

Wanborough Parish Council

15 Springlines
Wanborough
SWINDON
Wiltshire
SN4 OES

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24th April 2018

Mr Martin Fry
Rights of Way Officer
Swindon Borough Council
Highways and Transport
4th Floor Wat Tyler House West
Beckhampton Street
Swindon
SN1 2JH

Dear Mr Fry

Re: Footpath 44 Wanborough Modification Order 2017

Wanborough Parish Council would like to submit further documentation and evidence in relation to Footpath 44 Modification Order 2017.

1. Aerial Photographs

Please find attached aerial maps (photographs) of the area in and around Honeyfield Farm from 1999 to date. The aerial photographs have been sourced from an online package that Parish Council subscribe to called "Parish Online", plus an online mapping company called "Getmapping".

- a. Parish Online 1999 aerial map showing no clear path across Honeyfield Farm
- b. Parish Online 1999 aerial map showing an enlargement of the corner of the field to Honeyfield Farm and the track, showing that there was no stile, just a gap and there is no direct footpath across the field, with vegetation blocking the route.
- c. Getmapping 1999 aerial map, showing the same as item a
- d. Getmapping 1999 aerial map, showing the same as item a
- e. Getmapping 1999 aerial map showing an enlargement of the corner of the field to Honeyfield Farm and the track.
- f. Getmapping 2000 to 2003 aerial map showing that part of the field was being used for livestock with a fence around. This shows that there was no direct footpath across the field during this time.
- g. Getmapping 2000 to 2003 aerial map, showing there was no stile at the corner and no clear footpath across the field, similar to map shown in item f
- h. Getmapping 2007 aerial map. This map shows a single fence across the field to Honeyfield farm, and although not completely clear it looks like a stile at the corner to the track is also present.
- i. Parish Online 2012 aerial map. This map shows a double fence and clear path across Honeyfield farm with a stile at the corner.
- j. Parish Online 2014 aerial map. This map shows that the construction work to the new development has commenced and footpaths have been closed
- k. Google maps 2010 – picture showing the gate from Ducksbridge site to Honeyfield Farm track, the gate appears to have a lock around it, and no gap either side of the gate.
- l. Google maps 2010 aerial map of the corner of Honeyfield Farm and the track, showing a single fence across the field.

In order to make a claim for a public right of way based on public use The Highways Act 1980 states that you need to show that the footpath has been used for 20 years with "uninterrupted use". As you will see

from the aerial photographs attached in Appendix 1a to 1l the proposed section of the footpath 44 modification order from "E to F" has not been used for 20 years with uninterrupted use. The aerial maps from 1999 to 2003 show no clear footpath as stated on the modification order, plus the aerial map (Appendix 1f & 1g) show that an area has been fenced off for livestock creating a blockage along the route from "E to F" of the modification order.

The aerial maps also show that there was no stile at the corner of field (at point E) until after 2003, it is not clear in the aerial map in 2007 whether there was a stile at this point but it can be clearly seen in 2012. This shows that the stile at point E has not been there for 20 years. In the aerial map in 1999 (appendix 1a to 1e), it just shows a gap with vegetation a short way into the field. Again this shows that it was not possible to walk the route from "E to F" as per the modification order due to the vegetation blocking the proposed route.

The public walking across the field at Honeyfield Farm were walking across the field because they were walking footpath 25. There was never a clear footpath from point "E to F" until recent years when the double fence (as per aerial map 2012 appendix 1i to 1j). There also has never been two footpaths across Honeyfield Farm.

2. Witness Statements

Parish Council have received many comments relating to the Modification Order and three witness statements are typical of those statements as follows:-

- a. Mary Archer, 7 Kite Hill, Wanborough SN4 0AW
- b. David Fennm Underdown Farm, Wanborough
- c. Mr G Hughes, 12 Dobbin Close, Covingham

Two witness statements have been received from long standing residents from Wanborough village, and one from an allotment holder who lives in Covingham and has walked the footpaths to get to the allotment site. Original copies of the statements are attached in Appendix 2.

All three statements along with supporting maps, confirm that they have used the footpaths for many years, confirming that there was never a clear footpath from point "E to F". This confirms that the proposed section from point "E to F" on footpath 44 modification order has not been used for a period of 20 years with "uninterrupted" use.

3. Historic Maps

Early maps show there was an ancient footpath or byway from Upper Wanborough via Kite Hill, Green Lane, the road between Burycroft and The Marsh and the track past Honeyfield Farm to Foxbridge Farm (Appendix 3a)

When Ordnance Survey first surveyed the area the exact route must have been difficult to identify as there were various revisions to the OS 25" edition 1841 to 1952 (appendix 3b to 3d) but the route seems to be established by WWII as shown on the Defence Scheme plan produced by Parish Council (Appendix 3f). When Parish Council was asked to produce details for the Definitive Map of footpaths the Parish Council must have considered the evidence and confirmed a footpath from a stone stile at Burycroft which continued in a NNW direction towards Covingham. This eventually became footpath 25 on the definitive maps (Appendix 3g).

