

# AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Wessex Room, Corn Exchange, The Market Place, Devizes SN10 1HS  
**Date:** Thursday 5 October 2017  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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## Membership:

Cllr Mark Connolly (Chairman)	Cllr Peter Evans
Cllr Paul Oatway QPM (Vice Chairman)	Cllr Nick Fogg MBE
Cllr Ian Blair-Pilling	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr James Sheppard

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## Substitutes:

Cllr Ernie Clark	Cllr George Jeans
Cllr Anna Cuthbert	Cllr Christopher Williams
Cllr Jerry Kunkler	Cllr Graham Wright

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 15 June 2017.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than **5pm on Thursday 28 September** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than **5pm on Monday 2 October 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6      **The Wiltshire Council (Parish of Urchfont) Path No.51 Definitive Map and Statement Modification Order 2015** (*Pages 11 - 346*)

7      **Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

### **Part II**

***Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed***



## EASTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 JUNE 2017 AT WESSEX ROOM, CORN EXCHANGE, THE MARKET PLACE, DEVIZES SN10 1HS.

#### Present:

Cllr Paul Oatway QPM (Vice Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble, Cllr James Sheppard, Cllr Anna Cuthbert (Substitute) and Cllr Christopher Williams (Substitute)

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#### 30. Apologies

Apologies were received from Cllr Mark Connolly who was substituted by Cllr Chris Williams, Cllr Ian Blair-Pilling who was substituted by Cllr Anna Cuthbert, and Cllr Nick Fogg.

In the absence of the Chairman, the Vice-Chair, Cllr Paul Oatway, was in the chair.

#### 31. Minutes of the Previous Meeting

Cllr Stewart Dobson, seconded by Cllr Richard Gamble, moved that that the minutes of the Eastern Area Planning Committee held on 20 April 2017 be accepted as an accurate record.

#### **Resolved:**

**To approve and sign the minutes of the meeting of the Eastern Area Planning Committee on 20 April 2017 as an accurate record.**

#### 32. Declarations of Interest

There were no declarations of interest.

#### 33. Chairman's Announcements

The Vice-Chairman welcomed everyone to the meeting and introduced the officers present.

34. **Public Participation**

The Chairman explained the rules of public participation and confirmed that no questions had been submitted from members of the public.

35. **Planning Appeals and Updates**

The written update on appeals was received for the period 07/04/2017 – 02/06/2017 which included 3 new appeals and 7 concluded appeals. There were no questions.

36. **Planning Applications**

37. **17/2061/FUL - Hillside House, Lockeridge, Marlborough, SN8 4EL**

**Public Participation**

Mr Mark Lawson, applicant, spoke in support of the application  
Mr Bob Edwards, heritage consultant, spoke in support of the application

Isla MacNeal, senior conservation officer, introduced the two reports relating to the site, for planning permission and for listed building consent. There had been one late item from the applicant which had been circulated to members. The first report outlined the application for planning permission for: the erection of a replacement side extension; a glazed link into an associated outbuilding and a new attached store; and external alternations to the main house and outbuilding. The officer highlighted an error in the decription of development and clarified that the internal alternations were only for consideration under the application for listed building consent. Key issues included: the scale and bulk of the proposal; the design and use of materials; the impact on the character and setting of the listed building and on the conservation area; the impact on the neighbour amenity; and the ecological impact. The second report outlined the application for listed building consent for the same proposals with the addition of internal alterations to the main building and outbuilding. Additional key issues included the changes to the proportions of the rooms on the first floor. The officer recommended that both the planning and the listed building applications be refused for the reasons set out in the report.

Members of the Committee were invited to ask technical questions of the officer. In response to questions, the senior conservation officer confirmed that it had not been necessary to consult Historic England due to the limited demolition work involved in the proposal.

Members of the public were then invited to speak as detailed above.

Cllr Jane Davies, as local division member, spoke in support of the application.

In response to issues raised during the public participation, it was clarified that the planning considerations for making changes to a listed building related to

the impact on the significance of the listed building itself as opposed to how visible it would be from public vantage points. It was also reported that flat roofs were not a common feature in the local area.

Cllr Richard Gamble, seconded by Cllr Peter Evans, moved that the application be approved with suitable conditions as detailed.

In the debate that followed, the following points were made: that adjustments to listed buildings were often required in order to facilitate modern living standards; that no objections had been received from the parish council or local residents; that the building did not currently have easy access to its garden and that the proposed changes would enable this; that the proposal was sensitive to the character of the buildings; that taking down the existing 20<sup>th</sup> Century extension would improve the appearance of the property; that the extent of the proposed compromise to the existing building was acceptable; that the linearity of the building would be lost if the proposed changes were made but that this was not unusual for similar buildings in the area; that despite the size of the extension's footprint its design would make it appear subservient to the main building; and that any improvements should be considered against the council's obligation to protect listed buildings.

In response to points raised during the debate, the area team leader confirmed that materials could be controlled through the imposition of a condition but not a change to the design of the extension and that members should determine the application based on the design submitted. It was also confirmed that the previous consent for a dormer window and internal works had been partially implemented so it could not be revoked through a section 106 legal agreement.

**At the conclusion of debate, it was**

**Resolved:**

**To grant planning permission, subject to the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission**

**REASON:**

**To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

**2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

**Doc Title: Bat Survey Report by Stark Ecology Ltd, Dated: February 2017.**

**Doc Title: Application Form.**

**Drg Title: Existing Section (House). Drg No: MFhillsideSECH.**

**Drg Title: Existing First Floor Plan. Drg No: MFhillsideFF. Rev: A.**

**Drg Title: Existing Detailed Elevations (House). Drg No: MFhillsideELH.**

**Drg Title: Existing Section (Barn). Drg No: MFhillsideSECB.**

**Drg Title: Existing Second Floor Plan. Drg No: MFhillside. Rev: A.**

Drg Title: Existing Ground Floor Plan. Drg No: MFhillside. Rev: A.  
Drg Title: Existing Detailed Elevations (Barn). Drg No: MFhillsideELB.  
Drg Title: Topographical Survey. Drg No: MFhillsideTOPO.  
Drg Title: Location Plan. Drg No: 150819-01.  
Drg Title: Proposed Site Plan. Drg No: 150819-103. Rev: B.  
Drg Title: Proposed Ground Floor Plan. Drg No: 150819-104. Rev: C.  
Drg Title: Proposed First Floor Plan. Drg No: 150819-105. Rev: C.  
Drg Title: Proposed West and South Elevations. Drg No:150819-106.Rev:C.  
Drg Title: Proposed East and North Elevations. Drg No:150819-107. Rev:C.  
Drg Title: Section and Sectional Elevations. Drg No: 150819-108. Rev: C.

**REASON:**

For the avoidance of doubt and in the interests of proper planning

3. The development shall be constructed in strict accordance with the recommendations given in the Bat Survey Report by Stark Ecology, dated February 2017

**REASON:**

To mitigate against the loss of existing biodiversity and nature habitats.

**INFORMATIVE TO APPLICANT**

4. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species

38. **17/02723/LBC - Hillside House, Lockeridge, Marlborough, Wiltshire SN8 4EL**

Isla MacNeal, the senior conservation officer, referred members to her earlier presentation which had encompassed all the points relevant to the above application. The officer reminded members that in determining the application, the proposed internal alternations should be considered and that the impact on residents would not be a valid consideration.

Cllr Richard Gamble, seconded by Cllr Chris Williams, moved that the application be approved with suitable conditions as detailed.

In the debate that followed, members discussed the impact on the listed building of the proposed internal and external works and the limited loss of historic fabric.

At the conclusion of debate, it was

**Resolved:**

**To grant listed building consent, subject to the following conditions:**

**1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

**REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning Compulsory Purchase Act 2004.**

**2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

**Doc Title: Bat Survey Report by Stark Ecology Ltd, Dated: February 2017.**

**Doc Title: Application Form.**

**Drg Title: Existing Section (House). Drg No: MFhillsideSECH.**

**Drg Title: Existing First Floor Plan. Drg No: MFhillsideFF. Rev: A.**

**Drg Title: Existing Detailed Elevations (House). Drg No: MFhillsideELH.**

**Drg Title: Existing Section (Barn). Drg No: MFhillsideSECB.**

**Drg Title: Existing Second Floor Plan. Drg No: MFhillside. Rev: A.**

**Drg Title: Existing Ground Floor Plan. Drg No: MFhillside. Rev: A.**

**Drg Title: Existing Detailed Elevations (Barn). Drg No: MFhillsideELB.**

**Drg Title: Topographical Survey. Drg No: MFhillsideTOPO.**

**Drg Title: Location Plan. Drg No: 150819-01.**

**Drg Title: Proposed Site Plan. Drg No: 150819-103. Rev: B.**

**Drg Title: Proposed Ground Floor Plan. Drg No: 150819-104. Rev: C.**

**Drg Title: Proposed First Floor Plan. Drg No: 150819-105. Rev: C.**

**Drg Title: Proposed West and South Elevations. Drg No: 150819-106. Rev: C.**

**Drg Title: Proposed East and North Elevations. Drg No: 150819-107. Rev: C.**

**Drg Title: Section and Sectional Elevations. Drg No: 150819-108. Rev: C.**

**REASON: For the avoidance of doubt and in the interests of proper planning.**

**3. No walls shall be constructed on site, until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.**

**REASON: In the interests of preserving the character and appearance of the listed building and its setting.**

**4. Notwithstanding the approved drawings, no works shall commence on the new extension until details of the following have been submitted to and approved in writing by the Local Planning Authority:**

**(i) Large scale details of all external joinery (1:5 elevation, 1:2 section) including vertical and horizontal cross sections, through openings to the position of joinery within the openings, depth of reveal, heads, sill, lintels and glazing bar details;**

**(ii) Full details of external flues, background and mechanical ventilation, rainwater goods and soil/vent pipes and their exits to the open air;**

**(iii) Large scale details of the proposed eaves and verges (1:5 section);**

**(iv) Details of the proposed roof lights (including manufacturer and model number). The new roof lights shall be of a design which, when installed, do not project forward of the general roof surface.**

**The works shall be carried out in accordance with the approved details.**

**REASON: In the interests of preserving the character and appearance of the listed building and its setting.**

**5. No new or replacement internal joinery shall be installed until joinery details, including for doors and architraves, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.**

**REASON: In the interests of preserving the character and appearance of the listed building and its setting.**

**39. Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.04 pm)

The Officer who has produced these minutes is Becky Holloway of Democratic Services, direct line 01225 718063, e-mail [becky.holloway@wiltshire.gov.uk](mailto:becky.holloway@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

WILTSHIRE COUNCIL

AGENDA ITEM NO.

EASTERN AREA PLANNING COMMITTEE

5 OCTOBER 2017

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**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE WILTSHIRE COUNCIL (PARISH OF URCHFONT) PATH NO. 51 DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015**

**Purpose of the Report**

1. To:
  - (i) Consider the objections and representations received to the making of The Wiltshire Council (Parish of Urchfont) Path No. 51 Definitive Map and Statement Modification Order 2015.
  - (ii) Recommend the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

The Order is appended at **Appendix 1**.

**Relevance to the Council's Business Plan.**

2. Working with the local community to provide a rights of way network that is fit for purpose making Wiltshire an even better place to live, work and visit.

**Background**

3. In January 2014 Urchfont Parish Council applied to Wiltshire Council for a definitive map modification order to add a footpath to the definitive map and statement from the Top Green to the Urchfont Recreation Ground/Playing Field. Twenty seven completed user evidence forms were submitted in support of the application. The forms provided evidence of use of the claimed path from 1969 until December 2013.
4. Section 53(2)(b) of the Wildlife and Countryside Act 1981 requires Wiltshire Council, as the surveying authority, to keep the definitive map and statement under continuous review and process applications such as the one made by Urchfont Parish Council. Pursuant to this duty, officers investigated and considered the evidence from all interested parties concerning the application and produced a report which included the relevant legal considerations to be taken into account in determining it. The report, which is attached at **Appendix 2**, recommended the making of an Order in line with the application. The appendices to the decision report are appended to this report as **Appendices 2(a) to 2(d)** inclusive.

5. The Order was made on 6 October 2015 and when notice was served and published 79 objections were received to it and 27 representations made in its support. As a result of the objections to the Order, which remain unresolved, it must be submitted to the Secretary of State for Environment, Food and Rural Affairs for determination with comments on the objections and representations and a recommendation.

### **Main considerations for the Council**

6. The main issue is whether the evidence shows, on the balance of probabilities, that public footpath rights exist over the route described in the Order attached at **Appendix 1**.

7. The relevant part of the statutory test for confirmation of modification orders is set out in Section 31 of the Highways Act 1980:

*“31(1) Where a way over any land, other than a way of such character that use of it could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there is no intention during that period to dedicate it.*

*(2) The period of 20 years referred to in sub section (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question whether by a notice such as is mentioned in subsection (3) below or otherwise.*

*(3) Where the owner of the land over which any such way as aforesaid passes-*  
*(a) has erected in such manner as to be visible to persons using a way a notice inconsistent with the dedication of the way as a highway, and*  
*(b) has maintained the notice after the 1<sup>st</sup> January 1934, or any date on which it was erected,*  
*the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as highway.*

*(4) In the case of land in the possession of a tenant for a term of years, or from year to year, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of the tenancy, have the right to place and maintain such a notice as is mentioned in subsection (3) above, so, however, that no injury is done thereby to the business or occupation of the tenant.*

*(5) Where a notice erected as mentioned in subsection (3) above is subsequently torn down or defaced, a notice given by the owner of the land to the appropriate council that the way is not dedicated as a highway is, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner of the land to dedicate the way as a highway.*

*(6) An owner of land may at any time deposit with the appropriate council-*  
*(a) a map of the land on a scale of not less than 6 inches to 1 mile, and*  
*(b) a statement indicating what ways (if any) over the land he admits to have been dedicated as highways;*



*and, in any case in which such a deposit has been made, statutory declarations made by that owner or by his successors in title and lodged by him or them with the appropriate council at any time-*

*(i) within ten years from the date of the deposit, or*

*(ii) within ten years from the date on which any previous declaration was last lodged under this section<sup>1</sup>.*

*to the effect that no additional way (other than any specifically indicated in the declaration) over the land on the said map has been dedicated as a highway since the date of the deposit, or since the date of the lodgement of such previous declaration, as the case may be, are, in the absence of proof to the contrary intention, sufficient to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway.”*

<sup>1</sup>The ten year period was extended to twenty years in 2103. Please note that **Appendix 2** to this report, at paragraph 3.3, takes account of the change.

8. Seventy nine letters of objection were received to the making of the Order and twenty seven letters received in support, all letters are summarised at **Appendix 2(b)**. Comments on the objections and representations received can be found in **Appendix 3**. The large number of letters received in objection to the Order may be explained by a letter that was drawn to officers’ attention from the Headteacher and Chair of Governors of Urchfont C.E. Primary School addressed to “Parents” informing the reader about the making of the Order which is the subject of this report and requesting “your help to try to stop this Order going through”. The letter goes on to inform the reader what information and phrases need to be included in any letter to Wiltshire Council in support of the school’s statement that it was not the school’s intention to “allow a right of way”. When reading the seventy nine letters of objection it is noticeable that a large proportion of the letters include the phrases the Headteacher and Chair of Governors asked would be objectors to include in any letters written to the Council. The letter is attached at **Appendix 4**.

### The Statutory Test

#### *The date when use was brought into question*

9. Officers have proceeded on the basis that the matter was brought into question by the mechanical lock fitted on the gate nearest the school in October 2011. In taking this decision they considered all the available evidence both received from all interested parties and all other relevant evidence. Objectors argue that other events might have brought the matter into question at an earlier date, such as the formation of the school garden across part of the claimed route in 2009 or the placing of notices in the school grounds in 2002 or the closing of gates.
10. According to Lord Denning in *Fairey v Southampton City Council* [1956] 2 QB 439 in order for the right of the public to have been:

*“brought into question, the right must be challenged by some means sufficient to bring it home to the public that their right to use the way is being challenged... so that they may be apprised of the challenge and have a reasonable opportunity of meeting it.”*

11. Mr R Hawkins has known and used the order route since 1982 and in the late 1980s to early 1990s was a parent governor at the school. In his letter dated 12 November 2015 written in support of the Order he made the following relevant points:

*"I do not recall seeing any signs saying the path was for school access only. If they were there then there was certainly no action (to my knowledge) taken by the school to enforce the sign and stop the public using the path.*

*I think it is important to realise that for many years after the school was built the environment around the school building was very different from what you see now. The school consisted of a single rectangular building, with an additional mobile classroom used at various times. I have indicated the extent of the main building and the general layout of the school on a revised version of your plan attached. There was no fencing at all around the school located in the corner of the open playing field and people using the path were able to walk around either side of the building to access the field, play equipment, tennis courts and Oakfrith wood. During this time there were no child safeguarding measures in place, in fact the main doors to the school were not even locked. It was probably only about 10 years ago that a voice operated access system was first installed to the main doors of the school building (not the gate). The area around the school was open; there were no fences as such to prevent access or egress from the school site. Why would you bother to lock a gate on the footpath if the rest of the boundary to the school was completely open? The path was always considered, by the village residents, to be the main 24/7 access to the school, playing fields, play equipment, tennis courts and Oakfrith wood. There was never any thought of it not being available for public use, the gate(s) were not locked, the school did not prevent access – why would anyone not consider it a public Right of way."*

As can be seen from the summary of the witness statements which was appended to the Decision Report as **Appendix 2(b)**, other witnesses corroborate Mr Hawkins's evidence.

*Whether the public used the routes*

12. The Parish Council submitted twenty seven user evidence forms in support of the application. Twelve of the witnesses give direct evidence of use of the order route dating back to when the school was built and a further nine from the late 1970s through the 1980s. The evidence submitted is sufficient to satisfy the requirement that the order route has been used by the public. Even if 2011 is not accepted as the date upon which the right to use the path was brought into question, and therefore not the date back from which to identify a 20 year user period, there is on the balance of probabilities sufficient evidence of use back to 1974 to support an alternative 20 year public user period.

*As of right*

13. The common law holds use "as of right" to be use without force (nec vi), without secrecy (nec clam), and without permission (nec precario).

*Without force*

14. The evidence provided by the witnesses and by the representations in support of the Order all testify to the path being freely available along the route. At times gates may have been erected across the path but none of the witnesses have given evidence that their way was barred by a locked gate until October 2011, e.g. Mr and Mrs Brockie, Mr Giddings, Mr Monkton, Mrs Milanes, Mr Minty, Mr Davies and Mr and Mrs Bailey. The gate nearest the school may have been closed for periods during school opening hours but there is no credible evidence that the gate was actually locked.

*Without secrecy*

15. There is no suggestion from Wiltshire Council, as owners of the playing field, or from Salisbury Diocesan Board of Education, as owners of the school and the path from the school to the Top Green, of any secrecy in the usage of the order route.

*Without permission*

16. There is no evidence from the owners of the land over which the order route crosses that express permission was given to members of the public to use the route. None of the witnesses who completed user evidence forms submitted in support of the Order or any of the people who have made representations in support of the Order have said they had sought and received permission to use the route; use of the route was simply taken as a right. From 2005 the school did grant the Scarecrow Festival permission to use the field for parking which included access on foot through the school grounds to the village green. This permission relates to a wider use of the school grounds than use along a specific route and was, and is, clearly related to the Scarecrow Festival held over the May Bank Holiday weekend. In its April 2014 response to the application to record the order route as a public right of way Urchfont C.E. Primary School stated:

*“Anyone using the path and coming through the gate, who was not entering the site on school business, was never officially sanctioned and this only occurred when school security has been circumvented and they were trespassing. Before the mechanical locking system was fitted, on the instructions of Wiltshire Council Health and Safety Officer, the gate was bolted from the school side once all children were in school. Unfortunately, as this could easily be unbolted by parents leaving the site and as it was not in view of the school office, it could be left open for periods of time. Under these circumstances, anyone who walked through the school site to access the playing field did not have the permission of the school to do so.”*

17. Whilst it is acknowledged that it is possible, as a matter of law, for implied permission to defeat a claim to prescription, the courts suggest that the landowner must do some positive act in order to give rise to the implication, otherwise the landowner is merely acquiescing. In *R v North Yorkshire County Council & Others ex parte Barkas* [2014] UKSC 31, Lord Neuberger stated:

*“In relation to the acquisition of easements by prescription, the law is correctly stated in Gale on easements (19<sup>th</sup> edition, 2012), para 4-115:*

*The law draws a distinction between acquiescence by the owner on the one hand and licence or permission from the owner on the other hand. In some circumstances, the distinction may not matter but in the law of prescription, the distinction is fundamental. This is because user which is acquiesced in by the owner is ‘as of right’; acquiescence is the foundation of prescription. However, user which is with the licence or permission of the owner is not ‘as of right’. Permission involves some positive act or acts on the part of the owner, whereas passive toleration is all that is required for acquiescence.”*

18. The same is true of rights of way. In *Rowley v Secretary of State for Transport, Local Government and the Regions and Shropshire County Council*, May 2002, Justice Elias held that the acquiescence of a tenant may bind the landowner on the issue of dedication. Also, in the absence of evidence to the contrary, there is no automatic distinction to be drawn between the actions of a tenant acting in accordance with their rights over the property and that of the landowner in determining matters under Section 31 of the Highways Act 1980.
19. There is no evidence from Wiltshire Council or the Salisbury Diocesan Board of Education of any positive acts, expressly or by implication of granting the public permission to use the order route.

*Without interruption*

20. The objectors contend that the use was interrupted by the locking of a gate across the order route, signs being displayed at the entrance to the order route indicating the path “affords access only to the school” and challenges made to users. None of the witnesses refer to signs existing on the claimed route earlier than 2011. In a letter dated 3 October 2014 Mrs Giddings, who has lived in Urchfont since 1969 and has used the order route since the school was built, states:

*“My eldest Son attended this new school built in the playing fields from 1978 until he left in 1983. There was no gate at either end of the path at that time and no signs.*

*My younger two children attended the school between the years of 1992 and 2001 and I believe the gates were erected at the school during this time. I never knew these gates to be closed or locked at any time. They were certainly never closed or locked during the frequent times I accessed the playing fields during or outside of school hours. I frequently visited the school during school hours to assist with swimming lessons, reading, crafts, and I was also a part time lunch supervisor. Again the gates were never closed or locked during those times.*

*Most parents would also frequently use the path during and outside of school hours to access the playing fields with younger pre-school children with no problems at all.*

*The playing field was always the main point of the village for children and teenagers to meet. It was the first place we all congregated after school to*

*knock a ball around or simply play on the equipment. It was the same for my children while they were growing up and even now my son and his friends frequently use the football pitch to have a knockabout. I also still use the field frequently with my grandchildren when they visit. We have all always used the existing path. Not only is it a shortcut through but it is also a safe access way. To use the main gate into the playing field would mean walking around a dangerous bend in the road at Cuckoo Corner.*

*As to signs, I cannot recall any signs being erected in the pathway until around 2011. The only sign I can remember being erected earlier than 2011 was asking the public not to use the school grounds. I seem to recall that this was erected to prevent youngsters playing on skateboards, etc on the school playground as it was feared that they could cause some damage. I certainly do not recall any earlier signs "prohibiting the unauthorised use of school grounds.*

*I can confirm that I have never at any time been challenged while using this path."*

21. Another witness, Mr Hawkins, who like Mrs Giddings has known the order route for a long time and has made representations in support of the order states in a letter dated 12 November 2015:

*"I moved to Urchfont in 1982 with my wife and family and my children attended Urchfont School between 1985 and 1995. During the period 1989 to 1995 I was a parent governor at the school and an active member of Urchfont School Parents' Association (USPA). I used the alleyway on a frequent basis during this time to carry out my duties as a parent governor and for USPA meetings and also for walks with the family to the recreation field, play equipment, tennis courts and Oakfrith Wood. During this period I cannot recall any locked gates, signs relating to school access only or being told I could not use this access. As a governor I certainly accessed the alleyway perhaps 5 to 10 times a week during school hours.*

*When my children left Urchfont School I resigned as a parent governor but still used the alleyway at various times throughout the day, including school hours, to walk to Oakfrith Wood and to play tennis on the recreation field tennis courts. At various times I even attended the school to give lessons to the children about bridges, which relates to my profession as a Chartered Civil Engineer. At no time did I find my access through the alleyway, or past the school, restricted by locked gates, signs relating to school access only or being told I could not use this access. I continued to use the alleyway access up to June 2011 not only to access the recreation field, Oakfrith Wood and the tennis courts but also to deliver flyers, News & Views magazines and the occasional bus rota for my wife to the school. In June 2011, without any consultation with the village, the school locked the gates during school hours preventing any access to the recreation field facilities, Oakfrith Wood or the tennis courts."*

22. The minutes for the school Governors dated 2002 refer to signs having been erected in the school alleyway and on the playground, not the playing field, prohibiting the unauthorised use of school grounds. The exact wording of the signs is not known but it is clear from the evidence provided by the witnesses in support of the application that whatever the wording did say it was insufficiently clear to the public using the order route that the owners of the land, i.e. Wiltshire Council and the Salisbury Diocesan Board of Education, did not want the public

to have a right to use it. The signs appear to have been taken by those walkers who did see them as meaning use of the school playground and school building was denied, not use of the order route path which leads to the village recreation field. There was no reason why users of the order route should believe that Wiltshire Council, as owner of part of the route, did not want to dedicate the route as a public path as the path led to the community assets of the village playing field, children's play area and tennis courts which Wiltshire Council lease to the Recreation Field Committee for public use.

23. Witnesses for the school have given evidence that the gate nearest the school was locked at various times since the school was built; however, officers do not find that on the totality of the evidence it can be established or found that the stated locking of the gate interrupted the public use of the order route.

*No intention to dedicate*

24. The above considerations in respect of interruption to public use of the order route apply equally to the issue of the lack of intention to dedicate, or lack thereof.
25. No maps have been deposited under Section 31(6) of the Highways Act 1980 by the owners of the land over which the order route crosses to declare the lack of the intention of the landowners or their successors in title to dedicate the order route as highway.

**Safeguarding Considerations**

26. Safeguarding considerations cannot be taken into account in relation to Orders made under Section 53 of the Wildlife and Countryside Act 1981. However, significant concerns have been raised with officers of the Council that, should the Order be confirmed, the existence of a public footpath that is required to be open and available for use at all times will increase the perceived, if not the actual, level of safeguarding risks.
27. A number of meetings have, since the receipt of statutory objections to the order, and prior to bringing this report to the committee, been held between the Council's Rights of Way and Countryside Manager, the Headteacher, and representatives of the school governors, the diocese and Urchfont Parish Council. The aim has been to develop a package of safeguarding measures focussing primarily on the making of public path orders in order to create a segregated public footpath in place of part of the modification order route that would give a higher level of protection to the schoolchildren and staff.
28. Discussions are ongoing but as yet have failed to identify a mutually acceptable solution. Having made the Order and received objections to it, the Council cannot delay indefinitely sending the Order to the Secretary of State for determination so it has been decided to bring this report to the committee so that a recommendation can be made as to whether only on the assessment of the available evidence, the Order should or should not be confirmed. The Council will, however, continue to work with the school, the diocese and the parish council to try to identify a suitable route onto which to divert the path, if the Order is confirmed.

### **Public Health Implications**

29. There are no identified public health implications arising from the proposal.

### **Procurement Implications**

30. The submission of the Order to the Secretary of State does have financial implications for the Council which are covered in paragraphs 34 to 36 of this report.

### **Environmental and Climate Change Considerations**

31. There are no known environmental or climate change considerations associated with the proposal.

### **Equalities Impact of the Proposal**

32. Matters relating to the equalities impact of the proposal cannot be taken into account when deciding whether to agree the proposal.

### **Risk Assessment**

33. There are no identified risks associated with the proposal. The financial and legal risks to the Council are outlined in paragraphs 34 to 37 below.

### **Financial Implications**

34. The making and determination of Orders made under the Wildlife and Countryside Act 1981 is a statutory duty for Wiltshire Council for which financial provision has been made.
35. Where there are outstanding objections to the making of an Order the committee may resolve that the Council continues to support the making and confirmation of the Order. The Order will be determined by an Inspector appointed on behalf of the Secretary of State by either written representations, a local Hearing or local Public Inquiry, all of which have financial costs for the Council. Written representations cost the Council £200 to £300, a Hearing £300 to £500 and £1,000 to £3,000 for a Public Inquiry with legal representation (£300 to £500 without).
36. Where the Council objects to the Order, the Order still has to be forwarded to the Secretary of State for determination, with costs ranging from £200 to £3,000, as detailed in paragraph 35 above.

### **Legal Implications**

37. Where the Council does not support the Order, clear, legally robust reasons must be given which must relate to all the relevant evidence available. The applicant may seek Judicial Review of the Council's decision if the decision is found to be lawfully incorrect or unjust by them. The cost to the Council for this may be up to £50,000.

### **Options considered**

38. The committee may resolve that the Order should be forwarded to the Secretary of State for determination as follows:
- (i) The Order be confirmed as made
  - (ii) The Order be confirmed with modification, or
  - (iii) The Order should not be confirmed.

### **Reason for the Proposal**

39. When the Council made the Order it was considered that the public enjoyment of the route has raised the presumption that the way had been dedicated as a public footpath on the balance of probabilities. Since the making and advertising of the Order, the Council has received objections to its making and representations in support of the Order. Officers do not believe the objections have raised any further evidence to negative the presumed dedication of the footpath on the legal test of on the “balance of probabilities”.
40. There is a conflict between the witness evidence of the supporters and those opposed to the Order. In *R v Secretary of State for the Environment ex parte Bagshaw and Norton* [1994] 68 P&CR Justice Owen held that:
- “In a case where the evidence from witnesses as to user is conflicting if the right would be shown to exist by reasonably accepting one side and reasonably rejecting the other on paper, it would be reasonable to allege that such a right subsisted. The reasonableness of that rejection may be confirmed or destroyed by seeing witnesses at the inquiry.”*
41. When objections are made to an Order made under Section 53 of the Wildlife and Countryside Act 1981 the Council is required to submit the Order to the Secretary of State for determination. Where there is a conflict in evidence, as in this case, it is usual practice to determine the Order by holding a Public Inquiry to test the evidence under cross-examination.

### **Recommendation**

42. To forward the Order to the Secretary of State for the Environment, Food and Rural Affairs for confirmation as made.

### **Tracy Carter**

Associate Director – Waste and Environment

Report Author:

**Richard Broadhead**

Rights of Way and Countryside Manager

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**The following unpublished documents have been relied on in the preparation of this Report:**

None



## **Appendices:**

- Appendix 1 - The Wiltshire Council (Parish of Urchfont) Path No. 51 Definitive Map and Statement Modification Order 2015
- Appendix 2 - The Officers' Decision Report on the application for a Modification Order
- Appendix 2(a) - Notice of Application for Modification Order
- Appendix 2(b) - Summary of witness evidence user statements
- Appendix 2(c) - Submission from the school
- Appendix 2(d) - Submission from the Salisbury Diocesan Board of Education
- Appendix 3 - Wiltshire Council's comments on the representations and objections made to the making of the Definitive Map Modification Order
- Appendix 4 - Letter from the Headteacher and Chair of Governors addressed to "Parents"

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**WILDLIFE AND COUNTRYSIDE ACT 1981****THE DEFINITIVE MAP AND STATEMENT FOR THE DEVIZES RURAL DISTRICT  
COUNCIL AREA DATED 1952****THE WILTSHIRE COUNCIL (PARISH OF URCHFONT) PATH NO.51 DEFINITIVE  
MAP AND STATEMENT MODIFICATION ORDER 2015**

This Order is made by the Wiltshire Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Devizes Rural District Council Area Definitive Map and Statement dated 1952 require modification in consequence of the occurrence of an event specified in section 53(3)(b) of the Act, namely the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway.

The Authority have consulted with every local authority whose area includes the land to which the order relates. The Wiltshire Council hereby order that:

- 1) For the purposes of this order the relevant date is 6<sup>th</sup> October 2015.
- 2) The Devizes Rural District Council Area Definitive Map and Statement dated 1952 shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
- 3) This order shall take effect on the date it is confirmed and may be cited as The Wiltshire Council (Parish of Urchfont) Path no.51 Definitive Map and Statement Modification Order 2015.

**SCHEDULE****PART I****Modification of Definitive Map****Description of footpath to be added**

That length of footpath as shown by a broken black line on the attached plan, leading from point A at OS Grid Reference SU 0371-5708, at its junction with road C253 at the Top Green leading generally west for approximately 54 metres to point B at OS Grid Reference SU 0366-5707 continuing in a general north westerly direction for approximately 64 metres, to point C at OS Grid Reference SU 0362-5712 in the recreation field, having a width of 1.5 metres between points A and B and 2 metres between points B and C.

**PART II**  
**Modification of Definitive Statement**

**Variation of particulars of footpath**

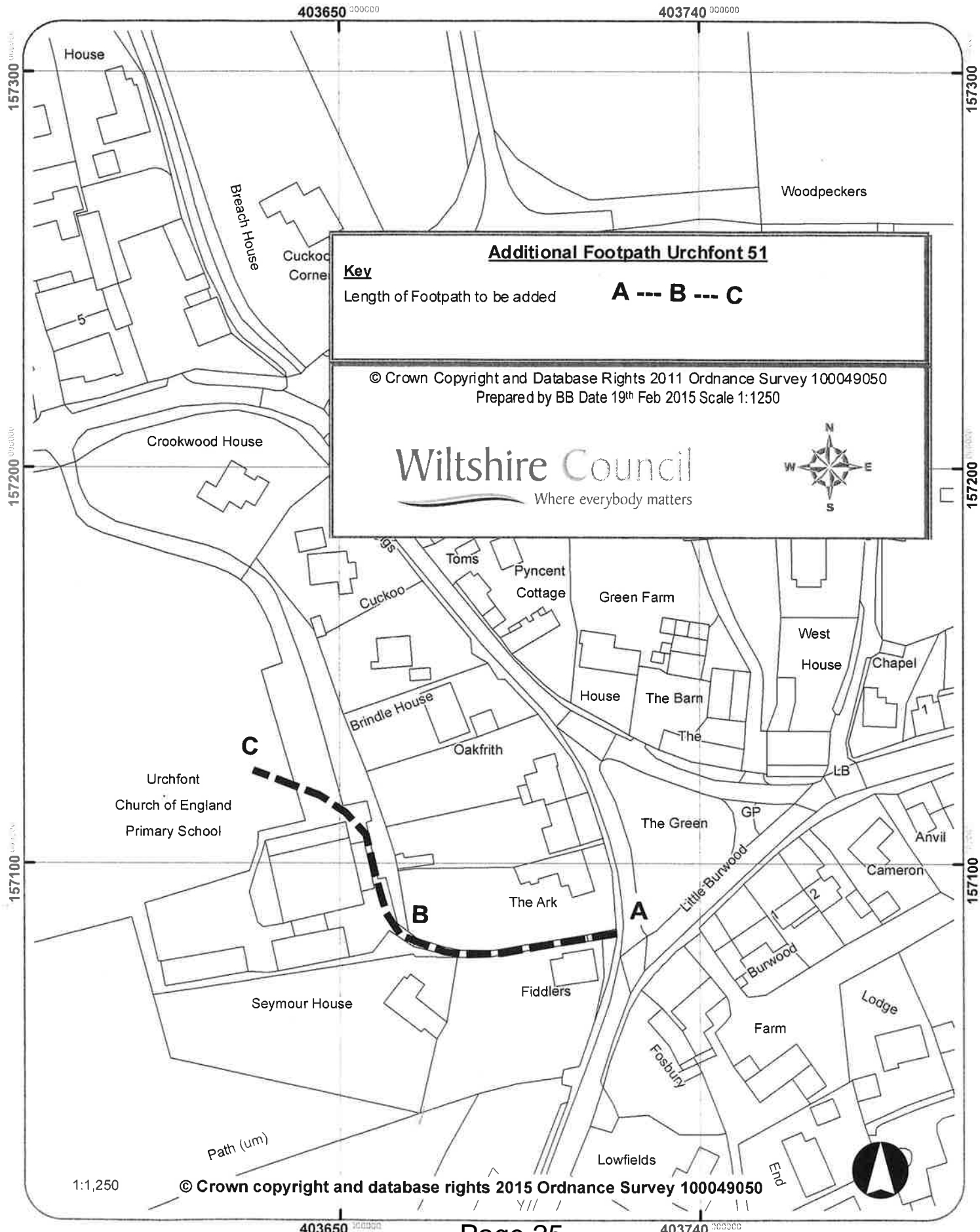
<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53(3) as specified</u>
Urchfont	51	<p><u>FOOTPATH.</u> From its junction with the C253 road at The Top Green at OS Grid Reference SU 0371-5708, leading generally west for approximately 54 metres, to OS Grid Reference SU 0366-5707, before leading generally north-west for approximately 64 metres to OS Grid Reference SU 0362-5712 in the recreation field</p> <p>Approximate length: 118 metres. Width: 1.5 metres between OS Grid Reference SU0371-5708 and SU0366-5707 and 2 metres between OS Grid Reference SU0366-5707 and SU0362-5712</p> <p>Limitation or condition affecting the right of way: Gates at OS Grid Reference SU0371-5708 and SU0366-5707.</p>	53(3)(b)

THE COMMON SEAL OF }  
THE WILTSHIRE COUNCIL }  
was hereunto affixed this }  
6<sup>th</sup> day of October 2015 }  
in the presence of:



*M. E. Yorker*

82105



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## DECISION REPORT

### APPLICATION FOR AN ORDER UNDER SECTION 53(2) OF THE WILDLIFE AND COUNTRYSIDE ACT 1981 TO ADD A FOOTPATH FROM TOP GREEN URCHFONT TO URCHFONT RECREATION GROUND/PLAYING FIELD

#### 1. Purpose of the report

- 1.1 To consider an application made by Urchfont Parish Council on the 31 January 2014 for an order under section 53(2) of the Wildlife and Countryside Act 1981 to modify the definitive map and statement by adding a footpath from Top Green, Urchfont to the Urchfont Recreation Ground/Playing field via Urchfont Primary School with a width of 1.5 to 2 metres. The plan submitted with the original application did not accurately reflect the position for the path being claimed so a revised plan was submitted in September 2014. The application is attached at Appendix 1.

#### 2. Background

- 2.1 On the 31 January 2014 the Clerk to Urchfont Parish Council wrote a letter stating:

*'As you are aware, Urchfont Parish Council agreed to coordinate and submit the above application and witness statements on behalf of the residents of Urchfont following the sale of Urchfont Manor grounds and the resulting access difficulties to Urchfont Playing Field. The access difficulties and safety issues were highlighted in a Parish Council survey of all Urchfont households in September last year, the results of which were shared with Wiltshire Council (Stephen Morgan). Further discussion in the Parish identified the potential for this claim which has been widely publicised via Parish Council minutes, Parish Magazine (Redhorn News) and on the Parish website.*

*I now enclose the following for your consideration:*

- *Completed Form 1*
- *Completed Form 3*
- *27 completed Witness statements (originals)'*

The application is attached at Appendix 1 to this report and a summary of the witness evidence statements is attached at Appendix 2.

### **3. Main considerations for the Council**

3.1 Wiltshire Council is the Surveying Authority for the county of Wiltshire excluding the Borough of Swindon. Surveying Authorities are responsible for preparing and the constant review of definitive maps and statements of public rights of way. Section 53(2) (b) of the wildlife and Countryside Act 1981 states:

As regards every map and statement the Surveying Authority shall –

- (a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appears requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and
- (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of these events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of that event.

3.2 The event referred to in Section 53(2)(b) which is relevant to this application which is based upon evidence of public use of the claimed path is section 53(3)(b):

‘The expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway.’

3.3 Dedication of rights of way to the public can arise under statute law, section 31 of the Highways Act 1980 and under common law. Under section 31, dedication of a route as a public highway is presumed after public use, as of right and without interruption, for 20 years, unless there is sufficient evidence that there was no intention during that period to dedicate it. The 20 year period runs retrospectively from the date of bringing into question. The main issues to be considered in relation to section 31 are therefore:

- When the status of the claimed route was called into question;
- The extent and nature of the claimed use;
- Whether there is any evidence of a lack of intention to dedicate a public right of way.

Section 31 of the Highways Act 1980 states:

‘(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of



dedication, has been actually enjoyed by the public as of right without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

(2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in subsection (3) below or otherwise.

(3) Where the owner of the land over which any such way as aforesaid passes –

(a) has erected in such manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway; and

(b) has maintained the notice after the 1 January 1934, or any later date on which it was erected, the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as highway.

(4) In the case of land in the possession of a tenant for a term of years, or from year to year, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of the tenancy, have the right to place and maintain such a notice as is mentioned in subsection (3) above, so however, that no injury is done thereby to the business or occupation of the tenant.

(5) Where a notice erected as mentioned in subsection (3) above is subsequently torn down or defaced, a notice given by the owner of the land to the appropriate council that the way is not dedicated as highway is, in the absence of proof to a contrary intention, sufficient evidence to negative the intention of the owner of the land to dedicate the way as highway.

(6) An owner of land may at any time deposit with the appropriate council –

(a) a map of the land on a scale of not less than 6 inches to 1 mile and

(b) a statement indicating what ways (if any) over the land he admits to having been dedicated as highways:

And, in any case in which such a deposit has been made, statutory declarations made by that owner or by his successors in title and lodged by him or them with the appropriate council at any time –

(i) within twenty years from the date of deposit

(ii) within twenty years from the date on which any previous declaration was last lodged under this section,

to the effect that no additional way (other than any specifically indicated in the declaration) over the land delineated on the said map has been dedicated as a highway since the date of the deposit, or since the date of the lodgement of such previous declaration, as the case may be, are, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway.'

- 3.4 The council must consider all available evidence relating to the application. Historical evidence may be considered by virtue of section 32 of the Highways Act 1980:

'A court or tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced'.

- 3.5 The application did not bring any historical evidence to the council's attention and officers have not discovered any. There is no evidence of express dedication by the landowners over which the route crosses consequently the application must rely on use by the public 'as of right'. Section 31(1) requires that a period of 20 years of use 'as of right' must be satisfied for the claimed route to be deemed to have been dedicated as highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

**'When the right to use the way was brought into question'**

- 3.6 The Planning Inspectorates Definitive Map Order Consistency Guidelines state:

'5.4 House of Lords in R (on the application of Godmanchester and Drain) v Secretary of State for the Environment Food and Rural Affairs [2007] ('Godmanchester') is the most recent case addressing the meaning of section 31(2) Highways Act 1980 endorsing earlier judgements in regard to what act or acts constitute 'bringing into question.'

5.5 In R v Secretary of State for the Environment Food and Rural Affairs ex parte Dorset County Council 1999 Dyson J was not satisfied that a landowner's letter to the Department of the Environment passed to the County Council but not communicated to the users, satisfied the spirit of section 31(2). The test to be applied is that enunciated by Denning LJ in Fairey v

Southampton County Council 1956. Dyson J's interpretation of that judgment is that:

*'Whatever means are employed to bring a claimed right into question they must be sufficient at least to make it likely that some of the users are made aware that the owner has challenged their right to use the way as a highway.'*

5.6 The 'bringing into question' does not have to arise from the action of the owner of the land or on their behalf. In *Applegarth v Secretary of State for Environment, Transport and the Regions* [2001] EWHC 487, the owner of a property whose access was via a track claimed to be a bridleway, challenged the public use although he did not own the track. Munby J stated: *'Whether someone or something has 'brought into question' the 'right of the public to use the way' is...a question of fact and degree in every case.'* Thus any action which raises the issue would seem to be sufficient. However, where there is no identifiable event which has brought into question the use or way, section 31 subsections 7A and 7B of the Highways Act 1980 (as amended by section 69 of the Natural Environment and Rural Communities Act 2006) provides that the date of an application or a modification order under the Wildlife and Countryside Act 1981 section 53 can be used as the date at which use was brought into question.'

- 3.7 I have looked at the evidence before the council concerning any acts that may have challenged the public right to use the claimed route. I have considered the erection of any notices and signs inconsistent with the way having been dedicated as highway, any verbal challenges to use or physical obstructions such as a gate specifically locked to prevent access by the public and any deposits made under section 31(6) of the Highways Act 1980.
- 3.8 Wiltshire Council and the Salisbury Diocesan Board of Education own the land over which the claimed route crosses. No deposit by either institution is recorded in the council's section 31(6) of the Highways Act 1980 Register and I have no record of a deposit ever having been made.
- 3.9 From information provided by the school seeking to refute the application and from the witnesses who support it, it would appear as if use of the route was brought into question by the installation of a mechanical locking system in October 2011 on a gate across the section of path between the Top Green and the school. I say this because:

a) In a statement dated April 2014 the Governors of the school stated:

*'Before the mechanical locking system was fitted, on the instruction of Wiltshire Council Health and Safety Officer, the gate was bolted from the school side once all children were in school. Unfortunately as this*

*could easily be unbolted by parents leaving the site and as it was not in view of the school office, it could be left open for periods of time. Under these circumstances, anyone who walked through the school site to access the playing field did not have the permission of the school to do so.....This gate has always been bolted from the school side during school hours. Originally, as evidenced by the letter from Mrs I Bailey and statement from the present Chair of Governors, Joan Bartlett, the gate was padlocked after school hours and during the holidays. At a later date, as a concession to the villagers to enable them to access the Parish play equipment and the playing field by a short cut (rather than the longer route down Blackboard Lane), the gate was left unlocked out of school hours. We have no record of when this was but probably when there was a change of Head teacher in the mid-1990s.*

It is acknowledged there may have been times during the day the gate on the path between the Top Green and the school was fastened shut, but the only evidence of it having been locked before October 2011 has been given by Joan Bartlett, Chair of the Governors. Mrs Bartlett's evidence is in direct conflict with twenty one of the witnesses who had used the path at varying times during the week and at weekends during the period 1969 to 2013 who stated the gate was not locked before 2011. For example in a letter dated the 3 October 2014 Mrs S A Gidding stated:

*'My eldest Son attended this new school built in the playing fields from 1978 until he left in 1983. There was no gate at either end of the path at that time and no signs.*

*My younger two children attended the school between the years of 1992 and 2001 and I believe that the gates were erected at the school during this time. I never knew these gates to be closed or locked at any time. They were certainly never closed or locked during the frequent times I accessed the playing fields during or outside of school hours. I frequently visited the school during school hours to assist with swimming lessons, reading, crafts and I was also a part time lunch supervisor. Again the gates were never closed or locked during those times.*

*Most parents would also frequently use the path during and outside of school hours to access the playing fields with younger pre school children with no problems at all.'*

It is noted in the Governor's meeting of the 20 January 1998 a crime prevention officer had advised a second bolt be fitted to the back door at the school but there is no indication of the location of the back door, whether the bolt was installed or if the door was then ever locked. A bolt is not a lock. A school safety check on the 29 November 2004 revealed a dangerous hasp on

a gate on the path to the Green with an action to remove the same. It is not possible to ascertain from this piece of information whether the hasp was operable at that time and therefore it might not have been possible to lock the gate, certainly if the hasp were removed the gate would not have been able to have been locked unless a new hasp or locking mechanism was installed.

b) Again in the Governors response to the application in April 2014 it is stated:

*'There are notices on the gate and at the end of the school path onto The Green that there is no access during the school day. As evidence in Mrs J Holton's letter there are notices on the Playing Field.'*

In a note dated 20 March 2014 from Mrs Jackie Holton (Head of Urchfont school from 2002 to 2009) to Mrs Barlett, Mrs Holton stated:

*'There was a gate between the footpath and the school throughout my time at Urchfont. There was a bolt on this gate and a sign that stated that the gate should be kept shut at all times. The bolt was on the school side of the gate. There was a sign on the school playground stating that this was school property and as such, was not open to the general public. I cannot recall the exact wording of the signs.'*

Mrs Holton has confirmed that during the period she was Head at the school the gate was not locked. A sign requesting a gate should be kept shut across part of the claimed route can only be intended to be directed at members of the public passing through it. Similarly a sign indicating the school playground was not open to the public could have been only necessary because members of the public had the physical ability to enter on to it from the claimed footpath which ran alongside. Signs with this wording were not understood by the witnesses in support of the application to mean that they could not use the claimed path to the village recreation field and tennis court. The signs were not explicit enough, they could have said 'no public right of way' but they did not do so. The signs did not challenge the public right to use the claimed route.

c) There is no evidence of users of the claimed route being directly challenged in person whilst using the way.

### **Whether there was 20 years public use from 1991 to 2011**

3.10 The Planning Inspectorate's Definitive Map Order Consistency Guidelines state:

5.12 There appears to be no legal interpretation of the term 'the public' as used in section 31. The dictionary definition is 'the people as a whole, or the community in general'. Hence, arguably, use should be by a number of people who together may sensibly be taken to represent the community. However, Coleridge LJ (as he was then) in *R v Southampton (Inhabitants)* 1887 said that 'user by the public must not be taken in its widest sense...for it is common knowledge that in many cases only the local residents ever use a particular road or bridge.'

5.13 Consequently, use wholly or largely by local people may be use by the public, as, depending on the circumstances of the case, that use could be by a number of people who may sensibly be taken to represent the local community. It is unlikely that use confined to members of a single family and their friends would be sufficient to represent 'the public'.

5.14 It was held in *Poole v Huskinson* (1843) that 'there may be a dedication to the public for a limited purpose... but there cannot be a dedication to a limited part of the public.'

5.15 There is no statutory minimum level of user required to show sufficient use to raise a presumption of dedication. Use should have been by a sufficient number of people to show that it was used by 'the public' and this may vary from case to case. Often the quantity of user evidence is less important in meeting these sufficiency tests than the quality (i.e., its cogency, honesty, accuracy, credibility and consistency with other evidence, etc.)

5.16 Use of a way by different persons, each for periods of less than 20 years, will suffice if, taken together, they total a continuous period of 20 years or more (*Davis v Whitby* (1974)). However, use of a way by trades-people, postmen, estate workers, etc., generally cannot be taken to establish public rights.

5.17 It was held in *Mann v Brodie* 1885 that the number of users must be such as might reasonably have been expected, if the way had been unquestionably a public highway. It is generally applicable that in remote areas the amount of use of a way may be less than a way in an urban area. Lord Watson said:

*'If twenty witnesses had merely repeated the statements made by six old men who gave evidence, that would not have strengthened the respondents' case. On the other hand the testimony of a smaller number of witnesses each speaking to persons using and occasions of user other than those observed by these six witnesses, might have been a very material addition to the evidence.'*

5.18 Arguably, therefore, the evidence contained in a few forms may be as cogent – or more cogent – evidence than that in many. *R v Secretary of State for Environment, Transport and the regions (ex parte Dorset)* [1999] accepted that, although the evidence within 5 user evidence forms was truthful, it was insufficient to satisfy the statutory test. The finding did not consider whether use by five witnesses would satisfy the test.’

- 3.11 The Parish Council submitted 27 evidence forms completed by a cross section of the local community who have given evidence of use of the path from the Top Green to the village playing field since 1969 to 2013. The use given describes use of the path on all days of the week and both at times when the school was open and times when it had been closed. All witnesses claim to have used the same route and a number of witnesses, for example Mrs Giddings say they saw other residents using the path. It is noted the present path to the school from the Top Green does not appear as a feature on Ordnance Survey maps prior to the construction of the school in 1974.

#### **Whether there is or has been use ‘as of right’ and uninterrupted?**

- 3.12 The Planning Inspectorate’s Definitive Map Orders Consistency Guidelines state:

‘5.21 Use ‘as of right’ must be without force, secrecy or permission (‘nec vi, nec clam, nec precario’). It was once thought that users had to have an honest belief that there was a public right. In *R v Oxfordshire County Council ex parte Sunningwell Parish Council* [1999] 3 All ER 385 [Sunningwell] it was held that there is no requirement to prove any such belief. However, if a user admits to private knowledge that no rights exists, it may have a bearing on the intention of the owner not to dedicate.

5.22 Force would include the breaking of locks, cutting of wire or passing over, through or around an intentional blockage, such as a locked gate.

5.23 In *Sunningwell, 1999*, Lord Hoffman said that section 1 of the Rights of Way Act 1932 was an echo of the Prescription Act 1832, with the purpose of assimilating the law of public rights of way to that of private rights of way. Lord Hoffman goes on to say that the issue of dedication of a highway was how the public using the way would have appeared to the landowner. The use must have been open and in a manner that a person rightfully entitled would have used it, that is not with secrecy. This would allow the landowner the opportunity to challenge the use, should he wish.

5.24 If there is express permission to use a route then the use is not ‘as of right’. The issue of implied permission, or toleration by the landowner, is more difficult. In the context of a call not to be too ready to allow tolerated trespasses to ripen into rights, Lord Hoffman, *Sunningwell 1999*, held that

toleration by the landowner of use of a way is not inconsistent with user as of right. In *R (Beresford) v Sunderland County Council* [2003], Lord Bingham stated that a licence to use land could not be implied from mere inaction of a landowner with knowledge of the use to which his land was being put. Lord Scott stated in the *Beresford* case

‘I believe this rigid distinction between express permission and implied permission to be unacceptable. It is clear enough that merely standing by, with knowledge of the use, and doing nothing about it, i.e., toleration or acquiescence, is consistent with the use being ‘as of right.’

5.25 Permission may be implied from the conduct of a landowner in the absence of express words. Lord Bingham, in *Beresford* stated that

‘...a landowner may so conduct himself as to make clear, even in the absence of any express statement, notice, record, that the inhabitants’ use of the land is pursuant to his permission.’

But encouragement to use a way may not equate with permission; As Lord Rodger put it,

‘the mere fact that a landowner encourages an activity on his land does not indicate...that it takes place only by virtue of his revocable permission.’

In the same case, Lords Bingham and Walker gave some examples of conduct that might amount to permission, but the correct inference to be drawn will depend on any evidence of overt and contemporaneous acts that is presented.’

- 3.13 The witnesses in support of the application have given clear evidence of daily regular use of the claimed route without force or permission. No evidence has come forward from the owners or occupiers of the land affected by the application of any breaking of locks or passing around an intentional blockage on the claimed route or interruption of use from October 1991 to October 2011, October 2011 being the date when a gate along the route was actually locked and the challenge to public use was brought to the attention of the users of the route. The school has granted permission from 2005 to date, to the organisers of the Urchfont Scarecrow Festival, use of the recreation field for parking which included access through the school grounds to the village green. The permission relates to a wider use of the school grounds than to use along a specific route and was clearly relating to the Scarecrow festival over the May Bank holiday weekend.

#### **Evidence of the landowners intentions**

- 3.14 The Planning Inspectorate’s Definitive Map Orders Consistency Guidelines state:



5.26 Once use is established as of right and without interruption, the presumption of dedication arises. Section 31 provides for methods which show that during the period over which the presumption has arisen there was in fact no intention on the landowner's part to dedicate the land as a highway. This would defeat a claim under the statute and is often referred to as 'the proviso'.

5.27 Under section 31(3) a landowner may erect a notice inconsistent with the dedication of a highway, and if that notice is defaced or torn down, can give notice to the appropriate council under section 31(5). Under section 31(6), an owner of land may deposit a map and statement of admitted rights of way with 'the appropriate council'. Provided the necessary declaration is made at twenty year intervals thereafter, the documents are (in the absence of evidence to the contrary) 'sufficient evidence to negative the intention of the owner or his successors in title to dedicate any additional ways as highways'. This is for the period between declarations, or between first deposit of the map and first declaration.

5.28 'Intention to dedicate' was considered in R (on the Application of Godmanchester Town Council)(Appellants) v Secretary of State for Environment Food and Rural Affairs, which is the authoritative case dealing with the proviso to Highways Act 1980 section 31. In his leading judgment, Lord Hoffmann approved the obiter dicta of Denning LJ (as he then was) in *Fairey v Southampton county Council* [1956] who held 'in order for there to be 'sufficient evidence there was no intention' to dedicate the way, there must be evidence of some overt acts on the part of the landowner such as to show the public at large – the people who use the path...that he had no intention to dedicate'.

5.29 It is clear from *Godmanchester* that actions satisfying the proviso will usually, also bring the public right to use the way into question. It nevertheless remains the case that not every act which brings the rights of the public into question will necessarily satisfy the proviso.

5.30 Lord Hoffman held that 'upon the true construction of section 31(1), 'intention' means what the relevant audience, namely the users of the way, would reasonably have understood the owner's intention to be. The test is...objective: not what the owner subjectively intended nor what particular users of the way subjectively assumed, but whether a reasonable user would have understood that the owner was intending, as Lord Blackburn put it in *Mann v Brodie* (1885), to 'disabuse' [him] of the notion that the way was a public highway'.

5.31 For a landowner to benefit from the proviso to section 31(1) there must be 'sufficient evidence' that there was no intention to dedicate. The evidence

must be inconsistent with an intention to dedicate, it must be contemporaneous and it must have been brought to the attention of those people concerned with using the way. Although section 31 subsections (3), (5) and (6) specify actions which will be regarded as 'sufficient evidence', they are not exhaustive; section 31(2) speaks of the right being brought into question by notice 'or otherwise'.

5.32 Godmanchester upheld the earlier decision of Sullivan J in Billson that the phrase 'during that period' found in section 31(1) did not mean that a lack of intention had to be demonstrated 'during the whole of that period'. The House of Lords did not specify the period of time that the lack of intention had to be demonstrated for it to be considered sufficient; what would be considered sufficient would depend upon the facts of a particular case.

5.33 However, if the period is very short, questions of whether it is sufficiently long ('de minimus') may arise, and would have to be resolved on the facts.

5.34 In the Court of Appeal case Lewis v Thomas 1949, Cohen LJ quoted with approval the judgment of MacKinnon J in Moser v Ambleside UDC 1925:

'It was said, very truly, in the passage of Parke, B in Poole v Huskinson (1843) that a single act of interruption by the owner was of much more weight upon the question of intention than many acts of enjoyment. If you bear quite clearly in mind what is meant by an act of interruption by the owner, if it is an effective act of interruption by the owner...himself – and is effective in the sense that it is acquiesced in, then I agree that a single act is of very much greater weight than a quantity of evidence of user by one or other members of the public who may use the path when the owner is not here and without his knowledge.'

'The fact that the owner...locks the gates once a year...is, or may be, a periodic intimation...that he is not intending to dedicate a highway, but it must be an effective interruption;...if you have evidence of an interruption which is not effective in the sense that members of the public resent the interruption and break down the gate, or whatever it is, and that defiance of his supposed rights is then acquiesced in by the owner, or...if it is an attempted interruption by a tenant without the...authority of the owner and is also an interruption that is ineffective and a failure because the public refuse to acquiesce in it, then, as it seems to me such an ineffective interruption, either by the owner or by the tenant, so far from being proof that there is no dedication, rather works the other way as showing that there has been an effective dedication.'

5.35 However, in Rowley v Secretary of State for Transport, Local Government and the Regions and Shropshire County Council May 2002, Elias J held that the acquiescence of a tenant may bind the landowner on the issue of dedication. Also, in the absence of evidence to the contrary, there is no

automatic distinction to be drawn between the actions of a tenant acting in accordance with their rights over the property and that of the landowner in determining matters under section 31 of the Highways Act 1980.

‘the conclusion...that there was no evidence that any turning back had in any event been authorised by the freeholder involved an error of law. A similar argument was advanced in *Lewis v Thomas* 1950 1 K.B 438 and rejected, the court apparently taking the view that if it is alleged that the freeholder has a different intention to the tenant, there should at least be evidence establishing that.’

5.36 In cases where a claimed right of way is in more than one ownership, and only one of the owners has demonstrated a lack of intention to dedicate it for public use, it should be considered whether it is possible that public rights have been acquired over sections of the way in other ownerships, even if this would result in cul de sac ways being recorded (R on application of the *Ramblers Association and Secretary of State for Environment Food and Rural Affairs and interested parties* 2008 (CO 2325/2008) this is not decided case law but a consent order where the Secretary of State submitted to judgment).

5.37 If there is no contradictory evidence in accordance with the proviso to section 31(1), deemed dedication is made out and the Order should be confirmed. This is so whether there is an owner who cannot provide sufficient evidence of lack of intention or whether there is no identified owner available to produce such evidence.’

3.15 In her letter dated the 3 October 2014 Mrs. S A Giddings stated:

*‘As to signs, I cannot recall any signs being erected in the pathway until around 2011. The only signs can remember being erected earlier than 2011 was asking the public not to use the school grounds. I seem to recall that this was erected to prevent youngsters playing on skateboards etc on the school playground as it was feared that they could cause some damage. I certainly do not recall any earlier signs ‘prohibiting the unauthorised use of school grounds’.*

3.16 None of the other witnesses refer to signs existing on the claimed route earlier than 2011. From the evidence before the council relating to the application, it would appear that any notices that may have been erected on the route of the claimed path did not bring it to the public’s attention they had no right to use the path.

3.17 The minutes for the school Governors dated September 2002 refer to signs having been erected in the school alleyway and on the playground prohibiting the unauthorised use of school grounds. The exact wording of the signs isn’t known but it is clear from the evidence provided by the witnesses that

whatever the wording did say, it was insufficiently clear to the users of the path that the owner of the land did not want the public to have a right to use it. The signs appear to have been taken by those who saw them as meaning use of the playground and school building was denied, not use of the claimed path. There was no reason users of the claimed path should believe the landowner (Wiltshire County Council) did not want to dedicate the route as a public path as the path lead to the community assets of the village play ground and tennis courts which Wiltshire County Council as owner of the land leased to the recreation field committee for public use.

