

Green, Janice

From: Jo Shepherd [jo@shepherdstates.co.uk]
Sent: 07 October 2016 11:03
To: Green, Janice
Cc: AnneShaw@colinshaw.ky; 'Marcus Shepherd'
Subject: FW: Reference No. JG/PC/81 2015/04

Dear Ms Green,

**Wildlife and Countryside Act 1981 – Section 53
The Wiltshire Council (Parish of Donhead St Andrew) Path no. 27 Definitive Map and
Statement of Modification Order 2016**

Please could this email supersede the earlier one we sent to you dated 16th September 2016, which should be disregarded.

We wish to make the following objections to some of points made in the Wiltshire County Officers decision report on the above application, which we do not feel accurately reflect our position or our intentions.

- 1) In response to paragraphs 10.68 and 21.4 the circumstances for the installation of the style to the southern boundary were as follows:

The style was erected in response to pressure from the villagers. We were required by the former owner of the land, Margaret Pitman, to erect a fence between our field and the Shaws' land. Whilst the fence was being erected a contingent of villagers gathered and demanded a style or threatened to cut a hole in the fence. With regard paragraph 10.78 we stock the field with sheep and need it to be stockproof so concluded our only course of action was to erect a style.

- 2) In response to paragraph 10.10 we met with Kevin Prince, the Shaws' land agent and agreed that a style should be erected and that a notice was displayed stating that the footpath was a permissive one. Our permission was given for "the map attached to the notices" to display the whole route of the permissive path.
- 3) In response to paragraphs 10.68, 10.70 and 21.4 we were happy for the villagers to have a permissive footpath over our land. It was not our intention to designate this path as a public footpath

Yours sincerely,

Marcus and Johanna Shepherd

Green, Janice

From: Claire Macdonald [claire@acechild.com]
Sent: 09 October 2016 10:42
To: Green, Janice
Subject: JG/PC/81 2015/04

Re: Wildlife and Countryside Act 1981- Section 53
The Wiltshire Council (Parish of Donhead St Andrew) Path no. 27 Definitive Map and Statement Modification Order 2016

Dear Ms Green,

I am writing to make representations relating to the Parish of Donhead St Andrew Path no 27 Definitive Map and Statement Modification Order 2016, to object to the new map.

I made a statutory declaration about this footpath when it was proposed and I re-state my objection to the addition of this footpath to the map. I object to the addition of the new footpath to this map, for the reasons I set out in my declaration. It appears that the Wiltshire Council is giving equal weight to vague anecdotal statements as they are giving to Statutory Declarations, which are much more reliable evidentially.

When the footpath at Kelloways Mill was diverted there were plenty of local announcements and local residents and the Parish Council were part of the process but the footpath that is claimed to have existed then did not appear on any plans. If the footpath was established then, why didn't it appear on the plans of the time? It wasn't mentioned then or at any time as an informal route that was commonly accepted, or as a path people considered as a footpath then. I lived in Donhead St Andrew from 1990-2014 and regularly walked my dogs along the footpaths in the village, but the route across the field near Donhead Mill was never one I used or noticed others using, because it wasn't an established route.

When the stile appeared it looked like the start of a footpath but the path north of the stile wasn't clear and as I respect my neighbours' right to enjoy their land without trespassers I avoided crossing the field for this reason. If there had been a worn down route that showed that many locals had started to establish a path I probably would have assumed it was a new right of way and used it, but I didn't see any evidence of this whatsoever.

I used to frequent only well-used footpaths. Some were overgrown and virtually impassable. I assume this is because not many people used them at all.

I did observe that in the last ten years or so more people were noticeable walking randomly on fields, such as the one in front of my house, and not keeping to footpaths but rather using other's land to exercise their dogs. They showed little regard for the correct right of way or for stock in the field. On many occasions people would walk along my fence line, which isn't anywhere near the footpath from Donhead St Andrew church to Donhead St Mary church, with out of control dogs that entered my garden from the field.

The countryside is a working environment and I believe that increasing numbers of people have scant understanding or respect for the land and act as if they are allowed to walk with their dogs with impunity, fouling the land and scaring cattle. I'm all for footpaths but I believe there is a growing disregard for established rights of way and some people, who wouldn't want dogs rampaging in their own gardens, nevertheless feel entitled to claim the right to others' property, often citing previous years of use which simply didn't take place.

I was sufficiently certain of my recollection of the village in which I lived for almost 25 years to make a Statutory Declaration about this matter. I think it's undemocratic to give equal regard to statements that are given with lesser regard to the requirement to be accurate and truthful. I trust that this evidence in objection

to the modification will be given due consideration and that the new footpath will be removed from the definitive map.

Yours sincerely,

Claire Macdonald

Church Barn Alvediston Salisbury Wiltshire SP5 5LE 01722 780 222

4 The Porticos King's Road London
SW3 5UW 0777 22 22 270

claire@acechild.com

Leggatts Farm
Semley
Shaftesbury
Dorset SP7 9BJ

Mrs Janice Green
Rights of Way Officer
Wiltshire Council Waste and Environment
Ascot Court
Trowbridge BA14 0XA
ENGLAND

10th October 2016

Your reference: JG/PC/81 2015/04

Dear Ms Green

Wildlife and Countryside Act 1981 - Section 53
The Wiltshire Council (Parish of Donhead St Andrew) Path No.27 Definite Map and Statement
Order 2016 – Donhead St Andrew

I object to the above-mentioned definitive map modification order on the following grounds:

1. As set out in the Statutory Declaration I made on 30th July 2015, there was no evidence of a footpath on the eastern side of the field when my family partnership purchased the land known as Mansfield in 1982/4. My brother, Gerald Pitman, and I gave permission to various people in the village such as Belinda Blanshard and, later, John Barton to walk parts of the field other than the public footpaths. It was not possible to prevent entry to the field because of the existence of 2 public footpaths but we regarded that anyone walking did so on the basis that it was a path used with our discretion.
2. There was no mention of the path when footpath 4 was closed in the vicinity of Kelloways Mill in 1994/6 due to a weak bridge or when the path was diverted in 1996/7, which suggests that the path was not being walked at that time and that users did not regard that they used the path as of right.
3. Due to the diversion of footpath 4, the alleged path has not been walked for the statutory period of 20 years and there is no evidence of the path being dedicated by implication.
4. I note that the map attached to the Definitive Map Modification Order mistakenly shows the new fence line as being roughly in the same position as Footpath 4 before it was diverted. This is not the case; the boundary with the Shepherds' land is further south.

5. I confirm that I was employed to work, by Garrett & Fletcher, on the installation of a fence for Mr Shepherd as the new boundary fence to his property in March 2012. As a former part owner (in Pitman and Sons with my brother Gerald) my interest in the land had been transferred to Margaret Pitman and she sold a portion to the Shepherds. Members of the village objected so aggressively to the installation of the new fence, that Mr Shepherd had no option but to install a stile with dog latch. I did not regard that the villagers were entitled to demand the installation of the stile as there was no footpath. So far as I am aware Mr Shepherd agreed to the inclusion of a stile on the basis that the path is a permissive path.

Yours sincerely



David Pitman

Green, Janice

From: John Graham [johngraham.srn@tiscali.co.uk]
Sent: 12 October 2016 12:36
To: Green, Janice
Subject: JG/PC/81 2015/04
Attachments: Letter to WCC.pdf

Dear Ms. Green,

Re JG/PC/81 2014/04

Thank you for your letter of 22nd August 2016.

My representations relating to the order you refer to in this letter are attached.

