

APPENDIX F - OBJECTIONS AND REPRESENTATIONS

From: [Pat Woodruffe](#)
Sent: 07 March 2022 10:56
To: [Green, Janice](#)
Subject: RE: Wildlife & Countryside Act 1981 - Application to Add Footpath, The Drove, Whiteparish

Dear Ms. Green,

Thank you so much for your support, and that of WC, over this matter. Although two sections have now been incorporated into gardens, it is important that the owners recognise the status of the drove as an ancient monument and, hopefully, they will be encouraged to maintain it as such.

Kind regards,
Pat Woodruffe

From: Green, Janice [mailto:janice.green@wiltshire.gov.uk]
Sent: 07 March 2022 09:47
To: Pat Woodruffe [REDACTED]
Subject: Wildlife & Countryside Act 1981 - Application to Add Footpath, The Drove, Whiteparish

Dear Mrs Woodruffe,

-

Wildlife and Countryside Act 1981 – Section 53
Application to Add a Footpath to the Definitive Map and Statement of Public Rights of Way –
Whiteparish, The Drove

I am writing to advise you that Wiltshire Council has now completed its investigation of the available evidence in the above-mentioned application to add a footpath to the definitive map and statement of public rights of way, in the parish of Whiteparish, (The Drove). It has been resolved to make a definitive map modification order to add a footpath (the Drove), with a width varying between 3m and 9m, as shown on the proposed order plan (Appendix 10 of decision report). Please find attached a copy of the Wiltshire Council decision report, which sets out the reasons for this decision.

I am intending to make the order in the week commencing 21st March 2022. Formal notice of the making of the order will be served upon all interested parties and this will be followed by a statutory objection period of at least 6 weeks, during which time formal objections and representations to the making of the order may be lodged in writing with Wiltshire Council.

I hope this information is helpful and you will of course receive notice of the making of the order in due course.

Kind regards,

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall

Trowbridge
BA14 8JN

Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

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From: [John Hall](#)
Sent: 06 April 2022 15:35
To: [Green, Janice](#)
Subject: Your ref JG/PC/245 2020/09D

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for forwarding me the definitive map modification order relating to footpath 42 Whiteparish (The Drove).

I fully support the confirmation of the order

Thanking you
John Hall

From: [Clerk](#)
Sent: 12 April 2022 20:32
To: [Green, Janice](#)
Cc: [WPC Chairman](#)
Subject: WC (Parish of Whiteparish) Path no.42 Definitive map and statement modification order 2022
Attachments: [row_3192264_order map.pdf](#)
[view with new dwellings on as approved by WC.jpg](#)

Follow Up Flag: Follow up
Flag Status: Completed

Dear Janice,

Thank you, we have received the hard copy of the WC (Parish of Whiteparish) Path no.42 Definitive map and statement modification order 2022.

We wonder if you can help with a couple of queries please?

Firstly, we see that the map has been partially updated with 2 of the new dwellings on it but the 3rd dwelling in the rear of Forest View is not marked on the plan, I believe the home may even be occupied and the new path may even be going through this new dwellings garden?

Secondly, the use of a bold purple strip to show the route of the new path does not allow to see what linedated below the strip, which in some areas is 9m wide. You can also not see if it is to run through the back gardens of the other properties in Clay Street? I have attached the map that was used for the order for the new path at Mean Wood a few years ago, Path 41, which showed very clearly where it was to run.

Lastly, at which points is the path 3 metres wide and then 9 metres?

Regards,

Maria Pennington
Whiteparish Parish Clerk

www.whiteparish-pc.gov.uk

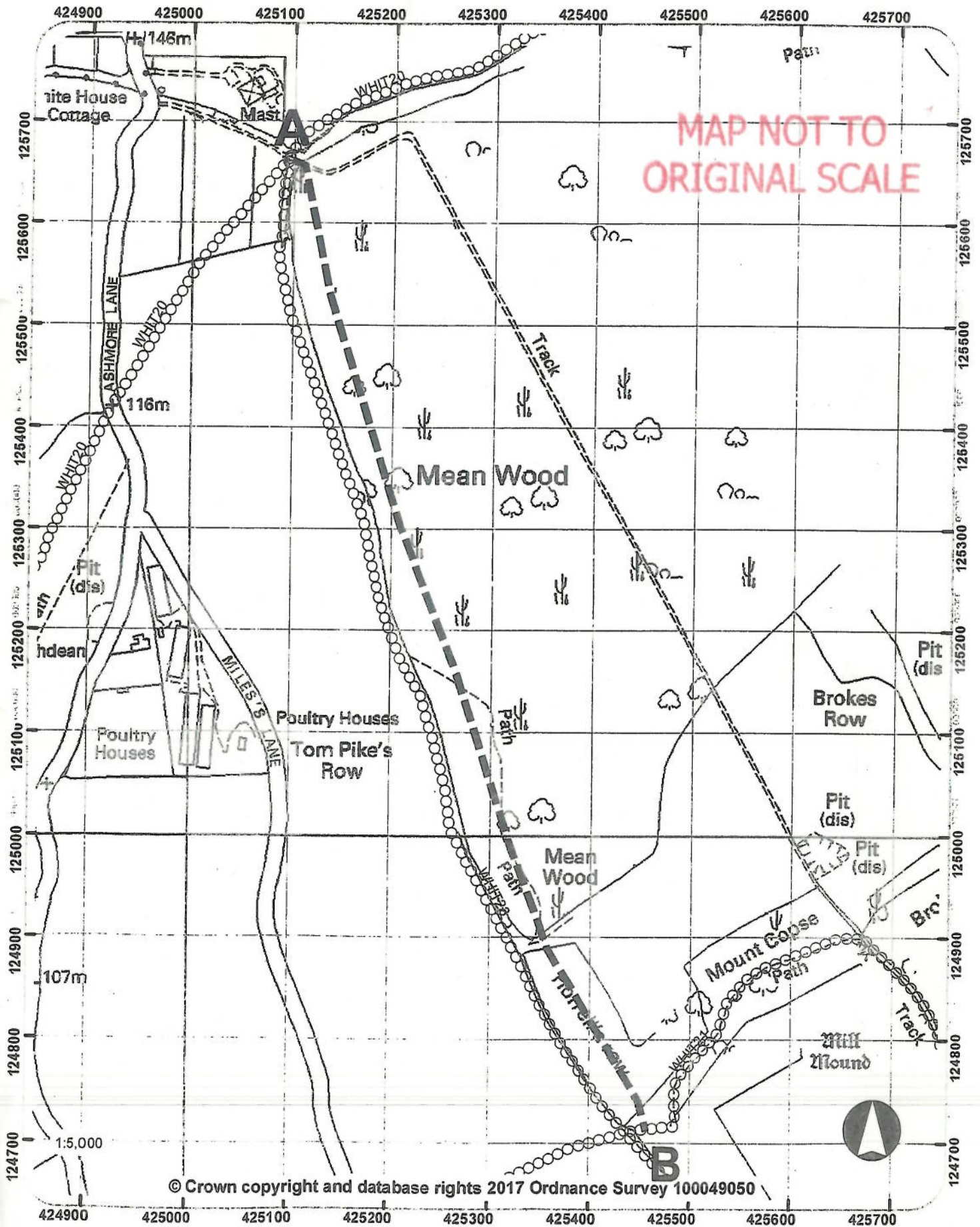
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Whiteparish 41 Order Plan

Footpath to be added **A**  **B**

Existing public footpaths
on definitive map 





Clay St

Clay St

Clay St

Common Rd

Leigh select

From: [Clerk](#)
Sent: 13 May 2022 13:57
To: [Green, Janice](#)
Cc: [WPC Chairman](#)
Subject: Re: WC (Parish of Whiteparish) Path no.42 Definitive map and statement modification order 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice,

Whiteparish Parish Council has no comment to make regarding this.

How can we view what comments are submitted?

Regards,

Maria Pennington
Whiteparish Parish Clerk

www.whiteparish-pc.gov.uk

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On 2022-04-14 07:56, Green, Janice wrote:

Dear Maria,

Wildlife and Countryside Act 1981 – Section 53
The Wiltshire Council (Parish of Whiteparish) Path no.42 Definitive Map and Statement Modification Order 2022

Thank you for your e-mail, I am pleased to hear that you have received notice of the making of the order adding Footpath no.42 in the parish of Whiteparish, (The Drove).

Thank you for the information regarding the new property at the rear of Forest View. At the time of our Land Registry title search on 7th March there were no details relating to this property and it is not shown on our ordnance survey mapping layer, (order map produced 23rd March), however, I will check that all landowners have been notified and send appropriate notice if this is not the case.

We are now required to include a width for all newly added paths and there are various ways of recording this, as set out in Rights of Way Advice Note no.16 – “Widths on Orders”, which may be viewed using the link below. I would refer you in particular to section 4 – Definitive Map Modification Orders:

[Rights of Way Advice Note No 16 - Widths on Orders - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The order map differs from that included within the previous Mean Wood order which concerns a path having a uniform width throughout its length. Where the width of a path is varying and it would be very complex within the statement to record the many points at which the path width varies, as in the case of The Drove, we are able within the statement to refer to the order map, which can record a varying width as a feature on the map showing the extent of the path. The purple line on the order map is therefore intended to record the extent of the footpath, based on the historic OS mapping which consistently records the route at the width shown in purple. This purple colouring also meets with the requirements of the regulations which require a footpath to be shown by a broken black line, or a continuous purple line, please see The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993, using the link below, (Schedule 1 – Notation to be Used on Definitive Maps):

<https://www.legislation.gov.uk/uksi/1993/12/schedule/2/made>

The question of width is set out within the decision report included with my previous e-mail to you dated 7th March, I would refer you to the section entitled “Width” (p.61) which sets out the reasons for recording the path having a width between 3m and 9m. The recording of the width is based upon evidence and in this case this is mostly based on OS mapping evidence, having maximum width of 9m. However, there is very little documentary evidence of a width for the first 30m of the path adjacent to Common Road and therefore, it has been necessary to base the width of this section of the path on the evidence provided by witnesses, which has suggested a width of 3m for this eastern section, as shown in the order map. In essence the order map indicates the full extent of the path to be recorded within the definitive map and statement and where it will run.

I hope this information is helpful.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: janice.green@wiltshire.gov.uk

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From: Clerk <clerk@whiteparish-pc.gov.uk>
Sent: 12 April 2022 20:32
To: Green, Janice <janice.green@wiltshire.gov.uk>
Cc: WPC Chairman <trevorpaxtonking@gmail.com>
Subject: WC (Parish of Whiteparish) Path no.42 Definitive map and statement modification order 2022

Dear Janice,

Thank you, we have received the hard copy of the WC (Parish of Whiteparish) Path no.42 Definitive map and statement modification order 2022.

We wonder if you can help with a couple of queries please?

Firstly, we see that the map has been partially updated with 2 of the new dwellings on it but the 3rd dwelling in the rear of Forest View is not marked on the plan, I believe the home may even be occupied and the new path may even be going through this new dwellings garden?

Secondly, the use of a bold purple strip to show the route of the new path does not allow to see what linedated below the strip, which in some areas is 9m wide. You can also not see if it is to run through the back gardens of the other properties in Clay Street? I have attached the map that was used for the order for the new path at Mean Wood a few years ago, Path 41, which showed very clearly where it was to run.

Lastly, at which points is the path 3 metres wide and then 9 metres?

