

**Attn:**

Ian Aston
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The Planning Inspectorate
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2 The Square
Bristol BS1 6PN

28 May 2026
GR_GDY57_GKE38_SoC

RIGHTSOFWAY2@planninginspectorate.gov.uk

Village of Kempley Green, Proposed Path Diversion Order**Reference: ROW 3369910****ORDER MAKING AUTHORITY - GLOUCESTERSHIRE COUNTY COUNCIL
PUBLIC FOOTPATHS GDY57 (PART) (PARISH OF DYMOCK)
AND GKE38 (PARISH OF KEMPLEY) DIVERSION ORDER 2023****STATEMENT OF CASE**

This statement is made jointly by Forest of Dean Ramblers Group and Gloucestershire Ramblers Area. Forest of Dean Group is part of the Gloucestershire Ramblers Area, one of 59 Areas that make up the Ramblers Association (The Ramblers), the national walking charity. Gloucestershire Ramblers has more than 1,600 members and The Ramblers has over 106,000 members. Ramblers campaigns to defend footpaths and protect the countryside for the well-being and benefit of the walking public.

The Order was made on 19th December 2023 under Section 119 of the Highways Act 1980, and Section 53A (2) of the Wildlife and Countryside Act 1981, and if confirmed, will divert those lengths of public footpath described in Part 1 of the Schedule to a line as described in Part 2 of the Schedule and as shown on the Order Map, appended in Diagram 1 on Page 3.

The diversion order comprises two parts: an extinguishment (Part 1) and a creation (Part 2).

Part 1 Extinguishment

Gloucestershire Ramblers filed an objection to Part 1 of the above Order, an extinguishment of part of path GDY57 in Dymock Parish shown as A-B on the order map and path GKE38 in Kempley Parish shown as B to C on the Order map. The path number changes at the Parish Boundary but is a continuation of the same route.

The applicant acknowledges that the path GKE38 is obstructed at B, the Parish Boundary, and near a recently constructed garage for 'The Redlands', marked with an added legend B1.

Where path GKE38 crosses the field belonging to 'Felania' it is some 160 metres distant from the property i.e. further away than other local Public Rights of Way.

The objection was raised so that the route to/from the centre of the Village can be retained.

Part 2 Creation

The Creation Order is welcome and could be considered first. It extends GDY57 from point A, along a field headland, to point D on footpath GDY55. A headland connects fields to allow through access, for example by farm vehicles and livestock. The path width should be 5 metres for consistency along the route including widths at points A, D, E and F (see Diagrams 1 and 6) as it continues as GKE39 Restricted Byway (previously described in Definitive Statements as CRF, Cart Road used mainly as a Footpath - see Diagram 7).

Historic Lost Way

A-D, as well as a headland, appears to be a lost way, missing from the Definitive Map. It is marked on the current County Roads Map (Diagram 6) as 'Path' and follows the natural route of GDY55 north towards Haind Park Wood (Hen Park on old maps), see Diagrams 9 and 10. The effect of this Order should be to add at least the missing path A-D to the Definitive Map.

Where a path already subsists, 'R. v Lake District Special Planning Board Ex p. Bernstein' can be considered - it is not permissible to divert a path entirely onto an existing Right of Way.

The Ramblers' Association (Ramblers) is a registered charity (England & Wales no 1093577, Scotland no SC039799) and a company limited by guarantee, registered in England & Wales (no 4458492).

Reasons that footpath GDY57 (part) and GKE38 (Points A-B-C) should be retained:

- a) GDY57/GKE38 provides convenient access to the centre of Kempley Green and other paths including the Three Choirs Way (Diagram 10).
- b) Loss of the path would result in a circuitous and less convenient route to the centre via the outskirts of the village. GCC suggests the proposed route would be 657 metres compared to the current definitive route of 303 metres an increase to over double.
- c) Kempley Green is known for its attractive walks.
- d) The path gives enjoyable views over the village and to the hills beyond. (Diagram 8)
- e) The route of GKE38 is clearly marked by a fingerpost on the Main Street. (Diagram 8)

A residence, Redlands, lies to the north of footpath GKE38 and appears to use the line of the path for access, as seen in Diagram 4.

Obstructions that can be resolved

The path GDY57/GKE38 is obstructed in two places, preventing use- see the appended Order map Diagrams 1 and 5.

- GKE38 is currently obstructed at a garage and hedge, point B1 on the Order map.
- GKE38 is also obstructed by a fence and hedge at the Parish Boundary Point C on the Order map where it becomes GDY57.

Highways Act 1980 section 137: If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to imprisonment for a term not exceeding 51 weeks or a fine or both.