Yours sincerely,

John Graham

23 Collett Way
Grove
Wantage
Oxfordshire
OX12 0NT

Mrs Janice Green
Rights of Way Officer
Wiltshire Council Waste and Environment
Ascot Court
Trowbridge BA14 0XA

12th October 2016

Your reference: JG/PC/81 2015/04

Dear Ms Green

**Wildlife and Countryside Act 1981 - Section 53
The Wiltshire Council (Parish of Donhead St Andrew) Path No.27 Definite Map and
Statement Order 2016 – Donhead St Andrew**

I write to object to and make representations against the above order. I consider the decision to be ill-founded. I feel that preference has been accorded to witness statements over declarations made under oath.

No path was visible on the claimed route between 1993 (when my sister and brother in law purchased Beauchamp House) and 2002/3. If such a path had existed from 1996, when I acquired my dog, I would have used it for walking him.

The claimed route could not have been walked for the 20 year qualifying period.

The plan accompanying the order is erroneous – the fence between the land owned by the Shepherds and Wardour Ltd is not close to the old route of Footpath 4 it is 20m to the south. The distance between the old route of FP 4 and the south-eastern exit of the new route of FP4 is at least 100-120m. This is a considerable distance and the fact that this was not raised and that the route of the claimed path was not raised when the route of FP4 was altered shows that the claimed route was not walked and was not accepted as a right of way. Repeated requests from people and bodies such as the Ramblers Association for consent to use the path also confirm that the path was not walked as of right. This was also shown by Mrs Barkham when she thanked Mrs Shaw for being allowed to walk the path.

In, para 10.8, of the report accompanying the order I am attributed to confirming 'that after the stile was erected the number of users increased' although I don't dispute this comment, I am sure that the numbers increased due to Mr & Mrs Lee's request to Mrs Shaw for permission to walk the route on behalf of the village.

Yours sincerely,



John Graham

Green, Janice

From: Paul Farrant [pfarrant@aol.com]
Sent: 12 October 2016 14:05
To: Green, Janice
Subject: Your ref. JG/PC/81 2015/04

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mrs Green,

I object to the recent modification order.

I do not consider that the Council has given proper consideration to the many requests for consent to walk along the Eastern edge of the field, including those from John Barton and Mr & Mrs Richard Lee made on 17th July 2012 referred to in my Statutory Declaration sworn on 5th February 2016 or to my conversation with Michael Cullimore on 14th October 2014 also mentioned in my Statutory Declaration.

Furthermore on 26th July 2016 I received an email from Andrew Stevens of Donhead Ramblers (see attached) requesting permission to walk along a permissive path between Rickett's Mill and Kelloway's Mill with the ramblers on 3rd September 2016. He had been advised to contact me by Richard Lee. Although outside the relevant period, as I understand it, this does not suggest that the route has been walked "as of right".

Even after the installation of the stile in March 2012 there was no clear path to the North of the stile. Walkers wandered generally along the Eastern part of the field, often with their dogs running free and chasing deer across the field. They had no regard for the rules of the countryside.

I hope due regard will be made to these comments.

Yours sincerely,

Paul Farrant

3a Palace Green
Kensington Palace Gardens
London W8 4TR
0207 938 4322

07973863069

Chestnut Cottage
Barkers Hill
Donhead St Andrew
Shaftesbury
Dorset SP7 9EB
01747 828016

Begin forwarded message:

From: Andrew Stevens <tas.15@hotmail.co.uk>

Date: 26 July 2016 at 18:39:55 BST

To: "pfarrant@aol.com" <pfarrant@aol.com>

Subject: Donhead Ramblers 3rd September

Dear Paul,

By way of introduction, your name came up in conversation with Richard Lee today and I remembered seeing your email address in the D ST A fete car display round robin.

My reason for contacting you is that I understand that you look after the land belonging to Beauchamp House while the owners are away. On 3rd September I am leading the Donhead ramblers' walk around the Wardour Castles 5 mile circuit from The Forester and I would like if possible to walk through the field between Rickett's Mill and Kelloway's Mill along what I understand to be a permissive footpath, to avoid walking along the road at the end of the walk. This would be a one off event and dogs would be on leads.

I wonder if you are able to grant permission please?

Yours aye,

Andrew Stevens

01747 828232

The Old School House,

Mill Lane,

Donhead St Andrew.

Chardor

Back Street,

East Stour,

Gillingham,

Dorset

SP8 5LD

12/10/16

Ms Janice Green

Rights of Way Office

Waste and Environment

Arrest Court,

Trowbridge

BA14 0XA.

Dear Ms Green

RE - Parish of Donhead St Andrew Path no 27

Definitive Map and Modification Order 2016

I object to the addition of the footpath referred to on the definitive Map above.

My objections are:-

Wiltshire Council has not given regard to the Statutory declaration including the declaration made by me on 15 Jan 2016, which confirmed that there was no evidence of a footpath on the alleged route prior to 2003.

If the path existed along the Eastern boundary then I would have walked it.

As far as I was aware there was no sign of a footpath when footpath 4 was diverted around 1996-97 nor anyone walking the new route to the South nor for many years after the diversion.

The Council has not given sufficient weight to the various requests for consent which indicates that the walkers did not walk as of right.

I hope that you will reconsider the decision.

Yours sincerely
H. R. Graham

Green, Janice

From: Anne Shaw [AnneShaw@colinshaw.ky]
Sent: 14 October 2016 16:24
To: Green, Janice
Subject: Definitive Map Modification Order - Donhead St. Andrew
Attachments: Letter of objection 14.10.16.pdf; The Plan.pdf

Dear Janice

Please find attached a copy of Wardour's letter of objection dated 14th October 2016, together with the plan referred to. I will forward the rest of the attachments in a separate email.

I should be grateful if you would acknowledge safe receipt.

Please let me know if you would like the originals to be sent by post or courier.

Kind regards

Anne

Anne Shaw

Green, Janice

From: Anne Shaw [AnneShaw@colinshaw.ky]
Sent: 14 October 2016 16:28
To: Green, Janice
Subject: Definitive Map Modification Order - Donhead St Andrew
Attachments: Statutory Declaration Plan.pdf; Permissive path sign.pdf; Analysis of user forms.xlsx; E mail from Andrew Stevens dated 26th July 2016.pdf

Dear Janice

Please find attached copies of the following:

1. Statutory Declaration Plan;
2. Permissive path sign;
3. The Analysis; and
4. Andrew Steven's e mail of 2th July 2016.

Please confirm receipt.

Kind regards

Anne

Anne Shaw

Green, Janice

From: Anne Shaw [AnneShaw@colinshaw.ky]
Sent: 14 October 2016 16:49
To: Green, Janice
Subject: RE: Definitive Map Modification Order - Donhead St. Andrew
Attachments: Permissiive Path Sign (labelled).pdf; Email from Andrew Stevens -labelled.pdf

Dear Janice

Thank you for your e mail. I thought you might have gone home by now!

I attach further copies of the permissive path sign and the e mail from Andrew Stevens which I have labelled for clarity. Would you mind replacing those sent earlier with these?

Kind regards

Anne

Anne Shaw

From: Green, Janice [<mailto:janice.green@wiltshire.gov.uk>]
Sent: Friday, October 14, 2016 10:43 AM
To: Anne Shaw <AnneShaw@colinshaw.ky>
Subject: RE: Definitive Map Modification Order - Donhead St. Andrew

Dear Mrs Shaw,

Wildlife and Countryside Act 1981 – Section 53

The Wiltshire Council (Parish of Donhead St Andrew) Path no.27 Definitive Map and Statement Modification Order 2016

Thank you for your two e-mails dated 14th October, attaching your letter of objection, plan and additional attachments, regarding the above-mentioned order. I can confirm safe receipt of your objections within the formal objection period which ends at 5:00pm on Monday 17th October.

I have not yet read your objections in detail, but we have now received a number of objections. Where the order is opposed, it falls to be determined by the Secretary of State and the objections and representations will now be fully considered in a report to the Southern Area Planning Committee. Members of this Committee will consider the objections and representations received against the evidence already available to the Council and the legal tests for making a definitive map modification order, in order to determine the Wiltshire Council recommendation which is attached to the order when it is forwarded to the Secretary of State for decision, i.e. that the order be confirmed without modification; confirmed with modification or not confirmed.