Regards,

Maria Pennington
Whiteparish Parish Clerk

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From: [Pete davies](#)
Sent: 11 June 2022 16:54
To: [Green, Janice](#)
Subject: Re: Application to Add a Footpath - The Drove,
Whiteparish

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Janice

I received a copy of the order this morning thank you for the drove but want to point out a glaring error with it please.

It says the order if confirmed will be “ footpath 42 leading from its junction with common road in a general west-southwesterly direction approximately 180m and then south-southwesterly for approximately 180 metres to its junction with footpath 6”

The Drove does not and never has had a junction with footpath 6, Pat Woodruffe in her statement suggests it would be nice to have one but the south-southwesterly part of the drove goes to the end stops and goes no further. (other than back the way you came)

I would be grateful if you would correct the order please as it is one of the key factors for ourselves

Thank you and best regards

Peter

Sent from my iPhone

On 7 Jun 2022, at 12:49, Green, Janice <janice.green@wiltshire.gov.uk> wrote:

Dear Mr Davies,

Thank you for your e-mail and very kindly providing your correspondence address, I will very shortly be sending a copy of the order and public notice in the post.

Yes, that’s correct, if objections to the making of the order are made and not withdrawn, the order will be referred to the Secretary of State for determination, which could result in a hearing or public inquiry to consider the evidence. The Wiltshire Council Southern Area Planning Committee will firstly consider the evidence, as well as all representations and objections received to the making of the order, to determine whether or not

Wiltshire Council continues to support the making of the order and the Wiltshire Council recommendation to be attached to the order when it is forwarded to the Secretary of State for determination.

I will of course keep you updated on progress.

I hope this is helpful.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN



Telephone: Internal 13345 External: +44 (0)1225 713345

Email: janice.green@wiltshire.gov.uk

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From: Pete davies [REDACTED]
Sent: 06 June 2022 18:25
To: Green, Janice <janice.green@wiltshire.gov.uk>
Subject: Re: Application to Add a Footpath - The Drove, Whiteparish

Hi Janice

The Address is [REDACTED] clay street, whiteparish, wilts, SP5 [REDACTED]

Am I correct in reading that any objections mean it has to be passed to the Secretary of State and will then require a public hearing?

Best regards

Peter

Sent from my iPhone

On 6 Jun 2022, at 16:24, Green, Janice <janice.green@wiltshire.gov.uk> wrote:

Dear Mr Davies,

Wildlife and Countryside Act 1981 – Section 53
The Wiltshire Council (Parish of Whiteparish) Path no.42 Definitive Map and Statement Modification Order 2022

Further to my e-mail dated 30th March, enclosing a copy of the above-mentioned definitive map modification order, which proposes to add a footpath, The Drove, in the Parish of Whiteparish, I wondered if it would be possible for you to very kindly provide a correspondence address, in order to serve a paper copy of the order and notice and to keep you updated on progress in this case.

Thank you for your help in this matter, I look forward to hearing from you.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

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Email: janice.green@wiltshire.gov.uk

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From: Pete Davies [REDACTED]
Sent: 11 January 2022 16:50
To: Green, Janice <janice.green@wiltshire.gov.uk>
Subject: Application to Add a Footpath - The Drove, Whiteparish

Hi Janice

I just wondered if you have an update please wrt the drove ?

We are laid back with it to be honest i understand the need for footpaths (we have 2 dogs) We have it covered at purchase on a personal level would just be nice to see it resolved.

Best regards

Peter

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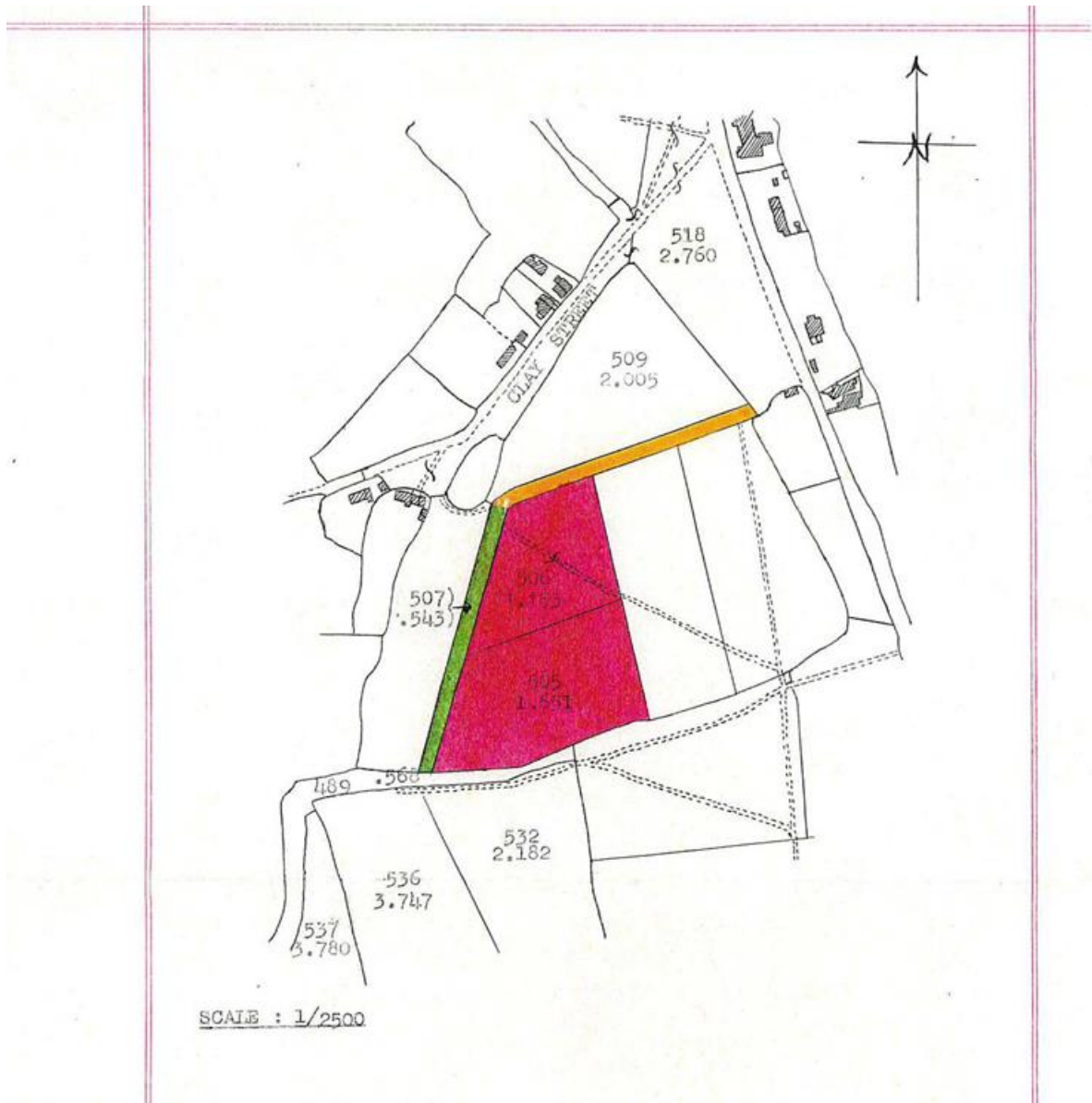
From: [Pete Davies](#)
Sent: 13 June 2022 11:30
To: [Green, Janice](#)
Subject: The Drove

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Janice

Just following on from my previous mail and sorry its late i have only just twigged about the OS references.

This is the Drove from the Farm Deeds >>>



Area 507 (.543 acres) is the Drove, Area 489 is still farm land, it was never ever part of the Drove and the Drove has never joined footpath 6 in any capacity ever

Best Regards

Peter

From: [Pete Davies](#)
Sent: 08 July 2022 10:22
To: [Green, Janice](#)
Subject: Emailing: Objection.pdf
Attachments: [Objection.pdf](#)

Hi Janice

Please find attached our Objection for The Drove Order in whiteparish.

I would be grateful if you would confirm receipt of it and that its readable please.

Best Regards

Peter

Your message is ready to be sent with the following file or link attachments:

Objection.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Peter And Christine Davies

██████████
Clay Street, Whiteparish, Salisbury
SP52██████

22 June 2022

Janice Green

Senior Definitive Map Officer, Rights of Way and Countryside
Wiltshire Council-County Hall
Trowbridge
BA14 8JN

Dear Janice,

Ref:- JG/PC/245 2020/09D

We would like to object to the map order concerning the Drove in Whiteparish, the reason for our objection is >>> “We believe the evidence and statements submitted are insufficient, unsubstantiated, in error and misleading”.

We have the following comments about the order to kindly be taken into consideration.

1/ The order in question however relates to a **“right of way”** map application not ownership or protection of the Drove – we feel that is an important comment.

We have no doubts people walked some of the drove 1983 to 2003, we feel confident however that the majority based on witness evidence refer to primarily walking the upper section Forest View to Common Road.

Our objection mirrors some of our own childhood activities a decade earlier to the earliest date in question but the same principles apply. As children we would daily cross fences and hedges to access fields and farms the majority with no stiles or similar. With friends for over a decade we visited fields filled with cows, farm buildings, tracks, barns, and lots more “always” with the conscious knowledge that having crossed unmarked fences we were knowingly “trespassing”.

..... I myself crossed fruit orchards (Blackmore estates) unchallenged, we played with farm machinery unchallenged, we frequently transited many separate fields with rough paths through fences or hedges, we were very seldom told or advised to “Move along” - farmers or their staff had better things to do back then with more pressing obligations than policing their lands.

So this brings us to the footpath Order, we confidently believe there was a hawthorn hedge and fence in place 1983 to 2003 behind Forest View across the Drove to contain the Heifers in the lower Drove, public access through that section was trespass, the fence divided the upper and lower Drove to keep livestock in secret field / Lower Drove, walking any path especially back in a time when memories are strained does not mean it was done so legally.

We know for an indisputable fact that pregnant heifers were in Secret field and The Drove June to September 1989, it impossible that they were not fence contained.

2/ 27 total applications we do not consider substantial given that it was widely publicised by the Parish Council and we note every single map application is from OS SU24642312 to SU24442292, this means every single applicant has walked Common road via a gate to the Upper Drove, left at Forest View having crossed a hedge and fence, ventured through an area potentially filled with livestock, crossed a hedge with a further integral fence (that has been there decades before 1983) or visa versa in the frequency they have given, we consider that extremely unlikely to have happened, its miss-leading and poor quality information.

Looking at the period in question 1983 to 2003, if you take families as one application the number is actually 10. Only a very few applicants say they used the Drove frequently and if you remove all the applicants that have a legal right to use the drove (High View towards Common Road Access Gate) the number that state frequent use (more than once a month) is "**extremely**" small (actually 3). Barbara Kennard who states she used the drove **Daily** 1978 to 1987 refers to the upper section she was legally entitled to (based on her witness statement). The middle of the Drove lower section is a natural drain for cottage field and venturing there after the heavy rain means sinking to ones knees in mud.

*** Picture shows Drain approximately half way along the lower section of the southern Drove ***



We reservedly do believe untruths are being told with the applications either knowingly or unwittingly (by reference to no fences or barriers and the OS co-ordinates), we believe a few of the 10 families used the upper drove, a much smaller number in dry weather trespassed past the hedge / fence down the lower drove exiting in the middle of the Lower Drove to Secret field (with cows) then across through another wire fence to Cooks Field then Footpath 4, only 2 individuals claim to have actually walked the entire drove (witness 19 and 22) before crossing the hedge (and trespassed more than once to do so) to Footpath 6.



