

# APPENDIX A

## CONSULTATION RESPONSES



Madgwick, Sally

**From:** Cowen, Nick  
**Sent:** 21 November 2016 11:23  
**To:** Madgwick, Sally  
**Subject:** FW: Mean Wood Whiteparish

Hi Sally,

Here's the earliest correspondence that I can find. I didn't get involved but was copied in for info.

I will also forward part of Graham Read's survey of Whiteparish in 2007 and in particular his comment on the fp 23 spread sheet re Mean Wood. Graham has put up a link to Picasa where all his photos are kept but I couldn't open it.

All best

Nick

**From:** graham&elaine read [redacted]  
**Sent:** 08 April 2015 19:52  
**To:** [redacted]  
**Cc:** [redacted], Martin RA\_Norman; Cowen, Nick  
**Subject:** Mean Wood Whiteparish

Hello Brian.

I have been forwarded your email by Miken Arney concerning paths in Mean Wood.

I see from your email a number of residents are no longer able to walk in Mean Wood due to an alleged blockage. They are naturally upset about this and are considering claiming a definitive path following guidance information from ramblers head office.

Can I firstly say that claiming a definitive path is a serious business. It should not be taken lightly, and the claimants must be 100% honest when making the claim. No massaging or embellishing the facts, just the honest truth concerning witness statements.

Secondly sentiment, personal feelings or grievances having nothing to do with making a claim. Just the plain facts about where, when, and for how long have people walked in Mean wood.

They have to establish that more than seven people have walked for more than twenty years in Mean Wood. However it is not as simple as that. They have to have walked without the owners permission. They have to either have walked without the owners knowledge, or if the owner knew, he or she did not give them permission but made no effort to remove or ask them to leave.

However if the owner gave them permission to walk then a definitive path can not be claimed. The owner has a legal right to withdraw that permission, and stop the walking. I note Tony from The Street describes walking this "permissive" path for ten years. If as Tony says it is permissible, and all the other people have known it to be so, then you have no case to claim it. Secondly I have to say Tony's views concerning a claim are not much help to you as he has only been walking Mean Wood for ten years.

Finally it is not acceptable to claim that people walked (possibly roamed about) in Mean Wood eg viewing the Bluebells. You have to claim that all of you have walked exactly the same path(s) for the 20 year period minimum with no deviations from those claimed paths.

Can I make one or two observations about Mean Wood. There are no definitive paths in the main block of Mean Wood with a small exception. Footpaths WHIT 20 and WHIT 23 enter the wood in the NW corner over a stile. WHIT 23 is a W side boundary path to Mean Wood. It is on the outside of the wood in the bordering field. It meets footpath WHIT 21. at GR 254 247. WHIT 21 then crosses a small spinney of woodland in a SW top NE direction, to join up with a track. The footpath then continues in a S direction towards Home Farm. The track itself appears to continue N into Mean Wood. This N running track is not a Right of Way and is not on the Definitive RoWs map.

So is no easy operation to claim a right to walk a path. I'm afraid the odds and burden of proof is stacked heavily against you.

Back in 2007, just after the New Forest National Park was formed, we were asked to carry out an audit of all the RoW in those villages in Wiltshire that would be wholly or partially within the national Park boundary. Whiteparish is one such village.

I enclose my photographic survey of the relevant paths around Mean Wood.

**Whiteparish FP 20 walking from E to W**

<https://picasaweb.google.com/N15GSR/WhiteparishFP20#>

**Whiteparish FP 21 walking W to E**

<https://picasaweb.google.com/N15GSR/WhiteparishFP21#>

**Whiteparish FP 23 walking N to S**

<https://picasaweb.google.com/N15GSR/WhiteparishFP23#>

They may not be of help to you, but hopefully they are of interest

Kind regards

[Graham Read](#)

Joint Group footpath Secretary, South Wiltshire Ramblers



  
Brickworth Road,  
Whiteparish,  
Salisbury, Wilts.  
SP5 2QG

20<sup>th</sup> November 2016

Your Ref: SM/2016/10

Dear Sally,

### Mean Wood

Thank you for your letter dated 15<sup>th</sup> November 2016. My experiences from visits to the wood are as follows:-

I moved to Whiteparish in early 1979 and it was not long before I was recommended by the locals to go for a walk in Mean Woods. This became a regular pastime over the next two years or so, for myself, my wife and my two stepchildren. We would start the walk at the top entrance and soon after entering the wood would take a right hand turn down a well-defined and used, narrow path that meandered through the mainly hazel coppice down the length of the plantation. This was a particular treat in Spring when the bluebells, and at the top of the wood the wild garlic, were in full bloom. This path took us to an open grass area which crossed the wood. Our return to the entrance was via the hard track which skirts the side of the wood. One of my stepdaughters, who was a keen horse rider also included Mean Woods on some of her outings. At no time during the many years we went to the wood were we stopped or advised that it was a no go area, we only met other walkers who quite often joined us on our walk. Also, there were no signs to say it was private or no mention of trespassing, there was nothing to suggest that it was not open to all.

During the 1990's and 2000's my job and hobby took me abroad on a fairly regular basis so my visits to the wood were more limited but, if I could, I would make a springtime pilgrimage to savour the bluebell spectacle. It never disappointed me! Again, over this period my visits were unhindered and to all intents and purposes things were as they used to be.

More recently I retired and decided that bluebells at Mean Wood were worthy of a springtime photograph. Much to my surprise and dismay, I found the entrance and its surrounds were bared, with the gate and fences laced with barbed wire – not the sort that is used around farmers' fields but more of the Fort Knox variety. Unbelievable, the pleasure this wood gave me now seemed to be a thing of the past!!!

It was great News to now hear that an effort is being made to get things back to what they were.

Kind Regards,  


Keith Hobbs

3

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## SU2525 : Path, Mean Wood

Related Images

near to Whiteparish, *Wiltshire, Great Britain*



### Path, Mean Wood

Although the path is shown at the woods edge on the map, it clearly runs some distance inside the wood.



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year taken  
2008

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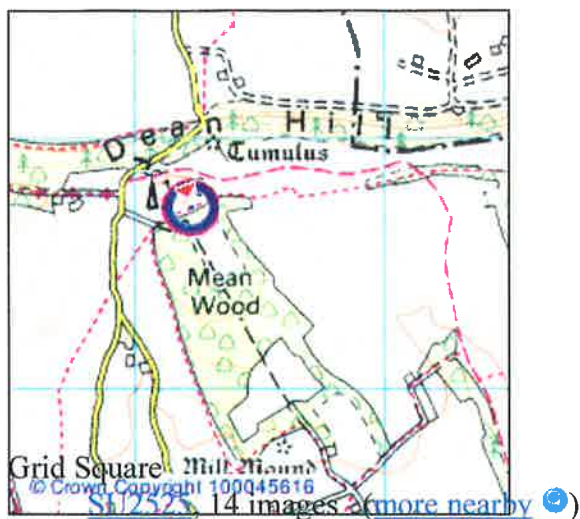


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Image classification:

Geograph

Date Taken

Tuesday, 18 November, 2008 ([more nearby](#))

Submitted

Thursday, 20 November, 2008

Category

Footpath ([more nearby](#))

Subject Location

OSGB36: [SU 252 251](#) [100m precision]

WGS84: 51:1.5048N 1:38.4980W

Photographer Location

OSGB36: [SU 252 251](#)

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## [SU2525](#) : Path in Mean Wood

Related Images

near to West Dean, Wiltshire, Great Britain



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### Path in Mean Wood

The footpath runs just inside the wood.



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year taken

2008

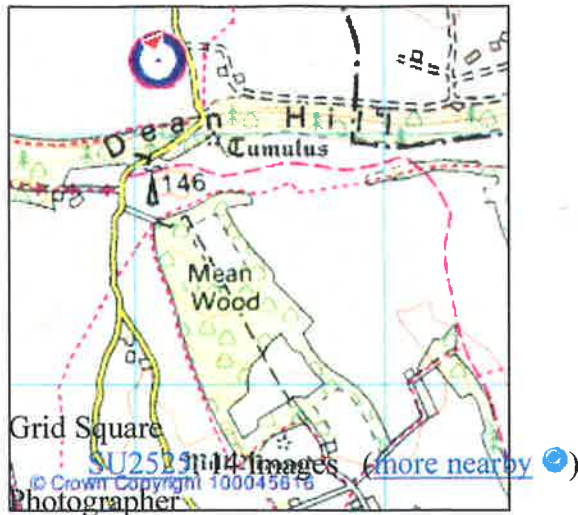
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Thursday, 20 November, 2008

Category

Footpath ([more nearby](#))

Subject Location

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WGS84: 51:1.7318N 1:38.6075W

Photographer Location

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## [SU2425](#) : Track to Mean Wood, Dean Hill

near to West Dean, *Wiltshire, Great Britain*

Related Images



**Track to Mean Wood, Dean Hill**



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year taken  
2007

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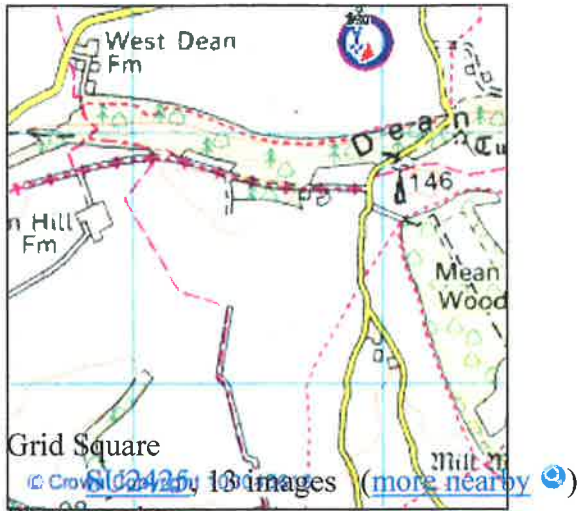
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Photographer [Maigheach-gheal](#) ([find more nearby](#))

Image classification:

Geograph

Date Taken

Tuesday, 6 March, 2007 ([more nearby](#))

Submitted

Tuesday, 6 March, 2007

Category

[Track](#) > Track ([more nearby](#))

Subject Location

OSGB36: [SU 249 257](#) [100m precision]

WGS84: 51:1.8077N 1:38.7438W

Photographer Location

OSGB36: [SU 249 257](#)

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**Madgwick, Sally**

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**From:** John Herrett [redacted]  
**Sent:** 28 November 2016 10:30  
**To:** Madgwick, Sally  
**Subject:** Application for adding Public Footpath at Mean Wood, ref. Sm/2016/10  
**Attachments:** DSC\_0010.JPG

Dear Sally

I note the article in "Steeple and Street", our Parish Magazine regarding the above application.

I have a photograph taken on this footpath in 2009, it is not date-stamped by as a digital image it has EXIF data embedded which includes the original date (19th April 2009). The path is visible on the left-hand side of the picture.

I will attach the photograph now, if you need me to fill in any forms or provide additional information please let me know.

Yours sincerely

John Herrett

[redacted] Common Road  
Whiteparish  
Salisbury  
Wiltshire  
SP5 2SX

Telephone: [redacted]  
Mobile: [redacted]



5007

112007

Ms. S. Madgwick  
Rights of Way Officer  
County Hall  
By the sea Road  
Trowbridge  
Wiltshire.  
BA14 8JN

Dean Lane  
Whiteparish  
Salisbury  
Wiltshire SP5 2RW  
Tel. [REDACTED]

(5)

25<sup>th</sup> November 2016

RE APPLICATION FOR AN ORDER TO ADD A  
PUBLIC FOOTPATH AT MEAN WOOD,  
WHITEPARISH, WILTSHIRE

Dear Ms Madgwick,


Thank you for your letter dated 15<sup>th</sup>  
November 2016.

There is a point we would like to mention  
When we moved to this area in June 2000  
we asked the owner of the property we  
eventually bought if there were any walks  
locally where we could walk our dogs?  
She replied that Mean Wood - a  $\frac{1}{4}$  of a  
mile away was ideal and a lot of the  
villagers used the footpath frequently.  
Mrs Butler had lived in our property for  
thirty two years and had herself walked  
with her dogs in Mean Wood.

At bluebell time as you can see  
from the enclosed photograph (taken  
April 2013) it was beautiful and not  
being able to enjoy such a spectacle  
is extremely upsetting!

We would like to add that we both  
used this footpath almost on a daily  
basis up to 2014 when we sadly were  
told we no longer had access!

Yours sincerely,

  
MR & MRS JC. d'ORVILLE



(6)

**Madgwick, Sally**

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**From:** John Dunlop [mailto:jdunlop@holmes.ac.uk]  
**Sent:** 04 December 2016 16:17  
**To:** Madgwick, Sally  
**Subject:** Public footpath at Mean Wood, Whiteparish  
**Attachments:** Mean Wood path photo.JPG

Dear Ms Madgwick,

Further to my original submission regarding use of the path in Mean Wood and to your letter to me of 15 November, I provide below some additional information. Please read this in conjunction with my original submission.

As requested I enclose a photograph of my daughter on the path in Mean Wood, which was taken about 12.5 years ago. That is, in Spring 2004. You will note that the path is clearly well used and distinct. While the photograph is not itself dated it is easy for me to accurately assess the date from my daughter's age.

My family and I used the path frequently and at least once a month since 1998, until the path was blocked last year. On most walks along the path we would meet other walkers using the path in both directions.

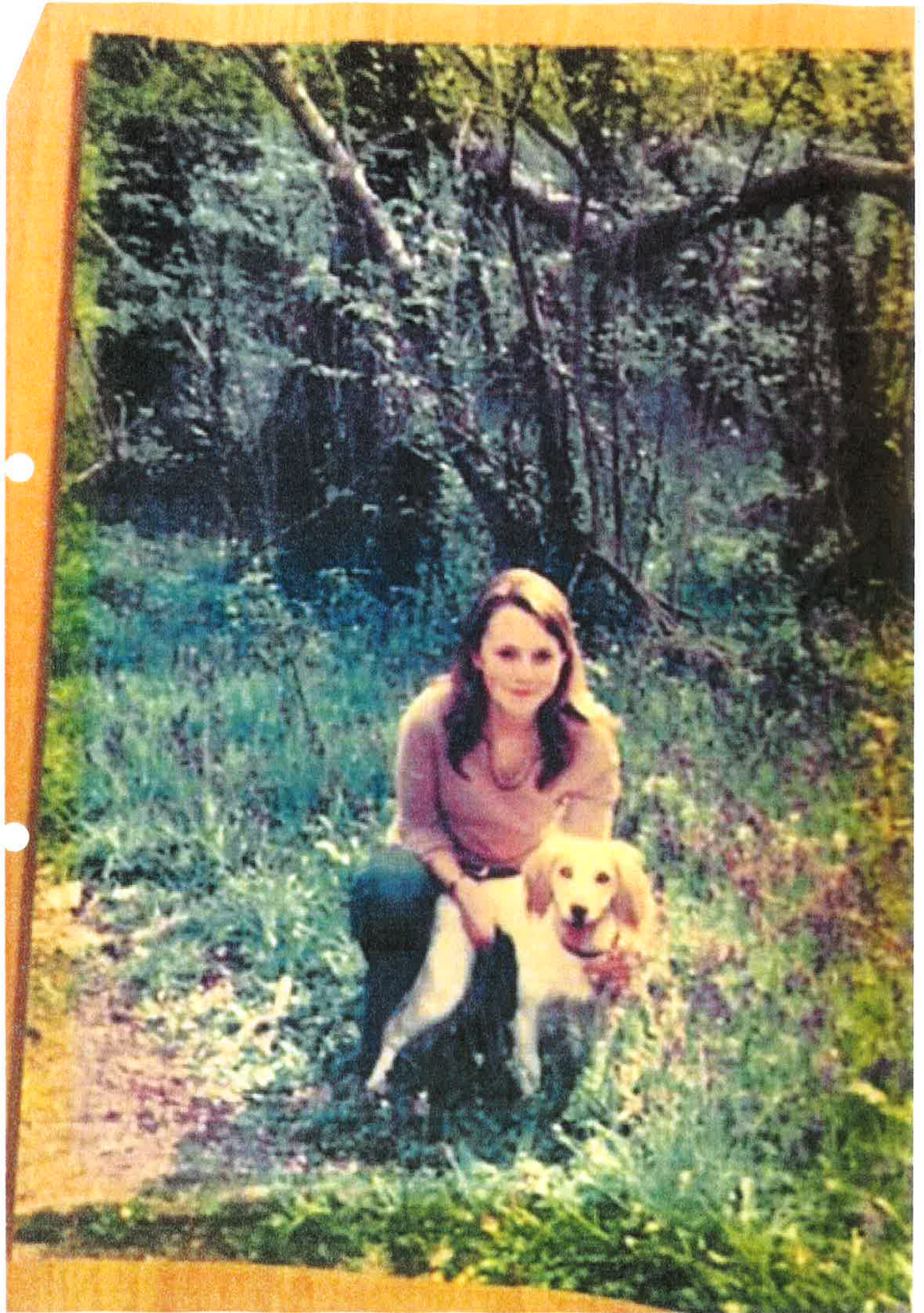
We would indeed like to use the path again in the future to continue to enjoy its beauty.

