

To: Sally Madgwick,

Mr B J Dicks  
Woodrow road  
Melksham,  
Wilt

APPENDIX C  
Objections and  
Representations

ROW,

Wilts Council,  
Bythesea Road,  
Trowbridge.

Dear Madam,

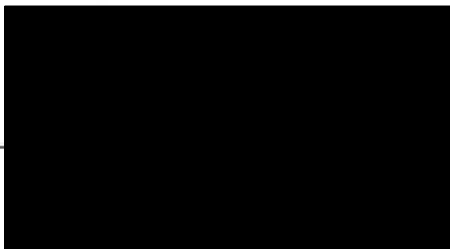
Ref SAM/2017/04

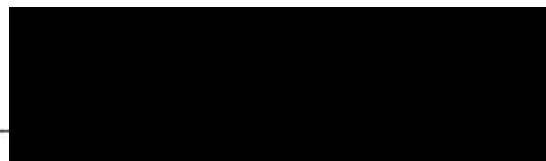
9/4/20

Melksham Path 107 and Melksham without 151.

I support the recording of the path. I live a few yards away from the Woodrow Road entrance. I have walked the route many times over the years. My partner Sue and I board dogs at our home and often they have accompanied us along the route. Always on a lead. I also like the accessibility over the concrete bridge onto the public area opposite Riverside Drive. I moved to Woodrow Road in 2007. I and my partner Mrs Susan Wordley are regular walkers. She also supports the path being recorded.

Yours faithfully,





Church Walk  
Melksham

SN12

11. April 2020

Dear Sally,

Melksham / 2017 / 04

I am writing in support of the recording of the path and I believe this is a very important issue.

My family and I have used this path for 29 years as we have regularly walked our dogs around this area.

We moved to Forest Road in October 1990 and my oldest son had his first puppy Roobarb. With small children in tow, we began a long number of walks with Roobarb across the fields from Howbarn, observing the countryside rules of sticking to the field edges and closing gates.

Where we opened them.

Sadly Roobasb passed away in 2004 and we replaced her with Bow. We then added Coco in 2015 and the two dogs had regular walks with various family members almost every day until the current time. Bow passed away in 2018 and now it's Coco and the family.

We have been saddened by the radical behaviour of the Council farmer and also his neighbours and feel that their actions have spoilt the pleasure of local people beyond the measures needed.

We hope that the path will be granted a right of way and that we can all live together peacefully.

It would be lovely to see the 40 acre field farmed correctly and in the spirit of  
yours sincerely, <sup>the</sup> ~~grazing~~ of a  
Council farmer.

  
Mrs Sarah Clover

7-4-20

██████████ Forest Road  
Melksham  
Wiltshire  
SN12 ██████████

REF: SAM/2017/04

Dear Sally Madgwick,  
I would like to say  
that I support the  
recording of the R.O.W  
SAM/2017/04. I have been  
walking this route  
since 1995 to 2020.

Yours faithfully  
██



Received 24.4.20

[REDACTED]  
Awdry Avenue  
Melksham  
SN12 [REDACTED]

Email: [REDACTED]

Sally Madgwick  
ROW  
Wiltshire County Council  
Bythesea Road,  
Trowbridge  
BA14 8JN

16th April 2020

Ref No: 107 & 151

Dear Sally Madgwick,

**The Wilts County Parish Melksham Path No. 107 and Melksham Without Path No. 151  
ROW Modification Order 2020 Ref: SAM/2017/04**

I am writing to you in support of the above Modification Order.

Over the past four years, since moving to Melksham, I have frequently walked with my dog along these footpaths enjoying the peacefulness, beautiful views of the river and spotting birds and flowers. If I manage to catch sight of a kingfisher, it makes my day. It will be a shame if this footpath disappears especially as we are urged to take more exercise by walking thus reducing pollution plus it is good for people's mental health and wellbeing.

I sincerely hope this modification comes into being.

Stay safe and well.

Yours sincerely

[REDACTED]  
Kathy Hart



██████████ Granville road

Melksham

Wilts.

Sn12 ██████████

Received  
24.4.2020

19th April 2020

Ms. Sally Madgwick

ROW

Wilts. Council

Bythesea road

TROWBRIDGE

Wilts.

BA148JN

Dear Ms. Sally Madgwick,

Ref: SAM/2017/04

I am an enthusiastic supporter of the recording of this path.

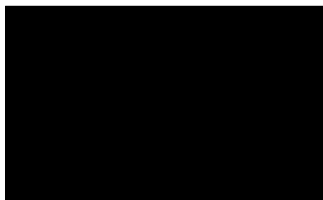
I fully support the continued use of this pathway, as I have walked this path since 1970.

I have used it to go birdwatching and latterly as a keen wildlife photographer.

You can contact me on 01225 ██████████ or at the above address.

Kind regards,

Kevin Porter.



Received  
24.4.2020  
REF  
SAM 2017/04.

Robert Edwards.  
Halfway Farmhouse  
Beandene Rd  
Melksham  
Wilts  
SN12.

YES I AM 100% IN FAVOUR of this footpath  
my name & address is at the top of this letter.  
Since I retired and moved to this address,  
I like to walk in the countryside and have found  
the footpaths are the best way to appreciate the  
country and the wildlife. Since losing my wife  
I have become to rely even more on these  
walkways. And I have been using this particular  
walk for at least the last 10 years.  
it would be "Perfect" if this walk  
could be extended along the river all the  
way to Lacock. That would be some walk!

yours Sincerely

P.S. my Son in Law has been using that  
walk since he was a child he is now  
54 (so many years.)

Church Walk  
Melksham  
Wilts  
SN12

Received  
24.4.2020

17/04/2020

Dear Ms Madgwick

I am writing in support the recording of the proposed footpath Path 107 and 151 in Melksham.

I have been a resident of Melksham since 1985 and have used the footpath since 1987 on a continual basis. The path is a benefit to many people in the town, not just dog walkers but those who enjoy the fresh air and respect the country side.