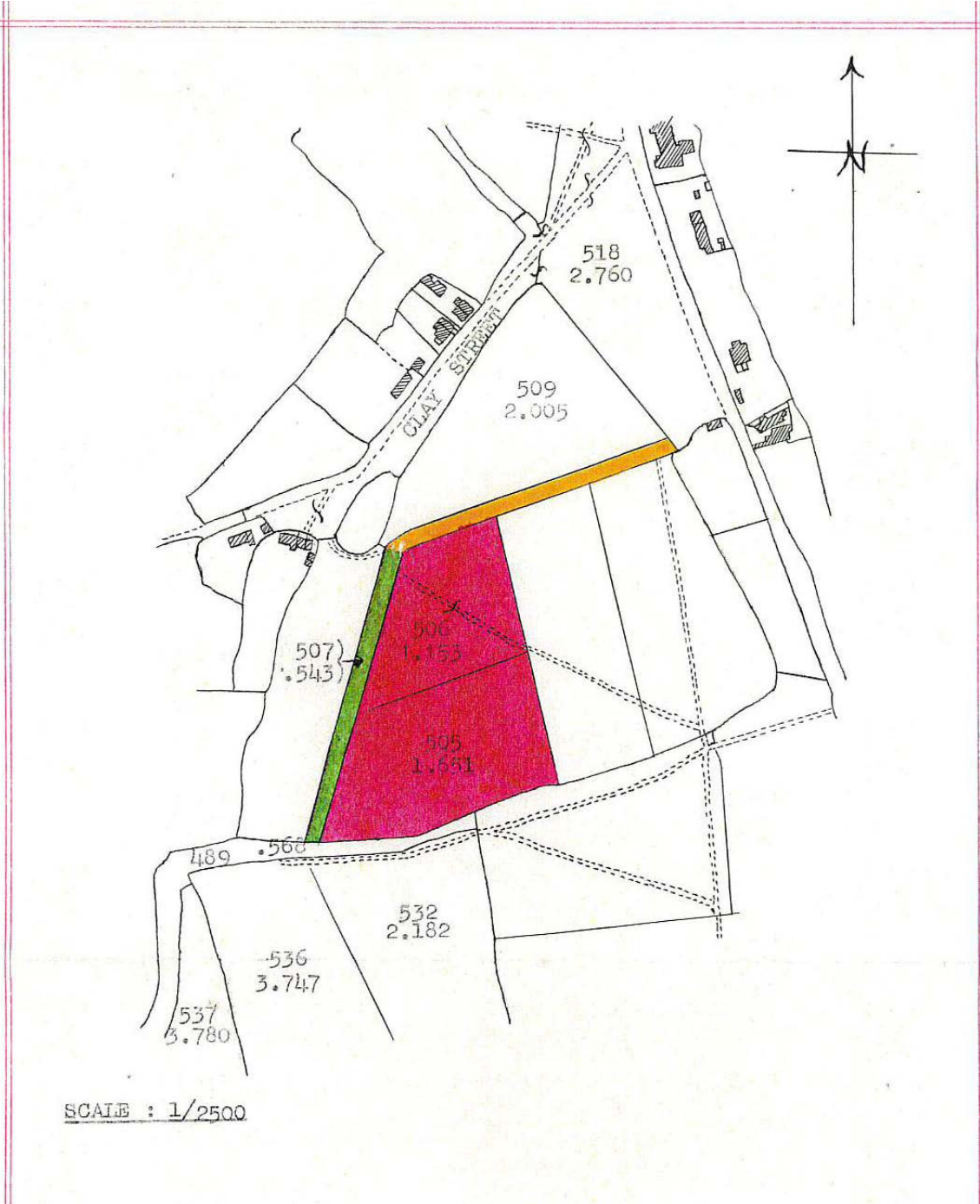
Wiltshire Council has generated a right of way order OS SU24642312 to SU24442292 based on “Reasonably Assured” statements **when only 2 individuals** have said they have used the path OS SU24642312 to SU24442292 1983 to 2003.

This was a satellite view of the Drove in 1999 >>>



Although not well trodden the path footpath 4 from its fence across secret field is defined.

3/ We moved to [redacted] at the end of January with a fairly good understanding of the Drove. On a practical basis the “need” to access beyond High View south on foot was always limited and impractical. The Drove itself (Lower or entire) as a footpath is and always was a path to nowhere, the lower section Forest View to end is 150 metres there and 150 metres back, 2 solitary applications mention using it to join SU24442292 (which is not the Drove but in Rough Field – 532/536) at Footpath 6, this requires going through a fence and hedge for access – obvious and blatant trespass.



**** 507 is The Drove, 489 is unlisted farm land that backs on to secret field, 532 and 536 are Rough Field, footpath six is visible at the top of rough field, it has NEVER linked to the Drove.

4/ Your report conclusion bases a lot on the fact that the farmer in 1983-2003 was aware of applicants presence in the Drove >>>

Witness	Landowner aware
1	Well trodden, until 2000 used to drive cattle to and from milking shed on Common Road.
3	Mr Andrews past owner was aware as he used the lane frequently and spoke to us.
4	Both current owners well aware. Len and Marjorie Andrews happy to allow use – continued by current farming family.
5	Past owner Mr Andrews used to speak to us and others on the route.
8	Consistent use, worn path.
9	Would occasionally meet and speak to farmer Andrews when working at top of garden or taking dog for a walk there.
10	Mr Andrews witnessed me in the Drove many times.

Witnesses 3,5,9 and 10 all have legal access in their deeds to the upper Drove, they are the **only** witnesses in this list that mention talking / conversing with the farmer and why would they not?. Driving cows up and down the Drove (which Mrs Andrews said did not happen) would be a danger to the public and prohibited by the 1971 animals act, if it did happen which was very unwise it provides no evidence of a public right of way, it potentially would have meant a milking heard of cows were free to roam the upper drove which was never the case.

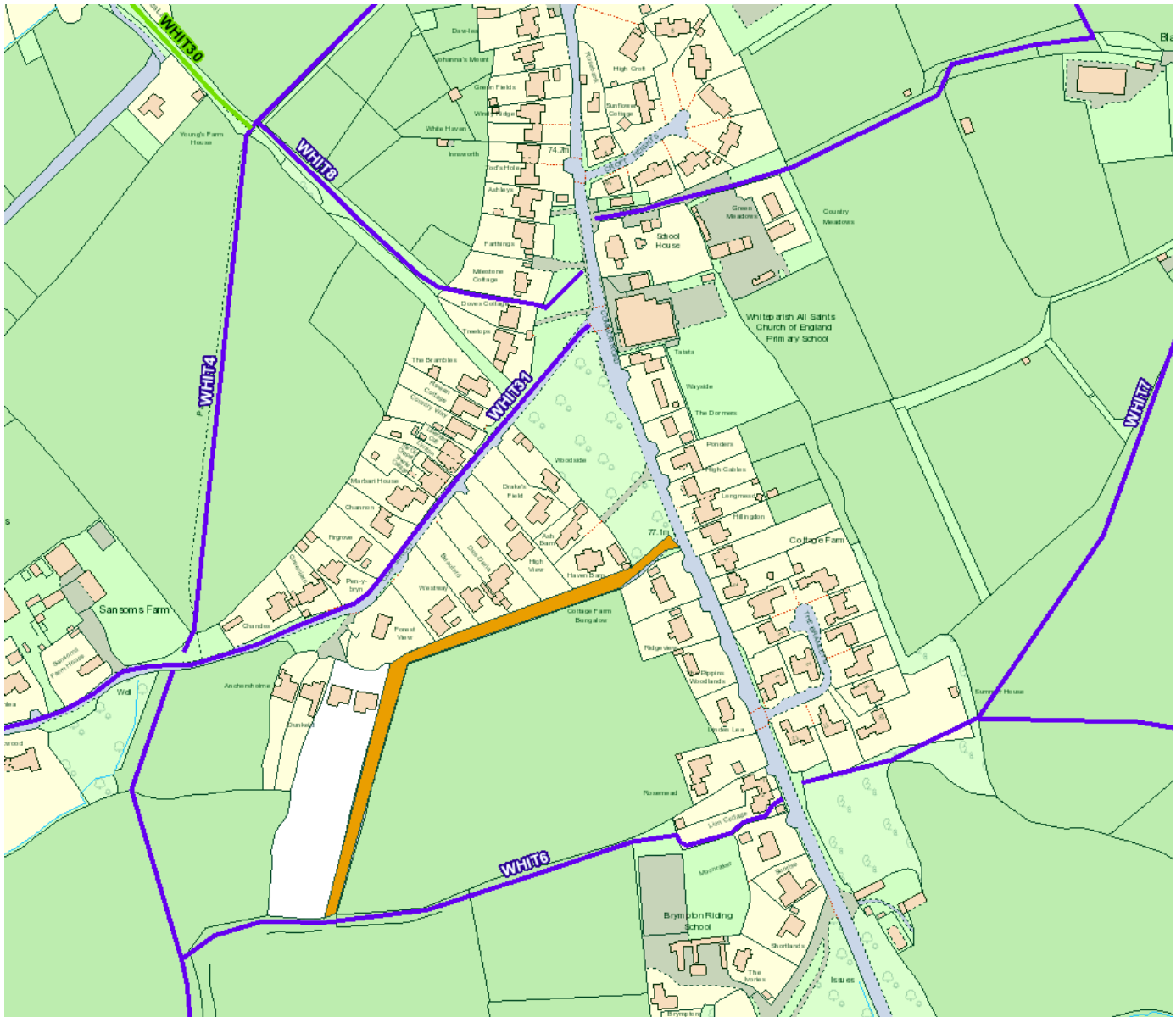
11	Village children often played there - Mr and Miss Andrews lived close by Drove and must have seen use. The next owners also had home in village close by.
12	As above.
14	Mr Andrews past owner saw me playing in Drove.
17	When we used The Drove as children, the landowner would often use The Drove to herd cattle.
18	Farmer and farming family aware.
19	Passed time of day cordially with farmer.
22	Talked to owner whilst on application route.
24	Seemed to be a public right of way and assumed owner would be aware.
26	When local stables leased the meadow they were often in field when villagers passed through the Drove.

Witnesses 11 and 12 have made “an assumption” - that is not evidence, Witness 14 had legal access to the upper drove so would expect to see the farmer and visa versa, witness 17 might well be referring to the upper section and Mr Andrews (Confirmed appropriately as the **LANDOWNER**), cattle were free to roam / herd in the lower section as they were kept in by the fence / barrier at Forest View, Witness 19 passed the time of day cordially with the farmer, but states she only used the Drove occasionally >>> **Must have been a farmer with very few duties**, Witness 22 Recalls the “2 strand wire fence” but also refers to “Driving my tractor down it – every few months 1987 -2020” - extremely difficult to believe especially when Mr Harrison in his statement states that walking it (which he has the right to part of it) has been difficult the **last 25 years due poor maintenance and blockage**, Witness 24 (who also remembers the fence) again make an assumption which is

not evidence, Witness 26 makes reference to the local stables and a leased field – they were not the landowners and have no connection to this application, none have come forward to present evidence.

