

## Wiltshire Councils submission

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**The Wiltshire Council Parish of Ramsbury Path nos. 5,6 and 8C and  
Parish of Little Bedwyn path no.20 Diversion and Definitive Map and Statement  
Modification Order 2024.**

**Wiltshire Council's Statement of Grounds**

**(Summary of Statement of Case)**

1. Wiltshire Council intends to rely upon the evidence and statements within this document and not submit a further statement of case. However, Wiltshire Council do reserve the right to submit a supplementary statement of case if any further evidence is adduced which requires further consideration. This document contains a full examination of the legislative tests , objections and representations to the order and the officers' conclusions.
  
2. Wiltshire Council's full statement of case includes this summary document, the officer's original decision report on the diversion application and its appendices, , the officers report to Wiltshire Councils Planning Committee and its appendices and the minutes of that committee stating Wiltshire Councils resolution to the order. That resolution being "*The Wiltshire Council Parish of Ramsbury Path Nos 5,6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024, is forwarded to the SoSEFRA with the recommendation that it be confirmed as made.*" The presentation slides for that committee meeting are also included and referred to.
  
3. The above named order was made under section 119 of the Highways Act 1980 (HA80) and section 53A of the Wildlife and Countryside Act 1981 on the 10<sup>th</sup> January 2024. The order was made following an application for an order under s.119 to divert sections of bridleway Ramsbury 6 (RAMS6), footpaths Ramsbury 5 (RAMS5), Ramsbury 8C (RAMS8C) and Little Bedwyn 20 (LBED20) dated 5 August 2022 from the landowner Ramsbury SARL, c/o Ramsbury Estate Ltd, Priory Farm, Axford, Marlborough, Wiltshire, SN8 2HA. The land affected by the diversion is now in the ownership of Ramsbury SARL and Mr Carl Stefan Erling Persson.

4. The application and the subsequent order were made in the interests of the landowner as per s.119(1) of the HA80, *“in the interests of the owner, lessee or occupier of land crossed by the path or way”*. Those reasons can be summarised as managing parkland and reducing potential conflict between the public and livestock, to reduce conflict between users and vehicle movements and to increase security and privacy of the new residential development. These 3 reasons are further expanded upon by the applicant in their statement for the reasons for their application as seen in the following 3 paragraphs.

4.1 *The farming of the land is changing from arable cultivations to parkland and with that the associated livestock grazing and movements. Managing land for livestock grazing requires the installation of new field boundaries and fencing to keep the animals safe and for the proper rotational grazing of the grass sward. Part of the reasons for the proposed diversions were to help reduce the potential conflict between grazing livestock (sheep and cattle) and users of the public rights of way. By diverting the paths as proposed it enables new fencing and gates to be installed on the parkland for the control and effective management of the grazing livestock. The proposed diverted public rights of way routes would then be unimpeded by these new boundary structures and the livestock would be kept separate from the public rights of way, reducing the risk of livestock escaping through gates being accidentally left open, and confrontation or injury between livestock and members of the public and their dogs.*

4.2 *There is a new residential development at Park farm which will increase the volume of traffic using the driveway leading to Park Farm. The proposed diversions help to reduce conflict between the users of the bridleway and vehicle traffic accessing Park farm by providing an alternative route that will have far fewer vehicle movements along it.*

4.3 *The new residential development at Park farm also increases the need for improved security at the property. The provision of security gates on the driveway close to the development to prevent unauthorised vehicular access to*

*the immediate surroundings and residential properties is important for the security of those properties. The current route of the bridleway makes this impractical. The proposed diversion resolves this issue.*

5. Following receipt of the application an initial consultation was undertaken between September and November 2022 on the proposal which attracted 23 responses, including 16 objections. The majority of these objections were from local residents in the Ramsbury area who did not wish any public right of way to be diverted but no specific comments as to the benefits or otherwise to the actual proposal were made. An objection from The Ramblers was received to the diversion of bridleway RAMS6 and footpath 8C but not LBED20/ RAMS5 and an objection was also received from the neighbouring landowner, the Ramsbury Manor Foundation. Ramsbury and Axford Parish Council did object to a section of the proposal, and following consideration of the parish council's comments the applicant withdrew that section of the proposal and it does not feature in the order made; as such, Ramsbury and Axford and Little Bedwyn parish councils raised no objection to the contents of the subsequent order. Wiltshire Bridleways Association stated they did not object and the British Horse Society made suggestions as to the width and surface of the diverted bridleway but raised no objection.
6. A 55 page decision report was produced by officers following the consultation to consider the application, consultation responses and the legislative tests set out in section 119 of HA80 and whether it was appropriate to make a diversion order. That report forms part of Wiltshire Councils full statement of case.
7. Following the making of the order 4 objections were received to the order in the statutory period. As they were not withdrawn the order was presented before Wiltshire Council's Eastern Area Planning Committee on 13<sup>th</sup> June 2024. The committee had to resolve to either send the order to the Secretary of State with Wiltshire Councils recommendation to confirm the order as made or with modifications or to abandon the order. They resolved to send the order to the Secretary of State with a recommendation that it be confirmed as made.

8. The justifications for the making of the order and recommendation for confirmation of that order are as follows. Taking the s.119 tests in order.
9. **S.119(1)** *“Where it appears to a council as respects a footpath bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted..”*
- 9.1 This test has been addressed at 3 of this statement of case. Wiltshire Council considers that it was appropriate to make an order in the interest of the landowner for the reasons stated by the applicant.
10. Section **119(2)** - *(2)A public path diversion order shall not alter a point of termination of the path or way—*
  - (a)if that point is not on a highway, or*
  - (b)(where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.*
- 10.1 The diversions do not change the termination point of any of the paths onto a point that is not on the same highway or one that is connected to it. The termination points are as convenient post diversion as their current positions. The proposed termination points are on existing public rights of way and are on flat even ground, with no additional dangers to users than current termination points of the diverted sections of path.
- 11. Section 119(6)***The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which.*

- 11.1 Subsection(1) has been met; the diversion is in the interests of the landowner, see 3 of this document.
- 11.2 Assessing whether the path or way will not be substantially as convenient to the public in consequence of the diversion. Taking the paths in turn, the paths affected on order plan 1 are footpath Ramsbury 8c and bridleway Ramsbury 6. The Planning Inspectorate rights of way advice note 9 , general guidance on public rights of way matters, states that the expression ‘ substantially less convenient to the public’ can consider matters such as the length of the diverted path, the difficulty of walking it and its purpose. These paths Ramsbury 6 and 8c are considered in conjunction with each other as their diverted routes are linked. In terms of length, the proposed diversion of bridleway RAMS6 extinguishes approximately 960 metres of bridleway and creates approximately 1,075 metres of bridleway. The diversion would increase the route of RAMS6 by approximately 115 metres when travelling between points A and B.
- 11.3 In addition to length, officers have considered the wider route as part of its purpose under the definition of convenience as directed by the planning inspectorate advice note. For any user to reach point A or B they are likely to have walked or ridden and still to travel a number of kilometres. The wider area and rights of way network can be seen on the image provided in the document ‘ OS extract of wider area’. The area of the diversion of path 6 and 8C is circled in red in the centre of the image and the nearest centre of population , the small settlement of Axford to the north west and Ramsbury to the north east can be seen. The connecting rights of way network to the south is particularly poor and with no centres of population for a number of kilometres. Point A does not form part of any obvious circular route for any users who have travelled the distance to reach the diversion area from the north, with no close destination or obvious point of interest to the south. Any use of the route is almost certainly to be part of a medium to long distance leisure walk, it is not a utility walk with users seeking the shortest route from a town to a church, pub, shop or other destination. Its purpose is undoubtedly one of leisure. An increase of 115 metres between point A and B , considering the routes purpose is not

substantially less convenient to the public and has not been subject to any objection.

11.4 The length of the diversion for walkers has been raised in objection to the order specifically by The Ramblers. They state in their objection “ *whilst we agree that the southern end of RAMS6 does not connect well with the rest of the network we do not agree that the ‘ not substantially less convenient’ test should be assessed in the context of an assumed total walking distance which will inevitably vary between users. S.119(6) clearly states that the test applies to “ the path or way” which is being diverted”*. .

11.5 Taking into consideration this point made by The Ramblers, the length of the diversion for walkers has been assessed. A walker arriving from the north at point E, on footpath RAMS8C, walking south to D and onto point A, would post diversion, need to walk from point E-C-B-A. or in the opposite direction. The current distance between E-D-A is approximately 830 metres. The distance between E-C-B-A is approximately 1,485 metres. The increase in distance for a walker is approximately 655 metres using this route. This increase in length is limited to just walkers, where the connecting route north of point E is a footpath only.

11.6 Officers disagree that s.119(6) clearly states that the consideration of convenience is strictly limited to the section of path that is being diverted. Not only does the term convenience include the purpose of the route which must include a wider interpretation than strictly the section that is being diverted, the wording of s.119(6) does not make it clear it is so limited as suggested. The first section of 119(6) refers to the diversion to be affected by the public path diversion order, this is in relation to subsection (1) which is whether the order is in the interest of the landowner, which has to be limited to the section being actually diverted. There is then a comma and it states *and further that the path or way will not be substantially less convenient to the public*. There is a clear separation of the wording. Not only is the literal interpretation of the wording subjective on this point , but the term convenience also encompasses more

than just the length of the path. Officers are additionally guided by a recent decision on these matters under s.119.

11.7 A section 119 highways act diversion order affecting bridleway 89, 89A and 89B in the parish of Calne Without in the hamlet of Calstone Wellington in Wiltshire, was confirmed in July 2023 following consideration by The Planning Inspectorate on behalf of the Secretary of State. A decision report on the case was published in July 2023, by an inspector appointed by the Planning Inspectorate to determine the order following objections, one of the points considered in the inspectors' report was the matter of convenience and length. The order diverted (part of) the bridleway, the old route being 107 metres and the new route 269 metres. The inspector's decision report is provided within this statement of grounds.

11.8 The decision report is separated into different headings and from 17- 34 of that report the matters being considered are under the heading '*whether the new path will not be substantially less convenient to the public*'. At 25 and under that heading, considering matters of convenience, the inspector states "*as a route connecting lanes serving countryside hamlets, the path as a whole is less likely to be used for errands or for commuting to other locations, and more likely to be used for leisure purposes as part of a longer journey. Therefore, in increasing the travel time between the routes termini, the Order is unlikely to adversely affect the convenience of the majority of users*".

11.9 The situation described by the inspector at Calne Without is very similar in these respects to this order in Ramsbury, in that the route is clearly part of a leisure walk and part of a longer journey. The inspector is considering the wider route not strictly the section subject to the diversion when they are tackling s.119(6) and matters of convenience.

11.10 Even if the legislation did intend that it is not possible to consider the continuation of the same path or way under convenience matters, the increase in length for walkers is less in this case as a percentage than the diversion the inspector confirmed in the Calne without case. At 24 of that report the inspector

states “*The length of the proposed path would be greater than twice that of the existing paths, increasing travel time for users. The Order would consequently increase the distance between the existing paths termini by a substantial degree.*” However, that diversion order was still confirmed by the inspector, in part due to the considerations of the rural nature of the route and the purpose of the route, which was in the inspector’s words, more likely to be used for leisure purposes as part of a longer journey.

11.11 The diversion at Calne Without increased the route by 162 metres, whereas this order increases the length, for a walker in one direction, by 655 metres, which is clearly longer. However, context and purpose are imperative in this consideration. The diversion order at Calne without increased the length of the path being diverted by 151%. The section of the diversion order disputed by The Ramblers (the diversion route of RAMS8C/RAMS6 from point E – A, or vice versa) increases the length of the walk by 79%. The Calne diversion confirmed by the Planning Inspectorate increased the length of the path diverted by 72% more than this order.

11.12 The purpose of the route was an important factor in the Calne Without decision and has been an important consideration by Wiltshire Council in considering the increase in distance and convenience. The Calne diversion order was in relatively close proximity to the town of Calne (approx. 1.4km) and the village of Cherhill (approx. 1.7km) and is actually within the hamlet of Calstone Wellington. The diversion under consideration in the parish of Ramsbury is in a rural setting further from centres of population, (approx. 1.5km from Axford and 2km from the larger village of Ramsbury) and likely rights of way users, than the Calne Without case. To complete any walk using the rights of way network affected by the increase in length caused by the diversion will be one of many kilometres. A long leisure walk or ride is required to even reach the area of the diversion and as such this order could, and should at least be considered on the same, if not more favourable terms when considering convenience of the way in comparison to how the inspector viewed the Calne without diversion order, which was confirmed.

- 11.13 The late objection made by The British Horse Society, many months after the statutory objection period, has been considered by Wiltshire Council. It objects, in part, to the order in terms of its convenience in relation to the diversion of bridleway RAMS6. The document presented to Wiltshire Councils Eastern Area Planning Committee, BHS objection and officers' response, depicts the objection and the response to the issues raised.
- 11.14 There is no change in the difficulty of walking , or riding any of the routes as a consequence of the diversion. The diverted routes offer in part hard surface all weather tracks for all types of users, pedestrians, cyclists and horse riders. Wiltshire Councils Countryside Access Officer with over 25 years' experience of managing rights of way, and who is responsible for maintenance and enforcement of the public rights of way network in the Ramsbury area has stated *"The concrete on the proposed section of bridleway is not smooth, it has been in place for many years and has a grooved, gritted appearance offering friction and grip, in addition to this there is little to no gradient reducing the risk of slippage. The access to this bridleway from the south is via the A4 and a u/c road and the existing route is also a rough tarmac surface which is certainly not substantially less convenient to users in comparison to the proposed route. Therefore, in these circumstances I am happy to approve the current surface in place for the new bridleway route."* (See page 195 of bundle - EAPC presentation slide for comparison of surfaces between existing and proposed bridleways).
- 11.15 The current route of bridleway 6 is recorded along the tarmac surface seen at page 195 of the bundle , the grass verge may be used but it is not the recorded route of the bridleway. The hard surface benefits walkers and cyclists who have a right to use the bridleway in addition to horse riders, offering a dry route. The definitive width for RAMS6 is only 1.5 metres wide, this is the width that is protected by the definitive statement for use by the public, a wider width may be used but it is not recorded, and no application has been made to record a wider width over this route. The proposed route will record 4 metres which is the recommended width for a new bridleway in Wiltshire Council's policy.

11.16 The BHS objection raises the point that the diversion will bring users into contact with shooting. There is no evidence the diversion will lead to an increased risk of horses in proximity to shooting. To officers' knowledge there is no commercial shoot in operation, the land is subject to sporting rights owned by the adjoining landowner. This right is recorded over all of the land subject to the bridleway diversion, including the current route and the proposed route. The owner of the sporting right has not stated that the diversion will lead to users being in more regular contact with any shooting on the land. They already have a duty of care to users of the public rights of way which cross land subject to their sporting rights.

11.17 8 further emails were received following the late submission from the BHS with comments on the order. 6 of those are in support of the order, one objects to the crushed stone surface (but not the concrete surface), and one is an email of support of the applicant's behaviour generally. A number of those emails of support are specifically in support of the proposed surface for the bridleway, from all types of users, i.e. on horseback, on bicycles and on foot. It can be seen that the order is supported by members of the local population who will be the users of the way. Those emails are attached to this statement of case as the document entitled 'late submissions to the order'.

11.18 Turning to consider the s.119(6) test in relation to the diversion of footpath Ramsbury 5 and Little Bedwyn 20 on plan 2 of the order. No specific points of objection have been made in relation to the diversion of RAMS5 and LBED 20. Officers consider the diversion route to not be substantially less convenient to the public. The diversion route is shorter, creating approximately 250 metres of footpath and extinguishing approximately 390 metres of path and is a more direct route than the current route which appears to be an unused overgrown route through woodland. The routes' purpose is again one of leisure not utility and is located in a rural setting. The diversion route will record a 2-metre-wide route for the public whereas currently the route is recorded at 1.8 metres in the parish of Ramsbury and has no width recorded in the parish of Little Bedwyn. A mobility kissing gate is proposed on the track over the diverted route which will

accommodate public access next to a field gate in the control of the landowner for access management.

12. **S.119(6)(a) the effect the diversion would have on public enjoyment of the path or way as a whole.** The views offered by the routes do not differ in any substantial manner from the current routes to the diverted routes. The current and proposed routes offer views of the surrounding countryside with no specific point of interest. RAMS8C and 6 will be affected by approved planning permission which is not a subject for the consideration of this order. The Ramsbury Manor Foundation have commented in their objection that the views when approaching the stile at point E are taken away by moving the path. This view is not affected by the diversion of footpath 8C where it is not possible to see the sloping land to the north where it is obstructed by vegetation at all times of the year (See page 196- EAPC presentation slide). Walkers will still reach the stile at this point and be offered the view that is available. There is no identified discernible negative affect on enjoyment of the paths because of the diversions.
13. **S.119(6)(b) the coming into operation of the order would have as respects other land served by the existing public right of way and (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.** The current and proposed routes of RAMS8C and RAMS6 are subject to sporting rights held by the neighbouring landowner and objector to the order, The Ramsbury Manor Foundation. Those rights are “subject to the provisions of the Ground Game Act 1880 and the Ground Game (Amendment) Act 1906. That act gives and I quote from the act, *the exclusive right for him or them with his or their friends servants and others of shooting hunting coursing fowling and sporting over and taking all manner of game woodcocks snipe quails landrails hares rabbits and wild fowl and of trapping vermin upon the property hereby conveyed with power to enter thereon for the purposes aforesaid or for preserving or rearing the said game and wild fowl and to take and carry away for his or their own use the game and wild fowl and other animals of the kinds aforesaid there killed and taken.*”

- 13.1 Part of the Ramsbury Manor Foundation's objection to the order is the effect the diversion of Ramsbury 6 and 8C will have on the operation of those sporting rights. The map on page 199 is provided by the Ramsbury Manor Foundation and shows the extent of the sporting rights they hold, the land in green and labelled Ramsbury Estate is land owned by Ramsbury SARL, the diversion applicant. The current and proposed route of RAMS6 and 8C are within the area subject to sporting rights.
- 13.2 The planning inspectorate advice note 9 at 2.3.6 of that document guides decision makers to take account of compensation provisions under section 28 as applied by section 121 of the highways act 1980 when considering section 119 b and c relating to diversion orders . Section 28 (1) states that if *"it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.* Subsection 28(5) specifically states that sporting rights fall under this description. Any claim would be made to Wiltshire Council; however, costs would be covered by the applicant, Ramsbury S.A.R.L as signed for in their application form and further identified by a deed of indemnity signed between Wiltshire Council, Ramsbury S.A.R.L and Carl Stefan Erling Persson (owners of the land subject to the sporting rights held by Ramsbury Manor Foundation).
- 13.3 It is clear that the planning inspectorate guide decision makers, including councils and inspectors to take into account the ability to claim compensation under s.28 when we must consider the effect of diversions on land under s.119(6) b and c. If the order is confirmed Ramsbury Manor Foundation may make a claim for compensation as set out in the legislation and it is likely an independent land tribunal will decide upon a fair compensation amount valuing actual loss caused to the sporting rights as affected by the diversion order. Officers consider this is the fairest and most appropriate way to consider the effect on sporting rights as guided by the planning inspectorate advice note.

13.4 Ramsbury Manor Foundation also make an objection to the order based on the diversion of footpath 8c diverting users under the canopy of trees in their ownership which overhang the applicants land and the proposed route for the footpath, therefore increasing the liability of the Ramsbury Manor Foundation in the event of the trees causing an accident to a footpath user. The proposed path would lead users under the canopy of these trees and can be seen on the photos on page 200 as part of the EAPC slides. The diverted paths route would lead along the grass track seen and under the canopy of some larger trees overhanging the boundary between the Ramsbury Manor Foundations land and Ramsbury SARL. The opinion of Wiltshire Councils tree and woodland officer Jon Price was sought to assess the potential risk, his full assessment can be seen at appendix 3 of the EAPC report. Although his assessment was limited to viewing the trees from the applicants land he states, “ *it is unlikely that the diversion would result in a significantly elevated acceptable risk tolerance score*”. The interpretation of this being that the result of the diversion would not increase the risk of footpath users and therefore liability to the tree owners in any significant manner. In addition, the applicant has common law rights to carry out remedial pruning to their boundary if required. Taking into consideration these comments from a qualified arborist , officers believe the increase in liability to the adjoining landowner, when considering the likely low use of the path in a rural setting and balancing other considerations as is appropriate, is to a degree that is not prohibitive to the confirmation of the diversion order. It may also be possible for the tree owners to apply this increase in liability to any section 28 compensation claim as described earlier where it is shown that the value of an interest of a person in land is depreciated as a consequence of the diversion order, the value of which would likely be subject to an independent land tribunal if the order is confirmed.

**14. The council must also have consideration to any material provision of a rights of way improvement plan.** The council’s current improvement plan is entitled Countryside Access Improvement Plan 2015-2025 and at appendix 8 under strengths , weaknesses , opportunities and threats assessment of the countryside access network, under weaknesses it is recognised that “*The*

*network is largely historic and although it has evolved, in places it does not meet the present and likely future needs of users and potential users.* The routes proposed for diversion do not have any specific historic significance or features that have been identified by objectors or officers. The improvement plan recognises as the landscape evolves rights of way can be diverted and indeed it may be appropriate to do so.

- 15.1 The improvement plan also recognises the council's duty under the equalities act 2010. In this case the proposal improves access where wider widths than currently recorded will be recorded by the order protecting public rights over a wider route than currently recorded prior to the diversion. The surface of the new routes will in the main for the majority of users provide a useful all weather surfaces for all users. The kissing gates and bollards authorised by this order will be to British standard and no new stiles are permitted by this order. As such the considerations of the improvement plan have been met for this order.
16. **Matters relating to agriculture, forestry, and biodiversity** must also be considered. No matters have been identified by council officers or the North Wessex Downs national landscape, which the land sits within, which have a negative effect on these matters as a consequence of the diversions
17. Other matters raised in objection which have not already been addressed specifically include the objections from David and Carolyn Sheppard and Steven Little. Their 2 objections raise no specific matters in relation to the merits or otherwise of the diversion order. More generic points regarding diverting public rights of way are raised. As already stated no specific historic significance of the public rights of way or sites accessed by the existing routes to be diverted which will not be available post diversion have been identified. The legislation permits landowners to apply to divert public rights of way and the appropriate tests are applied, which they have been in this case.
18. The Ramblers in addition to the convenience point discussed in detail earlier, also state within their objection that the 2023 guidance issued by DEFRA does

not apply to this case . This guidance sets out a presumption that if a public right of way that is subject to a diversion application goes through private dwellings or their curtilages and gardens that an Order making authority should be predisposed to make an Order and a confirming authority will similarly be predisposed to confirm it, should the Order satisfy the relevant legislative tests.. A case may be made that the current rights of way to be diverted in the vicinity of Park Farm are within what is defined as the curtilage of the new property under construction , however officers do not rely on the 2023 guidance being applicable to this case to recommend the confirmation of the order.

19. The order has received 6 emails of support from the public and the Ramsbury and Axford Parish Council and is not objected to by Little Bedwyn Parish Council. The parish councils being the elected representative of the local population and users of the paths. It is also noted that Wiltshire Bridleways Association and other user groups have not objected to the order.

20. To summarise, the order meets the tests of s.119 of the Highways Act 1980 and is capable of confirmation.

20.1 The order is in the interests of the landowner who is the applicant.

20.2 The diversion is not substantially less convenient to the public in terms of its termination points , its length, its difficulty in walking or purpose. Wiltshire Council highlight and emphasize the wording of s.119(6) “ the path or way will not be **substantially** less convenient to the public in consequence of the diversion”. Some objections suggest for various reasons the route is not as convenient, but it must be **substantially** less convenient to fail that test. Public comments from users suggest and the in depth considerations of officers conclude that the route is certainly not substantially less convenient to the public as a whole, considering all users.

20.3 The diversion does not impact negatively on public enjoyment of the routes. The views and general experience of walking the routes will not be negatively impacted.

20.4 The diversion meets the considerations of the rights of way improvement plan and the needs of agriculture, forestry and biodiversity.

20.5 Where the order may impact the neighbouring landowners' interest in their land, specifically their sporting rights and potential liability matters, legislation is in place to claim fair compensation if the order is confirmed, and decision makers are guided to this consideration.

21. Officers believe that the tests for the making and confirmation of the order are therefore met, and Wiltshire Council recommend that the order is confirmed as made.

Craig Harlow

Definitive Map Officer

8<sup>th</sup> July 2024



## Order Decision

Site visit made on 24 January 2023

by **C Beeby BA (Hons) MIPROW**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 5 July 2023**

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### Order Ref: ROW/3273510

- This Order is made under Section 119 of the Highways Act 1980 (“the 1980 Act”) and is known as the Wiltshire Council Parish of Calne Without Bridleway 89 (part), 89A and 89B Diversion Order and Definitive Map and Statement Modification Order 2019.
- The Order is dated 16 December 2019 and proposes to divert the public right of way shown on the Order plan and described in the Order Schedule.
- There were five objections outstanding when Wiltshire Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

**Summary of Decision: The Order is confirmed.**

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### Preliminary Matters

1. In writing this decision I have found it convenient to refer to points marked on the Order Plan. I therefore attach a copy of this plan.
2. An objection contends that the order is flawed because article 1 does not prevent the existing way from being stopped up before the replacement way is created. However, I consider that article 1 of the Order satisfactorily accords with section 119(3) of the 1980 Act, which requires the extinguishment date to be tied to the date on which the authority certifies that any works required to make good the new path have been carried out. Thus, I do not concur with the objection in this regard.
3. The proposed alternative path has already been laid out and elements of it have gained planning permission (local planning authority references 16/03821/FUL and 18/02808/FUL). Nevertheless, these matters are separate from the legal tests which I must consider under the 1980 Act and consequently they have not formed part of my decision.
4. The Council has received a definitive map modification order application seeking to record Bridleways CALW89 and CALW89A, and part of an unclassified road to the north of the Order route, as restricted byways. The application has not been determined. Whilst I note its contents, this decision must relate to the diversion Order before me, which concerns part of a public bridleway. Thus, if the diversion of any restricted byway rights over the Order route were subsequently sought, this would need to be by a separate Order.

## Main Issues

5. Section 119(6) of the 1980 Act involves three separate tests for an Order to be confirmed. These are:
  - Test 1: whether it is expedient, in the interests of the landowner, the occupier or the public, that the path should be diverted. This is subject to any altered point of termination of the path being substantially as convenient to the public.
  - Test 2: whether the proposed diversion is substantially less convenient to the public.
  - Test 3: whether it is expedient to confirm the Order having regard to the effect which:
    - (a) the diversion would have on public enjoyment of the path as a whole;
    - (b) the coming into operation of the Order would have as respects other land served by the existing public right of way; and
    - (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.
6. In deciding whether to confirm the Order at Test 3 stage, (a)-(c) are mandatory factors. On (b) and (c) of Test 3, the statutory provisions for compensation for diminution in value or disturbance to enjoyment of the land affected by the new paths must be taken into account, where applicable. Regard must also be had to any material provision contained in a rights of way improvement plan ("ROWIP") for the area under section 119(6A). Other relevant factors are not excluded from consideration and could, for instance, include those pointing in favour of confirmation.
7. As the route is within an Area of Outstanding Natural Beauty (the North Wessex Downs AONB) ("the AONB"), section 85 of the Countryside and Rights of Way Act 2000 imposes a duty on me to have regard to the purpose of conserving and enhancing the natural beauty of the area of AONB. This includes, by virtue of section 92, the conservation of its flora, fauna or geological or physiographical features.

## Background

8. The existing sections of bridleway run south from a lane which is an unclassified road over a track which passes the owner's property, The Mill House. The path then crosses the river Marden via a bridge before meeting the unaffected section of Bridleway 89. The Order seeks to divert the path further away from the Mill House via a separate bridge over the river.

## Reasons

*Whether it is expedient in the interests of the owner of the land that the path in question should be diverted*

9. The Order states that it appears to the Council that it is expedient that the path should be diverted in the interests of the owners of the land crossed by the bridleways. Therefore I must consider whether the diversion is expedient in these

interests. The Council considers that the Order would improve the privacy and security of the owners' property.

10. Whilst an unclassified road ends towards the top of the property's drive, the existing bridleway passes closer to the front of the owners' property, which contains ground floor windows into which path users can see. The privacy of occupiers of the house is consequently adversely affected by the presence of the path, so that its removal would reduce this adverse effect.
11. The house has a relatively isolated position with minimal natural surveillance from other property, so that the presence of the path close to the house is likely to result in security concerns for the occupiers. Reference is made to the theft of items from the front of the house and a security incident in 2017 which resulted in police action. Whilst these incidents are unsubstantiated and the latter incident was some time ago and appears to have been a "one-off", they are undisputed in opposition. In providing the only public access to the property the Order route may well have facilitated the security incidents. The removal of public access within close proximity of the house by the Order would enable the owners to improve security at the property.
12. In summary, I am satisfied that the Order is expedient in the interests of the landowners in order to improve privacy and security at The Mill House.

*Whether any new termination point is substantially as convenient to the public*

13. The termination point of the existing route at point C would be unaltered. The termination point of the existing route would be altered at its north end to a point (point A) further north.
14. The alteration in the point of termination would not increase the length of the path, and any risk of cyclists overshooting and missing the new junction at point A could be adequately reduced by the use of appropriate signage.
15. Point A would form a junction into/out of the unclassified road where path users would need to turn approximately 90 degrees, instead of continuing in their line of travel from the current point B. Nevertheless, the purpose of this part of Test 1 is to ensure that a path user between two points is not left unable to reach their destination. In this case the proposed northern point of termination would lie a short distance further north, meeting the unclassified road near the existing point. The connectivity between points on the Order route and surrounding highways would consequently be unaffected.
16. Thus, the alteration in the point of termination of the path would be substantially as convenient to the public.

*Whether the new path will not be substantially less convenient to the public*

17. When comparing the convenience of the routes included in the Order it is appropriate to assess the existing routes as if they were available for use by the public to their full legal extent without obstruction. Therefore I shall disregard the existence of parked cars, gates and a narrow bridge forming obstructions to the definitive line of the existing path in assessing this test.
18. Several of the submissions in support of the Order refer to finding the proposed route more convenient due to the muddy or waterlogged condition of part of the

existing route's surface on occasion. Whilst an objector found the existing surface passable on a single occasion following a period of wet weather, the weight of evidence overall suggests that users find the surface of the proposed route more convenient than that of the existing route.

19. A five-bar gate was present at point B at the time of my site visit. Although this stood open, the owner submits that it is sometimes closed. In such cases the passage of users of the existing route would be delayed by the need to stop and open the gate, reducing the path's accessibility.
20. Correspondence from the Council to the owners in 2006 states that, if a proposed stopping up of vehicular rights at the Mill House were successful, a bridleway gate could be in place, which should be at the correct location and to the standard required by the authority. Nevertheless, the Council currently considers that the gate is an unauthorised obstruction to the public right. Furthermore, orders of 2008 and 2009 to record the bridleways did not refer to the gate as a limitation. Moreover, the evidence before me does not confirm whether the specifications set out by the authority in 2006 were complied with. Thus, it has not been demonstrated that the gate at point B forms a limitation to the public right. I consequently consider that it is possible to pass freely over that part of the existing path without the need to stop.
21. The existing paths have a relatively straight alignment, providing a route without significant changes of direction. However, factors including the gradient of the paths, the need to pass a property frontage and the presence of a bridge are likely to prevent users such as runners, cyclists and equestrians from using the existing route at speed, in the interests of safety.
22. The proposed path includes several corners, some of which form an abrupt change of direction. These would limit the ability of users to safely use the entirety of the proposed path at speed, so that any change in pace required to navigate the corners would not be considerable.
23. Users of both the existing and proposed routes are consequently unlikely to be doing so at any speed. As a result, when compared to the existing paths, the proposed paths would not unacceptably increase the need to change pace.
24. The length of the proposed path would be greater than twice that of the existing paths, increasing travel time for users. The Order would consequently increase the distance between the existing path's termini by a substantial degree. The additional distance may affect the convenience of the path for users with mobility issues, as referred to by an objector.
25. Nevertheless, as a route connecting lanes serving countryside hamlets, the path as a whole is less likely to be used for errands or for commuting to other locations, and more likely to be used for leisure purposes as part of a longer journey. Therefore, in increasing the travel time between the route's termini, the Order is unlikely to adversely affect the convenience of the majority of users.
26. The gradients of the existing route are relatively steep, whereas those on the proposed route are more level. A significant proportion of the correspondence in support indicates that users prefer the gentler gradients of the proposed route. The correspondence in question appears to have been independently written in each

case, and represents the views of a range of users including pedestrians, equestrians, cyclists and those with mobility issues.

27. As a result of these considerations, the letters in support attract significant weight in assessing Test 2, and demonstrate that the proposal would increase the ease of use of the route in this regard for a considerable proportion of users. The proposed route is consequently likely to be more accessible, in terms of gradient, to users such as those with mobility issues or those with pushchairs, although the additional distance would affect this increased accessibility. Overall, the new path would consequently be as convenient to these two groups.
28. The applicant provides the results of a survey made of users of the existing and proposed routes using closed circuit tv technology over 5 years. These show that a high proportion of users chose to use the proposed route, with relatively few people using the existing route.
29. Objectors submit a photograph of December 2018 showing cars parked on or adjacent to the existing route, which may have deterred some use. Furthermore, in January 2020 an objector provided two photographs showing plastic permissive bridleway signs of a plausible appearance which apparently cover waymarks for the existing route and attempt to direct path users along the proposed route. It is undisputed that all three photographs were taken during the period over which the use survey was undertaken. Therefore the parked cars and altered signs are likely to have deterred a proportion of users from making use of the existing route, and to have encouraged use of the proposed route.
30. Furthermore, whilst I note the submission that the recommendations of the Information Commissioner's Office were complied with by the erection of separate notices stating that cameras were in use, such notices are likely to have deterred a proportion of potential use of the existing route.
31. The above circumstances are consequently likely to have affected users' choice of route. As a result, the survey figures do not accurately represent the usual use of the two paths. Thus, the survey results attract very little weight in my determination.
32. Whilst a gate is present between Bridge Y and point C on the existing route, it is not recorded in the definitive statement as a limitation, and the evidence does not suggest that its presence has been authorised by the highway authority. It is considered by the Council to form an obstruction. Thus, although the proposed route is free of gates, this would not increase the convenience to the public because the existing route is, similarly, to be considered free of gates.
33. The legal widths of the existing and proposed routes are similar, so that an increase in the paths' width would not form a benefit of the Order.
34. Overall, I conclude that the proposed route would be less convenient in some respects, but more convenient in others. For these reasons, the new path would not, on balance, be substantially less convenient to the public.

#### *Provisions within the ROWIP*

35. Objective SO14 of the Council's Countryside Access Improvement Plan 2015-2025 seeks to promote travel modes that are beneficial to health. As users may already walk, cycle and ride a horse on the existing route, this objective does not provide any particular support for the Order.

36. Objective SO15 of the ROWIP seeks to reduce barriers to transport and access for people with disabilities and mobility impairment. Whilst there is minimal specific evidence on the Order's ability to meet this objective, I have found above that the proposed route would be as convenient for users with mobility issues. Therefore only a neutral effect in this regard has been shown, so that the ROWIP Objective does not provide any particular support for the Order.

*Whether it is expedient to confirm the Order*

37. Views of the two Grade II listed buildings at the Mill House are available from the proposed route. Nevertheless, these views are more distant than those of the buildings from the existing route. Furthermore, their availability would depend more on the maintenance of adjacent vegetation, which cannot be assured despite informal undertakings to do so, due partly to the potential for ownership of the property to change.
38. Views of the Mill House from "Bridge X" and surrounding land are already available to pedestrians as the bridge carries footpath CALW40. Thus, the Order would serve to remove closer-range views of the listed buildings for pedestrians, rather than providing alternative views of a different type to this type of user.
39. The proposal would, however, provide longer-range views of the Mill House from Bridge X which are not currently available to equestrians and cyclists, with a potential increase in appreciation of the historic interest contributed by the house's setting for these groups. Some of these users comment that they consider the views from the proposed route to be better, with one equestrian explaining that in using the existing route their attention was too focussed on the potential for their horse to be spooked by various matters in passing in front of a dwelling for them to be able to take in views of the buildings.
40. As a result of the above considerations, the Order would have both beneficial and adverse effects in terms of the contribution of views of the listed buildings to public enjoyment.
41. The wider path as a whole is partially enclosed by mature hedgerow, giving the impression of a landscape feature of some age, which it is currently possible to follow by reference to existing longstanding features. The submission that the existing paths have some historic interest is supported by documentary evidence showing their existence over centuries as part of a longer route between highways, irrespective of a 2007 order which stopped up public vehicular rights but reserved bridleway rights over the Order route. The case in opposition indicates that this history, supporting the generally linear alignment of the existing route as a track of some age with a sense of purpose, contributes to the public's enjoyment of the path as a whole. This enjoyment is enhanced by the existing route's proximity to the listed buildings at the former mill.
42. An objector considers the diversion to form a "contrived detour". In introducing a number of "dog-leg" corners and a more circuitous and less purposeful route between the current termini, the proposed route would disrupt the identified historic interest of following a linear route between defined features. The diversion would consequently have an adverse effect on public enjoyment of the path as a whole in this regard.

43. However, the matter is referred to by only a small number of objectors, and is not referred to as a concern by a considerable number of letters in support. The circumstances in this case consequently differ from those in my colleague's decision (FPS/Y3940/4/8) concerning a route elsewhere in Wiltshire, where a considerable number of objections referred to the loss of a historic route and/or features as their reasons for objecting to a diversion order under section 119.
44. Furthermore, the diversion in this case relates to part of the wider route only, so that the historic interest of the track to the south would remain.
45. For these reasons, the adverse effect on public enjoyment in this regard would consequently be limited.
46. It is submitted that the existing route's surface between Bridge Y and point C is boggy for a few weeks in winter, even if the highway authority meets its maintenance duties. Although the extent to which this is the case is disputed by an objector, the parish council refers to waterlogging issues on the route and some photographs of boggy ground are provided. Furthermore, there was some standing water on the route at this point at the time of my site visit. These circumstances are likely to make use more challenging at certain times of the year, affecting public enjoyment of the path as a whole.
47. The proposed route has a hard surface and passes through more open land, and therefore it would not be subject to waterlogging in the same way as the natural surface of the existing route, which passes through a shaded area at this point and which may be more subject to surface disturbance due to landslip referred to by the landowners. Access to the proposed route is consequently more assured to all users throughout the year, so that the proposed route would increase enjoyment of the path as a whole in this regard.
48. There is minimal evidence before me to suggest that the risk of encountering vehicles outside the Mill House has caused concern to users of the existing route, and given the likely slow speeds of all parties and the limited domestic traffic associated with the property, the removal of exposure to vehicles is not a factor which would increase public enjoyment of the route.
49. Similarly, factors which may "spook" horses such as faster flowing water and children or animals from the dwelling have not been sufficiently evidenced for me to find that the proposed route would bring any particular benefits in this regard. Furthermore, the latter two elements are temporary circumstances associated with the current occupiers, who may change.
50. Whilst some users may appreciate the increased distance of off-road path which the proposal offers, others, for example users with mobility issues, are likely to consider that this reduces their enjoyment of the route.
51. The combined gentler gradient and separation from the dwelling of the proposed route are likely to provide more opportunities for equestrians to canter than are available on the existing route, although these would be relatively brief in view of the distances concerned.
52. A number of submissions in support state that the diversion would remove a sense of intrusion on the landowners' privacy which correspondents experience when

using the existing route. The proposal would increase the enjoyment of these users because the proposed route is further from the dwelling.