More recent maps include a track (footpath) across the corner between Burycroft and The Marsh (Points A to C on the Modification Order) in addition to footpath 25, although indicated as "Not necessarily a right of way" (Appendix 3h), Parish Council support the addition of this section to the definitive map.

4. Other Correspondence

Mrs Annie Ellis (SBC Rights of Way Officer) in 2011, had an onsite meeting with Parish Council and landowner of Honeyfield Farm to discuss footpath 23, however within correspondence (e-mail dated 22nd September) Mrs Annie Ellis confirms that the landowner of Honeyfield Farm have carried out work on their land that has greatly improved the enjoyment of the paths.

Mr M Enright (SBC Rights of Way Officer Mapping) in Feb 2017, officially closed footpath 25 while the construction of the new houses took place. This is several months (years) after the footpath was closed by the developer. Mr M Enright confirms that the developer did not have to officially close the footpath across the corner of the development as this was a "permissive path and the developer was not acting unlawfully in closing the path".

Majority of the witness statements submitted with the application for the footpath 44 modification order refer only to the closure of the "permissive footpath" that cuts the corner from Burycroft to The Marsh (Point A to C), Parish Council raise no objection to this section of the proposed order and very much support that this section of footpath is added to the definitive map in the interest of safety of pedestrians at the bends between Burycroft and The Marsh.

Conclusion

Parish Council object to the proposed section from point E to F on the footpath 44 modification order on the grounds that this exact route has not been used for a period of 20 years with uninterrupted public use. Footpath 25 goes across Honeyfield Farm and this is the footpath that the public has been using. All the evidence shows that the route of footpath 25 has varied in the past due to physical conditions, and illegal diversion and, latterly, as a permissive footpath. There is no evidence to show that at any time there were two footpaths across Honeyfield Farm and the public used various routes to get to Point F on the Modification Order.

Parish Council do not object to the footpath across the corner and would therefore support the order being modified to allow this section of the footpath to be added to definitive map only.

Parish Council very much support retaining and preserving the Parish footpaths, they have no intention of closing any and will continue to work with SBC, Landowners and residents to improve the Parish footpaths.

Yours Sincerely



Angela Raymond

Clerk to Wanborough Parish Council

Attachments:-

Appendix 1a to 1l – Aerial maps

Appendix 2 – Witness Statements, plus maps

Appendix 3 – Historic Maps

Appendix 1

Aerial Photographs and Maps

SOURCE :-

1999

ParishOnline

Wanborough CP 



0 30 m

SOURCE: -

ParishOnline

1999

ENLARGEMENT OF
CORNER

Wanborough CP 



1999

SOURCE :
GET MAPPING
AERIAL
PHOTOGRAPHY

1c



1999

SOURCE :
GET MAPPING
AERIAL
PHOTOGRAPHY

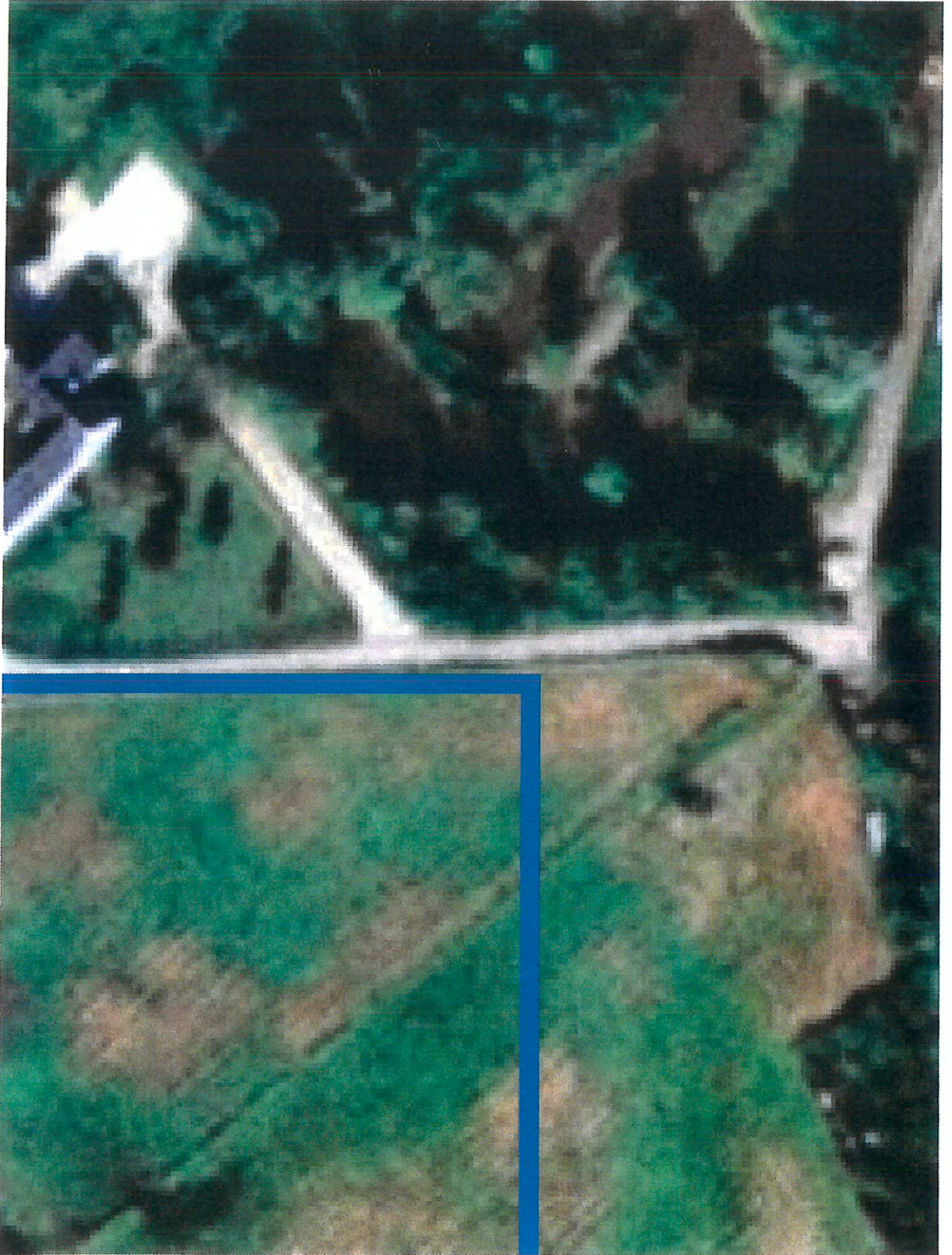
(1d)



