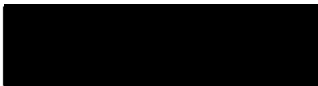


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APPENDIX B

HIGHWAYS ACT 1980 & WILDLIFE AND COUNTRYSIDE ACT 1981

DIVERSION OF TISBURY FOOTPATH No. 83

Name	Signature	Date	Approved Yes/No
Richard Broadhead Rights of Way and Countryside Manager		29/04/17	Yes
From:	Sally Madgwick Rights of Way Officer		
Date of Report:	28 April 2017		
Return to:	Sally Madgwick (Ext. 13392)		

SUMMARY:

- 1 Wiltshire Council has received an application to divert the public footpath Tisbury 83 from its course through the grounds of Wardour Primary School, past St Annes Cottage and The Priory to a route to the north east avoiding the curtilages of the aforementioned properties.
- 2 The application has been made by the owner of The Priory and is supported by the other affected property holders. The application is accompanied by a full report on a consultation carried out to assess the feasibility of the application and to seek the views of local people.
- 3 The consultation was conducted by the applicant's agent under the auspices of Wiltshire Council. Accordingly it is considered that the consultation meets the requirements of the legislation with respect to consulting other local authorities and statutory undertakers.
- 4 A full report has been submitted to the Council and is presented here. It is considered that it has fully addressed the responses that were received and that Wiltshire Council should proceed and make an Order under s.119 of the Highways Act 1980 to divert the path.
- 5 It should however be noted that the proposed diversion generated an unusual amount of correspondence and interest for a diversion and that although the applicant has worked with local people and the Senior Rights of Way Warden, Nick Cowen, to address concerns, it is possible that the Order will attract objections when made. The applicant is aware of this.
- 6 The making and confirmation of an Order under s.119 of the 1980 Act involves different and distinct legal tests to be applied. Although it is hoped that the proposal has met and satisfied all objections voiced initially (and may therefore be confirmed since it is considered that the application, where not objected to, meets the further requirements of the Act) if it does receive objections that are not withdrawn the Order must be considered by the Southern Area Planning Committee.
- 7 This Committee has the power to support the Order and to send it to the Secretary of State for determination or to abandon it. The applicant is aware of this stage in the process. In the event that the Order is abandoned the applicant will pay all actual costs relating to getting the Order to this stage. In the event the Order is forwarded to the Secretary of State the applicant will need to work closely with the Council to produce the initial submission to the Planning Inspectorate owing to the

'contracting out' of some of the Council's functions (i.e. eliciting responses from statutory undertakers, details of contact lists used etc).

8 The consultant's report that follows has been considered by officers to fully assess the impact of the diversion against the provisions of s.119. The following additional considerations are recognised and are brought to the attention of senior officers.

Risk Assessment

There are no risks to users of the path associated with the diversion.

Legal Considerations and Financial Implications

The applicant will meet costs related to the application and will meet all costs related to the confirmation of the order excluding any costs associated with sending the Order to the Secretary of State (SoS) for determination. This occurs if objections are received. The SoS may choose to determine the order by written representations (no additional cost to the Council), a local hearing (approximate cost £200-£300) or a public inquiry (approximate cost £2500). The applicant has indicated that they would like their consultant to assist with these processes. This will go some way to mitigate the cost to the Council.

As there is no statutory right of appeal for applicants, if the Council refuses to make the order the applicant would need to seek judicial review of the Council's decision. In the event this happened the cost to the Council could be high (in the region of £50000).

Equality Impact

The Council must have regard to The Equality Act 2010. This act requires (broadly) that in carrying out their functions, public authorities must make reasonable adjustments to ensure that a disabled person is not put at a substantial disadvantage in comparison with a person who is not disabled. The Equality Act goes further than just requiring a public authority does not discriminate against a disabled person. Section 149 imposes a duty, known as the "public sector equality duty", on the public bodies listed in sch. 19 to the Act, to have due regard to three specified matters when exercising their functions.

These three matters are:

- Eliminating conduct that is prohibited by the Act
- Advancing equality of opportunity between people who have a disability and people who do not; and
- Fostering good relations between people who have a disability and people who do not.

The existing route has 4 gates on it and the new route will have gates at points H and J. These will be to BS5709:2006. The reduction in gates and the specification of a British Standard for them represents a significant improvement in the accessibility of the route.

Combined Orders

Wiltshire Council may make a combined order. That is a public path order and a definitive map modification order in one order. It is the usual practice for the Council to do this as it obviates the need to make a separate definitive map modification order.

Options to Consider

- i) To make an Order under s.119 of the Highways Act 1980 and s.53 of the Wildlife and Countryside Act 1981.
- ii) To refuse the application

RECOMMENDATION

That Wiltshire Council makes an Order under s.119 of the Highways Act 1980 and s.53 of the Wildlife and Countryside Act 1981 to divert Tisbury path no. 83 and if after due advertisement no objections or representations are received the Order be confirmed and the definitive map and statement altered accordingly.

A copy of the consultant's report and the draft order is appended to this report

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**HIGHWAYS ACT 1980****WILDLIFE AND COUNTRYSIDE ACT 1981****WILTSHIRE COUNCIL****The Wiltshire Council Parish of Tisbury Path No. 83 Diversion Order and Definitive Map and Statement Modification Order 2017**

This Order is made by Wiltshire Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the Mere and Tisbury Rural District Council definitive map and statement dated 1952 as modified under the Wildlife and Countryside Act 1981 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

Tisbury Parish Council has been consulted as required by section 120(2) of the 1980 Act.

BY THIS ORDER

1. The public right of way over the land situated at Wardour Primary School and The Priory, Tisbury and shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order, after confirmation of the order, shall be stopped up on the date on which Wiltshire Council certify that work has been carried out to bring the site of the new highway described in Part 2 of the Schedule into a fit condition for use by the public and thereupon the Mere and Tisbury Rural District Council area definitive map dated 1952 shall be modified by deleting from it those public rights of way.
2. There shall be at the date of certification of the new highway described in Part 2 of the Schedule a footpath as described in Part 2 of the Schedule over land north and east of The Priory and the school, Tisbury and as shown by a bold broken line on the map contained in this order, and thereupon the Mere and Tisbury Rural District Council area definitive map dated 1952 shall be modified by adding this path to it.
3. The Mere and Tisbury Rural District Council area definitive statement dated 1952 shall be modified as described in part 4 of the Schedule to this Order.
4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

Path as shown on the plan attached hereto by a bold black line leading from point A at OS Grid ref. ST9252 2741 leading south east, east north east and south east to point G at OS Grid ref. ST9275 2723.

Approximate length: 340 metres.

Width: 4 metres on that section from O.S. grid reference ST9263-2734 leading north-west for approximately 45 metres and then south-west for approximately 42 metres, to O.S. grid reference ST9257-2735.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

Path as shown on the plan attached hereto by a bold broken line leading from point H at OS Grid ref. ST9255 2745 leading south east and south to point G at OS Grid ref. ST9275 2723

Approximate length 318 metres

Width: 2 metres

PART 3

LIMITATIONS AND CONDITIONS

Gate to BS5709:2006 at OS Grid ref. ST 9255 2745 (point H)

Gate to BS5709:2006 at OS Grid ref. ST9272 2732 (point J)

PART 4

MODIFICATION OF DEFINITIVE STATEMENT

VARIATION OF PARTICULARS OF PATH OR WAY

Parish	Number	Details	Section
Tisbury	83	<u>FOOTPATH</u> Leading from OS Grid ref. ST9275 2723 at The Priory in a north north westerly direction, across the driveway to St Annes Cottage where north west to the road approximately 50 metres north east of the entrance to the school.	53(3)(a)(i)

Limitations and Conditions:

Gate to BS5709:2006 at OS Grid ref. ST 9255 2745

Gate to BS5709:2006 at OS Grid ref. ST9272 2732

Width 2 metres

Approximate length 318 metres

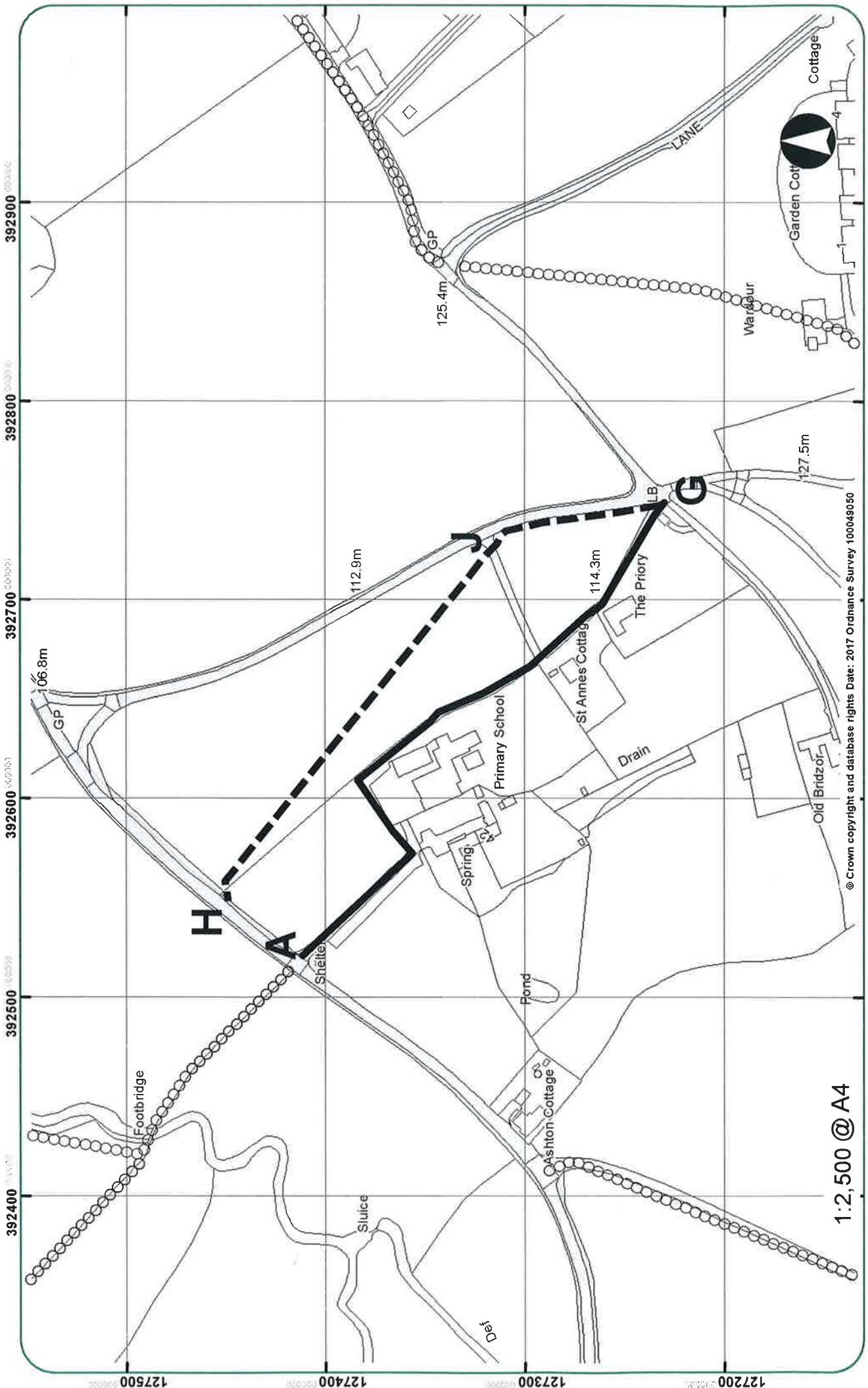
THE COMMON SEAL of }
WILTSHIRE COUNCIL }
was hereunto affixed this }
day of **2017** }

In the presence of : -

Diversion of Tisbury Footpath No. 83

Date: 28/04/2017

- Path to be extinguished A** ———
- Path to be created H** - - - - -
- Unaffected rights of way** ○○○○○○
- G** ———
- G** - - - - -
- Roads maintainable at public expense shaded grey**



1:2,500 @ A4

Consultant's Report

Highways Act 1980 s119

Application for the Diversion of Footpath No 83

Land at The Priory and Wardour Catholic Primary School

Parish of Tisbury

1. Background

Mr and Mrs J Taylor of The Priory, Wardour are applying to Wiltshire Council to divert this public footpath over their land, in conjunction with Wardour Catholic Primary School from whose land the path would also be diverted.

