

## *Springfield & Clift Residents Association*



**Comments on Foot Anstey's (on behalf of Leafy Lane Playing Fields Ltd) representations regarding application 2015/10 – the request, by the Springfield & Clift Residents Association and others, to add public footpaths to the definitive map at Leafy Lane, Rudloe**

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### **Introduction**

Thanks to Wiltshire Council Rights of Way department for the opportunity to comment on Foot Anstey's representation sjw/dict5/232484/1 dated 24 October 2016.

It should be noted that this document brings together, at the request of WCROW, the comments of SCRA, local people who completed evidence forms and others. It has, however, been compiled and written by an individual (see foot of document) whose particular comments may be identified by the use of the first person.

The following acronyms are used: Wiltshire Council Rights of Way Department – WCROW; Foot Anstey – FA; Leafy Lane Playing Fields Ltd – LLPF; Springfield & Clift Residents Association – SCRA, Asset of Community Value – ACV; Rudloe Action Group - RAG.

SCRA does not propose to argue the rights and wrongs of the technicalities such as statutory tests, usage 'as of right' and so on as WCROW and, presumably, FA are experts in this field and have come to different conclusions. SCRA does propose to further examine the anecdotal evidence used in the arguments.

FA's paragraph 1.3 states: "These representations are intended to be **in addition to** the representation already made by LLPF". We would therefore propose to comment on some aspects of LLPF's representation (not all, clearly, as it has already been taken into account by WCROW) in particular the calling into question, through use of the word "mistaken", of locals' evidence.

LLPF claims "Locals who claim to have entered and walked the woodland freely prior to the company owning the land are mistaken as the woods were well fenced and overgrown ..." (in section 2). Let us then through a simple device, that of a photograph with a known date, put this misinformation to

bed right at the start. In annex F, the reader will find a photograph of Mrs Wooster of Rudloe House in Leafy Lane, walking her dogs in the wood in January 1985. Other photographs in annexes P and Q were also taken prior to LLPF's ownership.

Similarly, a partisan or partial view has been adopted by FA in their "The evidence, none of which is supported by a statement of truth" in paragraph 2.5.4. There is no requirement for such statements in these rights of way cases. Statements of truth were not requested from either 'side' so this insinuation is unwarranted.

Also in paragraph 2.5.4, FA makes the following assertion: "(The evidence) has apparently been produced in response to the campaign of SCRA rather than on the basis of factual recollection". However, this statement is incongruous and misleading. The first part (response to campaign) is true but that has had no bearing on witness statements. This argument is illogical, unsound and untrue.

FA appear to have been unduly influenced by an unreliable witness, LLPF, which only came into existence in 1996. This 'unreliability' is discussed in the next part.

Note that the Order Plan map showing the locations of all the photographs in the annexes may be found at annex C.

## **Background**

The following paragraphs may not be seen to be pertinent to the matter in hand but they do examine the background issues which have led to the position we find ourselves in today. Had things taken a different course, the two 'sides' may not have found themselves in this adversarial position.

There is a history of correspondence between SCRA, LLPF and, occasionally, Wiltshire Council. This has involved the subjects of: local involvement with and access to the woodland; litter; a proposed, illegal rook cull; a bid by SCRA to have Leafy Lane Wood declared an asset of community value (ACV) and the 'legality' of LLPF's proposal to sell the woodland.

A chain of events of particular significance was: LLPF's representation on SCRA's bid to have Leafy Lane Wood declared an ACV; the publication of this representation on the Rudloe website; a number of threatening emails from the author of the representation and my eventual response. Had LLPF supported this bid, or at least not been so antagonistic towards it, then perhaps we would never have come to this pass.

LLPF's submission on the ACV bid and my response are weighty documents (but very illuminating!). They may be found on the Rudloe website in an article dated 26<sup>th</sup> July 2015 here: <http://www.rudloescene.co.uk/news/rudloe/leafy-lane/>. If decision makers do not have the time or energy to plough through these documents, perhaps they could take note of the final paragraph of my response which is shown in the next paragraph here:

*"I'm sure there must be some punctilious regulations in existence which could be brought to bear for sending threatening emails, for vilifying a section of the local community and for presenting*

*misinformation and disinformation to public bodies. Further research is required here but, in the meantime and in the absence of confirmation regarding a quorate sanctioning of the 10th June letter, I expect an apology from you to the people of Rudloe for the distasteful representation made regarding our community asset bid."* It should be noted that neither an apology nor further threatening emails were received.

Had the ACV bid been successful, SCRA would have had six months in which to raise the money to purchase the woodland and we could perhaps then have gone on to propose the changes to the definitive map without objection.

With such a significant military presence at Rudloe and with married quarters being adjacent to and opposite Leafy Lane Wood, there may have been an opportunity to take advantage of the Armed Forces Community Covenant Grant Scheme which, in 2014, saw £763,773 drawn down into Wiltshire.

Also, with so many proposed developments in west Corsham and Rudloe (700 new homes) there perhaps would have been the possibility to instigate a section 106 agreement with for example Hannick Homes (88 homes at Rudloe) or Redcliffe (170 homes in Bradford Road) to compensate the local community for loss of open space.

The ACV having failed, another local community organisation, the Neston & Box Scout Group, expressed an interest in purchasing the woodland. On 22<sup>nd</sup> August 2016, I sent an email to the Scout Group informing them of this potential funding. That email may be found at annex A.

The reader may see that the purpose of Rudloe community submissions in first of all applying for ACV status, then applying for the footpaths through the wood and the footpath skirting the playing field to be added to the definitive map and then to suggest a potential source of funding to the Neston and Box Scout Group is to do what we believed that LLPF should be or should have been doing and that is: securing the woodland and its well-used paths for the local community. And this was not simply a recent initiative by SCRA. The Rudloe Action Group (RAG) was formed in 1995, with thirteen local members, to this same end.

Apart from RAG, other local people have been concerned. A letter dated August 1994 from a correspondent in Canada to Mrs Wooster of Rudloe House states, inter alia: *"I am sorry to hear that some of the old lands will be changed, do you think it will go ahead even though the local people are upset about it? I think it is wonderful that you are trying so hard to preserve the land, I just hope you are successful"*. An extract from the letter is shown in annex G.

The subject application is, as stated above, the latest attempt to secure the pathways for the local community, other avenues having been thwarted.

### **The FA submission dated 24<sup>th</sup> October 2016 on behalf of LLPF**

Section 2 of FA's submission concentrates on the 'as of right' test for the period 1978 -1998, or the First Relevant Period. WCROW will know, and has already argued, that this test is satisfied. Section

2.3.1 states “For use to be ‘as of right’ the use must be exercised without force, secrecy or permission”. FA’s argument is that “use has been exercised **with force, if at all**”.

