

**Madgwick, Sally**

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**From:** Peter Gallagher [REDACTED]  
**Sent:** 15 December 2019 15:00  
**To:** Madgwick, Sally  
**Subject:** GRAF29, 29A, 30, 31, BURB1 & CKIN34

Dear Sally

Thank you for your letter dated 12 December advising me of the DMMO relating to these paths. We have no objections to the order.

Nice to see you have started work on the historical evidence cases!

Regards

Peter Gallagher  
Footpaths and Walking Environment Officer  
windon and North East Wiltshire Group  
The Ramblers

[REDACTED]

*The Ramblers' Association is a company limited by guarantee, registered in England and Wales. Company registration number: 4458492. Registered Charity in England and Wales number: 1093577, registered charity in Scotland, number: SC039799. Registered office: 2<sup>nd</sup> Floor, Camelford House, 87-90 Albert Embankment, London SE1 7TW.*

Patron Her Majesty The Queen

**The British Horse Society**

Abbey Park,

Stareton,

Kenilworth,

Warwickshire CV8 2XZ

**Email** enquiry@bhs.org.uk

**Website** www.bhs.org.uk

**Tel** 02476 840500

**Fax** 02476 840501



Bringing horses and people together

31<sup>st</sup> January 2020

[Redacted]  
Marlborough  
SN8 1AY

Your ref: JG/PC/238 2019/04

Sally Madgwick  
Rights of Way and Countryside  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Sally,

The Wiltshire Council Grafton 29 (part), 29A, 30 & 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019

On behalf of the BHS I would like to register its wholehearted support for this order.

This will be a splendid and welcome addition to the routes on the Definitive Map available to equestrians and I am sure the BHS membership will be delighted with it.

Yours sincerely

[Redacted signature]

Alan Woodford

BHS Access and Bridleways Officer

email: [Redacted] (for all correspondence)

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## Madgwick, Sally

---

**From:** Jack Edwards [REDACTED]  
**Sent:** 03 February 2020 14:43  
**To:** Madgwick, Sally  
**Subject:** The Wiltshire Council Grafton 29 (part), 29A, 30 & 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019  
**Attachments:** 20200131142929950.pdf  
**Importance:** High

FAO Sally Madgwick

By email to [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

Dear Ms Madgwick,

### Wildlife and Countryside Act 1981 s.53

### The Wiltshire Council Grafton 29 (part), 29A, 30 & 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019

We are instructed by the owners of Southgrove Farm, WR Curnick Ltd in relation to the proposed Modification Order seeking to upgrade the above mentioned footpaths and bridleway to restricted byways. We would be grateful if you could please acknowledge and register this objection to the Order in due course.

The 87 page Decision Report prepared by yourself in relation to Application number 2004/07 (upgrade to Byway Open to All Traffic (BOAT) confirms at paragraph 2.8 that the application put forward by the Applicant is considered to fail the test of strict compliance to Schedule 14 of The Wildlife and Countryside Act 1981 (WCA 1981) as no copies of evidence were presented, instead only a list of extracts were provided. Further legislation enacted in May 2006 (Natural Environment and Rural Communities Act 2006) makes it necessary for all Councils to consider strict compliance where an exemption from the extinguishment of public rights for mechanically propelled vehicles may apply.

It is acknowledged that the application was received prior to 20<sup>th</sup> January 2005 cut-off date however investigations by officers has revealed that the applicant failed to adequately serve notice on all of the required landowners (see paragraph 2.11 and 2.12) and a stretch of approximately 300 metres of the route appears unregistered. Interestingly the part in question relates to land within my client's ownership.