I hope that this will assist you in your decision.

Regards

John Dunlop





(7)

Madgwick, Sally

(7)

From: [REDACTED]  
Sent: 06 December 2016 18:44  
To: Madgwick, Sally  
Subject: Sm/2016/10

Dear Sally

I have used the path through Mean Wood, Whiteparish, from 1986 when I moved into the village until its closure with gates and wire in 2015. During this time no challenge or objection was ever made, and I know a great many other villagers used this path, particularly in May when the bluebells flower. The precise route has changed several times due to fallen trees across the path.

Regards

Jennifer Foster



1:3,000

## Madgwick, Sally

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**From:** [REDACTED]  
**Sent:** 30 January 2017 15:05  
**To:** Madgwick, Sally  
**Subject:** Mean Wood, Whiteparish

8

Good afternoon Sally

I have attached some photos that have been given to me by a couple of interested parties in the application for Mean Wood. The first two are from Sheila Harrison-King of Clay Street and the rest are from Chris Baker of Meadow Court. They both submitted user evidence forms so could you please attach these? I have put hard copies in the post for your attention today.

I was also dismayed to see that the Parish Council have lodged an objection to the application. None of the group of applicants were aware that they had it minuted for discussion or we would have attended their meeting to hear what was said. I am surprised that the chair of the Parish Council did not declare a conflict of interest - he was, for many years, manager of the adjoining farm and must know the landowner in this case very well.

I hope we have done enough to demonstrate the regular and unchallenged use of this path to make their objection worthless! Many thanks for all your advice over this case - I look forward to hearing the legal wheels turn!

Regards

Trudi Deane



11-05-2018



11-05-2018

8

Hi Tredie,

As promised on the e-mail 3 hard copies  
of the Meap Woods bookpull. Taken  
by myself April 2009.

Took some binding but got there in the  
end!

Best regards,

Chris



APRIL 2009









**Madgwick, Sally**

---

**Subject:** FW: Application 2016/10

9

**From:** CLAYDON [REDACTED]  
**Sent:** 09 December 2016 09:30  
**To:** rightsofway  
**Subject:** Application 2016/10

Dear Rights of Way Team

Re: Application 2016/10 Modification of definitive map regarding a right of way through Mean Wood in Whiteparish

I have been resident in Whiteparish for over 40 years and this application to assign a Right of Way to what has always been accepted to be a Permissive Path is, in my view, misguided.

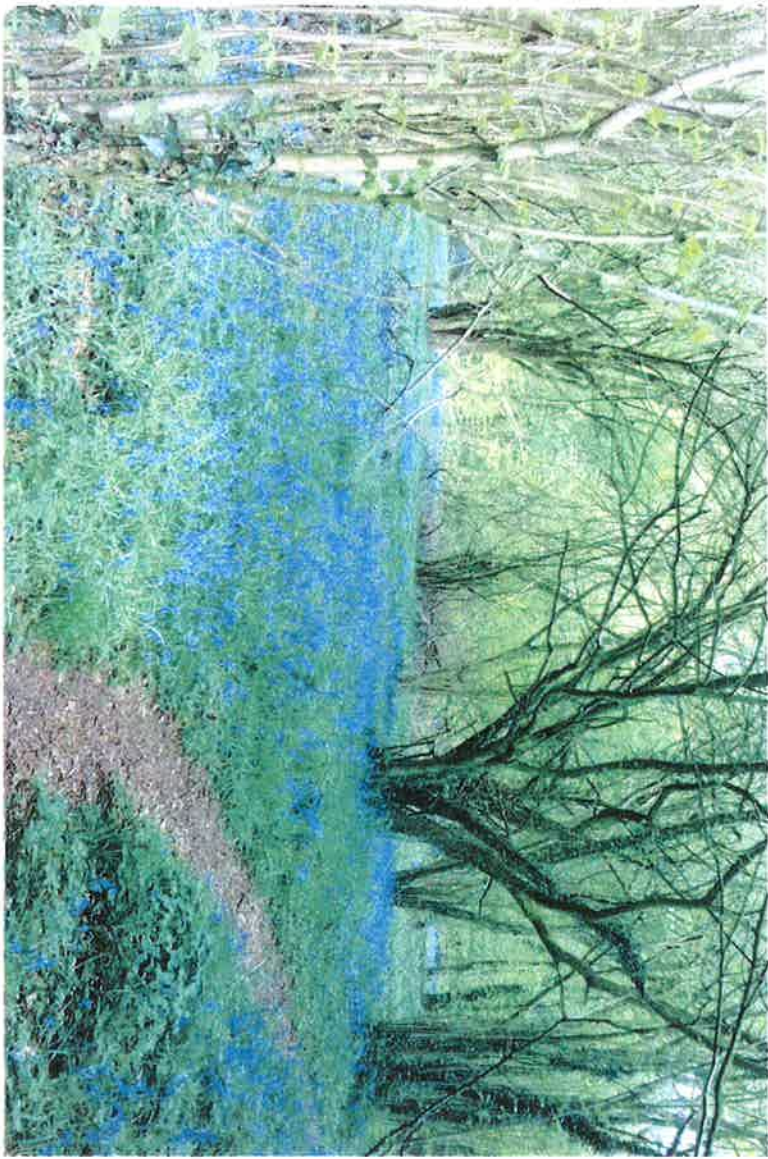
The Landowner has always shown the courtesy of permitting those who wished to walk through the private woodland known as Mean Wood, particularly at the time of bluebells in full flower. That this courtesy has been withdrawn, for whatever reasons, is entirely within the right of the landowner. That the privilege of wandering through the delightful woodland has been withdrawn may in part be related to the damaging habit of new routes being created at will by some of those who have walked through the woods.

It should be noted that existing Right of Way Footpath 23 runs along the entire length of the western side of Mean Wood running in fact parallel and within a few yards of the route that is the subject of this application. Footpath 23 would appear to provide a more than adequate access from Footpath 21 up to Footpath 20. From an environmental impact point of view Footpath 23 is considerably better.

However sad it is to have lost the permissive path there can be little reason for it to be given any definitive rights of way within yards of Footpath 23.

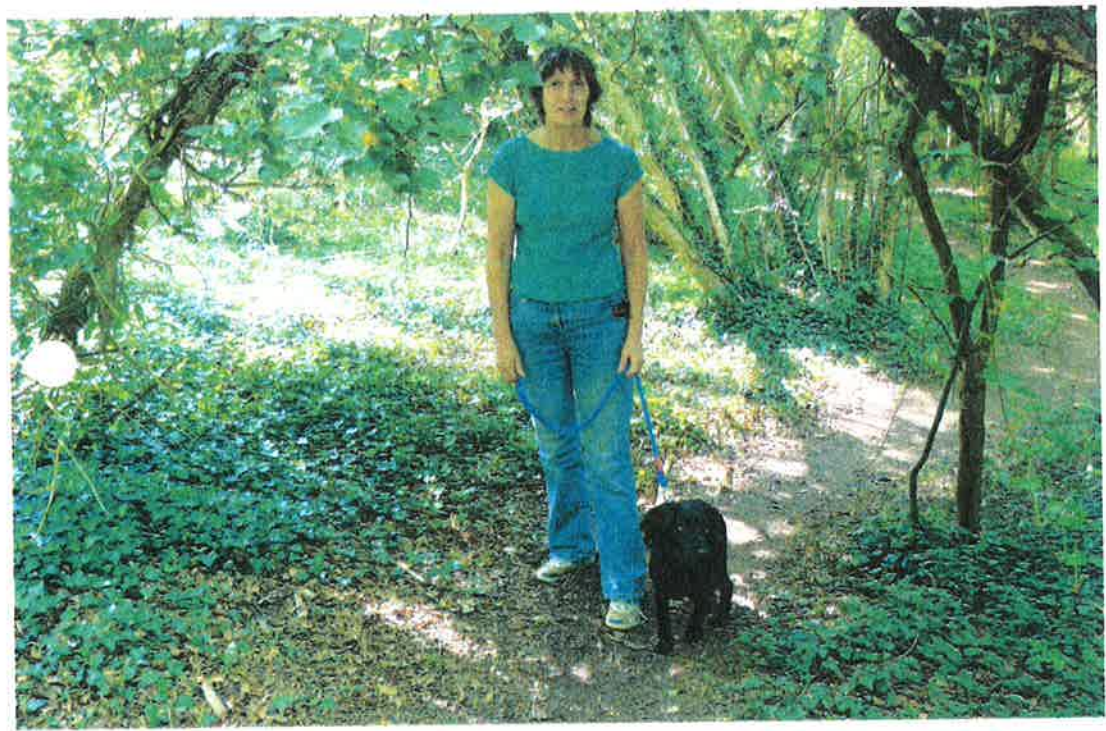
Yours sincerely

Peter Claydon



May 2013.

~~WILLIAM~~ KING  
HARRISON  
SHEILA



11.05.2008.

~~8 9 11~~

SHEILA HARRISON KING,

~~1~~  
KING  
N

## Madgwick, Sally

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**From:** Madgwick, Sally  
**Sent:** 22 December 2016 10:53  
**To:** [REDACTED]  
**Subject:** RE: Mean Wood, Whiteparish application

10

Dear Mrs Pennington

Thank you for your response. If the Parish Council has any evidence of permission being granted (perhaps entries in minutes?) then please could you let the Council have sight of it.

Best regards

Sally

Sally Madgwick  
Rights of Way and Countryside  
Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Tel. 01225 713392

[sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**From:** MARIA PENNINGTON [REDACTED]  
**Sent:** 21 December 2016 11:27  
**To:** Madgwick, Sally  
**Cc:** Britton, Richard; Cowen, Nick; 1 TREVOR KING  
**Subject:** Mean Wood, Whiteparish application

Dear Ms Madgwick,

Whiteparish Parish Council object to the application for an Order to add a public footpath at Mean Wood, Whiteparish to the definitive map and statement.

This was a unanimous decision and Whiteparish Parish Council has always understood this was a permissive footpath.

We would appreciate if you could please acknowledge receipt of this response.

  
**Cowesfield**  
**Whiteparish**  
**Wilts SP5 2QR**  
**Tel 01794 884546**

(11)

Sally Madgwick  
Rights of Way Officer  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wilts BA14 8JN

9 January 2017

Dear Ms Madgwick

**Objection to Footpath Modification at Mean Wood, Whiteparish**

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement. I do not agree with this footpath being added to the definitive map. I am a neighbour of the owner.

You will see from the attached plan that the path starts at the southern end of Mean Wood within 10/15 metres of where footpaths 23 and 21 cross. The path goes through the wood running parallel to footpath 23 and about 10/20 metres of it ending close to where path 23 meets path 20.

I moved to the village of Whiteparish in 1993 and have walked the footpaths in the area since that time, including the path at Mean Wood. However, the land owners, whilst giving me, my family and friends verbal permission to use the path back in 1993, made it clear that the path through Mean Wood was permissive hence I have always been aware of its status and, as such, that access could be withdrawn at any time.

I have walked the path over the years with friends and family and on the rare occasions we have met anyone, I cannot recall them stating it was a public right of way. My understanding is that it was well known as a permissive path only.

We have many permissive paths in this area and my concern is that if this application was successful then landowners in my local area and no doubt further afield, will no longer be prepared to have permissive paths across their land and those that do, are likely to want to withdraw them as soon as possible.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours sincerely



  
(Sales Manager - retired)  
Att





12

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

E mail. [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

11th January 2017

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Mrs Emily Jayne Carey, [redacted], Cowesfield, Salisbury, Wiltshire, SP5 2QX. Telephone Number: [redacted] Mobile: [redacted], Email: [redacted] Occupation: Account Director

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it, ending close to where path 23 meets path 20.

I am a neighbour of the owner.

I became aware of the existence of the path in April 2012 and first started using the path when we moved into our acquired current residence in November 2012 and have used it since then on a regular basis. I knew this was not a public footpath and subsequently not a public right of way open to all. I was given the landowners permission for myself and my family to use the path by verbal agreement in November 2012. We used the path on a weekly basis.

I often encountered other users on the path and always asked them if they had the landowners permission to use the path and they were of the belief it was a public right of way, of which I informed them it was not the case. I pointed out that there is a definitive map on the Whiteparish website in addition to readily available Ordnance Survey Maps. I told them that it was a permissive path and that the land owner had given me permission to use it. I told them that it was not a Public Right of Way.

On more than one occasion I have actually showed people on the Ordnance Survey Map that this is not a public right of way. No-one I asked using the path confirmed they had the landowners permission to use the path.

The land owner gave me and my family permission to use the path. He knew it was not a public right of way and it has never featured on Ordnance Survey Maps .

**I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.**

Kind Regards,

[redacted signature]

Mrs Emily Carey

Date: 10th January 2017

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

E mail. [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

11th January 2017

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Mr Robert Armstrong Carey, [REDACTED] Cowesfield, Salisbury, Wiltshire, SP5 2QX. Telephone Number: [REDACTED] Mobile: [REDACTED] Email: [REDACTED] Occupation: Dental Technician

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**I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.**

Kind Regards,

[REDACTED]

Mr Robert Carey

Date: 10th January 2017

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14

[REDACTED]  
[REDACTED]  
Cowesfield  
Whiteparish  
Wilts SP5 2QR  
Tel [REDACTED]

Sally Madgwick  
Rights of Way Officer  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wilts BA14 8JN

7 January 2017

Dear Ms Madgwick

**REF Sm/2016/10 Objection to Footpath Modification at Mean Wood, Whiteparish**

With reference to the Application for an Order to add a public footpath at Mean Wood, Whiteparish to the definitive map, I would like to state that I am unable to support this application.

Please see the map showing clearly the proposed footpath to be added to the definitive map marked in red attached to this statement. As you can see, the path starts at the southern end of Mean Wood within 10/15 metres of where footpaths 23 and 21 cross. The path goes through the wood running parallel to footpath 23 and about 10/20 metres of it ending close to where path 23 meets path 20.

I moved to the village of Whiteparish in 1993 and have walked the footpaths in the area since that time, including the path at Mean Wood. However, the land owners, whilst giving me, my family and friends verbal permission to use the path back in 1993, made it clear that the path through Mean Wood was permissive hence I have always been aware of its status and, as such, that access could be withdrawn at any time.

I have walked the path over the years with friends and family and have never met any walkers who stated it was a public right of way. Certainly local friends who have walked with me knew the status of the path to be permissive.

If this application was successful it would discourage land owners from agreeing to have permissive footpaths across their land and result in less footpaths not only in my local area but in the County and Country.

I am a neighbour of the owner and whilst we share the same surname, we are not related.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours sincerely

A black rectangular redaction box covering the signature of Sally Newman.

Sally Newman  
(HR Manager - retired)

Att



1:3,000

15

Christine Elizabeth Wood

[REDACTED]  
Whiteparish  
Salisbury, Wiltshire  
SP5 2QX  
10th January 2017

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Sally Madgwick

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Christine Elizabeth Wood

[REDACTED]  
Whiteparish  
Salisbury  
Wilts  
SP52QX

Telephone [REDACTED]

Occupation - Bookkeeper

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement. The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it ending close to where path 23 meets path 20.

I have lived at the above address which is close to Mean Wood since March 1976 and have frequently walked in the woods using the path in the attached plan. During the last 40 years I have used the path, with family, friends and on my own, on average once or twice every month, depending on the weather. I have always understood that the path was not a public right of way, that it has never appeared as a public right of way on any OS map, and that I could only access the path because I had the verbal permission of the landowner.