53. There is no evidence that the diversion will have any adverse effect on land served by the existing route or on the land over which the alternative route will be created.

54. Taking all the above considerations into account, the Order would have a neutral effect on public enjoyment of the path as a whole.

55. I have concluded above that the Order is expedient in the interests of the landowners. The alteration to a point of termination would be substantially as convenient to the public, and the new path would not be substantially less convenient to the public. The proposed diversion would have a neutral effect on public enjoyment of the path as a whole. As such, it is expedient to confirm the Order.

#### *AONB*

56. I have not identified any harm resulting from the Order to the purpose of conserving and enhancing the natural beauty of the AONB, including the conservation of its flora, fauna or geological or physiographical features.

#### **Other Matters**

57. Whilst the Order does not specify the form that its junction with existing public footpaths will take, this matter does not arise for consideration of Test 2 because, as the stiles concerned lie on adjoining paths and provide access only onto or from those, they do not affect the convenience of use of the proposed path.

#### **Overall Conclusion**

58. Having regard to the above, and all other matters raised in the written representations, I conclude that the Order should be confirmed.

#### **Formal Decision**

59. I confirm the Order.

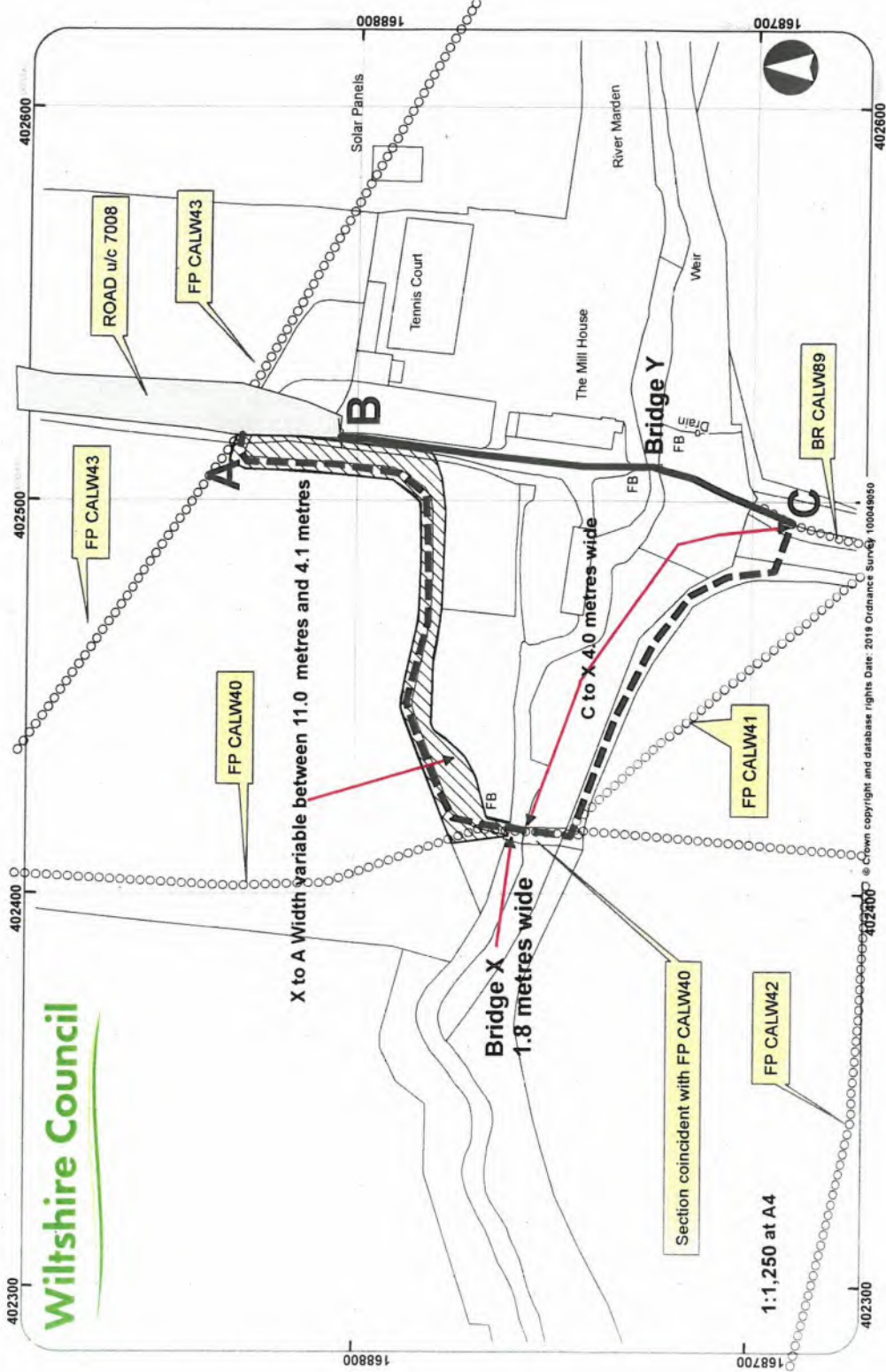
*C Beeby*

INSPECTOR

**CALW 89, 89A and 89B Order Plan**  
 bridleway to be extinguished B — Y — C  
 bridleway to be created A - - - X - - - C

Unaffected rights of way shown by continuous circles

Date: 13/12/2019



## DECISION REPORT

### HIGHWAYS ACT 1980 S.119 AND WILDLIFE AND COUNTRYSIDE ACT 1981 S.53A PROPOSED DIVERSION OF BRIDLEWAY RAMSBURY 6, FOOTPATHS RAMSBURY 5,8C AMD LITTLE BEDWYN 20

#### 1. Purpose of Report

- 1.1. To consider an application to divert bridleway Ramsbury 6 (RAMS6), footpaths Ramsbury 5 (RAMS5), Ramsbury 8C (RAMS8C) and Little Bedwyn 20 (LBED20) under Section 119 of the Highways Act 1980.

#### 2. The Application

Application reference number: P/2022/10

Date of application: 05/08/2022

Applicant: Ramsbury SARL  
C/o Ramsbury Estate Ltd  
The Estate Office  
Priory Farm  
Axford, Marlborough  
Wiltshire, SN8 2HA

Application for: An order to divert footpaths RAMS5,8C, LBED20, bridleway RAMS6 and the creation of a new footpath over land at Ramsbury Estate. The reasons stated being “ *The land at Park Farm is being returned to parkland with the associated grazing and livestock handling and management requirements. The intention is to provide an improved network of public rights of way that fulfil the reasonable requirements of all stakeholders.*”

Application comprises: Highways Act 1980 section 119 diversion application

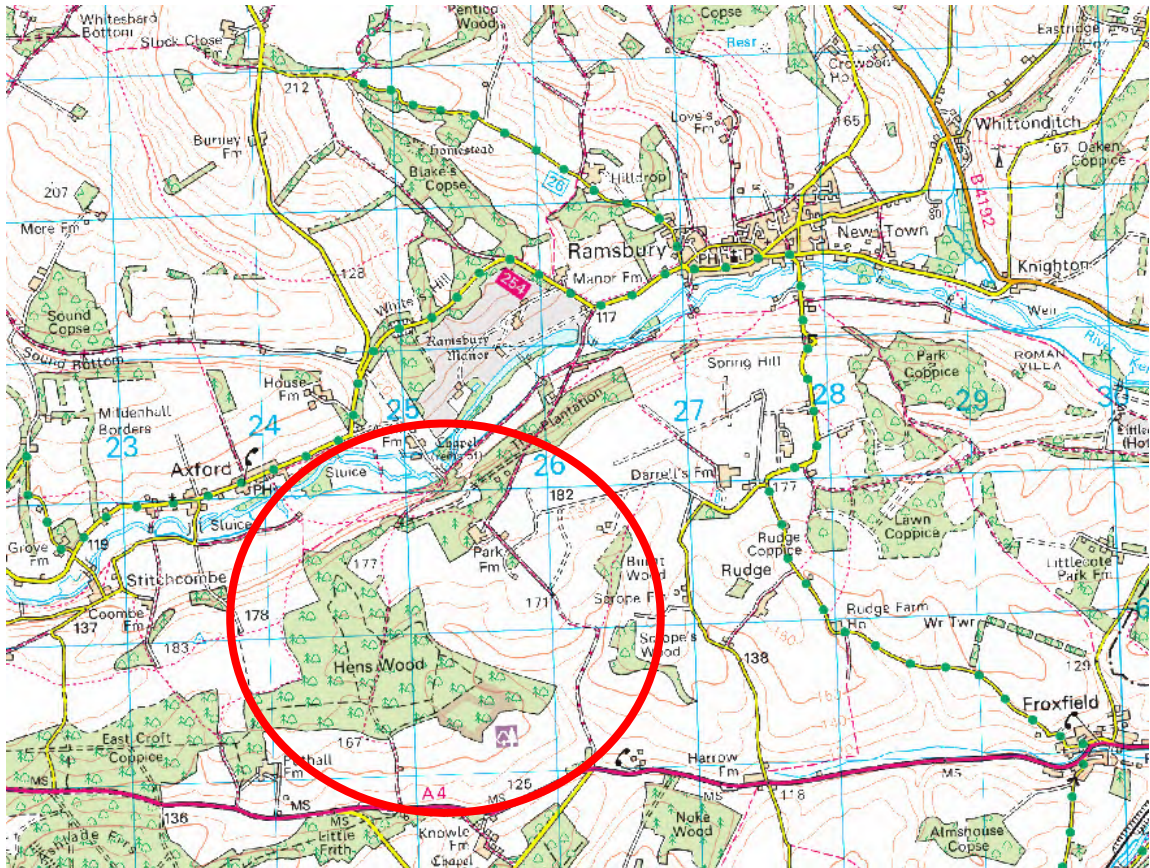
Plans of proposals.

Proof of ownership.

### 3. Relevance to Council's Business Plan

- 3.1. Working with the local community to provide a rights of way network fit for purpose, making Wiltshire an even better place to live, work and visit.

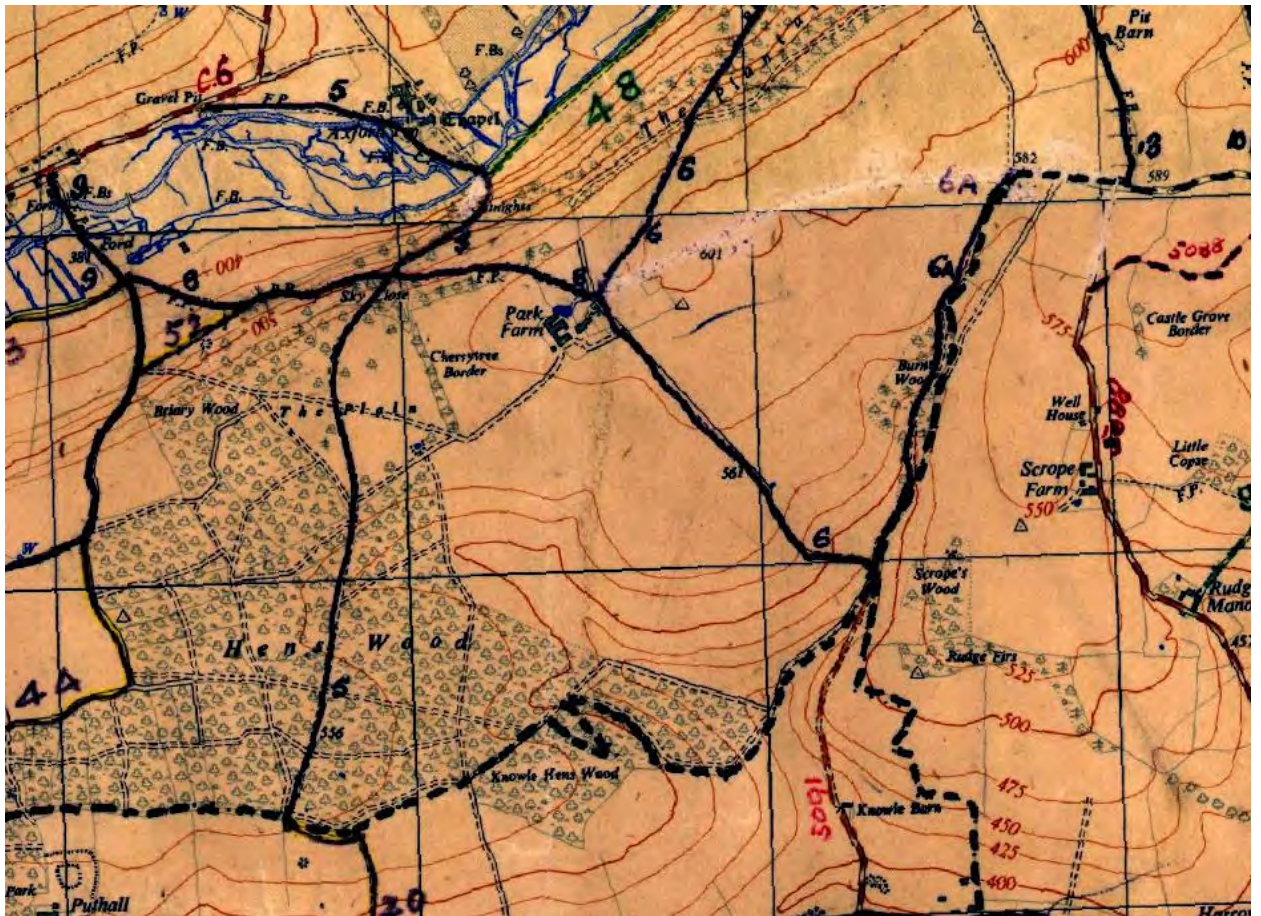
### 4. Location



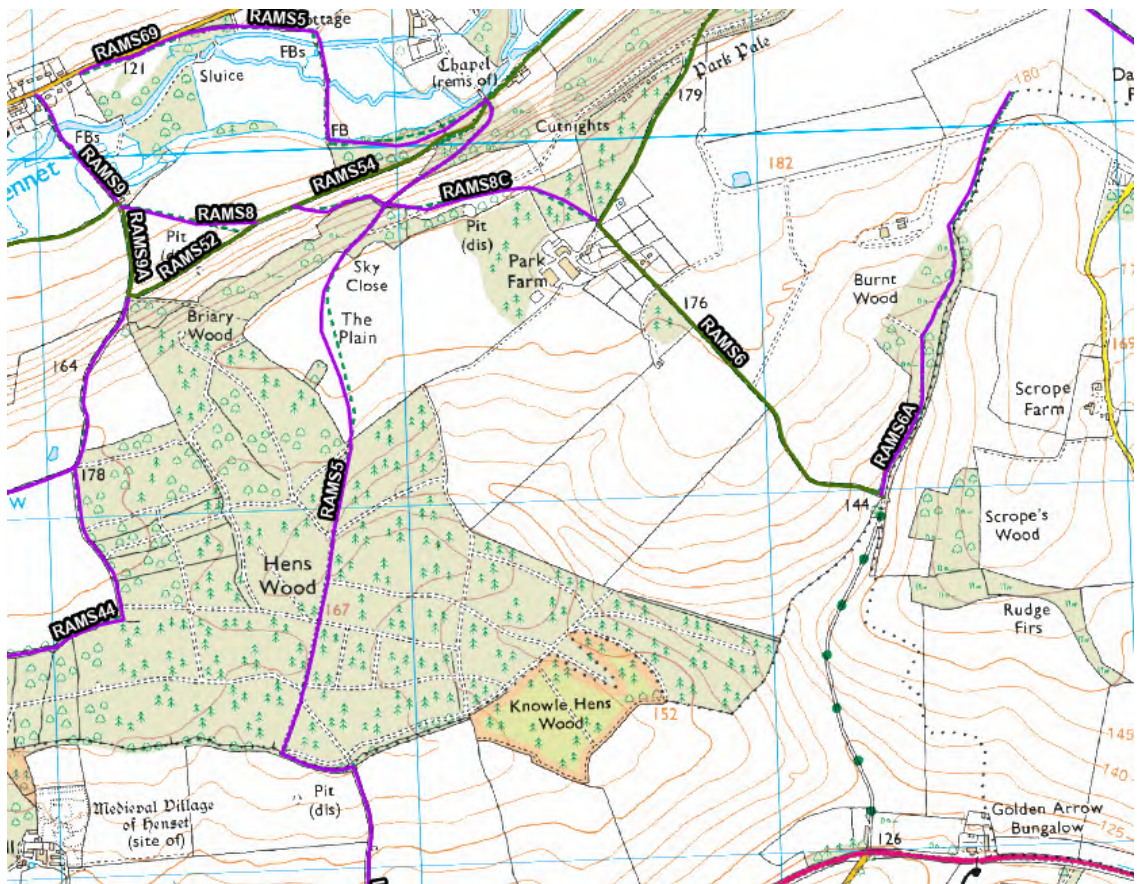
- 4.1 The above map shows the location of the proposals in the vicinity of Park Farm, Ramsbury, Marlborough, Wiltshire , SN8 2HW which is between Marlborough to the west and Ramsbury to the north east.

## 5. Current Records

- 5.1 The paths subject to the application are within the parishes of Ramsbury and Little Bedwyn. The paths are recorded in the Marlborough and Ramsbury Rural District Council Area Definitive Map and Statement dated 1952 as per the below map extract and statements.
- 5.2 Extract of the 1952 Definitive Map – original scale 1:25,000



5.3 Modern working copy of the definitive map.



5.4 It is noted that the section of RAMS6 subject to this diversion proposal was recorded as a footpath on the 1952 definitive map, it has since been reclassified as a bridleway, as shown on the working copy extract above.

5.5 The definitive statements for the affected paths are as follows:

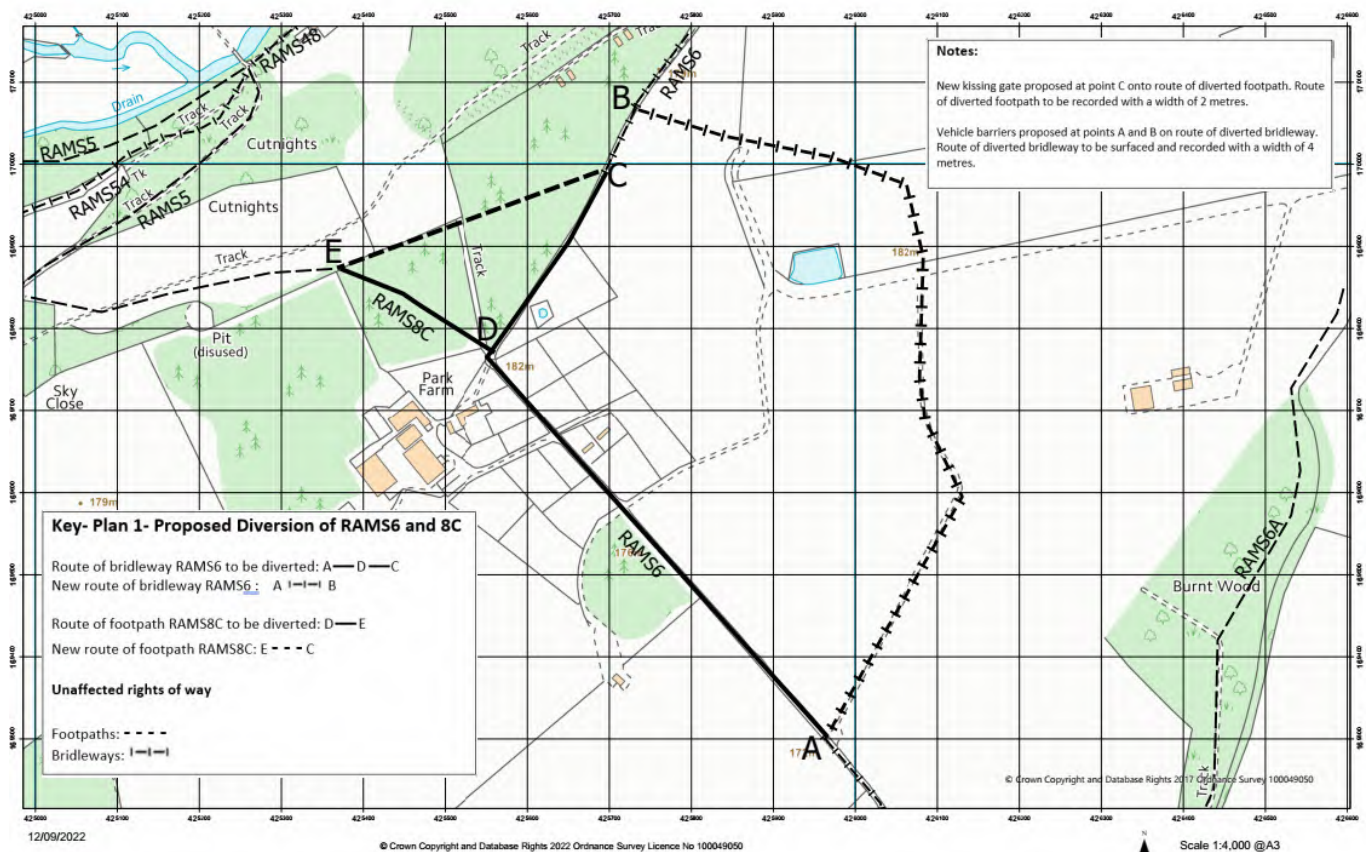
Ramsbury	5	<p><u>FOOTPATH</u>. Northern section known as Raggs Hatches. From its junction with the Marlborough Road C.6 at the Gravel Pit, leading east for approximately 350m and then heading in a generally southerly direction, across a bridge, for approximately 50m, before leading east for approximately 5m and south-south-east for approximately 100m, then leading south, crossing a bridge, for approximately 160m, continuing east for approximately 160m, then east-north-east for approximately 160m, before following a line north-east to its junction with Bridleways 48 and 54, where the path forks i) leading north-west for approximately 20m to join the track south of Axford Farm and ii) leading south-east for approximately 30m, then south-west for approximately 640m and then generally south-south-west to the parish boundary.</p> <p>Approximate length 3.1 km</p> <p>Width 1.8 m</p>	<p>relevant date</p> <p>6<sup>th</sup> February 2003</p> <p>Part subject to ploughing</p>
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Ramsbury	6	<p><u>FOOTPATH</u>. From path No.48, south-west of Park Town leading south-west to the junction with path No.7.</p> <p>Approximate length 500 m.</p> <p>Width 1.5 m.</p> <p><u>BRIDLEWAY</u>. From the junction with path No.7 near Manor Cottage and continuing south-west through Plantation to Park Farm then south-east to the Froxfield Parish boundary at the northern end of road U/C 5091 by the Old Chalk Pit, west of Scropes Woods.</p> <p>Southern section known as Park Farm northern section as the Horse Race.</p> <p>Approximate length 2.3 k.m.</p> <p>Width 1.5 m.</p>	<p>relevant date</p> <p>27th November 1990</p>
Ramsbury	8C	<p><u>FOOTPATH</u>. From the junction of paths Nos.8B and 54 leading east along the northern side of Sky Close then south-east [crossing path No.5] to path No.6 at Park Farm.</p> <p>Approximate length 1000 m.</p> <p>Width 1.2 m.</p>	<p>relevant date</p> <p>17th September 1991</p>
Little Bedwyn	20	<p><u>FOOTPATH</u>. From the southern end of Ramsbury path No.5 leading east along the southern edge of Hens Wood then south to the London - Bath Trunk Road, A.4, opposite Voronzoff Gate.</p> <p>Approximate length 550 m.</p>	<p>relevant date</p> <p>17th September 1991</p>

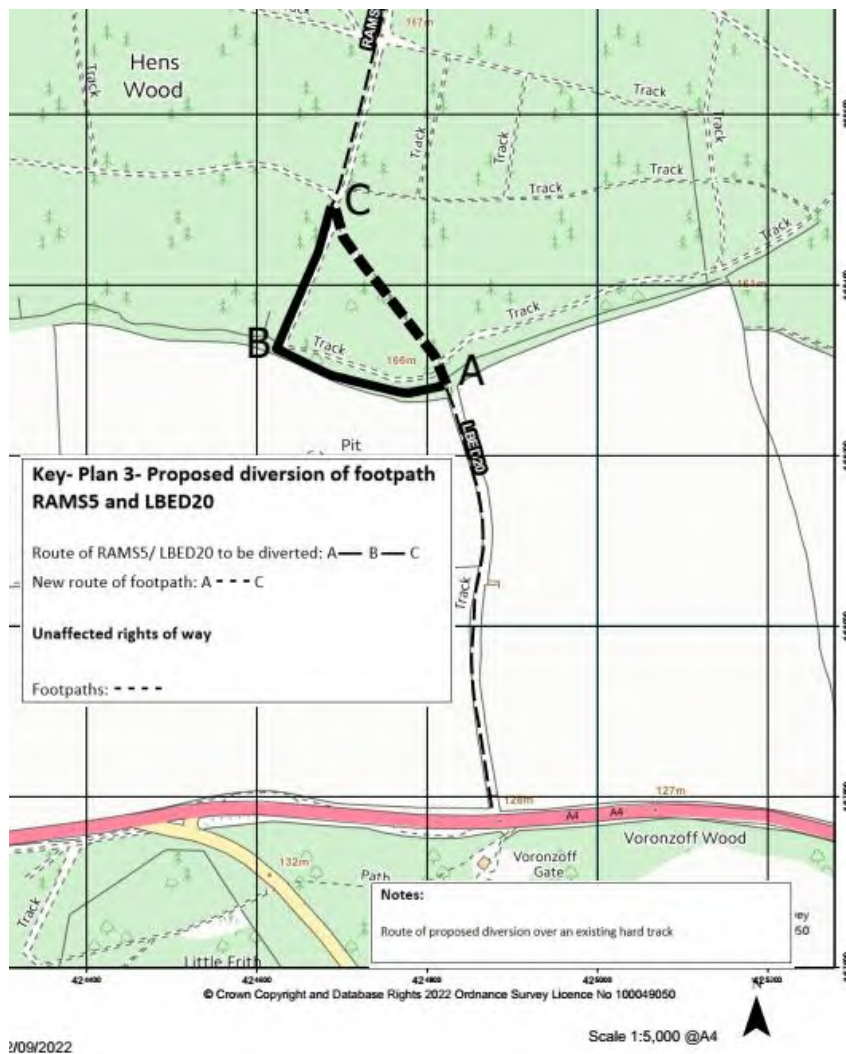
## 6. Proposed Diversion and creation

6.1 It was proposed to divert footpaths RAMS5,8C and LBED20, bridleway RAMS6 and create a new footpath linking footpaths RAMS5 and RAMS9B. The proposed diversion routes are depicted on the below plans. As will be discussed later in this report the section of the proposal to divert a northerly part of RAMS5 and create a new footpath link has now been withdrawn. The proposal as it stands, is now to divert footpath RAMS8C , the southerly section of footpath RAMS5 linking to footpath LBED20 and bridleway RAMS6.

6.2 The diversion proposals have been split over two separate plans. Plan one depicts the proposed diversion of footpath RAMS8C and bridleway RAMS6. The solid black line between points D and E depict the route of footpath RAMS8C to be diverted , the dashed black line between points E and C depict the proposed diversion route for the footpath. The diverted route would be recorded with a width of two metres , with a kissing gate proposed at point C. The solid black line between points A , D and C depict the current route of bridleway RAMS6, the diversion route for the bridleway is depicted by a black dashed line with cross bars between points A and B. The diverted route of the bridleway is proposed to have a recorded width of four metres, with lockable vehicle bollards at points A and B and to have a hard surface.



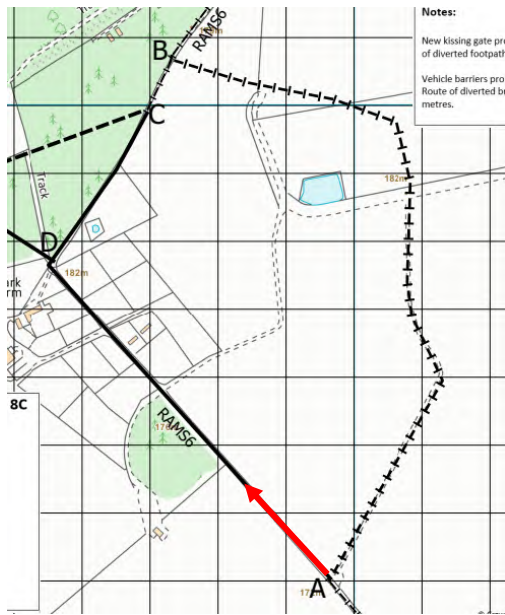
6.3 Plan three (plan two was the section of the proposal now removed) , below, depicts the diversion of footpath LBED20 and RAMS5. The current recorded route is shown by a solid black line between points A, B and C. The proposed diversion route is shown by dashed black line between points A and C, the route would have a recorded width of two metres and run over an existing track. The diversion would move this section of the path from partially within the parish of Little Bedwyn to wholly within the parish of Ramsbury.



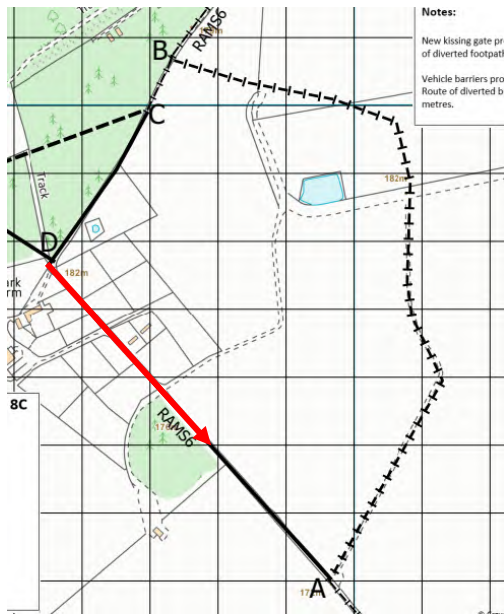
## 7. Photographs of site

The following photos were taken on a site visit by officers on 31<sup>st</sup> August 2022. The map extract and arrows depict the approximate location the photo was taken and the direction of the photo.

7.1 Photos of the proposed diversion of RAMS6. The current route.



7.2



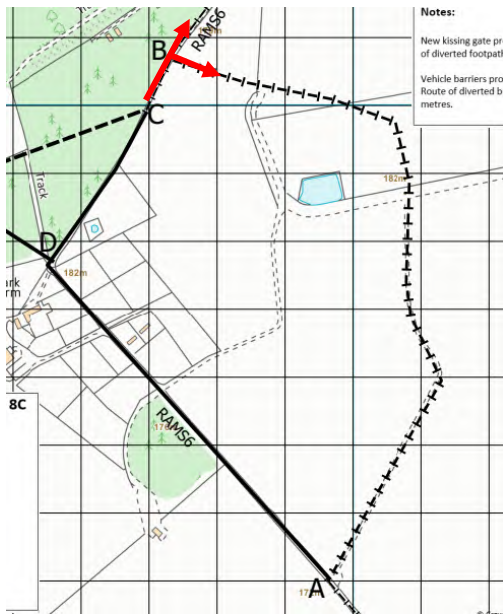
7.3



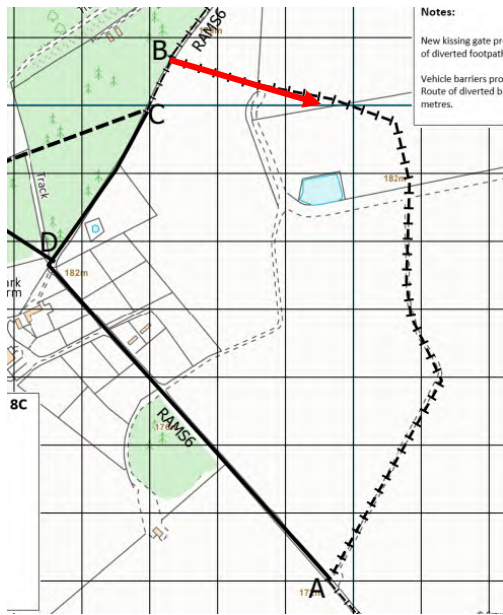
7.4



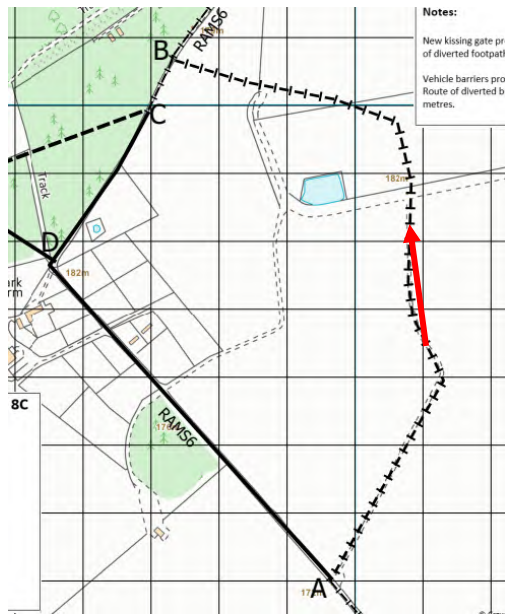
7.5 At this point the proposed diversion route will meet the existing route of the bridleway. A route would be created in the current fence line to accommodate the bridleway and it is proposed lockable bollards would be installed to prohibit public vehicular access.



7.6 The proposed route currently leads over an agricultural field. A hard surface track would be provided for the bridleway.



7.7



7.8



7.9 The proposed diversion of footpath RAMS8C. The current route.



7.10



7.11 The stile at this location is the boundary between the applicants' land and the neighbouring landowner.



7.12 The proposed route leads along the field boundary which is currently overgrown as it is not a used route. The path will meet its junction with bridleway at the location seen in the photo at 7.5 and be accessed via a kissing gate.



7.13 The proposed diversion of footpath LBED20. It is clear the recorded route of LBED20 on the edge of Hen Wood has not been in use for at least a number of years, no clear route through the undergrowth and trees is discernible.



7.14



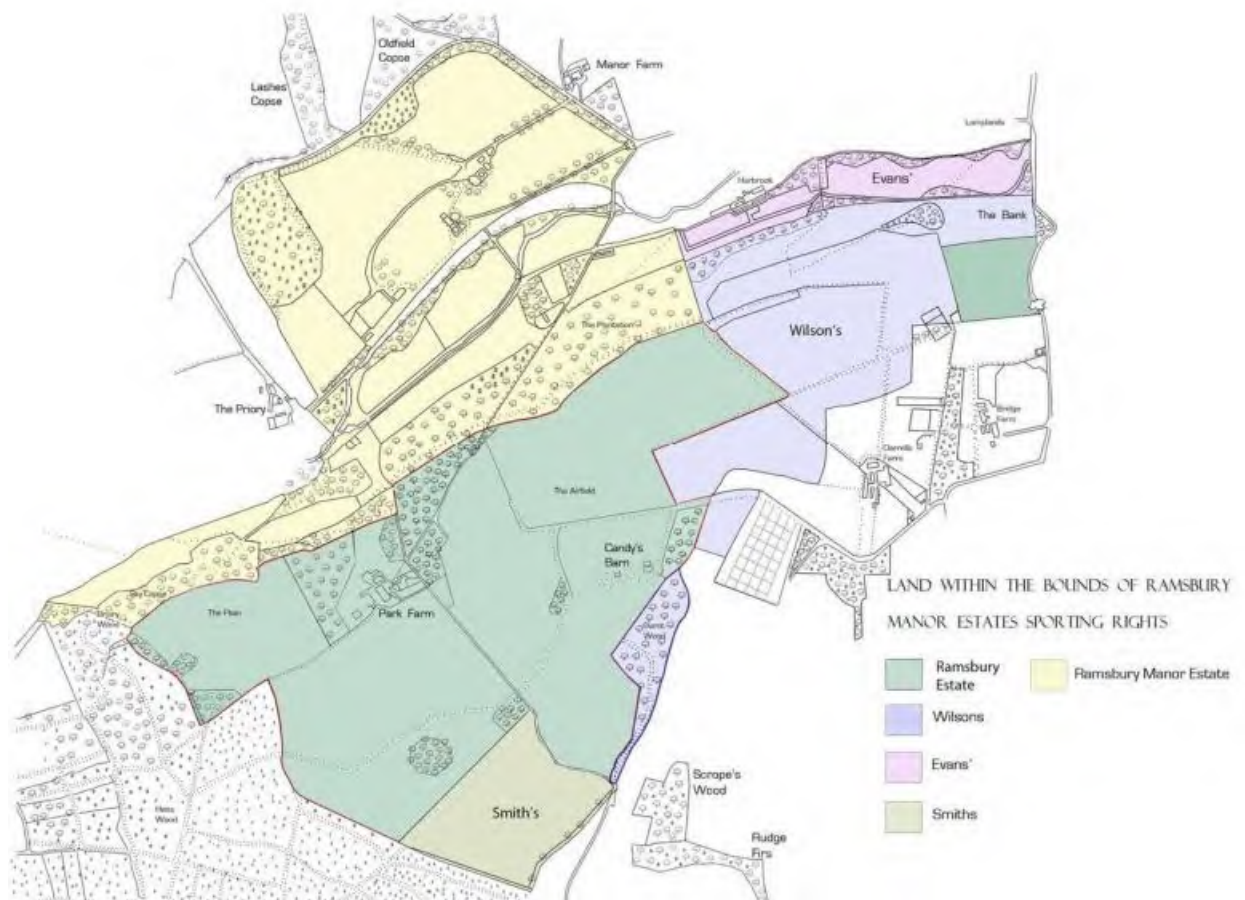
7.15 The proposed route of LBED20 (would be recorded as part of RAMS5). The route follows an existing hard track.



## 8. The Application

- 8.1. The application is made in the name of Ramsbury SARL, registered at 17 Boulevard Grande Duchesse , Charlotte L-1331 , Luxembourg , c/o Ramsbury Estates Ltd, The Estate Office, Priory Farm , Axford, Marlborough, Wiltshire, SN8 2HA who are the registered freehold landowner for title number WT 164195. Mr Carl Persson c/o The Estate Office Priory Farm, Axford, Marlborough, Wiltshire , SN8 2HA , is the owner of the land under title number WT 239086. The diversion of LBED20/RAMS5 are under title number WT 164195 and the diversion of RAMS6 and 8C are under title number WT 239086.
- 8.2 The trustees of the Ramsbury Manor Foundation (RMF), a neighbouring landowner ,contended via Mr William Hughes of Savills representing RMF, that the application was invalid as his clients have a legal interest in the land as they own sporting rights over the land and had not consented to the application. The sporting right is registered on the land registry title , Title number WT9185. Various parcels of land within the title register are “ *subject to the provisions of the Ground Game Act 1880 and the Ground Game (Amendment) Act 1906 of the exclusive right for him or them with his or their friends servants and others of shooting hunting coursing fowling and sporting over and taking all manner of game woodcocks snipe quails landrails hares rabbits and wild fowl and of trapping vermin upon the property hereby conveyed with power to enter thereon for the purposes aforesaid or for preserving or rearing the said game and wild fowl and to take and carry away for his or their own use the game and wild fowl and other animals of the kinds aforesaid there killed and taken.*” Mr Hughes also brought to officers’ attention the applicant had not stated in their application form that other parties have an interest in the land where that question is asked within the application form

8.3 The below plan was provided by Mr Hughes depicting the land within the sporting rights of RMF and the owner for that land.