Your Decision Report states within paragraph 2.12 that *"it is unlikely that any prejudice has been caused to any party as the most likely owners are the adjoining landowners"*. Although on the basis of the evidence presented Ms Madgwick considers *"no prejudice has been caused and the matter is not fatal to the Council's duty to examine the evidence brought to its attention"* I would like to reserve my Client's rights for them to seek a legal opinion if they so wish to assess whether the Council did have a duty to continue to examine the Application based on the fact that at paragraph 2.15 it states that the application does not satisfy the requirements of Schedule 14 and therefore we would question whether there was an ongoing duty for the Council to continue to investigate the matter and subsequently arrive at the decision to upgrade the existing routes to restricted byways.

Paragraph 23.1 states that Section 53 of the WCA 1981 does not provide for consideration of issues relating to the environment, however at 24.3 it also states that equality is not a material consideration yet the two paragraphs that

precede this promote the benefits that the upgrade would offer. In light of this discrepancy it seems reasonable to outline the impact that the proposed upgrade would have on the environment.

Part of Grafton 29A crosses an arable field and the proposal to increase the width on this stretch would result in 1.35ha (3.34 acres) of productive arable land being taken out of production. We accept that currently there is the footpath however the width of this is much less than the proposed route outlined within the Order and therefore has a much lesser impact upon the farming activities. In a bid to mitigate the impact of the footpath the owners and Esther Daly (a previous rights of way officer) agreed that a permissive path could be made available to walkers along the old railway line as shown on the attached plan. The owners have been trying to find the documentation relating to this to accompany this objection but to date have been unable to locate it. However this is a permissive right which offered a much easier and improved experience for walkers. Signs have always been in place explaining that this is a permissive right and only walkers are permitted to use it.

If the proposed upgrade to a restricted byway is enforced it will become a route for cyclists, horse riders and potentially horse and cart. If this is the case the owners will be forced to reconsider the use of the permissive route going forward as there will no benefit to them in allowing the use to continue. Currently they allow access on foot over the permissive path but they would not want that use to include cyclists, horse riders and horse and cart. At this point I would point out that the permissive footpath that the owners (and their neighbours) have allowed the public to use is the only direct link to both Aughton and Collingbourne Kingston. It is a very well used footpath that enjoyed by a significant number of local residents and prevents walkers from having to walk along the public highway. The owners do not want to allow the permissive use to extend to anything beyond walking and therefore will be forced to remove the permissive footpath which follows the route of the old railway line meaning that Wiltshire Council will have to construct two bridges (at the prescribed width) to allow access over the River Bourne. The bridges would have to be in situ prior to the Order being enforced to ensure that the public have the right to use the route safely.

The owners are very concerned that if the upgrade were to be approved albeit to a restricted byway it may be misinterpreted as being a Byway Open to All Traffic. BOATs are present on other land within their ownership and the presence of these already has a large impact on the farming business. Although the repair and maintenance responsibility of these BOATs should fall to the Council they argue that they do not have the budget to exercise their management responsibilities and as such the owners themselves have expended a significant amount of time and money on maintaining them as some of them are used to provide access to other parts of the farm. At least 1000 tonnes of chalk has been used as well as considerable amounts of road plainings to patch up and repair various areas. The cost of this has totalled thousands of pounds and in addition to the materials they have also used their machinery and taken their valuable time in undertaking this work.

To date the owners have respected all rights of way crossing their property and go above the requirements to ensure that the public are able to use these routes at all times. They top the grass to keep it at a length which is suitable for walkers, maintain and ensure that there are no obstructions. They diligently clear any fallen timber in a timely manner and have always supported and respected the public's right to enjoy these routes. However if the Order is enforced and the widths increased as outlined with the application assistance will have to be sought from the Council to ensure that this continues. The good will that they have shown in managing these routes to such an exemplary standard for the benefit of the public will be unmanageable as the proposed areas are set to increase so dramatically. As landowners they will have to ensure that access is permitted but they are unlikely to be able to undertake all of the additional beneficial works that they have done to date.

