



Sally Madgwick  
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Date 14<sup>th</sup> September 2017

**By E-Mail & Post**

**Y:Ref: SM/2017/01/West**

Dear Ms Madgwick

**Wildlife & Countryside Act 1981 s53**  
**Application for an Order to Record a Footpath at Westbury in the Definitive Map & Statement**

I refer to my letter dated 11<sup>th</sup> September 2017 and your emailed response of later the same day.

In response to your query regarding the history of the site I can now offer you the following information in support of Network Rail Infrastructure Limited's objection to the above application.

The railway at Westbury was originally constructed under the powers of the Wilts Somerset & Weymouth Railway Act 1845 as amended by the Wilts Somerset & Weymouth (Amendment) Act 1846, both of which Acts incorporated the provisions of the Railways Clauses Consolidation Act 1845.

The plan accompanying the Parliamentary Bill for the 1846 Act (extract enclosed) shows the proposed centreline of the railway running along the alignment of the railway as constructed. The plan also shows the roadway now known as the B3097. I have annexed the referencing details of the roadway and the land over which the claimed route runs on the attachment.

Although the referencing details refer to footpaths, the alignment of these paths is not shown and they are purely referenced in private ownership. The railway line and station was subsequently constructed and opened for public use in 1848.

The Ordnance Survey map surveyed in 1884-85 (extract enclosed), clearly shows the station approach road upon its present day alignment. It does not indicate any way or footpath along the claimed route.

The Great Western Railway (No 1) Act 1894 authorised the construction of a new railway from Stert to Westbury. The Plan deposited with the Parliamentary Bill (extract enclosed), shows the roadway leading to the station in situ but offers no indication of any footpaths running through the site.

The claimed route running parallel to the B3097 would pass through enclosure 96 and/or 97 the referencing details of which are annexed to the plan.

The Great Western Railway Act 1899 authorised the purchase of additional lands at the site of the depot. Whilst not showing the station approach road the plan accompanying the Parliamentary Bill (extract enclosed) shows the lands in question to be purchased, the referencing details of which are annexed to the plan.

The 1899-1900 and 1902 Ordnance Surveys offer no additional information to the earlier surveys with no obvious footpaths along the claimed route. It also does not yet show the depot constructed.

The Great Western Railway (Additional Powers) Act 1905 authorised the purchase of additional lands at and near to the station. The plan accompanying the Bill (extract enclosed) includes land over which the claimed route is made. The referencing details are annexed to the plan.

You will note that this is the first reference to any footpaths in this vicinity which come under the auspices of the Local Authority indicating public status.

You will also note that the plan is annotated as having the footpath running through enclosure 2 being diverted to run through enclosure 1. Section 53 of the Act authorised the stopping up and diversion of this

footpath. The diverted footpath appears to follow the part of the route shown on the plan accompanying the application and annotated West 15.

I further attach a copy of Ordnance Survey plans from 1922. This plan shows the engine shed having been constructed upon the lands purchased under the 1905 Act. The plan clearly shows an annotated footpath network substantially similar to the path annotated West 15 on your plan. It is significant however that the way running along the claimed route is not similarly annotated.

The Great Western Railway Act 1930 authorised the construction of the Westbury Avoiding Line. The Plan accompanying the Parliamentary Bill shows the area of lands authorised for purchase (extract enclosed) through which the claimed route runs. The plan also shows the intended further diversion of the footpath running through the site which again is substantially similar to the route take by West 15. There is no footpath shown running along the claimed route. Both the claimed route and the diverted footpath would both fall within enclosure 11 the referencing details of which I have annexed to the extract plan.

Finally I attach a copy of the Ordnance Survey of 1941 which is substantially similar to that of 1922 and offers no further evidence backing the claim of a right of way.

On the basis of all of this information it evident that the claimed route was constructed part as access to the original railway station in 1848 and to serve the depot as the site developed over the years. Therefore Network Rail will rely upon the previously stated Section 57 of the British Transport Commission Act 1949 to defeat this claim.