- 3.18 No maps and statements have been deposited under section 31(6) of the Highways Act 1980 by the owners of the land over which the claimed path crosses.
- 3.19 None of the witnesses say they were expressly given permission to use the claimed footpath nor have they given any evidence of their use having been challenged by the owners of the land.
- 3.20 The owners of the land have not provided any evidence of challenges in person being made against members of the public using the claimed footpath.

## **Conclusion**

- 4 Urchfont Parish Council have provided evidence of continuous public use of the claimed path since the path from the Green to the school was built in 1973/74 to the locking of the gate across the path in October 2011. None of the witnesses ever sought permission to use the path or were given permission to do so. Use of the path was not conducted in secrecy but done openly during all hours of the day, on all days of the week throughout the year. The use was uninterrupted by either direct verbal challenges to users from the owners of the land over which it crosses, other overt acts such as locked gates, or effective signage concerning the public right to use the path. No deposits relating to the land have been made under section 31(6) of the Highways Act 1980. The evidence before the council strongly points to the alleged right having been acquired on the balance of probabilities.
5. In their submission dated April 2014 concerning the application, The Governors to the school have expressed their vigorous opposition to the application to record the claimed path as a public right of way as they believe this would affect their ability to provide a secure boundary which would in turn compromise providing a safe environment for their pupils. Similarly Martin Kemp, Building Manager of the Salisbury Diocesan Board of Education also expressed his opposition to the application citing similar reasons in an e mail dated the 3 February 2015. Copies of both submissions are attached at Appendix 3. Whilst I note the concerns raised, security at the school is not a matter for the council's consideration in determining this application under

section 53 of the Wildlife and Countryside act 1981. The council is required to determine the application on the evidence before it measured against the criteria set out in paragraphs 3 – 3.20 in this report. If the path is added to the definitive map the council can work with the school and the Salisbury Diocese Board of Education to address these concerns by other means and with other legislation.

6. The courts have long recognised that, in certain circumstances, cul de sacs can be highway. In *Roberts v Webster* 1867 Widgery J concluded:

‘The authorities clearly show that there is no rule of law which compels a conclusion that a country cul de sac can never be highway. The principle stated in the authorities is not a rule of law but one of common sense based on the fact that the public do not claim to use a path as of right unless there is some point in their doing so, and to walk down a country cul de sac merely for the privilege of walking back again is a pointless activity. However, if there is some kind of attraction at the far end which might cause the public to wish to use the road, it is clear that that may be sufficient to justify the conclusion that a public highway was created.’

The claimed path leads to and serves the public recreation ground, a place of popular resort.

7. An order to add a public path to the definitive map and statement may be made under section 53(3) (b) of the Wildlife and Countryside Act 1981 which states:

the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway.

The legal test is ‘the balance of probabilities’.

### **Recommendation**

8. That an order be made under section 53(3)(b) of the Wildlife and Countryside Act 1981 to add a footpath from Top Green Urchfont to the Urchfont Recreation Ground/Playing Field with a width of 1.5 to 2 metres as shown on the plan appended to this report at Appendix 4.



**Wiltshire Council**

**Wildlife and Countryside Act 1981**

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

**Notice of Application for Modification Order**

**To: Rights of Way and Countryside Section, Environment and Leisure, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN**

**We - URCHFONT PARISH COUNCIL who have agreed to co-ordinate collection of witness statements from members of the Parish of Urchfont**

**Of 14 Walnut Close, Urchfont, Devizes, SN10 4RU**

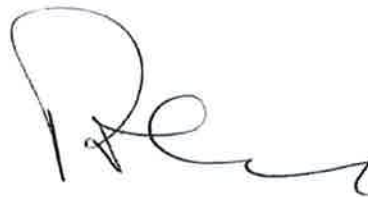
Hereby apply for an Order under Section 53(2) of the Wildlife & Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

**Adding the footpath leading from Top Green, Urchfont to the Urchfont Recreational Ground /Playing Field via Urchfont Primary School**

**With a width of: 1.5 to 2metres**

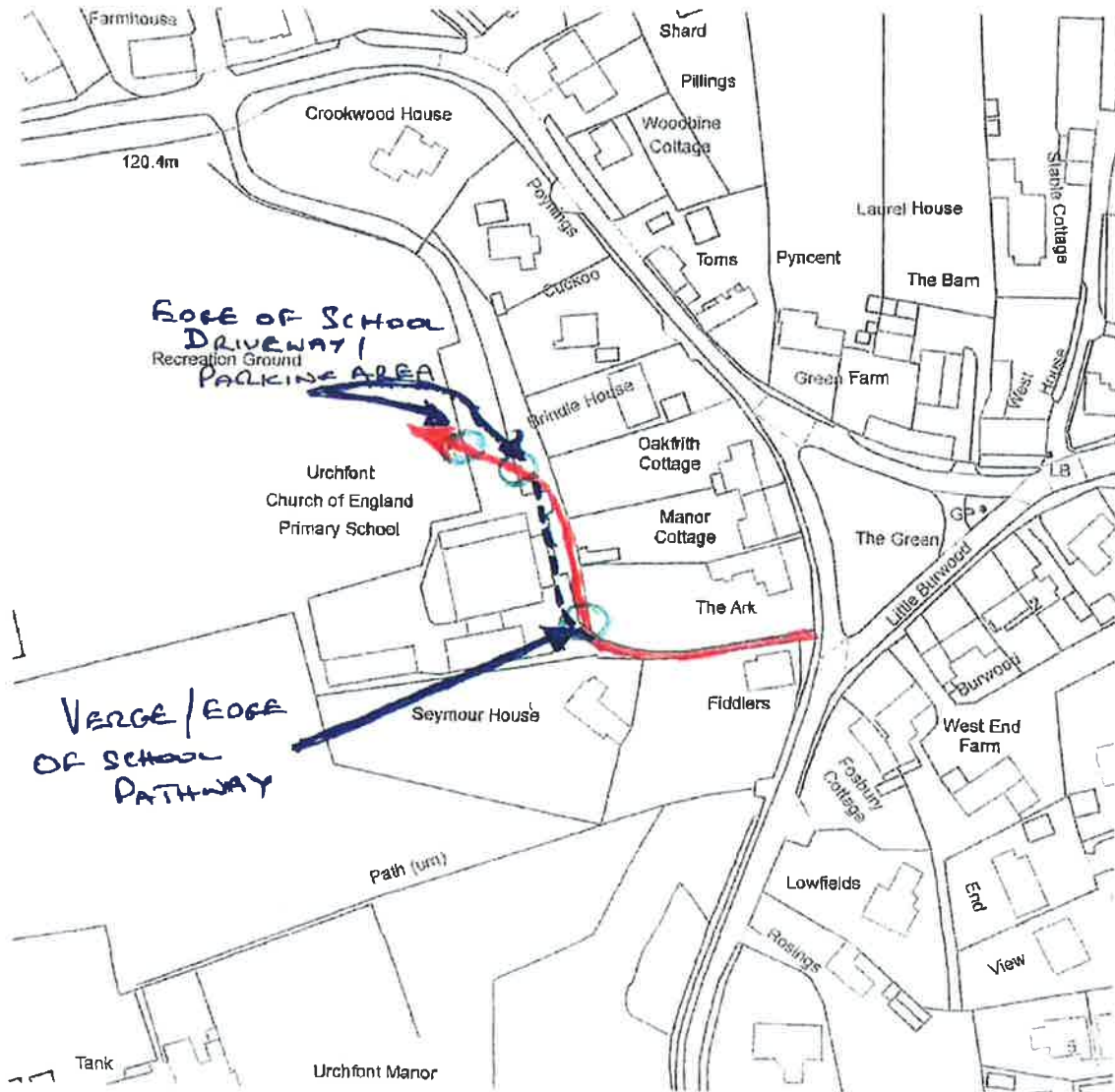
**The route of the right of way is shown on the attached map.**

We attach copies of 27 witness statements from members of the Parish in support of this application.



**Dated 31<sup>st</sup> January 2014 Signed: Bob Lunn, Clerk to the Council**

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





NAME	PERIOD OF USE	COMMENTS
Brockie K	1972 – October 2013	Path from Top Green to playing field. Main footpath to playing field. Used it once or twice a month to access field to get to swings etc. Never given permission to use the way nor found any gates on it locked. 1.7 metres wide
Brockie V	1972 – October 2013	From Top Green to playing field. Used it approximately twice a week with grandchildren. Gates never locked. Width 1.7 metres
Davies K	1973 – 1980	From Top Green to playing field and Oakfrith woods. Used it 3 times a year. Width 4-5 feet. No locked gates or use challenged.
Giddings A	Late 1960s – 2013 Used it as a child in the 60s and 70s and as a parent from 1992 – 2001	From Top Green to playing fields and Oakfrith Wood. Used it 3-4 times a week as a child and teenager, frequently when his children were young but still fairly often use it. See other locals using it. Width 1-2 metres gate now locked during school hours. Use never challenged not given permission to use it.
Giddings S	1969 -1973 to access playing field [school not built in 1969] left the village then 1978-2001 to access school with children	Use to access playing field and Oakfrith Wood. Used it several times a week from 1969-1973 and 1978-2001. Use it now when grandchildren visit. Width 1-2 metres. Use never challenged nor permission given to use it. Gates erected between 1992 and 2001 but never locked. Signage is recent but was an earlier sign asking people not to use the school grounds.
Hawkins J R	1982 - 2013	Path from Top Green to Urchfont Recreation ground and Oakfrith Wood. Use it about 20 times a year but 400 times a year from 1984-1990. Saw other people walking it. Width 1.5-1.8 metres. Path closed during school hours since June

		2011. Use never challenged nor given permission to use it. Gates not locked. School never informed her as a parent the path was only for school use.
Hawkins R	1982 - 2013	Path from Top Green to the playing fields and Oakfrith Wood. Used it daily to take children to school otherwise about 50 times a year. Saw many others walking it. Width 1.5-1.8 metres. Gates never locked until June 2011. Access used by all. Use never challenged not given permission to use it. The path was considered by villagers to be the main access to the playing field, tennis courts, play equipment cricket pitch and Oakfrith Wood. Active school governor from 1989-96 gate never locked.
Kinnaird D	2000 - Jan 2012 when use was prevented during school hours by locked gate. Used path outside these hours	Daily use to the field for recreation saw others doing the same. Width 2-3 metres. Gate was never locked until Jan 2012 otherwise use never challenged.
Kinnaird L	2000 - route closed by school in Jan 2012	Used it daily and saw others doing the same. Width 2-3 metres Gate never locked, use not challenged. Permission not required.
Maidment	1988 - 2011	Used regularly from 1988-1998 then occasionally from the green to the playing field and tennis courts. Use never challenged permission never sought
Milanes C	1979 - 2000	Path from Top Green to playing field and Oakfrith Wood Regular use when children attended the school then occasional use, 20 times a year to access the field. Gates never locked, use never challenged not permission sought
Milanes P	1979 - 2012 [1979 - 1989 to take children to and from school]	Gate always open, use never challenged nor permission given to use it.

Minty	1978 - 2013	Path from Top Green to village recreation ground. Used it every 2 or 3 weeks saw others using it. Width 5 feet. Gates never locked. Never challenged nor sought permission to use it
Monkton J A	1980 - 2013	Footpath from Blackboard Lane to the recreation field and Oakfrith Wood giving access to the field and play equipment. Gate never locked until 2011 Use it regularly and see others walking along it. Width 1.8 metres. Never challenged or permission to use it sought
Monkton J E	1980 - 2013	Used it twice a week saw others using it. Width 1.8 metres. Path has been used by the public for the past 33 years. Use never challenged nor given permission to use it.
Newell P	1971 - 2000	Access to playing field and Oakfrith Wood on monthly basis. Width 1.5 metres. Saw others walking it. Use never challenged, never given permission to use it. There was play equipment in the field in 1971, the tennis courts came later
Pendry R	1990 - 2013	Used it to access the playing field, playground and Oakfrith Wood at least 10 times a year. Width 1.5 – 2 metres. Gate only recently locked. Use never challenged not permission to use it given
Pendry R H	1990 – 2013	Path to village playing field, playground and Oakfrith Wood. Used it about 10 times a year. Width 1.5 – 2 metres. Gate only recently locked. Use never challenged nor permission to use it given.
Potter B	1954 - 2013	Used it 2 or 3 times a week for recreation. Width 6 feet. Has seen others using it. Was a public right of way before the school was built.

		Use never challenged nor given permission to use it
Smith M	1974 - 2013	Used it once or twice a month in the 1970s and 1990 to 2013, weekly in the 1980s for recreation. Gates never locked until 2011, maintained the grounds 2001-2012 gates weren't and couldn't be locked. Use never challenged nor given permission to use it
Smith S	1974 - 2013	Path to the recreation field and Oakfrith Wood Use, once or twice a month in 1970s, 1990s to 2013, 1980s 4 or 5 days a week. Gate not locked until 2011. Use never challenged or given permission to use it.
Steadman J M	1988 - 2011	Path to the playing field and Oakfrith Wood used most weekends and daily during school holidays. Saw other people using it Width 2 metres. Gates weren't locked, never challenged or given permission to use it.
Steadman J	1988 - 2011	Path to the recreation field and Oakfrith Wood used most weekends areducing to bi monthly now children have grown up. Width 1.5 to 1.8 metres. Use never challenged not permission to use it sought.
Stevenson J	1991 – 1997	Path to Urchfont Playing field and Oakfrith Wood. Used it daily. Width 1.4 to 1.65 metres. Gates never locked. Never challenged not permission to use the way given.
Stevenson P	1983 – 1997	Path to the school, Urchfont Playing field and Oakfrith Wood. Used it daily and saw others doing the same. Width 1.4 to 1.65 metres. Never challenged not given permission to use it
Thomas	1989 – 1995	Path from Top Green to recreation ground. Used it twice a day in term time, occasionally otherwise. Saw

		other people using it. Width 1.5 metres. Use never challenged nor permission to use it granted
Wheatley J	1982 – 1993	Route to school, playing field and tennis courts. Used daily during school days and at weekends, seen others walking it. Width 1.5 metres. Never challenged or given permission to use it. Path existed before the school was built in 1974
Wheatley P	1990 -2013	Path to playing field which was used about 12 times a year for recreation to get to the playing field. Width 1 metre. Never challenged not given permission to use it.

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# Urchfont C. E. Primary School

Documents relating to response from the School to the

*"Notification from Urchfont Parish Council for a modification order adding the footpath leading from top green to become a right of way.  
Dated 31st January 2014"*



**Response to the notification from Urchfont Parish Council :**

"Notice of Application for Modification Order has been sent to Wiltshire council

31<sup>st</sup> January 2014 **Adding the footpath leading from Top Green, Urchfont to the Urchfont Recreational Ground / Playing Field via Urchfont Primary School to become a Right of Way"**

**The Governors vigorously oppose this application and state that access to school grounds has never been open to the public during school hours.**

Anyone using the path and coming through the gate who was not entering the site on school business was never officially sanctioned and this only occurred when school security had been circumvented and they were trespassing. Before the mechanical locking system was fitted, on the instruction of Wiltshire Council Health and Safety Officer, the gate was bolted from the school side once all children were in school. Unfortunately as this could easily be unbolted by parents leaving the site and as it was not in view of the school office, it could be left open for periods of time. Under these circumstances, anyone who walked through the school site to access the playing field did not have the permission of the school to do so.

The school was built on its present site in 1974. We include in our evidence a plan showing the proposed site for the school dated 1973. At that date there was no path from the Village Green to the school site. A later map dated 1981 has the path marked on it and the gate at the school end of the path. Originally at the road end were metal staggered barriers to stop children running out onto the road. These were replaced by wooden swing gates around 2003.

We also attach other maps, when work was being done at school, indicating the presence of the gate to the school.

This gate has always been bolted from the school side during school hours. Originally, as evidenced by the letter from Mrs. I Bailey and statement from the present Chair of Governors, Joan Barnett, the gate was padlocked after school hours and during the holidays. At a later date, as a concession to the villagers to enable them to access the Parish play equipment and the playing field by a short cut (rather than the longer route down Blackboard Lane), the gate was left unlocked out of school hours. We have no record of when this was but probably when there was a change of Headteacher in the mid-1990's.

The gate was shut by a bolt on the school side of the gate and positioned near the top of the gate to prevent small children from opening it. This was replaced in 2011 by a mechanical bolt and intercom system, paid for by Wiltshire Council on the advice of their Health and Safety Inspector, to bring the school safeguarding measures up-to-date with current requirements.

There are notices on the gate and at the end of the school path onto The Green that there is no access during the school day. As evidenced in Mrs J. Holton's letter there are notices on the Playing Field.

This path has always been known as the school path and the fact that the community were aware that it was not a right of way for the public is evidenced by the letters from successive members of the Urchfont Scarecrow Festival Committee who requested the permission of the school governors to walk from their car parking facility off the Potterne Road up the school drive and through the school site and along the school path to access the village during the festival. (See section: CORRESPONDENCE in following table of evidence.)

The Governors have a duty to create and maintain a safe environment for the children to learn in. Therefore the safety of our pupils, staff and the school site are of paramount importance. It follows that the pupils must be kept safe by eliminating anything that may put them at risk. To that end, a secure boundary is of primary importance and this is based not only on



common sense but on the advice of both Wiltshire Council and the Wiltshire Police Architecture Liaison Officer. Such a secure boundary does serve to a) prevent children leaving the site unaccompanied during school hours and b) reduce the possibility of criminal, domestic and anti-social behaviour problems that would not only disrupt the school but could create fear and anxiety amongst our young and vulnerable pupils.

The Governors understand, and share, the desire for a safe route to Village amenities and have allowed the school path and grounds to be crossed out of school hours to facilitate this. However, in line with our commitment to pupil safeguarding and our legal obligations we must adhere to advice from Wiltshire Council, The Salisbury Diocesan Board of Education, OFSTED and the Police. We cannot endorse any application for a ROW through school property and vigorously resist any such application with the backing of the authorities aforementioned.

April 2014

## **DOCUMENTS LISTED IN SUPPORT OF OUR OPPOSITION TO THE APPLICATION**

The school reserves the right to add to these documents should further evidence be found at a later date.

<b>MAPS SHOWING ACCESS TO SCHOOL SITE AND GATE</b>			
1	May 1973	Electrical Installation Map of proposed school	Map shows school site. There is no path from the village Green at this date
2	Dec 1981	Site Survey Map	Map shows school site. There is now a path from the village Green at this date and a gate marked on the map.
3	July 2001	Site Plan for extension to school building.	Map shows gate still in situ.
<b>DOCUMENTS RELATING TO THE GATE/BOLT/OR SITE SECURITY</b>			
4	Jan 1998	Governors Minutes	Item 4.iii) Second bolt fitted to back door.
5	Sept 2002	Governors Minutes	Matters Arising Item [ d] 13] Signs erected in school alleyway and on playground prohibiting the unauthorised use of school grounds.
6	Nov 2004	School Safety Inspection	Footpath to Green – Hazards noted for Action including removal of padlock hasp and requirement to order new signs, also to board the bottom of the gate.
7	April 2010	School Safety Inspection	Noted a new lock needed for back gate and removal of middle gate.
8	June 2011	Letter to Barefoot signs	Order for signage around school site. Particularly ref to the Signs for the Gates (3) No access during school hours. Second page shows example for keeping gate shut.
9	Aug 2011	Email from Admin Officer to Governors	Confirming that Wiltshire Council to fund the new locking and intercom system
<b>URCHFONTS UPDATE TO PARENTS ASKING THEM TO KEEP SCHOOL GATE SHUT</b>			
10	Dec 2004	School Gate	Asking parents to close gate behind them to improve security.
11	Jan 2005	School Gate	Ditto
<b>CORRESPONDENCE / MINUTES RE URCHFONTS SCARECROW FESTIVAL</b>			
12	Jan 2005	Governor minutes	Acknowledging request from Urchfont Scarecrow Festival asking for access through school grounds.
12a	Jan 2005	Letter to R. Hawkins From Clerk to Govs.	In response to a request from the Chairman of the Urchfont Scarecrow Committee asking to allow public access through the school site along school path to the Village Green for the three days of their Festival May Bank Holiday weekend
13	May 2005	Letter from R. Hawkins Chairman Scarecrow Festival	Thanking Headteacher, Mrs. J. Holton, for access through school grounds during the festival.
14	March 2006	Governors Minutes	Item 12. Matters for Report: Urchfont Scarecrow Committee requesting permission to have access to walkway round the school – arrangements as previous year ( <i>This is ref to the school path</i> )
15	May 2006	Letter from Richard Hawkins	Thanking Headteacher for access through school grounds to village centre ( <i>as before – ref to the school path</i> )

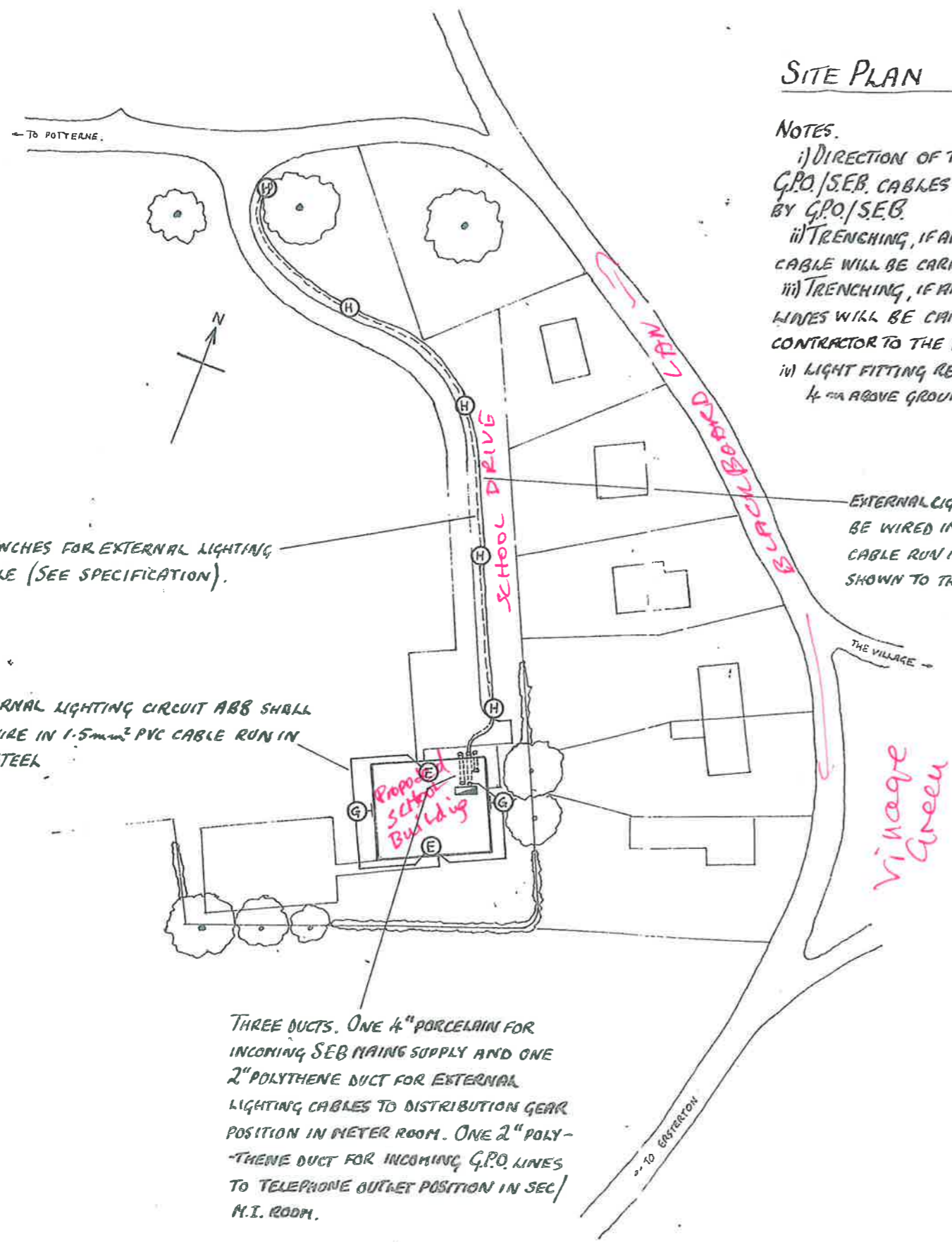
		Chairman Scarecrow Festival	
16	Jan 2007	Governors Minutes	Item 1 d) Correspondence: Letter from Scarecrow Committee asking for permission to use school alleyway for pedestrian access during festival.
17	Mar 2008	Letter from Robert Pendry Chairman Scarecrow Festival	Requesting permission to use the school pathway from the playing field to the Green.
18	June 2008	Letter from Keith Brockie Chairman Urchfont Scarecrow Festival	Requesting use of School pathway for the Festival.
18a	Jan 2014	Email from Robert Pendry Chairman Scarecrow Festival	Requesting use of School pathway for the Festival.
<b>CORRESPONDENCE FROM GOVERNORS/STAFF ETC REGARDING SCHOOL SECURITY</b>			
19	Mar 2014	Letter from WC H&S Adviser to Headteacher and H&S Gov.	Response to the suggestion from Parish Council to create ROW through school grounds.
20	Mar 2014	Statement from Headteacher Mrs C Talbot	Statement objecting to ROW application
21	April 2014	Statement from Chair of Gobs J. Barnett	Observation of security regarding gate to rear of building over a 28yr period.
22	March 2014	Letter to Chair from Previous Headteacher 2002 – 2009	Observation of security at school regarding gate and footpath.
23	March 2014	Letter to Chair from Previous parent and governor 1972 – 2009	Observation of security at school regarding gate and footpath.
24	March 2014	Letter from ex Governor and grandparent 1995 - 2007	Observation of security at school regarding gate and footpath.
25	March 2014	Letter from ex member of staff 1997 – 2013	Observation of security at school regarding gate and footpath.
26	March 2014	Letter from member of staff 1999 – present day	Observation of security at school regarding gate and footpath.
27	March 2014	Letter from Ex Head A Richards 2009 – 2011	Observation of security at school regarding gate and footpath.
27a)	April 2014	Statement from H&S Governor Mrs Claire Coke	Observations from H&S Governor on school site security
<b>PHOTOGRAPHIC EVIDENCE</b>			
28		Photographs showing bolt	Page 55 position of padlock and signage

MAPS SHOWING ACCESS TO SCHOOL SITE AND GATE  
DOCUMENT NUMBERS 1-3

1.85m ABOVE FINISHED FLOOR LEVEL.

**SITE PLAN SCALE 1:1000.**

- NOTES.**
- i) DIRECTION OF TRENCHES FOR INCOMING G.P.O./S.E.B. CABLES AS YET TO BE DETERMINED BY G.P.O./S.E.B.
  - ii) TRENCHING, IF ANY, FOR INCOMING MAINS CABLE WILL BE CARRIED OUT BY THE S.E.B.
  - iii) TRENCHING, IF ANY, FOR INCOMING TELEPHONE LINES WILL BE CARRIED OUT BY THE MAIN CONTRACTOR TO THE REQUIREMENTS OF THE G.P.O.
  - iv) LIGHT FITTING REF. G SHALL BE MOUNTED 4m ABOVE GROUND LEVEL TO CENTRE LINE.



- Revisions**
- 'a' Store and scullery door positions changed. Ther. heater 11 repositioned, 13A.550's repositioned to suit revised kitchen layout, 13A.550 repositioned away from store door, thermostat repositioned, lighting switches for scullery and store repositioned.
  - 'b' Kilm. repositioned and circuit amended to CRAB8. External lighting amended to CRAYS.
  - 'c' Bench top above heater 9 deleted. Storage heater outlet 11 to remain at high level (1m). Change controller outside stat. indicated. Position of light switch for Infant Practical revised. All heater thermostat position revised. Scullery light positions revised. Positions of 24v unit and 13A.550 in meter room revised. Light fittings in girls toilet and light fittings between Infant home base and General Work Area revised from type A to B. Heaters 7 & 8 revised from 8KW to 6KW. Kitchen I/O change from MA1552 to Computer C82520. Heating by C omitted.
  - 'd'
  - 'e'

**County of Wiltshire**

S. Townrow, M.B.E., F.R.I.B.A.,  
County Architect,  
County Hall,  
Trowbridge.  
Phone: 3641

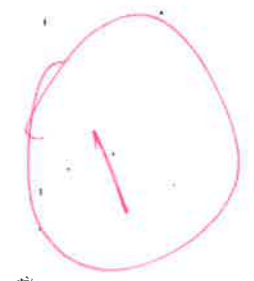
Project Name  
**URCHFONT JUNIOR AND INFANTS SCHOOL.**

Drawing Title  
**ELECTRICAL INSTALLATION.**

ENGINEER. **C. TANSWELL.** Date **MAY 1973.**

Scale  
**1:100, 1:1000, AND NO SCALE.**

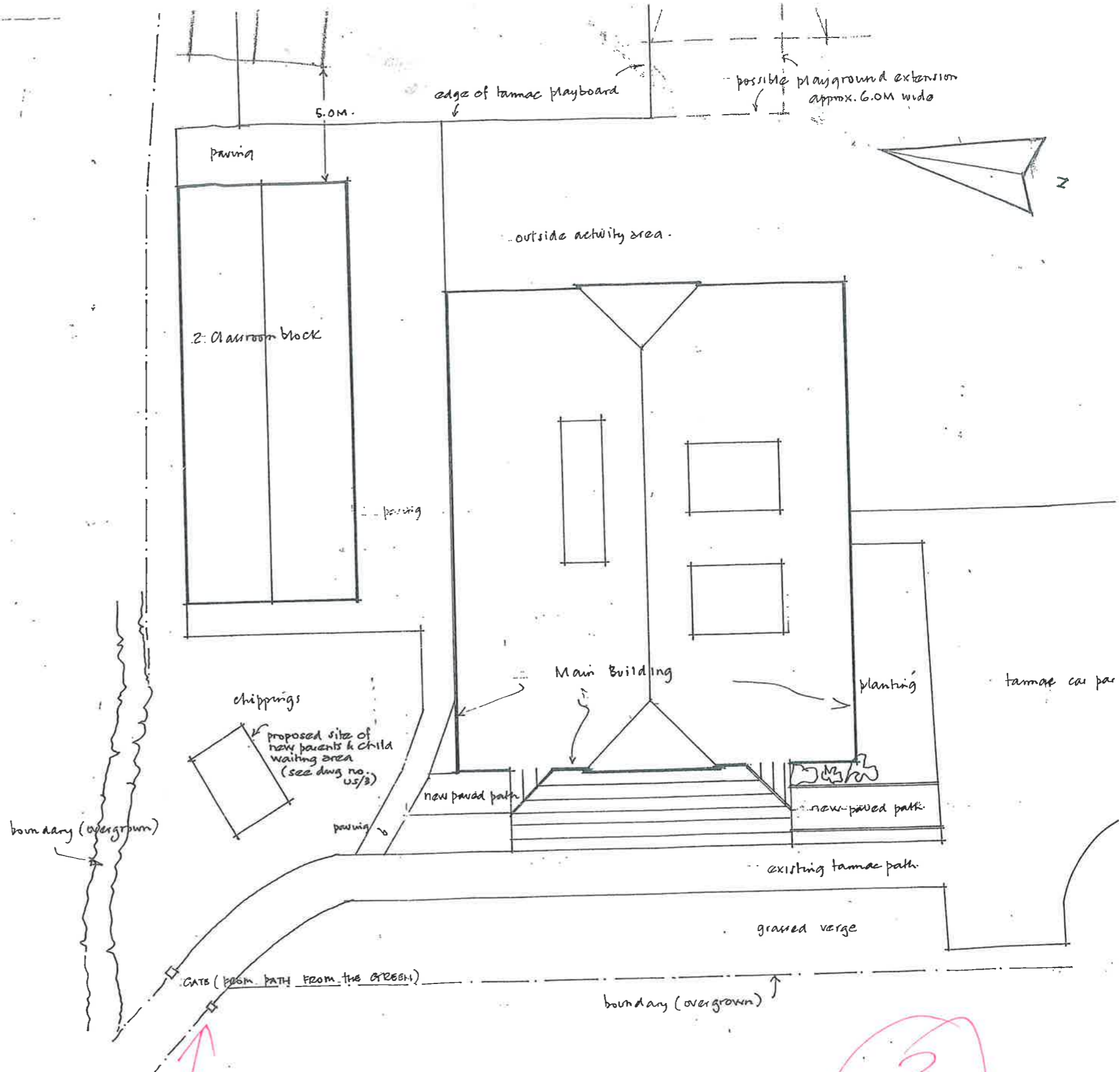
Drawing No. **1183/E1.** Revision Letter **'a' 'b' 'c' 'd' 'e'**





JN MAH  
1:75  
09/07/01  
No. 7183-1

School Nursery Unit  
various & site plan.

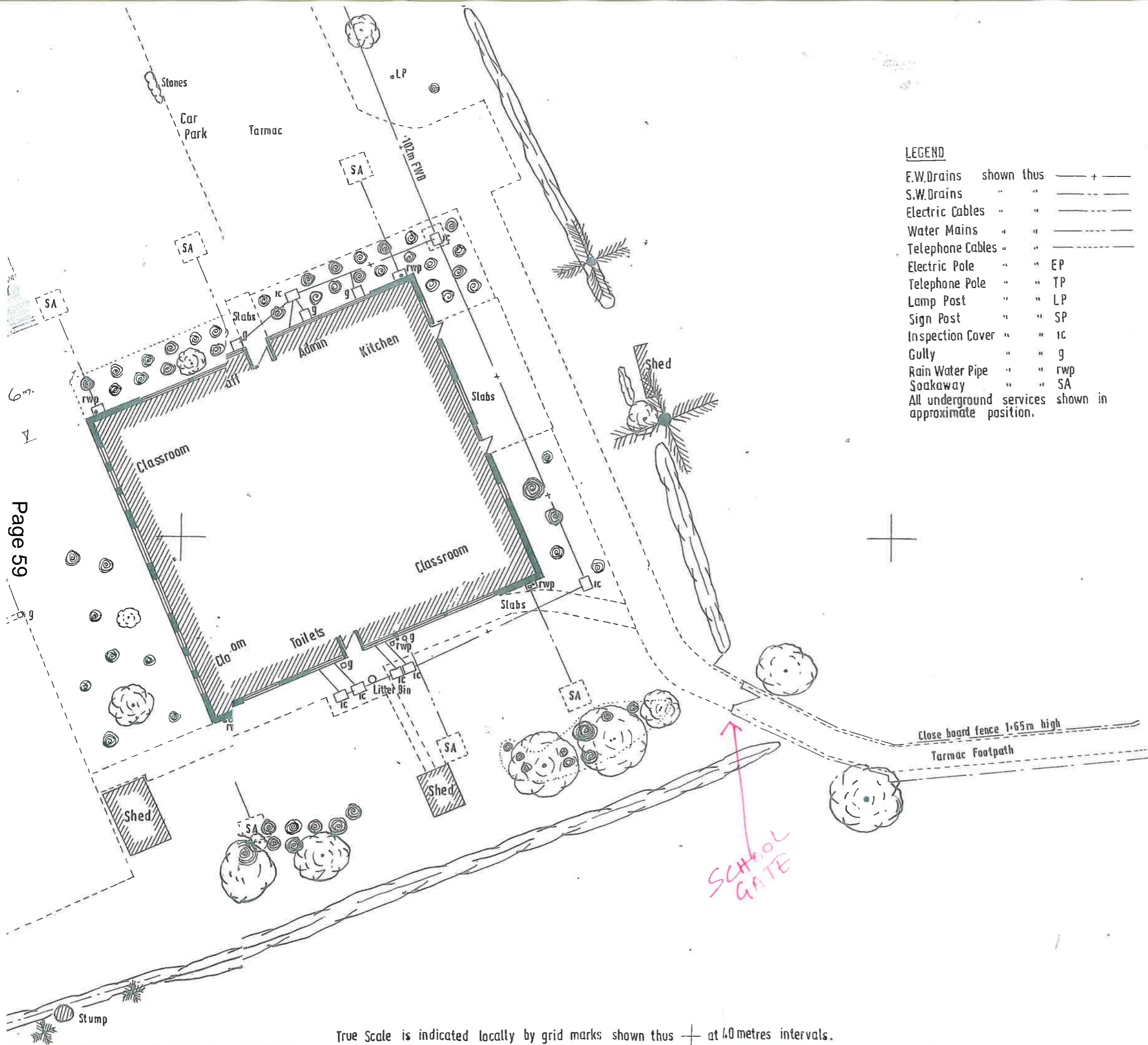


S I T E P L A N  
SCALE 1:200  
GATE

3

DRAWING No.  
US/2.

ALLAN JENKINS M.B.I.A.T  
9 THE PADDOCK  
URCHFONT  
DEVIZES, WILTSHIRE SN10 4SH



**LEGEND**

E.W.Drains	shown thus	— + —
S.W.Drains	" "	— — —
Electric Cables	" "	— · —
Water Mains	" "	— — —
Telephone Cables	" "	— · —
Electric Pole	" "	EP
Telephone Pole	" "	TP
Lamp Post	" "	LP
Sign Post	" "	SP
Inspection Cover	" "	IC
Gully	" "	g
Rain Water Pipe	" "	rwp
Soakaway	" "	SA
All underground services shown in approximate position.		

Page 59

Revisions

2

County of Wiltshire

R.I.E. Haynes, A.R.I.B.A.  
County Architect,  
County Hall,  
Trowbridge.

Phone 3641

Project Name

URCHFONT C.E. PRIMARY SCHOOL

Drawing Title

SITE SURVEY AS EXISTING

Land Survey Section  
E. Brimble.

Date  
December 1981

Scale

1 / 200

Drawing No

Revision Letter

1183 / 36

True Scale is indicated locally by grid marks shown thus + at 40 metres intervals.

DOCUMENTS RELATING TO THE GATE/BOLT/OR SITE  
SECURITY

DOCUMENTS NUMBERS 4 - 9



**MINUTES OF A MEETING OF URCHFONT SCHOOL GOVERNORS HELD  
ON TUESDAY 20TH JANUARY 1998 7.30PM AT THE SCHOOL**

4

**PRESENT:** J. Barnett (Clerk) L. Cowen (Chairman), E. Templar (Headteacher) I. Bailey  
I. Halliday, L. Lear, Y. Morris, R. Edwards, C. Watts, M. Pain, E. Bean

1. L. Cowen welcomed two new Governors to the meeting. Rev. M. Pain, as ex-officio Foundation Governor and E. Bean, as Teacher Governor.

Mrs. Cowen informed Governors that she proposed to deal with item 5 on the Agenda first to avoid keeping Mr Barclay waiting.

**5. CO-OPTION OF MR. G. BARCLAY.** Mrs. Cowen asked Governors to consider do-opting Mr. Barclay on to the Governing Body. Mr. Barclay had taken over the role of ex-officio Governor during the interregnum and his support and expertise had been valued by the Headteacher and Governors. Mr. Watts proposed the co-option and Mrs. Bailey seconded the proposal. Unanimously agreed. Mr. Barclay was then invited to join the meeting and remain on the governing body. He agreed to do so.

**2.. APOLOGIES** - Mr. I. Maidment

**3. MINUTES OF 2ND DECEMBER:**

5. Mrs. Lear questioned whether the staffing situation in Class 2 would be reviewed during the Summer Term or Spring Term. Decided that this should be changed to "end of Spring Term".

**4. MATTERS ARISING:**a) Football Pitch- matter still not resolved with Planning Officer. He had visited site and pleased to see planting had taken place but was not happy that the pitch had not been turned around. He said he would be writing to the school.

- b) Crime Prevention Officer's Visit - Had advised
- i) locks fitted to mobile windows.
  - ii) 5 lever locks to all external doors
  - iii) second bolt fitted to back door
  - iv) office door locked when unoccupied
  - v) dummy cameras fitted to external areas of building
  - vi) security light fitted to back of building.

School had had requested quotes from locksmiths. Of the 2 already received, one was £221 for fitting and labour of window locks and external 5 lever locks. C. Watts proposed school accepted lowest quote and get the work done. Seconded L. Lear. Agreed.

I. Halliday asked if it would be possible to get a reduction in insurance premium when 5 lever locks fitted.

J. Barnett to check with WCC.

**6. AOB**

- a) Mrs. Cooke, HMI had contacted Miss Templar to arrange a further inspection of the school. This had been expected following the previous inspection in October 1996 when school came out of Special Measures.
- b) Ofsted had written to inform school that it would receive a full inspection in the Autumn Term. The school would be informed later of the date etc.
- c) Mrs. J. Hudd, Infant Teacher had given written notice of her resignation as from the end of the Summer Term 1998 and would prefer to work only 4 days/week in the Summer Term if the Governors were agreeable. Governors in agreement. Lyndsay Cowen to discuss situation with Mrs. Hudd.
- d) Mrs. B. Burchell, ESA, had given written notice of her resignation as from 13th February.

S (9m) .

5

**MINUTES OF A MEETING OF URCHFONT SCHOOL  
GOVERNORS HELD ON MONDAY 16<sup>TH</sup> SEPTEMBER 2002,  
7.30PM AT THE SCHOOL**

**PRESENT:** I. Bailey, J. Barnett (Clerk) C. Cannon, R. Edwards,  
J. Holton (Acting Headteacher), E. Milner, K. Probert, H. Strong ,  
C. Watts

**1. APOLOGIES** – S. Field, M. Pain.

**2. WELCOME** – to two new School Governors; Mrs. E. Milner, new  
Foundation Governor and Mrs. K. Probert, new Parent Governor.

**3a) ELECTION OF CHAIRMAN:** There having been no nominations prior to  
the meeting, Mr. C. Watts was proposed by H. Strong, seconded by C. Cannon  
and agreed unanimously. Mr. Watts stated that he would only undertake the  
position on a temporary basis to see the school over the next few months.

**ELECTION OF VICE CHAIR :** Mrs. C. Cannon was proposed by C. Watts,  
seconded by I. Bailey and agreed unanimously.

**3b)** Colin Watts announced that Mrs. Cowen, the retiring Chairman had received  
Miss Templar's resignation as Headteacher of Urchfont school on Wednesday 11<sup>th</sup>  
September.

The LEA had approached the Headteacher and Governors of Walwayne Court  
School, Trowbridge with regard to their Deputy Headteacher, Mrs. J. Holton,  
being seconded to Urchfont 2 days per week to become Acting Head. Agreement  
had been secured for Mrs. Holton to work at Urchfont until the end of the Autumn  
Term.

A sheet outlining charges for Mrs Holton's services had been received at School.  
Mr. Watts agreed to ring the Headteacher of Walwayne Court to ask for a  
breakdown of how the charges had been calculated.

Mrs. Holton introduced herself to Governors, describing her career experience to  
date. Mrs. Holton congratulated all staff at Urchfont for the way in which they  
had worked together over the past year . She had spent her first day meeting all  
the Staff, spent time in every classroom and was pleased to find that the school  
was working well and functioning as it should.

The governors then discussed the practicalities of appointment of a new  
headteacher. The minimum notice period for a Head or Deputy is 3 months. If an  
advertisement could be placed this week it may have been possible to appoint for  
Christmas. However, this may not give an opportunity to suitable candidates to  
complete application forms in time.. It was decided that the process of appointing  
a headteacher should not be made in haste in order to attract the best candidates.  
It was decided to advertise this half term, with a closing date of first week in  
November. Mrs. Holton to approach Personnel for help with the specification for  
the advertisement.

The process to be actioned by a small committee consisting of C. Cannon, H. Strong, K. Probert and J. Holton. A Meeting date to be arranged when Mrs. Holton had spoken to LEA.

In view of the decision to appoint for Easter 2003, Mr. Watts to ask Walwayne Court if Mrs. Holton's appointment as Acting Head could be extended to Easter 2003.

#### **4) COMMITTEES AND CURRICULUM RESPONSIBILITIES FOR ACADEMIC YEAR 2002/03**

##### **Committees :**

**Finance/Buildings** – H. Strong, R. Edwards, C. Watts, R. Smith, J. Holton.

**Staffing/Curriculum** – S. Field, I. Bailey, C. Cannon, M. Pain, E. Milner, K. Probert. *J. H. S. G. D. N.*

**Pay** – I. Bailey, C. Cannon, R. Edwards, S. Field.

**Performance Management** – I. Bailey, S. Field.

**Staff Dismissals** – K. Probert, R. Edwards, C. Watts.

**Appeals** – I. Bailey, S. Field, M. Pain.

**Pupil Discipline** - K. Probert, M. Pain, H. Strong

**Admissions** – E. Milner, S. Pain, J. Holton.

##### **Curriculum Responsibilities:**

I. Bailey – Music, History

C. Cannon – Maths

E. Milner – RE, DT

R. Edwards – Maths, Science

K. Probert – Literacy, PE

M. Pain – Multicultural, Citizenship

H. Strong – Art, Literacy

C. Watts – Geography, Maths.

*S. Field – IT, Science*

**5) MINUTES OF THE MEETING OF 24<sup>TH</sup> JUNE 2002** – signed as a correct record.

##### **6) MATTERS ARISING :**

- a) **4a** – Netball – the school pitch had not been used as building work started shortly after the last meeting.
- b) **5b)** - No action had been taken regarding milk at school. Mrs. Holton said that Walwayne Court had researched the possibility of providing milk through this company but that they required a response from a large percentage of pupils to make the project viable. Decided not to take any further.



- c) 10. -Swimming – Mrs. Cowen had found that there might be a possibility of a slot at Dauntsey’s pool. There would be a charge of £18 for the use of the pool and a further charge for a lifeguard.  
Unfortunately, Bodmans Coaches would not reduce the cost of transport .  
Dauntsey’s had not contacted school before the beginning of term and so no changes had been made.
- d) 11. - Cleaning - Mr Watts and Mrs. Barnett had met Mrs. L. Rogers, Sodexho, regarding the specification for school cleaning. Amendments had been made to the contract. A new contract had been received at school during the holidays. Mr. Watts was in the process of checking this.  
Mrs. Barnett said that the Summer clean at school had not been to a satisfactory standard and that this had been reported to Mrs. Rogers.
13. - Signs had been erected in the school alleyway and on the playground prohibiting the unauthorised use of school grounds.  
The words “Urchfont School” and the logo had been fixed on the entrance door of the school.

7. a) **AOB**

- a) Mrs. Barnett asked for permission to book Mrs. Probert and Mrs. Milner on a new governors course on 20<sup>th</sup> November at a cost of £250.00 – agreed.
- b) A cheque for £28.88 had been received from the PCC to pay for the Foundation Governors insurance.
- c) Mrs. Milner volunteered to take fortnightly readings of the water meter.
- d) Mrs. Barnett asked for permission on behalf of USPA to allow them to hold their AGM in the school hall on 17<sup>th</sup> September. Mrs. Barnett to open the school at 7.15pm and Mrs. Frindall, Chairman, USPA to lock up. Agreed.
- e) Finance Committee reminded that review of their policies not completed.
- f) Mrs. Barnett had retyped the “Control <sup>transfer by</sup> of Agreement” for the Pre-school. However, after meeting with Mr. Watts they had asked for some minor amendments. The agreement needed to be retyped and governors consulted before finalized.
- g) *Confidential item.*
- h) Criminal Record Bureau Checks – Mrs. Milner and one of the new Teaching Assistants, Mrs. L. Pottinger had completed forms. Estelle Morris had written personally to all schools advising that they could use discretion in use of people in school whilst their CRB checks were being carried out.

7b. **CORRESPONDENCE**

- a) A letter had been received from Miss Templar following her resignation thanking Governors for their support throughout her time at Urchfont School. Mr. Watts to reply to Miss Templar.

*Mrs. Bailey*

- b) A card had been received from Mrs. Cowen thanking Governors for their gift to her.
- c) Mrs. Bailey agreed to continue to read all Governors correspondence on behalf of Governors.

## 8. FINANCIAL AUDIT

a) **Scheme of Delegation** – remarked on by the Auditor as not containing all up to date requirements. Finance and Buildings and Staffing and Curriculum to meet to update their sections of the Scheme. Mrs. Barnett to circulate the example sent to school by the Auditor.

The report on the Audit carried out at the school in June had been received at the end of July. There were four points for action.

1. Scheme of Delegation to be updated
2. Completion of Register of Business Interests should be minuted each year.
3. Delegated person should inform Governors when school inventory checked and any discrepancies reported.
4. VAT claimed on an item over £100 did not have the correct vat invoice from the supplier.

Mrs. Barnett (Admin Officer) said that although she had been on VAT training no importance had been placed on different types of VAT invoice. The invoice she had received with the item contained the VAT registration number of the supplier which she understood was all that was required. She felt that it was unreasonable to ask the school to pay back the VAT if Argos was unwilling to issue another receipt as VAT was obviously included in the item.

Mrs. Holton said that the points raised by Internal Audit were very minor and that this was a very satisfactory audit.

Mrs. Barnett informed Governors that she had carried out an inventory check in January and that there were no discrepancies.

## 9. BUDGET

An up to date report had been circulated prior to the meeting and was discussed.

## 10. BUILDING PROJECTS

a) Mr. R. Harris, Electrician, warned school that with the new demands on the electrical supply that the mains board may be overloaded during the winter months. Mrs. Barnett had contacted County who had said that they would send someone out to inspect our supply.

b) TH White, supplier of fire alarm systems had been invited to quote for fire alarms in the two new buildings. They had stated in their quote that the main building did not satisfy up to date regulations for fire alarms. Mrs. Barnett contacted LEA who stated that there were no centrally held funds and new systems would have to be paid for through our Formula funding. They advised getting advice from Mr. T. Brewster, County Electrician and to check with the fire department that the regulations quoted by TH White were correct.

d) Pre School building due to be delivered on Tuesday 24<sup>th</sup> September.

**11. SCHOOL DEVELOPMENT PLAN** – Mrs. Holton explained to Governors the significance of the SDP and how it is linked to the school budget. Mrs. Holton said that she would work with Governors to produce the next SDP in time for budget 2003/04.

**12. UPDATE OF BUSINESS INTERESTS:** This was completed for all governors present.

**13. DATES FOR FUTURE MEETINGS**

11<sup>th</sup> Nov 2002

27<sup>th</sup> Jan 2003

31<sup>st</sup> March

12<sup>th</sup> May

16<sup>th</sup> June (preparation of report to parents)

15<sup>th</sup> July

15<sup>th</sup> September

The meeting closed at 9.25pm

**URCHFONT SCHOOL GOVERNORS  
COMMITTEES 2002/03**

Governor	Finance Buildings	Staffing Curriculum	P ay	Performance Management	Staff Dismissal	Appeals	Pupil Discipline	Admissions
<b>I. Bailey</b>		<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>		
<b>C. Cannon</b>		<b>X</b>	<b>X</b>					
<b>E. Milner</b>		<b>X</b>						<b>X</b>
<b>S. Field</b>		<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>		
<b>K. Probert</b>		<b>X</b>			<b>X</b>		<b>X</b>	
<b>M. Pain</b>		<b>X</b>				<b>X</b>	<b>X</b>	<b>X</b>
<b>H. Strong</b>	<b>X</b>						<b>X</b>	
<b>R. Smith</b>	<b>X</b>							
<b>C. Watts</b>	<b>X</b>				<b>X</b>			
<b>R. Edwards</b>	<b>X</b>		<b>X</b>		<b>X</b>			
<b>J. Holton</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>		<b>X</b>	<b>X</b>

NOT DONE

**CURRICULUM RESPONSIBILITIES**

I. BAILEY  
C. CANNON  
E. MILNER  
R. EDWARDS  
K. PROBERT  
M. PAIN  
C. WATTS  
S. FIELD  
H. STRONG

Music , History  
Maths  
RE, ~~History~~ D.T.  
Maths, Science  
Literacy, PE  
Multicultural, Citizenship  
Geography. Maths.  
IT, Science  
Art, Literacy

*[Handwritten signature]*  
12/11/02



**School Safety Inspection Check**  
**Carried out Monday 29<sup>th</sup> November, 2004**

6

<b>Looked At</b>	<b>Hazard</b>	<b>Action</b>	<b>Priority 1 - 3</b>	<b>By Date</b>	<b>By Whom</b>
<b>EXTERNAL</b>					
Car Park	Children/cars	Provision of pathway in front of school to playground			
		Turning area needs re-marking			
		Need to be put behind shed			
Cycle Shed	Netball posts	Remove			
Footpath to Green	Wet leaves on path				
	No light at night	Install lighting -- need to ask Manor			
	Gate left open	Order signs			
	Gap under gate	Board bottom of gate			
	Padlock hasp dangerous	Remove			
Driveway	Conifers at school gate obstructing view	Ask that these be trimmed - Manor			
Rainwater drains back main building	Full of leaves	Order grid covers			
Downwater pipe -rear of Robins	End missing	Replace			
Manhole cover back of Robins	Slippery	Replace			
Roof back main building	Algae				
Window Frames - Owls	Rotting at base	Temporary repairs before complete replacement			
Modular classrooms	Build up of dirt at rear	Dig away			
Fire exit Woodpeckers	Paint peeling on fascia	Repaint			
Playground	Door rotting at base RHS	Repair			
Infant Play Area	Tarmac - uneven	Level if possible			
	Unprotected ends of wire fencing	Strips of wood to cover			



## INTERIOR

<b>Hall</b>	Pillar in centre	Provide protection					
	Lights not working	Replace bulbs					
	Sink and worktops – not required	Remove					
	Stereo wires – hanging	Tack onto walls					
	Hole in front of door to PE store	Fill in					
	Door very heavy to open and close	adjust					
	glass in Hall doors	Check if regulation safety glass					
	Fire extinguishers	Replace when out of date					
<b>PE Store</b>	Can't get to PE equipment because of dinner tables and chairs	?Re-organise storage					
<b>Office</b>	Signage required for security	Order sign for office door Welcome and Please sign in.					
<b>Front</b>	Door – sticking	Repair					
<b>Owls</b>	Security on cloakroom door required	Pushbar needed on external door					
	Draught from windows	Brick up bottom windows when replaced					
<b>Robins</b>	Sandpit taped and broken	Repairs required to frame					
	Flourescent lights	1 bulb/starter motor 1 cover required					
	Audio leads	Keep off floor					
	Cloakroom	Replace					
<b>Chaffinches</b>	Loose wires on floor across store cupboard	Take wire over top doorway					
	Laptop operated from floor level	Provide table					
	Fire Exit door sticking	Release					

Woodpeckers	Fire exit door sticking Water heater – unsatisfactory (and in Chaffinches)	release adjust			
ICT	Wires on floor	Cover with tape if no other solution			
Childrens' WC	Flush on Urinal not sufficient	Adjust			
	Lighting in boys' cubicles	Improve			
	No signs	Order Boys/girls signs			
Back door main building	Very heavy to open/close	adjust			

URCHFONTS SCHOOL

SITE INSPECTION CARRIED OUT ON 27<sup>th</sup> APRIL 2010  
BY CLAIRE COKE, AND WENDY ASSIRATI

7

Location	Issue	Action	Priority 1-3	By when?	By whom?
Exterior	Trees	Tree inspection and remedial work done. Tree inspection due September 2010		Sept. 10	Wessex Tree Care. Wendy to Call
	Grills, drainpipes & gullies	Cleared. To be done again in Summer 10		Sept. 10	Working Party
	Parking	Review parking arrangements		Agenda item	F&P Committee
	Car-Parking	Lines to be repainted. Disabled Bay to be put in.		Summer 10	Working Party – Summer Term
	Outside access to Owls	Replace locking system with pushbar		On-going	F&P Committee
	Moss on roof – mobiles	Not a problem at present to be checked at next H&S check		On-going	Duncan Poole
	Leaves in contact with mobiles at the rear.	Not a problem at present to be checked at next H&S check		On-going	Working Party
	Shrubs at back of mobiles blocking light.	Not a problem at present to be checked at next H&S check		On-going	Malcolm Smith
	Trees at back of mobiles over hang – Manor property.	Not a problem at present to be checked at next H&S check		On-going	Malcolm Smith
	Guttering needs repairing rear of main building, outstanding leak.	Quotes Needed.		ASAP going	Agenda item. F&P Committee. Duncan Poole to seal joints
	Drain on playground needs to be dropped so that it acts as a drain.	On-going.		ASAP	To be reviewed as part of playground/playing field renovation
	Tarmac on front path has sunk in 2 places.	On-going. To be addressed with car-parking arrangements.			
	Astro Turf	Needs leveling and replacing as grass growing though and slippery when wet.			To be reviewed as part of playground/playing field renovation
	Mirror Panel	Broken will cost £350 to fix – should we remove altogether?? Or repair??			Finance & Premises committee.
	Playground	Needs leveling and drainage.			To be reviewed as part

	Woodpeckers Mobile	Sealant around outside of mobile missing in places		ASAP	of playground/playing field renovation Duncan Poole
	Christmas Tree Wrapper under bike shed	To be moved to shed area.			Claire Coke
	Pathway	Gate at top needs new lock. Middle gate to be removed.			Duncan Poole.
	Tyre on playing field	To be turned and refilled with bark chippings.			Duncan Poole
	Wooden Heating Boxes	Are they water resistant?			Wendy to check with RGV/Peter Rosser
	Fence at bottom of playground	To be replaced.			To be made safe and reviewed as part of playground/playing field development
	Garden Room	Moss and leaves on roof and in gutters.	Needs to be removed.		Duncan Poole
	Chaffinches/ Woodpeckers	Fire Door in Chaffinches	Stiff due to weather. To be checked at next H&S check		To be checked on a regular basis.
		Cupboard – Loft hatch cover missing	Heating engineers to check		Wendy to call RGV
		Plug Socket	Covers missing for those sockets not in use.		Wendy Assirati
		Drain by Woodpeckers fire door	Need to keep free from leaves to ensure adequate drainage		To be checked on a regular basis.
	Hall	Wires	A mat is needed to cover wires in order to avoid tripping.		Claire to source and order
	Kitchen/Group Room	Cooker.	Cooker guards needed		Claire to source
	Staffroom				
	Corridor by toilets.	No signs for toilets	Add signs		Signage for school to be looked at as part of accessibility plan.
	Disabled Toilet	Storage heater - cover broken.	Replace.	Not urgent	Wendy to organise
		School Uniform Boxes	To be stored away	Not urgent	Wendy/TA's
	Staff Toilets	Extractor fan	Noisy	Not urgent	Duncan Poole
	Art Cupboard	All OK		urgent	



# Urchfont C. E. Primary School

Cuckoo Corner  
Urchfont  
Devizes  
SN10 4RA

FAO Anthony  
Barefoot Signs

1<sup>st</sup> June 2011

Dear Anthony

Following our telephone conversation this morning I can confirm our order of the following signage, this is subject to the Governors agreeing the layouts which show the Pre-School logo. The following numbering is as per your layouts contained in the email of the 20<sup>th</sup> May 2011:

1. Sign above reception door – please can you add 'Main Entrance' underneath school name.
2. Sign on wall – OK
3. Gates – OK but can we please add 'no access to the playing field during school hours 09:00am to 3:15pm'.
4. Pre School Wall Sign – on hold
5. Sign on corner wall – OK
6. Pedestrian Gate – Do not need now
7. Signs for driveway and playing field fence – Time on school access sign to be changed to 3:15pm.
8. Main Entrance Sign – Please can you add 'Telephone Number 01380 840793'.

In addition to the above layouts we also spoke about new notice boards 1 to replace the notice board at the end of the pathway, 1 to replace the existing board outside Owls classroom and the addition of a new Pre-school board.

We would also like a new sign to be made to be fixed to the pedestrian gate, the wording to be the same as 7 above 'no public access to the playing field during school hours 09:00am to 3:15pm'.

/cont.....



