

APPENDIX C

Highways Act 1980 s.119
The Wiltshire Council Parish of Tisbury Path No. 83 Diversion Order and Definitive
Map and Statement Modification Order 2017

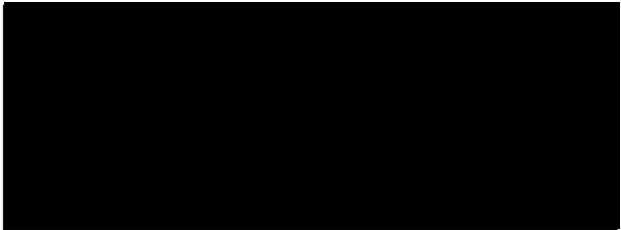
LIST OF DULY MADE OBJECTIONS TO THE ABOVE ORDER

NB Objections numbers 1 to 30 were forwarded to the applicant for comment on 30 June 2017. Owing to a filing mistake an additional 3 duly made objections were omitted. These have been included in this list as 31, 32 and 33 but it is noted that their date of receipt precedes the others in the list.

No	Date received	Name
1	02 June 2017	Bill Riley
2	08 June 2017	West Tisbury Parish Council
3	07 June 2017	Roger Walker
4	10 June 2017	Janet Amos
5	11 June 2017	Joanna Harrisson
6	11 June 2017	Dr Mary Myers
7	12 June 2017	J A Murphy
8	12 June 2017	K Ashbrook Open Spaces Society
9	12 June 2017	Wardour Chapel Trust
10	12 June 2017	Honoria Connolly
11	13 June 2017	Anthony Connolly
12	15 June 2017	Bea Corlett
13	15 June 2017	Norman Martin
14	14 June 2017	James Ryan
15	14 June 2017	Mrs A Rowe
16	14 June 2017	Barbara Farrell
17	15 June 2017	Gillian Hooper
18	15 June 2017	Mrs Alex Ward
19	16 June 2017	Pamela Chave
20	17 June 2017	Tisbury Parish Council
21	16 June 2017	Tisbury Footpath Club
22	19 June 2017	Tim Martin
23	19 June 2017	J and K MacDonald
24	19 June 2017	Mercy Sword
25	19 June 2017	Ambrose Connolly
26	16 June 2017	Alan MacDermot
27	18 June 2017	Emily Toynton
31	22 May 2017	Denise Lindley
32	22 May 2017	Jeremy Hooper
33	26 May 2017	David Lacey

Received after the deadline i.e. not duly made

28	21 June 2017	Christopher Riisager 6PE
29	20 June 2017	Sarah Russell
30	20 June 2017	Luke Hughes



①



OBJ (B)
Recd & Ack.
26 May 2017

Sally Madgwick

25th May 2017

TUCKINGMILL TISBURY SP3 6

Rights of Way Officer

Wiltshire Council

Dear Sally

Re Proposed Diversion of Tisbury Footpath 83

I am writing to object to the proposed diversion of this path though I would support moving the northerly start to point H as shown on the application .

I also welcome removing any diversion from the road. It would seem that a satisfactory compromise would be to follow the course H-C-D-E-F-G. (plan enclosed)

Justification on grounds of a better view and better privacy/security in requesting a diversion really has no validity. Living in a rural area better security is enhanced by good relations with your immediate neighbours rather than moving a path.

What is particularly worrying is somebody constructing a new garden across a footpath and then complaining that the path invades their private space .

Apart from my comments on Equality Impact the remainder of my response needs to be read alongside Mike Walkers report

If you have any queries please give me a call

Yours sincerely



David Lacey



②

Re The Proposed diversion of Tisbury Footpath 83

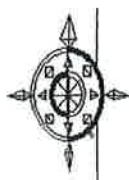
Before moving on to Mike Walkers report I should just like to comment on the summary section 8 "Equality Impact"

The proposed diversion initially crosses a paddock from H to J on the plan. Anybody in an electric buggy or scooter would find it difficult to negotiate the paddock as would a parent with a child in a pushchair. Talking last weekend to a mother with a son who is wheelchair bound she informed me that livestock tend to be fascinated and can surround a buggy which can be quite intimidating.

If the Council is going to pay more than lip service towards equal opportunity between people that have a disability and people who do not then they need to make a start somewhere and I would suggest when a new path is created would be a good place to start.

If the path was graded with a fence on both sides it would be a possible but not very satisfactory solution. Altering the route from H to follow the hedge line along C-D-E (plan enclosed) and finally the original path to point G. would seem a more practical route and a temporary stock fence could be installed if required.

Mentioning the gates on the original route as 4 and the new route as only 2 does seem a little disingenuous. Assuming the hedgerow is retained and the proposed new path runs on the property side of the hedge the Taylors are probably going to require gates at J on both sides of the driveway and G for security and to keep out wayward dogs. It should be noted that on the existing route one of the gates can easily be pushed open by a toddler

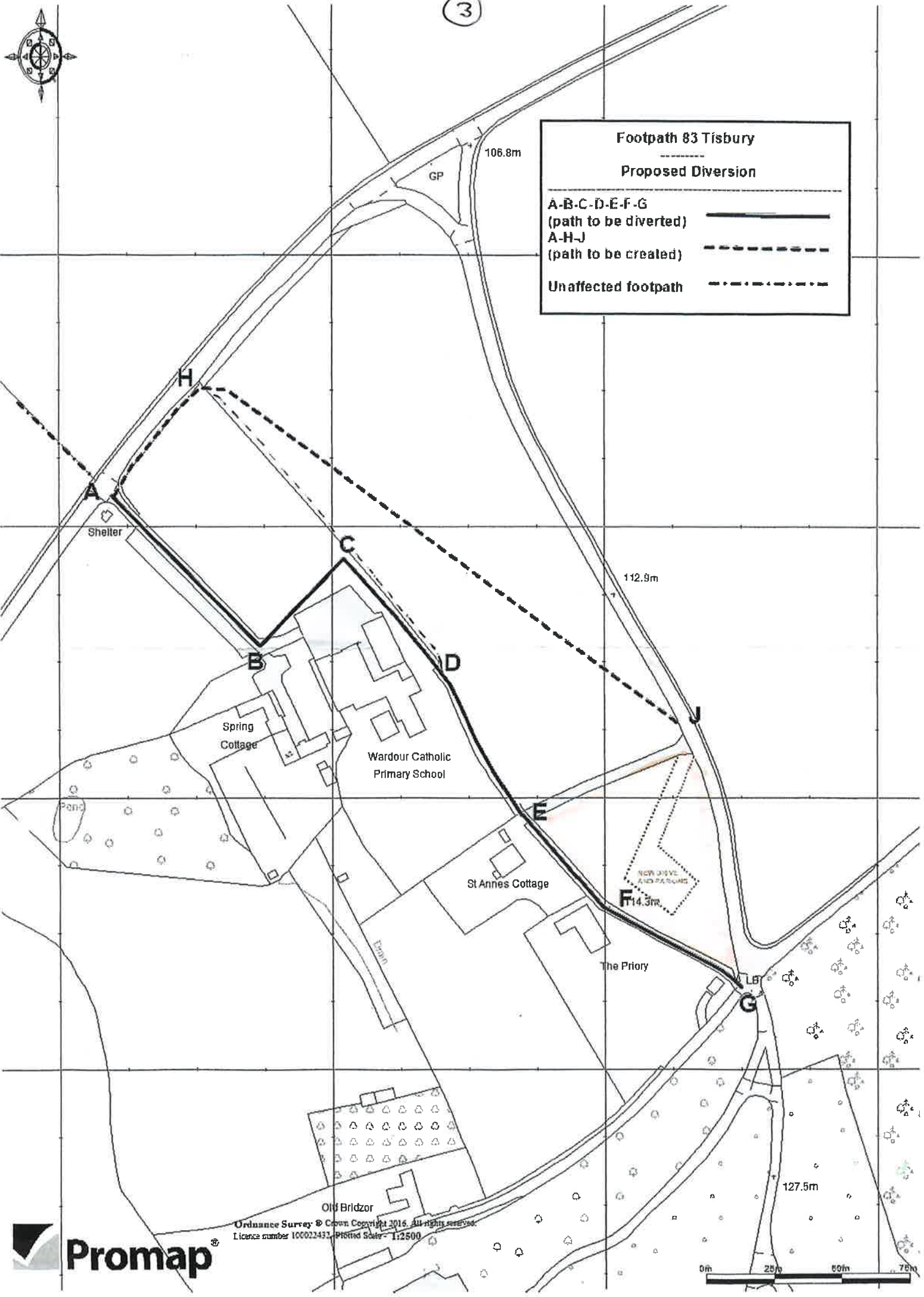


3

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	



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Mike Walkers Report

1/ I think that there is widespread support for starting the path at point H. However, a more acceptable route from point H is to follow the hedgerow on the right passing points C-D to E and then continue the existing line of the path to point G.

The Consultation

3 ii Supporters This whole area is attractive and the "far more interesting outlook and better appreciation" is pure bunkum.

Non local walkers could well feel uncomfortable crossing in front of the house and I have to concede that the Taylors have carried out their transformation of a paddock to a parking area and garden, for which I assume they obtained planning permission, both skilfully and tastefully.

Local walkers are not uncomfortable just annoyed that an intimate hedge lined path has been opened up in such a manner.

4 The Wessex Ridgeway

The route of this long distance path was being researched in 1986 by Stan Marriott of The Ramblers Association and he noted that the section A-B-G was a well used path. Because the status at that time was not clear officially the authors decided to route the path along the road route. The uncertainty regarding the status of the path was resolved in 1997 when the present route was confirmed.

I have used the path regularly since 1972 and it is my opinion that any confusion concerning the path was an administrative muddle and not of actual usage.

5 Commentary

2 I just don't buy that the proposed new route is more scenic when the whole area is lovely and of course this is all very subjective.

3 Hedges are a fundamental method in the countryside of ensuring security and privacy. If in a small hamlet owners choose to remove a hedge then obviously their privacy could well be jeopardised.

Regarding maintenance this is, of course,

something that all hedges require and further along the path the Taylor household clearly make an excellent job of it.

5 The School is in a difficult position as it is keen to have the path diverted away from the playground. However I gather the school would still prefer to take the traditional route up to the Chapel if possible.

6 Sadly dog problems would not be entirely removed just moved away from the school which is certainly worthwhile.

6 The Legal Tests

ii The new route would inconvenience householders in the two residences adjacent to the school who wish to attend services at Wardour Chapel.

I have already questioned the number of gates in these notes

8 The Equality Act

See my previous notes

9 The original path did not pass through a garden it is the way that the new owners have developed a former paddock ,I assume with planning permission, that gives this impression now. Surely this is a dangerous precedent which could allow people to do almost anything and then get retrospective approval.

OBS 32
Add recd 26
May 2017

To: Rights of Way Officer
Wiltshire Council
Trowbridge BA14 8JN

[REDACTED]
42 Wardour
Tisbury
Salisbury SP3 6 [REDACTED]

ref: 2017/06 TISB83

25th May 2017

FAO Sally Madgwick

Dear Madam,

Re: Application for Diversion of Tisbury Footpath No: 83

I object to the Proposed Diversion of the historic route. It is unacceptable, as it contradicts the Order made following the report to the WCC ROW & Commons Sub-Committee of 17th April 1996. This was based on the then recent Public Inquiry by Her Majesty's Inspector, which approved the definitive route.

