

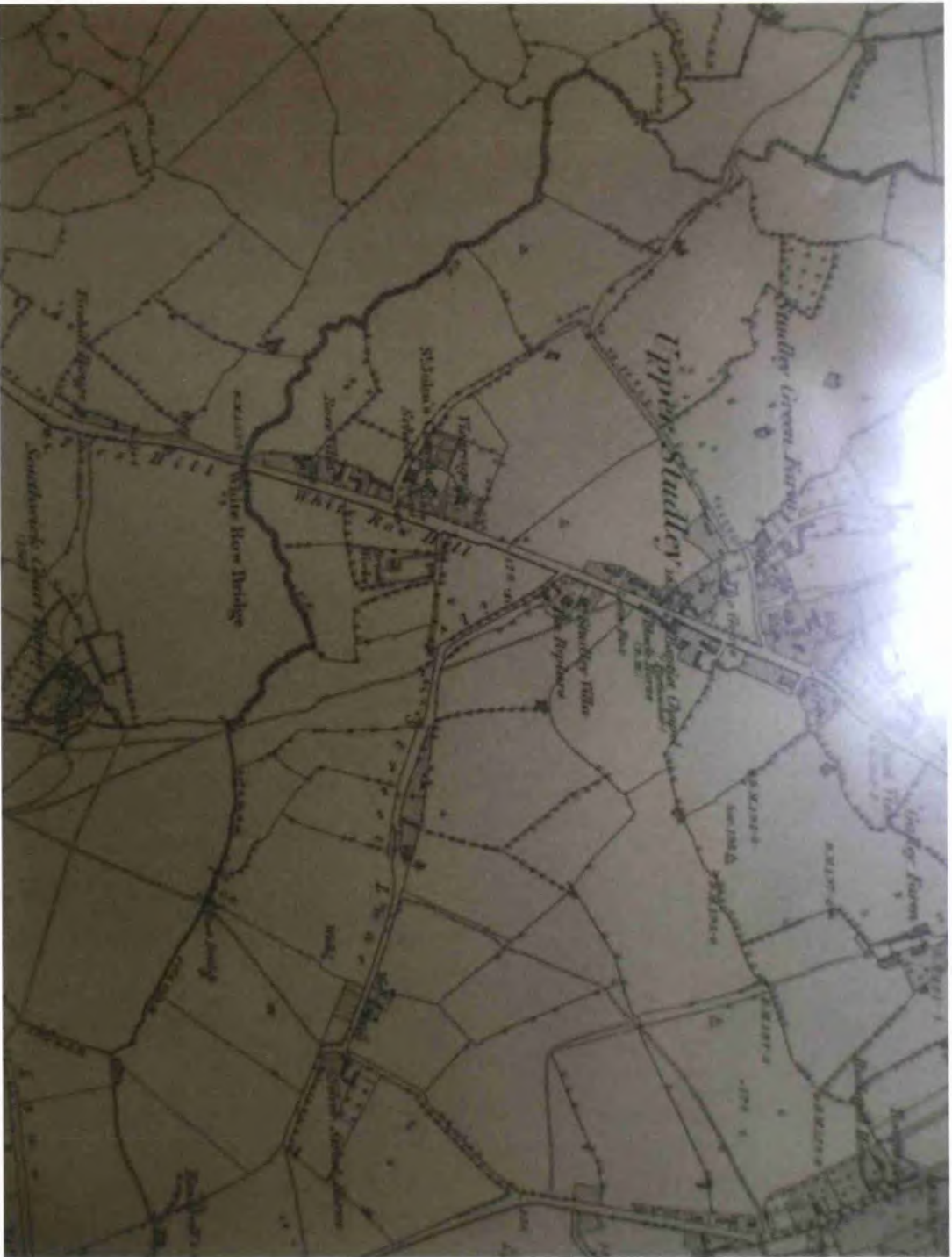
Ordnance Survey 1" Old Series Map



Sheet no.14 – Published 14th August 1817



Sheet no.19 – Published 14th August 1817



CONVENTIONAL SIGNS

Low down Fine (Faint)
 Suspension, Fly of
 Topographical Signs
 Beach Bars of W.
 Temp. Sand, Fine, Signal, Fall
 Fall, Spring, Landing, Fall
 High Water