The obstructions should be removed and the Order considered as if the obstructions are not present.

It is not necessary to remove the path in the Interest of the Landowner as the garage could be located to one side of the path.

Any concerns raised of security and privacy should be little different from any other property adjoining a path or road as demonstrated by the other houses within the village.

Presumptions Guidance on Curtilage should not be a concern as the path crosses the field of Felania, some 160 metres away from house. Other public paths and roads are closer.

Ramblers objects to the extinguishment of GDY57 (Part) and GKE38, as it forms an enjoyable and convenient route to and from the centre of Kempley Green where it links to other paths.

Further detail is shown on subsequent pages including Definitive Maps and Statements in Diagrams 2,3 and 7.

Ramblers campaigns to defend footpaths and protect the places people like to walk, promoting the positive benefits of being outdoors and close to nature.

Gloucestershire Ramblers including Forest of Dean Group therefore respectfully requests that the Inspector does not confirm the extinguishment specified in this Order, but accepts the addition of Path (A-D) to the Definitive Map.

Kind regards

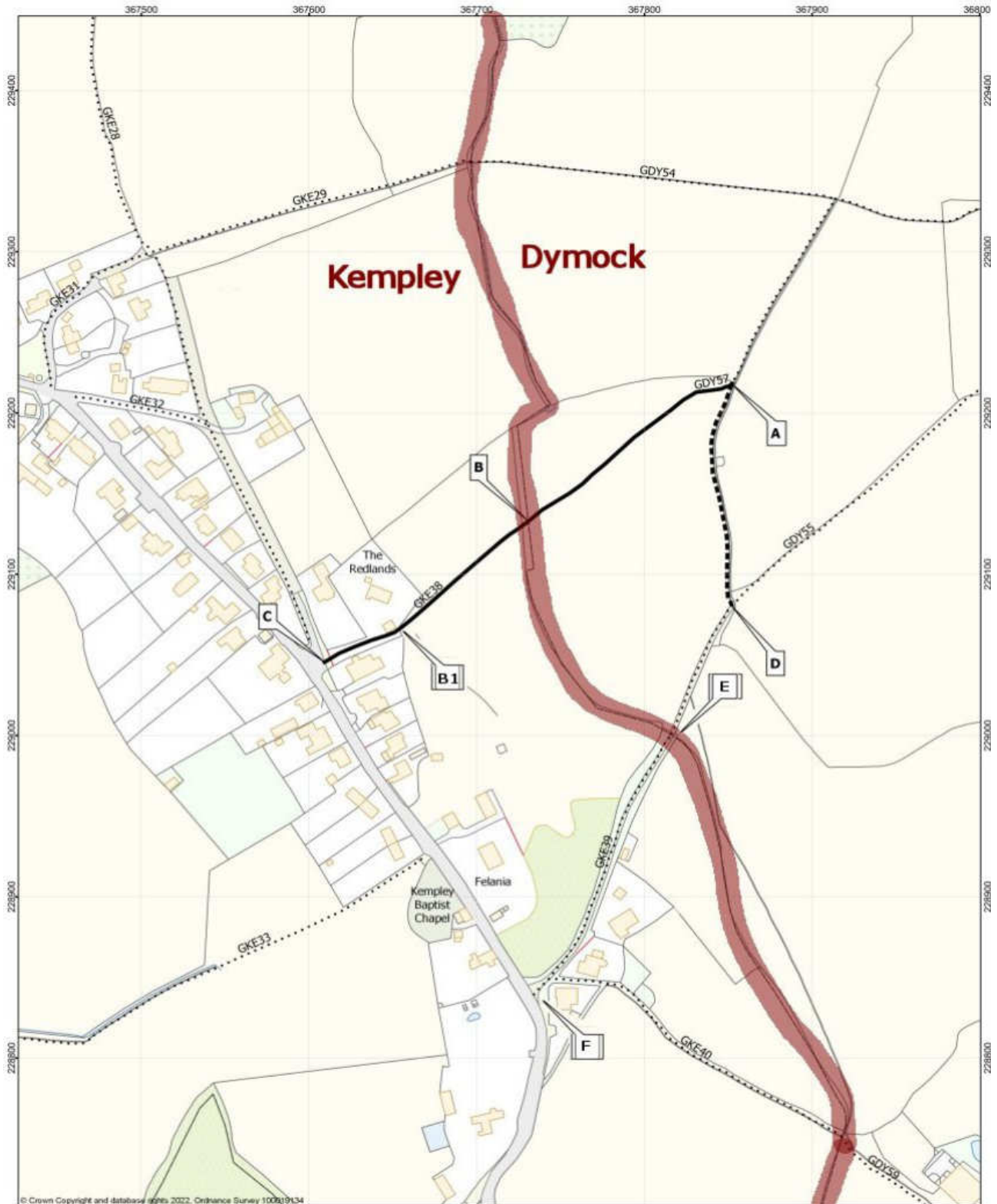
Gloucestershire Ramblers Area and Forest of Dean Ramblers Group

