



APPENDIX D

Acknowledged by e-mail
31/07/17

ET LANDNET LIMITED

THE QUARRY OFFICE, PEN Y GARN,
CEFNEITHIN, LLANELLI, SA14 7EU

T: 0203 086 7657

E: mw@etlandnet.co.uk

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

Date: 27 July 2017

Our ref: MW/TAY.001.23

Your ref: SM/TISB 83

Dear Ms Madgwick

Highways Act 1980 S119

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

Thank you for forwarding the objections received to the diversion order and for providing the opportunity to comment upon these.

I have attached a spreadsheet on which I have summarised the objection and commented in detail on the points made. In order to bring matters together, the following seeks to address the key issues raised by the objectors and confirm the Applicants' view upon these.

It appears that the objections raised are as follows:

1. The Applicants were aware of the footpath when purchasing the property and should not therefore be entitled to divert it.
2. The Applicants do not have a privacy or security issue and/or created the problem as they removed the hedges that previously provided seclusion.
3. The School may have an issue but it could be addressed in another manner.
4. The verge between points A and H is dangerous.
5. The diversion is substantially less convenient because it is longer.
6. The diversion is substantially less convenient because it is too narrow.
7. The diversion is substantially less convenient because it is undefined.
8. The diversion is not safe because of stock and traffic.
9. The route is historic.

Several objectors refer to the Definitive Map Modification Order which recorded the route and which was made 20 years ago. It is not in dispute that the footpath is recorded on the Definitive Map. However, as you will appreciate, the issues for that Order are different to

those relating to the current diversion order and therefore I have not responded on the basis that they are not relevant points.

Turning to the numbered points above:

1 The Applicants were aware of the footpath when purchasing the property and should not therefore be entitled to divert it.

The issue was settled in *Ramblers' Association v (1) the Secretary of State for Environment, Food and Rural Affairs, (2) Oxfordshire County Council, (3) Susan Weston, (4) Michael Weston*, [2012] EWHC 3333 (Admin) which established that prior knowledge of the existence of a public right of way across land at the time of purchase was not a bar to seeking to divert the public right of way. A number of responses stated that the Applicants were aware of the footpath when they purchased the property, however the disclosure made to the Applicants by the previous owners in pre-contract enquiries stated that the footpath was '*rarely used*' which has not been their experience whilst living there.

2 The Applicants do not have a privacy or security issue and/or created the problem as they removed the hedges that previously provided seclusion.

I have made the point in the spreadsheet response that the position must be judged on the current circumstances and the position is that the Applicants property has changed significantly over the years and when sold to them it was as a family home with the predominant land being located to the front of the house but with a double hedged footpath intervening.

When the property was acquired by the Applicants in June 2013 the only vehicular access to the front of the house involved driving across the field. During their first Winter in the house the track across the field became impassable and on several occasions vehicles became stuck in the mud. Hence, three years ago, in April 2014 (following pre-consultation with Wiltshire Council) the Applicants added a drive and parking area in front of the house.

Over the last few years this has become integral to the house operating as a family home. Objectors have sought to say that the area of land to the front of the house (North of the footpath) is not "garden" and aside of the parking area it is currently planted as an orchard and meadow. However, it is entirely reasonable for the Applicants to want ease of access to their vehicles and to have enjoyment of the orchard.

It is also reasonable for the Applicants to wish to have views from their house and not look out on to tall hedges at close range even if a prior owner may have preferred this. In the Applicants' opinion the previous double line of high hedges created a most unnatural effect which is why they took action to remove them in 2014. The Applicants did not remove the hedges so as to create the grounds for a diversion: they removed them to have views and greater enjoyment of their house and its grounds.

By removing the hedges they have not created an unusual setting or layout for their land. On the contrary they have removed something which was itself an unnatural feature in the landscape.

3 The School may have an issue but it could be addressed in another manner.

Several objectors accept the benefit to the School of diverting the path yet seem to think this can be achieved by other means. That the School chose not to be an Applicant reflects the School's difficulty of being part of the community and being aware of the strong personal feelings expressed by some in that community against a diversion. Nonetheless the School supports the current diversion order.

