

JOHN COPLAND & SON

SOLICITORS
EST'D 1867

77 HIGH STREET,
SHEERNESS,
KENT, ME12 1TY.

TEL: (01795) 664431
DX: 59804 SHEERNESS
FAX No: (01795) 580474
E-MAIL: info@coplands.co.uk
WEB: www.johncoplandandson.com

OUR REF: SAM/879
YOUR REF:

Asset Data (Highways Records & DMMO)
Team Leader
Gloucestershire County Council
Shire Hall
Westgate Street
Gloucester
GL1 2TG

BY SPECIAL DELIVERY

28th February 2025

Dear Sirs

Re: Your Reference: 573/11/212(6)(7)(8)(9)&(10)

**Re: The Order of the Gloucestershire County Council under Section 53(2)(b) of the
Wildlife and Countryside Act 1981 dated 14 January 2025 ("the Order")**

Re: Verney Fields, Doverow Hill, Stonehouse, Stroud & Surrounding Land

Re: Our Client: Linda Maiik

Re: Objection to the Order

We continue to be instructed by Linda Maiik, the freehold owner of the land known as "Verney Fields". We write to confirm that our client objects to the Order. We enclose a copy of the Order, Schedule to it, Plan to it and Notice of the Order, with covering correspondence under which it the same were received for the avoidance of any doubt as to the Order to which our client objects (by this correspondence).

Our client objects to the Order insofar it relates to her land.

This letter does not represent the entirety of our client's objection; such instead shall be set out in due course during the course of the inquiry Planning Inspectorate, on behalf of the Secretary of State, which should now follow (not least during the exchange of statements of case).

Our client refers to and repeats the content of our correspondence to the Chair of the Commons and Rights of Way Committee ("the Committee") of Gloucestershire County Council of 9th December 2024 (a copy of which is enclosed for ease of reference). The Order was made further to a resolution of the Committee at its meeting on 10th December 2024 ("the Decision" and "the Meeting", respectively)

Objection - Particulars of Grounds Relied On

1. The application which led to the Decision was defective, in particular but not limited to the fact that it failed to comply with paragraph 1 of Schedule 14 to the Wildlife and Countryside Act 1981;

2. On a proper assessment, consideration and evaluation of the evidence the Decision was not properly made and, as a result, neither was the Order. The Committee failed to give due and proper regard to conflicting evidence;
3. On a proper assessment, consideration and evaluation of the evidence the relevant legal requirements which must be satisfied in the circumstances were not met (and were not capable of being met, in relation to each and every alleged footpath set out in the Order);
4. The Committee in reaching the Decision failed to properly or adequately assess the totality of the evidence before it, in particular but not limited to the evidence of user by force which is fatal to the satisfaction by the application of the relevant legal requirements (and as a result, the Decision and Order were not properly made);
5. The applicant has and continues to pursue an application pursuant to section 15(1) of the Commons Act 2006 which is directly contradictory to the factual position averred by it in support of its application, which is the same factual position as was the basis of the Decision and the Order. As a result, contradictory legal positions are averred simultaneously by the applicant and undermine the Decision and Order. The Committee failed to give any, let alone any adequate, regard to this issue. The perceived factual and legal positions forming the basis of the Decision and Order are false;
6. The Committee failed to give any, let alone any adequate, regard to the factual and legal positions adopted previously by the applicant in respect of its previous ACV nominations. Furthermore, the Committee failed to give any, let alone any adequate, regard to the conclusions and report (following investigation) of Stroud District Council in dealing with the same (despite the said investigation taking place in the very vicinity and during the very period of time under consideration (in determining the application));
7. The Committee wrongly interpreted evidence during the course of the hearing and in the course of making the Decision. For example, multiple tractor paths shown upon historical satellite images (indicated by tractor tyre tracks), upon part of our client's land were wrongly interpreted, without evidence to support the interpretation given to the same by the Committee, to show the presence of trodden paths;
8. The Committee failed to adequately consider issues concerning deviations arising as a result of obstructions (fences and fenced areas, quarrying, fallen trees, brambles, etc.), both as matters of fact and in respect of the legal implications of the same;
9. The Order specifies a width (non-variable) for each and every Public Footpath to be added to the Definitive Statement of "2m" (two metres), however:
 - a. There was no evidence to support such a width for any of the proposed footpaths before the Committee;
 - b. The Decision did not determine the width of any of the proposed footpaths, this was in fact not an issue addressed at all by the applicant in making the application or by the Committee during the Meeting;
 - c. There was evidence before the Committee directly contrary to a conclusion that any of the proposed footpaths might have a non-variable width as has been recorded by the Order;
 - d. The Order, in this regard (but not limited to this regard), has been improperly made as it:
 - i. Was not made pursuant to the Decision; and
 - ii. Has no proper basis in fact or law.

In all, our client both objects to the Order as a whole in addition to having supplemental objections to each and every modification proposed by the Order.

Please acknowledge receipt of our client's objections and confirm that the matter shall now be referred to the Planning Inspectorate.

As an aside from the above, on behalf of our client we acknowledge your acceptance of her objection in respect of the order concerning public footpath MST28 (Your Reference: 573/11/212(12)), as confirmed in writing on behalf of the Gloucestershire County Council on 27th February 2025.

We look forward to hearing from you.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

John Copland and Son

Solicitors

To whom it may concern:

Highway Records & DMMO
Gloucestershire County Council
Block 5, 6th Floor West
Shire Hall, Gloucester. GL1 2TH

email: Jaci.harris@gloucestershire.gov.uk
email: modificationorders@gloucestershire.gov.uk
www.gloucestershire.gov.uk/highwayrecords
Phone: 01452 328981

BY E-MAIL

Please ask for: Jaci Harris

Our Ref: 573/11/212(6)(7)(8)(9)&(10) Your Ref:

Date: 17 January 2025

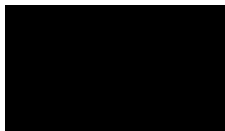
Dear Sir/Madam,

Definitive Map & Statement Modification Order: Additional Public Footpaths across land known as Verney Fields & surrounding area, Stonehouse Parish, Gloucestershire

I attach a copy of the notice, made order and plan for the above Definitive Map & Statement Modification Order 2025. Notice of the Order will be published in the "Stroud, News & Journal" newspaper on Wednesday 22 January 2025. It will also be posted on site, where it will remain for 6 weeks.

I would be grateful if you could acknowledge safe receipt. Please do not hesitate to contact me if you have any queries.

Yours faithfully



Jaci Harris
Asset Data Officer (PROW Definitive Map)
Highway Records

Encs.