I trust the above narrative and enclosures are sufficient for your purposes. Please do not hesitate to contact me further should you require any further information.

Yours sincerely

  
Chris Smith  
Liability Negotiations Manager

*Western Route – A history of innovation, a future of opportunity*

**Our Safety Vision - Everyone home safe, every day**



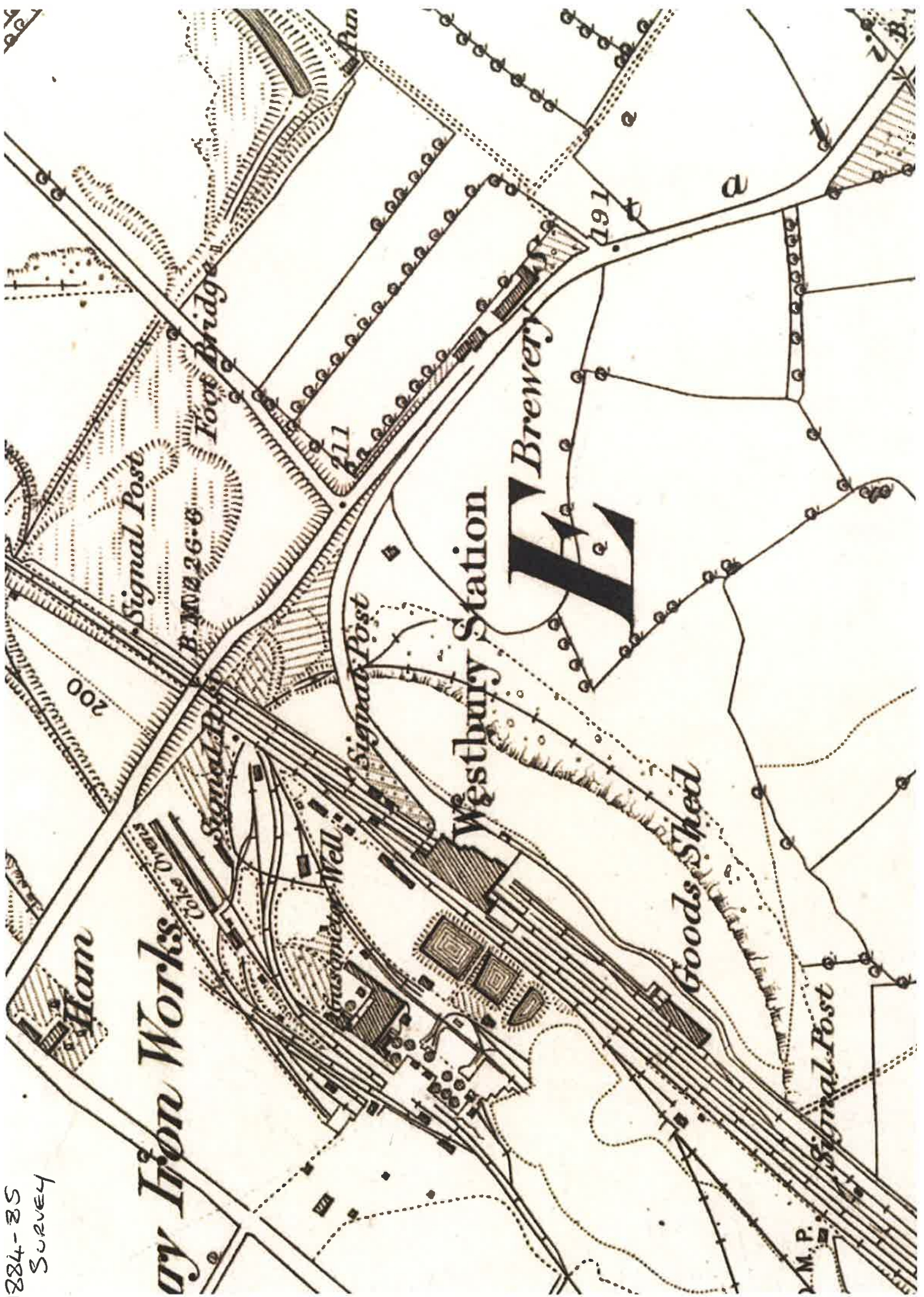