It is worth noting that the Applicants could satisfy the diversion tests by seeking a diversion solely on that part of the path that is on their land but recognised that they in owning the field next to the School, were uniquely placed to offer a solution which addressed the concerns of parents of pupils at the School by providing a route away from the School. Without the Applicants' support the School would be unable to achieve this.

4 The verge between points A and H is dangerous.

There is some contradiction and apparent misunderstanding in the objectors' responses. It is accepted that as there is insufficient parking on the School's site when children are taken to or collected from School, that parents park on the road alongside the verge and children are taken along the verge to get to the School's drive (at point A) from where they are walked to the School's buildings.

This activity occurs only in term times and at the start and end of the School's day so for the greater majority of the time, the verge is not in use at all.

At the same time (i.e. in term times and at the start and end of the School's day) the existing footpath from A-B forms the route used not only to walk children from point A but also with vehicles by members of staff and by parents dropping off or collecting their children. The parking area is a narrow strip located to the south west side of the drive so vehicles are manoeuvred into and out of the parking area over the footpath from A to B.

Whilst there are no reported incidents of conflict, the potential for this and of injury is far greater on that section of the exiting path rather than on the verge where no cars are parked or manoeuvred.

The verge is sufficiently wide for people to walk in safety and whilst cars may pass on the road, that does not create any additional or unforeseen hazard. As appears from the attached photographs, drivers have a good view of the verge when driving in either direction.

The crossing point to continue on the public right of way network remains at point A and there is therefore no additional or new risk in crossing the road.

5 The diversion is substantially less convenient because it is longer.

The point is made that for those living at Spring Cottage next to the School, or at St Annes Cottage next to the Applicants' property the occupants will have further to walk. As appears in the spreadsheet in response to these specific issues, these properties have private rights so that, for example in the case of Spring Cottage, there is no difference accessing point A.

The impact on properties served by the existing public right of way is an issue that goes to the expediency of the diversion after assessing whether the diversion is substantially less convenient to the public as a whole (see further the conclusion section below)

For all other users travelling between point A and point G, the differences in distance between the existing and diverted paths are marginal. Since groups like the Footpath Club and Walking Club suggest a very high level of use for the existing path, it appears that the predominant users will be those that walk through as part of a longer route and no one appears to have suggested in their response that the diversion would be inconvenient by reason of its length.

6 and 7 The diversion is substantially less convenient because it is too narrow or the diversion is substantially less convenient because it is undefined.

These points appear to be related and may to some extent be contradictory. The diverted path has a defined width of 2 metres which is ample for people to walk. The diversion is undefined by structures where it crosses the Applicants' field between points J and H but if there is any issue as to the route to be taken, this can easily be addressed by the erection of waymark posts in the field and if the use is at the level suggested, then the line will become defined on the ground.

The contradiction is that in being across a field and not therefore confined by structures or hedges, the path is more open which would appear to address the concerns that it is too narrow. Greater width for the cross-field section is available but is not considered necessary.

8 The diversion is not safe because of stock and traffic.

There is no vehicular traffic on the diversion at any point. The position of the use of the verge has been addressed above.

The Applicants are not farmers and do not have livestock but the field has been made available to others for grazing livestock. The Applicants would continue to, manage the field to ensure that the public could use it in safety. Where the existing path enters the Applicants' land from the School's land (at point D), the public are walking in the same field over which the diversion route is aligned. There have been no reported incidents of conflict between the users of the path and any grazing animals.

When judged by the level of vehicles on the existing route from A-B, the proposed diversion is safer for the public.

9 The route is historic.

This appears to be the main reason for people to object (other than that the Applicants should not be entitled to divert the path) and would go to the issue of the balance of the loss of public enjoyment set against the benefit to the landowners resulting from the diversion.

The arguments to retain the existing route of an historic path must be strong if they are to outweigh the purpose of the network to be of a modern purpose reflecting how land is used and managed today.