Occasionally there were other walkers using this path and some of them were unaware that they were actually on private land and that the path was not a public right of way.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours sincerely

A black rectangular redaction mark covering the signature of Christine Elizabeth Wood.

Christine Elizabeth Wood





1:3,000

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Andrew Peter Wood  
[Redacted]  
[Redacted]  
55 Wellington road  
Bournemouth  
BH88JL  
16 January 2017

Dear Sally Madgwick

Objection to Footpath Modification Order at Mean Wood, Whiteparish.

Telephone [Redacted]

Occupation IT Specialist

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it ending close to where path 23 meets path 20.

Between May 1988 and 2006 I lived at my parents home at 2 Hillside Cottages , Whiteparish, Salisbury, SP5 2QX which is close to Mean Wood. During that period I walked in the woods using the path in the attached plan with my parents, while younger, and in later years on my own or with my brothers and friends. Access to the wood and the path were with the permission, given verbally, by the landowner to my parents who the landowner also granted access to members of the family. It was made clear by my parents that the path was not a public right of way and that I could only access the path with the permission of the landowner.

Over the years, while at home, I used the path often mainly during summer months. When I visit my parents I will still take advantage of the path through the woods. I last walked the path with my girlfriend and her dog in October 2016.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours Faithfully



Andrew Peter Wood



17

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

James Denholm Wood

[REDACTED]  
Whiteparish  
Salisbury  
Wiltshire  
SP52QX  
19th January 2017

Dear Sally Madgwick

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Telephone [REDACTED]

Occupation Car Salesman

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it ending close to where path 23 meets path 20.

Since May 1988 and 2006, apart from periods working away, I have lived at my parents home at the above address which is close to Mean Wood. During that period I walked in the woods using the path in the attached plan with my parents, while younger, and in later years on my own or with my brothers and friends. Access to the wood and the path were with the permission, given verbally, by the landowner to my parents who also granted access to members of the family. It was made clear by my parents that the path was not a public right of way and that I could only access the path with the permission of the landowner.

Over the years I have used the path often, while younger, mainly during summer months. Although I do not use the path currently due to work pressures I will still, very occasionally, take advantage of the path through the woods. I last walked the path over the Christmas period.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours Faithfully [REDACTED]

James Denholm Wood



18

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dennis William Wood

[REDACTED]  
Whiteparish  
Salisbury  
Wiltshire  
SP52QX

18 January 2017

Dear Sally Madgwick

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Dennis William Wood

[REDACTED]  
Whiteparish  
Salisbury  
Wilts  
SP52QX

Telephone [REDACTED]

Occupation Retired

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it ending close to where path 23 meets path 20.

Since March 1976 I have lived at the above address which is close to Mean Wood. Since then, soon after that date, I have frequently walked in the woods using the path in the attached plan. Access to the wood and the path were with the permission, given verbally, by the landowner who knew this was not a public right of way and has never appeared as such on any OS maps. My understanding was and is that the path was not a public right of way and that I could only access the path with the permission of the landowner.

Over the years I used the path, on average, every few weeks, sometimes more frequently depending on time of year or the weather. I last walked the path a week ago.

During these walks I have occasionally met other people on the path. It was clear to me in conversations with some of the walkers that they were unaware that they were on private land

and unaware that the path was not a public right of way. Generally I would refer anyone to the Whiteparish website which shows exactly the location of public paths in the area.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours Faithfully

A black rectangular redaction mark covering the signature of Dennis William Wood.

Dennis William Wood





1:3,000

[REDACTED]  
[REDACTED]  
[REDACTED]  
London W4 1TU

19

19 January 2017

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

E mail. [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

My name is Gilbert Thompson (dob [REDACTED]), my contact details are as shown above and I am an Emeritus Professor in the Faculty of Medicine of Imperial College London.

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

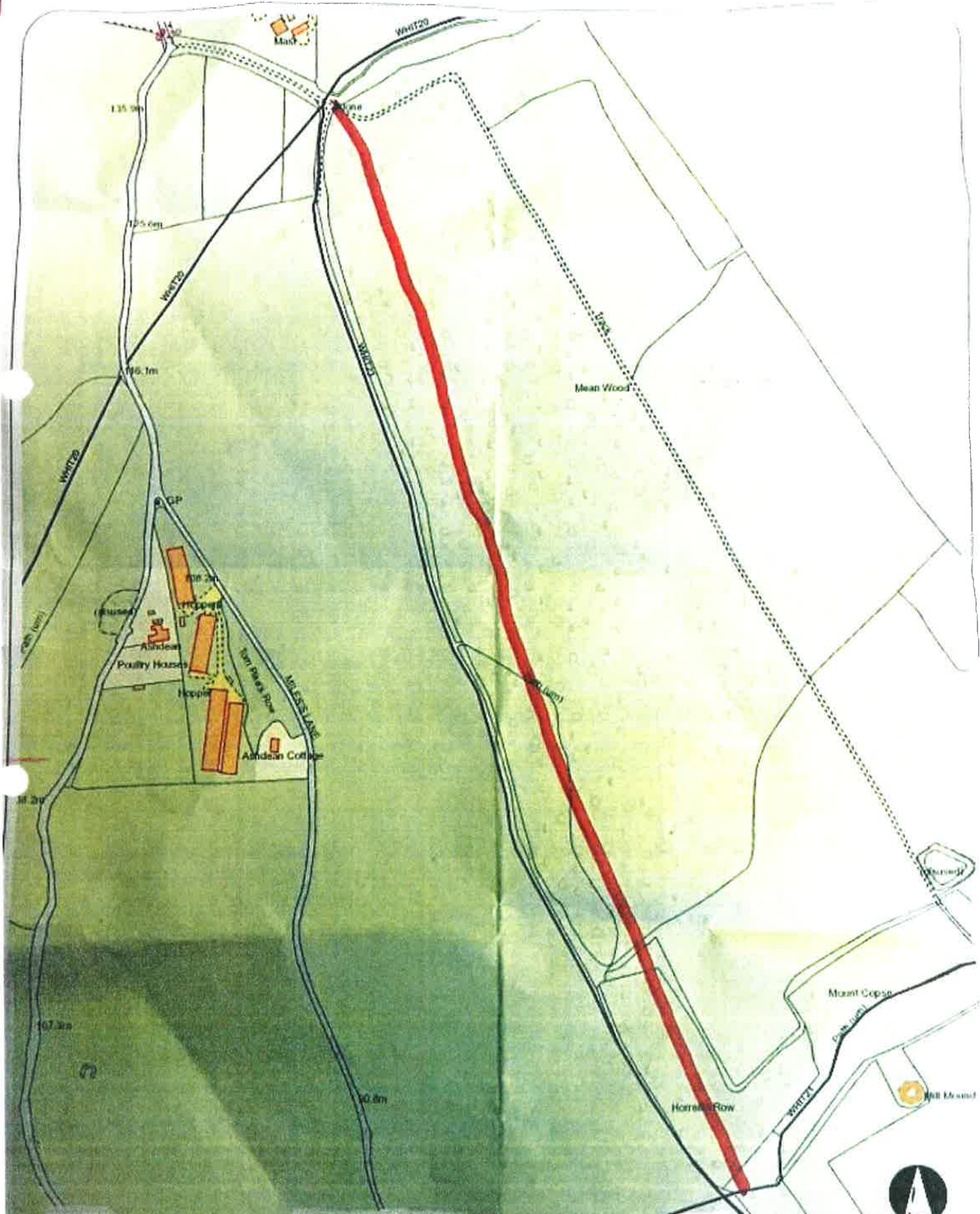
The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it., ending close to where path 23 meets path 20.

I am aware that this is a permissive path over private woodland to be used only with the owner's permission and that it is not a public right of way.

The path (marked red on the attached plan) crosses land that our shooting syndicate rents from Mr Newman. I have been a member of the syndicate (The Whiteparish Shoot) for the past 18 years and have been shooting over Mean Wood every third Saturday during the shooting season. I have never seen a member of the public using the permissive path in Mean Wood and believe it would be dangerous for anyone to do so during a shoot. I also worry about the safety of any dogs accompanying a walker, which in turn might harm the wildlife eg badgers, deer in Mean Wood. These safety concerns are the main reasons for my objection to the proposal to make the footpath a public right of way.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Professor Gilbert Thompson MD, DSc, FRCP



1:3,000

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[REDACTED]  
[REDACTED]  
Botley Road,  
Fair Oak,  
Hants. SO50 7AN.

Attention Sally Madgwick,  
Rights of Way and Countryside Waste and Environment  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire,  
BA14 8JN

20<sup>th</sup> January, 2017.

From Elizabeth Davis, [REDACTED] Retired. DOB [REDACTED]  
[REDACTED]

Dear Ms Madgwick,

Objection to Footpath Modification Order at Mean Wood,  
Whiteparish.

Before his death in late October of last year my late husband Christopher Davis was a leading member of the Whiteparish Shoot for nearly 50 years. Over this time we have worked together on both the Shoot Days and all the various other activities involved so I feel I can speak on his behalf and also mine.

The Shoot is much more than the six or seven shoot days in the season. On those

days about 25/30 people are involved, plus a large number of dogs, some guns some walking and beating and also some providing refreshment. We spread out through Mean Wood and walk through in an orderly and organized manner. Very much pleasure and much healthy exercise combined with, we hope, enough prey to provide a meal to take home.

For the rest of the year we have our Keeper working on supporting the birds, and enhancing the woodland environment and also we have work parties in order to help the work-load. What we do does not just support the shooting but does a great deal for conservation and we are proud of the fact that by putting down food after the end of the shooting season and clearing the paths and undergrowth and encouraging growth of brambles in the right places we support the wild bird population and also the deer and squirrels. We are very keen to encourage the butterflies and are always keeping an eye for any injured wild life. We look after the area with pride.

If you allow a footpath through the wood then all this will be impossible. When we do see walkers- luckily not many - they are nearly always preceded by their dogs and they seem to have no perception of the harm dogs can do being left to rush around happy, of course, but free to trample indiscriminately. They disrupt birds and animals. They pick the bluebells and primroses and violate this peaceful place.

Our members and followers come from a wide range of people, ages and from as

far away as London, Cardiff and the outskirts of Southampton. We have always made a point of encouraging youngsters and a 7 or 8 mile walk on a Saturday is much better in our opinion than sitting indoors and being bored. We therefore have members who are grandfathers (and yes we did know their fathers) who are delighted to spend the day with their sons/daughters and in turn their youngsters.

The Land owner does not want to loose us as tenants and we desparately do not want to loose what has given such pleasure for so long.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Signed.

ELIZABETH M DAVIS 20-1-2017.

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

21

E mail. [Sally.madgwick@wiltshire.gov.uk](mailto:Sally.madgwick@wiltshire.gov.uk)

22/01/2017

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

**Jonathan Davis, [REDACTED], Efail Isaf, Pontypridd CF38 1AP**

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it ending close to where path 23 meets path 20.

I am aware that this is a permissive path over private woodland to be used only with the owner's permission. It is not a public right of way.

The path marked red on the plan crosses land that our shooting syndicate rents from Mr Newman. My father was a founding member of the shoot and I have been a frequent participant to shoot days and had open access to this land for over 40 years. Whilst I now live away from the area I still visit frequently and my two children have used the woodland since they were born.

During that time I have on only a few occasions seen members of the public walking along the proposed footpath, the vast majority of walkers seem perfectly happy to walk on the existing public footpath that runs along the boundary of the woodland.

The walkers whom I have encountered, have frequently had dogs running freely and uncontrolled this in its self causes significant damage to the woodland and danger to the wildlife especially badgers, foxes and deer. The path on the field boundary minimises this impact, moving it inside would increase the problem and ultimately may result in native resident animals moving away from the area.

This woodland is a managed area predominantly for use as shooting but a major part of that work is improving the overall habitat and therefore biodiversity of the area. If you do walk the woods it is clear to see the above average variety and numbers of all animals that are a result of over 50 years of woodland management.

In terms of shoot days, we utilise the whole of the wood and spread out throughout the area to be covered by the footpath on a number of "drives". Whilst the syndicate puts safety above all else and we always work on the principle that there could be members of the public in the area, opening this up fully as a footpath would undoubtedly increase the risks and would likely mean that the current use of the

woods would have to be changed or even stopped. This would not only bring an end to a shoot syndicate that has been in existence for over 50 years and currently enjoys welcoming the 4<sup>th</sup> generation of some member family's but would also cause a loss of income to the landowner. The end result would also be that the woodland would not be managed going forwards with a subsequent impact on the natural environment.

I am always in favour of access to the countryside when done in a controlled and compatible way that ensures that the main uses of the land are un-effected or at least a proper balance of both public and private interests is met.

In this instance the existence of a footpath so close to the proposed new route seems to offer little if any public access benefits, whilst causing significant impact to the current land use and users. As such I would like to register this formal objection to the proposal on the basis that it offers no real public access benefit and would cause significant impact to the usage, value and environment of Mean wood.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Your Sincerely

Jonathan Davis



Sally Madgwick  
Rights of Way and Countryside Waste and Management  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

22

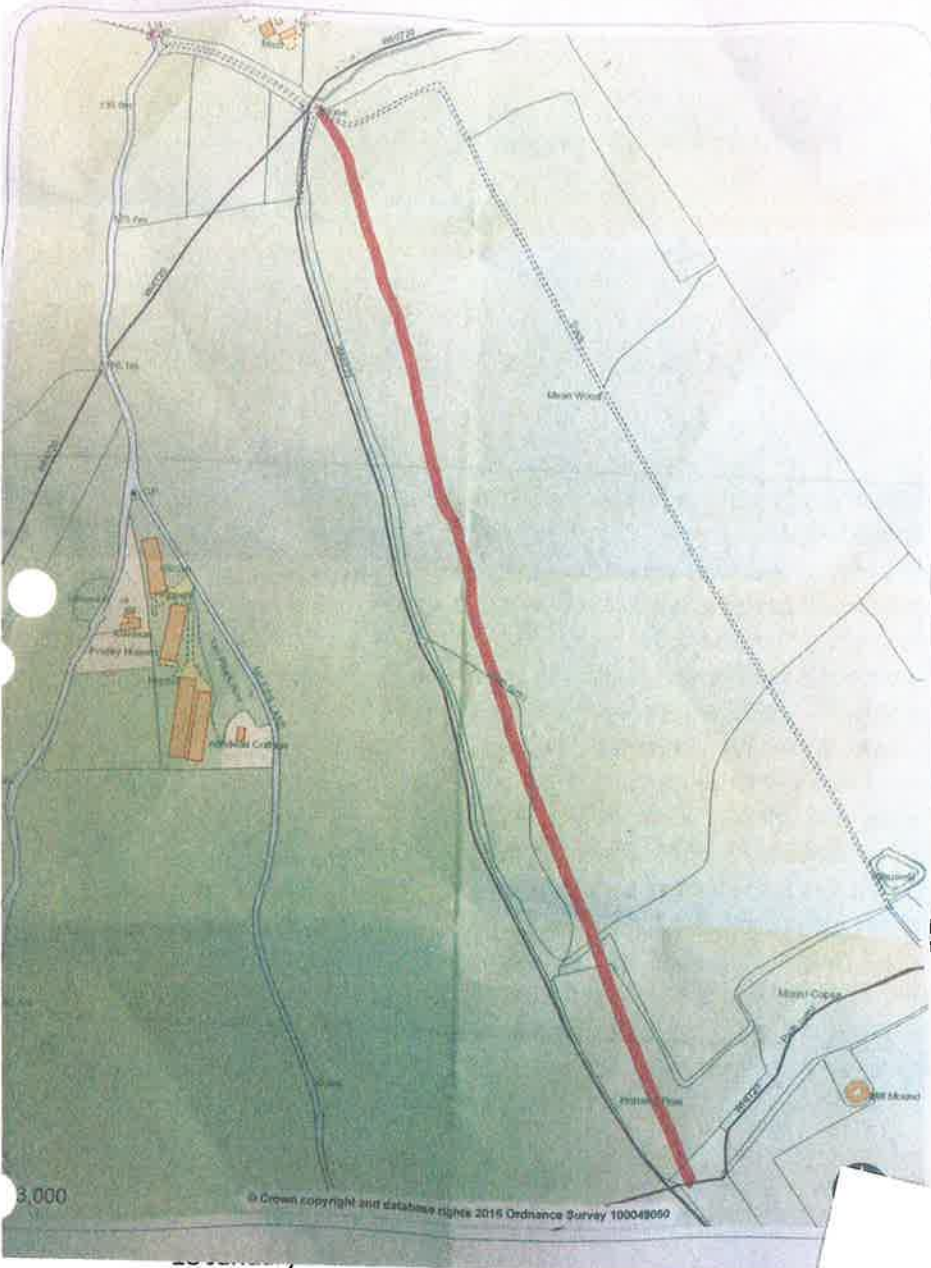
Objection to Footpath Modification Order at Mean Wood, Whiteparish

This witness statement is made by Philip Charles Curtis of [REDACTED], Stony Lane, Holwell, Sherborne, DT9 5LJ. I am a retired officer of Customs & Excise and can be contacted on [REDACTED] [REDACTED]. From April 1977 until December 1982 I lived in a property named "Mole End" which is situated adjacent to the track that runs alongside Mean Wood and approximately 100 metres south of Mount Copse. Throughout this time my wife and I walked through Mean Wood, Mount Copse and surrounding fields with the verbal permission of the land owner. The path marked in red on the plan attached to my statement appeared to be very lightly used judging from its condition. I do not recollect seeing another person in Mean Wood during the time I walked through it, along the path marked in red on the plan, whilst exercising our dog. I always believed that no right of way existed along that footpath because it was not shown on the OS map. During the summer I walked through Mean Wood on at least a weekly basis but during the winter about once a month, at weekends. During the time we lived at Mole End I knew of only three other properties whose occupants used the subject footpath with the permission of the landowner. These were the Angels who lived at Home Farm, The Woods who lived next to Mole End and Jack Chant who lived in a caravan on the land owner's property. Jack Chant worked informally for the land owner and the location of his caravan provided some security against opportunist theft and damage. On one occasion Jack Chant was assaulted when he confronted persons he believed were poachers and this was reported to the police. I believe that the land owner was very concerned about access to his property because of such risks. I hereby certify that to the best of my knowledge and belief the facts I have stated in this statement are true.