International  
School Award  
INTERMEDIATE



Page 73  
Healthy School





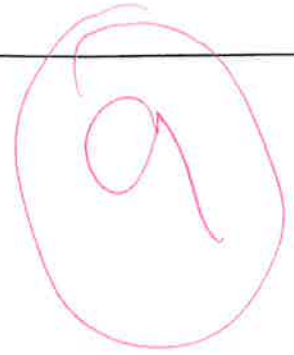


School  
access only

Please keep the gate shut

**Joan Barnett**

**From:** "Claire Coke" <clairecoke@fsmail.net>  
**Date:** 23 January 2014 18:15  
**To:** <joan@onetel.net>  
**Attach:** 20110830124915104.pdf; 20110830124922624.pdf  
**Subject:** FW: Intercom System



=====

Message Received: Aug 30 2011, 01:06 PM

From: "urchfont school admin" <[admin@urchfont.wilts.sch.uk](mailto:admin@urchfont.wilts.sch.uk)>

To: [David.Kinnaird@avantagroup.com](mailto:David.Kinnaird@avantagroup.com), [andy@flyingpictures.com](mailto:andy@flyingpictures.com),  
[andyandanita2@googlemail.com](mailto:andyandanita2@googlemail.com), [clairecoke@fsmail.net](mailto:clairecoke@fsmail.net), [declanandemma@gmail.com](mailto:declanandemma@gmail.com),  
[liandrod@btinternet.com](mailto:liandrod@btinternet.com),  
[lead@urchfont.wilts.sch.uk](mailto:lead@urchfont.wilts.sch.uk), [ioantp@yahoo.co.uk](mailto:ioantp@yahoo.co.uk), [jems1@talk21.com](mailto:jems1@talk21.com), [joan@onetel.net](mailto:joan@onetel.net),  
[sean@urchfont.wilts.sch.uk](mailto:sean@urchfont.wilts.sch.uk), [william@lang.net](mailto:william@lang.net)

Cc:

Subject: Intercom System

Good morning all

Good news Stephen Jones at County has agreed to contribute £2000 towards security for the pathway gate. I have attached the quotes received from Haven and TH White as detailed

below:

1. Haven have quoted for providing a 2 way surface video door entry kit at a cost of £2004.38
2. TH White - Black/white video intercom £2400.00  
 2 button audio intercom system £1475.00

Personally, the video door entry would be a better option as we can then see who is at the gate to let them through. Please let me know your thoughts.

regards

Wendy

URCHFONT UPDATE TO PARENTS – ASKING THEM TO  
KEEP SCHOOL GATE SHUT

DOCUMENTS NUMBERS 10-11



10



December 2004

# Urchfont Update

## DATES

### Achievement Assemblies

Woodpeckers—3rd Dec.  
13th Dec.

Dress rehearsal—KS1  
Play

14th Performance PM  
and evening  
15th evening performance

School Christmas lunch  
20th December

21st December - last day  
of term—service at  
Church 10.00am

Spring Term begins  
5th January



### Christmas Tree

We shall be dressing our Christmas tree in the Hall on Monday. This tree was very kindly donated by Planks Farm at Lydeaway.

## USPA Christmas Fair

Your committee have been working very hard to organise the Fair. Please do your part to support the school by coming to the Fair on Friday 10th December at 6.00pm. Lots of things to buy and mulled wine and mincepies to give us all a little bit of seasonal cheer.

## KS1 Christmas Entertainment

You are invited to our Christmas play which is called "Cockadoodle Christmas" and will be performed on Tuesday 14th at 1.30pm and 6.00pm and Wednesday 15th at 6.00pm.

Could the parents of the children taking part please make sure that we have their costumes in school on Friday 10th for the dress rehearsal. Children should be at school for 5.40pm for the evening performances. If you would like to bring pre-school children please bring them to the afternoon performance on 14th. Thank you.

## DOGS

Almost every day we are having to clear dog dirt off the school site. If you know anyone who is bringing their dogs onto our site or the playing field could you please remind them that they should not be doing this.

## Mrs. Barber



Mrs. Barber has asked us to thank everyone for their kind wishes and cards. She has had her operation and hopes to be home by the end of the week.

## School Gate

*Please could you make sure that when you come through the school gate (path from The Green) that you close it behind you.*

*We are trying to do our best to improve security at school*



## Chedworth

Woodpeckers visited Chedworth Roman Villa as part of their study this term on the Romans. They had an interesting tour and were shown many artefacts which helped them with their work in the classroom.

## BECTA



Becta visited the school recently to film us at work. We were chosen as one of six schools in the country to be filmed by the British Educational Communications and Technology Agency as a good model of inclusion and use of communication-aids to support children. This is quite an accolade for the school and we are very pleased to have been chosen.



January 2005

# Urchfont Update

11

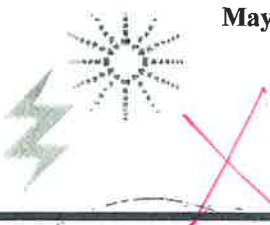
## DATES

### Achievement

#### Assemblies

- Chaffinches-21st Jan
- Owls-11th February
- Woodpeckers-4th March
- Robins-18th March
- USPA QUIZ -11th Feb
- Book Week 21-25th Feb
- Book Fair-22nd—29th Feb
- Bedtime Story—23rd Feb
- StoryBox Theatre—24th Feb
- Character Day 25th Feb
- Parents' Evenings—15th&17th March.
- Half Term
- 14-18th Feb
- Easter
- 25March—8th April
- TD days 24th March

27th  
May



## School Gate

*Please could you make sure that when you come through the school gate (path from The Green) that you close it behind you. We are trying to do our best to improve security at school*

## The School Council

The representatives on The School Council have decided that they would like to try to raise some money for the Tsunami appeal and they have asked if they could have a non uniform day on Friday 21st January. If your child would like to support this initiative they can do so by paying 50p to come to school in ordinary clothes on that day. In addition, Woodpeckers will be having a cake sale. Children will be able to buy a cake during the day if they wish. Please send any money to school in a named envelope or purse. Of course if you would like to make any additional donations to this appeal we will be happy to receive it.

## Achievement Assemblies



Just a reminder that Achievement Assemblies are open to all parents and friends of the school. Each assembly is led by a class who will share with us the work that they have been doing. This is followed

by children throughout the school receiving achievement certificates. Please join us if you can. They begin just after registration at 9.00am and last for about 40 minutes. The dates for this term are shown under the heading "Dates"

## Book Week

Book Week will be 21st—25th February. During the week we shall be doing lots of activities involving books; a book fair, a bedtime story, dressing up as a character from a book and a visit from the StoryBox Theatre. More details in the next Update.

## USPA

Your Parents Association Committee have made a good start to the New Year. They have organised two exciting events for February already.



Ever fancied being a contestant on "Who Wants to be a Millionaire"? Well we can't promise a million but a lot of fun if you enter the

annual USPA Quiz event.

This year for the first time it is being held in the school hall. 11th February, 7.30pm.

You need a maximum of 4 for a team and entry forms can be bought from the school office.

If you don't fancy being on a team, could you volunteer to be a waiter or waitress for the evening? Our over-worked committee need a few helping hands this year.

On the following evening, 12th February there will be a Valentines Disco in the Village Hall. 7.30—12.00.



Please support these events we promise you a good time.

However, if neither of these events appeal to you—a donation to the committee will be gratefully received.

CORRESPONDENCE/MINUTES  
RE. URCHFONT SCARECROW FESTIVAL

DOCUMENTS NUMBERS 12-18a



## Archfont C. E. Primary School

Cuckoo Corner  
Urchfont  
Devizes  
SN10 4RA

30/01/2005

Mr. R. Hawkins  
Chairman - Urchfont Scarecrow Committee  
2 Peppercombe Close  
Urchfont  
Devizes

Dear Mr. Hawkins,

Re: Parking for the Scarecrow Festival

Thank you for your letter of 7<sup>th</sup> January regarding access past the school buildings etc for the festival.

At our Governors meeting last night your request was discussed and the Governors agreed to your request for access. However, with one proviso that the area from the hedge to the building and the back of the school is fenced off. (see diagram). This is because they are responsible for the play equipment on site and were worried that there may be unauthorized use of the equipment by visitors.

Yours sincerely,

J. BARNETT  
Clerk





# Urchfont Scarecrow Festival

2 Peppercombe Close, Urchfont, Devizes, Wilts, SN10 4QS  
Tel: 01380 840386 Fax: 01380 840741 Email: r.a.hawkins@btinternet.com



10th May 2005

Mrs Jackie Holton  
Urchfont School  
Cuckoo Corner  
Urchfont  
Devizes  
Wilts  
SN10 4RA

Dear Mrs Holton

## Urchfont Scarecrow Festival 2005

This year's Scarecrow Festival was a great success and the use of the playing fields as a car park with access through the school grounds did enable us to reduce the amount of traffic in the village centre making the event more enjoyable for all those taking part.

The committee are very grateful to you for allowing access through the school grounds and I enclose a cheque for £50 as a donation to your school funds.

Many thanks for you help.

Yours sincerely

Richard Hawkins  
Chairman - Urchfont Scarecrow Committee



# Urchfont Scarecrow Festival

2 Peppercombe Close, Urchfont, Devizes, Wilts, SN10 4QS  
Tel: 01380 840386 Fax: 01380 840741 Email: r.a.hawkins@btinternet.com

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Many thanks for your help.

Yours sincerely

Richard Hawkins  
Chairman - Urchfont Scarecrow Committee

12

**MINUTES OF A MEETING OF URCHFONT PRIMARY SCHOOL  
GOVERNORS HELD ON WEDNESDAY 26<sup>TH</sup> JANUARY, 7.00PM 2005  
AT THE SCHOOL**

**PRESENT:** I. Bailey, J. Barnett (Clerk) P. Frankel, C. Gardner, J. Hanscomb, F. Hamlin, J. Holton (Headteacher), R. Lee, C. Watts (Chairman)

*Mr. Watts formally welcomed Ms Hanscomb (New Parent Governor) to the meeting.*

**1. APOLOGIES:** M. Cole, J. Hunter, E. Milner.

**2. MINUTES OF 8<sup>th</sup> NOVEMBER.** One amendment, item 3. "Performance Management committee" changed to "Performance Management appointed". Minutes signed as a correct record.

**3. MATTERS ARISING:** 7b) Mrs. Bailey raised the recent report in the press regarding eye damage with the use of white boards in school. School to check this with Health and Safety Officer at LEA.

**4. TARGETS SET WITH LEA:** Mrs. Holton told governors that Mrs Barber, Miss Gardner and herself had met to discuss targets for SATs for 2006 (i.e. this years Yr 5 pupils). They also revised the targets for 2005 following changes in the Yr 6 cohort. The decisions made were agreed with Mrs. Milner. These targets and changes had been sent to the LEA for approval.

**5. PAN:** LEA had written suggesting a PAN of 16 for September 2006. Mrs. Holton explained that if governors agreed to this it could be a problem leading to large class sizes and eventually the school may have to become a 5 class school. This would mean mixing of year groups and thus affect the curriculum rolling programme. The improvements to the school had not increased the teaching space and so an additional teaching area would have to be created somewhere in the school to accommodate an additional class. This would have a detrimental ~~effect~~ *effect* on the improvements seen in the school facilities over the past year. The Governors agreed to ask for the PAN to remain at 14, using the points raised as their reasons for this.

**6. ACCESS PLAN:** Governors were provided with a chart showing targets etc for the 2004/05 access plan. This chart had been constructed using information from Finance and Buildings and Staffing and Curriculum sub-committee meetings and the teaching staff.

Miss Gardner proposed that the Access Plan be accepted, seconded by Miss Hamlin and agreed unanimously.

**7. CORRESPONDENCE:** Mrs. Bailey raised the following items for governors attention:-

- a) Letter from SDBE regarding appointment of Foundation Governors – they must now be regular communicant members of the Church of England.

b) Spectrum – states that the school can receive 2 free copies of School Teachers' Pay and Conditions Document. Mrs. Holton said that the school had already ordered and received these .

c) Schools are now required to submit absence data to FORVUS on a termly basis.

d) Budget Roadshow – 10<sup>th</sup> February, 6.00pm John O'Gaunt School, Trowbridge. Mrs. Holton and Mrs. Barnett to attend . One extra place booked for a governor. Mr. Watts agreed to take this place.

8. AOB: a) Request from the Urchfont Scarecrow Committee for access from Village Playing Field to path onto the green for visitors parking on the field. Governors agreeable to this only if the school site is temporarily fenced off as they felt that any accident occurring through the use of the school's play equipment may leave them liable. Letter to be sent to this effect.

b) Ms Hanscomb agreed to sit on the Staffing and Curriculum committee.

c) Mr. Taylor said that incorrect information had been given regarding the Complaints Policy at the recent Governor Support meeting he had attended. Mrs. Holton had contacted the person responsible for complaints at the LEA and they confirmed that the information he had received was incorrect. The LEA would speak to David Marriot at Governor Support about this matter.

d) Mrs. Holton said that she would be unable to attend the Finance & Buildings meeting on Thursday 27<sup>th</sup> January. It was decided to postpone this meeting to a later date. Member of the Finance Committee agreed to look at the latest Income and Expenditure statement after the FGB meeting before being sent to the LEA.

**9. REVIEW OF PANDA:** Mrs. Holton led the Governors through the 2004 Panda report. She also presented explanatory papers and urged them to read the document at home with the aid of these.

**10. HEADTEACHER'S REPORT:** This had been circulated prior to the meeting. One error was noted in that the student (page 1 last word) was working in Woodpeckers. A letter had now been sent to parents of children in Owls explaining the nature of Mrs. Barber's illness. Mrs. Barber had requested this.

**11. PAY POLICY:** This document had been circulated to all staff in the school. The final copy had not been circulated to Staffing and Curriculum members but it was agreed that this document could be ratified by the FGB.

This was proposed by Mr. Lee, seconded by Mr. Taylor and agreed unanimously.

## **12. STAFFING AND CURRICULUM**

a) Attendance Policy – this had not been circulated – agreed for agenda item next meeting.

b) SEN Policy – this would also be brought to next meeting.

Mrs. Holton asked that Chairs of committee should check with the Clerks to ensure that the distribution of policies to their committees had been carried out before they were due to be ratified at FGB.

c) Election of Clerk to the Staffing and Curriculum Committee. Mrs. Barclay was proposed by Miss. Gardner, seconded Miss Hamlin, agreed.

## **13. BUILDING & FINANCE:**

a) A financial statement had been circulated prior to the meeting.



It was noted that a deficit was now showing on teaching cost centres. This was due to the recent agreed pay increase, supply agency introduction fees and extra staffing costs. Not all these costs were shown on the present statement but would be on the next one.

- b) Building plans – contacts had been made for looking at feasibility of blocking in the area between the main building and Woodpeckers and Chaffinches and also to refurbish the childrens’ toilets.
- c) Health & Safety. Mr. Lee and Mr. Hunter had begun working on this policy.
- d) Travelwise – Planning permission forms had been submitted to KDC and the school managed project forms to the LEA. Work could commence on the other areas in this project.
- e) Election of Clerk to Finance and Buildings – Mr. Lee proposed Mrs. Barnett, seconded by Mrs. Frankel, agreed.

**14. CRB CHECKS:** letter received from LEA advising all new governors be checked. Governors decided that all governors at the school should be checked. Forms distributed with guidance notes to be returned to Mrs. Barnett.

**15. POLICY REVIEW:** sub-committee members had looked at this document and allocated policies to governors.

**16. GOVERNORS’ VISITS:**  
Mr. Taylor had visited Chedworth Roman Villa with Woodpeckers.  
Mrs. Bailey had visited to observe Music, and our Able and Talented group and Mr. [unclear] ICT. All three governors gave a short report on their visits.

**WHAT NEXT – D. Marriot visit.** Following this meeting with Gov. Support it decided to form a working party to look at forward planning for the school. Frankel, Miss Gardner, Ms Hanscomb and Mr. Lee to be on the working party. Tolton and Mrs. Barnett to attend a financial forward planning course on 28<sup>th</sup> [unclear].

The meeting ended at 9.25pm

Meeting of the FGB – Wednesday 2<sup>nd</sup> March.

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# MINUTES OF A MEETING OF URCHFONT C.E. PRIMARY SCHOOL HELD ON THURSDAY 2<sup>ND</sup> MARCH 2006, 7.00PM AT THE SCHOOL

**PRESENT:** Anne Antrobus, Ingrid Bailey, Joan Barnett (Clerk), Michael Cole, Jane Hanscomb, Jackie Holton (Headteacher), Mark Leckie, Robert Lee, Elizabeth Milner, Brian Taylor, Colin Watts (Chairman), Elizabeth Woolley, Honor Strong (Senior Teacher) by invitation.

## 1. MEETING ADMINISTRATION

- a) **Apologies:** Jonathan Hunter. Colin informed the meeting that Mrs. P. Frankel, (Parent Governor) had resigned from the governing body due to family commitments. It was agreed that a letter thanking Mrs Frankel for her work as a governor be sent by the Chairman on behalf of everyone.
- b) **Minutes signed** as a correct record.
- c) **Matters Arising** – none
- d) **Correspondence** - List circulated prior to meeting. Ingrid drew attention to items of interest including:

### *Health & Safety Audit Report*

Rob said that an Action Plan based on the comments made at the Health and Safety Audit had been drawn up and would be returned to the LEA.

### *School Profile*

To be written and inserted in the Dfe web page for the school by the summer. The profile would also be added to the school brochure and circulated to parents.

**2. THE VIBRANT SCHOOL PROJECT:** Jackie and Honor gave a presentation explaining this topic and the work that had already started in school to improve pupils learning powers. Jackie said that she hoped to have a similar presentation evening for parents. Colin thanked them both for a very interesting talk.  
*Honor Strong left at this point*

**3. GOVERNOR VACANCIES:** The Community Governor vacancy had been advertised in the current issue of the Redhorn Magazine but there had been no interest to date. The election for a new Parent Governor, following the resignation of Mrs Frankel, would take place in the next two weeks.

**4. GOVERNOR DEVELOPMENT PLAN:** Mark provided everyone with a template which he explained should be used alongside the School Development and Improvement Plan document which Jackie had circulated at the last meeting. He suggested that governors should decide what they thought were the priorities for the governing body and had listed 3 from the Ofsted report and Parent/Pupil questionnaire as examples.  
After discussion, it was agreed that completed templates be returned to Mark within 2 weeks. A working party; Mark Leckie, Anne Antrobus, Rob Lee, Jane Hanscombe and Ingrid Bailey, to meet (date to be agreed) following the deadline to discuss and draw up a draft Development Plan to bring to the next FGB meeting.  
Rob suggested that the Governor Support handbook and the notes from the 'New Governor Course' would be useful references when contemplating priorities for The Plan.

**5. HEADTEACHER'S REPORT:** This had been circulated prior to the meeting. Jackie answered questions on the replacement of the Primary Advisor and problems with the failure to appoint a new MDSA. Mark complimented the school on the Bedtime Stories evening which, he said his children thoroughly enjoyed.

Action
Colin/Joan
Rob
All

Action
Jackie
All

6. **PANDA REPORT 2005:** explained and presented by Elizabeth (Woolley).

**7. RATIFICATION OF POLICIES**

The following policies were ratified at this meeting:

*Charging, Governors Allowances, Violence and Aggression against Staff*

Proposed by Rob, seconded by Anne. All agreed.

**8. COMMUNICATION WITH PARENTS**

Jackie suggested she should meet with a small group of parent governors and parents to discuss issues and to find solutions and report back to FGB. Agreed.

Jackie

**9. REPORTS FROM COMMITTEES**

**a) Finance & Premises**

- i) Finance Report – circulated prior to meeting and discussed.
- ii) Building work: still ongoing. A temporary fence would be erected at the front of the school until a permanent structure could be installed. Governors authorized a budget of up to £15,000 to improve security around the school.
- iii) Project Review – detailed in the Finance and Buildings minutes.

**b) Staffing**

- i) Class Organisation – discussed and two formats to be considered. Jackie to report back to Finance and Staffing committees after consultation with Staff.
- ii) Confidential Item
- iii) Confidential Item

**c) Curriculum** – It was noted that the following subjects needed link governors.

The following appointments were made:

- English – Jane
- Maths – Colin
- Science – Brian
- ICT – Rob.

Monitoring of other areas would be linked to the SD/IP rather than by subject. Further work needs to be done on this and will be brought back to the next FGB.

Decided that Brian would draw up a plan for governor visits with suggested dates for visits for all governors. and circulate.

Governor Training – Those interested in attending a Governor Update Course on 14<sup>th</sup> June 6.30 – 8.30pm at Urchfont Manor to let Brian know within the week.

All

**d) Pay** – nothing to report.

**12. MATTERS FOR REPORT**

The **Urchfont Scarecrow Committee** would be using the playing field for parking and consequently requested permission to have access to the walk way around the school during the Scarecrow weekend. Arrangements would be as for last year.

This was agreed.

**Extended Schools** – LEA running courses on how to extend opening hours of schools as required by new legislation. Jackie said that this was not a priority at present for Urchfont but that any Governors could attend the courses on behalf of the school. Brian volunteered to attend.

The meeting ended at 10.45pm

The next meeting of FGB will be on 26<sup>th</sup> April.



# Urchfont Scarecrow Festival

15

2 Peppercombe Close, Urchfont, Devizes, Wilts, SN10 4QS  
Tel: 01380 840386 Fax: 01380 840741 Email: r.a.hawkins@btinternet.com

11th May 2006

Mrs Jackie Holton  
Urchfont School  
Cuckoo Corner  
Urchfont  
Devizes  
Wilts  
SN10 4RA

Dear Mrs Holton

## Urchfont Scarecrow Festival 2006

This year's Scarecrow Festival was a great success and the continued use of the playing fields as a car park with access through the school grounds did enable us to reduce the amount of traffic in the village centre making the event more enjoyable for all those taking part.

The committee are very grateful to you for allowing access through the school grounds and I enclose a cheque for £50 as a donation to your school funds.

Many thanks for your help.

Yours sincerely

Richard Hawkins  
Chairman - Urchfont Scarecrow Committee

Can you write back thanking them for their generous donations. We felt the parking arrangements and organisation on the school site were very good. We have all enjoyed a very successful event!



16

# MINUTES OF A MEETING OF URCHFONT SCHOOL GOVERNORS HELD ON WEDNESDAY 17<sup>th</sup> JANUARY 2007, 6.00PM AT THE SCHOOL

**PRESENT:** Anne Antrobus(Associate Member), Ingrid Bailey, Joan Barnett (Clerk) , Michael Cole, Christine Dolan, Jane Hanscomb, Jackie Holton (Headteacher), Mark Leckie, Rob Lee (Chairman), Brian Taylor, Colin Watts.

## 1. MEETING ADMINISTRATION:

- a) **APOLOGIES:** Jonathan Hunter Barbara McDonald (arriving late).
- b) **MINUTES OF THE MEETING OF 8<sup>th</sup> November 2006.** – signed.
- c) **MATTERS ARISING:** 14)The link governor for Geography and History was not minuted from the 8<sup>th</sup> November meeting. Joan to contact Jonathan regarding this.
- d) **CORRESPONDENCE:** Ingrid drew attention to those items which were not being dealt with as agenda items.
  - Agreed that Rob or Jonathan to attend the FMSIS
  - Disability statement required by end of 2007
  - Every child matters booklet to be circulated



In addition a) letter from Scarecrow Committee asking for permission to use the school alleyway for pedestrian access during the Scarecrow weekend, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> May, 2007. No objections. Joan to respond.  
 b) Pre-School - permission asked to fence in area near the gate to The Manor. Agreed in principle but Buildings and Finance Committee to look at proposal in detail.



2. **SEF:** Governors worked in three groups on Section 4, “Personal Development and Well Being” of the SEF form. Jackie to collate their observations.

## 3 HEADTEACHER’S REPORT:

Jackie gave a verbal report which covered the following points:

- Sports Partnership Festival – Dauntsey’s School
- Building Learning Power evening – poor attendance but positive feedback
- D&T Week
- Operation Christmas Child - 86 shoeboxes filled for charity
- USPA Christmas Fair – successful and with improved Health and Safety of the event
- KS1 Christmas Play – Thanks to Brian for videoing the play and producing videos for parents
- Christmas Lunch – held in school, outside caterers – subsidised from school meal grant
- School Choir – performed at Carol Service, and at Friends & Neighbours
- Christingle Service – enjoyable end to the term – thanks to Michael
- Professional Development – TD cluster day training
- Janet and Jackie have attended further conferences as part of the Story making project. Very exciting and impacting on creative writing.
- Sports Partnership – Anne Antrobus attended PE Courses
- Governor Visits
- Vibrant Schools – Moderating visit - awaiting report
- PANDA – new analysis late in arriving in schools
- Permanent Exclusion of a pupil (which also involved the County Solicitor in issuing a Parental Exclusion Order) The Headteacher’s decision was upheld by panel of governors. Jackie thanked all concerned who supported her during a very difficult time, and congratulated the Discipline Committee for their very professional and thorough handling of the situation.

*Barbara joined the meeting – 7.20 pm*

7.



4. **SCHOOL DINNERS:** Working party reported that there were various companies offering to provide school meals. One had been approached who had stated their terms for providing meals. It was proposed that the WP continue with their research and all school staff consulted. Proposals to be brought to next FGB meeting.

5. **BUDDY VOLUNTEERS:** Colin agreed to act as a mentor to new governors.

6a. **KS2 TARGETS:** Jackie explained the targets that had been agreed for children taking KS2 SATs in 2008.

6b) **BEST VALUE STATEMENT:** Governors agreed to accept this. Proposed Rob, seconded Mark, all agreed.

7a) **PARENT AND PUPIL QUESTIONNAIRE :** Rob gave a presentation showing analysis of results of questionnaire of 2006. (See Attachment 1)

Decided to share the results with parents plus showing how the school is addressing any concerns.

*Colin left the meeting - 8.30pm*

7b. **ATTENDANCE TARGETS: 2007/08** Recent targets and actuals reviewed. 3.9% agreed for 2007/08.

° **STATEMENT OF EQUALITY AND DIVERSITY DOCUMENT**

Barbara said that she thought that this policy should be referred to when reviewing and writing policies and in everyday decisions within the governing body and the school. She suggested that a copy of the statement should be on display in school. Christine proposed that this document be adopted, seconded Brian, all agreed. This document to be included in New Governors pack.

*Christine left the meeting - 8.45pm*

9. **COMPLAINTS POLICY:** There were no changes to this policy. Michael proposed that this policy should be adopted, seconded Brian, all agreed.

10. **PAY POLICY:** Rob proposed that this policy should be adopted, seconded Barbara, all agreed.

11. **REPORTS FROM COMMITTEES:**

- a) Finance & Premises – Report from Jonathan circulated prior to meeting. Income and Expenditure Report to end of Autumn Term circulated at meeting, to be returned to LEA. Signed by Rob. Financial Report not available at the meeting – to be circulated as soon as possible.
- b) Curriculum – Minutes circulated – no questions.
- c) Pay – the ISR had been discussed at the recent meeting. In order to maintain pay differential between senior teaching staff the Pay Committee proposed raising the ISR from 6-12 to 8-14. Rob proposed this, seconded Michael. All agreed. Joan to inform LEA.

12. **MATTERS FOR REPORT**

- a) Ingrid reported that the appointed governors had met with the external adviser and the Headteacher on 8<sup>th</sup> November 2006 to discuss her targets for the following year.
- b) Michael informed Governors that the Church would be holding an Education Sunday service in Urchfont School on 28<sup>th</sup> January. He said that he would check that the Church's insurance would cover this event. Everyone invited to the service.
- c) Governors/Staff social evening – suggest to staff that this should be end of Feb.

*Meeting ended 9.10pm*

[Print](#)[Close](#)

From: urchfont school admin [admin@urchfont.wilts.sch.uk]  
Date: 02-Apr-2008 08:26  
To: <head@urchfont.wilts.sch.uk>  
Cc:  
Subject: Fw: Scarecrow Festival and facilities



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

From: robert\_pendry@yahoo.com  
Date: 31-Mar-2008 20:04  
To:  
Subj: Scarecrow Festival and facilities

Urchfont Scarecrow Festival Committee

Dear Mrs. Holton,

I expect you are aware that the annual Scarecrow Festival takes place again this year on the three days of the Mayday Bank Holiday weekend (3rd., 4th., & 5th May).

As in previous years I will be in charge of car parking on the playing field and will ensure that your playground and climbing frames are taped off to discourage access. It would also be very much appreciated if we could use the access path from the green to the school again.



#### Facilities

I would like to broach another matter with you to do with the festival...

As the festival has grown it has become increasingly problematical for us to provide adequate toilet facilities for the public. Currently we use the Village Hall facilities, paying a cleaner to look after them continuously throughout the 3 days. We also pay the pub to open their toilets to the public all through the weekend. The committee decided that this was still not sufficient for the volume of visitors we are expecting this year and it was decided to hire commercial portable toilets at considerable expense.

I would like to explore other alternatives, and so my question to you is this: In return for a substantial donation to school or PTA funds, would the school be willing to open their toilets to the public over the Scarecrow Weekend? The festival would, of course, take responsibility for the security of the building, perhaps provide supervision, pay for a cleaner(s) and would undertake to rectify or pay for any damage done.

I personally feel it would be infinitely preferable to give the

school the many hundreds of pounds we are currently expecting to pay to a toilet hire company. I cannot guarantee that everyone on the committee agrees, but I would at least like to explore your feelings on the subject.

It will not be possible to change the arrangements for the 2008 festival at this stage, but if you think there is the basis for a mutually profitable arrangement, we could sort something out or 2009.

I look forward to hearing from you,

Yours sincerely,

Robert Pendry  
Secretary Urchfont Scarecrow Festival Committee

---

Sent from Yahoo! Mail.  
A Smarter Inbox.



End Cottage, Uphill, Urchfont  
Tel: 840285 Fax: 848238  
E Mail: keith.brockie@btinternet.com

18



13<sup>th</sup> June 2008

Mrs. Jackie Holton  
Urchfont School  
Cuckoo Corner  
Urchfont  
Devizes  
Wilts SN10 4RA

Dear Jackie,

This year's festival was once again a great success raising money for good causes in the village.

The committee are most grateful for the use of the School pathway which assisted the running of the weekend and I enclose a cheque for £50.00 as a donation to your funds.

Yours sincerely,

Keith Brockie  
Chairman  
Urchfont Scarecrow Festival Committee

Original Message----

From: robert\_pendry@yahoo.com

Date: 10/01/2014 08:36

To: "Carol Talbot"<head@urchfont.wilts.sch.uk>

Subj: Re: Confirmation of letter

18a

Carol,

Can I also make our usual request to use the school footpath over the Scarecrow Festival weekend (Saturday-Monday 3rd, 4th & 5th May)? I know the path is usually open outside school hours, but we like to be sure that everyone concerned is asked properly.

Regards,

Robert

---

**From:** Carol Talbot <head@urchfont.wilts.sch.uk>

**To:** urchfontscarecrows@yahoo.co.uk

**Sent:** Monday, 6 January 2014, 13:54

**Subject:** Confirmation of letter

Hello Rob

I can confirm that we have received your letter.

Kind Regards

Carol

Carol Talbot

CORRESPONDENCE FROM GOVERNORS/STAFF ETC  
REGARDING SCHOOL SECURITY

DOCUMENTS NUMBERS 19 – 27a

Rachael

Please find below letter from H&S Officer at WC. Please could you forward on as part of FGB documents.

Thanks  
Claire

=====  
Message Received: Mar 12 2014, 03:14 PM  
From: "Derrick, Philip" <Philip.Derrick@wiltshire.gov.uk>  
To: "Carol Talbot Headteacher @ Urchfont" <head@urchfont.wilts.sch.uk>, "clairecoke@fsmail.net" <clairecoke@fsmail.net>  
Cc:  
Subject: Our meeting today at Urchfont Primary School

Dear Carol and Claire

Thank you for your time this morning.

I would like to confirm that I am in full agreement with the current safeguarding measures that are in place at the rear of the school, in the respect that the wooden gate remains locked during school hours, and is left open for the use of others at all other times. This is straightforward and effective.

I do however have grave concerns regarding the suggestion to erect a fence inside this gate to allow others to use the side of the school as an access point during school hours, as this would seriously compromise the fire safety arrangements and speedy evacuation of the school in an emergency. This area is one of the emergency exit points from the school buildings and could result in up to 50+ pupils using this as part of their established exit route to the assembly point.

The fence has been suggested as a possible solution for additional safeguarding measures for pupils, should the rear gate be permitted to be kept open during school hours for use by others. It has also been proposed that a lockable gate could be installed in this fence for the egress of pupils, but the use of any additional gate added to an escape route would seriously hamper the evacuation time and compromise the safety of both the pupils and staff.

Fire safety and the ability to evacuate a school quickly is paramount so I could not agree to the suggestion to add a fence that would allow others to use the side access to the school during operational hours. The current arrangements have historically worked well, and I see no grounds for change.

Kind regards

Phil Derrick CMIOSH  
Health and Safety Advisor  
Occupational Health and Safety  
Wiltshire Council

Tel - 01225 713149  
Mob - 07768 497854  
Email - philip.derrick@wiltshire.gov.uk <mailto:philip.derrick@wiltshire.gov.uk>  
Web: <http://www.wiltshire.gov.uk>

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# Urchfont C. E. Primary School

Cuckoo Corner, Urchfont, Devizes, Wiltshire, SN10 4RA

Tel: 01380 840793

Email: admin@urchfont.wilts.sch.uk

20

31<sup>st</sup> March 2014

Re : Right of Way claim

As headteacher of Urchfont C.E. Primary School, I am charged with the care, welfare and wellbeing of 102 children ranging in age from 4 to 11 years. A significant part of my role working with the governors and staff is the safeguarding of these pupils, as well as ensuring the safety of my staff members and visitors to the school. There is also a nursery on my site that also requires this level of safety and reassurance during the working day.

I would vigorously oppose any member of the public having open access to any part of the school site during school hours. Therefore, the present arrangement, of a locked gate with an intercom system barring the path leading from the village is a vital safety device. As this gate is not within sight of the main office, it allows peace of mind that only persons on school business enter the school site during school hours.

This gate is then unlocked out of school hours and in school holidays allowing members of the public **without dogs** to access the playground and playing field, (though this is often flaunted by dog walkers), I feel that this a compromise the school has already made to the local community.

The safety of our children is paramount; we as a school are not being unreasonable but acting in the best interest of the children. Parents also have the right to expect the school to provide the highest level of safety and care for their children during the school day. This cannot be guaranteed should there be an open access path through our grounds throughout school hours.

Surely, local villagers should be able to acknowledge and accept that the current access we permit is both sufficient and fair to all the community.

Yours Sincerely,

*C.E. Talbot*

Mrs C.E. Talbot  
(Head Teacher)



2nd April, 2014  
Joan Barnett  
Chair of Governors  
Urchfont Primary School  
From 2011

21

My history with Urchfont C E School spans nearly 30years. I was appointed School Secretary in January 1986. I then became Admin Officer when LMS was introduced and Clerk to the Governors in 1993. I retired in 2005 and was invited to become a Community Governor in 2009 and elected Chair in 2011.

The school office has always been sited at the front of the school and the back entrance to the school by the path from the Green cannot be seen from the office. To secure the back of the school site the gate at the school end of the path was bolted during the school day by a metal bolt positioned at the top of the gate. When I first joined the school there were two wooden gates. The one furthest from the school was removed a few years ago.

The gate nearest the school used to have a padlock which secured the gate out of school hours and during the holidays. I cannot recall when the decision was made to give public access, out of school hours, but certainly from when I started until approximately mid 1990's the gate was padlocked out of school hours.

The gate was bolted not only to keep people out of school grounds during the school day but also to prevent children from leaving the school when in the care of school staff. The bolt was positioned at the top of the gate so that small children could not open it. However, this did mean that adults could put their arm over the gate and unlock the bolt from the other side.

At the beginning of the millennium schools became more security conscious after serious breaches of security at other primary schools in the UK and abroad. We reviewed our security at Urchfont and more signage was put up around the school buildings and site inspections of the premises took place on a regular basis.

Further improvements to secure the school site were advised by a WC H&S officer in 2011 which resulted in a mechanical locking device and intercom being paid for by Wiltshire Council. This lock is controlled by the office staff and there is a monitor so that the person requesting access can be seen on a screen in the office.

At no time did the public have the right to walk through the school site if they were not visiting the school.

Joan Barnett  
Merrywood  
Eastcott Common  
Eastcott  
Devizes  
Wiltshire  
SN10 4PL

01380 840793



22

20<sup>th</sup> March 2014

Dear Mrs Barnett,

In response to your request for information on the gate between the footpath from The Green and the school during my time as Headteacher, I submit the following information.

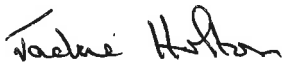
I was Headteacher at Urchfont C of E VC Primary School between 2002 to 2009.

There was a gate between the footpath and the school throughout my time at Urchfont. There was a bolt on this gate and a sign that stated that the gate should be kept shut at all times. The bolt was on the school side of the gate. There was also a sign on the school playground stating that this was school property and as such, was not open to the general public. I cannot recall the exact wording of the signs.

As a school we were concerned about the security of the children and prevented people from walking through the middle of the site by constructing a room between the main building and the mobiles. This meant that anyone who entered the site had to walk around the main building past the offices.

Anyone who used the gate and crossed school property during school hours, and not on school or preschool business, was doing so without the consent of the school.

Yours Sincerely,



Mrs Jackie Holton

24

Mrs J Barnett

27<sup>th</sup> March 2014

Chair of Governors

Urchfont C E Primary School

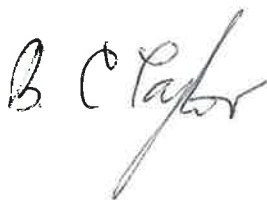
Dear Mrs Barnett,

I was a Community Governor at Urchfont C. E. School from 2004 to 2007

I also had two grandchildren attend the school during the period 1995 and 2004. I visited the school frequently in those years before I became a Governor.

I confirm that from my recollection there was a tall wooden gate at the school end of the path nearest the school which was bolted from the school side during school hours. This was of course to protect the children. There was never any suggestion that the path was "public" even though it was unlocked when the school was closed. This was done as a concession to the villagers to allow easy access to the playing fields.

Yours faithfully



Brian Taylor



13th March 2014

Home Close  
Urchfont  
Devizes  
Wilts  
SN10 4RP

23

Dear Joan,

Re: Path to Urchfont School  
from The Green.

As promised over the phone yesterday,  
I now write regarding my knowledge  
of the above.

I have been familiar with  
the school over many years. We first  
came to Urchfont in March, 1972  
and lived at Lowfields, Blackboard  
Lane, (almost opposite Follers Cottage) until  
1985 when we moved elsewhere  
within the village.

I remember the new school  
being built and the pathway  
access to the school being created.  
There had been no access way

at all before then.

Several years later my elder son started at the school in Autumn 1977 & then my younger son in 1980, leaving in 1986; and, of course, they walked to school via the pathway.

In addition to my sons being at Michfont School, I was first appointed a Governor in 1981 and continued as the Governing Body until I retired at the end of August 2009.

During all those years of being associated with the school, my understanding was, always, that the pathway was a pedestrian access to the school. As such, it formed part of the school enclosure and

the maintenance of <sup>2</sup> which was  
the responsibility of the school.  
At one time there were two wooden  
gates, one at the road end and the  
other at the school end. The inner  
gate was always kept shut and  
very often locked, in and out of school  
hours.

I hope this is of some  
help.

Best wishes,  
Yours

(Mrs B.J.I. Bailey)

Mrs J. Barnett  
Nemywood,  
Eastcott Common,  
Eastcott  
Easteron  
Derize,  
SN10 4PH

Hans Close

13/3/14

Dear Joan,

School Path

Just a P.S. to the enclosed  
if you want to use  
the "information for Parents"  
bit about the path - July 1977  
which Jackie e-mailed to you,  
please do.

Also, I had a chat  
with Gwen Maloney, whose  
3 children went through  
Wychant School. She

says she always regarded  
the path as access to  
the school only and  
only ever used it as such.

In short

Inquest

25

5 Cranesbill Road  
Devizes  
Wilts  
SN10 2TJ  
29.03.14

Teacher at Urchfont C of E Primary School 1997-2013

I am writing to support the school in their opposition to the Urchfont Parish Council's application for a Right of Way through the school grounds.

From my time at the school I confirm that there has always been a gate on the school end of the school path at the rear of the premises.

It had a manually operated bolt at the top on the school side until 2011 when a mechanical lock control controlled by the school office and preschool was fitted for increased security. The public did not have permission to use this path during school hours.

It was imperative that the gate was bolted during the school day for the safety of the children. The teachers and teaching assistants were always vigilant during the school day to ensure that it remained bolted. However, I remember on numerous occasions having to re-bolt the door during the school day because people had unbolted it by reaching over the gate.

Mrs Honor House

H. House.

26

Fiona Underwood

9 Park View

Devizes

Wiltshire

SN10 1PJ

31.3.14

Teacher at Urchfont C of E Primary School from September 1999-present.

I am writing to support the school in their opposition to the Urchfont Oarish Council's application for a Right of Way through the school grounds. From my time at the school I confirm that there has always been a gate on the school end of the school path at the rear of the premises. It had a manually operated bolt at the top on the school side until 2011 when a mechanical lock control controlled by the school office and Pre School was fitted for increased security. I particularly remember a parent climbing over the gate because it was locked who then proceeded to open the bolt and let other parents through. The public did not have permission to use this path during school hours.

*Fiona Underwood*

Fiona Underwood

27

To whom it may concern,

I have been contacted by Urchfont Primary School to provide information surrounding the closure of the gate which leads from the school into the middle of the village.

Since becoming Headteacher of Urchfont Primary School in September 2009, it became apparent that under the new guidance from Ofsted that the safety of all pupils should not be put at risk at any time by gates or fences being open and site security being of the most importance in every school, including small village schools.

In February 2010, I asked Kevin Oliver (then the Advisor for Health and Safety for Wiltshire council) to look at our school site to ensure we would be appropriately safe and meet Ofsted regulation for Child Protection. With the gate closed and locked during the school day Mr Oliver stated that the school was safe.

Mr Oliver left the authority at the end of the academic year and was replaced by Maria Leonard. Again as a school we suggested they come and make a visit to the school in order to ensure the school site was safe for pupils of the village.

In January 2011 Maria visited the school and once again stated that if the gate to the lane was closed, during the school day, then the children would be safe. She suggested that an intercom system should be used in order to help staff from opening and closing the gate with a padlock. She also suggested that the staff car park should have a gate to ensure the bin lorry or unauthorised vehicles could not get close to the school without the gate being unlocked. This would also act as a barrier to ensure the safety of the children in the school.

While at the school, it always was and still I believe is, the intention to protect the children of the school and ensure we were complying with the regulation of Ofsted. If the gate is open during the school day, the school would not be safe and therefore this would affect the judgement Ofsted give the school. This the school have no control over and neither do the council.

If you would like further information please don't hesitate in contacting me.

Yours sincerely,

Mr A Richards

Headteacher

1



Halstead Farm  
High Street  
Easterton  
Wiltshire  
SN10 4PE  
3<sup>rd</sup> April 2014

To whom it may concern

**Urchfont C of E Primary School - Right of Way**

I have been a Parent Governor since 2008 and am currently Vice Chair of Governors. My responsibilities as Governor include Health and Safety for the school. In 2011 Maria Leonard (Health and Safety Advisor for Wiltshire Council) visited us to advise on our site security. We were advised that the existing bolt on the school gate was inadequate as it was frequently being opened by parents reaching over and unbolting it, leaving it unsecured. We were advised and subsequently installed the current magnetic lock and intercom system, all of which was paid for by Wiltshire Council. The lock and intercom system was installed in October 2011 and has remained in use to date; it is locked only during school hours (9 a.m.- 3.15 p.m) and at all other times left open as a concession to the community.



**Claire Coke**

Vice Chair of Urchfont Primary School Governors

01380 813899

clairecoke@fsmail.net

PHOTOGRAPHIC EVIDENCE

DOCUMENTS NUMBER 28

Photographic Evidence

(28)



Second bolt (Doc 4)

original bolt

Intercom (Doc 9)



Position of Padlock (Doc 6)

Signage





Note signage



Signs on School field.

**From:** Martyn Kemp [Martyn.Kemp@salisbury.anglican.org]  
**Sent:** 03 February 2015 11:14  
**To:** Burke, Barbara  
**Cc:** Joan Barnett; Giles Pugh  
**Subject:** RE: Claim for a public footpath through Urchfont school [Scanned]

Dear Mrs Burke,

I am advised by the current chair of governors, Joan Barnett, that she gave you a whole pack of information regarding the access to the school, which fully answers this point and gave you evidence that the gate has been locked during school hours since before 1986:

Mrs Barnett was the Admin officer at the school from 1986 - 2005 and confirms that there was a lock on the footpath access gate and that it was bolted shut on the inside during school hours at least from 1986.

In the above noted pack of information that you have been provided with, the school has also given you evidence statements from former employees and from parents and governors that confirm that the gate was bolted shut during school hours. There are also Technical maps in the pack that show when work was done at the school in the 80's and 90's and that identify the gate marked at the end of the path. There are also dated letters to parents reminding them to bolt the gate as they leave the premises - the bolt was on the school side but high up so that children couldn't unbolt it but adults could. This position had to change in 2011 when an electronically controlled "maglock" was fitted to the gate to provide even more rigorous safeguarding measures to protect the school's pupils as required by directives from the Department for Education - such matters are picked up and the school marked down during Ofsted inspections if such safeguarding safety measures are not in place. For this reason alone the school and DfE are not going to permit public access through the school grounds during school opening hours. Common sense has to prevail.

I trust that the above answers your point.

Best regards,

*Martyn*

Martyn Kemp  
Buildings Manager  
Diocesan Education Centre, The Avenue, Wilton, Wilts. SP2 0FG  
Direct line: 01722 746946

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**From:** Burke, Barbara [mailto:barbara.burke@wiltshire.gov.uk]  
**Sent:** 02 February 2015 16:49  
**To:** Martyn Kemp  
**Subject:** RE: Claim for a public footpath through Urchfont school [Scanned]

Dear Mr Kemp,

I am grateful to receive your comments but wonder if you could help me further by providing details of how access to the claimed path was restricted between the years 1991 and 2011 i.e. the 20 year period before the gate across the path was locked. If you have any information on this point I should be very pleased to receive it.

Yours sincerely

Barbara

**Barbara Burke**

**Definitive Map and Highway Records Team Leader**

Waste and Environment, Wiltshire Council

County Hall, Trowbridge BA14 8JN

Telephone: Internal 13044 External: +44 (0)1225 713044

Email: [barbara.burke@wiltshire.gov.uk](mailto:barbara.burke@wiltshire.gov.uk)

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

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**From:** Martyn Kemp [<mailto:Martyn.Kemp@salisbury.anglican.org>]

**Sent:** 02 February 2015 11:52

**To:** Burke, Barbara

**Cc:** Joan Barnett; Giles Pugh; Price, John

**Subject:** Claim for a public footpath through Urchfont school

Dear Mrs Burke,

I have received your letter dated 26<sup>th</sup> January 2015 regarding the Urchfont Parish Council's claim for there to be a public footpath through the grounds of the Urchfont CE VC primary school grounds, which you claim is on user evidence.

I am sorry to say that your user evidence is flawed as there has not been and will not be unrestricted access across the school grounds that are owned by the Salisbury Diocesan Board of education for many years. As you can appreciate there is a safeguarding issue of having the public walking without restriction on a primary school's grounds and although the school might allow access across its campus out of school hours the path is locked shut during all school term times.

This matter has been discussed between you and the school on a number of occasions before and their and our stance has not changed. There can be no unrestricted right of public access across the school's grounds while the school is on the site. We are currently in the process of issuing a CA16 notice that will confirm this – please see attached e-mails with this regard. As soon as John Price has issued me with the WC current ownership plans the CA16 notice will be formally lodged, in the meantime please can you take it as read that it will be in the very near future.

Many thanks for your understanding in this matter that has been causing the school and its governors considerable concern for their children's safety for some time now.

Best regards,

*Martyn*

**Martyn Kemp BSc MRICS**

Buildings Manager

Diocesan Education Centre, The Avenue, Wilton, Wilts. SP2 0FG

Direct line: 01722 746946

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**Burke, Barbara**

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**To:** Martyn Kemp  
**Subject:** RE: Claim for a public footpath through Urchfont school

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Yours sincerely

Barbara

Barbara Burke  
Definitive Map and Highway Records Team Leader

Waste and Environment, Wiltshire Council  
County Hall, Trowbridge BA14 8JN  
Telephone: Internal 13044 External: +44 (0)1225 713044  
Email: [barbara.burke@wiltshire.gov.uk](mailto:barbara.burke@wiltshire.gov.uk)

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
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**From:** Martyn Kemp [<mailto:Martyn.Kemp@salisbury.anglican.org>]

**Sent:** 02 February 2015 11:52

**To:** Burke, Barbara

**Cc:** Joan Barnett; Giles Pugh; Price, John

**Subject:** Claim for a public footpath through Urchfont school

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This matter has been discussed between you and the school on a number of occasions before and their and our stance has not changed. There can be no unrestricted right of public access across the school's grounds while the school is on the site. We are currently in the process of issuing a CA16 notice that will confirm this – please see attached e-mails with this regard. As soon as John Price has issued me with the WC current ownership plans the CA16 notice will be formally lodged, in the meantime please can you take it as read that it will be in the very near future.

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Best regards,

*Martyn*

**Martyn Kemp BSc MRICS**

Buildings Manager

Diocesan Education Centre, The Avenue, Wilton, Wilts. SP2 0FG

Direct line: 01722 746946

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## Burke, Barbara

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**From:** Martyn Kemp [Martyn.Kemp@salisbury.anglican.org]  
**Sent:** 02 February 2015 11:52  
**To:** Burke, Barbara  
**Cc:** Joan Barnett; Giles Pugh; Price, John  
**Subject:** Claim for a public footpath through Urchfont school  
**Attachments:** RE: Urchfont School CA16 Statement [Scanned]; RE: Urchfont School CA16 Statement [Scanned]

Dear Mrs Burke,

I have received your letter dated 26<sup>th</sup> January 2015 regarding the Urchfont Parish Council's claim for there to be a public footpath through the grounds of the Urchfont CE VC primary school grounds, which you claim is on user evidence.

I am sorry to say that your user evidence is flawed as there has not been and will not be unrestricted access across the school grounds that are owned by the Salisbury Diocesan Board of education for many years. As you can appreciate there is a safeguarding issue of having the public walking without restriction on a primary school's grounds and although the school might allow access across its campus out of school hours the path is locked shut with during all school term times.

This matter has been discussed between you and the school on a number of occasions before and their and our stance has not changed. There can be no unrestricted right of public access across the school's grounds while the school is on the site. We are currently in the process of issuing a CA16 notice that will confirm this – please see attached e-mails with this regard. As soon as John Price has issued me with the WC current ownership plans the CA16 notice will be formally lodged, in the meantime please can you take it as read that it will be in the very near future.

Many thanks for your understanding in this matter that has been causing the school and its governors considerable concern for their children's safety for some time now.

Best regards,

*Martyn*

**Martyn Kemp BSc MRICS**

Buildings Manager

Diocesan Education Centre, The Avenue, Wilton, Wilts. SP2 0FG

Direct line: 01722 746946

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**Burke, Barbara**

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**From:** Price, John  
**Sent:** 02 February 2015 12:45  
**To:** Martyn Kemp; Burke, Barbara  
**Cc:** Joan Barnett; Giles Pugh  
**Subject:** RE: Claim for a public footpath through Urchfont school  
**Attachments:** Urchfont School Plan 20150202.pdf

Martyn,

Plan showing our title to the north of the school hatched red and the school's title coloured yellow attached.

Best regards,

John

---

**From:** Martyn Kemp [<mailto:Martyn.Kemp@salisbury.anglican.org>]  
**Sent:** 02 February 2015 11:52  
**To:** Burke, Barbara  
: Joan Barnett; Giles Pugh; Price, John  
**Subject:** Claim for a public footpath through Urchfont school

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I have received your letter dated 26<sup>th</sup> January 2015 regarding the Urchfont Parish Council's claim for there to be a public footpath through the grounds of the Urchfont CE VC primary school grounds, which you claim is on user evidence.

I am sorry to say that your user evidence is flawed as there has not been and will not be unrestricted access across the school grounds that are owned by the Salisbury Diocesan Board of education for many years. As you can appreciate there is a safeguarding issue of having the public walking without restriction on a primary school's grounds and although the school might allow access across its campus out of school hours the path is locked shut with during all school term times.

This matter has been discussed between you and the school on a number of occasions before and their and our stance has not changed. There can be no unrestricted right of public access across the school's grounds while the school is on the site. We are currently in the process of issuing a CA16 notice that will confirm this – please see attached e-mails with this regard. As soon as John Price has issued me with the WC current ownership plans the CA16 notice will be formally lodged, in the meantime please can you take it as read that it will be in the very near future.

Many thanks for your understanding in this matter that has been causing the school and its governors considerable concern for their children's safety for some time now.

Best regards,

*Martyn*

**Martyn Kemp BSc MRICS**

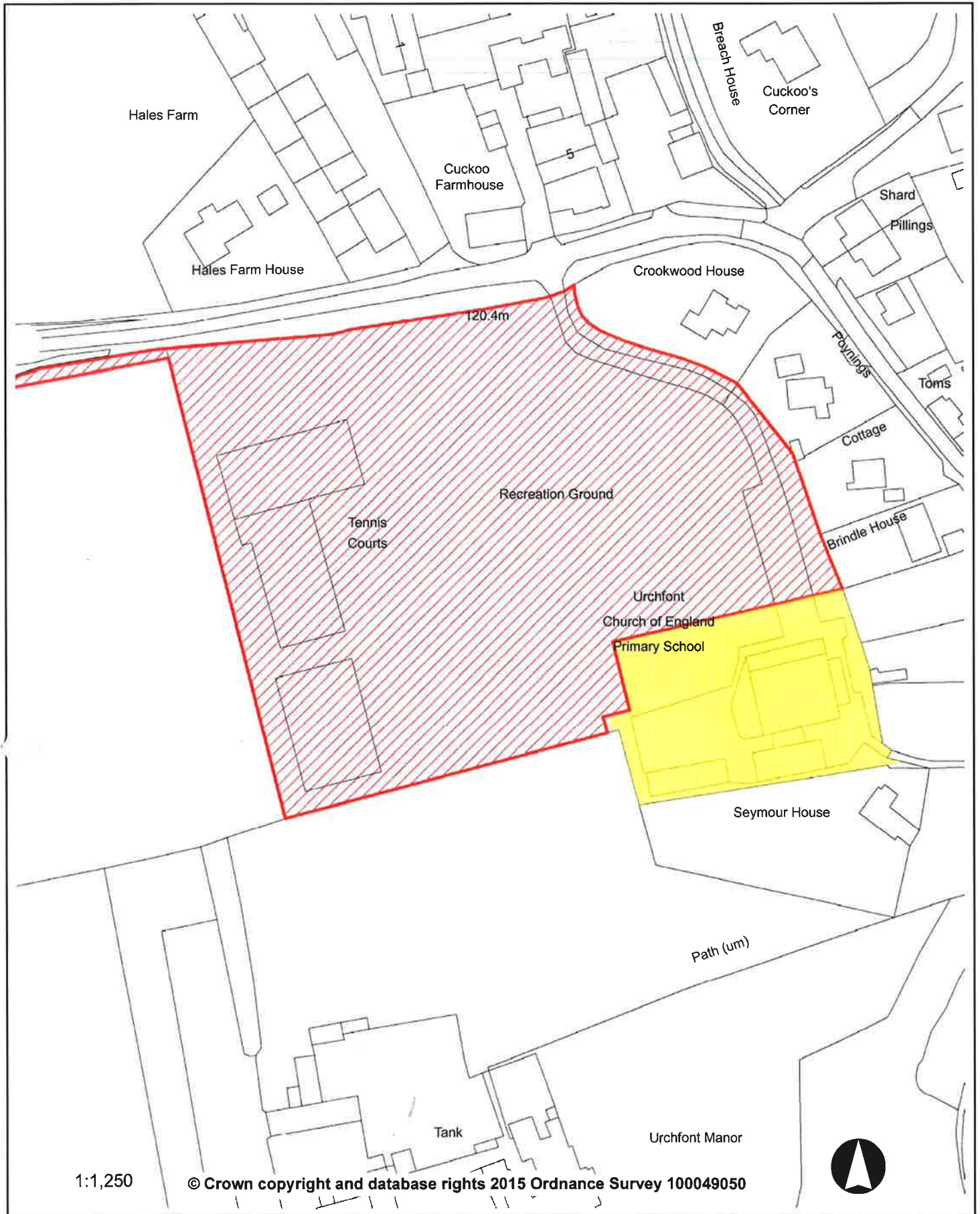
Buildings Manager

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# APPENDIX 3

## WILTSHIRE COUNCIL'S COMMENTS ON THE STATUTORY REPRESENTATIONS AND OBJECTIONS MADE TO THE MAKING OF THE WILTSHIRE COUNCIL (PARISH OF URCHFONT) PATH No 51 DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015

### REPRESENTATIONS

NAME	REPRESENTATION	COMMENT ON OBJECTION OR REPRESENTATION
Bradshaw J Mrs	Supports the making of the order. Known and used the path since childhood, that is over 30 years use both in and out of school hours. The path has always been used by members of the public.	No evidence has been given of the gates being locked across the path in the last 30 years or of signs or other challenges to public use being in place during that time.
Brockie Val and Keith Mr and Mrs	Support the making of the order. They have used the path since the school was built and the path provided. The gate was never locked nor seen a sign to say the path was for school access only.	No evidence has been given of the gates being locked across the path in years since the school was built until 2011 or of signs or other challenges to public use being in place during that time.
Giddings Sue and Tony Mr and Mrs	Supports the making of the order as the path has been well used by villagers for many years	Contradicts some evidence given by other correspondents
Hawkins R Mr	Fully supports the making of the order and has used the path since 1982 to access the village play area, the tennis court and village recreation field. Children attended the school from 1989-95 and was a parent governor. The path was never locked even during school opening hours until 2011. Signs only relate to school access and not to use of the path. Mentions matters relating to the safeguarding of	Contradicts some evidence given by other correspondents. Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.

	children at the school and the need for the path.	
Hawkins J Mr	Supports the making of the order and has used the path since 1985 to access the recreation ground, children's play equipment, tennis courts and Oakfrith Wood. Never found the access barred until 2011.	Contradicts some evidence given by other correspondents
Hickey G Mrs	In support of the making of the order and has used the path regularly with her family since 1982. Taught at the school from 1985 to 1995 and during this time there was free access for the villagers along the path to enable them to access the playing field and tennis courts. The bolt across the gate at the school was not to keep people out but was put in to keep pupils in and adults could easily open it.	Contradicts some evidence given by other correspondents
Hill Trevor and Gillian Mr and Mrs	In support of the making of the order. They have used the path as a family since 1987 both during and out of school hours to get to the recreation area and tennis courts and during that time their passage was never barred. They understood the bolt on the gate nearest the school was installed to prevent children going on to the road without adult supervision.	Contradicts some evidence given by other correspondents
Kinnaird D Mr	Strongly supports the making of the order. The path has been used by a large number of people for a long time until the path was blocked by the governing body. Believes	Contradicts some evidence given by other correspondents

Kinnaird E Mrs	the path can be diverted. Letter received in support of the order written by a child attending the school who states she has never felt threatened whilst at the school by use of the path.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Maidment J Mrs	Moved to the village in 1988 and began using the path to access the children's play area, recreation field, tennis courts and school without challenge. The path was the main and accepted route to these facilities at all times. Supports the making of the order. Certainly between May 1988 and July 1998 there were no signs prohibiting use of the path. The gate across the path was not closed in or out of school hours during this period.	Contradicts some evidence given by other correspondents
Millanes C Mrs	Supports the making of the order. Has lived in the village for 36 years [1979-2015] and during that time has always used the path with the family to access the playing field without challenge. Raises the need for the path on safety grounds. Doesn't believe that the path has created a safeguarding problem for the school.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Newell P Mr	Supports the making of the order. Has lived in the village with his family since 1971 and during that time they have used the path regularly to access the recreation ground and Oakfrith Wood. Their access was unimpeded until early 2000s	Contradicts some evidence given by other correspondents
Pendry Robert Mr	Supports the making of the order to re-	Matters relating to the safeguarding of



	<p>establish a 'long standing right of way' which he has known and used for 25 years to access the playing field. Does mention that fears connected with the safety of the children at the school can be addressed by fencing off the path</p> <p>Supports the making of the order to re-establish a 'long standing right of way' which he has known and used for 25 years to access the playing field. Does mention that fears connected with the safety of the children at the school can be addressed by fencing off the path</p> <p>Supports the making of the order States the path has been used by the general public for as long as she can remember, she was a pupil at the school from 1982-89. Used the path to access the recreation ground and the school. The alternative route via Cuckoo Corner is too dangerous.</p> <p>Supports the making of the order Has Contradicts some evidence given by other correspondents lived in the village for 42 years and has used the path on her own and with her children without challenge.</p> <p>Supports the making of the order, regards the path as being well established and believes objections to it being recorded as a public right of way on safeguarding grounds are irrelevant.</p>	<p>children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.</p> <p>Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.</p> <p>Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.</p> <p>Contradicts some evidence given by other correspondents</p> <p>Contradicts some evidence given by other correspondents</p> <p>Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other</p>
Pendry Rosamund Mrs		
Smith C Miss		
Smith S Mrs		
Smith M Mr		



Steadman J Mr	In support of the order because it seeks to preserve the established use of the path. Raised matters of safeguarding and need.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents
Steadman Jane Mrs	In support of the order because it seeks to preserve the established use of the path. Raised matters of safeguarding and need	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents
Thomas R Mr	Supports the making of the order. The gate nearest the school has only been in place since about 1991 and was mostly open at the time but the catch was easily openable by an adult. Mentioned the need for the path to avoid the safety issues of Cuckoo Corner.	Contradicts some evidence given by other correspondents
Urchfont Parish Council	Supports the making of the order but would like to work with interested parties to establish a compromise route.	Determining applications to record public rights of way must be undertaken by reference to the available relevant evidence.
Wheatley P Mr	Supports the making of the order and believes the path ought to be retained on safety grounds albeit with a slightly amended route	Matters relating to the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Whitehead Colin Mr	Supports the making of the order. Has lived in the village for 16 years and has	Contradicts some evidence given by other correspondents. Matters relating to the

	used the path without restriction during that time. Raised the issue about the safety of the alternative route.	safety of alternative routes and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Whitehead Marion Mrs	Supports the making of the order. The path is a valuable community asset which she used regularly with her grandchildren before the gate was locked.	Matters relating to the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
<b>OBJECTIONS</b>		
<b>NAME</b>	<b>THE OBJECTION</b>	<b>COMMENT ON THE OBJECTION</b>
Antrobus Ann Ms	Taught at the school from 2004-2015. Not aware of any intention to dedicate a permanent right of way through the school grounds. Path was gated and later the gate was locked. Villagers allowed access outside school hours. Children need to be safeguarded.	Intention not to dedicate has to be clearly demonstrated to the public. Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds.
Assirati W Mrs	Worked at the school from 2005-2013. Public permitted to use the path outside school hours. Gate locked about 2010. Children need to be safeguarded.	Acknowledged the gate was not locked until 2010. Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds.
Atkins R Mrs	Worked at the school since 2013. A gate across the claimed path near the school was locked during that time. Informed by the school it was not public right of way. Signs indicate unauthorised access was prohibited.	It is known that a mechanical lock and interroom were fixed to the gate across the claimed path in 2011.
Bailey B Mrs	Lived in Urchfont since 1972. School	Contradicts other evidence provided by

	governor from 1981 to 2009 and during that time always understood the pathway was a pedestrian access to the school. Gates across the path have been kept locked both during and out of school hours.	other correspondents about the locking of the gate.
Bailey P Mr	Lived in Urchfont since 1974, school governor from 1984-98 and on the playing field committee from 1980-1998. Always had a clear understanding the pathway was not a right of way. Believes the gate across the path was locked up to 1994.	Contradicts other evidence provided by other correspondents about the locking of the gate.
Bancroft P Mr	Current school governor. Mechanical lock installed in October 2011 however either earlier that month or in the September he was challenged by a teacher whilst in the school grounds.	The challenge did not happen on the claimed path.
Barber J Ms	Taught at the school from 2003-2006 and understood the path to be a private path to the school. Gate near the school padlocked in school holidays and signs indicating unauthorised access was prohibited. Understood anyone using the claimed path would have been challenged.	Contradicts other evidence provided by other correspondents about the locking of the gate.
Barclay M Mrs	School staff member 2004-2006 and it was her duty to close the gate [with a sliding catch] near the school during school hours. Public footpath is contrary to children's safety.	She did not lock the gate.
Barnett J Mrs	Associated with the school from 1986 to date. Gate nearest the school was	Contradicts other evidence provided by other correspondents about the locking of

		padlocked out of school hours until the late 1990s. Signs on path stating unauthorised access was prohibited. Mechanical lock installed in 2011. Permission sought by festival organisers for access to the path at weekends	the gate.
Barklem N Mr		Had clear understanding from 1974 to 1995 the claimed path was not a public right of way and believed this was the generally held view in the village	Contradicts other evidence provided by other correspondents.
Bishell R Mr		Known the path all his life and used it out of school hours, signs indicating not to use it during school hours. Raised children safeguarding issues.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. No mention of locked gates on the path when the school was closed.
O'Callaghan S Mr		Taught at the school from 2007 onwards and believes the path to be a path to the school. Raised matter of child safeguarding.	No information on what steps the school took to communicate to the public they had no right to use it. Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds.
Candy R Mrs		Lived in the village since 2010. Raised matter of child safeguarding.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds.
Carter R Mr		Raised matter of child safeguarding and need for the path	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public

			rights have been established through the school grounds and neither is need. Contradicts some evidence given by other correspondents.
Coke C Mrs	Involved with the school from 2006 and 2015. Gate installed in 2011 before this the gate had been padlocked. Understood it was not a public right of way but a school path.	Involved with the school from 2006 to 2011. Does not believe the public have had access during school hours to the playing field.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds
Coke A Mr			Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds
Coombs B Mrs		Raised child safeguarding issues	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds
Cooper D Mrs		Associated with the school since 1997 and has always believed the path to be a private path to the school.	Contradicts some evidence given by other correspondents.
Cooper G Miss		The path was locked since she has known the path, since 1988.	Contradicts some evidence given by other correspondents.
Cottle S Mr		Associated with the school since 2008 understand the path was private path to the school. Path was bolted closed during school hours.	Contradicts some evidence given by other correspondents.
Cowen L Mr		Concerned with child safeguarding issues. Can't remember the gate being padlocked but it was bolted and relatively new signs erected saying no access to the site during school hours.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds
Creasey S Mrs		Associated with the school since 2008	Contradicts some evidence given by other

	and understand the path was private path to the school. Gate nearest the school was bolted but now locked	correspondents.
Creasy-Cottle K Mrs	Associated with the school since 2008 and understand the path was for school access only. Never walked the path for recreation during school hours. Gate nearest school bolted during school hours and sign saying access is for school only	Contradicts some evidence given by other correspondents.
Davies D Mr	Associated with the school since 2012 and understand the path is private path to the school. Raised child safeguarding issues.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. There is undisputed evidence a gate across the path has been locked since 2011.
Davies S Mrs	Associated with the school since 2012 and understand the path is private path to the school. Raised child safeguarding issues.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. There is undisputed evidence a gate across the path has been locked since 2011.
Davies M Mr	Attended the school from 1989-1996 and understand the path is private path to the school. Gate near the school bolted and signs saying unauthorised access prohibited. Raised safeguarding issues.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. Contradicts some evidence given by other correspondents.
Devon R Mrs	Associated with the school since 2013. A gate across the path is locked during school hours and signs indicating	There is undisputed evidence a gate across the path has been locked since 2011.

