

REPRESENTATIONS AND OBJECTIONS TO THE ORDER (INCLUDING SUPPORTERS), ALONG WITH A COVERING LIST OF THEIR NAMES

OMA04

REPRESENTATIONS

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1. SKY UK Ltd, NRSWA. 70 Buckingham Avenue, Slough, Buckinghamshire, SL1 4PN nrswa@sky.uk	2
2. Bristol Water PLC, Bridgwater Road, Bristol BS13 7AT development.services@bristolwater.co.uk	3,4
3. A Walker, alison.walker22@nhs.net	5

OBJECTIONS

1. Holly Say, 19 Clevedon rd, Midsomer Norton, Banes, BA32EB, sayholly@yahoo.co.uk	6
2. Mrs Sabrina Bird, 28 Pennyquick View, Bath, BA2 1RZ, sabrinanix24@hotmail.com	7,8
3. Mr John Payton, 84 Hillside View, Peasedown St John, Bath, BA2 8ET, j.r.payton@bath.ac.uk	9-11
4. Sue Rogers, 246 Bloomfield Road, Bath, BA22AX, Sue1960rogers@outlook.com	12
5. Ms Rebecca Rogers, Oswolds Rest, Upper Wraxall, Chippenham, SN14 7AG, beckierogersmail@gmail.com	13-15

From: NRSWA <nrswa.nrswa@sky.uk>
Sent: 27 January 2022 09:41
To: Wendy Robbins <Wendy_Robbins@BATHNES.GOV.UK>
Subject: WR/BA19/22 PSJ



Thank you for your enquiry.

Please be advised that Sky Telecommunications Services Ltd will not be affected by your proposal.

Best endeavours have been made to ensure accuracy, however if you require further information, please contact us by email at nrswa@sky.uk.

Regards



NRSWA Department
Sky UK - Technology - Operations

 nrswa@sky.uk  +44 2070323234

From: Nicole Lockyear <Nicole.Lockyear@bristolwater.co.uk>
Sent: 07 February 2022 11:15
To: Wendy Robbins <Wendy_Robbins@BATHNES.GOV.UK>
Subject: WR/BA19/22 Skylark Farm, Peasedown St John

Dear Wendy,

Thank you for your letter dated 25/01/2022.