Diagram 1. Order Map -Appended

The Kempley Green order map below has the Kempley - Dymock Parish Boundary appended in brick-red. Also added are the Parish names and points B1, E and F (with double lined boxes). There is an obstruction at point B, the Parish Boundary, and also at point B1.

The Order proposes extinguishment of A-B part of GDY57 in Dymock Parish and B-C GKE38 in Kempley Parish. Ramblers objects to this extinguishment.

The Order proposes creation of path A-D in Dymock Parish, a field headland, which is a natural extension of GDY55 D-E in the same field. There is a gate to the remaining part of GDY55 at D. A-D appears to be a usable historic path. Ramblers welcomes its addition to the Definitive Map.




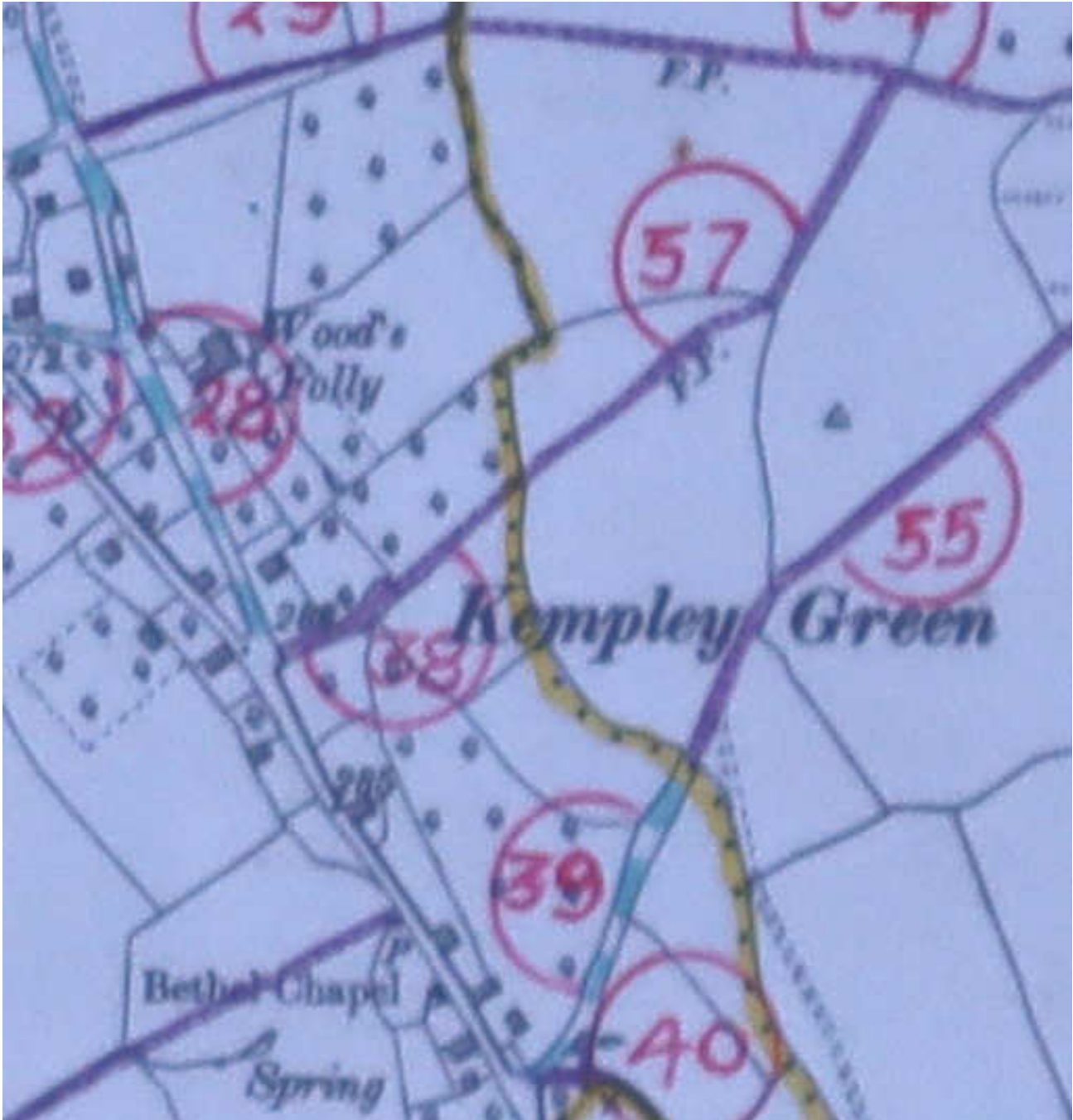
Proposed diversion of footpaths GKE 38 and GDY 57 at The Redlands and Felania, Parishes of Kempley and Dymock			
Public Rights of Way Shire Hall, Westgate Street, Gloucester GL1 2TG Tel: 08000 514 514 www.gloucestershire.gov.uk	Drawn by: Tamsin Hyde SCALE: 1:2,000 DATE: 14/11/2022 Drawing size: A3		Key Footpaths to be stopped up ——— GDY 57 A - B GKE 38 B - C
<small>This map is reproduced from (or based upon) Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Copyright and database right 2022. Ordnance Survey 10019134. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.</small>			