That a route commencing at A and proceeding to G (as depicted on the Report Plan) has existed for some years is not an issue. It appears in Mr Riley's extracts, the earliest appearing to be the 1st Edition of the 25 inch Ordnance Survey County Series.

I would suggest that other than the start and finish points of the path, the current path has little historic value.

The Applicants' property was once part of the society of the immediate area comprising the Chapel and School and is shown as a convent on all four maps. The position of the Chapel and the School remains unchanged through the succession of maps produced by Mr Riley with the last one representing, I believe, the position that pertained around 1930.

The differences between then and today in respect of the layout, purpose and appearance of the locality is clear.

The Applicant's field was part of a larger field which also incorporated what is now the School's playing field.

The whole length of the path from G to E was enclosed and the remainder of the path and the road network to which it joins was not enclosed. The roadside hedges did not exist.

Following a planning approval in 2011, the School has been substantially extended so that the "historic" line of the path was diverted.

The School has created a parking area off the line of the path and have surfaced the driveway.

The section A-B is now used by mechanised vehicles on a daily basis, with heavy use during certain times of the day during school term times.

The Applicants property is now a private residence.

As a result of these significant changes, it has not been possible to enjoy a "historic" experience when using the path for some years predating the Applicants' purchase of their

property. The path has evolved (as it should) to reflect the land, property and social changes that have taken place in a changing society.

Conclusion

The first consultation (prior to the order being made) resulted in more than 30 letters or e-mails in support of the diversion. After the order was made and objections were invited a similar number of letters/e-mails were received.

Whilst acknowledging that the diversion application and order has attracted strong feelings, a significant element of the opposition appears to be based upon hostility to the Applicants and a misunderstanding of the relevant issues.

The objectors paint a picture of a path which is well used both as part of a promoted walk, by walkers and other groups and by local people. Such use clearly increases the intrusiveness of the footpath on the Applicants and on the School and adds weight to the expediency of diverting the path to ameliorate the impact caused by its current alignment.

The Applicants have made out their case that the diversion is expedient in their interests and in the interests of the School, and the School support the diversion.

Critically, there are no serious arguments advanced by objectors that the diversion is substantially less convenient to the public as a whole and whilst several assert that to be the case, there is little if any empirical evidence put forward to support such assertions. Any evidence that has been put forward has been addressed.

The impact on the immediate neighbours whose land can be accessed both by their private rights and also via the footpath falls to be dealt with under the expediency of the diversion under Section 119(6)(b), together with any arguments about the "historic" nature of the existing path (under S119(6)(a)). For the reasons set out above, these arguments cannot outweigh the benefit of the diversion to the Applicants and the School as owners and occupiers of the land crossed by the existing path.

We appreciate that the issue is now one for consideration by the Council's Area Planning Committee. All that the Applicants seek is the opportunity for the several issues identified by them and the objectors to have a detailed airing before an independent inspector appointed by the Secretary of State. In accordance with the Council's policy for opposed public path orders, they will make the case for confirmation.

If there is any further information you require, please do not hesitate to contact me.

Yours sincerely,



MICHAEL WOOD, DIRECTOR

M: 

	Name	Organisation (if any)	Summary of comments	Our comments
1	Bill Riley		There are unrecorded footpaths crossing the site. The diversion would no longer connect with these unrecorded paths.	Any depiction of tracks on old Ordnance Survey maps is no evidence that these were or are public rights of way.
2	Simon Pritchard	West Tisbury Parish Council	Historical path that has been used for generations to access the school and countryside. Residents of the properties would have known about the footpath when they moved in.	The pre-existing knowledge of the existence of the public right of way at the time of purchase has been confirmed by the courts not to be a bar to the diversion of a public path. The diversion is in the interests of the owner of both the Applicants' property and of the School. The rights of way network should be an evolving one taking into account changes in the way people live and work and take recreation in the countryside. The characteristic of the path today reflects few of the "historic" features for which the path may have come into existence. The Priory is now a private house and has no direct social connection with other buildings in the locality. The grounds through which the path passes are now private. The path through the school involves the use of a vehicular driveway in daily use in school term by staff and parents together with the residents who live next to the School every day, with motor cars and by delivery and service vehicles. This is not a historic use or a historic means of access but reflects the reality of modern life in a small rural community with children attending school being ferried by car and householders depending on their cars to access gods and services. The original alignment of the path through the School was diverted in around 2011 to enable the construction of a new school building, which provides no feeling of a "historic" setting. The attitude of society is now far more cautious whereby persons, in many cases unknown to the school children and entitled to take with them dogs off leads are free to have contact with young children. Such a historic intrusion is increasingly unacceptable. The diversion route continues to provide good access to the countryside.