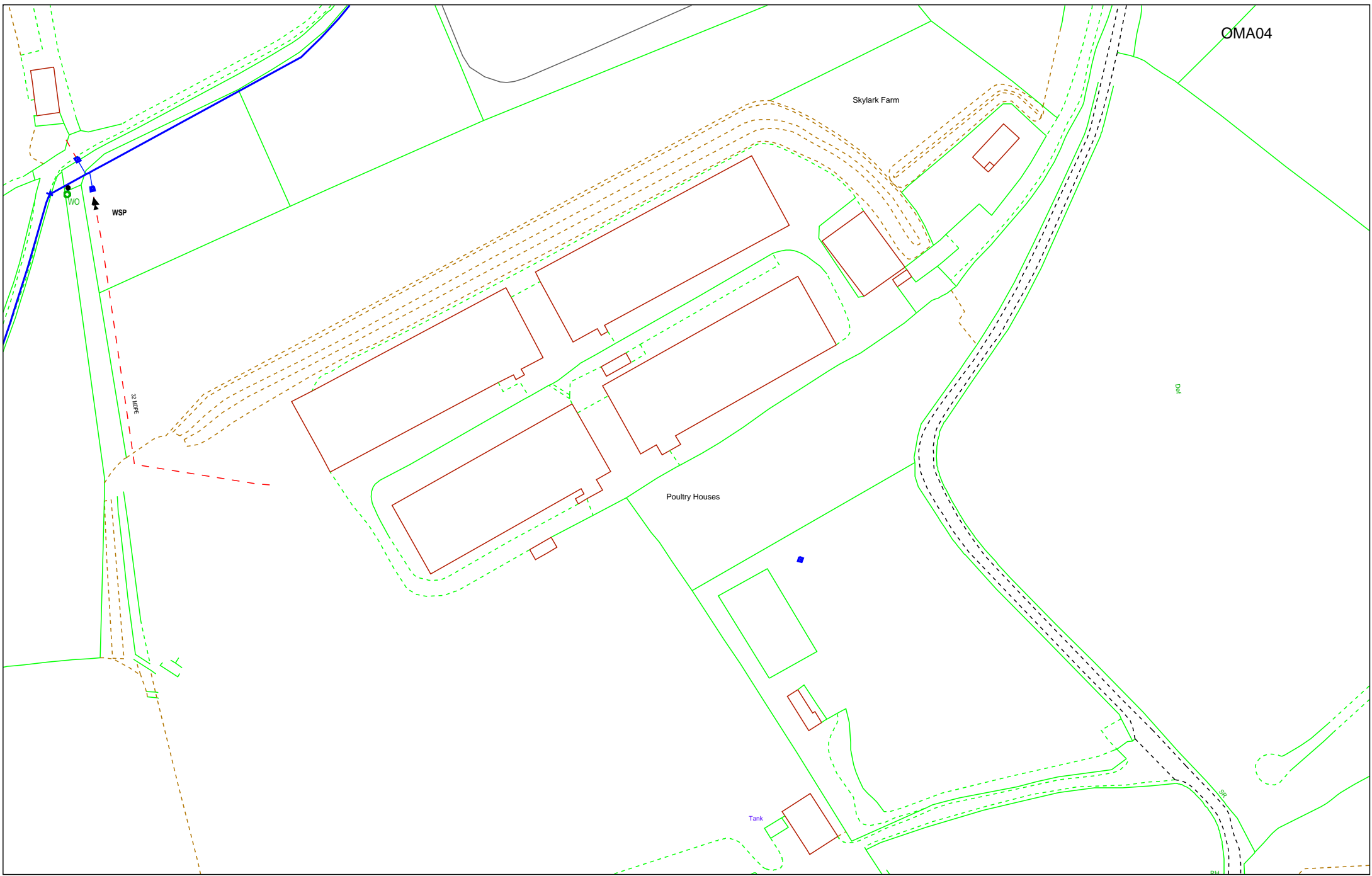
We confirm that we have no objection to the proposed stopping up (diversion order at the above address.

We enclose a copy of our ordnance survey sheet for your information.

Regards

Nicole

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Registered Office: Bridgwater Road, Bristol BS13 7AT



Skylark Farm

This plan is furnished as a general guide only and no warranty as to its correctness is given or implied. This plan must not be relied upon in the event of excavations or other works made in the vicinity of the Company's pipes or apparatus. Not all service pipes are shown on this plan. Based on the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright reserved Licence Number: 100018106. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Bristol Water plc, Bridgwater Road, Bristol, BS13 7AT. Tel (0117) 9665881 Fax (0117) 9634576

A4 original N

COORDINATES AT CENTRE OF PLAN

370605 155793

Date: 07/02/2022

Scale: 1:1674



From: WALKER, Alison (COMBE DOWN SURGERY) <alison.walker22@nhs.net>
Sent: 24 February 2022 14:30
To: Wendy Robbins <Wendy_Robbins@BATHNES.GOV.UK>; PROW <PROW@BATHNES.GOV.UK>
Subject: Representation about WR/BA19/22

Dear Mrs Robbins

Please find my representation about the public footpath BA19/22, Skylark Farm, Peasedown St John public path diversion order 2022.

My name is Alison Walker and I have been looking after the field affected (on behalf of the owner Rodney Mowlam) for many years. As the top soil had been removed when the field was purchased it was the ideal opportunity to re-wild the land and so it was left for nature to take it's course and an abundance of wildlife, wild flowers and birds have been seen there. Unfortunately this has resulted in people wandering around the field and not keeping to any footpath. Walkers even enter the field through a gate clearly marked 'PRIVATE LAND – NO PUBLIC ACCESS' which I had installed so that I could get a pushchair into the field.

At one point the neighbouring farmer created a path around the field so that I could walk my dog around the field as it had become overgrown. Unfortunately walkers again used this and when I pointed out it was not a public footpath I have been shouted at, sworn at and generally abused. No dog owners pick up their dog mess so this feeds the soil which is not the plan.