1999

ENLARGEMENT
OF CORNER
OF FIELD.

(1e)



2000 - 2003

SOURCE :-

GET MAPPING

AERIAL PHOTOGRAPHY







2012

11

ParishOnline

2012

Wanborough CP



Date Created: 15-1-2018 | Map Centre (Easting/Northing): 420306 / 183791 | Scale: ...039 | © Crown copyright and database right. All rights reserved (00009999), 2018 © Contains Ordnance Survey Data : Crown copyright and database right 2018

2014

1J

ParishOnline

2014

Wanborough CP



Date Created: 15-1-2018 | Map Centre (Easting/Northing): 420352 / 183732 | Scale: .519 | © Crown copyright and database right. All rights reserved (0000999), 2018 © Contains Ordnance Survey Data : Crown copyright and database right 2018

17

Nov 2010

Source : Google Maps



1K

STAFF VIEW - NOV 2010

Google Maps Wanborough, England

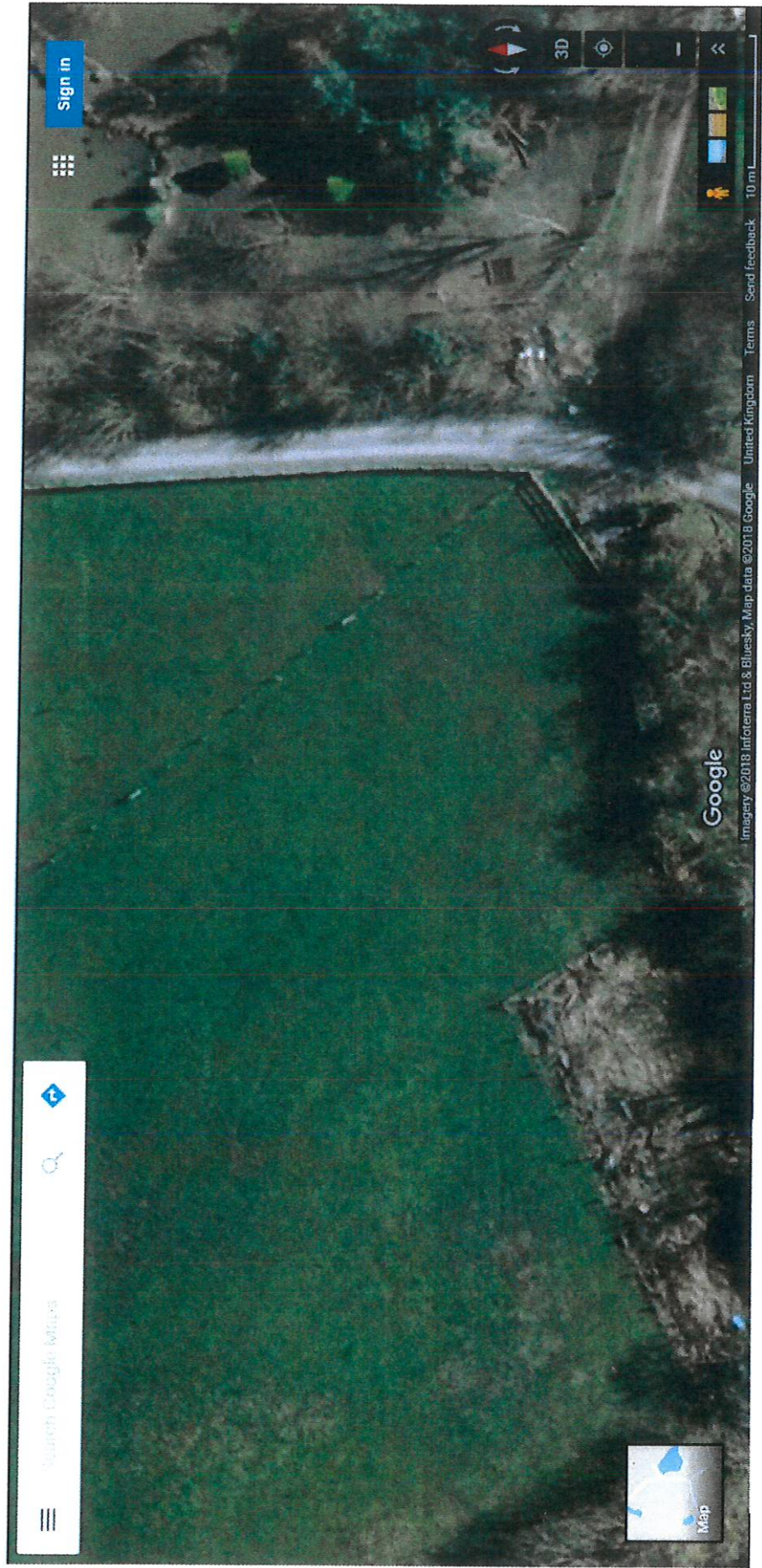


Google

GATE OF MARSH END
LOOKS LIKE SOME SORT OF
LOCK OR GATE



15



Source - Google Maps

Appendix 2

Witness Statements

15-02-20.

7 KITE HILL

RE FOOTPATH

WANBOROUGH

SN40AW.

MR CHAIRMAN

I CAN CONFIRM THE FOOTPATH IN BURYCROFT
DATES BACK TO 1800

WHEN MR SADLER BOUGHT LAND FOR DUCKS BRIDGE
HE TOOK AWAY THE STONE STILE (ONE OF FOUR WE HAD
IN WANBOROUGH) FOR THE ENTRANCE TO THE CARAVAN SITE.
I WAS BORN AT 5 KITE HILL 88 YRS AGO, MY FIRST TEN
YEARS OF MY LIFE, WALKING DOWN GREEN LANE TO THE F.P.
TO VISIT MY GRANDPARENTS AT FOXBRIDGE.

MY HUSBAND WAS ON W.P.C. FOR TEN YEARS ON THE
RIGHTS AWAY COMMITTEE, WITH MRS ADAMS PUTTING IN
SYN POST AND MARKING STILES.

MY MOTHER BOTH GRANDPARENTS GREAT GRANDPARENTS
ALL BORN AND LIVED IN THE MARSH AREA DATING
BACK TO 1820 - 1822.

MAY ARCHER,

Underdown Farm
Wanborough

30th March 2018

The Clerk
Wanborough Parish Council

I was born in Wanborough, have lived in Wanborough 80 years and have used the footpaths ~~regularly~~ *DEF* from Wanborough to Foxbridge Farm. I am writing to tell you the history of the footpath across what was Ducksbridge and what is now part of Honeyfield Farm.

There is a footpath from Burycroft to Foxbridge Farm and for a long time there was a stone stile and sign at Burycroft where the footpath started. During and after the war there were huts and a vegetable garden inside the hedge between the stile and the corner opposite Green Lane and when the caravan site was set up a farm gate was put in next to the stile.

