC report to CCC 10/03/1989 that BY37 had been ploughed up; request for CCC to enforce min width 15ft. Not clear which section but likely to be section in question when viewed with other evidence.
- 2.11 Aerial Photographs spanning over 60 years from 1946 to 2009: RAF 1946, RAF 1954, Meridian 1969, CUCAP 1987, CCC 1997, CCC 2009 (8 years, 15 yrs, 18 yrs, 10 yrs and 12 yrs apart). These show that:
- In 1946 the southern section of the byway was still clearly defined as a drove with physical features, probably a drain on both sides and in addition a hedge to the east of the eastern drain. It is free from obstruction across its entire width and would appear to be usable as a classic green drove; the continuing section north of Mount Pleasant Farm appears to be of a similar character. By contrast, the track from the main road to the farm, known now as FP 9, appears to be of a similar character to the road, namely a hardened white-coloured surface.
 - The 1954 photographs are missing the junction with the farm and the northern continuation, but it is evident that considerable change has occurred. The hedge appears to have been removed, together with the southern access point. The drove has a darker colour than the surrounding areas, suggesting it may have been recently ploughed.
 - By 1969 the farm has more clearly defined boundaries and the drove has lost its southern physical feature but still has the drain to the north for the majority of its length. The toe of the adjoining land has been more developed. The drove itself is still apparent as a clear pale strip distinct from the land on either side, with the exception of the southernmost tip which has been incorporated into the neighbouring field. A narrow access point can be seen linking the drove with the road. The old wide expanse of road verge has been lost; a new narrow verge has appeared between the track of the main road. The continuation of the drove north is still clearly defined, but remains in contrast to the more developed nature of the private access track/FP9 to the farm.
 - By 1987 the byway south of the farm has been largely obliterated and incorporated into the fields on either side. Nevertheless, the line can still be seen because of the contrast in vegetation, and vestiges of the boundary extant in the plot now known as [REDACTED] and a couple of trees in the boundary to the farm. Tractor wheelings can also be seen along the route next to No. 2. FP9/access to the farm now looks more like a dirt track in contrast to the tarmac road.
 - The 1987 situation appears to have been consolidated over the intervening 10 years to 1997. By this time, there has been considerable development of the farm, but the drove is still cropped as part of the adjoining fields.
 - In the 12 years to 2009, there has been development on the field to the south with the drove boundary being re-established. The field to the

north, between FP9/ the farm access track and No. 2 Main Street, is now a lawn. A route still appears to be available along the currently recorded legal line as a dirt track, and in fact it is more clearly discernible than in 1997.

3.0 Summary

3.1 Historically, the route went straight southwards to Westmoor Common Road (Main Street). Over time, between 1910 and 1946, access to Mount Pleasant Farm moved from using the drove to using the line of FP9. However, the old route was still available to the public and was largely unaffected as a green soft road. Change commenced in the 1950s, and proceeded incrementally such that by the time of the 1968 survey for the 1972 Special Review, its original physical character had largely, though not entirely disappeared. This probably explains the slight confusion at the time. However, no one seems to have protested about the recording of the route on its original alignment. This could be because although it had already been ploughed up, in practise people could still walk or ride through. By the late 1980s, even fewer physical features remained, but it was probably still possible to walk the route. However, by 2009, development of the surrounding land seems to have resulted in the route becoming more identifiable again.

3.2 In absence of a formal diversion, the historic evidence strongly indicates that the original route was correctly recorded as a BOAT in preference to the more recent route, which had arisen more as a private access-way. Nevertheless, given the looser legal framework of the List of Streets, it could be argued that the two highway records maps from sixty years ago and more show that the route was considered by the highway authority to have moved. But these documents were drawn up to show highways considered to be maintained by the highway authority of the time, not what was highway but was not being maintained. It is therefore likely that the Ely Rural District Council and its successor, the Isle of Ely County Council, made little effort to maintain the original highway here, and consequently forgot its history. This was corrected in 1987.