I will of course advise you of the Southern Area Planning Committee meeting date in due course, it is a public meeting and there is opportunity for public participation at the meeting.

Thank you for your help in this matter,

Kind regards,

Janice

Janice Green

Rights of Way Officer
Wiltshire Council Waste and Environment
Ascot Court Trowbridge BA14 0XA
Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

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From: Anne Shaw [<mailto:AnneShaw@colinshaw.ky>]
Sent: 14 October 2016 16:24
To: Green, Janice
Subject: Definitive Map Modification Order - Donhead St. Andrew

Dear Janice

Please find attached a copy of Wardour's letter of objection dated 14th October 2016, together with the plan referred to. I will forward the rest of the attachments in a separate email.

I should be grateful if you would acknowledge safe receipt.

Please let me know if you would like the originals to be sent by post or courier.

Kind regards

Anne

Anne Shaw

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WARDOUR LIMITED
c/o BEAUCHAMP HOUSE, DONHEAD ST ANDREW
SHAFTESBURY, DORSET SP7 9EB

Mrs Janice Green
Rights of Way Officer
Wiltshire Council Waste and Environment
Ascot Court, Trowbridge BA14 0XA
ENGLAND

14th October 2016

Your reference: JG/PC/81 2015/04

Dear Ms Green

Wildlife and Countryside Act 1981 - Section 53
The Wiltshire Council (Parish of Donhead St Andrew) Path No.27 Definite Map and Statement Order
2016 – Donhead St Andrew

I am writing to object to the above mentioned definitive map modification order and to make representations in respect of it.

The main grounds for my objections are set out below; there are numerous further points and discrepancies which could be raised, but which I have omitted at this stage in order to make this letter more manageable.

- 1. The claimed route has not been walked for the full statutory period of 20 years due to the diversion of old FP4 and there is no evidence of implied dedication in respect of the route south of D on the Plan attached hereto (*the Plan*) or on any other part of the claimed route.**

It is acknowledged by Wiltshire Council (**WC**) that the claimed route has not been walked for the full statutory period of 20 years dating back from 8th August 2012 (Paragraph 10.54 of WC's Decision Report dated 18th July 2016 (*the Decision Report*)), where it is stated:

"Prior to 1996 it is considered that the public would have walked to the connection with the existing public highway, Footpath no.4. There would be no reason to continue southwards to the present route of Footpath no 4. as the footpath did not exist on this line and there was no other connection with a public highway at this point. This is supported by the historic evidence OS maps dated 1896 and 1901, which record a route only between the two mills (please see Appendix 2). Where the extension of the claimed route southwards has only been used by the public since the diversion in 1996/97, 20 year public user cannot be established over this part of the route."

Based upon a review of the routes claimed to have been walked prior to 1996/7 as set out in the User Forms submitted, Para 10.57 of the Decision Report confirms that 20 years' public use of the southern

section of the route (i.e. south of old FP4) cannot be shown for the required user period. This is further confirmed in Para 10.63 of the Decision Report:

"This creates a cul de sac footpath, as public user of 20 years cannot be shown on the southern section of the claimed route, following the diversion of Footpath no. 4 Donhead St Andrew in 1996/7 i.e. this section of the route cannot be claimed under statute."

Thus WC must rely on the implied dedication of a public footpath by the Shepherds on their land in order to show a public footpath. However, WC erroneously assumes that by putting a stile in their new fence, the Shepherds impliedly dedicated a public footpath on their land¹.

When villagers pressed Marcus Shepherd to install the stile in March 2012, Mr Shepherd spoke to Kevin Prince of Carter Jonas, who had advised Wardour Limited (**Wardour**) on the purchase of its land. Mr Shepherd agreed that Carter Jonas should prepare a "Permissive Path" sign which would include the route of the path on the Shepherds' land. Accordingly Mr Shepherd installed his stile on the understanding that it was only a permissive path.

Sometime after the "Permissive Path" signs had been erected, Mr Shepherd commented to me that he was glad that they had been put up. The "Permissive Path" signs, prepared with the Shepherds' express consent and agreement, were prepared by Carter Jonas and differ from the plan attached to the Statutory Declaration I made on behalf of Wardour in August 2012, which showed only the permissive path on Wardour's land and not on the Shepherd's land².

Paragraph 10.10 of WC's Decision Report is therefore wrong in suggesting that Wardour attempted to grant a permissive path over the Shepherd's land; the Shepherds had expressly agreed to this.

Mr Shepherd has confirmed that, due to a problem with his office's email server at that time, he never received my E-mail dated 15th October 2014 referred to in Question 10 of the Landowner Evidence Form dated 10th October 2015 (the **LEF**) and bullet point 2 on page 6 of Appendix 1 Representations and Objections Received at Initial Consultation of the Decision Report. In my E-mail of 15th October 2014, I requested Mr Shepherd to remove the stile from the fence.

The fact that he did not receive my E-mail explains why I never received a reply from him; accordingly no inference may be drawn that he intended to dedicate a public footpath.

Throughout this application and on the plan attached to the Order itself, the position of the new fence line is incorrectly shown. WC has assumed that the northern boundary of the land purchased by the Shepherds is in approximately the same position as Footpath 4 prior to its diversion in 1997 (**old FP4**). This is incorrect. The boundary is further south as shown by the blue line on the Plan. This location of the fence has always been shown on all plans produced by Wardour. Accordingly there is a significant part of the claimed route on Wardour's land which has not been walked for the statutory period of 20 years.

¹ Para 10.68 of the Decision Report

² see copy Statutory Declaration plan dated 26th July 2012 and copy Permissive Footpath Sign attached

To illustrate this point, the approximate position of old FP4 is shown by the red line on the Plan and the claimed route walked prior to 1997 (as shown on the map provided by the Parish Council on 10th May 2016, *the Parish Council's pre-1997 Map*) is shown by a green line. The position of the stile in the new fence is shown marked S2, the stile on the old footpath is marked S1 and the closest point between the new stile and old FP4 is marked D. The distance between S1 and S2 is approximately 40 metres and the distance between S2 and D is at least 20 metres. The claimed route between S2 and D and any points between S1 and S2 (since many variations of route were walked) together with the claimed route on the Shepherds' land, totals some 120 metres or more, which cannot have been walked for the full statutory period of 20 years.

Christopher Kilner in his letters of 30th April 2016 and 7th May 2016, with attached maps, suggests that the new stile is sited almost exactly on the historic mapped route of old FP 4. The Plan (which is an extract from a much more recent map than the copy 1901 OS Map Mr Kilner relies on) confirms that this is plainly not the case. Moreover, Mr Kilner's maps do not show the new fence in its correct position and do not accord with the map prepared by the 1996/7 members of the Parish Council dated 10th May 2016.

During its period of ownership, Wardour has not acted in any manner which would suggest an express or implied dedication of a public footpath of any part of the claimed route on its land; indeed, all of its actions clearly indicate the exact opposite.

WC comments in paragraph 10.67 of the Decision Report that there may be implied dedication under the Common Law by the Pitman family in respect of the section of the claimed route north of FP4. But it is accepted law that the burden of proving this is on the claimants. As Scott LJ stated in Jones v Bates³

*"this is a very heavy burden and even a quite formidable body of evidence may not suffice ..."*⁴

The various grants of (or references to) permission to walk the claimed route referred to below also run counter to a suggestion of an implied dedication.

It is submitted that the burden of proof required for an implied dedication has clearly not been discharged in this case.

2. The user evidence in respect of the qualifying 20 year period from 8th August 1992 to 8th August 2012 is insufficient to justify inclusion of the claimed route on the Definitive Map.