From a stile the path went through Ducksbridge and across the track and then crossed a field to meet up with another footpath that went to Moat Cottage one way and to Wanborough Road the other way. Straight on continued to Foxbridge Farm as shown on the old maps. For many years there was no fence beside the track and people could walk anywhere. In those days you could also walk down Green Lane along the road between the bends and then up the track towards Foxbridge Farm. Of course there were very few cars on the road in those days and no-one really minded where you walked across the fields.

I think it was in the 1950's Mrs Adams did a lot of work on the footpaths in the village and they were as it is shown on the new maps, which also show a path across the corner from Burycroft to The Marsh which people started to use when the traffic got busy and it could be dangerous to walk on the road round the bends. Later the path was moved when the old path was difficult to follow and when the alpacas came the new owners followed the same path with a double fence until that changed back to the original path after the new houses were built.



David Fenn
Underdown Farm
Wanborough

The Clerk
Wanborough Parish Council

24th March 2018

Proposed Addition of Footpath to the Definitive Map

I have been shown the Modification Order to add a new footpath 44 and wish to make the following comments:

I have been walking from Covingham to Wanborough for at least 30 years. The footpath crosses pasture land and apart from the footpath signs it was not always clear exactly where the footpath crossed the fields so to help me find the route of footpath 25 Bill Suter of Wanborough Parish Council gave me a copy of the attached map.

After crossing the A419 I followed the route of footpath 25 as shown on the map through the wood, across the land now known as Honeyfield Farm, across the track and then past Ducksbridge to a point on Burycroft marked by a stone and a fallen footpath sign.

There was no clear indication of a footpath across Honeyfield Farm as shown on the application for footpath 44, nor did I ever see anyone using that route although because it was a pasture it is possible that walkers crossed the field thinking they were using footpath 25 but not following the exact line shown on the map. At some point the path was diverted towards the end of the track because part of footpath 25 through the caravan site was overgrown.