1846 Act



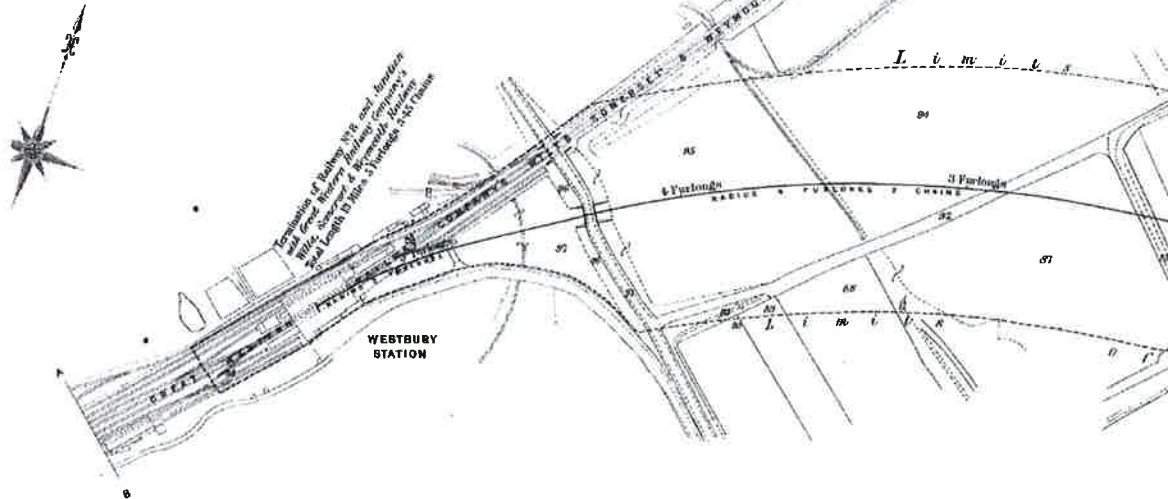
Enc No	Description	Owner	Lessee	Occupier
247	Pasture & footpath	William Beckett Turner	-----	John Owen
248	Pasture	Henry Gaisford Gibbs Ludlow	-----	William Bourne
250	Arable & Footpath	Reverend John Hooper	-----	John Bull
253	Parish Road	The Waywardens	-----	-----