Yours Truly,

[REDACTED]

Jeremy Hooper

Denise Lindley
■ Churchill Estate
Tisbury
Salisbury SP3 6■

OBJ (31)

Recd
25 MAY
2017

S Madgwick
Rights of Way Office
Wiltshire Council
Bythessa Road
Trowbridge
BA14 8JN

Tisbury Path 83 Objection

22 May 2017

Dear Ms Madgwick

I would like to object to the notice to divert Tisbury Path 83.

It is not acceptable that this ancient footpath is rerouted because the footpath passes the Priory, which is basically what this is about.

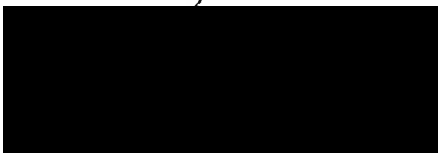
I would just like to say that there has been no public consultation on this matter and it appears that it is just being pushed in through the back door with the hope that no body will object.

Well I'm objecting and Tisbury Footpath objects too.

I am not going to sit by so that the owners of the Priory can try to get their own way when the footpath was there well before they arrived.

You must listen to what the local people want.

Yours sincerely
Denise Lindley



29
LATE

Roberts, Ali

From: Sarah Russell [REDACTED]
Sent: 20 June 2017 09:01
To: Madgwick, Sally
Cc: Roberts, Ali
Subject: Ref: 2017/06 TISB83

I am writing as a long time resident of Wardour, to oppose the application to modify the footpath which goes from Wardour Catholic Primary School , up past the Priory , and on to Wardour Chapel .

I live beside the School and use this footpath everyday (sometimes twice) and have done so for the past 31 years . The present owners of the Priory, who have instructed Mr Walker to negotiate to change it, must have known that this was a footpath when they bought the property.

There was a full public enquiry in 1998 when someone previously tried to change it, surely it would be a terrible waste of public money, and make a nonsense of the whole procedure, to go through this again, just because a consultant has been employed to change things.

The present owners of the Priory removed the hedges from the footpath, and made an access across what was a field, from the road to their front door , so have made themselves more insecure (if security is an issue with them) it has nothing to do with the route of the footpath , which has been there for hundreds of years .

It would be a shame to our Country if we allow our old traditions to be altered by people, just because they have the money to manipulate things.

Regards ,
Sarah Russell (Mrs)

Sent from my iPhone

Received - 21/06/17

To Sally Madgwick

R.O.W. officer,

Wilts. County Council.

Bythe Sea Rd.

Trowbridge BA14 8JN

28

LATE

Ref 2017/06 T15B83

I am writing to object to the proposed change to the footpath at Wardour on the same grounds raised at the previous enquiry 15 or so years ago, when the inspectors found in favour of its present position as an established R.O.W.

Also on the grounds that the owners of the convent or 'Priory' knew of the rightful existence of the footpath when they purchased the property.

yours faithfully Christopher Riisager

West Hatch, Tisbury WILTS SP30

Received 20/06/17.
Ascot Court.
18/6/17 Country Hall

For the Attention of: Sally Madgwick

OBJ
27

Wardour Road
Bromley
Kent BR3 9 [redacted]

15th June 2017

Ref: 2017/06 TISB83

Dear Sally,

I wish to submit my objection to a request to change the route of the footpath, Ref: 2017/06 TISB83

This is a footpath that I have used for 50 years.

It allows a safe route, avoiding an increasingly busy road with poor visibility, for all the local community. The proposed route would take the path onto the road. This is particularly worrying, when considering the safety of children and elderly people, who may be vulnerable if having to negotiate a stretch of road, that can be busy with heavy farm machinery, and traffic travelling to both New Wardour Castle, and Old Wardour Castle.

My objection is on the grounds that it creates a potentially unsafe route for residents of Wardour and other people walking the footpaths for pleasure as well as access, due to the dangers posed by cars and farm machinery on the proposed route.

Best Wishes,

Emily Toynton [redacted]

Roberts, Ali

OB 3
26

To: Alan MacDermot
Cc: Madgwick, Sally
Subject: RE: PPO enquiry re 2017/06

Dear Mr MacDermot,

s.119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981 – The Wiltshire Council Parish of Tisbury path no.83 Diversion Order and Definitive Map and Statement Modification Order 2017

Thank you for your email in objection to the above mentioned public path diversion order. Just to confirm the safe receipt within the formal objection period.

This matter is being dealt with by my colleague, Sally Madgwick, who is now on leave until Tuesday 27 June. On her return to the office Sally will be giving full consideration to all responses received within the formal objection period in a report to the Southern Area Planning Committee, details of which will follow in due course.

Kind regards,

Ali Roberts

From: Alan MacDermot [mailto: [REDACTED]]
Sent: 16 June 2017 23:06
To: rightsofway
Subject: PPO enquiry re 2017/06

PPO enquiry re 2017/06 in RoW PPO <http://www.wiltshire.gov.uk/row/ppo/getppo.php?id=6195>

Since the proposed change of path is no longer shown on the website it is not clear whether this application has been withdrawn. If not then I wish to object to it most strongly.

The diversion that has been talked about would force a public footpath onto two busy roads. The path is a component of the Wessex Ridgeway

2 The existence of the footpath was established earlier this century in a public enquiry that showed that the path had been used as a footpath for decades. The enquiry was triggered when a local resident found the path blocked for the pram carrying her twins. They would have been forced to travel on the road.

3 The applicants have involved the local primary school (of which I was once vice chair of governors) by offering them a permissive right to cross their land. This of course would lapse if their house changed ownership. The school is in effect being blackmailed by OFSTED because the existing path runs along their sports field; but the children are supervised and I have not heard of any incident in the nearly two hundred years that the school and footpath have coexisted

4 The applicants bought their house recently in the full knowledge that a footpath ran past their front door.

5 It is always wrong to change or extinguish a footpath frivolously. Walkers depend on the maps to use the countryside. Other local residents depend on the footpaths for access and communication

Alan MacDermot

West Hatch

Salisbury SP3 6

Roberts, Ali

OBJ
25

From: Connolly, Ambrose [REDACTED]
Sent: 19 June 2017 19:11
To: rightsofway
Subject: PPO enquiry re 2017/06

PPO enquiry re 2017/06 in RoW PPO <http://www.wiltshire.gov.uk/row/ppo/getppo.php?id=6195>

2017/06 TISB83

Dear Sally Madgwick,

I wish to object to the proposed diversion and highlight the following points.

1.

The proposed changes would inconvenience the residents of St. Anne's Cottage as well as those at Old Bridzor. The diversion would be substantially less convenient to the public but more importantly much less safe.

2.

The Inspector established this footpath in 1997 following a local enquiry when Wiltshire Council referred the matter to the Secretary of State

[Wildlife and Countryside act 1981 section 53 Wiltshire county council (ST92NW) (TISBURY 83) RIGHTS OF WAY MODIFICATION ORDER NO 7 1997]

The establishment of this footpath was supported by;

Salisbury District Council, The Council for the protection of Rural England, The open Spaces Society and The Ramblers Association.

The evidence of 96 individuals confirmed the footpath had been used openly and without challenge for access to the school, for pleasure and recreation, for gaining access to the chapel situated in new Wardour Castle, for visiting the former shop, now a private residence, and for access to the bus stop on the main road. Such use was documented from 1911.

A path along this route has been in place on maps (including O.S.) since 1834.

It is therefore astonishing this that proposal is being considered by the Council once again. The proposed diversion of this historic path differs only in detail from the proposals made in 1994-1997.

3.

I feel it is important also to draw attention to this point of law:

“Factors such as property security, suitability, necessity or property value should not be considered as the 1981 Wildlife and Countryside Act does not allow for such opinion to be taken into account.”

Wiltshire County Council Rights of Way & Commons Sub-Committee - 17th April 1996 Agenda item no 14. Points of Law 25.

In conclusion, I fully believe the proposal of this footpath threatens the culture of community in Wardour, dating back as far as 1834 and no doubt before. Safety appears to me to be the main issue at stake here. For residents, ramblers, Castle visitors and most importantly School children the proposed changes pose a safety issue.

Short-term considerations should not threaten the right of school children to the use of the path in perpetuity. Any safety concerns the school might have regarding the lower stretch of the footpath should undergo further consideration in order find a safe longer lasting arrangement that does not put members of the public (including school children) in unnecessary danger. As a former pupil of the school, I benefited from the footpath that provided me and my brothers and sisters with safe passage to and from Wardour Catholic Primary School over a period spanning 24 years.

Finally, the proposal shows a lack of regard for the general public in favour of a private entity. This marks yet another small contribution no doubt to the privatisation that is fast becoming a hallmark of life in Britain.

Thank you for your time and consideration.

Yours Sincerely,

Ambrose Connolly

Received 19/06/17.

0 B3
24

Sally Madgwick
Rights Of Way Officer
Wiltshire County Council
Bythesea Road
Trowbridge BA14 8JN

Mercy Sword

██████████ anby Street

London SE15 4██████████

15 June 2017

Dear Sally,

Ref 2017/6 TISB83

I am writing to object to the order to divert the footpath Tisbury no 83.

My objections are as follows:

1. The proposed new path will add a much greater distance to the path between Spring Cottage, where I visit my parents regularly, to the gates of New Wardour Castle (point G on the Order plan).
2. The new proposed path between points A and H on the Order plan involves walking on the verge of a road, where it is difficult to see oncoming traffic and this will be dangerous, particularly for my young children.
3. It is discriminatory to allow an agreement whereby children from Wardour Primary school will be able to continue to use the old route past The Priory, but not for children who do not attend the school; and not children who are walking outside of term time from family at Spring Cottage (next door to the primary school) to Wardour Castle

I hope these objections will be taken into account and look forward to hearing the outcome.

Yours sincerely,

████████████████████

Mercy Sword

Madgwick, Sally

OBS
23

From: John McDonald [REDACTED]
Sent: 19 June 2017 13:31
To: Madgwick, Sally
Cc: Roberts, Ali
Subject: Wardour Footpath No. 83 - Ref: 2017/06 TISB83
Attachments: Wardour footpath 5.9.16.docx

Dear Madam,

Please would you register our objection to the revised proposal for the diversion of the public footpath at The Priory, Wardour.

My wife and I sent a letter to Tisbury Parish Council objecting to the diversion proposed last year: I attach a copy of that letter. I regret to say that the concerns that we expressed in that earlier letter have not been adequately addressed in the revised proposal.

In particular, the revised proposal only provides for a *permissive* right of way for Wardour School across the land. That would allow the present or any subsequent owners of The Priory at any time to revoke that permissive right of way, without any need for planning permission, without the agreement of Wardour School, and without any local consultation. That would leave the children, staff and parents from the School to have to make a much longer journey, partly on the busy public road, when walking up to the Chapel at New Wardour Castle. It seems that those presently responsible for the School do not realise these potential consequences. In any event, the Council has a responsibility – as education authority – to ensure the safety of children attending publicly funded schools in its area, and it would be inconsistent with that duty to permit a state of affairs which could expose children and others to danger in the future.

In addition, many local people, ourselves included, use the footpath in its present route. We would not even be allowed to use the proposed “permissive” route across the land, which would leave us having to make a longer journey than previously.

The present owners of The Priory must have known, when they recently bought the property, of the contention caused by its proposed diversion about 20 years ago, which culminated in a planning enquiry at which all the issues were aired, and the then application to divert the footpath rejected. Nothing has changed, and so the present proposal should be rejected.