Under the Highways Act 1980, section 119, Wiltshire Council is empowered to make a Public Path Diversion Order where it appears to be expedient in the interests of the owner, lessee or occupier of the land crossed by the path or of the public. In addition, so that any order is capable of confirmation, the Council must be satisfied that the path will not be substantially less convenient as a result of the diversion and regard must be paid to the effect of the diversion on public enjoyment of the path as a whole.

The applicants' original proposal is set out on the plan at **APPENDIX 1** and this formed the basis of an informal consultation. A number of concerns were raised which the applicants now seek to address with a revised proposal as shown on the plan at **APPENDIX 2**.

2. Reasons for the request to divert the path

The applicants' original intention was to divert the path in accordance with the plan at **APPENDIX 1**. This shows the present route of the path as a solid black line running from point A along a section of surfaced path alongside the driveway to the school. At Point B it passes through a gate into the school's playing field, crossing the playing field to Point C. It then turns and passes behind the school buildings before leaving the school site at Point D via a gate. It then runs along the edge of a pasture field to Point E where there are two gates either side of the driveway to St Anne's Cottage which the path crosses. From there the path runs immediately in front of The Priory, passing its front door, before reaching the road at Point G.

The intention was for a new route of the path to be provided as shown by a broken black line on the plan, moving the footpath out of the school's playing field, and away from the front entrance of The Priory. Starting from Point A, the alternative route for pedestrians would be to utilise existing public highway verge outside of the school fence before entering a pasture field at Point H. It would then run diagonally though the field to exit at Point J a short distance to the north of the vehicle entrance to The Priory. The new path would have a width of 2 metres.

The diversion of the path would be in the interests of the applicants, satisfying the legal requirement contained in the Highways Act 1980 by improving their security and privacy by taking it further away from the immediate frontage of the house.

In terms of the school, the presence of walkers within the site cannot be challenged and, given that the path crosses the playing field and meanders behind school buildings, a clear risk to the safety and security of the children and the safe operation of the school presents itself. This playing field is the only outdoor recreational area available to the school and is in daily use during term times and throughout the day. Diverting the path removes this risk and enables the school to secure its site, helping to satisfy its duty of care towards the safeguarding of its pupils.

The school also contends with the frequent dog-fouling of the school site, giving concern for the health and safety of young children.

The owners of The Priory have their own reasonable concerns as to their security and privacy due to the proximity of the existing footpath to the front windows and front door of their home. The diversion would alleviate this intrusion.

It was agreed with officers of Wiltshire Council that I should undertake an informal consultation exercise, mirroring a process that it would normally do itself, ahead of making a formal application to divert the path.

3. The Consultation

Using Wiltshire Council's list of consultees and Statutory Undertakers the letter at **APPENDIX 3** was issued by way of informal consultation. A large number of responses were received, including from local individuals not directly consulted but, presumably, alerted by others. These are summarised as follows: -

i. Statutory Undertakers

No objections or plant affected

ii. Supporters

There are a considerable number of letters and emails of support (in excess of 30) from path users and parents whose children attend the school together with other individuals who support the proposal, many more than would normally be the case at this stage. These are attached at **APPENDIX 4**, and include the following comments: -

- It would safeguard children at the school. The path running through the school playground is far from ideal. Security of the children is paramount. Any person can enter the school grounds under the guise that they are on a public footpath.
- It would provide a far more interesting outlook of the surrounding hills and better appreciation of the architecture of The Priory.

- Walkers would feel more comfortable in not having to walk too close to the house and provide the applicants with more security and privacy.

iii. Objectors

There were around a dozen or so letters / emails raising objection to the proposal including one from Tisbury Parish Council and a number of local people, some of whom are members of the Tisbury Footpath Club.

The objections are attached at **APPENDIX 5** and the range of objections to the proposal can be summarised as follows: -

1. It is an ancient public right of way, part of the historic and cultural landscape, added to the Definitive Map by way of Modification Order in 1997.
2. The applicants bought the house in the knowledge of the existence of the footpath running past the house and chose to go ahead with their purchase and now wish to inconvenience members of the public.
3. The security and privacy concerns of the owners of The Priory are not valid on the basis that the footpath does not run through their garden but alongside a paddock. The applicants have created a new drive across the field so that they can now use the door fronting on to the footpath and have extended their garden into the field by cutting down part of the beech hedge.
4. Walkers would be required to walk along a road which is narrow, a danger and quite busy with traffic to the New Wardour Castle, Wardour Court, the Old Wardour Castle, local and farming traffic.
5. The new route is substantially less convenient to the public. The present route has long served as both a practical and historical link between the Catholic School, the Priory where the nuns who taught at the school lived, and the chapel where the local catholic community come together to worship.
6. The risk to the safety and security to the pupils is paranoia, that the pupils are always supervised by a teacher on the playing field, the main issue being dog muck left by inconsiderate walkers.
7. Even if there were an informal agreement between the School and the present owners of The Priory this would have no legal effect and could be revoked by a subsequent owner of The Priory
8. The private ownership of The Priory does not alter its history or the importance of maintaining the link between the various sites so that the public can walk past the various buildings and appreciate their story.

4. The Wessex Ridgeway

Some that responded to the informal consultation referred to this route as forming part of this Long Distance Walk. The owners are unaware of this and there is certainly some

doubt that this is the case. If it were the case, the promoted aspect of the route could follow the changed route of the footpath. The route itself appears to be one promoted by The Long Distance Walkers Association. It has no particular status (such as a National Trail) and the LDWA's own website indicates the route of the Wessex Ridgeway as following the roads around these properties and does not follow the public footpath. Subsequent to the recent consultation, the existing path now appears to have been waymarked as The Wessex Ridgeway through the applicant's property.

Regardless, this does not impact on the ability for the public footpath to be diverted in accordance with the Highways Act 1980 section 119.

5. Commentary

Whilst there is some degree of support for the change, both in terms of the school security and in the context of being in the interests of the owners of The Priory, the applicants do wish to address, as far as they are able, the concerns that have been raised. They fully accept that a public right of way passes over their land and are not seeking to remove it, but are also understanding that the law does allow for paths to be diverted.

The applicants' responses to each of the concerns raised are as follows: -

1. **It is an ancient public right of way, part of the historic and cultural landscape, added to the Definitive Map by way of Modification Order in 1997.**

The law allows for footpaths to be diverted however longstanding they might be.

2. **The applicants bought the house in the knowledge of the existence of the footpath running past the house and chose to go ahead with their purchase and now wish to inconvenience members of the public.**

The new route would bring benefits to members of the public in that the proposed new route is more scenic and no less convenient than the existing route. It would benefit the local community in improving the security and exposure to dog excrement of children at the school.

3. **The security and privacy concerns of the owners of The Priory are not valid on the basis that the footpath does not run through their garden but alongside a paddock. The applicants have created a new drive across the field so that they can now use the door fronting on to the footpath and have extended their garden into the field by cutting down part of the beech hedge.**

The privacy concerns are founded on the distance between the existing footpath and the front windows and front door of the Priory, which is only 2 metres, and the provision of a driveway to the front of the property is not relevant to this. Nor should the applicants be required to maintain a hedge in order to achieve an acceptable level of privacy.

4. **Walkers would be required to walk along a road which is narrow, a danger and quite busy with traffic to the New Wardour Castle, Wardour Court, the Old Wardour Castle, local and farming traffic.**

In response to the concerns raised, the applicants are now proposing a new route which means that walkers would not be required to walk on the road.

5. **The new route is substantially less convenient to the public. The present route has long served as both a practical and historical link between the Catholic School, the Priory where the nuns who taught at the school lived, and the chapel where the local catholic community come together to worship.**

The Catholic School has been consulted and is supportive of the change. Letters of support have been received from parents of pupils at the school who are also supportive of the new route. The Priory is now occupied as a private residence by the applicants. The proposed footpath would be an alternative route of equivalent distance leading to the same exit point proximate to the entrance to New Wardour Castle (the location of the Catholic Chapel).

6. **The risk to the safety and security to the pupils is paranoia, that the pupils are always supervised by a teacher on the playing field, the main issue being dog muck left by inconsiderate walkers.**

This is a subjective view of the risk but certainly parents of pupils of the school have expressed their support, referring to the safety of their children. The problem of dog excrement would be entirely removed by adopting the new route.

7. **Even if there were an informal agreement between the School and the present owners of The Priory this would have no legal effect and could be revoked by a subsequent owner of The Priory.**

When the original proposal for diversion was consulted upon the applicants had offered the School an informal route to avoid the need for children to walk along the road. As the revised proposal does not require walkers to use any part of the road this is no longer necessary. However, recognising that there are benefits to the children who attend the School to be able to have a route towards Wardour Castle from the gate on the existing public right of way, it has been agreed to provide a route from the School gate to join with the diversion route to facilitate this. This route will pass between point D and point J on the plan at **APPENDIX 2**. This is not a part of the consideration under the Highways Act 1980 and is a separate matter between the school and the applicants.

8. **The private ownership of The Priory does not alter its history or the importance of maintaining the link between the various sites so that the public can walk past the various buildings and appreciate their story.**

The law allows for the diversion of a path and it is not credible that it is necessary to walk through the school grounds in order to 'appreciate the story'.

Further to this, some place significance on the contentious process that established the recording of the path on the Definitive Map in the first place and that, as a consequence, the path should not (or cannot) be diverted. Nevertheless the same process under the

Highways Act applies to changes to public rights of way no matter how they materialised on the Definitive Map and how long they have been in existence.

This revised proposal shown on the plan at **APPENDIX 2** addresses matters as follows:-

- It maintains a safe link for those walking the continuation path from the north of Point A by use of a well-maintained 2 metre wide grass verge. As a default, many new paths created by diversion orders will provide for a width of 2 metres and that is available here.
- It removes the path entirely from the grounds of the school, allowing the school freedom to take whatever measures it feels it needs in order to safeguard children without the encumbrance of a public right of way.
- It provides a route entirely off road and also works in the interests of the owners of The Priory to achieve a greater degree of privacy by relocating the path further from the immediate surrounds of the house.
- It provides a route for the private use of the School to allow movement of children fully off road between the school and Wardour Court. This is not directly relevant to the process of diverting the public footpath under the Highways Act 1980 and allows for a separate Agreement to be formed between the owners of The Priory and the school as, jointly, they think fit.

I have met with Wiltshire Council's Area Rights of Way Officer to consider the revised proposal. In principle, he is in agreement with the proposal and has made some other suggestions which the applicants are happy to provide. These are that: -

- At Point H, there is insufficient room between the school fence and the sub-station building at the roadside to provide a full 2 metre width where it leaves the highway verge and enters the field. To overcome this, the corner section of the school fence will be relocated to provide this width.
- There is an area immediately to the rear of the sub-station where access to the field can be quite wet. By moving the access to the field a few metres north-east behind the sub-station, this problem is overcome where the ground is slightly higher.