When the alpacas arrived I followed the diverted footpath which was clear from the new fencing. I met the landowners occasionally and they confirmed the new footpath had been agreed with the Borough Council.

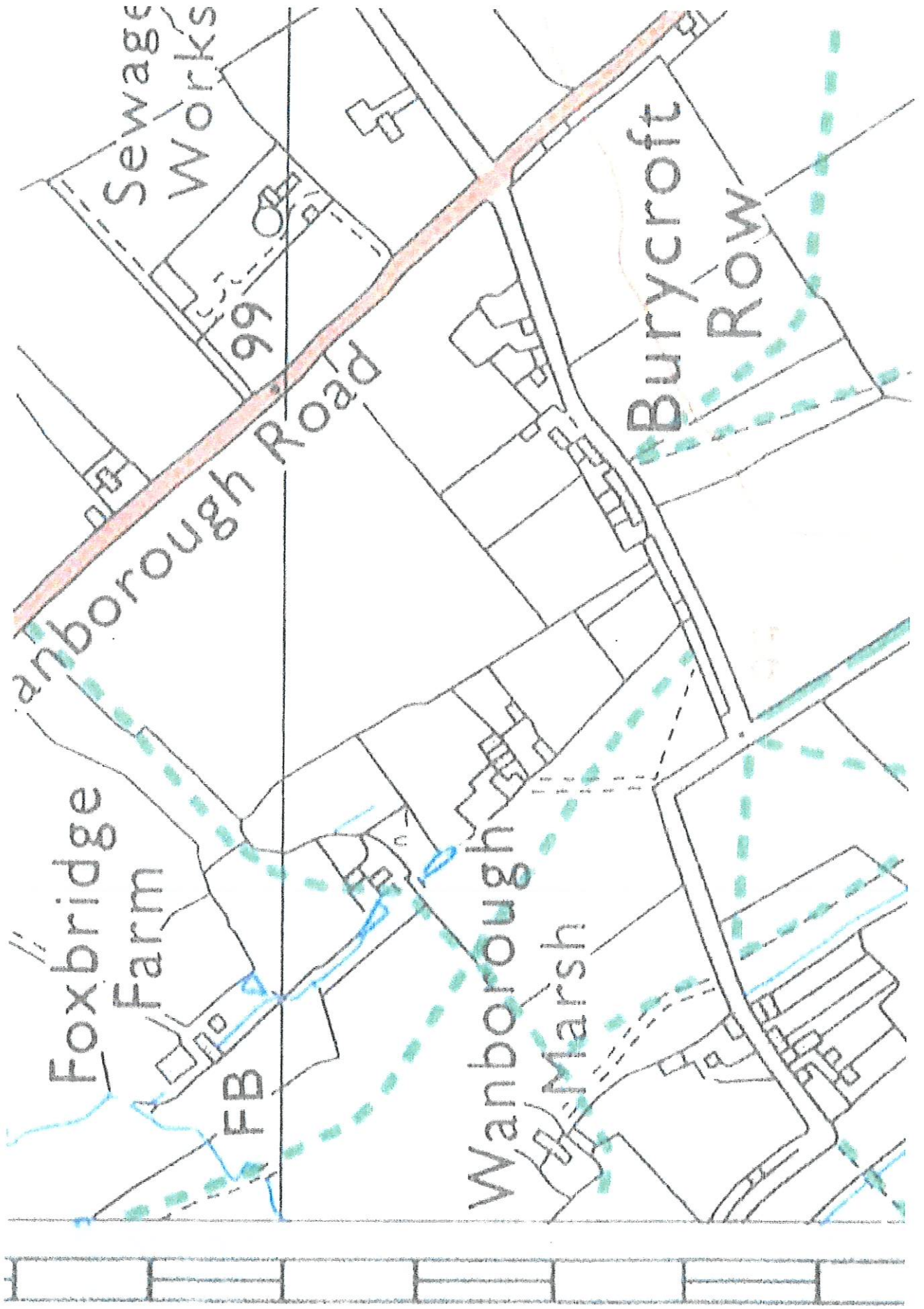
G Hughes
12 Dobbin Close
Covingham





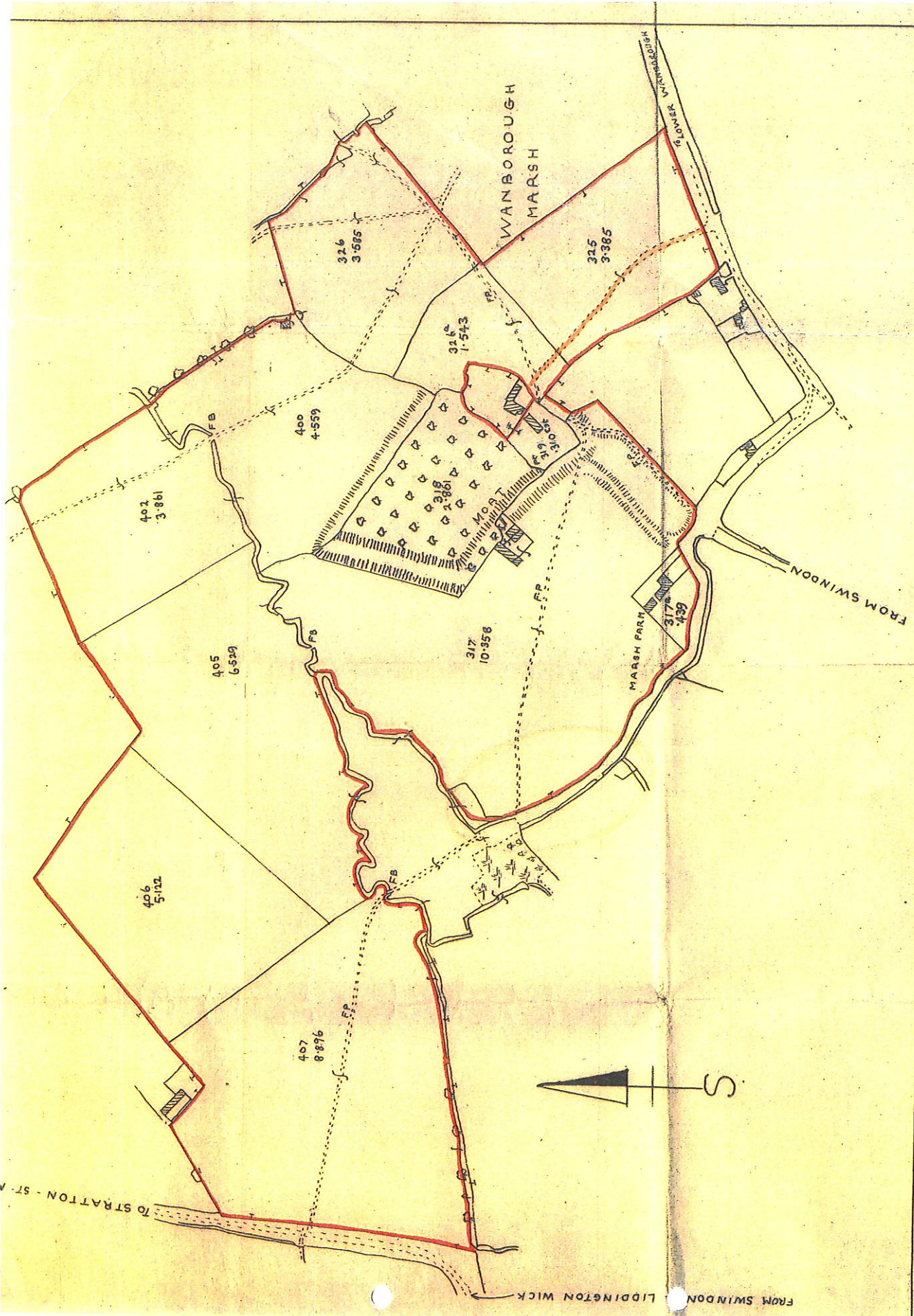
Waverborough Marsh

