



COVERING PAGE FOR DECISION REPORTAPPLICATION TO ADD A FOOTPATH TO THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY – ASHTON KEYNES

PLEASE SIGN OFF THE REPORT NEXT TO YOUR NAME

		Signature	Date Signed Off
To:	Sally Madgwick (Definitive Map and Highway Records Team Leader)		18/06/18
	Richard Broadhead (Head of Service, Rights of Way and Countryside)		17/06/18
From:	Janice Green		
Date of report:	15 th June 2018		
Return to:	Janice Green, Rights of Way (Ext. 13345)		

Nature of Report:

This is a report from Janice Green (Case Officer) to Richard Broadhead (Officer with the relevant delegated powers).

Executive Summary:

Wiltshire Council are in receipt of an application, made under Section 53 of the Wildlife and Countryside Act 1981 and dated 30th September 2016, to add a footpath to the definitive map and statement of public rights of way in the parish of Ashton Keynes, leading generally north-east, east and north-east from its junction with Footpath no.19 Ashton Keynes, (the Thames Path), to Rixon Gate and its junction with Fridays Ham Lane. The application is supported by 34 completed user evidence forms.

Following an assessment of the evidence, it would appear that the previous landowners, Aggregate Industries UK Ltd, provided a fenced route, with kissing gates and footpath waymarkers, following the restoration of the site, south of Rixon Gate, Ashton Keynes, following mineral extraction works. The evidence suggests that it was the intention of the landowners to provide this path north of Lake 82, as an alternative to Footpath 20, which formerly passed through the extraction site, until it was stopped up in 1996 under Section 257 of the Town and Country Planning Act 1990, to allow the development to continue, with the provision of an alternative route south of the extraction area. However, Footpath no.20 was never formally diverted onto the fenced route provided.

Officers consider that the landowners, by the provision of a fenced route with kissing gates and public footpath waymarkers, in 2004, have dedicated the route at common law, with acceptance of this route by the public demonstrated by the completed witness evidence forms. The fenced route cannot be claimed under statute law where it has existed only since 2004 and therefore 20 years public user of the route cannot be shown. Officers consider that any other route over the land, prior to 2004, is likely to have been interrupted by the mineral extraction works taking place on the land between 1992 and 2004, therefore it is not possible to show 20 years uninterrupted public user over the land, prior to public rights being brought into question in 2016, when the fenced route was removed and shut by the present landowner.

Officer's Recommendation:

That a definitive map modification order be made to add the footpath as claimed to the Cricklade and Wootton Bassett Rural District Council Area Definitive Map and Statement dated 1952, under Section 53 of the Wildlife and Countryside Act 1981, where there is sufficient evidence that the claimed footpath, (the fenced route), has been dedicated by the landowner at common law and where there are no objections, the order be confirmed by Wiltshire Council as an unopposed order.