Diagram 2. Draft Definitive Map of Public Rights of Way

The draft Definitive Map for Kempley Green highlights footpaths in mauve, including the alignment of path GKE38 south of Wood's Folly and the distinctive shape of GKE38.

Kempley GKE Path numbers are left (west) of the yellow highlighted Parish Boundary.

Dymock GDY Path numbers are right (east) of the yellow highlighted Parish Boundary.



The Order proposes the extinguishment of Kempley footpath 38 and the linking section of Dymock footpath 57. The Order also proposes adding a path along the hedge line south of '57' towards Dymock footpath 55.

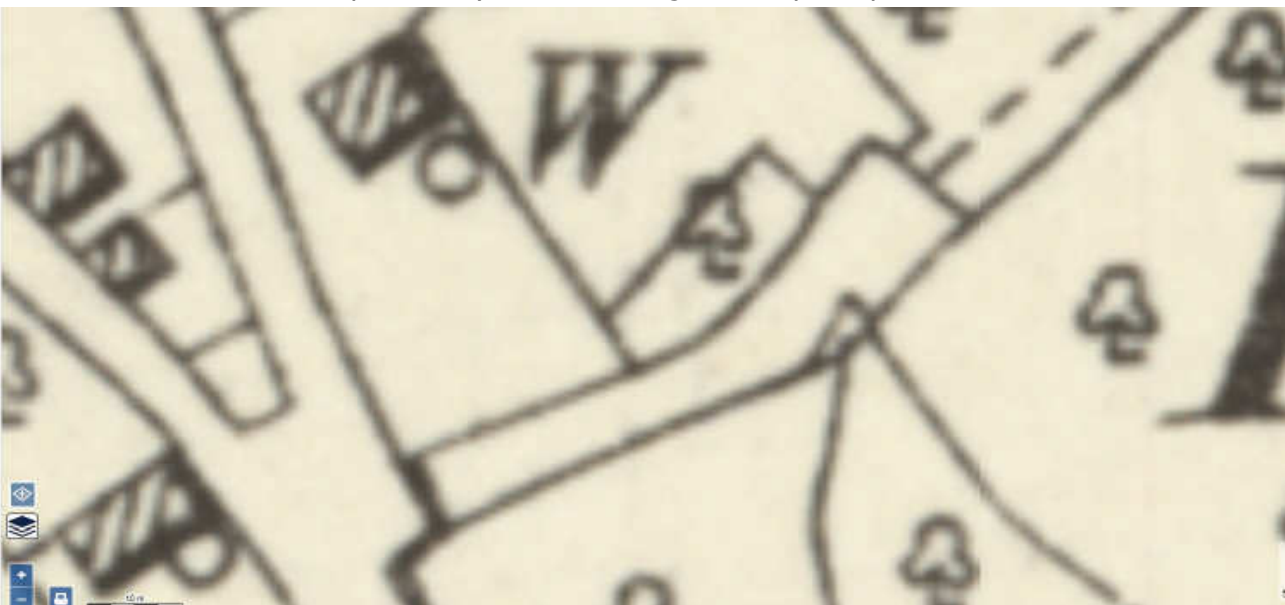
Note Kempley 39 in light blue dashes -See Definitive Statement CRF (Cart Road used mainly as a Footpath) but continues in mauve as a Footpath Dymock 55 from the Parish Boundary. However the Draft Definitive Statement refers to Dymock 55 as CRF. Sometimes CRF becomes a Footpath on recent maps, sometimes a Restricted Byway. Dymock 55 is shown today as a footpath. On the ground, both parts of the path appear to be about 5 metres wide.