8.4 Mr Hughes's position was that within the meaning of "owner" the RMF have the same status as Ramsbury Estates (the applicant) as they have a distinct and legal interest in the freehold of the property that is affected by the proposed diversions. Mr Hughes stated that the application should not be determined as his client had not consented to the application as an owner of the land and that the application form was incomplete, as at question 6(c) and (d) which states "Have any other persons an interest in the land over which existing or proposed path pass? If so, give names and addresses of persons and nature of interest," the applicant stated "none". At question 6(d) which states "Please enclose written confirmation from every person having an interest in the land over which the section of path to be provided crosses, consenting to the application, or give particulars of any consents still require to be obtained" the applicant stated "none".

8.5 It is accepted the applicant stated none at questions 6 (c ) and (d) of the application form where it is clear from documents provided that Ramsbury Manor have sporting rights over

the land and have an interest in the land. The applicant has verbally stated to officers this was a genuine mistake within their application form.

- 8.6 Officers sought the opinion of Wiltshire Council legal officers to the points raised by Mr Hughes, that Ramsbury Manor should be considered an owner of the land in the same manner as Ramsbury Estate due to their sporting rights and that the application should not be determined as the application is incomplete. These points would need to be determined to consider making a diversion order in the interests of the landowner under S.119 of the Highways Act 1980.
- 8.7 On 14<sup>th</sup> November 2022 , after receiving advice from legal officers, an email was sent to Mr Hughes explaining that his client, RMF, is not considered an owner in the same manner as Ramsbury Estate over the land in question. The email stated, *“There are two ‘legal estates’ in land, those being freehold (fee simple absolute in possession – right to own and use the property for an unlimited period of time and the right to dispose of it at your choice) and Leasehold (Term of years absolute – lease for a fixed period of time). In this instance, Ramsbury Estate holds the land in fee simple absolute in possession, otherwise known as the freeholder of the land i.e., they have a legal estate in land. In relation to Ramsbury Manor Estate’s sporting rights being adversely affected by the proposed application, Ramsbury Manor cannot claim to hold either type of ‘legal estate’ in the land. Ramsbury Manor’s sporting rights over the Applicant’s land are known as ‘incorporeal hereditaments’ which means that Ramsbury Manor have an intangible right in land, rather than a ‘legal estate,’ therefore Ramsbury Manor do not have the same legal status as Ramsbury Estate in relation to this proposed application”*
- 8.8 It was further communicated to Mr Hughes that the incomplete application form at question 6 c and d does not prohibit Wiltshire Council from determining the application and that his clients have not been suffered any undue prejudice as they have been fully informed of the application from its submission to the initial consultation and have been able to comment on the application. The following email was sent on 14<sup>th</sup> November 2022. *“The form of application for a public path order under s.118 and/or s.119 Highways Act 1980 is not prescribed by statute and has been designed by Wiltshire Council to better facilitate an understanding of the procedure between both applicants and the council. The main purpose of the form is to establish that the applicant owns the land (or has the consent of someone who does) and what it is they hope to achieve. The form also clarifies the situation with regard to the cost of embarking on the procedure and seeks to bind the applicant to meeting the council’s costs.”* It was clearly known to Ramsbury Manor that

*Ramsbury Estates Ltd were considering the rearrangement of some of the rights of way network over their land for a period before we received the application and Ramsbury Manor helpfully alerted us to their interest in some of the land by means of a telephone call from yourself, Mr Hughes, to our department which I myself returned a call to you regarding a possible application affecting the land on 1<sup>st</sup> March 2022 ( at that time no application had been submitted) . The application to alter the RoW network over land owned by Ramsbury Estates Ltd was received on 5<sup>th</sup> August 2022 and accepted by the Council for further consideration on 8<sup>th</sup> August 2022. Mr Hughes was immediately , on the same day (8<sup>th</sup> August), informed that the application had arrived. It is agreed that the applicant answered 'none' to questions 6(c) and 6(d) but when asked by the case officer for the reason for this, verbally stated that it had been a mistake to omit Ramsbury Manor. Officers accept that a mistake was made but consider that this caused no prejudice to either the council or to Ramsbury Manor as they had been made aware of the application and its contents at an early stage and were included into an initial consultation into the proposals concurrent with other consultees. Although the exercise of s.119(1) may not be exercised if the proposal is not in the interest of either the owner, lessee or occupier or the public, it is clearly possible to exercise that power without the agreement of anyone with an interest in the land. Wiltshire Council will therefore not require the applicant to complete and satisfy those parts of the application form. It is noted that s.119(1) Highways Act may be exercised in the interest of owners, lessees, or occupiers but there is no such power extended for someone with only an interest in the land. Additionally, the provisions of Schedule 6, in the event that an order is made, require notice to be served on owners, lessees and occupiers but is silent as to how the council should notify anyone with an interest in the land. It seems clear that, given the provision found at sections 28 and 121 of the Highways Act 1980 for the agreement of compensation specifically for a sporting right, that anyone with only an interest in the land is excluded from other definitions and that their objection alone may not halt the process.*

*The intention is therefore to continue with the consideration of the application, the relevant legal tests, and the consultation responses to allow Wiltshire Council to decide to either make an order/order to achieve diversions and extinguishments/ creations of the rights of way subject to this application or to not make an order/orders. This consideration will be in the form of a report (a 'decision report') which will be published in due course. In the light of some consultation responses, I need to investigate further some of the points raised and cannot guarantee a date when the decision report will be published. However, please be assured that you will be kept informed of the process and, in the event that an order is made, notice will be served upon Ramsbury Manor to enable equality of*

*opportunity to object and/or make representations or enter into agreements as appropriate.”*

- 8.9 As a result of the above advice regarding the legal status of the application and status of the legal interest in the land, Wiltshire Council are proceeding to consider the application as per S.119 of the Highways Act 1980.

## **9. Legal Empowerment**

- 9.1. If an order or orders are made to divert footpaths RAMS8C, RAMS5, LBED20 and bridleway RAMS6 they will be made under Section 119 of the Highways Act 1980 which states:

### ***“119. Diversion of footpaths, bridleways, and restricted byways***

*(1) Where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,-*

*(a) create, as from such date as may be specified in the order, any such new footpath, bridleway or restricted byway as appears to the council requisite for effecting the diversion; and*

*(b) extinguish, as from such date as may be specified in the order or determined in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to the council requisite as aforesaid.*

*An order under this section is referred to in this Act as a ‘public path diversion order’.*

*(2) A public path diversion order shall not alter a point of termination of the path or way-*

*(a) if that point is not on a highway; or*

- (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.*
- (3) Where it appears to the council that work requires to be done to bring the new site of the footpath, bridleway, or restricted byway into a fit condition for use by the public, the council shall-*
- (a) specify a date under subsection (1)(a) above, and*
- (b) provide that so much of the order as extinguishes (in accordance with subsection (1)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out.*
- (4) A right of way created by a public path diversion order may be either unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.*
- (5) Before determining to make a public path diversion order on the representations of an owner, lessee or occupier of land crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,-*
- (a) any compensation which may become payable under section 28 above as applied by section 121(2) below; or*
- (b) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use for the public; or*
- (c) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (9) below.*
- (6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be*

*substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which-*

*(a) the diversion would have on public enjoyment of the path or way as a whole.*

*(b) the coming into operation of the order would have as respects other land served by the existing public right of way; and*

*(c) any new public right of way created by the order would have as respects the land over which the right is so created, and any land held with it;*

*so, however, that for the purposes of paragraph (b) and (c) above the Secretary of State, or as the case may be, the council shall take into account the provisions as to compensation referred to in subsection 5(a) above.*

*(6A) The considerations to which-*

*(a) the Secretary of State is to have regard in determining whether or not to confirm a public path diversion order, and*

*(b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would create or extinguish a public right of way.”*

## **10. Background**

10.1. Wiltshire Council is in receipt of a S.119 application dated 5<sup>th</sup> August 2022, with an up-to-date costs page signature provided on 8<sup>th</sup> August 2022, from Ramsbury SARL, C/o Ramsbury Estates Ltd, The Estates Office, Priory Farm, Axford, Marlborough, Wiltshire , SN8 2HA. The effect of the diversion application was to divert footpaths RAMS8C, RAMS5 , LBED20 and bridleway RAMS5. The northerly section of RAMS5 to be diverted and the creation of a new footpath as per the application has now been withdrawn . The reasons stated within the application form for applying for the diversions are “ *The land at Park Farm is being returned to Parkland with the associated grazing and livestock handling and management requirements. The intention is to provide an improved network of public rights of way that fulfil the reasonable requirements of all stakeholders.*” Those

reasons have been expanded by the applicant following the initial consultation and now state:

- 1) *The farming of the land is changing from arable cultivations to parkland and with that the associated livestock grazing and movements. Managing land for livestock grazing requires the installation of new field boundaries and fencing to keep the animals safe and for the proper rotational grazing of the grass sward. Part of the reasons for the proposed diversions were to help reduce the potential conflict between grazing livestock (sheep and cattle) and users of the public rights of way. By diverting the paths as proposed it enables new fencing and gates to be installed on the parkland for the control and effective management of the grazing livestock. The proposed diverted public rights of way routes would then be unimpeded by these new boundary structures and the livestock would be kept separate from the public rights of way, reducing the risk of livestock escaping through gates being accidentally left open, and confrontation or injury between livestock and members of the public and their dogs.*
- 2) *There is a new residential development at Park farm which will increase the volume of traffic using the driveway leading to Park Farm. The proposed diversions help to reduce conflict between the users of the bridleway and vehicle traffic accessing Park farm by providing an alternative route that will have far fewer vehicle movements along it.*
- 3) *The new residential development at Park farm also increases the need for improved security at the property. The provision of security gates on the driveway close to the development to prevent unauthorised vehicular access to the immediate surroundings and residential properties is important for the security of those properties. The current route of the bridleway makes this impractical. The proposed diversion resolves this issue*

10.2 The land is subject to planning application **14/05721/FUL**, *Demolition of farm building and 2 no. bungalows. Erection of new estate dwelling, gate lodge, access drive , and landscaping* which was granted on 10/12/2014. The land is also subject to **PL/2022/07157**, *Revised Submission for Consented New House, Gate Lodge, Access Drive and Associated Landscape Proposals including New Pond – as an Amended Design following 2014 Consent under NPPF Para 55 (Ref 14/05721/FUL*, the decision is pending. The 2014 permission granted permission for the construction of a new large residential building on the site and associated landscaping and parkland. This work is yet to be completed and is subject to the 2022 planning application revisions.

10.3. The proposed routes can be seen and described at 6.2 and 6.3 of this report..

## 11. Public Consultation

11.1. An initial public consultation exercise was conducted regarding the proposals from the 12<sup>th</sup> September 2022 with an initial closing date of 14<sup>th</sup> October 2022 which was extended, upon request of The Ramblers and latterly Ramsbury and Axford Parish Council, until 4<sup>th</sup> November 2022. The consultation included Ramsbury and Axford Parish Council, user groups, the Wiltshire Councillor for the area, statutory undertakers, Ramsbury Manor Foundation, and other interested parties.

11.2 A copy of the text of the consultation letter can be seen below.

Dear

**Proposed Diversion of Footpaths Ramsbury no.5 and 8C, footpath Little Bedwyn No.20, bridleway Ramsbury no.6 and creation of a new length of footpath linking footpaths Ramsbury no.5 and 9B**

*Wiltshire Council has received an application from the landowner to divert footpaths Ramsbury 5, 8C, Little Bedwyn 20, bridleway Ramsbury 6 and create a new length of footpath between footpaths Ramsbury 5 and 9B. The paths are located in the vicinity of Park Farm, SN8 2HW.*

*The application has been made by the landowner to assist land management as some of the land will be reverted to parkland and for the security of the property.*

*The proposed diversions and creation can be seen on the attached plans. The width of the new routes will be recorded as 2 metres for footpaths and 4 metres for bridleways. The proposed structures on the diverted routes are described on the attached plans.*

*I would be pleased to receive any comments on the proposal in writing addressed to Craig Harlow to the above address at County Hall or via email at [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk). Any responses should be received by 14<sup>th</sup> October 2022.*

*Any responses to this public consultation will be available for public inspection in full.*

*Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>*

11.3 The consultation attracted twenty-three responses, and these can be seen in full at **appendix 2** of this report.

11.4 Following the consultation the applicant considered the responses and subsequently withdrew the proposal to divert the more northerly section of footpath RAMS5 and the proposal to create a new footpath link to RAMS9. The proposal to divert RAMS8C, RAMS6 and RAMS5 in the vicinity of LBED20 remains as per the application.

11.5 The consultation responses include sixteen objections from local residents to all sections of the proposals and objections from user groups to individual sections of the proposal. The reasons stated in objections from residents are due to a perceived lack of benefit or justification for the diversions. The objection from the Parish Council was to the now withdrawn proposal to divert RAMS5, they therefore have no objection to the current proposals. The British Horse Society have made suggestions regarding the width, surface and barriers proposed on the diversion of RAMS6 which have been discussed with the applicant. Wiltshire Bridleways Association do not object to the proposal. The Ramblers object to the diversion of RAMS8C and RAMS6 due to the increase in length for any walker, impact on enjoyment and the interests of the owner are challenged. RMF object to the diversion of RAMS8C and RAMS6 due to the negative affect on their sporting rights and the proposal to erect bollards on the route of RAMS6. The Wiltshire Council Countryside Access Officer for the area has no objection to the proposal, neither does one local resident who responded to the consultation. All responses can be seen in full at appendix 2 and all of their contents will be considered in full against the relevant legal tests within s.119 of the Highways Act 1980.

11.6 A summary of the responses can be seen below.

- BHS( British Horse Society)- In response to diversion of RAMS6- request for a wider width and soft surface and advice on any barriers.
- Catherine George- Objection- not necessary to divert and will impact wildlife and vegetation.
- Christina Romain- Objection- No benefit to diversions.
- David Sheppard- Objection- Paths should not be diverted as they are historic.
- Diane Palmer- Objection- Ancient paths should not be moved.
- Helen Lovelock- Objection- Historic paths and will upset wildlife. Is a personal safe walk.
- Janet Talmage- Objection- Not in the interest of the village or villagers.
- Jeffrey Shea- Objection- Does not believe paths should be diverted for owners' benefit.
- Jeremy Rees- Objection- No justification for the diversions.
- Linda New- Objection- No justification for diversions.
- Lois Smith- No objection
- Paul Segal- Not enough detail in application to justify diversions.
- Peter Gallagher- The Ramblers- Objection to RAMS8C and 6 based on length of diversion for a walker, negative impact on public enjoyment and it is not sufficiently in

the interests of the landowner. Also, would leave a small section of dead-end bridleway. No objection to RAMS5/LBED20 diversion.

- The Ramsbury Manor Foundation- Objection-RAMS8C and RAMS6 diversion moves users closer to key woodland, an important sporting asset. Disturbance of nesting birds and game, adversely affecting the shooting season. Will also impact ability of gamekeeper to keep down vermin. Barriers on bridleway would impact on sporting right. ( Other objection points relate to now withdrawn section of proposal or points discussed at 8 of this report).
- Ramsbury and Axford Parish Council- No objection to remaining proposal.
- Robert Copp- Objection- No reason to move paths.
- Simon Miildenhall- Objection- No reason to move paths.
- Stephen Leonard- Wiltshire Council Countryside Access Officer-Supports application.
- Stephen Little- Objection- No legitimate reason to divert paths and wants a wider consultation.
- Tanya Evill- Objection-No benefit to village.
- Tony Pope- Objection- No reason to move paths.
- Tracy Smart- No need to make changes and will set a precedent.
- WBA (Wiltshire Bridleways Association)- Supports application.

11.7 Searches have been undertaken on statutory undertakers' assets, no assets of SSE, BT, Wales and West gas, Gigaclear, Virgin media, Wessex Water or Bristol Water have been found over the route of the existing or proposed route.

## **12. Main Considerations for the Council**

12.1. The main considerations for the council relate to the legal tests to be satisfied for an order to be made to divert the rights of way in the manner the applicant desires. This report will consider the proposal to divert the footpaths and bridleway under section 119 of the Highways Act 1980.

### **12.2 s.119. Diversion of footpaths, bridleways, and restricted byways (1) Expediency in the interests of the landowner/public**

The landowner has applied to move the footpaths and bridleway in their own interest. They have stated the diversions will assist with livestock and grazing movements where the land is changing to parkland from its current arable cultivation. New boundaries and

fencing will be installed, and the diversion of the paths will reduce conflict between sheep, cattle, and the public. The diversions will also allow an obstruction free route, whereas leaving them where they are would not only bring users into conflict with livestock, but gates would be required to allow access for the right of way. The diversions will also reduce conflict between increased traffic following the residential development on the existing right of way, the proposed route of the bridleway will alleviate this concern for users of the right of way and private vehicular use. The proposed diversions around Park Far will also assist with security and privacy of the property. The diversion of LBED20/RAMS5 onto the obvious clear route following a track rather than through the woodland is clearly a benefit to the landowner, the current route is unused and overgrown. A number of responses to the consultation have stated there is no justification for moving the rights of way. The above reasons for moving the rights of way, in the interests of the landowner, are clear.

12.3 In addition to the above, DEFRA released guidance in August 2023 entitled 'Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises'. This guidance sets out a presumption that if a public right of way that is subject to a diversion application goes through private dwellings or their curtilages and gardens that an order making authority should be predisposed to make an order and a confirming authority will similarly be predisposed to confirm, should the order satisfy the relevant legislative tests. This 2023 guidance may apply to this application where bridleway RAMS6 leads along the driveway to the residential property and passes in close proximity to the house and gardens, which may form part of the curtilage of that property.

12.4 **s.119 Diversion of footpaths, bridleways, and restricted byways**  
**(2) Alteration of the termination point**

The diversion of the footpaths and bridleway must not alter the termination points of the path where these are not on a highway and where they are on a highway they must not be altered, other than to another point on the same highway or a highway connected with it, and which is substantially as convenient to the public. The access and termination points remain on the same highway, i.e.. RAMS6, for the proposed diversion of RAMS8C and RAMS6. The access and termination points remain the same for the diversion of LBED20/RAMS5. The proposed access points are not substantially less convenient than the current access points where they are amended.

12.5 In *Hargrave v Stroud* (2002) EWCA Civ 1281, Lord Justice Schieman stated:

*'On the face of the subsection therefore the authority has discretion as to whether or not to make an order. I do not consider that the mere fact that it is expedient in the interests of the owner that the line of the path should be diverted means that Parliament has imposed on the authority a duty to make such an order once it is satisfied that this condition precedent has been fulfilled.'*

12.6 Subsection s.119 (6) sets out the factors which are to be considered at the confirmation stage. However, it has been held that the Authority is entitled to take these factors into account at the order making stage. In *Hargrave v Stroud* (above), Lord Justice Schieman stated:

*'..the authority faced with an application to make a footpath diversion order is at liberty to refuse to do so. In considering what to do the Council is, in my judgment entitled to take into account the matters set out in section 119(6). It would be ridiculous for the Council to be forced to put under way the whole machinery necessary to secure a footpath diversion order where it was manifest that at the end of the day the order would not be confirmed.'*

12.7 The Planning Inspectorate produce a number of Advice Notes to provide some general background information on rights of way matters. Advice Note 9 is a publicly available guide to some of the various types of rights of way orders which are submitted to the Secretary of State for confirmation. The Note provides a definition of local authorities in the context of the relevant legislation and sets out the primary and secondary legislation and guidance. In relation to Orders made under section 119 of the Highways Act 1980 the Note states:

*2.3.8. The decision in *Ramblers Association v SSEFRA, Weston and others* [2012] EWHC 3333 (Admin) acknowledges that section 119(6) involves three separate tests (as endorsed by the High Court in *The Open Spaces Society v Secretary of State for Environment, Food And Rural Affairs* [2020] EWHC 1085 (Admin)):*

**Test 1:** *whether the diversion is expedient in the interests of the owner, lessee or occupier of land crossed by the path or of the public (as set out in section 119(1) and subject to section 119(2) – see paragraphs 2.31 and 2.32 above). This was described in *R (Hargrave) v Stroud District Council* [2001] EWHC Admin 1128, [2002] JPL 1081 as being a low test.*

**Test 2:** *whether the proposed diversion is 'substantially less convenient to the public'. In order to meet this test, the path or way must not be substantially less convenient to the public in consequence of the diversion (as per the wording in section 119(6)).*

*Both of these tests can be described as gateway tests - unless they are passed the decision-maker does not get to the third test.*

**Test 3:** *whether it is expedient to confirm the Order having regard to the effect: (a) of the diversion on the public enjoyment of the path or way as a whole;*

*(b) of the Order on other land served by the existing public right of way; and*

*(c) of any new public right of way on the land over which it is to be created and any land held with it.*

*Any material provisions of a rights of way improvement plan must also be taken into account.*

*2.3.9. Those specified factors in Test 3 must be taken into account by the decision-maker but the expediency test is not limited to those matters, as confirmed by the Court of Appeal in *The Open Spaces Society v SSEFRA* [2021] EWCA Civ 241. The decision-maker may have regard to any other relevant matter including, if appropriate, the interests of the owner over which the path currently passes, or the wider public interest. Use of the word “expedient” indicates that a broad judgement is to be made and it will be for the decision-maker to weigh the different considerations.*

*2.3.10. It is possible that a proposed diversion may be as convenient as the existing path but less enjoyable, perhaps because it was less scenic. In that scenario, it is correct for the decision-maker to take account of the degree of benefit to the owner and the extent of loss of public enjoyment together with any other factors both for and against the diversion to arrive at a finding on the expediency of confirming the Order under Test 3.*

*2.3.11. Conversely, a proposed diversion may give greater public enjoyment but be substantially less convenient (perhaps because the diverted route would be less accessible or longer than the existing path/way, for example). In such circumstances, the diversion order should not be confirmed since a diversion order cannot be confirmed under section 119(6) if the path or way will be substantially less convenient to the public in consequence of the diversion. The issue of convenience in Test 2 is separate from the question of expediency in Test 3 (see *R (on the application of Young) v SSEFRA* [2002] EWHC 844).*

## **12.8 s.119 (6) Convenience of the path**

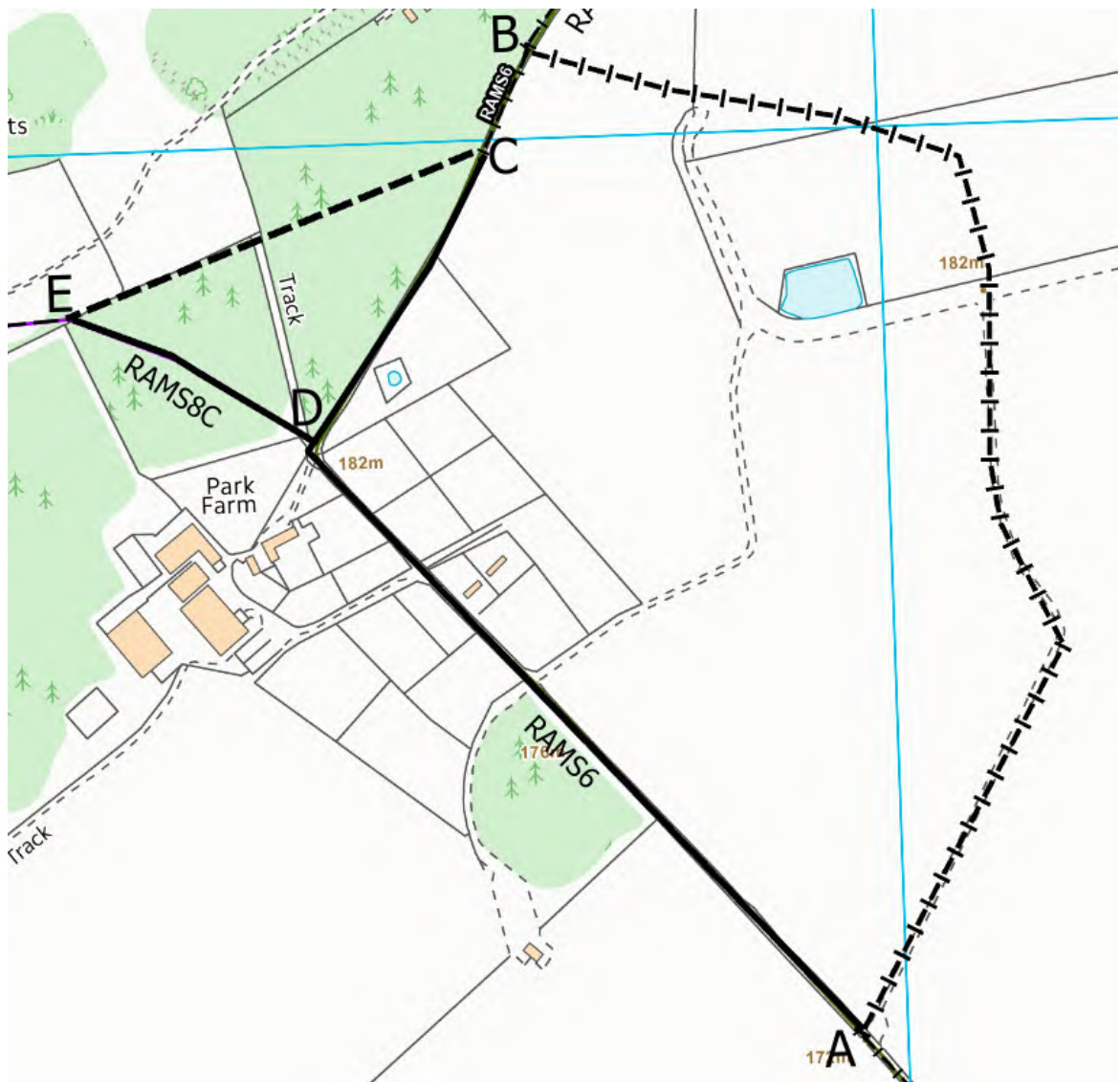
In assessing the relative convenience of the present and proposed routes, consideration has been given to various factors including length, width, surface, and gradient.

**12.9 LBED20/RAMS5** - The proposed diversion of LBED20 /RAMS5 extinguishes approximately 390 metres of footpath and creates approximately 250 metres of footpath. It is a more direct route and natural continuation of the route from the north and south. The current route of LBED20 has no recorded width and RAMS5 has a recorded width of 1.8 metres, the diversion route will have a recorded width of two metres. The surface of the current route is through an overgrown section of woodland, no clear walked route is visible, the proposed route will have a hard track surface, as can be seen at 7. The diversion of LBED20/RAMS5 is not substantially less convenient to the public. No specific

points have been raised in objection to this section of the proposed diversions in relation to its convenience.

12.10 **RAMS8C**- The proposed diversion of RAMS8C extinguishes approximately 210 metres of footpath and creates approximately 340 metres of footpath. Due to the proposed diversion of bridleway RAMS6 it is necessary to consider the increase in length between points that can be accessed pre diversion and possible post diversion.

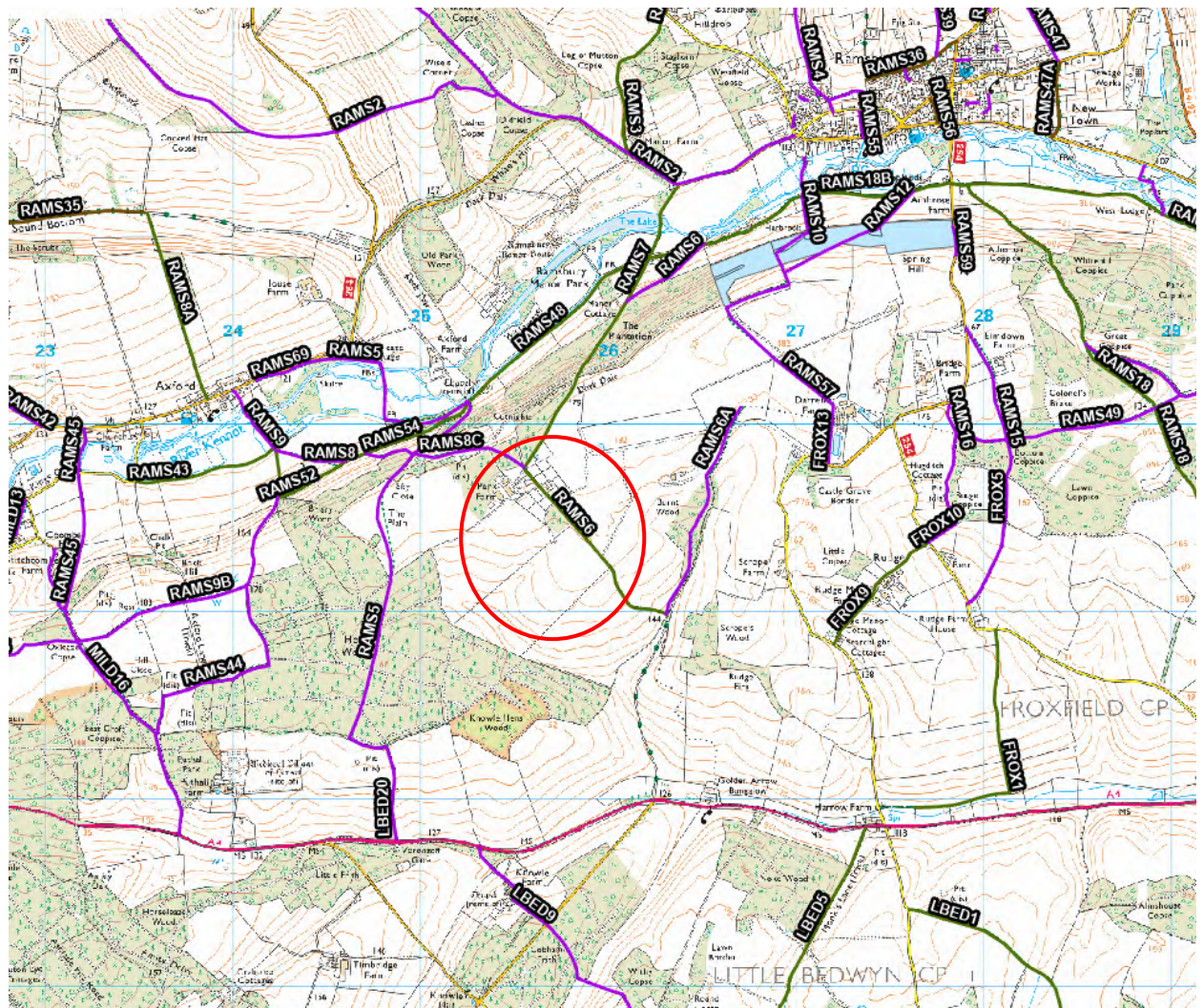
12.11



A walker arriving at point E leading south to D and onto point A, would post diversion, need to walk from point E-C-B-A. or in the opposite direction. The distance between E-D-A is approximately 830 metres. The distance between E-C-B-A is approximately 1485 metres. The increase in distance for a walker is approximately 655 metres pre and post diversion and has been raised in objection by The Ramblers. This increase in distance

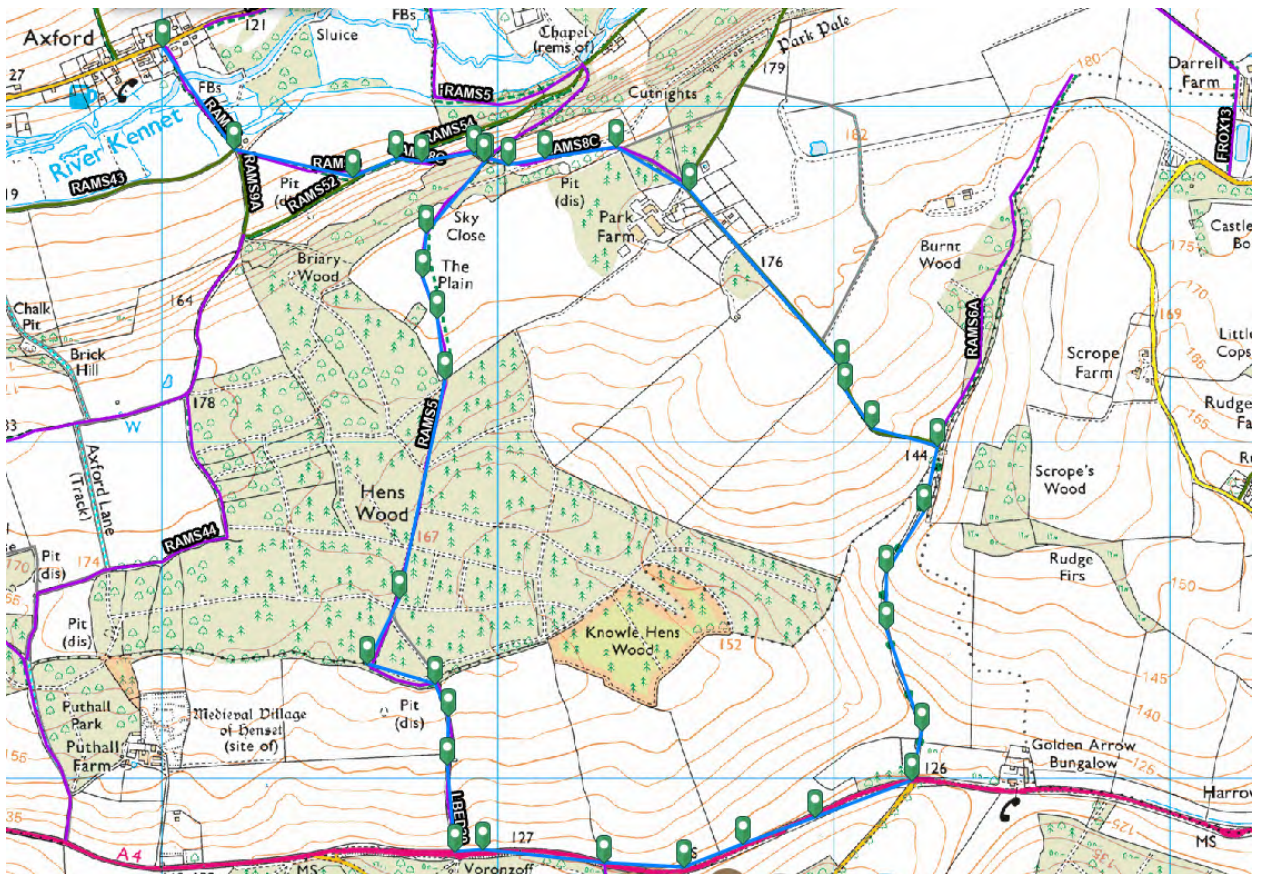
needs to be taken into consideration with the context of the whole path and surrounding network.

12.12

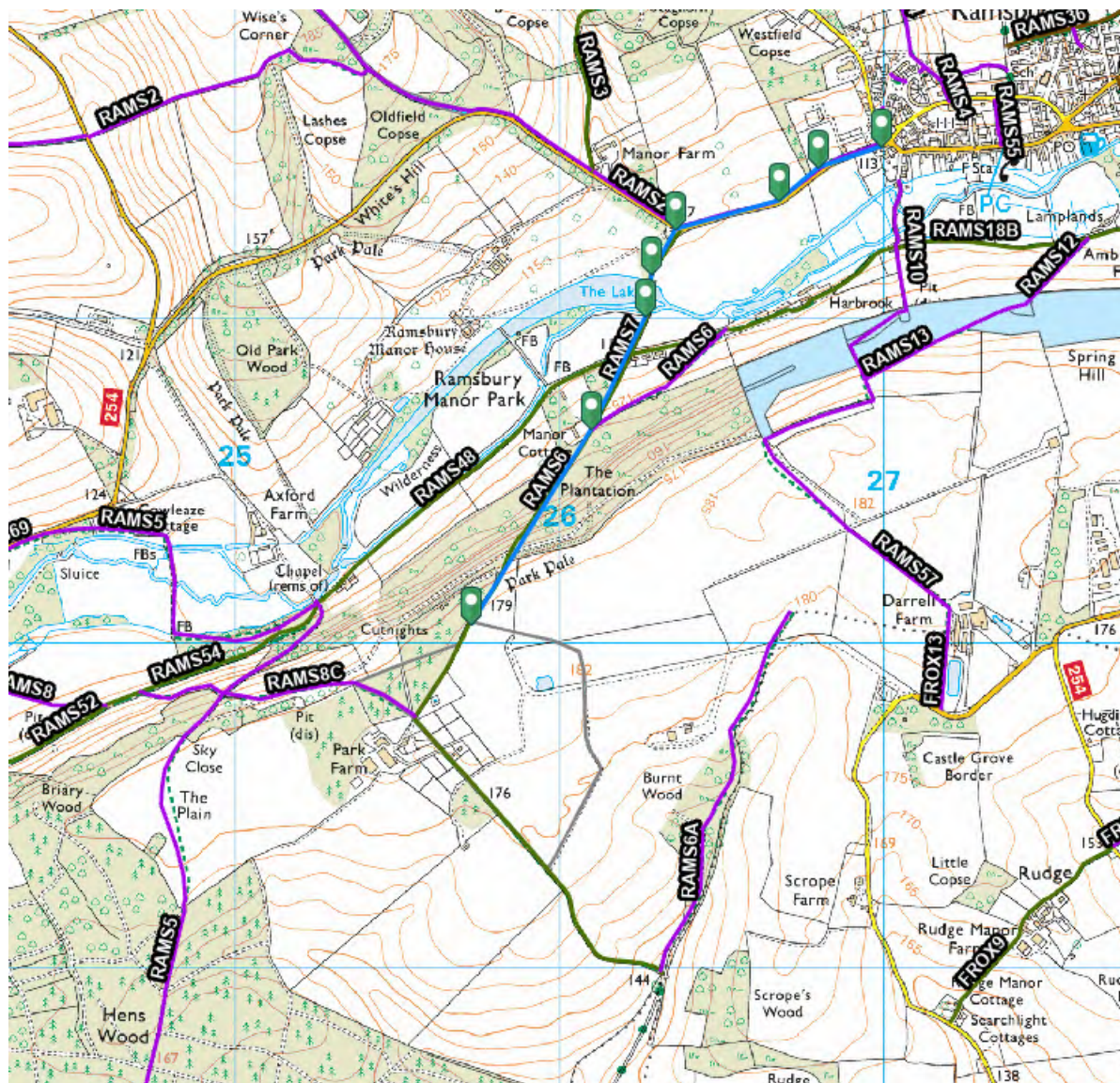


The above map extract is provided to show the context of the diversion route with the surrounding public rights of way network and population. To get to point E ( on the map at 12.13) a walker approaching from the west on RAMS8C is likely to have come from, at the closest, Axford, a small population centre to the west of Ramsbury. The most direct route from the village of Axford to point E is using RAMS8C,8B,8 and 9 to its junction with the road in the village , an approximate distance of 1565 metres, which includes a steep gradient. Once reaching point E, if the walker desired to continue south to point A, currently that is another 830 metres, taking the walk to approx. 2,395 metres. Once at point A, to form a circular walk back to Axford ,there are no options other than to continue south to the A4 and then west along the verge of the A4 and return north along LBED20 / RAMS5 and back down into Axford. This route is not evidenced by a user however it would be the shortest possible circular walk to and from Axford using points E and A,

subject to the diversion. This circular walk adds another approximately 6,500 metres to the total distance, in total the shortest possible circular walk to and from Axford using the diversion route, including points A and E is approximately 8,895 metres, or a walk of approximately 9km. The diversion would add approximately 655 metres over a 9km walk which includes walking along the 60 mph A4 and a steep gradient. This may be shortened if a walker desired to turn around at point A and retraced their steps. The route described is shown below by green markers.



12.13 A similar walk from Ramsbury can also be considered. The shortest route to point B ( the closest point of the diversion when approaching from the east) is likely accessed via RAMS2, 7 and onto RAMS6, a distance of approximately 2 km. See below map showing shortest route from Ramsbury to point B.



