

Reference: 155/MOD/03.17

Countryside and Records
Definitive Map and Commons
Oxfordshire County Council
Speedwell House
Speedwell Street
Oxford
OX1 1NE

Mr M Knight
9 Hawthorn Close
Wallingford

6th April 2017

Dear Mr Knight

Application to add a restricted byway between The High Street (starting at “The Green”) to St. Marys Church & The Stream (known as “Frogmore Lane”), Chalgrove to the Definitive Map and Statement

I acknowledge receipt of your application to record a restricted byway between The High Street (starting at “The Green”) to St. Marys Church & The Stream (known as “Frogmore Lane”), Chalgrove. The evidence you have submitted in support of your application consists of the following:

- Davis Map, 1797
- Magdalen College Map, 1822
- Tithe Map of Chalgrove
- Tithe Apportionment of Chalgrove
- Chalgrove Inclosure Award and Map
- Magdalen College Map 1848
- Oxfordshire Ordnance Survey Map, 1881
- Ordnance Survey Map, South Oxfordshire, 1887
- Magdalen College Map, 1908
- Finance Act 1910, Record Sheet Plans
- Deed of Exchange
- Recreation Ground Bylaws
- Conveyance between Joynson Holland and Company Limited and Edward Fredrick Berkeley Monck
- Commons Registration Act
- Chalgrove, An Oxfordshire Village
- Statutory Declaration, Edward Fredrick Berkely Monck
- Oxfordshire Village Book
- Barentin’s Manor
- Victoria County History (VCH)- Chalgrove
- Footsteps Through Chalgrove & Chalgrove Village History Website
- Statutory Declaration, Melvin Allan Knight
- Title Register and Plans
- Photographs of Frogmore Lane

We (Oxfordshire County Council) process applications for Definitive Map Modification Orders in chronological order from the date of receipt. Unfortunately there is a waiting list for the investigation of Definitive Map Modification Order applications. The date we can start

researching your application will depend on how long it takes to process those before it in the list. Therefore it is unlikely that we can begin work on this application for several years.

You can check the progress of your application in relation to others we have, by visiting <http://publicapps.oxfordshire.gov.uk/wps/portal/publicapps/applications/dmmo> where the Case List is updated monthly.

I shall contact you again shortly before the research of your application is due to begin. If you have any queries in the meantime, please contact me.

Yours sincerely

Diana Rust
Assistant Rights of Way Officer

Direct line: 01865 328947
Email: diana.rust@oxfordshire.gov.uk
www.oxfordshire.gov.uk/countryside

Skinner, Katherine - E&E

From: Matthew Knight <matt_knight44@tiscali.co.uk>
Sent: 01 April 2017 09:02
To: Skinner, Katherine - E&E
Subject: RE: FW: FW: Enquiry

Hi Katie,

Just to confirm: I have amended the notices on-site.

Thanks,

Matthew

From: Matthew Knight [mailto:matt_knight44@tiscali.co.uk]
Sent: 29 March 2017 17:17
To: 'Skinner, Katherine - E&E'
Subject: RE: FW: FW: Enquiry

Hi Katie,

I spoke with Lisa today and, as a result, please find enclosed another copy of the original Form A which I have re-signed after striking out "byway open to all traffic" under section (b).

In addition, I've also re-completed a new Form A so maybe you can include both for traceability.

I will amend the notices on site by striking out the BOAT option under section (b) and also re-sign the form.

Hopefully that's sufficient for us to move forward.

Many thanks,

Matthew

From: Skinner, Katherine - E&E H[mailto:Katherine.Skinner@Oxfordshire.gov.uk]
Sent: 28 March 2017 17:45
To: matt_knight44@tiscali.co.uk
Subject: RE: FW: FW: Enquiry

Dear Mr Knight,

I apologise but I intend to look into the legislation relating to this application tomorrow and send a full response. However, I have received confirmation that we would not be able to accept the application as being duly made and therefore add it to our waiting list without the status of the route you are applying for being added to Form A. I am going to read schedule 14 of the Wildlife and Countryside Act 1981 for clarification on whether we would be able to accept an application without the status being included on the notification that has been sent to the relevant landowners, or the notice that has been displayed on site.