I hope that you and the council will look favourably on this ROW as it has been in place for a large number of years.

Yours sincerely

  
  
Keith Clover

Received  
24.4.20



Sauvamate Ave

Melksham

SD12



15.4.20

Re SAM/2017/4

Dear Ms Madge,

My husband & myself  
made walked the fields  
& rights of way from  
Woodrow W. across the  
fields to harvest & down  
over 40 acres across the  
Black Bridge over to  
Beun area. Since the  
1980's until present day.

We support the  
recording of the said path.  
Yours faithfully





Recd 29 April  
2020

██████████ FOREST ROAD  
MELKSHAM  
SN12 ██████████

Ref. SAM/2017/04

I'veer Sally,

I'm writing in support of the proposed right of way. I've only lived in Melksham for 3 months but have walked the route daily as I thought it already was a right of way. It is very well used by dog walkers, runners, families and even teenagers at all times of the day. I think it would be a welcome link with the missing waterway route.

Yours sincerely,

████████████████████  
G. GUÐMUNSEN





06 May 2020

Rights of Way and Countryside  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Mrs S C Sprules  
■ Portman Road  
Melksham  
SN12 ■

Your ref:  
Our ref: SAM 2017/04

Dear Mrs Sprules

**Wildlife and Countryside Act 1981 s.53  
The Wiltshire Council Parish of Melksham Path No. 107 & Melksham Without Path  
No. 151 Rights of Way Modification Order 2020**

Thank you for your letter supporting the above order. This has been accepted as a duly made representation. You will have noticed that owing to the current pandemic and restrictions on movement the advertisement period for this order is unusually long. Accordingly I am unlikely to write to you again on this matter until later in the summer when I will know what other representations and objections have been made.

If you have any queries in the meantime please don't hesitate to contact me.

Yours sincerely

Sally Madgwick  
Definitive Map and Highway Records Manager  
Direct Line: 01225 713392  
Sally.madgwick@wiltshire.gov.uk

Portman Road,  
Melksham,  
Wiltshire,  
SN12  
5th May 2020

Sally Madgwick,  
ROW,  
Bythesea Road,  
Trowbridge,  
BA14 8JN.

Ref.-SAM/2017/04

Dear Sally Madgwick,

I am writing in reference to the new footpath at Ref. SAM/2017/04. My family and I have been using these routes to walk our dogs for over 38 years. I have lived in Portman Road since 1982 and these routes were always accessible for people to walk along.

When using these routes, I would walk from Riverside Drive playing fields and go into the field where there used to be a stile into that field. I would then cross the black bridge into the fields across the river. I would then either turn left and head towards the brook, cross the brook into the other fields and head up towards Woodrow Road. Or I would head towards Murray Walk and exit the fields that way. I would sometimes enter the fields starting at Murray Walk. If these routes were to become public footpaths my family and I would regularly use these walks.

Thank you for your time.

Yours sincerely,

  
Mrs. S.C. Sprules.

P.S.

I would also like to take this opportunity to bring to your attention the footpath from Avon Road to Beanacre. This is another walk my family and I use however; it is not maintained by the farmer and there is no footpath to walk on as he ploughs it up all the time. In addition, the first bridge across the ditch from Avon Road is damaged and is not very safe to walk on and needs repairing.

St Margarets Gdns  
MELKSHAM.

SN 12

30-04-20

Re: ROW Ref SAM/2017/04

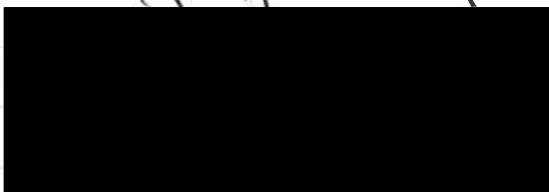
My husband and I  
have been regular walkers  
in the fields off Murray  
Walk Melksham since  
1957. As a child I  
walked from Lower Forest  
to Banuacke across the  
concrete bridge on a  
regular basis so I  
have used the bridge  
since 1951.

Yours sincerely



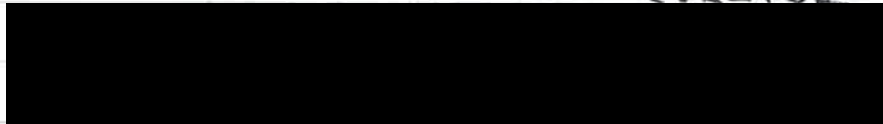
Making it rather dangerous, for  
myself the wife and dogs, so stopped  
using

With this information I support  
the recording of the path



(VICTOR MORRIS)

email



please could you let me know  
that you have received this please  
and that i have not wasted my time

yours sincerely





Portman Road,  
Melksham,  
Wiltshire,  
SN12 [REDACTED]  
5th May 2020

Sally Madgwick,  
ROW,  
Bythesea Road,  
Trowbridge,  
BA14 8JN.

Ref.-SAM/2017/04

Dear Sally Madgwick,

I am writing in reference to the new footpath at Ref. SAM/2017/04. My family and I have been using these routes to walk our dogs for over 38 years. I have lived in Portman Road since 1982 and these routes were always accessible for people to walk along.

When using these routes, I would walk from Riverside Drive playing fields and go into the field where there used to be a stile into that field. I would then cross the black bridge into the fields across the river. I would then either turn left and head towards the brook, cross the brook into the other fields and head up towards Woodrow Road. Or I would head towards Murray Walk and exit the fields that way. I would sometimes enter the fields starting at Murray Walk. If these routes were to become public footpaths my family and I would regularly use these walks.

Thank you for your time.

Yours sincerely,

[REDACTED]

Mr. P.D. Sprules.

P.S.

I would also like to take this opportunity to bring to your attention the footpath from Avon Road to Beanacre. This is another walk my family and I use however; it is not maintained by the farmer and there is no footpath to walk on as he ploughs it up all the time. In addition, the first bridge across the ditch from Avon Road is damaged and is not very safe to walk on and needs repairing.