I have seen people ride their bikes and ride their horses around the field. People seem to think it is a communal play area and never keep to the public footpaths. I hope that when there is just one footpath across the field it can be fenced so people keep to the public footpath, just as I do when I am on private land.

Yours sincerely

Alison Walker

From: holly berry <sayholly@yahoo.co.uk>

Date: 19 February 2022 at 8:48:12 pm GMT

To: prow@bathnes.gov.uk

Subject: **Objection letter to the diversion of footpath BA19/22 skylark farm**

Holly Say
19 Clevedon rd
Midsomer Norton
Banes
BA32EB

I strongly object to the diversion of footpath ba19/22 on Skylark Farm, diversion order 2022

Dear sir/madam

Since our family member has purchased the land in 2020, we as a family have worked tirelessly and at great cost to create a private and safe environment for ourselves, our children/grandchildren and our horses.

We have appreciated the existing footpath and have cleared it in good faith, at our own cost.

Our main concern is that with the proposed diversion there will be a serious risk of spooking the horses within the ménage and therefore a risk to life (falls from height). Which fails the risk assessment.

Secondly the invasion of our privacy is of great concern in regards to schooling and unlimited public viewing.

There should be no discrimination between 'equestrian safety' and 'the safety of footpath users' This is causing myself huge distress in regards to the safety of my children who will use the ménage on a daily basis.

I understand safe options have been put forward for diverting the footpath but have all been rejected by the authority.

For the reasons above I strongly object to the proposed diversion of the footpath.

Yours faithfully
Holly Say

Sent from my iPhone

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

From: Sabrina Bird <sabrinanix24@hotmail.com>

Sent: 21 February 2022 21:42

To: PROW <PROW@BATHNES.GOV.UK>

Subject: PROPOSED PUBLIC FOOTPATH OBJECTION- emended with address, my apologies.

Dear Sir/Madam

I am emailing today regarding an objection to the proposed public footpath that has been proposed to run through Skylark Farm Peasedown.

I have several reasons to object with this one main concern which should and first and foremost be highly considered.

The opposed public footpath will highly affect a working Mènage in the equestrian industry.

The Mènage is used for many things in the equestrian world.

Now myself as a livery of Mr Payton as well as himself will suffer the consequences of a footpath not just directly but financially, The mènage will be used for schooling and training of spooky and young horses the term 'spooky horse' is exactly that, a horse or a pony that could become easily scared of the simplest of things such as a movement all of a sudden, someone coming from somewhere they haven't spotted, a dog running or barking out of sight towards them or even a bag flying passed in the wind.

The mènage will also be used to train new horses, we call this 'breaking in a horse', which is without risks in itself, so to have a string of walkers with dogs off leads suddenly appearing across the way can spook a young/old/scared horse or pony in training, or to even have people stop and watch becomes a distraction not only for the trainer but the animal too.

The mènage is also used by children aged 8 years right up to 60 years old, to help teach and give people back the confidence to ride safely again with the footpath over looking I fear will become a issue to our training which would come under 'THE HUMAN RIGHTS ACT SECTION 4 & 10'.

As a potential livery of Mr Payton,

I help train and teach these animals to be safe around people in a way they understand and not just by putting them in spooky situations with the expectations that they should just except and not react, I will have a duty to keep myself, student and horse or pony safe, It is without my power to ensure the safety of other bodies or animals that are passing through or by.

One of the main reasons we chose Skylark Farm is because of how rural, peaceful, safe and quiet it's situated and I felt that I can do what I do to the best of my ability and feel I'm doing it safely for everyone, but with that being said I feel a 'public footpath' Directly overlooking a place of a mènage is just not going to work, the risk factors of 'HEALTH AND SAFETY ACT' to all the risks are too high, We we're previously on a yard that had constant walkers with dogs not on leads that would approach us and know from experience it causes chaos, which is why we moved for the safety of all to be put in the exact same position of a 'public footpath'.