Rocks
 Beach Bars
 Underwood
 Onward
 High Water
 Low Water
 Current

Falls
 Sand Pit
 Quarry
 Open Pit

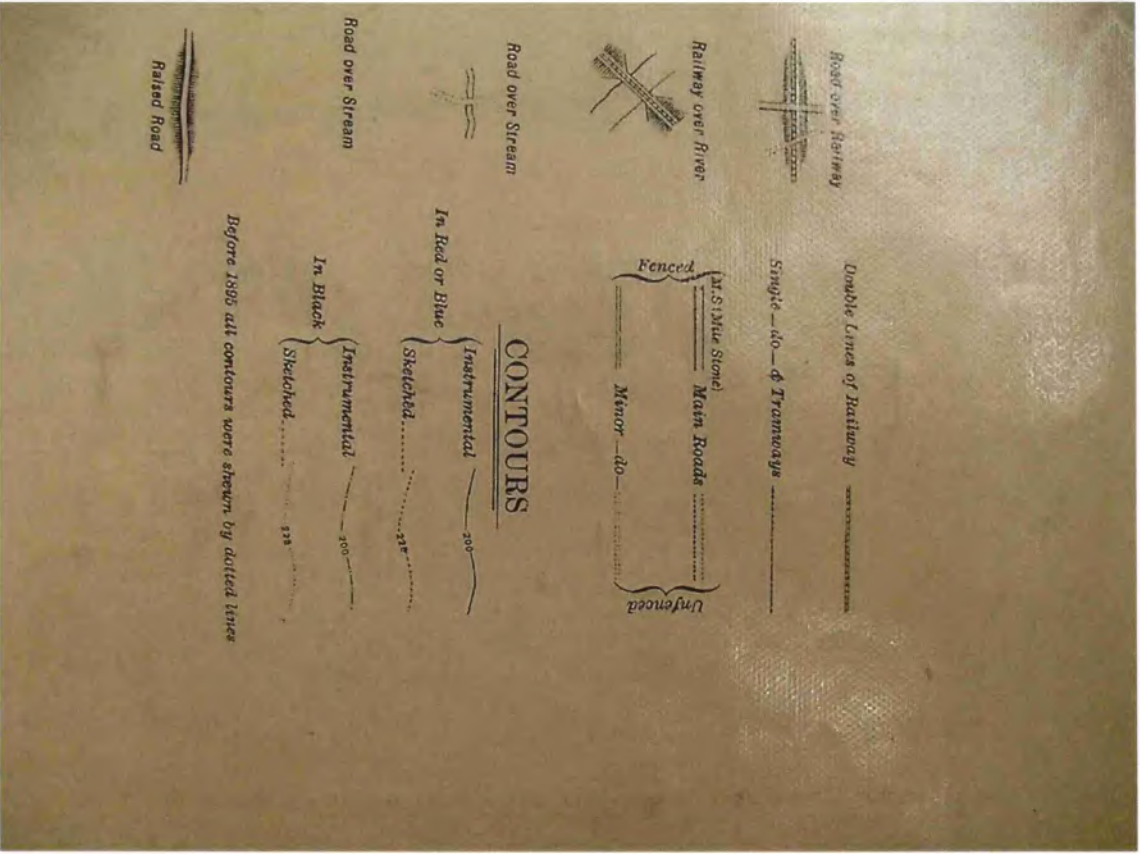
Rail way over Road
 Road over Rail
 Rail way over River
 Road over Canal
 Road over Stream