3	Roger Walker	<p>The path will be less convenient to members of the public and less enjoyable. The report supporting the application is biased in favour of the applicant. A current lack of privacy and security is self inflicted as the applicant's removed a hedge and built a patio across the line of the footpath. Concerned that objections were excluded from consultation.</p>	<p>There is a misunderstanding of the legal tests in that whilst a diversion may be made in the interests of the public alone, in the interests of the landowner alone or in the interests of both the owner and the public, there is no requirement for the Order to be in the interests of both the owner and the public. The Objector appears to accept that there is merit in the diversion of the path out of the grounds of the School and has proposed the same, with the diversion to be placed onto the Applicant's land to re-join the existing alignment so that it continues to run alongside the Applicant's house. Such a proposal would fail as it is not in the interests of the owners of the field over which the Objector proposes the path should run since it affords them no benefit. In terms of the convenience of the diversion across the field between points J and H, any issue as to the line to be followed on the ground can easily be addressed by waymarking and it is not unusual for paths to run over fields in this way. The path is located in the countryside and so the presence of livestock is not to be unexpected but there are clear rules on how livestock is to be managed. Whilst the field is not subject to a 'prow' the Applicants' have made such use of it as they can. In the event of the diversion being confirmed, any use would have to take fully into account that it was then subject to the right of the public to use the same. The Applicants have not built a patio over the footpath and the route of the footpath is open and unobstructed. The Applicants removed the hedges as the same were unmanaged and overgrown, blocked views from their house and interfered with the access they were entitled to have to their land. They were also an unnatural feature in the landscape.</p>
---	--------------	--	--

4	Janet Amos		<p>It is an ancient path that forms part of the Wessex Ridgeway. The applicants were aware of the footpath when they purchased the property. The removal of a hedge has compromised their privacy. The diversion will inconvenience adjacent residents. A permissive path does not guarantee future rights for the School. A previous application in 1998 confirmed this route. Supporters of the diversion are not local residents - Locals views should be given more credence.</p>	<p>The arguments as to prior knowledge of the route and the removal of the hedges are addressed above and are not repeated. In terms of the directness of the route to the old Chapel - the overall difference between the terminal points of the existing and proposed paths is marginal. This objector speaks of the "iconic nature" of the existing path but the nature of the path has clearly changed considerably in recent times. The OS plans produced by Objector 1 (Mr Riley) depict the position historically with the whole section of the Order Route from Point G passing both the Applicant's property and St Anne's Cottage to have been enclosed on both sides. Thereafter, the path runs through a field which was later divided and is now partly the School's playing field and partly the field over which the diversion is aligned. The plans show the area to be largely unenclosed by field and road boundaries unlike the position today. The historic plans show how the footprint of the School buildings have increased substantially over time. In 2011 the School was further developed with an additional building that necessitated the diversion of a section of the Order Route. This created an entirely new aspect of the school and the way its grounds were traversed. Any suggestion that the significant landscape changes and building development have had no effect on the nature of the "historic" path are questionable. The Applicants have the support of many parents and of the Sidford and Gibson families who are local residents. The Sidfords made the specific point of feeling embarrassment when walking so close to the Applicants house and they are regular users of the path.</p>
5	Joanna Harrison		<p>The route is historic. The views of long term inhabitants should have a "longer" perspective than those new to the area.</p>	<p>See above re references to this being a historic path and that local residents who are regular users of the path support the diversion.</p>

