



Friday 17th May 2019

Mrs Eleanor Hazlewood
Countryside Records
Oxfordshire County Council
(emailed)

**Re: Application for Definitive Map Modification Order - Addition of a Restricted Byway in the Parish of Chalgrove – High Street to St Mary’s Church “Frogmore Lane”
Draft determination report**

Dear Eleanor,

Chalgrove Parish Council strongly object to the proposals made within your draft determination report. There is no sound evidence that this was a right of way, only supposition, conjecture and indication. Having studied the maps there is still no definite conclusion that this path was a byway.

If there is a shred of doubt I urge you not to proceed with this application to record the route as a restricted byway, as it would have a detrimental effect on village life today. The recreation ground is in constant use by dog walkers, football players, families, and unaccompanied children, who all use the variety of wonderful facilities that the Parish Council offer. Allowing horses onto this recreation ground would create a safety hazard for all users.

The Recreation Ground used to be known as Ponis because it was covered by ponds. The present path was also continually waterlogged; not suitable for a byway.

Ancient footpaths went from the ‘car park’ straight up to the Children’s Playground and towards the Baulk and the bridge, which was just a wooden plank at the time.

Another footpath went diagonally across Ponis to a kissing gate, the remains of which are still in situ, and on to the Church. This was before any houses were built and so there was no need for a byway along the route in question.

Brief comments on your report:

Paragraph 10 & 13. You mention the significance of the raised ground, which is actually due to the ballast and chippings being used to treat muddy areas when needed to enable pedestrian access along the route, undertaken by the Parish Council. Please do not read any more into the raised areas.



Paragraph 12. You state “appears to be part of an ancient hedgerow”. This area has been maintained by the Parish Council Groundsman for many years to form a barrier between our facilities and the path. Two trees have been felled from this area.

Paragraph 27. This application was not included as a road in the Inclosure Award. There were cottages on the site and, most probably, paths leading to them.

Paragraph 29. The name ‘Frogmore Lane’ refers to the field on the western side of the path, called Frogmore or Hardings Field (currently owned by the County Council on behalf of the Primary School) alongside which the path runs.

Paragraph 30. A lane does not constitute a public highway, despite how well used it may have been.

Paragraph 93. If the recent publication by the VCH on Chalgrove & Bensington provides no information about a public right of way over this route, it is very unlikely that it existed. They are a thorough and reputable organisation.

Paragraph 96: The Parish Council intend to register this part of the path, along with other areas of the village.

Please see the attached letter from the County Council Legal Department in 1996. The Parish Council took this directive to mean that there are no prescriptive rights for horses on the Recreation Ground. There was no mention of a restricted byway, and surely the County Council cannot change its legal advice. Since then, the Parish Council have won a tribunal restricting horses and vehicles on the recreation ground unless with Parish Council permission.

In conclusion, Chalgrove Parish Council strongly objects to this route becoming a restricted byway. There is no positive proof of such a byway, only circumstantial assumption.

Yours sincerely,



Cllr. Ann Pritchard

Chairman

Chalgrove Parish Council