

**Definitive Map Review
Parish of Wembury**

Report of the Chief Officer for Highways, Infrastructure Development and Waste

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that no Modification Orders be made in respect of Proposals 1 and 2.

1. Introduction

The report examines two proposals arising from Schedule 14 Applications made prior to the Definitive Map Review for the parish of Wembury.

2. Background

The original parish survey under s. 27 of the National Parks and Access to the Countryside Act 1949 revealed 31 footpaths and 2 bridleways, which were recorded on the Definitive Map and Statement with a relevant date of 9th March 1962.

The reviews of the Definitive Map, under s. 33 of the 1949 Act, which commenced in the 1970s, produced 5 User Evidence Forms, one of which is relevant to Proposal 1 in the parish of Wembury.

The Limited Special Review of Roads Used as Public Paths (RUPPS), also carried out in the 1970s, did not affect this parish.

The following orders and agreements have been made and confirmed:

Devon County Council (Footpath No. 6 Wembury) Public Path Diversion Order 1988;
Ministry of Defence Act 1842 Public Path Diversion Order (Footpath No.31 Wembury) HMS Cambridge 1992
Devon County Council (Footpath No. 32 Wembury Public Path Variation Order 1993 (Renney Lentney)
Devon County Council (Footpath Nos 36 & 37 Wembury) Definitive Map Modification Order 1993;
Devon County Council (Footpath No 24 Wembury & Footpath No.2, Brixton) Public Path Diversion Order 1995
Devon County Council (Footpath No.4 Wembury) Public Path Diversion 1998;
Devon County Council (Footpath Nos 2, 3 & 6 Wembury) Public Path Extinguishment Order 2001;
Devon County Council (Footpath No.38, Wembury) Public Path Creation Agreement 2004;
South Hams District Council (Footpath No.24, Wembury) TCP Act 1971 S210 Diversion Order 1990;
Devon County Council (Footpath No.39, Wembury) Public Path Creation Agreement 2007
Legal Event Modification Orders will be made for these changes under delegated powers in due course.

The current review began in November 2018 with a public meeting held in Wembury War Memorial Hall, and an informal consultation on the 2 proposals, carried out in April 2019.

3. Proposals

Please refer to the Appendix to this report.

4. Consultations

Informal public consultations were carried out in April 2019 with the following comments returned:

County Councillor John Hart	-	representation as an adjacent landowner of proposal 1
South Hams District Council	-	no comment
Wembury Parish Council	-	object to proposal 1, no comment on proposal 2
British Horse Society	-	no comment
Devon Green Lanes Group	-	no comment
South West Coast Path Assoc	-	possible conflict on proposal 1, support amenity value on proposal 2
Ramblers'	-	no comment
Trail Riders' Fellowship/ACU	-	no comment
Country Landowners Association	-	no comment
National Farmers' Association	-	no comment
Cycling UK	-	no comment

5. Financial Considerations

Financial implications are not a relevant consideration to be taken into account under the provision of the Wildlife and Countryside Act 1981. The Authority's costs associated with Modification Orders, including Schedule 14 appeals, the making of Orders and subsequent determinations, are met from the general public rights of way budget in fulfilling our statutory duties.

6. Legal Considerations

The implications/consequences of the recommendation have been taken into account in the preparation of the report.

7. Risk Management Considerations

No risks have been identified.

8. Equality, Environmental Impact and Public Health Considerations

Equality, environmental impact or public health implications have, where appropriate under the provisions of the relevant legislation, been taken into account in the preparation of the report.

9. Conclusion

It is recommended that no Orders be made in respect of Proposals 1 and 2.

Should any further valid claim with sufficient evidence be made within the next six months, it would seem reasonable for it to be determined promptly rather than be deferred.

10. Reasons for Recommendations

To undertake the County Council's statutory duty under the Wildlife and Countryside Act 1981 to keep the Definitive Map and Statement under continuous review and to progress the parish by parish review in the South Hams District area.

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Electoral Division: Bickleigh & Wembury

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
Correspondence file	2018 to date	DMR/Wembury

es310519pra
sc/cr/DMR Wembury
03 210619

A. Basis of Claim

The Highways Act 1980, Section 31(1) states that where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

Common Law presumes that at some time in the past the landowner dedicated the way to the public either expressly, the evidence of the dedication having since been lost, or by implication, by making no objection to the use of the way by the public.

The Highways Act 1980, Section 32 states that a court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, 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 thereto 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.

The Wildlife and Countryside Act 1981, Section 53(3)(c) enables the Definitive Map to be modified if the County Council discovers evidence which, when considered with all other relevant evidence available to it, shows that:

- (i) a right of way not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates.
- (ii) a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
- (iii) 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.

The Wildlife and Countryside Act 1981, Section 53(5) enables any person to apply to the surveying authority for an order to modify the Definitive Map. The procedure is set out under WCA 1981 Schedule 14.

The Wildlife and Countryside Act 1981, Section 56(1) states that the Definitive Map and Statement shall be conclusive evidence as to the particulars contained therein, but without prejudice to any question whether the public had at that date any right of way other than those rights.

In relation to claims for Byways Open to all Traffic (BOATs), Section 67 of the Natural Environment and Rural Communities Act 2006 (NERC) extinguishes certain rights of way for mechanically propelled vehicles except for the circumstances set out in sub-sections 2 to 8. The main exceptions are that:

- (a) it is a way whose main use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles;
- (b) it was shown on the List of Streets;
- (c) it was expressly created for mechanically propelled vehicles;

- (d) it was created by the construction of a road intended to be used by such vehicles;
- (e) it was created by virtue of use by such vehicles before 1 December 1930.

Extinguishment of rights for mechanically propelled vehicles also does not apply if, before the relevant date (20th January 2005), an application was made under section 53(5) of the Wildlife and Countryside Act 1981, or such an application was determined by a surveying authority, for an order to modify the definitive map and statement as to show a BOAT.

The judgement in the case of R. (on the application of Winchester College) v Hampshire County Council (2008) however, found that for such exceptions to be relevant the application must fully comply with the requirements of paragraph 1 of Schedule 14 to Wildlife and Countryside Act 1981. It is appropriate therefore firstly to determine whether or not the claimed vehicular rights subsist and, secondly, whether or not any exceptions apply; if vehicular rights subsist but the exceptions are not engaged then the appropriate status is restricted byway. Such claims may also be considered for a lower status.

1 Proposal 1: Schedule 14 Application made by the Trail Riders Fellowship to upgrade Footpath No1. Wembury (part) to a Byway Open to All Traffic between points A – B as shown on plan HIW/PROW/19/19

Recommendation: It is recommended that no Modification Order be made in respect of Proposal 1