Yours faithfully,

John & Katharine McDonald

John McDonald MA FRSA FCI Arb
Barrister & Arbitrator

[REDACTED] Temple Gardens, Temple, London, EC4Y 9 [REDACTED]

Tel: +44 (0) 20 [REDACTED]
LDE: Chancery Lane 134

DD: [REDACTED]
Fax: +44 (0) 20 [REDACTED]



[REDACTED]

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Wardour, Tisbury, SP3 6

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. 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,

Madgwick, Sally

OBS
22

From: Anne & Tim Martin [REDACTED]
Sent: 19 June 2017 09:24
To: Madgwick, Sally
Subject: Diversion of Tisbury Footpath 83 - Ref 2017/06 TISB 83

Dear Ms Madgwick

I wish to register my own objection to the proposed diversion of Tisbury Footpath 83. My objections are aligned with the points set out in the letter of objection to you from Tisbury Footpath Club dated 16 June 2017, which has already been lodged with you. I shall not repeat the points!

Many thanks

Regards

Tim Martin

[REDACTED]
High St

Ansty

SP3 5 [REDACTED]

Tisbury Footpath Club

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

[REDACTED]
High Street
Ansty
Wiltshire
SP3 5[REDACTED]

16 June 2017

Ref 2017/06 TISB83

Dear Ms Madgwick

Tisbury Footpath 83 Diversion Order

I write to you on behalf of Tisbury Footpath Club, having consulted our membership on this footpath diversion. Our current membership this year is 65 paid members.

There was a clear response from members that whilst they would support a scheme that separates the footpath from Wardour Primary School, they are vehemently against the currently proposed diversion. No member expressed support for the proposed diversion and where support was expressed during the initial consultation, this is no longer the case.

The proposed diversion was discussed at Tisbury Parish Council on Tuesday 6 June 2017. At the meeting, just one person spoke in favour of the proposed diversion and that was on behalf of Wardour Primary School with the aim of not having the path passing through the school's grounds. It was noted by the Councillors present, that although the diversion supporter explained the potential risks with the current arrangement, the School had not thought it sufficiently serious to take any action themselves to separate the path from the school. The main reason given for not taking action previously was that they did not want to upset their neighbours.

The Footpath Club suggested at the meeting that there were other options to separate the footpath from the School, which would not attract the current objections and the Footpath Club would support. As a result of these representations at this Council meeting, it was resolved that there should be discussion between the School and the Footpath Club to see how this could be achieved.

Turning now to the content of the Order, we submit our comments as follows:

The first test provided by the legislation is the requirement to demonstrate that in the interests of the owner, (The Priory) it is expedient that the line of the path is diverted. We would suggest that IF it has become expedient it is only because of their own actions of removing the hedges and also building out into the path. This is self inflicted expediency.

The second test requires that the proposal must not be substantially less convenient to the public. Taking this contrived route diagonally across the field and then around the field perimeter is substantially less convenient.

In addition, starting from the road by the substation you cannot see the path destination. In these situations the path is undefined, because walkers will take slightly different alignments and a worn path is not established. This will also substantially reduce disabled access.

Tisbury Footpath Club

Walkers will not want to take this route if the field is full of cattle or horses. In this situation most walkers will want to take a route along a boundary. They feel and are more secure.

For these reasons the proposed alignment is substantially less convenient and substantially less desirable.

The third test is in relation to the enjoyment of the re-routed path. This we feel is substantially diminished for the following reasons:-

Firstly, there is the loss of the historical context of the School, Priory and Chapel, which is a well documented issue. The path served these communities and remains relevant today to many people.

Secondly, walking is not just about big views. We are very fortunate that there is no shortage of these in Wardour and Hatch. But you need variety of settings, changes in environments, different habitats to see different species of birds, different wild flowers and butterflies. The existing path provides part of that variation. Taking out the hedge was dumbing down the experience, diverting the path across the field is further diminution and, walking amongst cattle and horses for most people takes away the enjoyment.

In conclusion, our analysis shows the proposed routing of the path fails all these tests. Furthermore, we feel that if the path was in the proposed position, it would be expedient to re-route it back to its current position.

Our review of the papers relating to this Order has identified a process which is dubious, lacks rigour, contains incorrect facts, contains false assumptions and therefore has unfounded conclusions. It would be wrong to proceed with a decision on this flawed basis. We have not checked the documents for every error, but we have found sufficient to demonstrate our conclusions as follows:-

- 1) The Covering page for Decision Report produced by Wiltshire Council states in point 2) "The application is made by the Priory and is supported by the other affected property holders." This is factually incorrect and misleading as the immediate neighbours to the Priory at St Anne's cottage next door are absolutely against this application and made their case publicly at the above Parish Council meeting on 6 June 2017. The next neighbour Jeremy Hooper of School Cottage also spoke strongly against the application at the above Parish Council meeting. The fact that the Council's summary can be factually so incorrect on such a fundamental point is of serious concern. Whether this is due to incorrect information being fed from the applicant's consultant or an error by the Council, is unclear.
- 2) The Covering page for Decision Report produced by Wiltshire Council states in point 3) "The consultation was conducted by the applicant's agent under the auspices of Wiltshire Council." We are concerned about the oversight of the applicant's consultant's independent consultation. Responses were only to be sent to the applicant's consultant and not as you would expect, to the council also, to ensure some integrity of procedure. We can advise that some of the objections raised and submitted by our members are omitted from the consultant's submission.
- 3) The Covering page for Decision Report produced by Wiltshire Council states in point 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." Whilst it may have addressed all the

Tisbury Footpath Club

responses received by Wiltshire Council, it has not addressed all the responses submitted to the consultant, as some of these appear to have been lost on the way.

- 4) The Covering page for Decision Report produced by Wiltshire Council states in point 5) "It should however be noted that the proposed diversion generated an unusual amount of correspondence and interest for a diversion." This suggests that Wiltshire Council do not appreciate the significance of this footpath and pre-judged incorrectly its significance to local people.
- 5) Paragraph 3.ii of the applicant's consultant's report by Mike Walker advises that there is a considerable number of letters and emails in support of the application, in excess of 30. If you look at these in the Appendix you find that 20 of these are a standard paragraph provided on behalf of the school for parents to request a short cut arrangement for them, if they pledge their support to the application. Others are from people some distance from Tisbury and whilst they have a view, it is not the view of local and regular path users. The support for the proposal should not be judged on the headline numbers, which are misleading.
- 6) If you then consider the loss of some objection letters, you begin to appreciate that the balance of responses is not being fairly represented by the applicant's consultant.

I believe we have made sufficient points to substantiate our position, firstly in relation to the routing of the path and secondly in relation to the flawed consultation and decision process. We feel that this is more than sufficient to demonstrate that the Council should not proceed with this Order.

Yours sincerely


Tim Martin
Chairman – Tisbury Footpath Club

TISBURY PARISH COUNCIL

Clerk to Council: Mrs Sandra Harry
The Reading Room, High Street
Tisbury, SP3 6LD
email tisburyipc@gmail.com

OBJ
20

17th June 2017

Fao Sally Madgwick
Rights of Way Officer
Wiltshire Council
(by email: sally.madgwick@wiltshire.gov.uk)

Dear Ms Madgwick,

Highways Act 1980 s.119

The Wiltshire Council Parish of Tisbury Path No. 83 Diversion Order and Definitive Map and Statement Modification Order 2017

Thank you for the opportunity to comment on the above.


Parish Councillors discussed the revised proposals at some length having heard a number of views from members of the public; both for and against.

Eventually however, Parish Councillors voted unanimously to object to the Order as although the school had valid grounds (especially following Ofsted comments relating to safeguarding and health protection) in wanting the diversion, there was a substantial body of opinion that the section of the route running past The Priory was not warranted for any valid reason.

Two points in particular made supported this assertion:

- a. The beech hedging, formerly in place along the footpath, had been removed by the current owners thereby creating the lack of privacy.
- b. Statements made in the report were inaccurate, for example:
 - i. the support of other affected property owners - this appeared not to be true for the two adjacent property owners attending the meeting in order to object,
 - ii. references to a garden that is designated agricultural land.

Yours sincerely,



Mrs Sandra Harry - Clerk to Tisbury PC

Received 16/06/17.

OBJ
19

[REDACTED] Weaveland Road,
TISBURY
Salisbury,
SP3 6[REDACTED]

[REDACTED]

14th June, 2017

WILTSHIRE COUNCIL
County Hall,
Bythesea Road,
TROWBRIDGE.

For the attention of Sally Madgewick, Rights of Way Officer.

Re: Footpath No.83 situated at Wardour.

I wish to protest strongly against the proposed diversion of the above mentioned footpath which has been used for many years by the children of Wardour School to worship at the Chapel at Wardour Castle. Also people used to walk to the Chapel from Newtown in the past – unfortunately they are no longer with us – but were able to give evidence in the 2005 enquiry when the path in question was finally acknowledged as a public right of way and given the No.83.

When people buy a property they know from the deeds that a path exists, so why try to change it?

I have been secretary of the Tisbury Footpath Club since 1979 and we have regularly used this path.

Yours faithfully,

[REDACTED]

Pamela Chave

Received 15/06/17 - JG.

Sally Madgwick
ROW Officer
Wiltshire Council
By the Sea Road
Trowbridge
BA14 8JN

■ River's Edge
Charlton Marshall
Blandford
DT11 9 ■

OBJ
18

13 June 2017

Ref: 2017/06TISB83

Although I do not live in Wardour, my sister and her husband do and have done so for many years and I am a frequent visitor to their house.

The objections I have for this diversion request are as follows:

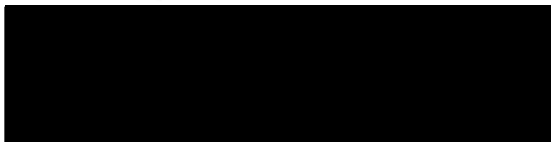
This diversion request was ruled against in 1997 after an extensive enquiry and hearing. It is an ancient public right of way added to the Definitive Map by Modification in 1997 and has been used for years as a link between the catholic school, local catholic residents and the chapel.

The applicants were fully aware when they bought the property of the existence of the footpath and are now choosing to overturn the 1997 ruling for their own interests not those of the local community.

Security to the pupils in using the footpath is totally unfounded as they are always accompanied by an adult.

The proposed route is longer and less convenient for users.

Yours sincerely



(Mrs) Alex Ward

Received - 15/06/17 - JG.

Wiltshire Council
Trowbridge
BA14 8JN

████████████████████
Wardour
Tisbury
Salisbury SP3 6████████

OBJ
17

14th June 2017

Ref. 2017/06 TISB83

PROPOSED DIVERSION OF TISBURY FP 83

Dear Sally Madgwick,

I wish to object to the proposed diversion of this Footpath on the following grounds:

1. The current path is an historic route, as the applicants, Mr and Mrs Taylor and their Consultant know. It is shown on old maps and OS maps since 1834. There are also unrecorded paths linked to it shown on OS maps from 1886,1900,1923,1958 and1959. There are cobblestones on the surface of the path by the school, north of St. Annes cottage.
2. Our family have lived in Wardour since 1968, our house is adjacent to the school. We used the path almost daily with 6 children at Wardour School, and later, when they caught the bus at point A on your map, to get to school in Shaftesbury. We use it to walk to the Chapel in New Wardour Castle, to the Old Castle, to the post box- point G, and for general walking. I dispute the claim that the proposed new route is being defined as no longer than the old one. It is considerably longer for us and our neighbour in Spring Cottage. We would have to go down the school drive to point A, instead of our present route across the school field, past St. Annes and the Priory to point G.
3. There are no strong arguments that it is expedient (and expedient does not mean essential) for the Taylors to divert the path in front of their house. None of the former owners have sought to divert it. Even the "contentious issues" mentioned, regarding the path's status in 1998, were not over the diversion of the route, but over the route being Permissive, rather than a Public ROW and the ROW Status was confirmed by HM Planning Inspector after a public Inquiry. The privacy and security the Taylors seek is a luxury, not a right. There must be thousands of houses with less than 2 metres between their front doors and windows and a public path. They have in effect created their own perceived lack of privacy.
4. It is claimed that the proposed route would be more pleasant and scenic for footpath walkers. This is subjective. People cannot be ordered to prefer one view to another.