Other works will also be required to bring the new route into existence. These are: -

- At Point H (behind the sub-station) a pedestrian gate will be provided for access through the existing fence into the field.
- At Point J, where the path exits the field, a pedestrian gate will be provided.
- At Point J, where the path continues south from the drive, a gap will be made in the existing beech hedge. A similar gap will be provided in the same hedge at Point G.
- Between Points J and G the ground will be graded to provide level walking surface.

Photographs showing the existing and proposed routes of the path are at **APPENDIX 6**.

6. The Legal Tests

i. The legal test under the Highways Act 1980 for the diversion of Footpath No 83

The Authority can make an Order to divert a public footpath if it is satisfied that it is expedient to do so either in the interests of the owners or occupiers, or of the public, or both.

In this case there are strong arguments that it is expedient in the interests of the two owners that the path be diverted and for differing reasons. For the owners of The Priory, this allows them to move the path away from the front entrance to their home. As a direct consequence it allows them a greater degree of privacy and, to some extent, security, for them to enjoy their home without preventing the use of the path by the public wishing to access the countryside or surrounding amenities.

For the school, the interests are very straightforward given that the current path meanders through the school grounds and across its playing fields and, in cases such as this, most would accept that, wherever there is opportunity to do so, paths should be removed from that situation to allow for pupil safeguarding or at least reducing the opportunity for unlawful activity. The owners of The Priory are happy to assist in providing the alternative route of the path so that this aim can be achieved.

A diversion must not alter a point of termination of the path if that point is not on a highway, or otherwise than to another point which is on the same highway, or a highway connected to it, and which is substantially as convenient to the public.

In this case, a point of termination will be altered from point A to point H but that point will be on the same highway and will be substantially as convenient by virtue of there being a wide, level grass verge available for public use, for the distance of 47 metres between the two. By altering the termination point from point A it does remove any potential conflicts with vehicle movements with cars and delivery vehicles entering the school premises at the same point.

ii. The confirmation test under the Highways Act 1980 for the diversion of Footpath No 83

The confirmation tests for a diversion order are: -

That the new path should not be substantially less convenient to the public

The existing route and the new route of the path are almost identical distances so there is no inconvenience in terms of length walked. There are 4 gates to be negotiated on the existing route with only 2 on the proposed route. Walking from J toward H provides excellent views into the distance of the surrounding landscape.

That it is expedient having regard to the effect of public enjoyment of the path as a whole

It will enable traffic free use of the path by the public throughout its length, and without the concerns that many have expressed of the discomfort of walking through the grounds of a school and immediately adjacent to a residential property.

The effect on other land served by the existing way

One of the objectors, who lives next door to The Priory at St Anne's Cottage, stated that for her to use the new footpath is less convenient as it will mean walking along her drive to reach Point J before joining the path. This is not considered a major inconvenience balanced with the interests of the School and its pupils and the owners of The Priory.

No other land holding is directly affected.

The effect on land over which the way is created?

The path to be created will be entirely on the land owned by the applicants, save for a very small corner of school land where the fence will be amended to allow a full 2 metres width to access the field at Point H. The school supports the change.

7. Rights of Way Improvement Plan Considerations

There are no impacts that work contrary to the aims of Wiltshire's Countryside Access Improvement Plan 2015-2025.

8. The Equality Act 2010

In considering this application the Council's responsibilities under the provisions of the Equality Act 2010 have been taken into account. There are no impacts on those with disabilities with conditions on the ground being similar for both routes and for other paths in the immediate area. There will be a reduction in the number of gates to be negotiated from 4 to 2.

9. Other factors

Although not yet in place, and as part of a package of reforms, the Government has taken account of concerns and has drafted guidance, the effect of which would be that local authorities should be mindful to divert paths if there is a reasonable alternative route to be provided or extinguish paths where there is a reasonable alternative available, where existing routes pass through gardens, working farmyards, schools and commercial premises. This is a primary example of such a route that the proposed guidance is intended to cover and one where a satisfactory, safe and suitable alternative route is to be provided for public use.

10. Works

The works to be carried out ahead of any confirmation of a diversion order are as listed above, have been agreed in principle, and will be completed to Wiltshire Council's satisfaction.

11. Costs

The administrative fees and advertising charges associated with this process and any works to bring the new route into effect will be borne by the applicants.

12. Overall Conclusion

The applicants feel they have now taken full account of the major concerns raised by those that raised objection to the informal consultation. Other points raised about the knowledge of the existence of the path, how it came to be included on the Definitive Map and the questioning of the change being in the interests of the applicants are either not relevant to the legal tests set out in the Highways Act 1980 section 119 or they cannot be overcome.

The diverted route of the path will be an almost identical length to the existing and achieves the same start and finishing points. There will be fewer gates to negotiate.

Overwhelmingly, it resolves the problems of the path through the school site.

Wiltshire Council's Rights of Way Officer for the area has no in-principle concerns about the change and all of his suggested alterations will be accommodated.

Mike Walker
Director
April 2017



APPENDIX 1 PLAN OF ORIGINAL PROPOSAL

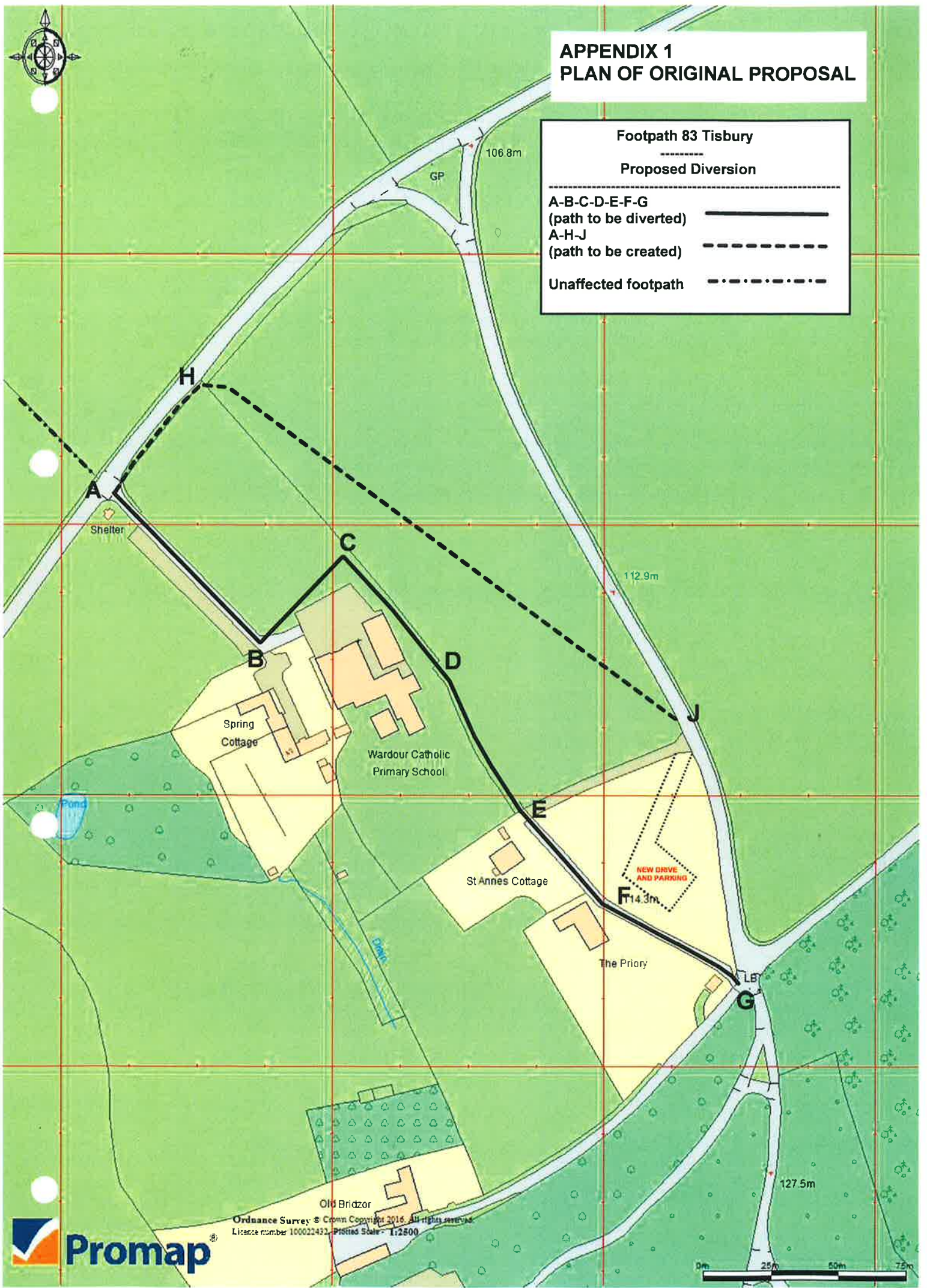
Footpath 83 Tisbury

Proposed Diversion

A-B-C-D-E-F-G
(path to be diverted) **—————**

A-H-J
(path to be created) **- - - - -**

Unaffected footpath **- · - · - · -**





APPENDIX 2 PLAN OF REVISED PROPOSAL

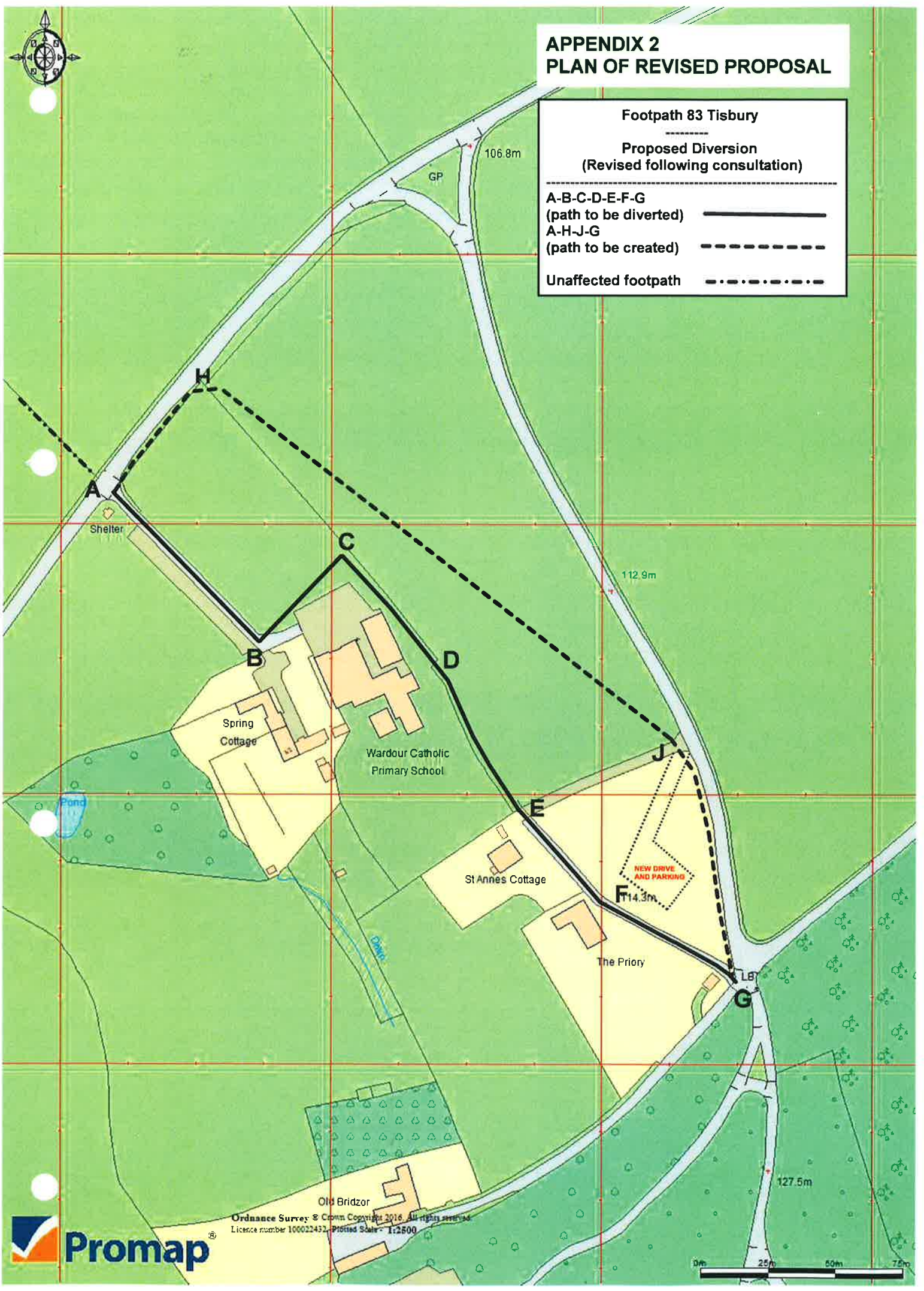
Footpath 83 Tisbury

Proposed Diversion
(Revised following consultation)