1.1 Background

- 1.1.1 Proposal 1 is an application under Schedule 14 of the Wildlife & Countryside Act 1981 to upgrade Footpath No.1, Wembury (Bovisand Lane) to a Byway Open to All Traffic (BOAT). The application was submitted by the Trail Riders Fellowship in November 2005.
- 1.1.2 This was one of a number of Schedule 14 applications made by local representatives of the Trail Riders Fellowship in 2005 prior to the NERC Act (Natural Environment & Rural Communities Act) that came into force in May 2006. The NERC Act would restrict the way that rights for motorised vehicles in the countryside could be created or recorded. A right for motor vehicles was preserved under NERC if a Schedule 14 Application had been made prior to 20th January 2005, that is compliant with the regulations for Schedule 14 applications under the Wildlife & Countryside Act 1981, or the surveying authority has made a determination of an application for a BOAT before 2 May 2006.
- 1.1.3 This application was made after 20th January 2005 and also was not fully compliant with the regulations as notice of the application had not been served on the landowners. It is not therefore a qualifying application for the specific NERC Act exemption referred to above. However, as an application had been made the proposal was included in the parish review as made, for the upgrading of a recorded footpath to a BOAT. As there are limited other exemptions in which vehicle rights may be preserved it would be likely that, subject to sufficient evidence, the route could only be upgraded to a restricted byway.
- 1.1.4 The application contained a Form A, giving notice to Devon County Council that the Trail Riders Fellowship (TRF) were applying to modify the Definitive Map and Statement. Their application was supported by the following evidence:
- 1) Finance Act 1910 Plan
 - 2) Greenwoods Map of Roads 1825
 - 3) Judgement summary of Ayre v. New Forest Highways Board 1892, which supports the contention that a road known to be public prior to 1835 would still be public today in the absence of a stopping up order.
 - 4) The statement that the route is invariably depicted on commercial maps as a minor road or track. (none were supplied with the application)
 - 5) One User Evidence form from a motorcyclist.
- 1.1.5 During the survey of rights of way to produce the definitive map in the 1950s, Bovisand Lane was in the parish of Plymstock in the Plympton St Mary Rural District. In February 1953, Bovisand Lane was recorded as Footpath No.12, Plymstock.
- 1.1.6 Due to boundary changes, Bovisand Lane is now in the parish of Wembury and part of Devon County Council's network of rights of way, recorded as Footpath No. 1, Wembury.

1.2 Description of the Route

- 1.2.1 Proposal 1 starts at the county road at the corner with Little Lane and continues into a hedged lane, known as Bovisand Lane. There is a gate across the top of the lane, which is openable, but walkers pass through a gap between the gate and the hedge. The route follows a hedged lane between fields in a south westerly direction with a small stream running along the southern hedge. The route runs to the north of Bovisand Lodge and across the private drive to Bovisand Lodge Holiday Park. Here, the route is a more open track and continues south westwards and there is a gate across the track. The gate is clearly marked "Footpath" and there is also a wooden way-marker post with a yellow arrow pointing along the route to the sea. This section of path is fenced to the south and hedged on the north boundary. The footpath joins Footpath No.16 Wembury, part of the South West Coast Path.

1.3 Documentary Evidence

1.3.1 Ordnance Survey and other maps

- 1.3.1.1 The Ordnance Survey 1st Edition 25" to 1 mile, 1880 – 1890
Shows the entire length of Boveysand Lane from Little Lane to the landing stage in Bovisand Bay. The map shows the lane as gated just west of its junction with Little Lane and a line which indicates a gate or barrier across it just west of the drive to Bovisand Lodge. A boundary stone for the War Department No.32 can be seen adjacent to the barrier. The B.S. WD can be seen to continue north around Bovisand Cottage and the reservoir.
- 1.3.1.2 The Ordnance Survey 2nd Edition 1904 - 6 25" to 1 mile
This map also shows the line of Bovisand Lane as a hedged Lane to Bovisand Lodge and then continues as a more open track to the landing stage on Bovisand Bay. The route is gated just west of its junction with Little Lane and a similar gate or barrier just west of Bovisand Lodge. The War Department boundary stones have been extended west to the coastline, B.S WD No.34.
- 1.3.1.3 OS A Edition 1950s 2500 to 1 mile
Shows the length of Bovisand Lane, indicating a gate off its junction with Little Lane a barrier west of the drive to Bovisand Lodge and has the War Department boundary stones.
- 1.3.1.4 Finance Act 1910
Map put forward by the Trail Riders Fellowship shows that the lane was excluded from any land holdings for its length. Unable to locate the Field Books for any further information about the land.
- 1.3.1.5 Greenwoods Map 1825
This map shows a route from Staddiscombe through to Bovisand Lodge, with a lesser track towards the coast line.

1.3.2 Definitive Map and Statement

- 1.3.2.1 The inclusion of a public right of way on the Definitive Map and Statement is conclusive evidence of its existence. However, this does not preclude that other rights which are currently unrecorded may exist.

1.3.2.2 The description written for the footpath in February 1953, by Plympton Rural District, describes it as “Footpath No.12, along a private accommodation road (not repairable by the inhabitants at large) known as Bovisand Lane, through iron gate and continues to landing stage at Bovisand”. The path was described as well defined, but in poor condition and obstructed at one point by timber. Walked 24th February 1953 by A.D Surcombe.

1.3.3 Land Registry

1.3.3.1 Bovisand Lane is not registered to any land holding until Bovisand Lodge.

1.3.3.2 Title number DN 399529 relates to the land on the north side of Bovisand Lane at its junction with Little Lane. The parcel of land belongs to Court Gates Farm, Staddiscombe. The register describes the private rights for the purchasers and their heirs for access along the lane and rights for water. The register states “Together with the full rights and liberty for the Purchasers his heirs and assigns the owners occupiers of the said premises hereinbefore described in common with all other persons who have or may inafter have the like right with or without horses cattle sheep and other animals carts and wagons and other vehicles to pass and repass over and along the private road or lane leading from its junction of the road from the village of Staddiscombe and Little Lane shewn on plan No.1 to the sea shore which private road or lane is known and hereinafter referred to as “Boveysand Lane”.....”

1.3.3.3 Title no. DN660681 indicates that the western extent of the footpath is registered to Mr J Fraser. The register also mentions that a conveyance of the land in this title and other land dated 29th September 1970 made between the Secretary of State for Defence and John Rodney Bastard contains restrictive covenants. The register is silent on those restrictions.

1.4 **User Evidence**

1.4.1 There are 3 User evidence forms relating to Bovisand Lane. One from the parish file from the mid 1970s although the form is not dated, one submitted from the Trail Riders as part of their application, and one from the current parish review.

1.4.2 Mrs Thompson said she has used the lane from Bovisand Beach, passed Bovisand Lodge and via Bovisand Lane to Little Lane and Hooe Lane. She does not specifically say she used the path on horseback, but says she has used it from 1955 – 1977 “innumerable” times for “hacking and therapeutic recreation”. Mrs Thompson said she used the path as part of a circular route from New Baston - Wembury, sometimes to shop or post letters or visit friends. She said she has never been stopped or told the way was not public. She adds “we have treated the way with respect, making certain gates found closed are reclosed & fastened properly”

1.4.3 The User Evidence from submitted by the Trail Riders Fellowship is from Elizabeth Millett in November 2005. She said she has used the route Bovisand Lane twice in 1999 from Bovisand to Brixton for pleasure on a motor bike. She says the gates were not locked and thought the route to be public due to its name, size of track, location and discussion with locals.

1.4.4 The third User Evidence form was submitted in response to the current parish review in Wembury. Zoe Rogers acknowledges the route as a footpath and has ridden it on horseback from 2011 to date. She says she has ridden the same route Bovisand Lane to Bovisand Beach. Mrs Rogers said there are no stiles gates or notices on the

route and wishes it to use the route officially and preserve it for future generations of horse riders.