5. Wardour School has a large playground behind it, as well as the field in front where the footpath currently runs. As with the path past the Priory, I would like to know whether there has ever been an incident whereby a pupil was in danger or threatened in any way by a footpath user? Dog excrement is not going to be eliminated totally from school grounds by changing the route of the footpath. As any dog owner will know, dogs can roam. It is not only footpath walker's dogs who foul the ground. I note that Wardour School held a Dog Show on the front field one Sunday..... I think that the greatest danger to the school children, parents and walkers would be on the proposed route between points A and H. This is a narrow verge where parents park their not inconsiderable number of cars to drop and pick up children. In term time this can be very hazardous. The road is not wide there and is used by a lot of large farm traffic and fast driving commuters etc. the proposed site is hidden from drivers coming from the Tisbury direction by a corner on a hill. This is not obvious on the map, but locals are anxious about a potential accident there. Has the Highway Authority been consulted about the Proposed Diversion?

I look forward to hearing from you,

Yours truly,

A large black rectangular redaction box covering the signature area.

Gillian Hooper

Received 14/06/17 - J.G.

OBJ
16

Rights of Way Office,
Wiltshire Council,
Bythesea Road,
Trowbridge, BA14 8JN

10 June 2017

Attention: Sally Madgwick

Your ref: 2017/06 TISB83

Dear Ms.Madgwick

S. 119 HIGHWAYS ACT 1980 AND A. 53 WILDLIFE AND COUNTRYSIDE ACT 1981

Tisbury Path 83 Diversion Order – Objection

I am a local person who is concerned about the precedent that approval of the above Diversion would set. The house was bought with the knowledge that an historic footpath crossed their land in front of the house, separated from it by a thick hedge, which they then cut down. The owners now seek to have the Footpath diverted, claiming a lack of privacy.

To me this is an arrogant disregard for the ways of the countryside and the Council seems to be supporting the owners' approach. I object to this proposal.

Yours faithfully,

[Redacted signature]

Barbara Farrell

■ Castle View
Newtown, Tisbury
SP3 6[Redacted]

[Redacted address line]

Received 14/06/17 JG

████████████████████ Bridzor farm

wardour

Tisbury

WILTS

SP36

OBJ
15

Dear Ms Madgwick,

Re 2017 TISB83

public path diversion, wardour

I am writing to object to the above proposal. The reasons are as such;

- a. The path has been in situ for many years and ~~many~~ of the current owners purchased the property aware of the path.
- b. This is the important issue; As a resident of wardour I walk the paths/lanes at least twice a day. As the primary school is on the main road, the parents park their cars on the road, thus causing poor visibility to both pedestrians & road users alike. Therefore it appears to me, that the proposed

path diversion would mean exiting the field at a point in the road, where vision of the highway is at best obscured, particularly when the road is partially blocked by a vast number of 4x4 vehicles.

The potential for accidents involving children at that point is high during the peak school dropoff/ collection periods. Therefore to divert a path that provides a safe view point & access, directly into the field opposite via an established gate, to further up the road on a blind bend, with no direct access to the field, meaning pedestrians will have to walk along a busy lane with obscured vision appears at best flawed.

I therefore register my objection to this proposal on the grounds of road safety & the potential for injury to road user highway users. ~~to include~~

Yours Sincerely

Paul



Received 14/06/17. J/S

OB3
14

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

East Knoyle
Salisbury
Wilts
SP3 6 [REDACTED]

11 June 2017

Your Reference:
2017/06 TISB83

APPLICATION FOR DIVERSION OF TISBURY FOOTPATH NUMBER 83

Dear Sally Madgwick,

References: A. 2017/06 TISB 83
B. FPS/K3930/7/5 dated 4 Dec 1998

I am writing to object to the application to divert this particular path (see Ref A).

As you will be aware, there was a determination by Mr Coyne of the Planning Inspectorate in December 1998, that use by the public was sufficient to establish the implied dedication, for the purposes of Section 31 of the Highways Act (1980), & that the path is a public right of way. This notwithstanding the use of the path by those accessing adjacent properties (see Ref B, para 47).

This decision was reached following a public local inquiry at the Village Hall in Swallowcliffe, held over four days in September 1998. This included an on site investigation of the proposed footpath, and the surrounding area, on 17 September 1998 (see Ref B, para 1).

The reasons for the diversion given at Ref A, have not been, as far as I am aware, cited by previous occupiers of The Priory as concerns, either when the nuns were in residence, until 1964, or subsequently.

I feel that there is no justification for moving the footpath from its historic line adjacent to The Priory. I wonder on how many occasions anyone has reported that they have had their security threatened or violated as a consequence of finding that they live next to this footpath?

The Council will know that here in south Wiltshire we are fortunate to live in an area that has a low crime rate.

I would argue that the current owners of The Priory already enjoy far more privacy, and have greater security, than the vast majority of the population that live in towns and cities or, indeed, than many homes elsewhere in the Wiltshire countryside.

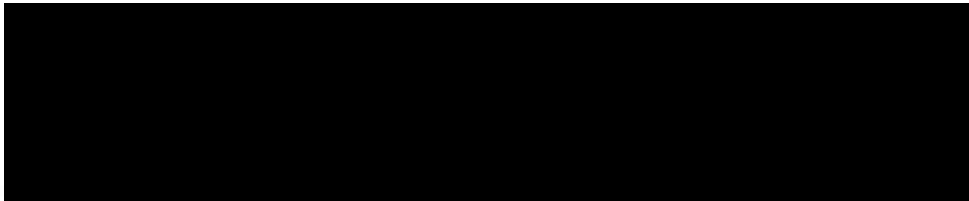
- The Inspector's report observes that the current footpath alignment has been shown on maps, including the Ordnance Survey, since 1834 (see Ref B, para 10). To allow this diversion would cause a break in this association with the landscape.

The proposed diversion would bring any footpath users in greater proximity with road traffic on what is a busy, & at times a congested thoroughfare. The road adjacent to Access Point H of the proposed diversion, above the bus shelter, has traffic, very often, moving at speed.

This is particularly so for those coming from the direction of Tisbury, where the topography of the road is not immediately apparent as vehicles pass Cemetery Lodge before meeting a drop in the road. This comes just after the triangle, below the Convent Hill, as road users approach Ashton Cottage.

I look forward to hearing from you.

Yours sincerely,



James Ryan

Roberts, Ali

OBJ
13

To: Jane and Norman Martin
Cc: Madgwick, Sally
Subject: RE: Tisbury Path No 83 Diversion Order

Dear Mr Norman,


s.119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981 – The Wiltshire Council Parish of Tisbury path no.83 Diversion Order and Definitive Map and Statement Modification Order 2017

Thank you for your email in objection on behalf of the South Wiltshire Ramblers Group to the above mentioned public path diversion order. Just to confirm the safe receipt within the formal objection period.

As you know this matter is being dealt with by Sally, who is now on leave until Tuesday 27 June. On her return to the office Sally will be giving full consideration to all responses received within the formal objection period in a report to the Southern Area Planning Committee, details of which will follow in due course.

Kind regards,

Ali

From: Jane and Norman Martin [mailto: 
Sent: 15 June 2017 12:57
To: Roberts, Ali
Subject: Tisbury Path No 83 Diversion Order

Ali

This is a copy of the objection that I emailed to Sally for your attention. Thank You.

On behalf of the South Wiltshire Ramblers Group I would like to object to the Diversion Order for Tisbury Path 83.

his path was claimed and confirmed in 1997 and since then has been very well used and has become part of the Wessex Ridgeway long distance footpath. The present proposal to divert the path means that walkers would be expected to walk on a public road between points H and A on the map of the new route. It is claimed that there is a wide verge for people to walk on but whatever is available it still makes this route more inconvenient for walkers. The present route does not require any walking along a public road with its attendant dangers. The Ramblers Association usually object to a diversion of a right of way that involves more walking on the highway, as a rule cars and walkers should be avoided on health and safety grounds. This is especially the case here with a narrow road, on which parents bring their children to school. Does anyone know how many car movements a day take place on this road?

The proposed route also does not meet up with the adjoining footpath, again making this route less convenient for walkers.

It is stated that the width of the new path will be 2 metres which is half the width of the present one again making it more inconvenient. The danger is that in future the landowners may attempt to fence the path in making it much more vulnerable to overgrowth as it would be very difficult to mow due to its width.

For all the above reasons we as a group of regular walkers in area object to this proposal.

Norman Martin

Joint Footpath Secretary
South Wiltshire Ramblers

Tel:



0B3
12

Roberts, Ali

To: Bea Corlett
Cc: Madgwick, Sally
Subject: RE: TISB83 2017/06

Dear Ms Corlett,

s.119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981 – The Wiltshire Council Parish of Tisbury path no.83 Diversion Order and Definitive Map and Statement Modification Order 2017

Thank you for your email in objection to the above mentioned public path diversion order. Just to confirm the safe receipt within the formal objection period.

This matter is being dealt with by my colleague, Sally Madgwick, who is now on leave until Tuesday 27 June. On her return to the office Sally will be giving full consideration to all responses received within the formal objection period in a report to the Southern Area Planning Committee, details of which will follow in due course.

Kind regards,

Ali Roberts

From: Bea Corlett [mailto: [REDACTED]]
Sent: 15 June 2017 11:30
To: rightsofway
Subject: TISB83 2017/06

PPO enquiry re 2017/06 in RoW PPO <http://www.wiltshire.gov.uk/row/ppo/getppo.php?id=6195>

2017/06 TISB83

I would like to object to the proposed diversion of the footpath for the following reasons:

1.

When the applicant or the agent for the applicant, Mike Walker, initially contacted the community regarding this application he stated that he was acting on behalf of Wardour Primary School. This was, I am assured by the chair of governors of the school, not true. The evidence which he has collated and presented in support of this application must therefore be regarded as being premised on misinformation.

2.

This footpath was finally and definitively established by the Inspector in 1997 following a local enquiry when Wiltshire Council referred the matter to the Secretary of State

[Wildlife and Countryside act 1981 section 53 Wiltshire county council (ST92NW) (TISBURY 83) RIGHTS OF WAY MODIFICATION ORDER NO 7 1997]

The establishment of this footpath was supported by;

'Salisbury District Council, The Council for the protection of Rural England, The open Spaces Society and The Ramblers Association.