Kind regards,
Katie Skinner
Assistant Rights of Way Officer

Oxfordshire County Council
Definitive Map and Commons
Speedwell House
Speedwell Street
Oxford
OX1 1NE

Direct phone: 01865 816803
Phone : 01865 810808
Fax: 01865 6069614
Katherine.skinner@oxfordshire.gov.uk

From: matt_knight44@tiscali.co.uk [mailto:matt_knight44@tiscali.co.uk]
Sent: 21 March 2017 22:50
To: Skinner, Katherine - E&E
Subject: RE: FW: FW: Enquiry

Hi Katie,

Thanks, but please ask your colleagues to be pragmatic. With a 10 year waiting list I hope that there's some flexibility in the first 6 months since nothing will actually happen as far as I can tell (other than registration of the application and site visit).

Many thanks.

Best regards,

Matthew

---- Skinner, Katherine - E&E wrote ----

Dear Matthew,

I will look into whether it is legally possible for you to change the status of the route that you are applying for after we have received the application and if you need to amend the application form (Form A) to include the status of the route that you are applying for or whether the email below is sufficient. I will contact you in due course.

Many thanks,

Katie Skinner

Assistant Rights of Way Officer

Oxfordshire County Council

Countryside Service

Definitive Map and Commons

Signal Court
Old Station Way
Eynsham
Oxford OX29 4TL

Direct phone: 01865 816803

Phone : 01865 810808

Fax: 01865 6069614

Katherine.skinner@oxfordshire.gov.uk

From: Matthew Knight [mailto:matt_knight44@tiscali.co.uk]
Sent: 20 March 2017 16:54
To: Skinner, Katherine - E&E
Subject: RE: FW: Enquiry
Importance: High

Hi Katie,

Thanks for your email.

As requested and discussed, I have placed 3x notices and plans at the entrance/exit to Frogmore Lane. Consequently, please find enclosed a copy of form C which I completed today.

I have not yet had the chance to read about BOATs, so please assume a restricted byway for now. I'm keen to get the application registered so that the clock is ticking (considering the 10 year topic), but will read about BOATs over the next few months and will let you know if this changes anything from my side.

Many thanks and please let me know once I have my position in the queue!

Best regards,

Matthew

From: Skinner, Katherine - E&E [<mailto:Katherine.Skinner@Oxfordshire.gov.uk>]
Sent: 16 March 2017 11:04
To: matt_knight44@tiscali.co.uk
Subject: RE: FW: Enquiry

Dear Matthew,

Sorry for the delay in getting this update to you. Many thanks for coming to this office to discuss Frogmore Lane, Chalgrove and dropping off Form D 'Application for Permission to Notify Landowners by Site Notice'. We (Oxfordshire County Council) grant you, as the applicant, permission to notify the landowner(s) of your intention to make a DMMO application by placing notices and plans at both ends of the route that you intend to claim as a public right of way, please find attached Form B for this purpose. When you have served notice on the landowner in this way please complete form C (attached) and send it to this office.

As discussed, if you are to make an application to record the route as a byway open to all traffic (BOAT) you will need to provide evidence that certain exemptions under the Natural Environment and Rural Communities Act 2006 are met.

I am not sure whether there is a process to apply to record a route on the List of Streets please contact OCC's Highway Records Team on highway.records@oxfordshire.gov.uk or phone: 01865 815082 for information.

Please do not hesitate to contact me if you need any further information.

Kind regards,

Katie Skinner

Assistant Rights of Way Officer

Oxfordshire County Council

Countryside Service

Definitive Map and Commons

Signal Court

Station Way
Eynsham
Oxford OX29 4TL

Direct phone: 01865 816803

Phone : 01865 810808

Fax: 01865 6069614

Katherine.skinner@oxfordshire.gov.uk

From: matt_knight44@tiscali.co.uk [mailto:matt_knight44@tiscali.co.uk]

Sent: 14 March 2017 19:14

To: Skinner, Katherine - E&E

Subject: RE: FW: Enquiry

Hi Katie,

I hope you are well.

Do you have an update for me?

Many thanks.

Best regards,

Matthew

----- Skinner, Katherine - E&E wrote -----

Dear Matthew,

Many thanks for your email and for coming to our office last week. Apologies for the delay in getting the letter of permission to you our Oct system is down at the moment I will get the documents to you asap.

Many thanks,
Katie

From: Matthew Knight [mailto:matt_knight44@tiscali.co.uk]

Sent: 04 March 2017 10:56

To: Skinner, Katherine - E&E

Subject: RE: FW: Enquiry

Hi Katie,

I hope you are well.

Following our F2F discussion, can you please send me a copy of form D as discussed (since not all land owners are known) so that I can place notices at the site. I can then supply you an updated copy of form C.

As I understand, you cannot officially register my application until the above is done, so I would like to get it underway ASAP.