There is serious concern that the restricted byway may be incorrectly identified as a BOAT for some users and this could lead to 4x4 vehicles and motorcycles attempting to use the route to take vehicular access. The owners have been forced to take steps to prevent this from happening to date through the installation of electric gates to prevent vehicular access at considerable expense.

The owners face a constant and ongoing battle of people taking unlawful access over their land to partake in illegal activities. Hare coursing is a very real issue on this farm and the wider area with increasing frequency. Since the autumn cultivations were carried out last year the owners have had more than twelve incidents of hare coursing and there is a very real concern that the creation of a restricted byway along the proposed route will lead to additional areas on the farm being targeted. Reports have been made to the police and the owners are members of a local group alerting them to the presence of hare coursers in and around the vicinity however a lack of prosecutions or appetite from the police to enforce the problem has now resulted in this becoming a real threat to the owners who have faced physical intimidation and actual bodily harm in approaching the people partaking in this illegal activity.

Another matter that should be considered is the suitability of the ground for the proposed upgrade and the capability of the land to cope with not only people walking on foot but cyclists, horse riders and the possibility of horse and cart. During my inspection it was apparent that the land in which Grafton 29A passes through had not been planted with a crop as a result of the very wet conditions. The footpath is seldom used as the permissive route offers an alternative improved experience for walkers, however if the footpath is upgraded to a restricted byway this will encourage a wider range of users to make use of this route. Horse riders and cyclists will be permitted to use the route and even in years when there are low levels of rainfall this will create large swathes becoming trodden and subsequently impossible to cross.

Please accept this objection to the Order as being duly made as it has been received within the deadline set out in the notice advertising the Order. It is our client's entitlement for their objection to be heard by an Inspector and we look forward to hearing from them in due course.

Yours sincerely

Jack Edwards MRICS FAAV

For and on behalf of WR Curnick Ltd

**Jack Edwards MRICS FAAV**  
**Rural Partner, Professional & Agricultural Department**

Symonds & Sampson LLP, 89 Crane Street, Salisbury, SP1 2PU





## Madgwick, Sally

---

**From:** Jack Edwards [REDACTED]  
**Sent:** 03 February 2020 14:55  
**To:** Madgwick, Sally  
**Subject:** The Wiltshire Council Collingbourne Kingston 34 Definitive Map Modification Order 2019

FAO Sally Madgwick

By email to [sally.madgwick@wiltshire.gov.uk](mailto:sally.madgwick@wiltshire.gov.uk)

Dear Ms Madgwick,

### Wildlife and Countryside Act 1981 s.53

### The Wiltshire Council Collingbourne Kingston 34 Definitive Map Modification Order 2019

We are instructed by the owners of Aughton Farm in relation to the proposed Modification Order seeking to upgrade the above mentioned footpath to a restricted byway. We would be grateful if you could please acknowledge and register this objection to the Order in due course.

The 87 page Decision Report prepared by yourself in relation to Application number 2004/07 (upgrade to Byway Open to All Traffic (BOAT) confirms at paragraph 2.8 that the application put forward by the Applicant is considered to fail the test of strict compliance to Schedule 14 of The Wildlife and Countryside Act 1981 (WCA 1981) as no copies of evidence were presented, instead only a list of extracts were provided. Further legislation enacted in May 2006 (Natural Environment and Rural Communities Act 2006) makes it necessary for all Councils to consider strict compliance where an exemption from the extinguishment of public rights for mechanically propelled vehicles may apply.

It is acknowledged that the application was received prior to 20<sup>th</sup> January 2005 cut-off date however investigations by officers has revealed that the applicant failed to adequately serve notice on all of the required landowners (see paragraph 2.11 and 2.12) and a stretch of approximately 300 metres of the route appears unregistered. Interestingly the part in question relates to land within my client's ownership.

