



Bledlow-cum-Saunderton Parish Council

Clerk: Tracey Martin clerk@bcspc.org.uk

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Helen Francis
Interim Definitive Map and Highway Searches Team Leader
Highways and Technical Services, Communities
Buckinghamshire Council
Walton Street Offices
Aylesbury
Buckinghamshire. HP20 1UA

6th August 2021

Dear Ms Francis

Response to enquiry under Wildlife and Countryside Act 1981 - Section 53 Buckinghamshire Council Definitive Map North Mill Road to Footpath No. 81, Parish of Bledlow-cum-Saunderton

Below is our response to your enquiry made after councillors consulted with local residents and examined materials presented to them. The council's opinion is as follows:

1. It is clear that the intention was for there to have been a pedestrian right of way between points A and B as evidenced by:
 - a. The green footpath sign, presumably placed by Buckinghamshire County Council or one of its predecessors outside the white gates on the approach to Lydebrook (Fig 1 and Fig 2).
 - b. The documented frequent use of the right of way from North Mill Road in a North Westerly direction towards Ilmer.
2. That there was a footpath along this route is further confirmed by the declaration dated 2 November 1983 by Mr & Mrs Stokes acknowledging the existence of a public footpath. A later statement dated 8 October 2014 signed by Peter and Janet Wilder, refers to a 'footpath', rather than a 'public footpath' but this does not refute the existence of a public footpath.
3. The length of concrete between points A and B has probably always been a road as evidenced by the material made available to Buckinghamshire Council by Mr Jeffrey and others.

Concerns re due process

Apart from commenting on the current situation, the Parish Council is extremely concerned that proper process was not followed when the alleged closure of the pedestrian right of way was made: despite carrying out searches, there is no record of the Parish Council having been consulted. Indeed an email of 20th July 2021 from Nick Graham, Director for Legal & Democratic Services, Buckinghamshire Council confirms that the Parish Council was not consulted at all.

- If Mr Jeffrey's contentions are correct and that the concrete running from points A to B was a road the wrong process was followed and it should have been closed under Section 47 of the Highways Act 1980, according to the act this would involve consulting with the Parish Council.

- At this point the Parish Council has not gone to the expense of legal advice, but if the route from point A to point B was a footpath we would have expected Buckinghamshire County Council to have used either:
 - a. Section 116 of the 1980 Highways Act which requires a hearing by Magistrates.
 - b. Or possibly, section 257 of the Town and Country Planning Act 1990, though this would be inappropriate as this provision is for use 'in order to enable development to be carried out' which is not the case

As the Parish Council was not consulted, due process was not followed. So, any closure is unsafe and almost certainly ineffective - it may be that both the pedestrian and the vehicular right of way was never closed in the first place.

Recommendation for short term action

Taking a more pragmatic approach, the major loss is of the pedestrian right of way. Though on paper there is an alternative route via BCS/30/3 and BCS/1/1, this route is often impassable as The Lyde needs to be crossed twice. There are bridges, but these are submerged underwater following the increasingly frequent heavy rain we are experiencing (see Fig 4).

Thus we recommend:

1. The footpath should be reopened as soon as possible.
2. The deterrent notices on the Lydebrook gate should be removed.
3. Ideally the white gates should be removed.
4. If the white gates are left in place, they should be set well back in order to let longer vehicles such as trailers and refuse vehicles turn around.

The Parish Council look forward to seeing the outcome of your enquiries, and would be interested to know when they should expect them.

Yours sincerely,



Tracey Martin
Clerk, Bledlow-cum-Saunderton Parish Council

Appendices



Fig 1. Screenshot from Google Maps clearly showing a footpath sign pointing towards Ilmer in March 2010.



Fig 2. Photograph by M Britnell taken 20 April 2020 again showing Public Footpath sign still in place.