To continue west from this point the distance is shortened by the diversion from point B-E ( by approx. 130 metres). If from point B a user desired to continue south to point A the route is approx. 1070 metres on the diversion route and 960 metres on its current route. The diversion will not be substantially less convenient in terms of length by any user walking from Ramsbury on public rights of way.

12.14 The closest population centre for any user approaching from the south is the village of Chisbury which is approximately 5 km from the most southerly point of the diversion. Any effect on those users is likely to be minimal over such a lengthy walk. The length of walks may be reduced if safe, non-obstructive parking on the u/c road leading from the A.4 to RAMS6 can be found.

12.15 **RAMS6-** The proposed diversion of bridleway RAMS6 applies to extinguish approximately 960 metres of bridleway and create approximately 1075 metres of bridleway. The diversion would increase the ride of any cyclist or horse rider by approximately 115 metres between point A and B. Due to the lack of any bridleways offering a circular route option any cyclist or horse rider is likely to be on a ride of at least a moderate distance of a number of kilometres to reach this point. An increase in 115 is not substantially less convenient and has not been raised as an objection point by any user group specific to bridleway use.

#### 12.16 **Width, gradient, surface.**

The current recorded width of RAMS5 is 1.8 metres, there is no recorded width for LBED20. The proposed diversion would record the width of the path at 2 metres. The current surface is an overgrown woodland with a natural surface. The proposed route would be a hard all weather surfaced tack. There would be no discernible change in gradient.

12.17 The current route of RAMS8C has a recorded width of 1.8 metres. The proposal would record a width of two metres. The current surface is a natural grass surface, this would remain the same. The gradient would have no discernible change.

12.18 The current route of bridleway RAMS6 has a recorded width of 1.5 metres, it is likely a wider route is used, and this has been raised by the BHS. The proposal will record a 4-metre-wide bridleway. Concerns have been raised to the initial proposal of a hard surface track on the diverted route, which was to provide a like for like surface with the current recorded bridleway. The BHS requested a soft surface for horse riders, the applicant has stated in response to this request *“that the proposed diverted route width of 4m with a hard surface is the best option for all users of the right of way. The 4m width is an improvement on the registered width of the current route and the hard surface better suits the pedestrian and cyclist users of bridleway because it is an all-weather surface. The rest of the bridleway route that is not affected by this proposed diversion also has a hard surface, so providing the diverted route with a hard surface is in keeping with the route as*

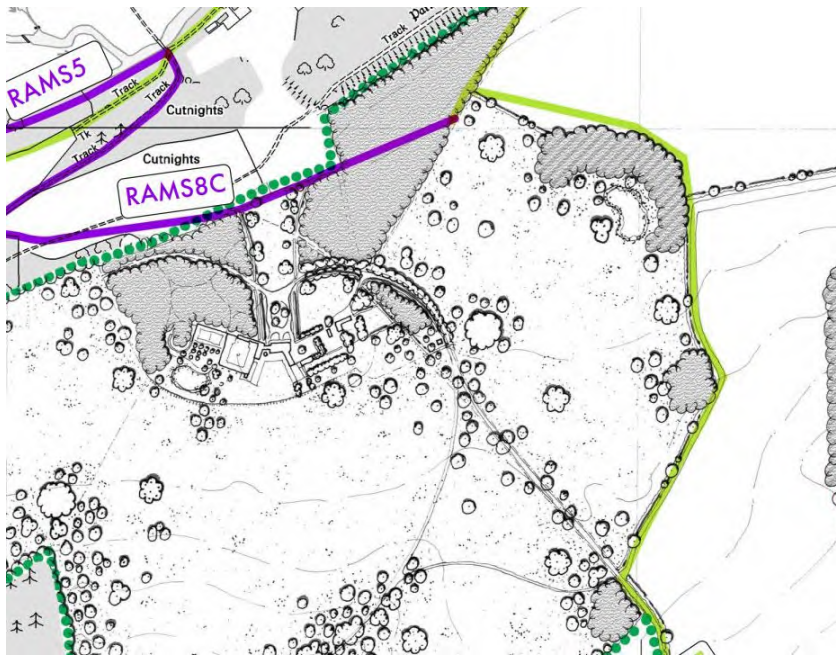
*a whole*” .Wiltshire Bridleways Association do not object to the proposal. The gradient will not discernibly change. The surface of the proposed route in comparison to the existing recorded bridleway is not substantially less convenient and has been agreed by the Countryside Access Officer for the area.

#### **12.19 Section 119(6) (a) Effect of the diversions on public enjoyment of the path or way as a whole**

Public support – There have been a number of objections received to this application from the local population, the neighbouring landowner, and The Ramblers. The consultation responses from the local residents in the main object on the basis ancient paths should not be moved or diverted and that there is no benefit to the landowner, or they should not be able to move the paths. There is a legal process and legislation to divert public rights of way, which the applicant has applied for which this report is considering. An order can be made in the interests of the landowner as per S.119(1) and then to confirm an order made in the interest of the landowner further tests under s.119(6) must be considered.

12.20 The Ramblers do refer to a negative impact on public enjoyment as a result of the proposed diversion of RAMS6. They contend that *“passing through parkland with grazing animals is likely to be more enjoyable to the public than passing through agricultural land, but the proposed diversion will for the most part deny the public this experience because the planning applications show that views of the parkland will be screened from the diversion route.”* This is a point on which officers contend users of public rights of way would disagree upon. Some users may prefer to walk through livestock to enjoy viewing the animals and some would prefer to avoid fields with livestock to avoid potential conflict , especially users with dogs. It is almost certain most landowners would prefer to limit contact between the public and livestock due to potential conflict. A number of the respondents state they do not wish the paths to be moved but do not give any reasons which are comparisons between the existing and proposed routes.

12.21 View, privacy, safety– The current route of RAMS6 goes past the house, which will be a new build following granted planning permission ( app ref:. The current views offered can be seen at 7 of this report. The proposed routes views will differ, and it is not possible to directly compare as permitted works and landscaping is yet to be carried out. The most up to date landscape plan can be seen below, with the proposed routes of the bridleway and footpath marked.

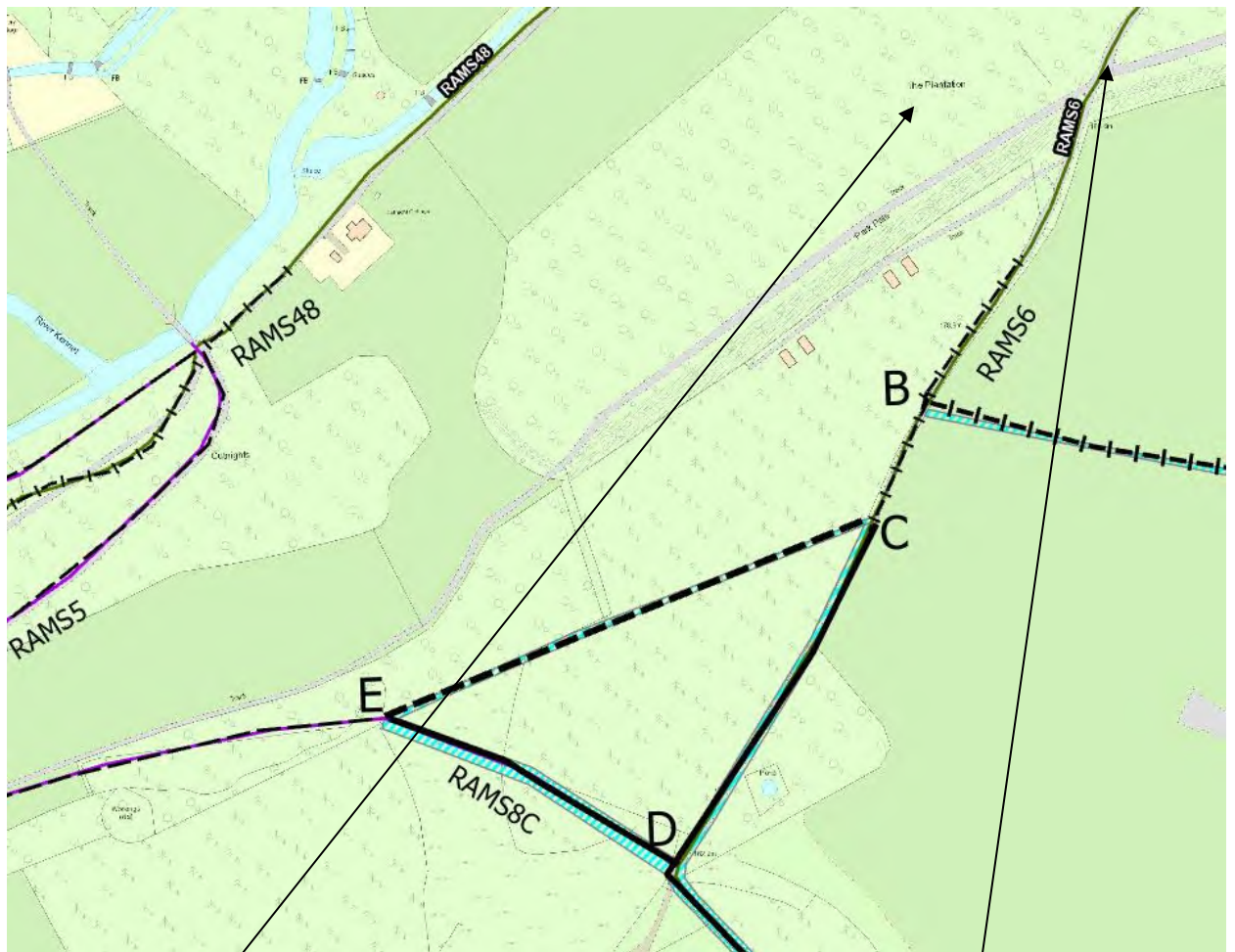


Views over open countryside to the east will still be possible, views of the property will be limited on the proposed route. No consultation response has stated they enjoy viewing the property, no responses refer to the change in views on any route still under consideration. The views in comparison of existing to proposed on RAMS5/LBED20 and RAMS8C can be compared at 7 of this report, the change is minimal, offering similar views of woodland and grass areas. The privacy and security of the landowner is a concern for the applicant as stated. It is acknowledged, as raised by objectors, that the landowner was aware of the public rights when they bought the property which runs close to the dwelling. If the rights of way were moved away from the property it would clearly be beneficial to the security and privacy of the landowner. The safety of the route for users will be slightly improved where the route no longer runs along the driveway to the property, reducing conflict with vehicles. The objectors have raised no concerns regarding public safety in relation to any sporting right as a result of the diversions.

## 12.22 Section 119(6)(b) Effect of the diversion on lands served by the existing right of way

The neighbouring landowner and owner of sporting rights over the land, RMF, state in their objection that the diversion of RAMS8C will take “*the footpath user into an area close to the key woodland area known as the plantation, which forms an important part of the Sporting assets of the Ramsbury Manor Estate, especially when linked to the area of Park Farm through which the new and extensive route running southwards as shown on Plan No RW/09. This will enable users to gain access to an area with potential considerable disturbance to wildlife (in particular ground nesting birds like Curlews) and game within the extensive Sporting rights in the ownership of Ramsbury Manor Estate will be adversely affected both within the shooting seasons but also during the balance of the year. The operation of the rights which would impact on the Ramsbury Manor Estate ability to have both driven and walked up shooting could be severely disrupted by users of the proposed diverted route. It will also impact on the day-to-day ability for the Estate’s game keeper to keep down the vermin which would otherwise destroy the wild bird population. At present these footpath and bridleway users are contained by the routing of the present rights of way through Park Farm buildings using the farm roads.*”

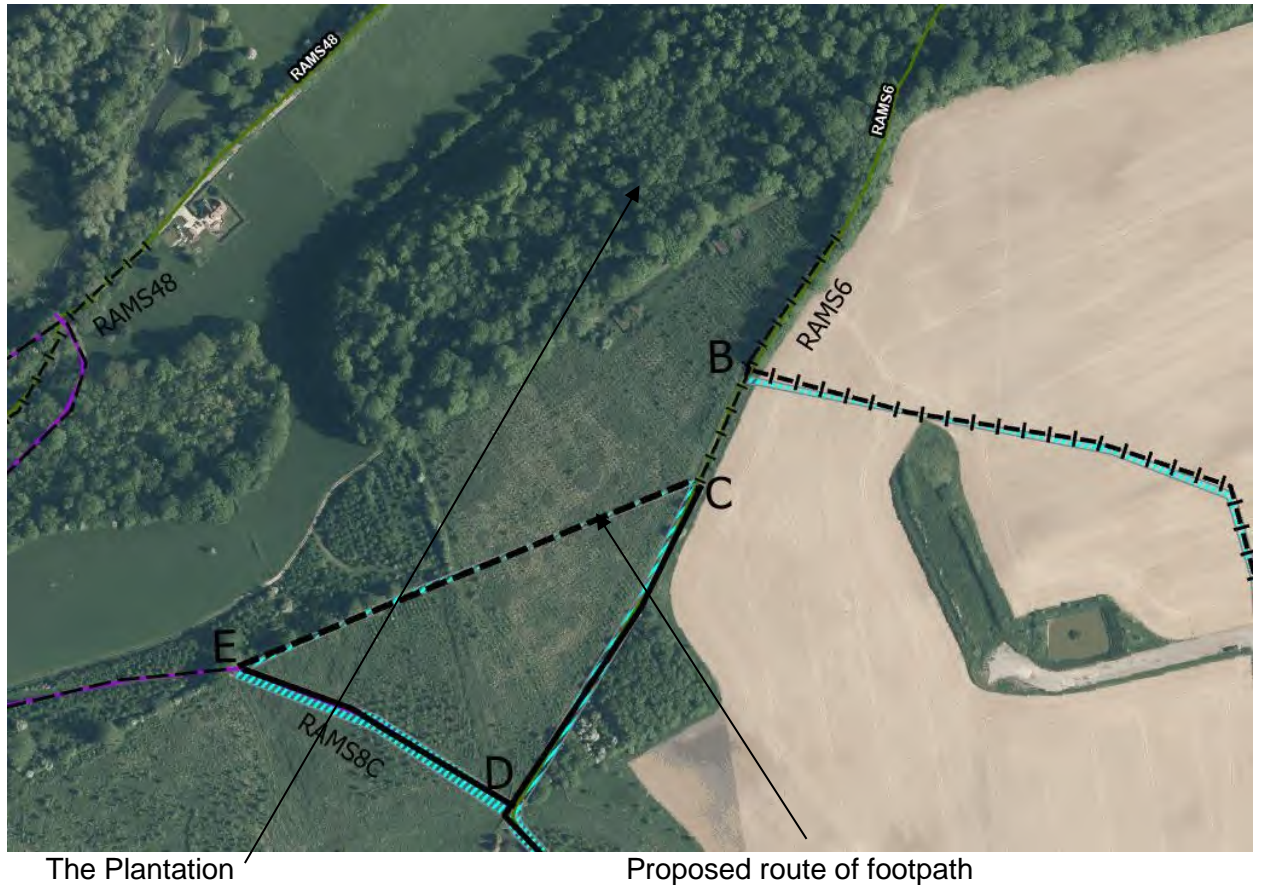
12.23 The diversion of RAMS8C would take users slightly closer to the woodland known as The Plantation but not closer than other existing rights of way which, in the case of bridleway RAMS6 runs directly through The Plantation. See below plan.



The Plantation

Bridleway RAM6 continuing through plantation

12.24 It is unclear if the area of land to the south of the visible track is considered part of The Plantation however it appears to be managed in different manner by the latest aerial photography of the area ( see below image), and is in the ownership of the applicant, not RMF. A sporting right does exist over both parcels of land.



12.25 The disturbance of wildlife has been raised by objectors. The landscaping or building works are subject to planning permission and not a consideration for this report.. The land is not under any designation of protected landscape, other than that of the wider area being part of the North Wessex Downs AONB( Area of Outstanding Natural Beauty). The landowner has stated “ *I am not aware of any curlews or other ground nesting birds having nested in the immediate vicinity of the proposed diversion routes. I believe that there have been curlews spotted up towards the north western end of the runway*” The impact of the actual diversion of the rights of way would appear to have minimal impact on the wildlife or fauna.

**12.26 Section 119(6)(c) Effect of any new public right of way created by the order with respect to the land over which the right is so created, and any land held with it**

The proposed route for RAMS8C and RAMS6 is subject to the sporting rights of RMF, and they state it will have a detrimental effect on the exercise of their sporting right and associated activities. The regularity of any such shooting activity has not been stated to officers. Access for the sporting right would be maintained and any bollards erected on the right of way would be made accessible for anybody with a legal right.

12.27 Section 28 and 121 (2) of the Highways Act 1980 set out that compensation may be claimed for loss caused by a public path order and in particular any sporting right that may be affected.

**28 Compensation for loss caused by public path creation order**

*(1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.*

*(2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State and shall be made to the authority by whom the order was made.*

*(3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.*

*(4) Nothing in this section confers on any person, in respect of a footpath or bridleway created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been effected otherwise than in the exercise of statutory powers.*

*(5) In this section " interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.*

**121 Supplementary provisions as to public path extinguishment and diversion orders.**

*(2) Section 28 above (compensation for loss caused by public path creation order) applies in relation to public path extinguishment orders [F5, rail crossing extinguishment orders, [F6 special extinguishment orders] public path diversion orders [F7, rail crossing diversion orders, special diversion orders and SSSI diversion orders]] as it applies in relation to public path creation orders [F8] but as if—*

The Public Path Orders Regulations 1993 state any claim should be made six months from the coming into force of the order in respect of which the claim is made and that claim should be made to the authority ( Wiltshire Council).

**Claims for compensation as respects orders**

*5.—(1) A claim made in accordance with section 28 of the Act (compensation for loss caused by public path creation order), or with that section as it applies by virtue of section 121 of the Act (supplementary provisions as to public path extinguishment and diversion orders), shall be made in writing and shall be served on the authority, or in the case of an order made by the Secretary of State, on the authority nominated by the Secretary of State as provided by section 28(3) of the Act, by delivering it at, or sending it by prepaid post to, the office of the authority, addressed to the Chief Executive.*

*(2) The time within which any such claim shall be made shall be six months from the coming into force of the order in respect of which the claim is made.*

12.28 The applicant has agreed within their application form to “*pay any compensation which may arise in consequence of the coming into operation of the order.*” As a claim regarding sporting rights is deemed possible if a diversion order is made and confirmed , Wiltshire Council have sought further assurances from the applicant on the issue of compensation potentially payable under S.28 and 121 of the Highways Act 1980 if the confirmation of any order is pursued. A deed of indemnity between Wiltshire Council and the two registered owners of the land has been sealed, adding additional protection for Wiltshire Council if compensation is claimed under s.28 and s.121 of the Highways Act. Any figure

for compensation is likely to be settled by an independent body, all costs will be covered by the two landowners.

12.29 Officers consider that at present the legal tests for the making of an order appear to be met, i.e., any made order would be in the interests of the landowner. The tests for the confirmation of any order have been considered and appear to be met but will be subject to a further consultation period and responses once a formal order has been made and consideration of any objections or representation to that order.

12.30 The Council must also have regard to the Wiltshire Council Rights of Way Improvement Plan (ROWIP) - the current plan is entitled Wiltshire Countryside Access Improvement Plan 2015 – 2025 – Rights of Way Improvement Plan 2.

12.31 ROWIP Appendix 8 – Strengths, weaknesses, opportunities and threats assessment of the Countryside Access Network, Weaknesses, W1 states:

*“The network is largely historic and although it has evolved, in places it does not meet the present and likely future needs of users and potential users”.*

A number of objectors have stated the paths should not be moved as they are historic. It is recognised paths have historic value and if route had specific characteristics or features on its route then this would be taken into consideration. The routes proposed to be diverted do not have any specific historically significant features that have been raised by objectors or that are obvious to officers. The ROWIP recognises paths can be moved for present needs and section 119 of the Highways Acts facilitates the diversion of public rights of way.

12.32 ROWIP 2 recognises the Council’s duty to have regard to the Equality Act 2010 and to consider the least restrictive option:

At 4.1 page 16 the Council recognises that considering the needs of those with mobility impairments is a statutory responsibility:

*“..consider the needs of those with mobility impairments when maintaining the network and authorising structures (e.g. stiles and gates) on the rights of way network and seek improvements to existing structures where it would be beneficial (Equality Act 2010).”* At

7.4 page 32 the Council recognises the following:

*“The requirements for improving accessibility for people with these sorts of disability are generally the same as discussed in conclusion 5.”*

Conclusion 5 states:

*“If older people are to keep active and therefore healthy, they will need a more accessible network as they are more likely to find stiles (and sometimes surfacing and latches) difficult than other people. This highlights the need to replace stiles with gaps or gates on key routes, which can also benefit wheelchair users and parents with buggies and children.”*

12.33 ROWIP 2 refers to the Council’s Gaps, Gates and Stiles Policy. This is Policy number 7 and is appended to ROWIP2

The Policy recognises that the authority must consider the needs of those with mobility impairments when managing rights of way and access and that this requirement particularly applies when authorising structures (e.g. stiles and gates) on rights of way and seeking improvements to existing structures to make access easier.

12.34 Wiltshire Council relies on DEFRA (2010) Good Practice Guidance for Local Authorities on Compliance with the Equality Act 2010 version 1 and recognises at 7.2.1 that:

*A highway authority has a duty, under the Highways Act 1980, to assert and protect the rights of the public to use and enjoy a highway. The Equality Act 2010 adds a further dimension by requiring (broadly) that in carrying out their functions, public authorities must make reasonable adjustments to ensure that it is not impossible or unreasonably difficult for people with disabilities to benefit from those functions as others would do or to show that there are good reasons for not doing so.*

12.35 The considerations above are met in this case. The surface of the proposed routes will improve in comparison with the current routes of LBED20/RAMS5, diverting from a soft woodland surface to a hard all-weather surface. The diversion of RAMS6 will provide a hard all weather surface catering for all users. The diversion of RAMS8C will not be detrimental in terms of surface of the right of way, with a natural surface on the proposed and existing routes. Kissing gates will be installed where possible to improve access, no new stiles will be authorised by any order subject to this application. The proposed diversions do not have a detrimental affect on any users with mobility issues and in the case of LBED20/RAMS5 the proposals are a clear improvement.

12.36 In making diversion orders, Sections 29 and 121(3) of the 1980 Act, require authorities to have due regard to the needs of a) agriculture and forestry and b) the desirability of conserving flora, fauna, and geological physiographical features. Section 40 of the Natural Environment and Rural Communities Act 2006 also place a duty on every public authority exercising its functions to have regard to the conservation of biodiversity, as far as is

consistent with the proper exercise of those functions. In this section, conserving biodiversity includes that in relation to a living organism, or type of habitat and restoring or enhancing a population or habitat.

There will be no likely adverse impact on biodiversity, agricultural or forestry concerns as a direct result of these diversions.

12.37 The implications of Section 119(6) of the Highways Act 1980, were considered in the case of *Young R (on the application of) v Secretary of State for the Environment, Food and Rural Affairs and Anor* [2002], EWCH 844. In the opinion of Mr Justice Turner, the Inspector, in the decision letter had incorrectly amalgamated consideration of the concept of “convenience” with the concept of “expediency,” as contained in Section 119(6). Mr Justice Turner commented that “...*having regard to the public’s enjoyment of the path – a matter which is, as I have already indicated, absent from the requirement of the consideration of the convenience of the path.*” Expediency and convenience must therefore be considered as two separate tests.

12.38 Mr Justice Turner defined the legal tests of a path “not being substantially less convenient to the public,” as follows:

*“In my judgement the expression “substantially less convenient to the public” is eminently capable of finding a satisfactory meaning by reference to consideration of such matters as length, difficulty of walking and the purpose of the path. Those are features which readily fall within the presumed contemplation of the draftsman of this section as falling within the natural and ordinary meaning of the word “convenient”.”*

12.39 With regard to the test of “not substantially less convenient to the public” for reasons stated officers are satisfied that this test has been met.

12.40 In the *Young* case, the view was taken that where a proposed diversion is as convenient as the existing path but less enjoyable, perhaps being less scenic:

Mr Justice Turner paragraph 29. *“the decision maker would have to balance the interests of the applicants against those of the public to determine whether it was expedient to make the diversion order.”*

Whereas if a diversion is of greater public enjoyment but is substantially less convenient to the public, perhaps being less accessible or longer than the existing route, the order should not be confirmed. Therefore, at confirmation of an order, under Section 119(6) of the 1980 Act, “convenience” is the stronger test, “followed by another and separate dependent clause”, i.e., expediency which includes the effect of the diversion on public enjoyment of the path or way as a whole.

12.41 This proposal is not substantially less convenient as discussed and it is considered it will not have an adverse effect on public enjoyment of the route, as discussed and therefore both tests are met.

12.42 The Court of Appeal upheld the High Court’s decision in the case of *The Open Spaces Society v Secretary of State for the Environment, Food and Rural Affairs [2020] EWHC 1085 Admin* as to the correct criteria to be applied when considering applications to divert a footpath, under Section 119 of the Highways Act 1980. The judgment confirms that in carrying out the test of expediency under Section 119(6) of the Act, the decision making is not confined to determining the matter solely on the basis of the criteria under Section 119(6)(a), (b), and (c). The benefit of the diversion to the landowner can be one of the factors taken account when carrying out the expediency test under Section 119(6)(a) to (c) of the Act.

12.43 Officers consider that at present the legal tests for the confirmation of an order are met and the order would be capable of being confirmed. However, once an order is made it is advertised for a period of at least 28 days and during this time any person or body may make representations or objections to the order which will need careful consideration before the order is either supported and forwarded to the Secretary of State for determination or abandoned by the Council.

### **13. Safeguarding Considerations**

13.1. DEFRA’s “Rights of Way Circular (1/09) Guidance for Local Authorities” Version 2, October 2009, states at paragraph 5.5:

*“The statutory provisions for creating, diverting, and extinguishing public rights of way in the 1980 Act have been framed to protect both the public’s rights and the interests of the owners and occupiers. They also protect the interests of bodies such as statutory*

*undertakers. The requirements for making, confirming, and publicising orders are set out in Schedule 6 to the 1980 Act.”*

If any orders are made to divert any paths subject to this application, Wiltshire Council will follow procedures set out in Schedule 6 of the 1980 Act and in doing so Wiltshire Council will fulfil its safeguarding considerations.

#### **14. Public Health Implications**

14.1 None identified.

#### **15. Risk Assessment**

15.1. There is a risk to the council in making the order. If objections were received to it and the council believes the grounds for the confirmation of the order are still met, notwithstanding the objection, the order should be sent to the Secretary of State for determination. To not send the order to the Secretary of State when the council believes it is capable of being confirmed would be arguably unreasonable and the applicant could seek redress in law against the council's decision.

#### **16. Financial Implications**

16.1. The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (SI 1993/407) amended by Regulation 3 of the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (SI 1996/1978), permit authorities to charge applicants costs in relation to the making of orders, including public path diversion orders. Authorities may charge only the actual costs incurred.

16.2. The applicant has agreed in writing to meet the actual costs to the council in processing the order, including advertising the making of the order and should the order be successful, the confirmation of the order and certification that the new route has been provided to a suitable standard for use by the public, in one local newspaper, (i.e., three advertisements).

16.3. The applicant has also agreed in writing that if a diversion order is made, to pay any compensation which may arise in consequence of the coming into operation of the order. It is considered likely a claim for compensation may be made following the coming into

force of an order, in regard to sporting rights over the land. The potential costs of any claim are unclear and may ultimately be settled by an independent land tribunal. Wiltshire Council would seek further assurances from the applicant to cover any potential compensation costs that would be incurred and claimed against the council if the order came into force.

- 16.4. The applicant has also agreed in writing to pay any expenses which may be incurred in bringing the new footpath into a fit condition for use by the public, as required by the Council, this includes any surfacing or furniture required. In addition, a deed of indemnity had been agreed between Wiltshire Council and the landowners ensuring any costs relating to compensation are paid in full by those landowners.
- 16.5. If a diversion order is made under Section 119 of the Highways Act 1980 and there are no objections to the making of the order, Wiltshire Council may itself confirm the order and there are no additional costs to the council.
- 16.6. If there are outstanding objections to the order which are not withdrawn and the council continues to support the making of the order, it must be forwarded to the Secretary of State for decision. The outcome of the order would then be determined by written representations, local hearing, or local public inquiry, all of which have a financial implication for the council. If the case is determined by written representations, the cost to the council is negligible, however where a local hearing is held the costs to the council are estimated at £200-£500 and £1,000 - £3,000 where the case is determined by local public inquiry. There is no mechanism by which these costs may be passed to the applicant and these costs must be borne by Wiltshire Council.
- 16.7. The making of a diversion order is a discretionary power for the council rather than a statutory duty, therefore a made order may be withdrawn up until the point of confirmation if the council no longer continues to support it, for example where it is considered that the proposals no longer meet the legal tests set out under Section 119 of the Highways Act 1980.

## **17. Legal Considerations**

- 17.1. There is no right of appeal for the applicant where the Highway Authority refuses to make a public path diversion order; however, the council's decision would be open to judicial review.

17.2. If the council does make a public path diversion order and objections are received, where the council continues to support the order it may be forwarded to the Secretary of State for decision which may lead to the order being dealt with by written representations, local hearing, or local public inquiry. The Inspector's decision may be subject to challenge in the High Court.

## **18. Options Considered**

- 18.1. (i) To refuse the application, or  
(ii) To make an order to divert footpaths Little Bedwyn 20( LBED20), Ramsbury 5( RAMS5) ,Ramsbury 8C ( RAMS8C) and bridleway Ramsbury 6 ( RAMS6) under Section 119 of the Highways Act 1980 and Section 53A of the Wildlife and Countryside Act 1981, to amend the definitive map and statement of public rights of way and to confirm the order if no representations or objections are received.

## **19. Reasons for Proposal**

19.1. It is considered that the legal tests for the making of a diversion order to divert LBED20, RAMS5,6 and 8C under Section 119 of the Highways Act 1980 have been met, i.e., the order can be made in the interests of the landowner to divert the footpath.

19.2. The diversions are not considered to be substantially less convenient to the public, have a negative affect on public enjoyment and have a minimal detrimental impact on land on or adjoining the rights of way. Where the diversion may affect sporting rights held by RMF , legal instruments are in place for compensation to be claimed in regard to that sporting rights if an order comes into force. The ROWIP, equalities Act , biodiversity, agricultural and forestry concerns have been considered and are not negatively impacted as a result of the diversions.

The diversions benefit the public by adding a recorded width for the paths, of at least two metres for a footpath and four metres for a bridleway, where currently the recorded widths are narrower. The surface and furniture will cater for all users and all weathers.

19.3. It is therefore considered that the legal tests for the confirmation of the order appear to be met. This is subject to the formal consultation period following the making of any orders, where if substantive objections are made which identify substantive harm will be caused by the orders, the council have the right to abandon the orders.

## 20. Proposal

20.1. That an order be made under Section 119 of the Highways Act 1980, to divert footpaths LBED20, RAMS5, RAMS6 and RAMS8C, and Section 53A of the Wildlife and Countryside Act 1981, to amend the definitive map and statement of public rights of way, and to confirm the order if no representations or objections are received.

Craig Harlow  
Definitive Map Officer  
19th October 2023

Appendices:

Appendix 1: Application

Appendix 2: Consultation Responses

**HIGHWAYS ACT 1980 S.119 Application to Divert a Public Path**

**1. Full Name and address of Applicant**

Name: Ramsbury SÀRL

Address: C/o Ramsbury Estates Ltd, The Estate Office, Priory Farm, Axford, Marlborough, Wiltshire, SN8 2HA

Tel No: [REDACTED]

Email address: [REDACTED]

**Name and Address for invoice if different from above:**

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**Purchase Order number if applicable:** \_\_\_\_\_

**2. Name and Address of Agents (if any) or Address for correspondence (if different from above)**

Name: Ramsbury Estates Ltd

Address: The Estate Office, Priory Farm, Axford, Marlborough, Wiltshire, SN8 2HA

Tel No: [REDACTED]

**3.1 Particulars of Rights of Way to be diverted NB Byways Open to All Traffic may not be diverted under this process**

- a) Bridleway Number RAMS6
- b) Parish of Ramsbury

c) From OS grid ref SU25971 69301 to OS grid ref SU25734 70066

Existing stiles/gates/bridges - None

d) Length in metres of section to be diverted - 920m

e) Width in metres of section to be diverted - currently recorded on the definitive map as 1.5m width

f) Is the existing route freely available to the public? Yes

If not, please give reasons: \_\_\_\_\_

\_\_\_\_\_

**3.2 Particulars of Rights of Way to be diverted** NB Byways Open to All Traffic  
may not be diverted under this process

a) Footpath Number RAMS8C

b) Parish of Ramsbury

c) From OS grid ref SU25373 69870 to OS grid ref SU25570 69787

Existing stiles/gates/bridges – Stile on field boundary at SU25373 69870

d) Length in metres of section to be diverted - 217m

e) Width in metres of section to be diverted - currently recorded on the definitive map as 1.2m width

f) Is the existing route freely available to the public? Yes

If not, please give reasons: \_\_\_\_\_

\_\_\_\_\_

**3.3 Particulars of Rights of Way to be diverted** NB Byways Open to All Traffic  
may not be diverted under this process

a) Footpath Number RAMS5

b) Parish of Ramsbury

c) From OS grid ref SU24827 68281 to OS grid ref SU24692 68482

Existing stiles/gates/bridges – None

d) Length in metres of section to be diverted - 335m

e) Width in metres of section to be diverted - currently recorded on the definitive map as 1.8m width

f) Is the existing route freely available to the public? Yes

If not, please give reasons: \_\_\_\_\_

\_\_\_\_\_

**3.4 Particulars of Rights of Way to be diverted** NB Byways Open to All Traffic  
may not be diverted under this process

a) Footpath Number RAMS5

b) Parish of Ramsbury

c) From OS grid ref SU24795 68927 to OS grid ref SU24852 69680

Existing stiles/gates/bridges – Pedestrian gate at OS grid ref SU 24849 69192  
and stile on field boundary at OS grid ref SU24852 69680

d) Length in metres of section to be diverted - 756m

e) Width in metres of section to be diverted - currently recorded on the definitive map as 2m width

f) Is the existing route freely available to the public? Yes

If not, please give reasons: \_\_\_\_\_

\_\_\_\_\_

**4. Reasons for the diversion of the paths**

**NB** A public path order may be made in the interests of the landowner.

Please give details of the reason for this application.

The land at Park Farm is being returned to parkland with the associated grazing and livestock handling and management requirements. The intention is to

provide an improved network of public rights of way that fulfil the reasonable requirements of all stakeholders

### **5.1 Particulars of new paths to be provided**

a) Bridleway Number RAMS6 From OS grid ref SU25971 69301 to OS grid ref SU25734 70066

Proposed stiles/gates/bridges – None, other than the retention of 600mm tall lockable bollards at OS grid ref SU25971 69301, SU26078 69879 and OS grid ref SU25734 70066 at 1.5m spacing to prevent unauthorised vehicular access.

The Council will not normally agree to stiles or gates in the Order setting out the new route. If necessary they may be authorised separately under s147 of the Highways Act 1980 to prevent the ingress or egress of stock.

a) Length in metres 1,030m

b) Width in metres 4m

Please note, for a footpath the minimum width required by the Council for the new route is 2 metres; for a bridleway 4 metres. In some circumstances greater widths may be necessary)

c) Surface - Stone and grass

d) What other works do you propose to undertake to bring the new path into use for the public (e.g. gates, bridges, steps etc)?

---

***Please enclose written confirmation from any person having an interest in the land connected with the proposed new path of their agreement to any necessary work required to bring the new path into use for the public.***

### **5.2 Particulars of new paths to be provided**

a) Footpath Number RAMS6 From OS grid ref SU25373 69870 to OS grid ref SU25698 70004

Proposed stiles/gates/bridges – Retain the existing stile at OS grid ref SU25373 69870 because it is on a field boundary with another landowner. Install a new metal pedestrian kissing gate at OS grid ref SU25698 70004 to prevent the

ingress of horses and livestock from the bridleway and farm track onto the footpath.

The Council will not normally agree to stiles or gates in the Order setting out the new route. If necessary they may be authorised separately under s147 of the Highways Act 1980 to prevent the ingress or egress of stock.

e) Length in metres 356m

f) Width in metres 2m

Please note, for a footpath the minimum width required by the Council for the new route is 2 metres; for a bridleway 4 metres. In some circumstances greater widths may be necessary)

g) Surface - Stone and grass

h) What other works do you propose to undertake to bring the new path into use for the public (e.g. gates, bridges, steps etc)?

Install a pedestrian kissing gate at OS grid ref SU25698 70004 to prevent the ingress of horses and livestock from the bridleway and farm track onto the footpath

***Please enclose written confirmation from any person having an interest in the land connected with the proposed new path of their agreement to any necessary work required to bring the new path into use for the public.***

### **5.3 Particulars of new paths to be provided**

a) Footpath Number RAMS5 From OS grid ref SU24827 68281 to OS grid ref SU24692 68482

Proposed stiles/gates/bridges – Installation of a metal pedestrian kissing gate at OS grid ref SU24827 68281 to one side of the gates on the farm road.

The Council will not normally agree to stiles or gates in the Order setting out the new route. If necessary they may be authorised separately under s147 of the Highways Act 1980 to prevent the ingress or egress of stock.

i) Length in metres 225m

j) Width in metres 2m

Please note, for a footpath the minimum width required by the Council for the new route is 2 metres; for a bridleway 4 metres. In some circumstances greater widths may be necessary)

k) Surface - Stone

l) What other works do you propose to undertake to bring the new path into use for the public (e.g. gates, bridges, steps etc)?

None.

***Please enclose written confirmation from any person having an interest in the land connected with the proposed new path of their agreement to any necessary work required to bring the new path into use for the public.***

#### **5.4 Particulars of new paths to be provided**

a) Footpath Number RAMS5 From OS grid ref SU24795 68927 to OS grid ref SU24852 69680

Proposed stiles/gates/bridges – Retain the existing stile at OS grid ref SU24852 69680 because it is on a field boundary with another landowner.

The Council will not normally agree to stiles or gates in the Order setting out the new route. If necessary they may be authorised separately under s147 of the Highways Act 1980 to prevent the ingress or egress of stock.

m) Length in metres 1,060m

n) Width in metres 2m

Please note, for a footpath the minimum width required by the Council for the new route is 2 metres; for a bridleway 4 metres. In some circumstances greater widths may be necessary)

o) Surface – Stone and grass

p) What other works do you propose to undertake to bring the new path into use for the public (e.g. gates, bridges, steps etc)?

None.

***Please enclose written confirmation from any person having an interest in the land connected with the proposed new path of their agreement to any necessary work required to bring the new path into use for the public.***

## **5.5 Particulars of new paths to be provided**

a) Additional footpath extension to link RAMS5 to RAMS9B from OS grid ref SU244473 69421 to OS grid ref SU24105 69194

Proposed stiles/gates/bridges – Installation of two metal pedestrian kissing gates at OS grid ref SU24105 69194 and SU24378 69258 to prevent the egress of livestock from the pasture field.

The Council will not normally agree to stiles or gates in the Order setting out the new route. If necessary they may be authorised separately under s147 of the Highways Act 1980 to prevent the ingress or egress of stock.

q) Length in metres 575m

r) Width in metres 2m

Please note, for a footpath the minimum width required by the Council for the new route is 2 metres; for a bridleway 4 metres. In some circumstances greater widths may be necessary)

s) Surface – Stone

t) What other works do you propose to undertake to bring the new path into use for the public (e.g. gates, bridges, steps etc)?

