

Definitive Map of Public Rights of Way for Gloucestershire (Additional Length of Footpath at Witcombe Farm) (Parish of Great Witcombe) Order 2009
Planning Inspectorate Reference : ROW/3354782
GCC Application reference: 573/11/101(1)

1 I write as the Gloucestershire Local Correspondent of the Open Spaces to support the confirmation of the modification order to add an additional length of footpath at Great Witcombe.

2. I have had the benefit of having sight of the County Council's Statement of Reasons, the original application and the supporting evidence forms as well as the various parts of objection of Charles Russell Speechlys solicitors (formerly Charles Russell).

3. In summary this is a soundly made application to modify the definitive map with significant supporting evidence, and it is the considered view of the Open Spaces Society that there is clear evidence that the right of way subsists and that the objections to the order are not soundly made.

4. It is of course disappointing that there has been 19 year length of time between the making of the application and the referral of this matter to the Secretary of State. This means that some of the witnesses are no longer able to be present in person to give evidence. Whilst this has some disadvantage to the process, their evidence has been given in the form of a witnessed declaration. It is notable that we cannot be confident that all relevant papers have been retained, as an example of this is that the Archivist's Report submitted at 9.10 is not a copy of the original but the document has been re-constituted from a photocopy of the document submitted to the CROW Committee when the matter was originally determined.

User Evidence

5. There are 49 user evidence forms, which are summarised at 9.09 in the bundle submitted by Gloucestershire County Council. These provide a substantial body of evidence of legitimate and sustained use of the route these include evidence of use that goes back many years before 1981, including periods starting in the 1930's, 1940's, 1950's and 1960's. These provide comprehensive evidence to support the claim.

Objection to the Order by Charles Russell Speechlys

6. The objections of Charles Russell Speechlys on behalf of the two Witcombe Estate trusts can be found at Document Reference 6.1. The County Council has comprehensively discussed the nature of the objections received, and the Open Spaces Society endorses the approach taken by the County Council.

Conclusion

7. The objected order before the Secretary of State has been subject to an unreasonable delay of 15 years by the Surveying Authority in referring the modification order to the Secretary of State. This is despite the Commons and Rights of Way Committee resolving to support the Modification Order at its November 2009.

8. The Inspector is urged to confirm the order as made.

Chas Townley
Gloucestershire Local Correspondent for the Open Spaces Society
2 August 2026