1.5 Landowner Evidence

- 1.5.1 Mr P McBean has completed a landowner evidence form on behalf of the family farm, Yolland View in Down Thomas. They own land adjacent to the southern side of Bovisand Lane and have regarded it as a footpath for 20 years. They have seen people walking the route and state “This is a quiet, pretty green lane and should remain so”. Mr McBean says there are gates, but they are not locked.
- 1.5.2 Mr & Mrs Hendy of Court Gates, Staddiscombe own land to the north of Bovisand Lane, adjacent to Little Lane. They say that the route is a footpath with use for horse riding and they have seen people using the route for 50 years. They have never given anyone permission to use the route and state that there is a gate at point A, but it allows access to the lane.
- 1.5.3 In a letter of the 6th May 2019, Wendy Veale writes “Myself and my Uncle are owners of Manor Farm adjoining this footpath and do not wish to see it open to motor vehicles but remain as a footpath”. She adds “ My family have farmed at Manor Farm since 1912 and my understanding is for at least the last one hundred years that path has solely been a footpath under the ownership of Kitley Estate. Both Manor Farm and Court Gates have rights of access for farming and indeed my late father used to access the land via tractor until such time the lane got too unsafe to travel down”. Ms Veale concludes her letter stating “The footpath is a popular walking route for walkers including families and young children travelling down to the beach all of whom would be put at risk if motor vehicles were permitted. The footpath offers one of the few areas where there is no traffic, wildlife remains undisturbed and people can enjoy the quietness of the countryside”.
- 1.5.4 Mr J Fraser owns the land crossed by the footpath to the west of Bovisand Lodge drive. He believes the route to be a footpath and is aware that it is used more frequently in the summer months. He has not given anyone permission to use the path, nor has he turned anyone back. He adds that to his knowledge, there have always been gates top and bottom of the route.
- 1.5.5 The landowners of Bovisand Lodge Estate have submitted evidence against the proposal to upgrade the footpath. In their letter of the 9th May 2019, the Hart Family state “ It is an historic footpath and we would object for the following reasons..... The footpath is heavily used by families walking with young children and prams heading to the beach, dog walkers cyclists and even horse riders; all of whom would be put in a dangerous situation if vehicles were suddenly allowed to drive down this footpath. Horses very occasionally use the footpath, which they are not supposed to and I would mention that a horse was destroyed a number of years ago after it was seriously injured on the footpath”. They add “Footpath 1 crosses 2 junctions – into our Holiday Park and a private house. There are also 2 gates along Footpath 1 to walk around. The gate at the top end of Footpath 1 is a notorious area for fly tipping. Opening up this footpath will just exacerbate this problem further down the footpath, making it more difficult for South Hams Council to clean up”.
- 1.5.6 In the accompanying Landowner Evidence Form completed on the 8th May 2019, Mr Hart says that he has known the route to be a public footpath for 60 years. They have seen walkers using the path daily plus the occasional horse. They have not required people to ask for permission to use the route, however they have stopped motorcycles as and when they have seen them and told horse rider and motorcyclists

that the route is a footpath. In addition, in 1967 the family erected a gate at the lower end of the path in consultation with the MOD and Wembury Parish Council. The lower end of the path was in the ownership of the MOD and the gate was supported by the Wembury Parish Council to prevent vehicles from driving down to the beach. Mr Hart says that there has been a gate at the top of the lane for as long as he can remember, and the lower gate was erected in 1967. In addition, Mr Hart mentions that the MOD sold the land, to the west of Bovisand Lodge, with the footpath over it circa 1970 – 71.

- 1.5.7 Additional information from the Hart family includes a letter from Wembury Parish Council relating to the placing of the gate, west of Bovisand Lodge drive, to prevent vehicles driving down to the beach. The letter is dated 7th October 1968 and the third paragraph says “The Council has no objection to your closing the gate that crosses the path leading down to the beach, which would have the effect of stopping vehicles using the path. We understand from Councillor Squire there is a small gate alongside or at least ample room for pedestrians to pass which is all that really concerns us”.
- 1.5.8 An extract from the Conveyancing Deeds, 16 December 1912, for Bovisand Lodge was submitted with the Hart family’s representations. The conveyance sets out that Bovisand Lodge continues to have private rights , as attached to the land, over the private road or lane known as “Boveysand Lane leading from the junction of the road from the village of Staddiscombe and Little Lane to the seashore. In addition, the conveyance sets out access rights for Court Gates Farm and Manor Farm, with or without vehicles, to pass and re-pass over and along Boveysand Lane from their farms to and from the seashore or any intermediary point”. The conveyance also states that these two farms could collect and cart away sand and seaweed for its use on the said farms, and also the right to repair Boveysand Lane but without being under any obligation to execute such repairs.
- 1.5.9 The War Department, now the Ministry of Defence, seems to have owned the lane to the west of Bovisand Lodge as the Hart Family mentioned up to the early 1970s. This can be seen from the WD Boundary Stones placed on the ground and mapped on the Ordnance Survey Maps from 1880, plus details from Land Registry.

1.6 Rebuttal Evidenced

- 1.6.1 Landowner evidence from the Hart Family reports that use of the footpath by horse riders and motorcyclist has been challenged as the route is recorded as a public footpath. A gate was erected by the family at the lower end of the footpath, west of Bovisand Lodge entrance, in 1967 to prevent vehicles driving down to the beach. The gate was erected with the agreement of the Wembury Parish Council and the Ministry of Defence.
- 1.6.2 Mr McBean and Mr Fraser as adjacent landowners are also clear that the status of the lane is a footpath.
- 1.6.3 Wembury Parish Council have submitted an objection to the change of designation for Footpath No.1 Wembury. The email from the parish clerk 8th May 2019 states that “The council are objecting to the proposed upgrading of Footpath No.1 (part) to a Byway Open to all Traffic. The council feel that this would be a negative development..... At the end of the path there is nowhere for the vehicles to exit and nowhere to turn without crossing the SW Coastal Path, turning would be dangerous to beach users too. To upgrade the footpath to a byway open to all traffic would

benefit a small minority at the risk of endangering the larger volume of other users of this path and beach”.

- 1.6.4 The South West Coast Path Association submitted that this proposal would have a detrimental effect on the footpath.
- 1.6.5 Dr Paul Naylor wrote, as chair, on behalf of the Wembury Marine Conservation Area Advisory Group stating that they strongly object to the proposal.
- 1.6.6 Thirty other representations have been made from local residents in and around Wembury stating how strongly they object to Proposal. 1.
- 1.6.7 Mr & Mrs Ellis stated that they hoped there would be some improvements to the footpath; “We hope this might be considered for the safety of all walkers and ramblers and to stop horse riders using this path as a bridleway”.
- 1.6.8 Mrs Margaret Ward – Edwards states in her email that “The idea of changing the use of this lane is utterly absurd, not to mention incredibly dangerous”.
- 1.6.9 A member of the Wembury Local History Society submitted a response saying; “In this beautiful area we do not need traffic drawing closer and closer to the coast and coastal paths need to be reserved for walkers and quiet observation”.
- 1.6.10 A resident who has lived in Down Thomas for thirty years says “ I write to register my absolute objection to the proposal to upgrade the footpath to allow vehicles access to Bovisand beach. I have lived in Down Thomas now for some thirty years and have used this footpath regularly and I find the prospect of having to compete with vehicular traffic/motorbikes totally abhorrent. It MUST NOT be allowed to happen!!”.