[REDACTED]  
PHILIP CHARLES CURTIS

18 January 2017

22



Whiteparish

[Redacted] Stony Lane, Holwell, Wiltshire, can be contacted on 01963 251111. The path is named "Mole End" which is a narrow path approximately 100 metres south of Mean Wood, Mount Copse and Hill Mound. The path is in poor condition. I do not know if it is used, but I have walked through it, along the path marked in red on the map. I have advised that no right of way existed in the area. During the summer I walked through it once a month, at weekends. The properties whose occupants used the path were the Angels who lived at Hill Mound and the owner and the location of his property. On one occasion Jack Chant visited the property and this was reported to the council. I believe the facts I have stated in this

[REDACTED]  
Cowesfield  
Whiteparish  
Salisbury  
Wiltshire  
SP5 2QY

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

20th January 2017

Dear Ms Madgwick,

**Objection to Footpath Modification Order at Mean Wood, Cowesfield,  
Whiteparish.**

It has been brought to my attention that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it., ending close to where path 23 meets path 20.

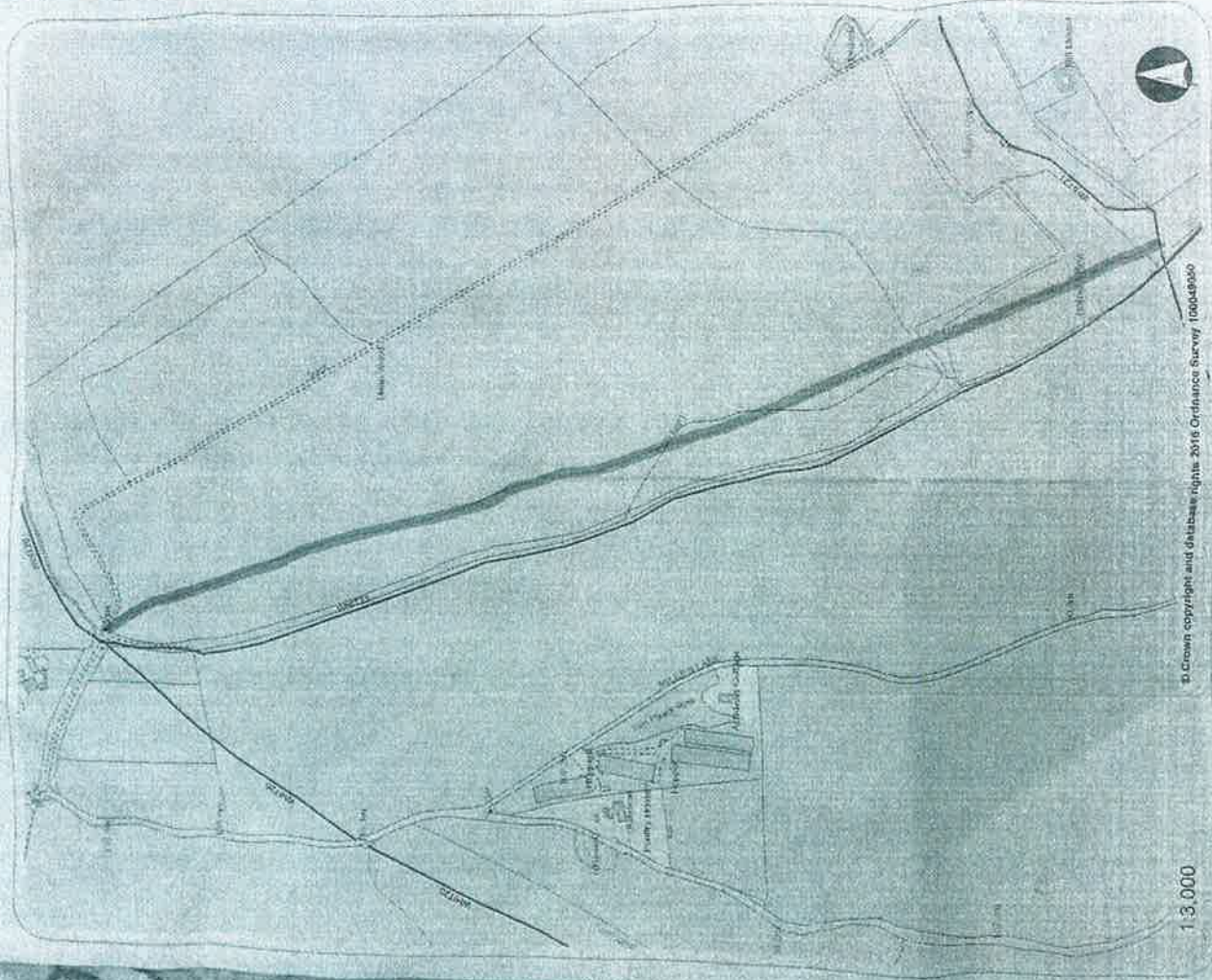
My Grandfather moved to Home Farm, Cowesfield in 1931 and I have lived here all of my life. I am aware that this is a permissive path over private woodland to be used only with the owner's permission. It is not a public right of way. My family were given verbal permission to use the path by the current owners father and I have used the path since I was a child in the 1950's. When I was younger I would ride my horse on the path and more recently use it approximately weekly to exercise my dogs.

I would occasionally see other users on the path, mainly neighbours, such as a family who used to live in Hill Side cottage. Who to the best of my knowledge were also given permission to use the path by the owners.

I have never seen the path featured on any Ordnance Survey Maps, and have always been of the opinion that this was not an official footpath and that some of the users had not been given permission.

***I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.***

[REDACTED]  
Geraldine Cobern [REDACTED]



[Redacted]  
Hythe Marina Village  
Hythe  
Southampton  
[Redacted]  
[Redacted]

24

Email: [Redacted]

19/1/2017

Mrs Sally Madgwick,  
Rights of Way & Countryside Waste & Environment,  
County Halls,  
Bythesee Rd.,  
Trowbridge,  
BA14 8TN

Dear Mrs Madgwick,

Re: Objection to Footpath Modification  
Order of Mean Wood, Whiteparish

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

I am aware that this is a permissive path over private woodland to be used only with the owner's permission. It is not a public right of way.

The footpath marked red on the plan crosses land that our shooting syndicate rents from Mr. Newman.

I am now 73 years of age and have been involved in shooting Mean Wood when I was 10 and under the instruction of my father, Mr. R.F. Webb, who was a member of the syndicate at that time, until the present day. In all that time I have never met any members of the public in that area.

I am most concerned that opening up this part of the wood would cause safety problems for everyone including the animals and birds that make Mean Wood their home.

I cannot see that this modification order will be of any benefit to anyone.

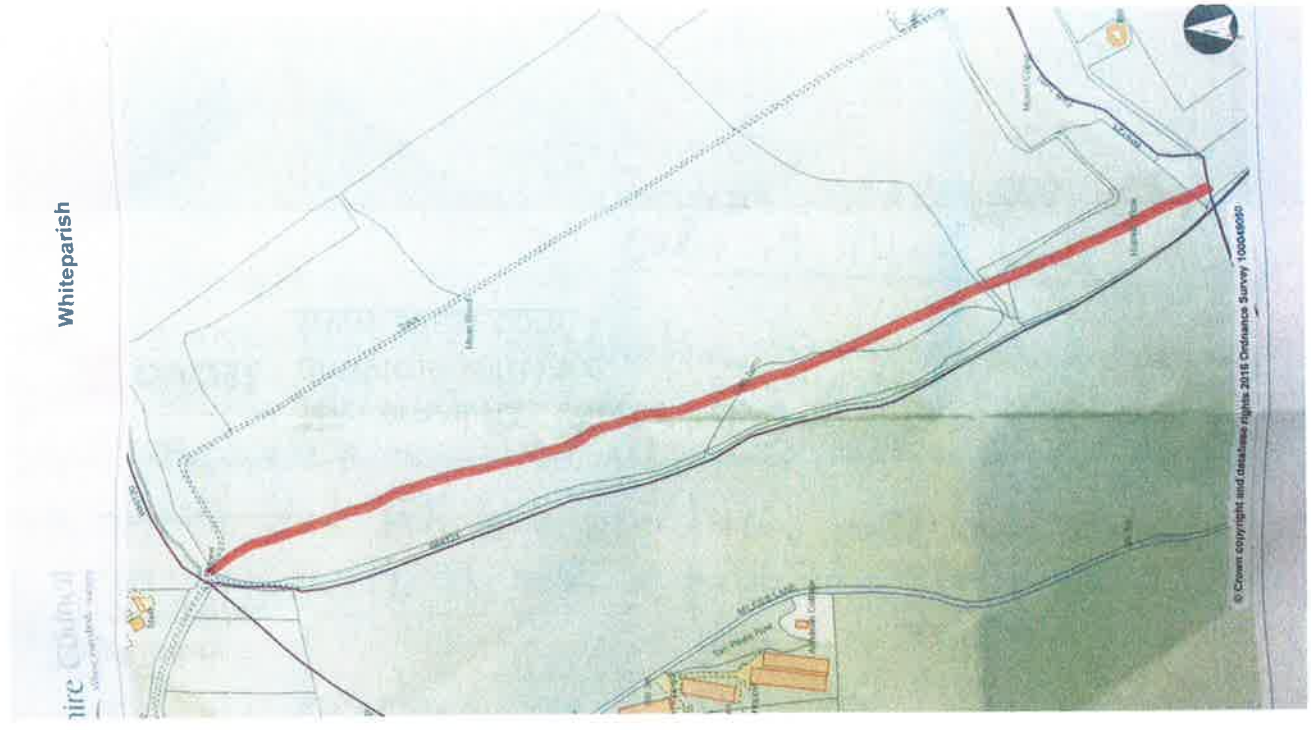
I hereby certify that, to the best of my knowledge and belief  
the facts that I have stated in this statement are true.

Signed:-

A black rectangular redaction box covering the signature.

JOHN SHERWOOD WEBB (Retired Company Director)

19<sup>TH</sup> January 2017



25

Dr. David Sutton FRCA  
Consultant Anaesthetist

[REDACTED]  
West Dean  
Salisbury  
Wiltshire  
SP5 1HP

Tel: [REDACTED]

Mob: [REDACTED]

Email: [REDACTED]

19 January 2017

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Ms. Madgwick,

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement. The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it., ending close to where path 23 meets path 20.

The path marked red on the plan crosses land that our shooting syndicate (The Whiteparish Shoot) rents from the land owner, Mr Bradley Newman. This shoot has been active in Mean Wood for many decades and has, in that time, maintained the wood to the benefit of all users, clearing pathways and tracks, opening up clearings to encourage wildlife and generally improving the environment.

I am aware that this is a permissive path over private woodland to be used only with the owner's permission. It is not a public right of way. I am concerned that creating a Public Right of Way through the wood will have a number of adverse consequences, including:



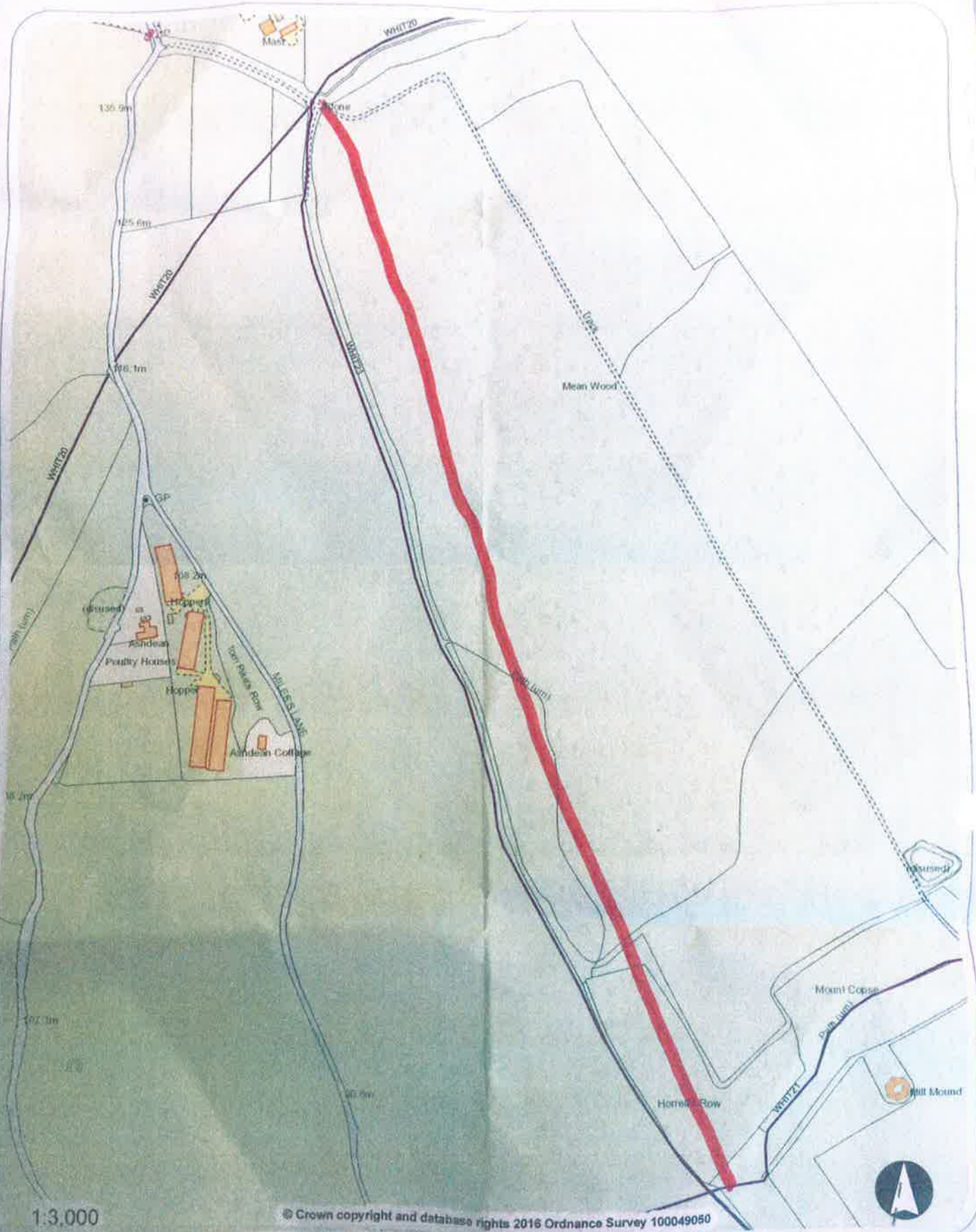
- Safety of walkers during shooting days, in woodland with obscured lines of sight
- Disturbance to wildlife
- Disturbance to game birds and feeders

As there is an alternative path in use, I do not feel a Public Right of Way through the wood is required or desirable.

