

Wanborough Parish Council

15 Springlines
Wanborough
SWINDON
Wiltshire
SN4 OES

Telephone: 01793-791904

e-mail: wanboroughpc@btinternet.com

2nd January 2018

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

Dear Sir/ Madam

Re: Footpath 44 Wanborough Modification Order 2017

Wanborough Parish Council have received notification to modify the definitive map to add footpath 44 and wish to object to the following sections of the proposed modifications:-

1. From point E to point F (as shown on map Appendix 1)
2. From point G to point D (as shown on map Appendix 1)

Background information on the footpaths in the area

Parish Council would like to provide some background information which provides some important information for Parish Council's reasons for objection.

1. In July 2013 a developer Bower Mapson submitted a planning application to Swindon Borough Council to build four new dwellings on the land next to Ducksbridge. The developer first fenced off the whole site with metal fencing which was then replaced in 2015 with a wooden fence.
2. In August 2013, Annie Ellis (SBC's Rights of Way Officer at the time) raised a concern about the alignment of footpath 23 (however she meant 25) to SBC's Planning Officer (Appendix 6). It appears her concerns were ignored and the Planning Decision for the application (Appendix 7) raises no condition for the developer to sort out footpath 25 prior to the development commencing.
3. It wasn't until after the development had been completed that the matter of footpath 25 was then considered by the developer. In March 2017 an order was raised (Appendix 9) to realign footpath 25 across the development. Wanborough Parish Council held a number of on-site meetings to discuss this proposal, Parish Council objected to this altered route (copy of letter Appendix 9). The definitive route of footpath 25 has now been correctly re-instated by the developer and has now been re-opened
4. The owners of HoneyField Farm, after discussion with SBC's Rights of Way Officer Annie Ellis, constructed a fenced footpath along their land in 2009 on the basis that this was only a temporary measure until the definitive footpath 25 could be re-instated.

Reasons for objection

Parish Council are objecting to two sections of the proposed footpath:-

1. From point E to point F (Appendix 1)

- i) The fenced footpath was only constructed in 2009, therefore this section of footpath has not been used for a period of 20 years as per Wildlife and Countryside Act of 1981.
- ii) The definitive footpath 25 has now been re-instated in the correct position and there is no reason why there is a need to have both footpaths within a short distance of each other and takes away the need for the proposed section of footpath from point E to point F.

2. From point G to point D (Appendix 1)

- i) If the developer had aligned the permissive path from point A to C in the correct place then there would not be a need to have the section from point G to point D which is along a private track. As you will see from copies of the maps in Appendix 2, 3 & 4 and also as mentioned by SBC's Rights Of Way Office Annie Ellis in Appendix 6, the permissive path exited closer to the corner therefore there would not be a need to add point G to point D. Again this section of the footpath has not been used for a period of 20 years as per Wildlife and Countryside Act 1981.

This issues around the development at Ducksbridge has clearly highlighted the importance that Swindon Borough Council need to ensure that any footpaths across a development site are not ignored and are dealt with prior to any development commences. Parish Council are aware of the permissive path across the site from A to C, however now that the development has been built one of the houses has been built across the path and cannot be aligned in the correct place resulting in a problem with access along a private track.

Parish Council would also like to confirm that there is already a footpath 44 within Wanborough Parish created in 1986 the footpath goes from the north east corner of Warneage Green housing estate and leads to Kite Hill, there is also a footpath 45, therefore the next available footpath number would be 46. Wanborough Parish Council would not like to see the same number used for two different footpaths within the Parish as this would just become confusing.

Yours Faithfully

Angela Raymond

Clerk to Wanborough Parish Council

List of Appendix's

Appendix 1 – Order Map Footpath 44

Appendix 2 – Copy of Ordnance Survey Map

Appendix 3 – Copy from the working copy of the definitive rights of way ordnance survey map

Appendix 4 – Enlarged copy of ordnance survey map

Appendix 5 – Wanborough Parish footpath claim map

Appendix 6 – Copy of E-mail from Annie Ellis (RoW Officer) and Rhian Morris (SBC Planning Officer), plus a map

Appendix 7 – Planning decision

Appendix 8 – Enlarged copy of map

Appendix 9 – Footpath 25 order for alteration to route, map and copy of Parish Council's letter to SBC.