1.7 Discussion

Statute (Section 31 Highways Act 1980)

- 1.7.1 Section 31(1) of the Highways Act 1980 states that if a way has actually been enjoyed by the public ‘as of right’ and without interruption for a full period of 20 years, it is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it. The relevant period of 20 years is counted back from a date on which the public right to use the way has been challenged.
- 1.7.2 For the purposes of Section 31 of the Highways Act 1980, a Schedule 14 application is considered to be a calling into question, in this case relating to the status of the path.
- 1.7.3 This application was made after 20th January 2005 and was not compliant with the regulations as notice of the application had not been served on the landowners. It is not therefore a qualifying application for the specific NERC Act exemption. However, as the application had been made, the proposal was included in the parish review, for the upgrading of a recorded footpath to a BOAT. As there are limited other exemptions in which vehicular rights may be preserved it would be only possible, subject to sufficient evidence, for the route to be upgraded to a restricted byway.
- 1.7.4 The path already exists as a public footpath, therefore there is no need to prove its physical existence. The current statement says that the route has been gated at its junction with Little Lane and a gate/ barrier at the south western end adjacent to

Bovisand Lodge. The lane is not registered with land registry until Bovisand Lodge. However, it is clear from adjacent landowner land registry deeds that Court Gates and Manor Farm enjoy private rights along the full length of the lane to the landing stage in the bay. Bovisand Lodge also has private rights along the lane.

- 1.7.5 Although they do not provide rebuttal evidence, there are a substantial number of local people who are very against the notion of upgrading the current footpath.
- 1.7.6 It is clear from the early Ordnance Survey maps that the War Department or Ministry of Defence (MOD) had marked its land boundary very clearly. The south western end of the lane falls clearly in the War Department land and would be considered as belonging to the Crown. This would negate the contention that the route would be known as a public road prior to 1835 as Crown Land is outside the application of s31 of the Highways Act 1980.
- 1.7.7 Representations about safety and suitability, although pertinent are not factors that can be taken into consideration when establishing public rights of way. The three User Evidence Forms do not constitute sufficient evidence of use over a long enough period to give rise to any presumption of dedication as either a bridleway, a restricted byway or a byway open to all traffic.
- 1.7.8 To that end, there is insufficient User Evidence in the 20 years up to 2005 for the existence of higher rights to be considered under s31 of the Highways Act.

Common Law

- 1.7.9 A claim for a right of way may also be considered under common law. At common law, evidence of dedication by the landowners can be express or implied and an implication of dedication may be shown at common law if there is evidence - documentary, user or usually a combination of both from which it may be inferred that a landowner has dedicated a highway and that the public has accepted the dedication.
- 1.7.10 The route is already recorded on the Definitive Map and Statement as a public footpath. This has been the case since the local surveys in the 1950s. In order to be successful in claiming higher rights than those recorded, it must be demonstrated that there has been acceptance of use of the route as a bridleway or byway and the acquiescence of that use by the landowners to allow the public to use it as such and therefore for higher rights to become established.
- 1.7.11 The indications from the 1880-89 and 1904-06 Ordnance Survey map show that Bovisand Lane has been gated at the top, near the junction with Little Lane. This has been echoed in the landowner evidence.
- 1.7.12 The erection of a gate to the west of Bovisand Lodge by the owners in 1967, supported by the Parish Council and the MOD, is further evidence that the use by motor vehicles and to some extent horse riders was not tolerated or accepted by the landowners. Indeed, the landowners are clear that they regard the route as a footpath and at the very most recognise that horse riders use the lane. The landowners at Bovisand Lodge have challenged motorcycles and horse riders using the lane stating that it is a public footpath.
- 1.7.13 One adjacent landowner acknowledges use of the footpath by horse riders and it is suggested that some of the riders are known to them. Only three User Evidence Forms have been submitted in support of claiming higher rights along the footpath.

Two from local horse riders and one motor cyclist giving evidence of use twice in 1999.

- 1.7.14 This falls short of sufficient use of the route as a byway open to all traffic or a bridleway to give rise to the presumption that any higher rights have been acquired. Equally, there is clear lack of acceptance of that use by the landowners involved and in fact some use by horses and bicycles is tolerated and therefore their use could be with an implied permission. Therefore, the claim cannot succeed under common law.

1.8 Conclusion

- 1.8.1 In the absence of sufficient user evidence, conclusive documentary evidence or a combination of both, it is therefore recommended that no Order is made in respect of Proposal 1.

2. Proposal 2 – Schedule 14 Application for the addition of public footpaths through Fort Bovisand, Wembury, from the Coast Guard Cottages, into Fort Bovisand to Bovisand Pier, with two spurs, as shown between points C – E – F – D, E – G and F – H as shown on plan No. HIW/PROW/19/20

Recommendation: It is recommended that no Modification Order be made in respect of Proposal 2.

2.1 Background

- 2.1.1 A Schedule 14 Application was made in July 1993 by Mr Robert L McVicar to add a public footpath from Bovisand car park to Fort Bovisand Pier. This application was apparently not served on the landowner, the Ministry of Defence, nor the Lessee, Plymouth Ocean Projects. To that end Mr Mc Vicar was asked to serve notice on the interested parties and submit the application again to Devon County Council. This was done on the 10th June 1998.
- 2.1.2 Fort Bovisand lower gun emplacements were built to defend the entrance to Plymouth Sound in around 1859. Prior to this, around 1816, a stone jetty and slip were built to enable small boats to carry fresh water out to sailing warships anchored in Plymouth Sound. The small harbour was completed in 1824 still supplying fresh drinking water from the nearby reservoir.
- 2.1.3 The earliest gun batteries were situated higher up the coastal slope and this is known as Staddon Point Battery, built around 1845 and is above Fort Bovisand. In 1859, the Royal Commission on the Defence of the United Kingdom recommended that armoured defences should be constructed to protect Plymouth Sound. Fort Bovisand was built on the cliff line between Bovisand Beach and Plymouth Sound. It consisted of a single storey of 23 granite casements and underground passages for storing ammunition. Construction took place between 1861 – 1869 using Dartmoor granite. Originally there were twenty-three 25 ton guns at Fort Bovisand. By the 1890s new guns that were smaller and quicker to load and fire were introduced. During World War I searchlights were installed along with additional troops due to fears of submarine attacks and through World War II, 115 personnel were based at Fort Bovisand, along with six searchlights.
- 2.1.4 In 1956, Fort Bovisand and Staddon Point Battery were decommissioned and remained unused until the 1970s when Fort Bovisand was leased by the MOD to a commercial diving school and a scuba diving centre. Over the intervening years,

various diving and development enterprises have come and gone and the Fort is currently on a 99-year lease to Fort Bovisand Ltd for development. Discovery Divers are also operating from Fort Bovisand.

2.2 Description of Routes

2.2.1 The claimed footpath starts from the metalled road west of Coastguard Cottages and continues west curving around the Fort Bovisand gun encasements and then north to flat parking or turning area and along the jetty to the pier. This route is shown by the line C – E – F – D on plan HIW/PROW/19/20. The claimed route has two additional spurs, E – G and F – H to the beach.

2.3 Documentary Evidence

2.3.1 Ordnance Survey

2.3.1.1 The Ordnance Survey 1st Edition 25" to 1 mile, 1880 – 1890 and 2nd Edition 1904 – 6, 25" to 1 mile and 1950s 1:2500 edition maps do not show Fort Bovisand. The military lands were blanked out, along with other defence installations, for security reasons.