Site 001



34

OS Pathfinder 1986



LOVEDAY & LOVEDAY
SURVEYORS
SWINDON WILTS

SCALE 1/2500
COPYRIGHT RESERVED

O.S. REF
EDITION 1923
WILTS XVI 6

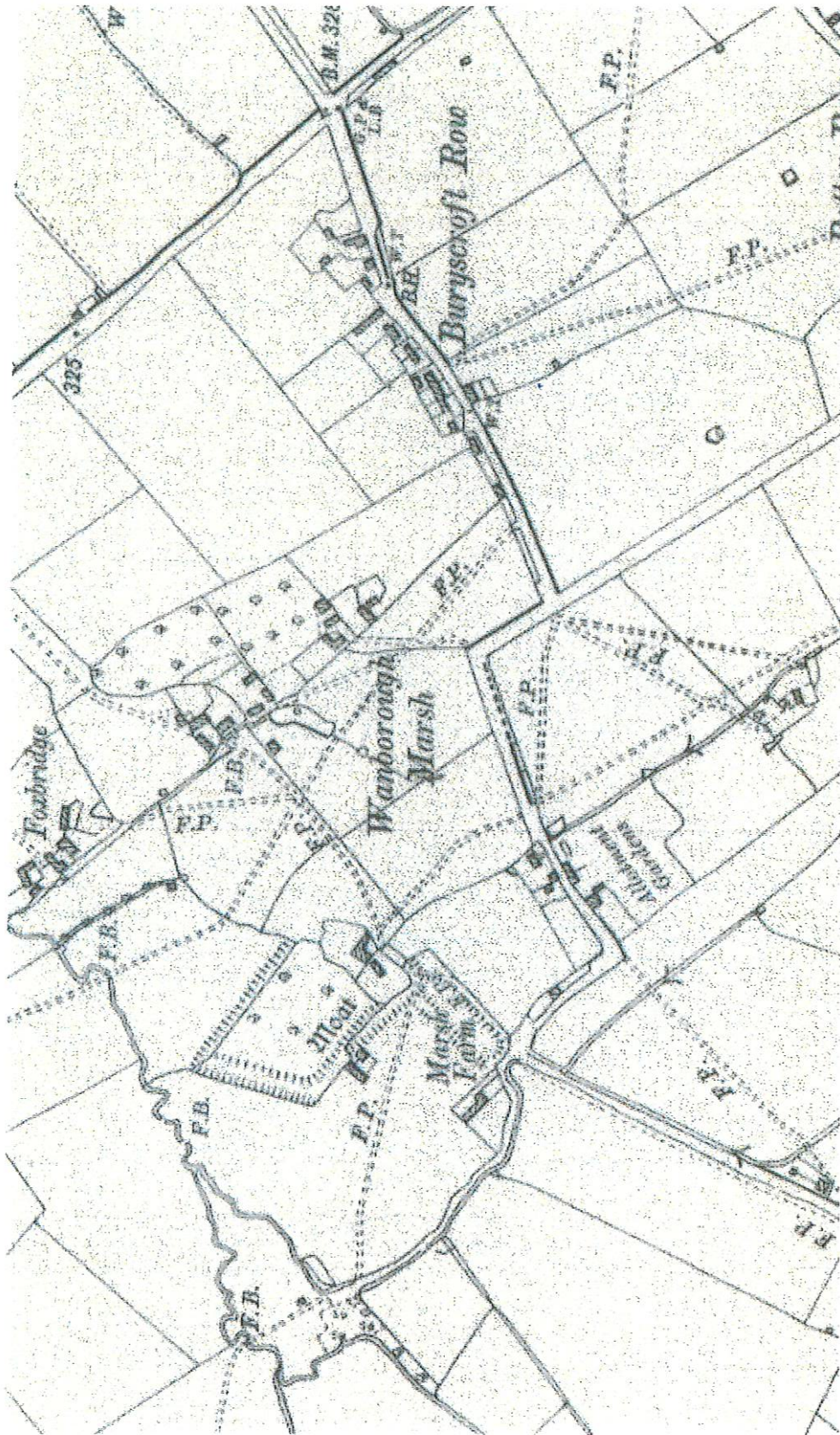