A-B-C-D-E-F-G
(path to be diverted) **—————**

A-H-J-G
(path to be created) **- - - - -**

Unaffected footpath **- · - · - · - · -**



August 2016

Dear

**HIGHWAYS ACT 1980 S119
PROPOSED DIVERSION OF PUBLIC FOOTPATH NO 83
PARISH OF TISBURY**

I am acting for Wardour Catholic Primary School and Mr and Mrs Taylor of The Priory (the applicants) who are applying to Wiltshire Council for the diversion of this public footpath.

Wiltshire Council is currently undertaking a trial, enabling consultants such as myself to carry out some of the administrative processes ahead of any decision by the council to make a Diversion Order. This is intended to make best use of the council's resources. The Council has agreed that I may write to you and I hope that you do not mind me contacting you accordingly.

Before being in a position to make a decision on a diversion, Wiltshire Council undertakes a consultation process to ascertain the views of path users and to identify any issues which can be addressed before an Order is made. I am therefore setting out the details of the proposal so that you may comment ahead of further consideration by the Council.

As you may know under the Highways Act 1980, Wiltshire Council is empowered to make a Public Path Diversion Order where it appears to be expedient in the interests of the owner, lessee or occupier of the land crossed by the paths or of the public. In addition, so that the Order is capable of confirmation, the council must be satisfied that the path will not be substantially less convenient as a result of the diversion and regard must be paid to the effect of the diversion on public enjoyment of the path as a whole.

Referring to the attached plan: -

- The full length of Footpath No 83, Tisbury would be diverted, shown as a solid black line. At present the path runs from point A along a section of surfaced path alongside the driveway to the school. At Point B it passes through a gate into the school's playing field, crossing the playing field to Point C. It then turns and passes behind the school buildings before leaving the school site at Point D. It then runs along the edge of a pasture field to Point E where there are two gates either side of the driveway to St Anne's Cottage which the path crosses. From there the path runs in the garden of The Priory passing the front door of the property before reaching the road at Point G.
- The application provides for a new route for the path, shown as a broken black line, to move the footpath out of the school's playing field, and away from the garden and front entrance of The Priory. The proposed route, starting from Point A would run on the existing grass verge outside of the school fence before entering a pasture field at Point H. The path will then run diagonally through the field to exit at Point J a short distance to the north of the vehicle entrance to The Priory. The new path will have a width of 2 metres.

The diversion of the path would be in the interests of the applicants, satisfying the legal requirement contained in the Highways Act 1980 by improving security and privacy.

In terms of the school, the presence of walkers (with or without dogs) who cannot be challenged within the school playing field presents a clear risk to the safety and security to the pupils and hence the operation of the school, this being the only outdoor recreational area available to the school. The field is in daily use during term times and throughout the day. Diverting the path removes this risk and enables the school to secure its site, thereby helping to satisfy its duty of care towards the pupils.

The owners of The Priory have reasonable concerns as to their security and privacy as the path crosses the entrance to their property, and runs very close to their front door, and through their garden. The diversion removes this intrusion and provides them with a greater degree of security and privacy.

In addition to being in the interests of the applicants, the diversion must not alter the termination points of the path, other than to another point on the same highway which is substantially as convenient to the public. The applicants believe that the proposed terminal points satisfy this requirement.

In order to avoid the school site, it will be necessary to walk adjacent to the road on the well-maintained verge to access the field by a new gate to be provided at Point H. The road itself is in a very rural area and generally free of traffic. The road at Point J is also a very minor and lightly trafficked one, and there is no immediate continuation path either from Point J or Point G on the existing path, necessitating the use of the road to connect up with other paths.

The final test requires that the diversion is not substantially less convenient to the public and that it is expedient to divert the path balancing any effect on public enjoyment with the benefit of the diversion to the applicants.

Once entering the field via a new hand gate at point H, the path will pass diagonally to a new hand gate to be provided at Point J. The surface of the new route will be grass and the walking time between point A and G is not increased. The route between H and J affords attractive and far reaching views of the surrounding landscape, not available from the existing path. In that respect it is considered that the diversion is not substantially less convenient and public enjoyment is not adversely affected, and that when balanced against the important benefits to the applicants, it would be expedient to divert the path.

All works needed to bring the new route into effect, including any that are specifically required by Wiltshire Council, will be met by the applicants.

I would be grateful if you would give this matter your consideration and let me know if you wish to make any observations by [6 weeks]. If there are any matters you wish to discuss or are unsure about do, please, let me know.

Please respond by email if that is easier. All comments will be considered by the applicants and by the Council.

Yours sincerely,

Mike Walker
Director

APPENDIX 4 - LETTERS OF SUPPORT

	Name	Address/Location	Summary of comments
1	Bradley Viljoen	23 Bushey Hill Road, London, SE5 8QF	Has used Footpath 83 for a number of years. Thinks diversion will remove safety risk to children at school and also increase privacy to residents on the current path.
2	Julia De Bretton-Gordon	Local resident	Local resident, dog walker and former teacher at Wardour School. Believes this is an opportunity to safeguard the school as well as improve the privacy of the houses. The supporter feels that she is invading their privacy by passing by.
3	Lee Sheppard	5 Winding Way, Salisbury, Wiltshire, SP2 9EA	Has worked as a decorator in and around Wardour for the past few years and thought it odd that the footpath runs so close to the School and to The Priory. Is in favour as looks good for everyone. "Getting it away from the school has got to be a good result."
4	Mark Pidgley	Downton Joinery Limited, New Court Grain Barn, Downton, Wiltshire, SP5 3JE	Feels that the proposed diversion is a much better option for both the school and the residents - giving the residents more privacy and security. He thinks that the proposed diversion will be more pleasant for the users, with a marginal increase in length having little impact on the user.
5	Mark Smith	23 Bushey Hill Road, London, SE5 8QF	Has visited Wardour many times over a number of years. The current route seems illogical to pass so close to the School and The Priory. Believes the proposed diversion would meet the needs of the school and local residents without any inconvenience to those using the current path.

6	Nick Ryan	Avalon, Cuffs Lane, Tisbury, Wiltshire, SP3 6LG	A local resident who walks extensively with his dogs, around the Wardour area. Feels that current route compromises safety of children at the School, and feels like intrusion when walking past The Priory. Cannot see why, as a user of the footpath, why it cannot be moved.
7	Robert Weems	Chapel Cross House, Parish Hill, South Cadbury, Somerset, BA22 7ET	Feels like he is intruding on private property using the current route. Would prefer the diversion route as it "avoids creating embarrassment when trampling across private lands." The new route is not an inconvenience.
8	Harry Jonas	The Stables, Woodlands, Berwick St John, Shaftesbury, Dorset, SP7 0EX	The proposed diversion seems to be more direct and will safeguard the security of the children at the school.
9	Mrs J Howell	Wardour, SP3 6QX	Diverting the footpath will give security and privacy to The Priory and will safeguard the children at the School. It is a "win win" situation.
10	Georgina Wessels		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
11	Kate Clark		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
12	Susie Watton-Mckay		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
13	William McCarter	Lycetts, 1 Stable Court, The Parade, Marlborough, Wiltshire, SN8 1NP	Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.

14	Sonja Dineley	Dineley Farming Company Ltd	Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
15	Andrew Wessels		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
16	Rohaise Barrett	Clover Hill, Donhead St Mary, Shaftesbury, Dorset, SP7 9DX	Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
17	Chloe Luxton		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
18	Liz & Michael Hartley	Wywurrie, High Street, Hindon, Salisbury, SP3 6DJ	Concerned about safeguarding the pupils with the current footpath. Their son has a powerchair which struggles on the surface of the footpath outside The Priory. The new path would enable him to be included in school activities as access would be easier. The owners of The Priory will also receive greater privacy.
19	Andrea Davies		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
20	Simon Davies		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.

21	Chloe King		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
22	Vivienne Parton		A re route of the public path would be in the best interest to all involved, especially the safety of the children.
23	Flora Harvey	Glebe Cottage, Sutton Mandeville, Wiltshire, SP3 5NA	Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
24	Catherine Ridge		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
25	Polly Prior		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
26	Emma Bell		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
27	Isabella Welchman		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath. Will improve safety for children. Doesn't see how a short detour could inconvenience walkers.
28	Claudia Aaron		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.

29	Marcus Deyes		Understands that children will still be able to use gate at Point D and a path to Point J. If this shorter right of way is guaranteed then would welcome the re-routing of the public footpath.
30	J-A. Cox		Always thought it was unusual that a footpath would run through a school and past the hall. The safety and security of the children is paramount. The residents of Priory House will also have better security and privacy. Walkers of the proposed diversion will have breathtaking views of the surrounding countryside. The diversion is a win-win situation.
31	Sally Chapman	14 Townlands Drive, Beccles, Suffolk, NR34 9XU	Has walked the footpaths around Wardour for several years. Hasn't felt comfortable walking through the school playground nor past The Priory, which feels like going directly through their garden. Walking through the field will give better views.
32	Bruce McClue	2 Conway Drive, Broadmayne, Dorchester, Dorset, DT2 8EF	The proposed diversion would protect children from strangers and would improve the privacy of The Priory as well walkers not feeling that they are trespassing on somebodies property.
33	Libby Gibson	Drum House, Wardour, Tisbury, Wiltshire, SP3 6RN	Is supportive of the plan to reroute the footpath from Wardour School up to New Wardour.
34	P J and R A Sidford	Bridzor Farmhouse, Wardour, SP3 6RN	Regular users who are embarrassed walking close to a private dwelling.
35	Sean Moran	4 High Street, Tisbury, SP3 6PS	A member of Tisbury Footpath Club supporting the diversion.

Bushey Hill Road

London

SE5 8

30 September 2016

Wiltshire Council

Bythesea Road

Trowbridge

Wiltshire

BA14 8JN

Dear Sir

Re: Footpath 83 running through Wardour Primary School

I have visited Wiltshire for several years both as a solitary traveller and for visiting friends, particularly in the area surrounding Tisbury and Wardour with its rural pursuits and excellent restaurants. I am well acquainted with Old Wardour Castle and its environs which are quite spectacular and which provide excellent countryside rambling where there is virtually no traffic and wonderful scenery.