Ellis R and W Mr and Mrs	<p>unauthorised access is prohibited.</p> <p>Known the path from 1986. Gate at the top of the path from the Top Green was locked out of school hours up to 1997 at the earliest.</p>	Contradicts some evidence given by other correspondents.
Everson L Mrs	<p>Associated with the school since 2008. Gate across the path locked in 2011. Raises safety issues and child safeguarding issues. Public can only use the playing field out of school hours.</p>	<p>Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. There is undisputed evidence a gate across the path has been locked since 2011. When the public is permitted to use the playing field is not a consideration to be taken into account in establishing whether the public have established a right to use the order route.</p>
Everson P Mr	<p>Associated with the school since 2008. Gate across the path locked in 2011. Raises safety issues and child safeguarding issues. Public can only use the playing field out of school hours.</p>	<p>Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. There is undisputed evidence a gate across the path has been locked since 2011. When the public is permitted to use the playing field is not a consideration to be taken into account in establishing whether the public have established a right to use the order route.</p>
Fowler S Mr	<p>Lived in the village since 2015. Raised child safeguarding issues.</p>	<p>Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds.</p>

Fowler D Mrs	Son attended the school in 1997 and understand the path is private path to the school. Gate by school bolted and signs prohibiting unauthorised access. Raised child safeguarding issues.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. Contradicts some evidence given by other correspondents.
Fowler R Mr	Son attended the school in 1997 and understand the path is private path to the school. Gate by school bolted and signs prohibiting unauthorised access. Raised child safeguarding issues.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. Contradicts some evidence given by other correspondents.
Francis S Mrs	Associated with the school since 1993 understand the path is private path to the school. Gate near school bolted during school hours and signs prohibiting unauthorised access. Raised child safeguarding issues.	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds. Contradicts some evidence given by other correspondents.
Frankel P Mrs	Associated with the school since 2002 understand the path is private path to the school.gate near the school was bolted but left unbolted when the school was closed to allow public access to the playing field. Raised child safeguarding issues	Contradicts some evidence given by other correspondents.
Greenstreet E Mrs	Raised child safeguarding issues	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public rights have been established through the school grounds.
Grieves E Mrs	Worked at the school since 2008 and from her knowledge the gate near the school had been secured during the school day	Safeguarding children at the school is not a matter that can be taken into consideration in determining what public



	from that time. Never asked by a member of public for permission to go through the gate. Has challenged members of the public in the school grounds during school hours. Raised issue of child safety.	rights have been established through the school grounds. Contradicts some evidence given by other correspondents.
Halliday M Mrs	Lived in the village since 1992 and have always understood the path to be a private path to the school	Contradicts some evidence given by other correspondents.
Harris E Mrs	Has used the playing field for 40 years and does not believe there is a public right of way through the school grounds	Contradicts some evidence given by other correspondents.
Holloway M Mr	Objects to the order on safeguarding children grounds.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Holloway R Mrs	Objects to the order on safeguarding children grounds.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Holton J Mrs	Objects to the order on the grounds that it has never been a public right of way. Was Head teacher at the school from 2002-2009 during which time the gate near the school was bolted and there were signs saying unauthorised entrance to the school was prohibited.	Contradicts some evidence given by other correspondents.
House H Ms	Object to the order. Staff member at the school since 1998 and always understood the path to be a private access to the school and not a public right of way. The	Contradicts some evidence given by other correspondents.

	gate near the school was bolted during the school day and signs were in place saying the access was to the school only	
Iles L Miss	Lived in Urchfont since 2014. Signs on the path indicating it cannot be used during the school day. Never seen anyone on the path outside school hours. Raised safeguarding issues.	Contradicts some evidence given by other correspondents.
James E Ms	Worked at the school from 2008. Objects to the order. Always had a clear understanding the path was not a public right of way but a private path to the school. Gate by the school was bolted and people in the school grounds were challenged.	Contradicts some evidence given by other correspondents. Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Jennings C Mrs	Object to the order as the path has never been a public right of way. Deputy Head teacher from 1984-1989 and had clear understanding the path wasn't a public right of way. The gate by the school was bolted during school hours and padlocked during the holidays	Contradicts some evidence given by other correspondents.
Keay C and K Mr and Mrs	Associated with the school since 2012 and object to the order as the path has never been a public right of way.	There is undisputed evidence a gate across the path has been locked since 2011.
King C Mr	Lived in the village since 2010 and always understood the path to be a private path to the school not a public right of way. Raised issues of safety and safeguarding children at the school.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Leckie S Mrs	Object to the order as the path has never been a public right of way. Associated	Contradicts some evidence given by other correspondents.

	with the school from 2004-2011 and understood the path was for school use only. The gate nearest the school was bolted during school hours and there were signs prohibiting unauthorised access.	
Leckie M Mr	Object to the order as the path has never been a public right of way. Associated with the school from 2004-2011 and understood the path was for school use only. The gate nearest the school was bolted during school hours and there were signs prohibiting unauthorised access.	Contradicts some evidence given by other correspondents.
Lee S Mrs	Associated with the school from 2002-2012. Object to the order as the path has never been a public right of way. Have always had a clear understanding that the path was for access to the school and pre school during the school day. The gate by the school was bolted during school hours and parents were asked to bolt the gate after themselves. Signs indicated unauthorised access was prohibited. Raised issues of safeguarding for children.	Contradicts some evidence given by other correspondents. Matters relating to the safeguarding of children at the school are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Lee R Mr	Moved into the village in 1999 and used the recreation field and the play equipment there most weekends with their children and during the time from 2001-2012 whilst many of us used the path outside school hours he did not believe it to be a public right of way. The school made it clear it was a private path by	Contradicts some evidence given by other correspondents. Matters relating to the safeguarding of children at the school are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.

	signage. Raised issues of child safeguarding.	
Lind R Mir	On the school governing body from 2010-2014 responsible for safeguarding children issues. Gate by the school was locked during this time. Raised safeguarding issues and need.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Lundy A Mrs	Always had a clear understanding the path was a private path to the school. Understood the gate nearest the school would be bolted during the school day. Sign stating access to the school and pre school during school hours. Understood people walking through the grounds would be challenged. Raised safeguarding of children issues.	Contradicts some evidence given by other correspondents. Matters relating to the safeguarding of children at the school are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.
Lyttle D Mir	Lived in the village since 2007 and believe from neighbours and actions by the school that there is no public right of way through the school grounds. Use of the path outside school hours is a concession.	Contradicts some evidence given by other correspondents.
Meloney G Mrs	Object to the order. Lived in the village since 1975 and had 3 young children who attended the school. Always thought the path was private	No information given as to why she thought this.
Marshall A Mrs	Object to the order. Associated with the school from 2004 to date. The gate near the school was bolted, signs on site saying no unauthorised access. Raised child safeguarding issues. Has tackled members of the public in the school	Contradicts some evidence given by other correspondents. Matters relating to the safeguarding of children at the school are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.

Muir F Mrs	grounds. Object to the order as it will compromise school use of the site and impact on the children's safety.	Matters relating to the safeguarding of children at the school are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents.
Murray M Ms	Object to the order. Associate with the school from January 1995 to August 1995 as Acting Head teacher and during this time always understood the path to be a private path to the school and not a public access to the playing field. Gate nearest the school was bolted during school hours and padlocked during school holidays	
Pike C Mrs	Objects to the order. Has taught at the school since 2001 since when the gate near the school has been locked and notices on site making it clear the path was only access to the school. Raised child safeguarding issues.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents.
Pilling K Mrs	Lives in Northumberland but her grandchildren and family have lived in the village since 2008. The gate by the school has always been bolted. Raised child safeguarding issues.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents.
Pottinger L Mird	Objects to the order. Known the path since 1996 and has worked at the school since 2001. Gate by the school closed with a bolt which adults could open but	Contradicts some evidence given by other correspondents.

	not children. Signs indicating path was for school access only. Never seen anyone using the path that wasn't connected with the school.	
Richards A Mr	Objects to the order because he has always had a clear understanding the pathway was not a right of way. Gates across the path were bolted during school hours and clear notices saying unauthorised access was prohibited. Mentioned safeguarding the school children.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents.
Roan A Mr	Object to the order. Has lived in the village since 2007. The gate near the school is locked during school hours and there are signs indicating unauthorised access is prohibited.	Contradicts some evidence given by other correspondents.
Roan R Mrs	Object to the order. Has lived in the village since 2007. The gate near the school is locked during school hours and there are signs indicating unauthorised access is prohibited. The school has permitted the public to walk through the school out of hours. Raised issues relating to child safeguarding.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents.
Rosenberg J Mrs	Objects to the order. Worked at the school since 2006. There has been no open access and the gate nearest the school has been locked during school hours and padlocked at weekends. Has challenged members of the public in the grounds. Raised child safeguarding issues.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents.

Smith H Miss	Objects to the order. Worked at the school from 2004 to 2010. Gate near the school bolted during school hours, signs indicating no access without permission.	Contradicts some evidence given by other correspondents.
Salisbury Diocesan Board of Education	Object to the order. There was always a clear understanding that the pathway from the Top Green to the school was not a right of way for the general public and was always a pedestrian access for parents and pupils to the school. Permission never granted to the public and the gate near the school was bolted during school hours. Notices on site indicating the path was only for access to the school during school hours.	Contradicts some evidence given by other correspondents.
Spencer G Mr	Objects to the order. The termination of the path is in the school garden. Raises safeguarding of children issues.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents.
Taylor B Mr	Objects to the order. Gate nearest the school was bolted during school hours from his knowledge from 1995-2007.	Contradicts some evidence given by other correspondents.
Templer M Ms	Objects to the order. From 2011-2015 the gate nearest the school is locked during school hours and signs indicating it was school access and unauthorised use was prohibited.	Contradicts some evidence given by other correspondents.
Underwood F Mr	Object to the order. Worked at the school since 1999. The gate nearest the school	Contradicts some evidence given by other correspondents.

	<p>was always locked during school hours. The gate was padlocked during school holidays when she first began working at the school. Signs indicated no unauthorised access. Challenged people in the grounds.</p> <p>The principal use of the path by the public has been by virtue of licence or invitation. The path has been regularly obstructed since 1974 by the locking and padlocking of gates. Use has been challenged. The user evidence in support of the order is unreliable</p>	
Urchfont C. E. Primary School		Contradicts some evidence given by other correspondents.
Urchfont C.E. Primary School Headteacher	<p>Worked at the school since 2011. Does not believe there ever has been a right of way for the public through the school grounds for 24 hours of the day 7 days a week. Some use has been with express permission. Was school policy to deny the public through access during school hours. Raised child safeguarding issues.</p>	<p>Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.</p> <p>Contradicts some evidence given by other correspondents.</p>
Urchfont C.E. Primary School Chair of Governors	<p>Grounds for objection not given</p>	Grounds to object need to be given
Urchfont pre school CIO	<p>Object to the order as the path has never been a public right of way. The pre school has always had a clear understanding that the path was for access to the school and pre school during the school day. The gate by the school was bolted during school hours and parents were asked to bolt the gate after themselves. Signs indicated unauthorised access was</p>	<p>Contradicts some evidence given by other correspondents. Matters relating to the safeguarding of children at the school are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981.</p>



	prohibited. Raised issues of safeguarding for children.	
Watson J Mr	Objects to the order. Has lived in the village since 2010 and has never used the order route. Raised child safeguarding issues.	Matters relating to the safeguarding of children at the school and the need for a path are not considerations that can be taken into account under section 53 of the Wildlife and Countryside Act 1981. Contradicts some evidence given by other correspondents.
Watson A Mrs	Objects to the order. Has lived in the village since 2001 and was made aware by villagers that the order route was only access to the school.	Contradicts some evidence given by other correspondents.

1. When Wiltshire Council made The Wiltshire Council (Parish of Urchfont) Path No 51 Definitive Map and Statement Modification Order 2015 the council considered that the public enjoyment of the route has raised the presumption that the way has been dedicated as a public footpath on the balance of probabilities. Since the making and advertising of the order, the council has received objections to its making and representations in support of the order. The council does not believe the objections have raised any further evidence to negative the presumed dedication of the footpath on the legal test of on the "balance of probabilities."
2. There is a conflict between the witness evidence submitted in support of the order, the representations made in support of the order during the statutory objection period and the objectors to the order. In R v Secretary of State for the Environment ex parte Bagshaw and Norton [1994] 68 P&CR Justice Owen held that:  

"In a case where the evidence from witnesses as to user is conflicting if the right would be shown to exist by reasonably accepting one side and reasonably rejecting the other on paper, it would be reasonable to allege that such a right subsisted. The reasonableness of that rejection may be confirmed or destroyed by seeing witnesses at the inquiry."

The council considers the conflict in the evidence requires the relevant evidence to be tested under cross examination at a Public Inquiry.

Urchfont  
Devizes  
SN10 4SH

Your Ref: BB/2014/01

30 October 2015

Ms Barbara Burke  
Rights of Way  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

Dear Ms Burke

**Re: Application to add a footpath to the definitive map & statement in Urchfont**

I have seen the Order proposing a footpath following a route from Blackboard Lane at Top Green, Urchfont, through the grounds of Urchfont School to the playing fields, and would like to support this footpath order.

I have not completed a 'User Evidence Form' in the past, but can confirm that I regularly used this footpath when grandchildren came to visit and we went to the play equipment in the playing fields. Since the gate was locked and the path closed, I now have to take my young grandchildren round Cuckoo Corner to get to the playing fields.

There is no safe access to the playing fields any more, or to the new track that leads to Oakfrith Wood. Cuckoo Corner is a dangerous corner, being a sharp bend with no pavements and at a junction with farm traffic.

I feel the Right of Way was a valuable community asset and it was closed without any public consultation and without the provision of a safe alternative. I would however suggest that the proposed path should run along the rear boundary of the houses at Top Green and then on to the school driveway.

Yours sincerely

Marion Whitehead (Mrs)

Burke, Barbara

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**From:** Marion Whitehead <[REDACTED]>  
**Sent:** 30 October 2015 16:49  
**To:** Burke, Barbara  
**Subject:** Proposed new Rights of Way Order  
**Attachments:** Footpath.doc

Dear Ms Burke

I attach a letter regarding the proposed new Rights of Way in Urchfont.

Regards, Marion Whitehead



Ms Barbara Burke  
Rights of Way  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

19-11-15

Dear Ms Burke,

**Re: BB/2014/01 - Application to add a footpath to the definitive map and statement in Urchfont**

I was unaware of the opportunity to complete a "User Evidence Form" in the past but write to support the proposed Order for a footpath from Blackboard Lane through the grounds of Urchfont School to the village playing field.

Having lived here for the past sixteen years and previously used this path without restriction, I was confused - quite some time ago - when the gate started being locked. Following the sale of Urchfont Manor, my route to the playing field and now, the new track to Oakfrith Wood, has to be via Cuckoo Corner and Crookwood Lane. I am sure you are aware this narrow road, without pavements and running past a farm entrance, is heavily used by today's massive tractors which are usually towing trailers or other agricultural equipment. The road also carries many ordinary vehicles whose speed into the village is only reduced by a right angle bend since the 30 mph limit sign, just a few yards away, has little effect. I work with the village's Community Speed Watch team and so tend to take greater notice of traffic movement. Unfortunately, the proposed 20 mph limit for the village will be treated - by many drivers - with the same disdain as the current 30 and 40 mph limits. Walking the Cuckoo Corner / Crookwood Lane route is not a care-free experience, especially with a dog and / or our grandchildren.

In Redhorn News, the school has stated access will be denied "only from 9.15 am to 3.00 pm" and on "52% of the days of the year". For those who had enjoyed unrestricted access, 100% of the days in a year, I would suggest this "only" amounts to a virtual block on established use, particularly now when daylight hours are much fewer.

People need a safer way of reaching the playing field and Oakfrith. At this time and given its past history, the proposed path is the most practical option.

Yours sincerely,


Colin Whitehead

**Additional Footpath Urchfont 51**

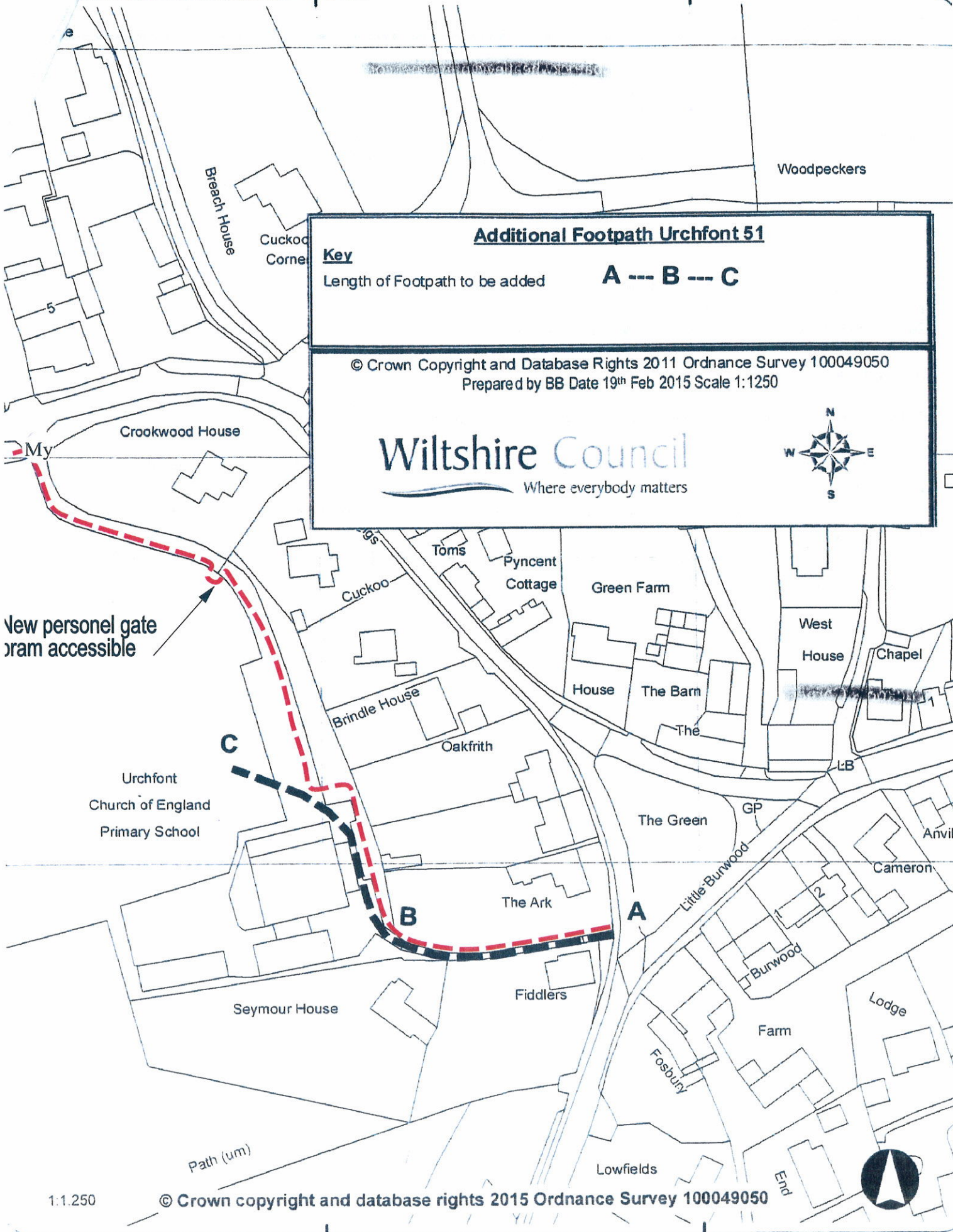
**Key**  
Length of Footpath to be added      **A --- B --- C**

© Crown Copyright and Database Rights 2011 Ordnance Survey 100049050  
Prepared by BB Date 19<sup>th</sup> Feb 2015 Scale 1:1250

**Wiltshire Council**  
Where everybody matters



New personnel gate  
gram accessible

**Burke, Barbara**

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**From:** Patrick [REDACTED] >  
**Sent:** 26 October 2015 17:57  
**To:** Burke, Barbara  
**Subject:** Fw: Urchfont School - Right of Way to Playing Filed  
**Attachments:** Urchfont School-ROW PW's suggestion.pdf

**From:** Patrick  
**Sent:** Monday, October 26, 2015 5:41 PM  
**To:** [barbera.burke@wiltshire.gov.uk](mailto:barbera.burke@wiltshire.gov.uk)  
**Subject:** Urchfont School - Right of Way to Playing Filed

Good afternoon Mrs Burke

further to your letter and my earlier comment I wish to comment further.

My eldest son attended Urchfont School from 1982 and from that time I used the access from the top Green and it was never shut.

This right of way should be maintained as it gives safe access to the playing fields at all times avoiding the dangerous Cuckoo Corner.


I have attached your plan annotated to show how I think the ROW should run avoiding the part of the playing field used by pupils in school time.

best regards

Patrick Wheatley

[REDACTED]  
Cuckoo Corner  
Urchfont



  
Church Lane  
Urchfont  
SN10 4QT

24/11/15

Ms B Burke,  
Rights of Way, Waste and Environment  
Wiltshire County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Ms Burke,


I wish to object to the Order that has been made for a Public Right of Way through Urchfont Primary School. I have lived in the village since 2001 and in that time it was made clear to me by existing villagers that the alley way from the Top Green was for children to access the school and was not a right of way. I always used the permissive path through The Manor or walked round Cuckoo Corner and as far as I was aware so did other people.

When I later became a governor of the school and was required to visit the school on business I did use the alley way but was required to press the buzzer for access as the gate was locked and could only be opened by the school office staff. When I left the school it was necessary for the office staff to let me out as the gate was locked automatically once I had entered the school grounds.

It never entered my mind that this would be anything other than an access to the school as the path ends in the school yard and you are obviously on school premises. Indeed there have been occasions when I used the path on school business and once through the gate I was aware that there were children using the immediate outside space for their lessons.

Yours sincerely

  
Anya Watson

  
Church Lane  
Urchfont  
SN10 4QT

24/11/15

Ms B Burke,  
Rights of Way, Waste and Environment  
Wiltshire County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Ms Burke,

I wish to object to the Order that has been made for a Public Right of Way through Urchfont Primary School. I have lived in the village since November 2010 and since then I have never used the passageway to the school as I believed that this was for the sole use of children having access to the school. I was under the distinct impression from other people who lived in the village that this was not a right of way and that they used the permissive path through the grounds of the Manor or walked on the road around Cuckoo Corner, which is always the way I have walked to Oakfrith wood.

I would feel distinctly uncomfortable having access through school grounds when children were outside and clearly there would be safeguarding issues should any members of the public have regular access through the school grounds.

Yours sincerely,



John Watson

16<sup>th</sup> November 2015

Barbara Burke,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JD

Dear Barbara,

**Reference Urchfont School Public Right of Way – Ref 2014/01**

The Urchfont Parish Council would like to formally support the principle of the PROW Order ref 2014/01, but give notice that:-

We would seek to have part of this PROW extinguished (between points B and C) in favour of an alternative route around the edge of the school grounds that would meet up with the path to Oakfrith Wood. We believe that this would still meet the requirements of the PROW by giving full access to the playing fields, but via the safest route. We feel that such a route would be a significant asset to the village and, most importantly, provide a safe route between our Top Green and Oakfrith Wood during all hours.

The UPC would like to stress our main objective: to work together with all parties to develop an alternative proposal which:

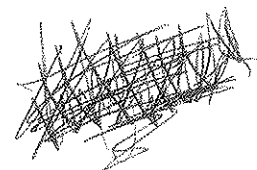
1. meets the requirements of the PROW but via a route acceptable to all parties,
2. follows the School Boundary line and does not end in the middle of School property,
3. has minimal impact on the space currently available for School use,
4. does not compromise school safety and could potentially improve on the current position,
5. meets all statutory requirements.

The working party hope to come up with an alternative route that will be acceptable to all parties should the PROW be confirmed. The UPC will then also seek approval from the residents of Urchfont by means of a public meeting prior to formal submission, and prior to any future public enquiry.

Yours sincerely,



David Mottram  
Chairman  
Urchfont Parish Council



Bill Donald  
Vice-Chairman  
Urchfont Parish Council

[REDACTED]

Devizes  
SN10 1PJ  
17th November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I have been employed by the school from 1999 as a teacher to present date.

My recollection from 1999 is that the gate at the school end of the path had a bolt at the top on the school side. During the school day this bolt was always locked. I recall times when we would walk the children to Church etc and a member of staff, me included, would put their hand over the top of the gate on exit and on return to school to secure the site. On one occasion, I witnessed through my classroom window, a parent (with some difficulty as the gate is approx 5 ½ ft high) climbing over the gate which was bolted at the time. When I first came to the school I recall that the gate was padlocked by the headteacher during holidays.

There were signs at both ends of the path which indicated that this was the entrance to the school and no unauthorised access. Also on the playing field and playground. I remember one year the signs were vandalised and removed and the school office had to order new ones.

During the school day teachers including myself would challenge any person who was not on school business and ask them to leave the school grounds. This was not a regular occurrence because I believe that the Urchfont Community understand that the school path and grounds are not a public right of way.

yours sincerely,



Fiona Underwood (Mrs)



## Urchfont C. E. Primary School

Cuckoo Corner, Urchfont, Devizes, Wiltshire, SN10 4RA

Tel: 01380 840793

Email: [admin@urchfont.wilts.sch.uk](mailto:admin@urchfont.wilts.sch.uk)

14<sup>th</sup> October 2015

Barbara Burke  
Definitive Map and Highway Records Team Leader  
Waste and Environment  
Wiltshire Council, County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA 14 8JN

Dear Madam,

### **Application to add a footpath to the definitive map and statement in Urchfont**

Your reference: BB/2014/01 dated \*th October 2015

I confirm receipt of your letter at reference, and attachments, which advises of your conclusion to issue an order to add a public right of way through the grounds of Urchfont Primary School. The board of governors wishes to advise you that, having taken specialist advice, it is our considered opinion that legitimate grounds exist to raise objections to the order and it is our firm intention to do so by 30<sup>th</sup> November.

Yours faithfully

Anya Watson  
Chair of Governors  
Urchfont Cof E Primary School

RA7-1

PLAYGROUNDS / FIELDS / CAR PARKS  
**RISK ASSESSMENT RECORD**

RA0

This form is to be used in conjunction with any of the Preliminary Risk Assessment Forms RA2 - 7

Issue: Unauthorized entry / access compromising safety

Location:

What measures are currently in place to reduce the likelihood of harm occurring?

See RA2-1

- Also all adults on duty at playtime or lunchtime should challenge any unauthorised person on the site.
- CCTV in operation and security lighting at night.

Do you assess these measures as being adequate?    Yes  No

Your Name: T. Bolton Date: 3/05

If 'No', what additional measures are necessary?

Action	By Whom	By When
<u>See RA2-1</u>		

- If a key is lost it should be reported immediately to allow the locks to be changed and keys re-issued.
- A key audit should be performed annually.

**Unauthorised use of school facilities**

- Signs will be placed indicating that the play equipment and the playground are not to be used outside of school hours.
- CCTV will be used to collect evidence of unauthorised use of school premises, and signs that it is in use should be displayed.

**Date for review**

January 2006

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## Site Security & Visitor Control

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**STATEMENT OF INTENT**

- This procedure acts as a supplement to the "Security Procedures" section of the "Health and Safety Manual for Schools".
- It should be read and acted upon in conjunction with the Health and Safety Manual.

**Visitors**

- Gates will be kept closed
- All visitors will be directed towards the main door and reception by the use of signs at all possible entrances to school grounds
- All Authorised Visitors will be issued with a badge by reception staff
- All members of staff should be instructed to challenge anyone encountered on school premises whom they do not recognise as a legitimate visitor. Such people should be required to produce evidence of their identity and account for their presence. If they are unable to do so satisfactorily, they should be escorted to the Reception Area or to the Headteacher, where the purpose of their visit may be confirmed. If the latter course is chosen, the reason for it should be clearly explained - legitimate visitors should not mind.
- Under no circumstances should visitors be permitted to remove items of property or the property of staff, unless the person witnessing the event has personal knowledge of the visitors' identity and their authority to do so. Walk-in thieves, sometimes under the guise of 'equipment repair personnel' can be extremely plausible in manner and appearance, and staff need to be aware of the dangers.

**Cash Handling**

- All cash will be stored within a safe.

**Valuable Property**

- All valuable property will be marked both visibly and invisibly to aid recovery should it be stolen.

**Personal Property**

- All personal property will be locked in the staff room

**Key Control**

- A log of all permanent and temporarily issued keys will be kept in the school office.



From: Robert Pendry [mailto:~~robert.pendry@wiltswilts.sch.uk~~]  
 Date: 13/01/2015 17:24  
 Subject: School path

Dear Carol,

I am writing to confirm that the Scarecrow Festival would like once again to use the school access path over the Scarecrow Festival weekend. I know it is usually unlocked over the weekend anyway, but I want to be sure!

As in previous years, we hope to use Geoff Potter's field for car parking, so people will be directed around the playing field, up the school driveway and out to the Green via the school pathway. This reduces the risk of pedestrians walking in the road, especially around Cuckoo Corner.

Best wishes,

Robert Pendry

From examination of the high, six foot gate that bars the path as it crosses into the school grounds, it can be clearly seen that the bolt has been in place and used for many years. In addition, signs erected on entry to the school path from the top green stating that the path was for pedestrian access only. It has never been possible to overcome the gate without some considerable use of force. The only way to overcome the locked gate was to either scrabble over it or deliberately unbolt the bolt on the school side of the gate that was not visible to the general public who walked down the school path. No-one other than school staff had permission to unbolt the gate. Therefore access was by scrabbling over or acting without permission and with considerable force by unlocking the unseen bolt.

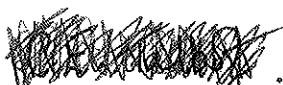
As head teacher, my justified concerns on this order extend beyond the points made above and include loss of limited outside learning space and fire evacuation points being drastically reduced. However, I feel it should be noted that OFSTED in their report "Inspecting Safeguarding in Early Years, education and skills settings" - August 2015 -pg 7 state that "Safeguarding is not just about protecting children, learners and vulnerable adults from deliberate harm, neglect and failure to act. It relates to broader aspects of care and education, including; children's and learner's health and safety and well –being" and that "appropriate arrangements to ensure children's and learner's security, taking into account the local context." It is stated that "The signs of successful safeguarding arrangements - include Children and learners are protected and feel safe".

On page 11 - "Inspectors will want to consider evidence that:

- leaders, governors and supervisory bodies(where appropriate) fulfil legislative requirements, such as those for disability, safeguarding, and health and safety
- appropriate arrangements are made with regards to health and safety to protect staff and learners from harm
- the setting's premises provide a safe learning environment with secure access."

I would like Wiltshire County Council who as the Local Authority are the supervisory body of this school to consider if this order is allowed to proceed, whether they are fulfilling legislative requirements for safeguarding, protecting from harm and the health and safety of 117 pupils and 15 staff who currently attend or work at Urchfont CE Primary school. These pupils and staff have the right to a safe learning environment with a secure access. If this order is allowed to proceed and the general public given the right to enter the gate along the school path accessed from the Top Green at any time, then a safe learning environment with a secure access will be declined to them which is a right that all who learn or work at Urchfont should be allowed.

Yours faithfully,



Mrs C. E Talbot  
(Head Teacher)

CC – Ms Claire Perry, MP  
Dave Clarke – Head of School Effectiveness  
Clare Medland – Head of School Place Commissioning  
Nicola Bennett – Safeguarding  
Clara Davies – School Place Planning





## Urchfont C. E. Primary School

Cuckoo Corner, Urchfont, Devizes, Wiltshire, SN10 4RA

Tel: 01380 840793

Email: [admin@urchfont.wilts.sch.uk](mailto:admin@urchfont.wilts.sch.uk)

10<sup>th</sup> November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

Thank you for your letter dated 8<sup>th</sup> October 2015 informing me as head teacher of Urchfont CE Primary School that an order should be made under section 53 of the Wildlife and Countryside Act 1981 to add the claimed path to the definitive map.

I object to this order and state that it is my belief that there is not and never has been a right of way on the claimed path through the school grounds for the general public to use for twenty-four hours per day, seven days each week.

I have been head teacher of the school since 1<sup>st</sup> September 2011. During that time, I have received requests to use the school path from the local community such as the annual request from the chairman of the local Scarecrow committee. I have attached an email from Robert Pendry- appendix 1, chair of that committee and a representative of the local community, where he clearly states "that the Scarecrow Festival would like once again to use the school access path over the Scarecrow Festival weekend" and "As in previous years, we hope to use Geoff Potter's field for car parking, so people will be directed around the playing field, up the school driveway and out to the Green via the school pathway". This clearly demonstrates that the local community accepted that the school path was not seen as a right of way for the general public but could only be used at the permission of the school and subsequently by writing asking for permission was not considered a simple courtesy act.

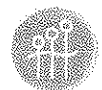
Along with previous head teachers, I have worked with the local community and for ease of access to the playing field after school, on weekends and school holidays have unlocked the gate which bars the general public access along the path from the top green in the village to the school during the school day. From school policies updated in March 2005 – appendix 2 – and risk assessment March 2005 – appendix 3- it can be seen that the school had a clear policy that the general public could not access or walk through any part of the school grounds without having the need to attend to the school on school business. Both appendices clearly state that "gates will be kept closed" and that "all members of staff should be instructed to challenge anyone encountered on school premises whom they do not recognize as a legitimate visitor." This policy was acted upon as members of staff, who have been employed at the school for up to 16 years – 1999, have reported to me the occasions when they were called upon to challenge a member of the general public who had entered the school grounds, ask their business and escort them from the school grounds if appropriate. Clearly, reinforcing that a right of passage for the general public was not available and that access was at the permission of the school.



Eco-Schools  
Silver Award



Page 159



International  
School Award  
NCE Approved

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

~~Small Street~~  
Small Street  
Chirton  
Devizes SN10 3QR

17th November, 2015

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I have been associated with the school from 2001 as a Teaching Assistant .

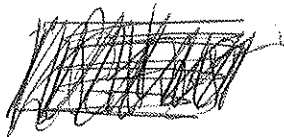
My niece and nephew attended the school from 1996 to 2003. During that time I often brought them to school and picked them up at the end of the school day when my sister was working. I would park on Backboard lane and walk down the school path to the back of the school. It was my clear understanding that this was not a path for the general public but a private path for pupils and staff entering the school.

There was always a high gate at the school end of the path which had a bolt at the top on the school side during school hours . Parents would occasionally arrive late or to collect a child and knowing that the gate was locked and where the bolt was and if they were tall enough, would reach over and unbolt the gate to get into the school grounds. They would be followed out of the school by a member of staff as they left, who would then lock the gate again as they passed through.

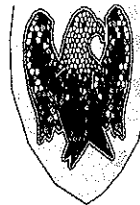
On the gates there are signs saying that it is school access only ,

As a member of staff I have always been aware of the school policy regarding strangers on the school grounds and I would walk up to them and ask them if I could help them. I would then ask them to leave and escort them off the premises. However, in my experience of working at the school over 14 years this has not been a problem which I have had to deal with because I have never seen anyone who has not been connected with the school or pre school, or been visiting on school business.

yours sincerely,



Louise Pottinger (Mrs)



BEMERTON ST JOHN C.E.AIDED PRIMARY SCHOOL, LOWER ROAD, SALISBURY SP2 9NW

Tel: 01722 322848 Fax: 01722 502992 Email: admin@bemerton-st-john.wilts.sch.uk Website: www.bemerton.com  
Head Teacher: Mr Alun Richards • Deputy Head: Mrs Claire Pearce

Received 5-11-2015  
BB

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was associated with the school from September 2009 to August 2011 as Headteacher of Urchfont C of E Primary School. I have always had a **clear understanding** that the pathway from Top Green to the school was not a right of way for the general public and was always, a pedestrian access to the school for parents and pupils as stated by the Health and safety officers at the time, who visited the school twice.

There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours.

During the school day one **could not enter** through the gate unless on school business as to protect the safety of the pupils.

There were **clear notice(s)** that stated that the path was for access to the school only and unauthorised access was prohibited.

Anyone who entered the school grounds did so without the permission of the school and if seen would have been challenged by a member of staff.

I hope this letter can support the need to keep the access to the footpath for the use of the school in order to keep the children at the school safe at all times.

Yours sincerely,

Alun Richards  
Headteacher



Alan Roan

High Street  
Urchfont  
Devizes  
SN10 4QL

Ms Burke  
Rights of Way Waste and Environment  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire BA 14 8JN

Saturday 21<sup>st</sup> November 2015

Dear Ms Burke

**Objection to the Application to add a footpath to the map through Urchfont School Grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I am a parent of two pupils at Urchfont School and have lived in the village since 2007.

- The entire time I have lived in the village the gate from The Green to the School has always been locked during school hours always giving me the clear understanding it has never been a public right of way, but only for the use of pupils and parents.
- There have always been signs both at The Green entrance to the School and from the School driveway entrance stating that unauthorised access was forbidden so neither I nor anyone else could be under the impression that there was a public right of way through the School.
- Anyone who was not known to the School who unbolted the gate before the intercom system was installed could and would be challenged as I was once when I went through the School to visit the Pre-School and was not known to the School Staff before my children became pupils there.

Yours sincerely



Alan Roan

Ms Burke  
Rights of Way Waste and Environment  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire BA 14 8JN

Saturday 21<sup>st</sup> November 2015

Dear Ms Burke

### **Objection to the Application to add a footpath to the map through Urchfont School**

I am writing as a parent of two pupils at Urchfont School and as a resident of Urchfont Village since 2007, to object to the Order for the reason that the stated path has never been a Public Right of Way since I have lived in the village and, according to older members of the village and others who were previously involved in the School, **never has been**. Confusion seems to stem from the fact that the School has very generously allowed the Village to walk through the School out of School hours for their convenience which in my experience shows a lot of community spirit, a privilege which other schools do not often extend to their neighbours.

As I understand the facts are that roughly fifteen households, about 27 people in the village out of a total population of about 1200 have rather ungratefully sought to get this PROW granted for reasons of convenience rather than necessity. It will clearly have a negative impact on a great many more people than the PROW would benefit.

In my family's experience the School gates have always been locked during School hours and before the current intercom system installed in 2011 was in place, we were not made to feel welcome if we sought to cross through the School grounds during School hours and would be challenged by School Staff the few times we did.

I am not objecting on the grounds that this is a safeguarding issue concerning the village members who are seeking to have a Public Right of Way through the School. Indeed we are particularly lucky to live in a very safe village and part of the country. However, since these individuals may have had their own children at the school years ago, times have changed and it will be the enforced knock-on effect of this PROW, forced upon the School to meet Health and Safety and Safeguarding requirements that I am most worried about as they will have a very detrimental effect on the School.

To name only a few:

- It is likely that a fence would have to be built to separate the PROW from the School itself which would eat into the outside space in front of the Chaffinches and Owls classrooms, making it unusable. This will also negatively affect School pick up and drop off as the space may not be able to accommodate all the parents who use the Green entrance to the School.
- An oil tank may have to be moved and sited somewhere a lot more inconvenient for the School.

- The use of the playing fields may have to be curtailed. This is a major draw of the School, with many people choosing it for the comparatively large grassy area. It is a common misconception that the Playing Fields belong to the Parish Council whereas in fact it is owned by yourselves, Wiltshire Council with an agreement made in 2008 that it is for the use of the School in School hours and for that privilege the School pays an annual fee of £4,000 to maintain it. How they are going to carry on using it for team games and athletics and a myriad of other active pursuits with a PROW running through it and dog walkers is currently very unclear.

Whose responsibility will it be to pay for the expensive changes listed above that the School will be forced to carry out because of Health and Safety laws and Safeguarding laws?

I trust that Wiltshire Council will make the right decision in this case where at stake is the continued enjoyment and high calibre education of hundreds of primary school pupils. I am sure alternative and much less contentious PROW routes can be discussed and agreed upon with the right community spirit that Urchfont seems to excel in which will ultimately keep everyone happy.

Yours sincerely



Mrs Rosamund Roan



Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge  
Wiltshire  
BA14 8JN

Mrs Jane Rosenberg  
Teaching Assistant  
~~Urchfont School~~  
Littleton Panell  
Devizes  
Wiltshire  
SN10 4EW

20<sup>th</sup> November 2015

Dear Ms Burke,

**Re Objection to the application to add a footpath to the definitive map through Urchfont School grounds.**

I have been employed at Urchfont School from 2006 as a teaching assistant to the present date.

I am writing to object to the Order for a public right of way from the School Path to the School playing field. My Objection is based on the risk to the safety of our school children and the fact this access has not been a requirement for over 10 years.

As part of my role, I support children with Special Educational Needs (SENs). These children can be particularly vulnerable and therefore having a secure perimeter around the school is paramount. Allowing free and open access to the general public will compromise this.

Even with the restricted access we have today there has been occasions where safety has been a concern.

For example:

- Several times I have had to catch or chase off loose dogs from the school field which have chased after very scared children. This includes large dogs such as German Shepherds.
- We regularly have to clean up dog faeces as these impose a serious health risk.
- On occasions I have challenged members of the public during school hours who were not on school business walking across the field and ask them to leave. This includes an adult vaulting the locked gate to gain access during school hours.

Re-instating the Right of Way will significantly increase the level of risk for both Health & Safety of our children. It will not be possible for the school staff to maintain the same level security we provide today.

Since I joined the School nearly 10 years ago, there has been no open access (with clear signage indicating no unauthorised access) on this footpath. The gate has been locked during school hours from the inside and padlocked at the weekends.

It is very difficult to understand why now after over 10 years this is such an important issue to a small number of local residents. There is ample access to surrounding footpaths and fields.

Yours sincerely



Mrs Jane Rosenberg

~~XXXXXXXXXX~~  
Sert  
Devizes  
Wiltshire  
SN10 3JD

25th November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN


Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

- I was associated with the school from January 2004 to August 2010 as a member of staff.
- During all those years of being associated with the school, my clear understanding, was always, that the pathway from Top Green to the school was a private path to the school and not a right of way for the general public.
- There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours.
- There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited.
- It was my understanding that anyone who entered the school grounds during the school day did so without the permission of the school would have been challenged by a member of staff.

Yours sincerely



Miss Helen Smith

**Letter of objection to Wiltshire Council**

Ms B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN



Telephone General Enquiries 01722 744 538

Diocesan Education Centre  
The Avenue, Wilton  
SP2 0FG

[www.salisbury.anglican.org](http://www.salisbury.anglican.org)

26<sup>th</sup> November 2015

Dear Ms Burke,

**Objection to the Wiltshire Council (Parish of Urchfont) Path No. 51 Definitive Map and Statement Modification Order 2015**

We are writing as the holders of the land held in trust for Urchfont C of E Primary School to object to the above-named Definitive Map Modification Order as made by Wiltshire Council on 6th October 2015.

We are in total agreement with the formal letter of objection from the School signed by the Headteacher and the Chairman of Governors. In particular, we believe that there was always a clear understanding that the pathway from Top Green to the school was not a right of way for the general public and was always a pedestrian access to the school for parents and pupils. During the school day permission was never granted for the general public to enter through the gate unless on school business. The gate was bolted from the school side and padlocked for significant periods of time. There were clear notices that stated that the path was only for access to the school during school hours. There was a culture for members of staff to challenge the presence of the public on the claimed route.

We hope that this letter will add further weight to the objections that you receive on this issue.

Yours sincerely,



Giles Pugh  
Deputy Director of Education  
Salisbury Diocesan Board of Education

CC Carol Talbot



Director 01722 746949  
Buildings 01722 746946  
Deputy Director / Finance 01722 746945  
Assistant Director 01722 746944

## Burke, Barbara

---

**From:** [REDACTED]@yahoo.co.uk  
**Sent:** 14 November 2015 15:23  
**To:** Burke, Barbara  
**Subject:** School footpath in Urchfont

Dear Ms Burke,

Thank you for your letter informing us that the council has agreed that the route from the Top Green through the grounds of the school to the recreation ground ought to be recorded as a public footpath.

Having lived in Urchfont for 42 years and used this path frequently both on my own and with my children, particularly when they were attending the school from 1982 to 1991, I fully support the footpath being restored. At the moment preschool children, children with their grandparents, and children who attend schools with different term times are being put at risk, having to walk down the road past Cuckoo Corner which has no pavement and is used by heavy agricultural vehicles, in order to access the recreation ground.

I fully understand that the school has to safeguard the children that attend but surely a compromise can be reached. There are several ways a fenced path could go which would not deprive children of space. It is such a shame that the school are choosing to fight this decision and causing a rift between the school and the village. Perhaps as all the staff and half the families at the school live outside Urchfont they do not understand the strength of feeling that exists in the village. In the past the school has been very much part of the community, but now there is a feeling of 'them and us' which is a great shame.

I do hope that the school can be persuaded to talk with the Council and Parish Council to come up with a mutually acceptable path without the expense, delay and bad feeling of a public enquiry.

Yours sincerely  
Susan Smith

[REDACTED]  
Urchfont

Sent from my iPad

**Burke, Barbara**

---

**From:** Caroline Smith <~~caroline.smith@urchofont.org.uk~~ @gmail.com>  
**Sent:** 16 November 2015 08:42  
**To:** Burke, Barbara  
**Subject:** Definitive Map Modification Order - Application to add a footpath to the definitive map and statement in Urchfont

~~Caroline Smith~~

Chirton

Devizes

SN10 3QU

16<sup>th</sup> November 2015

**Definitive Map Modification Order - Application to add a footpath to the definitive map and statement in Urchfont (The route from Blackboard Lane at the Top Green through the grounds of the school to the recreation ground)**

Dear Barbara,

I am writing to register my support of Wiltshire Council's order to add the existing pathway from Blackboard Lane at the Top Green through the grounds of the school to the recreation ground to the definitive map of Urchfont.

Having grown up in Urchfont, as far as I am concerned this is an established Public Right of Way that has been used by the general public for as long as I can remember. I certainly used it on a daily basis when I was a pupil at Urchfont School from 1982 to 1989, as did all the children who walked or caught the Community Bus to school. In subsequent years, I have always used this path to access the recreation ground and am surprised and disappointed in the school's objection to the order to make it a Public Right of Way.

In addition to the fact that this path has always been used by villagers to reach the recreation ground, I share the Parish Council's concerns regarding the safety aspect of closing this path. The only alternative pedestrian route to the recreation ground is via a potentially dangerous road without pavements. Thirty years ago when I was a pupil at the school it was considered dangerous to walk along the road to get to the school or playing field, and people always used the footpath. Given the increased amount of traffic in the village

since then, I believe it is even more unsafe to make people, especially young children, walk along the road instead of the footpath.

I understand the school wishes to deny access during school hours from 9.15am to 3.00pm. There are many young children in the local community below school age who use the recreation ground during these hours and I do not believe their safety should be put at risk by forcing them to travel along the road when the footpath offers a safe alternative route.

With regards to the school's concerns for the safety and security of its pupils, I don't believe the risks from the general public using the footpath have changed since I was a pupil 30 years ago. I appreciate that there is more legislation and requirements that the school has to meet. However, I am sure some commonsense measures can easily be implemented to address any issues. For example, if a concern is that the path passes a changing room, why not build a fence alongside the path or simply close the curtains?

I hope that this letter of support for the order is taken into account should the matter become the subject of a public local inquiry and that the path will be dedicated a Public Right of Way.

Yours sincerely,

Caroline Smith

M. A. SMITH

~~XXXXXXXXXXXXXXXXXXXX~~

URCHFONT

DOVIZES

SN10 4RT

7<sup>TH</sup> NOVEMBER 2015

FAO BARBARA BURKE

YOUR REF: SR/2014/01

DEAR M/S BURKE,

THANK YOU FOR YOUR LETTER OF 8/10/15 DETAILING YOUR CONCLUSIONS REGARDING THE PUBLIC RIGHT OF WAY TO THE RECREATION GROUND IN URCHFONT.

I AM WRITING TO REITERATE MY SUPPORT FOR YOUR FINDINGS AND TO EXPRESS MY DISAPPOINTMENT THAT URCHFONT SCHOOL CONTINUES TO OBJECT TO THE PATH DESPITE THE OVERWHELMING EVIDENCE IN ITS FAVOUR.

I AM PARTICULARLY CONCERNED THAT THE SCHOOL HAS EMBARKED ON A DISGRACEFUL CAMPAIGN OF MISINFORMATION TO ENCOURAGE PARENTS AND STAFF TO REGISTER THEIR OBJECTIONS. AS THE MAJORITY OF BOTH PARENTS AND STAFF ARE NOT, AND NEVER HAVE BEEN, RESIDENT IN THE VILLAGE THEY CAN HAVE LITTLE TO CONTRIBUTE TO THE HISTORICAL DEBATE.

AS THE PATH WAS WELL ESTABLISHED BEFORE THE CONCEPT OF "CHILD PROTECTION" WAS INVENTED, CLEARLY OBJECTIONS ON "SAFEGUARDING" GROUNDS ARE IRRELEVANT. IT IS THE RESPONSIBILITY OF THE SCHOOL TO ACCOMMODATE THE RIGHTS AND NEEDS OF THE WIDER COMMUNITY WHEN REVIEWING THEIR POLICY.

THE SCHOOL HAVE CONSISTENTLY REFUSED TO ENTER INTO MEANINGFUL DEBATE WITH THE

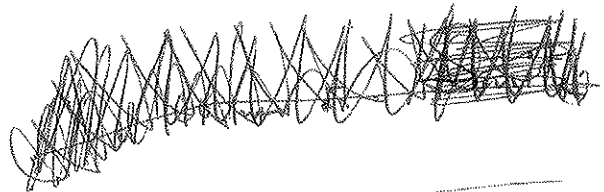
✓

PARISH COUNCIL AND OTHERS TO RESOLVE ISSUES OF ACCESS AND THEIR UNCOMPROMISING ATTITUDE IS AT ODDS WITH THEIR CLAIM TO 'VALUE THEIR LINKS WITH THE COMMUNITY'. THAT THEY ARE PREPARED TO SEE THOUSANDS OF POUNDS OF PUBLIC MONEY SPENT ON A PUBLIC INQUIRY WHICH, REGARDLESS OF OUTCOME, WILL FURTHER WIDEN THE RIFT BETWEEN THE SCHOOL AND THE VILLAGE IT IS SUPPOSED TO SERVE, IS INDICATIVE OF POOR JUDGEMENT AND FAILED LEADERSHIP.

IT IS MY FERVENT HOPE THAT WISER COUNSEL WILL PREVAIL AND THAT THE OBJECTIONS MAY YET BE WITHDRAWN.

WITH MANY THANKS FOR YOUR HARD WORK ON THIS MATTER,

YOURS SINCERELY,





Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

25<sup>th</sup> November 2015

Dear Ms Burke,

RE: Modification of Definitive Map Order Path No.51 Parish of Urchfont

I have lived in Urchfont village since 2007 and have two children attending Urchfont school I want to express my concerns and objection to the proposed PROW Path.51


In all the time I have lived in village I have always understood that the path from Blackboard Lane to the school grounds was not use-able whilst the school is open, but outside of school hours is open for anyone to use.

Whilst I believe a path to the recreational area and Oakfrith woods may help to improve with safety of the village parishioners by avoiding travelling on a road during school hours in its current proposed route it does not make sense. Point C is not in the recreational area and is in fact in the enclosed school gardens so I am finding it really hard to understand why anyone would want a PROW into an enclosed school area? Please see attached an image of the school grounds along with the PROW overlay onto it clearly showing the end of the path terminates with in the school grounds.

Furthermore to the path not being in an appropriate place, I also object on the grounds of safety of the children by opening a public route through the school. As a parent I currently understand that the school is safe and secure during the school working day. My question is how will the security and safety of my children at school be effected by this PROW and what is Wiltshire council going to do to maintain the safety and security should such a PROW go a head.

I would further more like to object that if a PROW is permitted then this would allow public with dogs onto the school grounds. I am sure I do not need to go into the details of dogs, dogs faeces, small children and the governments objectives about dogs in area's with children but this is again a clear reason not to have a path through the school.

Yours Sincerely



Mr G P Spencer  
Walnut Close  
Urchfont  
Wiltshire  
SN10 4RU

Overlay of proposed PROW PATH NO.51 on to imagery of school grounds depicting boundary fences and end of the route with in the enclosed school gardens at Point C.



Note: Not to scale.  
25th November 2015.



JOHN STEADMAN

~~WILMINGTON ROAD~~ . THE BOTTOM . URCHFONTE  
DEVIZES . WILTSHIRE SN10 4SF

TELEPHONE: 01380 ~~333333~~

MOBILE: 07966 ~~444444~~

E-MAIL: ~~John.Steadman@Wiltshire.gov.uk~~

12<sup>th</sup> November 2015

Barbara Burke  
Definitive Map & Highway Records Team  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Barbara Burke

I am writing in support of the decision by Wiltshire Council to officially recognise the existence of a Public Right of Way between the Top Green in Urchfont and the entrance to Urchfont Primary School, thereby giving safe access to the Village Playing Field/Recreation Ground.

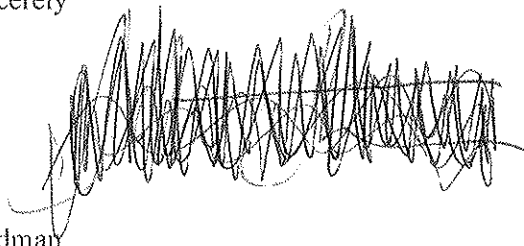
The existence of this right of way is being challenged by the School on a number of grounds, one being that certain elements in Urchfont's community are seeking to establish a right of way when the reverse is the case. We, and I count myself amongst that element, are only seeking to protect that which now exists in law, through proven use over time, and that it is the School that are in fact trying to deny this facility ever existed.

Rights of Way are important points of principle in English Law and are established to protect exactly this kind of situation where the public's right of access or free passage over a specific piece of land becomes inconvenient for a land owner who wishes to make changes to their environment at the expense of the wider community.

In this instance the School seem not to be concerned for the wider community and so far appears to have rejected all offers of compromise, such as extending the current path behind a fence parallel to the School Drive which would very simply segregate the public from the School and maintain safe access to the Village Playing Field/Recreation Ground.

While the safety of the school children is important, so is the safety of the rest of the Community that wish to use the Village Playing Field/Recreation Ground. In my view one of the main motivators in our Community for protecting this Right of Way is to preserve this established safe route to this facility negating the use of the road, a route promoted by the School as a viable alternative for the Community but interestingly one that the School Secretary explained to me as considered unsafe by those parents that regularly walk their children up the School Drive to access the School rather than use the road to the Top Green entrance.

Yours sincerely



John Steadman

Jane Steadman

~~XXXXXXXXXXXX~~  
The Bottom  
Urchfont  
Wiltshire SN10 4SF

Telephone: 01380 ~~XXXXXXXXXX~~  
e-mail: ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

23<sup>rd</sup> October 2015

Barbara Burke  
Definitive Map & Highways Records Team  
Waste & Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire

Dear Barbara Burke

Thank you for your letter concerning the public right of way from the Top Green at Urchfont through the school grounds to the Parish Playing Fields.

I understand that objections have been raised to the confirming of a public right of way and so I can only reiterate that as far as I am concerned having been a permanent resident in Urchfont since 1992 and a householder since 1986 there has always been access through that path to the general public apart from the last few years when the school has sought to close it.

While I understand the school's concerns I have two observations to make.