5/ We see in your conclusion the issue of an order is “not” based on OS or historic documentary evidence. However **“The historical OS mapping and user evidence support a width varying between 3m and 9m to be recorded over the footpath, as shown on the proposed order plan at Appendix 10”** being proposed for the Drove width. OS mapping of agricultural land and boundaries is notoriously inaccurate at close scale, boundaries themselves can actually be up to 2 metres width. None of the submitted evidence suggests the width is 9 metres some suggesting it is a mere 1 metre. We would like to strongly question why a public right of way for a “Footpath” has to be wider than a two lane highway, every single comment from residents states “access on foot”. **Why also would you support the OS mapping for a footpath that OS itself does not dedicate to be such.**

6/ We view Mr Harry Urquhart comments (actually Christine Warry’s) with interest >>> **I would personally like to make an argument that given the number of existing rights of way surrounding it render its addition to the Wiltshire Definitive Map unnecessary (Whiteparish footpaths numbers 4,6 and 31 already giving access to the A27, the A36 and the Common Road linking them (the one on which your property lies) – We entirely agree.**



7/ There was a hedge with a barbed wire fence across the drove 1983 to 2003, I have removed the remnants of it from the Ash tree to protect our dogs but this is one end of its connections >>>



You can very clearly see the rings on the Ash at 2 foot and 4 foot levels, also that the barbed wire ring at 2 foot has now clearly grown into the trunk section from trunk growth decades since.

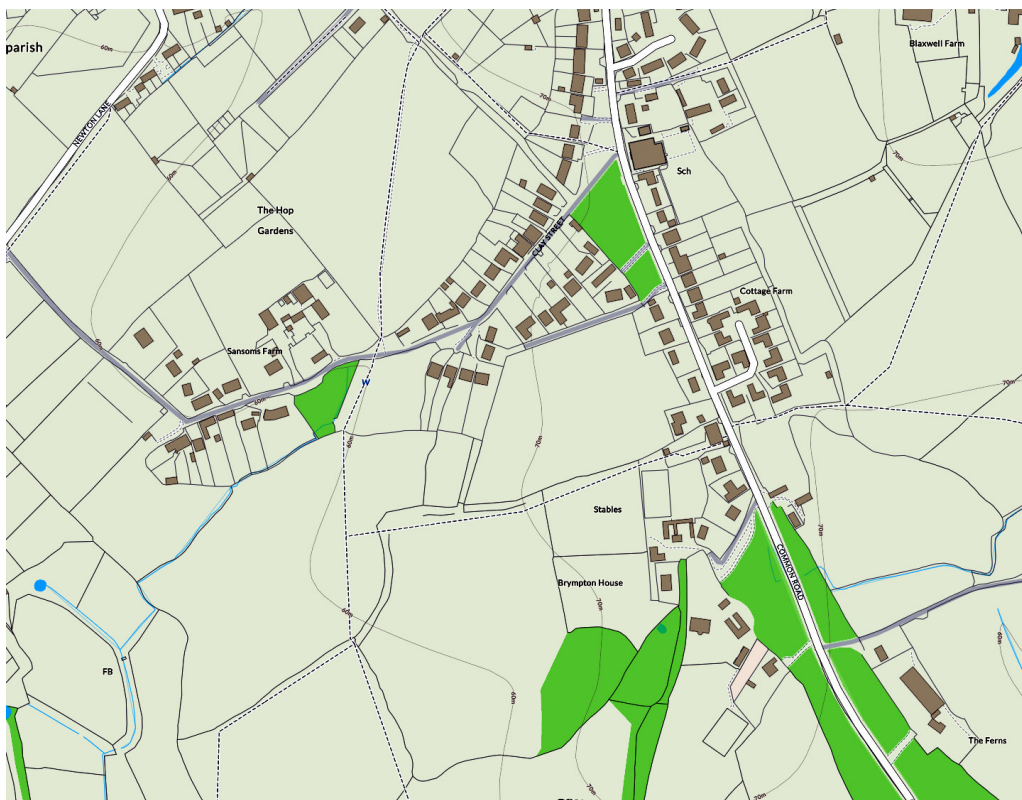


By Contrast above is the now fallen Ash where Mrs cook and her husband installed the 3 wire barbed upgrade.

8/ This is a google earth satellite view from 2002 of the Drove Corner section >>> You can clearly make out a hedge at the base of Forest View Garden, the hedge in the drove with integral wire fence went diagonally from the edge of Forest View hedge end to the right corner apex of the drove approximately 3 to 4 metres down from where you see the bend.



Witness 17 states he frequently used the Drove to access Common Road as a child 1979 to 1995, His Family home is the [REDACTED] in the Photo above, I do not believe as a child he meant he went up his drive to Clay Street, left to footpath 4, along Footpath 6, North through a fence / hedge then up through cow pats, through a further fence and then east to common road >>> where he could have crossed 50 metres the top of secret field by Forest View to the upper drove directly!.



9/ The Farmer had a legal duty under the Animals Act of 1971 to keep his animals contained and were any to escape to Common Road the penalties would be very large, there was a locked gate at the exit to CL82 Common Land but **no cows were ever in the upper section** of the drove, the farmer knew well that householders were legally allowed to use it and kept his cows securely contained by a hedge and fence.

10/ Our Bungalow on [REDACTED] was granted planning permission by yourselves (Planning application Reference Number: 20/04331/FUL) and part of that permission required the drove be lowered 3 metres to keep the ridge height of the bungalow low (some 4000 tonnes of clay removed), we will legally challenge any order that requires us to install / provide steps or ramps for a public right of way >>>



11/ We note there was a spate of burglaries and break-ins on Clay Street and Common Road during June 2021, we have to question the wisdom of having a publicised public access via an unwatched path to the back of 5 properties on Clay Street, it practically invites crime, we are surprised residents would want such a footpath legally linking it to Footpath 6 (which it never has been) which would greatly increase that risk.

<https://planetradio.co.uk/greatest-hits/salisbury/news/eight-burglaries-in-whiteparish-in-one-night/>

12/ Taking the related witness statements into context >>>

A/ Witness 1 states the route is "Well Trodden", this is partially correct and was so 1983-2003, the upper section of the Drove behind the houses with legal access has a very well trodden path and this is true for decades, the lower section was heavily trodden by cows for decades - it doesn't have a defined path like the upper section now nor did it have 1983-2003.

B/ Witness 3, 5 and 8 (Same Family) Had legal access to the upper section as far as the locked gates to the east

C/ Witness 4 Says it was used by dog walkers from Common Road and Local Families >>> **Where are their witness statements? (the Map application was very well advertised locally asking for applications)** He suggests the previous and current farming family were happy for people to use it, I suggest strongly that comment applied to the upper section only as confirmed by Mrs Andrews in her statement, no farmer would be happy to have people regularly passing close to their livestock.

D/ Witness 9 – Has "forgotten over the years" but remembers Gates!

E/ Witness 10 - As B Above but also remembers the fenced hedge and Cyclists / Horse Riders using the Drove, Difficult to understand how the Cyclists and Horse Riders navigated the Hedges with integral Fences let alone the locked gates near Common Road!

F/ Witnesses 11 and 12 Occasionally Viewed people using it but only used it themselves 3 times a year **So they very occasionally saw people while very occasionally using it!**

G/ Witness 14 - As B Above but also recalls using it on a pedal cycle, I suggest this could only have been the upper section >>> The lower section was rutted, had cows in it, was full of cow pats and not accessible due the hedge and fence (remembered by her brother..... but in the same comment box herself is listed as "Unknown")

H/ Witness 17 – Remembers the wire fence but please see my item 9 comment above, extremely unlikely to have accessed the lower Drove.

I/ Witness 18 – Poor report many sections unanswered.

J/ Witness 19 – Talked to the Farmer but only used the Drove Occasionally / Intermittently and not enough to be specific, at least witness 1 knew she used it once a year, Occasionally / Intermittently might be every 5 years but she still somehow remembers talking to the farmer - Really!

K/ Witness 22 – Walked the Drove twice a week and remembers a barbed wire fence in 1995.

L/ Witness 24 – Walked the Drove Monthly with Dogs since 1990 and remembers the Fence blocking its path.

M/ Witness 25 - Used it since 1962 Monthly but strangely still cant remember the gates that were there until the late 1990s (witness 1 confirms)

13/ This is from your own information confirming in 1972 that Gates existed at both ends of the Drove, the Upper gates that join the Common land CL82 before Common Road remained until the late 1990s.

Document	Wiltshire County Council, Clerk's Office, Planning Appeal Land at rear of Common Road and Clay Street, Whiteparish – Residential Development and Construction of Vehicular Access (F2/1210/74)
Date	1972
Relevant Documents	County Solicitor correspondence files
Size / Scale	Proposed Development Plan – 1:2,500
Evidential Weighting	E
Significance	The route is not directly affected by the development, but a plan of the proposed development is included and the correspondence sets out useful background regarding the formation of the village.
Conclusion	The route is shown on the proposed development plan, but is not recorded as a right of way and is not referred to within the correspondence. It is shown by double solid lines for the most part, although there is no connection to Common Road recorded, with solid boundaries/gates at both ends of the section shown by double solid lines. This map is based on Ordnance Survey and accords with the earlier Ordnance Survey mapping and should therefore be carefully considered alongside other evidence.



1972 - Wiltshire County Council, Clerk's Office, Planning Appeal, Land at rear of Common Road and Clay Street, Whiteparish – Proposed Development Plan

14/ We consider “The Drove” for what it really is i.e. a path of two sections and two histories >>> an upper and lower section, nobody has ever questioned the upper section right of way between adjacent houses, if the question is actually **total** “Right of way” there is very negligible evidence to support that people really used it for access from SU24642312 to SU24442292., the “vast majority” of map applications refer to upper section access.

15/ We find your “Without Force” comment 10.46 to be in error, Mrs Cook made it quite clear that in 2003 the fence was “**Upgraded**” not “Erected” as part of a series of measures to deter the local children on their bikes using secret field, are we really expected to believe the farmer would fit a barbed wire fence and then wrap it for protection (kind of defeats the object of fitting BARBED wire really) its quite obvious looking at the pictures (below) that secret field would have been accessed far easier in 2003 than through the Drove (footpath 4 and 6 already there), Mrs Cook and her husbands actions were to cover all angles >>>



As above you can clearly see local children would hardly have ridden their bicycles down a heavily overgrown Drove and made access through a hedge with its integral fence when they could come down Clay Street and footpath 4. I am also sure Mrs Cook and her Husband didn't only upgrade the Drove Fence to deter the children but only made that evidence as a statement for the Drove not other areas.

16/ We find it concerning to see comments in the witness reports suggesting how ideal a right of way would be to access other paths – So is this evidence that a right of way currently exists or a request to have one established?, with that in mind one should question why Mrs Cooks Granny granted Legal Access to the Drove Title Deeds of properties if said “Right Of Way” was being exercised already!

17/ The Drove does not and never has connected to footpath 6, (Point B on the MR1 is very misleading) you can go to the end and back which is not OS SU24442292 it is where it joins area 489 that is still part of cottage farm land, the hedge on rough field has many decades of growth and an integral wire fence that was there long before 1983.

This is the lower end of "The Drove" >>> Looking East!



And Looking west!



This is a Google Earth satellite image from 2002 and 2021 respectively, its quite blatant that there was nearly the same extent of Growth around the end of the Drove / area 489 in 2002 as 2021 (today) >>>



In conclusion >>>

We realise that this will likely go to a public hearing and we worry this will cause very bad feelings locally something we do not relish, this application however was never really about The Drove, it is about Nostalgia and anger over developments. Access to the A36, the New Forest and safety for school Children is far better served by the existing footpath 31(Clay Street) and Footpath 4!

Your conclusion to generate an order is based on evidence presented that's inaccurate and un-collaborated, it has brought the integrity of the Andrews family who have farmed in Whiteparish for several generations into question.

