

Madgwick, Sally

From: Vicky Henderson [REDACTED]
Sent: 30 June 2022 12:01
To: Madgwick, Sally
Subject: Objection - The Wiltshire Council Ramsbury 9B, 44, 71 & 72 and Mildenhall Definitive Map and Statement Modification Order 2022

Dear Sally,

"In connection with the Wiltshire Council Ramsbury (9B, 44, 71, 72) and Mildenhall (16) Definitive Map and Statement Modification Order 2022, We are writing to OBJECT to this proposed Order. The grounds for this objection are that there is limited evidence that the Claimed Route from Points A to G is a public Restricted Byway. Furthermore, we have never dedicated the Claimed Route as a Restricted Byway, and have no intention of doing so in the future.

The determination of whether the Order should be confirmed or not should be made on the basis of the balance of probability that a Restricted Byway subsists. We consider that the Council has incorrectly concluded that the evidence it has examined supports a DMMO for Restricted Byway. The evidence presented is conflicting and inconclusive, because:-

- 1) *Ordnance Survey Maps have always been prepared to show physical features which existed/ exist on the ground. They do not provide any evidence of public or private rights and cannot be used as such. Furthermore, since around the 1900s, OS has explicitly stated disclaimers on their maps to the effect that the representation of any road, track or path is no evidence as to the existence of public rights on that way;*
- 2) *With regards to other historical maps, there is considerable evidence that public and private routes were not differentiated;*
- 3) *There is no evidence of any 'physical' maintenance of a Restricted Byway route from Points A to G by the County. Indeed, in the context of the suggested width of the Restricted Byway of c.10m, most of this width is totally overgrown with very well-established woodland, and the absence of any maintenance work for a Restricted Byway over many decades is significant and suggests that the assumption of highway status is false.*

For the above reasons we conclude that the legal test has not been satisfied, and on the balance of probability there is NO evidence that public vehicular rights historically existed along the Claimed Route from Points A to G. We therefore OBJECT to this Order and invite the Council to withdraw the Order, rather than to submit it for consideration by the Secretary of State. We propose to seek further professional advice on this matter, and will provide further supporting evidence for our objection in due course. We therefore reserve the right to add to the grounds set out above when this research has been completed."

Kind regards

Vicky & Charlie

Vicky Henderson
Countryside Contractors & Gardens Ltd



DL: [Redacted]
M: [Redacted]

OBJ (2)

Madgwick, Sally

From: Kevin Light [REDACTED]
Sent: 04 July 2022 10:05
To: Madgwick, Sally
Subject: SAM/2018/07 Ramsbury Axford.....he Wiltshire Council Ramsbury 9B, 44, 71 & 72 and Mildenhall 16 Definitive Map and Statement Modification Order 2022

FAOS Madgwick, Rights of Way and Countryside

Please accept this email as a written objection to the above modification.

I accept that the application is based on old historic evidence to re-establish a restricted byway from Stone Lane up and over to the A4. The application was made by A .Woodford of 7 Vicarage Close, Marlborough, SN8 1AY . The request has come from a single member of the public and does not appear to have wider support either now or previously to the Parish Councils. I am not aware of any local use of horse and carts for leisure or commerce in this and surrounding Parishes in the twenty seven years that I have lived here!

The historic evidence of that route having been used as a route through from Axford to the A4 many years ago is quite considerable and so I understand that the council are following the statutory procedure of reinstating it on the principle that 'once a right of way, always a right of way'.

A restricted byway enables horse drawn vehicles along the route but does not permit motorised vehicles. However, in practice once a route is made wide enough for a horse and cart to pass it is impossible in a practical sense to provide a barrier system to prevent motorbikes and cars. My concern is regard to the unintended consequences of the route being abused by motorised vehicles (including motorbikes). It will create a new rat run which cannot be gated or secured against the poaching and thieving visitors that are unfortunately common in this area, especially at night. In addition, the route will become heavily rutted like so many other RoW throughout the North Wilts Downs AONB, making walking difficult and unpleasant. There is also a major sight-line issue where the route meets the A4.