Diagram 3. Maps showing alignment of GKE38

The draft Definitive Map is based on the 1924 6" OS map. Below is a close up of Diagram 2 where mauve highlights a footpath and the path number 38 is shown in red.



Below is a 1900 6" OS map courtesy NLS -showing the shape of path GKE38 shown above.



Below a 1880 25" OS map courtesy NLS (National Library Scotland). Note again the shaped area and the path exiting to the right. Access to the pond (in blue) may explain the shape.

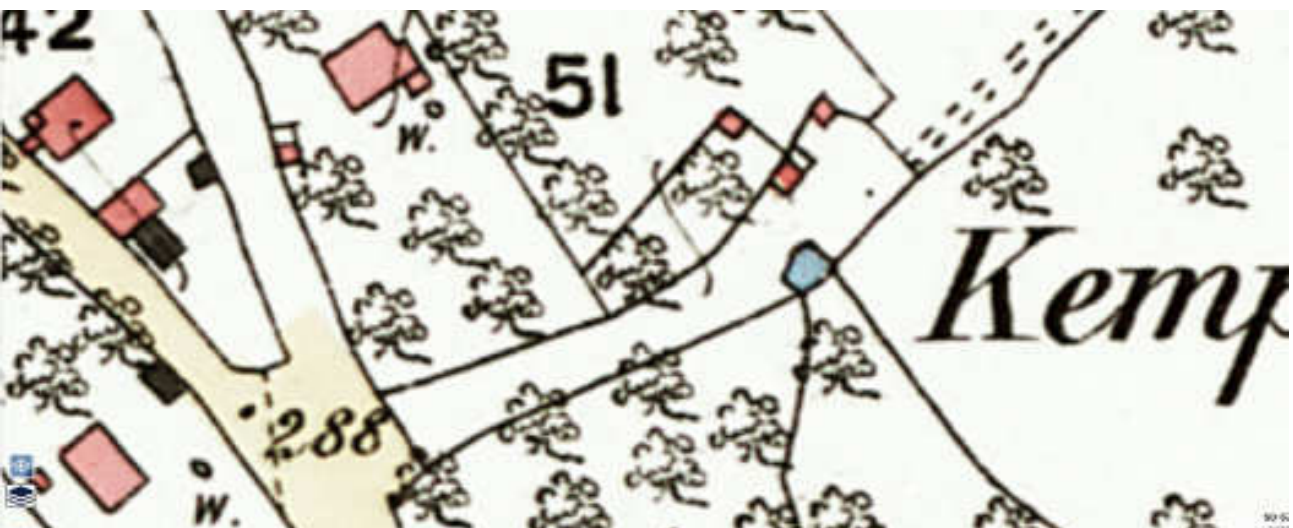


Diagram 4. Arrangement of current buildings and Public footpath GKE38.

The NLS (National Library of Scotland) website allows the 1901 OS 25 inch map to be overlaid onto a recent aerial image. Various buildings and the pond can be seen. Much of the available public space for GKE38 is now used as a driveway before it reaches the double peaked path.



Image Left

Land Registry and associated websites give an indication of ownership by overlaying polygons onto the aerial view.

Image below left

In 2009 Google street-view shows a structure just being built behind vehicles. There is a clear view through and onwards past distant poles. The electricity poles in the foreground can indicate presence of public verge.