Without doubt the truth is that although the map application is for a right of way SU24642312 to SU24442292 the vast majority of witnesses have not ever used it SU24642312 to SU24442292, rather they have used a part of it which is **vastly different**.

1983 to 2003 were there cyclists SU24642312 to SU24442292 – no there was not!

1983 to 2003 were there horse riders SU24642312 to SU24442292 – no there was not!

1983 to 2003 were there ramblers and families enjoying a day out SU24642312 to SU24442292..... Very unlikely.

1983 to 2003 were there more than 3 or 4 people a year that walked the entirety SU24642312 to SU24442292 (Trespassing to do so) – No there was not!

1983 to 2003 were there 2 hedges each with barbed fences blocking the path SU24642312 to SU24442292 – Yes there were - and a gate by common road until 1999.

We hope further public expenditure is not wasted on what is not and never has been a public right of way.

Best Regards

Peter and Christine Davies

From: [REDACTED]
Sent: 20 July 2022 11:45
To: [Green, Janice](#)
Subject: PC/245 2020/09D
Attachments: [Letters concerning the Drove .pdf](#)

Dear Janice,

Hope this email finds you well

Please find attached 6 letters which object to the proposed footpath in the Drove at Whiteparish, this relates to the following reference JG/245/2020/09D, on the grounds that that the proposed route has always been blocked by a barbed wire fence as you can see from these letters,

please can I have a receipt

regards

Sheila Cook

Mrs Sheila Cook

[REDACTED]
[REDACTED]
Sherfield English

Romsey

SO51 6 [REDACTED]

25th June 2022

Dear Janice,

Footpath application, The Drove, Common Road, Whiteparish

From 1989 to 2003 I helped my father with the cows at Cottage Farm.

The Drove from Common Road was blocked by a barbed wire stock fence at the back garden of Forest View otherwise the cows would have got out from Secret Field.

We visited my Granny (Marjorie Andrews) every Tuesday from 1989 (when I had my daughter Jenna) until October 2006 (when my Granny went into a nursing home and after my son finished at Whiteparish Primary School). All my three children went to Whiteparish Primary School.

When my father retired in 2003 I took over the farm with my mother and we ran it together renting it out for horses.

In 2003 we replaced the 2 strand barbed wire fence at the corner of Secret Field and Forest View with a 3 strand barbed wire fence to stop teenagers who had started climbing through with their bicycles.

The developer who bought Secret Field from us in 2019 replaced the 3 strand barbed wire fence with a close board fence.

Yours sincerely,

[REDACTED]

Jenna Cook

[REDACTED]
Sherfield English

Romsey SO51 6 [REDACTED]

27th June 2022

To whom it may concern – footpath application, The Drove, Common Road, Whiteparish

We used to go to Great Granny's house (Marjorie Andrews, Cottage Farm Bungalow, at the corner of Common Road and The Drove) every Tuesday – I can remember clearly from aged 8 (1997) until Great Granny went into a nursing home in October 2006.

We could walk down The Drove from Great Gran's house behind people's back gardens but the path was blocked with a barbed wire fence after the last house Forest View.

I kept horses in Secret Field from 2003 to 2007 and the corner of Secret Field and The Drove was still blocked by a barbed wire fence otherwise the horses would have escaped.

Yours faithfully

[REDACTED]
Jenna Cook

David Cook

[REDACTED]
Sherfield English

Romsey SO51 6 [REDACTED]

28th June 2022

To whom it may concern – footpath application, The Drove, Common Road,
Whiteparish

I, like my sister who is 2 years older than me, used to go to Great Granny's house (Marjorie Andrews, Cottage Farm Bungalow, at the corner of Common Road and The Drove) every Tuesday after school from as early as I can remember (2001) until Great Gran went into a nursing home in October 2006. Sometimes I would go with friends from school and we would pick blackberries.

The Drove was open from Common Road down past the back gardens of the houses but the path was blocked with a barbed wire fence to keep the cows the other side at the junction of the cow field and the last house Forest View.

Yours faithfully

[REDACTED]

David Cook

Michael Jewell


Bryces Lane

Sherfield English

25th June 2022



To whom it may concern – footpath application The Drove, Cottage Farm,
Whiteparish

Marjorie and Leonard farmed Cottage Farm together from the 1950's and took over from their parents John and Agnes.

I married Monica Andrews, Marjorie's daughter.

I did contract work on the farm up until 1989, at which point I took over from Leonard.

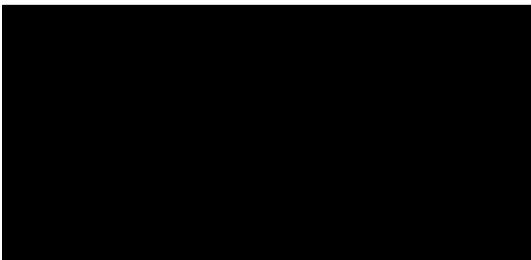
In my time from 1989 to 2003 the boundaries of the farm were stock fenced to keep the cows in, including the top of Secret Field at its junction with Forest View back garden and The Drove.

I sold my whole herd of approximately 235 cows in March 2003 and retired (
).

From March to October every year there were 30 or more heifers at Cottage Farm including Secret Field.

In my time not a single heifer escaped onto Common Road.

Yours faithfully



Foxlea
[REDACTED]
Sherfield English
Romsey
SO51 6 [REDACTED]

21st June 2022

Dear Janice,

Footpath application at Cottage Farm, Whiteparish

In 1979 I did my year practical work for [REDACTED]
before going to Sparsholt Agricultural College.

As part of this work I assisted in contract hay making at
Cottage Farm.

I clearly remember cutting turning and carting hay from these
fields. I was driving a Fiat 780 tractor registration JCG 660S.
In all of my year from 01/09/1979 to 31/08/1980 the north
east corner of what is known as Secret Field was blocked with
a 2 strand barbed wire stock fence so neither you nor cows
could get through to access Common Road. Coming from
Common Road on what is known as The Drove you could
access the rear garden gates of the houses but your path was
blocked immediately after the last gate to Forest View by the
2 strand barbed wire stock fence.

Yours faithfully,

[REDACTED]

Alan Cook

To whom it may concern:

My name is Roy Bowles.

I have worked alongside Alan Cook of [REDACTED] in many different roles since 1995.

Throughout this period from 1995 to present as part of my job I have checked and maintained the fences at Cottage Farm, Whiteparish.

There has always been a stock fence across the corner of The Drove at the back garden of Forest View. Owners of the bordering houses can walk to their back garden gates from Common Road but the route was always blocked after the last garden gate at Forest View.

In 2003 I replaced the two strand barbed wire fence with a three strand barbed wire fence.

At no point did I need to repair the fence, it blocked the route and no cows ever got out from Secret Field to Common Road.

Yours faithfully,

[REDACTED]

Roy Bowles

[REDACTED] Sherfield English Road, Plaitford,
Romsey SO51 6 [REDACTED]

Date: 20th June 2022

From: [Graham Peacop](#)
Sent: 25 July 2022 11:39
To: [Green, Janice](#)
Subject: Application to Add a Footpath - Whiteparish (The Drove) - Path no.42 Definitive Map and Statement Modification Order 2022
Attachments: [Letter to Wiltshire Council - Footpath Application - Whiteparish \(The Drove\) - Peacop - 22072022 .docx](#)

Dear Ms Green

With reference to the above Order, we attach our formal objection. We will also be sending our objection letter by regular post.



JUDGE & PRIESTLEY LLP
DX117600
BROMLEY 7

Date
28 February 2022

Your Ref
PEAC014/0002

Our Ref
RCS/WT457377

Completion of registration

Title number [REDACTED]
Property [REDACTED] Clay Street, Whiteparish,
Salisbury (SP5 2[REDACTED])
Registered proprietor Jennifer Louise Peacop
Graham Mark Peacop

HM Land Registry
Weymouth Office
PO Box 75
Gloucester
GL14 9BD

DX 321601
Gloucester 33

Tel 0300 006 0014

www.gov.uk/land-registry

Your application lodged on 13 April 2021 has been completed. An official copy of the register is enclosed together with an official copy of the title plan.

The official copy shows the entries in the individual register of title as at the date and time stated on it. You do not need to reply unless you think a mistake has been made in completing your application.

An owner's property is probably their most valuable asset so it's important to protect it from the risk of fraud. Please read our property fraud advice at www.gov.uk/protect-land-property-from-fraud

Important information about the address for service

If we need to write to an owner, a mortgage lender or other party who has an interest noted in the register, we will write to them at their address shown in the register. We will also use this address if we need to issue any formal notice to an owner or other party as a result of an application being made. Notices are often sent as a safeguard against fraud so it is important that this address is correct and up-to-date. If it is not, the property owner or other party may not receive our letter or notice and could suffer a loss as a result.

Up to three addresses for service can be entered in the register. At least one of these must be a postal address, but this does not have to be in the United Kingdom; the other two may be a DX address, a UK or overseas postal address or an email address.

Please let us know at once of any changes to an address for service.

For information on how a property owner can apply to change their contact details or add an address, please see www.gov.uk/government/publications/updating-registered-owners-contact-address on GOV.UK (or search for "COG1") or contact HM Land Registry Customer Support (0300 006 0411) (0300 006 0422 for Welsh speakers service) from Monday to Friday between 8am and 5pm.

If you require this correspondence in an alternative format, please let us know.



Official copy of register of title

Title number [REDACTED]

Edition date 13.04.2021

- This official copy shows the entries on the register of title on 28 Feb 2022 at 15:50:03.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 28 Feb 2022.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry Weymouth Office.

A: Property Register

This register describes the land and estate comprised in the title.

WILTSHIRE

- 1 (18.02.2000) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being [REDACTED] Clay Street, Whiteparish, Salisbury (SP5 2[REDACTED]).
- 2 (13.04.2021) A Transfer of the land in this title and other land dated 5 December 2019 made between (1) Sheila Alison Cook and (2) Zelda Investments Limited contains a provision relating to the creation and/or passing of easements.
NOTE: Copy filed under [REDACTED]
- 3 (13.04.2021) The land has the benefit of any legal easements granted by the Transfer dated 9 March 2021 referred to in the Charges Register but is subject to any rights that are reserved by the said deed and affect the registered land.
- 4 (13.04.2021) The Transfer dated 9 March 2021 referred to above contains a provision as to light or air and boundary structures and a provision relating to the creation and passing of easements.