Recd  
7/5/20

SUE ALDRIDGE

████████ SCOTLAND ROAD

SN12 ██████████

F. SAM / 2017 / 04

Dear Sally Madgwick,

I am writing to support the Row. I moved to Melksham in 1987. I was shown the R.O.W. by the previous owner of the house and then by a couple in Riverside Drive. I have been walking the displayed route for over 30 years. The couple who showed me the route had been walking it for many years but have both passed away. I know of many people who used to walk this route that have now died. I hope this can be taken into consideration.

Yours Sincerely ██████████



SUE ALDRIDGE

SCOTLAND ROAD

SN12 8AJ.

REF. SAM/2017/04

Dear Sally Madgwick,

I am writing to support the Row. I moved to Melksham in 1987. I was shown the R.O.W. by the previous owner of the house and then by a couple in Riverside Drive. I have been walking the displayed route for over 30 years. The couple who showed me the route had been walking it for many years but have both passed away. I know of many people who used to walk this route that have now died. I hope this can be taken into consideration.

Yours Sincerely

# Paul Bailey

## Painter & Decorator

(City and Guilds Advanced Craft Qualified)

Forest road  
Melksham  
Wiltshire  
SN12

Phone 01225

Mobile

Email paul@

Sally Madgwick,  
R O W,  
Wilts Council,  
Bythesea Road,  
Trowbridge  
Wiltshire,  
BA14 8JN

14<sup>th</sup> April 2020

Ref SAM/2017/04

Re – Dog walking along River Avon

Dear Sally,

I have lived in Forest Road for 30 years and I have kept dogs for all of that time. I have tried to walk my dogs along the river past the Black bridge and up to the back of Forest for all of that time (weather permitting). The present farmer has done everything in his power to stop this even blocking the Black bridge off, of which I played over when I was a child. Please keep this foot path open.

Kind regards

Paul Bailey

Recd 13/5/20

Forest Road, Melksham, Wiltshire, SN12

Sally Madgwick - Rights of Way  
Wiltshire Council  
Bythesea Road  
TROWBRIDGE  
Wiltshire  
BA14 8JN

May 12<sup>th</sup> 2020

**REF: SAM/2017/04**

Dear Ms Madgwick

I would like to add my support to the recording of the path as described under this reference from Murray Walk (F) along the river in it's entirety to point (A) and also across the concrete cattle bridge (G - H).

I moved to Melksham in 2009 and used this path every day, sometimes twice to walk my dog, it was a beautiful walk along the river and looking out across a flower meadow, which has sadly now been taken over by Maize.

Our dog died a couple of years ago and I am dismayed to find out that this path is now under some jeopardy and wish strongly to support keeping it open as I will be getting another dog/dogs in the not too distant future and it would be sad to not have the open space and riverside walk to enjoy. It would also be sad for future generations as we are a nation of walkers and dog lovers.

During this CV19 crisis we decided to take that walk again for exercise and was horrified to see that areas have been blocked making it almost impossible to pass, a very sad unhappy experience.

Please let this path remain open and unblocked.

Yours sincerely

Jayne A Castell (Mrs)



Received & acknowledged  
28 May

■ Sandridge Road 2019  
Melksham  
SN12 ■

Sally Madgwick  
ROW  
Wiltshire Council  
Bythesea Road  
Trowbridge  
BA14 8JN

Case Reference: SAM/2017/04

Dear Sally,

**Ref: Rights of Way Path No.107\***

I write in support of the application for Rights of Way through the fields to the North of Melksham and to the East of the River Avon.

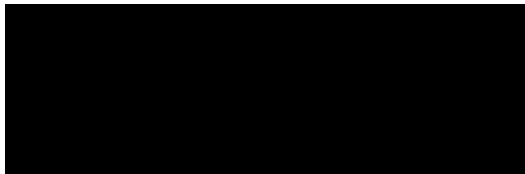
We moved to Melksham in Aug 2009 and very quickly discovered dog walking routes that appeared well used by locals in the fields owned by Cooper Avon Tyres and Melksham Council (40 Acre Field). At the time I assumed that all these routes were permissive due to the number of dog walkers I would meet, and at no time did I see any 'Prohibited' or 'Private Property' signage. Neither did any farm worker/owner approach me to either order me off the land or grant formal permission to use it; there would just be a wave of greeting.

I have walked these fields since late 2009 to the present day, except when thwarted by obstructions placed at the access points a few years ago (which walkers have since been able to find a way around). I have included some photos that I took a few years ago on my dog walks, include one when farm workers were harvesting hay (again, I was never challenged by workers) to prove that I used those fields at the stated times.

I very strongly support this application to grant Rights of Way, as indicated on maps posted at various points around these fields, and in the meantime I continue to walk my dog in them.

Yours Sincerley,

Craig Purvis







**40 ACRE FIELD - 9 AUG 2012, 10.53AM NOTE: FOR YEARS THESE FIELDS WERE USED FOR HAY AND THEREFORE ALLOWED TO GROW AS GRASS MEADOWS.**



**THE BOUNDARY BETWEEN COOPER AVON TYRE'S FIELD AND 40 ACRES. THE STY ENABLING WALKERS TO CROSS THE FENCE IS OBVIOUS, BUT FURTHER PROGRESS ON THIS DAY WAS BLOCKED BY THE SWOLLEN RIVER AVON FILLING THE SMALL BROOK THAT FORMS THE BOUNDARY BETWEEN THE FIELDS - 23 JAN 2010, 11.27AM**

Beanacre Rd  
Melksham  
Wilts

SN12

18<sup>th</sup> May 2020.

Ref: SAM/2017/04

Dear Sally Madgwick,

I am writing in

regards to the Wiltshire County Parish of Melksham path No. 107 & Melksham without Parish No. 151 Row modification order 2020. I wish to support the recording of the above mentioned paths.