Many thanks and have a nice weekend.

Matthew

From: Skinner, Katherine - E&E [mailto:Katherine.Skinner@Oxfordshire.gov.uk]
Sent: 08 February 2017 14:08
To: Matthew Knight
Subject: RE: FW: Enquiry

Dear Matthew,

Many thanks for your email. I am able to respond on the current situation regarding submitting further evidence however I have emailed my colleague as there is likely to be a change in the regulations soon which may affect how we process applications in the near future. I will respond to your email below asap.

Many thanks for your patience.
Katie Skinner
Assistant Rights of Way Officer

Oxfordshire County Council
Countryside Service
Definitive Map and Commons
Signal Court
Old Station Way
Eynsham
Oxford OX29 4TL

Direct phone: [01865 816803](tel:01865 816803)
Phone : [01865 810808](tel:01865 810808)
Fax: [01865 6069614](tel:01865 6069614)
Katherine.skinner@oxfordshire.gov.uk<mailto:Katherine.skinner@oxfordshire.gov.uk>

From: Matthew Knight [mailto:matt_knight44@tiscali.co.uk]
Sent: 03 February 2017 21:12
To: Skinner, Katherine - E&E
Subject: RE: FW: Enquiry

Hi Katie,

Please call me Matthew.

As I mentioned on the phone, I'm almost ready to submit my application. Gathering evidence has been extremely time consuming, especially trying to squeeze it in around full-time work and children, e.g. several visits to the National Archive in Kew, Magdalen College, Oxfordshire History Centre etc. etc.

I have most of my primary evidence included in a bundle, e.g. inclosure awards and maps, Tithe maps etc. but I'm sure you can appreciate that the more you read/research, the more you learn and this creates more

ds which you want to investigate. It's a completely new subject for me.

Since there's already a long waiting list for the DMMO applications, I don't want to wait any longer before I submit, but please can you confirm that if I do obtain more relevant evidence I will have an opportunity to include this in the application moving forward?

Just to clarify, I do not mean drip-feeding info on a regular basis, but for example when I'm contacted to discuss or attend a hearing, I can include additional info which I've collated leading up to the event.

Many thanks in advance and I wish you a great weekend!

Best regards,

Matthew

From: Skinner, Katherine - E&E [mailto:Katherine.Skinner@Oxfordshire.gov.uk]
Sent: 24 January 2017 17:07
To: Matthew Knight
Subject: RE: FW: Enquiry

Dear Mr Knight,

Many thanks for your email below and call earlier today. Again, apologies for the delay in response I was on annual leave from 10th- 23rd January.

Please find attached Form A as requested. Please do not hesitate to contact me if you need any further documents or information.

Kind regards,
Katie Skinner
Assistant Rights of Way Officer

Oxfordshire County Council
Countryside Service
Definitive Map and Commons
Signal Court
Old Station Way
Eynsham
Oxford OX29 4TL

Direct phone: [01865 816803](tel:01865 816803)
Phone : [01865 810808](tel:01865 810808)
Fax: [01865 6069614](tel:01865 6069614)
Katherine.skinner@oxfordshire.gov.uk<mailto:Katherine.skinner@oxfordshire.gov.uk>

From: Matthew Knight [mailto:matt_knight44@tiscali.co.uk]
Sent: 12 January 2017 19:44
To: Skinner, Katherine - E&E
Subject: RE: FW: Enquiry

Hi Katherine,

I hope you are doing well and that you had a nice Christmas.

I've finally collated all of the evidence which I require and have started to fill in the DMMO application, but I did not get off to a good start – I made a mistake on Form A!

Therefore, are you able to email me an electronic version and then I can print it off and complete it? In fact, an electronic version of all forms might be useful.

I will be back in touch over the next few weeks to submit the application.

Many thanks,

Matthew Knight

From: Skinner, Katherine - E&E [mailto:Katherine.Skinner@Oxfordshire.gov.uk]
Sent: 14 October 2015 17:12
To: matt_knight44@tiscali.co.uk<mailto:matt_knight44@tiscali.co.uk>
Subject: FW: FW: Enquiry

Dear Mr. Knight,

Sorry, when I was saving the email below I noticed I didn't attach Defra's guidance on protection and management of village greens please now find this document attached.