2.3.2 RAF Aerial Photography 1946-49

2.3.2.1 A route is clearly visible from Coastguard Cottages to the jetty, harbour wall and the beach.

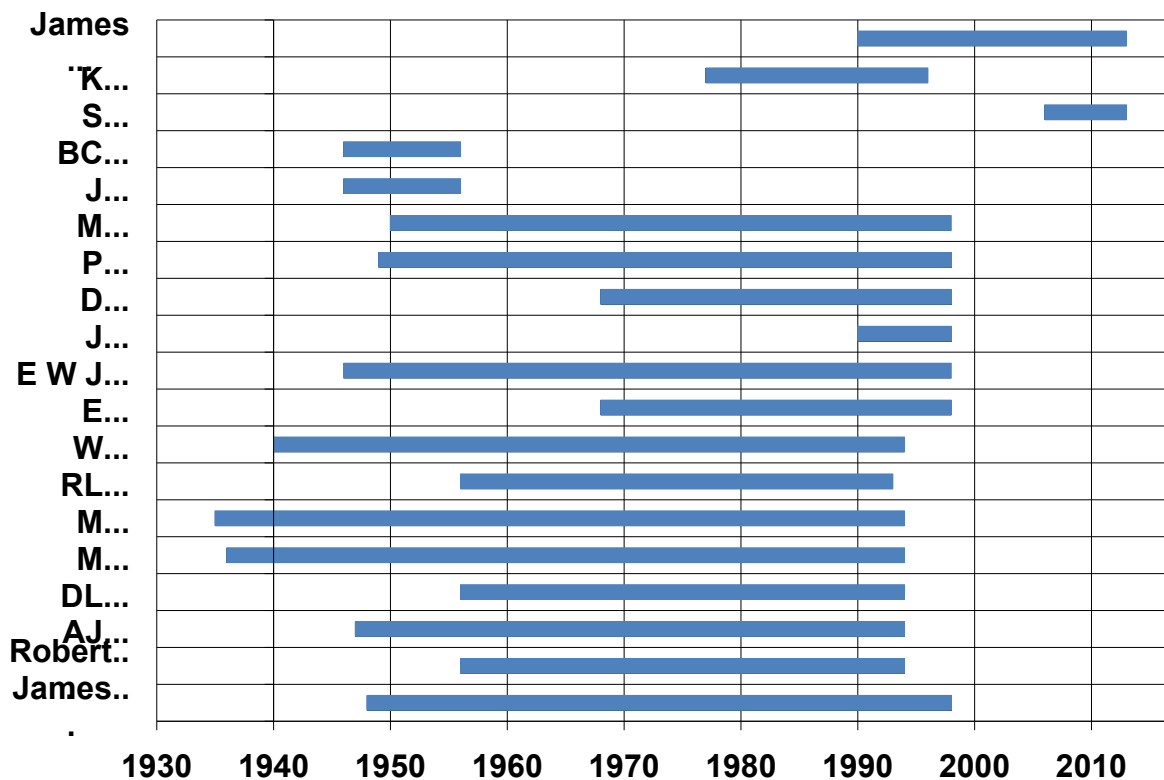
2.3.4 Land Registry

2.3.4.1 Land Registry details relating to Fort Bovisand state the land is on a 99-year lease from January 1991 with the lease dated 24th July 1996. The lease on the 24th July 1996 was held by Plymouth Ocean Projects Ltd and the freeholder of Fort Bovisand, the Ministry of Defence.

2.4 User Evidence

2.4.1 In total twenty-two people have submitted evidence of walking into Fort Bovisand. Fifteen User Evidence Forms (UEFs) relating to 16 people have been submitted with the Schedule 14 Application, 1998. Following the informal consultation for the parish review in Wembury, 3 more UEFs have been put forward plus 3 written representations in support of the routes.

2.4.2 A User Evidence Chart shows the use demonstrated by the 19 UEFs:



- 2.4.3 The 15 UEFs that were submitted with the application show long standing use of the claimed footpaths from as early as 1936.
- 2.4.4 Mrs B Smith states “The Fort was in use during the war years, people living in the Coastguard Cottages had permits to use the road, and family visiting had to show their identity cards & permits, but all were allowed down to the Fort by permission of the Com: Office to entertainments etc, for the benefit of the troops.”
- 2.4.5 Mrs Smith goes on to add; “The pleasure boats operating from Plymouth from between & after the 1st World War & until just before the 2nd World War brought hundreds of people during the long summer months to enjoy days on the beaches but was stopped in 1939 & started again 1946 when a small fee per boat was paid to the MOD. Also, fishing was allowed at all times from the pier at 1/- a year”.
- 2.4.6 Mr Shaddick has used the route to the pier between 1936-39 and then from 1946 to 1998 going by Red Star bus from Down Thomas. In 1997 he was stopped by an employee of the diving centre. Mr Shaddick also mentions that he saw notices of “no road”, “No thoroughfare” when visiting the café at the Fort.
- 2.4.7 Mr P Booth has also used the route between 1936-39 and from 1949 to 1998. He said he was going to and from Plymouth and the local caravan park. He said he thought the route was public, subject to WD approval (War Department) he continues that he has never been challenged by anyone and to the best of his knowledge he has always believed it to be crown property.
- 2.4.8 R.M.McVicar lived locally and said he has used the path to Fort Bovisand Pier all his life from 1956, for walks, fishing without any challenge being made. He was aware that boats came from Plymouth bring passengers and landed at the pier. He adds that he knew in later years that the boat owners from Plymouth had to pay a fee to the MOD for landing at the pier. He said his family were never charged to bring their

own small boat to the pier or the slipway on the beach. Mr McVicar adds in 1992 the dog was refused entry.

- 2.4.9 Mr Bryan has provided more recent user evidence from 1990 – 1998. He has walked from Bovisand Park Chalets to Fort Bovisand up to 10 times a year. He says that the gate wasn't locked until 1997 and that was when he was stopped and asked for money to go in the Fort.
- 2.4.10 In response to the informal consultation in April, more recent evidence has been collected.
- 2.4.11 K Hannaford said she lived at Fort Bovisand from 1977 to 2001, as her father was Director of Plymouth Ocean Projects. He retired in the early 2000s. She says that during that time, members of the public were free and unrestricted to walk down to the Fort and onto the jetty to admire the view and the historical Napoleonic Fort. She mentions that the gate was shut at Christmas when the offices were closed. She mentions that access to the Fort was restricted due to the entrance road being affected by landslides after bad weather in the early 1990s.
- 2.4.12 S Whiting has walked a route from Bovisand Court to Bovisand Pier since 2006 and only recently has the route been obstructed by gates. She adds the "route has always been open to the public who have used it for business and pleasure".
- 2.4.13 A local resident James Hart has used the route since 1990 frequently from Bovisand to the pier. He worked at the Fort between 1991 – 94, and he says that many people have fished from the rocks and there was always open access and the facilities were open to the public - pub and shops. He mentions that recently with the change in ownership, the gates are locked, and notices have been placed on the gates.
- 2.4.14 Jon Fraser adds; "I have always known point C,D,E & F to be public on foot. I walked the route daily from 1987 onwards with my mother when living in Coastguard Cottages. I always believed fishing from the pier was not allowed, but ok from the rocks. I was never stopped..... I have noticed that in recent years occasionally the huge gates have been locked, I assumed due to the eroding cliffs".
- 2.4.15 Margaret Ward-Edwards emailed in reply to the informal consultation saying "I have always been under the impression that there was a right of way for walkers to access the quay at Bovisand Fort. When I was a young girl a boat used to bring the public across from Plymouth to enjoy Bovisand Beach but when I questioned the erection of gates I was told the use of the path was at the discretion of the owner". She added "I was under the impression that the MOD leased Fort Bovisand with the understanding that the footpath would always be accessible to walkers". In addition, M Ward – Edwards sent in 2 photos of an interpretation panel placed on the road in Fort Bovisand by the South Hams District Council as part of the AONB information for the site and 1 of the metal gates placed across the path, (photos in backing papers).
- 2.4.16 Another local resident of 40 years says she has regularly walked along the coast path and down to the harbour at Fort Bovisand, spending time to admire the view before continuing. She adds " For some considerable time now there have been rather threatening gates across the entrance with security cameras noting ones every move.....At first I thought this was just a temporary safety issue whilst diggers etc were on the site but this has gone on far too long". This local walker sums up the mood of local residents and states; "It is incredible to me that someone can buy a property and at a stroke stop the public from accessing an area that for generations

they have been free to enjoy. In my humble opinion it is ones moral and civic duty on purchasing such a place to ensure public access”.