Installation of two metal pedestrian kissing gates at OS grid ref SU24105 69194 and SU24378 69258 to prevent the egress of livestock from the pasture field.

***Please enclose written confirmation from any person having an interest in the land connected with the proposed new path of their agreement to any necessary work required to bring the new path into use for the public.***

## **6 Particulars of Ownership. Proof of ownership to be supplied with the application**

a) Applicant's interest in the land over which the existing path referred to in this application passes

Owner – Land Registry Title numbers WT239086 & WT164195

b) Applicant's interest in the land over which the new path is to be provided

Owner – Land Registry Title numbers WT239086 & WT164195

- c) Have any other persons an interest in the land over which existing or proposed paths pass? If so, give names and addresses of persons and nature of interest

None

- d) Please enclose written confirmation from every person having an interest in the land over which the section of path to be provided crosses, consenting to the application, or give particulars of any consents still required to be obtained

None.

**7 Names and addresses of Statutory Undertakers in the area (whether or not their apparatus is likely to be affected)**

a) Gas Board - Wales & West Utilities, Wales & West House, Spooner Close, Celtic Springs, Coedkernew, Newport, NP10 8FZ

b) Electricity Board – SSEPD, Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ

c) Water Authority - Thames Water, Clearwater Court, Vastern Road, Reading, RG1 8DB

e) Telecommunications – Openreach, Kelvin House, 123 Judd Street, London, United Kingdom, WC1H 9NP

**8 This application should be accompanied by a plan, scale 1:2500 at A3 or A4 as follows:**

a) Unaffected line of path shown as a dotted line e.g. ○○○○○○○○○○○○○○○○○

b) Section of path to be diverted shown as a solid black line e.g. \_\_\_\_\_

c) New path to be provided shown as a broken black line e.g. - - - - -

## 9 Costs for the making of the Order

Actual costs are charged under section 93 of the Local Government Act 2003 as we have a power to process public path orders, rather than a legal duty.

## 10 Declaration

I/We understand that no authority for the diversion of a highway is conferred unless and until an Order has been made and confirmed and notice of its making and confirmation have been published. Additionally the new path must be built and certified as acceptable by Wiltshire Council before the order may come into effect.

I/We understand that where the construction of a new path requires permission as per s.55(1) of the Town and Country Planning Act 1990 I/We are responsible for obtaining that permission at an additional cost to this application.

I/We declare that the highway to be diverted is in no way obstructed and that it is fully available to the public. (Subject to 3f above).

I/We hereby agree that if a Diversion Order is made, I/We will pay any compensation which may arise in consequence of the coming into operation of the Order and any expenses which may be incurred in bringing the new route of the path into a fit condition for use by the public as required by the Council.

I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

I/We will be responsible for waymarking the diversion to the Council standard before the original highway is closed.

I/We agree to pay Wiltshire Council the sum of £2275 plus the cost of public notices, travel mileage and any associated site works incurred by the Council on completion of the application or proportion of same if the application is withdrawn or if an order is made, advertised but subsequently not confirmed.

I/We apply for the Diversion of the highway described above.

Signed \_\_\_\_\_

Date 05/08/2022






On completion, this form should be returned, together with the plan to:

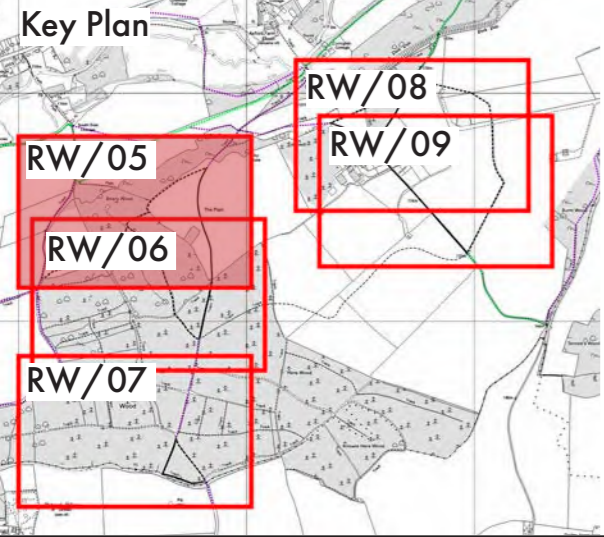
The Definitive Map and Highway Records Manager, Rights of Way and Countryside, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

Please remember to enclose:


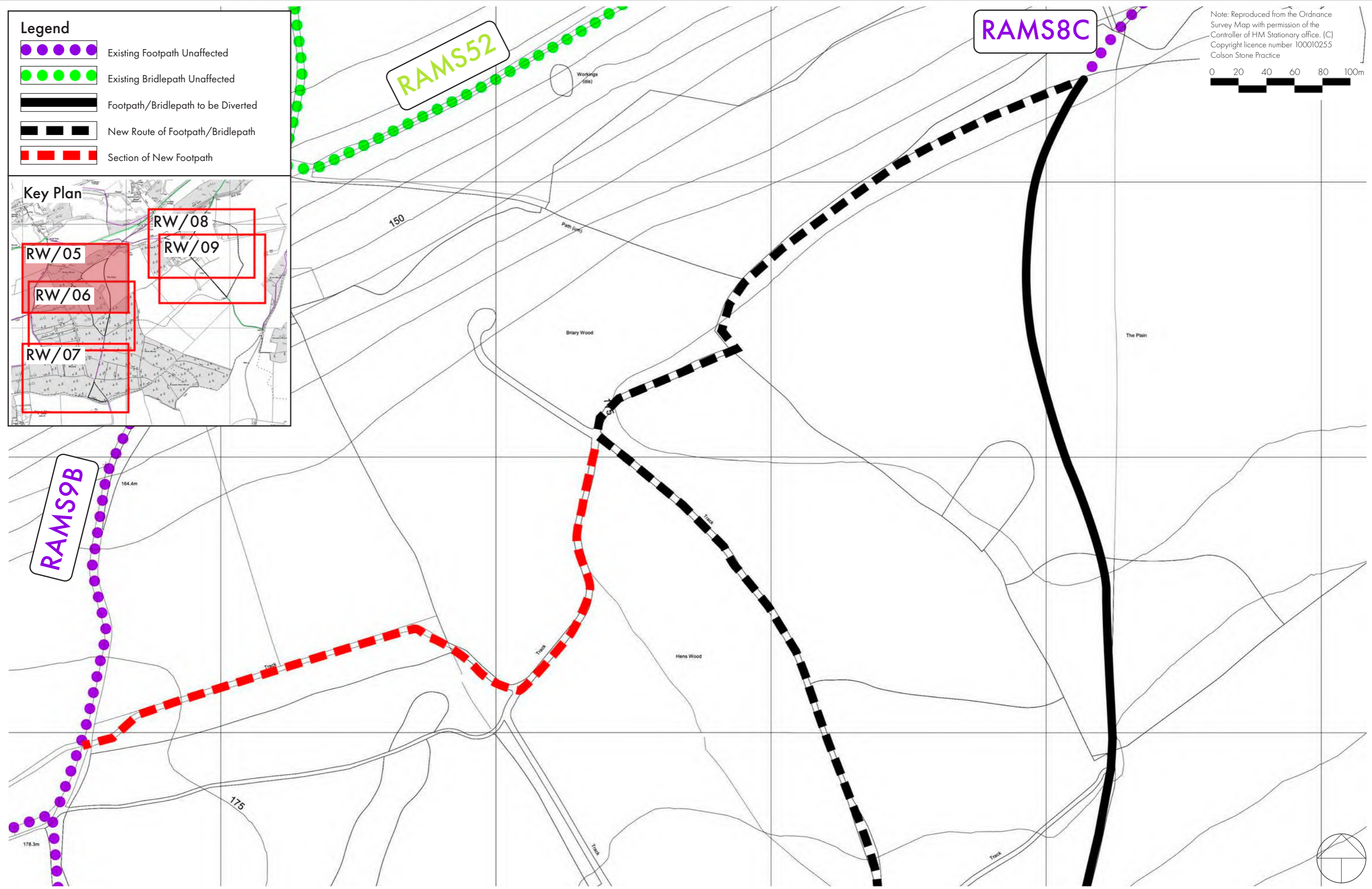
- The completed form,
- a plan based on an ordnance survey map of a scale not less than **1:2500 at A3 or A4**
- proof of title

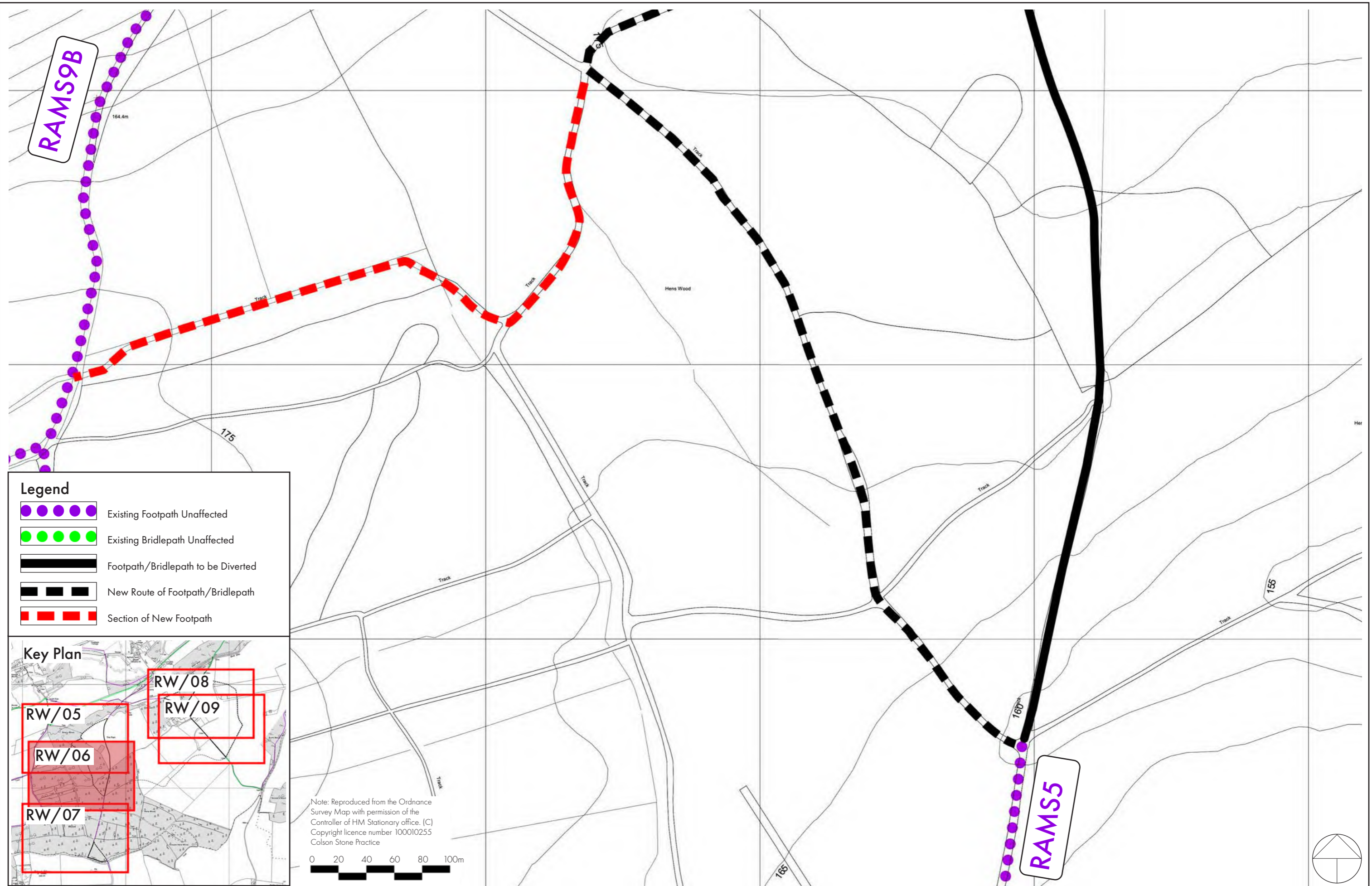
Information relating to how Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

- Legend**
-  Existing Footpath Unaffected
  -  Existing Bridlepath Unaffected
  -  Footpath/Bridlepath to be Diverted
  -  New Route of Footpath/Bridlepath
  -  Section of New Footpath








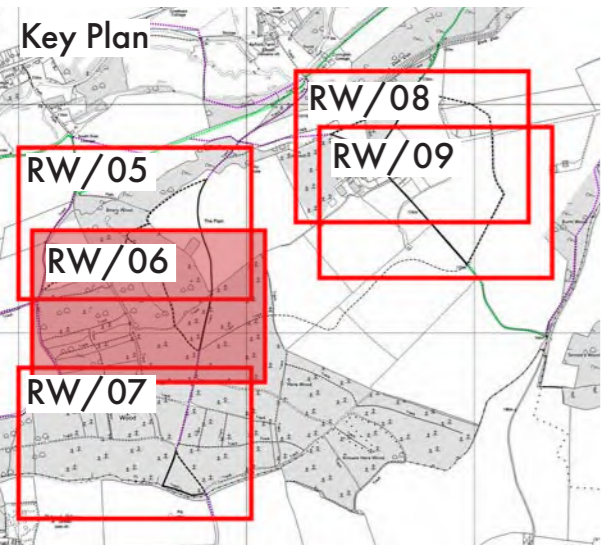
Note: Reproduced from the Ordnance Survey Map with permission of the Controller of HM Stationary office. (C) Copyright licence number 100010255 Colson Stone Practice




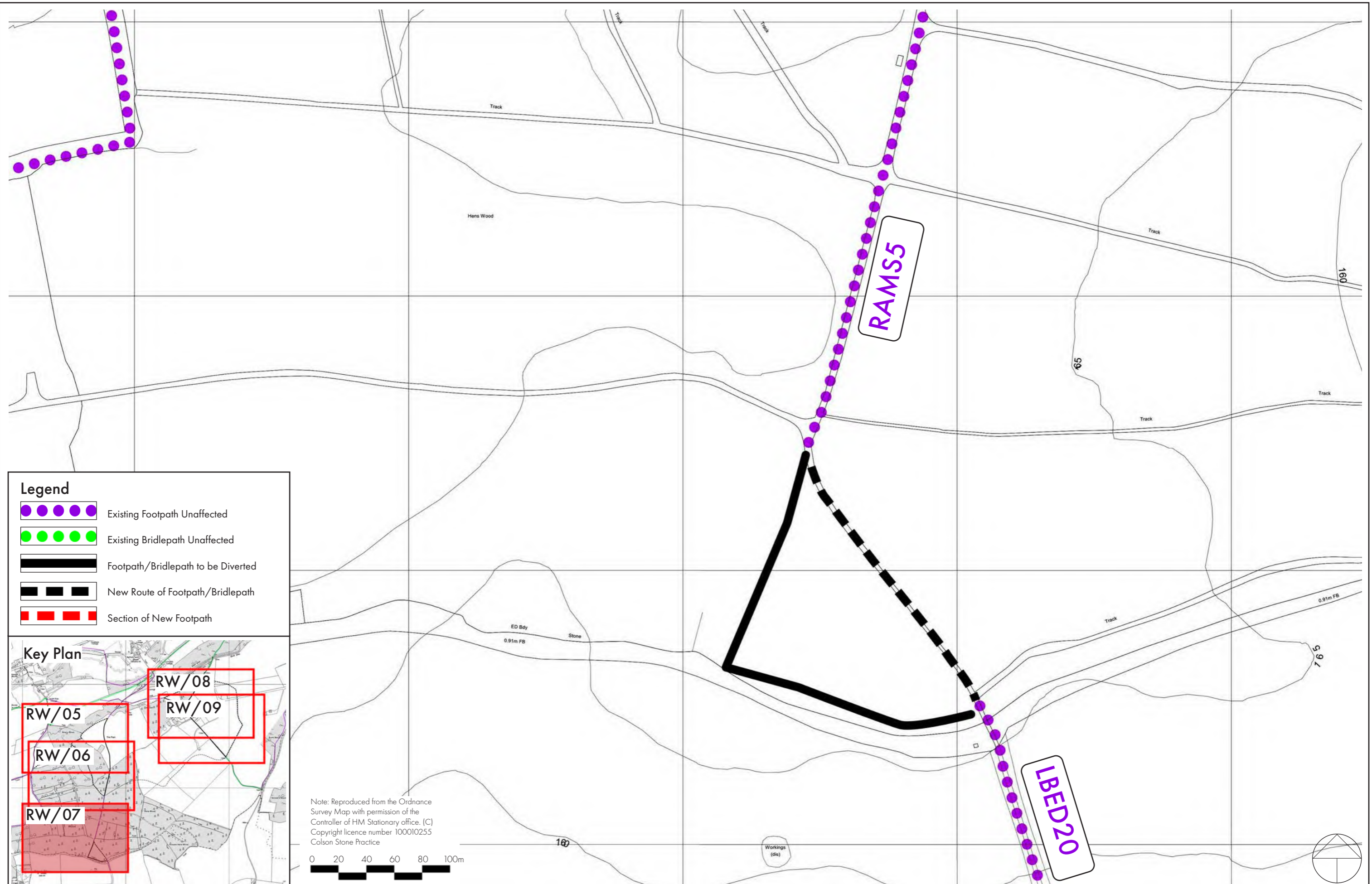
**Legend**

-  Existing Footpath Unaffected
-  Existing Bridlepath Unaffected
-  Footpath/Bridlepath to be Diverted
-  New Route of Footpath/Bridlepath
-  Section of New Footpath








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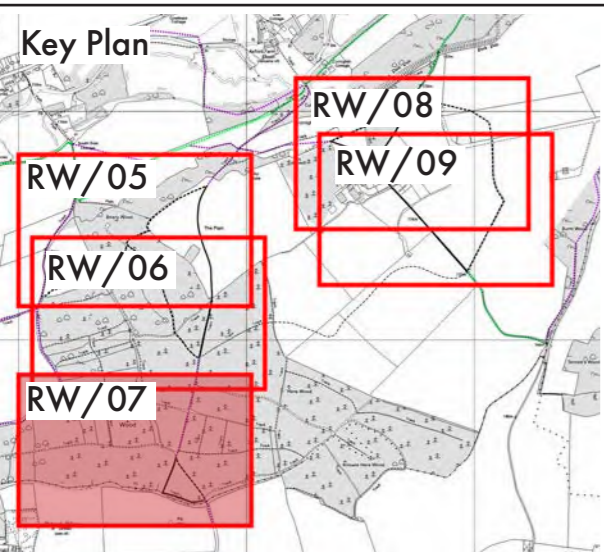




**Legend**

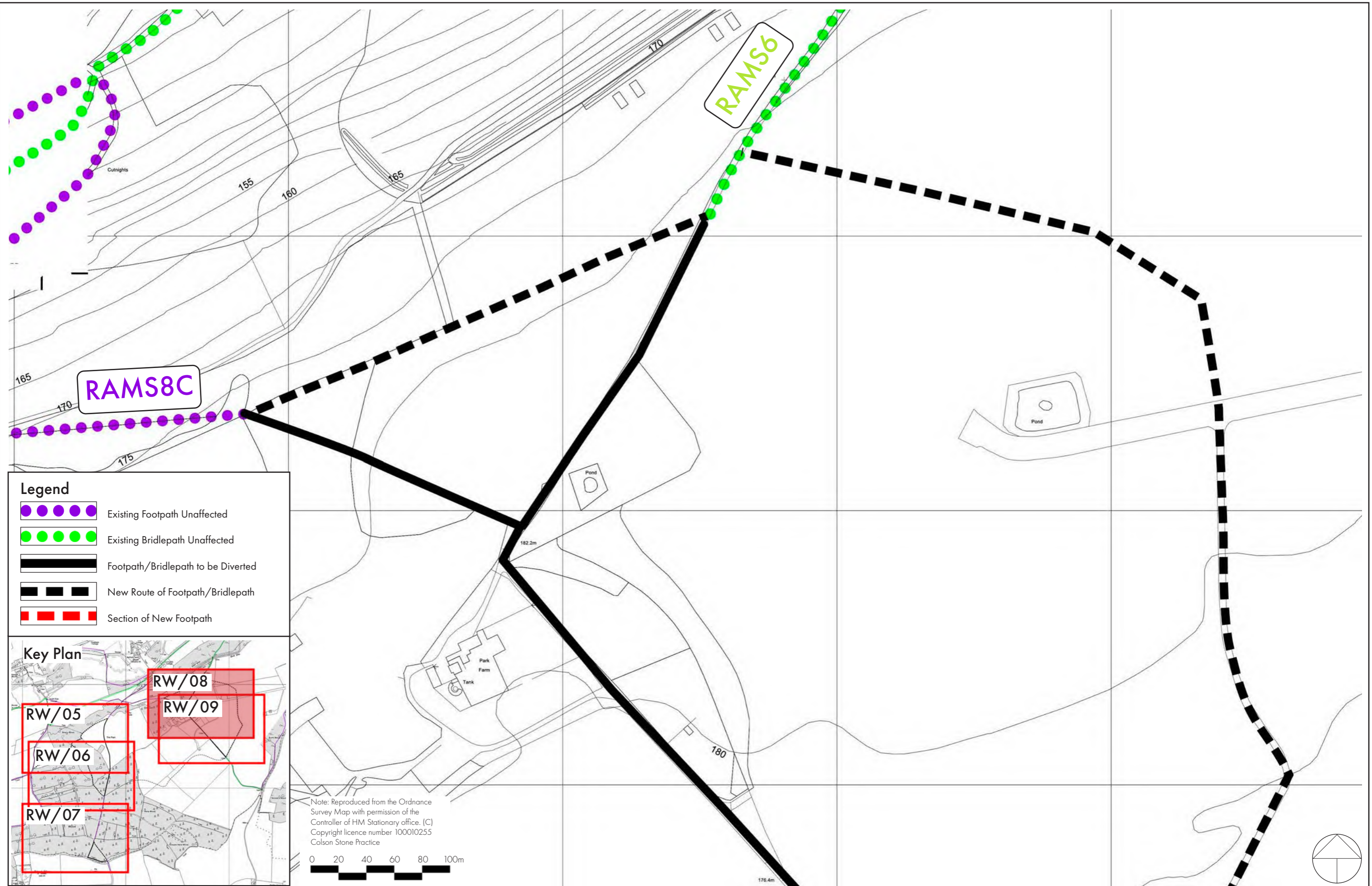
-  Existing Footpath Unaffected
-  Existing Bridlepath Unaffected
-  Footpath/Bridlepath to be Diverted
-  New Route of Footpath/Bridlepath
-  Section of New Footpath

**Key Plan**



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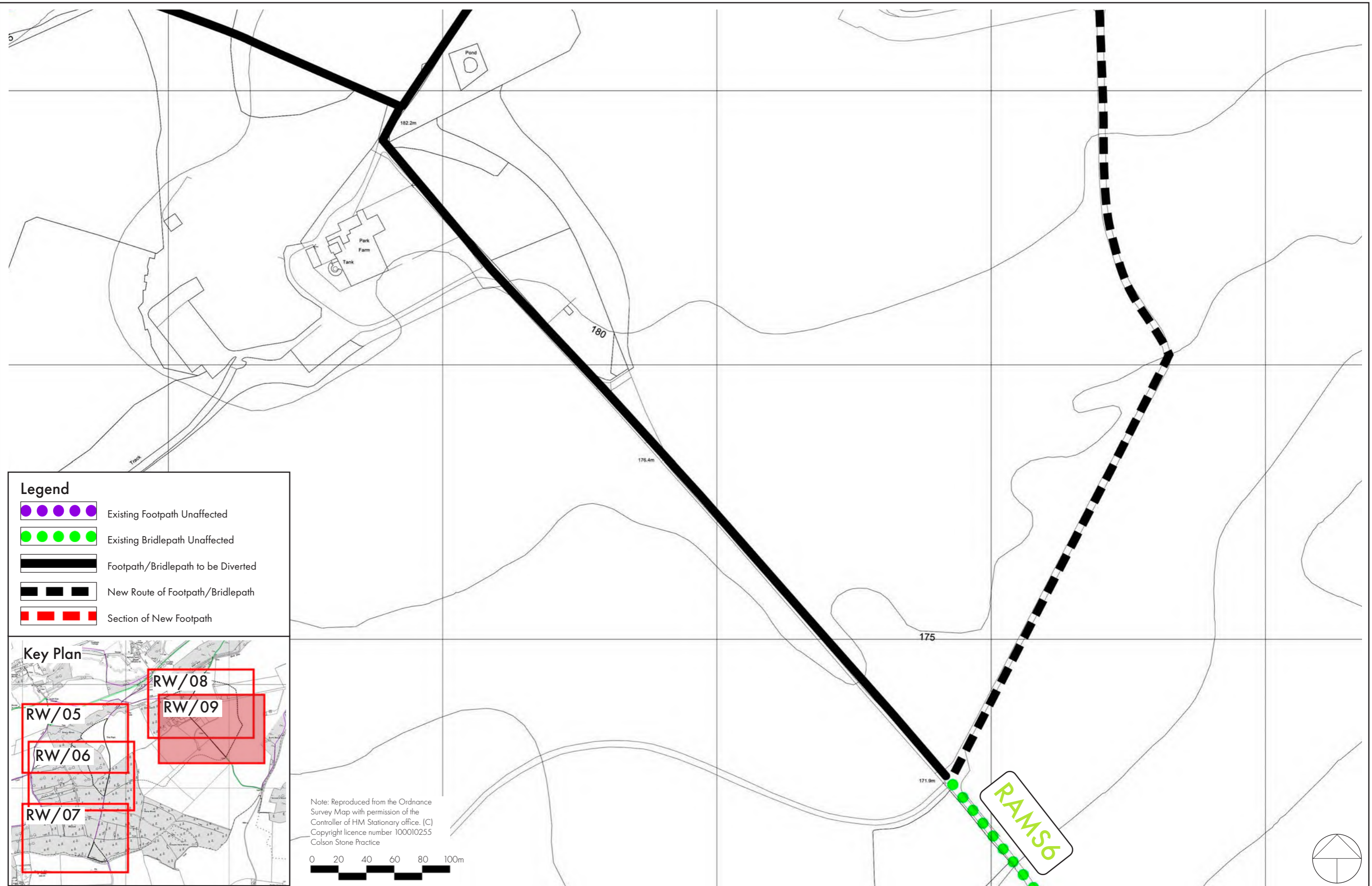


**Legend**

- Existing Footpath Unaffected
- Existing Bridlepath Unaffected
- Footpath/Bridlepath to be Diverted
- New Route of Footpath/Bridlepath
- Section of New Footpath

**Key Plan**

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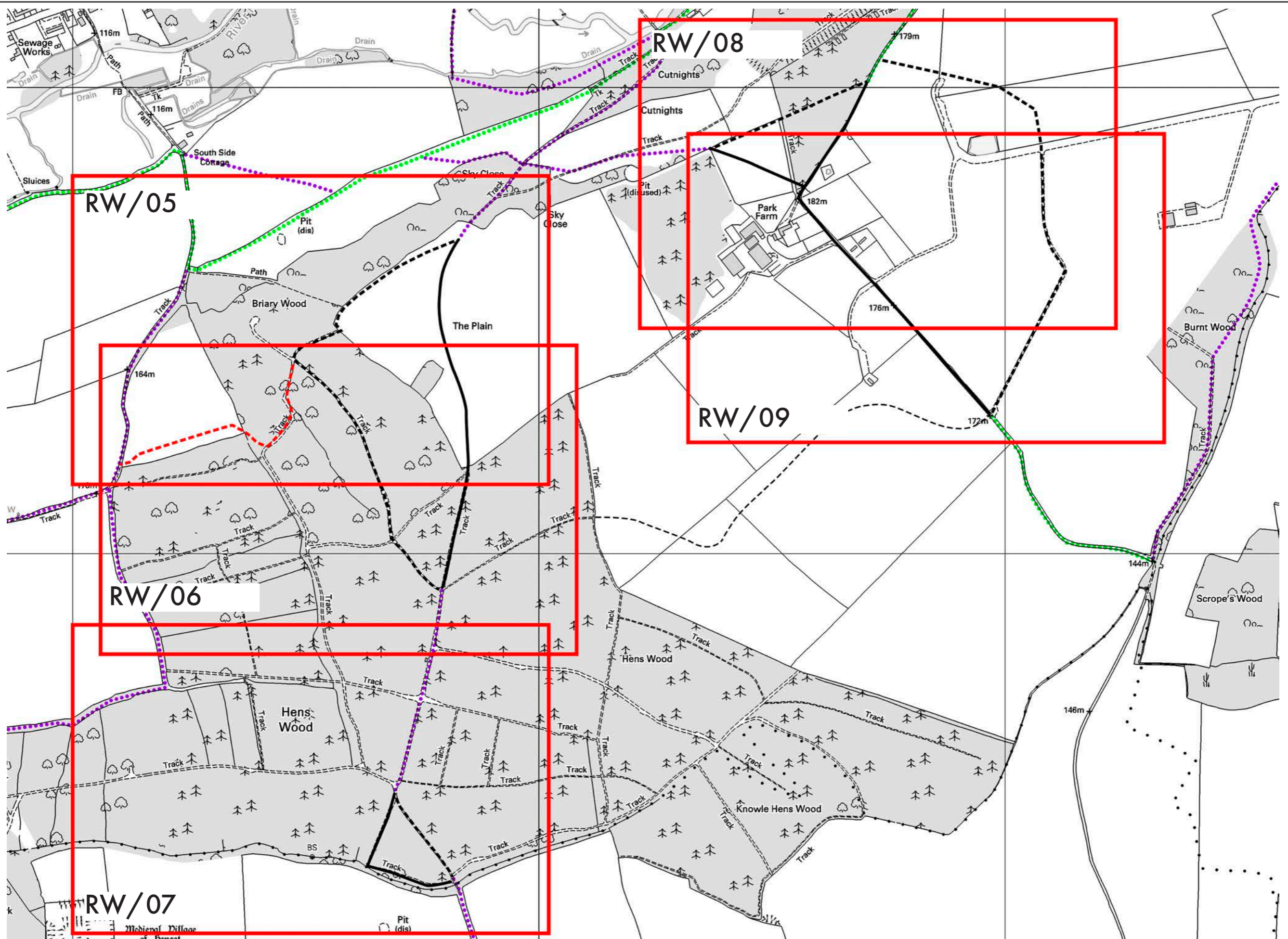
**Legend**

- Existing Footpath Unaffected
- Existing Bridlepath Unaffected
- Footpath/Bridlepath to be Diverted
- New Route of Footpath/Bridlepath
- Section of New Footpath

**Key Plan**

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<b>Colson Stone Practice</b> Landscape Architecture 3 The Crescent, Taunton, Somerset United Kingdom TA1 4EA cs@colsonstone.co.uk +44 (0)1823 332883	Project: <b>Park House, Ramsbury, Wiltshire</b>	Scale: 1:2500 @ A3	Job No: 492	Drawing Number: <b>RW/09</b>
	Title: <b>Proposed Changes to Public Rights of Way - Sheet 5 of 5</b>	Drawn by: CMLS	Date: 8th July 2022	Rev: -



**From:** [Myra Bennett](#)  
**Sent:** 11 October 2022 19:03  
**To:** Harlow, Craig  
**Cc:** [Alan Woodford](#)  
**Subject:** Comments on P/2022/010 from BHS Wiltshire  
**Attachments:** [vehicle-barriers-2019.pdf](#)

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Craig,

These comments on P/2022/010 are made by BHS Wiltshire.

At present the section of bridleway RAMS6 which the landowner wishes to divert is ungated. The part which runs westwards from the UC5091 is mostly unfenced and about 30 feet wide of which approximately half the width is a grass strip, perfect for horses. Where the track turns at right angles to run roughly northwards the track narrows to about 20 feet wide and the grass is limited to its centre two or three. The definitive width of RAMS6 is 1.5 metres.

We understand that the initial proposal is that the diverted part of the route will have a width of four metres, will be surfaced and will have vehicle barriers at each end. The plans suggest it will be hedged on its western side.

The optimum surface for horses is grass and we would request that be the case here. Concrete is potentially lethal and tarmac is not much better.

The BHS position is that as any obstruction is a potential danger to riders there should be no obstructions on a bridleway (e.g. gates or other forms of barriers) unless such barriers are proved essential. In these cases, the gate or other obstruction should be easily navigable by horse riders without dismounting.

In the event that some form of barrier is required, then the BHS least-worst option is the use of bollards.

The BHS has produced a leaflet that explains and discusses the pros and cons of the different types of barriers (*vehicle-barriers-2019.pdf*, attached)

Field edge bridleways bordered by trees or other forms of vegetation lose some of their width to growth encroaching from the sides. For that reason, the BHS requests that the width of the diverted section is set at eight metres, not four.

Yours sincerely

Myra Bennett

BHS Wiltshire County Access Officer

**From:** [Harlow, Craig](#)  
**Sent:** 07 October 2022 16:20  
**To:** [Harlow, Craig](#)  
**Subject:** FW: Public path order enquire re P/2022/010

---

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

**From:** Catherine George [REDACTED]  
**Sent:** 05 October 2022 16:37  
**To:** rightsofway <[rightsofway@wiltshire.gov.uk](mailto:rightsofway@wiltshire.gov.uk)>  
**Subject:** Public path order enquire re P/2022/010

[REDACTED]

[REDACTED]

Enquiry regarding the public path order application P/2022/010:

I would like to raise an objection to the moving of this pathway. I regularly walk up this route with a friend and her dogs, and to get to the top, catch my breath then see the beautiful open countryside is a joy. Moving this pathway I feel is not necessary and may impact on any local wildlife both vegetative and sentient. Please do not allow this to happen.

Kindest regards,

Catherine George  
Ramsbury resident

Sent from Catherine's iPad

**From:** [REDACTED]  
**Sent:** 13 October 2022 16:08  
**To:** [Harlow, Craig](#)  
**Subject:** Subject: Formal objection to diversion of footpaths RAMS5, RAMS8C  
Bridleway RAMS6

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from [REDACTED] [Learn why this is important](#)

To whom it may concern

I would like to formally object to the diversion of footpaths RAMS5, RAMS8C, RAMS 9, LBED20 and bridleway RAMS6. These paths are regularly walked by villagers and are historic paths of the parish of Ramsbury. To deny public access to the original route of these paths will be excluding the many walkers of the area for the benefit a minority.

The footpaths around Park Farm have already been diverted in recent years to fit around the building plans of the owners of the farm. This project was then cancelled and the diversion of the path was for no reason. Apparently, it is now the time to start their building again, so it is assumed it is ok to ask for the diversion of several footpaths and a bridle way that cross their land. The same paths that were ok to stay on their land when they previously got their other diversion.

We have a right to roam out local pathways and bridleways, and shouldn't have to keep challenging these diversions each time some landowner wants to removing public walking from their land.

The diversion of these paths would not benefit the village at all. We do not cause damage or nuisance when using these pathways.

yours sincerely

Christina Romain

**From:** [REDACTED]  
**Sent:** 12 October 2022 20:02  
**To:** [Harlow, Craig](#)  
**Subject:** Objection

---

[REDACTED]  
<https://aka.ms/LearnAboutSenderIdentification> ]

We would like to express our objection to the footpaths (rams5, Rams8c, little Bedwyn 20 & bridleway Ramsbury No6 being relocated.

The footpaths and bridleways has been here for many years and we feel strongly that these ancient rights of way should not be relocated for personal gain but continue to be used and enjoyed by the public.

Several areas, which the public have walked for many years are now 'no go' areas. In some cases these paths have been walked by us for over fifty years.

Major Fisher, the previous owner always said the locals could walk anywhere in 'Axford and the surrounding countryside as long as they did not do any damage. Now all our walking areas are shrinking fast.

In the past other footpaths have been relocated by Ramsbury Estates and as these have fallen apart over the years they have not been repaired and are quite dangerous in places, with weakened wood, holes in bridges and extreme sloping of wooden walkways.

Kind regards

David and Carolyn Sheppard

Sent from David Sheppard

Sent from David Sheppard

**From:** [Harlow, Craig](#)  
**Sent:** 11 October 2022 10:26  
**To:** [Harlow, Craig](#)  
**Subject:** FW: Public path order enquire re P/2022/010

---

**From:** Diane Palmer [REDACTED]  
**Sent:** 11 October 2022 10:19  
**To:** Harlow, Craig <[Craig.Harlow@wiltshire.gov.uk](mailto:Craig.Harlow@wiltshire.gov.uk)>  
**Subject:** Re: Public path order enquire re P/2022/010

Dear Craig  
I consent for my comments to be put forward and I object to all the proposed changes  
Regards  
Di Palmer

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, October 11, 2022, 10:17 am, Harlow, Craig <[Craig.Harlow@wiltshire.gov.uk](mailto:Craig.Harlow@wiltshire.gov.uk)> wrote:

Dear Ms Palmer,

Following your email objection to this application, please can you confirm if you are objecting to all of the proposed changes or just part? As the application includes a number of path diversions and the creation of a new footpath. Any clarification you can provide would be appreciated.

Also please can you confirm as per my last email you consent to your comments being in the public domain? I will be unable to take your comments forward without this consent.

Thank you

Craig

**Craig Harlow MIPROW**

**Definitive Map Officer**

Definitive Map and Highway Records

Wiltshire Council

County Hall

Trowbridge

BA14 8JN



Direct Line: 01249 468568

Email: [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk)

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

---

**From:** Harlow, Craig  
**Sent:** 05 October 2022 12:52  
**To:** Diane Palmer [REDACTED]  
**Subject:** RE: Public path order enquire re P/2022/010

Thank you for your email, I acknowledge your objection to the proposal at this initial consultation stage and your comments will be taken into consideration when Wiltshire Council come to make a decision on the proposal.

As you have not received the consultation letter please can you confirm that you are aware and consent to the contents of your objection email being available for public inspection in full? Your email address will be redacted and not available to the public.

If Wiltshire Council make any legal orders following this application, there will be a further statutory consultation phase to make comments or objections to those orders at

that time.

If you require any further information, please contact me.

Regards

**Craig Harlow MIPROW**

**Definitive Map Officer**

Definitive Map and Highway Records

Wiltshire Council

County Hall

Trowbridge

BA14 8JN

**Wiltshire Council**

The logo for Wiltshire Council, featuring the text "Wiltshire Council" in a green, sans-serif font. Below the text is a decorative horizontal line composed of small green dots.

Direct Line: 01249 468568

Email: [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk)

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)



---

**From:** Diane Palmer [REDACTED]

**Sent:** 05 October 2022 10:38

**To:** Harlow, Craig <[Craig.Harlow@wiltshire.gov.uk](mailto:Craig.Harlow@wiltshire.gov.uk)>

**Subject:** Re: Public path order enquire re P/2022/010

I would like to object these footpaths have been there for hundreds of years, landowners know this when they purchase land surely there is no need to change these especially when there is a track and can not possibly be helpful for livestock

Regards

D Palmer

**From:** [REDACTED]  
**Sent:** 11 October 2022 10:57  
**To:** [Harlow, Craig](#)  
**Subject:** Re: RE: Ramsbury footpath p/2020/10

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Craig

Yes, I do consent to it being available in the public domain.

Yes, I am objecting to all of the proposed changes.

Please can you confirm that you have received the objection sent from this email from Robert Copp, as I have not received a response yet.