Regards,

A large, dark, rectangular redaction mark covering the signature area of the letter.

Dr. David Sutton



26

C.S. Yates

[REDACTED]  
Hedge End,  
Southampton.  
SO304QQ

Tel: [REDACTED]

20<sup>th</sup> January 2017

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Dear Sir / Madam

I am Christopher Scott Yates and reside at the above address, my date of birth is [REDACTED] and I am a retired Detective Sergeant of the Hampshire Constabulary.

I am not a paying member of the group known as "The Whiteparish Shoot" but regularly act as a "beater" using my Springer Spaniel to flush birds for those shooting or "picking up" in which case I stand behind the guns and use the dog to retrieve shot game. I joined the Whiteparish shoot in this capacity in 2015 and attend every Saturday between October and the 1<sup>st</sup> February, which is the last day of the season although not always a Saturday. As such I have attended Cowesfield Farm and in particular Mean Wood once every three weeks during that period.

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement which I produce with an identification Reference of CSY/1. The path starts at the southern end of Mean Wood within 10 to 15 meters of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 meters of it, ending close to where path 23 meets path 20.

I am also aware that this is not a public right of way, this is a permissive path over private woodland to be used only with the owner's permission and as such the path marked in red on the attached plan crosses land that our shooting syndicate rents from the land owner, Mr. Newman.

Before a shoot commences a safety briefing is given to all participating and during a shoot there would be a number of 'beaters' working their dogs through these woods along with persons shooting in the woods. The other persons shooting would be stood in the opening surrounding Mean Woods in the hope that game would be flushed in their direction.

On every occasion that I have been present ( 2 seasons) I have never seen anyone walking along the path marked in red on the attached plan. If I had I would definitely have spoken to them, not only as it is private property but also as a concern for their safety as persons were shooting in that area. The law does not allow a person to carry a loaded shotgun in a public place for obvious

reasons, so a member of the public wandering onto private land where persons are not only in possession of a loaded shotgun but discharging them would always be a concern for safety.

I submit this statement with attached plan (ID Ref: CSY/1) for your consideration.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Signed  .....

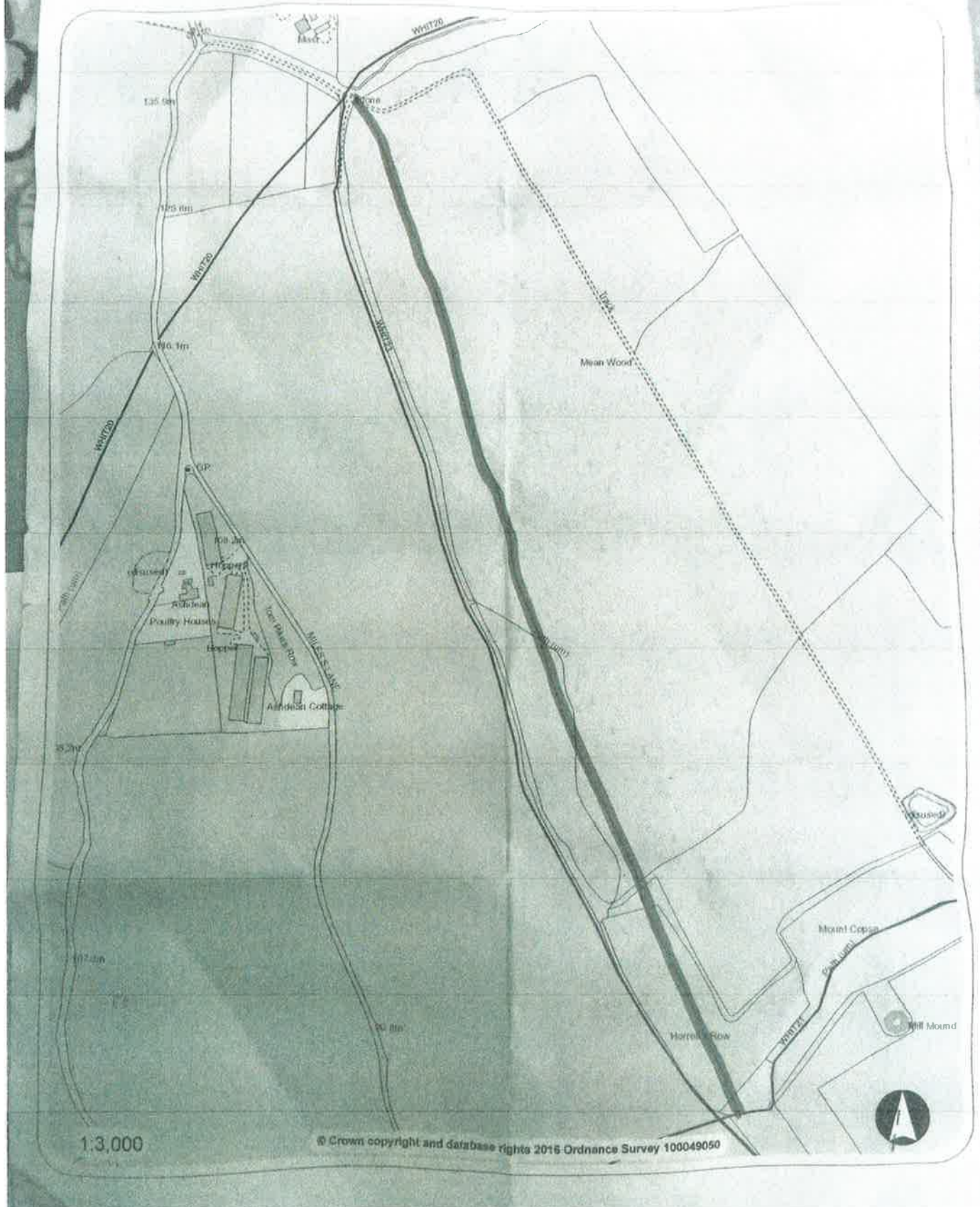
Date. 20-01-2017

CHRISTOPHER SCOTT YATES



ID REF: CS7/1





path.JPG


1/18/2017

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

George Lazarus

18/01/17

27

  
Common Road  
Whiteparish  
WILTS  
SP5 2RE

  
Occupation: Agricultural Engineer

DOB: 26/09/69

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement. The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it, ending close to where path 23 meets path 20.

Since moving to the village 19 years ago and being a keen dog walker I have always been aware that there was no official footpath through Mean wood along the red line shown. Though I would occasionally use this route in the knowledge I was perhaps trespassing as the route was not shown on the map as a footpath.

When later, about 10 years ago I met the land owner Mr Newman he told me that it was a private wood with no public right of way and that the path was permissive. He was kind enough to give me and anyone accompanied by me permission to use the path shown.

I only occasionally walk this route, perhaps a couple of times a year, the last time being autumn 2016 and do not recall meeting anyone on this path.

I feel there are more than enough official footpaths in the countryside and particularly in this case where there is one a matter of a few meters away from the path shown. Whiteparish is particularly well served for those who want a woodland walk with complete open access to the vast Common Wood on their doorstep.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

George Lazarus







[REDACTED] Ash Hill Common,  
Sherfield English, Romsey, Hants.

SO51 6FU. 22<sup>nd</sup> January 2017

Dear Sir,

Re: Pathway through Mean Wood, Whiteparish, Salisbury.

I am Tricia Barker and I have lived at the above address (which in fact is in Wiltshire within the parish of Whiteparish) since 1980.

I am aware of an application to create a new public footpath through Mean Wood.

I am not connected to the owners of this land, but I do own the field next to the top of the proposed path.

I first walked through Mean Wood in the mid 1980s when I was taken through by Mrs Sue Newman. Mr and Mrs Newman gave me permission to use the path through the wood and I was always aware it was their private woodland. I sometimes met Mrs Newman in the woods and was always made welcome. I used the path more frequently when my daughters were younger. I last went through the wood in 2015.

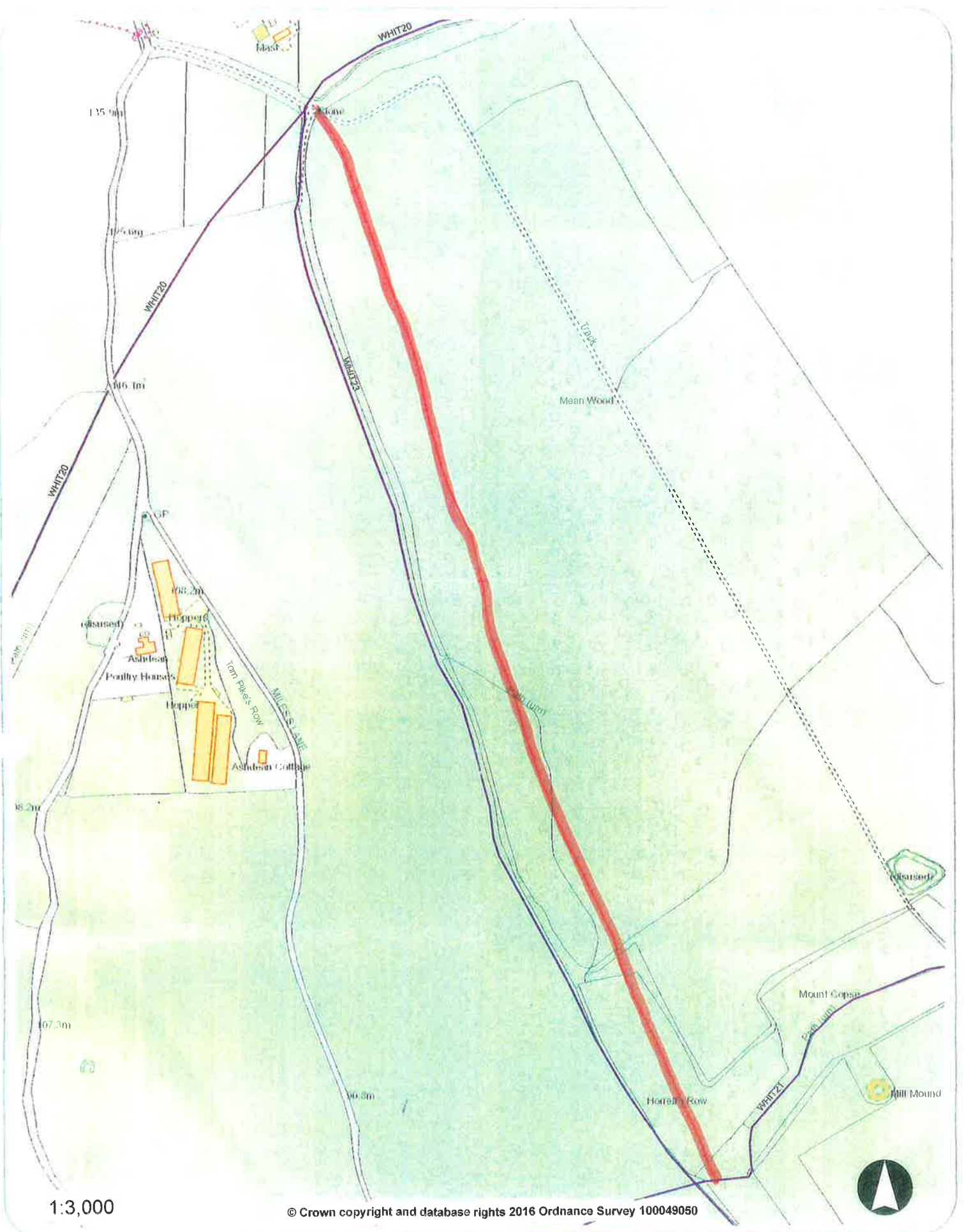
I sometimes saw other people in the woods, but it was not my place to ask if they had permission, I would have assumed that they had as it was the Newmans' private land and not a public path.

I am enclosing the plan of the proposed pathway and on it I have initialled TB the land that belongs to me. I have marked on this map the actual route taken by footpath Whit 20. This footpath joins Whit 23 on the southern boundary of my land and runs up the eastern side. It was in that position when I bought the land 20 years ago. The dense thicketing, trees and badger setts making it clear then that the path did not run as marked on the plan.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

[REDACTED]  
Tricia Barker 22<sup>nd</sup> January 2017

01794 884286



29

Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Thomas William Wood  
[REDACTED]  
Winchester  
Hampshire  
SO22 4LN

20 January 2017

Dear Sally Madgwick

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

Telephone [REDACTED]

Clerk To Chambers

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.  
The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it ending close to where path 23 meets path 20.

Between May 1988 and 2007 I lived at my parents home at 2 Hillside Cottages , Whiteparish, Salisbury, SP5 2QX which is close to Mean Wood. During that period I walked in the woods using the path in the attached plan with my parents, while younger, and in later years on my own or with my brothers. Access to the wood and the path were with the permission, given verbally, by the landowner to my parents who also granted access to members of the family. It was made clear by my parents that the path was not a public right of way and that I could only access the path with the permission of the landowner.

Over the years, while at home, I used the path often mainly during summer months. When I visit my parents I will still take advantage of the path through the woods. I last walked the path with my wife over the Christmas period.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours Faithfully

Thomas William Wood  
[REDACTED]

WHITEPARISH  
VILLAGE MAGAZINE

MARCH 15.

### **Mean woods footpath closure. Dean Hill.**

It is with great sadness that we now see the owner of Mean Woods now closing the permissible footpath through this particularly lovely stretch of woodland. During the last ten years we have resided in Whiteparish we have thoroughly enjoyed the access through Mean Woods, as I am sure generations of villagers have done for many years before.

We understand that the owners are simply trying to secure the woodland from unscrupulous nocturnal visitors who have abused this access and caused damage. However we cannot see that a bit of barbed wire fencing will keep this sort of visitor out of the woodland but it is likely to stop law abiding village walkers from enjoying their favourite ramble.

During the ten years we have used the well trodden footpath through the woods we have never seen anyone causing damage or abusing the access in any way. The closure remains particularly sad at this time of year as the small early spring flowers start to appear and blue bells make their spectacular show throughout the woodland.

Tony (The Street)

30

**Madgwick, Sally**

---

**From:** mark bailey [REDACTED]  
**Sent:** 24 January 2017 16:05  
**To:** Madgwick, Sally  
**Subject:** Fwd: Objection to footpath modification order at Meonwood Whiteparish

31

Sent from my iPad

Begin forwarded message:

**From:** Mark Bailey [REDACTED]  
**Date:** 24 January 2017 at 4:24:35 pm CET  
**To:** [sally-madgwick@wiltshire.gov.uk](mailto:sally-madgwick@wiltshire.gov.uk)  
**Subject:** **Objection to footpath modification order at Meonwood Whiteparish**

Name: Mark Bailey  
Address: [REDACTED] Bassett, Southampton  
Telephone: [REDACTED]  
Occupation: Retired  
D.O.B. 27.05.1960

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Meon Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it, ending close to where path 23 meets path 20.

I am aware that this is a permissive path over private woodland to be used only with the owners permission. It is not a public right of way. The path marked red on the plan crosses land that our shooting syndicate rents from Mr Newman.