I also fear that if any injury was caused to any animal or any passers by due to 'a short cut across the mènage' could be fatal or cause serious injury, which I'm hoping can be prevented by not allowing this footpath to be approved.

I look forward to hearing back.

Regards

Mrs Sabrina Bird
28 Pennyquick View
Bath
BA2 1RZ
07398851691

Sent from my iPhone

From: John Payton <jrp20@bath.ac.uk>
Sent: 21 February 2022 11:10
To: PROW <PROW@BATHNES.GOV.UK>
Subject: OBJECTION TO - ORDER AFFECTING PUBLIC FOOTPATH BA19/22, SKYLARK FARM,
PEASEDOWN ST JOHN

Dear Sir/Madam,

Please find attached my objection letter to the proposed diversion of footpath BA19/22

Regards,

John Payton

Mr John Payton
 84 Hillside View
 Peasedown St John
 Bath
 BA2 8ET

APPLICATION FOR A PUBLIC PATH DIVERSION
 ORDER AFFECTING PUBLIC FOOTPATH
 BA19/22,
 SKYLARK FARM, PEASEDOWN ST JOHN

Objection Letter

Dear Sir/Madam,

I strongly object to the diversion of footpath BA19/22 on Skylark farm, diversion order 2022.

I own the adjoining land which will be severely affected.

The proposed diversion will run across the north of my property close to and overlooking my menage. This removes all privacy and causes a danger to future horse training/lessons in the menage.

With the proposed path causing a failure of a risk assessment for the menage, due to spooks. The result of a risk assessment shows 8 out of 20 for probability and 4 out of 5 for outcome (fall from heights). There for my menage is not fit for purpose.

The authority has failed in its duty to pass its own imposed tests. It is the opinion of the officers that the failure of obtaining a risk assessment for the menage is of no consequence. This shows a failure of due diligence on their part and no consideration for my property.

In the document named 'Application at Skylark Farm public footpath' Please find below the points of the officers report where it shows failure;

Section 4 – Human Rights - The authority has prioritised the safety of footpath users over the equestrian users of the menage. This shows discrimination and a failure in Article 14 of the Human Rights Act and fails to protect my property. (Article 1 of the first protocol)

Section 5 – The Legal and Policy Background

5.4 – It will have a negative effect upon my land, the Order has not regarded the effect imposed upon land affected by any new footpath. Compensation has not been considered and material provision has been said is down to me (the effected landowner).

5.7 – The criteria of ‘safety’ has not been met, as my menage will now not pass a risk assessment, with the proposed footpath route.

The criteria ‘Equalities impact’ has failed. I am now being discriminated against, as the new path will have a negative impact upon my property.

Section 7 – Consultations

7.6 – Which states that it will alleviate safety issues for walkers as well as riders. This statement is unfounded as proved by the results of a risk assessment on the menage.

Section 8 - Officers Comments

8. 8 – Stating Effect on land. My land is seriously affected, as it has made my menage unsafe and not fit for purpose.

8.9 – ‘Effect on land affected by any proposed new path’ My land IS affected, so there is an adverse effect and compensation has not been satisfied.

8.19 – Safety is improved for the footpath user but at the expense of the safety of the neighbouring property, discriminating against the equestrian users of the property.

8.22 – Fails to acknowledge any safety issues the proposed footpath will create.

10 – Risk Management

FAILURE OF CONDUCTING A RISK ASSESSMENT. Which will negate getting public liability insurance on the menage.

11 - Conclusion

This Public Path Order Policy has not been met. Between discrimination and Safety concerns regarding the neighbouring affected land.

Regards,

John Payton

From: Sue Rogers <Sue1960rogers@outlook.com>
Sent: 22 February 2022 20:56
To: PROW <PROW@BATHNES.GOV.UK>
Subject: Objection to proposed diversion of footpath BA19/22 on sky lark farm

Sue Rogers
246 Bloomfield Road
Bath
BA22AX

Dear Sir/Madam

I object to the proposed diversion of footpath BA19/22.
My family owns the stables to the south of sky lark farm. I have overseen the work carried out on the stables over the last two years intending to move the my horses there this summer on completion.

