

Donna & Neil Stalker

Honeyfield Farm

The Marsh

Wanborough

Dear Mr Engright,

Please find our objections for the proposed Footpath WA44

The right of way that's being claimed is a permissive route that was agreed with Annie Ellis in 2008 when we purchased the land. At that time there were no internal fences on the property, a large man-made pond that blocked and flooded the definitive right of way, overgrown hedgerows and trees that obscured the path.

On purchasing the land in July 2008, the pond was filled in, a bridge over the ditch put in place and internal fencing put in to mark a permissive route, agreed with Annie Ellis the rights of way officer, as at that time.

With Mr Sadler's wife having just passed away and his subsequent serious illnesses it was deemed inappropriate to insist the definitive be fully reinstated across his land and the matter was put aside to be addressed at the earliest possible time.

Entry to or from the Marsh road via our track to the right of way has never been allowed and prevented when observed. Other measures were not feasibly or practically possible without adversely affecting our own or the legitimate access of the residents whose properties reside on the track.

If it is being claimed that the entrance to our private track was being used via Ducksbridge to cut the corner and use our track to exit onto the marsh main road or vice-a-versa, this route has been closed and inaccessible for more than two years.

When the development in Ducksbridge commenced in early 2015 and the right of way closed, I contacted the council to ask for the adjoining section of ours to be also officially closed as there was no longer access or exit. I was informed that Ducksbridge had not been closed "officially" and it would be sorted. I rang on a couple of occasions after but nothing seemed to be done about the issue and the section of the right of way remained closed.

Eventually I had to insist that the adjoining section of our right of way also be closed with Swindon Borough Council and it was officially closed.

The severity of the bend on which our track is sited along with the amount of cars that over shoot the bend and end up in the ditch, plus the use of heavy farm machinery, deliveries etc....using our private track is the reason we had to formally request on our right of way closure over concerns for walker's safety.

From the commencement of Ducksbridge development to the official closure of our section, is the only time that we permitted walkers to use our entrance track to access the permissive right of way since our ownership of the land.

If the permissive route we allowed is officially instated alongside the current definitive route in accordance with the original post marker, it will mean that two rights of way will exist as a fork of the route existing on our land no more than 35 meters apart at our boundary.

This will result in a triangular section of land where the permissive and definitive route diverge. It is highly questionable that given the original overgrown state of the land that a difference between the definitive and the permissive would even be consistent or discernible as neither route coexisted and the public would have been free to wander. The permissive route was instated (fenced/enclosed) nine years ago preventing the use of the definitive as there was no exit onto the adjoining land via the definitive route.

Our land which we farm already has two rights of way and a third will prevent more land being grazed. Trying to prevent the spread of bTB we have fully badger fenced part of the land and desperately need to proceed with badger fencing the rest, making it fully bio secure and safe to farm Alpacas. As no right of way can pass into a badger fenced enclosure, granting a third permitted right of way route will prevent us expanding into those paddocks and will render the valuable grazing land of the front paddocks totally unusable and therefore hinder the growth and severely damage our Alpaca farming business.

Incidentally the rights of way were rarely walked, maybe one or twice a year before we commenced farming Alpacas in 2011. This route has only become popular because of people wishing to see the Alpacas, which we have no issue with.

We do feel that we are being penalized, when we have always gone out of our way to make sure a right of way is available to enable walkers to safely enjoy the countryside at our own cost, via maintenance, wide paths and fencing etc.... when rights of way that join on to us flout the rules and block access. Two routes are still blocked when they leave us, one has been that way for numerous years and does have walkers trying to use it. This is another route that we have to police as walkers get stuck as they have no form of exit and try and use our track from the other end to exit.

Yours Sincerely

Neil & Donna Stalker