I have used these footpaths since I was a young child. My mother, auntie and grandparents also enjoyed using these footpaths for many, many years. When my grandmother passed away last Summer we found a box of photos, one of which was a photo of my grandmother as a young lady in the 1930's stood on the bridge across the river that is included as part of the footpath.

It is imperative that future generations are able to enjoy the countryside using these footpaths as my family have for 3 generations. Unfortunately the 4<sup>th</sup> generation sadly are unable to access



and enjoy the walks we have as the footpath has been blocked by the farmer, I look forward to hearing that these footpaths have been recorded and reinstated.

Yours hopefully,

Caroline Bull, Susan Bull, Roger Bull,  
Philip Bull and Juno (the dog).



**Kieren Bourne**

**Scotland Road, Melksham, Wiltshire, SN12, UK**

Ph: [REDACTED] e: [REDACTED]

Sally Madgwick  
Wiltshire Council  
Bythesea Road  
Trowbridge  
BA14 8JN

Re: Ref. SAM/2017/04

Dear Ms Madgwick,

I am writing in support of having Melksham path 107 open as a public right of way. We moved to Melksham just over five years ago and have enjoyed using this walkway with our dog. We are responsible dog walkers, picking up after her, and putting her on a lead when necessary. We were dismayed to see the pathway blocked by the farmer without any notification, especially as we were given to understand that it was council property, and the former farmer had welcomed walkers.

With or without a dog, this is a lovely walk for those who enjoy the countryside and desire to maintain physical and mental well-being. I am, therefore, writing to you in full support of retaining this walk as a council supported right of way.

Thank you for your consideration to this matter.

Yours sincerely,

[REDACTED]

Kieren Bourne

Foundry Close  
Melksham

SN12

27/5/2020

01225

Sally Madgwick Row Wilts  
Council,  
Bythesen Road  
Trowbridge  
BA14 8JN

Dear Sally

~~MEMO~~

Ref SAM/2017/04

I have lived in Melksham since January 2016

I walk my dog in the area ref above. I used to be able to walk across the bridge and along the river bank. This is close to home for me and a lovely walk at the moment with spring summer weather. I would like to be able to cross the bridge and walk by the river again if there is to be a new pathway

Yours sincerely

Scotland Road  
Melksham  
Wilts  
SN12 [REDACTED]

29<sup>th</sup> May 2020

For the attention of Ms Sally Madgwick

RefSAM/2017/04

I write to say that I support the recording of the path along the river avon at the bottom of Scotland. Road and have used it to walk my dogs since the year 2000

Yours faithfully

[REDACTED]

Peter Leslie Sidnell

Forest Road  
Melksham  
Wilts  
SN12  
7 July 2020

Dear Ms Sally Madgwick,

SAM 2017/04 Melksham Path 107 and Melksham Without Path 151 Right of  
Way Modification Order 2020

I wish to add my support for the above order. I have been using those paths for many years without anyone stopping me or hindering me until recently, when it has been made difficult by the farmer cultivating right to the edge of the field. I used the path labelled FEGH on the map, which crosses the river, regularly between 1970 and 1976 , when I was at George Ward School. Since returning to Melksham in 1996 both my husband and I have used that path and the one labelled A-B-C-D-E-F in all seasons. Since 2011 and retiring we have probably walked that path several times a month and since getting a dog in 2015 more frequently than that, usually several times a week.

The health benefits of those walks to the people of Melksham cannot be underestimated. When my husband was diagnosed with heart failure in 2015 it was a lifesaver for him to be able to take gentle walks over reasonably flat country. I think there will be many in similar circumstances who's physical and mental wellbeing have been aided by walking those footpaths.

Thank you for allowing us a say in this matter, it is appreciated.

Yours Sincerely

Gina Rae (and David Rae)

Mr A D Mockford

Melksham

Ms S Madgwick  
ROW, Wilts Council  
Bythesea Road  
Trowbridge  
BA14 8JN

Tel:  
E-mail:

1 August, 2020

Reference: Wiltshire Footpath Application Numbers Nos 2017/03 and 2017/04

Dear Ms Madgwick,

I am writing to you to register my support for the modification orders (reinstatement) of Paths under the reference above in the Melksham and Melksham Without Parish.

Since moving to Melksham in Mar 2015 and enquiring with some long-standing residents, I was advised of the lovely walks available around Melksham and the open countryside available for recreation and to walk my dogs. Two of the walks I was informed of were quoted as longstanding rights of way, and had been for many years, they were the Riverside Walk (2017/04) and the circular route around 40 Acre Meadow (2017/03).

I was therefore somewhat disheartened a few years ago when the local farmer(s) went to extreme lengths to remove/block access to those routes and even more disheartened to see the damage caused to the natural meadow and river banks by the ploughing of the fields so close to the edge; which has caused unnecessary erosion, destruction of bank habits for wildlife and the falling of trees into the waterway and the excessive pruning of the hedgerows.

I had walked both of these routes regularly 2-3 times a week (sometimes more) with my dogs for most of the last 5 years (except when the route was impassable).

I would also add that many other areas of open land and natural beauty in the Melksham Without Parish and Bower Hill areas have been given over to extensive housing developments and so have further reduced the open country side and spaces where people and dogs can walk more freely – whilst further increasing the population. So, it is even more important that we preserve what little open space we have left.

Whilst I appreciate that there is a need for more housing, there is also a need for open accessible countryside, which seems to be ever decreasing around the Melksham area. I therefore fully support (and appreciate) the reinstatement of the footpaths noted above for the use of public access, now walked almost daily. I see no reason why access to, and use of the footpaths cannot be in harmony with the farmers use of the land, like so many other permissive footpaths around the country.