Your Decision Report states within paragraph 2.12 that *"it is unlikely that any prejudice has been caused to any party as the most likely owners are the adjoining landowners"*. Although on the basis of the evidence presented Ms Madgwick considers *"no prejudice has been caused and the matter is not fatal to the Council's duty to examine the evidence brought to its attention"* I would like to reserve my Client's rights for them to seek a legal opinion if they so wish to assess whether the Council did have a duty to continue to examine the Application based on the fact that at paragraph 2.15 it states that the application does not satisfy the requirements of Schedule 14 and therefore we would question whether there was an ongoing duty for the Council to continue to investigate the matter and subsequently arrive at the decision to upgrade the existing routes to restricted byways.

Paragraph 23.1 states that Section 53 of the WCA 1981 does not provide for consideration of issues relating to the environment, however at 24.3 it also states that equality is not a material consideration yet the two paragraphs that precede this promote the benefits that the upgrade would offer. In light of this discrepancy it seems reasonable to outline the impact that the proposed upgrade would have on the environment.

Footpath CKIN34 runs alongside the River Bourne and when an inspection was carried out in January 2020 the river was not passable. It was too high to cross by foot and could certainly not have been crossed on a bicycle or horse. The photographs shown below confirm this.



If the proposed upgrade to a restricted byway is enforced it will become a route for cyclists, horse riders and potentially horse and cart. From the photographic evidence shown above it would clearly not be possible for this to happen given the very high levels of the river. If the Order is enforced clearly in the interests of safety there would have to be a responsibility on Wiltshire Council to create a bridge or some form of crossing point over the river (to the specified width) to allow users access across the deep river.

CKIN6A is a restricted byway that directly adjoins CKIN34 and there is concern that if the upgrade were to be approved albeit to a restricted byway it may be misinterpreted as being a Byway Open to All Traffic and vehicles/motorcycles may attempt to use the route.

The owner of the farm has no recollection of any use of the route apart from walkers on foot. He is not aware of any other users and an upgrade of the route to a restricted byway seems unnecessary and unmanageable given the proximity of the route to the river.



Please accept this objection to the Order as being duly made as it has been received within the deadline set out in the notice advertising the Order. It is our client's entitlement for their objection to be heard by an Inspector and we look forward to hearing from them in due course.

Yours sincerely

Jack Edwards MRICS FAAV

For and on behalf of D.Crook , Aughton Farm

**Jack Edwards MRICS FAAV**  
**Rural Partner, Professional & Agricultural Department**

Symonds & Sampson LLP, 89 Crane Street, Salisbury, SP1 2PU



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12 February 2020

Rights of Way & Countryside  
County Hall  
Trowbridge  
BA14 8JN

Jack Edwards  
Rural Partner  
Professional and Agricultural Department  
Symonds & Sampson LLP  
89 Crane Street  
Salisbury  
SP1 2PU

COPY

Your ref:  
Our ref: SAM/2004/07

Dear Mr Edwards

**Wildlife and Countryside Act 1981 s.53**

**The Wiltshire Council Grafton 29 (part), 29A, 30 & 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019**

Thank you for your e.mail objecting to the above order on behalf of WR Curnick Ltd. It is noted that the majority of the route crosses land owned by your client and I am grateful to you for confirming that your client also owns the small parcel of unregistered land.

The order has attracted 2 objections which if not withdrawn will cause the order to be sent to the Secretary of State for Environment, Food and Rural Affairs. It is then likely to be determined by an Inspector at a public hearing or inquiry. As you are aware that decision will rest upon the evidence showing that on the balance of probability the order should be confirmed. The council relies upon historical evidence showing that this is an ancient public highway and considers that the evidence is especially strong for this in the Grafton Inclosure Award (arising out of an Act of Parliament) and likewise the plans deposited with parliament associated with the building of railways. Nothing in your client's objection challenges this evidence though does raise a number of other points which I would like to address in the hope that you will consider withdrawing this objection.

