

Minutes for paper RoW05/24 on 19 July 200510. **CLAIMED BYWAY OPEN TO ALL TRAFFIC IN OLD NEWTON WITH DAGWORTH**

The Committee considered paper RoW05/24 (copy in the minute book) regarding a claimed byway open to all traffic in Old Newton with Dagworth, as shown on map 2. Officers explained that the recommendation should refer to E-F-K, not C-F-K. The error had arisen because further evidence had been made available following publication of the report, leading to a changed recommendation.

The Chairman invited the Local Councillor to address the Committee. The Local Councillor thanked the officers for their diligent research. He informed the Committee that he was not in support of the claim as the route had always been considered to be a private road and there had been no previous disputes. If the recommendation was to be agreed he urged the Committee to take all possible steps to retain the tranquil situation in Dagworth and requested that large 'Cul-de-sac' signs be placed at point K.

The Local Councillor raised the issue of who would be responsible for the up keep of the road if the recommendation was to be agreed, explaining that the owners of the properties had always maintained the road. It was explained that if the recommendation was agreed maintenance would no longer be the responsibility of the property owners. Part of the route would be Suffolk County Council's responsibility (K-H). However, there was uncertainty regarding who would be responsible for the section E-H.

Decision: The Committee rejected the claim and agreed that no Order be made under Section 53 (3)(c)(i) adding the route E-F-K to the Definitive Map as a byway open to all traffic.

Reason for Decision: The Committee considered that the evidence was insufficient to support even a reasonable allegation of the existence of public rights along the claimed route.

Alternative Options: The Committee's decision was an alternative option to the action recommended.

Declaration of Interest: None declared.

Dispensation: None reported.