Many thanks  
Helen

--

Sent from my Android phone with [mail.com](#) Mail. Please excuse my brevity.  
On 11/10/2022, 09:55 "Harlow, Craig" <Craig.Harlow@wiltshire.gov.uk> wrote:

Dear Helen,

Thank you for your email , I acknowledge your objection to the application. Please can you confirm you are aware and consent to your response being available in the public domain? ( your full address and email address will be redacted).

Can you also confirm for me if you are objecting to all the proposed changes as there are a number of changes proposed or just one route which forms your usual walk?

Thanks

Craig

**Craig Harlow MIPROW**  
**Definitive Map Officer**  
Definitive Map and Highway Records  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN



Direct Line: 01249 468568  
Email: [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)



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Information relating to how Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

Report a problem <https://my.wiltshire.gov.uk/>

---

**From:** Helen Lovelock [REDACTED]  
**Sent:** 10 October 2022 19:46  
**To:** Harlow, Craig <[Craig.Harlow@wiltshire.gov.uk](mailto:Craig.Harlow@wiltshire.gov.uk)>  
**Subject:** Ramsbury footpath p/2020/10

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Craig

Just to let you know I strongly object to the closing/moving of the footpath. I have lived here for 10 years and have always walked that way. It is a historic footpath and it will upset the wildlife.

On a personal level I have blackouts and have to stick to known paths, or my anxiety increases. This is one of my 'aafe' walks.

Pleae can you let me know you have this.

Many thanks

Helen Lovelock

[REDACTED] Hilldrop Close SN8 [REDACTED]

--

Sent from my Android phone with [mail.com](mailto:) Mail. Please excuse my brevity.

---

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**From:** [Janet Talmage](#)  
**Sent:** 14 October 2022 19:16  
**To:** [Harlow, Craig](#)  
**Subject:** Park Farm Footpath Ramsbury - Ramsbury Farms

---

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Craig

I am writing to you to object to the proposed diversion of the footpath at Park Farm Ramsbury requested by Ramsbury Farms.

I strongly object to this, I have lived here and walk that footpath all of my life.

I object to all proposals of the footpath.

I am happy for you to include my name in the objection. This request is not in the best interest of the village and villagers.

Many thanks and kind regards

Janet Talmage  
[REDACTED] Ramsbury , Loves Lane

Sent from my Galaxy

**From:** [Jeff Shea](#)  
**Sent:** 13 October 2022 13:08  
**To:** [Harlow, Craig](#)  
**Subject:** Erection of a large dwelling / mansion on and the environs of Ramsbury airfield, Ramsbury Wiltshire.

---

**Follow Up Flag:** Follow up  
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Dear Sir, I would like it to be known that like many of my fellow inhabitants of Ramsbury and surrounding villages, I wish to object in the strongest possible terms to aspects of the planning application P/2022/10 put forward by Mr Stefan Pearson or those acting on his behalf with regard to the creation of a very large estate including a substantial dwelling and other buildings etc on ground above the village of Ramsbury currently occupied by the now largely unused WW11 airfield known as Ramsbury airfield.

To my knowledge Mr Pearson who is a foreign national, not even domiciled in the UK, and who already owns many thousands of acres of land in this area wishes as part of his planning application to have ancient footpaths and bridle ways re-sited so that local people cannot walk or ride as they have done for hundreds of years on such paths because they pass close to the area that his planned property will occupy if agreed to, as we of course fully expect it to be.

It is beyond comprehension that someone who spends just a few weeks each year visiting this country for business or other purposes can be allowed to ride rough shod over the rights of way of local residents who simply do not have the level of financial resource that he very obviously has at his disposal to enable what he wishes to happen for his benefit alone. On a personal basis my family and I have lived in Ramsbury for nigh on 40 years, and walk these paths regularly with our dog as others do to enjoy the fresh air and scenery that they afford. This man wishes to stop us from doing that, by diverting such paths far away from the house that he will not even regularly occupy, simply so that us "ordinary folk" do not impinge on the privacy he wants on the odd occasions that he will be resident there.

I would therefore join with many others in requesting that the council who by the way represents all of the people who live in this county, not just very wealthy overseas domiciled landowners, do not allow this request by Mr Pearson and his advisors in regard to the movement of such footpaths and bridle ways.

Yours Sincerely  
Jeffrey C Shea  
Resident of Ramsbury, Wiltshire

**From:** [Harlow, Craig](#)  
**Sent:** 07 October 2022 16:22  
**To:** [Harlow, Craig](#)  
**Subject:** FW: P/2022/010 - Ramsbury Estates.

---

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

**From:** J R [REDACTED]  
**Sent:** 06 October 2022 19:59  
**To:** rightsofway <[rightsofway@wiltshire.gov.uk](mailto:rightsofway@wiltshire.gov.uk)>  
[REDACTED]  
**Subject:** P/2022/010 - Ramsbury Estates.

[REDACTED]

[REDACTED]

I would like to raise a strong objection regarding this request by Ramsbury Estates to divert the footpaths around Park Farm.

I am particularly concerned by the proposals for diverting RAMS6 and RAMS8C - less by the proposals for RAMS5.

Since this request was submitted at the start of August I have not seen any notices displayed and feel that insufficient effort has been taken to make this request public.

I have lived in Ramsbury for over 25 years and regularly use these particular footpaths for walking and running with my dogs, and at times for setting 3-6 mile trails for groups of walkers and runners around Ramsbury. I probably use these paths once a week.

I get the impression that Ramsbury Estates have a habit of requesting footpath diversions. A significant one around Axford Farm some 10 to 15 years ago was approved. More recently, when they obtained permission to re-develop Park Farm (5 years ago?) a small diversion of RAMS6 was approved. They did start implementing it, but then gave up and now have replaced it with this much more radical proposal.

Their justification for all of this rests only on an indication that they wish to return what is I assume good agricultural land to parkland - with the possibility that they may then graze livestock on it and have management requirements.

However, none of this would seem to justify moving the existing rights of way. Throughout the country, rights of way already cross parkland (e.g. at Chequers), cross fields where livestock graze and go through farms and around farm buildings. Why divert?

RAMS6 is currently well served by a tarmac road and a longstanding track - why divert?

Perhaps I am being somewhat cynical if I think that their real motive might just be to move the public away from another one of their houses.

This application should be rejected.

Jeremy Rees



Ramsbury

cc: Ramsbury Parish Council

**From:** [REDACTED]  
**Sent:** 12 October 2022 14:04  
**To:** Harlow, Craig  
**Subject:** Re: Park Farm Footpath Ramsbury - Ramsbury Farms

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Good afternoon Craig,

Thank you for coming back to me.

I object to all of the footpath changes. I have lived here for over 60 years and have been walking my dog on that footpath for many years.

If you need to put my name in then that's fine? Is it mandatory?

Kindest regards

Linda New  
Ramsbury

Aquila

> On 12 Oct 2022, at 10:09, Harlow, Craig <Craig.Harlow@wiltshire.gov.uk> wrote:

>

> Dear Ms New,

>

> I acknowledge your objection to the proposals, please can you confirm that you are aware and consent to your comments being in the public domain( your email address will be redacted)?

>

> Can you also confirm if you are objecting to all of the proposed diversions in the vicinity and the creation of a new footpath which all fall within the same application?

>

> I will keep you informed as to any decision on the application.

>

> Regards

>

> Craig

>

> -----Original Message-----

> From: Aquila New [REDACTED]

> Sent: 11 October 2022 19:40

> To: Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>  
> Subject: Park Farm Footpath Ramsbury - Ramsbury Farms

>

> [You don't often get email from [REDACTED] Learn why this is important at  
<https://aka.ms/LearnAboutSenderIdentification> ]

>

>>

>> Dear Craig,

>>

>> I am writing to object to the proposed diversion of the footpath at Park Farm RAMSBURY,  
requested for RAMSBURY farms.

>>

>> I have lived here all my life as have my father and his father, why should a path that's been there  
for so long have to move to accommodate a rich land owner , that does not have the deep connection  
to the area as I do.

>>

>> I strongly object to this request.

>>

>> Yours sincerely

>> Linda new

>> Lamplands RAMSBURY Wiltshire

>>

> -----

>

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disclosure of personal financial information by means of e-mail any such request should be confirmed  
in writing by contacting Wiltshire Council.

**From:** [Harlow, Craig](#)  
**Sent:** 10 October 2022 13:00  
**To:** [Harlow, Craig](#)  
**Subject:** FW: Footpath diversion application P/2022/010

---

---

**From:** [REDACTED]  
**Sent:** 10 October 2022 12:38  
**To:** Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>  
**Subject:** RE: Footpath diversion application P/2022/010

Thank you so much for these plans – I have finally managed to get my head around what is planned and have no issues with it. Out of interest why does RAMS6A come to an abrupt end? In reality it links to one of the old airfield roads and is a regular walking route for many people with or without their dogs.

Lois Smith

**From:** [Paul Segal](#)  
**Sent:** 11 October 2022 11:46  
**To:** [Harlow, Craig](#)  
**Subject:** Re: Public path order enquire re P/2022/010

---

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Harlow,

Thank you for your response.

Yes, I'm aware and consent that my comments will be in the public domain, with my email address redacted.

I hadn't seen the initial consultation document, but I am surprised that you mention in paragraph 2 that the " application has been made by the landowner . . .for the security of the property," as I see no mention of security in the application document itself. Have I missed something in the application? If so, are there recorded instances of security issues in the past that this refers to?

My comment of lack of detail refers to the other part of paragraph 2: "The application has been made by the landowner to assist land management as some of the land will be reverted to parkland..." What changes will be made to the existing land to make it into parkland? When in the past was it parkland? How does this differ from the structure of the existing land? Why does "reverting" to parkland mean that the footpaths need to be diverted?

Regards

Paul Segal

On Tue, 11 Oct 2022 at 10:09, Harlow, Craig <[Craig.Harlow@wiltshire.gov.uk](mailto:Craig.Harlow@wiltshire.gov.uk)> wrote:

Dear Mr Segal,

Thank you for your email and I acknowledge your objection to the application. Please can you confirm you are aware and consent to your comments being in the public domain? Your email address will be redacted.

I note you have stated there is not enough detail in the application to warrant a diversion, I am unsure if you have seen the application/ consultation documents, so I have attached them for your information. If you have any further comments to make following receiving these documents, please let me know.

Kind Regards

Craig

**Craig Harlow MIPROW**  
**Definitive Map Officer**  
Definitive Map and Highway Records  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN

**Wiltshire Council**

Direct Line: 01249 468568  
Email: [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)



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**From:** Paul Segal [REDACTED]  
**Sent:** 10 October 2022 16:14  
**To:** rightsofway <[rightsofway@wiltshire.gov.uk](mailto:rightsofway@wiltshire.gov.uk)>  
**Subject:** Public path order enquire re P/2022/010

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Enquiry regarding the public path order application P/2022/010:

Hello,

I'd like to register an interest and objection to this public path order. There does not appear to be enough detail in the application to warrant a permanent diversion of established public paths.

Regards

Paul Segal  
Ramsbury

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**From:** [Harlow, Craig](#)  
**Sent:** 20 October 2022 14:09  
**To:** [Harlow, Craig](#)  
**Subject:** FW: Proposed diversion of footpath Ramsbury 5, 8C , Little Bedwyn 20, bridleway Ramsbury 6 and creation of a new footpath

---

Dear Craig

I am now able to give you the Ramblers response to this consultation. Thank you for the extension of time. I am afraid this is rather a long email.

### **Plan 1 – RAMS6 and RAMS8C**

We object to this part of the application.

Our first reason for objection relates to the impact the diversion would have on a walker approaching point E from the west on footpath RAMS8C and wishing to continue south-east on bridleway RAMS6 to point A. The current distance E-D-A is about 800 metres. The proposed diversion route E-C-B-A increases the distance to about 1500 metres. We contend that this fails to meet the requirement set out in s.119(6) Highways Act 1980 that the effect of the diversion will not be substantially less convenient to the public. The impact would of course be the same when walking in the opposite direction.

I should perhaps make clear that we are not contending that the bridleway diversion, if taken on its own, would be substantially less convenient to bridleway users (B-A compared with B-C-D-A).

However, we also contend that the bridleway diversion would have a negative impact on public enjoyment of the way as a whole (s.119(6)(a) HA 1980). Based on the present use of the land, there is little difference between the two routes, but we know from the planning applications that much of the land enclosed by A-B-C-D-A, as well as land to the south-west of A-D, will be converted to parkland. We contend that passing through parkland with grazing animals is likely to be more enjoyable to the public than passing through agricultural land, but the proposed diversion will for the most part deny the public this experience because the planning applications show that views of the parkland will be screened from the diversion route A-B by a hedgerow.

We also wish to comment on the strength of the case that these diversions will be in the interests of the landowner, based on the reasons given in the application form. Although your covering letter refers to security the application form does not mention this. As regards the landowner's interests, it says simply that *"The land at Park Farm is being returned to parkland with the associated grazing and livestock handling and management requirements."*

The first point to make about this is that the fact that the application is made under s.119 Highways Act and not s.257 Town and Country Planning Act indicates that the applicant accepts that the diversions are not necessary to allow the planning consent to be implemented (we note that the existing consent is likely to be superseded by a recently submitted new application PL/2022/07157).

The second point, which relates particularly to this part of the diversion application, is that the private road running through point A, along which the bridleway runs, will remain as the main vehicular access to the new house and the retained buildings at Park Farm. The landowner will therefore be required in any event to do whatever is necessary to prevent conflict between the animals and vehicles on the road. It is hard to see what additional measures might be required if the road continues to be used by walkers, horse riders and cyclists.

We conclude that the most likely reason for the diversions is simply that the owner of the new house wishes to keep the public out of his parkland. We do not consider that to be an adequate reason to divert a bridleway which has been in use for at least 100 years.

Finally, the application as submitted would result in a bridleway stub being left between B and C. That is not satisfactory.

### **Plan 2 – RAMS5**

We do not object to this part of the application. The proposed new footpath B-D-E would make a very useful addition to the network. There is an existing gate at the entrance to the field north-east of point B which we assume will need to be retained and which should be recorded as a restriction.

We note the reason the applicant gives for not being able to replace the stile at point C with a gate. This stile is sturdy and well-constructed but its height does present an obstacle to less mobile walkers. The narrow belt of land beyond it consists of woodland and scrub with no livestock and we see no reason why the adjoining landowner should object to a gate. We would like this matter to be pursued.

### **Plan 3 – RAMS5 and LBED20**

We welcome this part of the application which diverts the path on to the generally used route.

### **Widths**

We have some additional comments relating to width. All the southern part of RAMS5 leading up to point A on Plan 2, A-B-D on that plan, A-D on RAMS6 and part of the proposed diversion route A-B (old airport runways) are hard surfaced paths and the recorded widths of those sections which are already PRowWs are far less than the width of the path. The public will have used the full width of the path. We appreciate that the existing recorded widths can only be varied by means of a DMMO application based on historic or user evidence. We also agree that the widths proposed for the diverted sections are in line with the Council's policy but would suggest that it would be more appropriate to increase these widths to the full width of the path on the ground (excluding verges).

If this is not done, in the event of any future dispute how will it be determined over which part of the width of the path the PRow runs?

Best wishes

Peter Gallagher  
Footpaths and Walking Environment Officer

Swindon and North East Wiltshire Group  
The Ramblers



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**THE RAMSBURY MANOR FOUNDATION**



Craig Harlow MIPROW  
Definitive Map Officer  
Wiltshire Council  
County Hall  
TROWBRIDGE  
BA14 8JN

13<sup>th</sup> October 2022

Dear Mr Harlow

**PROPOSED DIVERSION OF FOOTPATH 5,8C,LITTLE BEDWYN 20, BRIDLEWAY  
RAMSBURY 6 AND CREATION OF A NEW FOOTPATH**

On behalf of the Trustees of the Ramsbury Manor Foundation, the owners of Ramsbury Manor Estate and their Sporting Rights I respond to your request for representations as part of the initial/informal non statutory consultation process.

1 All public users of the rights of way proposed to be diverted (Plan No RW/05) will be denied the open aspects on both sides of the footpath route across the area shown on the plan RW/05. Instead the users are rerouted hard against the boundary of Briary Wood and then confined to the limited views within Hens Wood for the rest of this route. For this reason the Ramsbury Manor Estate OBJECT to this proposal.

2 The proposed diversion will pass within the area adjoining the woodland edge. This has the effect of passing the responsibility for the safety of the footpath users to the adjoining land owners which will require continuous assessment of the health of the trees over a distance of approximately 320 metres, many of which are Ash which is of course a concern to all at this time due to the prevalence of Ash dieback. For this reason The Ramsbury Manor Estate OBJECT to this proposal.

3 The proposed diversion with its routing along the woodland edge will bring potential disturbance to the habitat where game and wild birds in the appropriate season, whether in

the nesting period or the shooting season. The existing route across the open ground is likely to be less disruptive. Briary Wood with its elevated position is an important asset in the presentation of birds as part of the Sporting rights owned by the Ramsbury Manor Estate. For this reason The Ramsbury Manor Estate OBJECT to this proposal.

4 The proposed diversion shown on Plan No RW/08 takes the footpath user into an area close to the key woodland area known as the Plantation, which forms an important part of the Sporting assets of the Ramsbury Manor Estate, especially when linked to the area of Park Farm through which the new and extensive route running southwards as shown on Plan No RW/09. This will enable users to gain access to an area with potential considerable disturbance to wildlife (in particular ground nesting birds like Curlews) and game within the extensive Sporting rights in the ownership of Ramsbury Manor Estate will be adversely affected both within the shooting seasons but also during the balance of the year. The operation of the rights which would impact on the Ramsbury Manor Estate ability to have both driven and walked up shooting could be severely disrupted by users of the proposed diverted route. It will also impact on the day to day ability for the Estate's game keeper to keep down the vermin which would otherwise destroy the wild bird population. At present these footpath and bridleway users are contained by the routing of the present rights of way through Park Farm buildings using the farm roads. The new routing is also considerably longer than the present rights of way. For these reasons The Ramsbury Manor Estate STRONGLY OBJECT to this proposal.

5 The Sporting rights owned by the Ramsbury Manor Estate extend to free and uninterrupted use of the Bridleway and would require the easy removal of the bollards to transport their guns and beaters during the appropriate season and of course for their game keepers to deal with vermin and feed their birds. For this reason The Ramsbury Manor Estate OBJECT to this proposal.

6 As legal owners of the extensive Sporting Rights The Ramsbury Manor Estate (as shown Plan 1 attached) have not agreed to the proposed diversions as required by the Wiltshire Council to be evidenced in writing as part of Application to divert a Public Path. The Applicant therefore does not have the written confirmation required and therefore the application is incomplete and should not be considered until this has been obtained. The Applicant also stated in the documents attached to their application to build a new house at Park Farm that "All existing Rights of Way will be maintained on their current routes".

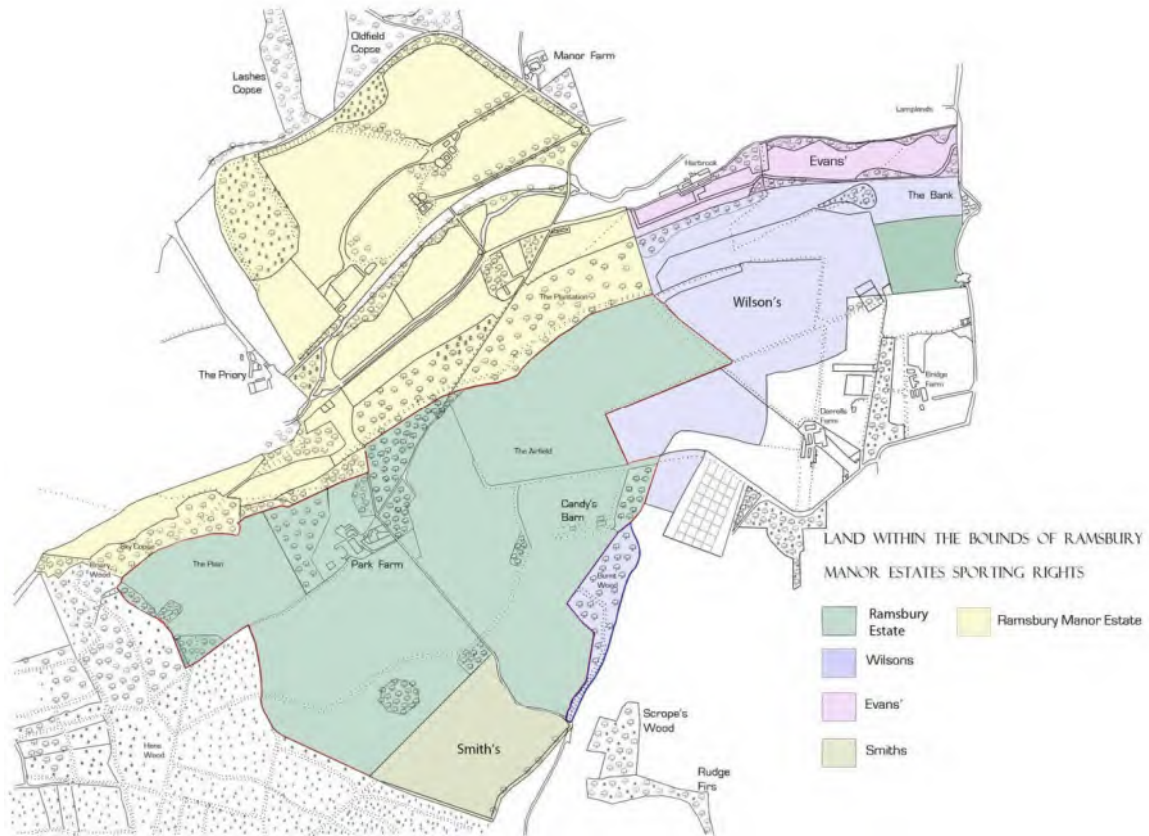
Please acknowledge this letter.

Yours Sincerely

Bill Hughes

W F Hughes FRICS FAAV

Consultant



Plan 1

Registered charity number 1178403  
 A company limited by guarantee in England and Wales  
 Company registration number 10874451  
 Registered office - Ramsbury Manor, [REDACTED]

**From:** [Lynn Jauncey](#)  
**Sent:** 04 November 2022 07:36  
**To:** Harlow, Craig  
**Cc:** [Ramsbury Parish Council](#)  
**Subject:** Park Farm Rights of Way diversion

---

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Dear Craig,

Park Farm diversion application – RAMS5, RAMS6, RAMS8C & LBED20

We have looked long and hard at the Park Farm footpath diversion. As Ramsbury & Axford Parish Council, there are aspects of the diversions we like and others are less appealing. We know that The Manor Estate has shooting rights over the land proposed and that they object to the application. We have met individually with Ramsbury Estates and The Manor Estate to see if a common ground could be reached. However, we felt that a joint meeting could resolve some of the views regarding the application. Unfortunately, we didn't hear from The Manor Estate and therefore no joint meeting was held.

Our decision is as follows:

- 1) The footpath Plan 3 - RAMS5 (going through the proposed deer farm): the proposal is mainly through woodland, whereas the current footpath offers beautiful, uninterrupted views across the valley. Therefore we object to the diversion proposal. We have no objection with the Plan 3 - RAMS5 and LBED20 diversion as it makes sense.
- 2) The footpath Plan 2 - RAMS6: we feel at present the walk takes you up a driveway and then onto a footpath whereas the diversion proposal takes you around the edge and across an open field which is suitable for walkers, cyclists and horses and offers diverse views. (Much of the public already uses part of this proposal as a footpath). Therefore we have no objection to the proposed diversion.
- 3) The footpath Plan 1 – RAMS6 and RAMS8C: would be a short path through woodland whereas the current path is the other two sides of a triangle. We have no objection to either path. However, it should be noted that both paths and others cross The Manor Estate's shooting rights.

Kind regards

Lynn Jauncey

Rights of Way Chairman

Ramsbury and Axford Parish Council

**From:** [Helen Lovelock](#)  
**Sent:** 11 October 2022 12:18  
**To:** [Harlow, Craig](#)  
**Subject:** Fwd: P/2022/10

---

Please can you confirm receipt. Thanks.

--

Sent from my Android phone with [mail.com](#) Mail. Please excuse my brevity.

Dear Craig

I am writing to make my protest about the proposed alterations of the footpath. I see no good reason to see the move of this historic footpath, so I am completely against it happening.

I have lived in Ramsbury for 68 years, and would be very upset to see this happen.

Regards  
Robert Copp

■ Knowledge Crescent, Ramsbury.

--

Sent from my Android phone with [mail.com](#) Mail. Please excuse my brevity.

**From:** [REDACTED]  
**Sent:** 11 October 2022 19:02  
**To:** [Harlow, Craig](#)  
**Subject:** Park Farm footpaths.

---

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Dear sir.

I am sending this email to object to the new plans that have been put forward to diverting the footpaths at park Farm. I use the foot paths frequently and strongly oppose to the new plans. Stefan Persson only resides in this country in small intervals. so moving the footpaths for the sake of a weekend home is a ridiculous thought!!

Thank you for your time.  
Simon Mildenhall.  
■ New cottages Ramsbury.

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**From:** [Harlow, Craig](#)  
**Sent:** 07 October 2022 16:25  
**To:** [Harlow, Craig](#)  
**Subject:** FW: Proposed diversion of footpath Ramsbury 5, 8C , Little Bedwyn 20, bridleway Ramsbury 6 and creation of a new footpath

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**From:** Leonard, Stephen <[stephen.leonard@wiltshire.gov.uk](mailto:stephen.leonard@wiltshire.gov.uk)>  
**Sent:** 12 September 2022 15:58  
**To:** Harlow, Craig <[Craig.Harlow@wiltshire.gov.uk](mailto:Craig.Harlow@wiltshire.gov.uk)>  
**Subject:** RE: Proposed diversion of footpath Ramsbury 5, 8C , Little Bedwyn 20, bridleway Ramsbury 6 and creation of a new footpath

Hi Craig

My only comments would be where appropriate on the footpaths remove stiles and if stock control is need then kissing gates to be installed

The new bridleway diversion I would comment on it having an appropriate hard surface as well as some opportunity for grass surface as well for the users, might therefore have a wider definitive width? The existing route is all hard surface so new route should be same.

All other proposals look fine

Thanks

Stephen

Stephen Leonard  
Countryside Access Officer  
Highways and Transport  
Wiltshire Council  
Bath Road Industrial Estate  
Chippenham  
SN14 0AB

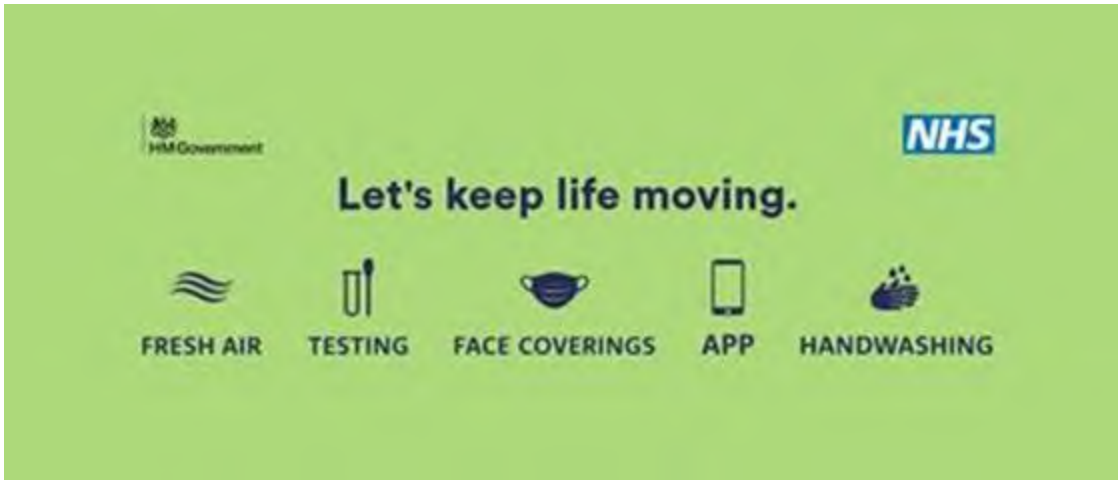
Mob: 07771 721255  
Tel: 01249 468567  
Fax: 01249 445559  
Email [stephen.leonard@wiltshire.gov.uk](mailto:stephen.leonard@wiltshire.gov.uk)

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## New House at Park Farm Ramsbury

I am led to believe, as part of the proposed development of Park House on Park Farm Ramsbury that a bridleway and some foot paths will be re-routed. However, I cannot find any current information and I cannot see any local notifications of these proposals. I assume that any application would have to be reviewed by the Parish and Wilshire Councils

I am a lifelong resident of Ramsbury I know the area very well.

It is a great shame that proposed new house and grounds will mean that an important area of our countryside will be adversely affected as can be seen by the work carried out so far.

The bridleways and foot paths around Ramsbury Manor and Park Farm go back into history and have been, and are used and enjoyed by many local residents and visitors. Therefore, I would like to object to any diversion of bridleways and foot paths in this area without proper consultation.

Steven Little

**From:** [Harlow, Craig](#)  
**Sent:** 07 October 2022 16:41  
**To:** [Harlow, Craig](#)  
**Subject:** FW: Objection to the proposed rerouting of footpath - ramsbury

---

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Dear Mr Harlow

I have been a resident of Ramsbury for 64 years and have had daily access to the Bridleway and Foot Paths in question. The rights of way have been in existence and regularly used for many years and I can see not legitimate reason to divert them other than to give more private access to the existing house and the proposed new Park House.

I am particularly concerned that no notices have been place at any point on the routes that the public can view . I am also very concerned to read in your letter that consultation will only take place and notices posted after Wilshire Council have agreed to the diversions.

I must register my formal objection to the diversion of both the Bridleway and Foot Paths.

Mr Little

**From:** [Tanya Evill](#)  
**Sent:** 13 October 2022 15:40  
**To:** [Harlow, Craig](#)  
**Subject:** Formal objection to diversion of footpaths RAMS5, RAMS8C Bridleway  
RAMS6

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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To whom it may concern

Firstly, I would like to formally object to the diversion of footpath RAMS5. This path is regularly walked by villagers and is an ancient historic path of the parish of Ramsbury. To deny public access to the original route of the path would be to exclude the many for the benefit of the few.

The diversion filters every person traversing the route through smaller paths with no open spaces. It also adds a substantial distance to any walk to Hens Wood. This objection also covers the footpath LBED20.

Secondly, I am formally objecting to the diversion of footpath RAMS8C and Bridleway RAMS8C.

These paths are in regular and common usage. The village has already had to endure the diverting of footpaths around Park Farm to fit around the building plans of the owners of the farm. This building program was then sidelined and the whole movement of the path pointless. These same people now feel it is the right time to commence their construction project again and also unbelievably assume it is ok to ask for the diversion of several footpaths and a bridle way that traverse their land. Paths they were well aware of when purchasing the Park Farm estate.

We as villagers have a right to roam out local ancient pathways and bridleways, without having to fight to be able to do that each time some landowner wants to sanitise the countryside by removing public walking from their land or to fit in with some building project.

The diversion of these paths would not benefit the village at all. There are no solid reasons for these diversions as the paths are not causing any public nuisance or security issues for the land owners.

I would also like to point out that the notification maps seem to be extremely vague, practically unreadable and not clear in the slightest which path is being diverted. I had to check the Wiltshire Council website to get clarification on this issue. I hope this is not a deliberate ploy by the proposer of the path diversions to dissuade walkers from registering their complaints.

Sincerely

Tanya Evill



**From:** [Helen Lovelock](#)  
**Sent:** 10 October 2022 20:22  
**To:** [Harlow, Craig](#)  
**Subject:** P/2022/10

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Craig

It seems as though historic footpaths are going to be moved just to protect the privacy of a wealthy individual, and a deer park being established nearby. No mention of this has ever occurred in minutes of the parish council. And people of Ramsbury have not been adequately informed about it, and have been strongly advised not to contest it.

So, as far as I'm concerned the footpath should not be moved, and certainly not at the whim of a couple of people just because they are wealthy and own an enormous amount of acreage, who seems to value their privacy more than the rights of people who have lived here for many years.

Yours sincerely  
Tony Pope  
Lawrence Mead, Ramsbury

--

Sent from my Android phone with [mail.com](#) Mail. Please excuse my brevity.

**From:** [REDACTED]  
**Sent:** 12 October 2022 18:46  
**To:** [Harlow, Craig](#); [REDACTED]  
**Subject:** Proposed Ramsbury footpath changes

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hello Craig

I am writing in regard to the proposed changes to the Footpaths in Ramsbury as per your letter reference as below:

Proposed Diversion of Footpaths Ramsbury no.5 and 8C, footpath Little Bedwyn No.20, bridleway Ramsbury no.6 and creation of a new length of footpath linking footpaths Ramsbury no.5 and 9B

Objection as this will set a precedent for other landowners.

Before any decision is made you need to carefully consider the impact this will have on other landowners around the Ramsbury area that also have footpaths on their land. Allowing these changes could set a precedent for others to apply for changes in the future. Having walked these footpaths for over 40 years there is not a need to make any of these changes.

Regards

Tracy Smart

Sent from my Galaxy



# Wiltshire Bridleways Association

*Campaigning for riders rights since 1970*

Please reply to:

**Mrs R. Cunningham**

[REDACTED] Pewsey, Wilts. SN9 [REDACTED]  
[REDACTED]

7th October 2022

Reference: P/2022/10

Mr Craig Harlow  
Definitive Map Officer  
Definitive Map and Highway Records  
Wiltshire Council  
County Hall, Bythesea Road,  
Trowbridge,  
Wiltshire  
BA14 8JN

Dear Mr Harlow,

**Re – Proposed Diversion of Footpaths Ramsbury 5 & 8C, Footpath Little Bedwyn 20, Bridleway Ramsbury 6 and creation of a new length of footpath linking footpaths Ramsbury 5 & 9B**

With reference to your letter of 12<sup>th</sup> September regarding the above diversion of FP Ramsbury no 5 & 8C, FP Little Bedwyn no 20, BR Ramsbury no 6 and creation of a new length of footpath.

I write to state that the Wiltshire Bridleways Association supports the proposed applications and has therefore no objections.

Yours sincerely

[REDACTED]

Rosie Cunningham  
WBA Administration Secretary

EASTERN AREA PLANNING COMMITTEE

23 MAY 2024

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**HIGHWAYS ACT 1980 SECTION 119**  
**WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53A**

**THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH Nos. 5, 6 and 8C AND PARISH OF LITTLE BEDWYN PATH NO.20 DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024**

**Purpose of Report**

1. To:
  - (i) Consider the four objections to The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024.
  - (ii) Recommend that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (**SoSEFRA**) with a recommendation from Wiltshire Council that the Order be confirmed without modification.

**Relevance to the Council's Business Plan**

2. Working with the local community to provide a rights of way network which is fit for purpose, making Wiltshire an even better place to live, work and visit.

**Background**

3. Wiltshire Council received an application to divert sections of bridleway Ramsbury 6 (RAMS6), footpaths Ramsbury 5 (RAMS5), Ramsbury 8C (RAMS8C) and Little Bedwyn 20 (LBED20) on 5 August 2022 from the landowner Ramsbury SARL, c/o Ramsbury Estate Ltd, Priory Farm, Axford, Marlborough, Wiltshire, SN8 2HA. The application was made under Section 119 of the Highways Act 1980.
4. The landowner has submitted the following statement in January 2023 to expand on the reasons for their application.
  - 1) *The farming of the land is changing from arable cultivations to parkland and with that the associated livestock grazing and movements. Managing land for livestock grazing requires the installation of new field boundaries and fencing to keep the animals safe and for the proper rotational grazing of the grass sward. Part of the reasons for the proposed diversions were to help reduce the potential conflict*

*between grazing livestock (sheep and cattle) and users of the public rights of way. By diverting the paths as proposed it enables new fencing and gates to be installed on the parkland for the control and effective management of the grazing livestock. The proposed diverted public rights of way routes would then be unimpeded by these new boundary structures and the livestock would be kept separate from the public rights of way, reducing the risk of livestock escaping through gates being accidentally left open, and confrontation or injury between livestock and members of the public and their dogs.*

- 2) *There is a new residential development at Park farm which will increase the volume of traffic using the driveway leading to Park Farm. The proposed diversions help to reduce conflict between the users of the bridleway and vehicle traffic accessing Park farm by providing an alternative route that will have far fewer vehicle movements along it.*
- 3) *The new residential development at Park farm also increases the need for improved security at the property. The provision of security gates on the driveway close to the development to prevent unauthorised vehicular access to the immediate surroundings and residential properties is important for the security of those properties. The current route of the bridleway makes this impractical. The proposed diversion resolves this issue.*
5. The site is subject to planning application PL/2022/07157 for the “*replacement of existing 2 no. dwellings by new house and gate lodge, together with access drive and associated landscape proposals including new pond (amended scheme to that of permission 14/05721/FUL)*”. This planning application was approved with conditions on 23/08/2023.
6. An initial public consultation exercise was conducted regarding the diversion proposals from 12 September 2022 with an initial closing date of 14 October 2022 which was extended, upon request of The Ramblers and latterly Ramsbury and Axford Parish Council, until 4 November 2022. The consultation included Ramsbury and Axford Parish Council, user groups, the Wiltshire Councillor for the area, statutory undertakers, the neighbouring landowner, and other interested parties. The consultation attracted 23 responses, including 16 objections from local residents in the Ramsbury area, an objection from The Ramblers to the diversion of RAMS6 and 8C but not LBED20/RAMS5 and an objection from the neighbouring landowner, Ramsbury Manor Foundation. The Parish Council did object to a section of the proposal, but that section has since been withdrawn and does not feature in the order made; as such, Ramsbury and Axford Parsh Council raised no objection to the contents of the subsequent order which is under consideration today. Wiltshire Bridleways Association stated they did not object and the British Horse Society made suggestions as to the width and surface of the diverted bridleway but raised no objection.
7. A 55 page decision report was written and can be seen in full at [P/2022/010 - Rights Of Way - Wiltshire Council](#). This can be accessed on the Wiltshire Council website within the rights of way page and the public path order register under application reference P/2022/010. This report sets out the background and considers the legal tests set out in Section 119 of the Highways Act 1980 in detail. It considered that in this case the legal

tests for the making of a diversion Order to divert parts of bridleway RAMS6, footpaths RAMS5, 8C and LBED 20 under Section 119 of the Highways Act 1980 were met. Officers consider the proposal is in the interests of the landowner and the alternative routes are not substantially less convenient to the public or impact negatively on public enjoyment of the paths.

8. The proposed diversion also meets other considerations which the Council must take into account such as the provisions of the Rights of Way Improvement Plan, the Equalities Act 2010, the needs of agriculture, forestry and biodiversity and the effect on land on or adjoining the rights of way. The report concluded that at the initial stage the legal tests for the confirmation of the Order appear to be met. However, the report recognised that this is subject to consideration of responses received to the statutory consultation to the legal order once made.
9. The Order was made on 10 January 2024 under Section 119 of the Highways Act 1980 to divert RAMS5,6,8C and LBED20 and Section 53A of the Wildlife and Countryside Act 1981, to amend the definitive map and statement of public rights. The order consultation ran from 16 January 2024 to 16 February 2024 and included the previous consultees and any respondents to that initial consultation. In addition, it was also advertised on site by notices and in the Wiltshire Gazette and Herald on 18 January 2024.
10. Four objections were received to the Order during the statutory consultation period. Those objections being from The Ramblers, Ramsbury Manor Foundation, Mr Steven Little and Mr and Mrs Sheppard. All responses to the made Order can be read in full in **Appendix 3**.
11. Due to the objections received, the Order now falls to be considered by the Eastern Area Planning Committee whose members should consider the legal tests for diversion against the objections received, to decide whether Wiltshire Council continues to support the making of the Order and its subsequent confirmation.
12. Where the Authority continues to support its original decision to make the Order and its confirmation, it should be forwarded to the SoSEFRA for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification, or with modification where appropriate.
13. Where the Authority no longer supports its original decision to make or confirm the Order, it may be withdrawn with reasons given as to why the legal tests for diversion are not met. The making of a public path diversion order is a discretionary duty for the Council, rather than a statutory duty; therefore, the Order may be withdrawn at any time prior to its submission for determination by the Planning Inspectorate on behalf of the SoSEFRA.