1884-85  
SURVEY



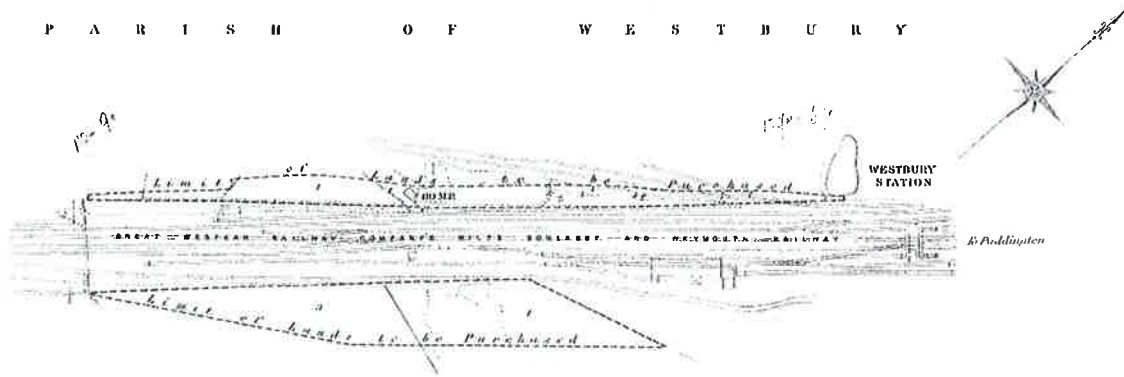
P A R T I S I I O F W E S T



GRADIENTS OF EXISTING GREAT WESTERN RAILWAY COMPANY'S WILTS, SOMERSET & WEY

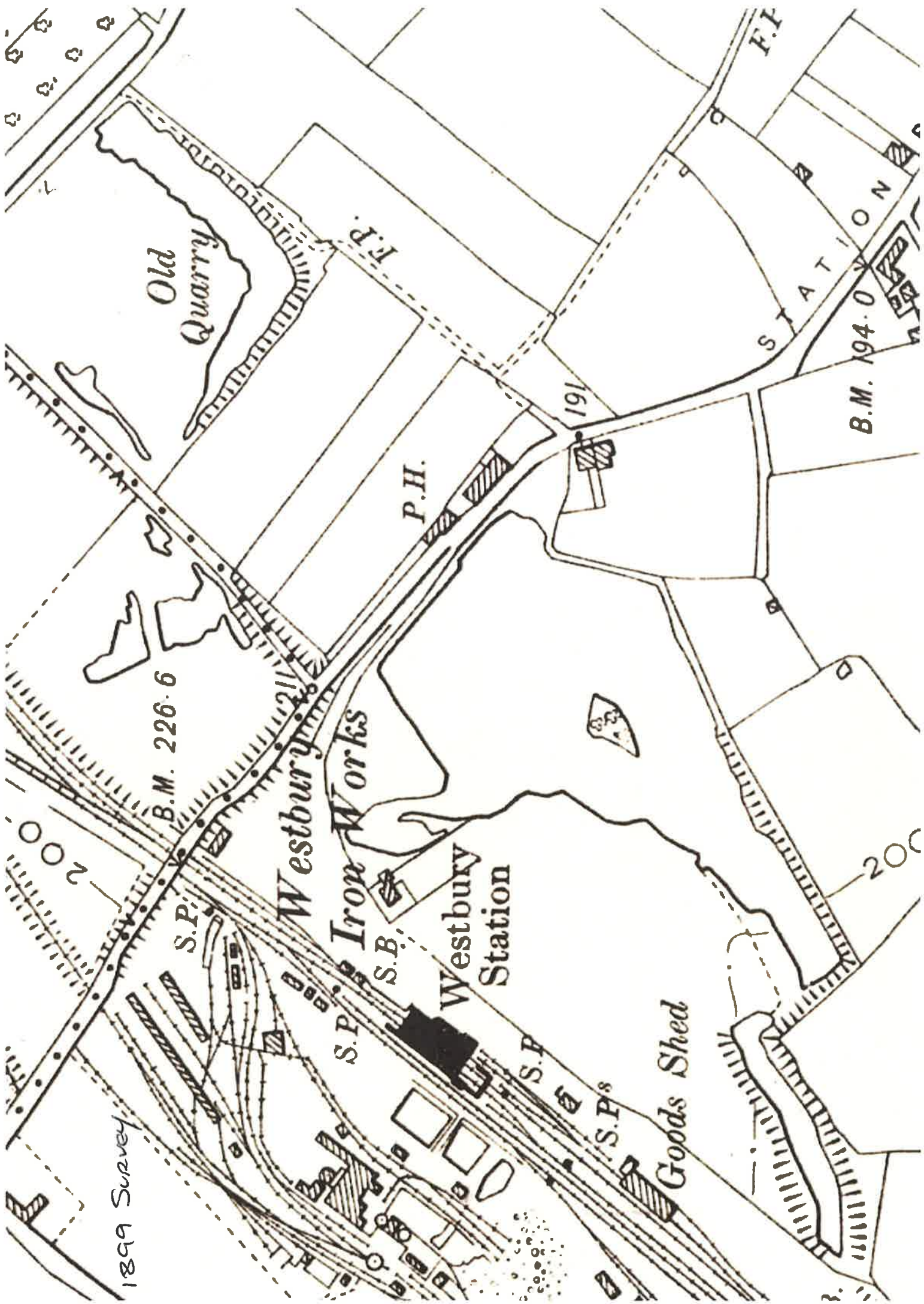
Enc No	Description	Owner	Lessee	Occupier
96	Embankment	Great Western Railway	-----	In Hand
97	Rough Land, Garden Ground, Road, Tramway, Telegraph Posts, Wires and Embankment	Great Western Railway	-----	Great Western Raiolway, Westbury Iron Company Limited & Charles Harris, Postmaster General