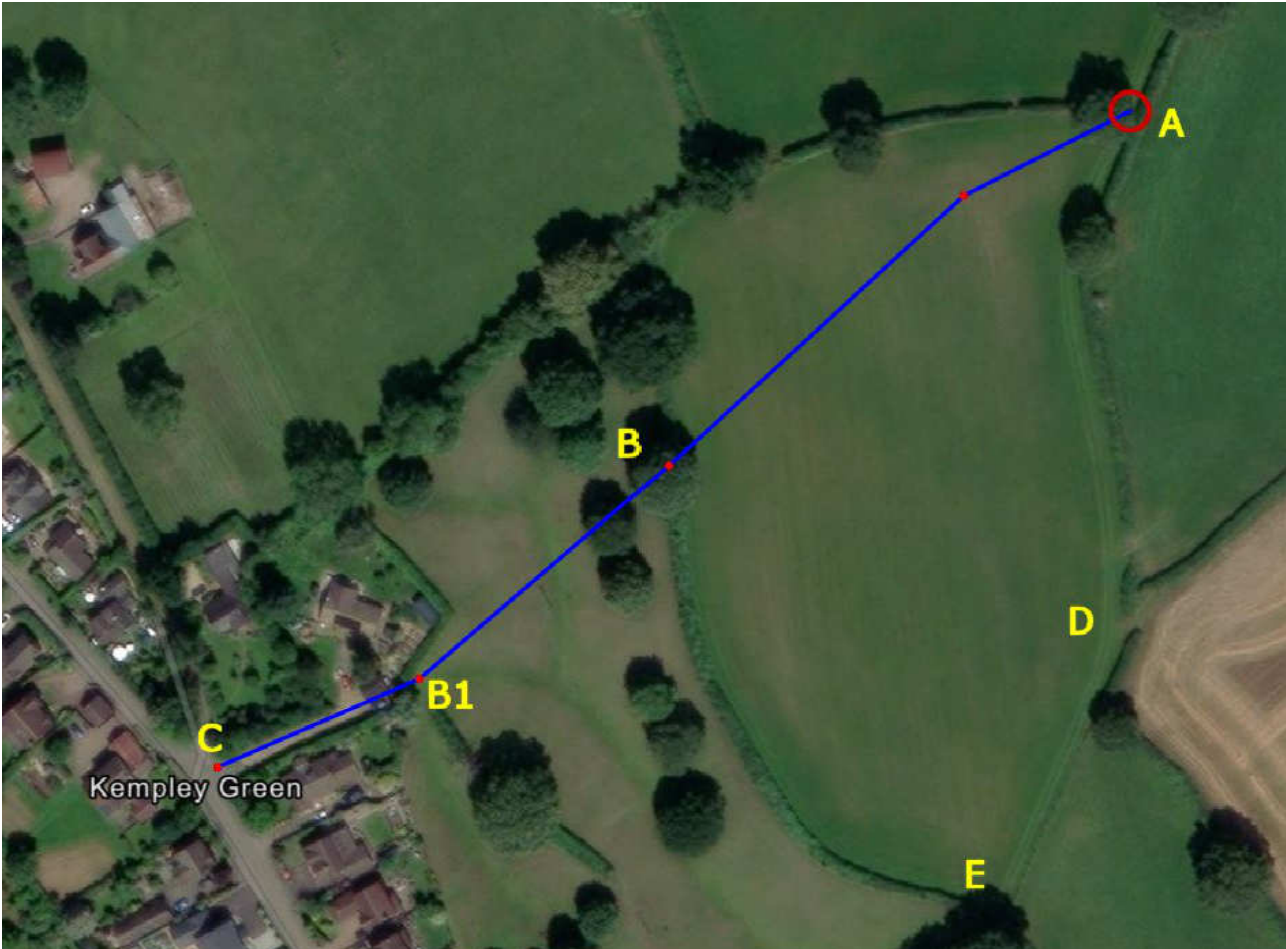
Image Below

In 2026, a double garage is complete and contributes to the obstruction of path GKE38



Diagram 5. Alignment of paths GDY57 and GKE38 and at the Parish Boundary

Aerial image below showing the alignment of path GDY57 from A to B and GKE38 from B through B1 to C. There are obstructions at point B, the Parish Boundary, and near point B1. Note that a field headland route can be seen from A-D-E