### **Main Considerations for the Council**

14. The legal tests that must be applied by Wiltshire Council in considering whether an Order should be confirmed are contained within Section 119 (1) and (2) of the Highways Act 1980. The Council is entitled to further consider the tests for confirmation contained within Section 119(6) at this stage.

15. **Section 119(1)** of the Highways Act 1980 states that:

*“Where it appears to a Council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the Council*

*may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order:*

- (a) *create, as from such date as may be specified in the order, any such new footpath, bridleway or restricted byway as appears to the council requisite for effecting the diversion, and*
- (b) *extinguish, as from such date as may be [specified in the order or determined] in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to the Council requisite as aforesaid.*

*An order under this section is referred to in this Act as a ‘public path diversion order’.*

16. **Section 119(2)** of the Highways Act 1980 states:

*“A public path diversion order shall not alter a point of termination of the path or way:*

- (a) if that point is not on a highway; or*
- (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public”.*

17. **Section 119(6)** of the Highways Act 1980 states:

*“The Secretary of State shall not confirm a public path diversion order, and a Council shall not confirm such an Order as an unopposed Order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in Sub-section (1) above and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the Order having regard to the effect which:*

- (a) the diversion would have on public enjoyment of the path or way as a whole.*
- (b) the coming into operation of the Order would have as respects other land served by the existing public right of way; and*
- (c) any new public right of way created by the Order would have as respects the land over which the right is so created, and any land held with it.*

18. The Council must also have regard to the Wiltshire Council Rights of Way Improvement Plan (ROWIP) - the current plan is entitled Wiltshire Countryside Access Improvement Plan 2015 – 2025 – Rights of Way Improvement Plan 2.

19. The Council must also have regard to the needs of agriculture, forestry, and the conservation of biodiversity.

20. The tests are considered in turn.

### **S.119(1) – The landowner’s interest**

The application and order were made in the interests of the landowner. The current position of footpath RAMS8C and bridleway RAMS6 run near to the property and house which is under construction. As part of the development the land to the south of the property will be converted to parkland with grazing animals, including land over which the current route of RAMS6 runs. The diversion of RAMS6 will reduce any conflict between the public and grazing animals in the parkland and increase the privacy of the property where the bridleway leads up the current driveway to the property. The

diversion of the bridleway will also decrease vehicle interactions with users of the bridleway where it takes the public rights away from a section of the drive leading to the property. The diversion of footpath RAMS8C will be required if the bridleway is diverted to provide a connecting rights of way network. Its diversion will also increase the privacy of the property where its current route will be in close proximity to the garden and house. The diversion of footpath RAMS5/LBED20 will take the route from an overgrown route through woodland to the used constructed track, permitting the landowner to manage the woodland in a more efficient manner.

**21. S.119(2) – Location and convenience of termination points**

The diversion of the footpaths and bridleway must not alter the termination points of the paths where these are not on a highway and where they are on a highway they must not be altered, other than to another point on the same highway or a highway connected with it, and which is substantially as convenient to the public. The current and proposed starting points and termination points of the diverted paths remain on the same highways and are as substantially convenient to the public.

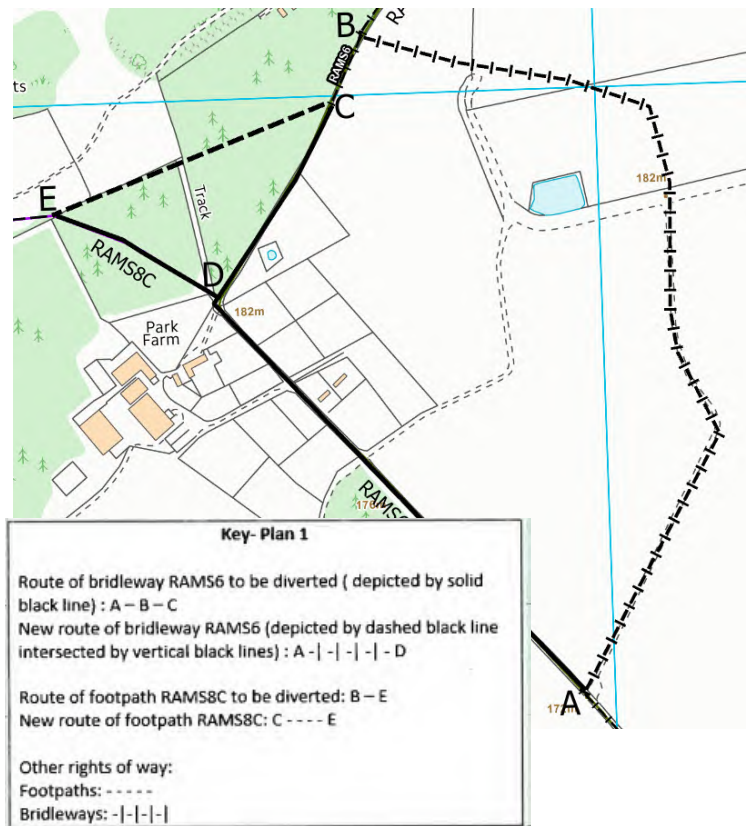
**22. S.119(6) – Convenience of the new path**

In assessing the relative convenience of the present and proposed routes, consideration has been given to various factors including length, width, surface, and gradient. Each path is taken in turn.

23. The proposed diversion of RAMS5/LBED20 at the southern end of Hens Wood extinguishes approximately 390 metres of footpath and creates approximately 250 metres of footpath. The proposed route is a more direct and natural continuation of the broadly north/ south route of the continuation of the path. The current route of LBED20 has no recorded width and RAMS5 has a recorded width of 1.8 metres, the diversion route will have a recorded width of two metres. The surface of the current route is through an overgrown section of woodland, no clear walked route is visible, the proposed route will have a hard track surface. A kissing gate is proposed on the route to accommodate access where the full width of the track will be obstructed by a field gate installed by the landowner for access management. The diversion of LBED20/RAMS5 is not substantially less convenient to the public. No specific points have been raised in objection to this section of the proposed diversions in relation to its convenience.

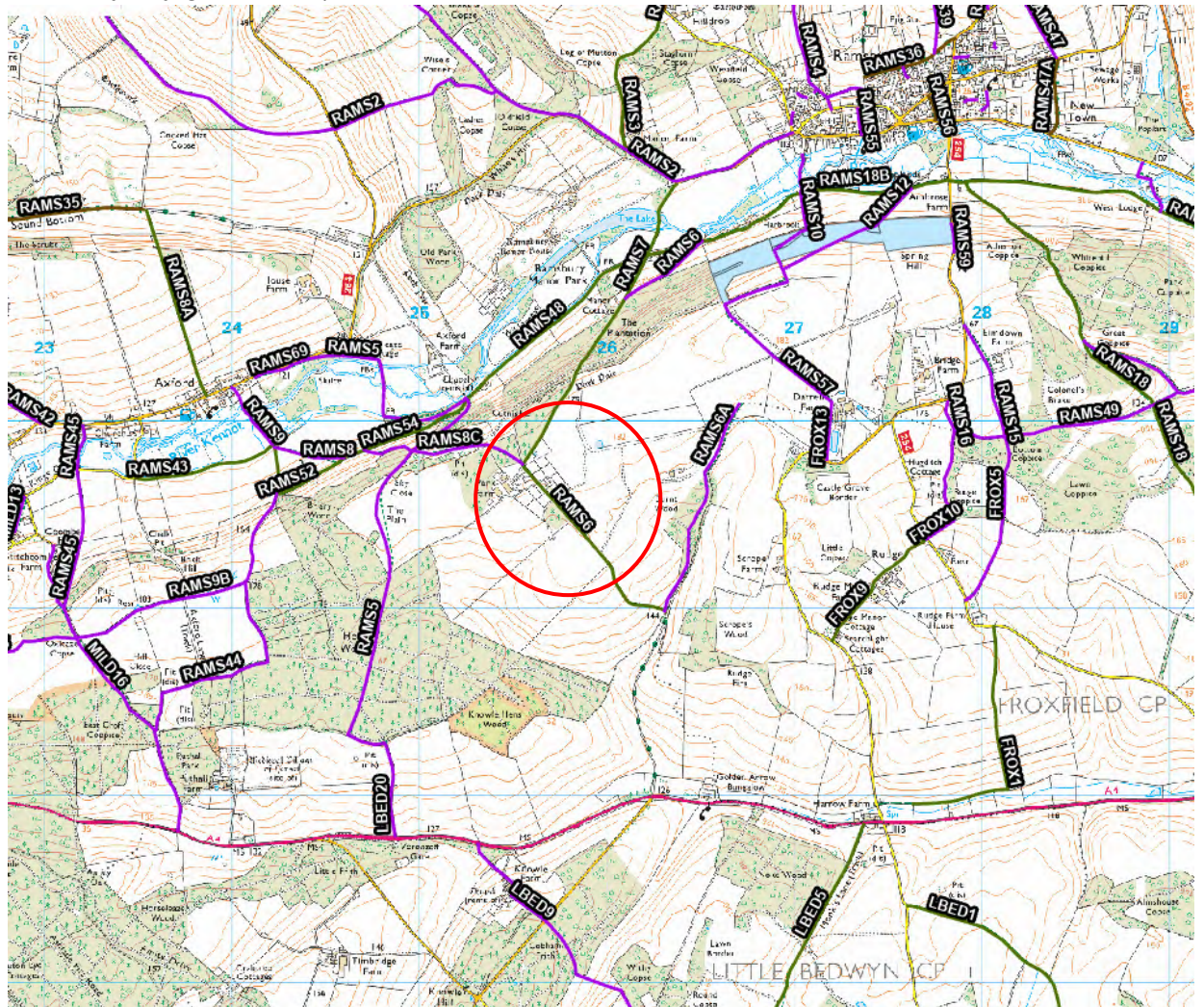
24. The proposed diversion of bridleway RAMS6 applies to extinguish approximately 960 metres of bridleway and create approximately 1,075 metres of bridleway. The diversion would increase the ride of any cyclist or horse rider by approximately 115 metres between point A and B. Due to the lack of any bridleways offering a circular route option any cyclist or horse rider is likely to be on a ride of at least a moderate distance of a number of kilometres to reach this point. An increase in 115 metres is not substantially less convenient and has not been raised as an objection point by any user group specific to bridleway use.

25. The convenience in terms of length of the proposed diversion of footpath RAMS8C and use on foot of bridleway RAMS6 has been raised in objection to the Order. The diversion of RAMS8C can only be considered in conjunction with RAMS6 as they impact upon each other as seen on the below plan and key.

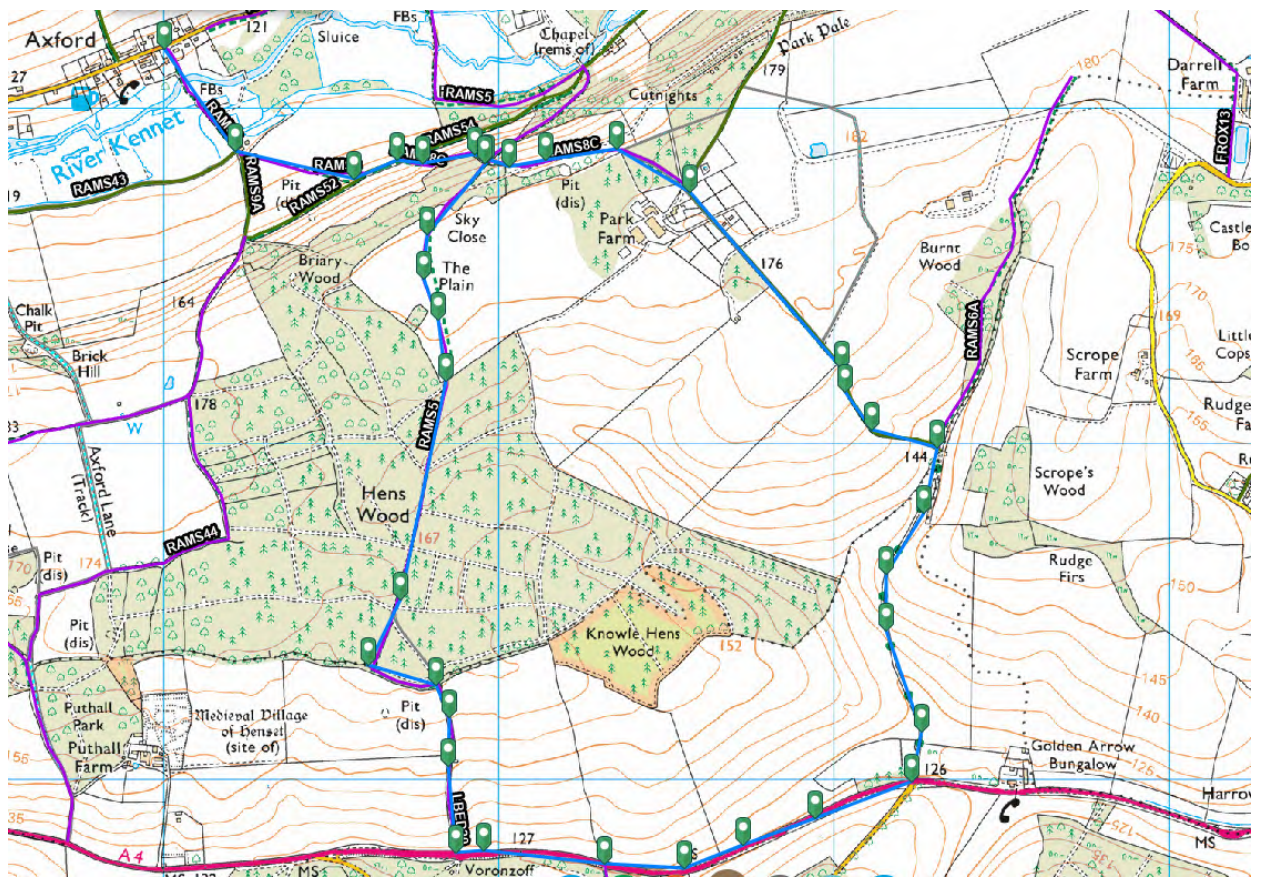


26. A walker arriving at point E, on path RAMS8C, walking south to D and onto point A, would post diversion, need to walk from point E-C-B-A. or in the opposite direction. The current distance between E-D-A is approximately 830 metres. The distance between E-C-B-A is approximately 1,485 metres. The increase in distance for a walker is approximately 655 metres pre and post diversion and has been raised in objection by The Ramblers and Ramsbury Manor. This increase in distance should be taken into consideration with the context of the whole path and surrounding network.

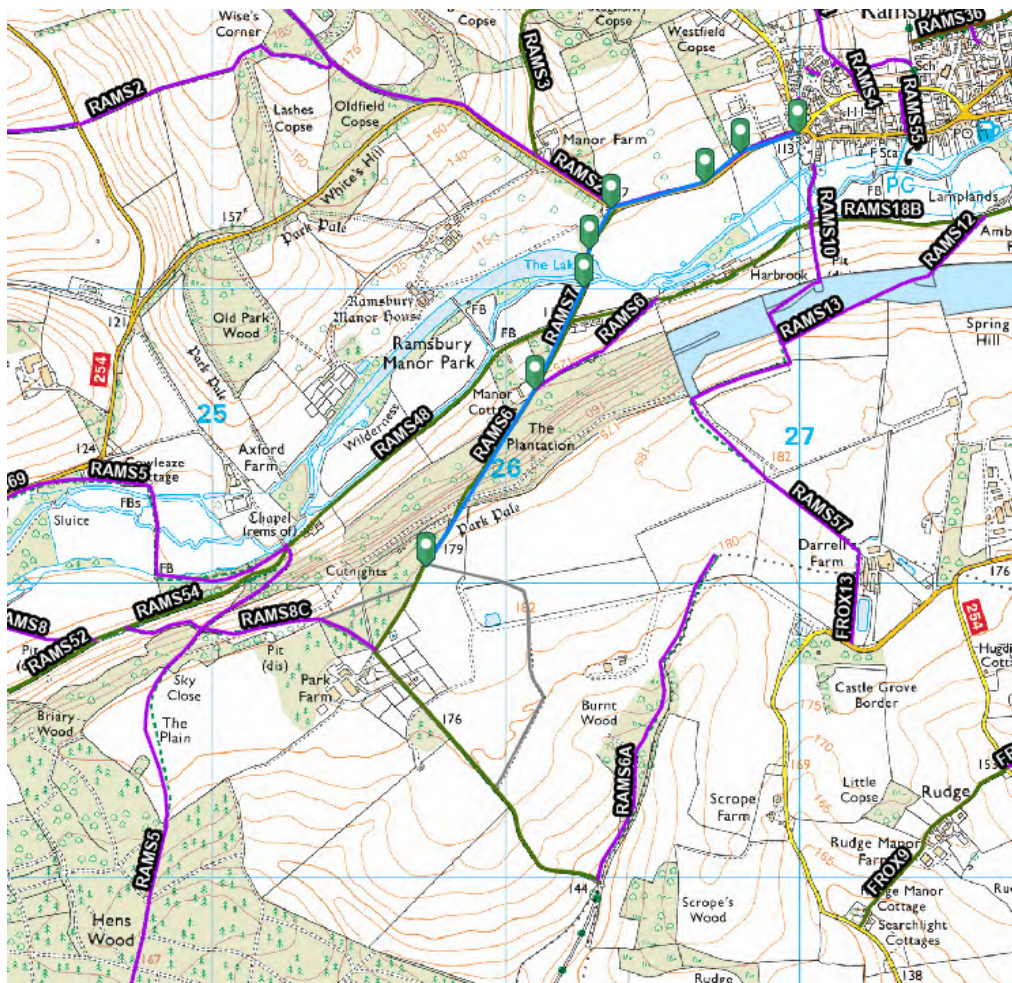
27. The below OS map extract depicts the wider area of the site and the area affected by the diversions of RAMS6 and 8C within the red circle. (footpaths marked by purple lines and bridleways by green lines).



28. To get to point E (on the map at 25 of this report) a walker approaching from the west is likely to have come from, at the closest, Axford, a small population centre to the west of Ramsbury. The most direct route from the village of Axford to point E is using footpaths RAMS9, 8, 8B and 8C, an approximate distance of 1565 metres, which includes a steep gradient. Once reaching point E the start of the diversion route, if the walker desired to continue south to point A, (the point and route raised in objection) currently that is another 830 metres, taking the walk up to that point approx. 2.4 kilometres. Once at point A, to form a circular walk back to Axford, there are no options other than to continue south to the A4 and then west along the verge of the A4 and return north along LBED20 / RAMS5 and back down into Axford. This route is not evidenced by any objector however it would be the shortest possible circular walk to and from Axford using points E and A, subject to the diversion. This circular walk adds another approximately 6.5 kilometres to the total distance walked. In total the shortest possible circular walk to and from Axford using the diversion route, including points A and E is approximately 8.9 kilometres. The diversion would add approximately 655 metres over a 9km walk which includes walking along the 60 mph A4 and a steep gradient. This may be shortened if a walker desired to turn around at point A and retraced their steps. The route described is shown below by green markers.



29. A similar walk from Ramsbury which uses the diversion route can also be considered. The shortest route to point B (the closest point of the diversion when approaching from the north/east) is likely accessed via RAMS2, 7 and onto RAMS6, a distance of approximately 2 km. See below map showing shortest route from Ramsbury to point B (as per plan at 25). To continue west from point B the distance for a walker is reduced by the diversion of RAMS8C, i.e. from point B-E (by approximately 130 metres). If from point B a user desired to continue south to point A the route is approximately 1,070 metres on the diversion route and 960 metres on its current route. A small increase given the distance already walked. The diversion will not be substantially less convenient in terms of length by any user walking from Ramsbury using public rights of way.



30. In terms of the width, gradient and surface RAMS5 has a recorded width of 1.8 metres and LBED20 has no recorded width. The proposed diverted section of these paths would record a width of 2 metres for the path. The current route is unsurfaced and overgrown through woodland. The proposed route, along the surfaced all-weather track would have no discernible change in gradient.
31. The current route of RAMS8C has a recorded width of 1.8 metres. The proposal would record a width of 2 metres. The current surface is a natural grass surface, this would remain the same. The gradient would have no discernible change.
32. The current route of bridleway RAMS6 has a recorded width of 1.5 metres. The proposal will record a 4-metre-wide bridleway. The surface of the new bridleway would be a stone and finings bound surface, for all weather use by all users. The Countryside Access Officer for the area has agreed to this surface and will sign off any works as acceptable to Wiltshire Council. It is also proposed to install vehicle barriers at the

entrances to the new section of bridleway to stop unauthorised vehicular access on this route. These bollards will be at a minimum spacing of 1.5 metres and will be certified by the countryside access officer. It is noted that the British Horse Society and Wiltshire Bridleways Association have not objected to the Order. The gradient will not discernibly change. The surface and width of the proposed route in comparison to the existing recorded bridleway is not substantially less convenient and has been agreed by the Countryside Access Officer for the area.

33. **S.119(6) – Effect on public enjoyment of the path or way as a whole**

The evaluation of enjoyment is subjective and decision makers can be guided by users of the way in responses to the application and Order. The Order objections raise no specific comments on enjoyment of users when comparing the current route to the proposed routes other than point 4 in Ramsbury Manor Foundations objection. This point raises that the diversion of RAMS8C to its proposed new route will remove the ability of walkers to appreciate the view when approaching point C and the land and view to the north. The following photo show the view approaching point C on its current route looking north as described in the objection.



34. In officers' opinion the view described is restricted by the hedging and trees, not in leaf at the time of the photo in February 2024 (therefore will be restricted even further in warmer periods of the year). Walkers will still reach the stile at point C, post the diversion, and the view offered from the stile albeit approaching from a different direction. There is no clear reduction in enjoyment from a view perspective at this point of the diversion. Views will remain similar in nature from the other parts of the proposed diversions in comparison to the current routes, with views of woodland and countryside. There is no specific vista that will be removed from the public. The new house, gardens and parkland will have an impact on views from the public rights of way but is subject to approved planning permission. The diversion of the public rights of way will have no detrimental effect on views.
35. The Ramblers did raise at the initial consultation phase that *“passing through parkland with grazing animals is likely to be more enjoyable to the public than passing through agricultural land, but the proposed diversion will for the most part deny the public this experience because the planning applications show that views of the parkland will be screened from the diversion route.”* This is a point on which users may disagree upon.

Some users may prefer to walk through livestock to enjoy viewing the animals and some would prefer to avoid fields with livestock to avoid potential conflict, especially users with dogs. The landowners would certainly wish to remove the risk of users interacting with livestock. No other respondents raised specific points on enjoyment of the current routes in comparison to the proposed routes.

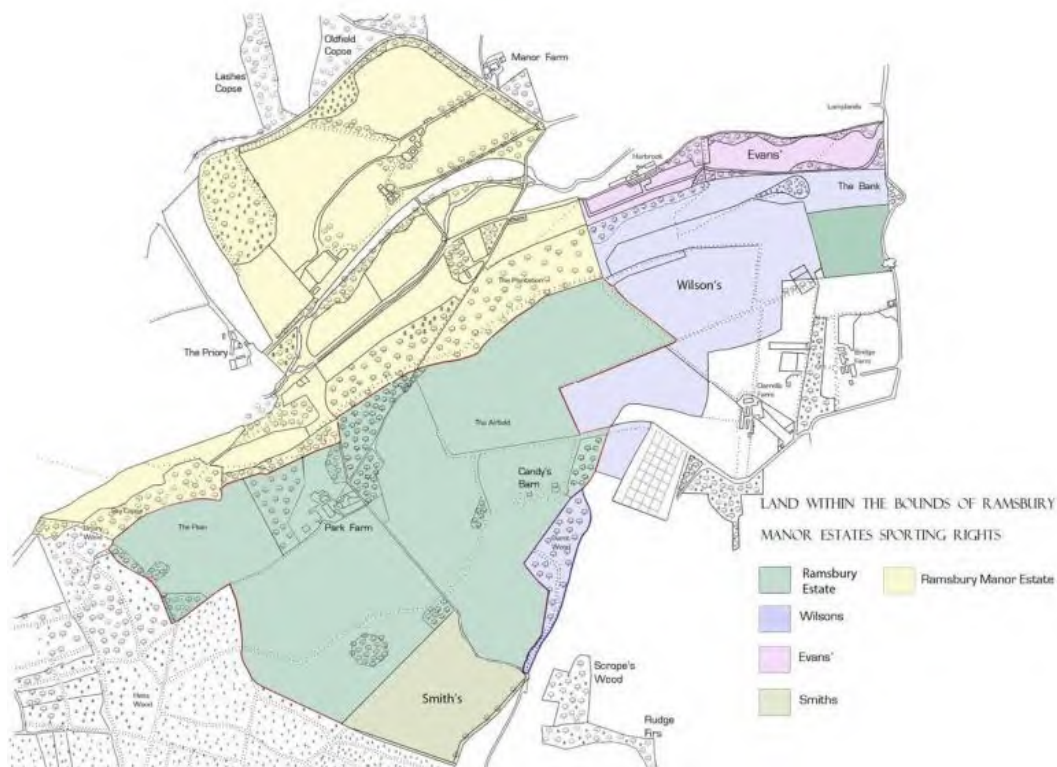
36. Safety and privacy can also be considered under public enjoyment, The safety of the route of RAMS6 for users will be slightly improved where the route would no longer run along the driveway to the property, reducing conflict with vehicles and the previous point of conflict with livestock. From a privacy perspective some users may prefer to be further away from a residential property whilst others may contend this is not an issue for them, no specific points from users have been submitted on this point. It is clear the landowner's privacy would be improved where the public rights would be moved further from the property and removed from the driveway to the house.

37. **S.119(6) (b) – Effect of the diversion on lands served by the existing right of way**

**S.119(6) (c) – Effect of any new public right of way created by the Order with respect the land over which the right is so created, and any land held with it**

The current and proposed routes of RAMS8C and RAMS6 are subject to sporting rights held by the neighbouring landowner and objector to the order, The Ramsbury Manor Foundation. Those rights are *“subject to the provisions of the Ground Game Act 1880 and the Ground Game (Amendment) Act 1906 of the exclusive right for him or them with his or their friends servants and others of shooting hunting coursing fowling and sporting over and taking all manner of game woodcocks snipe quails landrails hares rabbits and wild fowl and of trapping vermin upon the property hereby conveyed with power to enter thereon for the purposes aforesaid or for preserving or rearing the said game and wild fowl and to take and carry away for his or their own use the game and wild fowl and other animals of the kinds aforesaid there killed and taken.”*

The below map was provided by Mr Bill Hughes representing The Ramsbury Manor Foundation depicting the land subject to their sporting rights. The diversion of RAMS8C and 6 are over land which has sporting rights for Ramsbury Manor.



38. Section 28 and 121 (2) of the Highways Act 1980 set out that compensation may be claimed for loss caused by a public path order and in particular any sporting right that may be affected.

**28 Compensation for loss caused by public path creation order**

*(1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.*

*(2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State and shall be made to the authority by whom the order was made.*

*(3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.*

*(4) Nothing in this section confers on any person, in respect of a footpath or bridleway created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been effected otherwise than in the exercise of statutory powers.*

*(5) In this section " interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.*

**121 Supplementary provisions as to public path extinguishment and diversion orders.**

*(2)Section 28 above (compensation for loss caused by public path creation order) applies in relation to public path extinguishment orders [F5, rail crossing extinguishment orders, [F6special extinguishment orders]public path diversion orders [F7, rail crossing diversion orders, special diversion orders and SSSI diversion orders]] as it applies in relation to public path creation orders [F8but as if—*

39. The Public Path Orders Regulations 1993 state any claim should be made six months from the coming into force of the Order in respect of which the claim is made and that claim should be made to the authority (Wiltshire Council). This six-month period for a compensation claim would begin following the confirmation of the Order. Any claim would be made to Wiltshire Council; however, costs would be covered by the applicant, Ramsbury S.A.R.L as signed for in their application form and further identified by a deed of indemnity signed between Wiltshire Council, Ramsbury S.A.R.L and Carl Stefan Erling Persson (owners of the land subject to the sporting rights held by Ramsbury Manor Foundation).
40. Ramsbury Manor Foundation has objected to the Order in part due to the perceived effect the diversion of the public rights of way would have on their sporting rights. In particular the diversion of RAMS6 which will introduce a new access “ to an area that forms an important part of the Sporting Rights previously undisturbed by walkers and riders”. Whilst this can be considered in the decision making process to make or confirm a public path order, sections 28 (5) and 121 of the Highways Act 1980 make the

provision for claiming compensation in relation to the effect on sporting rights subject to loss caused by a public path order. If the Order is confirmed Ramsbury Manor Foundation may make a claim as set out in section 28 (5) and an independent body would settle the amount to be paid in compensation, fairly valuing the actual loss caused to their sporting rights by the diversion order.

41. Ramsbury Manor Foundation has also raised in objection that the diversion of path RAMS8C will place the new route under mature trees in their ownership where they overhang the proposed path on the applicant's land. This may increase their liability in terms of a claim in the event of an accident caused by falling trees.
42. The photo below depicts the trees mentioned in the objection. The new path would lead along the green route seen.



The diversion of RAMS8C will place the path along the border between the two landowners and potentially in an impact zone for falling debris from the mature trees in the ownership of Ramsbury Manor Foundation. Wiltshire Council's Tree and Woodland Officer Jon Price has assessed the potential risk and states within his assessment "*it is unlikely that the diversion would result in a significantly elevated acceptable risk tolerance score*". See full assessment at appendix 3.

#### 43. **Consideration of the Rights of Way Improvement Plan**

Wiltshire Council's rights of way improvement plan (ROWIP) is entitled Countryside Access Improvement Plan 2015 – 2025. ROWIP Appendix 8 – Strengths, weaknesses, opportunities and threats assessment of the Countryside Access Network, Weaknesses, W1 states:

*"The network is largely historic and although it has evolved, in places it does not meet the present and likely future needs of users and potential users"*. objectors have stated the paths should not be moved as they are historic. It is recognised paths have historic value and if a route had specific characteristics or features on its route then this would be taken into consideration. The routes proposed to be diverted do not have any specific

historically significant features that have been raised by objectors or that are obvious to officers. The ROWIP recognises paths can be moved for present needs and Section 119 of the Highways Acts facilitates the diversion of public rights of way.

44. ROWIP 2 recognises the Council's duty to have regard to the Equality Act 2010 and to consider the least restrictive option: At 4.1 page 16 it states "*..consider the needs of those with mobility impairments when maintaining the network and authorising structures (e.g. stiles and gates) on the rights of way network and seek improvements to existing structures where it would be beneficial (Equality Act 2010).*" The considerations above are met in this case. The surface of the proposed routes will improve in comparison with the current routes of LBED20/RAMS5, diverting from a soft woodland surface to a hard all-weather surface. The diversion of RAMS6 will provide a hard all weather surface catering for all users. The diversion of RAMS8C will not be detrimental in terms of surface of the right of way, with a natural surface on the proposed and existing routes. Kissing gates will be installed where possible to improve access, no new stiles will be authorised by any Order subject to this application. The proposed diversions do not have a detrimental effect on any users with mobility issues and in the case of LBED20/RAMS5 the proposals are a clear improvement.

45. **Regard to the needs of agriculture, forestry, and conservation of biodiversity**

There is no identified likely adverse impact on biodiversity, agriculture, or forestry as a result of the proposed diversion.

**Further Comments on Objections**

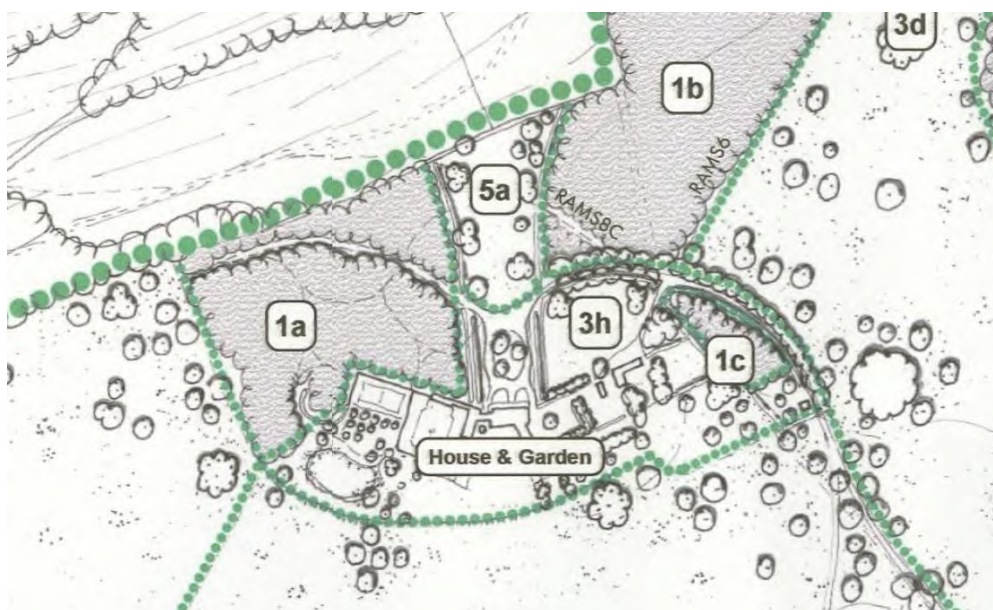
46. All objections can be seen in full at **Appendix 2**.  
The objection from David and Carolyn Sheppard states "*the footpaths and bridleways has been here for many years, and we feel strongly that these ancient rights of way should not be relocated for personal gain...*" The legislation under which this Order is made recognises that rights of way can be moved, and a landowner may apply to do so. An Order can be made in the interests of the landowner as this Order is and further tests are applied in relation to public convenience and enjoyment when considering the confirmation of that Order. Mr and Mrs Sheppard do not raise any specific points to consider as to the benefits or otherwise of the proposed routes in comparison to the existing routes. Further comments are made in relation to other paths in the area and lack of maintenance, further details were requested from Mr and Mrs Sheppard to address any specific concerns with other paths, but no response was received.
47. Mr Steven Little, a resident of the Ramsbury area, has objected to the Order. In his objection he raises no specific points as to the benefits or otherwise of the proposed routes in comparison to the current routes. He states that the bridleways and footpath around Park Farm go back in history and are used and enjoyed by locals and visitors and therefore he would like to object to any diversion. Legislation exists for landowners to apply to divert public rights of way and is then subject to the relevant tests set out in legislation. Officers are unaware of any specific historic significance over the current routes proposed to be diverted. Comments in relation to the impact of the new house and grounds will have on the local area are also made. Planning permission for the house and grounds has been granted and this diversion order is a separate matter to consider on its merits or otherwise.
48. Peter Gallagher, in his role as Footpaths and Walking Environment Officer, objected to the Order on behalf of the Ramblers. Part of the objection raised is in relation to the diversion of RAMS8C and RAMS6 not meeting the requirement of s.119(6) that the path or way must not be substantially less convenient to the public in consequence of the diversion. In particular, the increase of distance of over 650 metres to a walker using

RAMS8C and RAMS6 is raised. This is addressed in detail in this report at 24-29 of this report. The objection states the Ramblers *“do not agree that the not substantially less convenient test should be assessed in the context of an assumed total walking distance which will inevitably vary between users.”* Officers concur that total walking distance will vary between users but at this location a very high proportion of users (if not all) who will be impacted by the increase of distance to walkers between points E and A will come from Axford, there is no other centre of population a walker can reach point E from to be impacted. If a user approaches from Ramsbury this increase in length is not a factor to those users wishing to get to point A. There is no other circular walk a user can take, using E-A using public rights of way other than the one indicated at 28 of this report. If a walker is wishing to do a linear route, i.e. return the same way they came then the increase in distance to point A will not negatively affect their walk, unless point A was a point of destination or interest which there is no evidence for. No individual user has objected to the increase in length claiming use of that actual route.

49. Further to the above points regarding the increase in distance, an inspector, C Beeby, appointed by the SoSEFRA to determine The Wiltshire Council Parish of Calne Without Bridleway 89 (part), 89A and 89B Diversion Order and Definitive Map and Statement Modification Order 2019, confirmed that Order on 5 July 2023 (reference ROW/3273510). In the inspector’s decision report on that Order, they considered the matter of an increase in length of the path as a result of the diversion and whether it therefore did not meet the not substantially less convenient test. At paragraph 24 of the decision report C Beeby states *“The length of the proposed path would be greater than twice that of the existing paths, increasing travel time for users. The Order would consequently increase the distance between the existing paths termini by a substantial degree. The additional distance may affect the convenience of the path for users with mobility issues, as referred to by an objector.”* The inspector continues at paragraph 25. *“Nevertheless, as a route connecting lanes serving countryside hamlets, the path as a whole is less likely to be used for errands or for commuting to other locations, and more likely to be used for leisure purposes as part of a longer journey. Therefore, in increasing the travel time between the routes termini, the Order is unlikely to adversely affect the convenience of the majority of users”.*
50. In the case referenced above the inspector, as part of their decision, confirmed a diversion order in Wiltshire in 2023 which as a result of the Order increased the length of the path by greater than twice that of the existing path. Whilst the Calne Without case was dealing with shorter distances than the increase of approximately 655 metres in this case, (for the one route, for walkers from point E - A) the percentage increase is less than the increase in distance accepted by the inspector in the Calne Without case. It is also noted that the inspector’s reasoning for accepting the more than twice increase in length was partly due to the rural nature of the route and the likely use of the route as a leisure walk rather than a utility route. The Calne Without route, in the hamlet of Calstone Wellington, is far closer to properties and potential users than the case under consideration in Ramsbury, which as detailed is approximately 2km from the nearest settlement and users. For the reasons set out, officers believe the increase in length in this Order would not be prohibitive to the Order’s confirmation.
51. The Ramblers also state *“we do not believe that the 2023 “presumption” guidance applies to this case. RAMS6 does not path through a farmyard or garden and is not within the curtilage of any individual property”.* DEFRA released guidance in August 2023 entitled ‘Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises’. This guidance sets out a presumption that if a public right of way that is subject to a diversion application goes through private dwellings or their curtilages and gardens that an Order making authority should be predisposed to make an Order and a confirming authority will similarly be predisposed to confirm, should the Order satisfy the relevant legislative tests. This 2023 guidance may apply to

this application where bridleway RAMS6 leads along the driveway to the residential property and passes in close proximity to the house and gardens, which may form part of the curtilage of that property.

52. Additionally, the construction of the new house and gardens encompasses part of RAMS6 into the extended area considered part of the House and Garden. The below plan is taken from the Section 106 agreement as part of planning permission PL/2022/07157 showing landscape compartments. The route of RAMS6, which leads over the track shown under 1C on the plan is within the boundary marked by green circles and labelled 3h which is “House Hedges” and within the area classified as House and Gardens.