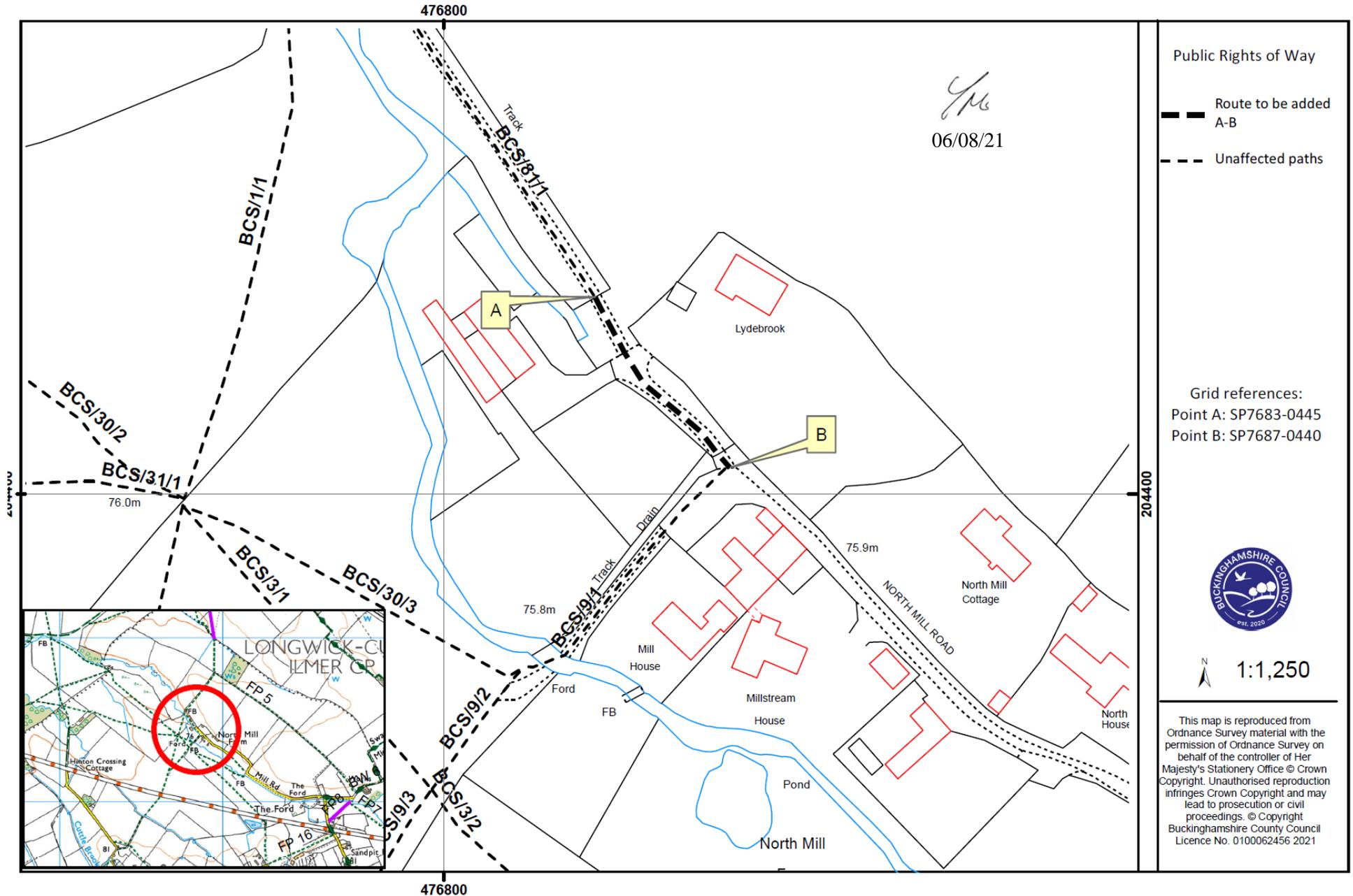
Fig 3. Photo of intimidating signs on white gate which have inhibited walkers.



Fig 4. Photos of flooded bridge across The Lyde on the alternate route.

Statement dated 2 November 1983 by Mr & Mrs Stokes acknowledging the existence of a public footpath (see Paragraph 6).

**WILDLIFE AND COUNTRYSIDE ACT 1981
SECTION 53
BLEDLOW-CUM-SAUNDERTON PARISH COUNCIL**



Public Rights of Way

Route to be added
A-B

Unaffected paths

Grid references:
Point A: SP7683-0445
Point B: SP7687-0440



1:1,250

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Other supporting material to be attached

Statement dated 2 November 1983 by Mr & Mrs Stokes acknowledging the existence of a public footpath

Statement dated 8 October 2014 signed by Peter and Janet Wilder footpath

STOKES and MARGARET MARY STOKES both of
Mill Bledlow in the County of Buckingham

DO SOLEMNLY AND SINCERELY DECLARE as follows :-

1. By a Conveyance dated the Eighth March One Thousand Nine Hundred and Seventy six we purchased the property known as Lydebrook North Mill Bledlow (hereinafter called "the said property") shown edged red on the Plan marked "CRS" which we now produce and we have owned and occupied the said property from the date of the said Conveyance until the date of this Declaration_____

2. At the date of our purchase of the said property we believed that the sections of the stream which is shown coloured blue and the track which is shown coloured yellow on the said Plan belonged to and were part of the said property_____

