

RUSSELL, Rachel

From: HARRIS, Jaci
Sent: 05 March 2025 11:43
To: Chas Townley
Subject: FW: MST28 DMMO Order Objection

NPACA 1949, not 1959 as stated. Apologies.

Jaci Harris

Asset Data Officer
Highway Records
Gloucestershire County Council
Shire Hall
Gloucester
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01452 328981

Email:- jaci.harris@gloucestershire.gov.uk

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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-----Original Message-----

From: HARRIS, Jaci
Sent: 05 March 2025 11:42
To: Chas Townley <[REDACTED]>
Subject: RE: MST28 DMMO Order Objection

Chas,

I acknowledge receipt of your objection but respectfully disagree.

The Definitive Map was compiled under regulations by the County Council as Surveying Authority who were granted powers under the National Parks and Access to the Countryside Act 1959. These regulations required a set process but did not require individual Orders for adding, upgrading, downgrading, or deleting.

MST28 was subject to this process and therefore any rights that existed along MST28 following consultation and agreement with the parish, landowner, and surveying authority, prior to the DM. were extinguished.

As stated in my report;

Mr W.G. Milne QC, a Barrister-at-Law, and an Acting County Justice, was appointed to hear the representations and objections made to the County Council in connection with the Footpath Survey and to submit his recommendations.

A copy of the Highways Committee Report dated 8 June 1959 included Mr Milnes report: Under (1) it stated, "The following objections and claims in respect of the Draft Map were resolved by negotiation between the Parish Councils and Objectors, hence no hearings were necessary, and my recommendations are as follows:-

- Under part (iv) – In the Rural District of Stroud – Part objection No.27 by Stonehouse parish Council – "That part of footpath MST28 which is shown across the Brickworks Claypits be re-aligned to follow the track marked F.P. on the O.S. map slightly to the east of its present position".

The Highway Committee resolved "That the Highways Committee, in pursuance of the powers delegated to them by the County Council as Surveying Authority, hereby determine to modify the particulars contained in the Draft Map and Statement in accordance with the foregoing Report and Recommendations of Mr W.G.Milne; further, that the Clerk of the County Council be authorised to take all such action in connection with the determination of the Committee as is referred to in the provisions of the National Parks & Access to the Countryside Act 1949.

The Legal record was not changed to reflect this decision.

Jaci Harris

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-----Original Message-----

From: Chas Townley <chastownley@gloucestershire.gov.uk>
Sent: 04 March 2025 22:48
To: HARRIS, Jaci <Jaci.HARRIS@gloucestershire.gov.uk>
Subject: MST28 DMMO Order Objection

Greetings Jaci,

On behalf of Open Spaces Society I am writing to formally object to the DMMO made to delete the cliff face section of MST28 from the definitive map.

As is regularly made clear in discussions about whether to make DMMO orders the suitability and practicality of using them path are not relevant factors whether to include a route. However, the principal reason for objection is that as there is no evidence of a legal extinguishment process for MST28 having been followed.

The evidence shows that the route had been dedicated and accepted by the public before the Great War in replacement for another route across the quarry. Consequently the only legal method of extinguishing the route is by means of a statutory order. This process was not followed therefore the Council, notwithstanding the non implemented decision of the Highways Committee to remove the path from the draft map whilst having some weight is not particularly relevant in making the case to use a DMMO on this route.

Clearly, where a route is affected by natural events, for example a riverside or sea cliff walk is lost through erosion the route ceases to exist and clearly at a some future point as part of a Section 53 continuous review process the path might eventually be removed from the definitive map. However, the quarry at Stonehouse is a man made destruction of the path and as such, there needs to be a statutory process to either extinguish it, divert it or create some acceptable method of traversing the cliff face.

Kind regards

Chas

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Chas Townley
Open Spaces Society Local Correspondent

Home Address: [REDACTED]

Phone: [REDACTED]

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