

DECISION NOTICE



Decision Type:	Wildlife and Countryside Act 1981 S. 53(3)(c)(iii)
Order Type	Definitive Map Modification Order
Scheme of Delegation:	EAI95
Decision Maker:	Senior Countryside Access Officer (Legal Definition)
Matter:	Application to remove Windlesham footpath no. 185 from the definitive map and statement of public rights of way. Ref. CP580
Accompanying Documents	Report dated 25 October 2023, authored by Rik Catling and Annexes: A: Plan showing public footpath no. 185, Windlesham B: Land Registry titles C: Map Modification Orders Legal Guidance D: 1991 public inquiry decision report E: 2011 appeal decision report F: List of evidence submitted G: Statements regarding the alleged padlocked gate H: Documents regarding landfill and flooding

Recommendations

The Officer with delegated authority member is asked to agree that:

- (i) The application to delete public footpath no. 185 Windlesham from the definitive map and statement is refused.

Decision:

The Officer (Daniel Williams) agrees with the recommendation.

Reasons for Decision:

The County Council has a duty under Section 53 of the Wildlife and Countryside Act 1981 (WCA 1981) to modify the Definitive Map and Statement (DMS) if it discovers evidence that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

In this instance, it is considered that there is no compelling new evidence that an error was made when the path was recorded on the definitive map and statement as a public footpath.

Signed:



Daniel Williams

Senior Countryside Access Officer (Legal Definition)

Date:

22 November 2023