2.4.17 Fourteen of the twenty-two people supplying evidence of use of the route state that the land at Fort Bovisand is owned by the MoD/War Department or the Crown.

2.5 Landowner Evidence

2.5.1 The Freehold of the site is vested in the Ministry of Defence.

2.5.2 Fort Bovisand Ltd are the Lessees of Fort Bovisand pursuant of a lease dated 24th July 1996. The term of the lease is 99 years from the 1st January 1991.

2.5.3 Charsley Harrison LLP Solicitors, are acting on behalf of Fort Bovisand Ltd. In their letter of the 24th April 2019 to Devon County Council they state: “Our client objects in the strongest manner to the making of an additional public footpath at Fort Bovisand”.

2.5.4 In paragraph 2. Of their letter of the 24th April 2019 they say: “The routes in the Notice refer to C – E – F – D, C – F – H and C – E – G as shown on the plan attached to your letter. These routes do not exist as public footpaths or any other means of public way. In addition they add; “In the course of our client’s planning application for development of the site, our client offered permissive routes C – E – F – D and the permissive route reinstating the South West Coast Path Link down the recovered path internal to the site and the upper Fort access road to the harbour area. These are permissive ways through (not public rights of way). There is no route to G – this is a private car park for the proposed apartment buildings”.

2.5.5 Paragraph 3. States “The site has generally been secured by a locked gate since a licensee vacated part of the site in 2013. The gate has been opened for safety/emergency access only when diving activities are in force but outside these times the gate is kept secure to deter casual entrance. Any person who has entered the site (by whatever means) has been promptly informed that it is not a public path”.

2.5.6 Charsley Harrison Solicitors completed a Landowner Evidence Form on behalf of Fort Bovisand Ltd in March 2019. They say that they have turned people back and all casual visitors have been challenged. Divers are authorised to have access, but all other access is prevented by palisade fencing, gates, which are locked at all times and notices stating private property and no right of way.

2.5.7 The Ministry of Defence have owned Freehold of Fort Bovisand since 2nd December 1815. In their letter of the 9th May 2019, the Defence Infrastructure Organisation state “ MOD has no records indicating that public footpaths have been established within the Fort Bovisand estate. During the 1970s part of the site was converted to provide a diving school, various similar enterprises have followed and to achieve access, their customers have been invited onto the site”. They add “ No public footpath or right of way has provided opportunity for walk up business operated from the site. Gates and signage installed at the entrance to Fort Bovisand (OS GR SX 4892,5069) make clear that the site is private property”.

2.5.8 Their letter concludes by stating “The Ministry of Defence, as landowner, has no record that suggests that a public right of way does now or ever has existed across or within the Fort Bovisand site”.

2.5.9 In a letter of the 14th August 1992 from the MOD Parliamentary Under Secretary of State for Defence for the Armed Forces to Gary Streeter MP, it says “ May I make it

clear, first of all, that no right of public access exists over the site, and no rights have ever been granted to the public or individuals to exercise their dogs, or to fish from the rocks and quay. However, members of the public have been allowed to walk from the public highway down to the quay/harbour area”.

2.5.10 A letter dated April 1970 from the Treasury Solicitor’s Department to the solicitors of Plymouth Ocean projects, encloses a Head of Terms for the lease and licence between them and the Secretary of State for Defence. In the Head of Terms of the Lease point 11 states “The Lessor reserves the right to resume possession of the whole or any part of the premises at any time without payment or compensation if required for Service or other Government purpose on giving three months previous notice in writing or immediately without notice or compensation in the event of an emergency of which the Lessor shall be the sole judge”.

2.5.11 Under the Terms of the Licence point 2 states “ The licence is to be subject to the use of the pier and harbour for all forms of training by the Services and to the use as an embarkation point for pleasure craft with right of access for pedestrians from the pier at Bovisand Beach. The reservation for training purposes may on occasion involve complete withdrawal by the Licensee from the area of the licence during the period of the training exercise”.

2.6 Rebuttal Evidence

2.6.1 MOD Bye-laws are in place over the area relating to Fort Bovisand and have been since 15 November 1935. Statutory Rules and Orders No. 1222 of 1935 for Plymouth & Devonport Garrisons, Military Lands, Bye-laws “Made by His Majesty’s Principal Secretary of State for the War Department under the provisions of the Military Lands Acts, 1892 to 1903, for regulating the use of certain War Department Lands in the City of Plymouth and in the Parishes of Wembury, Plymstock, Egg Buckland and St Budeaux in the County of Devon..... as set out in the Schedule hereto, for the purposes to which they are appropriated, and for prohibiting all intrusion on such lands and all obstruction of the use thereof”.

2.6.2 Under section 1 of Offences, the bye-laws prohibit the carrying out of any commercial business on the lands, including “buying, selling or trafficking” unless in possession of a Pass issued by the Officer Commanding Troops, Plymouth Garrison.

2.6.3 Under section 14 of Offences, “No person shall enter or be upon the said War Department lands for the purpose of pursuing or killing game or other animals or of fishing in any water within the lands, or digging for bait on the War Department foreshore without the authority of the Officer Commanding Troops, Plymouth Garrison”

2.6.4 Section 16 of Offences, “No person shall ride a horse or a bicycle or drive any motor – car or other vehicle upon any footpath by the side of any road maintained by the War Department and situated on the said War Department lands”. Section 17 and 18 are explicit that no taxi cab or vehicle shall enter the lands without a pass issued under the authority of the Officer Commanding Troops, Plymouth Garrison”

2.6.5 Point 19 states that “subject to the restrictions in Bye-laws 16,17,& 18”, the public may ride any horse or bicycle or drive a vehicle, under 30 cwt, on the land when it is not being used for any military purpose. However, anyone must leave when requested by any military personnel, or be in contravention of the Bye-laws.

- 2.6.6 Statutory Rules and Orders No.363 of 1935 relates to Plymouth Defences Bye-laws dated 1st January 1935. This Byelaw states “Made by His Majesty’s Principal Secretary of State for the War Department, under the provisions of the Military Lands Acts, 1892 to 1903, with the consent of the Board of Trade, the County Council of Cornwall and the Corporation of Plymouth for regulating firing from Bovisand, Watchouse, Picklecombe, Penlee, Renney and Drakes Island Batteries, in the above named Defences”
- 2.6.7 Section 1 General Prohibition: 1 – (a) During such time as notice is given by the hoisting of signals in a manner hereinafter provided in Bye-law No.3 that firing is taking place from the Bovisand, Watchouse, Picklecombe, Penlee, Renney and Drakes Island Batteries, or any one or more of them, all intrusion on the War Department property at any of the said Batteries affected by the said Notice (hereinafter called the land areas) and the foreshore and sea abutting thereon (hereinafter called the sea areas) within the limits set out in the Schedule hereto, and all obstruction of the use thereof, is prohibited”.
- 2.6.8 Section 2. Offences During Firing : While notice of firing is taking place in any of the firing areas mentioned in Bye-law No.1 is given by the hoisting of the signals as provided in Bye-law No.3, then in respect of the land area or areas and sea area or areas included herein and affected by the said Notice:-
- (i) No person shall enter or remain within the land area or sea area, nor bring, take or suffer to remain therein any vehicle, animal, vessel, aircraft or thing, except as provided in Bye-law No.7.
 - (ii) No vessel shall be employed in fishing in the area
 - (iii) No pleasure boat shall continue to cruise in the sea area
 - (iv) No vessel shall anchor or remain anchored in or ground on the sea area
 - (v) No aircraft shall alight on, remain in or travel upon the sea area
 - (vi) In the event of any vessel or aircraft being from any cause within the sea area the Master or Pilot or other person in charge thereof shall use his utmost endeavours to pass out of the sea area without loss of time.
- 2.6.9 These Bye-laws are still in place and valid today.
- 2.6.10 The Ministry of Defence state that deposits under S34 Highways Act 1959 in 1977, 1979 and 1983 were made saying that there were no public rights of way across their land, including Fort Bovisand. With an amendment in statute, further deposits were made under S31(6) of the Highways Act 1980 in October 1989, September 1995, September 2001 and February 2011.