Double Lines of Railway
 Single Line of Railway
 Bridge
 Tunnel

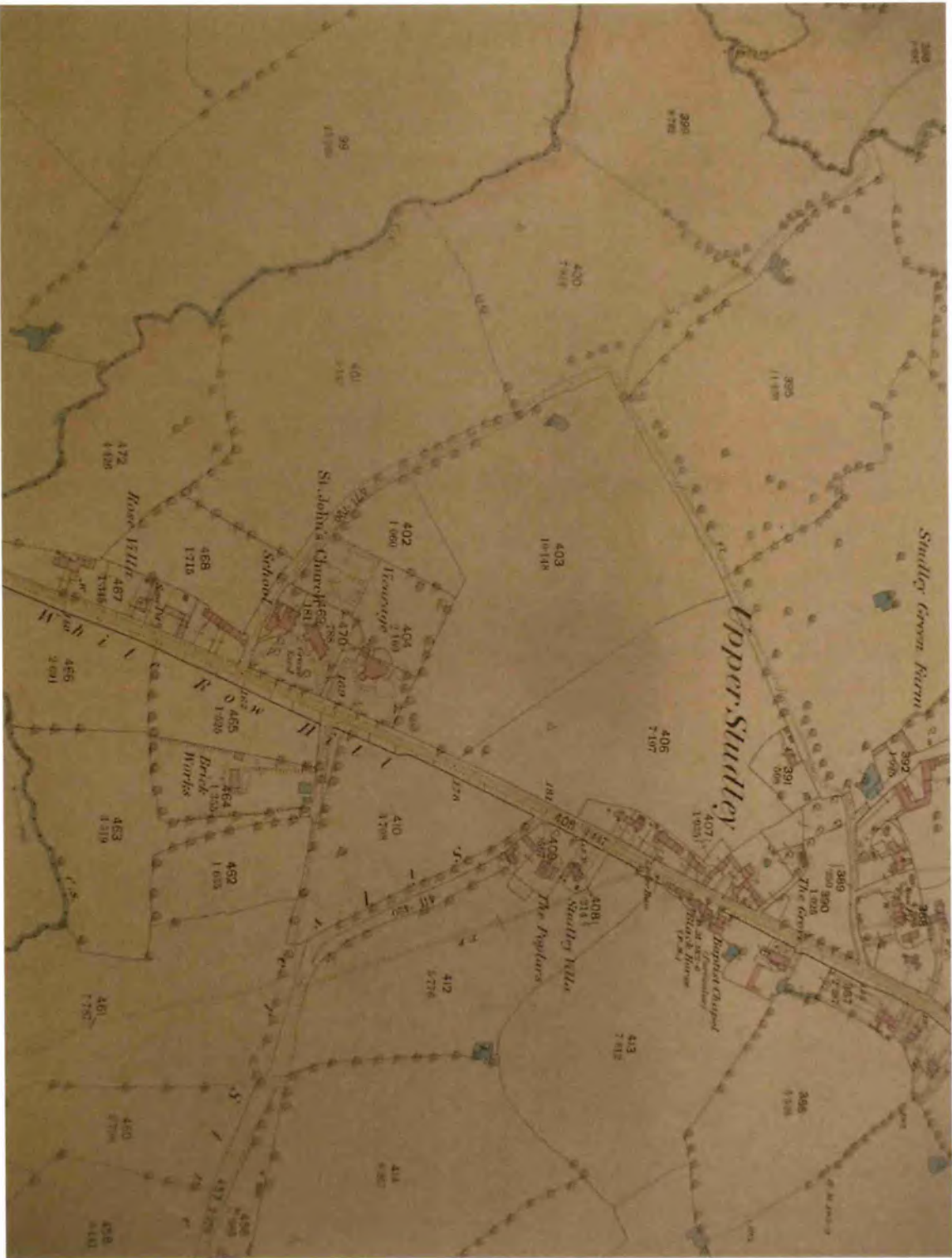
CONTOURS
 In Feet or Fathoms
 Contour
 Contour
 Contour
 Contour