P A R I S H O F W E S T B U R Y



Enc No	Description	Owner	Lessee	Occupier
3	Field	Trustees of the will of the late Caroline Marie Vere Unwin Clarke	Westbury Iron Company Limited Alfred Ledbury	Alfred Ledbury
4	Field, Rough Ground & allotment Gardens	Trustees of the will of the late Caroline Marie Vere Unwin Clarke	Westbury Iron Company Limited Alfred Ledbury	Alfred Ledbury





1899 Survey

B.M. 226.6

Westbury

Iron Works

Westbury Station

Goods Shed

P.H.

191

B.M. 194.0

STATION

F.P.

Old Quarry

S.P.

S.B.

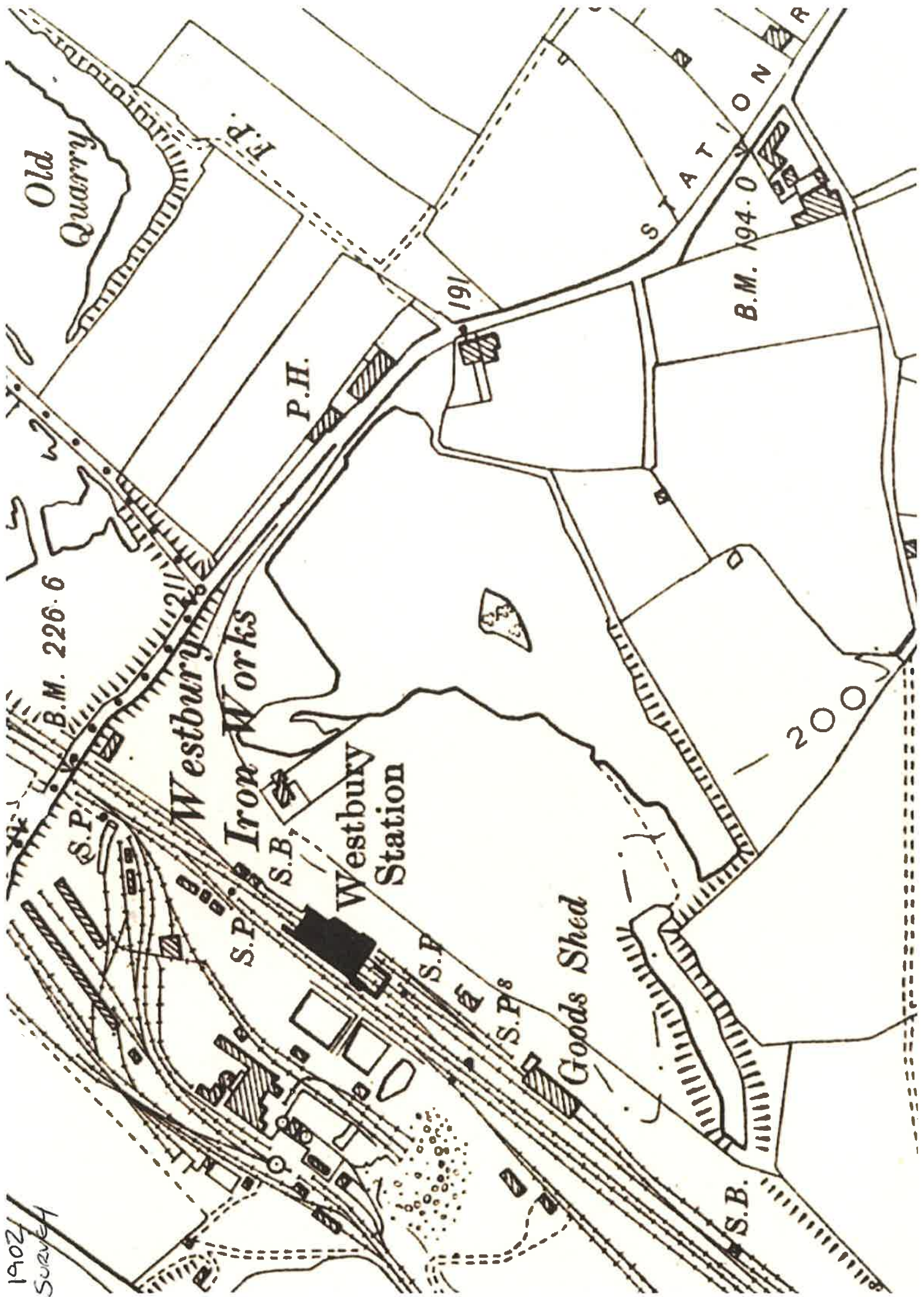
S.P.

