

## **Wildlife and Countryside Act 1981 – Section 53**

### **The Wiltshire Council Parish of Donhead St Andrew Path 27 Definitive Map and Statement Modification Order 2016**

#### **The Donhead St Andrew Parish Council Statement of Case**

##### **Contents**

1. **Summary** – page 1
2. **Evidence** – pages 2 to 3
  - 2.1 Current footpath map
  - 2.2 Historic footpath map
  - 2.3 User evidence
  - 2.4 Recent events
3. **Conclusion** – page 3

**Appendix 1**- Donhead St Andrew footpath map

**Appendix 2** - Historic OS Map dated 1901

**Appendix 3** - Parish Council's letter to Mrs Shaw, dated 16.3.15

##### **1. Summary**

The Definitive Map Modification Order (DMMO) application has been made by Donhead St Andrew Parish Council in order to reinstate an historic footpath linking footpaths 4 and 5. The Order designates this as Donhead St Andrew footpath 27.

The evidence shows that footpath 27 meets all three criteria of an historic path.

- a) It is a link in the south to north chain of footpaths across the Parish.
- b) The route is shown on maps dating from 1886 to 1910,
- c) It has a long history of use, with evidence of known use by successive generations dating from the 1920s. This includes evidence from 33 people who have used the path for all or part of the 20 year period from 1992 to 2012.

## **2. Evidence**

### **2.1 Current footpath map**

Appendix 1 is the Donhead St Andrew footpath map. Footpath 27 is a link in the chain of paths running through Donhead St Andrew from Donhead St Mary via footpath 1 to Wardour via footpath 6. This chain is highlighted in red. It is part of a longer chain of footpaths linking Shaftesbury to Tisbury.

### **2.2 Historic footpath maps**

Appendix 2 is the 1901 OS map which shows the routes of footpaths 4, 5 and 27 as they were at that time. They are annotated with the letters FP, the 1910 map is the same. The earlier 1886 map shows all three routes without the footpath annotation. The later 1925 map shows footpaths 4 and 5, but footpath 27 is missing. This is the case with subsequent maps; however it is well known that many historic paths have been inadvertently lost from more recent maps and many of these have already been reinstated. For those that remain to be reinstated, applications have to have been made by 2025.

### **User evidence**

Users have provided evidence that the route linking footpaths 4 and 5 has remained in use by successive generations from the 1920's onwards, that is throughout living memory. It is part of the chain of paths linking the north and south parts of Donhead St Andrew, in particular being part of the footpath route to and from the Church and the village school which eventually closed in January 1970. The school building continued in use as the Henrietta Barnett field centre and has been used from time to time as a venue for village events and meetings.

The evidence of more recent use spans the period of 42 years from 1970 to 2012, with statements from 33 people who have used the route at varying levels of frequency. Eighteen have used it from 1992 to 2012 and fifteen for some these years.

### **2.4 Recent events**

An application to divert footpaths 3 and 4 around Kelloway's Mill was first made in 1991 and the Diversion Order was eventually made in December 1996. The route linking footpaths 4 and 5 remained in use before and after the diversion of footpath 4 and is now designated footpath 27. It runs along the eastern edge of the area of land known locally as Mansfield. In the 1970's this belonged to the Coward family and was subsequently purchased in or about 1982 by the Pitman family.

In or about 2012 the smaller south section of Mansfield was sold to Mr and Mrs Shepherd who arranged for the new east to west fence to be put in. The fence runs approximately along the route of an earlier fence or hedge shown on the 1901 map. The new fence includes the stile where footpath 27 crosses it.

The status of footpath 27 as an historic footpath was called into question following the purchase in 2012 of the larger northern section of Mansfield by the company Wardour Limited. The new owner of the northern section of footpath 27 put up notices describing it as a permissive path and later closing it in 2014, allegedly on grounds of safety.

A subsequent letter to the Parish Council, dated 23.12.14, set out proposed conditions for reopening the path. Following a Parish Council meeting to consider the proposals, it was agreed that in order to ensure the integrity of the footpath network across the village for future generations, the only option was to make the application for a DMMO. Appendix 3 is a copy of the Parish Council's response dated 16.3.15.

### **3. Conclusion**

This application for a Definitive Map Modification Order has been made in accordance with Wiltshire Council's duty to ensure that an integrated footpath network is maintained.

When this case was considered at the Wiltshire Council Southern Area Planning Committee meeting on 2<sup>nd</sup> February 2017, the point was made that none of the roads or lanes through the village have footways or pavements. In places they are narrow with no verge, so that large vehicles occupy the full width of the road. This creates a hazard for walkers and in particular families with young children. Since the Planning Committee meeting, there have been two significant road accidents.

One accident occurred on the narrow and steep sided section near the top or west end of Pigtrough Lane. A landrover and a car were in collision, the assistance of the emergency services was required to release the family dangerously trapped in their car. The other was on the Tisbury Road near the bridge not far from the north end of New Road, in this case a car crossing the bridge went out of control and crashed through the fence.

If walkers had been caught up in either of these accidents, the consequences could have been far more serious. If in the future, a walker or family with children on foot were to be involved in a road accident, because the Parish Council had failed to make the application for the only north to south footpath route across the village to be reinstated, then everyone involved in this case would bear a degree of responsibility.

The Parish Council believes that the combined evidence indicates a clear case for their making the Definitive Map Modification Order application. The evidence shows that footpath 27 is part of the footpath route linking the north and south parts of the village, it is shown on historic maps and it has a long history of use. The application is supported by Wiltshire Council.

Donhead St Andrew Parish Council

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