6	Dr Mary Myers		It is not supported by other affected property holders as stated by Wiltshire Council. We will lose a footpath that goes past our doorway. Probably all of the support is from the school as parents have been asked to write letters in support.	Whilst Section 119(6)(b) takes account of the effect of the Order as respects other land served by the existing public right of way, and the comments of Dr Myers are noted accordingly, St Annes Cottage does have a full right of access from the highway and will gain access to the diverted public footpath at point J, a distance of less than 60 metres from the existing path.
7	J A Murphy		Regular user of the path for the last 20 years. It is historic. The applicants chose to remove the hedge which gave them privacy. Use of a private consultant is unfair and biased.	See above re references to this being a historic path and the irrelevant issue of the Applicant's prior knowledge. We will not respond to comments on the use of a consultant as the Order has been made and the issue is as to its determination, not how or why it was made.
8	Kate Ashbrook	Open Spaces Society	Proposed diversion is substantially less convenient to the public and will have an adverse effect on public enjoyment. Walkers would need to use the road between A and H.	The OSS fails to provide any reason why the diversion is substantially less convenient or will have an adverse impact on public enjoyment. In relation to the use of the verge to access H from A, the argument is poorly made. Whilst it is accepted that the verge is used when children are dropped off and collected from the school, the section of the existing path from A on the driveway to the school carries significant traffic and vehicle manoeuvre on and off the drive/prow using the parking area south west of the drive. If anything this represents a greater risk to walkers. As to the traffic levels on the road, accessing point H from the north west already involves crossing the road and the verge is sufficiently wide to provide shelter from the traffic for the walk of 45 metres along its length.
9	Chairman of Trustees	The Wardour Chapel Trust	The footpath is a sensible, direct route between the school and church. It is historical and used by local people to access the church today. School children would have a longer diversion to access the church. Think the diversion is subject to the landowners permission.	The agreement with the School to allow access from point D to join the diverted path represents a sensible compromise to enable the School to remove the footpath from its playing field. The Applicants are happy to put the arrangement onto a formal basis and there is no reason why this should not run with the land in the event of a future sale. However, until the diversion issue is resolved this cannot be finalised but the Trust is invited to discuss the matter.

10	Honoria Connolly		The footpath was confirmed in 1997 with a local enquiry with the evidence of 96 people.	This Objector is confusing the issues for the DMMO and the current application and the DMMO comments are not relevant. The diversion does not remove anyone's rights to access the countryside.
11	Anthony Connolly		The footpath was confirmed in 1997 with a local enquiry with the evidence of 96 people. The diversion would be substantially less convenient to the public.	As above.
12	Bea Corlett		The footpath was confirmed in 1997 with a local enquiry with the evidence of 96 people. The diversion would be substantially less convenient to the public.	Simply copies Anthony Connolly's objection.
13	Norman Martin	South Wiltshire Ramblers	The footpath was confirmed in 1997. The diversion would make walkers walk on the road between points H and A. It does not meet up with the adjoining footpath making it less convenient for walkers. States width of diversion (2m) will be half the width of the present.	This Objector raises an issue as to the width of the diversion. The existing path from G-E is generally restricted in width to no more than a useable width of 2 metres and this will be replicated on the section from G to J. From E-D and from D-C-B the path is not physically restricted and on the driveway from B-A the width does exceed 2 metres but this is shared with any vehicular traffic. On the diversion from J to H the path is unrestricted so that whilst it has a defined width of 2 metres, this is not inconvenient. The view of PINS is that a 2 metre width of a public path is that which enables people to walk and pass each other in comfort. A definitive width of 2 metres does not render the diversion substantially less convenient. This Objector also suggests there are dangers of walking next to roads and states that the present route does not require walking along a public road. The diversion does not require "walking along a public road" whereas the existing route does require people to walk on a busy school driveway. The diverted path joins up with the public path opposite point A by walking on the verge from H and A.