Thanks,
Katie Skinner
Assistant Rights of Way Officer

Oxfordshire County Council
Countryside Service
Definitive Map and Commons
Signal Court
Old Station Way
Eynsham
Oxford OX29 4TL

Direct phone: [01865 816803](tel:01865816803)
Phone : [01865 810808](tel:01865810808)
Fax: [01865 6069614](tel:018656069614)
Katherine.skinner@oxfordshire.gov.uk<mailto:Katherine.skinner@oxfordshire.gov.uk>

From: Skinner, Katherine - E&E
Sent: 14 October 2015 14:53
To: matt_knight44@tiscali.co.uk<mailto:matt_knight44@tiscali.co.uk>
Subject: FW: FW: Enquiry

Dear Mr Knight,

Following our recent telephone conversation I hope this information on land registered as a town or village green and Definitive Map Modification Order (DMMO) applications will be of use to you.

I shall first address the topic of land registered as a town or village green. As you may know the protection of land registered as town or village green is very strict, protections include section 12 of the Inclosure Act 1857 available at: <http://www.legislation.gov.uk/ukpga/Vict/20-21/31/section/12> and Section 29 of the Commons Act 1876 available at: <http://www.legislation.gov.uk/ukpga/Vict/39-40/56/section/29>. For more information on the protection of village green please see our website at:

<https://www.oxfordshire.gov.uk/cms/content/protection-village-greens> and Defra's guidance (attached).

Land registered as a town or village green is usually owned by the Parish Council however the land may be in private ownership. The information that is provided in the register of town or village greens (copy attached) was whom the Commons Commissioner was satisfied to be the owner at the time of registration, this information is rarely updated and is therefore often outdated. Please can I suggest that you contact the Land Registry for information on land ownership.

There is a list of the types of documentary evidence that you may wish to use to support an application for a DMMO in the application pack that I have sent out in the second class post today. However, here is this information (plus some extras I've added) so you can look into this further in the meantime.

- Inclosure Award and Map*
- Tithe Apportionment and Map*
- Finance Act Maps*
- Ordnance Survey Maps*
- Railway/Canal Survey Maps and Schedules*
- Estate Maps and Records*
- Quarter Session Rolls*
- Sale Catalogues*
- Highway Board Minute Books*
- Others [please specify].

Other evidence could be:

- County Maps
- Parish Council Records (e.g Minutes)
- Manorial Records
- Deeds and Conveyances
- Diocesan & Parochial Records
- Aerial Photos
- Local History Books

As discussed on the telephone if your claim was to be based on the user evidence (please see DMMO guidance notes attached) then the claimed route may be affected by the registration of land as a town or village green. The land registration may affect the claim as people within the locality or neighbourhood of the green would have the right to access the land for recreational purposes therefore their access may be 'by right' as appose to 'as of right'.

As mentioned above the application pack should be with you shortly. Please do not hesitate to contact me if you have any queries.

Kind Regards,
Katie Skinner
Assistant Rights of Way Officer

Oxfordshire County Council
Countryside Service
Definitive Map and Commons
Signal Court
Old Station Way
Eynsham
Oxford OX29 4TL

Direct phone: 01865 816803

Phone : 01865 810808

Fax: 01865 6069614

Katherine.skinner@oxfordshire.gov.uk<mailto:Katherine.skinner@oxfordshire.gov.uk>

From: Skinner, Katherine - E&E

Sent: 14 October 2015 09:45

To: 'matt_knight44@tiscali.co.uk'

Subject: RE: FW: Enquiry

Dear Matthew,

Many thanks for your email, sorry about the delay in response I was at training yesterday. I can confirm it was me you were speaking to on the phone on Monday regarding Village Greens and Definitive Map Modification Order (DMMO) applications. I am in the process of drafting an email to provide information on both matters. Sorry I did not provide you with my contact details on the phone please find details below.

Many thanks for your patience.

Regards,

Katie Skinner

Assistant Rights of Way Officer

Oxfordshire County Council
Countryside Service
Definitive Map and Commons
Signal Court
Old Station Way
Eynsham
Oxford OX29 4TL

Direct phone: 01865 816803

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Fax: 01865 6069614

Katherine.skinner@oxfordshire.gov.uk<mailto:Katherine.skinner@oxfordshire.gov.uk>

From: matt_knight44@tiscali.co.uk<mailto:matt_knight44@tiscali.co.uk>

[mailto:matt_knight44@tiscali.co.uk]

Sent: 12 October 2015 18:03

Cc: Skinner, Katherine - E&E

Subject: RE: FW: Enquiry

Hi Katie,

Can I just confirm that you are the person I spoke with earlier today?

Many thanks!