The evidence of 96 individuals confirmed the footpath had been used openly and without challenge for access to the school, for pleasure and recreation, for gaining access to the chapel situated in new Wardour Castle, for visiting the former shop, now a private residence, and for access to the bus stop on the main road. Such use was documented from 1911

A path along this route has been shown on maps (including O.S.) since 1834

I am consequently astonished that the community and the council is being asked to consider this matter again. The proposed diversion of this historic path differs only in detail from the proposals made in 1994-1997.

3.

The proposed changes would be a considerable inconvenience to the residents of St. Anne's Cottage which is currently served by the existing footpath and to residents here at Old Bridzor. The diversion would be substantially less convenient to the public.

4.

I would also like to draw attention to the following point of law:

"Factors such as property security, suitability, necessity or property value should not be considered as the 1981 Wildlife and Countryside Act does not allow for such opinion to be taken into account."

Wiltshire County Council Rights of Way & Commons Sub-Committee - 17th April 1996 Agenda item no 14. Points of Law 25.

This is a right of way that I and all of my siblings walked safely down to school on for many years. My children now use the same path to walk to the playing fields in the school holidays whilst visiting their grandparents and there is absolutely no way I would consider allowing them to walk down along the path in its proposed new form. This is an historic right of way established since at least 1834 and hasn't posed a problem before so I can only conclude that the suggested path would only benefit one house in the community and I therefore refer you again to point 4.

Sincerely

Beatrice Corlett

██████████ *ibilee Cottages*

Hemington

BA3 5 ██████████

OBJ
11

Roberts, Ali

To: mail
Subject: RE: PPO enquiry re 2017/06

Dear Mr Connolly,

s.119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981 – The Wiltshire Council Parish of Tisbury path no.83 Diversion Order and Definitive Map and Statement Modification Order 2017

Thank you for your email in objection to the above mentioned public path diversion order. Just to confirm the safe receipt within the formal objection period.

This matter is being dealt with by my colleague, Sally Madgwick, who is now on leave until Tuesday 27 June. On her return to the office Sally will be giving full consideration to all responses received within the formal objection period in a report to the Southern Area Planning Committee, details of which will follow in due course.

Kind regards,

Ali Roberts

From: mail [mailto:████████████████████]
Sent: 13 June 2017 23:17
To: rightsofway
Subject: PPO enquiry re 2017/06

PPO enquiry re 2017/06 in RoW PPO <http://www.wiltshire.gov.uk/row/ppo/getppo.php?id=6195>

2017/06 TISB83

Dear Sally Madgwick, I would like to object to the proposed diversion and wish to draw your attention to the following points;

1.
When the applicant or the agent for the applicant, Mike Walker, initially contacted us regarding this application he stated that he was acting on behalf of Wardour Primary School. This was, I am assured by the chair of governors of the school, not true. The evidence which he has collated and presented in support of this application must therefore be regarded as being premised on misinformation.

2.
This footpath was finally and definitively established by the Inspector in 1997 following a local enquiry when Wiltshire Council referred the matter to the Secretary of State.
[Wildlife and Countryside act 1981 section 53 Wiltshire county council (ST92NW) (TISBURY 83) RIGHTS OF WAY MODIFICATION ORDER NO 7 1997]

This Rights of Way Modification Order was supported by;
Salisbury District Council, The Council for the protection of Rural England, The Open Spaces Society and The Ramblers Association.

The evidence of 96 individuals confirmed the footpath had been used openly and without challenge for access to the school, for pleasure and recreation, for gaining access to the chapel situated in New Wardour

Castle, for visiting the former shop, now a private residence, and for access to the bus stop on the main road. Such use was documented from 1911.

A path along this route has been shown on maps (including O.S.) since 1834.

I am consequently astonished that the community and the council are being asked to consider this matter again. The proposed diversion of this historic path differs only in detail from the objections and putative compromises made between 1994 and 1997.

3.

The proposed changes would be a considerable inconvenience to the residents of St. Anne's Cottage which is currently served by the existing footpath. Residents of St. Anne's would no longer be able to turn either right or left outside their own front gate! Residents here at Old Bridzor would also be significantly inconvenienced by the diversion, as would the general public.

4.

I would also like to draw attention to the following point of law:

"Factors such as property security, suitability, necessity or property value should not be considered as the 1981 Wildlife and Countryside Act does not allow for such opinion to be taken into account."

Wiltshire County Council Rights of Way & Commons Sub-Committee - 17th April 1996 Agenda item no 14. Points of Law 25.

In conclusion I would like to reinforce the fact that this is an historic right of way established since at least 1834 and probably from a long time before that. It is the connection from Wardour Roman Catholic School to its chapel in Wardour New Castle. My own ten children used that path daily for 24 years, going to and from school, without any hindrance. The right of the school children to use that path in perpetuity should not be compromised or gifted away by any short term considerations. If the school has concerns about the lower stretch of footpath crossing the playing fields it should be encouraged to explore alternative arrangements which do not involve gifting away historic rights and denying the same to the general public.

Sincerely

Anthony Connolly

██████████ Bridzor

Wardour

SP3 6 ██████████

Roberts, Ali

To: nonie
Cc: Madgwick, Sally
Subject: RE: PPO enquiry re 2017/06

Dear Ms Connolly,

s.119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981 – The Wiltshire Council Parish of Tisbury path no.83 Diversion Order and Definitive Map and Statement Modification Order 2017

Thank you for your email in objection to the above mentioned public path diversion order. Just to confirm the safe receipt within the formal objection period.

This matter is being dealt with by my colleague, Sally Madgwick, who is now on leave until Tuesday 27 June. On her return to the office Sally will be giving full consideration to all responses received within the formal objection period in a report to the Southern Area Planning Committee, details of which will follow in due course.

Kind regards,

Ali Roberts

From: nonie [mailto:████████████████████]
Sent: 12 June 2017 19:54
To: rightsofway
Subject: PPO enquiry re 2017/06

Dear Sally Madgwick,

I would like to object to the proposed diversion and wish to draw your attention to the following points;

1. This footpath was finally and definitively established by the Inspector in 1997 following a local enquiry when Wiltshire Council referred the matter to the Secretary of State [Wildlife and Countryside act 1981 section 53 Wiltshire county council (ST92NW) (TISBURY 83) RIGHTS OF WAY MODIFICATION ORDER NO 7 1997].The establishment of this footpath was supported by;Salisbury District Council, The Council for the protection of Rural England, The open Spaces Society and The Ramblers Association.

The evidence of 96 individuals confirmed the footpath had been used openly and without challenge for access to the school, for pleasure and recreation, for gaining access to the chapel situated in new Wardour Castle, for visiting the former shop, now a private residence, and for access to the bus stop on the main road. Such use was documented from 1911

A path along this route has been shown on maps (including O.S.) since 1834

It seems somewhat bizarre that the matter, which was settled quite some time ago, should have been brought up again. The proposed diversion of this historic path differs only in detail from the proposals made in 1994-1997.

2. The proposed changes would be a considerable inconvenience to the residents of St. Anne's Cottage which is currently served by the existing footpath and to residents here at Old Bridzor. The diversion would be substantially less convenient to the public.

3. I would also like to draw attention to the following point of law: "Factors such as property security, suitability, necessity or property value should not be considered as the 1981 Wildlife and Countryside Act does not allow for such opinion to be taken into account." Wiltshire County Council Rights of Way & Commons Sub-Committee - 17 th April 1996 Agenda item no 14. Points of Law 25.

On a personal note, I used the footpath myself throughout my primary school years, to get from my home to school, every day. I still take it frequently, as it is the safest and most pleasant way to access walks towards the River Nadder and surrounding areas.

Wardour is a beautiful part of the world, it has happily remained largely unspoiled by developments. It offers residents and visitors truly lovely places to walk and ramble, and it seems very important that it should remain somewhere that people feel able to roam through freely, using the public footpaths and byways that have existed for so long. Wardour is a community, and as such, it should not be bisected or divided to the detriment of the majority of Wardour residents and visitors.

I was born and raised in Wardour, it is very much my home, and as a place that I love, I would hate to see its heritage traded away for no good reason, and against the findings of the 1997 enquiry.

Sincerely,

Honoria Connolly

██████████ Bridzor

Wardour

SP3 6 ██████████

Received - 12/06/17 (JG)

THE WARDOUR CHAPEL TRUST

HOOK MANOR
DONHEAD ST ANDREW
SHAFTESBURY
DORSET SP7 9EU

OBS
9

2017/06. TISB83.

Telephone: 01747 [REDACTED]
Email: info@wardourchapel.co.uk

8th June 2017.

Dear Mrs. Madgwick,

The Wardour Chapel
Trust own Wardour School, adjoining
land and Wardour Castle Chapel.
The trust objects to the proposed
diversion of the footpath. for the following
reasons: (1) The footpath provides a sensible
route for people travelling between the
school and the church - the diversion
would make the route less straightforward
and unnecessary.

(2) The footpath was originally

Created for local people who needed access to the church; This has not changed and a diversion would take away that simple route which is steeped in historical usage.

③ The school children who use this path every week would be denied their easy straightforward walk to church with a longer diversion.

④ A diversion which is subject to a landowners permission is subject to the opinion of the landowner at the time. It is therefore safer to maintain the current footpath rather than change it.

Yours sincerely,
(Chairman of Trustees)

OBJ
8

Madgwick, Sally

From: Kate Ashbrook [REDACTED]
Sent: 12 June 2017 [REDACTED]
To: Madgwick, Sally
Subject: Tisbury footpath 83 diversion order

Dear Sally

The Open Spaces Society objects to this order on the grounds that the proposed diversion is substantially less convenient to the public and will have an adverse effect on public enjoyment of the path as a whole. It therefore does not meet the criteria of section 119 of the Highways Act 1980.

The diversion would require walkers to use the road between A and H, which is a narrow verge next to a road used for parking by those delivering children to the school and fetching them at the end of the day, as well as by farm vehicles and as a commuter rat-run. We consider this puts walkers at risk and is unpleasant, unlike the present route.

We urge you to reject the diversion.

Yours sincerely

Kate Ashbrook
General Secretary
The Open Spaces Society
25a Bell Street
Henley-on-Thames RG9 2BA

[REDACTED]
email: [REDACTED]
website www.oss.org.uk

The Open Spaces Society is a registered charity (no 1144840) and a company limited by guarantee, registered in England & Wales (no 7846516).

Good causes, green causes -
support us in our fight for them
throughout England & Wales



Read my blog at <http://campaignerkate.wordpress.com/>

The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.

Consider the environment: do you really need to print this e mail?

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

Roberts, Ali

OBJ
7

To: Julie Ann Murphy; Madgwick, Sally
Subject: RE: Ref 2017/06 TISB83 Wardour footpath

s.119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981 – The Wiltshire Council Parish of Tisbury path no.83 Diversion Order and Definitive Map and Statement Modification Order 2017

Dear Mrs Murphy,

Thank you for your email in objection to the above mentioned public path diversion order. Just to confirm the safe receipt within the formal objection period.

This matter is being dealt with by my colleague, Sally Madgwick, who is now on leave until Tuesday 27 June. On her return to the office Sally will be giving full consideration to all responses received within the formal objection period in a report to the Southern Area Planning Committee, details of which will follow in due course.

Kind regards,

Ali Roberts

From: Julie Ann Murphy [mailto: [REDACTED]]
Sent: 12 June 2017 10:54
To: Madgwick, Sally
Cc: Roberts, Ali
Subject: Ref 2017/06 TISB83 Wardour footpath

Dear Ms Madgwick

I am writing to voice my opposition to the proposed moving of the footpath that runs from Wardour Catholic Primary School up to the New Castle in Wardour.