14	James Ryan	The footprint was confirmed in 1998. The reasons for the diversion have not been cited by previous occupiers. The diversion would bring users in greater proximity to the road.	Reference to the DMMO is not relevant. The owners of the property in 1998 challenged the existence of a public right of way, and the effect on their property by reason of a finding that this was a public footpath would not have been a relevant objection. It appears the previous owners chose to address the decision to confirm a footpath by physical means, but the path remained in close proximity to their house and prevented them enjoying free access from the house onto their land. That the then owner chose not to seek a diversion is no bar to such an application being made now in the circumstances detailed in the application. The Objector states that the road by the school is "at times congested" and has traffic travelling "at speed". Congestion primarily occurs at the start and finish of the school day and affects point A and the section A- B as much as it affects the verge A-H. If the road is not congested then vehicles can travel at up to the national speed limit and the road has to be crossed at point A regardless of the diversion if one is using the route for onward northerly travel so the argument of danger is specious. The verge is used daily during school term time and there is no incident of injury to anyone using it.
15	Mrs A Rowe	The owners were aware of the footpath when they purchased the property. The diversion brings users closer to traffic on the road where there is potential to injury to highway users.	This Objector also seeks to argue that the diversion will cause walkers to be exposed to great danger without any evidence that the current verge is a safety issue. Even when in use by parents twice a day at the start and end of the school day there is sufficient space for walkers to traverse the verge to go to point A to cross the road to continue walking the prow network. The diversion does not force walkers into the road. The verge is used by parents twice a day for a relatively short period of time, Monday to Friday. At weekends and times outside the start and finish of the school day the verge is not used by parents.
16	Barbara Farrell	The owners were aware of the footpath when they purchased the property.	This objection is addressed above.

17	Gillian Hooper	The path is a historic route. It would be less convenient for users. None of the former owners have tried to divert the path. It is subjective that users might prefer the views from the other footpath. Danger to schoolchildren is greater between points A and H than by dog excrement.	Historic arguments and DMMO points dealt with above. The argument that dog excrement may still occur in school playing field is specious. If there are no public rights of way over the school field then the school can refuse access to dogs - the field is fenced and access is gated so absolute control is possible. Although the Objector suggests the verge is dangerous, this is again unsubstantiated. The Objector's right to access point A and the bus stop is not affected by the diversion as the property has a right of way from the road (confirmed in correspondence from the Objector at the time of the School's application for consent to extend its property.
18	Mrs Alex Ward	Does not live in Wardour. Footpath was approved in 1997 and is historic. The applicant's knew of the footpath when they bought the house. Pupils are always accompanied by an adult. The proposed route is less convenient to users.	DMMO arguments and prior knowledge of footpath dealt with above. The Objector opines that "security to the pupils in using the footpath is totally unfounded as they are always accompanied by an adult". This suggests the Objector has failed to appreciate that the issue is a public path running through a school playing field where pupils cannot be "accompanied" on a one to one basis, for example, that the path especially to the side of the school gives opportunity for persons to get close to the children which may be inappropriate. It fails to take into account that the public are free to enter the grounds without challenge; that their dogs may be let to run off the lead; that their dogs may foul the area when the school is shut and there are no adults supervising. As this objector admits she does not live in Wardour she may be unfamiliar with the day to day position.
19	Pamela Chave	Tisbury Footpath Club The path has been used by schoolchildren for many years. The owners knew about the footpath when they purchased the property.	Both the DMMO arguments and prior knowledge points are dealt with above.

20	Tisbury Parish Council	Tisbury Parish Council	<p>Unanimous vote by Parish Councillors to object to the Order. Felt the school had valid grounds but the section past The Priory was not warranted for any valid reason. The hedge that was removed by the owners created the lack of privacy. The statements made in the report were inaccurate.</p>	<p>It is to be noted that this objection is based upon an assertion that the diversion past the Priory is "not warranted" and that it is the removal of the hedge that caused the lack of privacy. The legislation requires an assessment of what is in the interests of the applicants, and must take account of the situation as it is not as it was. The Applicants had a number of reasons for removing the hedge which separated the house from the bulk of the Applicants' land including the new driveway access and parking. The PC accepts the benefits of a diversion for the School without identifying how this might otherwise be achieved. The comment that the Applicants' garden is in fact agricultural land is pedantic. It is planted as an orchard and sits immediately to the front of the Applicants' house. It is de facto an area for the Applicants to use in conjunction with the house and the restriction is on use, not enjoyment. Crucially the PC has not argued that that the diversion is substantially less convenient or that the use of the verge from A-H is a danger.</p>
----	------------------------	------------------------	--	---