Further, the route bisects a considerable area of quiet countryside, with a range of habitats high in wildlife and ecological value. Apart from encouraging increased intrusion the damage from the use of a 'cart wide' track will be twofold.

Firstly, it reduces the areas 'off-track' for providing sustainable, quiet refuge for the indigenous wildlife. Secondly, the route will need considerable widening in parts the with subsequent damage to trees, shrubs and the extensive bluebell and Solomon's Seal areas (indicators of Ancient Woodland amongst others).

Whilst I object to the Modification I feel that the minimum compromise position should be that the route is downgraded to a Bridleway which will enables a better degree of control for vehicles.

As part of your processes have the North Wiltshire Downs AONB Office been consulted on this matter and the County Ecologist?

Kind Regards

Kevin Light
Ba Hons DipLA DipTP CMLI FRSA
Mob: [REDACTED]

REP ①

Madgwick, Sally

From: Catriona Cook [REDACTED]
Sent: 27 June 2022 15:29
To: Madgwick, Sally
Subject: 2018/07 RAMS

Dear Ms Madgwick,

The Byways and Bridleways Trust fully support the orders to record the restricted byways in the parishes of Ramsbury and Mildenhall.

And we thank the council for doing this work to improve the network for higher rights users.

Yours sincerely,

Catriona Cook MBE (Mrs)
BBT trustee

REP (2)

Madgwick, Sally

From: Mildenhall Parish Clerk <clerk@mildenhallwiltshire.org.uk>
Sent: 28 June 2022 15:06
To: Madgwick, Sally
Subject: Wildlife and Countryside Act 1981 Making of Order

Dear Sally

I confirm that Mildenhall Parish Council have no objection to this order. Thank you for the paper copy which was very helpful.

Regards

Sue Hine
Clerk to Minal (Mildenhall) Parish Council
[REDACTED]

From: "Madgwick, Sally" <Sally.Madgwick@wiltshire.gov.uk>
Date: 13 May 2022 at 16:25:26 BST
To: "Madgwick, Sally" <Sally.Madgwick@wiltshire.gov.uk>
Cc: "Madgwick, Sally" <Sally.Madgwick@wiltshire.gov.uk>
Subject: **Wildlife and Countryside Act 1981 Making of Order**

Wildlife and Countryside Act 1981 s.53

The Wiltshire Council Ramsbury 9B, 44, 71 & 72 and Mildenhall 16 Definitive Map and Statement Modification Order 2022

Wiltshire Council has made the above order. Please find attached a copy of the order, order plan and notice of making the order. It will also be advertised on site and in the Wiltshire Gazette and Herald on the 19th May 2022. Paper copies have also been sent to consultees.

A restricted byway is a public right of way that may be used by the public on foot, on or leading a horse, on a bicycle or with a horse drawn vehicle. A restricted byway does not record a right for the public to use the way with a mechanically propelled vehicle.

Best regards

Sally

Sally Madgwick
Definitive Map and Highway Records Manager
Definitive Map and Highway Records
Highways and Transport
Wiltshire Council

REP (3)

Madgwick, Sally

From: Lynn Jauncey [REDACTED]
Sent: 03 July 2022 19:08
To: Madgwick, Sally
Cc: Ramsbury Parish Council
Subject: Restricted byway A4-Axford

Dear Sally,

I'm writing on behalf of Ramsbury & Axford Parish Council to raise a concern with the Wildlife and Countryside Act 1981 Making of Order for a path running from the A4 to Axford submitted by Alan Woodford. The Order states that the path be amended to become a Restricted By-way. Our request during your decision making, is that any widening is not enforced unnecessarily as currently the path is accessible for walking, riding of a horse, and cycling. Our concerns regarding the widening are the potential illegal use by mechanical vehicles as a cut through to Axford or to the A4.

We support that parts of the path which are not currently marked on the definitive map are reinstated.

Kind regards
Lynn Jauncey
Chairman Rights of Way Committee
Ramsbury & Axford Parish Council
Memorial Hall, High Street
Ramsbury
Wiltshire
SN8 2PB
[REDACTED]