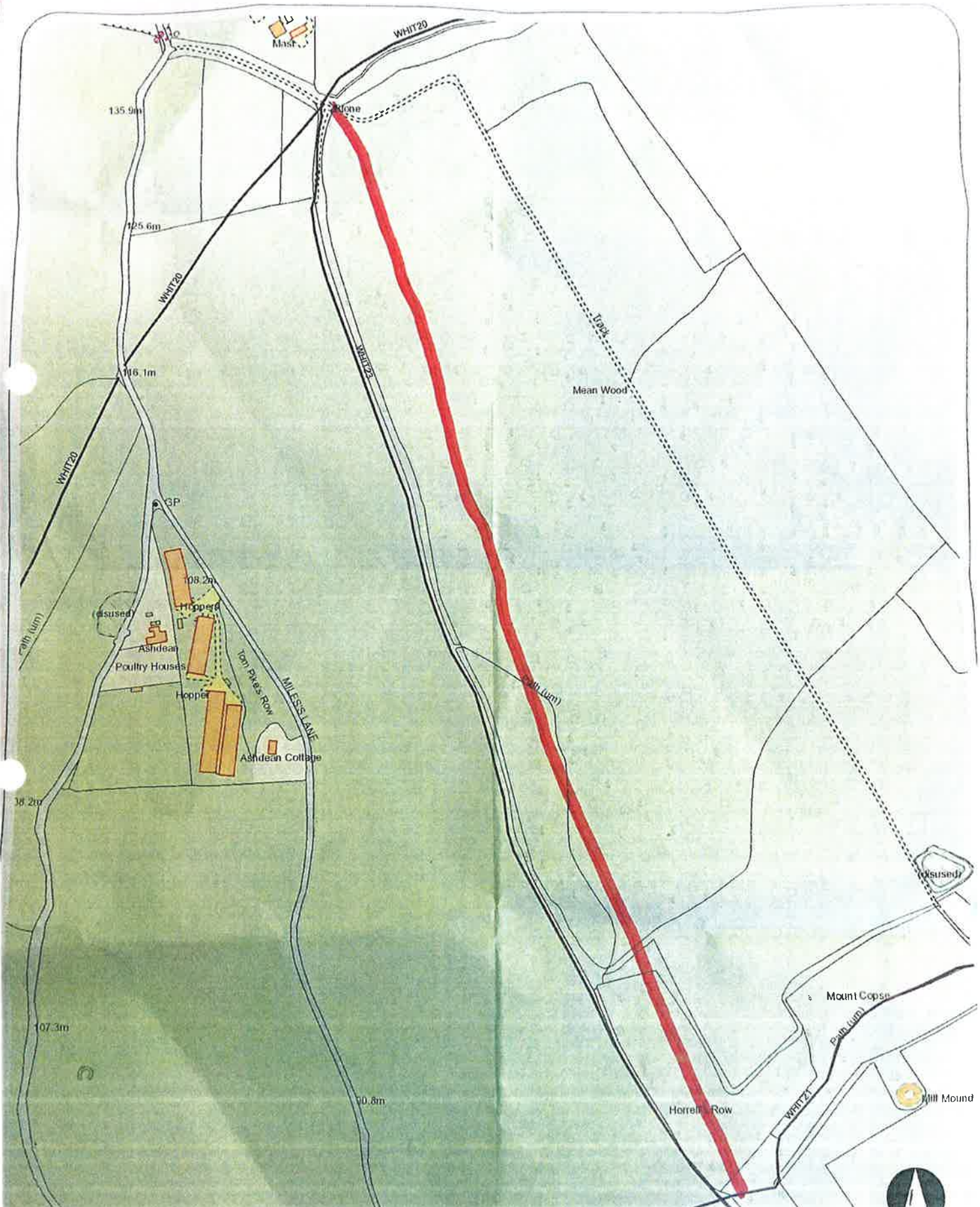
I am a member and am actively involved of the running of the Whiteparish shoot and have been so for the last 8 years. As a member I have Mr Newman's permission to walk the path which I do so on a regular basis, and can confirm that I have never seen anyone other than fellow shoot members use it.

I suspect the reason for this is twofold, firstly it is not a public footpath, and secondly on a shoot day it would be obvious to anyone that shooting is taking place, therefore making it unsafe to walk for anyone other than those involved in our shooting syndicate that have had safety briefings.

May I also bring to your attention that the possibility of public using this path could disturb wildlife species such as badgers which are protected and also nesting birds etc. Especially if accompanied by dogs that are not on leads.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Mark Bailey  
MARK BAILEY



1:3,000

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Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

E mail. [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

Date 24/01/16

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

**Jack Ward**

**[REDACTED] Totton**

**SO403LZ**

**Construction Projects Manager and Head Beater for the WPS.**

***I have been a member of the WPS since 2012 and have enjoyed, watched and have been educated in the management of the woods by the Landlords gamekeeper. I have been involved heavily in the rearing of Pheasants and the control of their habitat. Without this habit the conservation of the insects that lead to song birds and butterflies would be severely affected!!***

***I lead a team of dogs under tight control on shoot days and because of the nature of the training the dogs they are at close quarter at all times unlike other dogs owned by walkers I have observed in other areas of the Landlords farm. They have no control and cause damage to feeders and drive out ground egg laying birds. These woods are very delicate.***

***There are miles of paths for walking but the shoot is diluted into these rearing grounds. On shoot days I would be the one who would head the team and feel that there would be a safety issue. I have only met one walker who complained about the shoot and I politely issued him instructions that it was private property and also let him know as to where the guns stood and advised strongly that it would be folly to carry on his walk and to take the public footpath.***

***I am aware that this is a permissive path over private woodland to be used only with the owner's permission. It is not a public right of way and feel strongly it should stay that way.***

***I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.***

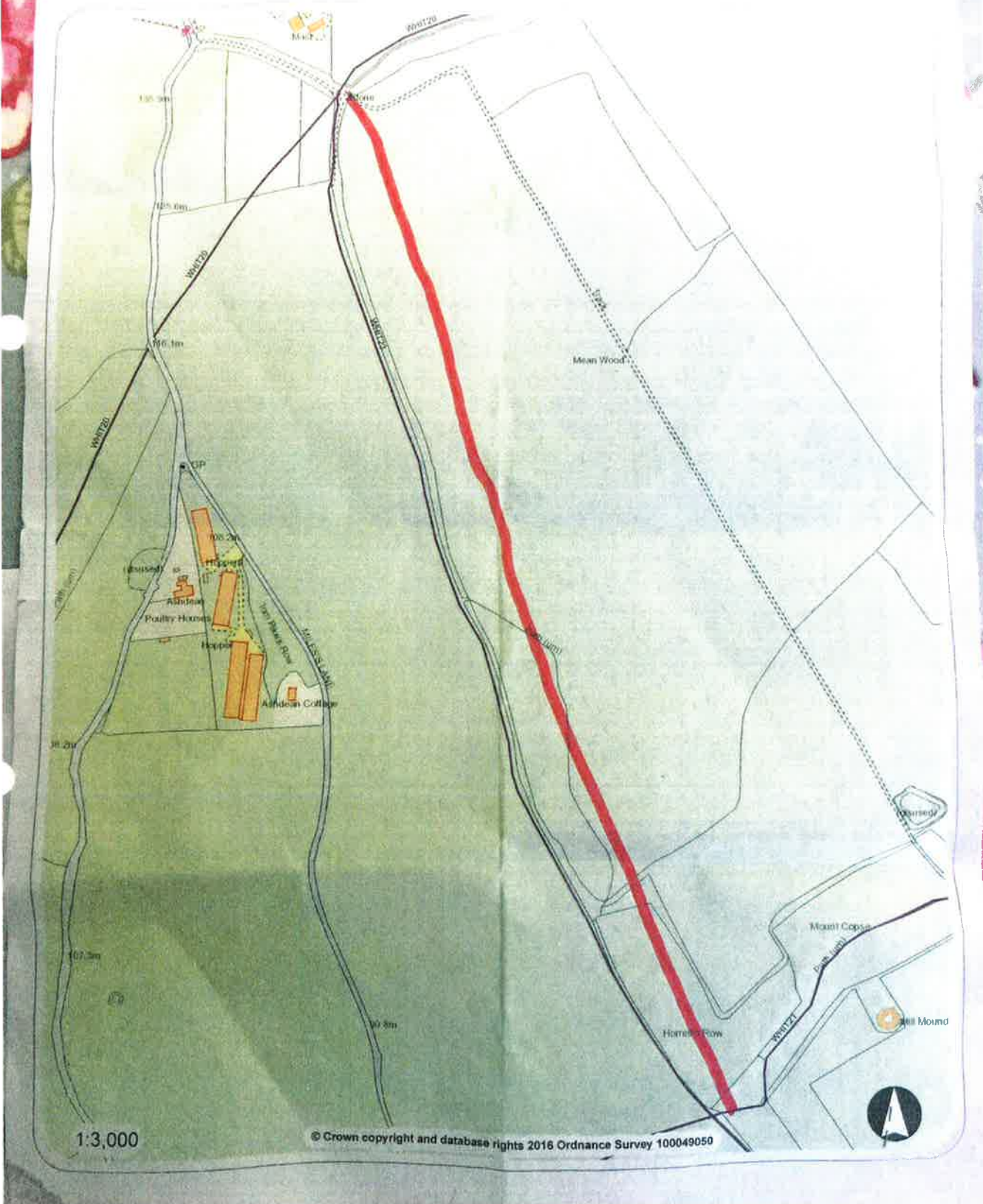
**Signed**

**Jack Ward**

**Jward**

Wiltshire

Whiteparish





[REDACTED], Landford, Salisbury, Wilts, SP5 2AD

133

Tel: [REDACTED]

24th January 2017

FAO Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Ms Madgwick,

Ref:-Objection to footpath modification order at Mean Wood, Whiteparish

I am writing to you as I have been made aware that an application has been made to add a new footpath in Mean Wood.

My name is Sean English. I am a 45 year old carpenter and a member of The Whiteparish Shoot. I grew up in Whiteparish, living at Cowesfield House Farm from 1973 when I was 2 years old. From a very young age my family were allowed to use the permissive path in Mean Wood. My father, Mr Jack English, was an acquaintance of the owner Mr Newman. Mr Newman had kindly given him permission to use this path, with the proviso that we were always to be aware of the shoot that used Mean Wood and consequently we were not to use the path or walk in the woods on Saturdays during the shooting season. All dogs were always to be under control and on a lead. I lived at Cowesfield until 1996 and my parent remained there until 1998 when my father retired. I used the path in Mean Wood regularly. The only people I can remember meeting on this path were people who, like myself had been given the landowners permission to be there. One of the people I met was Mr Glenn Barrett, who was taking over the position of gamekeeper at Mean Wood for the Whiteparish Shoot.

We would meet regularly and I began to take a keen interest in what was required to run a small shoot and also about land management and the general conservation work required.

It was several years later when I became directly involved with The Whiteparish Shoot when I joined the syndicate. All of the land used by the shoot is rented from Mr Newman. We have 3 sites which are rotated on a weekly basis throughout the shooting season. Mr Barrett manages 2 of these sites and in the last 2 years I have taken over the game keeping duties of the third site.

Shoot days at the Cowesfield site include Mean Wood. I assist Mr Barrett in running the shoot days. The path in question plays a pivotal role in one of the main drives in the shoot. The path is used by our team of beaters and some walking guns to drive the wood towards the southern end of the wood and adjacent field where the standing guns are positioned.

If this path was to become a public footpath I believe it would be detrimental to both our shoot and the natural wildlife in the wood.

Although I have not witnessed it myself at Mean Wood, I know there have been several incidences with out of control dogs chasing both the pheasants and other wildlife.

The path shaded in red on the map is within a few metres of the current public pathway. There is a fence between the wood and public path for most of its length and this helps to keep most people on the correct path.

The Whiteparish shoot have invested a lot of time and effort in the management of the woods during the 60 years it has been in existence. This benefits the local wildlife as much as it does the shoot and the pheasants. This tradition is something that members of the shoot are keen to continue with for many more years. However this would become increasingly difficult, if not impossible, should the general public and their dogs are allowed right of way through the wood.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Kind regards

Mr Sean English

24<sup>th</sup> January 2017



Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

34

24 Jan 2017

E mail. [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

Objection to Footpath Modification Order at Mean Wood, Whiteparish.

**From: Adam Wilson [REDACTED]; Barford St Martin SP3 4AT**

**01722 743741**

***I am a partner in a chartered accountancy practice, and have been an active member of the Whiteparish shoot for four years and an occasional guest of other members before that.***

I have been informed that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it, ending close to where path 23 meets path 20.

I am aware that this is a permissive path over private woodland to be used only with the owner's permission. It is not a public right of way.

The path marked red on the plan crosses land that our shooting syndicate rents from Mr Newman.

I wish to object to the application. In all my time on the shoot I have never seen a member of public using the footpath – I presume because they will have heard the shooting or been aware from other people that the wood is used for shooting.

I would consider it to be potentially very dangerous for the path to become a public footpath if shooting is being undertaken – mainly from the thought the public may not be aware that shooting is taking place and panic. The wood is quite dense and if they were to leave the footpath in haste, they would put themselves in danger, it is incredibly slippery especially in winter and many of the branches that would need to be climbed over off the path are rotten.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

[REDACTED SIGNATURE]

ADAM WILSON

24 Jan 2017



Kay Lindars and Tony Kilby,  
[REDACTED]  
Hamble,  
Hampshire, SO31 4HG.

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Sally Madgwick,  
Rights of Way and Countryside Waste and Environment,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire, BA14 8JN.

27<sup>th</sup> January 2017

Dear Ms. Madgwick,

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

We are aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to this statement.

The path starts at the southern end of the Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to footpath 23 and within 10 to 20 metres of it, ending where path 23 meets path 20.

I am aware that this is a permissive path over private woodland to be used only with the owner's permission. It is not a public right of way.

The path marked red on the plan crosses land that our shooting syndicate rents from Mr. Newman and I have been told that some people locally in Whiteparish are claiming that this is a footpath that they regularly used. In 5 years on the Whiteparish Shoot, I have never, thank goodness, seen anyone using this path other than shoot members. Due to the nature of the terrain it would be extremely dangerous for anyone not involved in the shoot to be crossing that land.

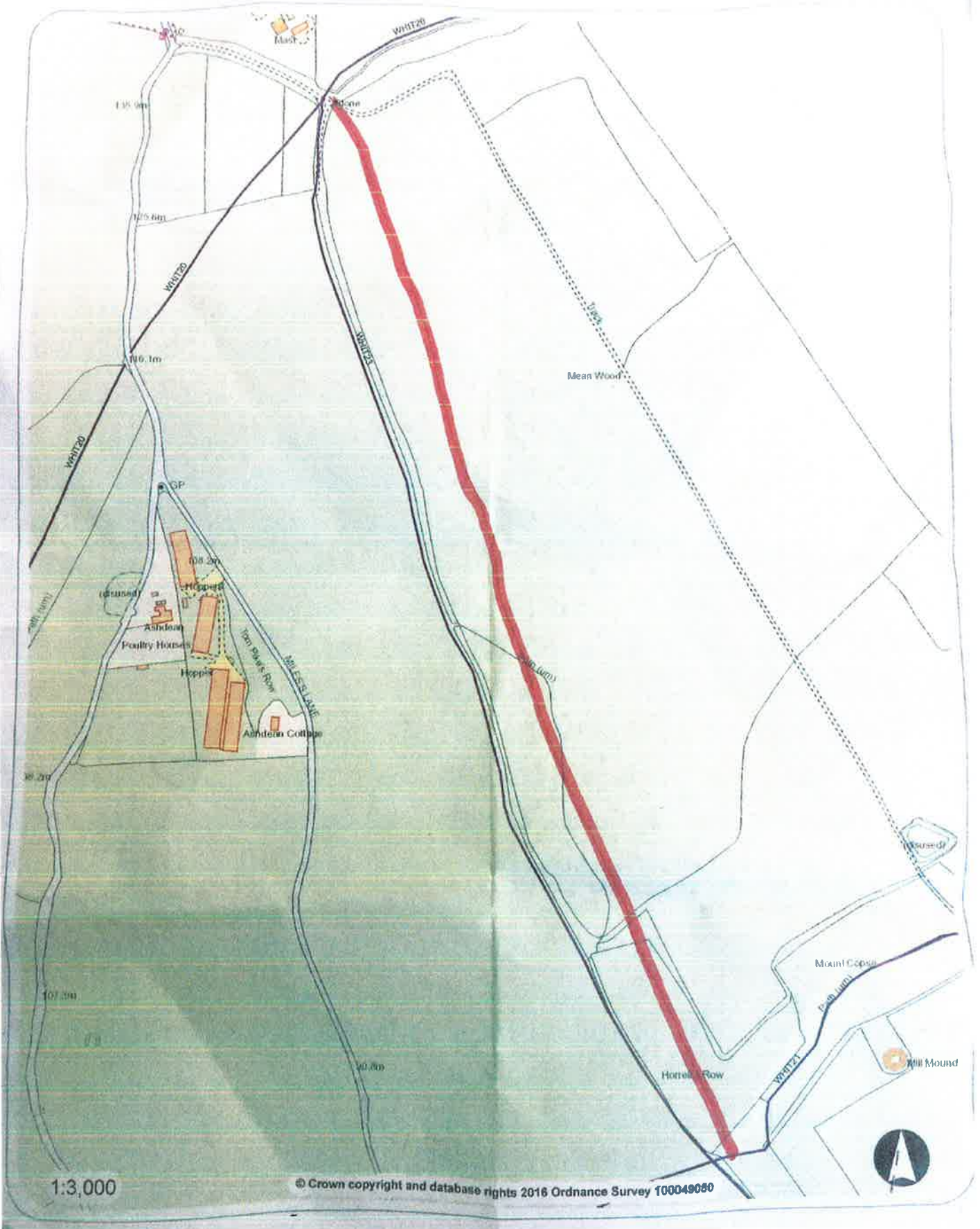
I would dissuade anyone from coming across this land without the land owners permission. Should people come onto the land with dogs who were not used to woodland and the wildlife therein they could cause untold damage to the environment which the land owner and ourselves on the shoot are cultivating.