4.0 Options

4.1 Given the history of the route, I consider that there are three options reasonably available to the authority in terms of resolving the current problems of practical access on the ground and reconciling the past with the present. All options need to be carefully thought through before any action is taken.


- 1) BOAT recorded as per DM&S in 1972/87; assume due regularity. Enforce width and line as per DM&S using County Series OS map/historic aerial photographs and physical boundaries for width
- Estimate of width from desk-top study is 10 metres (c33 feet) all the way through, though would want to verify this by site visit.
- Support from PC and County Councillor
- Consequences? Injunction against authority?

2) Consider diversion of southern section under s116 Highways Act 1980 application to Magistrate's Court

- Consultation to flush out views
- Might appease those who say aligns records with how has been in practise for many years
- Could deal with other problems at same time?
- Not guaranteed process – open to objection. Parish have right of veto.
- Very public process

3) Amend DM&S under s53 WCA81 on grounds of being incorrectly recorded in first place.

- Consult – will flush out views
- Not guaranteed process – open to objection. *Trevelyan* says that evidence has to be substantial and cogent; quite likely that available evidence will not meet test, especially if evidence of use is provided and objections are made.
- Ostensibly cheaper process – but officer time could take 4/5 years if contested. Could involve litigation.


26/03/12

[REDACTED]

Rights of Way Officer
East Cambs & Fenland
Box ET1029
Highways Dept
Stirling Way
Witchford
Cambs CB6 3NR

Dear Sir,

Obstructions on Downham Byway 37 and Downham Footpath 9

In reply to your letter dated 11/4/2022, which I have received today 21/4/22.

I thought this matter had been settled between [REDACTED] and [REDACTED], 14 years ago and am distressed to find it's not.

We received the devastating news two weeks ago that the Mount Pleasant site has been declared the epicentre of an outbreak of Avian Bird Flu. The Environmental Agency have destroyed all the [REDACTED] ([REDACTED]), and have made it an exclusion zone for a least three months.

The General Public cannot go on or through this site at the moment, this will help

con/d or

prevent the spread of infection. The neighbouring villagers have also received a visit from the Environmental Agency warning them, and to keep their birds shut up. For this reason I am unable to invite you for a site visit.

I hope its not to long before its declared 'safe'.

Yours faithfully

A black rectangular box redacting the signature of the sender.

**Meeting with [REDACTED]
Tuesday 4th October 2022**

With regards to: Downham Footpath 9, Downham Byway 37 & Downham Footpath 41

Discussed the obstructions on Downham Byway 37 & Downham Footpath 9 as they pass through Mount Pleasant Farm

[REDACTED] stated that his family have always challenged the process by which Downham Byway 37 was added to the Definitive Map and that historical evidence suggests it never ran through Mount Pleasant Farm

This amounted to refusal to clear the incumbent obstructions.

I informed [REDACTED] that I will pass his comments to my Managers and the Definitive Map Asset Information Team, seeking clarification as to the correct legal process to follow?

I clarified that while I am not directly enforcing any action now, any action moving forward is dependent on feedback and guidance from CCC Highways Management

[REDACTED] enquired as to the viability of seeking a Diversion of Downham Footpath 9, as it creates a significant security risk, running through the middle of Mount Pleasant Farm.

I informed him that there is nothing stopping him applying for a Diversion Order, clarified that the process is open to Public Consultation and the opportunity to object. I also advised that I did not feel it would be sensible to consider any such application until the Route of Downham Byway 37 is resolved?

Downham Footpath 41

We discussed completion of the surface of this route, which has been made up with large aggregate stones. A "Permission to alter the surface of a Public Right of Way" application has been agreed, which states the surface will be topped off with Road Planings.

[REDACTED] explained that consolidation and compaction of the aggregate is resulting in an improved surface. We discussed the possibility of using grade 1 aggregate and / or finings instead of road planings. [REDACTED] said he will carry out some more work on the coming weekend, after which I will carry out an inspection to assess the surface

Rights of Way network around Pymoor and surface management

We discussed [REDACTED]'s aspirations to improve the Rights of Way Network around the location, including the creation of Permissive Footpaths and improving the surface of existing Public Rights of Way.