B: Proprietorship Register

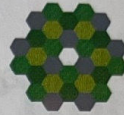
This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

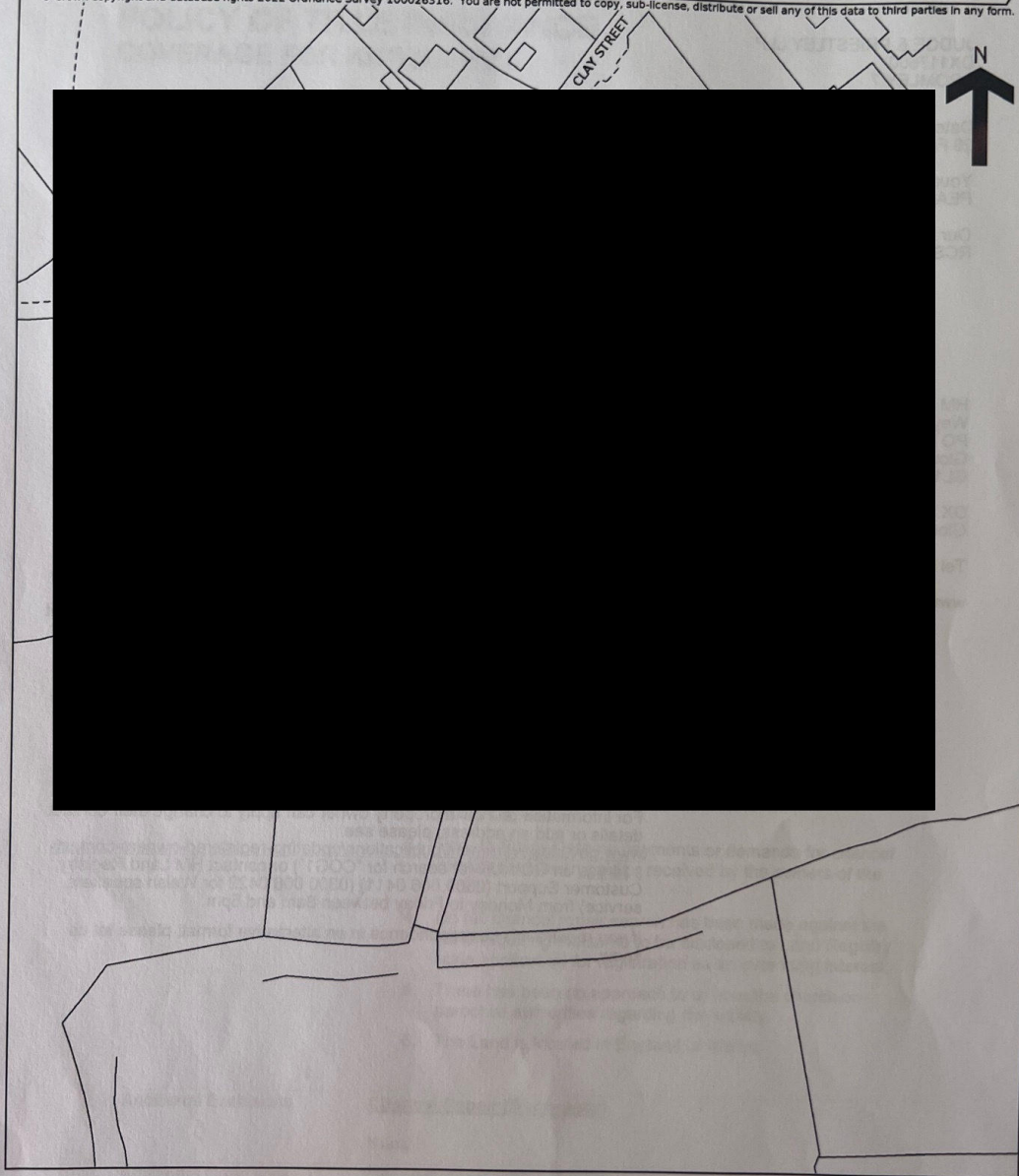
- 1 (13.04.2021) PROPRIETOR: [REDACTED] and [REDACTED] of [REDACTED] Clay Street, Whiteparish, Salisbury SP5 2[REDACTED].
- 2 (13.04.2021) The price stated to have been paid on 9 March 2021 was £830,661.
- 3 (13.04.2021) RESTRICTION: No disposition of the registered estate (other than a charge) by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a

HM Land Registry
Official copy of
title plan

Title number [REDACTED]
Ordnance Survey map reference **SU2423SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Wiltshire**



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15:16





Search for a location



CLAY STREET

COMMON ROAD

Stables

Brympton House





Please be aware that we are very pleased to be approached to assist in your deliberations. We look forward to hearing from you in due course.

Thank you

Graham and Jennifer Peacop

Clay Street
Whiteparish
SP5

Graham and Jennifer Peacop

██████████
Clay Street
Whiteparish
Wiltshire
SP5 2████

22 July 2022

Your ref: JG/PC/245 2020/09D

Janice Green
Senior Definitive Map Officer
Rights of Way & Countryside Team
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Ms Green

Application to Add a Footpath - Whiteparish (The Drove) – Path no.42 Definitive Map and Statement Modification Order 2022

We were very disappointed to receive your letter of 29 March 2022 advising us of the definitive map modification order (The Order) made on 25 March 2022 relating to the above application, which directly and significantly affects us as owners of Wren House, Clay Street.

We wish to object in the strongest terms to what we consider to be a vexatious application on which a flawed interim decision has been reached and one which should not be finalised. We request that we receive confirmation that The Order will not be confirmed. In any event this must not occur without a public enquiry, we wish to be kept advised of developments so we can consider our options in respect of a judicial review.

Our objection is made on the following grounds:-

Summary

The Order by Wiltshire Council is predicated on a vexatious application by some (not all) 'residents' of Clay Street. The circumstances behind the application have not been fully taken into account by Wiltshire Council – the application appears very much to emanate from the (perhaps understandable) frustration of some residents in Clay Street to the planning approval (legitimately granted by Wiltshire Council) giving rise to Wren House, Warblers Cottage and Lilac Lodge which are now established home dwellings under new ownerships.

The application and The Order in the context of a 'footpath' seem somewhat spurious for a 'footpath' to be considered as varying between 3 metres and 9 metres. This appears to bear the hallmarks of a preservation order over a romantic notion of an historic 'drove' rather than considering the actual merits of a 'footpath'. Once again this points to the vexatious nature of the application.

To be clear, up to '9 metres' potentially takes the proposed footpath up to the eastern wall of our house, cutting right across our land and threatening the security and value of our home. Others who back onto the

proposed footpath will be similarly impacted. There is no supporting evidence or argument from Wiltshire Council that a 'footpath' is even viable as proposed by The Order. The impacts on the lives and homes of the people who live in Wiltshire should be the primary concern for Wiltshire Council.

As owners of Wren House, which includes ownership of land being directly impacted by The Order, irrespective of the timing of the application, we have not been consulted at any time before the making of The Order (we took ownership on 9 March 2021). This seems inconceivable, if the Council is indeed concerned about the people living in Wiltshire.

There is palpably insufficient evidence by a statistically significant number of people to demonstrate the route has ever been used regularly or frequently as a 'footpath' and the Order should not be finalised. No further public money should be wasted.

More detailed point of objections are made below:-

Factual Error

1. The letter of 29 March from Wiltshire Council, advising of the making of The Order, quotes 'Footpath no.42 Whiteparish (The Drove), leading from its junction with Common Road, in a generally west-south-westerly direction for approximately 180m and then south-south-west from approximately **180** metres...'. This is inconsistent with The Order which refers to **150** metres and there needs to be precision, as well as consistency.
2. The Order is set out as going 'to its junction with Path no.6 Whiteparish'. Whatever has been loosely referred to as 'The Drove' and on the route on which the footpath is now proposed, has **never** (demonstrably on the evidence on which The Order is predicated) joined with anything, it has never had a 'junction with Path no.6 Whiteparish' and has **never** been used as a footpath thoroughfare. The Order is, therefore, incorrect and should be dismissed on this basis.
3. Significant 'evidence' has been considered by Wiltshire Council in assessing the application and consequently Wiltshire Council has determined that '**There is insufficient documentary evidence of a public right of way over The Drove, Whiteparish**'. This is a clear and categorical statement and the application should have been dismissed on this basis alone.
4. Wiltshire Council (a single legal entity ie 'person') having made The Order is that same 'person' that had within the past 2 years granted planning permission for the building of 3 dwellings in and around 'Secret Field' and 'The Drove', and the following *should* have been sufficient for the footpath application to be dismissed:-
 - The planning permission was granted by Wiltshire Council **in the full knowledge** of the concerns of local residents regarding the impact on the local environment including 'The Drove'
 - **The same arguments were presented by local residents in their objections to the planning permission and indeed, many of the user statements contained in the footpath application have been lifted verbatim from the planning application objections**
 - The outcome of the planning permission has the effect of giving permission for a change of use of the land, **in the full knowledge of the impact on Secret Field and The Drove**

- Sections of Secret Field and The Drove have now passed to new owners ie the new owners of the 3 new dwellings and in the case of 2 of those new dwellings sections of The Drove are now an integral part of the Land Registry title of their new properties
- It seems irrational, and fundamentally wrong, that the same 'person' ie Wiltshire Council, having granted planning permission with the same information that it now has relating to the footpath application can now make an Order for a footpath directly across the land now owned by the owners of the new dwellings
- The Land Registry title deeds (copy enclosed for Wren House) confirm that there is no delineation of The Drove ie it has ceased to exist in plots 2 and 3 as a consequence of the planning permission granted by Wiltshire Council (the most recent Ordnance Survey maps, copy enclosed, reflect the current ownership and non-existence of The Drove in these plots)
- The Order does not use the latest Definitive Map - we have a more recent version in our Land Registry title deeds, so the Order has been made on the basis of the incorrect Map
- The proposed footpath will potentially blight the new dwellings which have been approved by Wiltshire Council, particularly those which will possibly have a footpath running through its gardens and a consequent effect on the marketable value of those homes. Wiltshire Council should be held to account for acting inconsistently in its decision making without having given due regard to the effect of making the Order, having already granted planning permission to the 3 new dwellings
- We should be interested to understand the extent to which Wiltshire Council has given consideration the provisions the Natural Environment and Rural Communities Act 2006 which, amongst other things, has the objective of giving more certainty to people purchasing land.

Uncertainty

5. There are varied references to people walking 'The Drove', as well as people walking into and across 'Secret Field' as well as children playing in 'The Drove' and 'Secret Field'. - It seems implausible to apply for a 'footpath' when it seems that, when accessed (by trespassing in our view), it has not been used as a 'footpath' but as a playground (not least because it doesn't lead anywhere). To repeat, it has never been used or accessed as a footpath and the various testimonies should be subjected to greater scrutiny. Furthermore, we suggest that over time the areas known separately as 'The Drove' and 'Secret Field' have been conflated which has caused confusion.
6. In the light of the various references to how people have used the space, whether 'The Drove' or 'Secret Field', which we maintain has been entered by trespass, the application (on which the Order has been made) bears the characteristics of a preservation order rather than a 'footpath', largely for sentimental reasons of the local residents. This should have received greater scrutiny.

Evidential Flaws

7. There is very little supporting evidence for Wiltshire Council to reach its conclusion that there is 'sufficient evidence that a right of way for the public on foot can be reasonably alleged to subsist over The Drove, Whiteparish, by virtue of use of the path, as of right, for a period of 20 years, from 1983 to 2003.....'. In attempting to demonstrate how it balanced its findings to arrive at its conclusions (which appears limited) it seems to jump quickly to arriving at a judgement. This judgement appears very

subjective (section 10.72 on p66) and weak in arriving at the conclusion? **Wiltshire Council needs to be held to account to ensure that the appropriate levels of burden of proof have been demonstrably achieved.**

8. The basis of The Order, predicated on a vexatious application for a footpath, is implausible and demonstrably impractical to be considered credible for a 'footpath' to have a width as between '3m-9m'. The impact and feasibility of the The Order needs to be properly and fully assessed. It should be readily determined that The Order of a footpath is unworkable with disproportionately significant impacts on local residents and is unworkable.
9. The vexatious nature of the application is clearly apparent on scrutinising the events leading up to the application. There were various planning permission applications for the development of the new houses, with extensive objections from nearby residents. Interestingly, the timing of the application of the footpath follows soon after the granting of final planning permission for 3 dwellings. This appears highly suspicious, perhaps as a tactic to undermine the development, the developer and the builder. In reality, the impact is the new owners and other residents of Clay Street backing onto the proposed footpath.
10. The extent of 27 'user statements', some from the same families and many of whom have moved from the area some time ago, seems to be a statistically insignificant number for Wiltshire Council to conclude that the application should result in an Order being made. It should not be possible for so few people to have such a significant impact on the environment and local residents.
11. Interestingly, we understand that some of those 'user statements' have subsequently been withdrawn which should mean The Order is even less valid than the already weak basis on which it was granted. It might also suggest that some local residents were coerced into supporting the application without understanding the ramifications of the footpath being granted.
12. On the basis there is a limited number of user statements and that these coincide with the same objectors of the planning permission, we conclude that the level of (self) interest in the granting of the footpath is limited to people who live in the very close proximity to the proposed footpath. There is palpably no widespread village outcry.

