

RUSSELL, Rachel

From: HARRIS, Jaci
Sent: 04 February 2025 07:07
To: Nick Fawkes
Subject: RE: Public Right Of Way MST 28 in Stonehouse

Thank you.

Jaci Harris

Asset Data Officer
Highway Records
Gloucestershire County Council
Shire Hall
Gloucester
GL1 2TH

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

From: Nick Fawkes [REDACTED]
Sent: 02 February 2025 23:07
To: HARRIS, Jaci <Jaci.HARRIS@gloucestershire.gov.uk>
Subject: Re: Public Right Of Way MST 28 in Stonehouse

Dear Madam.

I would still like to retain my objection to the deletion of P.R.O.W. MST28 for the reasons I have previously stated.

Yours sincerely
Nick Fawkes

On 30 Jan 2025, at 18:59, Nick Fawkes [REDACTED] wrote:

On 30 Jan 2025, at 07:43, HARRIS, Jaci <Jaci.HARRIS@gloucestershire.gov.uk> wrote:

Mr Fawkes,

I understand your point, but this is a legal process and now that the Order has been made, I can only advise you that your objection, to succeed, must be based upon evidence which shows that MST28 was added correctly to the legal record of public rights of way. At present, it is hazardous on its true line.

I don't think you should lose hope, however. The outstanding application has yet to be investigated.

Please let me know if you wish to retain your objection or retract it.

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From: Nick Fawkes [REDACTED]
Sent: 29 January 2025 19:45
To: HARRIS, Jaci <Jaci.HARRIS@gloucestershire.gov.uk>
Subject: Re: Public Right Of Way MST 28 in Stonehouse

Dear Madam.

Thank you for your prompt response.

I do to some extent understand the reasons behind the intended deletion of that part of the true-line of MST28. What worries me though is that we may never get another P.R.O.W. in the vicinity to replace it. I imagine Linda Maiik would object to any new path put forward and then we could possibly lose the official right to walk through that area. It would be much better if there was a P.R.O.W. there.

Yours sincerely
Nick Fawkes

On 29 Jan 2025, at 13:48, HARRIS, Jaci
<Jaci.HARRIS@gloucestershire.gov.uk> wrote:

Mr Fawkes,

I acknowledge receipt of your objection.

The Order for the deletion is based upon the legal provision of s53(3)(c)(iii) Wildlife and Countryside Act 1981, i.e., the discovery of evidence which shows that "**there is no public right of way over land shown in the map and statement as a highway of any description**". I regret that in legal terms, your objection does not fit the criteria for deletion of a public right of way from the Definitive Map. It is incredibly difficult to delete a path from the legal record but to preserve it, you need to show that MST28 was correctly added to the Definitive Map and was not, as my report suggested, subject to a drafting error.

I am happy to retain your objection, and it will be forwarded to the Secretary of State with my submission and any other objections, but in its current form, it would be deemed irrelevant.

I would like to clarify your objection, however for my own understanding. I apologise if I have misunderstood, but you state that you are objecting to section B-C being deleted on the basis that you walk in the woodland. This is a different route to the true line of MST28, and it has nothing to do with the proposed deletion for which you say you understand its reason; because it crosses an open quarry and crosses two houses.

As a member of the 'Friends of Verney Fields', you will be aware that there is an outstanding application for a route through the wood to be added to the Definitive Map in the vicinity of MST28. Even if the true line of MST28 is deleted, this would not affect the outstanding application for the path through the woodland. That application is however yet to be investigated.

You will have noted that my report originally recommended that the whole of MST28 was deleted; A-C. The temporary closure was made on the same understanding. Although councillors considered however that only section B-C should be subject to an Order of deletion, I am concerned that the request to re-open the stub of MST28 is a way to connect with the woodland route being used. **There is no lawful right to walk in the woodland at present** and I would suggest that we wait to re-open MST28 until the Orders for MST28 and for the 12 additional routes to be added to the legal record are submitted to the Secretary of State for confirmation (or not). If successful, we may end up with public footpaths being recorded on the Definitive Map which **lawfully** connect with the remaining stub end of MST28 at point B.

Jaci Harris

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

From: Nick Fawkes [REDACTED]
Sent: 29 January 2025 11:59
To: HARRIS, Jaci <Jaci.HARRIS@gloucestershire.gov.uk>
Subject: Public Right Of Way MST 28 in Stonehouse

Ref. 573/11/212(12)

Dear Madam,

I am writing to object to the intended deletion of the part of MST28 which goes from points B to C on the G.C.C. map I am a regular user of this path which goes through a beautiful wooded hillside with great views of the surrounding area. I often use it every day in the lighter months of the year to get to my parents' house which is near where it emerges in the Rosedale Estate. I do understand that you are deleting the true-line of the path where the cliff has fallen away and where the route goes through two houses at the bottom, though I would hope that your plan is to officially reroute the path along the deviation(s) of the route that myself and others have been using in recent years and which has been submitted by the group 'Friends Of Verney Fields' of which I am a member.

On a slightly separate matter I would also like to question as to why MST28 is blocked by a locked gate at Point A on the map where it meets MST30. I was present at the recent C.R.O.W. meeting at Shire Hall and I remember a councillor (I apologise for not know his name) speaking about this and saying words to the effect that just because the path leads to a cliff-edge there is no reason for people not to be able to walk it -Sentiments with which I agree entirely.

I look forward to hearing from you about this matter.
Yours sincerely
Nick Fawkes