I reminded [REDACTED] and clarified that no alteration to any surfaces of any Public Rights of Way must not take place without the consent of CCC Highways Authority.

[REDACTED]
**Rights of Way Officer
East Cambs and Fenland**

Obstructions to Downham Byway 37 and Downham Footpath 9

The route of this Public Byway and Public Footpath are currently significantly obstructed as they pass through Mount Pleasant Farm. In fact, there have been significant obstructions through this farm for many years. See letter attached, which clarifies the current obstructions. (1)

Checking back through the limited access to archive data, I have managed to find a copy of a letter from [REDACTED] to the then owner of Mount Pleasant Farm dated 10th January 2008. (2)

The letter refers to obstructions through the farm and that the route should be opened up, but doesn't specifically give any time scales or make any reference to enforcement.

I can find no further documentation evidencing any outcomes from this letter, other than an aerial photo dated 2009, where it appears that the route is clear. (3)

The next document I could find in relation to Downham Byway 37 is a briefing paper produced by [REDACTED] dated 26/03/12 (4)

This document goes into detail as to how this route was recorded on the definitive map, including identifying anomalies in the process. It concludes with three possible courses of action.

Once again, I am not able to find any evidence as to what action was taken as a result of this document, or what prompted its production in the first place?

I eventually received a hand written response from [REDACTED], [REDACTED] owner of the farm. Interestingly she said that she thought this matter had been settled between [REDACTED] and [REDACTED]

When I met with [REDACTED] her son and current owner, [REDACTED] stated that it was [REDACTED] understanding that the process of recording Downham byway 37 on the Definitive Map was incorrect? (6)

There are currently 5 outstanding Insight Reports specific to Downham Byway 37, including one from the sister of a member of staff in CCC Highways.

I am seeking senior guidance and support as to how these issues should be progressed?

I think it would be valuable to involve [REDACTED] in relation to her existing knowledge of the case

I honestly do not see any progress in resolving / clearing these obstructions without going straight to legal enforcement action.

From: [REDACTED]@cambridgeshire.gov.uk>

Sent: 09 November 2022 19:40

To: [REDACTED]@cambridgeshire.gov.uk>; [REDACTED]

[REDACTED]@cambridgeshire.gov.uk>

Subject: BOAT 37 Little Downham

Hi [REDACTED]

Further to our meeting today on the above matter, I have apprised [REDACTED] of the matter and agreed that he will ask [REDACTED] (the patch officer) to:

- Pull together all the documentary evidence referred to in my summary of 2012 into a series of appendices, ready for use as required
- Research the width of the byway using a desktop analysis, as this was not covered by the 2012 document. At this point in time I'm not sure how much work will be required – it will depend on what is recorded on the Definitive Statements.

Given the history of the matter and likely contentious nature of the enforcement action, I will support [REDACTED] in providing Definitive Map support to you.

Please let me know if there is anything else you would like us to prep before you start action.

Kind regards,

[REDACTED]

Asset Information Manager

Asset Information, Highways Service, Box No. STA2101,

Place & Sustainability Directorate

Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

Tel. [REDACTED]

Mob. [REDACTED]

Cambridgeshire Highways

 Working in partnership with
Cambridgeshire
County Council



From: [REDACTED]@cambridgeshire.gov.uk>

Sent: 13 December 2022 16:37

To: [REDACTED]@cambridgeshire.gov.uk>

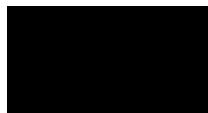
Subject: RE: Downham Byway 37

Hi [REDACTED],

[REDACTED] has put together most of the documentation, however there are a couple of documents that [REDACTED] referred to following an investigation a while back, and we have not been able to locate them. [REDACTED] has been chasing [REDACTED] asking where the docs are for some while, and hasn't heard back. [REDACTED]'s been focussing [REDACTED] time with Sunnica inquiry at the moment and so there's quite a few outstanding items our team have waiting on [REDACTED]

As soon as we have the missing pieces of information we can provide [REDACTED] with the complete set.