*Our Comments:*

1. Thirty local people, in their evidence forms, testified to use within this period. The tenant farmers, Freeman and Maidment also affirmed use by the public and the existence of a stile by the NAAFI in Leafy Lane. Messrs Greenman confirmed the existence of the stile in their arboricultural report dated 21<sup>st</sup> April 1998. This stile may be seen in the photographs taken in 1996 and 1998 at annex K. A gate or gates, opposite Rudloe House, is/are shown in the photograph taken in winter 1987/88 in section 10.26 of the Decision Report. This/these gate(s) may also be seen in the 1983 photograph at annex H.
2. Ironically, evidence of usage may be found within FA’s own unnumbered annexes. Firstly, the letter from the landowner, Mr Padfield, dated 17/4/1995 states “... I would allow residents **continued access** ...”. This might (might!) intimate that use of the pathways was permissive but few of the scores of regular users would have been aware of this. Secondly, paragraph 2.3.6 which states “We enclose a copy of the members of RAG ...” (which is no such thing; see later analysis of this) is on a paper compiled by Mrs Jean Wooster of Rudloe House (in Leafy Lane) and headed ‘Incomplete Lists 1982 – 1994, Rudloe Park/Boxfields’. These lists describe flora and fauna which were found in Leafy Lane Wood and elsewhere, the first page (of five) of which is headed “Birds seen in Rudloe Park Wood/hedge/field”. “Rudloe Park Wood” is the subject wood. Mrs Wooster’s lists may be found here: <http://www.rudloescene.co.uk/localities/rudloe/leafy-lane-flora-fauna/>
3. With regard to paragraph 2.3.5, as the landowner’s farm is at Kelston, west of Bath and some twelve miles away, “chasing people off the land” is implausible.

Paragraph 2.3.4 and 2.3.5 discuss “Mr Beattie’s recollections” with his “vaguely remember” with regard to “going into the woods” and being “chased out by the farmer”. Mr Beattie also states “I have more years of knowledge than any of the 42 local people” (the 42 local witnesses) and “Only since this intention was made known that they have tried everything they can to prevent this”. Mr Beattie’s letter may be found in appendix 2 of the Decision Report.

*Our comments:*

1. Phil Beattie is a stalwart of the Rudloe community and I have great respect for him but he fails to mention that he is a long-standing committee member of LLPF. He writes of LLPF as if it was a third-party organisation and not one with which he is intimately involved.
2. Phil’s “more years of knowledge” starts with being “born on the old Rudloe Estate in June 1953”. Well, let’s trump that ... Esther Turner (one of the 42) was born on Rudloe Estate in April 1950 and has lived at Rudloe for 55 years (with the years ‘away’ being only just a mile or two away (Pockeredge and Priory Street, Corsham). The same home at Rudloe Estate has been occupied by the family since 1964, so 52 years to date (2016).
3. Continuing with Phil’s “more years of knowledge”, as far as I know, Phil has never had dogs and has never used the wood for recreation so he may not appreciate the true value of the wood. The years of knowledge of people who have used the wood is enormous with the 42

witnesses alone having accumulated 429 years in the First Relevant Period and 697 years in the Second Relevant Period.

4. Phil's use of "they" is disparaging as if "they" were some kind of insidious, rogue community out simply to foil LLPF to some devious purpose. This continues the somewhat coloured (shall we say) stance adopted by LLPF in its representation on the ACV bid (which I described to LLPF, both verbally and by email, as "a disgrace").
5. It is simply not the case that the Rudloe community (recently through the SCRA) has been active in trying to protect the woodland "only since this intention (to sell) was made known". This has been going on for years through: RAG (formed in 1995); individuals (eg Mrs Wooster of Rudloe House – see references elsewhere); email communications about protecting woodland fauna and the collection of rubbish within the LLPF area (and elsewhere), catalogued at the Rudloe community's CPRE LitterAction webpage here: <http://www.litteraction.org.uk/the-rudloe-mob>.
6. With regard the community's care for the woodland and its environs, the following text from the above-quoted webpage may be of interest: "*Rather than an AONB, Leafy Lane Playing Fields resembles a rubbish tip. The Rudloe Mob has an onslaught on the accumulation every couple of months or so. Of the 14 bags collected on 23rd February 2012, 10 came from the playing fields and this was just the tip of the iceberg ...*".

Paragraph 2.3.6 concentrates on correspondence between Mr Padfield and Mrs Hair, the chairman of Rudloe Action Group (RAG) in 1995 in which the following assertion is made "... the RAG group accepted they needed permission in order to access the land and they did not use a path in the woodland 'as of right'". This paragraph also says, as stated above, "We enclose a copy of the members of RAG, 4 of whom have submitted evidence in support of use of the footpath (sic)".

*Our comments:*

1. No such acceptance is to be found in Mrs Hair's letter, the relevant paragraph of which simply states "... our community group will co-operate with regard to access to and on the area e.g. signposts ...", which is prefaced by the conditional statement "**If a decision is made to go ahead with football pitches ...**". In any case, this group of eleven local people (plus two from Box) did not have any jurisdiction over the many hundreds of Rudloe residents.
2. The supposed "copy of the members of RAG" is nothing of the sort. It is simply a list of names handwritten onto the cover page of Mrs Wooster's flora/fauna lists, probably at an open meeting held at Box Highlands School before RAG was formed. Six of those named (or misnamed – Estha Turner for example) became members of RAG; three (John Cuthbertson, Paul Turner and Margaret Roussell) did not. (Paul Turner wasn't present at the open meeting either so addition of his name here is a fiction). The list of the thirteen members of RAG may be found from page 1 of the RAG meeting (1 March 1995) minutes shown at Annex B.

Paragraph 2.5.1 asserts that "Many of those adducing user evidence for the First Relevant Period do not distinguish their recollections of using the area between the First Relevant Period and the Second Relevant Period" and "It is our submission that the permissive use which has existed since LLPFL owned the Land has altered people's recollections of the period prior to the creation of the permissive footpath by LLPFL in 1999."

*Our comments:*

1. The First Relevant Period and Second Relevant Period are constructions found within the Decision Report. Evidence forms simply gave the full periods over which local people walked the pathways. How could these people know what periods would be so designated?
2. Apart from walkers through their evidence forms, others such as tenant farmers Maidment and Freeman and Messrs Greenman have affirmed the presence of well-used pathways and the stile by the NAAFI at point B prior to LLPF's ownership.
3. As stated above, Mrs Jean Wooster who lived at Rudloe House in Leafy Lane from 1982 to 1995 compiled lists of flora and fauna found in the wood and elsewhere.
4. Numerous photographs of the footpaths prior to LLPF's ownership may be found in the annexes.

Paragraph 2.5.2 cites Mrs Crowe's evidence and FA responds "It is evident that there was not a full period of 20 years use prior to the acquisition by LLPFL in 1998".

*Our comments:*

1. FA's response here is a non sequitur. The Crowes moved to Kidston Way on 1<sup>st</sup> January 1973. How could a period of residence (and use of the paths) of 25 years up to 1998 not represent "a full period of 20 years"?

Paragraph 2.5.4 has already been discussed in the introduction. Here, FA discusses the motivation for the application for paths to be added to the definitive map, the lack of statements of truth and questions the "factual recollection" of the forty-two who provided evidence statements (and others also eg Freeman, Maidment and Messrs Greenman).