S.P.s

200



1902  
Survey



Old  
Quarry

F.P.

STATION

B.M. 194.0

191

P.H.

B.M. 226.6

Westbury  
Iron Works

Westbury  
Station

200

Goods Shed

S.P.

S.P.

S.B.

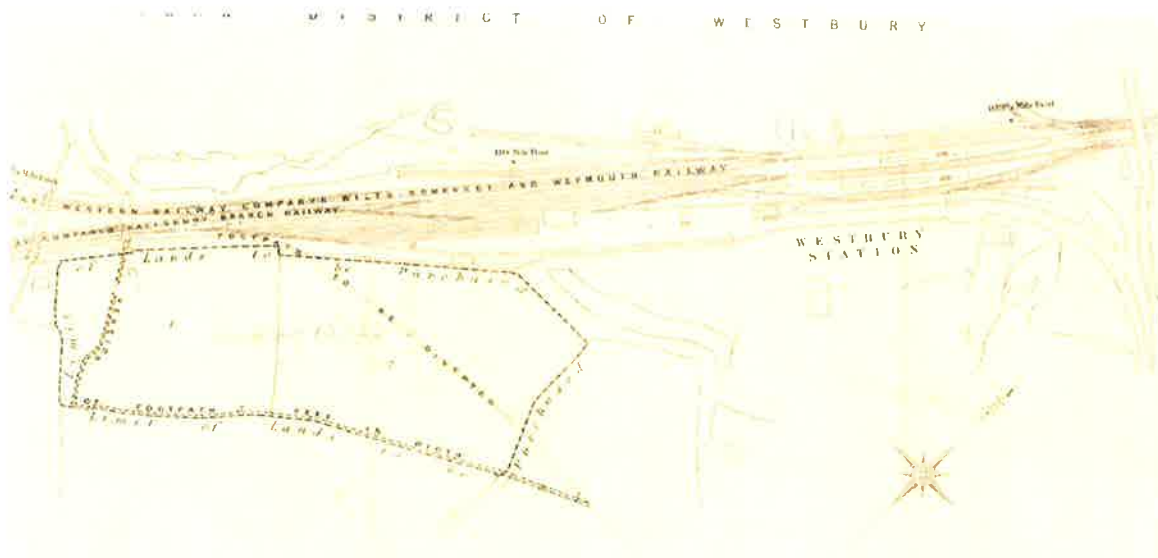
S.P.