3. We purchased the said property on the Eighth of March One Thousand Nine Hundred and Seventy six from Jack Wrightman and Peggy Wrightman who told us that at the time of our purchase that the stream and track were part of the property and furthermore that they had constructed a concrete drive at their own expense between the points marked "X" and "Y" on the said Plan_____

4. Shortly after purchasing the said property we erected a gate at point "Y" on the said Plan and affixed to the gate a notice saying "No Entry Except for Access"_____

5. At no time has the erection of the said gate or the affixing to the gate of the said notice been challenged by any person to our knowledge_____

6. There is undoubtedly a Public Footpath running along the length of the track and the farmer who farms the adjoining land has an undoubted right of way along it but the farmer in particular has taken no objection to the erection of the said gate and has opened and closed it as necessary when passing over the said land shown coloured yellow on the said Plan to obtain access to the fields on the far side of the property_____

7. Some years ago but since we bought the said property the farmer owning the property to the south west of the stream which is shown coloured blue on the Plan renewed a fence on the south west bank of the stream. The farmer also erected a fence on the north west side of the property between the points marked "A" and "B" on the said Plan which extends across the stream at that point which we believe indicates an acknowledgement that the stream does not belong to him _____

AND WE MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

SWORN at High Wycombe }
Kimberly }
this 2nd day of November 1983) M.H. Stokes

Before me,

Elizabeth Firth

Solicitor/Commissioner for Oaths

ELIZABETH FIRTH

SOLICITOR



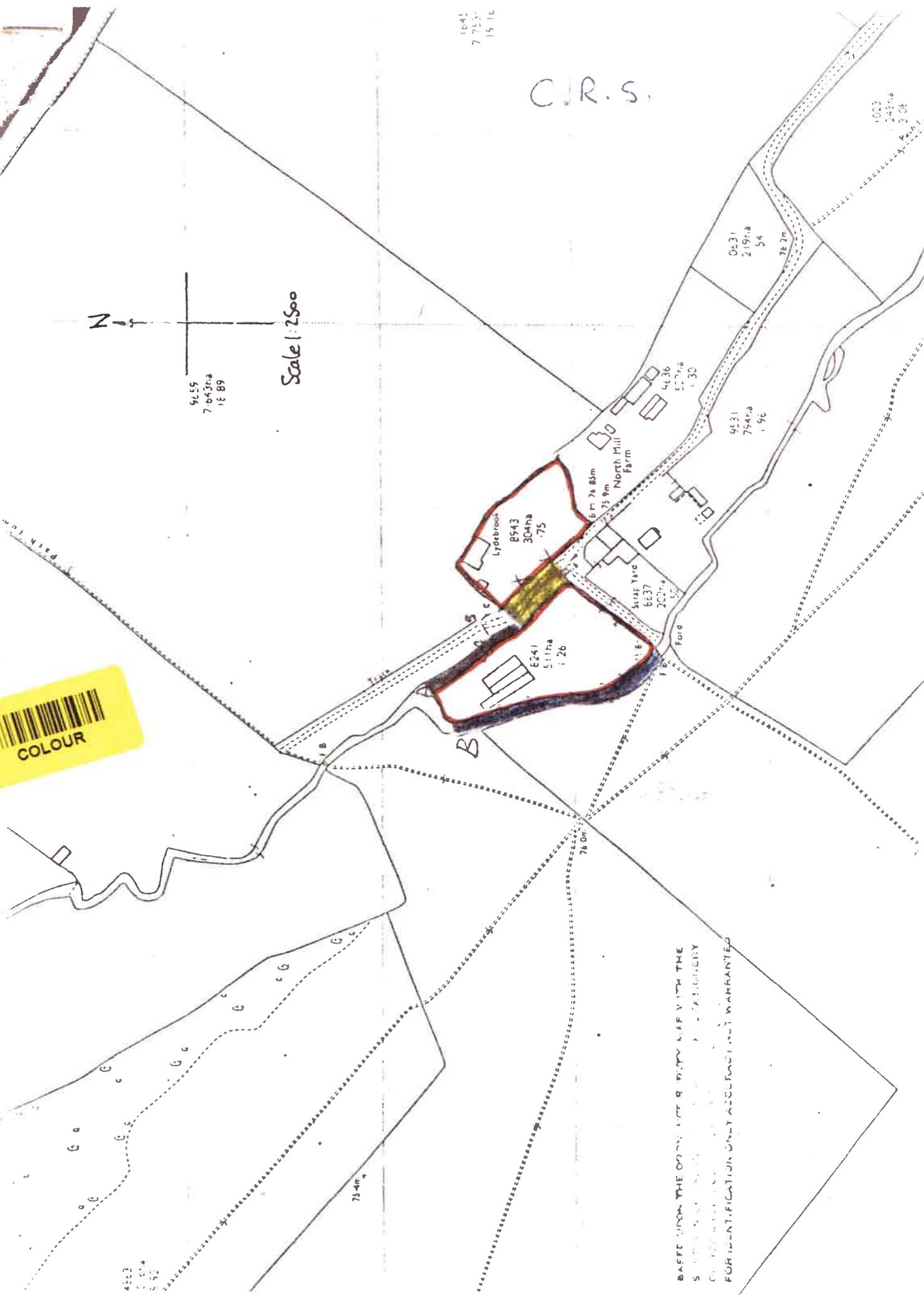
1645
7 753
15 16

C.R.S.

N

Scale 1:2500

9659
7.643ha
1E 89



1022
1.245ha
3 0E

0631
2.19ha
54

9531
7.94ha
1 9E

4836
5.7ha
1 30

6 M 76 85m
73 9m

North Mill Farm

Lydebrook

8543
304ha
.75

Scrap Yard
6637
200ha
50

6241
5.11ha
1 26

Ford

76.0m

75.4m

BASED UPON THE ORIGINALLY SUPPLIED MAPS WITH THE
SUPPORT OF THE LAND INFORMATION AUTHORITY
FOR IDENTIFICATION ONLY ACCURACY NOT WARRANTED

4823
1.245ha
3 0E

(S)

STATUTORY DECLARATION

We, PETER THOMAS WILDER and JANET ELLEN WILDER both of Lydebrook, North Mill, Bledlow, Princes Risborough, Buckinghamshire, HP27 9QP, do solemnly and sincerely declare as follows:

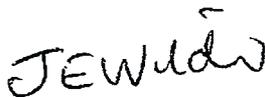