1. There is a public right of way along that path and if that can be taken away then the whole basis of public rights of way could come under jeopardy. There have been many attempts in the past to stop the public using footpaths that have not been convenient to the land owner but we need to defend this right.

The school seems to claim (from letters I have seen sent to parents) that we are trying to gain a right that was never there, this is wrong and the school and parents need to be given the true picture.

2. The alternative route to the playing fields, tennis courts, children's play area and beyond to Oakfrith Wood which are all major parish amenities would only be via the public road that runs, without any footpath, down to Cuckoo Corner. This section of road is in constant use with general traffic and with large lorries, often with trailers, delivering to and from Martin Bodman's farm. He is a farmer and I respect his right to use the public road for his legitimate business, however, residents who want to get to these amenities, often with pushchairs or young children run the risk of accident. I am a grandmother of young children myself and although the school aims to protect children they are putting those not at the school in greater danger.

Surely the simple solution would be to erect a fence between the end of the current path, past the school classrooms ending at the end of the school drive which would segregate the public from the school and satisfy the concerns about the safety of the children while at school and addressing the safety of the general public at the same time.

I hope these views are of help in the campaign to keep the footpath open.

Yours Sincerely

[REDACTED], Urchfont, Devizes, Wilts. SN10.4SH  
Tel. 01380 [REDACTED]

---

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

12<sup>th</sup> October 2015

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map  
through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was a Community Governor at Urchfont C E School from 2004 to 2007.

I also had two grandchildren attend the school during the period 1995 and 2004. I visited the school frequently in those years before I became a Governor.

I confirm that from my recollection there was a tall wooden gate at the school end of the path nearest the school which was bolted from the school side during school hours. There was never any suggestion that the path was "public" even though it was unlocked when the school was closed. This was done as a concession to the villagers to allow easy access to the playing fields.

Yours faithfully,

[REDACTED SIGNATURE]

Brian Taylor.

The 2's Company  
travel

27 November 2015

Dear Mr Burke,

Objection to the Applications to add a footpath  
to the definitive map through Uxelford school grounds

I am writing to OBJECT to the order on the grounds  
that the stated path has never been a Public Right of way

I have been a parent at the pre school / school  
for over 4 years. During these years of being associated  
with the school my clear understanding was ALWAYS  
that the pathway from Top Green to the school was  
a PRIVATE PATH to the school - NOT a Right of way  
for the general public.

There were 2 high wooden gates, one at the  
road end & the other at the school end. The gate  
nearest the school was bolted from the school  
side during school hours.

There were signs on the gates indicating that  
it was the entrance to the school & unauthorized  
access was PROHIBITED.

www.the2scompanytravel.com

+44 (0)1380 [REDACTED]

It is my understanding that anyone who entered the school grounds during the school day did so without the permission of the school would have been challenged by ~~the~~ a number of staff.

There are obvious measures to safeguard the security of the children at Vindford Primary. If the path through school were used for public access it would mean a huge investment of school money to put up a gate to the two members of the village community to no comparison to the money that would have to be born by the school & the members including many non local families.

Yours sincerely

~~M. J. [illegible]~~  
M. J. [illegible]

~~XXXXXXXXXX~~  
Peppercombe Lane  
Urchfont  
SN10 4QR

24 November 2015

Ms B. Burke  
Rights of Way  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

Your reference BB/2014/01

Dear Ms Burke,  
Urchfont path No 51 - Definitive map and statement modification order 2015.

I write in full support of the above modification order.

As stated in my original testimony letter in 2013, my two children attended Urchfont primary school between 1989 and 1994 and every day walked up and down the alleyway from Top Green to the school. For the first year or so, the fence on the left of the footpath (alleyway) going towards the school was an old chicken-wire fence and no gate existed.

Sometime I think in 1991, the old fence was replaced with the existing wooden one and a gate was installed at the top of the alleyway. The top rail of the gate was fitted with a manual bolt on the school side of the gate. The gate was mostly open all the time but if not, an adult could easily reach to open the bolt, gaining access to both the school and the playing field. The manual bolt was replaced with the present electrical locking device only a few years ago and this action precipitated the current dispute.

I as an individual and also as a parish councillor have sought to engage with the school governors in both seeking to understand the reasons for their opposition to the public use of the footpath during school time and to find a resolution. What I and many others consider to be a sensible scheme has been put forward, but every time it has been rejected by the governors who until very recently have point blank refused to engage in any meaningful conversation. Untrue and misleading statements concerning the previous use of the footpath have been put out by the school. Some parents with children at the school have listened to the other side of the story and are beginning to realise that the school governors in their total opposition to any resolution are being unreasonable and are causing a rift between the school and village. This is in nobody's best interest.

The modification order provides a sensible solution which I believe would actually enhance the safety of the school and at the same time allow public access via the footpath to Oakfrith Wood and the village playing field 24/7 thus saving pedestrians from having to go via Cookoo Corner.

However, I do believe the route of the new PROW should pass right down to the end of the school drive, joining with the new "northern pathway" to Oakfrith Wood not as currently shown on the revised Urchfont 51 map.

Yours Sincerely

~~XXXXXXXXXX~~





## Urchfont C. E. Primary School

Cuckoo Corner, Urchfont, Devizes, Wiltshire, SN10 4RA

Tel: 01380 840793

Email: admin@urchfont.wilts.sch.uk

Ms B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

26<sup>th</sup> November 2015

Dear Ms Burke,

### **Objection to the Wiltshire Council (Parish of Urchfont) Path No. 51 Definitive Map and Statement Modification Order 2015**

We are writing on behalf of Urchfont C of E Primary School (the School) and the School Governors to object to the above-named Definitive Map Modification Order as made by Wiltshire Council on 6<sup>th</sup> October 2015. We have eight primary grounds of object and these are summarised below.

Further documentary material is currently being prepared to substantiate each of these grounds. This will be sent to you as soon as possible.

#### **1. The principal use made of the alleged public right of way has been by virtue of license or invitation. There is insufficient evidence to show the establishment of any public rights of passage.**

- The tarmaced footpath from point A to point B on the order plan was laid out in 1974, to coincide with the opening of the new school, on land which at that time was in the ownership of the education authority. Its purpose was to provide a convenient pedestrian access to the school, primarily for parents and their children. Throughout the whole of the time from 1974 to present day signs have been prominently displayed at the entrance to the path stating that the path affords access only to the school. There has always been a tall gate at point B, together with a second gate usually at the start of the path at Top Green or some way along it.



- While it is accepted that limited use may also have been made of the claimed path from time to time outside of school hours, as and when the line was open to members of the public (including to access the village playingfield), the overwhelming use of the path has been by parents, children and other visitors to reach the school premises. Such use clearly arises by virtue a specific or implied invitation or license and cannot be regarded as contributing to the establishment of a public right of way.
- Examination of the 28 user evidence forms submitted by the Parish Council shows that all but one of the 11 couples who completed the forms are the parents of children who either currently or previously attended the school, as are three of the six individual witnesses. Some also now have grandchildren at the school. It follows that there must be very considerable doubt over the extent to which any of these 23 statements can be relied upon to demonstrate that the use of the claimed path amounts to use by a member of the general public and that it was user 'as of right'.
- The remaining five user statements also fail to support the claimed public right of way, two because they acknowledge that the route taken from point B to the playingfield originally went behind (i.e. to the south) of the school building, and three because the route claimed is shown as running only to the school building, not onto the playingfield.
- It is relevant to also note that, for many years before the development of the school, pedestrian access to the village playingfield had been freely available along a permissive path which ran from Top Green, through the grounds of Urchfont Manor and terminating at the south-west corner of the field, close to village play equipment. Unfortunately, permission to use that path was withdrawn prior to the sale of the Manor by Wiltshire Council in 2012. The availability of that earlier path would have meant, however, that there would have been little or no demand to use the path through the school grounds to reach the playingfield whenever the school was occupied.
- In our view, it is the loss to the village of that earlier path as the principal means of access to the field which has led the Parish Council to pursue the claim that it has made for the path through the school to now be recognised as a public right of way.

## **2. The line of the alleged public right of way has been regularly obstructed throughout the 20 year period at point B**

- From the opening of the school in 1974 there have always been gates on the line of the path from A to B, including a 1.6 meter high gate at point B ('the top gate') and where the path has always been enclosed between high fences.

- Throughout the whole of the school's history it has been a rigorously enforced policy of successive headteachers that the top gate should be both closed and bolted throughout the school day whenever the school was in use. Until it was replaced by the current electro-magnetic catch and entry phone system in October 2011, therefore, there has always been a bolt on the school side of the gate. This was placed towards the top of the gate (to be out of the reach of children) and was always kept in good working order.
- Whilst the main reason for this policy was to help ensure the safety and security of the school's children, especially to prevent a child from wandering off and leaving the school premises unobserved, it also meant that the line of the alleged public right of way would effectively have been closed to the majority of the members of the public. This would have included any adult member of the public endeavouring to use the path from Top Green who either did not know how to undo the bolt (see below) or were insufficiently tall to reach it, and any unaccompanied children (and who are, of course, members of the public in their own right) who may have attempted to use the path from either direction.
- The school acknowledges that it was possible for those who visited the school regularly and who were aware of the mechanism (and were sufficiently tall) to overcome it simply by reaching over the top of the gate and releasing the bolt. This means of gaining entry was sometimes used, for example, by those working at the school as teaching assistants or dinner ladies. It may also have been known to some of the parents who had reason to visit the school during the school day. Nevertheless, to gain entry in this way also depended on how the gate had been bolted; if the handle attached to the barrel had been folded down to lie flat on the surface of the gate (as was often the case) rather than being left in a horizontal position it was then impossible to open from the 'wrong' side of the gate and the intended entrant had no option but to walk around to the entrance drive.
- As far as members of the public are concerned therefore, the alleged public right of way would frequently have been found to be obstructed, with it being impossible to use the path to walk from Top Green to the playingfield whenever the school was occupied. It follows from this that members of the public have not been able to enjoy an uninterrupted right of passage from point A to point B, nor can public use of the path be said to have been consistent throughout the 20 year period prior to October 2011.

**3. The gate at point B has remained padlocked from time to time during the 20 year period. Whilst permission has been granted for the path to be used by local residents outside of school hours, this was widely understood to be on a permissive basis**

- In addition to the top gate being bolted during the school day, the gate was initially kept padlocked whenever the school was to be left unoccupied, including at weekend and over the school holidays. The school acknowledges, however, that this practice was subsequently relaxed and later abandoned in response to requests that those living in the village should be permitted to use the path whenever the school was not in use to be able to access the village play equipment and the playingfield more easily.
- We are currently unable to locate an exact record of when this change in policy took place but it appears to have been in the mid-1990s and was probably coincidental with the appointment of a new headteacher. It also possible that the change may have been introduced gradually, with the padlock at first being left off during specific holiday periods or in response to specific requests. Nevertheless it is clear that the top gate was kept padlocked on occasions for long periods of time well into the 1990's; this is recalled both by a former headteacher and by other existing and former members of staff.
- The fact that top gate was left padlocked for long periods of time until at least the mid-1990's similarly defeats the claim that public rights of passage were created by virtue of 20 years user in the period up to October 2011.

**4. Challenges have been made to those who were on the school premises without authority**

- In addition to the policy of ensuring that the top gate was always securely bolted whenever the school was occupied, headteachers have also made sure that every member of staff was aware that anyone found on the school premises who was not known to the staff, whether inside or outside the building, should be challenged. Those found to be there without proper authority should be asked to leave the school grounds.
- Whilst this policy was again primarily directed at ensuring the safety of all of the children, it meant that anyone found walking in the school grounds (whether on the line of the alleged public right of way or not) who was not connected with the school in some way would have been challenged and asked to leave.
- In practice, it was widely known throughout the village that the path through the school grounds had only been made available on a concessionary basis and on condition that it should not be used whenever the school was occupied. The great majority of people respected this condition and such challenges were therefore

relatively few and far between. Nevertheless, challenges were made from time to time and can be documented, including during the 20 year period up to 2011.

**5. Permission has been specifically sought to use the path in connection with the village Scarecrow Festival and payment made in acknowledgement of that permission being granted**

- That the use of the path was widely recognised throughout the village to be on a permissive basis is evidenced by the requests that were made annually, in writing, to the Headteacher in 2005, 2006, 2007 and 2008 by the Urchfont Scarecrow Festival Committee for permission to use "the School pathway" in connection with forthcoming festivals. These requests were recorded at the time they were made in the minutes of the Governors' meetings.
- We understand that it is now claimed that these requests were made "as a matter of courtesy" and because of the number of people involved, and that there was never any question of the path not being available for 'normal' public use. This is disingenuous. The requests that were made specifically ask for permission to use "the School pathway" and there is nothing whatsoever to suggest that the Festival Committee believed at that time that the path was, or might be, a public right of way. In addition, after at least some of the festivals had taken place, a donation of £50 was made to the School by the Committee. Again, these were specifically stated to be "for the use of the School pathway".
- The fact that permission was both sought to use the path in connection with the Scarecrow Festival and that donations were also sometimes made in return for that permission further negates the claim being made, that public rights of passage have been established over the line.

**6. The installation of an electro-magnetic lock at point B did not amount to a bringing into question for the purposes of the Highways Act 1980**

- In October 2011 the bolt on the top gate was replaced by an electro-magnetic locking mechanism that could be opened remotely from the school office together with an entry phone system. This was paid for by Wiltshire Council and arose out of recommendations made in an earlier Health and Safety inspection by the Council that had been requested by the School to help further improve site security.
- The new mechanism is both more convenient for the school staff than the previous arrangement and helpful in ensuring that the gate is not accidentally left open when the children are in school. For anyone attempting to use the path as a member of the public to walk from Top Green to the recreation ground, however, it has not materially altered the position; while the top gate continues to be left open outside the school working day, he or she would still find the way

barred to them from 9.15am to 3:00pm on any school day, the only difference being that they are now able to use the entry phone to ask for permission to proceed. It follows that the installation of the magnetic locking system cannot be regarded as constituting a bringing into question for the purposes of the Highways Act 1980.

- It is worth noting that, up to the time when the Parish Council's application to the Highway Authority was made (in January 2014) no such requests were made to the school office using the entry phone for permission to continue to the playingfield. All the requests that were made for the gate to be opened were by people visiting the school.

#### **7. The nature of the public's use of the land around the school has been inconsistent with the creation of the claimed public right of way**

- When it was first established in 1974 there were no physical boundaries between the school, its playground and the rest of the village playingfield and it was possible to wander at will around the school site, including passing on either side of main the school building. Until 2006 it is likely that much of the public use of the area around the school in out-of-school hours would have been just that; of people wandering at will without following a consistent line. However, over the years such access has progressively been restricted by the on-going development of the school, including through the erection of additional classrooms, the extension of the main school building and the development of the school garden as an outdoor classroom.
- In practice, the overwhelming use that is claimed to have been made of the path (apart from that of simply visiting the school to which all of the users refer) has been to visit the village playingfield, especially with children to use the play equipment located in the south west corner of the field, or to walk to Oakfrith Wood.
- Until it was closed off by an extension to the school in 2006 and which joined the temporary classrooms to the main school building (the Garden Room), the most direct route from point B to both of these destinations would have been to pass to the south of the main school building, to then cross the school playground and to continue west across the playingfield. Equally, there would have been no reason for members of the public to consistently follow a line passing to the east of the main school building, then turning north-west onto the playingfield, as shown on the maps submitted by the Parish Council.
- That walking on this more direct line to the south of the main school building was then the norm, and not the line as shown on the order plan, is suggested by the fact that at least six of the path users' maps, either as originally submitted or as later revised, show this to be the line that was taken up to 2006.

## **8. In determining to make a Definitive Map Modification Order, Wiltshire Council has failed to take into account the inconsistency and apparent unreliability of much of the Parish Council's user evidence**

- A total of 28 path user evidence forms were submitted by the Parish Council but a half of these – 14 – fail to support the order as it has been made.
  - On three of the forms, both the description and the accompanying map refers to a path from Top Green to the school only; on a fourth form no description of the path is given but the map similarly shows a path only to the school:
  - Four of the forms describe the path as going only to the school, although it is shown on the map as running to the playingfield:
  - For another three forms this is reversed – the path is described as going to the playingfield but is shown on the map as going only to the school.
  - The maps with a further three of the forms have been left blank or are missing.
- The Parish Council's evidence also fails to take into account the fact that the area to which the public had unrestricted access was further reduced in the winter of 2009 when a hedge was planted to cordon off an area to the north of the playground and west of the car park for use as a school garden and outdoor classroom. This boundary was further defined by the children themselves in February 2010 when they planted a quick growing willow hedge along it. That hedge is now semi-mature and the enclosed area now quite separate from the village playingfield and clearly used for an entirely different purpose.
- All but three of the 28 user evidence forms submitted by the Parish Council were completed in November 2013 - almost four years after the school garden had first been established - with the remainder being completed shortly afterwards. Fifteen of the 28 witnesses claim to have used the path right up to that time (i.e. to November 2013), a further six to have used it up to either 2011 or 2012. In most cases this use was said to be on a regular or very regular basis, often several times a week.
- Nevertheless, not one of these 21 witnesses has mentioned that the line now terminates in, or passes through, the school garden, either on their original evidence form or in the subsequent correspondence with the Highway Authority. Nor has the garden been marked on any of the users' maps, despite now being an obvious and prominent feature in the landscape. Such obvious omissions must cast further doubt on the accuracy and reliability of the Parish Council's evidence.
- The end of the claimed public right of way – point C – also appears to come within the area of the school garden, and not in the recreation field as stated in the descriptions given both in parts I and II of the order schedule.

Finally, we would ask you to note that in objecting to this order the School and Governors have asked a specialist consultant, Mr Roy Hickey, to help us. His contact details are:

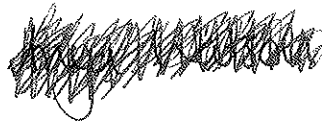
Roy Hickey MPROW, Public Rights of Way Services Ltd,  
21 Church Road, Leckhampton, Cheltenham, GL53 0PS.  
Telephone 01242 522288 and 07952 667154,  
Email [rh@prowservices.co.uk](mailto:rh@prowservices.co.uk)

Could you please make sure that Mr Hickey is copied in on all further correspondence regarding this issue?

Yours sincerely,



Carol Talbot  
Headteacher



Anya Watson  
Chair of the School Governors



~~Easterton~~

Easterton  
Devizes  
Wiltshire  
SN10 4PP

Ms B Burke  
Rights of Way, Waste & Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

15.10.2015

Dear Ms B Burke

I am writing to you with regards to the proposed public right of way through Urchfont Primary School. My eldest son started the school in 2013 and youngest in 2015 and I always had a clear understanding that the pathway from Top Green to the school was not a right of way for the general public and was always a pedestrian access to the school for parents and pupils only. It was to my understanding that during the school day the gate would be bolted from the school side and that no one would be able to enter through the gate unless on school business. There has always been a sign while I have been using the school at the entrance to the footpath that states access only to the school and pre-school during school hours, and I understood that if someone was to walk through the school grounds during school hours and they were not on school business that they would be challenged. As a parent the proposed right of way through the school is very concerning and raises a lot of safeguarding issues for my children as well as the potential loss of outside learning space. The safety of the children while they are attending school is of paramount importance to me and would like to think that this is the same for Wiltshire Council and I strongly believe any public right of way through the school would jeopardise their safety.

Yours sincerely



Antonia Lundy

~~1111111111~~, The Green, Urchfont, Devizes, Wiltshire SN10 4RB

25 November 2015

Mrs Barbara Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

Dear Madam

**PROPOSED RIGHT OF WAY THROUGH URCHFONT SCHOOL VIA TOP GREEN**

I am writing to formally object to the recent notice of a public footpath order from the Top Green in Urchfont through the school grounds on to the School playing field.

I moved with my family to Urchfont in August 2007. In the time I have lived here I have always been of the belief, from neighbours and actions from the school, that there is no public right of way through the pedestrian entrance from Top Green through School grounds to the playing field and back and that this is reinforced by a 5 foot solid gate that remains shut during school hours. I am aware and always have been since I have been a resident, that it is possible to use the pathway outside of school hours by a concession made by the School to the villagers before my arrival in the village.

I therefore do not believe that a public right of way does or should exist.

Yours faithfully



Declan Lyttle

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
Urchfont,  
Devizes.  
Wiltshire.  
SN10 4SH  
14<sup>th</sup> November 2015

Your ref: BB/2014/01  
Wiltshire Council  
Waste & Environment  
County Hall  
Trowbridge

Dear Ms. Burke,

Path at Urchfont School

I refer to your letter dated, 8<sup>th</sup> October 2015. You will recall that I wrote to you on 27<sup>th</sup> September 2014 in relation to this issue and submitted a completed map, together with a covering letter. I attach a copy of my letter, dated 27<sup>th</sup> September 2014.

This public footpath has been in use, certainly since we moved to the village in May 1988. It is not a new right of way or public footpath. I set out below my comments contained within my letter of September 2014.

- I wish to clarify that the routes shown as going behind and alongside the school building existed before the main school building was extended. These were the main and accepted pedestrian routes to the school, the playing field and tennis courts at all times.
- I am unable to specify when the signs were erected, however between May 1988 & July 1998 our children attended the school and there were no signs prohibiting use of the path.
- The gate across the path was not closed in or out of school hours, certainly during the period I have referred to above.
- I unable to recall a time when we walked along the road, via Cuckoo Corner, to access the playing field during the dates specified above.

I consider that Wiltshire Council came to the correct decision in relation to the application made by the parish council.

Thank you for your continued assistance in this matter.

Yours sincerely,



Mrs. Julie C. Maidment

COPY

[REDACTED]  
[REDACTED]  
Urchfont,  
Devizes.  
Wiltshire.  
SN10 4SH  
27<sup>th</sup> September 2014

Your ref: BB/2014/01  
Wiltshire Council  
Waste & Environment  
County Hall  
Trowbridge

Dear Ms. Burke,

Path at Urchfont School

I refer to your letter dated, 18<sup>th</sup> September 2014.

- Please find the enclosed map, completed as requested. I wish to clarify that the routes shown as going behind and alongside the school building existed before the main school building was extended. These were the main and accepted pedestrian routes to the school, the playing field and tennis courts at all times.
- I am unable to specify when the signs were erected, however between May 1988 & July 1998 our children attended the school and there were no signs prohibiting use of the path.
- The gate across the path was not closed in or out of school hours, certainly during the period I have referred to above.
- I unable to recall a time when we walked along the road, via Cuckoo Corner, to access the playing field during the dates specified above.

I hope you find this information of value.

Yours sincerely,



Mrs. Julie C. Maidment

12-11-2015

~~\_\_\_\_\_~~

uncliffent

Deviser

Wills

SN10 4RT

Section to application to add a footpath,

the definitive map through uncliffent school grounds,

ear Mrs Burke

wrote to object to the order as it has never been a public right of way. I came

to live in uncliffent in April 1975 and had 3 young children. My 2 daughters

were then aged 7 and 8 years old and so started at the school in April. My son

was younger but started at the school in 1978. ~~all~~ 3 children attended there until

they went to secondary school. I walked my children to and from school and of

course used the pathway up to the school. There were 2 tall wood gates one at

each end of the pathway. I always have thought that the footpath was a private one to

the school, and my view is that it certainly should only be for the use of the children

and authorised people when they are at school and not just for anyone.

~~is~~  
Mrs B Burke

rights of way, Waste and Environment.

Yours sincerely

~~\_\_\_\_\_~~

Wiltshire Council


County Hall

by the sea Road

Rowbridge Wilt BA14 5JN

(G.P. Maloney)

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

  
Pans Lane  
Devizes SN10 5AP

17th November 2015

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I have been associated with the school from September 2004 as a Teaching Assistant to present date. I qualified as a Higher Level Teaching Assistant in 2011. As part of those duties I have increased responsibilities for the children in my care.

During all those years of being associated with the school, as an employee my clear understanding, was always, that the pathway was a pedestrian access to the school and not a public right of way. .

There is a tall wooden gate at the school end of this path which was bolted from the school side during the school day. From 2006 I have worked in Owls classroom which overlooks the parents' waiting area and I can clearly see the gate. On occasions I have sent a child to the school office to report that the gate had been left open if I was the only adult in the class, or I have gone and bolted the gate myself if the teacher had been present.

There have been signs on the gate as long as I can remember, and on the school grounds, including on the fence into the school playing field saying that this is school property and there is no unauthorised access.

I have always been made aware of the school site security policy especially in my role to safeguard the children in my care, which is to challenge unauthorised persons on school property. It is also the reason that all staff and visitors to the school are issued with named badges indicating to adults and children that they have the right to be there. The children are aware of "Stranger Danger" and know to report any unbadged person they might see on the school site to a member of staff. We remind them of this regularly. Particularly when we are made aware by Wiltshire Council of any incidents reported by other schools where strangers have approached children with malicious intent.

On several occasions when out on playtime duty or PE lessons I have tackled members of the public who have strayed onto school ground and who I believed have had no right to be there, this has included both adults and previous pupils to the school. They have never questioned my authority to ask them to leave which confirms our understanding that the public understand that they do not have a right of way on school grounds. They have always agreed to leave.

In my professional capacity as an HLTA, if this ROW goes through I have strong concerns for the safety of the children in my care. I am worried that additional safeguarding dangers would prevent me from carrying out my role in protection of the children. A duty that parents expect of me.

yours sincerely,



Angela Marshall (Mrs)

[REDACTED]  
Cuckoo Corner  
Urchfont  
Wilts  
SN10 4RA  
Tel 0138 [REDACTED]

Ref: BB/2014/01  
23/10/2015

Dear Barbara Burke

Application to add a footpath to the definitive map and statement in Urchfont.

I am writing to support the application to have the footpath added to the definitive map as proposed. I am aware that there is some problem with the school feeling that there is a vulnerability issue with the children attending the school and public access, but I feel that access from the playing field would constitute a far easier and more obvious route for any unwanted intruder.

My main concern is the danger of Cuckoo Corner which is at present the route that parents and grandparents with pushchairs wishing to use the play area, use.

This has recently given me more cause for concern as I now explain: I live on Cuckoo Corner bend and about 3 weeks ago during the harvest, a trailer with large round straw bales came round and either took the corner too fast or the bales were not secured properly or both and three bales fell off smashing our fence. Our neighbour had apparently just been walking past 5 minutes earlier and I dread to think what would have happened if a mother had been walking past with children. I can tell you that people drive at speed round this corner.

My daughter has recently moved back to Urchfont and is involved in plans to upgrade the play area for younger children which will hopefully lead to much more usage. Her two children attend Urchfont school and I know that as she lives on Blackboard lane, access through the disputed footpath to the play area would be by far the safest and easiest for her.

As I mentioned in my last letter I have lived in Urchfont for 36 years and my two daughters attended Urchfont primary school and we were always able to access the playing field through this footpath and no one ever worried about their children's safety. I know we have moved into a more dangerous times but I really can't believe the closing of this footpath will make our village school any safer.

Yours Sincerely

Clare Milanes



## Burke, Barbara

---

**From:** Customer Services  
**Sent:** 01 December 2015 14:59  
**To:** Burke, Barbara  
**Subject:** FW: FAO Wiltshire Rights of Way Department, Ms B Burke. Footpath -Urchfont

Hi Barbara

Please see below

Many thanks

Andrea Besant  
Customer Services Officer  
Wiltshire Council  
Huff Street  
Devizes  
SN10 1FG  
0300 456 0100 (ext 14202)

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

**From:** Fiona Muir [mailto: ]  
**Sent:** 30 November 2015 14:28  
**To:** CustomerServicesCentral  
**Subject:** FAO Wiltshire Rights of Way Department, Ms B Burke. Footpath -Urchfont

Dear Ms Burke,

I am a parent of children at Urchfont School and pre-school. I am writing about the proposal to open a footpath that passes through Urchfont School. I object to this for a number of reasons.

1) My main concern is the impact the footpath will have on the school site. It is not a large site and the space and facilities are already compromised. It is such a shame that the children may lose their educational and recreational space.

2) I worry about my children's safety.

- I do not like to think that a stranger could walk onto school grounds. There are even members of my own family who I would not want to walk by my children's classroom windows, or see them during outside play and possibly even speak to them during the school day. Many villagers think that everyone in Urchfont can be trusted: I know of a nasty incident involving a minor in the village and a sexual offence that has remained beneath the radar due to the age of the children involved. The offender was reported as being seen outside our house one night when we were out and a babysitter was looking after our children.

- Recently, at a school disco, my eldest daughter, aged four, was scared and decided to take herself home. The gate on the footpath was unlocked as the disco was after school hours. (This is not the first time she has tried to run home). I am concerned that she would, and could, do something similar during the school day and am very alarmed at the thought of her being able to get out of the school grounds as the gate cannot be locked if the path is open to the public. If she were to try to get home, she would have to cross The Green on her own and would find no-one at



home on reaching our house. For this reason, I chose not to send my daughter to the pre-school prior to a fence being erected around the site - which was carried out following an Ofsted inspection. Had I known that the pathway from Top Green to the school was not a private path, we would not have applied for a place at Urchfont School. We have sent our daughter to the school believing that the school gate would be bolted during school hours and that anyone who entered the school grounds during the school day has permission from the school.

I can see both sides of the argument. Just two and half years ago, when my daughters were very young (a two year old + 6month old twins), I couldn't take them to the playground during school hours as I was afraid of getting around Cuckoo Corner with a double pram / pushchair and a toddler. A footpath around Cuckoo Corner would have been wonderful and we'd still appreciate it today.

I very much hope that you will bear in mind the safety and education of the school children when you make your final decision.

Yours sincerely,

Fiona Muir

~~XXXXXXXXXX~~, The Green, Urchfont, SN10 4QU.

~~XXXXXXXXXX~~

~~102/103 Street~~

Warminster

Wiltshire

BA12 8DD

11th November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was associated with the school from January 1995 to August 1995 as Acting Headteacher.

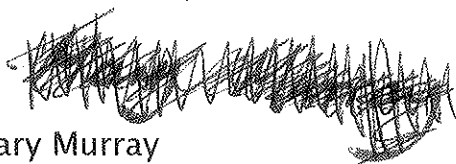
During the time of being associated with the school, my clear understanding, was always, that the pathway from Top Green to the school was not a right of way for the general public to access the playing field but a pedestrian entrance for pupils and their parents.

There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours and padlocked during the holidays.

There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited.

Any member of the public who entered the school grounds during the school day did so without the permission of the school / would have been challenged by a member of staff.

yours sincerely,



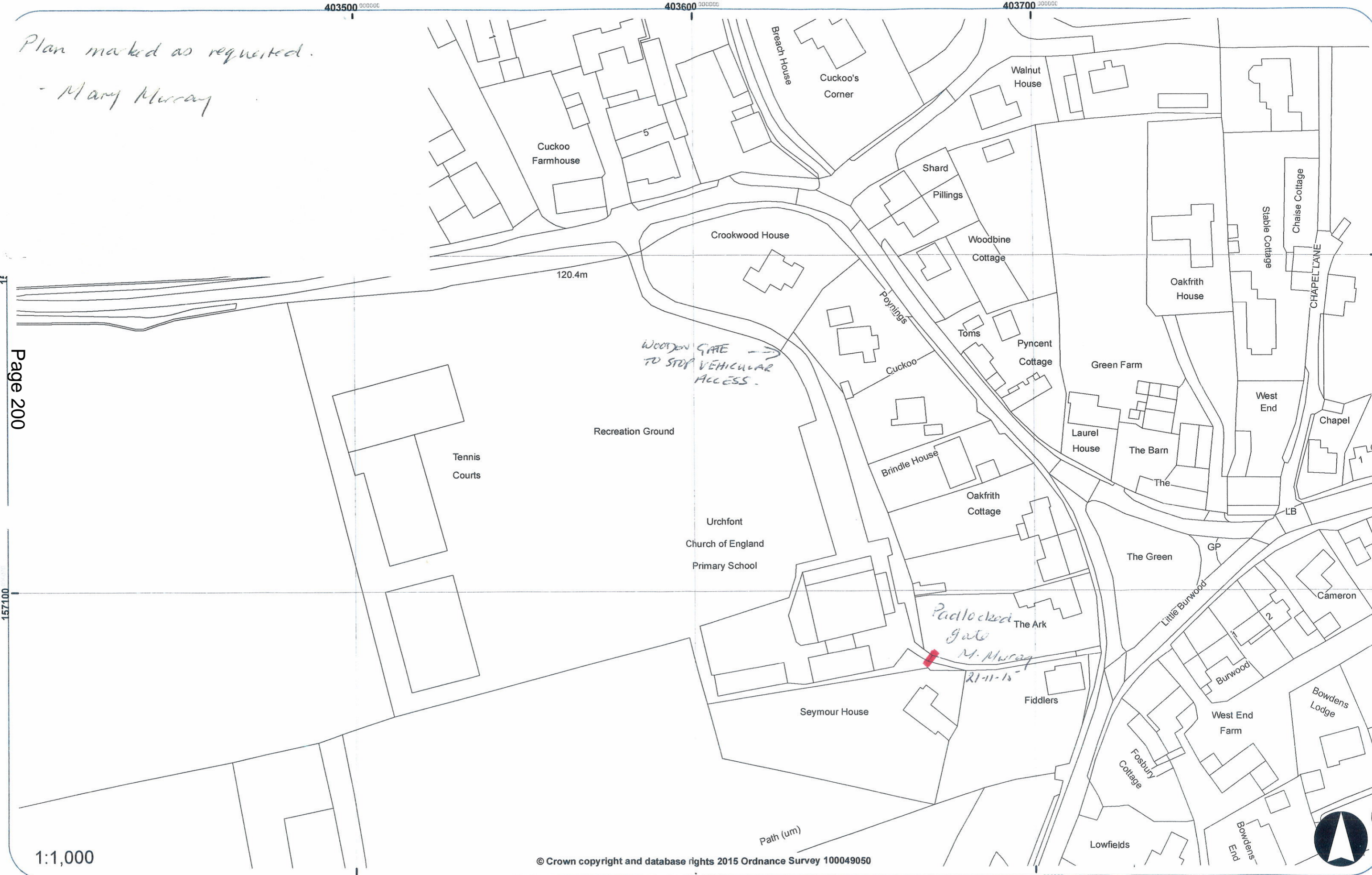
Mary Murray

The gate was locked by myself @ weekends and holidays  
All staff were requested to check the lock during the school day - particularly  
staff on 'duty' that day. - Mary Murray.

Date: 29/10/2015

Plan marked as requested.

- Mary Murray



Page 200

Tel: 01380 - ~~XXXXXX~~

~~Wiltshire Council~~ Close,  
Urchfont, Devizes,  
Wiltshire, SN10 4QS

Your Ref: BB/2014/01

17th October 2015

Dear Mrs Burke,

Application to add a Footpath to the Definitive Map and Statement in Urchfont

Thank you for your letter of 8th October and enclosures.

I have of course already provided detailed information in support of the application to add this footpath from the Top Green in Urchfont through the grounds of the School to the Recreation Ground.

I would just reiterate the following -

1. Having lived in Urchfont since 1971 (prior to the School and Pre-School buildings being built), my family and I have used this path unimpeded for access to the Recreation Ground and Oakfrith Wood on a regular basis until this access was discouraged during School opening hours.
2. The alternative route to the Recreation Ground via Cuckoo Corner is potentially dangerous especially when walking with small children. There is no footpath and farm vehicles and others tend to travel at some speed.
3. It is unfortunate that restrictions on the use of this important footpath were introduced without full consultation with the Parish Council and the local community.
4. I understand that discussions have been proposed between the various parties to try and negotiate a safe alternative route. I hope these can be expedited to resolve this difficult issue.

I fully support the proposed Order to add this footpath to the Definitive Map.

Yours sincerely,



Peter Newell

Barbara Burke,  
Definitive Map and Highway Records Team Leader,  
Definitive Map and Highway Records Team,  
Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
TROWBRIDGE,  
Wiltshire, BA14 8JN

## Burke, Barbara

---

**From:** Robert Pendry ~~robert.pendry@urchof.com~~  
**Sent:** 09 October 2015 12:08  
**To:** Burke, Barbara  
**Subject:** Ref: BB/2014/01 Additional Footpath Urchfont 51

~~Robert Pendry~~  
Peppercombe Lane  
Urchfont  
SN10 4QR

Tel: 01380 840368

Dear Ms. Burke,

I am writing to express my full support for the proposed re-establishment of a footpath through the grounds of Urchfont School. This restores a long-standing right of way that has been progressively eroded and obstructed over the 25 years that I have lived in this village.

Objections by the school and/or parents on the grounds of safety and protection of the school children can be met easily by the erection of a fence along that section of the route that passes close to the school buildings and yards. This would keep the school site secure and the footpath open.

Yours sincerely,

Robert Pendry

## Burke, Barbara

---

**From:** Rosamund PENDRY ~~rosamund.pendry@urchofont.org.uk~~  
**Sent:** 09 October 2015 16:35  
**To:** Burke, Barbara  
**Subject:** Fw: Ref: BB/2014/01 Additional Footpath Urchfont 51

~~15244415~~  
Peppercombe Lane  
Urchfont  
SN10 4QR

Tel: 01380 840368

Dear Ms. Burke,

I am writing to express my full support for the proposed re-establishment of a footpath through the grounds of Urchfont School. This restores a long-standing right of way that has been progressively eroded and obstructed over the 25 years that I have lived in this village.

Objections by the school and/or parents on the grounds of safety and protection of the school children can be met easily by the erection of a fence along that section of the route that passes close to the school buildings and yards. This would keep the school site secure and the footpath open.

Yours sincerely,

Rosamund Pendry

~~STEWART BURKE~~

Trowbridge  
Wiltshire  
BA14 9DB

23.11.15

Rights of way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wilts,  
BA14 8JN

Dear Ms B Burke,

I am writing to express my deep concern regarding the possibility that a right of way has been approved go through Urchfont C of E Primary School.

I have been a teacher at the school since September 2001 and in that whole time the pathway running from Top Green to the school has never been used by the general public as a right of way during school hours. The gate was always locked from the school side and the only people using it were on school business. There have always been clear notices which also make it clear that it was only a pathway to access the school. It is a pedestrian access to the school for parents and children and needs to remain as such for the safe guarding of the children of the school.

By continuing with this right of way you are creating a severe risk to our child protection and safe guarding issue for Urchfont C of E Primary School. Every school is required by the government to protect the children in its care and if the



general public are allowed to walk through our school grounds then this creates a child protection and safe guarding risk. How are we supposed to protect our children if you insist on allowing anyone onto our school grounds without the ability to challenge them? How are we supposed to prove to OFSTED that we can protect the children in our care if there is a right of way through the school site?

I hope you are able to reconsider your decision to ensure the continued safety of the children of Urchfont.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Mrs Clare Pike', written over a scribbled-out area.

Mrs Clare Pike

To  
Wiltshire County Council Planning Department.  
Urchfont Parish Council.  
Wiltshire Education Department.

~~XXXXXXXXXX~~,  
Darras Hall,  
Ponteland.  
Northumberland  
6th November 2015

CC  
Urchfont C of E Primary School.  
Ofsted.  
Claire Perry Local MP  
Gazette and Herald newspaper

re Application to open a Public Right of Way through Urchfont School ground.

Dear Sir/Madam,

I am writing to strongly object to the above proposal due to the safety of the children.

As a concerned grandmother, and Registered, Qualified Social Worker of 17 years (now retired) working in the field of Child Protection for Northumberland County Council, I would like to draw your attention to the 1989 Children Act, which clearly states that the "Welfare of the Child is Paramount". I do not believe the current proposal puts the children's needs first especially when there are quite plainly alternative routes available.

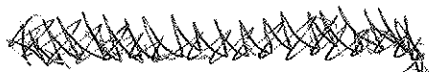
The above plans would allow members of the public to be in very close proximity to the children, and in this day and age it has become regrettably necessary to protect children from outsiders.

It would be nice to go back to the old days naïve as it may have been, to believe that everyone was well meaning towards children, but experience has taught us that this is not always the case.

My grandchildren and their family moved to Urchfont in 2008. Since then and in all of that time whenever I have been picking the children up or dropping them off at school, the gate at the end of the path leading to the school has always been bolted and locked during the day. The reason for this being that access to the school is for teachers, parents and pupils only, and not a public footpath.

I find it astonishing that when the school are clearly saying that this proposal is not in the best interests of the children that anyone should question their capability, as after all they are the experts.

Yours faithfully



Kathleen V Pilling (Mrs)

~~14th House~~

~~14th~~ The Spa

Melksham Wilts

SN12 6QL

14<sup>th</sup> October 2015

Ms B Burke

Rights of Way, Waste and Environment,

Wiltshire Council,

County Hall, Bythesea Road,

Trowbridge, Wiltshire BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont School grounds.**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was Deputy Headteacher at Urchfont School from 1984 to 1989 and my clear understanding was always, that the pathway from the Top Green to the school was not a right of way for the general public to access the playing field. After school we would escort the children along the path to the transport that would be waiting on the Green to take the children home.

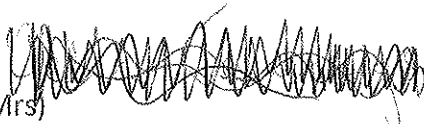
There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours and padlocked during the holidays.

There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited.

Anyone who entered the school grounds during the school day did so without permission of the school would have been challenged by a member of staff.

Yours sincerely,

Celia Jennings (Mrs)



## Burke, Barbara

---

**From:** ColinandKath Keay <~~keyfamily@fastmail.fm~~>  
**Sent:** 30 November 2015 09:10  
**To:** Burke, Barbara  
**Subject:** Right of way through Urchfont School

Colin Keay  
Southcliffe Road  
Market Lavington  
Devizes, Wilts  
SN10 4BZ

Dear Ms Burke,  
Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way. I have been associated with the school and pre-school since 2012 when my grandchildren enrolled. On every occasion that I have arrived at the school during school hours I have had to request entry through a gate that is locked. This clearly indicates that access is controlled by the School for the security of the children and I wholly support this.

Furthermore, this practice has gone unchallenged in these three years which indicates to me that Urchfont Community recognised that this was a permissive path, not a right of way.

Yours sincerely, Colin Keay

--

ColinandKath Keay  
~~keyfamily@fastmail.fm~~

--

<http://www.fastmail.com> - Accessible with your email software  
or over the web

## Burke, Barbara

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**From:** Christopher King <~~chris.king@chriskingroofing.co.uk~~>  
**Sent:** 30 November 2015 13:50  
**To:** Burke, Barbara  
**Subject:** PROW through Urchfont School

Dear Ms Burke,

I am writing as a parent of two children who attended Urchfont Pre-School and now Urchfont School, and also as a resident of Urchfont, with regard to the PROW through the school grounds, to which I fully OBJECT. I have lived in the village since September 2010.

Since residing in the village, I have always had a clearing understanding that the pathway from the top green was NOT a PROW, only a pathway which my partner and children use to safely walk our children to school. When we first moved to the village, my partner walked to the park area around the road, and never once thought that walking through the school grounds was an option, to get to the park or the woods. I know we would most definitely have been challenged by members of the school if either of us had walked through the grounds inside of school hours. This news that a PROW may be opened through school grounds was a complete shock as there has always been a clear notice to state that the pathway leads to Urchfont School and the gateway at the top of the path was bolted on the school's side during school hours to ensure safety of the children, indicating once again that this path was solely for use of parents and children.

I am extremely concerned as a parent about this PROW being opened, the main reason is the safety of the children. Not only due to predators but also because of dogs who will be walking along the path, where children are. There is also a concern of dogs fouling, my children walk to school and regularly have to dodge it. We do not need this happening in our own school grounds.

We hear of so many unfortunate incidents on the news and in the papers with regards to children being victimised, we would like to prevent this from EVER happening at our school, so please lets not give anyone the opportunity to do this, lets keep our children as safe as possible and find another solution.

Yours sincerely

Christopher King  
Chris King Roofing LTD, Slaters and Tilers.

Tel:01380 ~~810018~~

~~01380 810018~~  
[www.chrinkingroofing.co.uk](http://www.chrinkingroofing.co.uk)

## Burke, Barbara

---

**From:** David Kinnaird <dkkinnaird@gmail.com>  
**Sent:** 12 October 2015 23:03  
**To:** Burke, Barbara  
**Subject:** WILTSHIRE COUNCIL (PARISH OF URCHFONT) PATH NO 51 DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015

Dear Barbara,

Many thanks for writing with the update in relation to the above order.

I strongly support the order. The creation of a public right of way is a matter of fact - and clearly the route shown was used by a large number of people for a long period of time until it was blocked up by the school governing body.

The school only became exercised about the risk to child protection that the path could represent when this became a part of the OFSTED examination.

The text below is as relevant now as it was when I wrote to the school in 2013:

*"I'm not sure I see that there is much risk in creating a footpath through the school grounds. The gate was open 24/7 for years without incident (a fact your letter omitted to mention) before the unilateral decision was made to lock it – creating as I recall a real kerfuffle! The obvious consequence was that mums and toddlers had to walk around cuckoo corner to get to the field – a much greater and more real risk than the imaginary bogey-man stalking the fields..."*

*I noted to you by email on 20 Jan 2012 "Re the path – it was used as footpath for many years by the public – so be cautious that no-one applies to get it designated as such"*

*Given the peremptory nature of the gate's closure I even considered doing the same myself. I didn't, but looked into it and found it to be a fairly straightforward exercise. My view is that had the GB taken the time to consider the needs of village access to the playing fields before the gate was closed this could all have been agreed beforehand.*

*I'd be prepared to look constructively at creating a footpath along the back of the school buildings rather than dismissing it and stating without justification that it is a "huge security risk"*

My view is that the path can be re-routed - key is that the village has easy access to the playing fields and swings.

The historic route of the path after it leaves the waiting area doesn't really work. The local authority can apply for this to be diverted under s 119B of HA 1980 (a special diversion order for a path crossing school ground to protect pupils or staff from violence or the threat of violence, harassment, alarm or distress arising from unlawful activity or any other risk to their health or safety arising from such activity) See

<http://www.legislation.gov.uk/ukpga/1980/66/section/119B>

My view therefore is that it cannot be closed, it needs to be diverted. The school should be encouraged to work to find a solution . The obvious (blindingly) solution is to run the path from the gate, along the back of the houses, behind the oil tank and along the school drive to connect with the other path.. Maybe the oil tank has to be moved a touch. Everyone happy. I don not agree that there are “obvious safeguarding reasons (as cited by the school)” that prevents a path running alongside the school? It’s not as though it needs to run right through the hall! A path following this route gives the access people need without any risk to children.

Kind regards

David Kinnaird

~~Elizabeth Kinnaird~~

High Street

Urchfont

DEVIZES

SN10 4QL

## Burke, Barbara

---

**From:** Lisa kinnaird <Lisa.kinnaird@wiltshire.gov.uk>  
**Sent:** 25 October 2015 04:08  
**To:** Burke, Barbara  
**Subject:** Wiltshire Council (Parish of Urchfont) Path No 51 etc

Dear Barbara. I know my husband David has already sent comment on this but my daughter Emily (11) wrote the below and I thought I would share this with you. Kind regards. Lisa Kinnaird

It's Emily here : I've never ever felt threatened in urchfont. When we are changing at school all blinds are closed and no one can see through. I don't see the reason why people are worried about our privacy, I've lived in urchfont my whole life and not once have I been threatened or abused. I almost know everyone in urchfont and every one is so nice to me. I think there should be a path!! My mum has already taught me if someone strange come towards me. There is no threat!!! My sister and her friend were on their bikes, and a van came round the corner and knocked them off their bikes. Charlotte was fine but her friend had to go to hospital as her handle bar punctured her abdomen only just missing her bladder. This is why there should be a path through the school and cuckoo corner is a dangerous place especially for children! Than you for listening 😊. 🍀 + ❤️ Sent from my iPhone



~~Wiltshire Council~~  
Coxhill Lane  
Potterne  
Devizes  
Wilts  
SN10 5PH

24th November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was a parent of children at the school from 2004 to 2011 and I was Chair of the Parent Teacher Association for two years. I also helped in the classroom as a parent assistant for several years.

During the years that I was involved with the school, my understanding was that the pathway from the Green into the school was a pedestrian access to the school only.

There were two high wooden gates, one at the road end of the pathway, the other at the school end. The gate nearest the school was bolted from the school side during school hours. For this reason, if I needed to gain access to the school during the school day I would always enter the school via the main drive.

There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited. Anyone who entered the school grounds did so without the permission of the school and if seen would have been challenged by a member of staff. As a parent I would have been very concerned if I had seen a member of the public with no valid reason to be on school property within the school grounds.

yours sincerely,



Sarah Leckie (Mrs)

~~XXXXXX~~ Lane

Potterne  
Devizes  
Wilts  
SN10 5PH

24th November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was a parent of children at the school from 2004 to 2011 and during this time I was a parent Governor and, for a period, Chair of Governors.

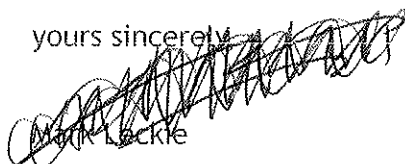
Whilst in these roles I was the school's project manager for the construction of the covered area between the classrooms and therefore had knowledge of both the building and site plans.

My understanding has always been that the pathway from the Green into the school was solely a pedestrian access to the school, with no right of way.

There were two high wooden gates, one at the road end of the pathway, the other at the school end. The gate nearest the school was bolted from the school side during school hours. For this reason, if I needed to gain access to the school during the school day I would always enter the school via the main drive.

There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited. Anyone who entered the school grounds did so without the permission of the school and if seen would have been challenged by a member of staff. As a parent I would have been very concerned if I had seen a member of the public with no valid reason to be on school property within the school grounds; as a Governor, it was of the highest priority to ensure that all of the children remained safe in the School environment. The proposed footpath challenges this essential principle significantly.

yours sincerely

  
Mark Lackie



**Urchfont Pre-School CIO  
Cuckoo Corner  
Urchfont  
Wiltshire  
SN10 4RA  
  
01380 848444**

22<sup>nd</sup> November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing on behalf of the committee of Urchfont Pre-School CIO to object to the Order on the grounds that the stated path has never been a Public Right of Way.

The pre-school is situated in the grounds of Urchfont Primary School and shares access and play areas. We have been on site for almost 20 years.

During all these years working closely with the school, our clear understanding has always been that the pathway from Top Green to the school was not a right of way for the general public to access the playing field. It is for the use of primary and pre-school parents during the school day to access the school site.

There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours. Our parents were asked to bolt this gate after themselves.

There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited.

It was our understanding that anyone who entered the school grounds during the school day did so without the permission of the school and would have been challenged by a member of staff.

As a committee we are gravely concerned that the school site will be a public right of way. From a safeguarding point of view the fact that anyone will be allowed free access to the school site is very worrying. Even now, when the site is closed to the public and their dogs, the amount of dog mess that the pre-school children tread in is significant.

We ask that you reconsider adding a footpath to the definitive map through Urchfont School grounds.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Sarah Lee', written in a cursive style.

Sarah Lee  
Committee chairman

~~Wiltshire Council~~ High Street  
Urchfont  
Wiltshire  
SN10 4QH

22<sup>nd</sup> November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was associated with the school from September 1999 to July 2012 as a villager, parent (at both pre-school and the primary school), school governor and helper.

During all those years of being associated with the school, my clear understanding, was always, that the pathway from Top Green to the school was not a right of way for the general public to access the playing field. It is known as the school footpath, because it accesses the school and pre-school.

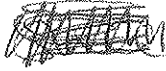
There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours. Shortly after moving to the village in 1999 I recall meeting another villager who worked at Urchfont Manor. She told me that she was fed up with the school locking the gates and she should be allowed access across the site to go to work in the Manor.

There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited. I knew that if I wanted to access the village play equipment I would have to walk around Cuckoo Corner not down the school footpath and past the school classrooms. I knew that I risked being challenged by a member of school staff if I was met on the footpath.

It was my understanding that anyone who entered the school grounds during the school day did so without the permission of the school would have been challenged by a member of staff. My own children when older and on inset days from Lavington School have been asked to leave the site of Urchfont School as they didn't share the same inset days and the primary school was still in session. They and their friends knew not to try to play on the field until after 3.15pm.

When I first moved to the village in 1999 it was very difficult to get to the school footpath from the Top Green with my double buggy as the gates at that time formed a chicane. I approached the governors of the primary school to rectify this as I considered this to be their footpath and their responsibility to provide good access for their parents. They addressed my problem and changed this gate to allow easy access for their families with buggies and wheelchairs.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Sarah Lee', written in a cursive style.

Sarah Lee

Robert Lee  
~~High Street~~  
High Street  
Urchfont  
DEVIZES  
Wiltshire  
SN10 4QH

01380 ~~777777~~

22 November 2015

Ms B Bruke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge  
Wiltshire,  
BA14 8JN

### **Objection to the Order for a Public Right of Way through Urchfont School**

Dear Ms Burke,

I moved to the village in 1999 with my wife and two small children, we rapidly had two more and frequented the School field most weekends to use the swings, climbing frame, roundabout etc.

I was elected to the School Governing Body just after my first child joined Urchfont School in 2001 and remained a Governor until 2008 following four years as Chair of Governors. All four of my children passed through the School with the last leaving in 2012. I therefore had a close relationship with the school for 11 years, at no time in that period did I believe that the path from Top Green was anything other than for parents to get to School, although many of us used it outside of school hours. The school made it very clear with signs that it was a private path.

During my time as a governor I was privy to several conversations that are pertinent to this application and are why I object to the notion that it has always been a right of way:

The School asked the neighbours who owned the fence to repair it as it was dangerous for the children, the neighbour at the Ark then replaced it.

The school re-laid the path prior to 2006 and put in lights along the path so when dark and frightening on the way home in winter the children could still see – the school didn't have quite enough money and so the final light wasn't erected (even though there are wires there for the future). The lights were set to only come on in School time when dark as the path was only to be used in school time. Had this been a public path then others would have paid for the final light and it would have been lit even when the School is not open.

There were numerous discussions with the county on ownership of various parts of the School land (neighbour's borders along the school drive, the citing of fences, the paying for grass cutting etc.) one area that was never questioned was the private nature of the school path from Top Green and that the gate was locked in School time.

When the metal fence at the front of the school was erected there was a discussion on if it should be locked with a padlock and again the governors talked through locking the gate out of school hours, it was felt there was no need as the villagers mostly treated the

path outside of school hours with respect, knowing that as a private path it was closed in school hours.

When the cameras around the school were erected we discussed the locking of the gate outside of School hours to stop people using the path at all again.

OFSTED make it very clear that the safety of pupils is paramount and hence fences have had to be erected around the school, one area that did not have to change were the windows and doors near the path as the gate was locked in school hours allowing no access. I do not see how the School could stop people looking into the windows of the school were the path opened to the public with the current arrangement. OFSTED would not allow this and would no doubt insist on erecting a high fence to surround the school and create a new path close to the neighbour's boundary. None of this has been done in the past as it isn't a public right of way.

I think it is deplorable that School time and money have to go into defending something rather than focussing on education because a few people in the village wish to change history. The path has not been a right of way, however the fact the School allows people to use it out of School hours is now being used as a reason for people to walk through the School Grounds at any time. I have to question the motives of those who want to walk within a few feet of a classroom when the children are there.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Robert Lee', written over a horizontal line.

Robert Lee



~~XXXXXXXXXX~~  
Tipton St John  
Sidmouth  
Devon  
EX10 0AX  
Tel. 01404 ~~XXXXXXXXXX~~

20<sup>th</sup> November 2015

Ms B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont C of E Primary School grounds**

I was a member of the school Governing Body between 2010 and 2014. For the duration of that term I was responsible for all Safeguarding issues associated with the School and like all my fellow Governors I regarded the requirement to maintain a safe environment both within the school building and at all exterior play areas and access points around the school as one of our primary responsibilities.

The location of the school continues to present unique security problems in that it is sited in a large recreation area with easy access from a playing field and neighbouring gardens. In addition there is direct access to the school via a footpath from The Green/Blackboard Lane. Dealing with that footpath first during my term as a Governor the footpath was first secured by two wooden gates, one close to the road and the other at the school end and this gate was always kept shut and bolted from the school side during school hours. When I assumed the safeguarding role I had cause to question ownership and purpose of the path. I was assured by both the then Head Teacher and Chair of Governors that the path was private but out of school hours the gates were left open to allow the public easy access to the playing field. Notices were clearly displayed outlining access without authorisation was not permitted during school hours. If the notices were defaced or damaged they were replaced. Subsequently the gate was modified with an electronic lock and audio link to the School's Administration office. The immediate boundary on the playing field side of the school whilst covered by a CCTV surveillance system did create a concern, reinforced by an OFSTED inspection report of the Pre-school calling for security fencing along the boundary, and as a consequence a security fence was erected. The staff at the School are particularly vigilant, challenging anyone approaching the school, and both through their observation and use of the CCTV monitoring security is good but must not be undermined by a Rights of Way so close to the School.

When most people discuss the question of security and safeguarding at schools it is generally in terms of the 'bogeyman', someone who is going to threaten or harm the children and their teachers. Safeguarding is far more extensive than that and whilst clearly the prevention of physical harm to the children is uppermost there are many other issues. The unwarranted intrusion by unauthorised people on or near the school premises can cause anxiety for the children; children from other schools with different holiday times can be both a distraction and a security threat; divorcing parents engaged in custody battles for a child must not be allowed to enter anywhere near the school without the School staff having a clear understanding of which parent has the current custody and parental rights. Safeguarding is extended to the times when the children have to exit from the school. Normally this is for either the end of school hours or school trips but in the event of the fire alarm being sounded the children and staff must evacuate to predetermined assembly points, one of which is the area at the school end of the footpath. The area is not large and is barely sufficient for a controlled assembly. Any reduction in size of this area and any further physical restriction around it will have severe implications for the safety of children in the event of an emergency, particularly a fire.

During term time it is generally adults who seek access to the village playing field during school hours. The predominant activity is walking, mainly with a dog but not always. Until quite recently most walkers would use a permissive path through the northern boundary to Urchfont Manor. As dogs are banned from the recreation area which is predominantly the school playing field it is obvious why dog walkers in particular used the permissive path. Soon after the conclusion of the sale of Urchfont Manor to private purchasers Urchfont Parish Council agreed to their request to discontinue the Permissive Path and in time a footpath was created along the northern boundary of the recreation area to accommodate walkers seeking access to either the amenities in the playing field or Oakfrith Wood. At no time whilst I was a Governor did I receive or hear of any representation from a statutory authority to change the private path from The Green to the School into a public right of way

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rodney Lind', with some scribbled lines underneath.

Rodney Lind QPM

~~Janet Hawkins~~  
Urchfont  
Devizes  
Wiltshire  
SN10 4QS

13 November 2015

Your ref: BB/2014/01

Barbara Burke  
Definitive Map and Highway Records Team Leader  
Waste and Environment  
Wiltshire Council, County Hall  
Bythesea Road  
TROWBRIDGE  
BA14 8JN

Dear Barbara

**Application to add a footpath to the definitive map and statement of Urchfont**

Further to your letter dated 8 October 2015, I am writing to confirm my support for the recording of a public footpath on a route between Top Green, Blackboard Lane through the school grounds to the recreation field.

On moving to the village of Urchfont in 1982, I used this route freely on a very regular basis to access the school (my three children attended the school between 1985 and 1995), the recreation ground beyond and other recreational facilities including the children's play equipment, the tennis courts and the local bluebell wood. (See my letter to you dated 26 September 2014 where I list examples of why I used that particular route.) I have been prevented from using this route during school hours since 2011 because my way was barred by a locked gate part way along the pathway.

I would like to take my two-year-old grandson plus scooter and baby granddaughter in a buggy to the recreational facilities i.e. "swings" during school hours but going on foot via Cuckoo Corner is too dangerous; it is narrow with no pavements, has a 90° bend and is used by farm and other traffic in both directions. The footpath through the school grounds, closed by the school, is and always has been the safest way of accessing the school and the village's recreational facilities.

I think that the use of the route by myself and other villagers/members of the public through the school grounds has made it a Right of Way and it only stopped being one when it was blocked by the school's locking of the gate during school hours. It is for this reason that I support the re-opening of the path and its recording on the definitive map and statement of Urchfont.

Yours sincerely



Mrs Janet Hawkins

~~Wiltshire~~  
Urchfont  
Devizes  
SN10 4SQ

Your Ref: BB/2014/01

17 November 2015

Ms Barbara Burke  
Rights of Way  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

Dear Barbara

**Re: Application to add a footpath to the definitive map & statement in Urchfont**


I am writing in support of the above order. My family moved to Urchfont in 1982 and we regularly used the footpath to take our young children to the playing fields as it was and still is, the only safe route to the play equipment.

In 1985 I began teaching at Urchfont School and I taught there for ten years. During this time there was free access to villagers along that footpath, to enable them to access to the playing fields and tennis courts. During my time at the school a bolt was put at the very top, inside the gate. It was not always locked, but was put there to keep young children in, not people out, as everyone was aware of it and it was positioned so that adults could access it to open the gate from outside. At that time the school was the hub of the village and very much part of village life. I was, therefore both surprised and shocked when the footpath was closed without any consultation, so depriving the village community, both young and old, of this longstanding and very valuable community asset.