Reliability of witness statements

WC appears to have given more weight to the User Evidence Forms (*the UEFs*) submitted by villagers, many of which were clearly hastily completed and signed, than to the detailed Landowner's Evidence Form with Note dated 24th March 2016 attached (the contents of which are incorporated herein by express reference) and the 10 Statutory Declarations submitted, made under oath, objecting to the villagers' claim.

³ [1938] 2 All ER 237

⁴ It was on account of the heavy weight of this burden of proof that the statutory provision now set out in Highways Act 1980 s 31 was enacted.

Great trouble was taken to ensure the accuracy of all statements made in the Landowner's Evidence Form and Statutory Declarations; the same cannot be said of all the UEFs, the majority of which do not appear to have been completed with due care and attention, as indicated by simple "Yes" or "No" replies without reference to the critical time line. Nor do most of the UEFs indicate a detailed knowledge of the land. It has been suggested to me by other villagers that there are in fact a very small number of "real" claimants, who have coerced others into filling in UEFs in order to make it appear as if the claim has widespread support..

It is inappropriate and unjust that a permanent right over another's land should be considered on the basis of such flimsy and unreliable evidence.

As shown on the Analysis of User Evidence Forms attached (*the Analysis*), of the 25 UEFs which refer to use prior to 1997, only 3 mention the diversion of FP4 in 1997; the rest claim to have walked the same route for whole of their period of use. Only 2 of the UEFs show the fence line in its correct position and only 4 have the correct position of Public Footpath 5 shown. This demonstrates a lack of care and attention to detail, a lack of knowledge of the land and tends to indicate that few of the claimants can actually have used the claimed route in the period prior to 1997.

The Analysis shows that many different versions of the claimed route were walked. The second set of maps⁵ which claimants were asked to produce by WC showing the route they walked prior to 1997 (*the pre-1997 Maps*) confirm this. Even the Parish Council's pre-1997 Map shows a different route from the claimed route!

No clear route has ever been evident on the ground on the land north of the fence line. There is no general right to wander on another person's land. In light of all of this, the claim for a public footpath must at best be highly dubious.

It is inconsistent with the assertion made by some claimants that they used the route to walk to the village Church that prior to 1997 that some claim to have walked 2 parts of a triangle rather than a direct route⁶. Some of the pre 1997 maps produced by villagers showed the alleged footpath forked close to the stile near Kelloway's Mill, with one route going to the Mill and the other turning west towards Beauchamp House, which is more likely.

A number suggest that they walked the route to access Mill Lane and the school and church. However, FP 3 was closed near Kelloway's Mill between in 1994 and 1996 due to the bridges being dangerously weak and unsafe, so villagers cannot have walked to the church/village hall during that period of up to 2 years. This was not mentioned by any of the claimants but the condition of the bridges is referred to in the Parish Council's minutes; WC's files from the time of the path diversion should also confirm this. At that time, Mr John Barton pointed out that old FP4 and old FP3 were rarely used because they ran so close to his house. This all clearly indicates a lack of use of the claimed path and old FP3 and 4 to access Mill Lane, the church and school in the early and mid 1990s.

⁵ referred to in 10.55 – 61 of the Decision Report

⁶ see pre-1997 maps

The charts in Paras. 10.17, 10.24 and 10.33 of the Decision Report are misleading and unreliable. No safe conclusions can be drawn from them because they do not relate to a particular period of use. For example:

- Para. 10.17: witnesses refer to seeing others walking the using the alleged path, without providing details or dates. This assertion is in any event irrelevant as we accept that people walked – with permission - after 2003/5;
- Para.10.24, frequency of user: only 3 claimants differentiate between use in different periods of time. Presumably the rest of the UEFs refer to use prior to the closure of the footpath in 2014.
- Para. 10.33: it is suggested that the owner knew people were walking and did not stop them. The explanation for this was that a few months after Wardour purchased the land, as a gesture of neighbourliness I gave consent to the Lees and the others to use the path on the basis that it was a permissive path, not a public right of way. At the same time we put up *Permissive Path* signs. Had I suspected that the response of so many to my gesture would be to make a far-fetched claim to a public right of way, I would have stopped them using the path immediately.

Evidence of user

It is settled law that there must be sufficient evidence of use to bring it to the landowner's attention. As Lindley LJ stated in Hollins v Verney⁷:

"no actual user is sufficient to satisfy the statute, unless during the whole of the statutory term... the user is enough at any rate to carry to the mind of a reasonable person who is in possession of the servient tenement the fact that a continuous right to enjoyment is being asserted, and ought to be resisted if such right is not recognized, and if resistance to it is intended."

Walker LJ said in R (Lewis) v Redcar and Clevedon Borough Council⁸:

"if the public (or a section of the public) is to acquire a right by prescription, they must by their conduct bring home to the landowner that a right is being asserted against him...."

As is clear from the Statutory Declarations of Hugh Graham, John Graham, Christopher Long, Janet Long, Claire Macdonald, Margaret Pitman and David Pitman⁹, neither of these tests was satisfied in respect of the period prior to 2003-5. WC comments that the aerial photos do not appear to record a well-worn path on the eastern edge of Mansfield even in 2005/6 and that this is "inconclusive". But it is submitted that the aerial photographs are conclusive - in showing that there was no well-worn path at that time. The aerial photographs also show clearly that land south of the route of old FP4 was in pristine condition, with no sign of a path for many years after diversion of old FP4.

⁷ [1884] 13 QBD 304

⁸ [2010] UKSC 11(3rd March 2010)

⁹ See also the aerial photographs produced by WC and referred to Para 10.36 of the Decision Report, which give no indication of a footpath.

It is also settled law that there must be a “sufficient” number of people who have used the same path; and this *sufficiency* test will not be satisfied by one family and their friends using the route.¹⁰ The analysis of the UEFs indicates that only two or three families may have used the same path before 1996. It is submitted that does not satisfy the *sufficiency* test, given that “general wandering” around the field on different routes cannot establish a public right of way¹¹.

“as of right”

Without secrecy

It is submitted that the Chart included in Paragraph 10.33 of the Decision Report is irrelevant as it is not clear from it what time or times within the period of user these replies relate to.

Without permission

At least 5 of the UEFs (those of John Barton¹², Belinda Blanshard, Mr and Mrs Lee (permission given orally on 17th July 2012 to the village) and Jane Hopkins (who referred to this permission on the following day, 18th July 2012), should be discounted as these claimants walked with consent; they clearly knew that they were not walking as of right during the whole of their period of use. This knowledge would also extend to all who knew of the Lees’ request. Of all of these people, only John Barton confirmed that he had consent to walk in his UEF.

Mrs Barkham also thanked me for allowing her and her husband to walk the Permissive Path on 21st June 2014. This is after the qualifying period but clearly indicates that she and her husband did not regard themselves as walking as of right, as confirmed by Michael Cullimore’s conversation with Paul Farrant on 14th October 2014 when, as Chairman of the Parish Council, he confirmed that several members of the village would be willing to sign a release from liability if the permissive path was re-opened¹³. At Richard Lee’s suggestion, The Donhead Ramblers’ Association also made a request dated 26th July 2016 for permission to walk the route¹⁴.

The fact that the Parish Council did not claim a public right of way, or even mention the possibility of a claim, when the diversion took place in 1997, clearly indicates that either that the route wasn’t used, or that the Parish Council didn’t consider it was used as of right. Lord Denning MR commented that when use of a path is brought into question:

¹⁰ R v SSETR (ex parte Dorset) [1997].

¹¹ Dyfed CC v SSW 1989.

¹² It is to be noted that Mr Barton wished to withdraw his UEF but told it was not possible to do so. He submitted a Statutory Declaration sworn on 26th November 2015 confirming he walked with consent.

