

HAWORTH, Julie

From: HAWORTH, Julie
Sent: 10 September 2024 08:08
To: 'Chas Townley'
Subject: RE: Oak Way, Stonehouse : Definitive Map Modification Order consultation

Hi Chas

Many thanks for your comments, which are noted. Hopefully, we will get to meet shortly when our paths cross.

Kind Regards

Julie

From: Chas Townley [REDACTED]
Sent: Thursday, September 5, 2024 3:37 PM
To: HAWORTH, Julie [REDACTED]
Subject: Re: Oak Way, Stonehouse : Definitive Map Modification Order consultation

Thanks Julie, for your enquiry about this DMMO application,

This claimed route crosses an area of open land which remains in the ownership of the original development company Melbourne Investments, which carried out the Oak Way/Rosedale Avenue/Anderson Drive development on land acquired from the 1963 brickworks company. Melbourne Investments incidently was origionally taken over by Wimpey but has subsequently been taken over by Taylor Woodrow (now renamed Taylor Wimpey) and is a third level subsidiary within a large group structure. My understanding is that both Stroud District Council and Stonehouse Town Council (then of parish council status) were originally offered the opportunity to acquire the land and quarry face as public open space but neither was willing to accept the significant risks. Whilst the quarry face had significant nature conservation interest it was seriously damaged by the developer prior to Natural England (or its predesssor organisations) deciding whether to protect it as a SSSI. Melbourne Investments currentlty do not actively involve themselves in the management of the land and there is no evidence that the company has taken active managment of this area. The evidence that this area is managed as "public open space" is non existant and I have been unable to find any S106 Town and Country Planning Act 1990 or similar under earlier iterations of TCPA legislation) which covenants the area as public open space and therefore I beleive that use has been "as of right" rather than the "as right" which would apply if the use was by permission of the landowner

I would though point out that the the user evidence for this route is unlikely to stretch back to before 1 January 1960 - the commencement date of the Highway Act 1959, which without any genuine or proper consultation repealed Section 47 of the Nattional Parks and Access to the Countryside Act 1949 which would have enable this route to be "maintainable at public expense" for any path "shall apply to all public paths, whether coming into existence before or after the commencement of this Act". I would therefore urge that the County Council considers making a Section 25 Order, on the basis that this would not only require the county council to maintain the route but also place a statutory duty to protect and assert the public rights to use the route. There is significant public interest in the rights to use this path being statoturily protected rather than relying on ambiguous discretionary powers

In the absence of the making of a Section 25 Creation order the Open Spaces Society supports the making of a DMMO, but would expect that the County Council would also apply its mind to setting out clear policy of how it would use its discretionary powers to protect public rights in such circumstances where it determines that a route has come into existence after 1 January 1960.

I am in the process of responding to another officer in respect of other applications and also the Council's review of Stonehouse Footpath 28 and this should be submitted in the next day or so.

Kind regards

Chas Townley
Open Spaces Society Local Correspondent
Home Address: [REDACTED]
Phone: [REDACTED]

On 05/09/2024 13:56, HAWORTH, Julie wrote:

Dear Mr Townley

Please find paperwork regarding an application to add a public footpath at Oak Way, Stonehouse. Please note that Stonehouse Town Council and affected landowners have separately been consulted.

If you have any queries, please do not hesitate to contact me.

Julie Haworth

Asset Data Officer (Definitive Map)
Gloucestershire County Council
Traffic and Major Projects
Block 5, 6th Floor
Bearlands
Shire Hall
Gloucester, GL1 2TR

Important: Please note that, as Modification Order applications may result in a legal Order being made to change the Definitive Map of Public Rights of Way, any evidence, comments or objections you submit in respect of a Modification Order application, whether current or proposed, will form part of the published record of the application and may be available to anyone who requests it (including any affected landowner or their representative); this will include certain personal data.

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<https://www.gloucestershire.gov.uk/prow/definitive-map-and-associated-registers/>.

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Chas Townley
Open Spaces Society Local Correspondent
Home Address: [REDACTED]
Phone: [REDACTED]



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HAWORTH, Julie

From: Hanman, Richard [REDACTED]
Sent: 19 September 2024 10:29
To: HAWORTH, Julie
Subject: RE: Oak Way, Stonehouse : Definitive Map Modification Order consultation

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Dear Julie,

Thanks for your email which came in while I was on leave from which I returned this week hence the delay in responding for which I apologise.

Having reviewed the documents you have provided I can confirm on behalf of SDC that it has no comments to make.

Regards,



Richard Hanman

Principal Estates Surveyor
Property Services

Stroud District Council

Ebley Mill, Ebley Wharf
Stroud, Gloucestershire. GL5 4UB

T [REDACTED]

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Working together to make Stroud district a better place to live, work and visit

From: HAWORTH, Julie [REDACTED]
Sent: Thursday, September 5, 2024 1:14 PM
To: Hanman, Richard [REDACTED]
Subject: Oak Way, Stonehouse : Definitive Map Modification Order consultation

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Dear Mr Hanman

Please find paperwork regarding an application to add a public footpath at Oak Way, Stonehouse. Please note Stonehouse Town Council and affected landowners have separately been consulted.

If you have any queries, please do not hesitate to contact me.

Julie Haworth

Asset Data Officer (Definitive Map)
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HAWORTH, Julie

From: HOULDEY, Andrew
Sent: 19 September 2024 16:20
To: HAWORTH, Julie
Subject: Stonehouse Path

Mrs Margaret Foxcroft of [REDACTED] Oak Way Stonehouse rang to say that she has no legal interest in the path, she has lived there for 10 years and has known the path since 1982. She has no issues with the path. I hope this makes sense to you.

Andrew

Andrew Houldey
Asset Data Officer (PROW Definitive Map)
Highway Records
Gloucestershire County Council
Shire Hall, Gloucester GL1 2TH
Tel: [REDACTED]

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