Additional Queries

13. The proposed footpath will create significant security risks and loss of privacy to adjacent properties to the potential footpath. The houses backing onto 'The Drove' currently have a rear boundary that is wholly inaccessible by foot which provides reassurance as regards security. The granting of the footpath completely changes this and the security and costs implications are considerable. Wiltshire Council has not demonstrated how these issues have been considered in the making of The Order.
14. Section 18 Financial Implications is wholly inadequate in demonstrating the extent of the costs. Wiltshire Council have looked at a very narrow perspective and taken no account of the money spent by the Council in considering this case to date ie internal costs (which must be significant). It also takes no account of potential internal costs to the Council in the event of a public hearing etc. There appears to be

very significant costs in reaching the point of granting The Order with even more and very significant costs in considering this further. It seems to us to be a dreadful waste of public resources, both human and financial, and we wonder the extent to which there is accountability to demonstrate and justify the exorbitant costs.

15. There is also the question of costs relating to the establishing and ongoing maintenance of the proposed footpath, which has not been addressed in the report. These will be significant.

To reiterate, we request that we receive confirmation that The Order will not be confirmed. In any event this must not occur without a public enquiry. Please keep us up to date so that we can consider our options in respect of a judicial review.

We would welcome any consultation with you if this would assist in your deliberations. We would wish you to know that our desire is to settle in to our new home and to be come a fully accepted and integrated part of the village community. Unfortunately, it has not been particularly easy to do so with this hanging over our heads. We do not seek confrontation and very much hope that common sense and kindness prevails.

Yours sincerely

Graham and Jennifer Peacop

From: [Craigio](#)
Sent: 01 August 2022 10:11
To: [Green, Janice](#)
Subject: Application to Add a Footpath – Whiteparish (The Drove) – Path No.42 Definitive Map and Statement Modification Order 2022.
Attachments: [Footpath Application 2022.docx](#)

Follow Up Flag: Follow up
Flag Status: Flagged

Ms Green,
I have attached a letter of objection to the above order. Please let me know if you require a written copy via post.

Yours

Craig Dyson

Mr C Dyson

██████████ The Street

Whiteparish, Salisbury

SP5 2 ██████████

Rights of Way & Countryside Team

County Hall, Bythesea Road

Trowbridge, Wiltshire

BA14 8JN

Re: Application to Add a Footpath – Whiteparish (The Drove) – Path No.42 Definitive Map and Statement Modification Order 2022.

Dear Ms Green

In relation to the above Order for a new footpath I would like to put on record my objection to the proposed Order, for the following reasons: -

I have lived in Whiteparish for over 23years, since 1999. I have enjoyed exploring the majority of the known and established footpaths in the local area. Whiteparish is particularly well served with many footpaths and I am pleased that the Parish council tries to keep them in good order. However, adding yet another just places a further burden upon the parish council.

I did on one occasion many years ago mistakenly venture into what the order refers to as 'the drove'. It was over grown and it soon became clear that there was no path through as it was blocked about 60 yards down and I was forced to turn around and re-trace my steps to Common Road. Therefore, at no time have I known or considered there to be a footpath or right of access to the route proposed by The Order.

My main issue with this order is as follows -

Two well established public rights of way footpaths already go in the same direction as the one in the order. One is 143 yards north of the proposed common road start of the footpath and goes down Clay Street (footpath 31). This footpath ultimately links up with footpath 4 another established footpath which then links to footpath 6.

The proposed new footpath virtually follows the exiting Clay Street footpath and at one point is only 43 yards away from the exiting footpath. If allowed this order would have the residents on the south side of Clay Street having a footpath in front and at the back of their dwellings that goes in the same direction. I do not see any advantage in allowing this order.

The second footpath which heads in the same direction is actually footpath 6 the one the new footpath links up with. This footpath is only 173 yards south of the proposed new footpath start on Common Road. I don't see any need for the new footpath when there are two well established routes going in the same direction, one being the very path the new footpath appears to be aiming to link with. It would literally take 2/3 minutes to walk from the start of the new footpath on common road to access footpath 6.

Sorry, establishing this new footpath does not make any sense to me when other long-standing footpaths are available.

I hope this information is helpful. For the reasons given I do object and hope this order is not confirmed.

Yours Sincerely

Craig Dyson

From: [tim rudman](#)
Sent: 01 August 2022 16:48
To: [Green, Janice](#)
Subject: Application to Add a Footpath - Whiteparish (The Drove)
- Path no.42 Definitive Map and Statement
Modification Order 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green

Application to Add a Footpath - Whiteparish (The Drove) - Path no.42 Definitive Map and Statement
Modification Order 2022

In relation to the above Order for a new footpath I would like to put on record my objection to the proposed Order, for the following reasons:-

I have lived in Whiteparish for most of my life, since 1962. I know the area very well and was a very explorative child, as were my friends, in the 1970s/80s.

I remember on many occasions seemingly moving freely through numerous fields, irrespective of whether we were allowed. We would have frequently entered private farmland, perhaps scaling a gate or fence, in the full awareness that we would not have an assumed right of way or access. My experience is that this was fairly common behaviour for children back in those days, whether or not they should.

Specifically as this relates to the above Order, with friends I would have ventured into the drove/Secret Field, knowing full well that this was private land. Indeed, as well as breaching gates/fences to enter these areas from time to time we would have been challenged by the farmer, and asked to leave.

The basis of the application for the footpath seems/appears flawed and I do not support the basis of The Order.

Tim Rudman

From: [Mark Richards | Zelda Investments](#)
Sent: 01 August 2022 17:52
To: [Green, Janice](#)
Subject: RE: Wildlife & Countryside Act 1981 - Application to Add Footpath, The Drove, Whiteparish

Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

1st August 2022
Your ref: JG/PC/245

Janice Green
2020/09D
Senior Definitive Map Officer
Rights of Way & Countryside Team
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Janice,

Path no.42 Definitive Map and Statement Modification Order 2022

Thank you for your letter of 29 March 2022 advising us of the definitive map modification order (The Order) made on 25 March 2022 relating to the above application.

Consistent with my statutory declaration and witness statement already submitted, I wish to object in the strongest terms to what is clearly an application based on anti-developer sentiment, drummed up during 'lockdown' by one household using an advert in the local parish magazine and a cut and paste application form.

5 neighbouring households, parents and children, represent 95% of the supporting applications. Time passes, the properties are complete and occupied by new owners.

I think that you will now find people are withdrawing their support as they are embarrassed by what they stated during lockdown in regard to this erroneous emotional application, swept along by the frustrations of lockdown where everyone stood in their gardens and had all the time in the world to work up sentiment against a planning application that was won at appeal against the wishes of many locals, followed but by heavy plant, constant trucks and dust, noise and abrasive workmen etc. The flawed interim decision which has been reached by Wiltshire Council should not be finalised. We request that we receive confirmation that The Order will not be confirmed. In any event this must not occur without a public enquiry, we wish to be kept advised of developments so we can consider our options in respect of a judicial review.

In the main applicant's (Patricia Woodruffe) testimony she features the 3 strand barbed wire fence blocking the proposed route. In law a barbed wire fence has never been shown to operate as a style. In the previous witness statements upon which you based your decision, little reference was made to the fence that predated the 3 strand barbed wire fence but it is erroneous for you to then conclude

that there wasn't a fence. What is your sufficient evidence that there wasn't a fence which was replaced by the 3 strand barbed wire fence?

'sufficient evidence that a right of way for the public on foot can be reasonably alleged to subsist over The Drove, Whiteparish, by virtue of use of the path, as of right, for a period of 20 years, from 1983 to 2003.....'

Indeed the opposite is true - Secret Field has operated as part of a dairy farm for over 50 years with livestock contained within Secret Field by a 2 strand barbed wire fence which was only upgraded to a 3 strand when the cattle were retired with a generational change of farmer replaced the cows with horses (which are not as curious as cows so kids from the back gardens area then started to climb through with their bikes – those children are now adults and would be able to tell you what they did if asked under oath!).

If you would like to see the farm accounts they are available, I have studied the ones from 1985 to 1998. If you would like to see the student project done on the farm in 1989 by Victoria Pratt for Sparshalt College then please ask. The workings of the farm are very clear, including the well known (and nationally recognised) breeding programme for Hampshire Cattle Breeders of which Secret Field formed an integral part.

The Jewell/Cook family have farmed it without break since 1929. When you effectively say there was no fence to keep the cows in Secret Field you are effectively telling them that they farmed livestock without stock fencing, ie neglected a standard part of farming for which under the 1971 Animals Act they would have then been culpable for every cow that escaped onto Common Road. But obviously there is not a single occurrence recorded. Magically the cows stayed in the field! Next you will be saying because it is not mentioned in witness statements that the milking parlour on Common Road didn't exist!!

Equally erroneous, no applicant states there was ever a connection through to FP6 at the southern end of the applicant's route – so why are you filling in the blanks by assuming this was the case let alone considering that there was a route uninterrupted, without force, for 20 years? Isn't it rather clear that this was simply the corner of a field with barbed wire fence and thick hedge where livestock, particularly pregnant cows and young calves, gathered under the trees for more protection? This was an enclosed protected area, the opposite of a way through to a public footpath!

The main applicant Patricia Woodruffe (on her annual visit) states: 'it is recognised that, to link the Drove to WHT6 would require some clearance of vegetation'...

The main applicant's husband Brian Woodruffe states: 'link to FP6 through hedge required'

So how is it that when the main applicant and her husband clearly state that there was no link to FP6 and that one would be desirable in order to not use the top of FP6 as it 'goes through a private garden. The owners are amenable but I would prefer not to use it'.. how do you get from this to any presumption at all that people have been passing through the hedge/fence to join FP6 for 20 years, uninterrupted and without force?

And a presumption of a path varying between 3m and 9m? How can you suggest any path at all let alone a variable width of great magnitude when there is no evidence to show any path existed at all through the hedge/fence at the southern boundary nor at the overgrown hedge/fence turn into Secret Field from the top section of The Drove by the rear gates to the houses. The path to the back gardens in front of the 2 strand fence was 0.3m wide at Westways. Secret Field is/was approx 50m wide. When kids with bikes trespassed through a barbed wire fence how much did they use, 9m?! So where does a footpath width of 3m-9m emanate from?! Wishful preservation order for a type of terrain? Certainly not a footpath! However, when seen in the context of applicants trying to be as obstructive as possible to a development you can understand that a large and varying width could be the most effective!! Equally a blurred description could provide the most administrative complications – is The Drove just the bit behind the houses or is it through Secret Field?! Do witnesses actually

know?? Given a grey description witnesses found it easier to say they walked 'The Drove' as part of their protest against the development even though they could easily be referring to the section behind the houses before the barbed wire fence with cows the other side. Would it not be more appropriate to ensure total certainty in description before calling witnesses under oath so there can be no doubt? The same witnesses need to explain why they did not mention the suggested right of way on previous approved planning application consultations but only after the one for Secret Field went through on appeal and Mrs Woodruffe campaigned for a new footpath etc. It is notable of the timing of the footpath application, shortly after the planning appeal was granted and work commenced! Wiltshire Council needs to explain it's own position when approving those previous applications vs now saying that a right of way should exist.