Yours Sincerely,

(Signed copy on request)

A D Mockford

**Madgwick, Sally**

---

ack. 04 Aug  
2020

**From:** Alan Baines [REDACTED]  
**Sent:** 28 July 2020 20:06  
**To:** Madgwick, Sally  
**Subject:** RoW Modification Order 2020 Ref: SAM/2017/04

Dear Ms. Madgwick,

Ref: SAM/2017/04.

I am submitting a representation in respect of the part of the Order creating Melksham Without Path No. 151 between existing Path MELW66 (Point B) and Woodrow Road (Point A).

This is an unnecessary duplication of the existing Path MELK6, which runs from MELW66/MELK5 to Woodrow Road only some 150m from Point A. In following the field edge from Point B to Point A, the new path would be detrimental to the residents of Meadow Road and Lincoln Green, Melksham by destroying the privacy of their rear gardens and could present a security risk. In addition, a path following the field boundary would not necessarily be the 'desire line' for many walkers and so fails to assist the landowner to deter trespass.

I hope the Order can be modified to remove the section of new path east of MELW66.

The remainder of the Order provides a useful addition to the Rights of Way network in the area, however I am concerned about the use of the 'concrete bridge' between Point E and Point G, as its in-river supports are understood to have been condemned as unsafe by the Environment Agency.

Thank you for the opportunity to present views on this Order.

Sincerely,

A.F. Baines  
[REDACTED] Woodrow Road  
Melksham  
SN12 [REDACTED]

Recd 26  
CA AUG.



Sawernake Ave

Rf SAM/2017/04

Melksham

Wiltshire

24-8-20

Dear Sally Madgwick,  
I have only been  
using this footpath this year,  
whilst walking from home  
during the time we have to  
stay away from people. There  
are not very many footpaths  
from this area into countryside.  
It has been useful & enjoyable.  
Yours sincerely



(MRS F A HIGGINS)

2017/04

**Madgwick, Sally**

---

**From:** Lorraine McRandle [REDACTED]  
**Sent:** 25 August 2020 12:48  
**To:** Madgwick, Sally  
**Cc:** Teresa Strange  
**Subject:** Rights of Way Modification Order Melksham Path No 107 and Melksham Without Path 151

Hi Sally

Sorry for the lateness in responding to the above Order (however, I note the deadline for a response has been extended until 27 August due to Covid), as this item was deferred from a Full Council meeting in early July, which was the first Full Council meeting since 9 March, until 27 July, given the amount of stuff to get through on the agenda and I have only just completed the minutes.

Please see an extract below from the Full Council meeting held on 27 July:

**c) Rights of Way Modification Order 2020**

**i) To note an order to modify Melksham Footpath No 107 & Melksham Without Path No 151 has been made. To consider whether the Parish Council wish to make a representation (deadline for comments has been extended to 27 August 2020)**

Councillor Baines questioned the requirement for the new path Melksham Without 151 to be created between points B-A on Woodrow Road as this duplicated Melksham Path No 6 which emerged onto Woodrow Road from Melksham Without Footpath 66 within 150m of point A.

**Resolved:** To make a representation stating on the basis that points (B-A) of new Footpath 151 duplicates an existing path within 150m of this location, the parish council question its requirement.

Again, apologies for the delay.

Regards

Lorraine McRandle  
Parish Officer  
Melksham Without Parish Council  
Sports Pavilion  
Westinghouse Way  
Bowerhill, Melksham  
Wiltshire, SN12 6TL  
01225 705700  
[clerk@melkshamwithout.co.uk](mailto:clerk@melkshamwithout.co.uk)  
[www.melkshamwithout.co.uk](http://www.melkshamwithout.co.uk)





Our ref 301R/KE01/052491/000007  
Your ref SAM 2017/04

Wiltshire Council  
Rights of Way and Countryside  
County Hall  
Bythesea Road  
TROWBRIDGE  
BA14 8JN

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

Direct tel



Date 27 August 2020

Direct fax

Email



Dear Sirs

**Wildlife and Countryside Act 1981 s.53  
The Wiltshire Council Parish of Melksham Path No. 107 & Melksham Without Path  
No. 151 Rights of Way Modification Order 2020**

We act for Cooper Tire & Rubber Company Europe Limited which is the freehold owner of land registered at HM Land Registry under title number WT160753. We refer to your letters dated 18 and 20 March 2020 in which we were advised that the above Order had been made and that the period of notice had been extended to 27 August 2020. Our client objects to the Order with particular reference to the bridge which we believe is known as "the Black Bridge". Rather than reiterate the content of our letter dated 7 June 2018 (copy attached) we would be grateful if the content of that letter could also be taken as forming part of our client's objection.

We have been engaging with our client's tenant, Mr T J Farthing with regard to the use or otherwise of the land as a footpath. Mr Farthing has already submitted material to the Council and we understand will also be objecting to the Order. We note that the Council considers that Mr Farthing's evidence and that of the applicants is at odds. Whilst it may appear that that is the case, we have asked our client's Facilities Manager what he may recall of use of the Black Bridge as he has been engaged by our client over the whole period of time that is in question. He has confirmed that he remembers Mr Farthing putting barbed wire across the Black Bridge probably he believes, to stop his cattle crossing the bridge and although he does not recall the gates that Mr Farthing has referred to, on a site visit this week, he has confirmed that there is a gate post on the western side of the Black Bridge which would suggest that there was a gate at some point in the past. Unfortunately, our client's Facilities Manager only visited the land about once a year so it is not particularly surprising that he may not have seen the gate (especially as it was on the far side of the river from our client's land). However, Mr Farthing has provided letters from individuals who confirm that there were metal gates 18 or 19 years ago. Our view is that this element of the evidence is strong.



We have also obtained a number of photographs of the land which we have also supplied to Mr Farthing. Unfortunately, we have not been able to source photos of the period that Mr Farthing believes may have included the gate in around 2000. Our photographs are from 1998, 2002 and 2003. What they do appear to support is Mr Farthing's contention that at that time, access to the land was made from the field access on Murray Walk and not in the corner next to the bridge on Murray Walk. The track across the field clearly does not stick to the boundary and then along the river bank (from Point F to Point E) but crosses from the access point diagonally across the field towards Point E. Mr Farthing has advised that access at the point referred to by the applicants is down a bank and is steep and potentially dangerous so is very unlikely to have been used by the vast majority of people who might want to walk in an area such as this. It is more likely that they would have used a field access with a gate.