Looking at Ordnance Survey maps of the area it would appear there are ample public footpaths in the area for use so do not understand why this permissive path needs its status modified.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours sincerely,

[REDACTED]  
Kay Lindars (Ms)



Sally Madgwick  
Rights of Way and Countryside Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

36

26-January 2017

**Objection to Footpath Modification Order at Mean Wood, Whiteparish.**

I am Alan Clark, a retired computer technician, born 3 July 1947. My address is:

[REDACTED]

Romsey  
Hampshire  
SO51 7WG

[REDACTED]

I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where public footpaths 23 and 21 cross. The path travels through the wood parallel to public footpath 23 and within 10 to 20 metres of it, ending close to where path 23 meets path 20. The path is on Mr Newman's private land and is not a public right of way. He gives permission for groups or individuals to use it especially during the bluebell season.

In the past I have been a leader of the Scouts and, later, the Boys' Brigade in Romsey. I have regularly, once or twice a year, used this footpath (marked in red on the plan) for walking with these two organisations. With the Scouts this started in the mid-80s and with the Boys' Brigade from the mid-90s until the company was disbanded about four years ago. In all cases I asked Mr Newman for permission to use his paddock and Mean Wood with the path in question.

I have also walked it on several occasions during the bluebell season with our church group, led by Mr Newman. I first attended these walks in the early 90s and the last walk I did was in 2014.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

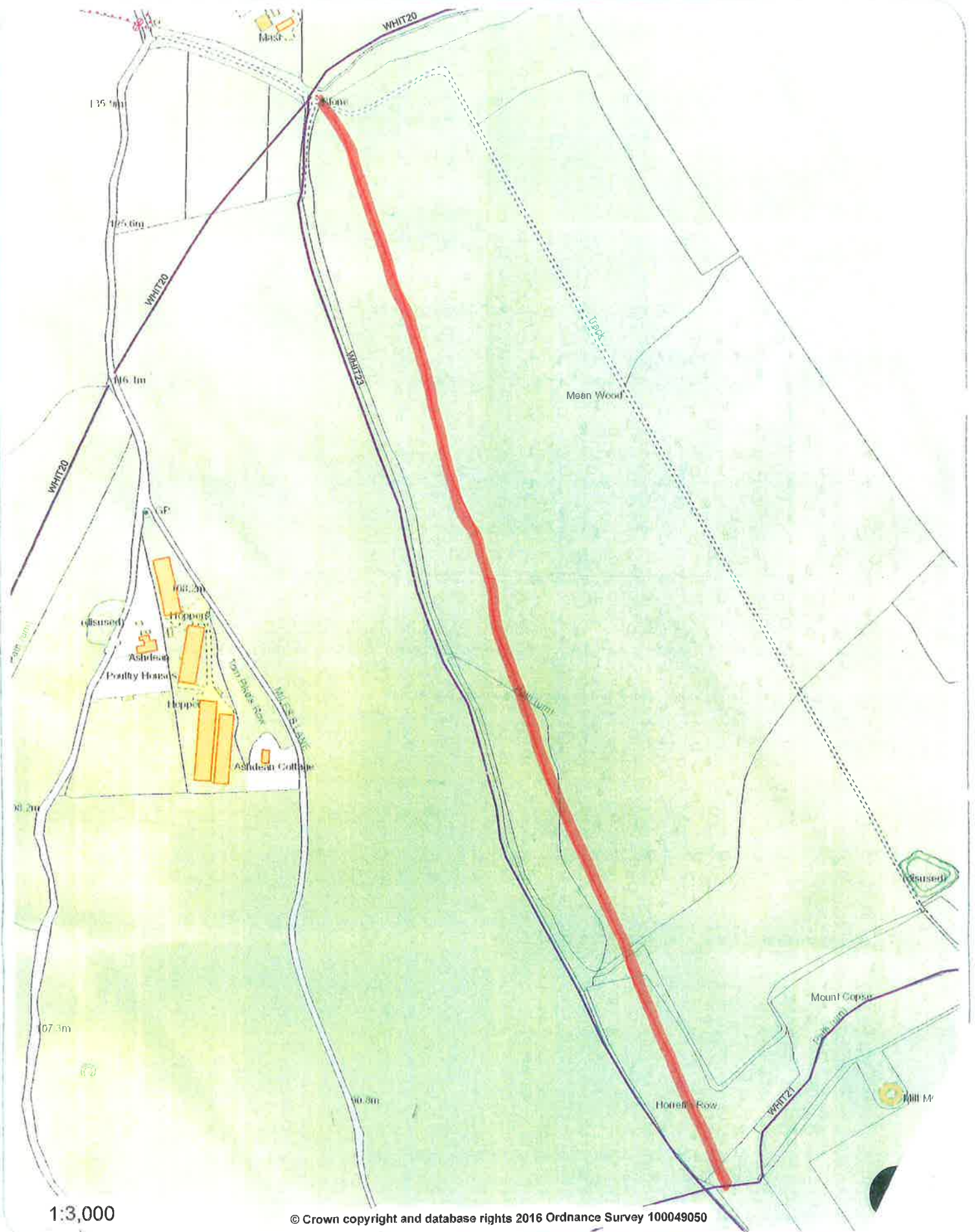
Yours faithfully

[REDACTED]

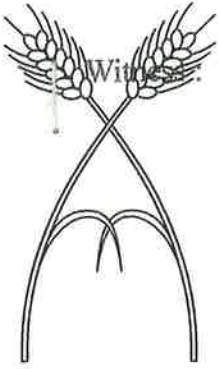
26-1-17

Alan Clark





1:3,000



# Clive Jones

Agricultural Contractor - Hay & Straw  
Dazel Farm House, Bramshaw, Lyndhurst, Hants SO43 7JN  
Telephone: 07860 616851

37

17<sup>th</sup> January 2017

**RE : MEAN WOOD**

Dear Sir,

I am the above named person and live at the address stated.

I write with reference to "MEAN WOOD". I am aware that an application has been made to add a footpath to the definitive map along the route shown in red on the plan attached to my statement.

The path starts at the southern end of Mean Wood within 10 or 15 metres of where footpaths 23 and 21 cross. The path travels through the wood parallel to the footpath 23 and within 10 to 20 metres of it, ending close to where path 23 meets path 20.

I've walked this area with friends and family for over thirty years, with the kind permission of the Owner, Mr B. G. Newman. This occurs on average six times a year. Over this period I have never seen anyone else walking in these woods.

These woods are home to rare birds and plants, i.e. Breeding Woodcock and the elusive Goshawk, which are very susceptible to disturbance.

In my opinion there is no need for another footpath, as there is an existing footpath running parallel to Mean Wood.

I hereby certify that to the best of my knowledge and belief the facts that I have stated in this statement are true.

Yours Faithfully

[Redacted signature]

C.AJONES

WITNESS

[Redacted name]

Sally Ayres

[Redacted address line]

Forest Road

Redlynch

WULS SPS 2PM.

Ms S Madgwick  
Wiltshire Council  
Rights of Way and Countryside  
Waste and Environment  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

One Glass Wharf  
Bristol BS2 0ZX  
**Tel: +44 (0)117 939 2000**  
Fax: +44 (0)117 902 4400  
email@burgess-salmon.com  
www.burgess-salmon.com  
DX 7829 Bristol

38

Direct Line: +44 (0) [REDACTED]

Our ref: AM16/GS03/9905.14/MINHI

Your ref:

27 January 2017

Dear Ms Madgwick

**Application for Footpath Modification Order regarding Mean Wood, Whiteparish**

**1 INTRODUCTION**

- 1.1 Thank you for your letter of 21 November 2016, and for extending the consultation period relating to the Application to 30 January 2017.
- 1.2 This letter relates to the application for a Footpath Modification Order regarding the route of a proposed footpath through Mean Wood, Whiteparish. Reference will be made to that Application and the route of the Proposed Footpath as shown highlighted in red on the plan at Annex 1 to this letter.
- 1.3 My client, Mr Bradley Newman and his family, is the owner of the land at Whiteparish over which the Proposed Footpath would be created, and he objects strenuously to the Application which has been made to Wiltshire Council (the Council) for the proposed Footpath Modification Order.
- 1.4 The reasons for that objection are more carefully detailed in the remainder of this letter, but are in summary:
- (a) a landowner statement and declaration were made and lodged with the Council in February 2012 under s.31(6) of the Highways Act 1980 (the 1980 Act). The statement is sufficient evidence to negative any presumed intention of the owner to dedicate any additional way not shown on that statement as a highway.
  - (b) in any event, any use of the Proposed Footpath has at all times been permissive. It cannot therefore constitute use "as of right" for the purposes of s.31(1) of the 1980 Act. That the Proposed Footpath is a permissive way is demonstrated by:
    - (i) the large number of letters the Council has received to that effect;
    - (ii) the frequent and complete exclusion of members of the public from Mean Wood occasioned by regular shoots which take place, and the evidence submitted in that regard;
    - (iii) exclusion of members of the public from Mean Wood and indeed all public or permissive footpaths on the farm during the foot and mouth outbreak of 2001; and
    - (iv) the evidence which demonstrates that any persons using the Proposed Footpath have regularly been challenged and asked to refrain from using the way.

(c) the evidence submitted in support of the Application is insufficient to amount to evidence of public user due to various flaws in that evidence which are outlined in more detail below.

1.5 For the avoidance of doubt, my client does not deny the existence of the Proposed Footpath. His objection is that any use of that path does not indicate any intent on his part to dedicate the land as highway. Accordingly his contention is that the proposed Footpath Modification Order should not be made.

## **2 LANDOWNER STATEMENT DATED 9 FEBRUARY 2012**

2.1 On 9 February 2012 my client deposited with the Council a landowner statement and declaration made pursuant to s.31(6) of the 1980 Act. A copy is appended at Annex 2. The statement identified in blue the ways that had been dedicated as footpaths on that date. The Proposed Footpath does not appear within that statement.

2.2 The effect of a statement made under s.31(6) is that, for a period of 10 years from the date of the statement, it is:

*"in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway".*

2.3 In other words, the statement is evidence that there is no intention from that date to dedicate the land as highway. An applicant must show a period of 20 years' use as of right prior to the date of the statement to fall within the presumed intent of s.31(1).

2.4 On the strength of this landowner statement alone, eleven of the twenty five user evidence forms<sup>1</sup> should be disregarded from your decision making as the periods of use specified within those forms do not date back to 10 February 1992. Any use after that threshold date is not capable of contributing to 20 years' use prior to the landowner statement taking effect on 9 February 2012

2.5 The user forms which should be disregarded on this basis alone are those numbered 1, 2, 5, 6, 7, 11, 13, 18, 19, 22, 23 and 24.

## **3 LANDOWNER PERMISSION**

3.1 Any use of the Proposed Footpath dating back to the early 1950s has been with the express or implied permission of the landowners, my client Mr Bradley Newman and his family, and previously his father Mr Gerald Newman. This is demonstrated primarily with reference to the witness statement of Mr Bradley Newman contained at Annex 3 this letter.

3.2 This statement explains that:

- (a) employees of Mr Newman and his father, present on the farm for significant periods, have regularly challenged users of the Proposed Footpath within Mean Wood;
- (b) various community and other local groups have used the path in an organised manner with the express consent of the landowners; and
- (c) regular shooting activities throughout the year exclude users from Mean Wood and the Proposed Footpath on a regular basis.

3.3 These matters are corroborated by the other statements and letters forming part of Annex 3 which have been submitted to the Council by:

---

<sup>1</sup> As included and numbered in your letter of 21 November 2016

- (a) Mrs Susan Newman;
- (b) Ms Lydia Newman;
- (c) Mr Alex Newman;
- (d) Mr Jason Newman;
- (e) Mr Glenn Barrett; and
- (f) Mr Michael Barrett.

3.4 It is settled law that where use of a way is with the express or implied permission of the landowner, then the use of that way is not "as of right" for the purposes of s.31(1) of the 1980 Act and cannot therefore give rise to any presumed intention to dedicate the way. That permission may be express or implied was recently confirmed by the House of Lords in the case of *Beresford v Sunderland City Council* [2003] UKHL 60<sup>2</sup>. In the leading judgment, Lord Bingham (at para 5) states that:

*"... A landowner may so conduct himself as to make clear, even in the absence of any express statement, notice or record, that the inhabitants' use of the land is pursuant to his permission. This may be done, for example, by excluding the inhabitants when the landowner wishes to use the land for his own purposes, or by excluding the inhabitants on occasional days: the landowner in this way asserts his right to exclude, and so makes plain that the inhabitants' use on other occasions occurs because he does not choose on those occasions to exercise his right to exclude and so permits such use."*

3.5 That the use of the Proposed Footpath has been generally understood to be permissive by the inhabitants of the local area can clearly be seen with reference to:

- (a) the large number of statements submitted by local inhabitants indicating that they have been aware that the use of the path has been with the permission of the landowner. A number of those statements have been passed to Mr Newman as they have been submitted to the Council, and copies of those are attached as Annex 4. It is understood that in addition to the four attached statements, additional statements have been submitted directly to the Council;
- (b) those statements make it clear that other users of the path were also aware that the Proposed Footpath was used with the permission of the landowner;
- (c) the extracts of Parish Council Notes at Annex 5 from March 2015 and December 2016 demonstrating that the Proposed Footpath has been a permissive path.

3.6 That the Proposed Footpath was not open for unauthorised public use is reinforced by the alternative route which runs parallel to the Proposed Footpath and is already dedicated as a public footpath; reference WHT23. The presence of that path and others is clearly signposted, which clearly provides users of the paths in this area with clear evidence that the Proposed Footpath is not one dedicated (or intended to be) a public footpath. This is explained at paragraph 27 of Mr Newman's statement.

3.7 There is clear evidence from Mr Newman and his family's evidence that use of the path on a permissive basis stretches back at least to the 1950s. Of the evidence submitted by other parties and shared with Mr Newman (Annex 4), there is clear evidence that the permissive use of the path dates back to 1978. In either case, the evidence clearly points use of the path being with the express consent of the landowner, and use "as of right" for the purposes of s.31(1) has not accrued. Whilst detailed commentary on the user evidence submitted with the application is contained at Annex 6, it

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<sup>2</sup> It is expected that the Council will be familiar with this case, but a copy can be provided if that would assist.

is Mr Newman's submission to the Council that the small number of users that claim to have used the path without permission is not sufficient evidence for the Council to reach a conclusion that the public at large have used the Proposed Footpath on that basis. Rather, the clear indication from the evidence before the Council was that it was common knowledge amongst the vast majority of the users of the Proposed Footpath that their use was on a permissive basis.

#### **4 EXCLUSION OF USE DURING SHOOTS**

4.1 Mean Wood is used for the purposes of shooting throughout the year. During the shooting season regular shoots in the wood mean that no one could safely use the Proposed Footpath. During the off season, members of the shooting syndicate attend to animals within Mean Wood and challenge users of the path, particularly those whose dogs may cause a disturbance to the shooting stock.

4.2 Reference can be made in this regard to the statements appended at Annex 3. Of particular note in this regard are the statements of:

(a) Mr Glenn Barrett; and

(b) Mr Michael Barrett.

4.3 It is clear from these statements, that dating back to at least 1980, any person seeking to use the Proposed Footpath would have been unable to do so on a regular basis whilst the shoots were ongoing. Members of the public were regularly therefore excluded from using the Proposed Footpath. In doing so the landowner was exercising his right to exclude users from the permissive path and in doing so demonstrating that any use could not be "as of right" for the purpose of s.31(1) of the 1980 Act.