In respect of the current application for the re-routing of Footpath 83, which I know well, I am in favour of the application. Part of the current path is immediately adjacent to the school and in particular its playing field which I believe is not suitable for the safety of the children. The new proposal removes this risk by taking the path slightly further away from the playing field and in to the adjoining field, where it directs walkers to Wardour Castle. In terms of distance it is no further. This re-routing will certainly benefit the school but, as there are also residents on the current path, the new path will also serve to provide them with a little more privacy.

I therefore see no reason not to approve the application since the re-routing will benefit the school by providing greater safety for children and, the path is still within the same zone but altered only slightly. I furthermore see no issues for local residents nor users and therefore would urge the Council to support this application

Yours faithfully



Bradley Viljoen

Email: 

West Hatch Tisbury SP3 6

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

18th November 2016

Footpath 83 Wardour

Dear Sir/Madam

As a local resident, regular dog walker and former teacher at Wardour School I am writing to support the long awaited diversion of the above footpath for the following reasons:

Existing Route A-B-C

Route points A-B-C cut through Wardour school grounds. In the current climate it is not safe to have strangers walking through the school paying field. During break and lunchtimes, particularly during the summer months the entire school uses this field. This diversion presents the Council with the perfect opportunity to safeguard young children whilst in the Council's care. I would suggest that not to take up this option could be interpreted as negligent should an incident ever occur.

Many walkers using the path are accompanied by dogs. Not all dogs are friendly and again not to take up this opportunity could be seen as a failure of the Council's duty of care.

Some owners do not always clear up after their dogs and from my own personal experience this has led to dog faeces on the shoes, clothing and hands of children. Not only is this unpleasant but extremely unhygienic.

The proposed route A-H-J addresses all the above.

Existing Route E-F-G

At point E the path passes approximately 3ft from the front door of the Old Priory. Walking so close to the house makes me as a walker feel uncomfortable as I am clearly intruding on the privacy for the residents. Between points F-G the path is narrow and passes between two very high hedges where there is no view.

The overall proposed new route does not add any significant distance and between points J-G the route greatly enhances the experience for walkers in terms of views and freedom to

enjoy the space rather than 'sneaking' past the front door of the Old Priory and invading someone's privacy. This proposal offers benefits for both Wardour School, walkers and the occupants of the Old Priory and hence I strongly support this proposed amendment.

Yours faithfully



JULIA DE BRETTON-GORDON

Wiltshire Council,
Bythesea Road,
Trowbridge,
Wiltshire
BA14 8JN

21 September 2016

Footpath at Wardour Primary School

I have worked as a decorator in various houses in and around Wardour over the past few years and always thought that it was very odd that a public footpath ran straight through the school playground and so close to The Priory. I have seen the diversion plan and would be in favour of it as it looks like it can only be good for everyone,. Getting it away from the school has got to be good. result.

For these reasons I support the diversion and hope that it happens as quickly as possible.

Yours faithfully

██████████

Lee Sheppard

██████████ Winding Way SP2 9 ██████████

Mark Pidgley
Downton Joinery Limited

[REDACTED]
Downton
Wiltshire
SP5 3. [REDACTED]

Wiltshire Council
Bythesea Road,
Trowbridge,
Wiltshire
BA14 8JN

4th October 2016

Footpath 83 running through Wardour Primary School

Dear Sirs,

I understand that an application has been made to relocate the footpath detailed above. As I visit the property concerned on a regular basis I feel that the proposed diversion is a much better option for everyone concerned, the school, the children, and the residents as well as any visitors. Not only do I think the proposed diversion will be more pleasant for the users I feel it will give the residents more privacy and security, particularly because of the fairly isolated location. From what I understand, the change will only marginally increase the length of the footpath so having very little impact on the user.

Kind regards

Mark Pidgley

Bushey Hill Road

London

SE5 8

30 September 2016

Wiltshire Council

Bythesea Road

Trowbridge

Wiltshire

BA14 8JN

Dear Sirs

Re: Footpath 83 running through Wardour Primary School

I have visited Wardour many times over a number of years, staying with friends and taking weekend breaks. The countryside is magnificent and wonderful to walk in and enjoyed by residents and visitors alike.

With my knowledge of the area I am writing to support an application for a minor re-routing of Footpath 83. The route has always seemed illogical passing directly through the playground of Wardour Primary School and so close to The Priory. In the school's case this adds to child safeguarding risks, as well as being inconvenient, and for the owners of The Priory this impacts on their privacy and enjoyment of their home.

For a small re-direction of the footpath, which I believe is well within the Council's tolerance level, I believe that the interests of the school and local residents would be met without any inconvenience to those using the current path.

I would therefore hope that the Council will support this application.

Yours faithfully



Mark Smith

E: 

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

[REDACTED]
Cuffs Lane
Tisbury
Wiltshire
SP3 6 [REDACTED]

2nd December 2016

Dear Sirs

I have been made aware of a request to change the route of a local footpath (No 83- Wardour).

As a local resident who walks extensively with my dogs, around the Wardour area, I would like to voice my opinion over this change. Presently the path goes through the grounds of Wardour School and past the front door of The Priory.

The first point I would like to make is that I do feel it is not appropriate for a footpath, that can be easily redirected, to go through the grounds of a Primary School. Whilst this may be seen as scaremongering I personally would not like my children to come into contact with any strangers using a footpath if I am not present. It does seem that an easy solution would be for the footpath to be moved. I'm sure the school would not have any objections to this since they have responsibility for keeping the children safe.

My second point is that the footpath also runs past the front door of The Priory. I often feel that I am intruding on someone's personal property everytime I walk past there even though it is a public right of way. Would it not make sense for this path to move and allow the residents of The Priory to have their privacy and for walkers, like myself, to not feel like I am not supposed to be there.

Since the proposed route starts and finishes in exactly the same places as before I cannot see why there have been objections. I am writing to you to say that, as a local person who uses this footpath, I cannot see any reason why it can't be moved.

I await your response on this matter.

Yours faithfully

[REDACTED]
Mr Nick Ryan

[REDACTED]
Parish Hill, South Cadbury
Somerset, BA22 7 [REDACTED]

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Footpath 83 Wardour

Dear Sirs

I am writing in connection with the proposal to alter the route of footpath 83 through Wardour.

I am a dog owner and occasionally walk in and around Wardour on routes between old Wardour castle and the newer estate.

I have walked the route as it is now, but am reluctant to walk through private property. It always strikes me as odd that I am, in effect, striding across someone's private garden. It also creates an issue for me in that I need to leash the dogs when entering these sections of the route.

Having studied the proposed route I much prefer it. It avoids running past the Old Priory and through the school grounds. The diversion is not an inconvenience and avoids creating any embarrassment when trampling across private lands. I would prefer to see the footpath re-routed.

Yours sincerely,

[REDACTED]
Robert Weems.

Harry Jonas

[REDACTED]
Milkwell
Donhead St Andrew
Shaftesbury
Dorset
SP7 [REDACTED]

10th November 2016

Re: Footpath 83 through Wardour Primary School

Wiltshire Council

Bythesea Road

Trowbridge

Wiltshire

BA14 8JN

Dear Sir/Madam

I am writing to lend support for the proposed re location of this footpath .

I think it seems to be more direct and it will safeguard security for children at Wardour school .

Yours sincerely

Harry Jonas

[REDACTED]

Wardow SP360X

12th November 2016

Dear Sir/Madam,

Living at Wardow, I am a regular walker
of the footpaths

I have no objection to the footpath from
the Priory garden to and including Wardow
school, to be diverted. In fact as a walking
point of view, it will give a far more
interesting outlook of the surrounding hills
a better appreciation of the architecture of
the Priory house and the landscape front
order. It will also let walkers feel more
comfortable not walking so close to the Priory
wall.

Diverting the footpath it will give the Priory
curity and privacy. But far more important,
with a footpath running through a young
children's playground is far from ideal. Security
& safety of the children is paramount.
I feel the slight diversion of the footpath
to be a win, win, situation.

Yours sincerely,

 (Mrs.)

Michael Wood

From: Georgina Wessels [REDACTED]
Sent: 05 January 2017 14:09
To: Michael Wood
Cc: marcusdeyes@hotmail.com
Subject: Public Footpath round Wardour School

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Georgina Wessels

[REDACTED]
Tisbury
Wiltshire
SP3 6 [REDACTED]
Tel 01747 [REDACTED]
Mob 0771 [REDACTED]

Michael Wood

From: kate clark [REDACTED]
Sent: 06 January 2017 18:34
To: Michael Wood
Subject: Re routing the footpath around Wardour school playground.

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Kate Clark

Michael Wood

From: Susie Watton Mckay [REDACTED]
Sent: 05 January 2017 18:17
To: Michael Wood
Cc: Marcus Deyes
Subject: Wardour School - Path going across the school field

Dear Michael Wood,

As a parent of a child at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easment to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Susie Watton-Mckay

Sent from my iPhone

Michael Wood

From: William McCarter [REDACTED]
Sent: 05 January 2017 15:54
To: Michael Wood
Subject: Public Path - Wardour School

Dear Mr Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Best regards,

William

William McCarter
Divisional Director

[REDACTED] 3 Mobile: [REDACTED]
[REDACTED] Fax: 01672 [REDACTED]
[REDACTED] The Parade, Marlborough, Wiltshire [REDACTED]
[REDACTED] www.lycetts.co.uk

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From: Sonja Dineley [REDACTED]
Sent: 05 January 2017 15:00
To: Michael Wood [REDACTED]
Subject: Fw: Path

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Sonja Dineley

Dineley Farming Company Ltd

Michael Wood

From: Andrew Wessels (Personal) [REDACTED]
Sent: 05 January 2017 14:14
To: Michael Wood
Cc: [REDACTED]
Subject: Public Footpath round Wardour School

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Andrew Wessels

Michael Wood

From: Rohaise V Barrett [REDACTED]
Sent: 05 January 2017 13:32
To: Michael Wood
Subject: Please re route the foot path at Wardour School

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easment to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Rohaise Barrett
[REDACTED]

Donhead St Mary
Shaftesbury
Dorset
SP79 [REDACTED]

Sent from my iPhone

Michael Wood

From: Chloe [REDACTED]
Sent: 05 January 2017 13:23
To: Michael Wood
Cc: 'Marcus Deyes'
Subject: Proposed Footpath Re-Route

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Chloe

Chloe Luxton

Founder & Creative Director
Bramley Products Ltd
www.bramleyproducts.co.uk

01747 [REDACTED]
07968 [REDACTED]

Michael Wood

From: michael [REDACTED]
Sent: 05 January 2017 11:34
To: Michael Wood
Subject: Re-routing of footpath at Wardour
Attachments: Wardour path.docx

Dear Mr Wood,,

Please find attached a letter in support of the re-routing of the footpath requested by your clients at the Priory.

Could you briefly confirm that you have received this?

Many thanks.

Liz and Michael Hartley
(Parents)

Michael Wood

From: Simon Davies [REDACTED]
Sent: 04 January 2017 13:22
To: Michael Wood
Cc: [REDACTED]
Subject: Supporting the rerouting of the Wardour school path.

Dear Michael Wood,

As parents of 2 children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Simon and Andrea Davies

Michael Wood

From: Chloe Fox [REDACTED]
Sent: 03 January 2017 14:07
To: Michael Wood
Subject: Path going across the school field

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Chloe (King)

[REDACTED]

Michael Wood

From: Vivienne Parton [REDACTED]
Sent: 03 January 2017 14:48
To: Michael Wood
Subject: School Path

Dear Micheal Wood

As a parent at Wardour school I think a reroute of public path would be in the best interest to all involved especially the safety of our children.