The photographs show clearly a large tree adjacent to the Black Bridge on the western side of the river. From the photographs, it is not possible to see from the air due to the presence of this tree whether the gates referred to by Mr Farthing are present. Should the confirmation of this Order be subject of an inquiry, it may be necessary to employ an expert in examining these types of photograph to establish whether these photographs do show the gate.

One area of evidence that Mr Farthing and some of the applicants agree on is that there has been signage erected on the land and although it may not be in good repair or clear at the time that the applicants produced their evidence, at the beginning of a 20 year period or even rather later into that period it was no doubt clearer. Mr Farthing has also provided evidence of giving permission to various individuals and organisations to use part of the land. Even if it is the case that certain individuals thought that Mr Farthing had tolerated their presence on the land (and Mr Farthing has told us that this is not the case), for a busy farmer to identify individuals, some of whom he has given permission to, and then ask them to leave every time he sees them is an unreasonable expectation. That does not mean that he did not give permission or assert his ownership or legal right to use the land without third parties trespassing on the land.

We do not believe that the Council has considered properly the paucity of evidence from the applicants. We have considered the evidence provided in the application dated 21 August 2017 and focussed on the route from Point E to Point F and then across the Black Bridge to Point G as this affects our client's land. In particular we would like to point out the following:

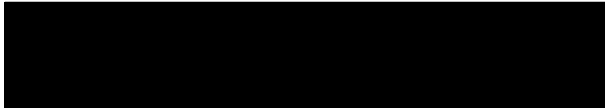
- 1 We would expect that the main users of the Black Bridge would be residents from the western side of the river. There are only user evidence forms for 5 residents from the development on the western side of the river and 2 of those appear to be from the same household. If the Black Bridge had been blocked by Mr Farthing during the period 1997 to 2017 they would not have been able to cross as the gates and wire were on the western side of the bridge. So even if residents from the eastern side of the river had been able to get to the far side of the Black Bridge but were prevented from going any further, residents from the western side would not have been able to access the bridge at all.
- 2 Of the 12 people who claim to have walked the proposed route (E-G), only 3 described their route as including the Black Bridge. Mr Lush's evidence is from 2010 to 2017, Ms Hall from 1999 to 2017 and Mrs Whittaker from 2003 to 2014. Therefore there is no evidence of use from 1997 to 1999 and if Mr Farthing is correct and he blocked the bridge during 2000, there would only be continuous use from 2000 to 2017 which falls short of the 20 year period. This also does not take account of any break in use when Mr Farthing put barbed wire up to prevent cattle crossing the bridge. In any event evidence from only 3 people with a consistent period of 7 years across all three materially fails to demonstrate sufficient use under common law.
- 3 We would like to suggest that Mrs Whittaker's evidence is inconsistent in any event. Her address is on the eastern side of the river but she describes her route from Tamar Road which is on the western side of the river.



- 4 Mr and Mrs Weare specifically state that they pass the Black Bridge on the route from F-E-D-C-B. However in their submission of 29 May 2018 as referred to in the Council's Report, they do include the Black Bridge in their route. This would appear to suggest that they have been prompted or are confused.
- 5 We note that the Council has indicated in its Report that 18 witnesses submitted user evidence. However, we have only been provided with 12 completed forms so we are unclear where the number 18 has come from unless we have not been provided with everything that the Council has in its possession. There is a clear inconsistency as there are 18 witnesses detailed in Appendix 3 to the Report but Ms Madgwick in her email of 12 June 2018 only summarised 12 forms.
- 6 The Council in its concluding paragraph 20.1 groups together the route from G-E-F and from E-D. This does not take into account the fact that there is very little evidence in relation to the Black Bridge in essence making an assumption that there is evidence in relation to the Black Bridge just because there is more evidence in relation to the route D-F (all on the eastern side of the river). In fact the Council factually is incorrect when it says that 12 people have claimed to have walked that route when 7 of the 12 do not mention the Black Bridge at all.

Whilst we understand that the Council might consider that the evidence needs testing, with respect we believe that there is not sufficient evidence to merit making this Order. This is a substantial route which at the most 18 people (and we think that it is 12 at most) are claiming to have walked for some of the time largely over only part of it. It is unfortunate that the applicants have, thus far, managed to persuade the Council to have expended its valuable resources in entertaining this application when their evidence is unreliable and the merits of the application itself are gravely flawed.

Yours faithfully



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Bristol BS1 6TP



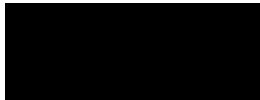
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Our ref 301R/KE01/VV01/052491/000007  
Your ref SM/2017/03 & 04 MELK

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Date 7 June 2018  
Email @tltsolicitors.com

Dear Madam

**Wildlife and Countryside Act 1981 s.53**  
**Application for definitive map modification orders to record public footpaths over land at Melksham**

Further to your letter dated 4 May 2018, we are instructed by Cooper Tire & Rubber Company Europe Limited which is the freehold owner of land registered at HM Land Registry under title number WT160753 which is shown edged red on the attached title plan. As such we do not believe that the claimed footpath 2017/03 falls within our client's title.

With regard to claimed footpath 2017/04, none of the part of the claimed footpath between points A and D, or G and H fall within our client's title and approximately the northern half of the claimed footpath between points E and D also does not fall within our client's title.