*Our comments:*

1. Surely there is a motive behind any and every application? In this case, local people are passionate about protecting local woodland and pathways. This is evident from the formation of RAG in 1995 **and also** from the hundreds of photos and associated text on the Rudloe website (for example the Leafy Lane flora/fauna pages here: <http://www.rudloescene.co.uk/localities/rudloe/leafy-lane-flora-fauna/>) **and** the application for the wood to be declared an asset of community value (ACV) **and** the application for the paths to be added to the definitive map. In addition, another local community group, Neston and Box Scouts, has been advised by SCRA of potential funding towards purchase of the wood in order to try to save it for the local community. FA (and LLPF) disparages this aim as if it were a hanging offence for local people to want to save a local wood and its pathways for this and future generations.
2. We have here also, as mentioned in the introduction, the reference to evidence "not supported by a statement of truth". I repeat, statements of truth were neither requested nor provided (by either 'side'). This invidious statement is unwarranted and unfair.

3. FA uses invalid, specious reasoning here in that requested statements through the evidence forms provided by WCROW disqualify that evidence as not being gained by factual recollection. FA also describes the evidence as “partial” as, of course, is the ‘evidence’ of its client, LLPF. On our ‘side’ I would say that an individual’s evidence is bound to be partial (both in terms of the whole and also in providing statements with which LLPF, its client, takes issue); each statement builds the bigger picture. The impartial WCROW team and Planning Inspectorate will decide the matter.

In paragraph 2.5.5 FA cites the “adduced photographs” as evidence that there was no “walkway” between points A and B. The “adduced photographs” are shown in appendix 8 of WCROW’s Decision Report. The last sentence in this paragraph needs analysis.

*Our comments:*

1. The two photographs do not, indeed cannot, show the extent of the A-B route; they are simply landscape views west (with football team in the foreground). Part of the A-B route may be intimated in the background.
2. The photographs are taken at a distance of 250 metres from the partial A-B route (distance has been calculated by Daftlogic’s distance calculator at [www.daftlogic.com](http://www.daftlogic.com)) - the claim “there was no walkway” cannot possibly be deduced at such a distance.
3. All parties know that, in 1999, LLPF constructed a fence and then planted a hedge in order, principally, to prevent dogs from straying onto the playing fields between the ‘top end’ of the wood (and its stile shown in annex J) and the stile/squeeze gap in Boxfields Road (part of the A-B route).
4. The last sentence “Prior to the work to cut back the path the way had been significantly overgrown.” is perhaps revealing. Here FA appears to be saying, as testified in evidence forms and shown in photographs, that there was a ‘way’. Any ‘overgrowing’ on a pathway on an open playing field can be and was simply avoided by walking around it.
5. A ‘zoomed’ photograph, part of a wider landscape picture taken in 1998, is attached at annex L which shows the stile (and sign) at point A (of route A-B). The stile and squeeze gap are shown in part 7.0 of the Decision Report. Walkers would access the playing fields across this stile or through the adjacent ‘squeeze gap’. Those heading to Leafy Lane Wood would use the perimeter route A-B as directed by the MoD signs (see annex M) and exit into the woodland at the stile shown in the ‘zoomed’ photographs to be found at annex J. This state of affairs would be reversed for walkers going in the other direction.
6. Mrs McDermott, a resident of Park Avenue (military officers’ quarters) between 1995 and 1997, has stated: “I used these stiles, together with other military personnel to access the wood and to walk our dogs”.
7. Numerous photographs taken on the playing field section of route A-B are to be found in annex O.

The content of section 2.6 and its three paragraphs have, I believe, already been considered by WCROW in its Decision Report. However, one comment follows:

*Our comments:*

1. The assertion in paragraph 2.6.2 *“Mr Padfield was aware the land was popular but he did not tolerate the use of the land for walkers and he did not believe or intend a public path to exist”* is incongruous. If Mr Padfield was aware that the paths were popular then his beliefs or intentions were not communicated to users. And lack of toleration cannot have been exercised remotely from his farm twelve miles away. In the twenty-three years 1975 (the time we moved to Rudloe (or back to Rudloe in my wife’s case)) to 1998 of Mr Padfield’s ownership, we (myself, my wife and our children) didn’t once encounter Mr Padfield on our daily walks.

The subject of ‘as of right’ in paragraphs 3.2.1 to 3.2.5 has effectively been dealt with in section 11 of the Decision Report. In paragraph 3.2.6 we find references to the minutes of five LLPF meetings; the minutes themselves are enclosed with FA’s submission.

*Our comments:*

1. Seeing LLPF minutes is a revelation. The following should be noted from the Rudloe website (in an article dated 30<sup>th</sup> January 2016 here <http://www.rudloescene.co.uk/news/rudloe/leafy-lane/>):

LLPF’s actions fly in the face of these charitable aims. I should remind readers of the ultimate sentence in the 21st September 2015 article below which stated: *“Neither the community nor indeed the general public is aware whether the decision to sell the wood (or in fact, any decision) was made at a quorate trustee meeting as no minutes or any other details of Leafy Lane Playing Fields Ltd meetings are published”*.

In spite of the fact that this organisation was enabled through grants, including grants from public funds, it appears that LLPF is not being run as an open, accessible, charitable organisation but, effectively, as a secret society. The local, and wider, community should be aware of who is making decisions and why.

2. Indeed at Annex I, the reader will find an (rather long) email chain in which I ask the following in the email dated 25<sup>th</sup> March 2012: *“Could you tell me the reason and/or let me have a copy of the appropriate minutes. I would also be interested in attending your April meeting for the rook agenda item only”*. There was no response to the minutes request and, as may be seen, the email from LLPF (Mr Mullins) dated 25<sup>th</sup> March 2012 states that the April meeting will be closed to the public.
3. It is all very well for minutes of closed meetings to assert that certain actions have been or will be taken but the public, as indicated above, were blissfully unaware of what decisions were being taken and what actions were initiated.
4. This situation is reflected in FA’s 3.2.6.2 and 3.2.6.4 which quote from LLPF minutes of 26<sup>th</sup> November 2003 with: *“LLPF have maintained fencing”* and 9<sup>th</sup> May 2001 with: *“LLPF have continued to repair perimeter fencing”*. However, we also see in the November 2003



minutes: “PM to arrange for the Leafy Lane metal fence to be taken down ...”. The public was unaware of what was going on here and why.

5. As I indicate, seeing LLPF minutes at long last is a revelation.

Section 3.3 ‘Without Interruption’ cites three instances of “regular” interruption.

*Our comments:*

1. The first instance, in para. 3.3.2, refers to the locking of a gate to/from the western end of the military married quarters in Park Lane. This access to the woodland affected only the families of military personnel (officers), was a single episode over a very short period in May 2010 and was certainly not “regular”.
2. No one recalls the ‘interruption’ in 2013 but if there were obstructions walkers would have diverted as required for health and safety reasons. However, this short, single incident was not “regular”.
3. With regard to paragraph 3.3.4 and LLPF’s annual six-a-side events being “ticketed”, having lived across the road from these events since LLPF’s inception and being a former Corsham Boy’s manager, I have taken more than a passing interest in the events and have never been approached by a programme seller. Notwithstanding this, no one (not myself, my wife, Mr Davies, Mr Harrill, Mrs Hopkins, Mrs Miles, Mr Gale and so on (no one) has ever been obstructed by any representative of LLPF (whether programme sellers or anyone else) on the western path. If anyone had been obstructed, this ‘news’ would have spread like wildfire amongst the local community.
4. Indeed, Mr Davies has, inter alia, said the following: “I have walked continuously on the paths until the present time, this includes when many events have taken place on the land and when a field next to point A has been used for car parking. I have never been stopped and told by any members of LLPF or their agents that the path was closed”. And Mrs Hopkins: “Since Leafy Lane Playing Fields Ltd took over the land in 1996, the woodland paths have never been closed, not for a single day. No notice to that effect has ever appeared and I have never seen any person stationed along the route to enforce closure.” And Mrs Barstow: “I have lived here since 1989 and have never been asked to leave the area, by anyone in all of that time”.
5. The location claimed for the positioning of the programme sellers would be worthless as it is around 90 metres to the north of the western entrance - see map at annex N showing the location of the actual entrance (lower point) and the claimed location. It appears that this “evidence” has been contrived with inattention to detail.
6. I walked this western pathway (part of route A-B) on 7<sup>th</sup> June 2015 during a tournament. The photograph at annex D (taken at 14:44) shows the car park with the western entrance (unfortunately) not visible as a white van blocks the view. The photo at annex E shows the last picture taken in Leafy Lane Wood before entering the western pathway – this is timed at 14:36. So it took eight minutes to walk this route; no programme sellers or indeed any other LLPF representative was to be found there.