1. By a conveyance dated the 4th November 1983 we purchased the property known as Lydebrook, North Mill, Bledlow, Princes Risborough, Buckinghamshire, HP27 9QP and the adjoining field, ditch and stream shown edged red and coloured blue, yellow and green on plan "A" now produced (hereinafter called "the Property") and we have owned and occupied the Property from the date of the said Conveyance until the date of this Declaration
2. We the registered owners of the property under registered title number BM367372.
3. At the date of our purchase we relied upon the declaration given by Charles Raymond Stokes and Margaret Mary Stokes dated the 2nd November 1983 and a further declaration dated the 7th February 1990 by Charles Raymond Stokes and we believed that all the sections of the stream coloured blue and the track which is shown coloured yellow and the ditch coloured green belonged to and are part of the Property.
4. There is a concrete drive which was erected by the previous owner Jack Wrightman in the 1970's between points x and y on the Plan A which extends the length of the track and at point Y on the Plan there is a gate with a sign attached to it "No Entry except for Access".
5. At no time during our ownership has the gate or the sign attached to it been challenged by any person to our knowledge.
6. There is a public footpath running along the length of the track and the farmer who farms the adjoining land has a right of way along it and has taken no objection to the erection of the gate and has opened and closed it to gain access. However as the farm machinery has increased in size over the years the adjoining farmer has used the access less and less.

7. We maintain and clear the stream and use it for our ducks. The farmer maintains the fence on the southwest side of the stream which is coloured blue
8. The boundary coloured green on Plan "A" attached is marked by a hedge and substantial ditch which connects to the mill race running parallel to the track. The ditch is about 4 feet wide except where it joins the Mill Race where it is substantially wider. As is normal the ditch constituted the actual boundary. Throughout our ownership we have maintained both the hedge and the ditch. No other person or organisation has carried out any maintenance.
9. The track parallel to the ditch is a designated footpath and the footbridge crossing the stream has been maintained by Wycombe District Council.

We make this **declaration** conscientiously believing the same to be true, and in accordance with the Statutory Declarations Act 1835.