#### **5 UNAUTHORISED USERS CHALLENGED**

5.1 There are numerous references within the statements submitted in response to the Application which demonstrate that unauthorised users of the path have been regularly challenged, and either made aware that any use must be with the consent of the landowner, or asked to use alternative routes.

5.2 This is evidence by the statements at Annexes 3 and 4 of this letter.

5.3 It is clear from these statements that dating back to at least the early 1980s, any person using the Proposed Footpath was regularly challenged if not recognised as a permitted user. In doing so the landowner was exercising his right to exclude users from the permissive path and in doing so demonstrating that any use could not be "as of right" for the purpose of s.31(1) of the 1980 Act.

#### **6 USER EVIDENCE**

6.1 Annex 6 contains a series of specific comments made on the relevance of the user evidence submitted to the Council in support of the application. For the reasons outlined within that Annex, that evidence does not amount to evidence of use of the Proposed Footpath as of right at any time for the requisite period of 20 years to amount to presumed intent for the purposes of s.31 of the 1980 Act.

6.2 For that reason, it is my client's contention that there is no evidence that would allow the Council to reach a reasonable decision that the Footpath Modification Order should be made.

#### **7 SITE VISIT**

7.1 Should you wish to attend the site so that you can walk the route of the Proposed Footpath, my client would be happy to accommodate a site visit and show you the various landmarks or matters pointed to in the user evidence. Please do contact Mr Newman directly should you wish to do so.

Yours sincerely



Alex Minhinick  
Senior Associate

**ANNEX 1**

**Notice of Application**



Wiltshire Council

Wildlife and Countryside Act 1981

Definitive Map and Statement of Rights of Way for the County of Wiltshire

Notice of Application for Modification Order

To: MR B G NEWMAN, HONEYSUCKLE LODGE,  
MILES LANE, WHITEPARISH, SALISBURY SP5 2QU

Notice is hereby given that on the (insert date) 27/10/16.....I/We (please insert your name or the name of the organisation making the application) MRS JANE LAY, MRS PATRICIA WOODRUFFE, MR CHRISTOPHER BAKER, MRS TRUDI DEANE + MR PAUL WITTEGGE (please insert your full address) .....

ABBOTSTONE HOUSE, THE STREET, WHITEPARISH,.....  
SALISBURY SP5 2SH.....

made application to Wiltshire Council that the Definitive Map and Statement for the area to be modified by:-

**Adding** the footpath/~~bridleway/restricted byway/byway open to all traffic~~ (please delete the irrelevant status) **leading from** (please describe the position and route of the right of way you are referring to)

..SU 2513 2558..... TO SU 2542 2479.....

FOOTPATH FOLLOWING ROUTE THROUGH THE WOODS,

REASONABLY STRAIGHT BUT AROUND TREES AND LAND FEATURES WHERE NECESSARY.

With a width of: ..... AVERAGING ONE METRE.....

The route of the right of way is shown on the attached map.

Dated 27.10.2016.....

Signed

*chBu*  
*Jane Lay*  
*Trudi Deane*

For a definition of the various categories of rights of way please see overleaf.

For further information please contact the Rights of Way and Countryside Section, Waste and Environment, Wiltshire Council, Bythesea Road, Trowbridge, BA14 8JN 01225 713044/713392



1:3,000

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**ANNEX 2**

**Landowner Statement**

**Statutory Declaration**

**Section 31 (6), Highways Act 1980**

I B G Newman DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I am and have been since 30<sup>th</sup> June 2004 the owner of the land known as Upper Cowesfield Farm more particularly delineated on the plan accompanying this declaration and thereon edged red.
2. On the 9<sup>th</sup> (day) day of Feb 2012 (month, year) I deposited with Wiltshire County Council, being the appropriate Council, a statement accompanied by a plan delineating my property by red edging which stated that the ways coloured blue on the said plan had been dedicated as footpaths the ways coloured green on the said plan had been dedicated as bridleways.
3. No additional ways have been dedicated over the land edged red on the plan accompanying this declaration since the statement dated 9<sup>th</sup> Feb 2012 (day, month, year) referred to in 2. above and at the present time I have no intention of dedicating any more public rights of way over my property.

AND I MAKE this solemn declaration on the 17<sup>th</sup> (day) day of Feb 2012 (month, year) conscientiously believing it to be true and by virtue of the Statutory Declaration Act 1835.

Declared at  
(address) 46 The Green  
Avonmouth  
.....  
.....

Signed: [Signature]  
(signature of landowner)

Before me [Signature]


(Commissioner for Oaths or a Justice of the Peace or Solicitor)

**Deposit Of Statement And Plan**

**Section 31 (6), Highways Act 1980**

To Wiltshire County Council:


1. I am and have been since 30<sup>th</sup> June 2004 the owner within the meaning of the above section of the land known as Upper Cowesfield Farm more particularly delineated on the plan accompanying this statement and thereon edged red.
2. The aforementioned land lies in the parishes of Whiteparish.
3. The ways coloured blue on the said plan have been dedicated as footpaths.
4. The ways coloured green on the said plan have been dedicated as bridleways.
5. No other ways over the land have been dedicated as highways.
6. The deposit shall comprise of this statement and accompanying plan.

Signed  .....

Name Bradley G Newman

Address Honeysuckle Lodge, Miles Lane, Whiteparish, Salisbury, Wiltshire. SP5 2QU

Date 09.02.12.

Signed (witness) 

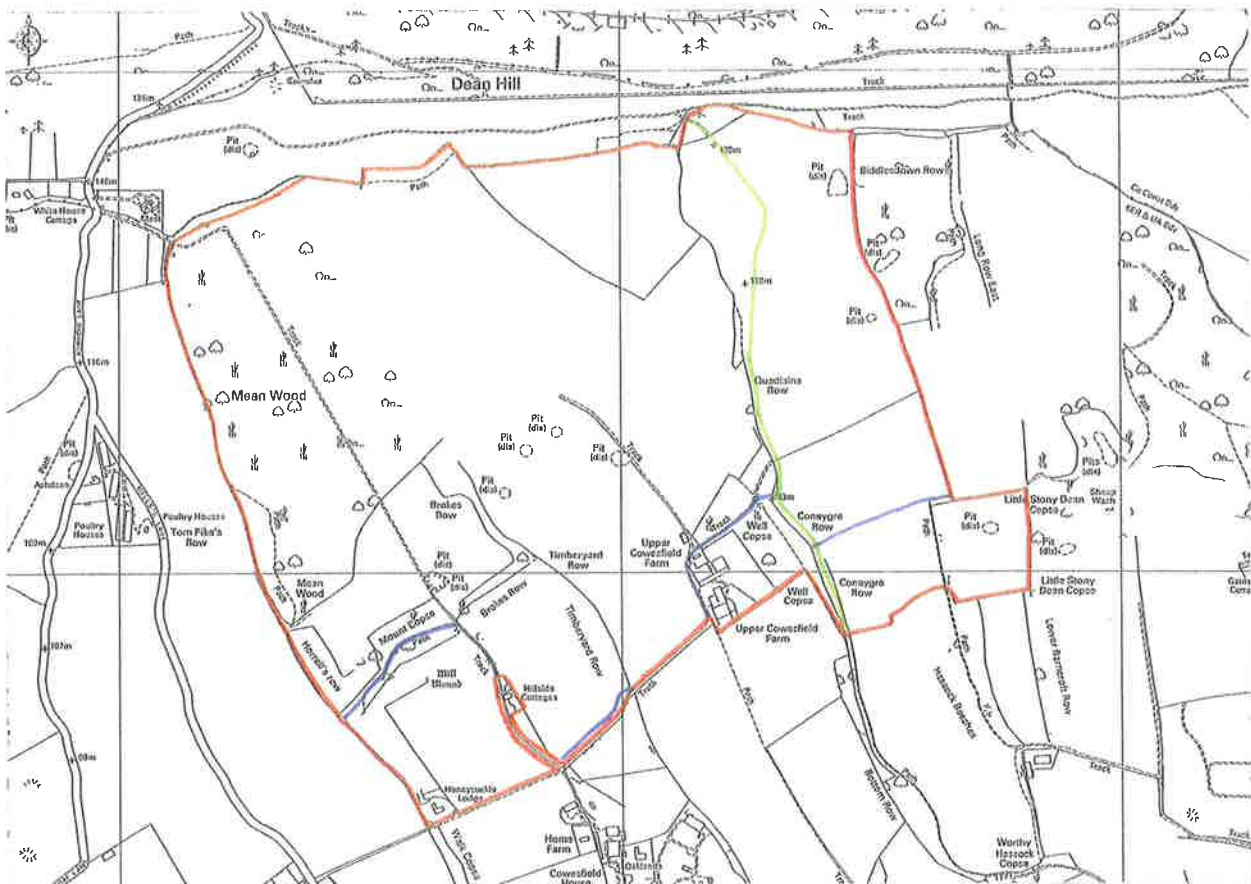
Name (witness) H.H. ALFORD

Address ~~Redmill Lane~~ THE RIDGE, LUDFORD FARM, SALISBURY SP5 2HH

Occupation Secretary

Upper Covesfield Farm

  
SMITHSGORE



*[Handwritten signature]*  
T.C. Welch

**ANNEX 3**

**Witness Statements of Mr Bradley Newman, Mrs Susan Newman, Ms Lydia Newman, Mr Alex Newman, Mr Jason Newman, Mr Glenn Barrett and Mr Michael Barrett**

## STATEMENT OF BRADLEY NEWMAN

### APPLICATION FOR MEAN WOOD FOOTPATH MODIFICATION ORDER, WHITEPARISH

1 My name is Bradley Gerald Newman and my address is [REDACTED] Honeysuckle Lodge, Miles Lane, Whiteparish, Salisbury, Wiltshire SP5 2QU. I am a farmer by profession, born [REDACTED] 3<sup>rd</sup> February 1953, and my contact telephone numbers are [REDACTED] and [REDACTED].

2 I object to the making of the proposed footpath modification order relating to the proposed footpath shown red on the attached plan.

#### Background

3 Mean Wood is part of our farm situated on the North West boundary. The farm is called: Upper Cowesfield Farm, Miles Lane, Whiteparish. Salisbury Wilts.

4 My father, Gerald Lewis Newman, bought the farm in the early 1950s soon after the end of the war. I have been involved in the farm since the mid 1960s. I went to the Royal Agricultural College in 1971 and became involved in running the farm once I left college in 1974.

5 I worked with my Father for about a year until he had a heart attack in 1975 after which he was unable to do physical work.

6 I was responsible for managing the farm and staff, drilling, spraying and fertilizing the crops and storing the corn at harvest. I helped with the silage and haymaking and during the winter feeding the young stock and helping with the dairy herd elsewhere.

7 I was on the farm every day of the year except when on holiday.

8 Before we moved to Honeysuckle Lodge I lived at Woodfalls, Sherfield English Romsey, Hants with my parents and then moved to Maydene Forest Rd Hale, Salisbury, Wilts for 2 years after we were married and whilst we were building Honeysuckle Lodge.

9 I moved onto the farm to live in 1981 having built Honeysuckle Lodge on the south west edge of our holding. The farm grows arable crops and rears dairy heifers.

10 My father lived away from the farm and relied on farm staff, hurdle makers, and keepers to keep an eye on the woodland etc. The farm and woodland is let to a shooting syndicate. Members are around for much of the year and are responsible for turning away trespassers, including Mean Wood.

11 I can remember Jack Chant who lived on the farm in a caravan with his two terriers. He was a builder but fell on hard times after he had a protracted illness. He asked if he could live on the farm as he was homeless. Father gave him permission.



- 12 Although he didn't work for us he was a sort of night watchman come security man. I can remember one occasion when he was attacked by a group of men who were illegally hare coursing. He must have moved in during the late 1960s.
- 13 We still have trouble from time to time with people illegally trying to shoot deer at night with rifles.
- 14 With regard to Mean Wood Jack Chant used to control pigeons, rabbits and squirrels. He spent quite a lot of time in Mean wood and actually died of a heart attack in the wood whilst pursuing his favourite hobby. In addition to shooting he was on the lookout for accidental trespassers.
- 15 In addition to Mr. Chant, Mr. Holland May was a hurdle maker and spar maker. He also worked in Mean Wood during the 1970's and 1980's. He was also on the lookout for accidental trespassers. Mean Wood is described as "Ancient Semi Natural Woodland." The key features are broadleaved trees such as oak and beech and hazel coppice. The hazel coppice has been used for centuries to make wooden hurdles for sheep fencing and garden decoration and wooden spars for fixing thatching to thatched houses.
- 16 Captain Hamilton lived in West Dean around 1970 to 1990 I can't remember the exact dates. He also had permission from my Father to walk Mean Wood. Apart from trespassers he was concerned in a public spirited sort of way with the security of RNAD Dean Hill. He looked after Mean Wood for us and reported odd goings on to the military Police. Again he informed people that the path was permissive and not a Public Right of Way. His catch phrase was "Fore warned is forearmed". He walked Mean Wood several times a week as he was retired and I occasionally came across him on the farm whilst I was working. He used to 'phone if he came across anything or anyone.
- 17 Mrs. Butler operated Ashdene Poultry Farm, Miles Lane, SP5 2QU. She had permission to walk in the Mean Wood with her friends and dog. Once again she kept an eye open for trespassers.
- 18 In 1982 Jim and Olive Gallagher and family moved into 1 Hillside Cottage, Miles Lane Whiteparish. I can remember the date because it was just after my son Jason was born. He had retired from the Ordnance Survey in Southampton. Jim and his family had a dog. They loved the countryside and walking. Again Jim walked the path regularly and challenged trespassers telling that the woodland and path were private.

### **Use of the path**

- 19 My personal use of the path increased significantly once we moved to Honeysuckle Lodge. This was in June of 1981. It made a good walk with the dog and weekend walks with our children and their friends as they grew older.

- 20 During the summer I walk it around four times a week and probably three times in the winter. I normally walk up the path to the top of Dean Hill and return via the farmland. Obviously I trim back the brambles and twigs from time to time as required. I rarely met anyone and if I did it was someone I knew. If time is short or it's getting dark I just walk to the top of public footpath 23 (Dean Hill mast) and back again. I still do and meet a few people on path 23.
- 21 During the 1980's, probably from around 1980 until 1992 we helped run a youth group for our church in Woodfalls. They came for lunch once a month on a Sunday and we often walked the Mean Wood path in the afternoon with the group and other leaders. Sometimes we walked with them and sometimes we didn't. Once or twice we had a weekend camp for them in the garden and they had fun in the woods and walked the path.
- 22 Mean Wood is famous for its blue bells. In early May we organise a Charity walk for all the Romsey churches and include people from Landford and sometimes Whiteparish. Folk ask to return during the year with their friends. It's a sort of blanket invitation.
- 23 Because of the Blue bell walk Mean Wood and the path became fairly well known. The Boys Brigade in Romsey asked if they could come for a Bank Holiday camp and use Mean Wood and the path. They have been several times over the years. This evolved into the Romsey Scouts coming. The leader of local brownies 'phones up from time to time to ask if she can come and walk through the Blue bells with the Brownies and their families. They are fairly regular.
- 24 During the 1980s I was persuaded to help with the Whiteparish Cub Pack by the leaders, Anne and Bob Meehan who lived in Denmans Miles lane Whiteparish, Salisbury Wilts. They have since moved away.
- 25 During this period and after I retired from the club Anne asked for permission to take the children and their families into the wood most years to see the Bluebells. On at least one occasion she asked permission to take them up through the woods with their families to watch the hurdle maker at work. Other village groups have asked for permission from time to time.
- 26 During the blue bell season many of the locals walk through the wood to enjoy the orchids and bluebells. This is a relatively short season probably from the middle of April to the middle of May. Of course, many of the folk will have had personal permission were as some may have relied on past permission from the Cubs or Brownies etc.
- 27 All the local public foot paths were and are clearly marked with the public foot path bright yellow arrow signs normally on a white background. The public footpaths were clearly marked on the Whiteparish website map. They were clearly marked on all relevant ordinance survey maps.
- 28 During my walks I rarely met anyone on the path although there was evidence of occasional human foot prints, badgers, deer etc. I challenged anyone I didn't know.