Kind regards,



Asset Information Definitive Map Manager
Highways Service, Cambridgeshire County Council
Tel: [REDACTED]

Cambridgeshire Highways



From: [REDACTED]@cambridgeshire.gov.uk>

Sent: 13 December 2022 10:32

To: [REDACTED]@cambridgeshire.gov.uk>

Subject: Downham Byway 37

Hi [REDACTED]

Can you please confirm what information has been provided to [REDACTED] for Downham Byway 37?

It has now been 5 weeks since the Teams meeting with [REDACTED] and [REDACTED] and I need to chase up the ongoing inertia with regards to any legal action

Many thanks

Kind regards



Rights of Way Officer
East Cambs & Fenland

M: [REDACTED]

From: [REDACTED]@cambridgeshire.gov.uk>
Sent: 26 May 2023 11:27
To: [REDACTED]@cambridgeshire.gov.uk>
Cc: [REDACTED]@cambridgeshire.gov.uk>
Subject: Downham Byway 37

Good morning

I can't believe they let you have AL, what next. Just to let you know, I have had a meeting to discuss this matter with [REDACTED]. I have responded to [REDACTED] the best I can. I have apologised for the delay and explained that due to data controls, I am unable to divulge much. I have invited her to meet up, but she thinks by demanding email responses rather than talking will bring us to heel.

Regards

[REDACTED]

Enforcement Officer

Highways and Access Teams

M: [REDACTED]

T: [REDACTED]