Higher Lines and numbers were changed by actual survey

OS 6" Map 1890 - Conventional Signs



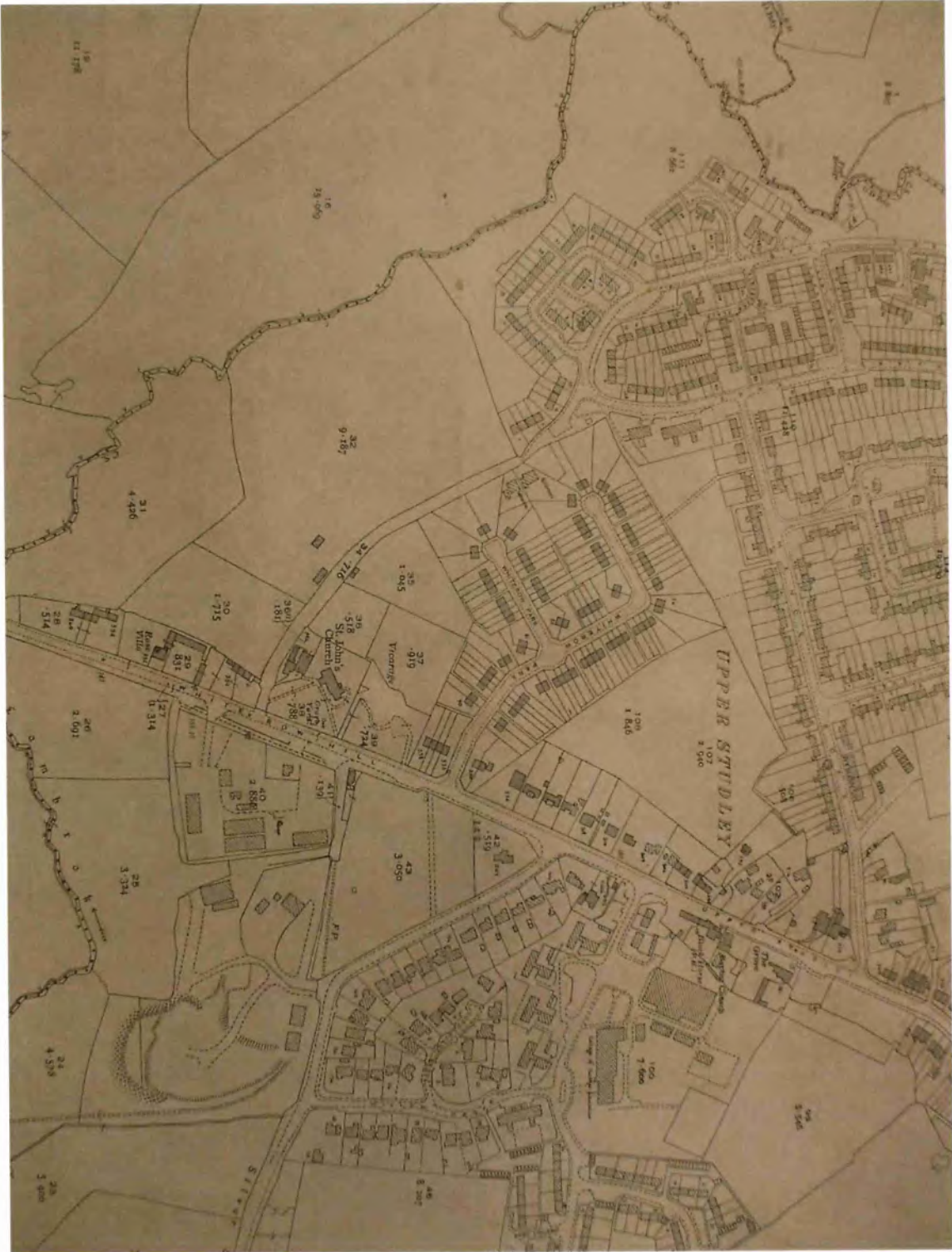
OS 6" Map 1890 - Conventional Signs



Ordnance Survey 25" County Series Map 1887



Ordnance Survey 25" County Series Map 1938



Ordnance Survey 25" County Series Map 1938 – (Revisions 1950 & 1955)



OS National Grid Series Map 1968, 1:2,500 - Plan ST 8456 and Plan ST 8556



OS National Grid Series Map 1974, 1:2,500 - Plan ST 8456-8556

I am Andrew May of [REDACTED] Church Lane, BA14 0 [REDACTED] The same postcode as Church Fields. My partner and I applied for the DMMO for Footpath 8 and so of course support it. We agree with the findings of the report that Church Lane is a bridleway across the whole width of and all the way up Church Lane. We submitted the application because we strongly objected to the fencing off of land that we believed was a public right of way enjoyed by all demographics of the local community. We are glad that there are no public vehicular rights but we didn't want to deny the local community any rights they should have.

All objections to the report have been against a possible through road in the future. That is the reason for this public consultation now. Over 160 pages shows there is no evidence that the public have any vehicular rights to use Church Lane whatsoever. Objector's concerns can be laid to rest. There are only private vehicular rights of way over Church Lane. Without further delay remove the fencing and chicane that has obstructed both the bridleway that is and always was Footpath 8, and the private vehicular rights of way for Kynance and Hillbrook. It should be replaced by posts on land that the council does own between the end of Acorn Meadow and Church Lane where documents from 1961 show a gateway that prevented public vehicles from creating a rat run.