Matthew

---- Gledhill, Alison - E&E wrote ----

Dear Matthew

Katie Skinner works in the Definitive Map and Commons Team, her direct dial number is 01865 816803.

Régards

Alison Gledhill
Rights of Way Assistant

Monday, Tuesday, Wednesday

Definitive Map & Commons
Countryside Access
Oxfordshire County Council
Signal Court
Old Station Way
Eynsham
Oxford OX29 4TL

tel: (01865) 810808
direct line: (01865) 328945

From: matt_knight44@tiscali.co.uk<mailto:matt_knight44@tiscali.co.uk>
[mailto:matt_knight44@tiscali.co.uk]
Sent: 12 October 2015 12:33
To: Gledhill, Alison - E&E
Subject: RE: FW: Enquiry

Hi Alison,
I spoke with a very helpful lady called Katie from the claims team. Could you tell me her surname and give me a more direct number for future reference? Many thanks.

Best regards,

Matthew

----- Gledhill, Alison - E&E wrote -----

Dear Matthew

Thank you for your enquiry. You may view the Definitive Map and Statement, which is the legal record of public rights of way for the County, and information about it at www.oxfordshire.gov.uk/definitivemaponline<<http://www.oxfordshire.gov.uk/definitivemaponline>>; .

I hope this is of help

Regards

Alison Gledhill
Rights of Way Assistant

Monday, Tuesday, Wednesday

Definitive Map & Commons
Countryside Access

Oxfordshire County Council
Signal Court
Old Station Way
Eynsham
Oxford OX29 4TL

tel: (01865) 810808
direct line: (01865) 328945

From: Matthew Knight [mailto:matt_knight44@tiscali.co.uk]
Sent: 11 October 2015 13:39
To: Cotton, Sarah - E&E
Subject: RE: Enquiry

Hello Sarah,

Thank you for your response. The land in question is known as Frogmore Lane (or Frog Lane). It was formerly a road which ran from the high street (adjacent to the Crown pub) to the church.

Please find enclosed a copy of the Tithe Map of Chalgrove which should help clarify (plot number 2134) and an excerpt from the apportionment document (image 0340). 2133 is the high street.

I know it's not recorded as a public road by the highways agency, but clearly it was a road/Lane/carriage way of some description. Can you help me ascertain what rights of way existed?

Many thanks.

Matthew
Tel: 07921239033

---- Countryside Services - E&E wrote ----

Dear Matthew

Thank you for your enquiry which has been received in the Countryside Access department of Oxfordshire County Council, to enable us to assist with your enquiry please could you give us further details of what enquiries you wish to make about the right of way in Chalgrove and where it is, alternatively you can contact this office direct on 01865 810226<tel:01865%20810226>.

Regards

Sarah Cotton
Admin Officer
Countryside Access
Oxfordshire County Council
Signal Court
Old Station Way
Eynsham
Oxford
OX29 4TL
Tel; 01865 810226<tel:01865%20810226>

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

From: Public Enquiries On Behalf Of matt_knight44@tiscali.co.uk<mailto:matt_knight44@tiscali.co.uk>
Sent: 29 September 2015 22:56
To: Countryside Services - E&E
Subject: Enquiry

The following message has been sent via our public website from Matthew Knight, email:at matt_knight44@tiscali.co.uk<mailto:matt_knight44@tiscali.co.uk>, telephone:[07921239033](tel:07921239033)<<tel:07921239033>>

on Tue, 29 Sep 2015

Hello, I would like to make an enquiry about a right of way in the village of Chalgrove. Is this the correct team? I have already contacted the highways team. I could make an appointment or is it more effective in the first instance to discuss over the phone? Many thanks in advance, Matthew

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Notes taken 27th February 2017
by KS at meeting with Mr Knight. Bob Miller

Southern section of route unregistered
along 155/9/30 and 5.

Church care and claimed route used to feed through
to the church.

Status higher than FP or bridleway.

Recreation ground further to South of Chalgrave - Inclosure award.

1950 deed of exchange the land was privately owned - from
parish records.

1960-1950 - Parish Council minutes route was ignored.

1960 - Parish said they would tidy up the land. Registered it as
TWG. Termined in part then bollards that only allow pedestrian

Rules do not apply to footway lane as the land that was
included within the Deed of exchange excluded the lane.
So the land that was then registered as a TWG included the
lane.

Commons Commission decision includes info that PC owned
EC ground but not the old foot.

* Speak to Eleanor re Deed.

* Email Matthew Knight form B inc notes.

* Send permission following receipt of form D.