Where were all the other more widespread supporting letters for the footpath application for other users for 20 years uninterrupted and without force? Why is it just the 5 households for whom many of the offspring have not lived in the area for many years?

The good thing is I imagine you are now receiving a broader spectrum of witness statements from people clearly pointing out the totally fabricated nature of the application.

Yours sincerely,
Mark Richards

Mark Richards
Business Development Director
Zelda Investments Ltd

----- Original message -----

From: "Green, Janice" <janice.green@wiltshire.gov.uk>

Date: 28/03/2022 15:33 (GMT+00:00)

To: Mark Richards | Zelda Investments [REDACTED]

Subject: RE: Wildlife & Countryside Act 1981 - Application to Add Footpath, The Drove, Whiteparish

Hi Mark,

No, please don't worry you haven't missed anything. Just to confirm that the order was sealed on Friday, it is about to come out in the post (I'm in the office tomorrow). Notice will appear in the newspaper (Salisbury Journal) on Thurs 7th April and will be followed by a formal objection period until Tues 2nd August, during which time objections and representations may be lodged with Wiltshire Council.

I hope this is helpful.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer

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



Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

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From: Mark Richards | Zelda Investments [REDACTED]
Sent: 28 March 2022 14:52
To: Green, Janice <janice.green@wiltshire.gov.uk>
Subject: RE: Wildlife & Countryside Act 1981 - Application to Add Footpath, The Drove, Whiteparish

Hi Janice,

I hope you are well.

I didn't miss an email did I?

Many thanks,

Mark

Mark Richards
Business Development Director

Zelda Investments Ltd

----- Original message -----

From: "Green, Janice" <janice.green@wiltshire.gov.uk>

Date: 07/03/2022 11:46 (GMT+00:00)

To: Mark Richards | Zelda Investments [REDACTED]

Subject: RE: Wildlife & Countryside Act 1981 - Application to Add Footpath, The Drove, Whiteparish

Hi Mark,

Thank you for your e-mail and speaking with me today.

Not necessarily, it is all about the evidence and each case is different, some applications will be based on historic or user evidence alone and others will be based on a mixture of both types of evidence. I would refer you to the Norton and Bagshaw caselaw which is outlined in the report and which sets out the two tests: A (balance of probabilities) and B (reasonably alleged), and the public interest in making an order. Owen J held that:

"(1) under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981, the tests which the county council and the then Secretary of State needed to apply were whether the evidence produced by the claimant, together with all the other evidence available, showed that either (a) a right of way subsisted or (b) that it was reasonable to allege that a right of way subsisted. On test (a) it would be necessary to show that the right of way did subsist on the balance of probabilities. On test (b) it would be necessary to show that a reasonable person, having considered all the relevant evidence available, could reasonably allege a right of way to subsist. Neither the claimant nor the court were to be the judge of that and the decision of the Secretary of State was final if he had asked himself the right question, subject to an allegation of Wednesbury unreasonableness. The evidence necessary to establish that a right of way is reasonably alleged to subsist is less than that needed to show that a right of way does subsist. The Secretary of State had erred in law in both cases as he could not show that test (b) had been satisfied."

"(2) 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 the witnesses at the inquiry."

"If, however, as probably was so in each of these cases, there were to be conflicting evidence which could only be tested or evaluated by cross-examination, an Order would seem likely to be appropriate."

As outlined in the Norton and Bagshaw caselaw, there will inevitably be points of conflict within the evidence of objectors and that of the supporters. For this reason, an order can be made based on a reasonable allegation that a right of way for the public subsists, which is a lower test than the balance of probabilities. Where there is no incontrovertible evidence against this, it is in the public interest for a local authority to support the making of the order.

I hope this is helpful.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN



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Email: janice.green@wiltshire.gov.uk

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From: Mark Richards | Zelda Investments [REDACTED]
Sent: 07 March 2022 11:12
To: Green, Janice <janice.green@wiltshire.gov.uk>
Subject: Re: Wildlife & Countryside Act 1981 - Application to Add Footpath, The Drove, Whiteparish

Hi Janice,

Just out of interest, is every single application found to be 'reasonably alleged'?

Many thanks,

Mark

Mark Richards
Business Development Director
Zelda Investments Ltd

----- Original message -----

From: "Green, Janice" <janice.green@wiltshire.gov.uk>

Date: 07/03/2022 09:48 (GMT+00:00)

To: Mark Richards | Zelda Investments [REDACTED]

Subject: Wildlife & Countryside Act 1981 - Application to Add Footpath, The Drove, Whiteparish

Dear Mr Richards,

Wildlife and Countryside Act 1981 – Section 53
Application to Add a Footpath to the Definitive Map and Statement of Public Rights of Way –
Whiteparish, The Drove

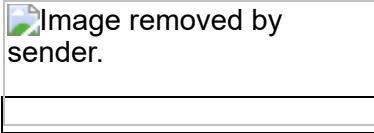
I am writing to advise you that Wiltshire Council has now completed its investigation of the available evidence in the above-mentioned application to add a footpath to the definitive map and statement of public rights of way, in the parish of Whiteparish, (The Drove). It has been resolved to make a definitive map modification order to add a footpath (the Drove), with a width varying between 3m and 9m, as shown on the proposed order plan (Appendix 10 of decision report). Please find attached a copy of the Wiltshire Council decision report, which sets out the reasons for this decision.

I am intending to make the order in the week commencing 21st March 2022. Formal notice of the making of the order will be served upon all interested parties and this will be followed by a statutory objection period of at least 6 weeks, during which time formal objections and representations to the making of the order may be lodged in writing with Wiltshire Council.

I hope this information is helpful and you will of course receive notice of the making of the order in due course.

Kind regards,

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN



Telephone: Internal 13345 External: +44 (0)1225 713345
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[REDACTED]
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SP5 2 [REDACTED]
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Janice Green
Senior Definitive Map Officer
Rights of Way & Countryside Team
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Your ref: JG/PC/245 2020/09D

Application to Add a Footpath - Whiteparish (The Drove) – Path no.42 Definitive Map and Statement Modification Order 2022

Dear Ms Green

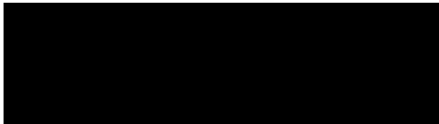
My objections to the footpath being added to the definitive map are

1. The so call footpath "the drove" is not used as a footpath, it remains overgrown, and the track marked on the map does not lead to anywhere. Paths in the fields North of point B on the map have been blocked by homeowners on Common Rd, not allowing access to Common Rd.
2. Wiltshire Council granted planning permission for the building of dwellings in and around 'The Drove', and the following must have been sufficient for the footpath application to be dismissed:-
 - The planning permission was granted by Wiltshire Council in the full knowledge of the concerns of local residents regarding the impact on the local environment including 'The Drove'
 - Arguments were presented by local residents in their objections to the planning permission and many of the user statements contained in the footpath application have been copied from the planning application objections
 - The outcome of the planning permission has the effect of giving permission for a change of use of the land, in the full knowledge of the impact on The Drove
 - Sections of The Drove have now passed to new owners. The Drove is now an integral part of the Land Registry title of their new properties.

- The Land Registry title deeds confirm that there is no delineation of The Drove.
- It seems inconceivable that Wiltshire Council having granted planning permission with the same information that it now has relating to the footpath application can now make an Order for a footpath directly across the land now owned by the owners of the new dwellings
- The proposed footpath will massively impact the new dwellings which have been approved by Wiltshire Council, particularly those which will possibly have a footpath running through its garden. Wiltshire are acting inconsistently in its decision making without having given due regard to the effect of making the Order, having already granted planning permission to the new dwellings

This application has been made to continue with petty objections to the original planning permission granted by Wiltshire Council and no more time or money should be spent.

Your sincerely,



Simon and Sharon Aldhouse

From: [Matthew Leach](#)
Sent: 08 August 2022 16:35
To: [Green, Janice; rightsofway](#)
Subject: Application to Add a Footpath – The Drove,
Whiteparish

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Janice,

I hope this email finds you well.

I wish to remove my support for making "The Drove" a designated footpath.

I was new to the village not long before this application was made. Having lived here longer now, I have met my neighbours on The Drove on several occasions, leading me to believe my neighbours do indeed use the path quite regularly. Therefore it seems likely it was my neighbours (who have a right of way on the section of the drove behind my house) that I had previously seen through the hedge using this footpath, rather than the general public.

Kind Regards,

Matthew Leach
[REDACTED]
Clay Street

From: [David Stockton-Chalk](#)
Sent: 03 October 2022 16:32
To: [Green, Janice](#)
Subject: Re: Subject Re Footpath(the drove) path 42 .
Whiteparish. Modification order 2022. Dear Ms Green.
I live next door to Mr and Mrs peacop. I cannot see any
purpose in the drove, it's totally overgrown, and leads
to nowhere . To my knowledge it hasn't been u

Follow Up Flag: Follow up
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You don't often get email from stocktonchalk@gmail.com. [Learn why this is important](#)

Dear Ms Green. Re foot path(The Drove) modification order 2022.
I live next door to Mr&Mrs Peacop. I cannot see any purpose in the Drove, it's totally overgrown, and
leads to nowhere. To my knowledge the path has not been used for ages. Regards David Stockton-
Chalk.

Sent from DSC's iPhone

On 3 Oct 2022, at 09:42, Green, Janice <janice.green@wiltshire.gov.uk> wrote:

Dear Mr Stockton-Chalk,

Wildlife and Countryside Act 1981 – Section 53
The Wiltshire Council (Parish of Whiteparish) Path no.42 Definitive Map and Statement
Modification Order 2022

Thank you for your e-mail dated 31st July, I confirm receipt with many apologies for the
delay in getting back to you. I note your objection to the above-mentioned order which
proposes to add a footpath in the parish of Whiteparish, The Drove, however, your
comments have been inserted into the title of the e-mail and unfortunately, it has not
been possible to read your comments in full. I would therefore be very grateful if you
could re-send your email, with your full comments inserted into the message section,
with many thanks for your help in this matter.

Where objections to the making of the Order are received and not withdrawn, the Order
falls to be determined by the Secretary of State, therefore Officers will now be preparing
a report regarding the evidence, including the objections and representations received,
for consideration by Members of the Southern Area Planning Committee, who will
determine the Wiltshire Council recommendation to be attached to the Order when it is
forwarded to the Secretary of State for determination.

Thank you for your help in this matter, I will of course keep you updated on progress

Kind regards,

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: janice.green@wiltshire.gov.uk

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Web: www.wiltshire.gov.uk

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Follow Wiltshire Countryside



From: David Stockton-Chalk [REDACTED]

Sent: 31 July 2022 17:14

To: Green, Janice <janice.green@wiltshire.gov.uk>

Subject: Subject Re Footpath(the drove) path 42 . Whiteparish. Modification order 2022.

Dear Ms Green. I live next door to Mr and Mrs peacop. I cannot see any purpose in the drove, it's totally overgrown, and leads to nowhere . To my knowledge it hasn't been us...

Sent from DSC's iPhone

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