¹³ see Statutory Declaration sworn by Paul Farrant dated 5th February 2016.

¹⁴ see Andrew Stevens’s e mail dated 26th July 2016, attached.

“the local council may bring an actionagainst the landowner....claiming there is public right of way; or no one may do anything, in which case the acquiescence of the public tends to show that they have no right of way.”¹⁵

The same principle applies to the other occasions when it would have been natural for a path to have been claimed but wasn't, such as when Wardour's *Permissive Path* signs were erected; and also when the new fence was installed. Whilst some of the requests for permission to walk the route may have been outside the relevant period, they clearly indicate that people who requested permission did not believe they walked as of right.

This failure (to assert a public right of way when an opportunity arose to do so) should not be attributed to any element of reticence or timidity on the part of the villagers. Jonathan Cheal, who is recognised as one of the South West's leading experts on rights of way, attended a Parish Council meeting on Wardour's behalf in January 2015 to discuss the matter. He reported back to Wardour that some of the villagers were rude and aggressive; a few he described as "toxic". Putting aside the lack of courtesy shown to Mr Cheal, it is abundantly clear that there were a number of people who, if they genuinely believed there to be a public right of way, could - and should - have claimed such a right many years ago.

One of the reasons why the Parish Council indicated that it was not in favour of confirming the permissive path was that it was unlikely that walkers could be persuaded to stick to a single path. When the possibility of fencing in the path was mentioned, one PC member said she wouldn't want to be confined to one path, she liked to wander (on another person's property)!

At best this attitude appears to evidence a lack of understanding on the part of the claimants of the (much publicized) right to roam. At worst it indicates a total lack of respect for another's property and rights. A small example: our neighbour, John Collyer (one of the most vociferous claimants) took it upon himself to arrange for a planning officer to inspect Beauchamp House in August this year when we moved a potting shed approximately 50 feet from behind the garage into our compost area (and no more than 20 feet from Mr Collyer's own potting shed on his side of the hedge). He has taken similar actions, leading to unexpected visits from planning officers to Beauchamp House, on a number of occasions in the past, in each case without having the courtesy to discuss matters first. On each occasion the planning officer has confirmed that Wardour's actions were lawful, reasonable and entirely proper.

My conclusion is that it is most unlikely that one of the "toxic" villagers (to borrow Mr Cheal's expression) would not have attempted to claim the alleged route in 1996/7, if it had existed then and they were using it.

Both David Pitman and his late brother Gerald, who owned and farmed the land before Wardour acquired it, gave express permission to individuals to walk along the eastern edge of the field. There is absolutely no evidence to suggest that they allowed people to walk the route other than on the basis that it was a permissive path.

There are already two confirmed public footpaths on the relevant land. Thus people had easy access to the field; and it would be impossible to prevent everyone from walking other than on the public footpaths, without taking up a permanent position in the field.

¹⁵ *Fairey v Southampton County Council* [1956]

Conclusion

In summary, it is submitted that there is no legal basis for adding Footpath 27 to the Definitive Map and Statement for the following main reasons:

- It has been agreed by WC that the documentary evidence as a whole **does not** support the existence of public footpath rights over the claimed route (Section 9 Documentary Evidence, Decision Report Para 9.5);
- the claimed route cannot have been walked for the statutory period of 20 years, as explained above;
- there is insufficient user evidence as set out above;
- although there is mention by Roy Powell of use of the claimed route dating back to the 1950s and to the path being an important link between Pigtrough Lane/Donhead Mill and the church, school and village amenities, this is not borne out by evidence;
- the track shown on the 1901 OS map between Rickett's (Donhead) Mill and Kelloway's Mill (which the map confirms was not a right of way) has not been shown on any OS maps since 1901. On the 1925 OS map, Kelloway's Mill is shown as disused and there is no longer a track shown between the Mills. This indicates that since the closure of Kelloway's Mill prior to 1925, there has not been any sign on the ground of a path in that location.
- a public footpath could have been, but was not, claimed on the following prior occasions:
 - (i) under the NPACA of 1949 when the Parish Survey was done nor in any subsequent review;
 - (ii) in 1994 when old Footpath 3 was closed;
 - (iii) in 1996-7 when Public Footpath 4 was diverted;
 - (iv) when the new fence was erected by Marcus Shepherd in March 2012; and
 - (v) when Wardour put up the Permissive Path notices in 2012/13.

It is submitted that the evidence indicates that the path was not used enough to be evident from the ground or to come to the attention of the Parish Council; or alternatively that the villagers knew that they had or needed express consent to walk the path.

Yours sincerely

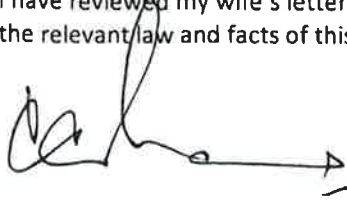


Anne Shaw

Duly authorised for and on behalf of Wardour Limited.

Dated 14th Oct 2016

I have reviewed my wife's letter (above) comprehensively and I am in full agreement with her analysis of the relevant law and facts of this case.

A handwritten signature in black ink, appearing to read 'Colin Shaw', with a long horizontal stroke extending to the right.

Colin Shaw

PLAN



The Wiltshire Council (Parish of Donhead St Andrew) Path no.27 Definitive Map and Statement Modification Order 2016

Date: 16/08/2016

Wiltshire Council (Parish of Donhead St Andrew) Path no.27 Definitive Map and Statement Modification Order 2016

