



SAVE OUR RIGHTS of WAY

21st September 2020

c/o Sorow
14 Rectory Park Avenue
Sutton Coldfield
B75 7BN

Rt Hon Andrew Mitchel MP
House of Commons
London
SW1A 0AA

Dear Mr Mitchel

An Unfolding Tragedy – Permissive Paths v Public Rights of Way Peddimore Planning Statement New Commercial Development

We find it necessary to raise this matter with you directly and request your assistance in attaining and hopefully supporting our objective detailed below. We are an enthusiastic group, dedicated to preserving our historic 'Public Rights of Way' what ever their status, i.e. Footpath, Bridleway etc. The public have a right of free passage along these routes, they are not a privilege.

What is a Public Right of Way

*A Right of Way is not a privilege but a "right". These rights exist under Maxim "once a highway, always a highway and the majority used beyond memory. To pass the test of whether people are using the way "as of right", the use must be unchallenged and be "without force, without secrecy and without permission."*¹

What is a Permissive Path

Permissive paths are different. Also known as concessionary paths, these are what a landowner allows the public to use with the intention that it should NOT become a Public Right of Way. They do not have the same legal status of a normal highway and can be closed or diverted at any time.

Development Plan

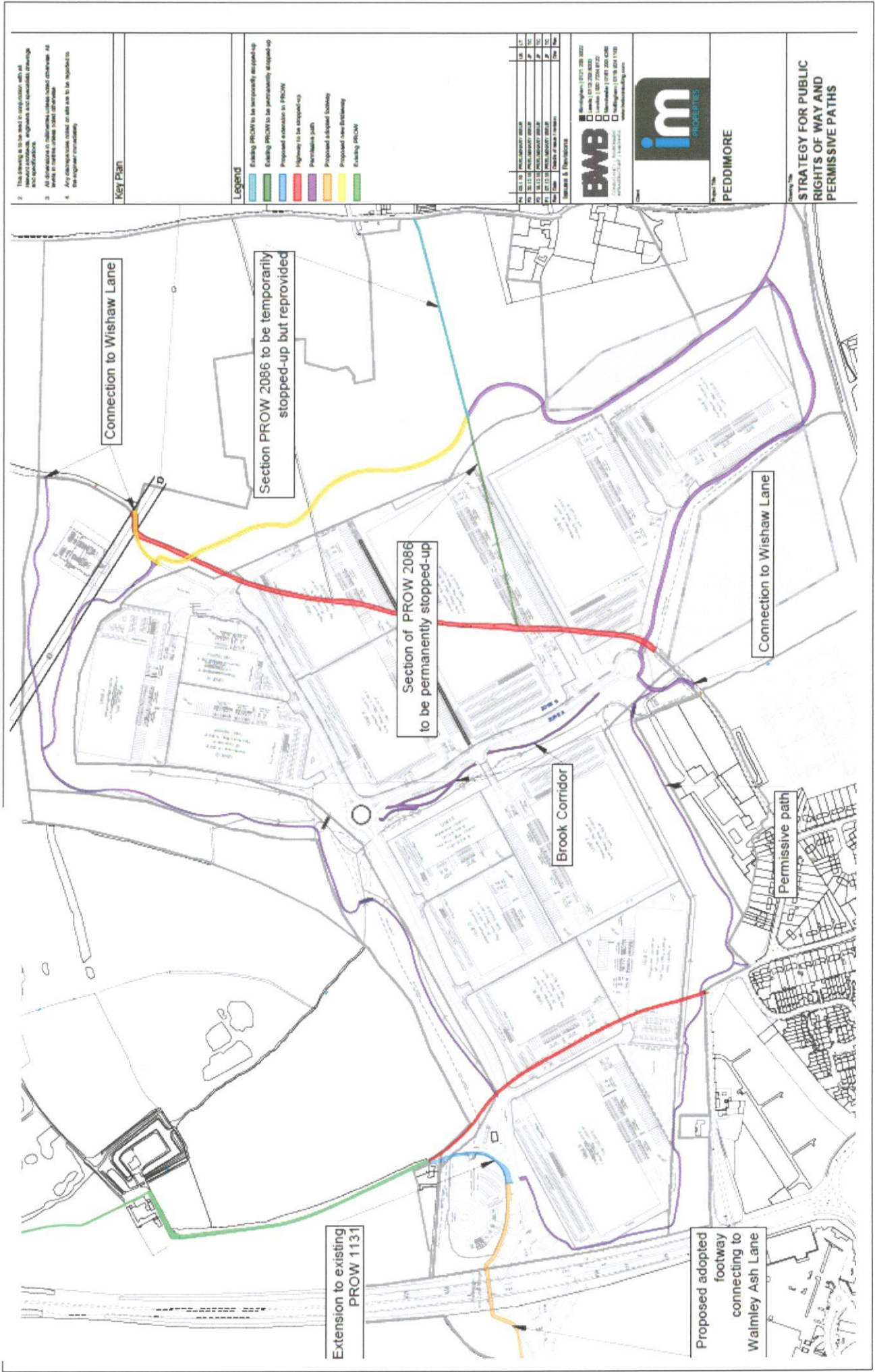
You will see from the development plan the extent of the proposed 'Permissive Route' as a purple line around the development, at first glance it looks impressive. The short solid red line is currently a PRow 1131, now identified as a 'stopped' highway and no longer provides a 'legal' connecting route. Unless the permissive routes are given a legal status as a PRow for in perpetuity, our fear is that we will lose the connectivity these existing rights have provided beyond memory.