Signed by the said

JANET ELLEN WILDER



At

This 8th day of October 2014

Before Me



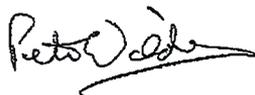
Solicitor

Commissioner for OATHS

Regler & Company Solicitors
51 High Street
Chinnor
Oxon OX39 4DJ

Signed by the said

PETER THOMAS WILDER



At

This 8th day of October 2014

Before Me



Solicitor

Commissioner for OATHS

Regler & Company Solicitors
51 High Street
Chinnor
Oxon OX39 4DJ

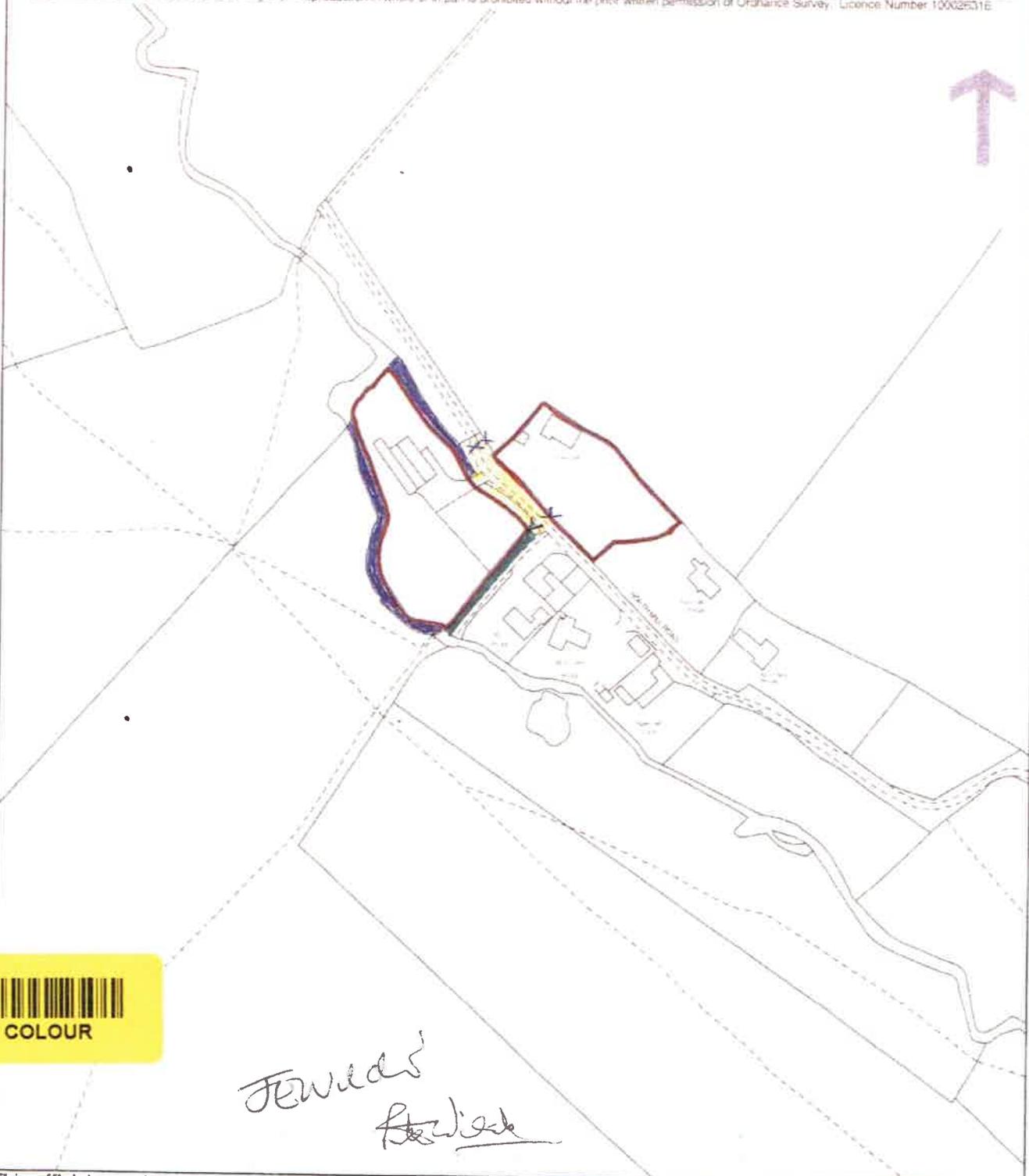
Land Registry

Original copy of
title plan

Title number **BM367372**
Ordnance Survey map reference **SP7604SE**
Scale **1:2500**
Administrative area **Buckinghamshire: Wycombe**



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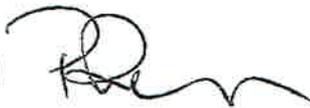
*Jewell's
Field*



This official copy issued on 23 February 2012 shows the state of this title plan on 23 February 2012 at 11:10:45. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.
This title is dealt with by Land Registry, Leicester Office.

This is the exhibit marked "A" referred to in the Affidavit of Peter Thomas Wilder and Janet Ellen Wilder sworn before me on the 5 of October 2014

Signed



Commissioner for Oaths

Regler & Company Solicitors
51 High Street
Chinnor
Oxon OX39 4DJ