I am now a grandparent and our grandchildren love to visit the park and the playing fields. Sadly however, the route we now have to take is too dangerous for buggies and excited three year olds, as there is no footpath, a dangerous bend, entrance to a farm and building construction going on with all the accompanying dangerous traffic.

I am saddened that the decision was made to close this longstanding right of way and I can only hope that commonsense and above all regard for children's safety prevails. There is, I am sure, an easy way to construct the right of way to both ensure the safety of the schoolchildren and that of those visiting the playing fields.

Yours sincerely



Mrs Gwendoline M. Hickey

~~27th November 2015~~  
Urchfont  
Devizes  
SN10 4SN  
01380 840794

26th November 2015

Barbara Burke  
Definitive Map and Highway Records Team  
Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
TROWBRIDGE  
Wilts  
BA14 8JN

Dear Ms Burke

We write to you in relation to the proposed public right of way from the Top Green In Urchfont Village to the village playing field and recreation area via the established pathway between the two houses, The Ark and Fiddlers Cottage.

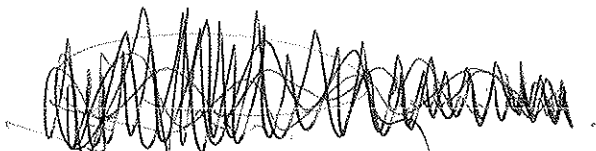
Our family moved to Urchfont in July 1987 and our two daughters attended the Urchfont Primary School. Since that time we have used this pathway on a regular basis, during and outside school hours to access, not only the school, but the recreation area and the Tennis Courts.

We have both had links with the school through various activities, including School Parents Association, Clerk to the Governors, Cycling Proficiency to mention a few. We have also used the pathway in question throughout that time, in order to use the recreation facilities.

We are aware that there has been mention that the gate at the end of this pathway was bolted and padlocked with signs stating that access is denied during school hours. It is difficult to be categoric as to this fact, but we can say that throughout the time we have lived in the village at no time had our passage along this pathway been barred, until recently. We are aware that at some time a bolt was fitted to the gate, but it was our understanding that this bolt was fitted to stop the children from gaining access to the road without adult supervision. It was our practice to slide back the bolt to gain access and re-bolt the gate afterwards. It is only in the last four years that we know for certain that the gate has been locked with a buzzer system controlled by the School Secretary.

We hope that this information will be of help to you, but should you require any more details please do not hesitate to contact us.

Yours sincerely



Trevor and Gillian Hill

Michael Holloway,  
~~Urchfont Primary School~~,  
Devizes,  
Wiltshire  
SN10 1EU

26/11/15

Dear Ms Burke,

I would just like my objection noted reference the proposed PROW through Urchfont Primary School, Urchfont Nr Devizes. As a live on site caretaker of 35 years, I feel I have a position to be able to speak with some knowledge of the problems this would cause if it should go ahead. I am all to aware of the huge safety implications of a secondary school and keeping the school safe with out a PROW, not to mention a PROW through a primary school! Right is the key word here, but doesn't children of our county and indeed the country as a whole have too the right to play and learn in safety in as much safety as we can possibly offer.

I hope that the decision made, will be the right one, that will assure my adopted family whom are pupils of UPS, do not have the risk of, whilst on school grounds during sitting time, have an increased risk of coming into contact with strangers, or a vicious dog or dog faeces- a problem that was always a problem at Devizes School, subsequently as a result of allowing this PROW to be passed.

My thanks in advance for your consideration

Yours sincerely

Mr M Holloway



Michael Holloway,  
~~XXXXXXXXXX~~,  
Devizes,  
Wiltshire  
SN10 1EU

26/11/15

Dear Ms Burke,

I would just like my objection noted reference the proposed PROW through Urchfont Primary School, Urchfont Nr Devizes. As a mother and the Wife of a live on site caretaker of 35 years, I feel I have a position to be able to speak with some knowledge of the problems this would cause if it should go ahead. We were all to aware of the huge safety implications of a secondary school and keeping the school safe with out a PROW and the huge amount of work that went into keeping it so. You always had those who would vandalize and thus obviously this is another risk you will be opening UPS up to that bit more. Our school always had issues with dogs not being permitted but it was almost impossible to enforce and this too brought with it problems of upset when you tried to enforce it. As a mother PROW through a primary school rings alarm bells. Right is the key word here, our children of our county and indeed the country as a whole have the right to play and learn in safety in as much safety as we can possibly offer.

I hope that the decision made, will be the right one, that will assure our adopted family whom are pupils of UPS, do not have the risk of, whilst on school grounds during sitting time, have any increased risk of coming into contact with strangers, or a vicious dog or dog faeces- a problem that was always a problem at Devizes School, subsequently as a result of allowing this PROW to be passed.

My thanks in advance for your consideration

Yours sincerely

Mrs Rita Holloway



~~XXXXXXXXXXXXXXXXXXXX~~

Rowde  
Devizes,  
Wiltshire,  
SN102AH

18<sup>th</sup> November 2015

Ms B Burke,  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire,  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through the grounds of Urchfont C. of E. V. C. School**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was Headteacher at Urchfont C. of E. V.C .Primary School between 2002 to 2009.

During all of those years that I was associated with the school, my understanding was always that the pathway was a pedestrian access to the school. There were two high wooden gates at either end of the access path to the school. The gate nearest to the school was bolted from the school side during school hours. There were signs on this gate indicating that it was the entrance to the school and that unauthorised access was prohibited. There was a similar sign on the playground. Anyone who entered the school grounds during school hours, and not on school or pre-school business, was doing so without the consent of the school.

Yours Sincerely,



Mrs Jackie Holton



~~CONFIDENTIAL~~

Devizes,  
Wiltshire,  
SN10 2TJ.  
14.11.15

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire County Council,  
Bythesea Road,  
Trowbridge.

Dear Ms Burke,

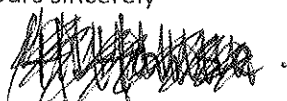
I am writing to strongly object to the right of way through the grounds of Urchfont C of E Primary School. I joined the school as a member of staff in early 1998, initially as a teaching assistant and latterly as a teacher and have always had a very clear understanding that the pathway from Top Green to the school was not a public right of way and was always a pedestrian access for parents and children.

As the only Teaching assistant in the school when I joined the staff in 1998 I played a very important role in ensuring that the gate was bolted from the school side at all times during the school day. I recall checking the gate during the school day and when finding that it had been unbolted, which at times it was, ensuring that it was bolted again immediately. I recall that on occasion I have challenged members of the public who had ventured onto school property either through the gate, having reached over the gate and unbolting it or those that had walked up the school drive and had unbolted the gate to walk back to the Top green. It was always of paramount importance to me to ensure that the gate was always bolted during the school day and members of the general public were not allowed to access the school grounds.

In my experience parents and children alike were aware that the gate should always be locked and when parents have entered the school on business during the school day I have on numerous occasions followed behind them and locked the gate after their exit. I also recall that there was a notice at the bottom of the path nearest to Top Green that stated that the path was for access to the school only.

I reiterate most strongly my objection to the right of way in light of the reasons stated above.

Yours sincerely



Honor House

Miss Lisa Mills  
Foxley fields  
Urchfont  
Devizes  
SN10 1SN

16<sup>th</sup> November 2015.

Dear Ms B Burke,

I am writing in connection with the proposed public right of way planned to go through Urchfont Primary School grounds. I have been an Urchfont resident since August 2014 and had made several visits to the village between May and August 2014, two of which were to view the primary school and the pre-school.

During these visits I saw signs that stated the pathway could not be used between 9am and 3:15pm on school days as a right of way but it could be used at all other times.

These signs are still there now for everyone to see.

On my first visit, which was to view the pre-school, I used the intercom to gain access as the gate was locked, and as I walked through the school grounds a member of staff approached me asking who I was and why I was on school property. This happened because I had used the intercom to ring through to the pre-school so the school didn't know why I was there. Since moving to the village.

the intercom is still used and the gate is still locked during school hours. And if you were to gain access a member of staff would challenge you.

As a resident I have used the footpath many times out of school hours and have never encountered another member of public. I have also never seen anyone along the path when I'm going to and from work at 6am or 6pm as I work in the Pre-school cleaning. I have accessed Oakfrith Woods and the park via cuckoo corner and have seen many other people doing the same.

It confuses me how the council have refused to implement a 20mph speed limit on that corner stating its not dangerous then stating that its too dangerous to be used as access to the woods and playing field. The council in my opinion have contradicted themselves and in doing this they have also decided that childrens safety at school is allowed to be compromised.

There are currently 36 registered sex offenders living in the Devizes area including Utchfont and that in itself is a great worry but what is more worrying and alarming is that the council would even consider putting a public right of way through school grounds, including going past one of the classrooms changing rooms. A pathway which would then be included on ordnance survey maps so anybody could

use it.

I think the council should check the ordnance survey maps for the period between 1991 and 2011 and then you would see that this pathway has never been a public right of way.

Thank you for taking the time to read this.

Yours Sincerley  
~~XXXXXXXXXX~~

~~16/10/15~~, Brickley Lane  
Devizes  
Wiltshire  
SN10 3DA  
16/10/15

Dear Ms Burke,

Subject: Urchfont Primary School - Rights of Way

If feel compelled to write and object to the proposed Public Right of Way through the school grounds. I am objecting on the grounds that there is no public right of way through the primary school.

During the time I have worked at Urchfont Primary School (from 2008 to present day) I have always had a clear understanding that the pathway - from The Green to the school was not a right of way for the general public and was always, a pedestrian access to the school for parents and pupils. This meant that during the school day, no one could enter through the gate unless on school business and that the gate was bolted from the school side. Also if an individual (former pupils included) walked through the school grounds and were not on school business that they would be challenged. This happened on several occasions during Page 233 break / lunch times.

I believe that there is safe and adequate access to the playing field via Cuckoo Corner and that the council / parish council have no consideration for the safeguarding of school children at Urchfont

yours sincerely

~~XXXXXXXXXXXXXXXXXXXX~~

HLTA (Higher Level Teaching Assistant)

Urchfont Primary School

## Site Security & Visitor Control

### STATEMENT OF INTENT

- This procedure acts as a supplement to the "Security Procedures" section of the "Health and Safety Manual for Schools".
- It should be read and acted upon in conjunction with the Health and Safety Manual.

### Visitors

- Gates will be kept closed
- All visitors will be directed towards the main door and reception by the use of signs at all possible entrances to school grounds
- All Authorised Visitors will be issued with a badge by reception staff
- All members of staff should be instructed to challenge anyone encountered on school premises whom they do not recognise as a legitimate visitor. Such people should be required to produce evidence of their identity and account for their presence. If they are unable to do so satisfactorily, they should be escorted to the Reception Area or to the Headteacher, where the purpose of their visit may be confirmed. If the latter course is chosen, the reason for it should be clearly explained - legitimate visitors should not mind.
- Under no circumstances should visitors be permitted to remove items of property or the property of staff, unless the person witnessing the event has personal knowledge of the visitors' identity and their authority to do so. Walk-in thieves, sometimes under the guise of 'equipment repair personnel' can be extremely plausible in manner and appearance, and staff need to be aware of the dangers.

### Cash Handling

- All cash will be stored within a safe .

### Valuable Property

- All valuable property will be marked both visibly and invisibly to aid recovery should it be stolen.

### Personal Property

- All personal property will be locked in the staff room

### Key Control

- A log of all permanent and temporarily issued keys will be kept in the school office.

- If a key is lost it should be reported immediately to allow the locks to be changed and keys re-issued.
- A key audit should be performed annually.

**Unauthorised use of school facilities**

- Signs will be placed indicating that the play equipment and the playground are not to be used outside of school hours.
- CCTV will be used to collect evidence of unauthorised use of school premises, and signs that it is in use should be displayed.

**Date for review**

January 2006



PLAYGROUNDS / FIELDS / CAR PARKS

# RISK ASSESSMENT RECORD

RA7-1

RA0

This form is to be used in conjunction with any of the Preliminary Risk Assessment Forms RA2-7

<b>Issue:</b>	Unauthorised entry / access compromising safety
<b>Location:</b>	

What measures are currently in place to reduce the likelihood of harm occurring?

See RA2-1


- Also all adults on duty at playtime or lunchtime should challenge any unauthorised person on the site.
- CCTV in operation and security lighting at night.

Do you assess these measures as being adequate?	Yes	<input checked="" type="radio"/> No
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Your Name: J. Holton	Date: 3/05
----------------------	------------

If 'No', what additional measures are necessary?

Action	By Whom	By When
See RA2-1		

  
Badgemore  
Henley on Thames  
Oxon RG94NR

27 October 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
BA14 8JN

Dear Madam,

### **PROPOSED RIGHT OF WAY THROUGH URCHFONTS SCHOOL GROUNDS**

I am writing with some information that is relevant to the forthcoming judgement on the public right of way that is proposed to run through the grounds of Urchfont Primary School.

My father was the Warden of Urchfont Manor from 1965 to 1995. During that time I lived in "The Ark" on The Green, Urchfont from 1965 until 1979 and we then moved to Crookwood House on Cuckoo Corner where I lived until 1990. Both properties were owned by Wiltshire County Council.

When Urchfont School was built on the village playing field in 1974, a pathway was cut through our garden at The Ark along the boundary with Fiddlers Cottage to provide pedestrian access specifically to the new school. During the period from 1974 to 1985, when we moved house, I can recall that the gate at the school end of that pathway was very often secured to prevent entry to the school site. I am not sure of the situation after 1985, but I would dare say that there was no reason for change.

From the time that the new school was built I always had a clear understanding that the new pathway from Top Green to the school was only for access to the school. I remember in particular during the period from 1985 to 1995, when we lived at Crookwood House, people not associated with the school that wanted to use the playing field used to come round Cuckoo Corner and go past my house to gain access to the field.

I always had a clear understanding from 1974 to 1995 that the pathway from Top Green to the school was not a right of way for the general public and that it was always, from the very beginning, a footpath to the school for parents and pupils. I also believe that this was the generally held view by many people in the village.

It seems inconceivable to me that a claim for a public right of way from Top Green through the Urchfont School site can be valid. I hope that this statement is useful in making any judgement.

Yours faithfully,

  
Nigel Barklem

Mr R. J. Bishell  
Foxley Fields  
Urchfont  
Devizes  
SN10 4SN

16<sup>th</sup> November 2015

Dear Ms B Burke,

As an Urchfont resident and a parent of children who attend Urchfont Primary School I was very disgusted to hear of the plans to make the footpath through the school grounds a public right of way. I have lived in the area since I was eight years old and spent a lot of my childhood in the village visiting family friends and taking our dogs for walks through Oakfrith woods. We would access the woods either via cuckoo corner or using the footpath through the school but this was always outside of school hours as there were signs to state that the path could not be used between 9am and 3.15pm on school days.

I believe the gate was always bolted during school hours and more recently an intercom system has been put in place.

The signs are still up at the school to state when the path can and cannot be used and I know if I tried to use it during school hours I would be stopped and

questioned by a member of Staff.

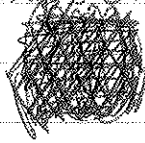
As a parent of Urchfont Primary School pupils it concerns me that any random member of public could be that close to the school whilst the children are there.

I feel very disappointed that the council had even considered opening the path as a public right of way.

I am hoping that yourselves can find an alternative route

Yours sincerely

Russell Bishell



**Burke, Barbara**

---

**From:** Jane & Tom [jane@yghouse.co.uk](mailto:jane@yghouse.co.uk)  
**Sent:** 16 November 2015 20:17  
**To:** Burke, Barbara  
**Subject:** Letter of support

**The Definitive Map Modification Order - Application to add a footpath to the definitive map and statement in Urchfont (The route from Blackboard Lane at the Top Green through the grounds of the school to the recreation ground)**

Dear Barbara,

I am writing to register my support for Wiltshire Council's order to add the existing pathway from Blackboard Lane at the Top Green through the grounds of the school to the recreation ground to the definitive map of Urchfont.

I grew up in Urchfont and attended Urchfont School between 1984 and 1991. As far as I am concerned the existing pathway is an established Public Right of Way that has been used by the general public for as long as I can remember. It was used everyday by me and all the other children who walked or caught the Community Bus to school. I have subsequently always used this path to access the recreation ground, like most other recreation ground users. The school's objection to the order to make it a Public Right of Way is ridiculous.

In addition to the fact that this pathway should be considered an established Public Right of Way, I agree with the Parish Council's concerns regarding the safety aspect of closing this path. The only alternative pedestrian route to the recreation ground is via a potentially dangerous road without pavements. As a mother of two children under four, who frequently visit the recreation area (which is the only one in the village) during school hours with me or their grandparents, I find the alternative route particularly hazardous. The road, which has no pavements and is only slightly wider than a single lane in places, is frequently used by large farm machinery and features a sharp bend. Negotiating this road with a buggy and a toddler can be extremely nerve wracking to say the least. The alternative route also makes the distance to the recreation area even further. In addition, the current alternative access to the recreation ground is steep and uneven and certainly not buggy-friendly.

I understand that the school objects to the path's use during school hours on the grounds of the safety and security of its pupils. I personally do not feel that the risks from the general public using the footpath have increased since I was a pupil 30 years ago and I am sure there are some simple measures which can be taken to ensure pupil safety (a fence, for example?) and compliance with legislation.


I hope that this letter of support for the order is taken into account should the matter become the subject of a public local inquiry and that the path will be dedicated a Public Right of Way.

Yours sincerely,

Jane Bradshaw

## Burke, Barbara

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**From:** Keith Brockie   
**Sent:** 07 November 2015 10:05  
**To:** Burke, Barbara  
**Cc:** Richard Hawkins; Trevor Hill  
**Subject:** Application to add a footpath the definitive map and statement in Urchfont

Your ref: BB/2014/01

Dear Ms. Burke

In response to your letter of 8th October 2015, we can only repeat the comments and points made in our letter to you dated 16th October 2014, as below:

- *Before the 'new' school and pre-school buildings were erected access to the playing field and play park was always behind the school (the land between the rear of the school and the Manor grounds) and across the schoolyard. This would have been from 1972 (which is when we moved to the village) until the new buildings were built. After these buildings were erected we would walk in front of the school to gain access to the playing field and play park. This practice was used by the majority of users of the play area. At this time there was never a gate on this path. This route was always the safer route when accompanying small children than going around Cuckoo Corner to gain access to the playing field and recreation area.*
- *To our recollection the gate on this path between The Ark and Fiddlers Cottage was never locked, at least on the occasions when we used it to take our children to the play park. We have never seen a sign saying that this path was for school access only.*
- *When our children attended Urchfont School from 1982 until 1991, access to the school was always along this path. To our knowledge the path was always accessible at all times of the day, during school hours and also when the school was closed. Unfortunately due to the passage of time we do not have anything in writing to say this was the approved route but it was used by the majority of children attending the school.*


It appears to those of us who would like this path to stay open in order that access to the playing field and play park can be made safely without the need to walk the dangerous route along the road around Cuckoo Corner (where there is no footpath), that the school is now taking the rather paranoiac view that anyone using this footpath during school hours is a danger to the children. If this is the main objection to the path remaining open then it should be pointed out that access to the school can be gained at any time by walking up the drive or via the playing fields.

It is unfortunate that this issue has now caused relationships between the school and 'the village' to break down, with bad feeling being created between the various parties; we believe that this has only become problematic in the last few years. Indeed when our children attended the school, it was very much part of the village community; sadly no longer so.

Hopefully the situation will be resolved as soon as possible.

Kind regards

Val and Keith Brockie

  
Urchfont  
SN10 4SA

~~XXXXXXXXXX~~  
Devizes  
Wiltshire  
SN10 2RY

Ms B Burke  
Rights of Way,  
Waste and Environment  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Ms Burke,

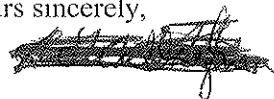
I am writing to support Urchfont C of E Primary School's stance that the school has historically never intended allowing a public right of way for the general public through the school grounds.

I have been employed as a teacher at Urchfont C of E Primary School from September 2007 to the present. From my first day working at the school, I have known that the pathway from the Top Green to the school has not been a right of way for the general public, but has existed only as a pedestrian access to the school for parents and pupils. I would like to add that during the school day my understanding has been that the public could not enter through the gate, unless on school business. To ensure that this is the case the school has regularly placed notices at both the start and end of the path, clearly stating this is the purpose of the pathway.

The schoolgate has been closed over the years, firstly by a bolt, and later by an intercom system. As child safeguarding is paramount to any school, I have always made it a point to check during the course of the school day that the gate has remained locked. In 2012, when the gate was bolted shut, I challenged a group of five women who breached the gate. One of the women had climbed over the fence to open the bolt to let the others in. I left my classroom and challenged the women, telling them of the importance of school safety.

On another occasion in 2013 I challenged a man who had driven his white van onto the boundary of the school field. It was break-time and the children were playing on the field. His intention was to dump gardening waste on a piece of wasteland near the tennis court. He left the school grounds when I told him that the field is not available to the public during school hours.

Yours sincerely,



Sean O'Callaghan

## Burke, Barbara

---

**From:** Becky Candy <Becky.Candy@hotmail.co.uk>  
**Sent:** 30 November 2015 13:46  
**To:** Burke, Barbara  
**Subject:** PROW through Urchfont School

Dear Ms Burke,

I am writing as a parent of two children who attended Urchfont Pre-School and now Urchfont School, and also as a resident of Urchfont, with regard to the PROW through the school grounds, to which I fully OBJECT. I have lived in the village since September 2010.

Since residing in the village, I have always had a clearing understanding that the pathway from the top green was NOT a PROW, only a pathway which parents and children use safely, to take their children to school. When I first moved to the village, I walked to the park area around the road, and never once thought that walking through the school grounds was an option, to get to the park or the woods. I know I could most definitely have been challenged by members of the school if I had walked through the grounds inside of school hours. This news that a PROW may be opened through school grounds was a complete shock as there has always been a clear notice to state that the pathway leads to Urchfont School and the gateway at the top of the path was bolted on the school's side during school hours to ensure safety of the children, indicating once again that this path was solely for use of parents and children.

I am extremely concerned as a parent about this PROW being opened, the main reason is the safety of the children. Not only due to predators but also because of dogs who will be walking along the path, where children are. There is also a concern of dogs fouling, I walk my children to school and regular have to dodge it. We do not need this happening in our own school grounds.

We hear of so many unfortunate incidents on the news and in the papers with regards to children being victimised, we would like to prevent this from EVER happening at our school, so please lets not give anyone the opportunity to do this, lets keep our children as safe as possible and find another solution.

Yours sincerely

Rebecca Candy



Mr & Mrs Robert Carter

~~XXXXXXXXXX~~  
Devizes  
Wiltshire  
SN10 2TD

25/10/15

Dear Ms B Burke,

We are writing this letter to you as concerned parents of pupils, Emily Carter and Matthew Carter of Urchfont Primary School, Urchfont, Devizes and on behalf of present and future pupils and parents. We can only imagine the job you have to do to try and look at this case and reach a balanced and sensible decision. We have researched as much as we could regarding this situation but, from what research we managed to do and from what we have seen from the plans, it seems extremely worrying!

This all seems to go back to the Urchfont Manor house that once had a kind of Right-of-way but since in private ownership, this privilege was removed. I am a little baffled as to why no challenge was made to this situation to be frank and now I find it very odd indeed that this proposal has been put forward. It in its present form cannot possibly go forward and our reasons are as follows:

#### **Public rights incdogs**

It seems, if the application is approved, this means that the public and hypothetically, their dogs, would have unfettered access straight through the school grounds via the alley way that is currently gated and locked and unlocked via the intercom on Parents request. We have always understood that this gate is always locked when the school is sitting. If this is granted, I can only imagine the can of worms this potentially could open up. This could be at any time, including during the start or end of a busy school day where we all gather to collect our children, that the public and their dogs could potentially be able to just wonder through. If this is granted there would be nothing to stop this and this would be totally within public rights to do so. This situation is not only not right, it is also potentially an unfair situation to put the UN-suspecting public and their dogs into whilst they are on their travels, unfortunate situations have occurred in less crowded and larger places!

#### **Who can guarantee safety?**

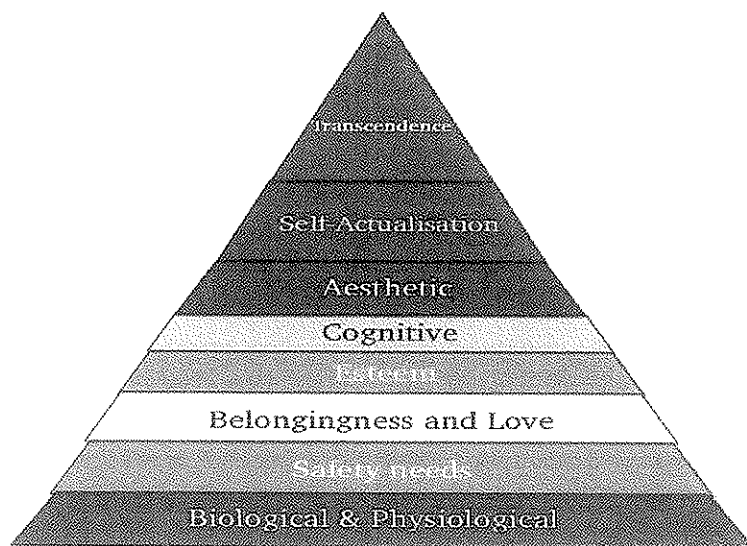
We would like to ask who would guarantee the safety and well being of our children and the staff, in particular the children whom are young, vulnerable and in our care. Will the applicant/s and or community take full responsibility, should an unfortunate incident occur. What would happen if there was a vicious dog? I think a little use of common sense is needed and we need to consider the worse case scenarios. These things do happen and all too often! What if a dog was to attack a pupil? What happens if the children are playing football and a dog decides that it wants to join in? Or children are on the way to forest school? Would all dogs have to be on leads and muzzled? Further more how would this be policed? Notwithstanding this we understand and appreciate that everyone on the school site currently has by law to have a CRB check to ensure that they do not have any cruel or criminal tendencies. This is obviously a part of the safeguarding of our children whilst they are on school grounds. This includes checking whether someone is included in the DBS 'barred lists' (previously called ISA barred lists) of individuals who are unsuitable for working with children and adults. However I would ask how will these essential and

fundamental safeguarding procedures be applied and enforced regarding the general public and their right-of-way if a 'Right of way' is approved. As you are all to aware, Every action we take to promote the welfare of children and protect them from harm is a plus – it is everyone's responsibility, from staff members to parents and guardians. This is some thing that is considered keenly by Ofsted and if this is to be approved would it have a impact on the rating?

Everyone who comes into contact with children and families has a role to play. Of course as concerned parents we are intrigued to learn how safeguarding legislation and government guidance will play a part in this application nevertheless we understand that very stringent child protection policies and procedures are in place. Furthermore what about the children's rights? The right to a safe and secure environment during schooling hours. Do the children not have a right to play safely without the potential of being watched by strangers? Moreover how can our children reach their full potential within class, and also in their social time and building rapport with their peers with such potential risks? This is arguably the most important time in a child's developmental biological process and any negative external factors could potentially have very detrimental affects on the vulnerability of pupils at UPS.

### Priority's of a child's needs

What is more to this issue, this could have a direct affect to the education of our children and in direct contravention of '*Maslow's Hierarchy of Needs*', which is a proven theorem widely utilised and adapted in all walks of the education curriculum. This theorem states that the top priority of an individual's needs is to be able to *reach their full potential through self-actualisation*.



[ONLINE] Available at: <http://cityblogger.com/archives/2010/11/10/the-new-maslows-hierarchy-of-needs>. [Accessed 7/10/15].

### Local needs?

It is important to identify the reason why this application is being put forward. Is it to benefit the directly local community of approx. 5,000? (In the 2011 census the population of Urchfont and The Cannings was 4,350 and is made up of approximately 52% females and 48% males.) This is presuming that a large percentile of inhabitants actually reside in Urchfont. It would be interesting to know also what the percentage of this population has dogs, takes walks or has the inclination to walk regularly to rationalise the necessity of this public right-of-way at all times. Leading on from this, it would also be interesting to find out *how* this data has been collated. Whether it has been collected via the means of quantitative (Data that can be quantified and verified, and is amenable to statistical manipulation) or qualitative (Data that approximates or characterizes but does not

measure details) data research means and what methods were used to acquire this data, either a questionnaire or masses of letters regarding the issue? Moreover were there any anomalies regarding the research results. It would be very interesting to see whether this is a fair representation of an appropriate proportion of the local community.

### **The worry of those with hidden agendas**

How will we know who is on site and who has left site with the potential of so many strangers/ extra visitors? This really needs some careful thought, a risk assessment and if this plan is approved, some serious safety measures would need to be implemented as a matter of urgency. We simply don't like the idea of the school grounds being so open to risk. Of course UPS has to be accessible for the community and beyond, and as walkers ourselves we understand 'The Right to Roam' to enjoy the beautiful surrounding landscape, but we have yet to walk via a right of way through a primary school! It doesn't even sound right, "A public right of way through a Primary school"? Walkers are not who we have to worry about, it's those who may not be walkers with perhaps hidden agendas! Who put themselves in positions to their sinister advantage. This is a risk and an unfair risk to subject our children of presently and in the future! We just know its not right. We also understand that if approved, this right-of-way will be included online in future Ordnance Survey Maps (Britain's mapping agency) and thus online to a much larger audience and greater numbers of the public using this as a Right of way. And as the headteacher Mrs Talbot stated "It wont just be the local community using it"!

### **The Security of the top of the Alley**

We would also like to ask if the lock on the gate at the top of the school alley and thus subject matter would need to be removed completely? During school opening times, you cannot get in unless on cleared school business. Sign's explain this visually and verbally. This is not only a secure entrance/ exit for pupils, but it also keeps children safe from both positions from risks outside the gate and moreover, it acts as substantial visual and physical barrier to little explorers or any possible unfortunate (and undesirable) incidents. These incidents can occur so quickly and we feel this is another issue of importance in its self. Would the school have to allow admittance if the gate was to be retained, and who ever had opened the gate, would that staff member feel responsible should anything go wrong!

### **Dog waste-not good!**

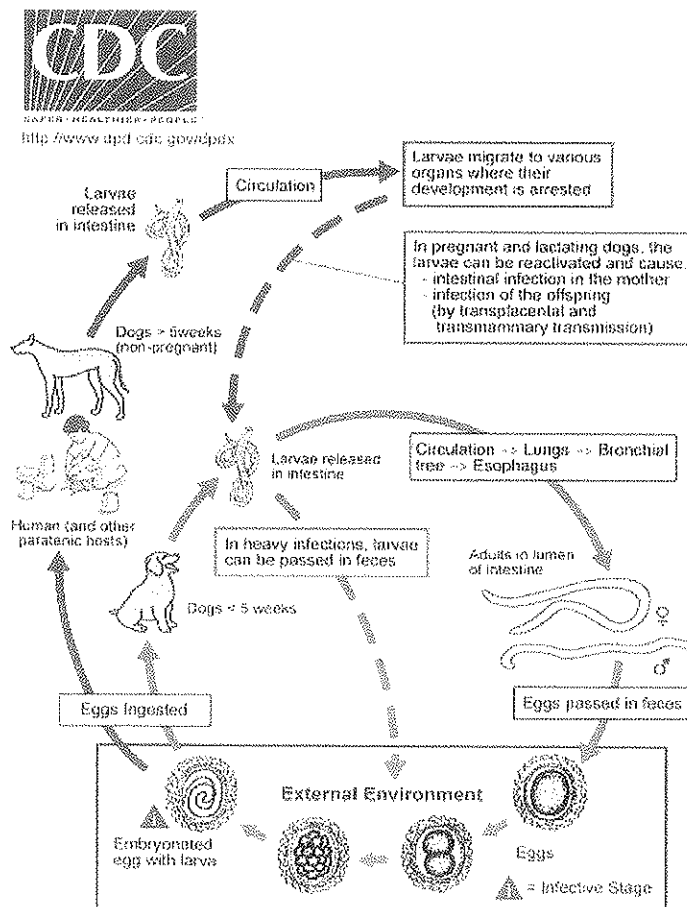
Basic human nature is considerate and respectful and the vast majority of the public, are good people just wishing to enjoy the countryside and of whom are good responsible citizens. The vast majority of man's best friends are well behaved dogs, their owners clean up diligently after the natural process has been performed. As once dog owners of 11 years to 3, we continue to love dogs and we have always tried to be considerate of other dog owners and the public etc. However persons interpretation of 'considerate' can be a little at odds with our others. Are we to have dog faeces over the school grounds from the very few who don't clear it up? Will we need dog waste bins installed? How would it be enforced and policed?

### **Toxocariasis!**

There is also another issue regarding this application to be aware of, and that is of a medical point of view. We have concerns about the children being in contact with raw dog faeces that may potentially be left by undiligent dog owners. Our concerns relate to the disease, *Toxocariasis*.

According to professionals within this field Toxocariasis still causes **partial blindness** in up to 100 children every year. This can be due to improper care and worming protection by dog owners. Toxocariasis is an infestation of humans, usually children, with the larvae of *Toxocara canis*, a small thread-like worm that resides in a dog's intestine. A dog harbouring the small round worm causes large numbers of worm eggs in its faeces, which can then contaminate the soil. Children who then play with an infested dog or with soil contaminated with its faeces can then inadvertently put their fingers in their mouths and can swallow some of the worm eggs. The swallowed eggs hatch in the intestine of the child to liberate larvae, which then travel towards the liver, lungs, brain and eyes. Here they can trigger off allergic reactions such as asthma, and they also have more serious affects such as loss of vision at least partially. Children generally run a much greater risk of coming into contact with *Toxocara* in public parks where there is no guarantee that the dogs which are allowed to roam free, are all wormed appropriately. This is a very real eventuality post application success.

[ONLINE] Available at: <http://www.netdoctor.co.uk/ate/childrenshealth/200336.html#ixzz3nuthqXly>. [Accessed 7/10/15].



[ONLINE] Available at: [http://www.dpd.cdc.gov/dpd/HTML/ImageLibrary/toxocariasis\\_il.htm](http://www.dpd.cdc.gov/dpd/HTML/ImageLibrary/toxocariasis_il.htm). [Accessed 7/10/15].

### The Child Protection Act (1998)

Under UK law The Child Protection Act (1998) requires specific additional protection for any "Individual under 18 years" which the Act defines as a child. Any organisation with pupils under the age of 18 has a particular legal and moral obligation to safeguard and promote the welfare

of any such pupils. These organisations therefore have a responsibility to be committed in compliance with the CPA (1998) in specific attention to the safety and welfare of the pupils within its care. If a child can potentially come into contact with a stranger on the school premises and within the sc, this is a risk! At present if anyone is on the school site and not on school business they will be challenged. If this is approved how can this possibly be enforced? Reference: Gov.uk. 2015. *The Child Protection Act 1998*. [ONLINE] Available at: <http://www.legislation.gov.uk/all?title=The%20child%20protection%20act>. [Accessed 7/10/15].

### **The Real world!**

We have to be realistic and remember, its a very different world we live in today, something's are great, others are not. My point being in comparison with when we were at a school age, depending on your date of birth, it would appear that our children can, in our modern society, be subject to greater risks than we were potentially at risk to. When I was young, the only thing we would be worried about was a spooky cemetery, but things have changed dramatically. So what is the point and why subject children to any more risks than necessary? We cannot see, how the safety and security of children at Urchfont school/s on the grounds,would or could be maintained in a open to all Environment, it to us is simply not manageable. The potential risks are far greater than that of ae benefits. We as parents of 3 children, would ask you, on our behalf, to ask the planning authority to consider all potential risks , and that if they were a parent of a child at Urchfont primary school would they as a present or future parent/s (because this is about the long term future) like this idea and please consider it carefully! There are miles of beautiful walks all around Urchfont and beyond. Why subject our children to any risk than really is necessary. There is a choice here. Prevention is better than cure! Should anything go wrong are the community prepared to accept the responsibility and the ramifications that may ensue. There is also another point to note about the fact that this application therefore exposes the school to a greater risk of burglary and vandalism out of hours. Again this is a sad fact of life but we need to be realistic and look at the bigger picture.

In conclusion we strongly oppose this application due to the worrying impact that it may have not just on the law set out to protect our children, the school ethos's but also their health and well-being. This has never been a public right-of-way and it has always been a pedestrian school entrance. Its always been locked from the school side and should always continue to be so when the school is sitting. Urchfont School has always been very accommodating and allowing this to be open to the public but not dogs, out of school hours but I feel its very wrong for demands to suddenly be made 'o expect a permanent right-of-way. This will have adverse implications for the whole school.

There is an easy route already via Cuckoo Corner.

We feel that it contravenes the following legislation which consist of stringent law and guidelines set in place to safeguard and protect vulnerable minors;

'The Children and Young Persons Act 1933'

'The Child Protection Act 1989',

*The Welfare Checklist – Section 1* 'The Children Act 1989',

'The Children's Act 2004,'

'Protection of Children and Prevention of sexual Offences Act 2005',

'The Protection of Freedoms Act 2012',

'Keeping Children Safe' report (DfES, DH and Home Office, 2003)

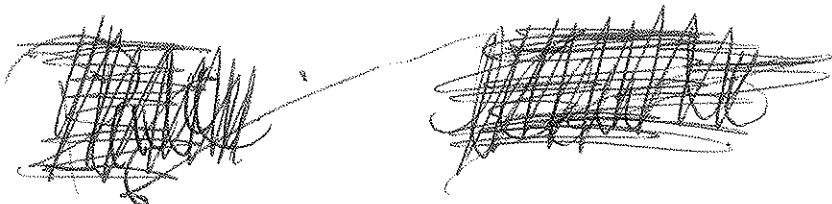
'Every Child Matters' Green paper (DfES, 2003)

[ONLINE] Available at: <http://www.legislation.gov.uk/all?title=The%20child%20protection%20act>. [Accessed 7/10/15].

We hope you can take our letter of objection into account, thank you in advance for reading this.

Kind regards,

Mr Robert Carter and Mrs Lorraine Carter.



**References and Further Reading:**

Working Together to Safeguard Children. A 97 page document that covers every aspect of child safeguarding. Helpful reading with some clear flow charts which explain how and by what route referrals progress.

[http://media.education.gov.uk/assets/files/pdf/w\\_working%20together.pdf](http://media.education.gov.uk/assets/files/pdf/w_working%20together.pdf)

Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/contents>

Children Act 2004

<http://www.legislation.gov.uk/ukpga/2004/31/contents>

NSPCC – An introduction to child protection legislation in the UK

[http://www.nspcc.org.uk/inform/public/press/publicaffairs/uk-legislation\\_syla100749.html#1989](http://www.nspcc.org.uk/inform/public/press/publicaffairs/uk-legislation_syla100749.html#1989)

Every Child Matters 2003

<http://www.education.gov.uk/schools/ps/childprotection/EveryChildMatters.pdf>

Halstead Farm  
~~XXXXXXXXXX~~  
Easterton  
Devizes  
Wiltshire  
SN10 4PE

Ms B. Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Trowbridge  
Wilts  
BA14 8JN

28 November 2015

Dear Ms Burke

### **Pedestrian Right of Way at Urchfont School**

I write to strongly object to the proposed grant of a public right of way for pedestrians across land at Urchfont School and to offer my own evidence of the claimed use of the right of way.

My name is Claire Coke; my children, Isabelle and William have attended Urchfont School since September 2006; my son, William, is in his last year at School, Isabelle having left in July 2013 so I have had a continuous involvement with the School for the last nine years and crucially for the period 2006 to 2011. My involvement with the School has been as a parent, Parent-Helper in class and from March 2008 as a Parent Governor, latterly as Vice Chair of Governors. As a Governor I was responsible for Health and Safety at the School from 2009 to March 2015. My role as Health and Safety Governor included site safety and pupil protection, which included the pedestrian access in question.

My first encounter with the School was a visit in November 2005 when my husband and I looked around the School as prospective parents. I mention this because I was immediately struck at the difficulty to access the School from Blackboard Lane, along the access in question. On the day we visited we walked along the access and found the gate shut so my husband and I drove round Cuckoo Corner and parked our car in the staff car park adjoining the main entrance and gained access to the premises there.

In my role as Health and Safety Governor one of the problems that I had to address was the use of the access in question. The access was controlled through the use of a close boarded timber gate, approximately five foot high. The gate was secured during the School day by a metal bolt at the top on the School side. During 2010/11 the then Head Teacher (Alun Richards) and the Board of Governors had become increasingly concerned that some of our parents had opened the gate during the day and had failed to shut the bolt having gained access to the site. In order to resolve the problem we arranged for a visit by Maria Leonard, Health and Safety Officer from Wiltshire County Council. Maria's advice was that the gate should be equipped with a magnetic lock paired with an intercom. The magnetic lock could be remotely activated from the School premises following use of the intercom to verify the person requiring access. Prior to the magnetic lock being fitted and on Maria's advice, the bolt was secured with a padlock inside School hours. The padlock was opened by staff at School close and remained open outside of School hours. The intercom and magnetic lock were supplied and installed by contractors working for the County Council, as Education Authority.

The magnetic lock and intercom remain in use to date. Prior to the application for a public right of way in January 2014 there had, to the best of my knowledge, been no complaint from

any member of the public that their purported route (as of right according to the claim) to the playing field had been barred through the use of the magnetic lock on the gate.

During my time with the School the access to the pedestrian gate has always had the benefit of signage, provided by the School. The signs are located at the swing gates at the junction of the footway to Blackboard Lane, by Top Green. The signs make it clear that the access is to the School only.

During my time with the School it has always been my clear understanding that the access in question was not a right of way for the general public and was always a pedestrian access to the School for parents and pupils.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mrs Claire Coke', written over a grid of lines. The signature is somewhat scribbled and overlaps the grid.

Mrs Claire Coke



Halstead Farm  
~~XXXXXXXXXX~~  
Easterton  
Devizes  
Wiltshire  
SN10 4PE

Ms B. Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Trowbridge  
Wilts  
BA14 8JN

15 November 2015

Dear Ms Burke

Pedestrian Right of Way at Urchfont School

I write to object to the proposed grant of a public right of way for pedestrians across land at Urchfont School and to offer my own evidence of the claimed use of the right of way.

My children, Isabelle and William Coke have attended Urchfont School from 2006 to the present day; I appreciate that the period of claim for the dedicated way runs to 2011 so the period 2006 to 2011 is relevant for my evidence.

I first visited Urchfont School in November 2005 in order to experience the school as part of our decision making for Isabelle's primary school (she was four years old in July 2006, so began school that autumn). When we arrived at the school we had difficulty finding it and used the pedestrian access from Blackboard Lane. Our visit was in school time and we found the gate locked so then had to drive round Cuckoo Corner and use the main access. For all my subsequent interaction at the school from 2006 to 2011 and to date including visits during the school day it has always been my experience that the access off Blackboard Lane is closed in order to prevent members of the public walking through the school playground – which seems wholly sensible to me.

It has never been my experience that members of the public can gain access along the access from Blackboard Lane and across the playing field during term time when the school is in use; outside of that period it is my experience that the access is left open to allow use by members of the public to get to the playing field.

It seems completely clear to me that the actions of the school are demonstrably to prevent access by the public across the school grounds during the time when the school is in use.

Yours sincerely



A.M. Coke

Film Tree Gardens

Devizes,  
Wiltshire

SN10 3ES

13<sup>th</sup> November 2015

Dear Ms Burke,

I write with regard to the Order made for a Public Right of Way through Urchfont Primary School from the path at the Top Green.

I have been an MDSA at Urchfont Primary School for 10 years now and have seen many changes in that time. I grew up in the village - attending the old school in the High Street and then moving into the current school. Moving from the old school into the new one is something that I will never forget

as we the pupils had to carry our desks and chairs through the village and into the new building. These days

this would be unheard of.


I object to the fact that you are willing to allow the public to use the school path to get to the playing field. As I understand, the path was built for the sole use of the school.

As an MDSA I feel that we will have to be even more vigilant when supervising the children at lunchtime especially when the are using the field. Having strangers wandering about, dogs running free dealing with dog fouling.

I trust that you will take into account my concerns about this issue.

Yours sincerely,  
[Redacted]

Mrs B. Coomes

 Foxley Fields

Urchfont

Devizes

Wilts

SN10 4SN

16<sup>th</sup> November 2015

Dear Ms Burke,

**Re: Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.


I have been associated with the school from 1997 as a parent and then as a member of staff at the pre-school which is on the school site. During all those years my understanding was always that the path from the top green to the school was a private path to the school and not a right of way for the general public to access the playing field. The gate at the school end was always bolted from the school side during school hours and the gate at the top green indicated that it was an entrance to the school and unauthorised access was prohibited.

It was and is my understanding that anyone who enters school grounds during school hours without the permission of the school would be and have been challenged by a member of staff.

Yours sincerely



Diana Cooper

  
Uphill  
Urchfont  
SN10 4SB

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
BA14 8JN

25/11/2015

Dear Ms,


RIGHT OF WAY THROUGH URCHFONTS SCHOOL

I wish to lodge my objection to the application for a public right of way through Urchfont School via the foot path from the top green.


I was a pupil at "Urchfont Primary School" from 1988 to 1995 and then continued using the playing fields in my teens playing tennis. The path we used to get to the school was locked, and access to the playing fields and tennis court was along the Potterne road via "Cuckoo corner".

I now have two young daughters, and would be disappointed to see the school have to change its status, due to this application being accepted, the school having to become a fenced and gated building to meet with Ofsted Health and safety guide lines. I understand fully that this path is a shorter route to the playing fields but to lose the open village approach, still achievable in Urchfont would be a great loss to all.

Yours faithfully,



Georgina Cooper.

  
Urchfont  
Wiltshire  
SN10 4SH

Ms B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbrige  
Wiltshire  
BA14 8 JN

Dear Ms Burke

**Re: Objection to the Application to add a footpath to the definitive map through Urchfont School grounds**

I am writing to object to the Order on the grounds that the stated path has ever been a Public Right of Way.

I have been associated with school/pre-school since September 2008 when my eldest started at Urchfont Pre-school and have lived in Urchfont since September 2008, although I have been visiting Urchfont since 1997.

Since moving to the village my clear understanding was that the pathway from the Top Green to school was for school access only and not a Public Right of Way, as a parent and dog owner I have always walked around Cuckoo Corner (or through Urchfont Manor Grounds) to access the park area or Oakfrith Woods.

There were two high wooden gates, one at the road end of the path and the other at the school end, the gate nearest school was bolted from the school side during school hours. There was, and still is, a sign on the gate by school stating that access is for school only. I have never walked through the school grounds recreationally during school hours as it has always been my understanding that 1) access was prohibited within these times and 2) I would have been challenged by a member of staff.

Yours sincerely

Steven Cottle

Lewis Cowen

Urchfont  
Devizes, Wiltshire. SN10 4SH

e-mail: [REDACTED]

Telephone 01380 840478

19<sup>th</sup> October 2015

**Re: Proposed public right of way, Urchfont**

Dear Ms Burke,

I was deeply concerned to hear that Wiltshire Council has transferred responsibility to Urchfont Parish Council for the stretch of pathway leading from the Top Green in Urchfont through the grounds of Urchfont Primary School.

This in itself is not a problem but I now hear that it is proposed to make this a public right of way.


This means that legally any member of the public would be able to access the area during the school day, being able to walk past classrooms and among children during morning, lunch and afternoon breaks, with the resultant risks to the safeguarding of children.

I have lived in the village for 31 years and my son attended Urchfont School between 1989 and 1996. Security at the site has always been a cause for concern because it is shared with the public playing field. There is a currently a sign on the gate saying there is no access to the site during school hours, and, although the sign is relatively new, this situation has always been the case, at least to my recollection.

I distinctly remember that this gate was bolted during the school day, although I can't say I remember a padlock being in place.

I would like to register my objection to this path being made a public right of way. I understand there has been a problem with access to Oakfrith Wood since Wiltshire Council sold off Urchfont Manor to a private buyer, but I do not feel the safety of our children should be the price for the council privatising a public asset.

Yours faithfully,



L M Cowen.

## Burke, Barbara

---

**From:** Sue Creasey [REDACTED]  
**Sent:** 27 November 2015 15:25  
**To:** Burke, Barbara  
**Subject:** Application to add a footpath to the definitive map through the grounds of Urchfont School

Dear Ms Burke

I'm writing to object to the Order on the grounds that the path has never been a Public Right of Way. I have been associated with the Pre-school and School (the premises) from 2008 to the present time as a grand-parent regularly taking and/or collecting three children from the premises. During all this time my clear understanding was that the path from the Top Green to the premises was a private path for the benefit of the premises only and not a right of way for the general public. Pedestrian access to the premises was controlled, during school hours, by the school who bolted the gate nearest to the premises prior to the current arrangement with the electric locking device. Furthermore, there were signs on the gates indicating that it was the pedestrian entrance to the premises and unauthorised access was prohibited.

In my opinion the alternative route round Cuckoo Corner is safe and adequate for the general public to gain access to the woods, the play area and tennis courts.

Yours sincerely  
Susan Creasey (Mrs)

[REDACTED]  
Urchfont  
Devizes  
SN10 4SH

Urchfont  
Wiltshire  
SN10 4SH

Ms B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbrige  
Wiltshire  
BA14 8 JN

Dear Ms Burke

**Re: Objection to the Application to add a footpath to the definitive map through Urchfont School grounds**

I am writing to object to the Order on the grounds that the stated path has ever been a Public Right of Way.

I have been associated with school/pre-school since September 2008 when my eldest started at Urchfont Pre-school and have lived in Urchfont since December 1992, moved away for a few years and moved back although my parents have been here so often visited.

Since moving to the village my clear understanding was that the pathway from the Top Green to school was for school access only and not a Public Right of Way, as a dog owner and a previous member of Urchfont Tennis Club I have always walked around Cuckoo Corner (or through Urchfont Manor Grounds) to access either Oakfrith Woods or the tennis courts.

There were two high wooden gates, one at the road end of the path and the other at the school end, the gate nearest school was bolted from the school side during school hours. There was, and still is, a sign on the gate by school stating that access is for school only. I have never walked through the school grounds recreationally during school hours as it has always been my understanding that 1) access was prohibited within these times and 2) I would have been challenged by a member of staff.

Yours sincerely

Karen Creasey-Cottle



Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire,  
BA14 8JN

[REDACTED]

Chirton  
Devizes  
Wiltshire  
SN10 3QL

27<sup>th</sup> November 2015

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds of safe guarding the children.

I have been associated with the school and pre-school since 2012 when my children enrolled. During these years, my clear understanding was always that the pathway from the Top Green to the school was a private path to the school and not a right of way for the public.

I would be very concerned that the new path would be detrimental to the safety of the children as this path would give unlimited access to the school grounds to any member of the public.

Yours sincerely,

[REDACTED]

Dene Davies

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire,  
BA14 8JN

[REDACTED]

Chirton  
Devizes  
Wiltshire  
SN10 3QL

27<sup>th</sup> November 2015

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I have been associated with the school and pre-school since 2012 when my children enrolled. During these years, my clear understanding was always that the pathway from the Top Green to the school was a private path to the school and not a right of way for the public. The gate nearest the school was bolted from the school side during school hours and the signs on the gates indicated that access to unauthorised visitors was prohibited. It was my understanding that anyone wishing to enter the grounds during the school day needed to obtain permission from the school and would have been challenged by any member of staff.

My association with preschool was for only half days which meant collecting my daughter at lunchtime, and I always needed to request access through the intercom system. I further volunteered at the school for 18 months, and during this time likewise there was no free or open access for the public. This is an attractive feature as I know that my children are kept safe whilst attending school.

Yours sincerely,

[REDACTED]

Sarah Davies

Matthew Davis

[REDACTED]  
[REDACTED]  
Urchfont

Devizes

SN10 4RU

24<sup>th</sup> November 2014  
[REDACTED]  
[REDACTED]

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

- I attended the School as a pupil from 1989 to 1996, and have been a resident of Urchfont for 30 years.
- In all those years of being associated with the school, my clear understanding, was always and continues to be, that the pathway from Top Green to the school was a private path to the school and not a right of way for the general public.
- There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours, not only does this help to keep the children of the school safe during their breaks, but it also serves as a clear indication to members of the public that access is prohibited.
- There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited. The markings on the road directly outside the gates, also clearly indicate that one is about to enter school grounds.
- It was my understanding that anyone who entered the school grounds during the school day without reporting to reception would be challenged and treated as a trespasser.
- A clear precedent has been set in other local authorities where there are disputed Rights of Way; I have it on excellent authority that at Bidbury Junior School, Bedhampton in Havant, there was a public footpath across the playground, however as this presented an obvious potential child safeguarding issue, this was locked during school hours.

P.T.O.

- Furthermore, legally, whilst of school premises no adult should have access to children at any time without DBS checks unless accompanied by a member of staff, this includes walking through school grounds.

Yours sincerely,

A large, dark, irregularly shaped redaction mark covering the signature area.

**Matthew Davis MA, BSc (Hons) AMBCS**

P.S. It is my firm believe that this proposed footpath would constitute a serious breach in the Council's duty of care to the pupils of Urchfont School, and as such a copy of this letter has been sent to the Schools and Learning Department, this issue cannot simply be resolved within the narrow confines of the Rights of Way, Waste and Environment team.

  
Bath Road  
Devizes  
Wiltshire  
SN10 1QD

23<sup>rd</sup> November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

Re Objection to the Application to add a footpath to the definitive map through  
Urchfont school grounds

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

- I was associated with the school from 2013 to date as a parent.
- During all those years of being associated with the school, my clear understanding, was always, that the pathway from Top Green to the school was a private path to the school and not a right of way for the general public.
- There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours
- There were signs on the gates indicating that it was the entrance to the school and unauthorised access was prohibited.
- It was my understanding that anyone who entered the school grounds during the school day did so without the permission of the school would have been challenged by a member of staff.

Yours sincerely,


Devon.

Ms B Burke  
Rights of Way, Waste and  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
BA14 8JN

[REDACTED]  
Uphill

Urchfont  
DEVIZES

SN10 4SB

23<sup>rd</sup> November 2015

Dear Madam,

#### OBJECTION TO RIGHT OF WAY THROUGH URCHFONTS SCHOOL

We are aware that an application has been made for a public right of way through Urchfont School and that there is an objection period that ends on 30th November.

We have lived together in Urchfont since 1976. Our two children went to Urchfont Primary School over the period from 1986 to 1997. Our son, Michael, was at the school from 1991 to 1993 and, after a spell in a private school, from 1995 to 1997. We distinctly remember that when Michael was at the school the gate at the top of the path from the Green was locked out of school hours. To get to the playing field we had to go down the Potterne Road and come in from Crookwood Lane.

We have spoken to Michael and he recalls that, when he used to go to the playing field on his mountain bike to use the BMX track in the corner of the field, he had to cycle down the road because the gate through the school was locked.

We have always had a clear understanding that the pathway from Top Green to the school was not a right of way for the general public and was always a pedestrian access just to the school. To the best of our knowledge there was also a clear understanding that, during school hours, access to the playing field for the general public was through the gate in Crookwood Lane.

We are of the firm opinion that, up to 1997 at the earliest, the path from the village Green to the school was at times kept locked and that there is no rightful claim for that path to be a public right of way. We are therefore writing to object to the order for a public right of way to be granted through Urchfont School grounds.

Yours faithfully,

[REDACTED SIGNATURE]

Roy & Wendy Ellis

Uphill  
Urchfont  
Devizes  
19th November 2015

Ms B Burke,  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire,  
BA14 8JN,

Cc: Claire Perry - Conservative Member of Parliament for Devizes  
Baroness Jane Scott of Bybrook - Leader of Wiltshire Council  
Laura Mayes - Wiltshire Council Cabinet member for Children's Services  
Carolyn Godfrey - Wiltshire Council Statutory Officer - Children's Services  
Department for Children and Education - Wiltshire Council  
Urchfont Primary School

Dear Ms Burke,

**Re: Application to add a definitive footpath through the grounds of Urchfont School – I Object**

I am a parent of children who attend Urchfont Primary School, I was also Chair of Urchfont Pre-school. I am writing to object to the Public Right Of Way (PROW) through the grounds of Urchfont School. I feel the Wiltshire Council should represent the view of all the community not just a minority of more vocal residents. There are many members of the Parish who do not agree there is a PROW, in particular the many families with children who have ample experience of whether or not the route has been restricted historically.

I do NOT believe there is a right of way and since moving into the village in August 2008, (i.e from 2008 to 2015), I have always understood that there was no access during school hours along this route (from Top Green, along the school building, down the school drive to the playing fields) for the public. There were two tall wooden gates impeding access along the path. Indeed the gate at the school end of the path has, in my experience, always been locked from the school side, either by bolt, padlocked (from March 2011 - per minutes of Urchfont Pre-school of which I was Chair at the time) or the new electronic intercom lock, during school hours. Entrance through this gate during school hours has always only been for persons on school or pre-school business.

It is commonly understood within the Urchfont community that a route across school property to the playing fields is only open outside of school hours and by permission of the school. I was told this by helpers in the local village shop when I first moved here in 2008 looking for the playground. There are (and have always been) plenty of signs clearly indicating this path is for access to the school only between 9 and 3.15.

I appreciate that the law in the case of a PROW has no regard for its' safety implications however for the sake of completeness I would like to include other reasons as to why putting a PROW through this route is not justified:

- I. The end point of this "PROW" currently ends through a hedge and into the middle of the school pupil's garden. The PROW does not lead to an area for public access but school grounds to which the public have never had access.
- II. The Public Right Of Way proposed is not wide enough to enable a fence to be built to safely split the school grounds from the PROW route in order to securely enclose the school. I believe a health and safety representative from Wiltshire council themselves has been to look at this and this was their opinion.
- III. The PROW route proposed is along the fire emergency exit routes from two classrooms and to split the path will narrow the escape route and cause a dangerous bottle-neck for the 60 or so young children as well as causing them to walk in close proximity to the building which could potentially be the area on fire. The school has comments from Wiltshire Council's own Health and Safety officer stating that this is not safe.
- IV. The Public Right Of Way applies for a 2m wide path as it rounds past the school building. Apart from the issue of splitting the path into safe fire routes above it will also mean that the school bicycle shed will require moving and the PROW will also go past the school oil tank. Is there a regulation on the distance a public path should be from an oil tank? I do not know but it seems likely.

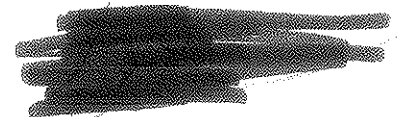
- V. The school has a statutory duty to safeguard the pupils and takes its advice from government bodies and Wiltshire council. The Public Right Of Way will allow the public to walk through the school grounds in close proximity to school windows (including that of a children's changing room). Security is a major consideration for a school not just against criminals but also involving acrimonious child custody. The proposed route of the PROW is not wide enough to enable a fence to be built to split the school grounds from the PROW route in order to securely enclose the school (see point 2,3 and 4 above).
- VI. The current route the PROW takes will allow the public and their dogs to walk through the school grounds including areas children use for outside classwork – frequently used in nice weather. This year I have witnessed it used for maths lessons, gardening and outside art work. As the school has a statutory duty to safeguard our children this will mean that the pupils of the school will no longer be able benefit from the use of this outside space if it is shared with members of the public. This area cannot be fenced off as it has 2 fire exits leading onto it.
- VII. As the Public Right Of Way presumably was supposed to lead to the school's allocated area of playing field, will the PROW, (which can be used by any member of the public and their dog during school hours), overrule the current agreement that this section of playing field will be only for the school to use between 9 and 3.15? This would enable members of the public and their dogs to mingle with the children on the field during school hours?
- VIII. Allowing members of the public to cross school grounds with dogs brings with it issues for the children that are frightened of dogs and also for the mess left by irresponsible owners.
- IX. Has Wiltshire Council (ALL of Wiltshire council) given thought to what will happen at the school if the PROW is granted? The vast expense to properly secure a PROW and the implications for the school's safeguarding?

I, along with many of the parents, am deeply saddened that the governors and teachers of our small rural school are spending time, precious funds and stress over a subject such as this instead of on the education of the children of our village. Alternative routes to access the community playground equipment and playing fields had been looked at in 2012 and other possible solutions were all rejected by Wiltshire council when Urchfont Manor was sold off. I do not understand why it has been decided that the current arrangement of the school to keep the gates unlocked outside of school hours is suddenly no longer sufficient if it was deemed sufficient in 2012. What happened to the routes previously looked at skirting around Crookwood house or down the side of Crookwood house?

I am frankly at a loss as to why Wiltshire Council can uphold the idea that a Public Right of Way through the grounds of a school as a good idea and not question the reasonableness of the laws concerned nor even provide legal support to aid and advise the school. The Children's act of 1989 states the welfare of the Child is paramount, how can Wiltshire Council override this based on Public Right of Way law? Stop hiding behind the PROW law and use some common sense, your own Health and Safety Officer says it cannot be done safely. It seem to me the Wiltshire slogan should be amended to "Wiltshire - where school children no longer matter".