Obstruction at Parish Boundary GDY57/GKE38

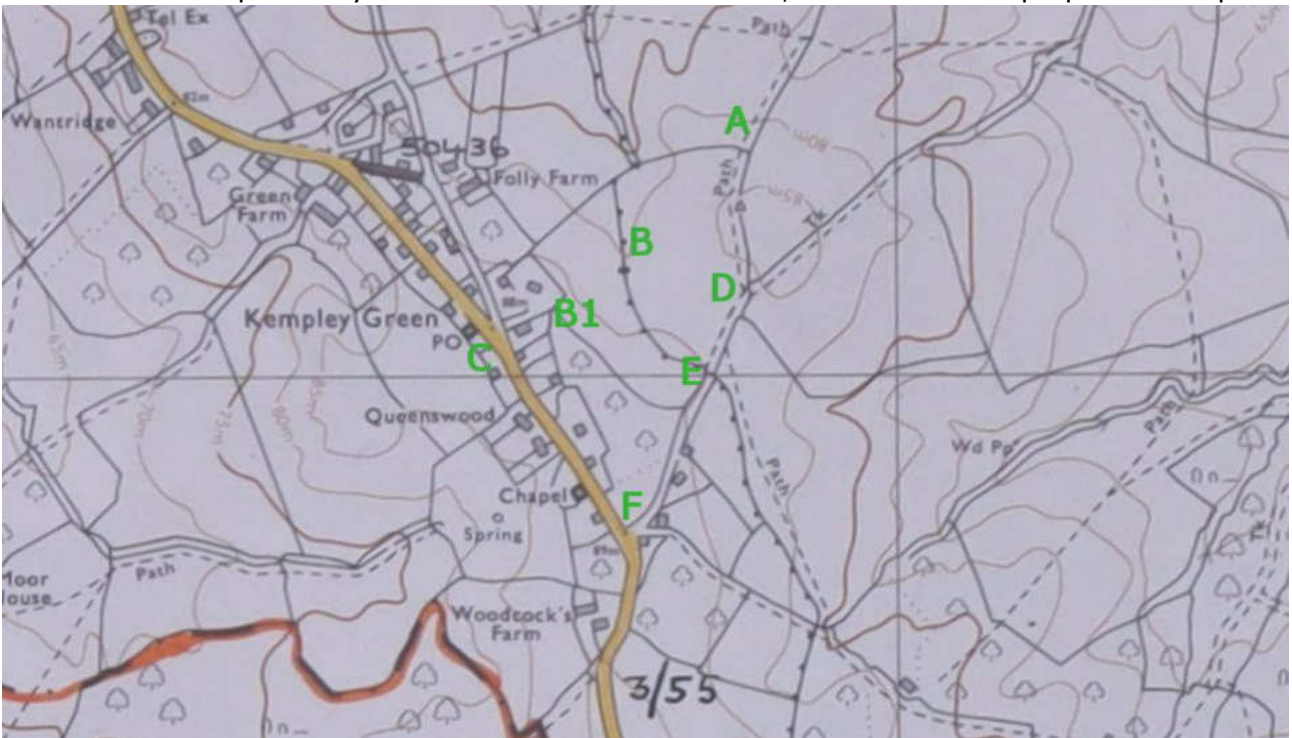
Below, view from A, with the obstructed path GDY57/GKE38 to the right of the tree at B. GKE38 passes another tree and a pole to point B1 near the garage where the path is blocked.



Diagram 6. County Roads Map and alignment of proposed Path A -D

County roads are shown and numbered on this separate map to the Definitive Map of Public Rights of Way. The map has been appended with points A, B, B1, C, D, E and F.

Note that this map usefully shows 'Path' between A and D, the route of the proposed new path.



Gate at A, approx 5 metres wide, looking south along the field headland to D in the distance.



Gates at E, approx 5 metres wide, looking north past D to A (annotated) along the headland.



Diagram 7. Definitive Statements

Footpath GKE38 and CRF GKE39 (Cart Road used mainly as a Footpath), submitted by Kempley Parish. GKE39 is shown as a Restricted Byway on current maps.

FP	DATE	DESCRIPTION	N.E.	FP/CRF	BOUNDARY	NO.	NOTES
FP GKE 38	3/95	South of Woods' Solly, Kempley.	N.E.	FP/GDY 77	Dymock Parish Boundary, East of Woods' Solly.	51,50.	Shown on 6 th O.S. 1924 Edition. Submitted by Parish Council.
CRF GKE 39.	3/95	South of Bethel Chapel Kempley Green	N.	FP/GDY 55	Dymock Parish Boundary, South East Kempley Green.	45	Shown on 6 th O.S. 1924 Edition. Submitted by Parish Council.

Footpath GDY55, GDY56 and GDY57, submitted by Dymock Parish. GDY55 is a continuation of CRF GKE39 (Cart Road used mainly as a Footpath).

FP GDY 55	02/05/2008	E. of Kempley Green	N.E.	40400	E. of Coast Woodend	30, 07, 270, 200, 202, 200, 200, 200	Submitted by Parish Council. Shown on 6 th O.S. 1924 Edition
FP GDY 56	FP/GDY 06	E.W. of New Grange	N.E.	FP/GDY 06	W. of Surrell's Cottage	370, 38, 71, 44	Submitted by Parish Council. Shown on 6 th O.S. 1924 Edition
FP GDY 57	FP/GDY 06	E. of Kempley Green	N.E.	FP/GDY 06	W. of New Grange	38, 277	Submitted by Parish Council. Shown on 6 th O.S. 1924 Edition

Diagram 8. Environs of footpaths, GDY57 and GKE38, proposed to be extinguished.



Above a view from GDY57 to the north towards Marcle Ridge.