1) **The Council's duty to determine the application** It is acknowledged that the application is not strictly compliant with the requirements of Schedule 14 to the Wildlife and Countryside Act 1981 ("the 1981 Act"). Although this is fatal to the saving of any public mechanically propelled vehicular (MPV) right under s.67(3) Natural Environment and Rural Communities Act 2006, in this case, it doesn't affect the council's ability to either determine the application or to treat the application as an evidential event for the purposes of its statutory duty under s.53(2) of the 1981 Act.

In the Court of Appeal in the 'Winchester Case' ([2008] EWCA Civ 431) Dyson LJ said, at paragraph 55:

*"I wish to emphasise that I am not saying that, in a case which does not turn on the application of section 67(6), it is not open to authorities in any particular case to decide to waive a failure to comply with paragraph 1(b) of Schedule 14 and proceed to make a*

*determination under paragraph 3; or to treat a non-compliant application as the “trigger” for a decision under section 53(2) to make such modifications to the DMS as appear requisite in consequence of any of the events specified in subsection (3).”*

The application is one of the oldest ones on the council's register and it is not unreasonable for it to be determined now.

**2) The Permissive Path** When officers have visited the site it has been apparent that the line of the right of way across the field (GRAF30) has not been available but that a permissive route has been signed as an alternative. The permissive route undoubtedly provides a good, if longer, alternative route. However, nothing in the provision of this route removes the landowner's responsibility to ensure the availability of the right of way on its definitive line or the Council's duty to enforce it.

I can understand how the clearance of a wide path would impact upon the productivity of the land today but the highway rights long pre-date the re-opening of this landscape post inclosure, the highway being a clear topographic feature recorded by a variety of surveyors and map makers since the late 1700s. The common law principle of 'once a highway, always a highway' prevails and while an Inspector would have sympathy with your client's concerns they would be unable to consider them as relevant objections.

It remains open to your client to apply to divert the public right of way or to apply to extinguish part of the width. A successful diversion could greatly or wholly alleviate the need to keep the right of way clear across the ploughed field – for example a diversion could lead along the track from Southgrove and along the margin of the field (if the owner did not want to divert onto the route of the railway line). Wiltshire Council officers would be happy to meet with you and your client on site to discuss possibilities.

**3) Restricted byways** The concerns of your client regarding the right of way being mistaken for a byway open to all traffic or being used for illegal activities like hare coursing are also understood. In 2006 many rights of way lost their apparent public MPV right (Roads Used as Public Paths were reclassified as restricted byways) and the available network for MPV users was greatly reduced. However, since that time officers have been consistently pleased to note that MPV use of the 'new' restricted byways has stopped and that the vast majority of MPV users appear to abide by the law. I can see no reason why recreational MPV users should suddenly start to use this route just because it has been reclassified as a restricted byway. The recent reclassification of the adjoining route Collingbourne Kingston 6A has not given rise to any reported problems of this nature and there is no evidence of such use on the ground.

It is agreed that illegal access for activities such as hare coursing remain a problem for land owners but it is not envisaged that physical changes to the route would make such access any more likely than it already is.

**4) Ground conditions** It is the nature of many rights of way that are wet, muddy and unpleasant to use at certain times of the year. It is possibly the underlying nature of the ground of this route that led to it not being the preferred route for vehicular traffic in the late 1800s and early 1900s when other routes in the area were improved and tar sprayed. That said, the section that is Southgrove Lane clearly copes well with the level of use it gets which clearly includes vehicular use, presumably by the landowner.

The route is, and would remain, a highway maintainable at public expense and the condition of the surface of the highway is the responsibility of the highway authority. Where seasonal conditions make paths difficult the Council places voluntary restraint notices on site. These are known to be effective at reducing use. In extreme cases the council make traffic regulation orders (TRO) to prevent use at certain times of the year (for example, The Ridgeway has a TRO on it preventing MPV use during winter months. The council may also exercise its power to make a TRO to close a route to make repairs or to allow them to stabilise.