Section 4's only paragraph questions the existence of identifiable paths between points B and D and E and C and describes the woodland as "dense".

Our comments:

1. WCROW has already dealt with this in the Decision Report, but numerous photographs of these routes may be found on the Rudloe website here: <http://www.rudloescene.co.uk/localities/rudloe/> specifically in the 'Views of Rudloe including Leafy Lane Wood and Bradford Road' gallery in photograph numbers 1, 2, 5, 40, 47, 48, 137-141 and 148-151. Further photos may be found at annexes P and Q. The routes are well-defined.

Section 6 of FA's document questions the width of the path and states that no path is more than 1 metre in width.

*Our comments:*

1. It will be clear from photograph 2 in annex P that, at this point and for a length of about 50 metres, route B-D is over 2 metres wide.
2. The photos in annex Q indicate that route A-B is at least 2 metres wide for a substantial part of its length.

FA's section 7 discusses an application to the Secretary of State for compensation for devaluation of the property and a future application for a public path diversion order.

*Our comments:*

1. Things need never have come to this pass
2. Had LLPF not been so antagonistic towards the local community, when in line with their founding document their aims should have been "To advance and improve the education and physical, mental and social well-being of the **community** by the provision of sporting and **recreation amenities, grounds and facilities of all kinds**" and "To provide for the inhabitants of Corsham and surrounding areas in the interests of social welfare facilities for recreation and **leisure time occupation with the object of improving their conditions of life**", this time-wasting exercise for all concerned need never have arisen.
3. LLPF still looks at the future through a dark lens when the best outcome may be brought about by a positive attitude with, for example, LLPF receiving the funds it requires for the sale of the land **with** the local community safeguarding the woodland through its purchase and/or stewardship. If events had taken a different turn (ie if SCRA's community asset bid had been successful) then the community would have had six months in which to try to fund the purchase of the wood. There are national funds available for local projects which bring together civilian and military communities and with Rudloe having such a big military presence, we may well have been able to propose such a project (which might simply be the use of a natural woodland for recreation). In fact, we could/can take this idea forward

anyway but, given LLPF's antagonism, it would be very difficult to reach an accommodation with them.

## **Conclusion**

The foregoing and the previous representations from both 'sides' describe apparently irreconcilable positions with, on the one side LLPF having no appreciation of the value of the woodland and on the other, local people regarding the woodland as an irreplaceable treasure.

Quoted earlier but K J Oatley's (a former architectural/environmental professional in Corsham) consultation response in section 10.19 of the Decision Report, which includes, "... such woodlands play a very important part to our environment and as such afford the population a benefit which has great value ..." and "Very little in the form of additional woodland has been planned for the Corsham area" whilst not relevant to the 'legal' argument, is illuminating.

Most locals exercise their dogs using the woodland and playing field paths. A simple pleasure but as Monty Don said in a recent Times article "Dogs provide companionship, exercise and health. They get us into the fresh air which is not just good for your body but excellent for your mind". This simple pleasure is not accepted by LLPF but not only that, LLPF would deny the pleasure to others.

From our family's experiences, I can recount many encounters which have made and cemented friendships, for example, with Dave and Lyn Gale of The Links, Pat and Bill Turner of Highlands Close, Mickey Mee of Pine Close, Dave and Madeleine Wright of Ashwood Road and many others. My wife became good friends with Shamilla, a military dentist who lived in Park Avenue, a friendship which would never have come about had it not been for walking in the wood.

Mrs Barstow has said: "The woodland area is incredibly important to the people of Rudloe as a whole. It is a place where all walks of life meet to put the world to rights. Walkers with or without dogs enjoy the beautiful trees, wildlife and fresh clean air, in all weathers. It is the hub of the community on the hill and I only wish that the Trustees would realise its importance to the community as a whole."

Terry Allen has said: "Prior to the LLPF project being approved there was a meeting held at Rudloe and we were asked to be sympathetic towards the playing field project because it was for children. At the same time the subject of the woodland facility was discussed and it was agreed by the LLPF committee that this area would be protected for the use of the residents. The woodland area and the wildlife are very important to the Rudloe people, with all the trees and birds (including owls) and insects. The tranquillity of the wood during a nice stroll or a walk through to the local pub is what life is all about."

Ironically, Mr Davies of SCRA says in an email: "I have known one of the current (LLPF) trustees since about 2007 and we had a friendly relationship until February 2015 due to the fact that we both have labradors and often walked on the paths through the wood. In about 2009 until 2010 I walked his dog for him during the week due to his work commitments ...".

LLPF's current, intransigent attitude towards the woodland and its users and their threats, should they 'lose', to apply to the Secretary of State for compensation and, even before any decision has been made, to apply for a public path diversion order does not bode well for a harmonious relationship with the community. Even now, LLPF has installed a chain and padlock around the gate at entrance C (on 31<sup>st</sup> October 2016) for the first time in the almost twenty years of their ownership and directly below the sign that welcomed walkers, and persons unknown have dismantled the stile at point A.

However, let's try to be positive. There must be a way forward if only the two 'sides' could be brought together. As indicated in the introduction, there are possibilities through grants and/or section 106 agreements which may see both the local community and LLPF satisfied. We hope for a more positive future; SCRA will try to secure a better relationship with LLPF perhaps through mediation.

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1<sup>st</sup> December 2016

Annex A

**Email sent to Alastair Gill, an executive of Neston and Box Scout Group, on 22<sup>nd</sup> August 2016**

Alastair,

I was thinking (did you hear the gears grinding?).