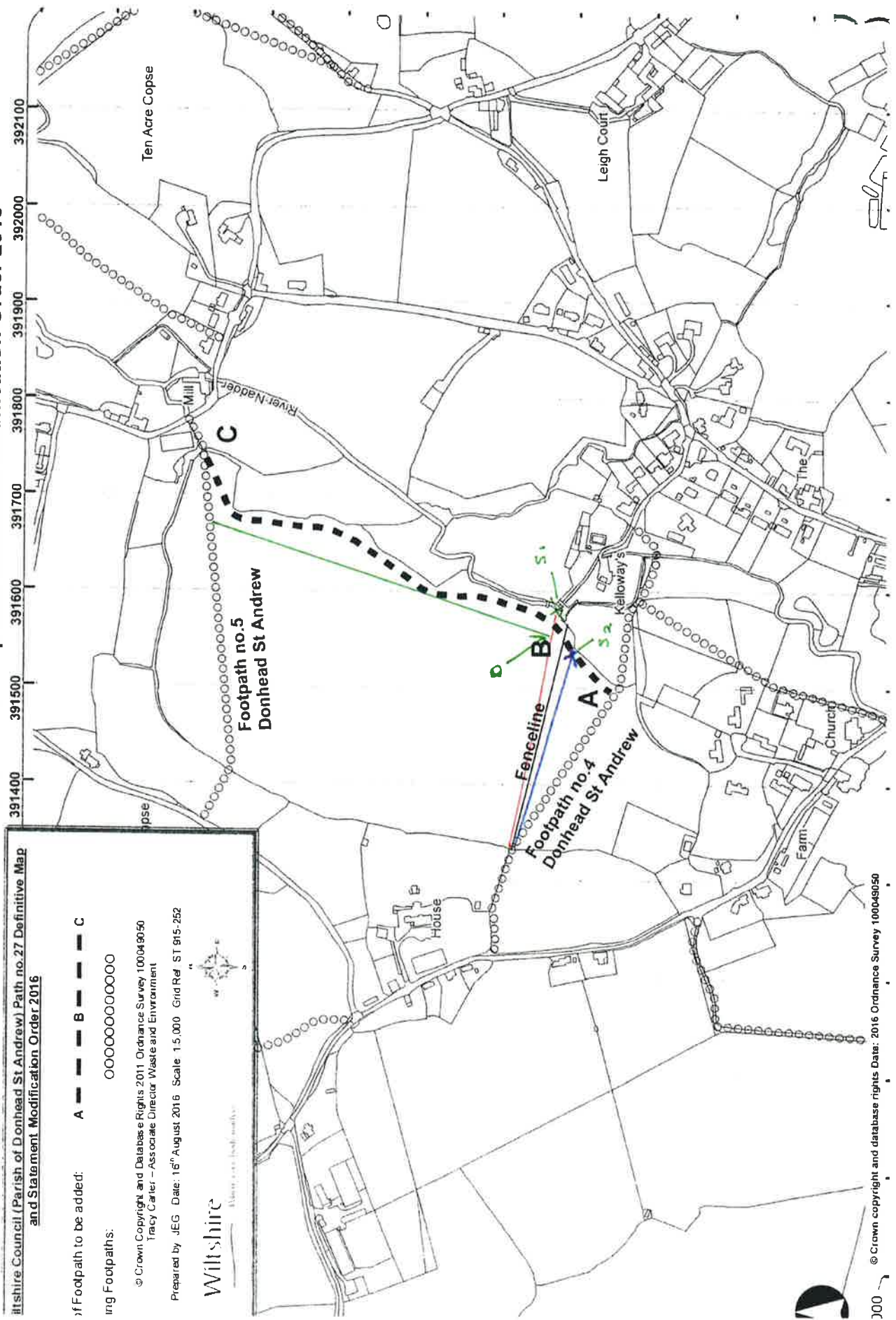
Wiltshire

© Crown Copyright and Database Rights 2011 Ordnance Survey 100049050
Tracy Carter - Associate Director Waste and Environment

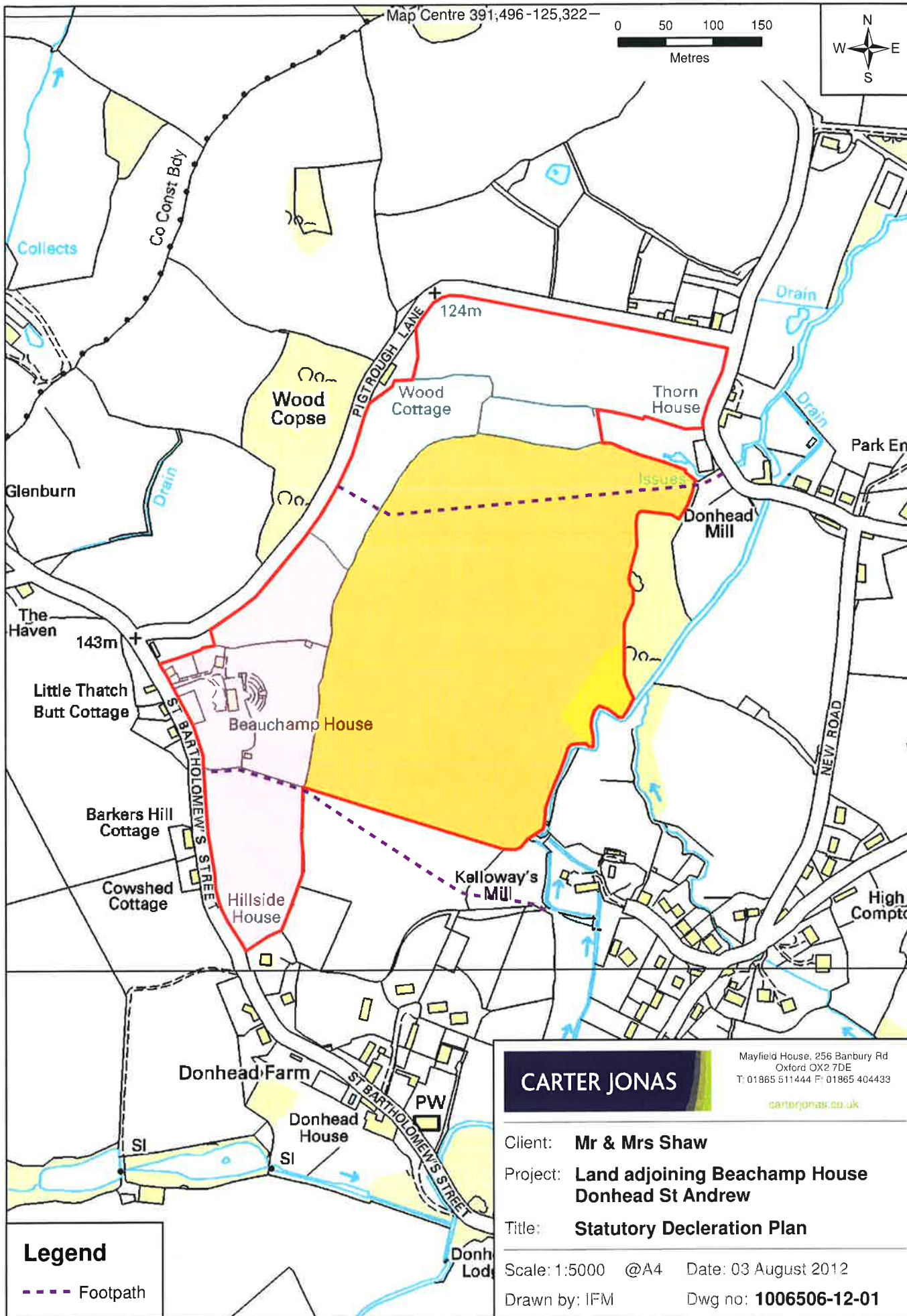
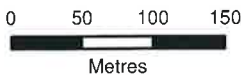
Prepared by: JEG Date: 16th August 2016 Scale: 1:5,000 Grid Ref: ST 915 252

Legend:

- Footpath to be added: A - - - - - B - - - - - C - - - - -
- Existing Footpaths: OOOOOOOOOOOO