The stables were purchased because it already had a ménage in a private and safe location.

The proposed footpath is to run across the full width and above the ménage. This makes the ménage unfit for the purpose of schooling horses and teaching my families children to ride.

I have 50 years experience handling and training horses and have carried out a risk assessment on the ménage and proposed footpath. Although it is safe for walkers it is now unsafe for riders due to spooks . The result on the ménage is "fall from hight" (single fatality)

This show's discrimination.

The authorities have not given any consideration for safety of horse and rider.

I Strongly object to the proposal

Kind Regards

Sue Rogers

Sent from my iPhone

From: Beckie Rogers <beckierogersmail@gmail.com>
Sent: 23 February 2022 22:41
To: PROW <PROW@BATHNES.GOV.UK>
Subject: Fwd: Objection to Footpath at Skylark Farm diversion order 2022

To whom it may concern,

Please find attached my objection to the diversion of footpath BA19/22 on Skylark farm, diversion order 2022. I would appreciate acknowledgement of receipt.

Regards
Rebecca Rogers

Ms Rebecca Rogers
Oswolds Rest
Upper Wraxall
Chippenham
Sn14 7AG

APPLICATION FOR A PUBLIC PATH DIVERSION
ORDER AFFECTING PUBLIC FOOTPATH BA19/22,
SKYLARK FARM, PEASEDOWN ST JOHN

Objection Letter

Dear Sir/Madam,

I strongly object to the diversion of footpath BA19/22 on Skylark farm, diversion order 2022.

I plan to move my horse to John Paytons stables on the adjoining land due to its manage / training facility. This menage has been in situ for many years and the location was chosen to allow for the safety and privacy of riders. This was my primary motivation for moving my young animals to this facility as safety for myself, my daughter and my horses is of the utmost importance. As the condition of me moving the owner John Payton has made significant improvements to the property at some financial cost including strengthening the bank/walls of thai training area.

During the consultation stage I voiced grave concerns over the proposed diversion via email and in a meeting with Wendy Robins of BANES council. The new path would remove all privacy from the existing menage / training area that has been in situ since 2004. Having walkers in the direct eye line of young horses being trained created a significant risk to both horse and riders. I have asked to see a risk assessment specific to the use of the menage in relation to this new diversion but none was provided. I believe that this danger should be seriously considered when looking at potential solutions to the diversion. I would not be able to continue with the lease of this facility if the proposal goes ahead as I would not be able to guarantee the safety of myself, my daughter or my animals.

I put forward several safer alternative routes that would allow walkers safe and scenic passage through the farm but all were rejected off hand. The officer in charge also failed to recognise that all of the surrounding land would be grazed, that it that one of my suggestions could not be considered as walkers would have to pass through a field of horses, I would like to reiterate that all available grazing will at some time hold horse including the land that the current footpath passed through.

The authority has failed to look at all of the options or take into account the risk assessment by John Payton that shows the negative impact of this diversion on the primary use of the riding facility. This shows a failure of due diligence on their part and no consideration for my safety or the safety of other horses or riders or the use of the property going forward. Should severe injury or death occur it would be due to the negligence of the authority in its responsibility to ensure the equal safety of all

parties affected. I include below This diversion will make the facility unfit for its primary use and affect its rental/ sale potential going forward.

Relevant supporting clause cited below.

Section 4 – Human Rights - The authority has prioritised the safety of footpath users over the equestrian users of the manage. This shows discrimination and a failure in Article 14 of the Human Rights Act and fails to protect my property.

Section 5 – The Legal and Policy Background

5.4 – It will have a negative effect upon my land, the Order has not regarded the effect imposed upon land affected by any new footpath. Compensation has not been considered and material provision has been said is down to me (the affected landowner).

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FAILURE OF NOT CONDUCTING A RISK ASSESSMENT. Which will negate getting public liability insurance on the menage.

11 - Conclusion

This Public Path Order Policy has not been met. Between discrimination and Safety concerns regarding the neighbouring affected land.

Regards,

Rebecca Rogers