The operation of the rights of way network in this area is managed by the council's countryside access officers. If you have any questions about management of this route or would like to discuss possible alternative routes for an application to divert please contact Stephen Leonard on 07771 721255 ([Stephen.leonard@wiltshire.gov.uk](mailto:Stephen.leonard@wiltshire.gov.uk)).

If you could let me know within the next 21 days whether your client wishes to maintain their objection I would be grateful.

Yours sincerely

Sally Madgwick  
Definitive Map and Highway Records Manager  
Direct Line: 01225 713392  
[Sally.madgwick@wiltshire.gov.uk](mailto:Sally.madgwick@wiltshire.gov.uk)

12 February 2020

Rights of Way & Countryside  
County Hall  
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BA14 8JN

Jack Edwards  
Rural Partner  
Professional and Agricultural Department  
Symonds & Sampson LLP  
89 Crane Street  
Salisbury  
SP1 2PU

Your ref:  
Our ref: SAM/2004/07

COPY

Dear Mr Edwards

**Wildlife and Countryside Act 1981 s.53**

**The Wiltshire Council Grafton 29 (part), 29A, 30 & 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019**

Thank you for your e.mail objecting to the above order on behalf of the owners of Aughton Farm.

The order has attracted 2 objections which if not withdrawn will cause the order to be sent to the Secretary of State for Environment, Food and Rural Affairs. It is then likely to be determined by an Inspector at a public hearing or inquiry. As you are aware that decision will rest upon the evidence showing that on the balance of probability the order should be confirmed. The council relies upon historical evidence showing that this is an ancient public highway and considers that the evidence is especially strong for this as part of a through route supported by the Grafton Inclosure Award (arising out of an Act of Parliament) and likewise the plans deposited with parliament associated with the building of railways. Nothing in your client's objection challenges this evidence though does raise a number of other points which I would like to address in the hope that you will consider withdrawing this objection.

1) **The Council's duty to determine the application** It is acknowledged that the application is not strictly compliant with the requirements of Schedule 14 to the Wildlife and Countryside Act 1981 ("the 1981 Act"). Although this is fatal to the saving of any public mechanically propelled vehicular (MPV) right under s.67(3) Natural Environment and Rural Communities Act 2006, in this case, it doesn't affect the council's ability to either determine the application or to treat the application as an evidential event for the purposes of its statutory duty under s.53(2) of the 1981 Act.

In the Court of Appeal in the 'Winchester Case' ([2008] EWCA Civ 431) Dyson LJ said, at paragraph 55:

*“I wish to emphasise that I am not saying that, in a case which does not turn on the application of section 67(6), it is not open to authorities in any particular case to decide to waive a failure to comply with paragraph 1(b) of Schedule 14 and proceed to make a determination under paragraph 3; or to treat a non-compliant application as the “trigger” for a decision under section 53(2) to make such modifications to the DMS as appear requisite in consequence of any of the events specified in subsection (3).”*

The application is one of the oldest ones on the council's register and it is not unreasonable for it to be determined now, it is, after all, the council's duty to act on evidence that shows (on the balance of probability) that the definitive map and statement need modification regardless of how that evidence came to the council's attention.

**2) The River Bourne** The river at this location only flows during times of high ground water, usually associated with winter or early spring rains. The river bed vegetation demonstrates this seasonality and a casual observer would not realise it was a river in the dry season. The river was dry when officers visited the site in October 2019 but was flowing when they visited in December and was clearly flowing on your visit in January 2020.

The situation is by no means unique in Wiltshire. For example the adjacent restricted byway Collingbourne Kingston 6A is crossed by the river. Maps record that there is a 'ford' here though it is not a persistent feature of the route.

There is no record of a bridge having been at this location even though the evidence of it as a through route for vehicles is compelling. The likelihood is that the route was known to be wet at times but not at others and used accordingly. It is not unusual to find routes with names which warn of their character (i.e. Mud Lane, Watery Lane, Honeypot Lane and so on) all of which warn travellers of the problems associated with a particular route.