2.7 Discussion

Statute (Section 31 Highways Act 1980)

- 2.7.1 Section 31(1) of the Highways Act 1980 states that if a way has actually been enjoyed by the public ‘as of right’ and without interruption for a full period of 20 years, it is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it. The relevant period of 20 years is counted back from a date on which the public right to use the way has been challenged.
- 2.7.2 Land Registry details show that the Ministry of Defence (MOD) are the owners of the Freehold for the Fort and the Staddon Garrison buildings above. Information from the MOD states they have owned the land associated with Fort Bovisand since 2nd December 1815. The Fort was vacated by the MOD in 1956 and since then

various diving schools and other enterprises have operated from the site under a lease from the Ministry of Defence/Secretary of State for Defence.

- 2.7.3 The Ministry of Defence/Secretary of State for Defence act as agents for the Crown and the Fort Bovisand land is therefore considered as Crown Land.
- 2.7.4 The Highways Act 1980 and its predecessors do not bind the Crown. Therefore, any claim for a right of way across land which is, or was at the relevant time, Crown land cannot rely on the 20-year user provisions in section 31 of the 1980 Act.

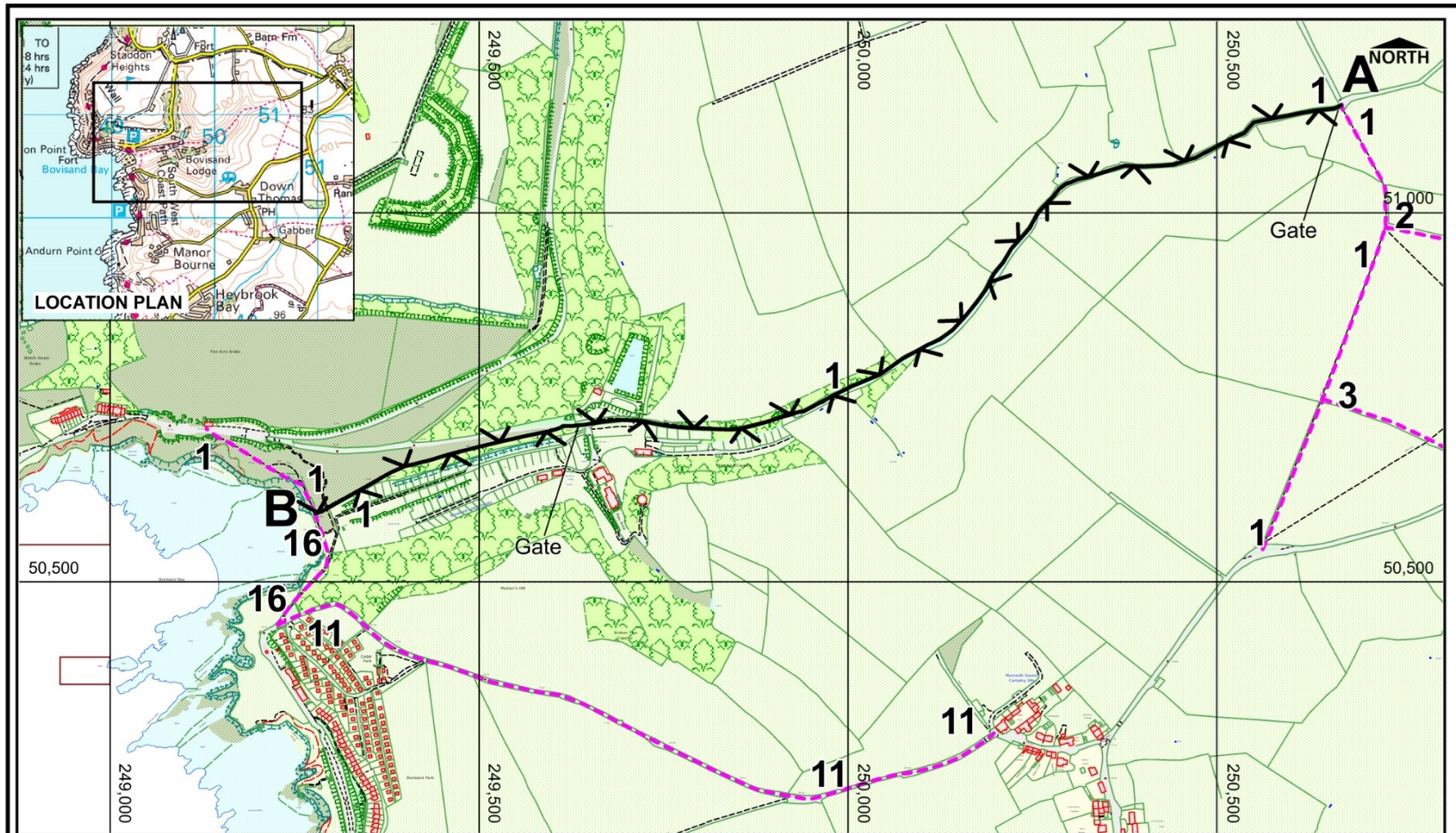
Common Law

- 2.7.5 A claim for a right of way may also exist common law and claims under common law can apply to the Crown.
- 2.7.6 At Common Law evidence of dedication by the landowners can be express or implied and an implication of dedication may be shown at common law if there is evidence; documentary, user or a combination of both from which it may be inferred that a landowner has dedicated a highway and that the public has accepted the dedication.
- 2.7.7 Dedication may be inferred if the use is 'as of right', high frequency, notorious and unchallenged by the landowner, in this case the Crown. It must be demonstrated that there has been an acceptance of use of a route by the public and the acquiescence of that use by the landowner to allow a public right of way to come into being.
- 2.7.8 In consideration of whether use was 'as of right', the user evidence is clear that the passenger boats bringing visitors from Plymouth, and vice versa, paid a fee to the Ministry of Defence to alight at Fort Bovisand Pier. It must also be considered that that passengers themselves were charged a fee for the boat trip to and from Plymouth and Bovisand Fort.
- 2.7.9 In addition, some of the walkers have mentioned being asked to pay a fee to come into the Fort and several walkers visited to use the café and bar that once existed there.
- 2.7.10 The evidence is also clear that during the WW2, all access to the Fort was denied unless identity cards and passes were shown.
- 2.7.11 Since then, various diving schools and other enterprises have operated from the site and, to achieve access, their customers have been invited onto the land.
- 2.7.12 The Bye-laws put in place in 1935 for the Plymouth & Devonport Garrisons and Plymouth Defences, including Fort Bovisand, are still in force today.
- 2.7.13 These Bye-laws are clear about what is prohibited on the MOD land at these locations, including fishing. Business activities on the lands, which would likely include use by passenger boats, also required authorisation. Although these Bye-laws are silent on the act of walking on the land, they are clear that their purpose is to prohibit intrusion on the named lands and to regulate access. It is also clear that when anyone is challenged and asked to leave, they must do immediately or be in contravention of the Bye-laws and may be arrested. It can therefore be implied that activities which are not clearly prohibited are therefore with the permission of the MOD.