I am a parent of children at Urchfont School and I am writing to request that Wiltshire Council reject the Public Right Of Way through the Urchfont school grounds. It does not exist, is too close to a school, the consequences are unfunded and the PROW end point is not in a public area.

Yours Sincerely



Lynn Everson



  
Uphill  
Urchfont  
Devizes  
SN10 4SB  
06 Nov 2015

Dear Ms Burke,

**Re: Order for a PRow through Urchfont Primary School**

I am writing to express my concerns over the application for a PRow through the grounds of Urchfont Primary School. My views are those of a resident of Urchfont, and as a parent of two children currently at the school.

- As a resident, I have accepted that the existing gates and perimeter fences around the school are in place and locked for good (i.e. safeguarding) reasons during school hours, and that access is freely granted outside these times. In the seven years I have lived in the village I have always understood there to be no public access during school hours.
- I also understood that part of the playing fields are school property and the school grants access to the community only outside of school hours.
- I do not accept that the alternative route to the playing fields via Cuckoo Corner is "dangerous". That area is well within the village where a 30mph limit applies. I am not aware of any accidents, or even near misses while I have lived in the village.
- I do not think the views and commentary from Urchfont Parish Council reflect the views of many in the village. It is regrettable that the debate seems to have pitted the PC against the school.
- I do not subscribe to the point of view that, being a rural setting, the risk of unwelcome visitors using the PRow is low. Let's not take the risk.
- It also occurs to me that, in order to maintain a safe school environment, the Education Department would be required to build a fence to isolate the PRow (were it to be granted) from the school grounds, which would be an unnecessary waste of money.
- The granting of the PRow would remove an important outdoor space where the children play, and occasionally take their lessons.

I do not believe there is strong backing for the PRow within the village, other than a small, vocal minority. In summary, I do not believe there is anything to be gained by granting the PRow, but much to be lost.

Yours sincerely,



Paul Everson

Steve Fowler

Lydney,  
Devizes,  
Wiltshire,  
SN103PP

For the attention of Ms B. Burke, case officer

Dear Sir / Madam,

**PLANNING APPLICATION - RIGHT OF WAY URCHFONTS PRIMARY SCHOOL**

Proposed erection of a public right of way running adjacent to the Urchfont Primary School, by the Parish Council.

I have been living at this address for over 15 years and actually attended Urchfont Primary School in my infancy. May I take this opportunity to highlight and emphasise my shock at the mere proposal of a public right of way through a primary school.

I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the development of this public right of way in this location giving any "Joe Bloggs" access to a site with under age minors.

The proposed siting of the development of this right of way is particularly ill-considered in regards to the safeguarding to the children and their rights of safety as individuals. It seems, if the application is approved, this means that the public and hypothetically, their dogs, would have unfettered access straight through the school grounds via the alley way that is currently gated and locked and unlocked via the intercom on Parents request. We have always understood that this gate is always locked when the school is sitting. If this is granted, I can only imagine the can of worms this potentially could open up. This could be at any time, including during the start or end of a busy school day where parents all gather to collect their children, that the public and their dogs could potentially be able to just wonder through. If this is granted there would be nothing to stop this and this would be totally within public rights to do so. This situation is not only not right, it is also potentially an unfair a situation to put the un-suspecting public and their dogs into whilst they are on their travels, unfortunate situations have occurred in less crowded and larger places!

We would like to ask who would guarantee the safety and well being of the children and the staff, in particular the children whom are young, vulnerable and in school care. Will the applicant/s and or community take full responsibility, should an unfortunate incident occur.

We must also be realistic and remember, that its a very different world we live in today. Some people have good and honest intentions. Others may not. We do not want to potentially open the school door to any potential paedophilia

Please when you come to the final decision regarding this matter, can the individuals concerned use the utmost professional discession and common sense. Thankyou for taking the time to read this and I look forward to hearing from you.

Yours faithfully,  
Steve Fowler

**Lydney, Near Devizes, Wiltshire SN10 3PP**  
**Telephone: 01380 81601**

Ms B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge BA14 8JN

18<sup>th</sup> November 2015

Dear Ms Burke

***RE: Proposed Right of Way through Urchfont C.E. Primary School SN10 4RA***

I am writing to oppose the Order for a Public Right of Way through this school in the strongest possible terms.

My son started going to Urchfont Primary School in 1998 and since that time I have always had a clear understanding that the pathway from Top Green to the school was not a right of way for the general public and was always a pedestrian access to the school for parents and pupils only.

During the school day one could not enter through the gate unless on school business. The gate was bolted from the school side. There were clear notices that stated the path was for access to the school only and anyone not on school business would be challenged if they walked through the school grounds.

I oppose the idea of dogs being allowed across the school grounds **at any time** because of health reasons (fowling the ground etc).

The safety of the children and staff are far more important – the area should be secure during all school activities (I don't think I need to detail the massacre in an American school as an obvious example of something we need to take precautions against). Access needs to be restricted during school times.

Residents within this Parish received no notification of this proposal and I feel we should have been consulted and our opinions should have been viewed prior to an Order being made. Wiltshire Council has not assessed the evidence in a balanced way. Your slogan “Wiltshire Council Where everybody matters” does not seem to apply in this instance.

Yours sincerely



Dagmar M Fowler (Mrs)

**[REDACTED] Farm, Lydeaway, Near Devizes, Wiltshire SN10 3PP**  
**Telephone: 01380 [REDACTED]**

Ms B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge BA14 8JN

19<sup>th</sup> November 2015

Dear Ms Burke

***RE: Proposed Right of Way through Urchfont C.E. Primary School SN10 4RA***

I strongly oppose the Order for a Public Right of Way through this school.

My son started going to Urchfont Primary School in 1998 and since that time I have always had a clear understanding that the pathway from Top Green to the school was not a right of way for the general public and was always a pedestrian access to the school for parents and pupils only.

During the school day one could not enter through the gate unless on school business. The gate was bolted from the school side. There were clear notices that stated the path was for access to the school only and anyone not on school business would be challenged if they walked through the school grounds.

I oppose the idea of dogs being allowed across the school grounds **at any time** because they will foul the grounds and spread disease.

The safety of our children and staff should be far more important than a public right of way – the area should be secure during all school activities to avoid something like the massacre in an American school happening here. Access needs to be restricted and carefully monitored during school times.

Residents within this Parish received no notification of this proposal. We should have been consulted and our opinions should have been evaluated prior to an Order being made. Wiltshire Council has not assessed the evidence in a balanced way. Your slogan “Wiltshire Council Where everybody matters” obviously does not include the children in this Parish.

Yours sincerely

  
Robert M Fowler

Boxley Fields  
Urchfont  
SN10 4SN  
6th November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I have been associated with the school from 1993 as a parent and as an MDSA to present date.


During all those years of being associated with the school, as a villager, an employee and a parent, my understanding, was always, that the pathway was a pedestrian access to the school. and not a public right of way. Before my daughter started school if we wanted to come during the school day to access the western side of the playing field (to the Parish council play equipment) I would walk round Cuckoo Corner. I now have Granchildren visitng and I would never think of walking down the school path during the school day. It is not a public right of way.

There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours. When I arrived on my bike to do my dinner hour duty as an MDSA the entrance was barred at the inner gate and the only way I could get in was to stretch over the top of the gate to unbolt it. Sometimes I couldn't manage to open the bolt because of the way the extending piece had been left in a down position and then I had to ride down the lane and enter by the school drive.


As part of my duties as an MDSA I am responsible for the care of 114 children during the lunch hour out on school property and the playing field. We are told to be vigilant about making sure that gates are locked not only to prevent access by the public but also so none of the little ones leave the school premises.

There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited and also that dogs are not allowed. I recall that before the Parish Council reminded villagers who used the field out of school hours, that dogs were not allowed on the field that MDSAs has to clear dog dirt to protect the children. This was a very unpleasant part of the job.

Anyone who entered the school grounds did so without the permission of the school.

yours sincerely, 

Susan Francis (Mrs)

  
Urchfont, Devizes,  
Wiltshire,  
SN10 4RU  
13<sup>th</sup> October 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

I was a Governor at Urchfont C E School from approximately 2004 to 2008.

I also had 2 children attend the school during the period 2002 and 2011. I visited the school frequently in those years before I became a Governor.

I confirm that there was a tall wooden gate at the school end of the path nearest the school which was bolted from the school side during school hours. There was never any suggestion that the path was "public" even though it was unlocked when the school was closed. This was done as a concession to the villagers to allow easy access to the playing fields.

Yours faithfully,



Patty Frankel (Mrs).

**Burke, Barbara**

---

**From:** Sue & Tony Giddings [REDACTED]  
**Sent:** 14 October 2015 18:39  
**To:** Burke, Barbara  
**Subject:** Urchfont application to add a footpath to the definitive map

[REDACTED]  
Urchfont  
Devizes  
Wiltshire  
SN10 4RT

14<sup>th</sup> October 2014

Dear Ms Burke

Your Reference BB/2014/01

Application to add a footpath to the definitive map and statement in Urchfont

Thank you for your letter of the 8<sup>th</sup> October.

We are writing to confirm that we fully support the order to retain this footpath which has been in existence and well used by the villagers for many years.


We understand that there may be objections by the school and parents as they are concerned for the safety of the children. However, we feel that this could easily be remedied by erecting a fence along the side of the path which runs close to the school buildings. This would ensure that everybody using the footpath would still have free access to the playing field but not to the school itself.

Our own three children attended the school during the 1970s 1980s and 1990s and we never felt at any time that their safety was jeopardised by people using the footpath during the school day. Our children were always well supervised by the teaching and support staff at the school whenever they spent time outside.

With best regards.

Yours sincerely,

Mr A D and Mrs S A Giddings.

  
Urchfont  
Devizes  
SN10 4SJ

Friday, 27 November 2015

Ms B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
Bythesea Road  
Trowbridge  
BA14 8JN

Dear Ms Burke

Re Objection to the application to add a footpath to the definitive map through Urchfont School grounds

I am writing with respect to the above application. There has been a lot of discussion as to whether there has been a footpath through the school grounds in the past and the fact that the village does need safe access to Oakfrith Woods and the surrounding area. As a resident of the village with two children in the school I agree we need a new safe path but I can not support an application that routes the path through the school grounds without provision for the children's safety. I believe the discussion in regard to the history of this path has simply caused a rift within our community and would urge you to rethink this decision and to work with the interested parties within the village to provide a solution that is safe and fair.

Kind regards



Elaine Greenstreet  
Copy: Mrs C Talbot, Urchfont C of E School



Mrs E Grieves

Thomas Wyatt Road  
Devizes  
SN10 5FD

Mrs B Burke  
Rights of Way, Waste and Environment  
Wiltshire Council  
Bythesea Road  
Trowbridge  
BA14 8JN

28<sup>th</sup> November 2015

Dear Mrs Burke

#### **OBJECTION TO PUBLIC RIGHT OF WAY THROUGH URCHFONT SCHOOL**

I have been employed by Urchfont School since May 2008 as clerical assistant and have always worked in the school office. At my induction it was made clear to me that the safety of the pupils, and staff, was paramount.

The pedestrian pathway from The Green to Urchfont School, used by parents and pupils, is gated at the school end and has always been secured during the school day. Prior to the installation of the electronic lock and intercom system, the gate was bolted and a member of the office staff was responsible for locking and unlocking the gate at the beginning and end of the day and to allow access at other times of the day when appropriate. During my employment, I have never been asked by a villager, or any other person, to allow them through the gate to gain access across school grounds. If I had been asked, access would have been denied. When the gates have been open at the end of the school day I have rarely seen anyone use this as access to the playing field or beyond.

For the last few years I have also been employed as a Mid-Day Supervisory Assistant. When supervising the children on the playground or on the field I am required to be vigilant at all times and to approach any unauthorised member of the public. I have had to do this a few times where people have wandered onto the site during school hours. I have also challenged dog walkers as, not only have I had to clear up the mess left behind by the dogs, but also some children have been frightened by the dogs. I have had to restrain a dog not on its lead and have witnessed one of my colleagues do the same. Apart from personally challenging unauthorised members of the public, I have also witnessed many of my work colleagues do the same.

To allow the public access through school grounds is not in the best interests of our children and in today's climate we cannot afford to bury our heads in the sand and think it won't happen to us.

Thank you for your time and I hope my comments help secure the best outcome for the children of Urchfont School.

Yours sincerely

A large, dark, irregularly shaped redaction mark covering the signature area.

Elzbieta Grieves

  
Urchfont  
Devizes  
Wiltshire  
SN10 4QX

5 November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Madam,

**Right of Way Through Urchfont School - Objection**

I am writing to object to the recent order that has been published by Wiltshire Council provisionally confirming that a right of way has existed through Urchfont School grounds from Top Green to the playing field for 20 years continuously prior to 2011.

I have lived in Urchfont since 1992. My two daughters attended Urchfont Primary School from 1996 to 2005. I always had a clear understanding that the path from Top Green to the school yard was a pedestrian access to the school for parents and pupils. We knew that there was a likelihood, rightly, of being challenged if we walked through the school grounds when not on school business and so we always felt it right to walk to the playing field round Cuckoo Corner during school hours.

Yours faithfully,



Merle F Halliday

~~Peppercombe~~, Peppercombe, Urchfont, Wiltshire SN10 4QS

Ms B Burke

Rights of Way, Waste and Environment

Wiltshire County Council

By the Sea Road

Trowbridge

BA14 8JN

18 November 2015

Dear Ms Burke

I write to express my strong objections to the proposed changes to the access to Urchfont playing fields. I itemise below my objections and questions to this proposal

- OFSTED requested that Uchfont school be made a secure site for the safety of all pupils.
- The current access is not and, as far as the majority of the village is aware, never has been a Right of Way
- The proposed changed access will remove the bicycle shed and childrens' garden area.
- Access is only currently unavailable between 9 am and 3.15 pm during term times. Therefore the necessity for the majority of children to have access to the playing fields is unnecessary as they will be in school. At all other times, including holidays, the playing fields can be accessed through the existing path for everyone.
- There has already been a footpath put in alongside the playing field to give access to Oakfrith Wood. This is obviously accessed via Cuckoo Corner and there were no objections made when this was path was proposed.
- I have accessed the playing fields, via Cuckoo Corner, for the past 40 years with my two children and four grandchildren and at no time have I experienced problems at Cuckoo Corner.
- For many decades member of the public have used Cuckoo Corner to access the playing fields and at no time, to my knowledge, have any problems been voiced.
- There are several other areas of the village where no footpaths exist, e.g. from Top Green to the School, why are improvement proposals not being requested for this area.

## Questions

- How many people will use this proposed new access to the playing fields; has a survey been carried out to ascertain this information?
- How much are these proposed changes going to cost and who will be paying for them?
- How much disturbance will be caused whilst these proposed changes are carried out?
- If the bicycle shed is removed – as indicated in the proposed plans – where will the new shed be erected and who will foot the bill?
- The childrens' garden area will no longer exist if the proposed changes go ahead; where will a new area be sighted and who will be responsible for re-stocking it?

Yours sincerely



Mrs Elizabeth Harris

~~Archie Combe Close~~  
Urchfont  
Devizes  
Wilts  
SN10 4QS

12th November 2015

Your Ref: BB/2014/01

Ms Barbara Burke  
Rights of Way  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN

Dear Ms Burke

**Re: Application to add a footpath to the definitive map & statement in Urchfont**

Further to your letter dated 8th October 2015 regarding the decision to record the footpath between Top Green and the Recreation Field as a public footpath, I write to offer my full support for this order which will reinstate a Right of Way for the residents of Urchfont that they have been denied the use of since 2011, by the action of Urchfont Primary School who now lock the gate along the footpath during school hours.

I would like to take this opportunity to record in detail the reasons why I support the order to reinstate the safe access to our community facilities.

**History**

Urchfont Primary School was a new school opened in 1974 and its construction included an alleyway which allowed access to the school and the village recreation field from Top Green (see Appendix - Figure 1). From a geographical point of view this is an obvious access route that would be of benefit to the whole community. I moved to Urchfont in 1982 with my wife and family and my children attended Urchfont School between 1985 and 1995. During the period 1989 to 1995 I was a parent governor at the school and an active member of Urchfont School Parents' Association (USPA). I used the alleyway on a frequent basis during this time to carry out my duties as a parent governor and for USPA meetings and also for walks with the family to the recreation field, play equipment, tennis courts and Oakfrith Wood. During this period I cannot recall any locked gates, signs relating to school access only or being told I could not use this access. As a governor I certainly accessed the alleyway perhaps 5 to 10 times a week during school hours.

When my children left Urchfont School I resigned as a parent governor but still used the alleyway at various times throughout the day, including school hours, to walk to Oakfrith Wood and to play tennis on the recreation field tennis courts. At various times I even attended the school to give lessons to the children about bridges, which relates to my profession as a chartered Civil Engineer. At no time did I find my access through the alleyway, or past the school, restricted by locked gates, signs relating to school access only or being told I could not use this access. I continued to use the alleyway access up to June 2011 not only to access the recreation field, Oakfrith wood and the tennis courts but also to deliver flyers, News & Views

magazines and the occasional bus rota for my wife to the school. In June 2011, without any consultation with the village, the school locked the gates during school hours preventing any access to the recreation field facilities, Oakfrith Wood or the tennis courts.

At first this did not cause too much of a problem as access was available through the grounds of Urchfont Manor which was owned by Wiltshire Council. In January 2012 Wiltshire Council announced that it was going to sell Urchfont Manor but access through the Manor grounds was still available up to September 2012 when all the gates and access routes to Urchfont Manor were chained and locked. I believe discussions commenced between Urchfont School, Urchfont Parish Council and Wiltshire Council at this time to find a solution to the access problem potentially using land within Urchfont Manor grounds to provide a footpath to the recreation field. However in April 2013 Urchfont Manor was sold with no access provision through the grounds and it was not until 2nd September 2013 that a planning application was submitted by Wiltshire Council for the creation of a footpath from Crookwood Lane to Oakfrith Wood. The application included a footpath from the end of the school driveway to an exit onto Cuckoo Corner adjacent to a dwelling called Crookwood House. It was proposed that this would be the new footpath to the recreation field facilities, tennis courts and Oakfrith Wood. To access the footpath at Cuckoo Corner, which is a right angled bend trafficked by numerous heavy farm vehicles, private and commercial vehicles, the public would have to walk along a narrow road where no footpaths were available or indeed possible. Public and Parish Council concerns were noted and this section of footpath was rightfully removed from the planning application.

I raised the issue of a Right of Way through the school alleyway at a Parish Council meeting and on 30th September 2013 I wrote to Morgan Jones at Wiltshire Council with reference to the proposed planning application stating:

*There is absolutely no need for this new pathway between Crookwood House and Poynings as a perfectly viable access exists in a far safer location. Up until June 2011 the alleyway from Top Green, between Fiddlers Cottage and The Ark, was used as an unrestricted '**Public Right of Way**' to access Urchfont Primary School, the Playing Field and Oakfrith Wood.*

*From June 2011 access as a '**Public Right of Way**' was restricted, with no access being allowed during school hours (9am to 3.15pm). I have lived in the Urchfont for 30 years and for a period of at least 27 years the alleyway was an unrestricted '**Public Right of Way**'. I cannot recall any public notices or other applications relating to this change of use and query, as do many others, whether the restriction was lawful? The alleyway should be used as the '**Safest**' access to the playing field and Oakfrith Wood. Security for the school can easily be maintained (as this appears an issue which will not go away) with minimal new fencing as shown on my attached sketch. (see Appendix - Figure 2)*

With the probability that the Crookwood House footpath was to be removed from the planning application and with no access to the playing field during school hours the Parish Council agreed to facilitate the provision of a Right of Way request to Wiltshire Council and to obtain witness statement forms. The completed witness evidence forms were first submitted to Wiltshire Council on 31st January 2014.

The revised planning application with the Crookwood House section of footpath removed was approved on 21st January 2014.

I attended Urchfont School on 18th March 2014 with two Parish Councillors to discuss a sketch/proposals that I had sent to them following an article in our local parish magazine where the school said '*We would like to assure you that the Governors are always willing to work with other community bodies to consider serious proposals for improving access to village amenities*'.

Sadly the school were not prepared to consider any proposal until the Right of Way application had been decided. (see Appendix - Figure 3)

The decision report was published on 29th May 2015 and the Order made on 8th October 2015.

### **Evidence of a Right of Way**

When Urchfont Primary school was opened in 1974, times and concerns were different to today, and there were certainly no child safeguarding measures to be considered. Indeed my first impressions of the school was of a modern rectangular building in the corner of the recreation field. There were no fences, no locked external doors and the classroom doors were only curtains! Anyone could access the recreation field, the school play areas and the school building from any side, indeed there were even footpaths around the school building. One question to be answered in this debate is *'Why would you need to lock a gate at the end of an alleyway when the recreation field, school grounds and building could be accessed from every other direction?'*

Indeed the same question could be asked even today when the school still has porous boundaries albeit the new low key fencing does designate the school perimeter and there is provision to lock the outer doors to the school, although I understand this is not always done and people have just walked up the school drive and entered the school building.

As I have said before I cannot recall any locked gates, signs relating to school access only or being told I could not use this access. I do not believe any of these restrictions were present and think this is evident from an article in a local magazine published in the Parish. My wife and I edited a local magazine called 'News & Views' between February 2009 and March 2012. It was produced every two months and issued free to every household in the village. On 14th June 2011 we were sent by email an article from Urchfont Pre-school, who use buildings on the school site, to publish in the August/September 2011 issue. (see Appendix - Figure 4)

The email read:

*Please could you run the following paragraph in the next edition of News & Views as there have been a couple of recent near misses with cars and pre-school children at Cuckoo Corner. Please run as follows: -*

#### **School/Pre-school Gate –Important Notice**

**As a health & safety requirement the school/pre-school gate is now locked during school hours and therefore could the residents of Urchfont especially Cuckoo Corner please be aware that during the lunchtime pick-up/drop-off times (12 –1pm) there may be parents, pre-schoolers and young siblings walking along Cuckoo Corner to access pre-school via the driveway. Please could drivers be extra vigilant during this time of day. We appreciate that this is not ideal and an alternative is being sought but if all road users could take a little more care driving around the bend this would be greatly appreciated.**

*The Pre-school Committee*



It is obvious that the locking of the school gate was not considered as normal, indeed it was something not expected! The use of the expression '**is now locked**' defines a new regime applied from **June 2011**. This would seem at odds with the statements relating to public access restrictions now being made by the school!

The article also provides evidence that certainly Pre-School parents were concerned with having to walk around Cuckoo Corner particularly with young children. I think the wording '*there have been a couple of recent near misses with cars and pre-school children at Cuckoo Corner*' is relevant to our concerns today. I note in various letters/statements made recently that the school do not now consider Cuckoo Corner a dangerous environment for pedestrians.

I also refer to the 'Urchfont Conservation Statement – July 2002' drafted by Kennet District Council – Planning Services – Development Control and Conservation. The plan of Urchfont identifies amongst other things footpaths. The access from The Green to the School and Recreation Ground is clearly marked and designated as a 'footpath'. Obviously the authors of this document identified the access as a footpath and found no obstruction during their investigations to describe it otherwise (see Appendix - Figure 5).

Other than the above extract from 'News & Views', which I consider an important documented piece of evidence showing that the alleyway gate was never locked, and the Urchfont Conservation Statement map which identifies it as a footpath I do not have any other documented or photographic evidence to support my view. I am not surprised that in the 15 month period taken to produce the decision report the school were unable to provide any evidence of the gate being locked, restrictive signs being erected or pedestrians being warned not to use the footpath. Surely an important issue such as this would have been noted in the governors meeting minutes. Certainly in my time as a school governor I cannot recall the issue being discussed. I also cannot recall anything ever being written in the local Parish magazine, 'Redhorn News' where the school has a designated page, or in 'News & Views' when I edited that magazine, to inform residents that it was not a public footpath.

### **Can a Right of Way be achieved without detriment to the security of the school?**

I believe that a Right of Way providing access past the school for the benefit of all Urchfont residents can be achieved without detriment to the security of the school. In fact it is beyond doubt that a properly designed route will greatly improve the security of the school boundary adjacent to the school building. I produced two sketches, for comment, during the period of the Right of Way claim both showing access past the side of the school with additional fencing to provide security. The design is no different to the environment found around hundreds if not thousands of schools in the country with pedestrians walking past the boundary fencing or walls of the school. If a footpath design such as this is not secure for Urchfont School will all of these other schools be forced to close?

I have recently heard and seen various statements made by the school concerning such issues as dog mess, people looking at children changing for games and being marked down by Ofsted (or even failing an Ofsted inspection). Dog mess does not appear to have been a problem during the period when the alleyway is open to the public now and in any event is covered by current legislation requiring owners to 'bag it'. Concerns about whether people will be able to observe children changing for games can easily be accommodated by fencing design of even blinds/curtains in the relevant classrooms. Ofsted have been used as the reason for the initial locking of the gate and also one of the reasons for not allowing any public footpath past the

school. During my visit to the school to discuss the issue (as previously mentioned) I drew their attention to a question and answer page I had found on the Ofsted website which stated:

- *Will a school be judged inadequate if there is a footpath running through a playing field used by pupils?*

is answered with:

- *No, but it is important that the school has carefully assessed and mitigated the potential risks and taught pupils to be aware of them.*

Surely this must apply to all footpaths passing by or through a school. As I mentioned previously public footpaths passing by schools, with of course suitable fencing or secure gates/doors occurs in many school throughout the country without detriment to the inspection reports.

### **Why is a 24/7 footpath required?**

The school recently sent a letter to parents saying *'The school believes that safe and adequate access exists to the playing fields via Cuckoo Corner without the need to sequester school property for an alternative route'*. This is a strange statement when compared with the Pre-School article as discussed above where parents with their toddlers were obviously quite concerned. I was also informed that when a community bus driver complained, at the school, about children and parents walking up the school drive he was told by the school secretary that they had to do that as it was too dangerous for them to walk around Cuckoo Corner!

There have been recorded incidents occurring on Cuckoo Corner where there is no footpath and where heavy farm traffic, commercial and public vehicles have to manoeuvre around a ninety degree blind bend. I now have grandchildren, aged three and one, and have refused to take them around Cuckoo Corner to the play equipment on the recreation field. A footpath past the school will alleviate this potential danger during school hours and will allow a safe access for all pedestrians who need to use it.

We also need to think about the future. We could not anticipate five years ago the issues we now face and it may be that in the future Urchfont school will close and the site developed for housing. Whilst we have access at present for the alleyway to be used out of school hours this would probably be lost if the site is developed. A Right of Way designation now would ensure long term access to our recreation field regardless of future development.

### **Urchfont School**

Like many village schools Urchfont Primary school now has a majority of children coming from outside the village envelope. You will probably receive many letters from parents objecting to this order who other than the school have no affiliation with the village and who really have no concerns about the consequences to the Urchfont community if the Right of Way is refused. Sadly the school have conducted an orchestrated campaign using misinformation and fear as their main weapons and causing it to become a very divisive issue within the Urchfont Community. Not surprisingly there are parents who fear for their children's safety without being aware of the real facts. I recently had a phone call from someone who whilst supporting the order will not write as their name would become public and as they said they still have to live with other parents, teachers and governors who are actively objecting to the order. I fear this will prevent many parents and villagers from showing their support!

## Summary

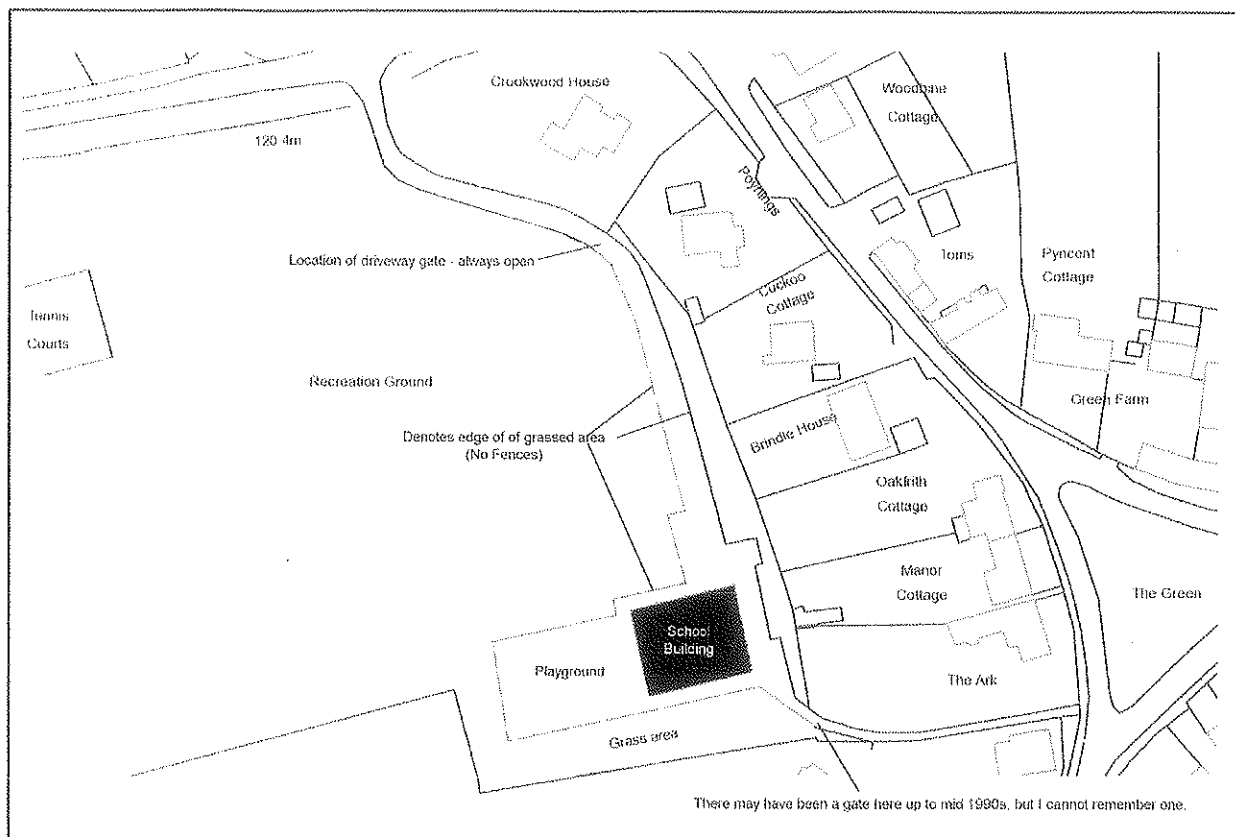
I fully support the Order to reinstate the footpath from Top Green to the Recreation Field. Whilst the route shown on the plan is probably not the best route I note it is indicated as *'generally west'* and *'in a general north westerly direction'* and so anticipate that a final route, with school security paramount, can be discussed and agreed. I have always believed that this matter can and should be easy to resolved, via discussion, to find a solution that benefits the school and all Urchfont residents. Designed sensibly the footpath will provide enhanced security for the school and reinstate the safe footpath to the recreation field facilities, Oakfrith Wood and the tennis courts that we all used to enjoy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Hawkins', with some scribbles and overlapping lines.

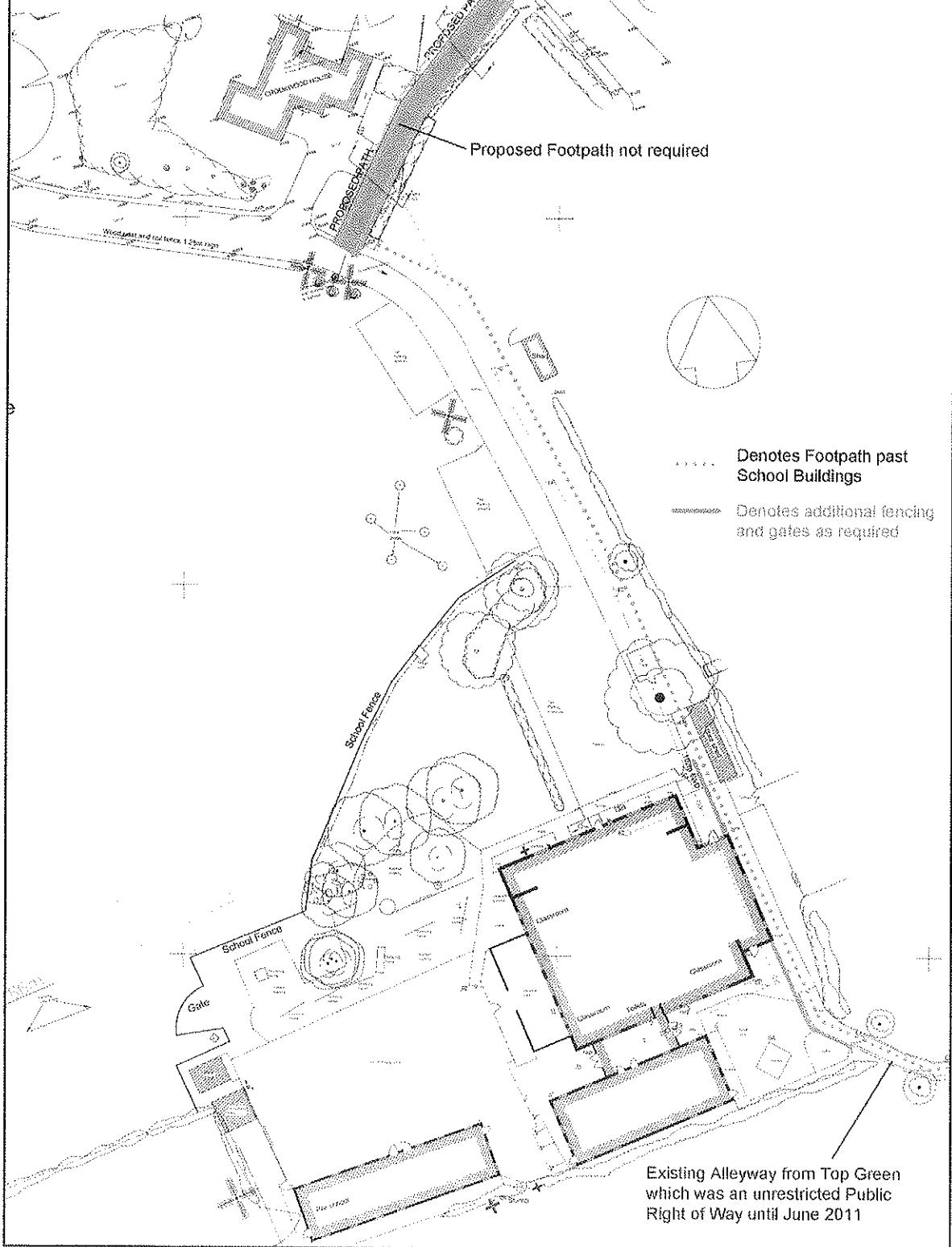
Richard Hawkins - Urchfont Resident

Appendix  
Figures 1 to 5



**Figure 1**  
**Layout of Urchfont School Prior to development in approx 2000**

**Planning Application 13/03247/FUL – Crookwood House Cuckoo Corner Urchfont SN10 4RA  
Alternative Access to Playing Field  
via Existing Public Right of Way**



**Figure 2**

**Drawing sent to Morgan Jones at Wiltshire Council on 30th September 2013**

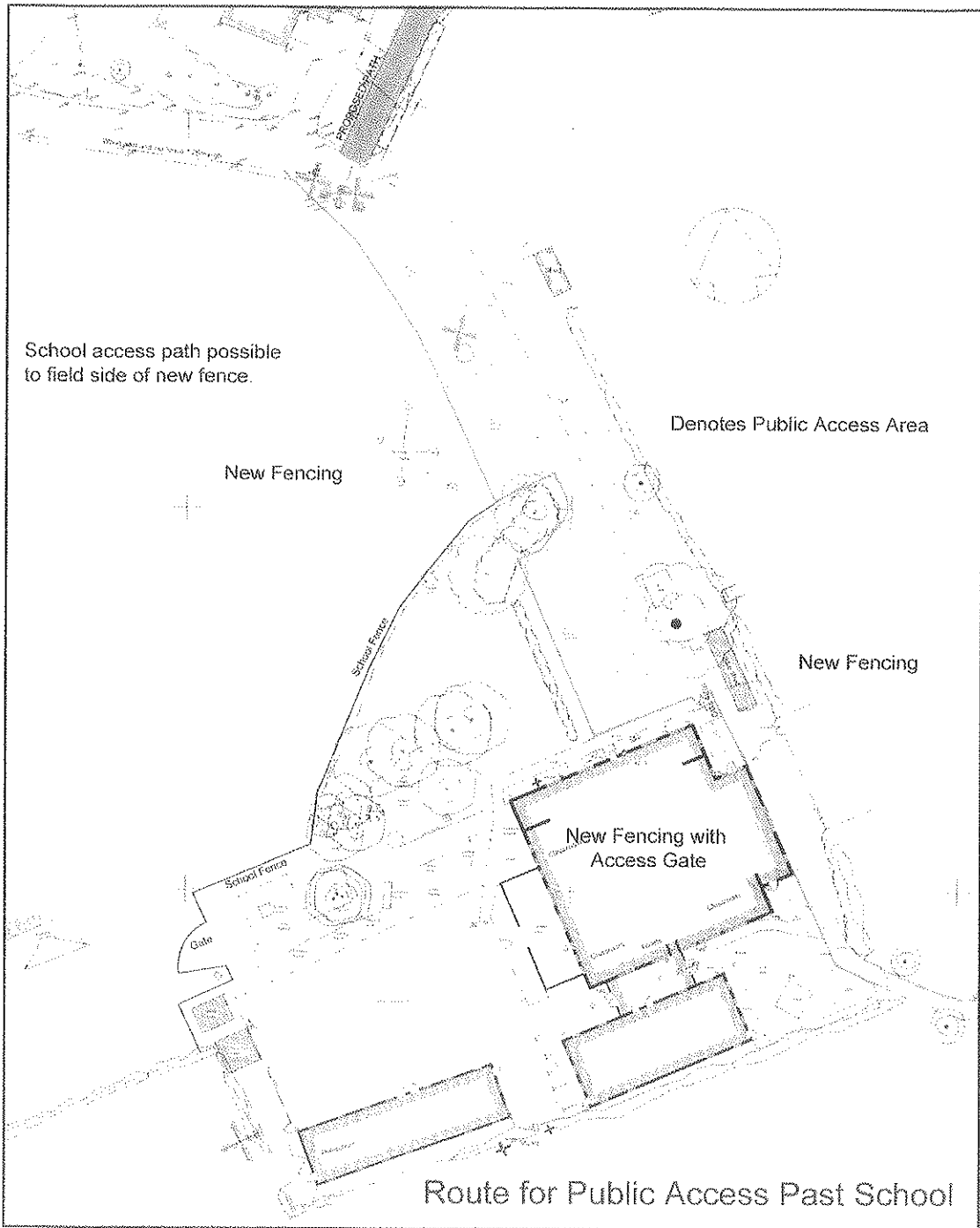


Figure 3

Copy of Drawing discussed with Urchfont School on 18th March 2014

**To 'The Bookworm'**

In reference to your comment on Jean Auel's books (presume it is a man!?). Her book series 'earth's children' of which *Plains of Passage* is the 4th in (so far) a series of 6. You appear to be taking a passage in the book completely out of context. I am about to read her 6th novel and am very disappointed to think it may be her last in the series.

Bearing in mind her novels take place in the ice age of Europe, her descriptions and detail she has researched are second to none.

This series is definitely an adult read, certainly not for children. Her descriptions of the characters love making (not sex) are so wonderful, she must have had a really good lover!! So I say try starting at the beginning of the series with an 'adult open mind' and you should get the full picture.

The full series of books can be obtained through the Mobile Library.

Good reading.

*Ann Ericson*

**URCHFONT COMMUNITY SHOP**

Need a special fruit or vegetable order?  
We may be able to get it for next-day delivery (not Sundays).  
**Ask in store**

Multi-purpose potting compost  
£5.80 per 60 litre bag  
**Free local delivery**

**Buy products in bulk and receive a 10% discount**

Too much shopping to carry?  
**Ask about free delivery**

**Help us to keep in business:**  
Make a shopping list, buy what you can from the shop, and only buy elsewhere what you can't get here.  
If you're coming in for a newspaper, please think about buying something else as well.  
**Thank you for your custom.**

**YOUR COMMUNITY SHOP — USE IT OR LOSE IT!!**

**School/Pre-school Gate –Important Notice**

As a health & safety requirement the school/pre-school gate is now locked during school hours and therefore could the residents of Urchfont especially Cuckoo Corner please be aware that during the lunchtime pick-up/drop-off times (12 –1pm) there may be parents, pre-schoolers and young siblings walking along Cuckoo Corner to access pre-school via the driveway. Please could drivers be extra vigilant during this time of day. We appreciate that this is not ideal and an alternative is being sought but if all road users could take a little more care driving around the bend this would be greatly appreciated.

*The Pre-school Committee*

Figure 4

Copy of August/September 2011 'News & Views' page with Pre-school Notice



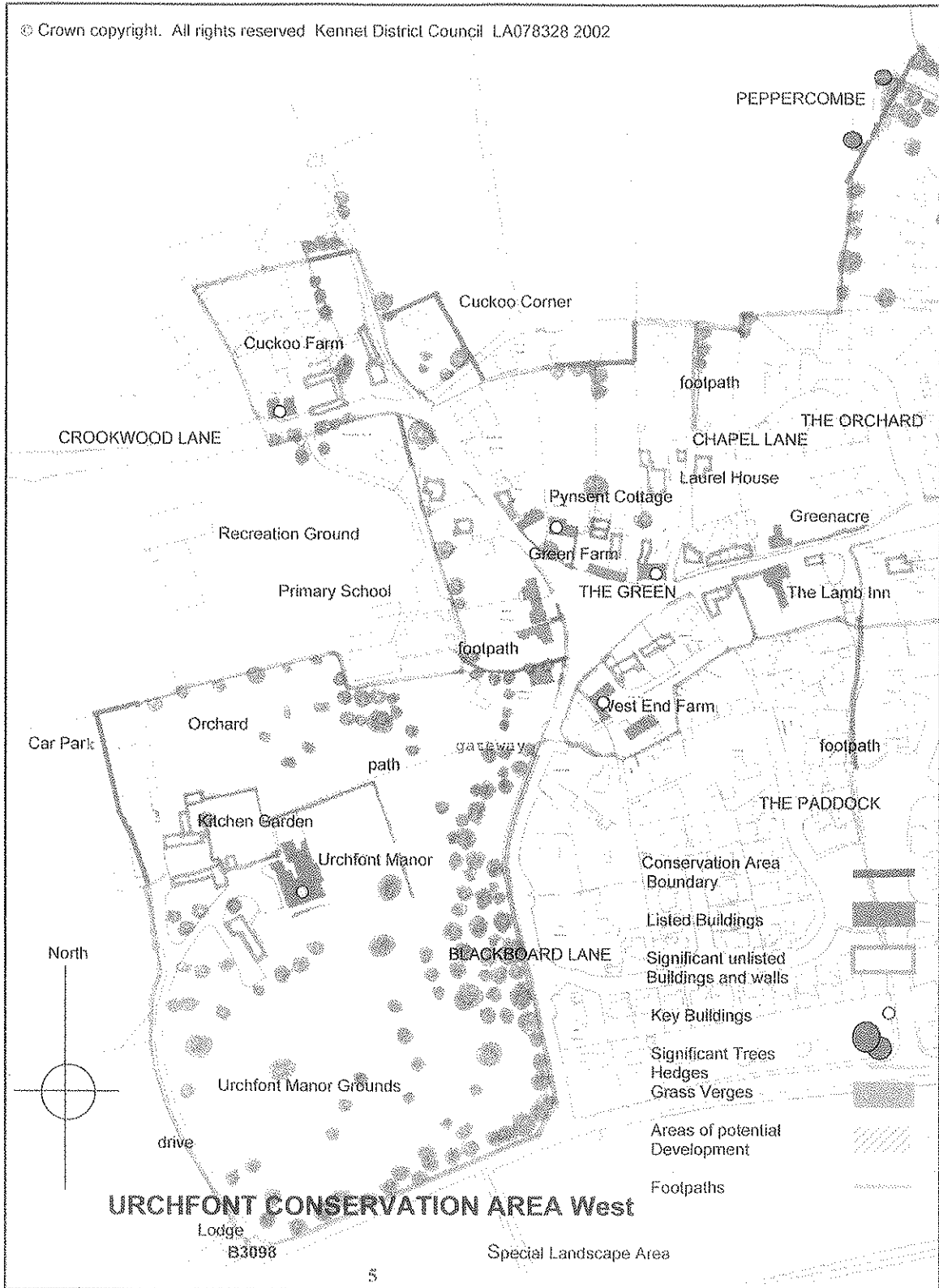


Figure 5

Extract from 'Urchfont Conservation Statement - July 2002'

The Alleyway from Top Green to the Recreation Field is marked 'Footpath'

## Burke, Barbara

---

**From:** Richard Hawkins ~~Richard.Hawkins@urcharter.org~~  
**Sent:** 17 November 2015 16:47  
**To:** Burke, Barbara  
**Subject:** Urchfont Right of Way  
**Attachments:** School Right of Way Letter dated 28th September S.pdf; School Right of Way Letter dated 13th October S.pdf; School Letter 8 June 15.pdf

Barbara

I have posted a letter of support to you but am attaching copies of letters sent by the school to the parents re this issue. I found them quite scary (particularly the 8th June letter) and very misleading. Parents who have attended recent Parish Council meetings have realised that the footpath can be achieved without detriment to school security.

I hope they may be of use.

Kind regards

Richard Hawkins



# Urchfont C. E. Primary School

Cuckoo Corner, Urchfont, Devizes, Wiltshire, SN10 4RA

Tel: 01380 840793

Email: [admin@urchfont.wilts.sch.uk](mailto:admin@urchfont.wilts.sch.uk)

28<sup>th</sup> September 2015

Dear Parents,

## **Application to open a Public Right of Way through Urchfont School**

We wrote to parents back in June this year with information that, contrary to the school's best interests, a formal application had been made to Wiltshire Council to open a Public Right of Way through the school grounds.

Once the Order is published there will be a period of 42 days when objections to the Order can be considered. As you will expect, the School and the Governors will make strong objections on the grounds of safeguarding implications for your children and the school staff.

**However we need your support** to re-inforce our case.

We will inform you when the Order is published so that you can register any objections at that time. We would remind parents that if this Public Right of Way is approved it will be recorded on future Ordnance Survey Maps, Google maps etc for open use by the general public, not just the residents of Urchfont.

We have placed displays in the Garden Room and the Office Reception showing the proposed Public Right of Way and the impact it will have on the school and Pre-School.

Please come into school and have a look.

Yours sincerely,

Mrs. C. Talbot  
Headteacher





# Urchfont C. E. Primary School

Cuckoo Corner, Urchfont, Devizes, Wiltshire, SN10 4RA

Tel: 01380 840793

Email: [admin@urchfont.wilts.sch.uk](mailto:admin@urchfont.wilts.sch.uk)

13.10.2015

Dear Parents,

We have now been informed that Wiltshire Rights of Way department have made the Order for a Public Right of Way through the school from the path at Top Green and alongside the school buildings ending at the front of the school. We have until 5pm on 30th November to lodge any objections to this order.

Our position is:

- *that the school has never had any intention to dedicate a permanent right of way through the school grounds.*
- *In recent years the school has happily permitted the public to access the playing field through school property outside of school hours.*
- *The current situation allows full access through the school grounds to the playing field without the impediment of dogs for 48 % of the days of the year. For the other 52% of days access is denied only from 9.15am to 3.00 pm.*
- *The school sees itself under no obligation to accommodate a permanent right of way through school grounds that either may have adverse implications for the safety of pupils and staff or inhibits the manner in which the school currently operates.*
- *The school is disappointed that Urchfont Parish Council did not consult with the school or parents of pupils before deciding to support the private application for a public path through school grounds.*
- *The school believes that safe and adequate access exists to the playing field via Cuckoo Corner without the need to sequester school property for an alternative route.*
- *The school believes that the reaction to the loss of a pathway to the playing field via Urchfont Manor by annexing school land is wholly disproportionate to any gain that may be achieved.*
- *Where valid grounds exist, the school intends to object to the Wiltshire Council Ruling to publish a definitive map modification order (DMMO) authorising a PROW through the school grounds.*
- *The school believes that in making their decision Wiltshire Council has not assessed the evidence in a balanced way.*
- *The school is concerned that a consequence of the DMMO is legally to allow dogs to be walked on the approach paths to the school and onto the school and village playing fields.*

Unfortunately, in considering our objections, the Rights of Way Officer is not concerned with safeguarding of children in school only whether there is a proven case for the claimed Public Right of Way. The people claiming that they have a Right of Way just have to state that they walked the route shown on the attached map with no impediment to their route,(ie gates) that they did not see any signage stating that it was not a Right of Way and that they were not challenged.

We need your help to try to stop this Order going through -

Please write to:

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

before 30th November 2015

Your letter should state on what grounds you are objecting – which would be, that there is no right of way through the school grounds.

The criteria which needs to be included in any letter to the ROW Officer that will support the School's statement that it was not our intention to allow a public right of way is as follows:

- That during the following period of time (eg 1995 to 2001 – whatever is the length of time you have been associated with the school or have lived in the village)
- You always had a **clear understanding** that the pathway from Top Green to the school was not a right of way for the general public and was always, a pedestrian access to the school for parents and pupils.
- During the school day one could not enter through the gate unless on school business.
- The gate was bolted from the school side.
- There were clear notice(s) that stated [specifically if possible] that the path was for access to the school only
- you knew that you would be challenged if you walked through the school grounds and were not on school business.

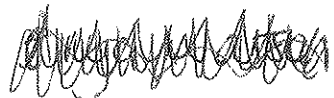
If you feel you can write and support all or any of those statements in your letters please do so. It would be useful to say whether you are a parent, a villager, pre-school parent etc. Individual parents writing will carry more weight than parents writing as a couple and if you have any children who attended the school in the past and would like to object please encourage them to do so.

If you would like any further information or to discuss this letter please do speak to Mrs Talbot.

Yours sincerely,



Mrs. C Talbot  
Headteacher



Mrs A. Watson  
Chair of Governors  
on behalf of the Governing Body.



Eco-Schools  
Silver Award



International  
School Award



## Urchfont C. E. Primary School

Cuckoo Corner, Urchfont, Devizes, Wiltshire, SN10 4RA

Tel: 01380 840793

8th June, 2015

Dear Parents,

We apologise that this is rather a long letter but it is important to you and your children and we hope that you will have the time to read it.

You may recall that in November of 2013 we wrote to you regarding a possible application by the Urchfont Parish Council for a Public Right of Way through the school grounds. Their application went ahead on 31st January 2014, saying that there had always been unrestricted access to the playing field through the school gate, at the end of the school path. The school responded strongly to this application with support from the Diocese and evidence and witness statements from ex Head teachers, Governors, Staff and parents. However, on 29th May this year, we received news from the Rights of Way team at Wiltshire Council that they recommend "That an order be made under section 53(3)(b) of the Wildlife and Countryside Act 1981 to add a footpath from Top Green Urchfont to the Urchfont Recreation Ground/Playing Field". They base their decision on evidence going back 20yrs from the date the path was brought into question and although they accept that we have bolted the gate and placed signs saying school access only, that is not sufficient to stop the application. Wiltshire Education Authority have been alerted to this decision by the Rights of Way team and assured us that the issue of children's safety and safeguarding has been forcefully highlighted and this has been acknowledged at a high level in the Authority.

Security and safety in schools is a highly emotive subject and one which is never far from the thoughts of the head teacher and governing body. Blatant and violent breaches of security have catastrophic effects and we need not name them here, we have all seen them in the news. Whether you are a parent or teaching professional, the security of any school is always high on the agenda. We are acting in loco parentis for your children whilst they are in our care.

Of course, each school is different and many schools, such as ours, built in 1974, were not designed with security in mind. Nevertheless, we have always tried to manage site security to make it aesthetically acceptable and by working with the local community. Hence the post and rail fencing round our site rather than 6ft high metal fencing, as in some schools and access out of school hours down the school path to the playing field out of school hours. However, that does not mean that we should have to allow free access to the public whilst children are on site. If this PROW goes ahead it will be marked on an Ordinance Survey Map and open to the public, not just the Urchfont Community. It will also confer the right to be accompanied by dogs.

There is a legal process after the recommendation and before an Order for an PROW is made. The Local Authority can look at diverting the path and if a diversion can be found then the original route will be removed. Unfortunately, at the moment we have been told that the suggested diversion will still go through the school which will have an impact on the school and may affect the neighbouring houses. If a diversion cannot be made, the order will go ahead and we will have to appeal against it on safeguarding grounds.

We will keep you informed of further action but please be assured that the health and safety of your children is of paramount importance. Parents send their children to school each day with the expectation that school provides a safe and secure environment in which their children can flourish and we can assure you that we will continue to act in such a way that any risk to their personal safety is minimized.

We thought it might be useful for you to see the history behind this application and have attached it to this letter.

Please let us have your comments, either by email or letter. Thank you.

Yours sincerely,

Mrs. C. Talbot  
Headteacher

Mrs. J. Barnett, Chair of Governors  
on behalf of the Governing Body.

## **EVENTS LEADING UP TO THE URCHFONTS PARISH COUNCIL'S APPLICATION TO OPEN A PUBLIC RIGHT OF WAY (PROW) THROUGH URCHFONTS C. E. PRIMARY SCHOOL**

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The path from the Green was created specifically to provide access to the new Urchfont Primary School built in 1974. Prior to this there was no path in existence, nor were there any recognized 'rights of way' over any part of the current school grounds.

There have always been gates at the end of the path closest to School (originally 2 gates, one being removed just recently). The gate closest to the school has always had a locking device to prevent unauthorized access onto school premises. Initially this was by bolts. The bolt was on the school side of the gate situated at the top to prevent children unlocking it but reachable from outside to facilitate locking by parents exiting the school. However, because of the position of the gate on the school site before the advent of CCTV and intercom devices, it could not be policed from the school office and so this arrangement could potentially permit unauthorised access during school hours. For this reason, on the advice of Wiltshire Council, the bolt was replaced in 2011 by an electronic lock, controlled from the school office. Out of school hours and during the holidays the gate is left open to allow a short cut to the Playing Field for the Community.

In 2012, Wiltshire Council announced plans to sell off Urchfont Manor, causing the loss of the 'Permissive' path from Blackboard Lane to Oakfrith Wood and the playing field. An alternative route was therefore needed. Various options to do this were considered.

The first suggestion was to create a new path through the Manor grounds, running tight to the South of the school buildings towards the West of the Playing Field. This proposal was supported by the school and the Pre-School but **ruled out by Wilts Council** after a site visit on the grounds that damage could occur to tree roots if a pathway was established. This did not seem like a compelling argument to school representatives, **but it was accepted by the Parish Council**, so we were unable to pursue this option any further.

A further plan was then made to create two separate but coordinated paths:

**A)** a path from the Northern end of the school drive along the Crookwood Lane edge of the playing field towards the tennis courts and from there access to the village play equipment and Oakfrith Wood.

**B)** a path from Cuckoo Corner to the bottom of the school drive across land attached to the old Wardens House (which was at that time owned by Wilts Council).

The school supported this plan, but a local resident objected to path **(B)** and **the Parish Council supported the objection** so this element was rejected. Path **(A)** went ahead.

A proposal was then put forward for a 'country path' round the left hand bend of Cuckoo Corner to connect with path **(A)**, but **this was also ruled out by Wilts Council** because of potential damage to a tree along the route.

This created a situation in which path **(A)** could now only be reached either by walking along the road around Cuckoo Corner, or down the school path and drive. The school made it clear that we could not agree to the latter option, both for obvious safeguarding reasons, but also because of the loss of amenity (as the proposed pathway would impinge upon our outdoor classroom area, and the only space available for future extension of the school).

The Parish Council then set up a working party to look at options. The school originally participated in this group but eventually withdrew when it became clear that the only option the Working Group was interested in was in finding a way to use the school drive.

The idea of creating a 'PROW' as a device to force access down the school path then emerged and the Parish Council took a proactive role in this process by encouraging and coordinating supporting submissions.

Interestingly the application does not meet up with the newly constructed path at the bottom of the playing field. Instead it terminates at the gate into the playing field by the school building and as things stand this is where the ROW will run if approved.

Since 2009 there has been a Memorandum of Understanding between the School and the Urchfont Parish Council, governing use of the playing field. This MOU excludes public use during school hours but allows it at all other times. The school gate is left open outside school hours to facilitate this access.

So, on the face of things, the PROW as currently defined, serves no purpose whatsoever because access to the playing field is restricted by the MOU.

**However**, we are informed by Wilts Council that if the PROW is implemented this would clear the way for an application to override the MOU and allow access at all times to the public and their dogs. Such an action would be legally bound to succeed as the playing field is a community asset.

On the other hand it is possible to divert the route of the PROW, by agreement, prior to implementation.

### **WHERE ARE WE NOW?**

At this point everybody loses:

- The PROW application has failed to establish a public right to proceed down the school drive to the new path at the Northern end of the Playing Field, but
- the school is faced with the possibility of safeguarding issues in respect of vexatious requests to access the potentially useless PROW, and
- a successful application to overthrow the conditions of the MOU would also create serious safeguarding issues for school use of the Playing Field.

Under the implied threat of the loss of the MOU Wilts Council have since visited school to look at alternative routes for the PROW to meet the desire to connect with the Oakfrith path.

We are very willing to look at any reasonable proposals but our preference would be to revert to one of the previously discarded plans, any of which would have a smaller impact on the school and its neighbours than the options which otherwise seem to be available.

In the event that no mutually acceptable alternative is forthcoming, we would be forced to contest the PROW decision on safeguarding grounds.

The school staff and governing body have a legal duty to safeguard the children under our care. We will not, under any circumstances, compromise their safety.

**Urchfont School Governing Body**  
**8th June 2015**



## Burke, Barbara

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**From:** Richard Hawkins [Richard.Hawkins@urchofont.com](mailto:Richard.Hawkins@urchofont.com)  
**Sent:** 30 November 2015 09:34  
**To:** Burke, Barbara  
**Subject:** Right of Way - Urchfont  
**Attachments:** Redhorn News - Dec 2015.jpg; Redhorn News - Nov 2015.jpg

Barbara

Please find attached copies of articles from Urchfont School that have appeared in our local Parish Magazine (Redhorn News) over the last 2 months. The magazine is distributed free to all residents of Urchfont with the funding provided by the Parish Council and other community groups in the village. The magazine is edited by Mrs Joan Barnett and the general public have had problems, when the Right of Way issue first arose, with their supportive articles being published. We, the general public, have not attempted to have further articles published but the Parish Council have been able to issue statements.

The school have used the magazine to publish their own somewhat misleading articles, particularly in the last 2 months attached. The December issue infers the Parish Council is in some way biased in its attitude to the Right of Way issue, a statement that is wholly untrue. I have attended Parish Council meetings in the past where I publicly stated that I thought the Parish Council were not supporting the village community with regard to this issue. In fact I now feel the Parish Council have acted in a very professional manner with regard to the issue and whilst initially taking a neutral position are now supporting the application to achieve a result which is beneficial to all.

It is interesting to note in the November issue the school state *'Safeguarding and security in schools over the past twenty years has changed enormously, as those of you with experience of other schools will be aware. Urchfont school has been a very open site but over the years, even in this idyllic Wiltshire village, we too have had to follow safeguarding legislation and Ofsted requirements which are, that "governors fulfil legislative requirements on safeguarding and ensure school premises provide a safe learning environment with secure access to protect staff and pupils from harm."* In fact safeguarding and security have change enormously over the last **40 years, since the school was built**, and perhaps that explains the problem they now have!

I hope these documents may be of some use to you.

I have not received confirmation that you received my letter of support regarding the Order – could you confirm you have please.

Are the letters of support/objection that have been sent to you available for the public to view prior to the inquiry?

Kind regards

Richard Hawkins

# Redhorn News - Dec 2015



## URCHFONT SCHOOL'S POSITION OVER THE RIGHT OF WAY ISSUE

On 11 November at the meeting of the Parish council, Urchfont School made a public statement to clarify its position concerning the right of way that is being proposed within the school grounds. (You can read this statement on the Urchfont Parish Council website under their Minutes for 11th November)

The School opposes the proposal because of its concerns about the annexation of land from school use, significant remaining planning uncertainties and the introduction of dogs on the approach paths to the school.

The uncertainties include finding a route for the path that will be acceptable to the neighbouring properties and the school, the need to satisfy child safeguarding and health and safety requirements, the need to move the children's bike shed and the domestic oil tank, and the responsibility for commissioning the necessary works and footing the bill. Consequently the school is formally objecting to the provisional Order made by Wiltshire Council on grounds that access has always been concessionary and not as of right and that there has been a history of the school gate being periodically locked.

Whilst the School and Governors are happy that Urchfont Parish Council is now listening to its concerns with regard to the impact of the footpath on the pupils and staff and to the loss of outside classroom space, the School is not surprised that the Parish Council are formally supporting the principle of the right of way given that it was the Parish Council who made the application on 31 January 2013 and is therefore not in a neutral position as claimed.