I am a committee member of a local rugby club, Bath & Wiltshire Romans, with one responsibility being searching out potential grant funding. One possibility this year was to take advantage of a government scheme with £10 million available for projects bringing military and civilian communities together. Details of the scheme were published this year through Corsham Community Matters; the 'link' is here:

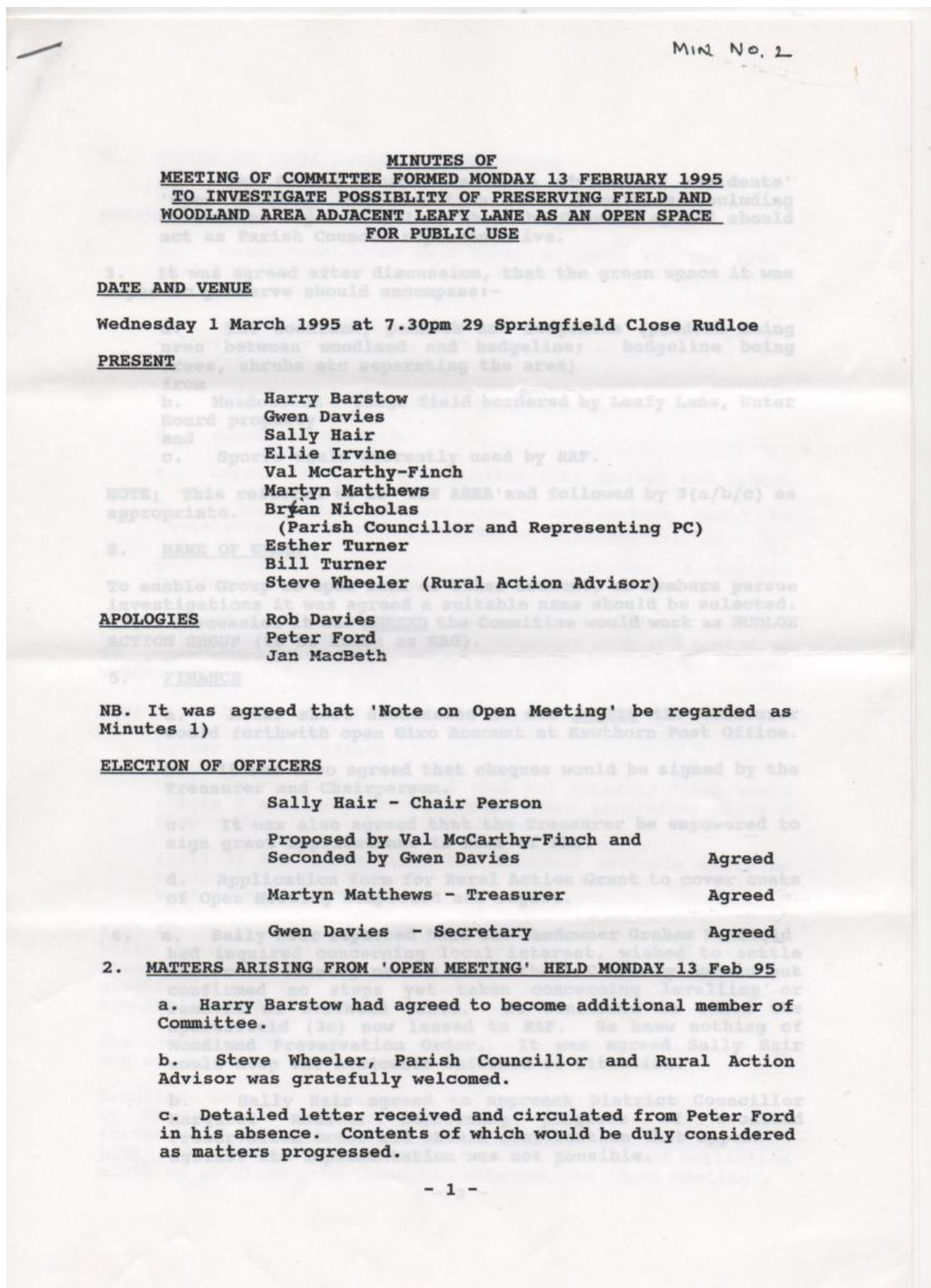
<http://corsham.ourcommunitymatters.org.uk/news/government-funding-available-for-projects-bringing-military-and-civilian-communities-together/>

As you will see, the deadline for this year's 'round' was 22nd June. Unfortunately, whilst our club had many military members last year, all had moved on this year so we were not in a position to propose a project.

I would think that there will be further 'rounds' in the future; I doubt if all the funding has been used up. I would imagine that local Scout groups have a mix of children from civilian and military families and the woodland is adjacent to civilian and military estates at Rudloe. Your project may be ready-made for such funding - I think this would be worth pursuing if you can come to an agreement with the Leafy Lane Playing Field organisation.

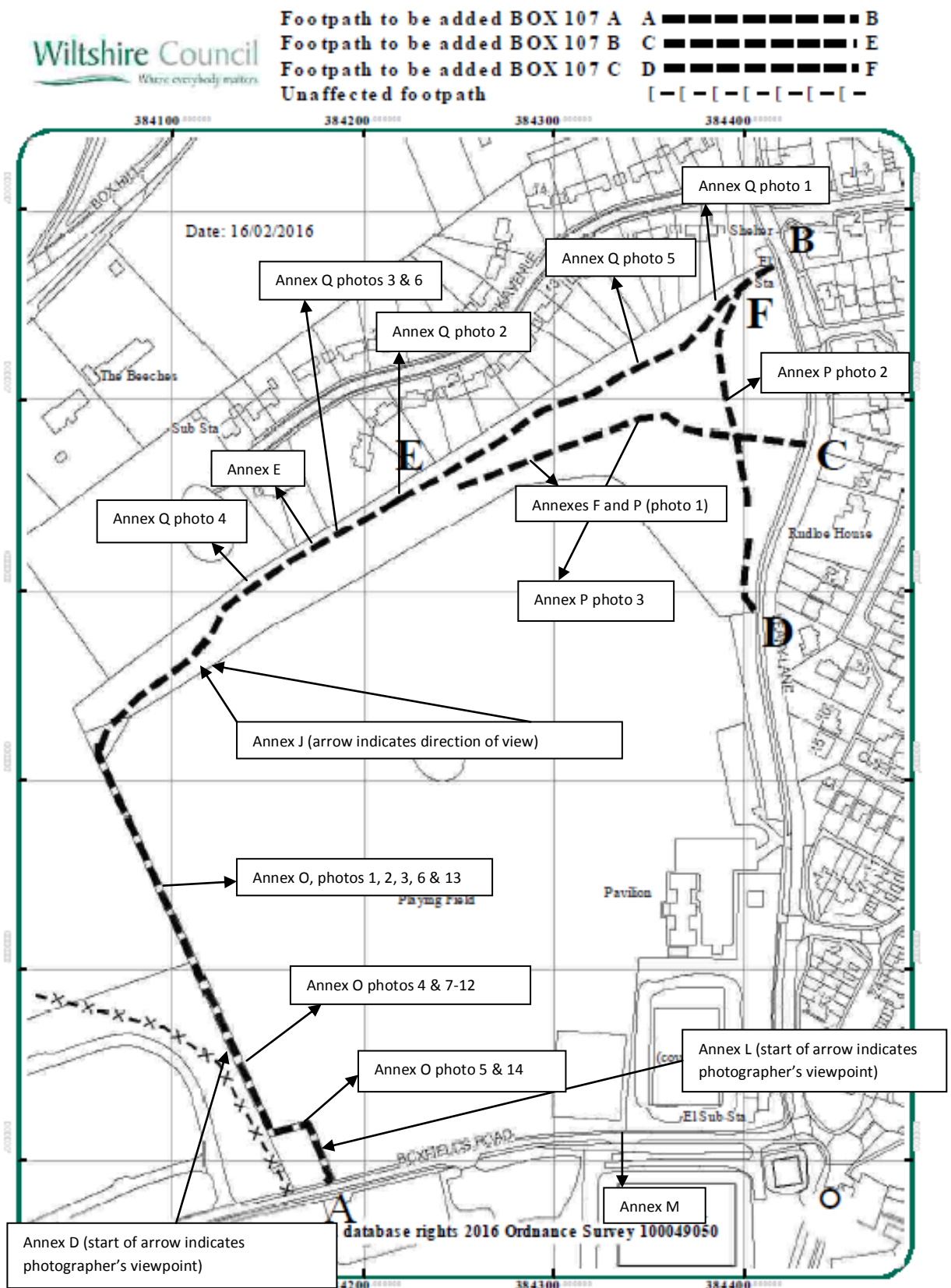
Regards

Paul Turner



Annex C

Location of photographer in photos to be found in this document's annexes:



## Annex D

Car park for the Leafy Lane annual football tournament on 7<sup>th</sup> June 2015 at 14:44. The entrance (normally locked) to the playing fields is obscured by the distant white van at centre-right. However, I had just walked along the pathway; no one was stationed here as claimed by the LLPF organisation.





## Annex E

Last picture, of beeches, in Leafy Lane Wood before walking along the west pathway. The photograph has the date/time of 7<sup>th</sup> June 2015 at 14:36. As indicated in Annex D, no LLPF personnel were stationed on the pathway.



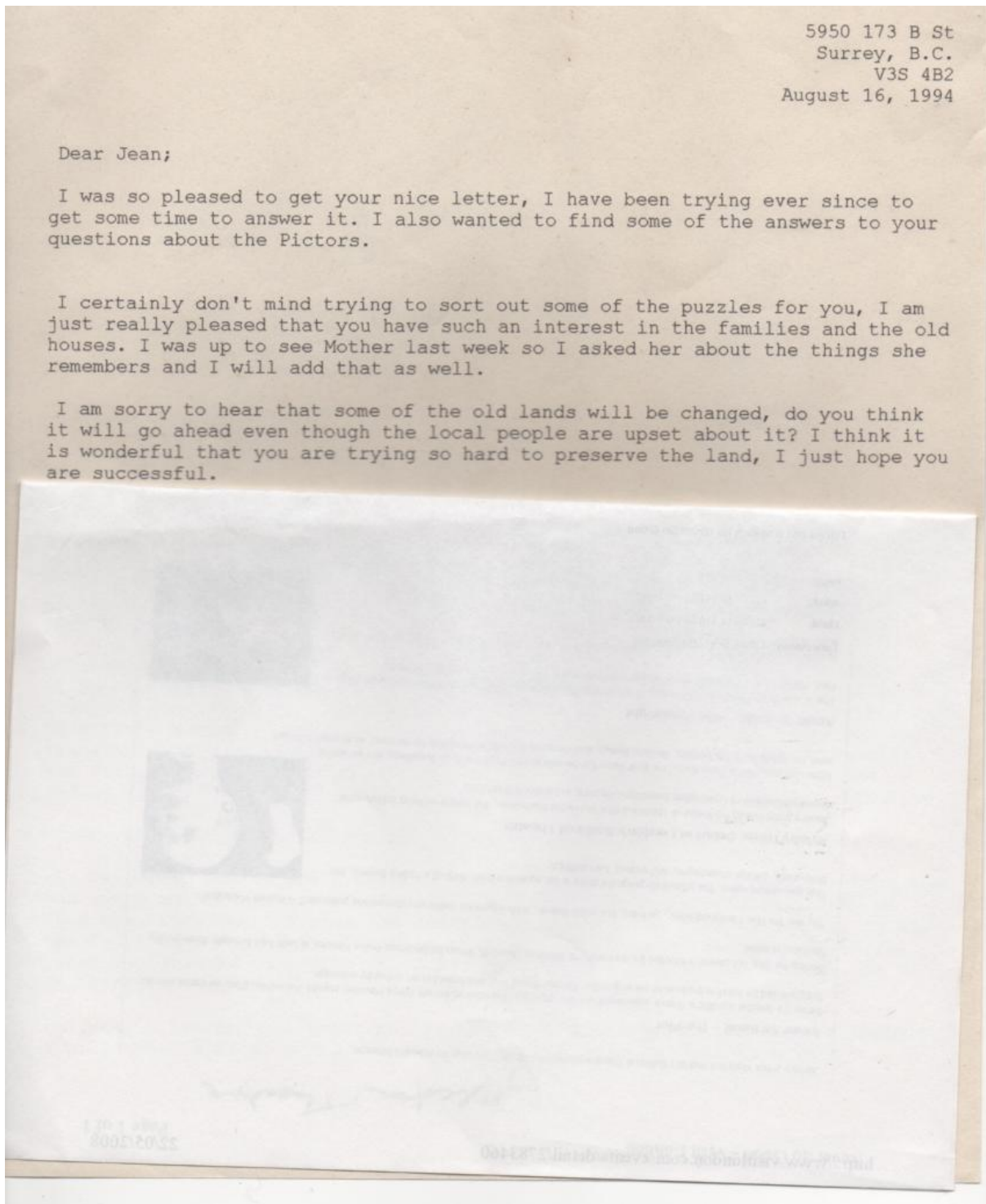
Annex F

Mrs Jean Wooster of Rudloe House exercising her dogs in Leafy Lane Wood in January 1985. The RAF housing can clearly be seen in the background in this supposedly inaccessible and overgrown wood.



Annex G

Extract of a 1994 letter from a correspondent in Canada to Mrs Wooster of Rudloe House.



Annex H

Gate(s) at point C in Leafy Lane opposite Rudloe House in May 1983



Annex I

boxmadhouse

1 of 4

Re: Leafy Lane Wood

B

boxmadhouse@aol.com

Reply

Sun 25/03/2012, 08:28

You

Paul

You have read too much into my words

As stated in our telephone conversation the committee have refused a previous request to cull crows on our land which still stands.

The meeting in April will be closed to only the Leafy Lane Committee.

Bob

-----Original Message-----

From: Paul Turner <wirepuller@hotmail.com>

To: Bob Mullins <boxmadhouse@aol.com>

Sent: Sun, 25 Mar 2012 2:09

Subject: RE: Leafy Lane Wood

Bob,

Thanks for the prompt response.

Your first sentence is interesting. Do you mean that it is or was the **long-term** intention of Leafy Lane Playing Fields Ltd, whose Charity Commission classification is listed as 'environment, conservation and heritage' (amongst others), to cull rooks on your land?

Perhaps I am reading too much into your words? However, I did ask in my 19th April email about which of the 'purposes' under which a Natural England licence is granted ('The prevention of damage or disease' and 'Conserving flora & fauna') would apply in this case. This is a very small rookery so I cannot imagine that either case applies. Assuming I am correct regarding your 'long-term' intention, your committee must have discussed the purpose of this cull. Could you tell me the reason and/or let me have a copy of the appropriate minutes. I would also be interested in attending your April meeting for the rook agenda item only.