- 2.7.14 Therefore, although the use of the area by the public is well known and longstanding, it is clear that the use has been with *precario*, i.e. permission and is not therefore 'as of right'.
- 2.7.15 As mentioned above, whilst the use of Fort Bovisand land has been notorious over the years, and used by many people, the access to the land has been controlled and highly regulated by the Principal Secretary of State for the War Department then the Ministry of Defence. Provisions were made under the Military Lands Acts, 1892 to 1903 and the Bye-laws Statutory Rules and Orders No.1222 and No.363 of 1935.
- 2.7.16 The Bye-laws are still in force today and should there be a military need, the Fort could be required to be vacated at any time. The current Lessees, Fort Bovisand Ltd state that the freehold of the site is vested in the Ministry of Defence. As Lessees, Fort Bovisand Ltd and their predecessors do not have the capacity to dedicate any public rights of way across Fort Bovisand Land. However, it is noted that in their letter of the 24th April 2019, Fort Bovisand Ltd has, as part of their full planning permission, agreed to establish a permissive route through the site to the pier and one joining the South West Coast Path above the site.
- 2.7.17 The evidence contained in the appendix demonstrates that at no time since the Ministry of Defence and their departments purchased the land in December 1815, have they acquiesced or implied access to the public to use lands at Fort Bovisand. To the contrary, access has been very well controlled and legislated.
- 2.7.18 Therefore the evidence shows a complete lack of implied or express dedication to any public rights across the land at Fort Bovisand and that a claim under common law cannot be successful.

2.8 Conclusion

- 2.8.1 Despite the well-known nature of access at Fort Bovisand, and the public feeling for the claimed routes, the evidence in respect of the landowners actions is incontrovertible. At no time can it be implied or inferred that they dedicated a highway at any point in their ownership of the Fort Bovisand Lands. Therefore, the test under common law fails.
- 2.8.2 It is therefore recommended that no Order is made in respect of Proposal 2.



Map Ref **SX 492506**

Grid 500m

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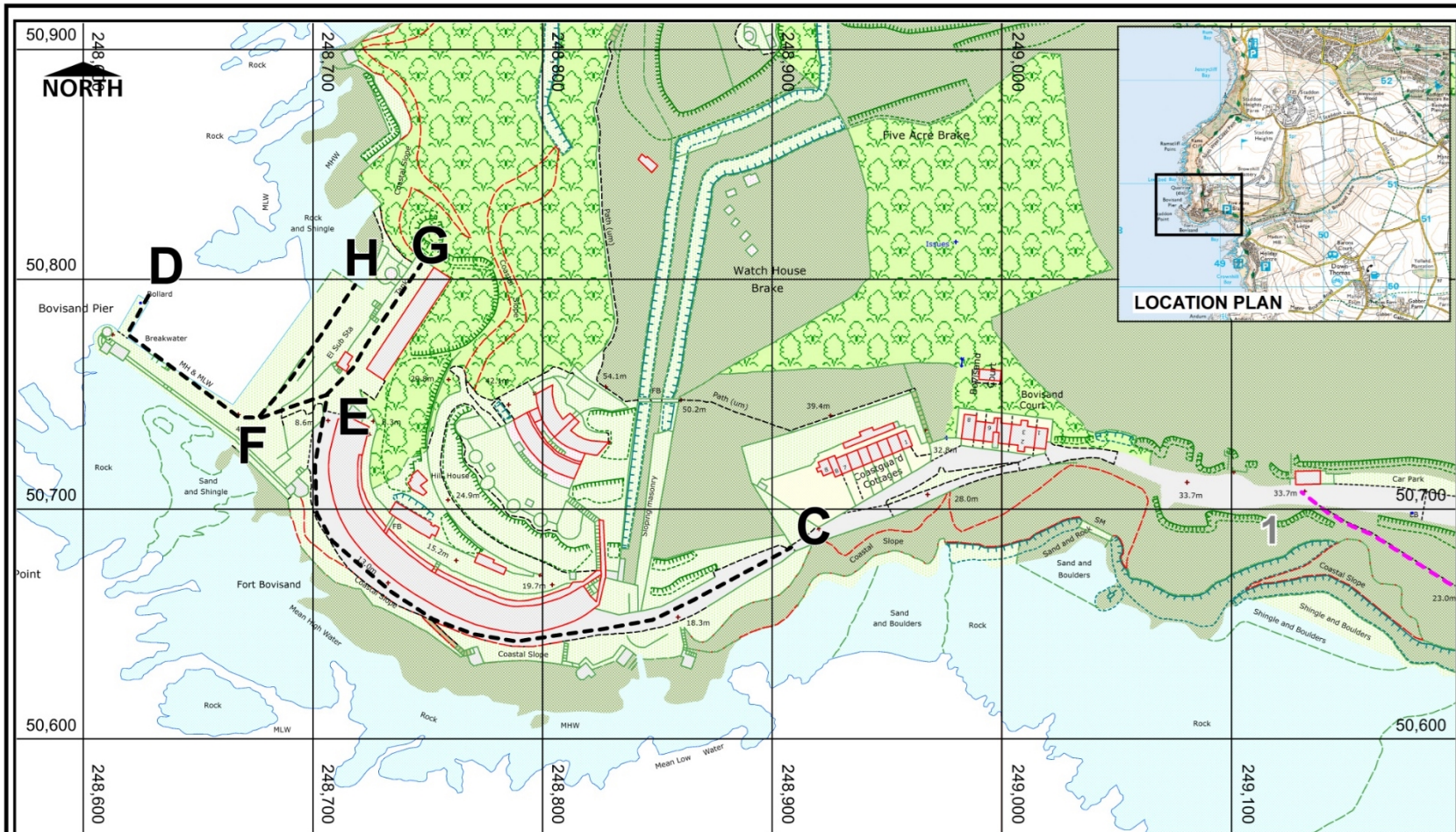
DEVON COUNTY COUNCIL
Definitive Map Review- Informal Consultation
Wembury, Proposal 1

Notation
 Proposal 1: Schedule 14 Application Footpath No.1 (part) Wembury
 Proposed upgrading to BOAT A - B (1.5km approx)
 Existing footpaths



drawing no. HIW/PROW/19/19
 date Mar 2019
 scale 1:7000 at A4
 drawn by ES/HC

Meg Booth
 CHIEF OFFICER FOR
 HIGHWAYS INFRASTRUCTURE
 DEVELOPMENT AND WASTE



Map Ref **SX 486507**

Grid 100m

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DEVON COUNTY COUNCIL
Definitive Map review - Informal Consultation
Wembury, Proposal 2

Notation

Proposal 2: Schedule 14 Application Fort Bovisand
 Proposed Public Footpath C - E - F - D & E - G & F - H
 Existing footpaths



drawing no. HIW/PROW/19/20
date Mar 2019
scale 1:2,250 at A4
drawn by ES/HC

Meg Booth
 CHIEF OFFICER FOR
 HIGHWAYS INFRASTRUCTURE
 DEVELOPMENT AND WASTE