The initial locking of the School gate, at the top of the School pedestrian entrance to the School, by a mechanical locking system was after recommendation from the Wiltshire Council Safeguarding Officer and was funded accordingly by Wiltshire Council.

The Order shows a path through the School grounds terminating in the School Garden. Whilst it is possible to divert this path, it is done so subject to an Order being made for which there can be objections made to the Inspector. It is not within the powers of the Parish Council to control or decide where the path can go.

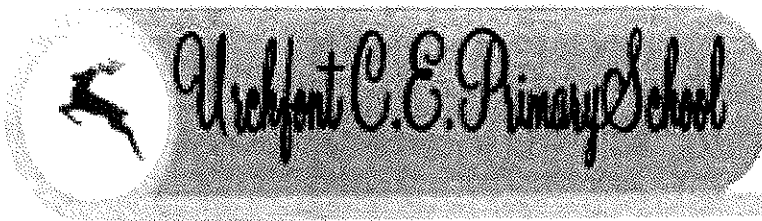
The alternative path suggested around the edge of the School grounds will be narrow, behind houses and give rise to possible antisocial behaviour to the detriment of both the School and its neighbours. It will also require considerable disruption to the School including moving the children's bicycle shed and the oil tank.

The School maintains its position that it is happy to continue the existing arrangement whereby members of the public may use the path on a concessionary basis outside school hours.

However, going forward, if the Parish Council really wants a solution both in the interest of the village and the school children, it should formally withdraw its application to have the path declared a public right of way.

An obvious solution to avoid Cuckoo Corner, if this is what the Parish Council would like, is the short cut through between Cuckwood House and Poynings, which the Parish Council considered and rejected.

# Redhorn News - November 2015



## **PUBLIC RIGHT OF WAY ORDER THROUGH URCHFONT SCHOOL GROUNDS**

We have been informed that following an application by Urchfont Parish Council Wiltshire Rights of Way department have made an Order for a Public Right of Way through the school from the path at Top Green and alongside the school buildings ending at the front of the school.

Our position is that the school has never had any intention to dedicate a permanent right of way through the school grounds but in recent years the school has happily permitted the community to access the playing field through school property outside of school hours.

The current situation allows full access through the school grounds to the playing field, without the impediment of dogs, for 48 % of the days of the year. For the other 52% of days access is denied only from 9.15am to 3.00 pm.

The school believes that safe and adequate access exists to the playing field via Cuckoo Corner without the need to sequestrate school property for an alternative route and that the reaction to the loss of a pathway to the playing field via Urchfont Manor by annexing school land is wholly disproportionate to any gain that may be achieved.

Safeguarding and security in schools over the past twenty years has changed enormously, as those of you with experience of other schools will be aware. Urchfont school has been a very open site but over the years, even in this idyllic Wiltshire village, we too have had to follow safeguarding legislation and Ofsted requirements which are, that **"governors fulfil legislative requirements on safeguarding and ensure school premises provide a safe learning environment with secure access to protect staff and pupils from harm."**

We have tried to minimise the impact of security and fencing, but, we have no option but to follow the rules. This path will allow not only the Urchfont community to enter school grounds, **but the general public and dogs**. **It will be marked on ordnance survey maps etc.**

We value our links with the community and the mutual support that these links provide. For instance, when Wiltshire Council decided to sell Urchfont Manor, we were told that they would fence off that part of the playing field to which the school was entitled, based on the number of pupils on role. We refused their offer because this beautiful site would have been desecrated by annexation. We love having the playing field both for school use and also as a shared community asset.

We took part in, and supported, all relevant meetings whilst various alternative footpaths to Oakfrith Wood were being reviewed and in addition, gave permission for the land to be transferred to the Parish Council to create the community footpath at the end of the Playing Field. Without the School's consent that would not have been possible. But we cannot consent to accommodate a permanent right of way through school grounds that either may have adverse implications for the safety of pupils and staff or inhibits the manner in which the school currently operates.

Whilst we have been told that Wiltshire Council do not regard Cuckoo Corner as a dangerous road, we understand that some in the village voice contrary opinions, but it is a very quiet part of the village and there are other roads in Urchfont which are much more dangerous and used by a larger proportion of pedestrians and vehicles alike. However, we have suggested, that if Cuckoo Corner had traffic calming measures on the approach and just past the school drive, that may help to resolve the concerns of some pedestrians reaching the new path on the playing field. This point was re-iterated in the letter sent to the Parish Council by Claire Perry MP, dated 25th September, after our recent meeting with her when she agreed that the proximity to the school was unacceptable. She also told the Parish Council in her letter that, and we quote, **"I was very concerned to learn that the route runs alongside the school building used as a changing room for pupils. May I suggest that in the light of the problems of safeguarding children that this would give cause for concern for many of those with connections to Urchfont School"**

*The Head teacher and Governors will object to the Order to create a Public Right of Way. If any members of the community, parents, ex parents, ex pupils would like to support our objection we can supply them with the necessary contact details. If you would like any further clarification on this process or on the school's*

List of objectors and the person making the representations to the Wiltshire Council (Parish of Urchfont) Path No 51 Definitive Map and Statement Modification Order 2015.

**List of persons who have made representations in support of the order**

Mrs J Bradshaw

Mr Keith Brockie

Mrs Val Brockie

Mr T Giddings

Mrs S Giddings

Mr J Hawkins

Mrs G Hickey

Mr T Hill

Mrs G Hill

Mr D Kinnaird

Mrs E Kinnaird

Mrs J Maidment

Mrs C Millanes

Mr P Newell

Mr R Pendry

Mrs R Pendry

Miss C Smith

Mrs S Smith

Mr M Smith

Mrs Jane Steadman

Mr J Steadman

Mr R Thomas

Urchfont Parish Council

LAB  
object's  
&  
reps.

Mr P Wheatley  
Mr C Whitehead  
Mrs M Whitehead

**List of Objectors to the order**

Ms A Antrobus  
Mrs W Assirati  
Mrs R Atkins  
Mrs B Bailey  
Mr P Bailey  
Mr P Bancroft  
Ms J Barber  
Mrs M Barclay  
Mrs J Barnett  
Mr N Barklem  
Mr R Bishell  
Mr S O'Callaghan  
Mrs R Candy  
Mr R Carter  
Mrs L Carter  
Mrs C Coke  
Mr A Coke  
Mrs B Coombs  
Mrs D Cooper  
Miss G Cooper  
Mr S Cottle  
Mr L Cowen  
Mrs S Creasey

Mrs Creasey-Cottle

Mr D Davies

Mrs S Davies

Mr M Davis

Mrs R Devon

Mr R Ellis

Mrs W Ellis

Mrs L Everson

Mr P Everson

Mr S Fowler

Mrs D Fowler

Mr R Fowler

Mrs S Francis

Mrs P Frankel

Mrs E Greenstreet

Mrs E Grieves

Mrs M Halliday

Mrs E Harris

Mr M Holloway

Mrs R Holloway

Mrs J Holton

Ms H House

Miss L Iles

Ms E James

Mrs C Jennings

Mr C Keay

Mrs K Keay

Mr C King

Mrs s Leckie

Mr M Leckie

Mrs S Lee

Mr R Lee

Mr R Lind

Mrs A Lundy

Mr D Lyttle

Mrs G Meloney

Mrs A Marshall

Mrs F Muir

Ms M Murray

Mrs C Pike

Mrs K Pilling

Mrs L Pottinger

Mr A Richards

Mr A Roan

Mrs R Roan

Mrs J Rosenberg

Miss H Smith

Salisbury Diocesan Board of Education

Mr G Spencer

Mr B Taylor

Ms M Templer

Urchfont C. E. Primary School

Urchfont C.E. Primary School Headteacher

Urchfont C.E. Primary School Chair of Governors


Urchfont Pre-School CIO

Mrs F Underwood

Mr J Watson

Mrs A Watson



  
Lower Kingsdown Road  
Box  
Wiltshire  
SN13 8AZ

25<sup>th</sup> November 2015

Dear Ms Burke

Re: Right of Way at Urchfont Primary School, Urchfont, Nr Devizes SN10 4RA

I am writing to object to the Right of Way through Urchfont Primary School from the path at Top Green and alongside the school buildings, ending at the front of the school.

I was a teacher at Urchfont School from November 2004 until July 2015 and served for a period on the Governing Body. As far as I am aware there has never been any intention to dedicate a permanent right of way through the school grounds. There has always been a gate at the school end of the path which previously had just a bolt which was always kept locked from the school side during school hours. The gate was always left unlocked outside of school hours to allow the villagers access to the playing field.

I would have thought that the safeguarding of the children, whilst they are at school, was of paramount importance and would over-ride any need for any person to use this path to access the field when there is adequate access from Cuckoo Corner.

I am frankly staggered that the Parish Council feel unable to see the importance of this issue to the school in their role of ensuring the safety of their pupils whilst they are at school. I am equally shocked that the County Council have not instantly made this connection. Whilst Urchfont is a wonderful village and I would hope that nothing of the sort that you hear about in the news would ever happen in this sleepy part of Wiltshire, you really just never know.

It was a shame that when the Council sold off the Manor they did not put a path in behind the school, through the Manor grounds or through the garden of the house at the bottom of the school drive, which would have solved the problem of Cuckoo Corner being either dangerous or too far to walk.

I hope that sense will prevail

Yours sincerely

  
Anne Antrobus

Mrs Wendy Assirati  
[REDACTED]  
Great Cheverell  
Wiltshire SN10 5TS

Ms B Burke  
Rights of Way, Waste & Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge, Wiltshire  
BA14 8JN

20<sup>th</sup> November 2015

Dear Ms Burke

**Re Objection to the Application to add a footpath to the definitive map through Urchfont School grounds.**

I am writing to object to the Order on the following grounds:

Although I do not live in Urchfont I did work at Urchfont School from 2005 until 2013. When I started at Urchfont School there were two gates along the path from the Green to the school grounds. One gate at the Green end and another bolted gate at the top of the path leading into the school grounds. The bolted gate was open outside of school hours for the public to walk through to the school playing field but was bolted during school hours. I understood that the path was not a right of way but a goodwill gesture by the school to allow the villagers to reach the school playing field outside of school hours, this also provided a short cut from the Green to the School for pupils and pre-schoolers attending Urchfont Pre-School, also located on the school grounds.

Whilst working at Urchfont School a Health & Safety visit by the H&S Officer at Wiltshire Council advised that the bolt on the gate was not sufficient, as members of the public were able to place their hand over the top of the gate and unbolt the lock. This was deemed not to meet required safeguarding arrangements. A new padlock was subsequently placed on the bolt, in approximately 2010, and an intercom installed for parents and visitors to the school to have access to the school office during school hours.

Following further visits by both the H&S officer and also Clara Davis from the School Building & Premises at Wiltshire Council funding was made available to the school in 2011 for a mechanical lock set on a timer to be installed.

In my time at Urchfont School the gate was always locked during school hours to ensure protection for the pupils and staff at all times. Members of staff were required to challenge any persons, without permission, on the school grounds and playing field.

Cont.....


Letter to Ms B Burke

The school, in my opinion, have always tried to work with the local Parish Council by allowing the local community to use the school playing field outside of school hours even though staff would, on a regular basis, clear dogs mess, empty discarded bottles and glass from the field in order for pupils to access the school field safely!

I still work as a School Business Manager in a much larger and challenging school in Wiltshire and understand the duty school staff and governors have on ensuring pupils are kept safe in an environment consistent with the provision of safe and effective care. We know school staff have a duty to protect children from strangers, but also school staff can sometimes need protecting from estranged parents, abusive parents and members of the public. With this in mind the risk of something happening will become greater if the school site is not secured and a Right of Way is granted through the school grounds. Urchfont School is situated in a beautiful location and I believe the school has done everything it can to keep the 'village' feel to the school. To expect the school to accommodate strangers walking through the school grounds is in my opinion a step too far!

If you would like further clarification to my objection please do not hesitate to contact me.

Yours sincerely



Mrs. Wendy Assirati

Mrs R. Atkins

~~Private~~

Andover

SP11 8HQ

25/11/15

Ms B Burke  
Rights of Way, Waste & Environment  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Ms. Burke,

**Re: Objection to the application to add a footpath to the definitive map through Urchfont School grounds.**

I am writing to object to the order on the grounds that it is my belief that the stated path has never been and would never have been intended to be a Public Right of Way.

I currently work at the school and have done so since April 2013. It was made very clear during my induction process that the path from the Top Green to the school was solely for use by parents and visitors who had business with the school and/or pre-school and who required access accordingly. As part of my induction process I was also informed that part of my duties included a responsibility for ensuring school access to the school grounds during school hours were secured. This was to be done by ensuring that the pedestrian gate to the Top Green was locked (either by the electro-magnetic timer or manual bolt should there be disruption to the electrical supply) throughout the school day as well as closing the wooden double gates towards the bottom of the school drive if I was the last person to leave in an evening. I was not expected to lock the wooden swing gates at the end of the pedestrian path where it meets the top green which I understood to have been locked historically some time prior to my starting at the school and still has an old chain and padlock attached.


During my time in post there have been signs on the gates indicating that it was the entrance to the school and unauthorised access was prohibited. It was my understanding that anybody entering the school grounds during the school day for non-school business purposes did so without the permission of the school and would have been challenged by a member of the staff in accordance with the school's site security and safeguarding procedures. During my time in post I have only known of a very small number of instances where this has needed to happen and remember only personally needing to approach unknown persons on three occasions:

- a small group of teenagers who had started their summer holiday early and wanted to play on the field

- 4/5 adults who walked up the drive and were on a nostalgic visit to look at one of the houses bordering the school drive which had come up for sale and which had been built by somebody within their family.
- A lady with a pushchair who wasn't sure how to get to the community play area and prior to the sunflower gate (located in front of the kitchen and near to the school playground) being installed.

To the best of my memory I am not aware of any member of the public attempting to gain access through the school grounds from the path leading from the Top Green in order to reach the woods or playing field by requesting either myself or other members of staff to unlock the gate during school hours whilst I have been working at the school.

Yours Sincerely

A handwritten signature in black ink, which appears to be 'Rachael Atkins', is written over a large, dark, scribbled-out area.

Rachael Atkins

L

Tel. 01380 ~~XXXXXXXXXX~~

FROM:

MRS B. J. I. BAILEY

~~XXXXXXXXXX~~  
Urchfont  
Devizes  
Wilts  
SN10 4RP

14<sup>th</sup> Nov. 2015

Dear Ms Burke,

Re Objection to the Application to add a footpath  
to the definitive map through Urchfont School grounds

I am writing to object to the Order on  
the grounds that the stated path has never been  
a Public Right of Way.

I have been familiar with Urchfont  
School over many years. We first came to  
Urchfont in March 1972 and lived at "Lowfields"  
Blackboard Lane, (almost opposite "Fiddlers Cottage"),  
until Autumn 1985, when we moved elsewhere  
within the village.

I remember the new school being  
built and the pathway access to the  
school being created. There had been  
no access way at all <sup>before</sup> then.

Several years later my elder son

started at the school, in Autumn 1977, and, then my younger son attended in 1980 and left in Summer 1987. Both sons, of course, walked to school via the pathway.

I enclose a photocopy of an "Information for Parents" sheet, which I received in 1977, in preparation for my elder son starting School there. You will see that, on the page 2 of this Information, there is a paragraph headed "School Drive", which states that children "can be dropped at The Green and walk through the specially constructed passageway".

In addition to my sons being at Uchafan School, I was first appointed as a Parent Governor in 1981 and 4 years later became a Local Education Authority Governor and continued in the Governing Body in that role until

3

Retired at the end of August 2009.

During all those years of being associated with Lockhart School, my understanding was always that the pathway was a pedestrian way to the school. As such, it formed part of the school environs and the maintenance of which was the responsibility of the School.

There were two high wooden gates, one at the road end and the other at the school end. During school hours the inner gate was kept shut and often locked. I also remember that there were times when both gates were kept locked, not only during out of school hours but also at weekends.

Yours sincerely,

~~XXXXXXXXXXXXXXXXXXXX~~

To:  
Ms. B. Burke  
Rights of Way, Waste & Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge, Wilt.  
BA14 8JN



URCHFONTE C.E. (CONT.) SCHOOL

Information for Parents

Enclosure sent to Mrs. Bache with my letter of 14/11/53 re objection to pathway thro' Urchfont School Grounds.

School Hours

Morning Session	9.00 hrs. -	12.00 hrs.
Lunch Session	12.00 hrs. -	13.25 hrs.
Afternoon Session	13.25 hrs. -	15.30 hrs.

Except in exceptional cases or emergencies, there shouldn't be any need for a child to be at school before 8.45 hrs. in the morning. In the same way, if a child lunches at home, there is no real need to be back before 13.15 hrs. unless they have a lunch time activity or in exceptional circumstances.

Change of Footwear

As there are a large number of carpets in the school it will be necessary for the children to have a change of footwear, e.g. plimsoles, slippers or soft shoes, in order to maintain the carpets in good condition. I am sure you all appreciate the need for this in view of the mud, etc. which will undoubtedly exist around the School in the winter.

Marking of clothing

The clear marking of all items of clothing with the child's name is essential if we are to help you find your child's clothes should they become lost.

P.E. Kit

Now that we have an area in the School which can be used for P.E. and movement and a field which can be used for games, there will be regular times set aside for these activities. In view of this a change of clothing, i.e. P.E. Kit is advisable for health reasons and in order to preserve their school clothing. I suggest that the children will need:-

- Boys - a pair of P.E. shorts preferably black or white
- a P.E. singlet, if possible.
- plimsoles for playground work.
  
- Girls - a pair of P.E. pants, preferably black or white
- a P.E. singlet, if possible.
- plimsoles for playground work.

For games it is desirable that all boys should have shorts, shirt, change of socks and a pair of boots or training shoes.

Girls also need to change into either a pair of shorts or pants and P.E. singlet, with plimsoles on their feet.

Track suits are, of course, very useful and may be worn if a child so wishes.

It would greatly assist the School and yourselves if the kit is kept in a drawstring bag, in this way it will cut down the opportunity for kit to be misplaced.

Art/Craft Apron

It is advisable for all children to have an apron or old shirt, which will cover their arms and trunk, so that when partaking in Arts or Craft work their normal clothes are protected as much as possible.

Dinner Money

In order to help the School administration and the ordering of lunches, I should be extremely grateful if all dinners that are required for the week are paid for on Mondays.

Sweets, etc.

Some of you may feel it necessary for your child to have extra nourishment during the morning. This being so I would suggest that fruit may be more beneficial and less damaging to their teeth than sweets and crisps, etc.

Bicycles

In view of the extra distance involved for some children in getting to School, it may be necessary for some children to ride their bicycles to School, e.g. Crooks Piece, Uphill, Walnut Close and The Croft.

However, in the interests of your child, only those who have passed their Cycling Proficiency Test will be permitted to bring their bicycles.

School Drive

Except in exceptional circumstances, heavy rain, etc. I should be grateful if the main drive to the school is not used for transporting children to School, as they can be dropped at the Green and walk through the specially constructed passageway.

Finally, should anyone wish to see any member of staff or myself about anything concerning their child, where possible, if you could make an appointment first, it would be extremely helpful to those concerned.

I am usually available

8.30 - 9.00 a.m. any day  
3.30 - 4.30 p.m. any day  
Most Monday and Thursday mornings

~~Uphill~~  
Uphill  
Urchfont  
Devizes  
SN10 4SB

24 November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
BA14 8JN

Dear Ms Burke,

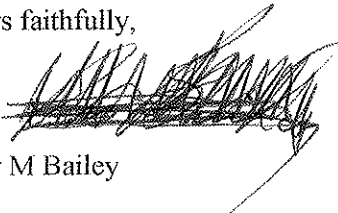
#### RIGHT OF WAY THROUGH URCHFONT SCHOOL

In response to your letter dated the 29/10/2015 please find enclosed the plan of the area the original copies show the positioning of the boarded, framed ledged and braced gates.  
The gate closer to the school was the gate that was locked and the Head teacher of the school was responsible for the gate locking.

My understanding of the procedure was the gate was unlocked for children to come to school in the morning then locked until time for the children to leave school at the end of the school day, relocked restricting access to the school grounds from the top green.

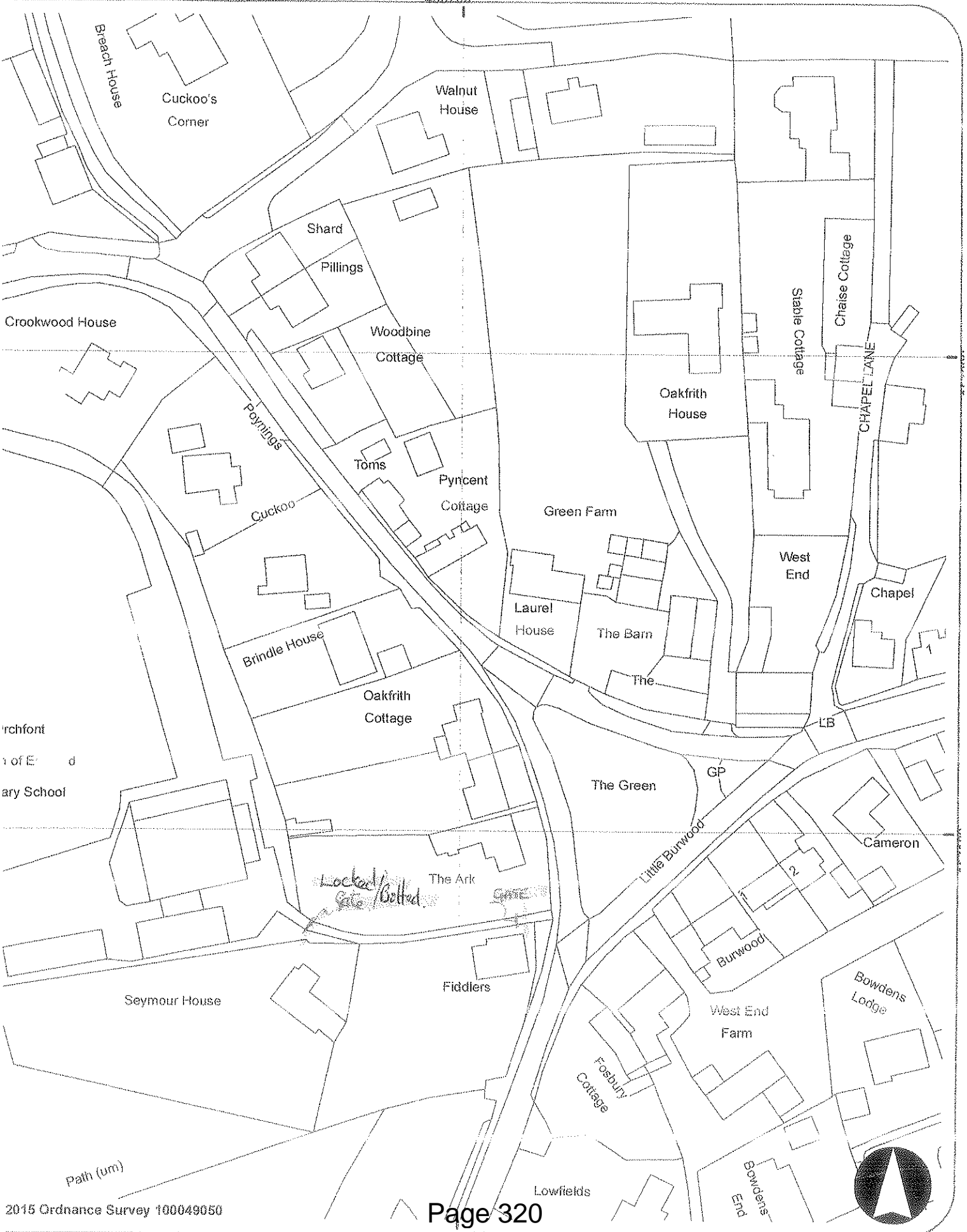
I am of the firm opinion that, up to 1994 at the earliest, the path from Top Green to the school was at times kept locked and that any claim for that path to be a public right of way is unfounded. I am therefore writing to object to the order for a public right of way to be established through Urchfont school grounds.

Yours faithfully,



Peter M Bailey

403700



~~Uphill~~  
Uphill  
Urchfont  
Devizes  
SN10 4SB

27 October 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
BA14 8JN

Dear Madam,

#### RIGHT OF WAY THROUGH URCHFONT SCHOOL

I understand that an application has been made for a public right of way through Urchfont School and that there is a period ending 30<sup>th</sup> November during which objections may be lodged.

I have lived in Urchfont since 1974. My two children went to Urchfont Primary School during the period from 1984 to 1994 and I was a parent governor at the school from 1989 to 1998. In addition I was on the Urchfont Playing Field committee from 1980 to 1998. Therefore I am well acquainted with the school and the matters that governors had to address.

As a parent governor I distinctly remember that there were continuous problems with people making unauthorised entry into the school site along the pathway from Top Green. That pathway had been created solely for parents and children to get to school. The alleyway was initially locked all the time at the top and bottom for a while. However, people kept damaging the gates by climbing over them, so it was eventually decided to keep the gates locked during school hours only. Even then the concession was abused by the public, leading to much debate at governors' meetings as how to deal with the situation. When my younger daughter left the school in 1994 the gate was definitely locked during school hours, but I cannot be certain what happened after that.

Throughout the time that I was actively associated with the school and the village playing field I had a clear understanding that the pathway from Top Green to the school was not a right of way for the general public and was always a pedestrian access to the school solely for parents and pupils. To the best of my knowledge there was also a clear understanding that, during school hours, access to the playing field for the general public was through the gate in Crookwood Lane. There was also an ongoing issue of dogs on the playing field and around the school that meant that dog mess was a problem for the school.

I am of the firm opinion that, up to 1994 at the earliest, the path from Top Green to the school was at times kept locked and that any claim for that path to be a public right of way is unfounded.

Yours faithfully,



Peter M Bailey

~~High Street~~  
High Street  
Urchfont  
Devizes  
Wiltshire  
SN10 4RP

Telephone: 01380 ~~XXXXXX~~

4 November 2015

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire Council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
BA14 8JN

Dear Madam,

### **OBJECTION TO RIGHT OF WAY THROUGH URCHFONT SCHOOL**

I am writing to object to the Wiltshire Council order confirming a public right of way through Urchfont School grounds. It is appropriate for me to declare a non-pecuniary interest in this matter as I am currently a Foundation Governor of the school.

I am aware of the allegation that a right of way existed through the school grounds from Urchfont Top Green for 20 years prior to that right of way being brought into question in late October 2011 when a mechanical locking device and intercom system were installed at the entrance gate at the top of the alley footpath. I have it on good authority from the headteacher that the system was installed during the half term period at the end of Term One, which would have been the last week of October 2011.

In late September 2011 I volunteered to become a school governor. I was asked by the clerk to the governors to deliver a formal letter to the school offering my services. Unfortunately, I do not have a copy of that letter, which was hand written. However, it was definitely dated before Wednesday 5 October as it led to my interview with the chairman of governors at 2.30 pm that day to assess my suitability for the role. I have a written diary entry for that interview, so there can be no doubt about the date.

I delivered my letter by hand to the school sometime between 26 September and 4 October 2011. I walked to the school during the school day intending to make my way up the footpath from Top Green. When I reached the gate at the top of the alley further progress was not possible. The gate was locked. There was no way of communicating with the school as there was no intercom. I remember being annoyed. I thought about climbing over the gate, but it was too high. Reluctant to take the long route round Cuckoo Corner to the school drive, I took a shorter route through Urchfont Manor grounds and entered the school playground by way of a lower gate just to the west of the Pre School building. I had gone only a few paces when I was vigorously challenged by a member of staff, whom I later came to know was teaching assistant Mrs Louise Pottinger. She asked me my business. She promised to deliver my letter to the school office herself and instructed that I should leave

immediately by crossing the playing field directly to Cuckoo Corner. I felt suitably chastened. There was no question of me being allowed to return via the alley to Top Green.

From that single experience it would seem probable that, for some period of time prior to it and before the locking device and intercom were installed, members of the general public were prevented effectively from entering the school grounds via the alley from Top Green during all or part of the school day. Furthermore, there was evidently a procedure in place that required staff to challenge members of the public that were not recognised as to their presence on school grounds.

It is therefore apparent to me that, for some period of time prior to the alleged right of way being brought into question in the last week of October 2011, the school was effectively locking the pedestrian gate at the top of the alley and requiring intruders to be challenged. That might have been the case for some considerable time. I know not. However, there was clearly no intent on behalf of the school for some time prior to October 2011 to allow its grounds to be used as a public right of way and brings into serious question the assertion that it was. I therefore move that the recommendation of the Wiltshire Council decision report is unsafe and that the application submitted by Urchfont Parish Council on 31 January 2014 should be rejected.

Yours faithfully,

Paul L Bancroft

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

~~2009/01/01~~  
Bowerhill  
Melksham  
SN12 6XY  
01225-~~400000~~

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

- I was associated with the school from September 2003 to July 2006 as a Y5/6 teacher .
- During all those years of being associated with the school, my clear understanding, was always, that the pathway from Top Green to the school was a private path to the school and not a right of way for the general public to access the playing field
- There were two high wooden gates, one at the road end and the other at the school end. The gate nearest the school was bolted from the school side during school hours and padlocked during the holidays.
- There were signs on the gate indicating that it was the entrance to the school and unauthorised access was prohibited.
- 
- It was my understanding that anyone who entered the school grounds during the school day did so without the permission of the school would have been challenged by a member of staff/ but in fact the only people we saw on site were parents on school business

Yours sincerely,

Janet Barber





## Burke, Barbara

---

**From:** Margaret Barclay <MargBar@btinternet.com>  
**Sent:** 29 November 2015 12:54  
**To:** Burke, Barbara  
**Subject:** Path at Urchfont School Ref BB/2014/01

Dear Ms Burke,

Thank you for your letter of 24<sup>th</sup> November and apologies for not making clear the nature of the locking device on the wooden gate.

It was as you suggested a sliding bolt which was positioned at the top of the gate.

Yours sincerely

Margaret Barclay (Mrs)

~~Peppercombe Lane~~  
Peppercombe Lane  
Urchfont  
Devizes  
Wilts.  
SN10 4QR

Ms B Burke  
Rights of Way, Waste & Environment  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge, Wiltshire  
BA14 8JN

20<sup>th</sup> November 2015

Dear Ms Burke

**Re Objection to the Application to add a footpath to the definitive map through Urchfont School grounds.**

I am writing to object to the Order on the grounds that the stated path has never been a Public Right of Way.

We moved to a house in Urchfont in Autumn 2005 but I already knew the village well having lived in Chirton but Urchfont was always the centre of our social activities. I have never thought of using the pedestrian access to the school as a short cut to the playing fields as I understood it was a private path for access to the school. When my grandchildren visit we always walk around Cuckoo Corner to access the village play equipment on the other side of the school playing field.

Also, as a previous member of staff (2004 – 2006) at Urchfont School, working in the school office as an Clerical Assistant, it was part of my remit to lock and unlock the wooden gate during school hours when other members of staff were not available.

During the school day anyone who entered the school grounds without permission would have been challenged by a member of staff, as security of the children was a very high priority. Having worked at other Wiltshire schools/centres over the years, this practise was also carried out there. My late husband was the Head of Aldbourne St Michael's primary school for 15 years, and he too, held children's safety as high priority and the importance of challenging any strangers on school sites.

I cannot understand how the council could even consider a right of way through school grounds! In today's world, with all the safeguarding implications, (not to mention dogs on school premises as not all members of the public clear up after their animals – as I know to my cost) it seems totally incomprehensible that this should be allowed. I trust that this proposal will be rejected and that our local school will be a safe place for our children.

Yours sincerely



Margaret A Barclay (Mrs)

## Burke, Barbara

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**From:** Bill Barnett [REDACTED]  
**Sent:** 15 January 2016 10:25  
**To:** Burke, Barbara  
**Subject:** Path at Urchfont School

Hello Barbara,  
Thank you for your acknowledgment my my letter of 24th November.  
I omitted my address

It's

[REDACTED]  
Eastcott  
Devizes  
SN10 4PL

Best wishes  
Joan Barnett

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
County Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

24th November 2015

Dear Ms Burke,

**Re Objection to the Application to add a footpath to the definitive map through Urchfont school grounds**

I am writing to object to the above order on the following grounds.

My history with Urchfont C E School spans nearly 30years. I was appointed January 1986 as Admin Officer and also became Clerk to the Governors in 1993. I retired as Admin Officer in 2005 but continued as Clerk to the Governors. In 2009 I was invited to become a Local Authority Governor and elected Chair of the Governors in 2011. During all these years it was my clear understanding that the path from the Green was not a public right of way but a private path created for, and used by, school visitors only.

The school office was originally on the playing field side of the school (North side of the building) and on the line of this claimed Right of Way, with a clear view of the school drive and field. At no time during the years 1986 to 1995 did I witness members of the public who were not on school business entering school grounds. In fact in those days the Playing Field was called the School Playing Field by most people, and viewed as such.

The school grounds as far as we were concerned included the playing field. Of course we knew that it was used by the Community out of school hours but there was an understanding that people from the community did not enter the site during the school day. In fact in the late '80s and for most of the 1990's there was a mobile classroom on the Playing Field in full view of where this right of way is claimed.

The first mobile classroom was provided by Wiltshire Council and the second bought with funds raised by the Headteacher and the Governors because of rising numbers at the school. The Headteacher herself was teaching the class in the mobile during the latter period and would have challenged any persons entering the playing field during the school day. No one complained to the school that we were impeding anyone's right of way – I would argue because no one saw it as their right of way.  
(Please see Picture - item (1) enclosed showing siting of the mobile classroom)

In 1995 a new office was created on the Eastern side of the building. With windows facing North in the Headteacher's office and East for the general office. We could now

see anyone who might have come down the eastern side of the building and anyone approaching from the school driveway and on the playing field.

The back entrance to the school by the path from the Green cannot be seen from the office. To secure the back of the school site the gate at the school end of the path was bolted during the school day by a metal bolt positioned at the top of the gate on the school side. When I first joined the school there were two wooden gates. The one furthest from the school was removed a few years ago because it was not used but presumably Wiltshire Council put the two gates there originally for more security.

The gate nearest the school used to have a padlock which secured the gate out of school hours and during the holidays. Padlocking of the gate was the responsibility of the Headteacher. I recall that padlocking occurred during holidays up until the late 1990's. I cannot recall when the decision was made to give public access, out of school hours, but it was around this time and as a concession to allow the community a short-cut to the Parish Council play area on the western edge of the field. (Proof of there being a padlock can be seen in the document (2) attached (see School Safety Inspection 2004 – padlock hasp removed) .

The gate was bolted not only to keep people out of school grounds during the school day but also to prevent children from leaving the school when in the care of school staff. The bolt was positioned at the top of the gate so that small children could not open it. However, this did mean that adults could put their arm over the gate and unlock the bolt from the other side. It was part of my job to check that the gate was bolted when all the children were safely in school. Sometimes, parents would forget to re-bolt the gate or were not tall enough to do so. Members of staff including myself would naturally check the gate as we passed on the course of our duties and re-lock if we saw it was unbolted. We were safeguarding the children as much as stopping unwanted persons because that path led onto a main road in the village so it was important to us to make sure it was bolted.

This gate has always been well over 5ft in height. If you were not a member of the school community and approached the school down the pedestrian pathway, and did not know how the gate was locked you would not be able to pass through. Anyone not on school business, but knowing where the bolt was situated, would have had to be tall enough to get their arm over the gate to pull the bolt. Shorter people would have had to turn back and walk around Cuckoo corner **That gate is, and always has been, a barrier, showing our intent to prevent unauthorised access. Not only for adults but for children too, as they too are members of the public.**

We have also informed the public by way of signage that the path was a pedestrian access for the school. Unauthorised access was not permitted. Signs were also put around the playground and field. Unfortunately, going back 20 years to show evidence of this is difficult as paperwork is destroyed but we do have evidence recorded in Governors minutes from 2002 and again in 2011 that new signs were ordered for the site. This evidence was presented to the ROW Department in our original evidence when the application was made.

In 2004 there is an item in the Redhorn News that the school signs had been vandalised and removed. (see attached document (3))

Site security equipment has improved tremendously since the turn of the millennium and in the later years of the '90s the governors installed CCTV cameras around the school site. This then gave us a view of those areas which could not be seen by the office without going out onto the grounds. We have to remember that this is a small primary school. We did not have the funds to employ a security guard but had to rely on the understanding and co-operation of the community not to ignore our signage .

Further improvements to secure the school site were advised by a WC H&S officer early in 2011 which resulted in a mechanical locking device and intercom controlled by the office staff with a monitor so that the person requesting access can be seen on a screen in the office. These remotely controlled devices were not available until recently. At no time did the public have the right to walk through the school site if they were not visiting the school.

We have evidence that permission was required to use our path and grounds by the letters we received each year from the Chairmen of the Scarecrow Festival Committee requesting permission for the general public to walk through school grounds and use the school path from the place in which they parked their cars.

The Scarecrow Festival grew from a small Village event to what it is today, a 3 day festival attracting thousands of people from far and wide. For the first few festivals cars parked on the Playing Field but the surface was damaged so much in bad weather that in later years parking was moved to another local field. However in each case the Chairmen asked for permission of the Governors for access through school grounds and down the path for the festival weekend. Letters attached from Richard Hawkins, Robert Pendry, and Keith Brockie covering the period 2005 – 2014 . These Chairmen also made a payment to the school for the use of a school facility.  
[See documents (4 (i) (ii) (iii) (iv) ]

These same three people (Hawkins, Pendry and Brockie) are now saying in their witness statements that there was a public right of way through school grounds. If that was their understanding, why did they ask for permission and why did they make a payment? I would argue that their letters show that **they knew full well that the school path and grounds were private.**

Documentation from the school's site security policies and Risk Assessments examples dated 2005 attached 5 (i) (ii) , show that it was the policy of the school to keep the gates closed and prevent unauthorised access . Members of staff, who were shown these policies were instructed to challenge anyone on site who they did not recognise as a visitor to the school. They also had additional CCTV cameras installed in these later years and could view most areas of the school from the office.

I would also question why an application has only now been made. If these witnesses had been using the path as regularly as they state, during school hours and felt aggrieved that a mechanical lock was fitted to the gate in 2011 which impeded their public right of way, why did they not draw this to the attention of the school or the

Parish Council immediately. Why did they not ring the bell on the gate to request entry to what they are claiming is their Right of Way?

The only complaints we had at that time were from the Pre School management committee who are on our site and were concerned that their parents would not be able to pass through the mechanical lock to get into pre-school. However, as the gate was visible and remotely controlled from the office we were able to assuage their concerns.

The school did not received any complaints from these witnesses or any other member of the public for that matter and I believe neither did the Parish Council. The reason being that the normal route, during school hours, to access Oakfrith Wood and the Western side of the playing field was a permissive path through the Urchfont Manor grounds. On the sale of the Manor it was realised that the permissive path would be closed and when Wiltshire Council and Urchfont Parish Council ruled out other possible routes they went for access through the school.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joan Barnett', with a flourish at the end.

Joan Barnett (Mrs)

Archport  
School circa late '90s. Sports Day.  
Showing mobile with full view of playing field.

EAST



WEST

NORTH



**School Safety Inspection Check**  
**Carried out Monday 29<sup>th</sup> November, 2004**

Looked At	Hazard	Action	Priority 1 - 3	By Date	By Whom
EXTERNAL					
Car Park	Children/cars	Provision of pathway in front of school to playground			
		Turning area needs re-marking			
Cycle Shed	Netball posts	Need to be put behind shed			
Footpath to Green	Wet leaves on path	Remove			
	No light at night	Install lighting -- need to ask Manor			
	Gate left open	Order signs			
	Gap under gate	Board bottom of gate			
	Padlock hasp dangerous	Remove			
Driveway	Conifers at school gate obstructing view	Ask that these be trimmed - Manor			
Rainwater drains back main building	Full of leaves	Order grid covers			
Downwater pipe -rear of Robins	End missing	Replace			
Manhole cover back of Robins	Slippery	Replace			
Roof back main building	Algae				
Window Frames - Owls	Rotting at base	Temporary repairs before complete replacement			
Modular classrooms	Build up of dirt at rear	Dig away			
	Paint peeling on fascia	Repaint			
Fire exit	Door rotting at base RHS	Repair			
Woodpeckers					
Playground	Tarmac - uneven	Level if possible			
Infant Play Area	Unprotected ends of wire fencing	Strips of wood to cover			

# URCHFONTS CHURCH OF ENGLAND PRIMARY SCHOOL

This has been a very busy and enjoyable term for everyone at school. There have been lots of educational visits and our end of term entertainment from children from Key Stage 2.

The weather was very kind to Robins and Chaffinches (Key Stage 1) who had a day trip to Muddeford. Our Year 6 leavers from Owls had an exciting day at Paultons Park and Woodpeckers walked to Vicarage Lane nurseries to learn all about suitable plants for planting in front of the new school extension. We bought lots of lovely flowering shrubs which were planted in the new flower beds in front of the school.

Eliza! based on the musical 'My Fair Lady' was performed by Key Stage 2 children. This was a fantastic performance by all involved with wonderful song and dance routines by our budding actors.

We said goodbye to our Year 6 children at the end of term service on 21st July at Church. We wish them well for their future as they move on to secondary education.

We have almost finished our building work in the school and have improved facilities in the offices, kitchen and staff room. We are all looking forward to the new term in the Autumn after a well deserved rest for everyone at school. First day of the new term is 1st September.

## **Could you become a School Governor?**

All schools have been required to review their constitution and now Urchfont School has vacancies for a new type of Governor - a Community Governor. These are people from the local community who would like to contribute to the smooth running of the management of their school and perhaps have some expertise from their working life which they could offer. If you are interested and would like to learn more, please contact Joan Barnett, Clerk to the Governors, on 01380 812593. We would be very pleased to hear from you.

## **Vandalism**

Vandals have struck again at the school. Various signs on the school site have been unscrewed and removed. If you find any of our signs around the village or have any information on who may be responsible we would be grateful if you could let us know. Telephone 84 0793

## **School Site**

We are very fortunate to have a beautiful school site alongside the Village Playing Field. In recent years we have improved our grounds and added adventure play areas for the children at school. However, the site is not fenced off and we are aware that this equipment is used out of school hours. Please do not use the Infant Play Area (inside the fenced off area) and if your children use the other play equipment out of school hours please take responsibility for the safety of your children. Thank you.

**Happy Holidays!**

12

**MINUTES OF A MEETING OF URCHFONT PRIMARY SCHOOL  
GOVERNORS HELD ON WEDNESDAY 26<sup>TH</sup> JANUARY, 7.00PM 2005  
AT THE SCHOOL**

**PRESENT:** I. Bailey, J. Barnett (Clerk) P. Frankel, C. Gardner, J. Hanscomb, F. Hamlin, J. Holton (Headteacher), R. Lee, C. Watts (Chairman)

*Mr. Watts formally welcomed Ms Hanscomb (New Parent Governor) to the meeting.*

**1. APOLOGIES:** M. Cole, J. Hunter, E. Milner.

**2. MINUTES OF 8<sup>th</sup> NOVEMBER .** One amendment, item 3. "Performance Management committee" changed to "Performance Management appointed". Minutes signed as a correct record.

**3. MATTERS ARISING:** 7b) Mrs. Bailey raised the recent report in the press regarding eye damage with the use of white boards in school. School to check this with Health and Safety Officer at LEA.

**4. TARGETS SET WITH LEA:** Mrs. Holton told governors that Mrs Barber, Miss Gardner and herself had met to discuss targets for SATs for 2006 (i.e. this years Yr 5 pupils). They also revised the targets for 2005 following changes in the Yr 6 cohort. The decisions made were agreed with Mrs. Milner. These targets and changes had been sent to the LEA for approval.

**5. PAN:** LEA had written suggesting a PAN of 16 for September 2006. Mrs. Holton explained that if governors agreed to this it could be a problem leading to large class sizes and eventually the school may have to become a 5 class school. This would mean mixing of year groups and thus affect the curriculum rolling programme. The improvements to the school had not increased the teaching space and so an additional teaching area would have to be created somewhere in the school to accommodate an additional class. This would have a detrimental ~~effect~~ *effect* on the improvements seen in the school facilities over the past year. The Governors agreed to ask for the PAN to remain at 14, using the points raised as their reasons for this.

**6. ACCESS PLAN:** Governors were provided with a chart showing targets etc for the 2004/05 access plan. This chart had been constructed using information from Finance and Buildings and Staffing and Curriculum sub-committee meetings and the teaching staff.

Miss Gardner proposed that the Access Plan be accepted, seconded by Miss Hamlin and agreed unanimously.

**7. CORRESPONDENCE:** Mrs. Bailey raised the following items for governors attention:-

- a) Letter from SDBE regarding appointment of Foundation Governors – they must now be regular communicant members of the Church of England.

b) Spectrum – states that the school can receive 2 free copies of School Teachers' Pay and Conditions Document. Mrs. Holton said that the school had already ordered and received these.

c) Schools are now required to submit absence data to FORVUS on a termly basis.

d) Budget Roadshow – 10<sup>th</sup> February, 6.00pm John O'Gaunt School, Trowbridge. Mrs. Holton and Mrs. Barnett to attend. One extra place booked for a governor. Mr. Watts agreed to take this place.

8. AOB: a) Request from the Urchfont Scarecrow Committee for access from Village Playing Field to path onto the green for visitors parking on the field. Governors agreeable to this only if the school site is temporarily fenced off as they felt that any accident occurring through the use of the school's play equipment may leave them liable. Letter to be sent to this effect.

b) Ms Hanscomb agreed to sit on the Staffing and Curriculum committee.

c) Mr. Taylor said that incorrect information had been given regarding the Complaints Policy at the recent Governor Support meeting he had attended. Mrs. Holton had contacted the person responsible for complaints at the LEA and they confirmed that the information he had received was incorrect. The LEA would speak to David Marriot at Governor Support about this matter.

d) Mrs. Holton said that she would be unable to attend the Finance & Buildings meeting on Thursday 27<sup>th</sup> January. It was decided to postpone this meeting to a later date. Member of the Finance Committee agreed to look at the latest Income and Expenditure statement after the FGB meeting before being sent to the LEA.

9. REVIEW OF PANDA: Mrs. Holton led the Governors through the 2004 Panda report. She also presented explanatory papers and urged them to read the document at home with the aid of these.

10. HEADTEACHER'S REPORT: This had been circulated prior to the meeting. One error was noted in that the student (page 1 last word) was working in Woodpeckers. A letter had now been sent to parents of children in Owls explaining the nature of Mrs. Barber's illness. Mrs. Barber had requested this.

11. PAY POLICY: This document had been circulated to all staff in the school. The final copy had not been circulated to Staffing and Curriculum members but it was agreed that this document could be ratified by the FGB.

This was proposed by Mr. Lee, seconded by Mr. Taylor and agreed unanimously.

## 12. STAFFING AND CURRICULUM

a) Attendance Policy – this had not been circulated – agreed for agenda item next meeting.

b) SEN Policy – this would also be brought to next meeting.

Mrs. Holton asked that Chairs of committee should check with the Clerks to ensure that the distribution of policies to their committees had been carried out before they were due to be ratified at FGB.

c) Election of Clerk to the Staffing and Curriculum Committee. Mrs. Barclay was proposed by Miss. Gardner, seconded Miss Hamlin, agreed.

## 13. BUILDING & FINANCE:

a) A financial statement had been circulated prior to the meeting.



# Urchfont Scarecrow Festival

2 Peppercombe Close, Urchfont, Devizes, Wilts, SN10 4QS  
Tel: 01380 840386 Fax: 01380 840741 Email: r.a.hawkins@btinternet.com

10th May 2005

Mrs Jackie Holton  
Urchfont School  
Cuckoo Corner  
Urchfont  
Devizes  
Wilts  
SN10 4RA

Dear Mrs Holton

## Urchfont Scarecrow Festival 2005

This year's Scarecrow Festival was a great success and the use of the playing fields as a car park with access through the school grounds did enable us to reduce the amount of traffic in the village centre making the event more enjoyable for all those taking part.

The committee are very grateful to you for allowing access through the school grounds and I enclose a cheque for £50 as a donation to your school funds.

Many thanks for you help.

Yours sincerely

Richard Hawkins  
Chairman - Urchfont Scarecrow Committee

47

# MINUTES OF A MEETING OF URCHFONT C.E. PRIMARY SCHOOL HELD ON THURSDAY 2<sup>ND</sup> MARCH 2006, 7.00PM AT THE SCHOOL

**PRESENT:** Anne Antrobus, Ingrid Bailey, Joan Barnett (Clerk), Michael Cole, Jane Hanscomb, Jackie Holton (Headteacher), Mark Leckie, Robert Lee, Elizabeth Milner, Brian Taylor, Colin Watts (Chairman), Elizabeth Woolley, Honor Strong (Senior Teacher) by invitation.

## 1. MEETING ADMINISTRATION

- a) **Apologies:** Jonathan Hunter. Colin informed the meeting that Mrs. P. Frankel, (Parent Governor) had resigned from the governing body due to family commitments. It was agreed that a letter thanking Mrs Frankel for her work as a governor be sent by the Chairman on behalf of everyone.
- b) **Minutes signed** as a correct record.
- c) **Matters Arising** - none
- d) **Correspondence** - List circulated prior to meeting. Ingrid drew attention to items of interest including:

### *Health & Safety Audit Report*

Rob said that an Action Plan based on the comments made at the Health and Safety Audit had been drawn up and would be returned to the LEA.

### *School Profile*

To be written and inserted in the Dfe web page for the school by the summer. The profile would also be added to the school brochure and circulated to parents.

**2. THE VIBRANT SCHOOL PROJECT:** Jackie and Honor gave a presentation explaining this topic and the work that had already started in school to improve pupils learning powers. Jackie said that she hoped to have a similar presentation evening for parents. Colin thanked them both for a very interesting talk.  
*Honor Strong left at this point*

**3. GOVERNOR VACANCIES:** The Community Governor vacancy had been advertised in the current issue of the Redhorn Magazine but there had been no interest to date. The election for a new Parent Governor, following the resignation of Mrs Frankel, would take place in the next two weeks.

**4. GOVERNOR DEVELOPMENT PLAN:** Mark provided everyone with a template which he explained should be used alongside the School Development and Improvement Plan document which Jackie had circulated at the last meeting. He suggested that governors should decide what they thought were the priorities for the governing body and had listed 3 from the Ofsted report and Parent/Pupil questionnaire as examples.

After discussion, it was agreed that completed templates be returned to Mark within 2 weeks. A working party; Mark Leckie, Anne Antrobus, Rob Lee, Jane Hanscombe and Ingrid Bailey, to meet (date to be agreed) following the deadline to discuss and draw up a draft Development Plan to bring to the next FGB meeting.

Rob suggested that the Governor Support handbook and the notes from the 'New Governor Course' would be useful references when contemplating priorities for The Plan.

**5. HEADTEACHER'S REPORT:** This had been circulated prior to the meeting. Jackie answered questions on the replacement of the Primary Advisor and problems with the failure to appoint a new MDSA. Mark complimented the school on the Bedtime Stories evening which, he said his children thoroughly enjoyed.

Action

Colin/Joan

Rob

All

6. **PANDA REPORT 2005:** explained and presented by Elizabeth (Woolley).

**7. RATIFICATION OF POLICIES**

The following policies were ratified at this meeting:

*Charging, Governors Allowances, Violence and Aggression against Staff*

Proposed by Rob, seconded by Anne. All agreed.

**8. COMMUNICATION WITH PARENTS**

Jackie suggested she should meet with a small group of parent governors and parents to discuss issues and to find solutions and report back to FGB. Agreed.

Jackie

**9. REPORTS FROM COMMITTEES**

**a) Finance & Premises**

- i) Finance Report – circulated prior to meeting and discussed.
- ii) Building work: still ongoing. A temporary fence would be erected at the front of the school until a permanent structure could be installed. Governors authorized a budget of up to £15,000 to improve security around the school.
- iii) Project Review – detailed in the Finance and Buildings minutes.

**b) Staffing**

- i) Class Organisation – discussed and two formats to be considered. Jackie to report back to Finance and Staffing committees after consultation with Staff.
- ii) Confidential Item
- iii) Confidential Item

**c) Curriculum – It was noted that the following subjects needed link governors.**

The following appointments were made:

English – Jane  
 Maths – Colin  
 Science – Brian  
 ICT – Rob.

Monitoring of other areas would be linked to the SD/IP rather than by subject. Further work needs to be done on this and will be brought back to the next FGB.

Decided that Brian would draw up a plan for governor visits with suggested dates for visits for all governors. and circulate.

Governor Training – Those interested in attending a Governor Update Course on 14<sup>th</sup> June 6.30 – 8.30pm at Urchfont Manor to let Brian know within the week.

All

d) Pay – nothing to report.

**12. MATTERS FOR REPORT**

The Urchfont Scarecrow Committee would be using the playing field for parking and consequently requested permission to have access to the walk way around the school during the Scarecrow weekend. Arrangements would be as for last year.

This was agreed.

Extended Schools – LEA running courses on how to extend opening hours of schools as required by new legislation. Jackie said that this was not a priority at present for Urchfont but that any Governors could attend the courses on behalf of the school. Brian volunteered to attend.

The meeting ended at 10.45pm

The next meeting of FGB will be on 26<sup>th</sup> April.



# Urchfont Scarecrow Festival

15

2 Peppercombe Close, Urchfont, Devizes, Wilts, SN10 4QS  
Tel: 01380 840386 Fax: 01380 840741 Email: r.a.hawkins@btinternet.com

11th May 2006

Mrs Jackie Holton  
Urchfont School  
Cuckoo Corner  
Urchfont  
Devizes  
Wilts  
SN10 4RA

Dear Mrs Holton

## Urchfont Scarecrow Festival 2006

This year's Scarecrow Festival was a great success and the continued use of the playing fields as a car park with access through the school grounds did enable us to reduce the amount of traffic in the village centre making the event more enjoyable for all those taking part.

The committee are very grateful to you for allowing access through the school grounds and I enclose a cheque for £50 as a donation to your school funds.

Many thanks for your help.

Yours sincerely

Richard Hawkins  
Chairman - Urchfont Scarecrow Committee

Can you write back thanking them for their generous donations. I like that the parking arrangements and organisation on the school site were very good. We have all enjoyed a very successful event!



4 (iii)  
2008



Print Close

From: urchfont school admin [admin@urchfont.wilts.sch.uk]  
Date: 02-Apr-2008 08:26  
To: <head@urchfont.wilts.sch.uk>  
Cc:  
Subject: Fw: Scarecrow Festival and facilities

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

From: [redacted]  
Date: 31-Mar-2008 20:04  
To:  
Subj: Scarecrow Festival and facilities

Urchfont Scarecrow Festival Committee

Dear Mrs. Holton,

I expect you are aware that the annual Scarecrow Festival takes place again this year on the three days of the Mayday Bank Holiday weekend (3rd., 4th., & 5th May).

As in previous years I will be in charge of car parking on the playing field and will ensure that your playground and climbing frames are taped off to discourage access. It would also be very much appreciated if we could use the access path from the green to the school again.

Facilities

I would like to broach another matter with you to do with the festival...

As the festival has grown it has become increasingly problematical for us to provide adequate toilet facilities for the public. Currently we use the Village Hall facilities, paying a cleaner to look after them continuously throughout the 3 days. We also pay the pub to open their toilets to the public all through the weekend. The committee decided that this was still not sufficient for the volume of visitors we are expecting this year and it was decided to hire commercial portable toilets at considerable expense.

I would like to explore other alternatives, and so my question to you is this: In return for a substantial donation to school or PTA funds, would the school be willing to open their toilets to the public over the Scarecrow Weekend? The festival would, of course, take responsibility for the security of the building, perhaps provide supervision, pay for a cleaner(s) and would undertake to rectify or pay for any damage done.

I personally feel it would be infinitely preferable to give the

school the many hundreds of pounds we are currently expecting to pay to a toilet hire company. I cannot guarantee that everyone on the committee agrees, but I would at least like to explore your feelings on the subject.

It will not be possible to change the arrangements for the 2008 festival at this stage, but if you think there is the basis for a mutually profitable arrangement, we could sort something out or 2009.

I look forward to hearing from you,

Yours sincerely,

Robert Pendry  
Secretary Urchfont Scarecrow Festival Committee

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Sent from Yahoo! Mail.  
A Smarter Inbox.

End Cottage, Uphill, Urchfont  
Tel: 840285 Fax: 848238  
E Mail: keith.brockie@btinternet.com

18



13<sup>th</sup> June 2008

Mrs. Jackie Holton  
Urchfont School  
Cuckoo Corner  
Urchfont  
Devizes  
Wilts SN10 4RA

Dear Jackie,

This year's festival was once again a great success raising money for good causes in the village.

The committee are most grateful for the use of the School pathway which assisted the running of the weekend and I enclose a cheque for £50.00 as a donation to your funds.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Keith Brockie".

Keith Brockie  
Chairman  
Urchfont Scarecrow Festival Committee

4 (in) 18a

Original Message

From: [REDACTED]  
Date: 10/01/2014 08:36  
To: "Carol Talbot" <head@urchfont.wilts.sch.uk>  
Subj: Re: Confirmation of letter

Carol,

Can I also make our usual request to use the school footpath over the Scarecrow Festival weekend (Saturday-Monday 3rd, 4th & 5th May)? I know the path is usually open outside school hours, but we like to be sure that everyone concerned is asked properly.

Regards,  
Robert

From: Carol Talbot <head@urchfont.wilts.sch.uk>  
To: urchfontscarecrows@yahoo.co.uk  
Sent: Monday, 6 January 2014, 13:54  
Subject: Confirmation of letter

Hello Rob

I can confirm that we have received your letter.

Kind Regards

Carol

Carol Talbot

# Urchfont C. E. Primary School

Cuckoo Corner, Urchfont, Devizes, Wiltshire, SN10 4RA

Tel: 01380 840793

Email: admin@urchfont.wilts.sch.uk

13.10.2015

Dear Parents,

We have now been informed that Wiltshire Rights of Way department have made the Order for a Public Right of Way through the school from the path at Top Green and alongside the school buildings ending at the front of the school. We have until 5pm on 30th November to lodge any objections to this order.

Our position is:

- *that the school has never had any intention to dedicate a permanent right of way through the school grounds.*
- *In recent years the school has happily permitted the public to access the playing field through school property outside of school hours.*
- *The current situation allows full access through the school grounds to the playing field without the impediment of dogs for 48 % of the days of the year. For the other 52% of days access is denied only from 9.15am to 3.00 pm.*
- *The school sees itself under no obligation to accommodate a permanent right of way through school grounds that either may have adverse implications for the safety of pupils and staff or inhibits the manner in which the school currently operates.*
- *The school is disappointed that Urchfont Parish Council did not consult with the school or parents of pupils before deciding to support the private application for a public path through school grounds.*
- *The school believes that safe and adequate access exists to the playing field via Cuckoo Corner without the need to sequestrate school property for an alternative route.*
- *The school believes that the reaction to the loss of a pathway to the playing field via Urchfont Manor by annexing school land is wholly disproportionate to any gain that may be achieved.*
- *Where valid grounds exist, the school intends to object to the Wiltshire Council Ruling to publish a definitive map modification order (DMMO) authorising a PROW through the school grounds.*
- *The school believes that in making their decision Wiltshire Council has not assessed the evidence in a balanced way.*
- *The school is concerned that a consequence of the DMMO is legally to allow dogs to be walked on the approach paths to the school and onto the school and village playing fields.*

Unfortunately, in considering our objections, the Rights of Way Officer is not concerned with safeguarding of children in school only whether there is a proven case for the claimed Public Right of Way. The people claiming that they have a Right of Way just have to state that they walked the route shown on the attached map with no impediment to their route,(ie gates) that they did not see any signage stating that it was not a Right of Way and that they were not challenged.

We need your help to try to stop this Order going through -

Please write to:

Ms B Burke  
Rights of Way, Waste and Environment,  
Wiltshire council,  
county Hall,  
Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

before 30th November 2015.

Your letter should state on what grounds you are objecting – which would be, that there is no right of way through the school grounds.

The criteria which needs to be included in any letter to the ROW Officer that will support the School's statement that it was not our intention to allow a public right of way is as follows:

- That *during the following period of time (eg 1995 to 2001 – whatever is the length of time you have been associated with the school or have lived in the village)*
- You always had a **clear understanding** that the pathway from Top Green to the school was not a right of way for the general public and was always, a pedestrian access to the school for parents and pupils.
- During the school day one **could not enter** through the gate unless on school business.
- The gate was bolted from the school side.
- There **were clear notice(s)** that stated [specifically if possible] that the path was for access to the school only
- you knew that you would **be challenged** if you walked through the school grounds and were not on school business.

If you feel you can write and support all or any of those statements in your letters please do so. It would be useful to say whether you are a parent, a villager, pre-school parent etc. Individual parents writing will carry more weight than parents writing as a couple and if you have any children who attended the school in the past and would like to object please encourage them to do so.

If you would like any further information or to discuss this letter please do speak to Mrs Talbot.

Yours sincerely,

C.E. Talbot

Mrs. C Talbot  
Headteacher

Anya Watson

Mrs A. Watson  
Chair of Governors  
on behalf of the Governing Body.