Email: [REDACTED]@cambridgeshire.gov.uk

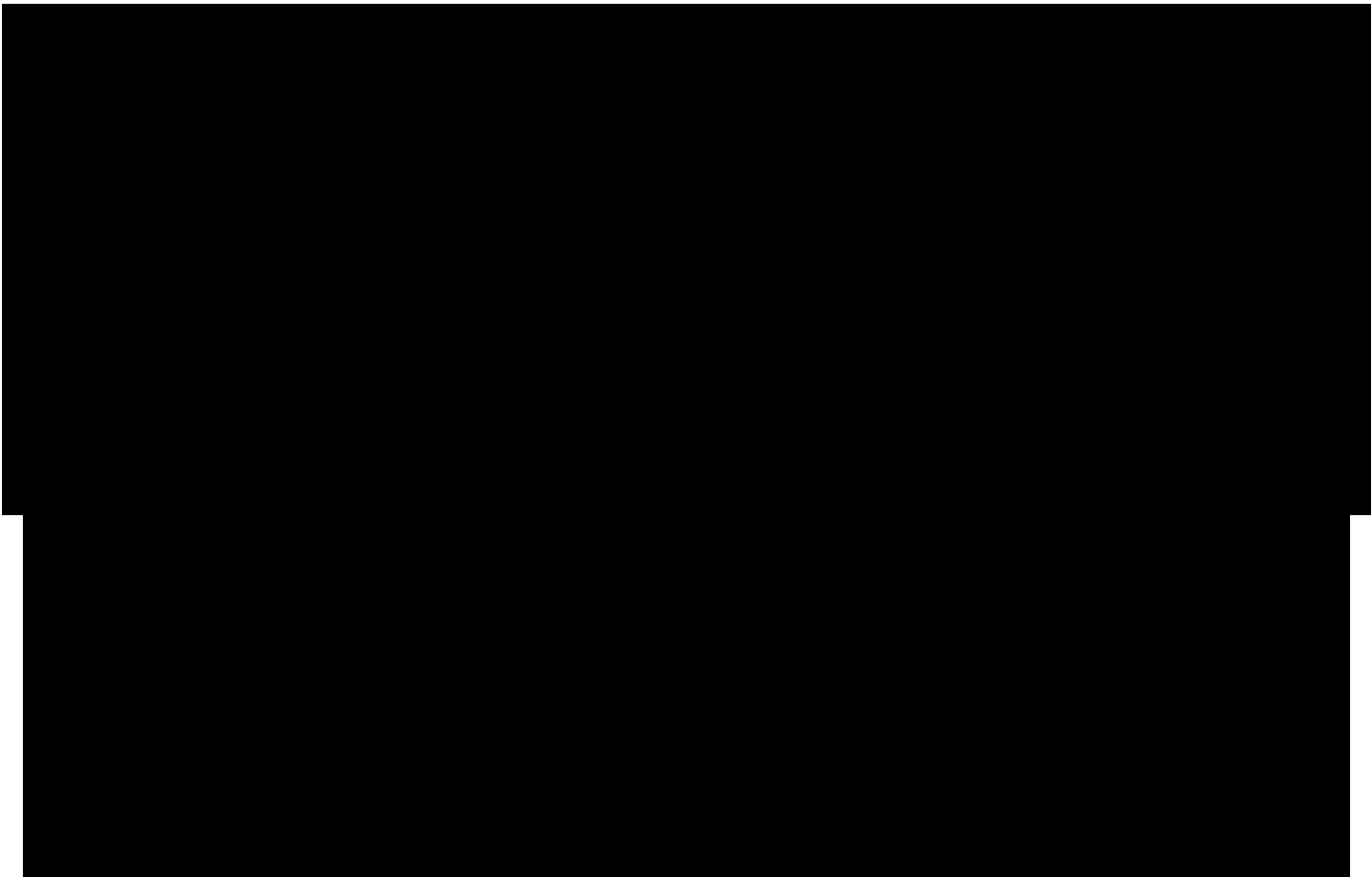
Cambridgeshire Highways



Place and Economy

Cambridgeshire County Council

A: New Shire Hall, Emery Crescent, Alconbury, Huntingdon PE28 4YE



[REDACTED]

From: [REDACTED]
Sent: 13 December 2022 16:45
To: [REDACTED]
Subject: RE: Downham Byway 37

Hi [REDACTED]

Thanks for the update and thank you to [REDACTED] for [REDACTED] efforts.

I would appreciate any chasing of [REDACTED] that you are able to do?

Cheers

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 13 December 2022 13:58
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Enforcement of BOAT No. 37, Little Downham

Hi [REDACTED], thanks for this.

I was wondering if I could arrange a call, in regards to the below, as I'm aware this needs to be completed quickly now.

I've been looking in the Parish File, but I can't see any file/ document describing the below especially for dates 1968/69.

Correspondence between Little Downham Parish Council and Cambs CC1968-69 requesting that CCC recognise all the old soft droves as public roads; CCC acknowledging that it would be most appropriate for them to be recorded as BOATs (which is largely what happened).

It looks to me the corres. Goes from the NPAC 1949 letter from the Parish Council to the County Council regarding where the provisional map should be deposited in 1967, and then a list of RUPPs which features the Byway, from the NPAC. After this, the rest of the correspondence is from after 1977.

I have this documentation in my summary, as one page features Byway 37, but I can't find anything for the above in red.

Aerial photographs,
Cambridgehisre Archives can provide two listed below, and are charging Minimum £6 for up to 5 pages:
CUCAP 1994 Ref. No.CAP/15/15 19 & 18
Meridian 1969 Ref. No. CAP/12(pt) 484 & 485

I'm unsure where to find the other aerial photographs, any help would also be appreciated so I can find them and add them to the summary.

Kind regards,

[REDACTED]
**Asset Information Definitive Map Officer
Place & Sustainability**

T: [REDACTED]
M: [REDACTED]
A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

From: [REDACTED]
Sent: 25 November 2022 16:29
To: [REDACTED]
Subject: RE: Enforcement of BOAT No. 37, Little Downham

Hi [REDACTED]

Thank you for progressing this. Answers below.

Kind regards,

██████████

████████████████████

Asset Information Manager

Asset Information, Highways Service, Box No. STA2101,
Place & Sustainability Directorate
Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

Tel. ██████████

Mob. ██████████



Due to the way I work I sometimes send emails outside of work hours, but I do not expect the same of others.



