

# Application for Modification Order WILDLIFE AND COUNTRYSIDE ACT 1981 BRACKNELL FOREST DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

Place, planning and regeneration, Time Square, Market Street, Bracknell RG12 1JD
I/We (name/s), PHILIP M SIGLEY
of (address/s) PETERHOUSE CHOSE SANOHURST
hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by (please select one of the four options. Delete any words in square brackets which do not apply).
[1] Deleting the [footpath] [bridleway] [byway open to all traffic] [restricted byway] situated in
the town/parish ofand running from
toand shown on the attached map.
[2] Adding the [footpath] [bridleway] [byway open to all traffic] [restricted byway] situated in
the town/parish of .SANDHUEST and running from PET ERHOUSE CLOSE
to PATHI ADJACENT RMA and shown on the attached map.
[3] [Upgrading]/[Downgrading] the [footpath] [bridleway] [byway open to all traffic] [restricted
byway] situated in the town/parish ofand running
fromto
and shown on the attached map.
[4] [Varying] [Adding to] the particulars relating to the [footpath] [bridleway] [byway open to
all traffic] [restricted byway] situated in the town/parish ofand
running fromtoand
shown on the attached map.
I/We attach copies of the documentary evidence (including statements of witnesses)
set out overleaf, in support of this application.
Dated 21 ST JANUARY 2024 Signed
On hehalf of

Please return completed forms to Rights.OfWay@Bracknell-Forest.gov.uk
Or Bracknell Forest Council Rights of Way team, Time Square, Market Street, Bracknell, RG12 1JD.

# Supporting information in relation to a claim for a Right of Way alongside 11, Peterhouse Close, Claremont Wood, Sandhurst. GU47 0XD

The path as marked on the attached plan at page 2 hereof has been used for at least 40 years by walkers and cyclists since Monsell Youell & Co built the Claremont Wood Estate between approximately 1980 and 1984.

# Map references:

Ordnance Survey Grid Reference SU 856 626

Point A Latitude 51°21'22"N Longitude 0°46'15"W

Point B Latitude 51°21'22"N Longitude 0°46'17"W

Evidence is submitted by a number of residents/users as to the continual use of this path throughout the period to December 2023 when the owner of 11, Peterhouse Close, Sandhurst GU470XD erected a gate to close off the path. Prior to December 2023 general public users had enjoyed the use of this path to access open land for in excess of 40 years without any objections from the properties with a boundary against the path (being 11 Peterhouse Close and numbers 18A-22 Merton Close GU470TU) or those properties who have access to the rear of their gardens via this path (being numbers 12 & 13 Peterhouse Close GU47 0XD).

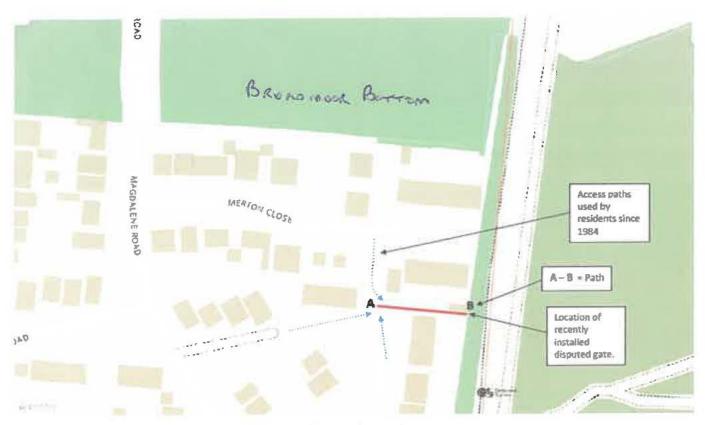
Land registry search suggests that the path is part of the property title of 11, Peterhouse Close.

Whilst the Land Registry plan suggests a hard boundary at the end of the path which adjoins the exit of the path onto the path which runs along the outside of the fence of the Royal Military Academy (a path running from the Yorktown area of Sandhurst up to the Devil's Highway and onto the Look Out facility in Bracknell) the Definitive Map and the Ordnance Survey Map show that there is no fence as such and that the rear fence of 11, Peterhouse Close ends before the line between rear edge of the garden fence of 18A Merton Close and the western boundary of the path following the RMA fence. This is presumably because of access rights to the rear of numbers 12 &13 Peterhouse Close. It is submitted that if the estate builders had intended a fence at this point then they would have built one to protect the corridor along the rear of 11, Peterhouse Close onto number 12 & 13. Closer inspection confirms there are no remnants of any former fence behind the Peterhouse Close properties southwards from the fence at the rear of 18A, Merton Close along the length of the path of the RMA fence.