Annex I continued

You may be interested in the following items from the BBC (three videos: Dawn and Dusk with Mike Dilger, Dawn Rooks with Simon King and Gathering Rooks with Alan Titchmarsh):

[http://www.bbc.co.uk/nature/life/Rook\\_\(bird\)](http://www.bbc.co.uk/nature/life/Rook_(bird))

Regards

Paul

---

To: [wirepuller@hotmail.com](mailto:wirepuller@hotmail.com)  
Subject: Re: Leafy Lane Wood  
From: [boxmadhouse@aol.com](mailto:boxmadhouse@aol.com)  
Date: Sat, 24 Mar 2012 10:35:44 -0400

Paul

the cull has been stopped in the short term.

The Leafy Lane directors have a meeting in April. where it will be one of the items for discussion

Bob

-----Original Message-----

From: Paul Turner <[wirepuller@hotmail.com](mailto:wirepuller@hotmail.com)>  
To: Bob Mullins <[boxmadhouse@aol.com](mailto:boxmadhouse@aol.com)>  
Sent: Sat, 24 Mar 2012 13:38  
Subject: FW: Leafy Lane Wood

Bob,

Ref my email of 19th below, do you have any further information?

Regards

Paul

---

From: [wirepuller@hotmail.com](mailto:wirepuller@hotmail.com)  
To: [boxmadhouse@aol.com](mailto:boxmadhouse@aol.com)  
CC: [daviro44@hotmail.co.uk](mailto:daviro44@hotmail.co.uk)  
Subject: FW: Leafy Lane Wood  
Date: Mon, 19 Mar 2012 19:31:18 +0000

Bob,

There are too many Bobs involved in this email chain!

Annex I continued

Rob Davies has forwarded the email below from the other Bob ([crowcull@btinternet.com](mailto:crowcull@btinternet.com)) to me. Let's call this other 'Bob' Mr Crowcull for the moment.

Mr Crowcull appears to have the impression that he has outline, but not yet specific, permission to cull crows in Leafy Lane Wood. Mr Crowcull doesn't even appear to know what he proposes to cull! There is an old English rhyme which goes:

A crow in a crowd is a rook  
A rook on its own is a crow

There was quite a commotion in 2011 when a corvid cull was proposed (I believe by the charity Songbird Survival), across a specified number of English counties, with the supposed intention of protecting songbirds. However, there was no scientific evidence presented and I don't know if the cull actually went ahead. I will do a bit of research on this.

As I may have indicated in our phone call, I am rather concerned that what appears to be a 'rogue' individual can take it upon himself to use a gun to shoot wildlife. It appears, from what you told me, that he does not have the landowner's approval or permission. Even if he did, he would need a licence from Natural England - see the link below (which specifically mentions rooks and crows).

[http://www.naturalengland.org.uk/Images/wml-gl06\\_tcm6-24151.pdf](http://www.naturalengland.org.uk/Images/wml-gl06_tcm6-24151.pdf)

As he appears not to have permission then I cannot see that he has a licence. In addition, below this 'technical' level is the 'motivation' level - why is he thinking of doing this? You will see from the Natural England website that licences are granted for specific purposes:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx#a>

The purposes listed are 'The prevention of damage or disease' and 'Conserving flora & fauna'. Do you have any idea what Mr Crowcull's supposed purpose is?

Regards

Paul Turner  
29 Springfield Close

01225 810408

---

From: [daviro44@hotmail.co.uk](mailto:daviro44@hotmail.co.uk)  
To: [wirepuller@hotmail.com](mailto:wirepuller@hotmail.com)  
Subject: FW: Leafy Lane Wood  
Date: Mon, 19 Mar 2012 18:19:21 +0000

---

Annex I continued

Date: Mon, 19 Mar 2012 17:29:18 +0000

From: [crowcull@btinternet.com](mailto:crowcull@btinternet.com)

Subject: Re: Leafy Lane Wood

To: [daviro44@hotmail.co.uk](mailto:daviro44@hotmail.co.uk)

Hi Robert

Thanks for your email. The signs have been taken down as we are not ready to proceed at present, but don't worry as and when we are ready sign will go up with the new dates, we will have a Police cordon tape across all the entrances when the shooting is in progress and a sweep of the woods will be done before we start. So enjoy your dog walking and there is no need to worry.

Kind Regards

Bob

---

**From:** Robert Davies <[daviro44@hotmail.co.uk](mailto:daviro44@hotmail.co.uk)>

**To:** [crowcull@btinternet.com](mailto:crowcull@btinternet.com)

**Sent:** Monday, 19 March 2012, 14:10

**Subject:** Leafy Lane Wood

Hello Bob

I regularly walk in the woods in the early evening, could you confirm if the cull is going ahead as I noticed yesterday that both the notices have been removed and not all dog walkers would have seen them?

Regards

Robert

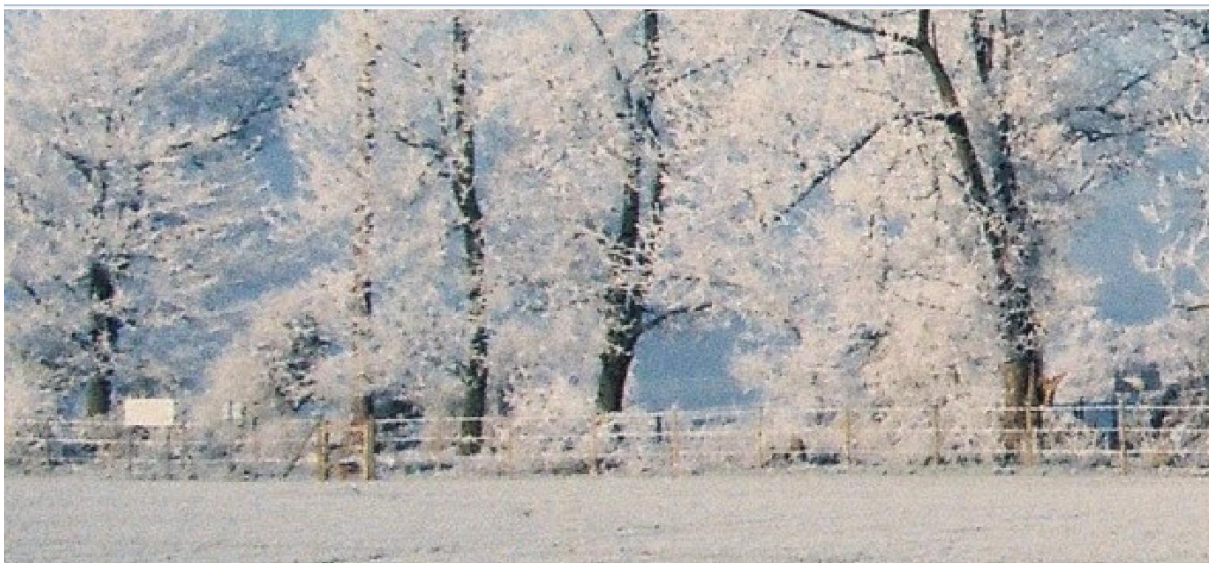


Annex J

A 'zoom' from a landscape of the RAF playing fields, taken in January 1998, showing the stile (to the right of the signs) between the west end of Leafy Lane Wood and the playing fields. One of the signs said "All dogs must be kept on a lead and only walked around the perimeter of the station sportsfield".



Another 'zoomed' photograph of the same stile at Christmas 1996



Annex K

Stile at point B in Leafy Lane – zoomed part of a photo taken on 13th April 1998. The stile may be seen to the left of and across the road from the telegraph pole.