Many thanks

Vivienne Parton

Sent from my iPhone

Michael Wood

From: Flora Ross [REDACTED]
Sent: 03 January 2017 12:07
To: Michael Wood
Subject: Footpath 83 Revised Plan

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easment to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Flora Harvey
[REDACTED]

Sutton Mandeville
Wiltshire SP3 5 [REDACTED]

Home: 01722 [REDACTED]
Mobile: 0788 [REDACTED]
Email: james@ [REDACTED]

[REDACTED]
High Street
Hindon
Salisbury
SP3 6 [REDACTED]

5/1/2017

Dear Mr Wood,

Re: Re-routing of public footpath around Wardour school

I am writing as a parent of a child at Wardour Catholic Primary school, and also as a primary teacher myself, to fully support the re-routing of the public footpath as shown in your map of Footpath 83 Revised plan for two reasons.

- It has long been a concern of ours with regards to the safeguarding of pupils at the school, that any person should be able to enter the school grounds under the guise that they are on a public footpath. Whilst it is unlikely anything untoward would ever happen, schools these days have to take the consideration of safety for their children extremely seriously, and so should anyone who makes decisions affecting them.
- Re-routing the path, if done, could also benefit our son who uses a powerchair, as it would provide an alternative access to the grounds at Wardour without having to go on the road. He is currently challenged by the footpath that exists as it goes up from the school as there are a lot of tree roots and mud, but he can cope with grass and flatter surfaces. If he is able to reach point J easily, then access becomes much easier for his full inclusion in school activities. On a personal level, we would really welcome that.

We fully understand the reason for the owners of the Priory making this suggestion, and want to show our support for the re-routing of the path around the school as it does seem that it will benefit everyone; the school will still be able to use New Wardour, and ramblers will still have a path. To maintain the existing path when a re-routing has been offered, would seem to be irresponsible when considering the safeguarding of children. Obviously the owners of the Priory will also enjoy greater privacy too.

Yours sincerely,

Liz and Michael Hartley

Michael Wood

From: [REDACTED]
Sent: 05 January 2017 09:27
To: Michael Wood
Cc: Marcus Deyes; Kate Lavan; Simon Davies
Subject: Wardour Public Footpath

Dear Michael Wood,

As a parent of two children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school rather than walking directly through it, as is currently the situation.

Kind regards,

Andrea Davies

Michael Wood

From: Cathy Ridge [REDACTED]
Sent: 24 December 2016 09:32
To: Michael Wood
Cc: [REDACTED]
Subject: Re: Path going across the school field

Sent from my iPad

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easment to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Catherine Ridge

Michael Wood

From: Polly Prior [REDACTED]
Sent: 21 December 2016 13:57
To: Michael Wood
Subject: Proposed re-routing of footpath at Wardour School

Dear Michael Wood,

As a parent of a child at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Polly Prior

Polly Prior
[REDACTED]

Michael Wood

From: Emma Bell [REDACTED]
Sent: 21 December 2016 13:27
To: Michael Wood
Subject: Re-routing of Footpath at Wardour

Dear Mr Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Emma Bell
Parent at Wardour Catholic Primary School

Sent from my iPhone

Michael Wood

From: Welchman Isabella [REDACTED]
Sent: 21 December 2016 13:03
To: Michael Wood
Subject: Footpath

Dear Michael Wood,

I am a parent of children at Wardour School and I am in full support of the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

This re-routing seems an entirely sensible option and would benefit the school by not having walkers coming through the playing fields making it safer for the children. I also can't see how this short detour could inconvenience any walkers.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Isabella Welchman

Michael Wood

From: Claudia Aaron [REDACTED]
Sent: 21 December 2016 12:55
To: Michael Wood
Subject: re-routing of the public path around Wardour School

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Claudia Aaron
(parent of Otto Aaron Bukur, pupil at Wardour Catholic Primary School)

Michael Wood

From: Marcus Deyes [REDACTED]
Sent: 21 December 2016 12:43
To: Michael Wood
Subject: In support of the proposed new path around Wardour school

Dear Michael Wood,

As a parent of children at Wardour School, I am pleased to support the re-routing of the public path around Wardour School as shown in your map of *Footpath 83 Revised Plan*. My understanding is that the school children and faculty will still be able to use the gate at point D and a path to point J, in order to access the chapel at New Wardour and for other school activities, such as school walks to old Wardour.

If this shorter right of way for the school is indeed guaranteed in the future, which I understand is possible by a simple easement to be included in the land title, then I would very much welcome the re-routing of the public footpath around the school.

Kind regards,

Marcus Deyes

Michael Wood

From: J Howell [REDACTED]
Sent: 15 February 2017 16:06
To: Michael Wood
Subject: ref. footpath from Wardour school .

To whom it may concern.

I am resident of Wardour and a regular walker of the foot paths.

I understand that there is a wish to make a slight diversion of the foot path leading from Wardour School.

I have no objection to this .I have always felt it unusual that a foot path should run straight through a school playing ground, passing large windows of a hall where the children have their gym lessons. Surely the safety and security of the children is paramount.

The residents of Priory House will also have better security and privacy.

Walkers of the proposed diversion will have breathtaking vista of the surrounding country side.

The slight diversion is a win -win situation for all concerned.

J.-A.Cox

██████████ Townlands Drive
Beccles
Suffolk NR34 9██████████

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

14 February 2017

To whom it may concern

Footpath at Wardour School

I have spent time in and around Wardour over several years visiting longstanding friends and have enjoyed lovely walks, but I've never been comfortable walking through the school playground especially when I have my dog with me and feel that it's very inappropriate in the current age.

If you are walking to Wardour Castle you must walk very close to The Priory, which feels like you are going directly through their garden. My friend told me that a diversion has been proposed and I'm sure the school are greatly relieved by that. Walking through the field will give a much better view rather than the corridor beside the school.

I've no doubt that this has the full support of the community, but I would like to add mine to that.

Yours faithfully,

██████████

Sally Chapman

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Mr Bruce McClue

[REDACTED]
Broadmayne
Dorchester
Dorset DT2 8 [REDACTED]

16 February 2017

Dear Sirs

RE: FOOTPATH 83

As a builder who has worked on properties in this area, I feel compelled to write to express my support for the moving of the above footpath.

In my opinion this would be a good idea for two reasons:

The original footpath takes the route through a school yard. In this day and age, when we are conscious of protecting children from strangers, to invite people to walk through the play ground seems dangerous. I feel sure that the school would approve of this footpath being moved.

The current footpath runs right past the front of the Priory. This not only means that dogs have to be kept on leads, but gives the feeling of being overlooked by people walking by. It would seem a good idea to move the path so that the owners of the Priory would have their privacy, whilst walkers would not feel that they are trespassing on somebody's property.

Bearing in mind that the new path will begin and finish where it always has, it does not seem that this change will affect anybody for the worse, in fact, if anything, this seems to be a change which would only be good for everyone concerned.

I hope that you will take my views into consideration when making your decision.

Yours faithfully

Mr Bruce McClue

Michael Wood

From: Libby Gibson [REDACTED]
Sent: 12 March 2017 12:27
To: Michael Wood
Cc: Alison Margaret Jordan
Subject: Fwd: Wardour footpath

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 12 March 2017 at 12:26:04 GMT
To: [REDACTED]
Cc: Alison Margaret Jordan [REDACTED]
Subject: Wardour footpath

Dear Michael
This is to confirm that we are fully supportive of the plan to reroute the footpath from Wardour School up, to New Wardour.
Kind regards
Libby Gibson

[REDACTED]
Wardour
Tisbury
Wilts SP3 6 [REDACTED]

Sent from my iPad

P J and R A Sidford

[REDACTED]
Wardour
Salisbury
Wiltshire. SP3 6 [REDACTED]

21st March 2017

Wiltshire Council
County Hall
Bythesa Road
Trowbridge
Wiltshire
BA14 8JN

Dear Sirs,

Re: Footpath 83, Wardour

We write in support of the application to reroute the footpath near The Priory/Roman Catholic Primary School, Wardour.

Currently the path goes past the front door of The Priory and through the grounds of Wardour school. As regular users of this path we feel embarrassed walking so close to someone's private dwelling, it is awkward and necessitates the aversion of our gaze. It is also extraordinary, in this day and age, to have a public footpath traversing a primary school.

As the proposed route starts and finishes in the exact same place as the original, we really cannot see why anyone would object to this application.

Yours faithfully,

[REDACTED]

P J Sidford

R A Sidford (Mrs)

Michael Wood

From: sean moran [REDACTED]
Sent: 20 August 2016 08:23
To: [REDACTED]
Subject: Footpath 83 Proposal

I write as a member of Tisbury Footpath Club.

The proposed change is sensible and has my support

Sean Moran
[REDACTED] High Street
Tisbury
SP3 6 [REDACTED]

Sent from iPhone

Wardour Court
Tisbury
Wiltshire SP3 6

Tel: 01747 871716
Email: scarletleatham@hotmail.com

Mike Walker

Townhope
Herefordshire HR1 4

September 12th 2016

Dear Mr Walker

Re: Proposed Diversion of Public Footpath No 83 - Parish of Tisbury

I have been forwarded a copy of your letter regarding the proposed diversion above and as an interested party I have several points to make regarding the proposals. I live at Wardour Court and use the existing footpath on a very regular basis and would strongly object to its diversion on the following points:

1. The proposed diversion from point A to H would run the footpath alongside a busy stretch of road, which is not generally free of traffic as you suggest, where cars travel at speed and is therefore not a pleasant quiet walk as currently is the case.
2. Part of the stretch adjacent to the driveway to the school is also used extensively for parking by parents and others attending the school and as such the footpath is at times regularly likely to be blocked by car doors opening etc.
3. The proposed use of the road from point J to point G is also not on a lightly used stretch of road as you suggest. It is the only access point into the driveway of Wardour Castle and Wardour Court having some 26 dwellings between them and, with no public transport on offer, this means a significant number of cars using this road from these properties alone. In addition there are the dwellings further up the road and significant traffic from visitors to Old Wardour Castle and the wider landscape which is used by walkers and the Tisbury Angling club on a daily basis and is particularly busy at weekends generally, but even more so when events are scheduled by English Heritage at the castle.
4. The road has a slight curve in it which means that traffic even travelling at a low speed (which is often not the case) cannot see those on foot until they are almost upon them, especially at certain times of year when the hedgerows green up and are growing.

5. There is no verge for those on foot to step onto to avoid traffic on this narrow lane.

6. There is no lighting on this road so anyone requiring to use the footpath at night is at risk from cars on this narrow lane.

7. The new termination point of the footpath onto the highway, whilst meeting the criteria of being on the same highway, is not at a point which is substantially convenient to the public given that it is on a busy narrow road with no verges available to step onto for safety.

8. Public enjoyment would be adversely affected as the new footpath would at two points, A to H and J to G run either alongside or on roads which are widely used and as such be completely different to the quiet walk currently able to be enjoyed by walkers as the footpath currently runs.

On these points I would like to raise my strong objections to the diversion of the footpath. I would also further add that when your clients purchased the property they must have been aware of the footpath and its path in relation to their property. They chose to go ahead with their purchase and now wish to inconvenience long time users of the path/members of the public and make them use an alternative route which is substantially less pleasant and requires transfer from a quiet rural walk to the road with its attendant noise and dangers.

Yours sincerely

Scarlet Leatham

cc: Mr N Martin
Wiltshire Council

Mike Walker

From: [REDACTED]
Sent: 16 September 2016 14:06
To: [REDACTED]
Subject: Fw: Wardour footpath

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

From: [REDACTED]
To: Mike Walker
ReplyTo: [REDACTED]
Subject: Wardour footpath
Sent: 14 Sep 2016 13:30

Dear Mr Walker,

In response to your letter re the proposed moving of the Wardour footpath.