Map Centre 391;496-125,322-



Legend

--- Footpath

CARTER JONAS

Mayfield House, 256 Banbury Rd
Oxford OX2 7DE
T: 01865 511444 F: 01865 404433

carterjonas.co.uk

Client: **Mr & Mrs Shaw**

Project: **Land adjoining Beauchamp House
Donhead St Andrew**

Title: **Statutory Declaration Plan**

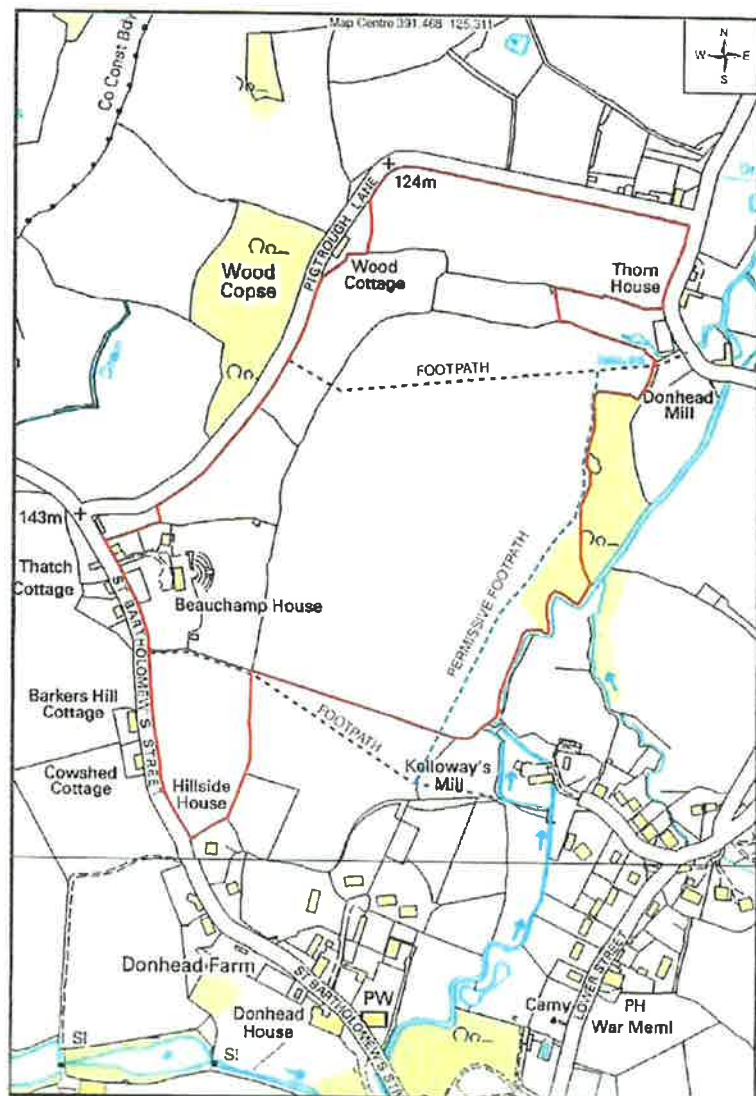
Scale: 1:5000 @A4 Date: 03 August 2012

Drawn by: IFM

Dwg no: **1006506-12-01**

THE FOOTPATH SHOWN IN BLUE ON THE PLAN BELOW IS A PERMISSIVE FOOTPATH ONLY. PLEASE NOTE THAT THIS PATH MAY BE CLOSED ON SOME DAYS. IT IS NOT INTENDED THAT THIS PATH SHOULD BE DEDICATED AS A PUBLIC RIGHT OF WAY.

PLEASE KEEP TO THE ROUTE SHOWN ON THE PLAN.



Analysis of 35 user forms submitted in support of public footpath based on 20 years' use between 8th August 1992 and 8th August 2012

Name	Period of use	Walked route	As of right or with permission?	Use prior to 1997	Comments on pre-1997 maps	Other observations
1 Edrys Barkham (wife of No.2)	2004 -2015	Roughly as claimed by Parish Council except for reed bed and northern end	Thanked current owner for allowing use of permissive path in June 2015 Uncertain conversation with Gerald Pitman in 2014	No	N/A	Fenceline incorrectly shown
2 Simon Barkham (husband of No.1)	2004-2015	As claimed by Parish Council except for reed bed northern end	Thanked current owner for allowing use of permissive path in June 2015 Uncertain conversation with Gerald Pitman in 2014	No	N/A	Fenceline incorrectly shown
3 John Barton	1987-2015	Route not as claimed by Parish Council north of new stile and at northern end	Express consent from Gerald Pitman and current owner	Yes	Did not respond to WCC's request for map	1 No reference to change of route 2 Fenceline incorrectly shown
4 Belinda Blanshard	1972-2015	As claimed by Parish Council except for northern end	Express consent from David Pitman sometime between 1982/84	Yes	Roughly shows route of old FP4 across Mansfield	1 No reference to change of route 2 Fenceline incorrectly shown
5 Jane Brown	1995-2015	Route as claimed by Parish Council	Says not given permission	Yes	Not accurate - suggests she walked new route prior to 1997	1 No reference to change of route 2 Fenceline incorrectly shown
6 Tamsin Clark (daughter of no.16 and 17, sister of 18)	1978-2014	Roughly, but not exactly, as claimed by Parish Council	Says not given permission	Yes	Roughly shows route of old FP4 across Mansfield but also possible additional route through paddock at Kelloways Mill	Referred to change of route Fenceline correctly shown 1 Claims to have used path from age 2 2 Evidence inconsistent with parents and brother
7 Elizabeth Collyer (wife of No. 8)	1990 - 2014	Route not as claimed by Parish Council	says not given permission within relevant period	Yes	Shows odd route for old FP4 across Mansfield. Growth of gorse questions whether old FP4 was used much over the years	More detailed response but 1 No reference to change of route 2 Fenceline incorrectly shown
8 John Collyer (husband of No. 7)	1990- 2014	Route not as claimed by Parish Council	says not given permission within relevant period	Yes	Shows odd route for old FP4 across Mansfield and growth of gorse questions whether old FP4 was used much over the years	More detailed response but 1 No reference to change of route 2 Fenceline incorrectly shown
9 Kate Condon	1994-2008	Route not as claimed by Parish Council	Says not given permission	Yes	Did not respond to WCC's request for map	1 No reference to change of route
10 Philip Danby	2007-2014	Plan inaccurately drawn Route not as claimed by Parish Council	Says not given permission	No	N/A	1 Inaccuracies in plan 2 Fenceline incorrectly shown
11 Alison Eves (wife of No.12)	1989- 2014	Roughly, but not exactly, as claimed by Parish Council	Says not given permission	Yes	Roughly shows route of old FP4 across Mansfield	1 No reference to change of route 2 Fenceline incorrectly shown Wardour did not own land when stile installed (Q.13)
12 Colin Eves (husband of No. 11)	1989-2014	Roughly, but not exactly, as claimed by Parish Council	Says not given permission	Yes	Roughly shows route of old FP4 across Mansfield	1 No reference to change of route 2 Inaccurate plan 3 Fenceline incorrectly shown

Analysis of 35 user forms submitted in support of public footpath based on 20 years' use between 8th August 1992 and 8th August 2012

Page 2

Name	Period of use	Walked route	As of right or with permission?	Use prior to 1997	Comments on pre-1997 maps	Other observations
13 Viola Fraser	2000-2015	Route not as claimed by Parish Council	Says not given permission	No	N/A	Fenceline incorrectly shown
14 Hazel Hinchley	1988-2014	Route not as claimed by Parish Council	Says not given permission	Yes	Roughly shows route of old FP4.	1 Inaccurate plan route not capable of being walked 2 Fenceline incorrectly shown
15 Jane Hopkins	1975-2015	Route as claimed by Parish Council	Says not given permission but referred to permission given to Mr and Mrs Lee on behalf of the village on 17.07.12	Yes	Does not show not claimed route	1 No reference to change of route 2 Fenceline incorrectly shown
16 Caroline Kilner (Wife of No 17, Mother of No 6 and No 18)	1977-2014	Route not as claimed by Parish Council	Says not given permission	Yes	Shows odd route for old FP4 across Mansfield and this questions whether old FP4 was used much over the years prior to diversion of path	Reference made to change of route Footpath 5 correctly shown Fenceline incorrectly shown
17 Christopher Kilner (husband of No 16, father of No 6 and No 18)	1977-2014	Route roughly as claimed by Parish Council	Says not given permission	Yes	Shows odd route for old FP4 across Mansfield and this questions whether old FP4 was used much over the years prior to diversion of path	Made reference to change of route Fenceline incorrectly shown
18 Thomas Kilner (son of no 16 and 17)	1981-2014	Route roughly as claimed by Parish Council	Says not given permission	Yes	Was too young to remember diversion of FP4. Map shows route currently claimed, not old route.	1 Claims to have used path since birth 2 No reference to change of route 3 Fenceline incorrectly shown
19 Anthony Lisie (husband of No 20)	1970-2014	Route roughly as claimed by Parish Council	Says not given permission	Yes	Did not respond to WCC's request for map	1 No reference to change of route 2 Fenceline incorrectly shown
20 Jennifer Lisie (wife of No.19)	1970-2014	Route roughly as claimed by Parish Council	Says not given permission	Yes	Did not respond to WCC's request for map	1 No reference to change of route 2 Fenceline incorrectly shown
21 Richard Lee	2007-2014	Route not as claimed by Parish Council	Says not given permission but requested and was granted permission on behalf of the village on 17.07.12	No	N/A	1 Fenceline incorrectly shown 2 Inaccurate plan
22 Patricia Maxwell-Arnold	1996-2014	Route not as claimed by Parish Council	Says not given permission	Yes	Did not respond to WCC's request for map	1 Fenceline incorrectly shown 2 Inaccurate plan 3 No reference to change of route 4. Footpath 5 almost correctly shown
23 Susanna Munro	1975-2015	Route as claimed by Parish Council	Says not given permission	Yes	Plan shows new FP4, not old FP4 and not the claimed route at all	1 Fenceline incorrectly shown 2 No reference to change of route
24 Catherine Roman	2006-2014	Route not as claimed by Parish Council	Says not given permission	No	N/A	1 Inaccurate plan 2 Route not walkable 3 No reference to change of route

