

Wanborough Parish Council

15 Springlines
Wanborough
SWINDON
Wiltshire
SN4 OES

Telephone: 07588 769829
e-mail: clerk@wanborough.info

Helen Sparks
The Planning Inspectorate
3G Hawk Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

24th June 2019

Dear Ms Sparks

Wildlife and Countryside Act 1981 – Section 53

Footpath 44 Wanborough Modification Order

Public Inquiry – Proof of Evidence

Proof of Evidence

Footpath 44 Modification Order would modify the definitive map by adding:

1. The footpath as shown on the order map from Point A at Public Footpath 25 Wanborough, at OS grid reference SU20408371 to Point F at Public Footpath 25 Wanborough at OS grid reference SU20268382.
2. The footpath as shown on the order map from Point G at The Marsh, Wanborough, at OS grid reference SU20338372 to Point D at the above footpath at OS grid reference SU20338372

Wanborough Parish Council have objected to Footpath 44 Modification Order in respect of section E to F on the order map. Wanborough Parish Council have not objected to Footpath 44 Modification Order in respect of section A to D and section D to G on the order map. Whilst the Parish Council's proof of evidence concentrates primarily on section E to F of the footpath modification order, a consideration of section A to D is relevant in considering the evidence originally put forward by the Applicant.

In providing Wanborough Parish Council's proof of evidence, reference is made to the statements of case already submitted, together with the evidence provided with the original application. It is understood that any documents that might be submitted without being included in a statement of case are not admissible for consideration at the Inquiry.

Footpath 44 Sections A to D and D to G

The majority of the User Evidence Statements provide information about the use of the path across the corner of Burycroft and The Marsh (from section A to C and section D to G on the order map). The Statements indicate that the Users have used this path to cut the corner (between The Marsh and Burycroft) and avoid the dangerous bend. This is evident as being the main concern raised on all the User Evidence Statements, where section A to D on the order map is identified as being the section of the path that residents confirm they have used for a period in excess of 20 years.

Wanborough Parish Council raised no objection for this section (A to D) of the path being added as a new footpath on the definitive map.

Footpath 44 Section E to F

Wanborough Parish Council have submitted a considerable amount of information and evidence in the statement of case, confirming that the exact route of the path at section E to F has not been walked for a period of 20 years uninterrupted. This information included:

- Aerial photographs;
- Historic maps;
- Hand drawn maps from Marjorie Adams, a long serving member of the Parish Council from 1970 to 1988;
- Witness statements from 2 long standing residents of the village, plus a resident from Covingham who used the footpath to reach the allotment site. All three are independent and have not been involved in neighbour disputes within The Marsh.

This information provides evidence:

- showing that the field has been used for farming activities and it has not been possible to walk the exact route (section E to F) across the field at all times,
- confirming that there was not always a stile at point E,
- confirming that there has been a considerable amount of shrubbery at point E during the 20-year period, and
- that there has not been a clear path-line across the field from section E to F.

Wanborough Parish Council were involved in correspondence with Swindon Borough Council prior to the issue of the Footpath 44 Modification Order. The Parish Council were therefore surprised to find that section E to F on the order map had been included on the Modification Order. All previous correspondence with the Parish Council, especially that with Mr Enright (who was SBC's Right of Way Officer, Mapping at the time) only mentioned "the bypass path" (being sections A to C and D to G on the order map) to cut the corner between Burycroft and The Marsh. If the Modification Order had only been for sections A to C and D to G on the order map, as previously stated by Mr Enright, then Wanborough Parish Council would not have raised an objection to the order.

The evidence and information submitted to date confirms that the path which people have been using to walk across Honeyfield Farm is Footpath 25 and there have never been two footpaths across this section. Although Footpath 25 is fixed on the definitive map the actual route used to cross the two fields at Honeyfield Farm has been very fluid for at least 40 to 50

years, with residents choosing their route to reach the pond after point F (part of Footpath 25) depending on the farming activity and ground conditions at the time. It has only been since 2009 when the new owners of Honeyfield Farm fenced off the route of a path to try and control the use of Footpath 25.

There are very few User Evidence Statements that mention the path across Honeyfield Farm (section E to F on the order map), in contrast to the clear identification of the use of section A to D; the few that do mention crossing Honeyfield Farm make specific reference to Footpath 25.

The map that accompanied the User Evidence Statements that residents completed to form the basis for this Modification Order, include no indication of the existence of Footpath 25. Exclusion of this information from the evidence form resulted in considerable confusion amongst residents. Residents accused Wanborough Parish Council of "closing the footpath", whereas Footpath 25 has remained open and residents could still use this route to walk to the "stile and bridge" over the Lyden Brook (north-west along Footpath 25 after point F) and they could still access the fields behind Honeyfield Farm towards Swindon.

There were many rumours, with messages published on social media and informal publication circulated that provided residents with incorrect information about the footpaths in this area of The Marsh. Wanborough Parish Council have had to publish statements confirming to residents that Footpath 25 remains open, being the footpath across Honeyfield Farm allowing residents access to the fields to the north-west. There have been a number of disputes between neighbours in the area of The Marsh over recent years and this has made communication difficult, particularly with Standard Board complaints being made about Parish Councillors involved in the decision to object to the inclusion of section E to F (Conclusion of the Standards Complaint confirmed that there had not been any failure to comply with the Council's Code of Conduct). A number of residents have spoken to Wanborough Parish Council in confidence about the fluid nature of the route of Footpath 25, but they were not prepared to provide written evidence due to the fear of repercussions from other residents.

Following consultation with Swindon Borough Council, attempts were made by Wanborough Parish Council to broker a compromise solution acceptable to the Applicant and landowners, which could lead to the application being withdrawn. Unfortunately these discussions withered due to lack of engagement on the part of the Applicant, whose property adjoins Footpath 25.

I confirm that representatives from Wanborough Parish Council will be attending the Public Inquiry on Tuesday 23rd July and would like to speak and be available to answer any questions.

Yours sincerely

Angela Raymond

Clerk to Wanborough Parish Council