The people who bought the Priory knew when they bought it that the footpath (part of the Wessex Way) was there. They immediately cut down part of the beech hedge and the hedge that was either side of the front door so that it was no longer private, and also put paving slabs over the footpath and made a drive across the field. I took photos of it at the time which were given to Tisbury Parish Council who did nothing about it. This was July 2014, so they knew exactly what they were doing, all without permission. To say that the road, which the walkers and school children would have to use is quiet, is not exactly right. This is the main road to Wardour Castle which belongs to English Heritage and is therefore well used, and is also used by people who live at Wardour Court and the Farm Contractor who lives close by. I do think that the footpath through the school could be moved to the other side of the hedge and this would mean that they would be able to walk safely to church if the next part of the footpath is left where it is i.e. past The Priory. The Priory was completely private before and the people who lived there had absolutely no trouble from walkers. If it hadn't been opened up it would still be private. I am very strongly against this proposal from a safety point of view and also because these people seem to think they can do what they like. Yours sincerely, Georgina Matthews Sent from my BlackBerry® smartphone on 02

Mike Walker

From: Rod Farrell [REDACTED]
Sent: 25 August 2016 18:57
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Proposed Diversion of Public Footpath No 83, Tisbury

Dear Mr Walker,

I entirely agree with Roger Walker. It seems that the present owners of The Priory, having removed a perfectly serviceable beech hedge which screened the cottage from the existing footpath, now want to move the footpath to prevent walkers from peering into their cottage. This is not the way the country works and is not a proper reason for moving an ancient footpath. As Roger says if the new owners of The Priory don't like the fact that they have an ancient path running past their front door, they shouldn't have bought the property.

It is probably worth pointing out that with numerous new estates being built around the country many ancient footpaths are under threat. It seems that mostly the developers accede to the law that says that old pathways and footpaths can only be moved in exceptional circumstances. There are no exceptional circumstances in this case.

Yours sincerely,
Rod Farrell



This email has been checked for viruses by Avast antivirus software

Mike Walker

From: Barbara Farrell [REDACTED]
Sent: 25 August 2016 19:14
To: [REDACTED]
Subject: Proposed Diversion of Public Footpath No 83, Tisbury

Dear Mr Walker,

I have lived in the Tisbury area for 35 years, my daughter went to Wardour School and I'm a keen walker. I strongly object to the route of Footpath No 83 being altered. If my daughter was still a pupil at the school I would not be happy for her to walk along the lane as proposed. In the summer many of the drivers visiting Old Wardour Castle are not used to the local lanes with farm traffic etc and have problems negotiating them. Why should an ancient path be altered for the sake of one property owner? Many local people feel the same way.

Yours sincerely,
Barbara Farrell



This email has been checked for viruses by Avast antivirus software.

[REDACTED]
School Cottage
St. Annes Cottage
Wardour.

Dear Sir

RE: The proposed diversion of public footpath 83, Parish of Tisbury.

We are the three separate households that live alongside this section of the footpath and we are coming together to strongly object to the changing of its route.

Below are our reasons.

This application breaks down into two parts:
The diverting of the path away from the school field.
The diverting of the path away from the Priory.

Referring to your map:
The school section of the footpath could be diverted around their playing field from A to C then onto D. Most people would find this reasonable and acceptable.

The diverting of the section from D to G is not acceptable.

'The final test requires that the diversion is not substantially less convenient to the public and that it is expedient to divert the path balancing any effect on public enjoyment with the benefit of the diversion to the applicants.

It fails this test: It is substantially less convenient to the public and what are the benefits to the applicants?

The primary 'benefit' appears to be:
The owners of The Priory have reasonable concerns as to their security and privacy as the path crosses the entrance to their property, and runs very close to their front door, and through their garden.

These concerns are not valid.

The footpath does not run through their garden. It runs alongside a paddock. It is true that the paddock is starting to look like a garden (with a large car park) but the planning authorities have it recorded as a paddock.

There is already a drive, garage and path serving the house on the south side of the property (as used by the previous occupants). If the current occupants feel threatened then they can use this entrance. This means there is no need to move the footpath.

Despite this other point of access the new occupants have created a new drive across the field with a car park so that they can now use the door fronting on to the footpath. This means the insecurity of getting out of a car at night is self inflicted.

In terms of privacy the Applicants have pulled down a hedge that separated them from the path. They have in effect pushed their garden beyond the footpath. Now they are saying the footpath runs through their garden.

There is a more general point: Most people have a path running past their house – it's called a pavement. Are they all at risk?

The final test requires that the diversion is not substantially less convenient to the public and that it is expedient to divert the path balancing any effect on public enjoyment with the benefit of the diversion to the applicants.

The diversion IS substantially less convenient to the public and in fact positively dangerous. This is because the statement:

The road at Point J is also a very minor and lightly trafficked.
Is not true!

The footpath will be diverted on to a road that is narrow and frequently used. It is the main route to the English Heritage site of Old Wardour Castle. It is also used by Sidford's farm which hires out heavy plant.

Apart from the safety issue there is the simple fact that this footpath is part of the historic and cultural landscape of Wardour connecting the school with the chapel. Local people feel very strongly about this.

To re-iterate:

***If the final test requires that the diversion is not substantially less convenient to the public and...
any effect on public enjoyment has to be balanced with the benefit of the diversion to the applicants.***

Then the test is failed and this application should be refused.

In addition to these main arguments we would like to point out some inaccuracies in Mr. Walker's letter:

Mr. Walker is not acting for Wardour School. He is acting for the Taylors. He has only talked to Wardour school.

There is no immediate continuation path either from Point J or Point G on the existing path, necessitating the use of the road to connect up with other paths.

The footpath is part of the Wessex Way and carries on through the New Castle. This is not ambiguous as implied in Mr Walker's document.

'A clear risk to the safety and security to the pupils and hence the operation of the school'

This is paranoia. The pupils are always supervised by a teacher on the playing field.

The main issue is dog muck left by inconsiderate walkers.

It is clear that the school children cannot walk out on the road at point J but Mr Walker has suggested they will be offered a special arrangement where they will be able to use the current path. However this will be reversible in the future.

This 'special deal' may also be offered to the occupants of Spring and School cottages although they have not been notified. It should be noted that the occupants of School cottage go to the chapel frequently. The diversion is 'substantially less convenient' for them.

Finally there is this point which may in fact outweigh all other arguments: There was a previous attempt to modify this footpath. This resulted in a full public inquiry in 1998. The result of this was the establishment of the current route of the footpath. The allowing of this application would negate the findings of this public inquiry. Are the applicants saying this inquiry got it wrong?

We would be very grateful for an acknowledgement of our letter.

Yours Sincerely

Sarah Russell
Gilly Hooper
Jeremy Hooper
Simon Davison
Mary Myers

[REDACTED]
Wardour

Tisbury

SP3 6 [REDACTED]

September 27th 2016

Dear Mr. Walker,

HIGHWAYS ACT 1980 S119
PROPOSED DIVERSION OF PUBLIC FOOTPATH NO 83
PARISH OF TISBURY

Firstly, I am surprised that you claim to be acting for Wardour Catholic Primary School and indeed the chair of governors has stated unequivocally to me that this is not the case.

I also thought this matter had been definitively decided in 1998 when as a result of a local public enquiry the Inspector confirmed the modification to the footpath as it exists today. I refer you to:

WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53 AND SCHEDULE 15
THE WILTSHIRE COUNTY COUNCIL (ST02NW) (TISBURY 83)
RIGHTS OF WAY MODIFICATION ORDER NO 7, 1997

The footpath has documented use dating back to 1911 and possibly beyond and when the matter was raised in 1997 it caused a huge local response. The resulting local enquiry was very well attended and I have no doubt that any newly proposed changes will cause equally vociferous objections.

Describing the proposed changes you state 'The road at point J is also a very minor and lightly trafficked one'. This is simply untrue. I assume you know that this route is the principal approach to the English Heritage sight at Old Wardour Castle and that this site enjoys annual visitor numbers in excess of 30,000?

I have access to a considerable archive which chronicles the use of this historic footpath and should the Council be minded to give favourable consideration to your application I will object.

I trust that my views will be fully communicated to Wiltshire Council

Yours Sincerely

[REDACTED]
Anthony Connolly

Mike Walker

From: Hugh and Clare Bainger [REDACTED]
Sent: 09 September 2016 13:59 [REDACTED]
To: [REDACTED]
Subject: Fwd: Footpath TISB83 proposed diversion

Sent from Hugh's iPad
[REDACTED] Pastoral Company
Avenue Range 5273 South Australia.

Begin forwarded message:

From: Hugh and Clare Bainger [REDACTED]
Date: 8 September 2016 18:45:11 BST
To: Hugh and Clare Bainger [REDACTED]
Subject: Footpath TISB83 proposed diversion

Dear Mike,

After attending the Tisbury Parish Council meeting on Tuesday evening and reading Tisbury Footpath correspondence, Clare and I feel we need to make expression of our concern to you as owners and residents at Wardour Court.

Vehicle parking within The Court is limited and restricted, as is any parking on Wardour Estate including the 'Chapel Car Park', and infringements are noted and refused immediately by a staff of the Estate. This requires any visitors who do not have approved parking at the Court to park outside the Estate and so the nearest safe parking is along the roadside adjacent to the Wardour School. Visitors then use the TISB83 footpath.

We believe the proposed diversion as suggested where visitors are required to walk along the road from point J to G to be extremely dangerous. This road is quite busy with traffic to the New Wardour Castle, Wardour Court, the Old Wardour Castle, local traffic, and seasonal tractors and farming equipment. The road is very narrow and allows no room for a safe foot path.

We do not agree that this proposed diversion should be approved.

We look forward to a continuing communication,

Yours sincerely,

Hugh and Clare Bainger

[REDACTED] Wardour Court

Tisbury SP36 [REDACTED]

Phone 01747 [REDACTED]

Sent from Hugh's iPad
[REDACTED] Pastoral Company
Avenue Range 5273 South Australia.

Mike Walker

From: Sarah Vigors [REDACTED]
Sent: 05 September 2016 17:10
To: [REDACTED]
Cc: [REDACTED]
Subject: Proposed Diversion of Public Footpath No 83 in the Parish of Tisbury

Dear Mr Walker

As part of the Tisbury Footpath Club, I have seen your correspondence with regard to the above proposed diversion of a footpath and I would be grateful for more clarification regarding the authority you say you have from Wiltshire Council for your consultation process for a Diversion Order of the above Footpath 83 and to carry out some of the administrative processes for Wiltshire Council. It would have been simpler and more transparent for the Applicants to contact the local relevant neighbours, parish council and footpath club.

I would like to suggest that where you say the road, between Points A and H of the Proposed Diversion, is generally free of traffic, I would disagree. This is one of the main routes to Shaftesbury from Tisbury and the surrounding villages and also has a lot of farm traffic from the many farms up the valley to Semley, Hatch and the Donheads. Where the Proposed Diversion joins at J, this is again a busy rural road to New Wardour Castle which consists of apartments, a walled garden and there is also a mews development; the road also takes a lot of the farm traffic from Sidford's Contracting Services at Bridzor Farm.

I understand that the owners of the Priory have removed a hedge from in front of their house and consequently now feel more exposed to the Footpath passing their property between F to G but that was their choice to do. From the Plan attached to your letter dated 19th August, I can see marked on it a new drive and parking area shown in the field opposite the Priory for which a change of use for agricultural land would have to be submitted.

I think that it is very right with regard to the safety and security of the pupils that the path should be diverted to outside Wardour School's playing field and run from A to H to C but then it should continue along the existing footpath from C to G.