1-2-51

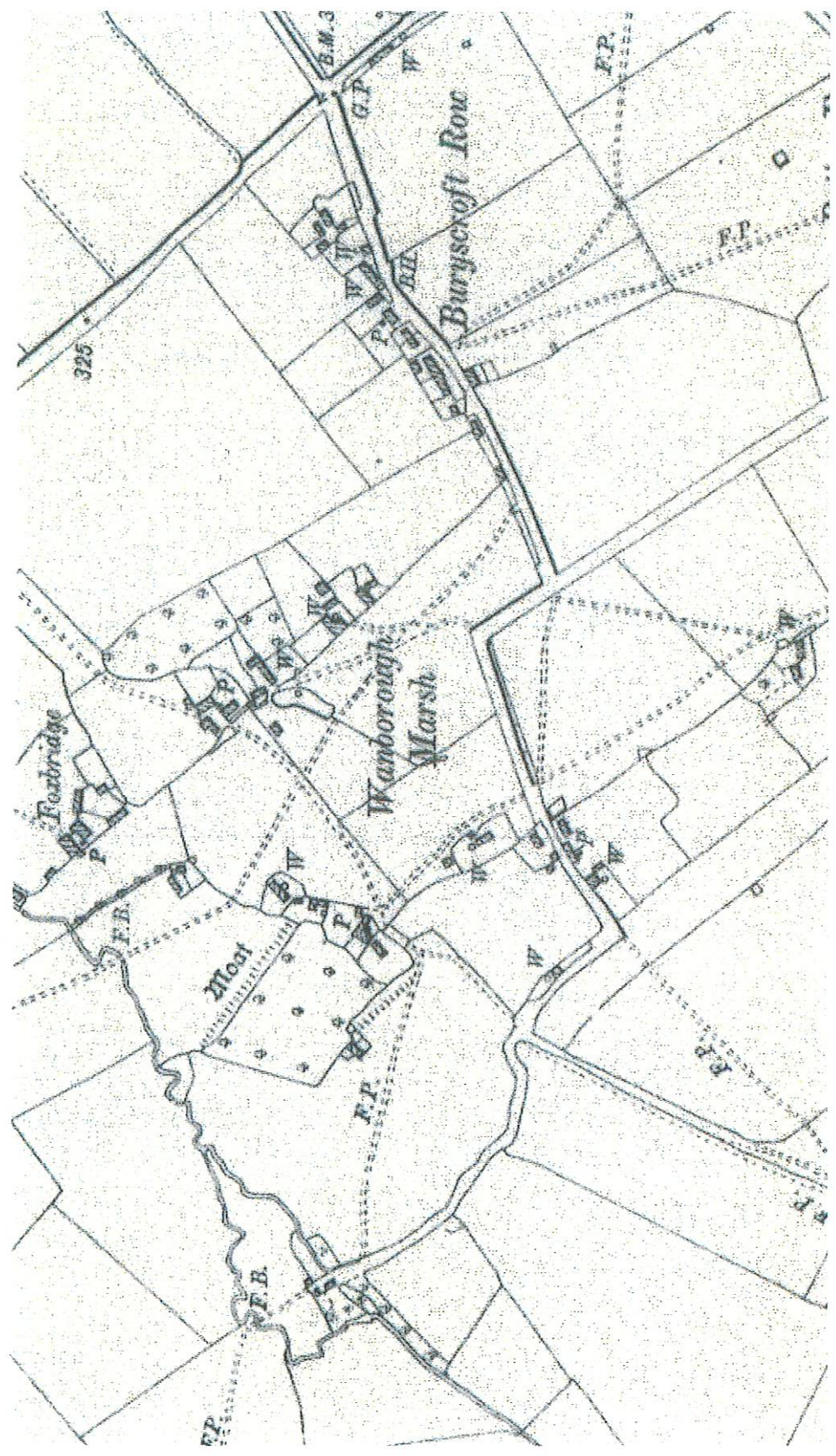
1-2-51

Appendix 3

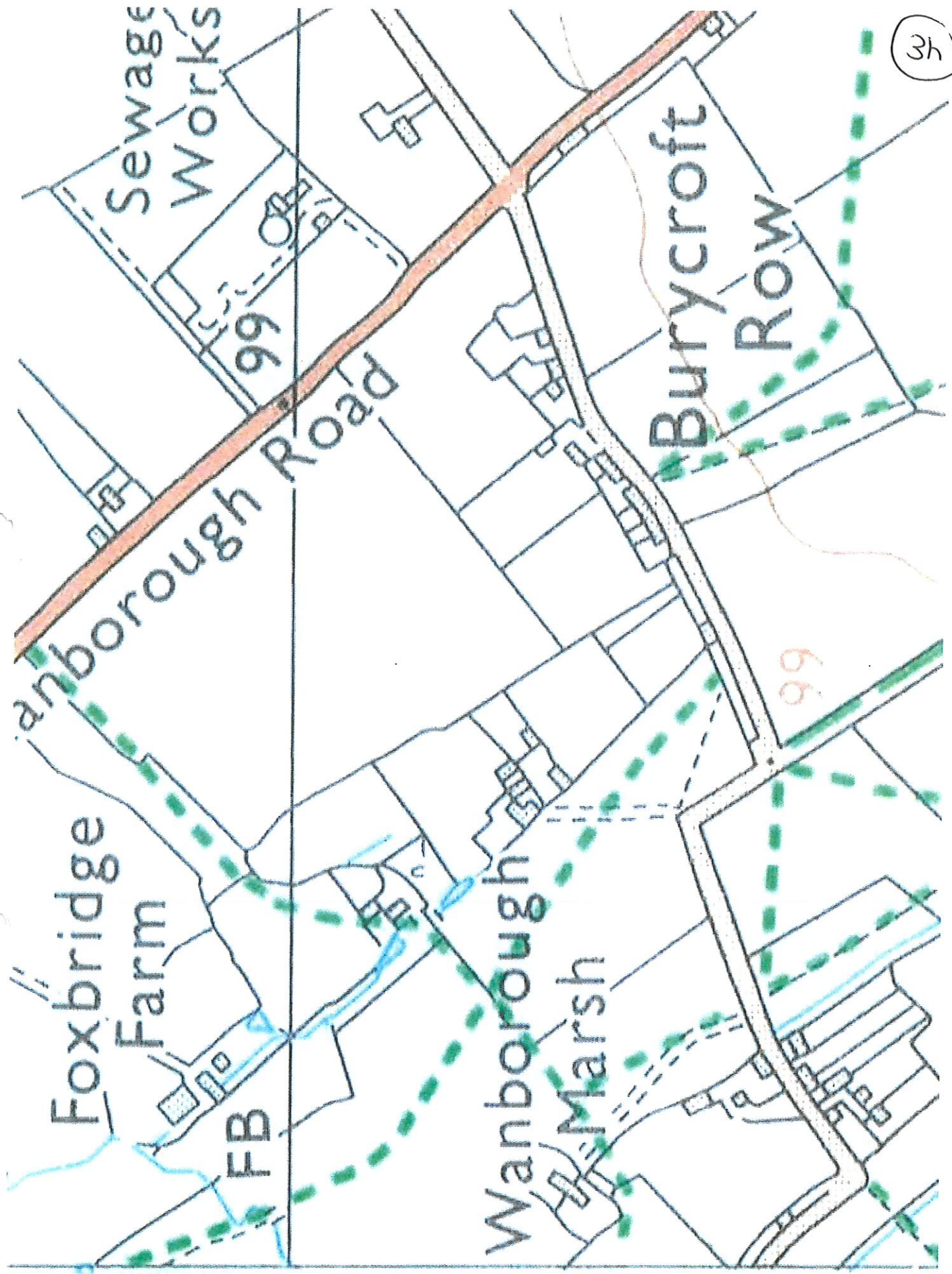
Historic Maps

SOURCE: OLD MAPSONLINE









3h

34