As a full time local resident and a regular user of the path for the last twenty years since my children attended Wardour School, I am appalled that anyone would consider moving a historic footpath that generations of children have used to walk safely from what is believed to be the oldest state Catholic Primary school in England to the chapel in Wardour New Castle.

That this path runs past what was the convent is part of the unique history of the area. When the new owners purchased the house known as the 'Priory' they would have been fully aware they had a right of way past the front of their house, just like anyone else that lives on an urban street for instance. To then start a battle to have the path moved is disingenuous of them, and especially in light of all the local opposition to their proposal.

The school's disquiet at the right of way passing through their playing field is a legitimate concern and one I can fully understand, but for that then to be used as an excuse for the path to be completely diverted from its current course past the Priory, is ludicrous. The owners may well feel their privacy, when they are in residence, is impinged upon, but they had very effective privacy from passers-by when a hedge alongside the path existed, but they chose to tear it down leaving them more exposed.

It is very hard not to feel the current owners' real motive might be financial in that having the right of way probably lowers the value of their house. Is that a good enough reason to change something that has existed for hundreds of years and a previous public inquiry dismissed in 1998?

The way the system works with a private consultant paid for by the Priory owners pushing through the process also seems terribly unfair and fully biased towards the owners winning their case. It is all very disappointing and I hope someone, somewhere will consider the feelings and wishes of the long term fully resident local people that care deeply about their surroundings and their historical importance.

Yours sincerely


Tisbury, Wiltshire

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OBJ
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Madgwick, Sally

From: Mary Myers [REDACTED]
Sent: 11 June 2017, 10:11 AM
To: Madgwick, Sally; Roberts, Ali
Subject: Objection to Wardour footpath proposed diversion: 2017/06 TISB83

Attn: Sally Madgwick, Rights of Way officer, Wiltshire Council, Bythesea Rd, Trowbridge, BA14 8JN.

Ref: 2017/06 TISB83

Dear Ms Madgwick and Ms Roberts,

My name is Mary Myers. I have owned and lived at St Anne's Cottage, a property on the proposed diverted route, for the last 15 years. I wish to object to the application/diversion order and point out the following:

1. Firstly that it is NOT 'supported by the other affected property holders' as stated, erroneously, in Wiltshire Council's Covering Page for Decision Report.

Re. the modified report:

2. Mr Walker (the consultant hired by the owners of the Priory) makes light of the inconvenience and disruption that will be caused to me and my family. If this is approved, we will lose a footpath that goes past our doorway. A footpath we love, use daily, and which we don't in anyway feel threatened by. We may lose this because the primary 'benefit' of moving the footpath is, apparently:

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. As was pointed out before: it is not their garden. It is designated agricultural land.

3. Similarly Mr Walker makes light of the Wardour community's objection to this change dismissed as 'a dozen or so letters'. That represents practically everyone in the vicinity.

Also it is noted by Wiltshire Council that the proposed diversion generated an unusual amount of correspondence and interest. This is indicative of how unpopular this diversion is.

It is clear that most and probably all of the support for the diversion comes from the school because the school asked parents to write letters in support.

4. This brings me to the main point. There are really two separate applications here:

'One to get the footpath off the school playing field, i.e. starting it at point H instead of A

The other to get the footpath away from the Priory, i.e. diverting it to go via J to G

Diverting the path away from the school field has many valid arguments.

Diverting the path away from the Priory has no valid arguments.

The problem is that these two separate parts have been deliberately lumped together by the owners of the Priory and their agent, Mr. Walker, which makes it difficult to refuse the bad part of the application. It has been modified to withdraw the outrageous proposal of making people walk on the road – but as we all know this was really an opening position so that this second proposal will seem to generously take into account public concerns. It cannot be right that public consultation is privatised in this way: effectively a consultant is paid by the owners of the Priory to manage the process and, in seeming to consult, is in fact using tactics which are not strictly above board. This is apparently justified by Wiltshire Council's procedures for saving themselves time and money but it is a procedure biased in favour of the applicants since the consultant is in their pay and will obviously do all he can to secure a win.

Despite Mr Walker's report and his attempts to address all the issues, all the other problems are still there – a quick recap:

i) The arguments for privacy and security are not valid: There is already a drive, garage and path serving the Priory 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. In terms of privacy the applicants have pulled down a hedge that separated them from the path. In any case most people have a path running past their house – it's called a pavement. Are they all at risk? In all our 15 years of living here, my family and I have never suffered any intrusions on our privacy or any security problems – in fact we welcome the occasional walker going past our house and we love seeing the school children go up the chapel along the path (indeed our own children did this for years when they attended Wardour school).

ii) There is the fundamental 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.

Despite Mr Walker's statement to the contrary the footpath is quite clearly part of the Wessex Ridgeway and carries on through to the New Castle.

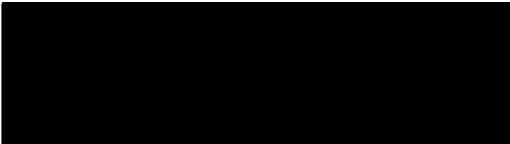
iii) Also, importantly, there was a previous attempt to modify this footpath. This resulted in a full public inquiry in 1998. The result of this was the establishment of the current route of the footpath which was put on the statute books. The allowing of this application would negate the findings of this time-consuming and expensive public inquiry.

For all these reasons I wish to object to the proposed diversion,

Yours sincerely

Mary

Dr. Mary Myers
Development Communications Consultant / iMedia Associates
St Anne's Cottage,
Wardour, Tisbury
Wiltshire SP3 6RG
UK



085
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Roberts, Ali

From: Joanna Harrisson [REDACTED]
Sent: 11 June 2017 20:5 [REDACTED]
To: Madgwick, Sally
Cc: Roberts, Ali
Subject: Ref: 2017/06 TISB83

Rights of Way officer, Wiltshire Council, Bythesea Rd, Trowbridge, BA14 8JN.

Dear Sally

I am writing as a long term local of the area with special interest in Wardour, to make an objection to the proposed re routing of the footpath referenced above.

There are many good arguments against the plan but perhaps the most persuasive in my view is the historic nature of the route which if changed for reasons which appear to be entirely selfish, will be lost to future generations.

I believe it is important to preserve the cultural and historic features of this very special landscape in all its detail. This route has been used over many years by Wardour primary school children and local people to walk directly to Wardour Chapel, passing by the Priory which was a former nunnery, and to Wardour Castle. It is an integral connecting link for the community of Wardour and deserves to be conserved in its original state.

Eroding such historic features diminishes our cultural history and heritage. Those who have lived here for many years rightly feel strongly protective.

The views of long term inhabitants of the area naturally have a longer perspective on the matter than those new to the locality and their views should be respected.

Please consider the matter carefully on our behalf.

Regards

Joanna Harrisson



Application to divert the footpath TISB 83 at The Priory / Wardour School

I write to object to the application/proposed diversion order.

1. This ancient path forms part of the Wessex Ridgeway. It has been an important route for generations of worshippers attending Wardour Chapel and for workers and visitors to both the old and new Wardour Castles, quite apart from those walking the long distance path.
2. It would seem that the only reason for the application to divert the path is for the convenience of the new owners of The Priory, whose recent purchase of the property would have been in full knowledge that there is an ancient right of way crossing their property. The path can be no more inconvenient than any pavement would be going past a house in a city.
3. The applicants' arguments for privacy and security are not reasonable. They state that the path goes through their garden. (NB without the benefit of planning permission, they would appear to be attempting to change the use of their field, which is agricultural land, now calling it 'garden'.) However, it is most bizarre to note that they removed the boundary hedge, which previously provided the level of security and privacy which now they crave. It would appear that any lack of privacy is self-inflicted.
4. The proposed diversion will significantly inconvenience adjacent residents who, contrary to the report, clearly do not support the proposal to divert the footpath. They would lose the benefit of a most useful footpath which runs past their door.
5. The proposed 'permissive path' for Wardour School does not provide the school with any rights, or reassurance, for their continued use in the future. A permissive path may be withdrawn at any time and then the school would lose the benefit of ease of access to the path for attendance at the chapel for their weekly services. The result would be a requirement for the whole school to be escorted out on to the main road, before being able to access the diverted path. That is wholly unacceptable and should not be permitted.
6. Generations of pupils have used the ancient footpath. Potentially, it may be beneficial for the school to move the public path away from the playground, but that could be achieved by diverting or fencing the path at the edge of the school playing field. However, for improved security at the school, it is not necessary to take the path away from its ancient direct route to the chapel.

7. The path is well loved by locals and walkers of the Wessex Way. It has a certain charm and iconic aspect which would be lost by diverting it through the adjacent field, which is 'just another field.' The applicants' argument for 'distant views' is no particular benefit in this location as there are views all along the way. It is the historic charm which makes this section of the path unique.
8. It should also be noted that there has been a previous application to divert this path. In 1998, the ensuing full public inquiry resulted in the confirmation of the current route of the footpath. To permit this diversion would negate the findings of the previous enquiry. It should surely have been a decision to preclude further debate.
9. I note that respondents writing in favour of the diversion of the path are not local residents. Surely the views of those who live in the area should be given more credence. Tisbury Parish Council has voted to object to the application.

Mrs Janet Amos



Received 01/06/17 - J.G.

[REDACTED]
Tisbury SP3 6NR
Wilts
[REDACTED]

O B J
3

20 May 2017

Rights of Way Office,
Wiltshire Council,
Bythesea Road,
Trowbridge, BA14 8JN

Attention: Sally Madgwick

Your ref: 2017/06 TISB83

Dear Ms. Madgwick

S. 119 HIGHWAYS ACT 1980 AND A. 53 WILDLIFE AND COUNTRYSIDE ACT 1981

Tisbury Path 83 Diversion Order - Objection

I refer to the above named Order dated 9th May 2017. The Order invites any representations about or objections to the Order to be sent in writing to yourself not later than 1700 on 19 June 2017. I wish to register my objection to the said Order.

The sealed order states that "This Order is made by Wiltshire Council because it appears to the authority that in the interests of the owner of the land crossed by the footpath .. it is expedient that the line of the path should be diverted". I object that the sole criteria for diverting this footpath should be because it is expedient for the owner of the land. 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. The path will be less convenient to members of the public as a result of the diversion and less enjoyable.

I have read the Consultant's Report on which the Council based its decision. It would be natural and expected that a report prepared at the expense of and for the benefit of the Applicants would be biased in favour of the Applicants. It would therefore also be natural that the Council would study the report critically before accepting it. This has not been the case. The Report is indeed biased in favour of the Applicants. I will return to this issue later. When the Consultant was carrying out his unofficial consultation process in August 2016, I expressed my concern that the Public would not be given the opportunity to express their views to Council before an Order were issued and this has indeed been the case..

The Report claims that 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 privacy and security by taking it further from the immediate frontage of the house. It should be noted that any current lack of privacy and security has been self-inflicted by the Applicants. When they moved into The Priory in 2014, there was a substantial beech hedge between the footpath and their front door which had been grown there by the previous owners to provide privacy and security. The Applicants uprooted this hedge and then claimed that they lacked privacy and security. They then, without due process of application to divert a footpath, diverted the footpath a short distance from their front door and built a patio across the line of the path thus partially obstructing the footpath.