Kind regards

Sarah Vigors

From: John McDonald
Sent: 06 September 2016 09:14
To: [REDACTED]
Subject: Footpath 83: For meeting on 6.9.16

Hillside-in-Wardour, Tisbury, SP3 6RN

To the Secretary, Tisbury Parish Council

Dear Secretary,

We have been passed a copy of a letter dated 19th August 2016 from a Mr. Mike Walker to "the Ramblers" about the proposed diversion of what is apparently called "Footpath No. 83", ie the footpath leading from Wardour Primary School towards the gates of New Wardour Castle.

As full-time residents of Wardour for almost 23 years, who live only a couple of hundred yards away and often use the footpath, we were very surprised not to have been consulted about this, and would invite you to ask Mr. Walker why he did not consider us and other nearby residents worthy of consideration. Indeed, it seems rather strange that the Parish Council is being invited to consider a proposal before any local opinion has been sought.

We were sorry to learn that the contentious and divisive proposal to divert this footpath has been revived. Those of us who lived here then remember only too well the previous proposal (less than 20 years ago), which culminated in a public inquiry in which parties were legally represented, the issues fully canvassed and a clear decision in favour of the status quo was reached. We are surprised that Mr. Walker makes no mention of this matter in his letter: if he was aware of the previous application, he should have referred to it; and if he was not aware of it, this suggests he has not done his homework properly. The existence of the footpath across their land (and the previous regrettable litigation about it) must have been known to the present owners of The Priory when they recently bought the property.

On the substance of the application, we do not think it is a good idea for school children from Wardour School who use the footpath to go to a service at Wardour Chapel each Tuesday to be required to walk on two public roads for part of their journey. Under the proposal, they would have to walk down the school drive from letter B to letter A on Mr. Walker's plan, and thence from letters A to H on Mr. Walker's plan on the Tisbury to Shaftesbury road, across the middle of a paddock, and thence from letters J to G on the road leading to Old and New Wardour Castles: both these roads are busy these days, with a lot of traffic going to New Wardour Castle and Wardour Court, to say nothing of farm traffic and tourists visiting Old Wardour Castle. All three of our children were at Wardour School, and we would not have been at all happy with the proposed route. It is certainly not "substantially as convenient to the public" within the meaning of section 119(2)(b) of the Highways Act 1980, which is the test which must be satisfied if a diversion is to be allowed, since it would be far longer for the school children, staff and accompanying parents to have to walk, and considerably more dangerous for them.

Even if there were (as we understand to be the suggestion) an informal agreement between the School and the present owners of The Priory that it could continue to use the existing footpath on Tuesdays, this would have no legal effect and could be revoked by a successive owner of The Priory, thereby requiring the children to walk a much longer and more dangerous route. We wonder whether Wardour School has really understood the implications of the

proposal, which appears to be more for the benefit of the residents of The Priory than anyone else.

Could we suggest that if the footpath is to be diverted at all – it goes from letter A to H on Mr. Walker's plan, and then to letter C' (and then on to G): this would route the footpath off the School grounds, but children and others from the School could continue to access the path at letter D, and thereby avoid having to walk on either of the roads. But really we can see no need for the footpath to be diverted at all.

Yours faithfully,

Jack & Katharine McDonald

Mike Walker

From: Mary Myers [REDACTED]
Sent: 07 September 2016 15:26
To: [REDACTED]
Subject: Footpath 83 Wardour

Dear Mr Walker,

I understand that you are a consultant ascertaining the views of path users and local people about the possible diversion of the above footpath. I am writing to strongly object to the proposed changes and want to make the following points:

- Yesterday evening I attended a meeting of Tisbury Parish Council at which your letter was brought up by members of the Ramblers Association. I was heartened to see and hear that the Parish Council intends to strongly object to any changes. Indeed, one of the councillors expressed the opinion that the proposed change was 'outrageous'.

- I live at St Anne's Cottage, next door to the Priory and use the footpath daily, as do our children. It is a beautiful and historic path, used by walkers and our community every day.

- Having lived here permanently for 14 years we do not have any issues of privacy or security, despite the fact that the footpath runs pretty close to our main entrance. So we don't see that the Taylors have any grounds for saying that their privacy and security are especially compromised. Furthermore I noticed that when they moved in, the Taylors removed the beech hedges that would have shielded their front door from the users of the footpath, which rather makes a nonsense about their professed concerns about privacy and security.

- The proposal to divert part of the footpath onto the road at point J is positively dangerous, since it's a sharp corner, narrow, and used all the time by farm vehicles and by cars and coaches on their way to English Heritage's Old Wardour Castle.

- The proposed diversion would put myself, husband and children in the ridiculous position of having to walk from E to J, then diagonally down the bullock field (the Taylor's lower paddock) from J to H and then A, to reach the school and the bus-stop on the road.

- Any private 'deal' to allow the school-children from Wardour Primary to use the existing route on their way up to mass at New Wardour Chapel would not solve the issue because if/when the Taylors move house the deal would not necessarily stand and the school would have to start all over again with negotiations in order to use it.

- As far as I am aware, the top field outside the Priory is not a 'garden' but is still classed as a 'paddock'. I understand that it was because it is classed as a paddock that the Taylors were able to make a car-park on the land without needing to apply for planning permission, even though they have, in effect, made it into their garden. I may be wrong about this but the Parish Council expressed some concern about it last night and are looking into it.

I am more sympathetic to the school wanting the northerly section diverted away from the school field, since they are sometimes bothered by dogs and occasional pic-nickers. I hope that the school will put in a separate request for a slight diversion of sections A to D, but that is as far as any changes should go.

Yours sincerely,

Mike Walker

From: roger.jinkinson [REDACTED]
Sent: 06 September 2016 15:57
To: [REDACTED]
Cc: Roger & Judith
Subject: proposed footpath diversion

I wish to register my opposition to the proposed diversion of Public Footpath 83, Tisbury. It seems to me you are taking away much of the footpath and replacing it with roadside walks. J to G is not an easy road to share with traffic.

The existing path is fine and I cannot imagine it causes problems.

Roger Jinkinson

Mike Walker

From: Renato George Gordon [REDACTED]
Sent: 19 September 2016 12:13
To: [REDACTED]
Subject: The Priory

Dear Mr Walker,

I understand that you are dealing with the issues around the application to divert the footpath past the Wardour Catholic Primary School and the house know as the Priory.

I live near the Wardour school and often use the footpath to walk up to the New Wardour Castle as I have some responsibilities up there. My family, friends and guests also use the footpath regularly.

I would like to lodge objections to the proposed diversion for the following reasons;

- 1) The present route is the shortest from my house and the proposed diversion will make the path longer for me to walk up to New Wardour Castle to perform my duties.
- 2) The existing path has long served as both a practical and historical link between the Catholic School, the Priory, where the nuns who taught at the school lived, and the chapel where the local catholic community come together to worship. The private ownership of the Priory does not alter the history of the building nor the importance of maintaining the physical link between the various sites so that the public can walk past the various buildings and appreciate their story.
- 3) The new owners of the Priory bought the house in the full knowledge of the existence of the public footpath running up past the house. It is only now that they have extended their garden into the field that they claim that the path passes through their garden. This claim is due to their action and was not the case when they bought the house as the path went up a route outside of their garden.
- 4) I understand that no application for change of use from an agricultural field to domestic garden has been applied for or granted so any claim related to the path passing through a garden should not be recognised.
- 5) The proposal that the footpath should join the road at point J and travel along the tarred road to point G is dangerous. The road along this stretch is narrow and on a blind bend and is frequently used by large heavy farm tractors and machinery.
- 6) The use of the tarred road (J-G) to walk up to the New Wardour Castle gate is un-esthetic and detracts from the pleasure of approaching the entry to the castle up an old traditional footpath as has been done for over two centuries.

I would appreciate your confirming the receipt of this email and request that you add these objections to those put forward by my neighbours and assist us to ensure that this application is refused.

Yours faithfully

Mr Renato G Gordon
[REDACTED] Cottage
Wardour

Mike Walker

From: STEPHEN MOODY [REDACTED]
Sent: 05 September 2016 21:05
To: [REDACTED]
Subject: Tisbury Public Footpath no 83

Dear Mr Walker

I am a committee member of the Tisbury Footpath Club and author of the Nadder Valley Walks books, which promote the preservation and walking the public rights of way in the local area. I have become aware of your client's proposal to divert the Tisbury Public Footpath no 83 at Wardour. I wish to register my objection to this proposed diversion. This is an ancient right of way which has been used by local people since time memorial; by generations of children going to school and also worshipers attending the chapel at New Wardour Castle.

On the last occasion that I walked this path, I recall that after passing the school it led to a defined hedged path leading to the road by the entrance drive to New Wardour Castle. I understand that your clients at the Priory have since extended their garden to include this public right of way, but this is not a valid reason why it should be diverted from its present course. In any case, the proposed alternative route would be totally unacceptable, as it appears to lead from a point further along the road, then across an open field where its line could soon become obscured, then further road walking on a narrow road that is in fact quite busy with traffic visiting the English Heritage tourist attraction at Old Wardour Castle and also by residents of the Wardour Court development.

I am somewhat confused by your position in this process and question your legitimacy as far as Wiltshire Council is concerned. I do not see how, if you are representing your clients who have instigated this proposed diversion, that you are able to act in an unbiased manner with regard to conveying objections to the Council. I would suggest that there is an obvious conflict of interest on your part. Surely, even in these days of cut backs, there still has to be a due and proper process in which a fair hearing can be given to opposing views.

Tisbury Footpath Club members cherish their long held public rights of way and will strongly object to this unnecessary proposed diversion, which is also a waste of public money, when the only reason for it appears to be that your clients at the Priory see it as an inconvenience to them. May I respectfully suggest that this should have been considered before they moved into the property.

Regards,

Stephen Moody.

Moody.

Mike Walker

From: Tisbury Parish Council [REDACTED]
Sent: 08 September 2016 13:43
To: [REDACTED]
Cc: Alison Hill; Wardour School
Subject: Footpath B3 Diversion

from Mrs S. Harry - Clerk to Tisbury Parish Council

Dear Mr Walker,

Just letting you know that the PC discussed this diversion on Tuesday last. There was a lot of public representation made, but P.C.nllrs only discussed the proposed diversion and not the process itself.

Although there was some sympathy with the school's position, there was a general feeling that the privacy issue at The Priory was, in part at least, due to the removal of the beech hedges. The proposal to allow the school children the continued use of the existing footpath route was welcomed however.

There were also concerns about the increased distance of the proposed path and the proposed use of a road that forms the main access to the very popular Wardour Castle that is regularly trafficked, not only by tourists, but by a great deal of agricultural traffic; so increasing the risk to the footpath users.

Following a discussion of the above points therefore, Parish Councillors resolved not to support the proposed diversion.

regards,
Sandra

We are only staff the Parish Clerk works part time and there may be a delay in responding to your message.

This e-mail and any files transmitted with it are confidential. If you are not the intended recipient, please do not disclose, copy or disseminate it. If you are not the intended recipient, please do not disclose, copy or disseminate it.

Photographs

A Existing Route

(i) Walking from Point G towards the house



(ii) Passing the house at Point F



(iii) Point F towards Point E



(iv) Double pedestrian gates where the path crosses driveway at Point E



(v) Gate at entrance to school at Point D



(vi) Path passes behind school buildings between Points D and C



(vii) Enters playing field approaching Point C



(viii) Crosses school playing field between Points C and B



(ix) Passes along school drive between Points B and A



B Proposed Route

(i) Passing along 2m wide grass verge between Points A and H



(ii) Crossing open field with views between Points J and H



(iii) Entrance to field at Point J



(iv) New path to be levelled and pass alongside hedge between Points G and J