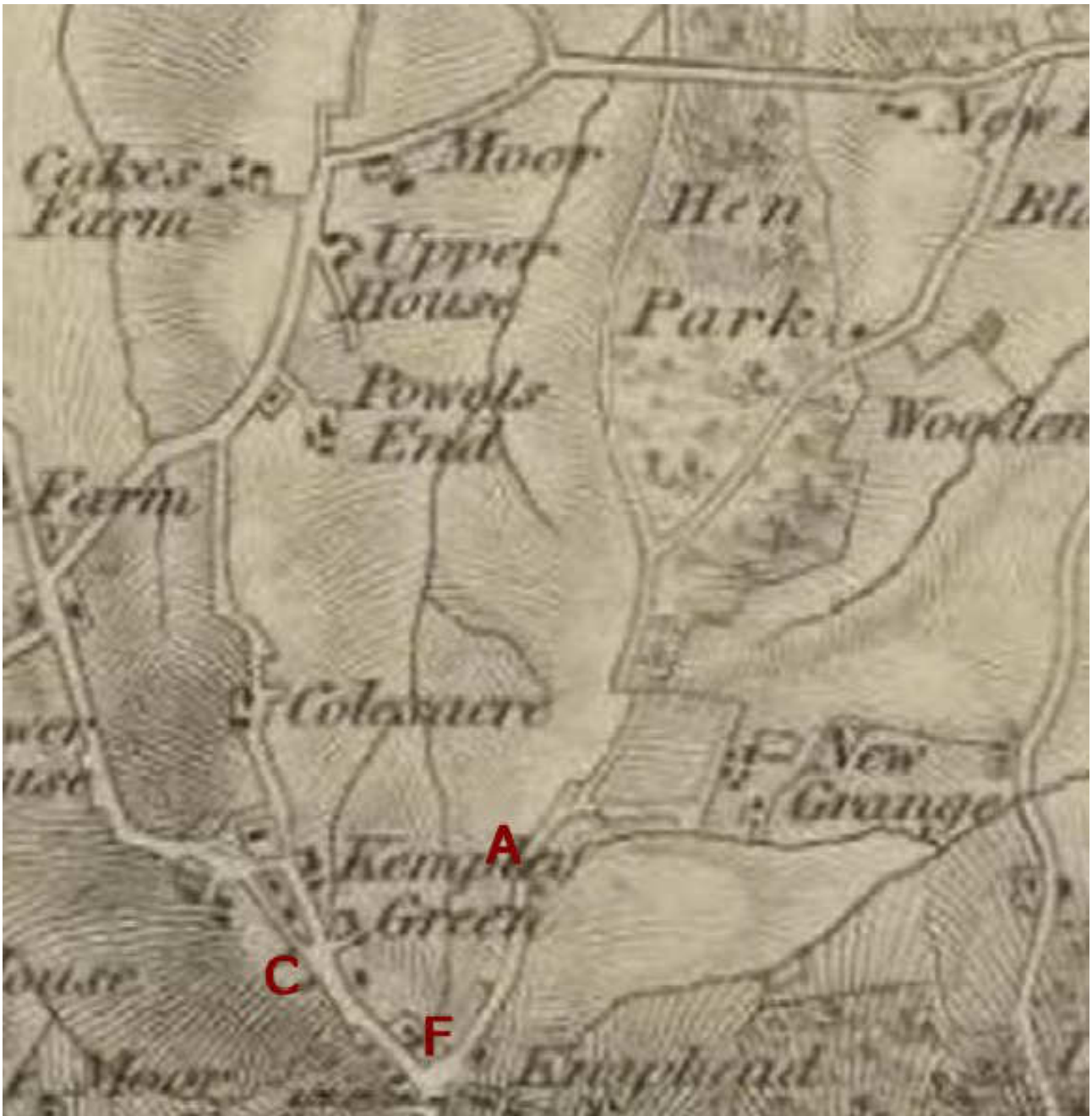


Above shows footpath GKE38 entrance on left with footpath sign on right. (courtesy of Google)

Diagram 9. Outline Lost Ways Research

Haind Park Wood (Hen Park)

Ramblers and other organisations are researching old Paths that may be missing from current maps. The 1800 OS First Edition shows paths from Kempley Green to woodland at Hen Park.



Route A-F is part of an old north - south route originating at Hen Park.
Point C is also shown.

Old Highways don't disappear if they fall out of use - Once a Highway, always a Highway.

Diagram 10. Current OS map with appended old paths.

Below is the current OS map with routes appended approximately (in yellow) based on the OS First Edition. Photos at points X, Y and Z show that path entrances are still apparent today.



Point X - Field and foot gates into wood. 'No horses' sign.

Point Y - a gateway with alignment across fields.

Point Z - from south, a gate and fence into the wood.