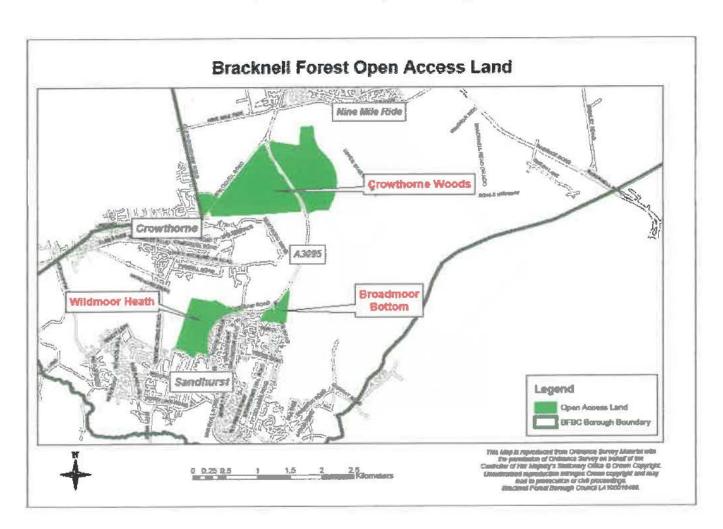
See photos attached showing the offset position between the easterly wall/fence of no. 18A Merton Close and the path which leads from the rear of no. 11 Peterhouse Close to serve the rear gardens of nos. 12 &13 Peterhouse Close. It should be noted that the owner of 11, Peterhouse close or his contractors have piled up the earth at the rear of 11, Peterhouse close to make a very steep and difficult step into the land that adjoins the RMA fence and if our application for a Right of Way is upheld then the costs of restoration of the original path should be borne by the owner of 11, Peterhouse Close.

At the Peterhouse Close end of the path (marked Point A on the map), the claimed path starts from the public footpath which runs between Peterhouse Close and Merton Close, it crosses a shared driveway over which people have walked to access the paved pathway – see photo attached. Again there has never been any issue with access along this part of the claimed right of way.

## OS Grid reference SU 856 626



Peterhouse Close - Disputed access gate









As regards access to the land along the MOD fence please note the general rights provided by the Aldershot and District military Lands Byelaws 1976 affixed at various points along the path alongside the MOD fence.

I. The lands to which these Byelaws apply combit of lands belonging to the Secretary of State, in the Borough of Runkmoor, in the Districts and Parishos is the Schodule attached hereto, in the Counties of Borkshire, Hampshire and Survey, but excluding any public rights of way, the boundaries of which are, for convenience of identification, shown by a black live on the plans convend to these Byelaws eigh being identified as the "Plan of the Abbreshot Military Laude" of which are herriculter referred to as "the Abilitary Caude".

### USE OF LANDS BY PUBLIC

2. "subject to the provisions of these Byeleves the public are permitted to use nft ports of the Military Lando not enoclailly enclosed or the entry to which is not shown by notice as being prohibited or restricted, including those billustry of Defision roads there were constructed and made up for general use by vehicular traffic, for the purposes of open-sic recreation as all times when the Military Lands are not haing used for military purposes for which they are superprinted.

### CONTROL OF MOAD TRAFFIC

- 3 When any such Ministry of Defence road as aforesaid within any part of the Military Lands which is not specially enclosed or the entry to which is not prohibited or restricted is not closed to the public or is not bring used for any utilitary purposes:—
  - (4) An person shall ride a horse, hicycle or tricycle or drive a velocie of any hind elsewhere than on the sarringermy of such cond.
  - (2) No person shall use may vehicle of may kind to ply for hire on may such read.
  - (3) Every person who rides a barse, bleyde or tricycle or drives a vehicle of any kind on any such road (a) shall enough with the directions, given orally or by signal, of a Service pollerasso in antions or any meants of a police force, or special countable under the control of the Defence Council:
  - (c) shall ride or drive with due cure and attenting and with resonable care for other para
  - (c) shall ride or drive with one care und attention and with resonance care on more parameters. No pursue shall ride a bleycle or tricycle or drive a vehicle of my blad upon such road darking the hours of darking as prescribed by the ensembers relating to the lighting of road transport unless such bleycle or tricycle or which earries the appropriate lights which are required to be carried by such bleycle or tricycle or which when an arrive the appropriate lights which are required to be carried by such bleycle or tricycle or which when the carried or tricycle or tricycle or which when the carried or tricycle or tricycle
  - (5) No person shall drive a vehicle of any hind without a valid Driving Licence or be in charge of the state of the vehicle is registered, taund and because, an regulard for such vehicle when on a public because

### PROMINETED ACTIVITIES

- 4. Without prejudice to the provisions of Byelow No 3, no person when on the Military Lands shall
- being prohibited or restricted, or
- (I) ride a horse, hiryele on tricycle, or rise, arre or proper a "second and a road saidably constructed and made up for general as a resident and a road saidable and
- either wholly or mainly for the purposes of wade or advertisement, or
- (5) example or attempt to susemble or cause to anomalie or bring upon the Mile