Wiltshire Council took no enforcement action over this infringement. In order to strengthen their argument for a diversion, the Applicants then changed the use of the agricultural land to the east of the footpath into a domestic garden. I have searched the Wiltshire Council Planning applications and can find no record that such a change of use was applied for or granted. During the Consultants consultation process, he claimed that the footpath "runs through their (the Applicants) garden". The Applicants could easily restore their security and privacy by constructing a 2 metre high fence along the western side of the footpath and re-planting the beech hedge. They would of course have to demolish part of their patio which obstructs the original line of the footpath.

Looking now at the proposal to divert the footpath, I find the proposal to divert the path around the outside of the School playing field sensible. I did discuss informally with members of the School Trustees possible routes for such a diversion. To divert the path along the verge and along the eastern side of the school boundary hedge is perfectly acceptable. However the path should run parallel to and immediately adjacent to the boundary hedge as shown on the attached diagram. The diverted path would re-join the existing path at point J¹

It is not acceptable to divert the path from H to J. Such an alignment runs through a meadow, not infrequently occupied by young and frisky cattle. From point H it is not possible to see point J due to the convex contouring of the field. It is not a pleasant experience to walk blindly over a hill not knowing exactly where the exit is and not knowing whether there is a herd of cattle between you and the exit. The same negative experience would be felt walking from J to H for the same reason. Walking along a fence line as per my alternative proposal gives an improved sense of security since one cannot be approached from all sides at the same time. I would propose that the path on this new proposed alignment should in fact be fenced from the field to provide walkers with a more secure and pleasant experience.

The Consultant refers to the Wessex Ridgeway. The description of the route of the Wessex Ridgeway was changed in 1997 to follow the route of the newly defined TISB83. The fact that Wiltshire Council failed to request the Ordnance Survey to change the route on the map does not alter the fact the Wessex Ridgeway follow TISB83.

I would like to follow up my suggestion earlier that the Consultant's Report is biased in favour of the Applicants and should not have been taken as unquestioned justification for issuing a Diversion Order. The Consultant claims that there were "more than 30 supporters" of the original scheme and "about a dozen or so" objectors. Surely he should be able to add up the number of supporters and objectors and give an accurate report. In the case of the objectors whom he recorded in his report, everyone was identifiable either by their address or their email address and can be confirmed as real people. All of them live in Tisbury or West Tisbury and many in Wardour itself. However there are a number of local people expressed their objections to the Consultant when he was carrying out his consultation process whom he has failed to record as objectors. I myself exchanged many emails with the Consultant. I know the following people communicated objections to the Consultant because their emails were copied to me in my then capacity as Chairman of the Tisbury Footpath Club. The Consultant has made no mention of them in his report

- Rod Farrell Newtown
- Janet Amos, West Tisbury
- Jill Sutton, Newtown
- Tim Martin, Ansty
- David Lacey, West Tisbury
- Norman Martin, Salisbury

I am naturally concerned that if the Consultant chose to ignore objections from those about whom I am aware, how many more did he omit about whom I do not know.

If you now consider Appendix 4, a list of those who supported the original proposal, there are 35 people on this list. Of the seventeen supporters for whom he gave physical addresses, seven cannot be considered as local, living as they do in Bushey Herts, Beccles Suffolk, Dorchester Dorset. The Consultant makes the point in his Report that he circulated his original letter of unofficial consultation to

the list of consultees and statutory undertakings given to him by Wiltshire Council. He makes the rather cryptic comment that "A large number of responses were received including from local individuals not directly consulted but presumably alerted by others" He does not explain how people living as far away as Bushey in Hertfordshire and Beccles in Suffolk could have known about the consultation unless presumably alerted by others. It is less surprising that those living locally with a close affinity to the footpath in question would be aware of the consultation than those living many miles away and with no specific knowledge of the path. It has to be supposed that most of the supporters are friends of the Applicants and/or the Consultant and were alerted by those two parties to increase the number of supporters.

When the Consultant claims that 35 people support the proposed diversion, it should be noted that the following 20 of them only specifically supported the diversion away from the school.

- Georgina Wessels
- Kate Clark
- Marcus Deyes
- Susie Watton McKay
- William McCarter
- Sonja Dineley
- Andrew Wessels
- Rohaise Barrett
- Chloe Luxton
- Liz & Michael Hartley
- Andrea Davies
- Simon Davies
- Chloe King
- Vivienne Parton
- Flora Harvey
- Catherine Ridge
- Polly Prior
- Emma Bell
- Isabella Welchman
- Claudia Aaron

Even so, these people do not want the children to have to walk down the drive to point A then along the road verge to point H and then across the field. They want the school children to be able to exit the school grounds through the existing gateway at the south end of the school ground and follow the existing path as far as the point J¹ on my proposed alternative alignment. All these twenty people may well be happy for the children to be able to continue to the chapel at Wardour along the existing path south of point J¹. They were not presented with this option. The Consultant reported that their form of approval was

"I understand that children will still be able to use gate at point D (on the original proposal) and a path to point J. If this shorter right of way is guaranteed then I welcome the re-routing of the public footpath." Note that these approvals were conditional. All the supporting communications were sent to Wiltshire Council or to Michael Wood not to the Consultant. The status of Michael Wood is not given.

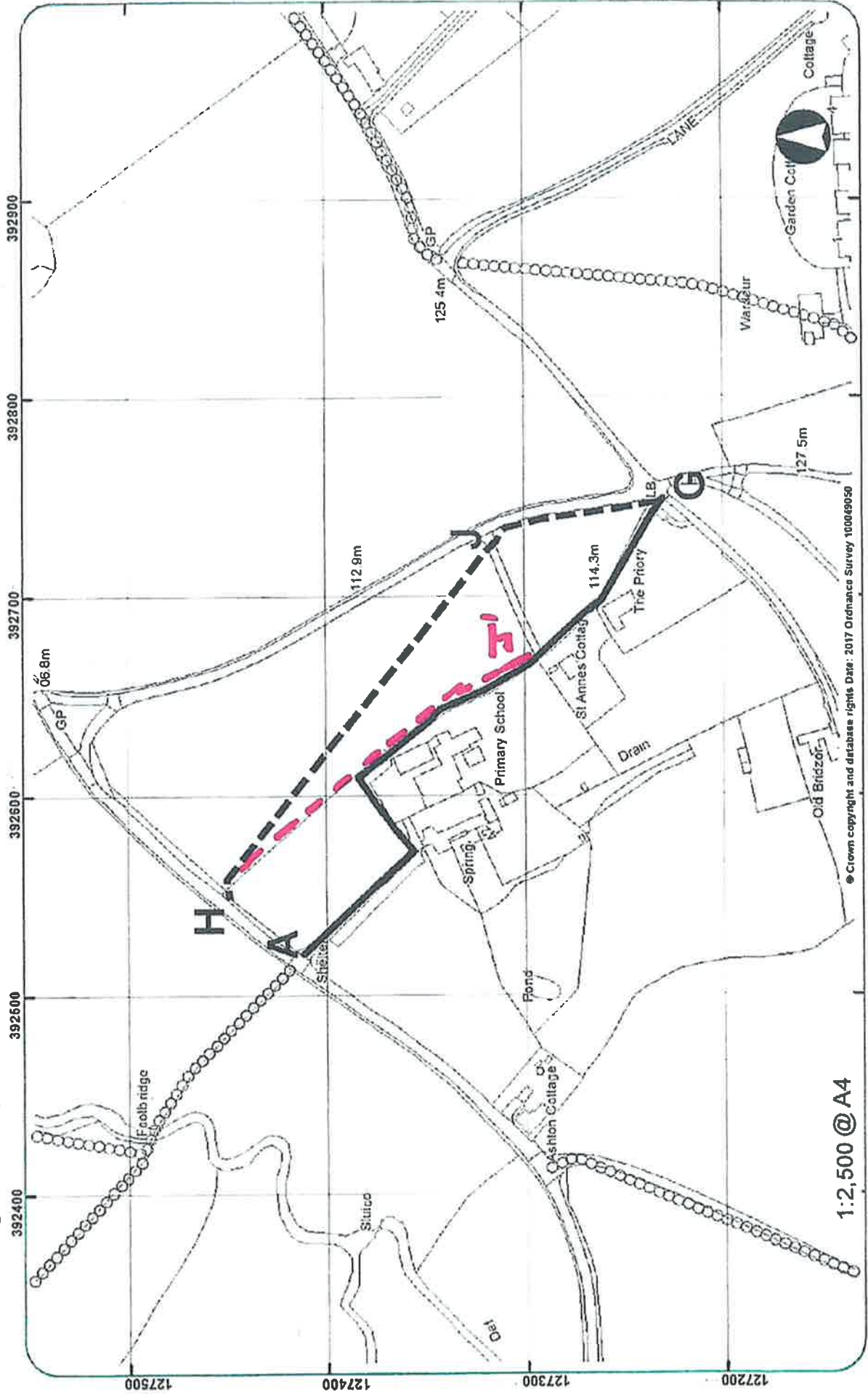
Yours sincerely



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

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Received - 08/06/17 - JG



West Tisbury Parish Council

OBJ
2

Chairman: Cllr George Flower

Correspondence address:
11 Heathfields Way, Shaftesbury, Dorset, SP7 9JZ

Email: westtisburypc@aol.com

7th June 2017

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

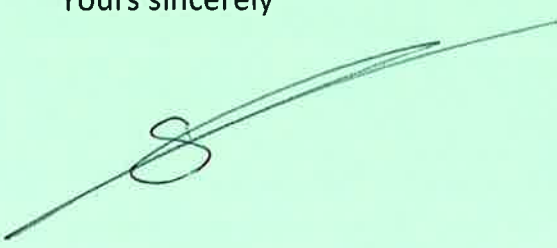
Path no:83 Diversion Order – 9th May 2017

West Tisbury Parish Council have formally debated this diversion order at its June meeting and have resolved to object to it.

The footpath follows a historical route that generation after generation has used to get to school and access the countryside.

The residents of the properties would have understood the right of way existed when they came into ownership of their homes and it is the Council opinion that the footpath should not be moved just for their convenience.