All of the land that is subject to the route of the claimed footpath 2017/04 within our client's title is subject of a farm business tenancy which dates back to 25 March 2005. Our client's tenant, Mr T J Farthing, has had possession of the land since that date without any break. A copy of that farm business tenancy as executed by Mr Farthing is attached and we would draw your attention to clause 4.6 which requires Mr Farthing to take reasonable steps to prevent acts of trespass and to prevent any new footpaths or other easements or rights of way from being acquired. Please also note that Schedule 4 identifies Mr Farthing as responsible for repairs to field gates and posts (100%) and field boundaries and walls (100%).

From the above in relation to those parts of the claimed footpath 2017/04 that fall within our client's title, we believe that it is clear that our client did not intend to either dedicate any footpath or right of way nor should its actions indicate that deemed dedication should apply. The farm business tenancy covers all bar the very early part of the claimed period of time that the route has been used. We have not seen the user evidence but would suspect that this early period is most likely to be the part of the claimed period for which there is little user evidence or

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certainly less. Bearing in mind that only 12 people have claimed to have used the claimed footpath during the claimed period, we do not believe that there would be sufficient evidence to show that the claimed footpath had been used for a twenty year period and if the claimant is relying on common law principles, we would suggest that there would not be sufficient evidence in relation to the earlier period to rely on user evidence.

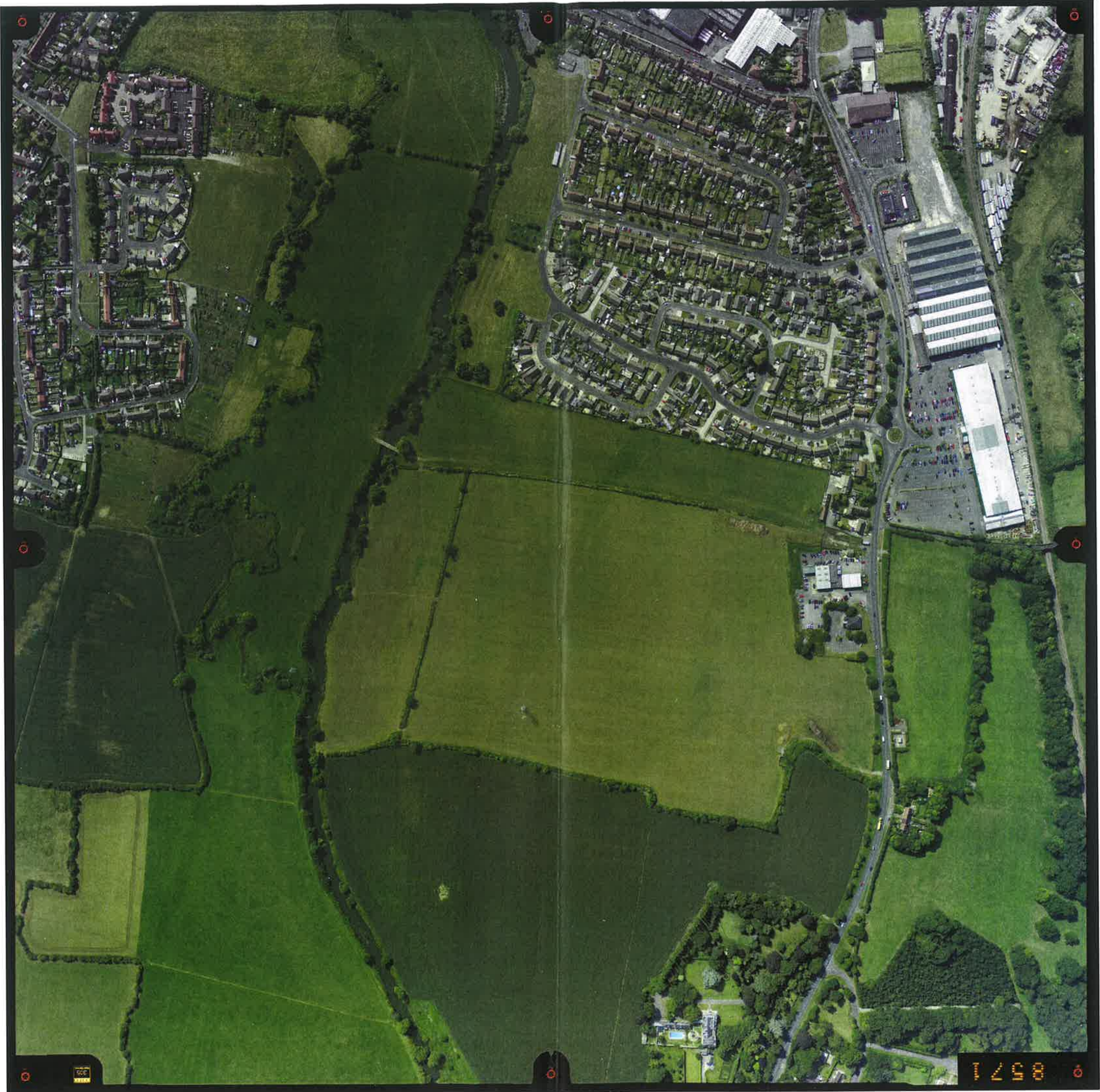
We would be grateful if you could keep us advised of progress of these applications as these will have a material impact on the agricultural activities carried out by our client's tenant as regulated by the existing farm business tenancy should an order be made.

Yours faithfully

A solid black rectangular redaction box covering the signature area.

**TLT LLP**





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Tim Farthing  
Farthing & Co.

Beanacre  
Melksham  
Wilts  
SN12

13/08/2020

S. Madgwick  
Rights of way and Countryside  
Wiltshire Council  
Bythesea Rd.  
Trowbridge  
BA14 8JN

**ref.SAM/2017/04 - Objection statement**

Dear Sally Madgwick.

Further to our original submission of evidence 25/06/2018.

I write to re-iterate my objection to the proposed footpath.

**The Wildlife and Countryside Act 1981 s.53 -The Wiltshire Council Parish of Melksham Path No.107 & Melksham Without Path No.151 Rights of way modification order 2020.**

With reference to the map at point F. - Any person claiming to have walked from this point towards the river has been doing so without our permission and only since 2013 when we started growing maize in this field.