We are Not against this commercial development and if this creates jobs, we are all for it but not at the expense and loss of our rightful access to the countryside. Our interest is in preserving the network of PRow that link Sutton Coldfield, Peddimore Minworth, Wishaw, Wiggins Hill and beyond into North Warwickshire. These interconnected Rights are known by Birmingham City Council as: 1130, 1131, 1132, 1133, 2083 (SC19), 2086 and 3108.

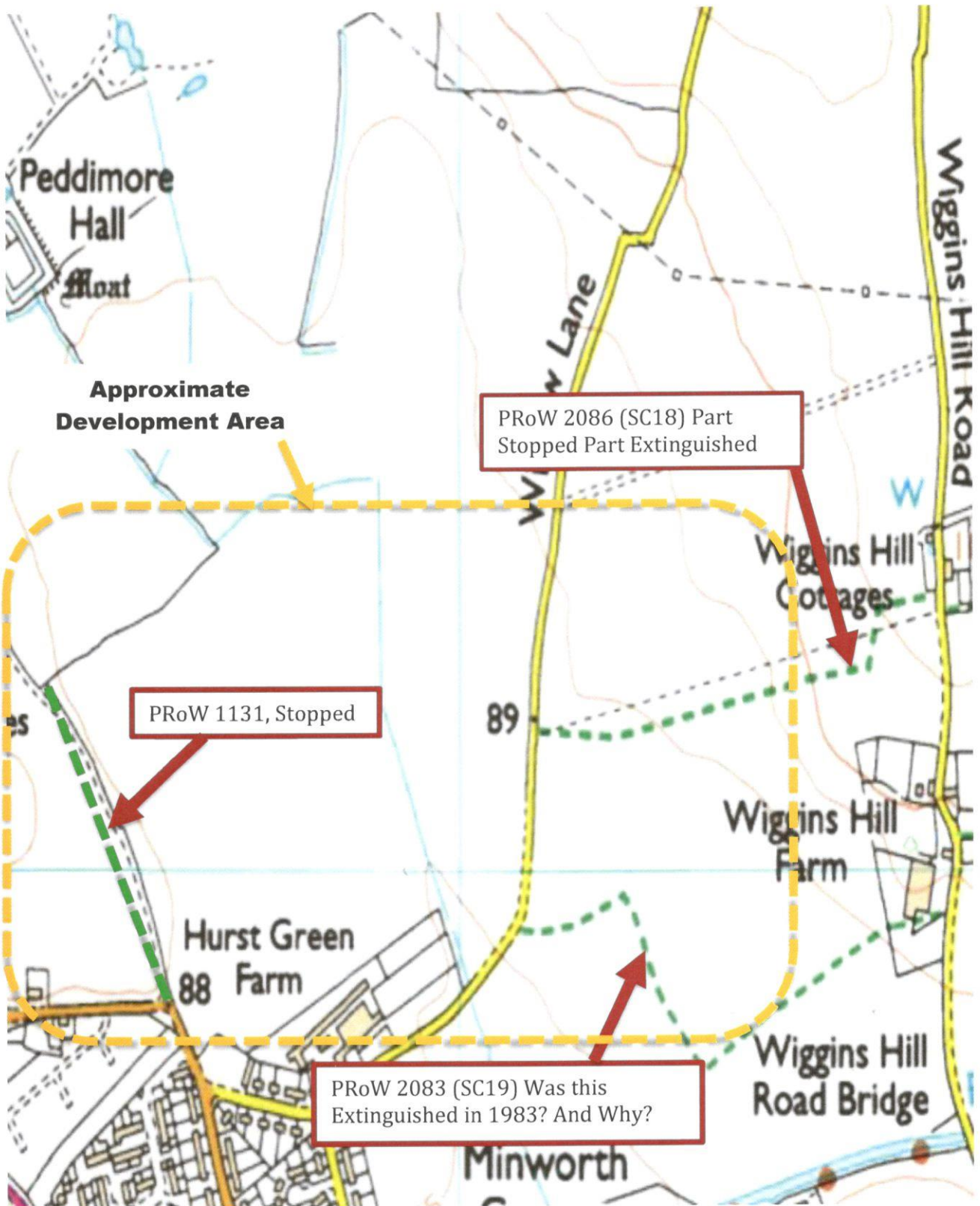
These can be viewed on the website www.rowmaps.com

The development should not impede the public access whether temporary or permanently from accessing this network. The developers should make adequate provision to ensure that the public still have safe access and passage along these ancient "rights".

FUTURE PEDDIMORE DEVELOPMENT PLAN



EXISTING RIGHTS of WAY 2020



OUR OBJECTIVE

Our objective is to raise this issue at the highest level possible with those in Authority whether Government or Council to safeguard and warrant, that the status of the outlined permissive routes in and around the Peddimore development are redesignated with the full legal status as a highway and recognized as 'Public Rights of Way' indefinitely for all future generations to come. Anything less will be a tragedy and a loss of a well-used connecting link of 'Rights' to the countryside.

If the permissive paths are denied the legal status of a Public Highway, will they ever be constructed? and will they be secondary to the development rather than a necessity from the outset; to provide the connectivity we insist is our right.

We will not support and will object to any route being given a 'Permissive Status' in and around this development, as well as the 'Stopping' up Orders and Temporary closures of the rights of way without an alternative in place before the closures.

PRoW 2083 (SC19) – See Map

We consider and believe that the PRoW 2083 also known as SC19 as shown on the map above is a legal highway and continues to be so even though it has been suggested it may have been extinguished on 13th March 1983 (a Sunday!). It is our understanding that the legal process may not have been followed (by error or omission). For what reason would it need to be extinguished back then? The Council have not followed procedure in the last seven (7-years) we have communicated with them so why would they have followed the correct procedure in 1983! We know that the PRoW was used in 2005.

We look forward to your considered response to the issues we have raised and how we can move this forward.

Yours sincerely
pp. Sorow



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