Yours sincerely



Simon Pritchard
Parish Clerk
For and on the behalf of
West Tisbury Parish Council

Bill Riley, [REDACTED] Bath Road, Bradford on Avon, Wiltshire, BA15 1SS

OBJ
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Sally Madgwick
Rights of Way Section
Wiltshire Council
Unit 9, Ascot Court
Aintree Avenue
White Horse Business Park
Trowbridge BA14 0XA

Your ref: 2017/06 TISB83

2nd June 2017

Dear Ms. Madgwick,

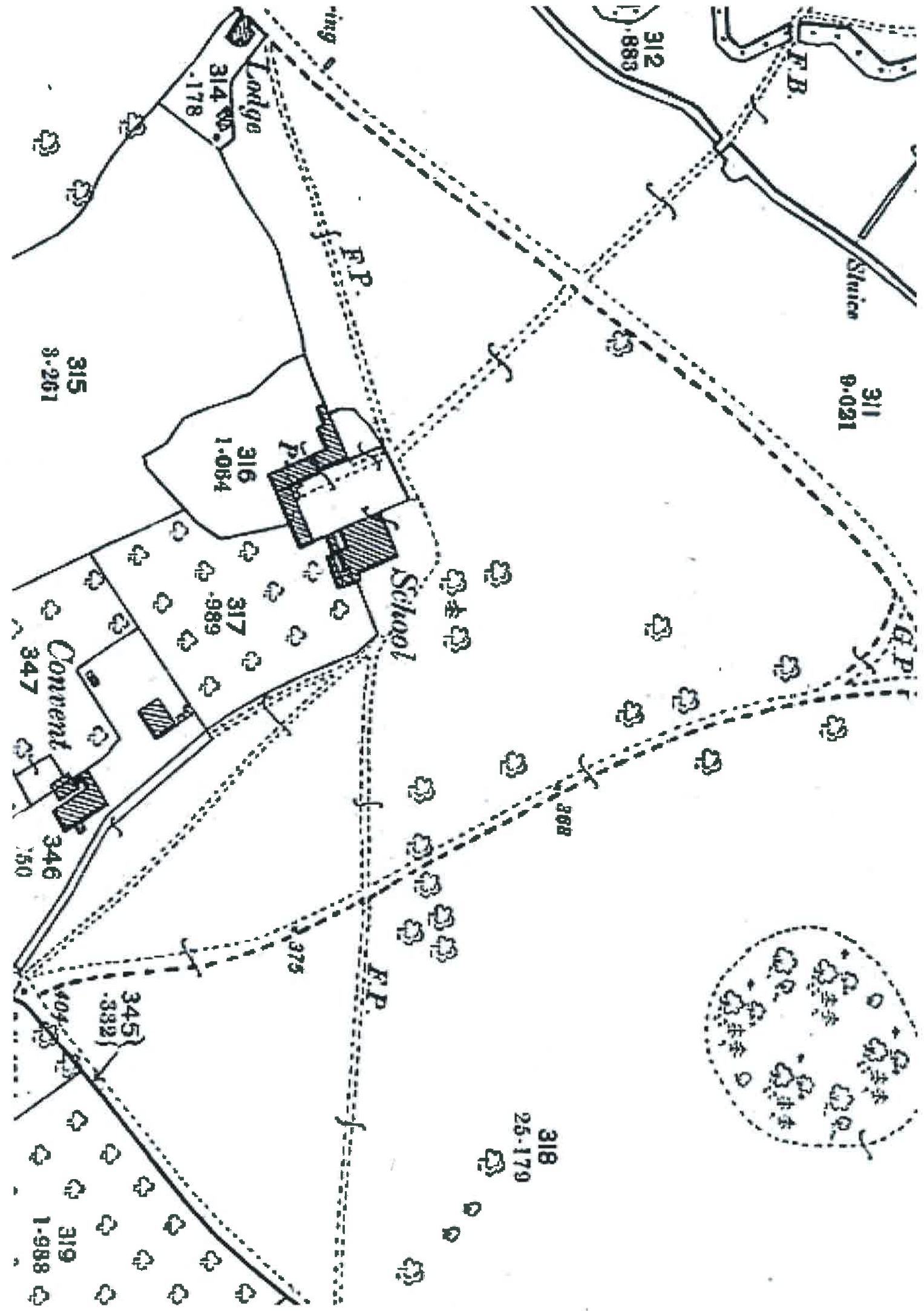
Proposed Diversion of Footpath 83, Tisbury

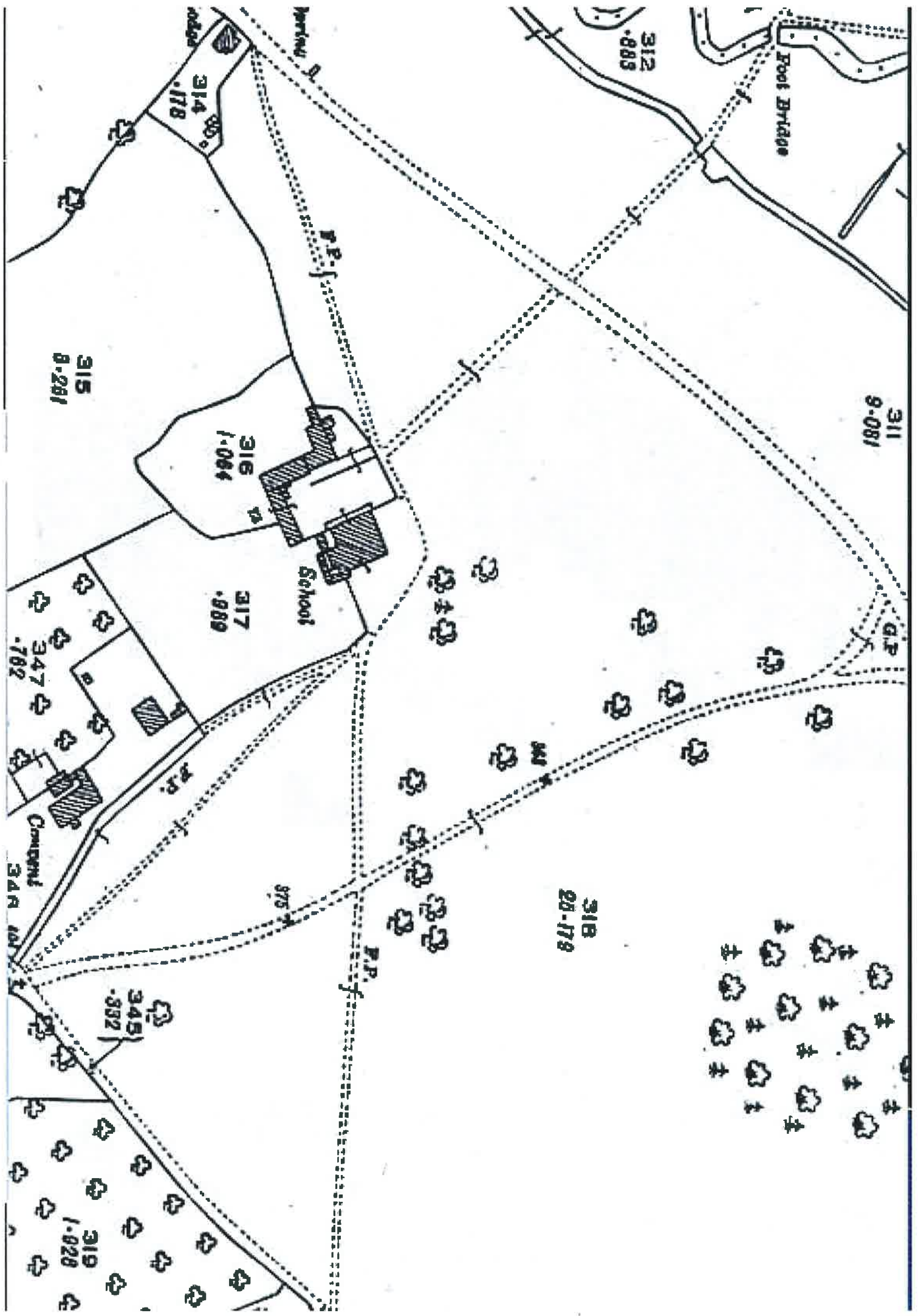
During the initial consultation, I drew the attention of the applicant's agent to the existence of certain unrecorded footpaths crossing the site (and beyond). These are shown on the attached O.S. Map extracts dated 1886, 1900 and 1923.

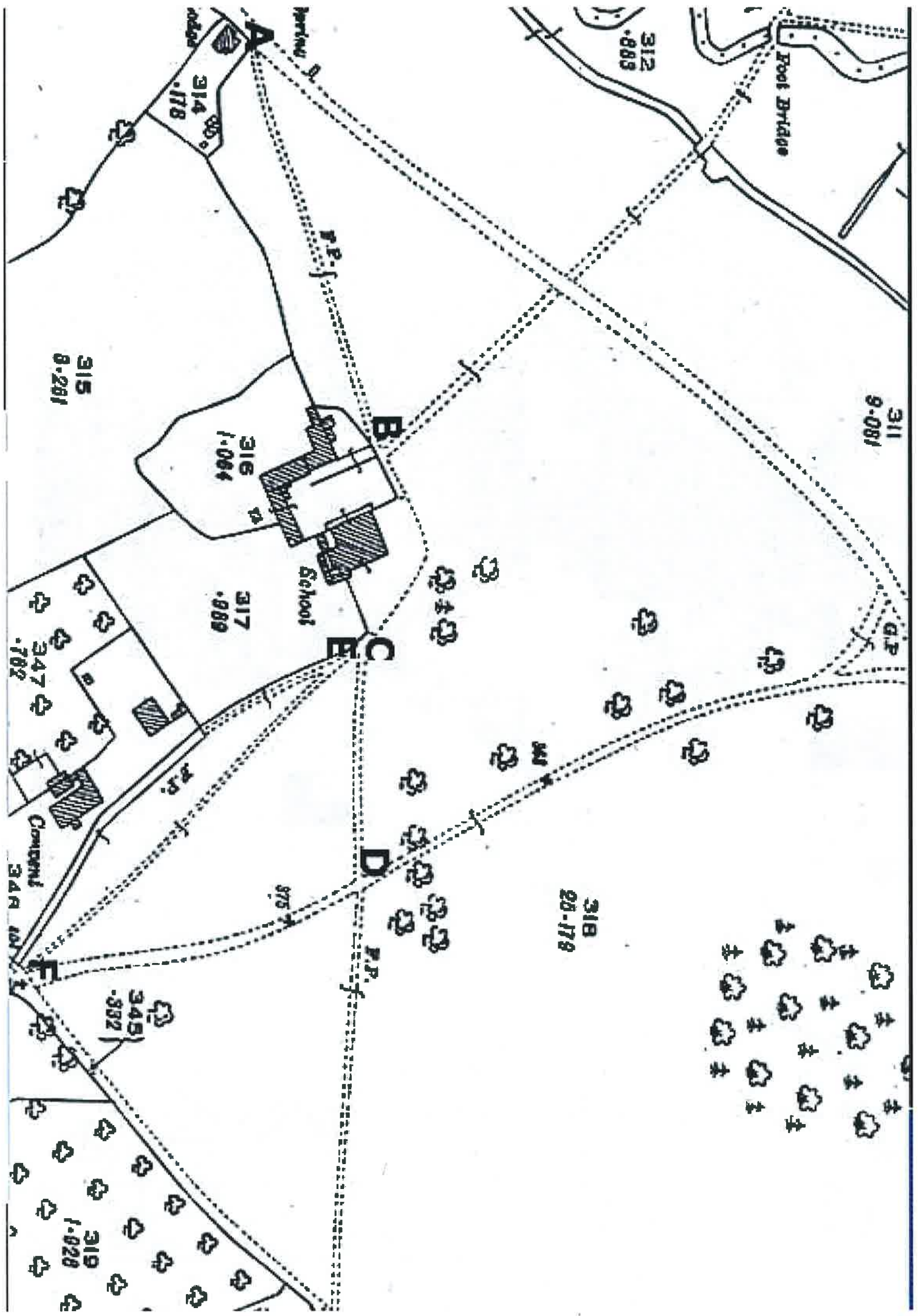
Unfortunately, the revised proposals take no account of this fact. The effect of the proposed diversion would be that the relevant unrecorded paths would no longer connect with a highway at points **B**, **C** and **E** as marked on my plan, thereby creating culs-de-sac. In my view, this cannot be in the interests of the public.

Yours sincerely,

[REDACTED]







314 .178

315 8.281

316 1.064

317 .989

318 20.179

319 1.028

345 .882

347 .782

349

312 .888

311 9.081

375

Foot Bridge

Particu

P.P.

School

Compound

B

C

D

P.P.

P.P.

G.P.

MI

MI