It was a big mistake for Wiltshire Planning to allow permission for this fencing and chicane in the first place. One justification was for "**public safety**" from cars of the new builds 24 and 26. But the tarmac part of the path now literally disappears into over grown weeds and the public have no choice but to walk across the full width of their dangerously pot-holed bridleway, which is right in the way of those very cars coming from or to numbers 24, 26 and 22 Church Lane. It's still perfectly safe, but the justification to me seemed only to benefit one particular developer.

The outcome for the local community was to be squeezed into a restrictive 1m path: 15 metres of clutching brambles and a rusting chicane that forces one into an unavoidable muddy puddle. During heavy downpours a mini river gushes down it because the run off no longer flows into the ditch as it once did. I've got the videos and photos to prove it.

Imagine how our disabled residents feel now they struggle to take the shortest route to the Tesco Express and avoid the hill on Manor Road; the strolling elderly; the dog walking families; the church goers; the pub goers; cyclists; joggers; secondary students, parents with children and prams going to and from John of Gaunt, Studley Green primary and Nursery. COVID 19 has made it even more difficult having to pass someone coming the other way. Then there's the horse riders who have been denied it's use completely for over a decade. It is absolutely shameful to consider the difference in the public amenity of the footpath from 2006 when we bought [REDACTED] to now.

Back then groups of pedestrians, cyclists and horse-riders could pass each other easily along the 5 metre width with ease, enjoying the bramble free route between two bird filled hedges. The ditches either side easily took the run off from Whiterow Park, Church Lane and Church Fields. There were no puddles or potholes.

All for one developer's profits at the expense of literally thousands of council tax paying members of the community who have used Footpath 8 regularly over the decade. And of course the expense in money, stress and time for the current owners of 24 and 26 Church Lane in understandably trying to retain what they thought they paid for. Also for my family in fighting this literally for a whole decade of our lives.

I propose that Wiltshire Council "**Where Everybody Matters**" restores Footpath 8 to it's former and true width, safety, ease, amenity and beauty. Replace the ugly rusting chicane with posts on land that they do own that no longer limits the public at large.

Western Area Planning Committee, Wednesday 29th September 2021

Agenda Item 7a: Trowbridge Path No. 8 Definitive Map and Statement Modification Order

Statement AGAINST the Order: from Steve Wylie, Church Lane, Trowbridge

I would like you to close your eyes, and I will paint you a picture of Church Lane.

It is a place where birds sing in the ancient hedgerows, where squirrels dance along the telephone lines, and where at dusk owls and Bechstein's bat's swoop silently.

For nearly 200 years St John's Church has been the community hub for local people. As well as all the baptisms weddings and funerals, today there are church events, Guides and Brownies, mother and toddler groups, yoga classes and more.

By day Church Lane is avidly frequented by walkers, runners, cyclists, dogs on leads (and 1 ferret on a lead), people using wheelchairs, mobility scooters and walking sticks. It is a route used by children and parents daily to walk to and from school. Children learn to ride their bikes here, with stabilisers and grazed knees but safe away from heavy traffic. Staff from the Active Care home on Frome Road walk here with their young residents with their physical and learning difficulties as Church Lane is a safe and peaceful route.

Church Lane is an ancient country lane, the last one on this southern edge of Trowbridge overlooking the ancient water-meadow and Southwick Country Park. It is the peaceful setting for 7 Listed buildings including St John's Church which has been here since early Victorian times, long before the motor car. Some of the houses are even older. 5 of these Listed buildings are within 3 metres of the highway. Allowing additional motorised traffic to pass by them could cause severe damage to these historic buildings and their foundations which could result in an expensive bill for the Council that permitted the change in road use.

Wiltshire Council in its recent deliberations on the potential housing site H2.4 has already ruled that Church Lane would be unsuitable as an entrance to the development for up to 40 homes, so it logically follows that Church Lane would be even more unsuitable for a flow of cars from the hundreds of homes from the streets to the north on the Studley Green estate. As well as all the vehicles of those residents who might choose to use Church Lane as a rat-run to Frome Road, there would be all the commercial vehicles that might choose to do the same - the plumbers, electricians, fast-food deliveries, taxis, supermarket delivery vans, builders merchants' lorries, huge home removals lorries etc.