S.P.

S.B.

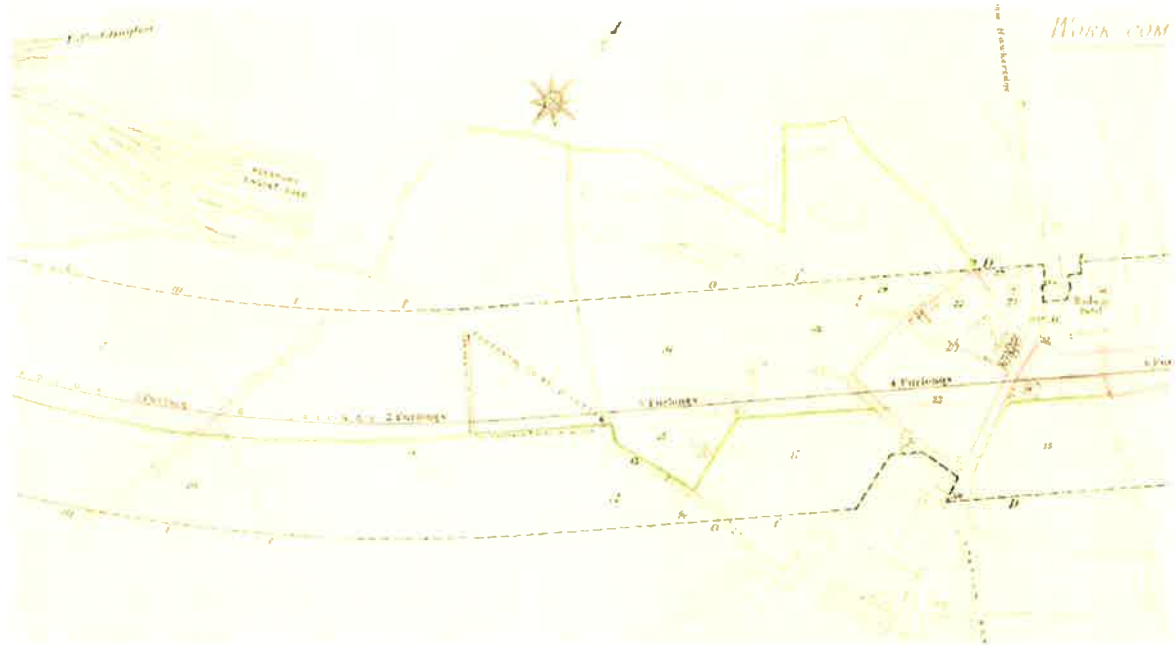


1905 Act



Enc No	Description	Owner	Lessee	Occupier
1	Field, Pond & Footpath	John James Unwin Clarke, John James Vere Unwin Clarke, William Henry Thodore Tyndale Powell John Alexander Tyndale Powell Mary Elizabeth Vere Powell	David Ledbury	David Ledbury
2	Field & Footpath	John James Unwin Clarke, John James Vere Unwin Clarke, William Henry Thodore Tyndale Powell John Alexander Tyndale Powell Mary Elizabeth Vere Powell, Westbury Urban District Council	David Ledbury	David Ledbury
3	Field & Footpath	William a Beckett	-----	Percy James Stafford