Although Wiltshire Council has no statutory obligation to provide a bridge at this location it is certainly something that would be considered and it is agreed that it would not be the landowners responsibility to provide one. The highway is and would remain a highway maintainable at public expense.

**3) Restricted byways** Your clients concerns that the route may be misinterpreted as a byway open to all traffic are understandable but not borne out by the experiences of officers in other areas or on the adjoining route Collingbourne Kingston 6A. In reality little would change on the ground with the reclassification of this route.

**4) Recollection of use** This route has been recorded as a footpath in the definitive map and statement since the early 1950s. It's inclusion in the definitive map further to an objection to its omission from the Ramblers supports that although “old maps show all these tracks as old roads”, its use in the 1950s was on foot, suggesting that any equestrian or vehicular use is likely to be outside of living memory. However, the common law principle ‘once a highway, always a highway’ prevails.

The operation of the rights of way network in this area is managed by the council's countryside access officers. If you have any questions about the management of this route please contact Stephen Leonard on 07771 721255 ([Stephen.leonard@wiltshire.gov.uk](mailto:Stephen.leonard@wiltshire.gov.uk)).

If you could let me know within the next 21 days whether your client wishes to maintain their objection I would be grateful.

Yours sincerely

Sally Madgwick  
Definitive Map and Highway Records Manager  
Direct Line: 01225 713392  
[Sally.madgwick@wiltshire.gov.uk](mailto:Sally.madgwick@wiltshire.gov.uk)

## Madgwick, Sally

---

**From:** Jack Edwards [REDACTED]  
**Sent:** 04 March 2020 17:24  
**To:** Madgwick, Sally  
**Subject:** Definitive Map Modification Order

Dear Ms Madgwick

**Wildlife and Countryside Act 1981 s.53**

**The Wiltshire Council Grafton 29 (part) 29A, 30 & 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019**

Thank you for your letter confirming that the above Order has received two objections. I have made my client aware of the points contained within your letter addressing the concerns raised within the objection letter however he has instructed me that he will **not** be withdrawing the objection.

Yours sincerely  
Jack Edwards

For and on behalf of D.Crook , Aughton Farm

**Jack Edwards MRICS FAAV**  
**Rural Partner, Professional & Agricultural Department**

Symonds & Sampson LLP, 89 Crane Street, Salisbury, SP1 2PU  
[REDACTED]



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SCHEFFEL MATTHEW

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## Madgwick, Sally

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**Sent:** 04 March 2020 17:11  
**To:** Madgwick, Sally  
**Subject:** Definitive Map Modification Order

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**Wildlife and Countryside Act 1981 s.53**

**The Wiltshire Council Grafton 29 (part) 29A, 30 & 31, Burbage 1 (part) and Collingbourne Kingston 34 Definitive Map Modification Order 2019**

Thank you for your letter confirming that the Order has received two objections. I have made my clients aware of the points contained within your letter addressing the concerns raised within the objection letter however they will **not** be withdrawing their objection.

Furthermore they have instructed me to raise the matter of safety. They have serious concerns that an upgrade to a restrictive byway would see a significant rise in the amount of horse riders and one of your rights of way officers has in the past commented that 'people walking their dogs and horse riders are not a good mix'.

You state that the route is and would remain a highway maintainable at public expense and the condition of the surface of the highway is the responsibility of the highway authority, however my clients do not have any belief that in reality this would happen. As outlined within the objection letter my clients have been forced to invest heavily in the repair and maintenance of byways on their land as they are told that Wiltshire Council do not have the budget to exercise their management responsibilities.

For the reasons outlined within the original objection letter and the points raised above my clients wish to maintain their objection.

Yours sincerely  
Jack

**Jack Edwards MRICS FAAV**  
**Rural Partner, Professional & Agricultural Department**

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[REDACTED]



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