Church Lane is only 3.5 metres wide in places and two cars cannot pass. There is no pavement for pedestrians to take refuge from speeding vehicles. This lane is totally unsuitable to be turned into a through road to the Studley Green estate.

There is currently a chicane at the northern end of Church Lane which protects all the existing road users from the onslaught of motorised traffic from Studley Green. Removing it at the behest of a single house-owner who already has vehicle access to his property via Lambrok Road and Manor Road would be an irresponsible waste of taxpayers' money and against public interests.

Personally, I don't care if the Planning Committee wants to call Church Lane a footpath, a bridle path or an osteopath. My only desire is to ensure access for cars and motorcycles between Church Lane and the Studley Green estate is prevented, as to allow it would destroy the quiet nature of Church Lane, would bring unacceptable noise, traffic pollution and road hazards on the lane and at the junction with Frome Road. If this committee decides to open up Church Lane to through traffic it will inevitably be responsible for injuries and death on this road.

Green, Janice

From: Green, Janice
Sent: 18 March 2022 10:44
To: Green, Janice
Subject: FW: Church Lane, Upper Studley, Trowbridge BA14 0EH
Attachments: Church Lane barriers small.jpg

From: Vigar, David <David.Vigar@wiltshire.gov.uk>
Sent: 13 October 2021 14:36
To: Fox, Sam <sam.fox@wiltshire.gov.uk>; Khansari, Parvis <Parvis.Khansari@wiltshire.gov.uk>
Cc: McClelland, Mark <Mark.McClelland@wiltshire.gov.uk>
Subject: RE: Church Lane, Upper Studley, Trowbridge BA14 0EH

Dear Sam, Parvis and Mark

I haven't seen a reply to this and am not sure how much you know about the background. I am the councillor for the Trowbridge Grove division that includes Church Lane and have been involved in supporting residents through a somewhat confusing process which this new development seems to risk prolonging.

In brief – as you may know – Janice Green in the rights of way team and Sarah Marshall in the legal team have been close to a recent order to record Church Lane as a bridleway and should perhaps be aware even if the specific application from Francis Morland is a matter for Highways.

For more background, if needed:

- An application was made by a resident in 2018 to turn Church Lane from a footpath to a byway open to all traffic. Currently the lane has a barrier across its northern end close to Acorn Meadow
- Residents of Church Lane and Church Fields are extremely concerned that if the barrier were removed and Church Lane were a through road it would become a rat-run from the Studley Green development to Frome Road, with potentially hundreds of cars and motorbikes traveling along a narrow lane with no pavement frequented by vulnerable pedestrians.
- Officers investigated and found insufficient evidence of use by vehicles as well as records showing that concern over many decades about the lane become a through route for vehicles. Trowbridge Urban District Council erected bollards to prevent this in 1962 and the current barrier was put up in 2011 as a condition of a planning application's approval.
- There is ambiguity over 'the barrier' as there is both a metal barrier (erected by the council I think in 2011) and a fence erected by a resident (see picture).
- Officers did find evidence of bridleway rights and amended the order to document Church Lane as a bridleway rather than a footpath. This change is of little concern to residents.
- However the officers' report also mentioned the 'barrier' being an obstruction under Highways law that "should be removed". This is of concern as it reawakens fears of a rat run.
- The order was debated at the Western Area Planning Committee on 29 September 2021. Councillors voted to forward it to the Secretary of State (DEFRA) with a recommendation to approve.
- My concern has been to secure commitments from officers that if one or both of the barriers is removed that the council remains committed to maintaining a barrier across the road to protect the public under section 66 of the Highways Act 1980. I believe that commitment was made at the meeting – see excerpt below*.
- Francis Morland's application seems to me as a relative newcomer to be asking for the road to be 'adopted' and more relevant to the above, arguing for vehicular access from Acorn Meadow (partly based on evidence that pre-dates the invention of the internal combustion engine).
- I do not know what status the application will be judged to have but I would hope that, whatever progress it makes, that the council maintains the commitment to retain a barrier.