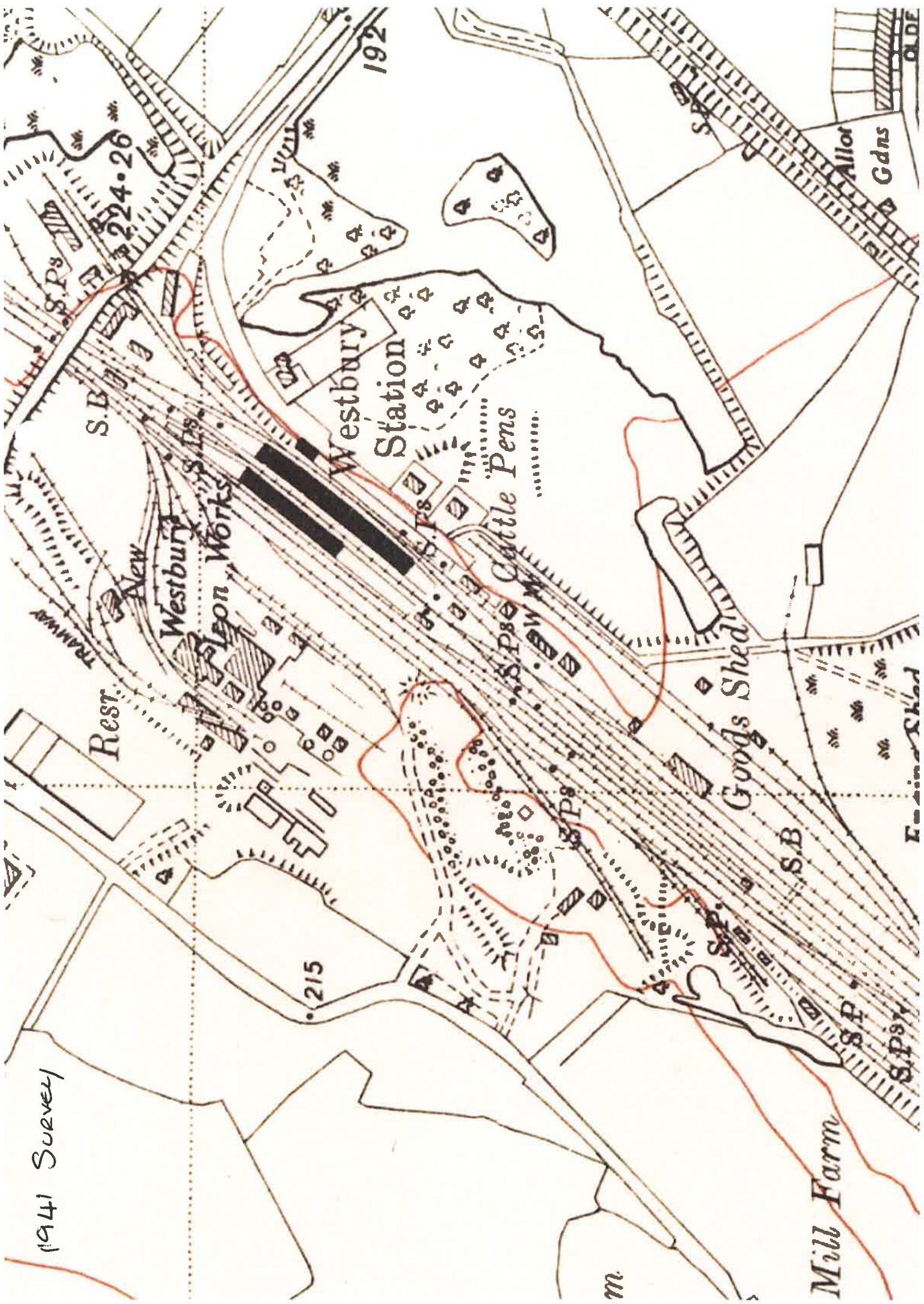




Enc No	Description	Owner	Lessee	Occupier
11	Field, Footpaths & Ditch	Percy James Stafford	The New Westbury Iron Company Limited	The New Westbury Iron Company Limited, Percy James Stafford, Westbury Urban District Council



1941 Survey



192

224.29

Westbury Station

Cattle Pens

Goods Shed

Mill Farm

Allot Gdns

Rest.

New Westbury

Works

215

m

S.B.

S.P.S.

Goods Shed

OLDF

TRAMWAY