Analysis of 35 user forms submitted in support of public footpath based on 20 years' use between 8th August 1992 a 8th August 2012

Name	Period of use	Walked route	As of right or with permission?	Use prior to 1997	Comments on pre-1997 maps	Other observations
25 Stephanie Saint	1992-2014	Route as claimed by Parish Council	Says not given permission	Yes	Personal usage post 1996/7	Fenceline correctly shown Footpath 5 correctly shown No reference to change of route
26 Kate Saunders	2006-2013/14	Route roughly as claimed by Parish Council	Says not given permission	No	N/A	1 Fenceline incorrectly shown 2 No reference to change of route
27 Raymond Simpson	2002-2012	Route not as claimed by Parish Council	Says not given permission	No	N/A	No reference to change of route
28 Barry Sullivan	1992- 2014	Route not as claimed by Parish Council	Says not given permission	Yes	Map does not indicate any use or knowledge of old FP4	1 No reference to change of route 2 Inaccurate plan 3 Route shown not walkable
29 Michael Wareham	1970s-2014	Route as claimed by Parish Council except for northern end	Says not given permission	Yes	Did not respond to WCC's request for map	1 No reference to change of route 2 Stile incorrectly shown
30 Jennifer Whymark	1992- 2013	Route as claimed by Parish Council	Says not given permission	Yes	Does not appear to accurately show route of old FP 4	1 No reference to change of route 2 Fenceline incorrectly shown
31 Christopher Winslet	1995-2015	Route not as claimed by Parish Council	Did not reply to this question	Yes	Did not respond to WCC's request for map	1 No reference to change of route 2 Route shown not walkable
32 Christine York (Wife of No 33)	1995-2014	Route not as claimed by Parish Council	Says not given permission	Yes	Does not appear to accurately show route of old FP 4.	1 No reference to change of route 2 Fenceline incorrectly shown
33 Michael York (Husband of No 32)	1995- 2014	Route not as claimed by Parish Council	Says not given permission	Yes	Does not appear to accurately show route of old FP4	1 No reference to change of route 2 Fenceline incorrectly shown Footpath 5 almost correct
34 Donhead St Andrew Parish Council					Shows correct route of old FP4 (but not the route claimed for the alleged path)	See previous column
35 Roy Powell		NO UEF completed			Does not show route of old FP 4 or claimed path; only route pre 1996/7	See previous column

E-MAIL FROM
ANDREW STEVENS
DATED 26 JULY 2016

From: Andrew Stevens <tas.15@hotmail.co.uk>
Date: 26 July 2016 at 18:39:55 BST
To: "pfarrant@aol.com" <pfarrant@aol.com>
Subject: Donhead Ramblers 3rd September

Dear Paul,

By way of introduction, your name came up in conversation with Richard Lee today and I remembered seeing your email address in the D ST A fete car display round robin.

My reason for contacting you is that I understand that you look after the land belonging to Beauchamp House while the owners are away. On 3rd September I am leading the Donhead ramblers' walk around the Wardour Castles 5 mile circuit from The Forester and I would like if possible to walk through the field between Rickett's Mill and Kelloway's Mill along what I understand to be a permissive footpath, to avoid walking along the road at the end of the walk. This would be a one off event and dogs would be on leads.

I wonder if you are able to grant permission please?

Yours aye,

Andrew Stevens

01747 828232

The Old School House,
Mill Lane,
Donhead St Andrew.

Green, Janice

From: Maggs [maggp@btinternet.com]
Sent: 17 October 2016 09:38
To: Green, Janice
Cc: maggs
Subject: Path No.27 Definite Map and Statement Order 2016 – Donhead St Andrew
Attachments: Rights of Way.docx

Follow Up Flag: Follow up
Flag Status: Flagged

I was intending to send this email to you over the weekend but unfortunately I did not have your email address. I telephoned this morning and have just been given it.

Regards Margaret Pitman

WHEELWRIGHTS
SANS LANE
DONHEAD ST ANDREW
SHAFTESBURY
SP7 9EJ

15th October 2016

Ms Green
Rights of Way Officer
Wiltshire Council Waste & Environment
Ascot Court
Trowbridge
BA14 0XA

Dear Ms Green

Wildlife and Countryside Act 1981 - Section 53
The Wiltshire Council (Parish of Donhead St Andrew) Path No.27 Definite Map and Statement
Order 2016 – Donhead St Andrew

I wish to object regarding the above definitive map modification order on the following grounds:

1. The Council does not appear to have taken into consideration and given due weight to the Statutory Declarations made by me and David Pitman as previous landowners and by others with a detailed knowledge of the land and/or relevant events. These Declarations were made under oath unlike the User Evidence Forms submitted to the Council by the claimants.
2. I confirm that I was born and lived my whole life in Donhead St Andrew - 71 years - and when growing up I was never aware of the existence of the alleged path. As children growing up in those times we liked to explore the countryside - and I still do. It is unlikely that a path existed because until improvements were carried out by my late husband and his family the land was divided into several smaller fields and was badly drained.
3. I was unaware of any evidence of a path on the claimed route when my husband's family bought the land in 1982-1984 and there were no stiles. It was quite unusual to see anyone walking the public footpaths at that time. Use of the paths increased in around 2003-2005 but prior to that I rarely saw anyone walking the land and particularly not on the claimed route.

Yours sincerely

Margaret Pitman

Green, Janice

From: John Barton [j.t.barton@icloud.com]
Sent: 15 October 2016 12:55
To: Green, Janice
Subject: Your ref JG/PC/81 2015/04. On October 15th 2016

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I object to the proposed addition of a public footpath in Donhead St Andrew linking fp4 to fp 5.

There are several reasons for my objection but primarily you are not correct in claiming 20 years unbroken use of fps 4 and 3 prior to 8th August 2012.

I have owned and lived in Kelloways Mill since 1986. Not long after arriving here I realised that fp4 was never used and fp 3 hardly ever. I found that the stile into and out of my property on fp 4 was , and obviously had, been broken for some time. It was also covered in brambles. There was never any complaint from the council or the public and it was never repaired .

The main reason that neither was used , I think secondary to one unusable stile, was because fp4 passed through my front garden , directly by the front windows and front door; fp 3 also passed within easy eye line and contact o f windows. In short, both paths were embarrassing for villagers and also a threat to security, implied to any user. I started to try to persuade the Council to move the FPs so that they could be enjoyed by villagers. This was hard work and unsuccessful until 1994 when fp 3 was closed because it had been deemed unsafe due to the treads of both bridges becoming loose.

The WCC eventually realised that rather than replace 2 bridges with new build, if the new fp route could be adopted, costs would be more than halved because only 1 bridge would be necessary and I contributed to the cost of that. In November 1996 the new order was passed and footpaths diverted, a new bridge built in its present position.

I add that at no time during this 10 year period did anyone query inability to use fp 4 through my garden, or the presence of any path joining 4 to 5.

In addition to the above, I find some witness statements to be patently untrue . I would be happy to challenge in court if necessary.

It is also untrue that the majority of the village wants this new path; it is true that a vocal minority want it; there is a large number of residents who want nothing to do with the idea, consider it to be unnecessary and who are unhappy with the bad taste which has been generated.

Yours sincerely,

John Barton
Sent from my iPad