Another view of the stile at point B in Leafy Lane in summer 1996



Annex L – ‘zoomed’ image from photo taken in July 1998 of stile and notice (“all dogs must be kept on lead ...”) at point A of route A-B adjacent to Boxfields Road. Note that the stile and notice are at centre-left (not the gate and notice at far left).



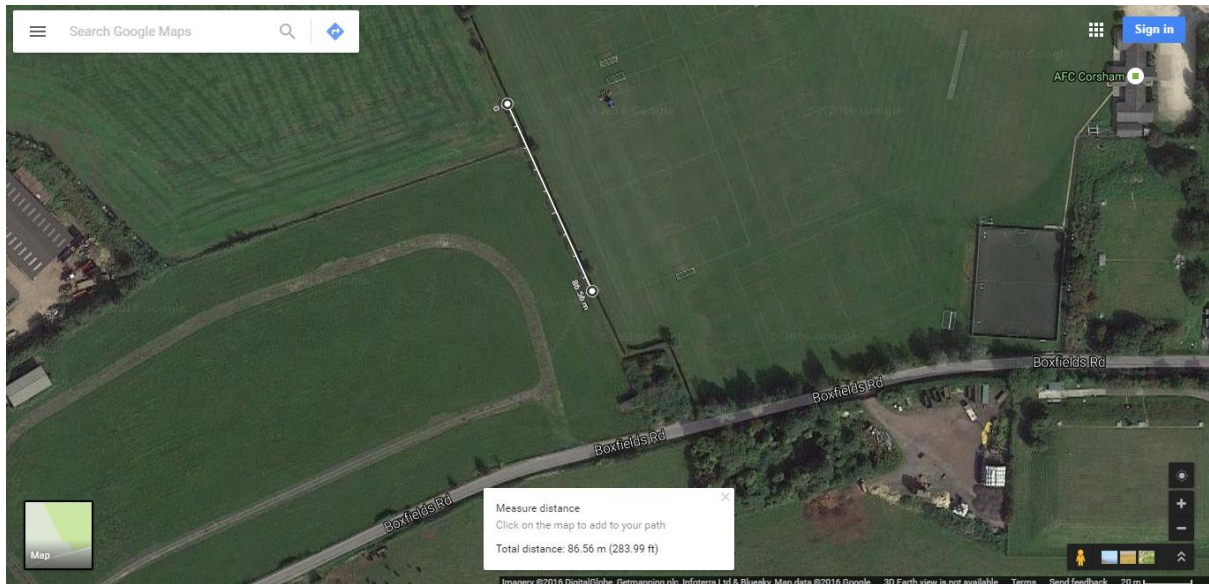
Annex M

MoD sign, one of a number, directing walkers to keep to the perimeter of the playing fields (the playing field part of route A-B is along the western perimeter) – July 1998



## Annex N

Map (from Google Maps) showing the distance from the actual western pedestrian entrance (to the playing fields) to the point claimed that programmes sellers pitch their wares (86 metres at least).



Annex O

Photographs of, or taken from, the playing field section of route A-B

1. Christmas 1996, I am on the path but unfortunately the hound has strayed a bit



2. Stepping back from the perimeter path to enable the photo in January 1994



3. View west from the perimeter path in February 1997



4. View south-west from the perimeter path in July 1999





5. Mike and Sue Canham on the playing field section of route A-B in November 1996



6. View west from the playing field section of the A-B route – Christmas 1996



7. View east from playing field section of route A-B in February 1997



8. View north-west along the playing field section of the A-B route in July 1999 after the new fence has been installed but before the hedge is established. The pathway is well-worn.



9. View north-west from playing field A-B route in May 1997. Location may be identified by Scots pine at western end of Leafy Lane Wood.



10. View west from playing field section of A-B route in October 1997.



11. View south-west from playing field section of A-B route to beech wood in White Ennox Lane in February 1997.



12. View west along A-B playing field route in February 1997



13. View south-west on A-B playing field route in February 1997



14. View east from A-B playing field route in February 1997



Annex P

Photographs of routes B-D and C-E

1. Route C-E in March 1997





2. Route B-D in May 1997



3. Route C-E in summer 1999



Annex Q

Photographs of route A-B some of which indicate its width

1. Route A-B on 21<sup>st</sup> December 1999



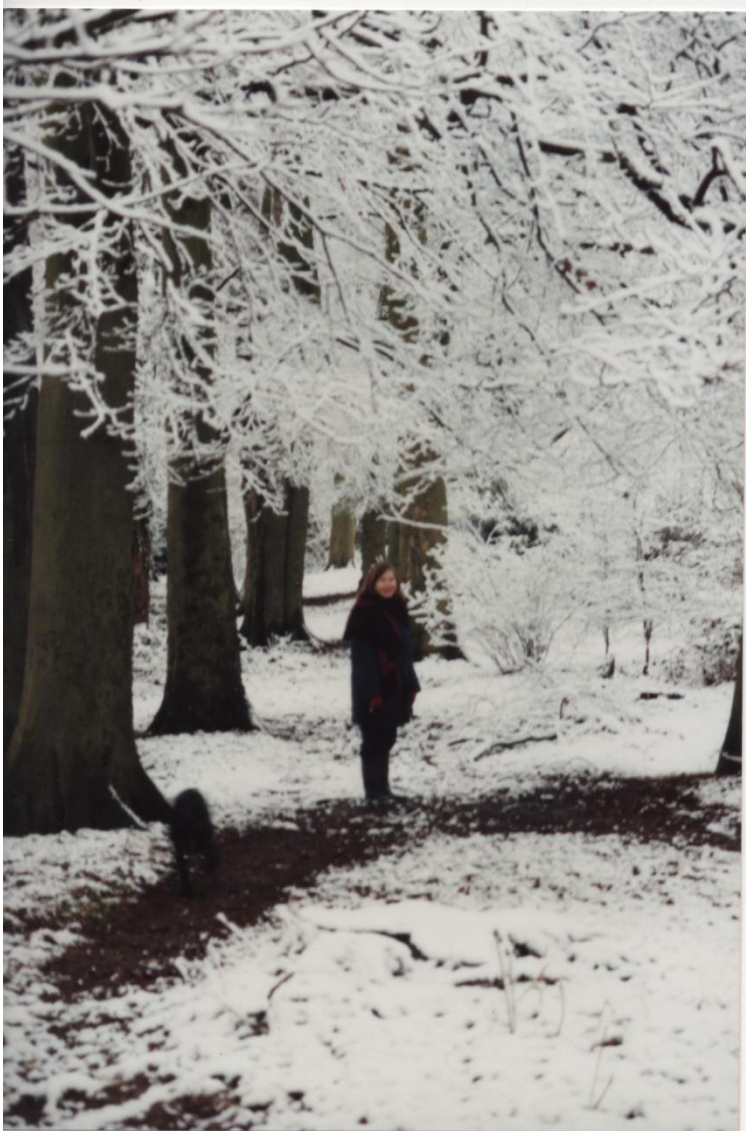
2. Route A-B in September 1996



3. Another view of A-B in September 1996



4. View close to route A-B on Christmas Day 1993



5. Route A-B in October 1998



6. Route A-B in August 1999

