

Agenda item 4 - DMMO 5/18

Proposal:

To upgrade footpath 155 a restricted byway between points A to B (**Path 1**), upgrade footpath 155 to a bridleway between points B to C (**Path 2**), and add a restricted byway between points B to D (**Path 3**), in the parish of Yapton.

Evidence:

The application is based on documentary evidence only with reference to section 32 of the Highways Act 1980. This provides that a court or other tribunal, before determining whether a way has or has not been dedicated as a highway, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence and shall give such weight to it as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled and the custody in which it has been kept and from which it is produced.

Recommendation:

That a Definitive Map Modification Order for Path 1 should be not made.

That a Definitive Map Modification Order for Path 2 should be not made.

That a Definitive Map Modification Order for Path 3 should be not made.