From: ██████████@cambridgeshire.gov.uk>
Sent: 25 November 2022 09:55
To: ██████████@cambridgeshire.gov.uk>
Subject: RE: Enforcement of BOAT No. 37, Little Downham

Hi ██████████

I'm compiling the various images into a document, though I'm struggling to find a couple of things

1. Correspondence between Little Downham Parish Council and Cambs CC1968-69 requesting that CCC recognise all the old soft drives as public roads; CCC acknowledging that it would be most appropriate for them to be recorded as BOATs (which is largely what happened).

I've been using the above folder to find other correspondence but cannot find this in particular, just checking I'm searching in the right place!

The older parish correspondence is all here:
\\ccc.cambridgeshire.gov.uk\data\Et_Shared\8_Highways\Highways_Asset_Management\Asset_Information\Definitive Map\Legal Records\Parish Files Scanned\Final Data - PDFs Only

2. Historic Aerial Photographs 1946- 1987.

I understand that Ely archives can provide these images if I send them a map, but I'm just checking whether you've saved them anywhere locally before I do this?

I don't think so. It is helpful if Archives can provide them electronically without a trip there.

Kind regards,

██████████

Asset Information Definitive Map Officer
Place & Sustainability

T: ██████████

M: ██████████

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

From: ██████████@cambridgeshire.gov.uk>

Sent: 21 November 2022 14:36

To: ██████████@cambridgeshire.gov.uk>

Subject: FW: Enforcement of BOAT No. 37, Little Downham

Importance: High

Hi ██████████

Can you please pick this one, up and aim to get it done this week, if you have any questions, just ask.

Thanks,

██████████

From: ██████████@cambridgeshire.gov.uk>

Sent: 09 November 2022 19:32

To: ██████████@cambridgeshire.gov.uk>

Subject: Enforcement of BOAT No. 37, Little Downham

Hi ██████████

Further to our conversation about this matter this afternoon, please see the summary of the issue set out by ██████████ in his email attached. ██████████ is receiving continued complaints about new obstructions across the byway, and the local Member is seeking action.

One of the documents attached to the email is my analysis of the legal records and documentary evidence undertaken in 2012. This document is saved in the parish folder at <\\ccc.cambridgeshire.gov.uk\data\Et Shared\8 Highways\Highways Asset Management\Asset Information\Definitive Map\Parish Matters\65 Little Downham\BOAT37>

At a meeting with ██████████ and ██████████ today, the senior managers agreed to enforcement action going ahead. Fyi none of the three recommendations set out in 2012 were taken forward at the time, and ██████████ and ██████████ agreed that enforcement was the most appropriate action.

██████████ and ██████████ will be putting an enforcement plan together. They will need support from the Definitive Map team at some point. They are keen to ensure that, when action starts, they can follow it through and stick to a timetable. Therefore they would like us to have the documentary evidence ready to support the action.

Please could you ask ██████████ to review my 2012 analysis and put together all the documents referred to into a set of appendices? Probably best to do like we would do for a DMMO report. A couple of weeks' time should be fine for this.

I think the other piece of work that will be needed is clarity over the width of the byway, as my 2012 document does not cover this. Please can you ask ██████████ to review all the relevant documents concerning

width (not just the DS but [REDACTED] notes and a basic measurement off the OS county series mapping), and to set out her analysis of this in a Word document?

In due course, it will be necessary to set the width out on the ground, and will need to undertake a site visit to inform our final view as to the legal width, if not clearly stated in the DS.

I am conscious that the subject has history, is complex, and is likely to be contentious, so I am happy to support [REDACTED] in doing this work.

Please note that there is also enforcement action underway in relation to another holding that the [REDACTED] [REDACTED] have in Ellington concerning the Buffaload site. If any questions arise please direct them to [REDACTED].

Kind regards,

[REDACTED]

Asset Information Manager

Asset Information, Highways Service, Box No. STA2101,
Place & Sustainability Directorate
Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

Tel. [REDACTED]

Mob. [REDACTED]



Due to the way I work I sometimes send emails outside of work hours, but I do not expect the same of others.