There is a metal "PRIVATE" sign post (as shown in the enclosed photograph,) although somewhat rusty, it has always been at the entrance to this field off the Murray walk, however, we had to remove it temporarily in 2013 in order to gain access across Murray walk for our maize harvesting equipment, the sign was still there although we had put it to one side where it became obscured by brambles. It has now been re-erected to the right hand side of the metal gate.

The part of the proposed footpath (point F on the map) from the gateway off the Murray walk towards the River Avon was never ever used when it was pasture and people only began to create this route from the first year that we grew maize in that field (2013) There must have been a certain individual who took it upon them-self to destroy our planted crops in order to create a new pathway to the river. Not only was this trespassing, it was also an act blatant vandalism.

It is highly likely that in the future we will again be using this land for grazing our cattle. It cannot be underestimated that the presence of walkers amongst livestock poses a risk not only for the cattle but more importantly to any trespassers who seem

to think they can walk wherever they like with their dogs. There have been a number of fatalities in such circumstances where cattle have chased or been chased by dogs and tragically their owners have been trampled to death by those cattle.

It has been established that dog faeces are a known cause of abortion in pregnant cattle where they have ingested parasites from dog faeces left in the grass, please read the enclosed article "Neospora threat to cattle from dog mess set for summer rise" - ( Farmers weekly 07.08.2020).

Why should farmers have to find their income subjected to losses arising from this totally avoidable scenario.

### The Black bridge

When we grazed cattle down there, which was within the last 20 years we always had three strand barbed wire fence gates at **both** ends of the bridge to keep the cattle off the bridge. This would have made it very difficult for any trespassers to cross as it was not easy to take down or get through.

We also erected a pair of lockable security gates on the bridge with the specific intention of preventing people from using it, which remained locked until the year 2000 until they were vandalised, one of which was thrown into the river, the other we had to remove and take back to our farm where it may be seen today if anyone needs reminding of what they looked like.

Since our last submission of evidence we have obtained a black & white photograph taken in 1998 which we believe shows the gates on the bridge. This means that people could not have used it for the full 20 years from the date of the footpath application.

The black bridge between points G & E on the map has been declared unsafe by the environment agency. We have been instructed by them to stop using it, and as a result we are considering removing it altogether. We have tried to prevent people crossing the river here by informing the public with an "unsafe bridge sign" plus a barricade of security fencing on the bridge, which again, someone wilfully removed and threw into the river.

If I ever notice any walkers heading for the black bridge I warn them that it is structurally unsafe and I also remind them that they are trespassing on PRIVATE PROPERTY.

Regarding the applicant Claire Hall's statement, where she says that the "farmer" had seemed unconcerned about her being there, the so-called, "farmer" was most likely an employee or a contractor working for us for whom it would have been no concern of theirs to confronted her, as they would not know who we had given permission to and who we had not.

To summarise our very strong objection to this footpath proposal, as the Tenant/Landowner, it seems to me that any Council decision based on the often inaccurate evidence of so few people is clearly un-representative.

On behalf of Farthing & Co.

for all the reasons stated above, we totally reject this footpath proposal.

Yours sincerely.

Tim Farthing.

# Neospora threat to cattle from dog mess set for summer rise

By Tim Reif

Hot summer weather and a post-lockdown desire to escape to the countryside is raising fears among farmers of a spike in deadly neospora infections in livestock.

The disease – which leads to abortions, still births and infertility in cattle – is caused by livestock grazing pasture contaminated with dog faeces containing eggs from the parasite *neospora caninum*.

"It's distressing for the stock, for the farmers and nationally it's an expensive disease for the whole livestock sector," said Paula Matthews, who has had to deal with the issue for more than seven years on her family's Surrey farm.

The land's proximity to London, its Area of Outstanding Natural Beauty status, and the many miles of public rights of way that cross it, mean it is a popular destination for walkers – and even more are set to visit during August, Mrs Matthews said.

"There's wider awareness among the public of the problems dogs can cause in terms of sheep worrying, but neospora isn't on their radar in the same way," she added.

No prevention and no cure

"There is no prevention and no cure. We're taking the actions we can in terms of biosecurity – such as trying to avoid putting cows and calves in fields where there are footpaths and calving indoors – but we need the public to take dog mess home and bin it.

"We really enjoy talking to the public and explaining how we're producing food, but we're trying to do it in a clean and safe way. We're happy to see people use footpaths responsibly and dogs are welcome in the countryside as long as they're under close control."

Tom Halliday, who runs a 550-cow spring-

## TIPS TO PREVENT NEOSPORA

- Prevent dog faeces contaminating pasture for grazing or conserving
- Keep hay, bedding and water free from faecal contamination by dogs
- Keep dogs away from calving areas
- Dispose of placentas, foetuses and stillborn calves in a correct and timely manner
- Make sure on-farm food stores are dog-proof

calving herd in Shropshire, said losing stock to neospora had cost him a fortune. He reckons he has lost 60-plus animals to the disease in the past 12 months.

"We've got about a 15% infestation – if we can keep it at that and start to bring it down, it's just another problem we'll live with, I

suppose. It's frustrating because we've always prided ourselves on having fantastic fertility – it's what drives our business."

He added: "The dog walkers here are actually all quite responsible, but they probably simply don't even know their pet has got the disease.

"The most effective way to combat the issue is to work with people and ask them to help us. We have put signs up asking them not to leave dog mess in the fields."

Bag it, bin it

Harriet Ranson, the NFU county advisor in Leicestershire, Northamptonshire and Rutland, said: "Bag and bin is the only acceptable method for a responsible dog owner.

"We need to educate people about the sad, costly and often entirely unintended consequences of not bagging and binning. We absolutely want people to enjoy the countryside, but they've got to do it responsibly."



Paula Matthews: 'Neospora isn't on visitors' radar'