21	Tisbury Footpath Club		<p>The school had not thought the risk of the footpath serious enough to take action themselves. The removal of the hedge is self inflicted expediency. The diversion is less convenient. Feel that the enjoyment of the diversion will be diminished. Historical path. Think the proposed diversion fails all the tests and that the consultation was flawed.</p>	<p>The interest of the owner point is addressed above. The assertion that the route is substantially less convenient because it is undefined appears to contradict the Ramblers point that it is too narrow. That the alignment will "substantially reduce disabled access" is without any evidential foundation. Whilst the needs of disabled people are to be taken into account and reasonable adjustment is to be made where possible, persons with a mobility impairment (being a relatively small percentage of "disabled people") who wish to use the route will encounter other limitations on the existing route, not least the cobbled surface outside the Applicants' property which has proved impossible for a boy with a powered wheelchair to negotiate. In fact, if one is to delve into arguments about "disabled access" there are strong reasons to divert any intrusive path for persons with a mental health condition some of whom can feel discomfort entering areas ostensible "private" in nature. This can be a particular issue for persons on the Autistic Spectrum. Issues regarding the use of the field crossed by the diversion are addressed above. Similarly historical issues have been addressed. We do not propose to comment on criticisms of Mike Walker's report as the Order has been made and it is the responses to the Order which now fall to be addressed.</p>
22	Tim Martin		<p>Same points as above</p>	<p>We shall not repeat the above.</p>
23	J and K MacDonald		<p>The permissive right of way allows the owner to withdraw permission at any time. The diversion is less convenient to users. The owners would have been aware of the footpath when they brought the property.</p>	<p>No additional points beyond those addressed above. Emphasis is on effect on School Children and reference back to the DMMO which is not relevant.</p>

24	Mercy Sword		<p>The diversion is less convenient to users and involves walking on the road between points A and H. It is discriminatory to only allow children from the School to allow the permissive path.</p>	<p>The Objector's comments regarding the length of the diversion are specific to her parents' property and not to the public at large (who will commence or finish at point A). The comments regarding the safety of the verge for young children is not supported by the fact that it is so used on a daily basis during term time with children being supervised. One is not walking in the road where the traffic is but walking next to the road. If the diversion is confirmed it is for the school and the Applicants to determine who may walk on their land and there is no issue of "discrimination".</p>
25	Ambrose Connolly		<p>The diversion would inconvenience the neighbours of the applicants and users of the footpath. It was established in 1997.</p>	<p>Issues on the impact on immediate neighbours addressed above. DMMO issues not relevant.</p>
26	Alan MacDermot		<p>The footpath was established by public enquiry in 1997. The applicants bought their house knowing that it had a public footpath.</p>	<p>The DMMO issue is not relevant. The Applicants have promoted an application that benefits the School as well as their property. They could have simply sought to divert the path from point D which would have had far less an impact on their other land over which the diversion is proposed and would have avoided them having to address issues such as the use of the verge. Whilst this objector has heard of no "incident" the School is supporting the application and many objectors have acknowledged the benefit. These benefits are mentioned above and are not repeated. If it is considered better to react only when an incident occurs rather than reasonably anticipate the position and ignore the views of OFSTED then that will be a judgment for the decision takers. The pre-existing knowledge is not relevant.</p>

27	Emily Toynton		Has used footpath for 50 years. The diversion is less convenient and would take the path on to the road potentially endangering users of the footpath with proximity to cars.	The diversion does not involve any use of the road. Unlike the existing route part of which is shared with the School and those who live alongside the school with motor vehicles, save for crossing the Applicants' drive at point J, there is no vehicular traffic on the diversion route.
----	---------------	--	---	--