* From Minutes of Western Area Planning Committee 29 September 2021: "It was explained that the current barrier was erected under the Highway Authority's powers to erect barriers in the highway to safeguard users, under Section 66 of the Highways Act 1980 and there is evidence that the opening of Church Lane as a through route to vehicular traffic has long been a concern.... As it was not directly addressed in the report, Councillor Vigar sought assurance that there would be no immediate intention to remove the barrier without replacing it. It was clarified that the barrier historically was likely to have been authorised to be erected in 1962 to safeguard non-motorised users. The Council consider that the need to safeguard non-motorised users continues and there is currently no reason for the Council to remove the barrier. If the route is confirmed to be bridleway by the Secretary of State any replacement barrier would need to be of a particular design to suit equestrian and cyclist use whilst not allowing motorists through."

I would be grateful if I could be copied on any correspondence as the local councillor. Many thanks

David Vigar
Councillor, Trowbridge Grove

Wiltshire Council

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Email: david.vigar@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
Follow Wiltshire Council



From: F M [REDACTED]
Sent: 09 October 2021 15:47
To: Fox, Sam <sam.fox@wiltshire.gov.uk>; Khansari, Parvis <Parvis.Khansari@wiltshire.gov.uk>
Cc: McClelland, Mark <Mark.McClelland@wiltshire.gov.uk>; Vigar, David <David.Vigar@wiltshire.gov.uk>
Subject: Church Lane, Upper Studley, Trowbridge BA14 0EH

Dear Sirs,

I refer to comments in a recent Agenda Report (see at [38] of Agenda Item 7a, Western Area Planning Committee, Wednesday 29 September 2021):-

"If, however, property owners are relying upon a public vehicular right of way to access property, they have not submitted additional evidence which would support public vehicular rights over Church Lane and lead the Council to take an alternative view of the evidence already before it."

Pursuant to Section 36 of the Highways Act 1980, I wish to apply to Wiltshire Council, as the current Local Highway Authority, to add the whole of Church Lane, Upper Studley Trowbridge BA14 0EH (from its junction with the A361 Frome Road at Whiterow Hill to its junction with Acorn Meadow BA14 9JA) to its List of Streets, as being a highway maintainable at the public expense. At present, only a length of about 75 metres of Church Lane adjacent to its junction with Church Fields, Upper Studley BA14 0EJ is so recorded.

The grounds of my application are:-

Firstly, it was a highway before 31st August 1835. The evidence for this is in the Trowbridge Inclosure Award of 1816. It is marked on the Award Map by double broken lines, and it is identified in the Award itself by the name of Quar Lane (see, for example, in the description of allotment No. 199 to Elizabeth Mortimer). This marking and its name are compelling evidence that it was not just a footpath at that time, but an ancient (i.e. pre-Inclosure) highway, presumably leading to a stone quarry some distance away, and that it carried vehicular traffic.

The case law on this subject is set out in *Fortune v Wiltshire Council* [2010] EWHC B33 (Ch) and [2012] EWCA Civ 334 relating to a similar highway at Rowden Lane, Chippenham.

Secondly, it is clear that Church Lane has been maintained at the public expense from time to time since 31st August 1835. A recent Report (see at [7.3] of a Decision Report dated 26 October 2020) said:-

"The lane has a bound tarmac surface for most of its length (leading from Frome Road), with a verge to the western side."

In its comments on Minute 866 of Trowbridge U.D.C.'s Highways & Planning Committee of 10th June 1971, the Report added:-

"866 refers to the formal adoption of Church Fields as a highway maintainable at the public expense. The remainder of Church Lane, however, is treated differently under the private street works programme. Church Lane being a priority for 1972/73 phase of the 1972-1975 programme, where the Church Fields development is completed. The making up of the unadopted section of Church Lane from Church Fields to Frome Road, that we see today is likely to have been carried out as part of this programme. That section north of the adopted section has not been made up to the same standard where there is less use with vehicles to access residential properties."

It is established, therefore, that Trowbridge U.D.C., then the Local Highway Authority, did indeed maintain Church Lane at the public expense, including laying the bound tarmac surface described in [7.3].

Thirdly, the adoption of Church Fields as a highway maintainable at the public expense by that Minute could not have been implemented without a lawful vehicular access from another adopted highway. At the date in question, that would have been along Church Lane, Upper Studley from the A361 Frome Road at Whiterow Hill. Otherwise, the adoption of Church Fields would not have been effective (and would not be effective even now).

Yours faithfully,

Francis Morland