53. The guidance may apply to this case as the route of RAMS6 may be within the garden and curtilage of the property; however, the confirmation of the Order is not reliant on this guidance being applicable.
54. The Ramblers do not object to the diversion of RAMS5/LBED20.
55. The Ramsbury Manor Foundation objected to the Order. They raise five points in their objection. The first of which relates to the impact on their sporting right over the land as a result of the diversion order. This matter is discussed at 37- 40 of this report, where the legislation allows compensation to be claimed specifically for the actual loss to sporting rights as caused by the diversion order, which would be the appropriate mechanism to fairly value the loss to sporting rights as a result of the diversion. The second point regarding the increase in distance for users has been discussed at length in this report at 24- 29 and 48-50. The third point is the installation of bollards on the bridleway which will restrict their staff exercising their sporting rights. The bollards will be lockable by either a key or code , any legal users of the bridleway will be given the key or code to open the bollards, this has been confirmed by the landowner and applicant and the countryside access officer. The fourth point raised regarding the negative affect on the view from point C is discussed at 33-34 of this report, officers do not believe the diversion has a negative affect on views in general and at this specific point as demonstrated by the photo at paragraph 33. The fifth point regarding Ramsbury Manors trees overhanging the new path is discussed at paragraph 42 and **Appendix 3** of this report and officers are guided by the Tree and Woodland officers’ assessment.

### **Overview and Scrutiny Engagement**

56. Overview and scrutiny engagement is not required in this case.

### **Safeguarding Considerations**

57. There are no safeguarding considerations associated with the confirmation of the making of this Order.

### **Public Health Implications**

58. There are no identified public health implications which arise from the confirmation or the making of this Order.

### **Corporate Procurement Implications**

59. In the event this Order is forwarded to the SoSEFRA there are a number of potential requirements for expenditure that may occur, and these are covered in paragraphs 63-66, of this report.

### **Environmental and Climate Change Impact of the Proposal**

60. There are no environmental or climate change concerns associated with the confirmation of the making of this Order. This is wholly rural and recreational route and is unlikely to form any part of a sustainable transport route now or in the future.

### **Equalities Impact of the Proposal**

61. Issues with accessibility have been addressed in the report at paragraph 44.

### **Risk Assessment**

62. There are no identified risks which arise from the confirmation of the making of the Order. The financial and legal risks to the Council are outlined in the "Financial Implications" and "Legal Implications" sections below.

### **Financial Implications**

63. The applicant has agreed to pay all the Council's costs associated with the making of the Order, with the advertisement of the confirmed Order and with the creation of the new path, including the costs of any works required. However, Wiltshire Council is not empowered to charge the applicant any costs related to forwarding the application to the SoSEFRA for confirmation by the Planning Inspectorate and accordingly will have to fund these from existing rights of way budgets. Where an application for an Order is refused no costs are payable by the applicant. Where an Order is made but latterly refused by committee or SoSEFRA the costs incurred by the Council will be charged to the applicant, that being the advertising costs of the Order.
64. Where the land is subject to sporting rights compensation may be claimed if the Order is confirmed. However as described at 37 – 39 of this report any costs associated with this will be met by the applicant.
65. Where there are outstanding objections to the making of the Order, the Committee may resolve that Wiltshire Council continues to support the making and confirmation of the Order. The Order will then be determined by the Planning Inspectorate by way of written representations, local hearing, or local public inquiry, all of which have a financial implication for the Council. If the case is determined by written representations the cost to the Council is negligible; however, where a local hearing is held the costs to the Council are estimated to be around £200 if no legal representation is required and £1,000 to £3,000 where the case is determined by local public inquiry with legal representation. If SoSEFRA requests a public inquiry, additional costs may be incurred

to the Council in hiring an appropriate venue and providing equipment to facilitate virtual attendance where requested.

66. There are no costs associated with the Council resolving to abandon the Order though the decision may be subject to judicial review and the Council may incur associated costs as a result of that action (see Legal Implications below).

### **Legal Implications**

67. Where the Council does not support confirmation of the making of the Order and resolves to abandon it, clear reasons for this must be given and must relate to the legal tests contained within Section 119 of the Highways Act 1980. The applicant may seek judicial review of the Council's decision if the process followed is seen as incorrect. The cost for this may be up to £50,000.

### **Options Considered**

68. Members may resolve that:
- (i) The Order is forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation as made.
  - (ii) The Order is forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation with modifications.
  - (iii) The Order is revoked and abandoned.

### **Reason for Proposal**

69. Unless the objections and representations are withdrawn the Order must be forwarded to the SoSEFRA for determination if it is to be confirmed.
70. It is considered that in this case the legal tests for the making of a diversion order to divert paths Ramsbury 5, 6, 8C and Little Bedwyn 20 under Section 119 of the Highways Act 1980 were met, and the additional legal tests for confirmation have also been met.
71. The Order is made in the interests of the landowner for privacy reasons and to reduce the conflict between users, livestock, and vehicle movements. The diversions are not considered to be substantially less convenient to the public or have a negative effect on public enjoyment and have a minimal detrimental impact on land on or adjoining the rights of way. Where the diversion may affect sporting rights held by Ramsbury Manor Foundation, legal instruments are in place for compensation to be claimed in regard to those sporting rights if an Order comes into force. The ROWIP, equalities Act, biodiversity, agricultural and forestry concerns have been considered and are not negatively impacted as a result of the diversions. The diversions benefit the public by adding a recorded width for the paths, of at least two metres for a footpath and four metres for a bridleway, where currently the recorded widths are narrower. The surface and furniture will cater for all users and all weathers.

### **Proposal**

72. That the Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024 is forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

**Samantha Howell**  
Director – Highways and Transport

Report Author:  
**Craig Harlow**  
Definitive Map Officer

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**Appendices:**

- Appendix 1 - Order and Order Plan
- Appendix 2 - Objections to the order
- Appendix 3 – Tree and Woodland Officers Technical Note

**PUBLIC PATH DIVERSION  
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
HIGHWAYS ACT 1980 – SECTION 119  
WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53A (2)**

**THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH Nos. 5, 6 AND 8C AND  
PARISH OF LITTLE BEDWYN PATH NO.20 DIVERSION AND DEFINITIVE MAP AND  
STATEMENT MODIFICATION ORDER 2024**

This order is made by Wiltshire Council (“the authority”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that in the interests of the owner of the land crossed by the public rights of way described in paragraph 1 of this order it is expedient that the lines of the paths should be diverted.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the Marlborough and Ramsbury Rural District Council Area Definitive Map and Statement dated 1952 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

Ramsbury and Little Bedwyn Parish Councils have been consulted as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW and shown by bold continuous lines on the two plans contained in this order and described in Part 1 of the Schedule to this order shall be stopped up on such date as the authority certifies that the work bringing the new site of the paths into a fit condition for use by the public has been carried out and thereupon the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 shall be modified by deleting from it those public rights of way.
2. There shall at the end of 56 days from the date of confirmation of this order be public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW, in the parishes of Ramsbury and Little Bedwyn as described in Part 2 of the Schedule and shown by a bold broken lines on the plans contained in this order, and thereupon the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 shall be modified by adding those public right of way to it.
3. The Marlborough and Ramsbury Rural District Council Area Definitive Statement dated 1952 shall be modified as described in Part 3 of the Schedule to this order.
4. Where immediately before the date on which the public rights of way are diverted there is apparatus under, in, on, over, along or across them belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL OF  
THE WILTSHIRE COUNCIL  
was hereunto affixed this  
19th January 2024  
in the presence of:

}  
}  
}  
}

  
Authorised Signatory  
Wiltshire Council



20477

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That entire width and length of that public right of way shown leading, from point A on the attached plan 1 at OS Grid Reference SU 25971 69301, in a north westerly direction for approximately 625 metres to point B at OS Grid Reference SU 25556 69768 then north easterly for approximately 260 metres to point C at SU 25698 70004 ,known as Ramsbury path no. 6.

Also, the entire width and length of that public right of way shown leading ,from point B on the attached plan 1 at OS Grid Reference SU 25556 69768, in a broadly north westerly direction for approximately 210 metres to point E at OS Grid Reference SU 25373 69870, known as Ramsbury path no. 8C.

Also, the entire width and length of that public right of way shown leading, from point F on the attached plan 2 at OS Grid Reference SU 24823 68283, in a westerly and west by north direction for approximately 210 metres to point G at OS Grid reference SU 24622 68327 then leading in a broadly north north easterly direction for approximately 180 metres to point H at OS Grid Reference SU 24688 68492, known as paths Little Bedwyn 20 and Ramsbury 5.

### PART 2

#### DESCRIPTION OF SITE OF NEW PATH OR WAY

That length of public bridleway leading from point A on the attached plan 1, at OS Grid Reference SU 25971 69301, leading in a broadly north easterly , then northerly and then broadly westerly direction for a total of approximately 1075 metres to point D at OS Grid Reference SU 25734 70066, having a width of 4 metres.

Also, that length of public footpath leading from point E on the attached plan 1 at OS Grid Reference SU 25373 69870, leading in a broadly north easterly direction for approximately 340 metres to point C at OS Grid reference SU 25698 70004, having a width of 2 metres.

Also, that length of public footpath leading from point F on the attached plan 2 at OS Grid Reference SU 24823 68283, leading in a broadly north westerly direction for approximately 250 metres to point H at OS Grid Reference SU 24688 68492, having a width of 2 metres.

### PART 3

#### MODIFICATION OF DEFINITIVE STATEMENT

##### Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Little Bedwyn	20	<p><u>FOOTPATH.</u> From the southern end of Ramsbury Path No.5 leading south to the London- Bath trunk road, A.4, opposite Voronzoff Gate.</p> <p>Approximate length 510 metres.</p> <p>Width 2 metres from SU 24823 68283 and SU 24819 68289</p>	53(3)(a)(i)
Ramsbury	5	<p><u>FOOTPATH.</u> Northern section known as Raggs Hatches. From its junction with the Marlborough Road C.6 at the Gravel Pit, leading east for approximately 350m and then heading in a generally southerly direction, across a bridge, for approximately 50m, before leading east for approximately 5m and south-south-east for approximately 100m, then leading south, crossing a bridge, for approximately 160m, continuing east for approximately 160m, then east-north-east for approximately 160m, before following a line north-east to its junction with Bridleways 48 and 54, where the path forks i) leading north-west for approximately 20m to join the track south of Axford Farm and ii) leading south-east for approximately 30m, then south-west for approximately 640m and then generally south-south-west and then south east to the parish boundary.</p> <p>Approximate length 3.2 km</p> <p>Width 1.8 m</p> <p>Width 2 metres between SU 24819 68289 and SU 24688 68492.</p>	53(3)(a)(i)  Part subject to ploughing.

**PART 3 (Continued)**

**MODIFICATION OF DEFINITIVE STATEMENT**

Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Ramsbury (Continued)	5	<p><b>Limitations and conditions</b></p> <p>Kissing gate to BS5709 standard at SU 24809 68310</p>	53(3)(a)(i)
Ramsbury	6	<p><b>FOOTPATH.</b> From path No.48, south-west of Park Town leading south west to the junction With path No.7. Approximate length 500m. Width 1.5m.</p> <p><b>BRIDLEWAY.</b> From the junction with path No.7 Near Manor Cottage and continuing south west through The Plantation to SU 25734 70066 then leading east south easterly , then broadly south, and south south westerly along the track to SU 25971 69301. The path then leads in broadly south easterly direction to the parish boundary and its junction with the northern end of road U/C 5091 and path 6A. Approximate length 2.3 km Width 1.5m Width 4 metres between SU 25971 69301 and SU 25734 70066.</p> <p><b>Limitations and conditions</b></p> <p>Lockable vehicle restricting bollards at SU 25971 69301 , SU 26078 69879 and 25734 70066 at minimum 1.5m spacing.</p>	53(3)(a)(i)

## PART 3 (Continued)

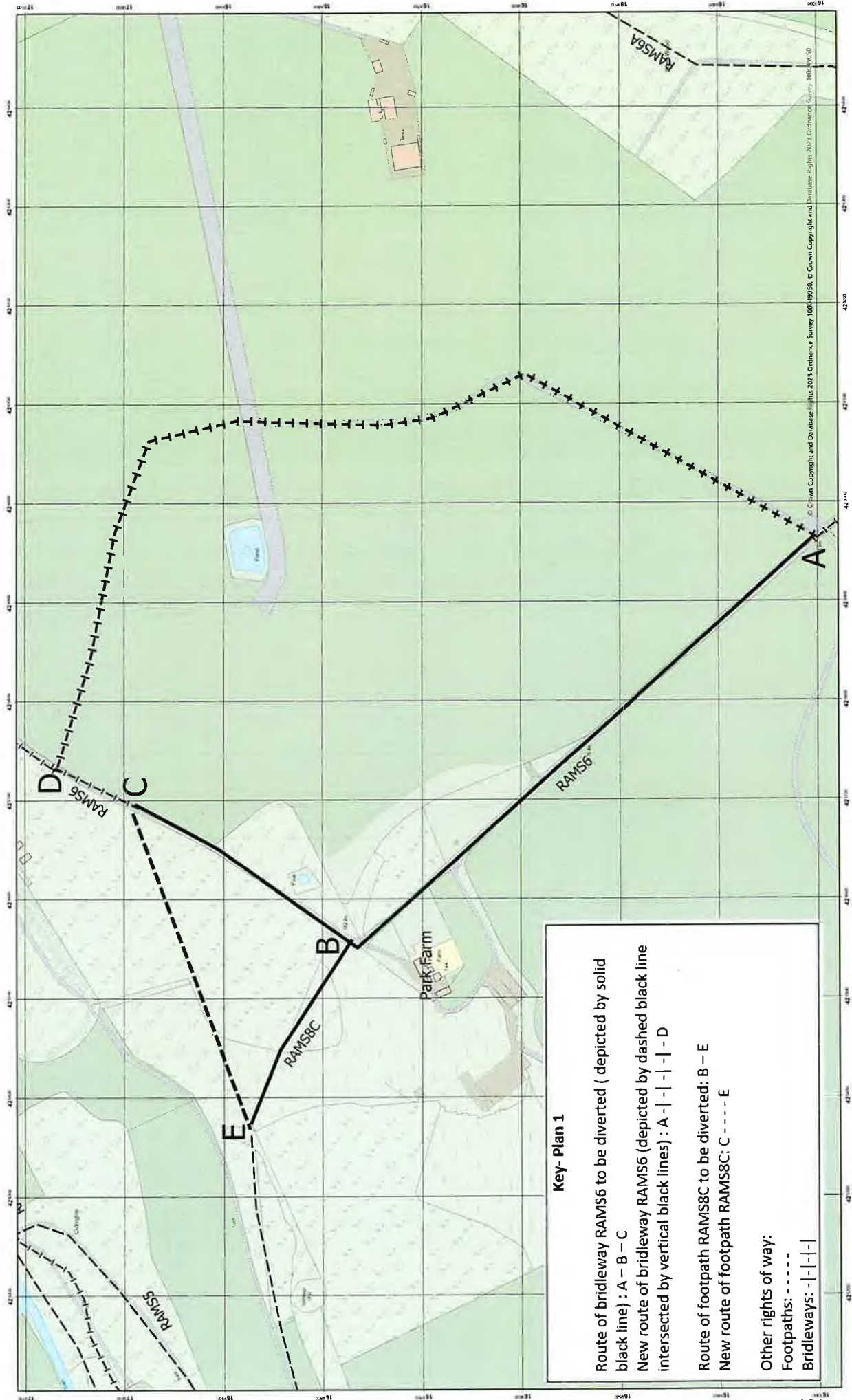
### MODIFICATION OF DEFINITIVE STATEMENT

#### Variation of particulars of path or way

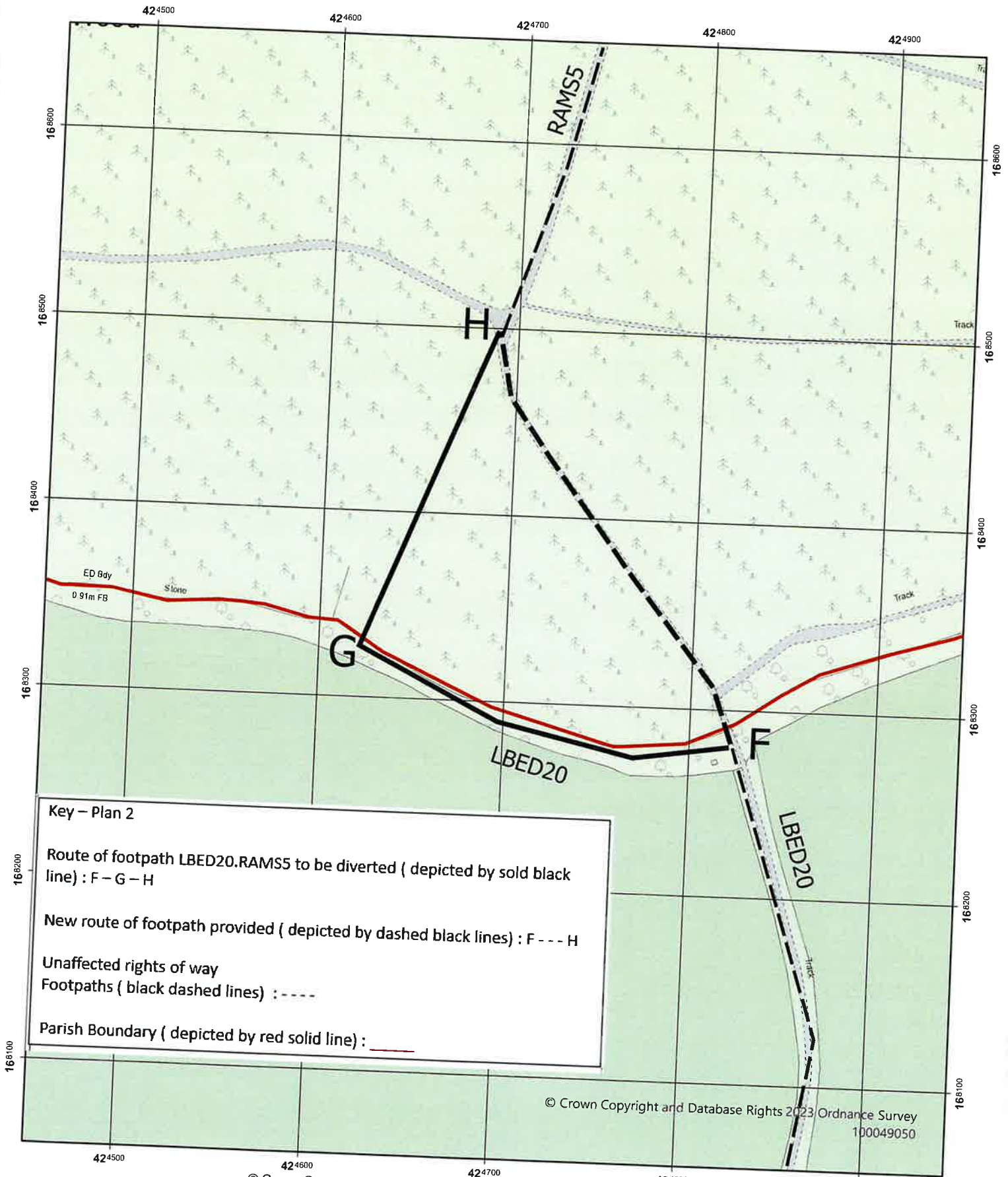
<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Ramsbury	8C	<u>FOOTPATH.</u> From the junction of path Nos. 8B and 54 leading east along the northern side of Sky Close then south east , crossing path no.5 , and then east by north to its junction with path no.6. Approximate length 1025 metres Width 1.2 metres. Width 2 metres between SU 25374 69871 and SU 25698 70004	53(3)(a)(i)

#### **Limitations and Conditions**

Kissing gate to BS5709 standard at SU 25698 70004



The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No. 20  
 Diversion and Definitive Map and Statement Modification Order 2024- Plan 2



**Key – Plan 2**

Route of footpath LBED20.RAMS5 to be diverted ( depicted by solid black line) : F – G – H

New route of footpath provided ( depicted by dashed black lines) : F – - - H

Unaffected rights of way  
 Footpaths ( black dashed lines) : - - - -

Parish Boundary ( depicted by red solid line) : \_\_\_\_\_

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**From:** David Sheppard [REDACTED]  
**Sent:** 11 January 2024 18:58  
**To:** Harlow, Craig  
**Subject:** Objections

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We would like to express our objection to the footpaths (rams5, Rams8c, little Bedwyn 20 & bridleway Ramsbury No6 being relocated.

The footpaths and bridleways has been here for many years and we feel strongly that these ancient rights of way should not be relocated for personal gain but continue to be used and enjoyed by the public.

Several areas, which the public have walked for many years are now 'no go' areas. In some cases these paths have been walked by us for over fifty years.

Major Fisher, the previous owner always said the locals could walk anywhere in 'Axford and the surrounding countryside as long as they did not do any damage. Now all our walking areas are shrinking fast.

In the past other footpaths have been relocated by Ramsbury Estates and as these have fallen apart over the years they have not been repaired and are quite dangerous in places, with weakened wood, holes in bridges and extreme sloping of wooden walkways.

Kind regards

David and Carolyn Sheppard

Sent from David Sheppard

Sent from David Sheppard

**From:** [Harlow, Craig](#)  
**Sent:** 05 February 2024 13:03  
**To:** [Harlow, Craig](#)

---

Dear Craig

Thank you for your email dated 11 January.

Ramblers objects to this order on the grounds that it will add a distance of over 650 metres to the route of a walker using footpath RAMS8C and wishing to continue south on bridleway RAMS6 (or the same route in the opposite direction), which does not meet the requirement set out in s.119(6) Highways Act 1980 that the path or way must not be substantially less convenient to the public in consequence of the diversion.

We made the same objection at the informal consultation stage and we have noted the comments you have made in response in your Decision Report. While we agree that the southern end of RAMS6 does not connect well with the rest of the network we do not agree that the “not substantially less convenient” test should be assessed in the context of an assumed total walking distance which will inevitably vary between users. s.119(6) clearly states that the test applies to “the path or way” which is being diverted.

We do not believe that the 2023 “presumption” guidance applies to this case. RAMS6 does not pass through a farmyard or garden and is not within the curtilage of any individual property.


In your Decision Report you also refer to the Planning Inspectorate’s Advice Note 9 which states that the “not substantially less convenient” test is a gateway test. We are therefore not commenting at this stage on the extent to which the diversion meets the other tests but we reserve the right to make further representations if and when the case is referred to the Secretary of State for decision.

We do not object to the diversion of RAMS5/LBED20.

Without prejudice to any of the foregoing would you please let me know if Ramblers is the only objector to this order.

Best wishes

Peter Gallagher  
Footpaths and Walking Environment Officer  
Swindon and North East Wiltshire Group  
The Ramblers



*The Ramblers' Association is a company limited by guarantee, registered in England and Wales. Company registration number: 4458492. Registered Charity in England and Wales number: 1093577, registered charity in Scotland, number: SC039799. Registered office: First Floor, 10 Queen Street Place, London EC4R 1BE.*

## THE RAMSBURY MANOR FOUNDATION

Ramsbury Manor  
Ramsbury  
Marlborough  
Wiltshire SN8 [REDACTED]  
Telephone [REDACTED]

Wednesday 14<sup>th</sup> February

Dear Mr Harlow

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER - THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH 5,6, AND 8C AND PARISH OF LITTLE BEDWYN NO20 DIVERSION ORDER

**With reference to the above order made by Wiltshire Council under section 119 of the Highways Act 1980 and Section 53 A(2) of the Wildlife and Countryside Act 1981**

I lodged an objection on behalf of The Ramsbury Manor Foundation on 13<sup>th</sup> October 2022 to the original proposals to divert the paths referred to above. My clients reiterate their OBJECTIONS to the amended proposed modifications as set out in the above modification order.

As owners of the full Sporting Rights over the land covered by the Modification Order dated 10<sup>th</sup> January 2024 with the exception of Path Number 20 in the Parish of Little Bedwyn the Foundation wish to OBJECT to the Order as follows:

1. The length of Bridleway leading from Point A on the plan attached to the Order to Point D will allow access to an area that forms an important part of the Sporting Rights previously undisturbed by walkers and riders. The present bridleway route ensures the users remain on the hard surfaced drive to Park Farm House and buildings B-C-D. This route has been long established, and it ensures the minimum of disturbance to Ground nesting birds and any wild game that lives and breeds in this area of the Estate. The routing proposed by the modification order is only to ensure the private and personal users of the New House and Park Farm House have the least disturbance. The Sporting Rights have been long held by the Ramsbury Manor Estate and the owners of the Freehold Property were fully aware of their existence when they purchased the property indeed, they clearly stated in their planning application that they would not be looking to amend any current rights of way. The order if confirmed will clearly diminish the enjoying and operation of those Sporting Rights.
2. The users of this proposed bridleway will find the additional length over and above the present Route A-D unnecessary and will quite reasonably question what benefit there is to anyone other than the new owners of the built property at Park Farm.

3. The installation of bollards on the bridleway is totally unacceptable to the Ramsbury Manor Estate as it restricts the free movement of the Estate owners and staff going about their legal business of exercising the Sporting Rights.
4. The Public Footpath from point B to E if modified as proposed will remove the walkers ability to appreciate on their arrival at the existing stile the views and sloping land form lying to the north. As the proposed diversion takes the walker to point C the route adjoins the southern boundary of the Ramsbury Manor Estate and the mature tree that overhang the new path. This passes the potential safety of the walkers to the Ramsbury Manor Estate to maintain these trees to reduce the liability of a claim in the event of accident caused by falling trees. Therefore, it is a reduction in any liability to the new owners at Park farm whilst diverting lawful walkers from the present routing of the footpath.
5. The Ramsbury Manor Estate request that the Modification Order is not confirmed as drafted.

**Please acknowledge receipt of this letter.**

**Yours Sincerely**

**Bill Hughes**

**WF Hughes FRICS FAAV  
Consultant**

**William Hughes**



## Harlow, Craig

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**From:** Jessica Lawrence [REDACTED]  
**Sent:** 16 February 2024 14:52  
**To:** Harlow, Craig  
**Subject:** Re: The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion Order  
**Attachments:** image002.png  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from [REDACTED]. [Learn why this is important](#)

### New House at Park Farm Ramsbury

I am led to believe, as part of the proposed development of Park House on Park Farm Ramsbury that a bridleway and some foot paths will be re-routed. I assume that any application would have to be reviewed by the Parish and Wiltshire Council.

I am a lifelong resident of Ramsbury I know the area very well.

It is a great shame that proposed new house and grounds will mean that an important area of our countryside will be adversely affected as can be seen by the work carried out so far.

The bridleways and foot paths around Ramsbury Manor and Park Farm go back into history and have been, and are used and enjoyed by many local residents and visitors.

Therefore, I would like to object to any diversion of bridleways and foot paths.

Steven Little

On Thu, 11 Jan 2024, 14:50 Harlow, Craig, <[Craig.Harlow@wiltshire.gov.uk](mailto:Craig.Harlow@wiltshire.gov.uk)> wrote:

Dear All

**The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024.**

Wiltshire Council has made the above-named order on 10<sup>th</sup> January 2024, please see attached a copy of the order, plans and notice of the order.

I would be pleased to receive any objections or representations to the order in writing addressed to Craig Harlow, Definitive Map and Highway Records, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN or via email at [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk). Any responses should be received by 17:00 on 16<sup>th</sup> February 2024 , please see the attached notice.

Any responses to the order will be available for public inspection in full.

Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>.

Best Regards

Craig

**Craig Harlow MIPROW**

**Definitive Map Officer**

Definitive Map and Highway Records

Wiltshire Council

County Hall

Trowbridge

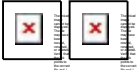
BA14 8JN



Direct Line: 01249 468568

Email: [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk)

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)



[Sign up](#) to Wiltshire Council's email news service

Information relating to how Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

Report a problem <https://my.wiltshire.gov.uk/>

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**Wednesday 3<sup>rd</sup> April 2024**

**Arboricultural Technical Note for:**

Site Reference: Footpath Diversion, Park Farm, Ramsbury Estate, Ramsbury, SN8 2HW

<https://maps.app.goo.gl/TQrTZden6QGBZWe47>

<http://streetmap.co.uk/map?X=425625&Y=169989&A=Y&Z=120>

Site Address: As above.

Wiltshire Council (WC) contact:

**Craig Harlow MIPROW**

**Definitive Map Officer**

Definitive Map and Highway Records

Wiltshire Council

County Hall

Trowbridge

BA14 8JN

Direct Line: 01249 468568

Email: [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk)

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

Compiled by: Jonathon Price (WC) – Arboricultural Officer Trees and Woodlands

Date: 3rd April 2024

Reason for Technical Note: Footpath diversion by applicant will bring proposed route closer to area of third party owned off site trees, therefore increasing target value (where target is defined as people, property or infrastructure which could be damaged/harmed by falling trees or tree parts)



Extract 1: View of proposed diversion. Highlighted Yellow. Applicant land south of line, 3<sup>rd</sup> part owned trees and land, north of line.

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The route currently runs parallel to a hedgerow and off site trees to the west north west then bisects the hedgerow and runs south east through rough pasture to meet with the wider network. The applicant is

looking to realign the footpath, from where it currently bisects the existing hedgerow, to run parallel still within their land, from west to east, to 'dog leg' therefore by-passing the rough pasture and reucing the nodal connection.

The proposed parallel stretch would bring the Row alongside an existing rough hedgerow and close to off-site mature trees. The existing off site tree belt is predominantly scattered oak and ash; with ash exhibiting Class 2 to 3 symptoms of Ash Die Back disease<sup>1</sup> and the oak exhibiting signs of minor to moderate decline, or accelerated senescence likely due to exposure and waterlogging. Together they contribute greatly as habitat and amenity features and have a moderate to high intrinsic value.

While a detailed risk assessment has not been carried out at this time, being beyond the surveyor's remit; it is assessed that should an industry accepted risk assessment using the Quantified Tree Risk Assessment (QTRA<sup>2</sup>) be carried out, it is unlikely that the diversion would result in a significantly elevated acceptable risk tolerance score. As discussed with the applicant's representative, they intend to carry out remedial pruning to their boundary (for which they have common law rights to do, provided arisings are offered back to the tree owner and other statutory protections notwithstanding) in addition they intend, in discussions with their own estate ecologist, to carry out augmentative planting within the rough pasture, of oak and other species to be advised using tools such as the Tree Design Action Group's Species Selector for GI: [Tree Species Selection for Green Infrastructure - Trees and Design Action Group \(tdag.org.uk\)](#).

In summary while the Duty of Care holder (the tree owners) will see an increase in footfall within the target zone of these trees, if the user numbers equate to usual rural footpath metrics, it is unlikely this increase, in addition to remedial works, will be significant. However it is recommended advice is sought by a qualified arboricultural professional to quantify this risk. All tree works must take in to account current wildlife legislation and follow the recommendations of the document British Standard BS3998 – 2010 Tree work - Recommendations.



Plate 1: View north east, cut sward indicates line of prosed new diversion. Off site trees (ash, oak) visible centre.

<sup>1</sup> [Ash Dieback Disease: A Guide for Tree Owners - The Tree Council](#)

<sup>2</sup> [Quantified Tree Risk Assessment \(qtra.co.uk\)](#)



Plate 3: As for Plate 1.



Plate 4: As for Plates 1 and 2, looking from east to west.

Yr eiddoch yn gywir, a diolch.

**Jonathon Price**

*BA (Hons) TechCert (ArborA) M (ArborA)*  
*VALID QTRA*

**Tree and Woodland Officer (North and East)**

Rights of Way and Countryside

Highways and Transport

Wiltshire Council

Bath Road Industrial Estate

Chippenham

SN14 0AB

Tel: 07542 666016

Email [jonathon.price@wiltshire.gov.uk](mailto:jonathon.price@wiltshire.gov.uk)

**Wiltshire Council**

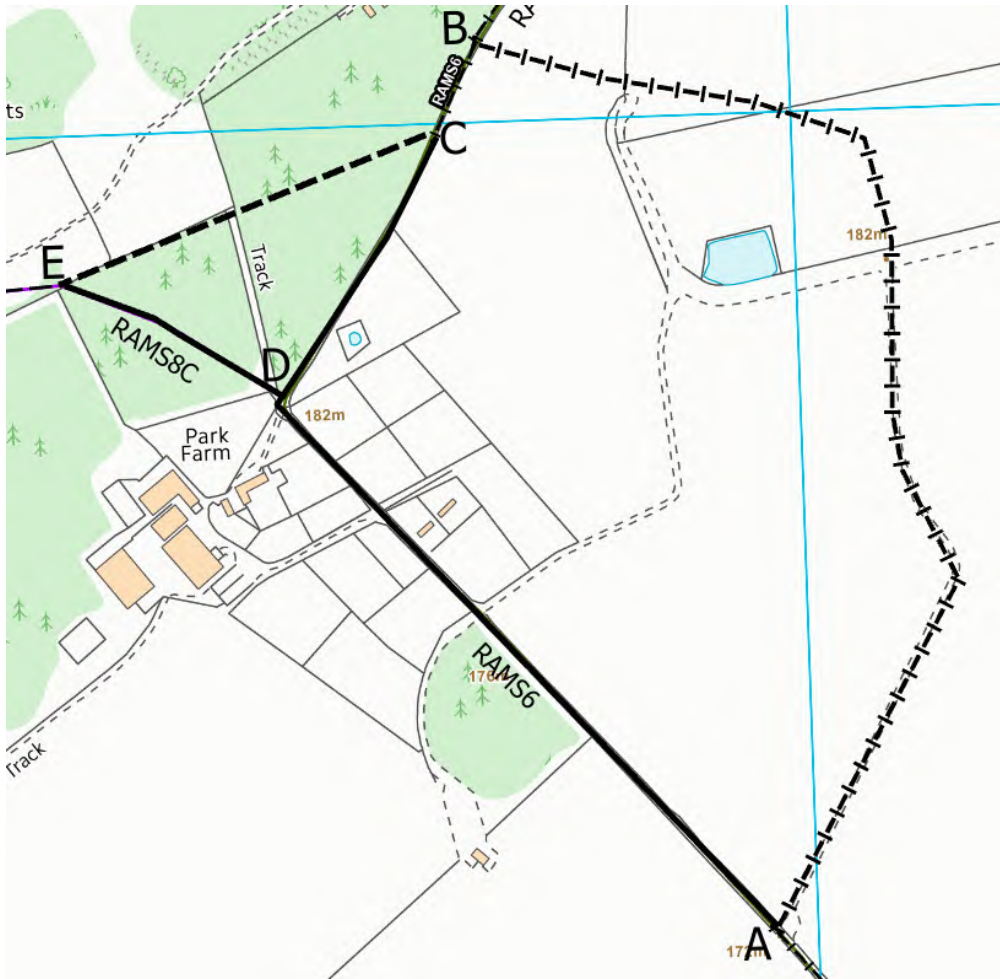
The logo for Wiltshire Council, featuring the text "Wiltshire Council" in a bold, green, sans-serif font. Below the text is a stylized green graphic consisting of two curved lines that sweep upwards and outwards, resembling a horizon or a stylized landscape element.

# **Eastern Area Planning Committee**

**13<sup>th</sup> June 2024**

**The Wiltshire Council Parish of  
Ramsbury Path Nos.5,6 and 8C  
and Parish of Little Bedwyn  
Path No.20 Diversion and  
Definitive Map and Statement  
Modification Order 2024**

# Order Plan 1



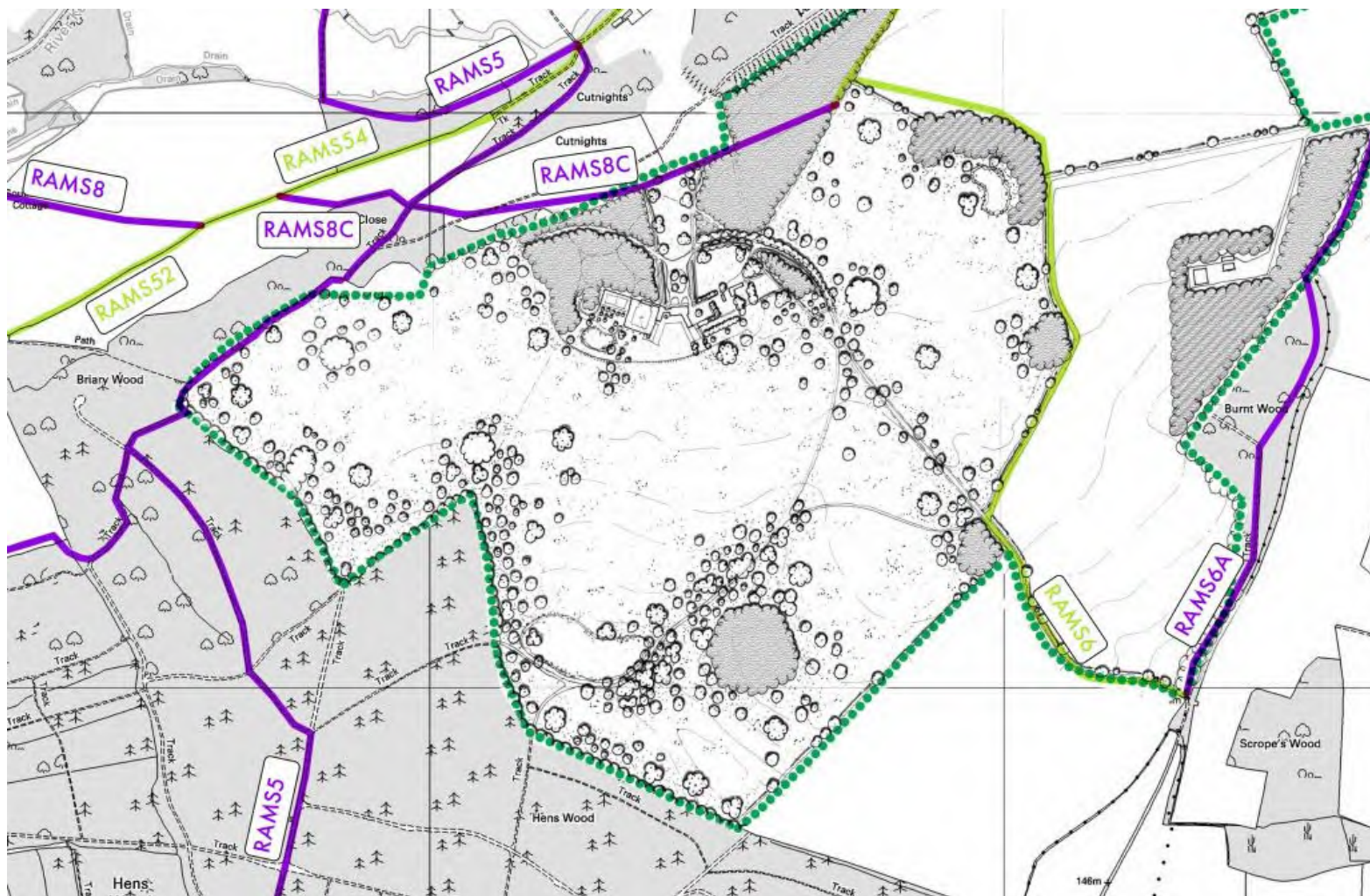
## Key- Plan 1

Route of bridleway RAMS6 to be diverted ( depicted by solid black line) : A – B – C  
New route of bridleway RAMS6 (depicted by dashed black line intersected by vertical black lines) : A - | - | - | - | - D

Route of footpath RAMS8C to be diverted: B – E  
New route of footpath RAMS8C: C - - - - E

Other rights of way:  
Footpaths: - - - - -  
Bridleways: - | - | - | - |

# Proposed layout



# Current route of bridleway ( August 2022)



# Current route of bridleway ( August 2022)



## Proposed route of bridleway (August 2022)



# Proposed route of bridleway (August 2022)



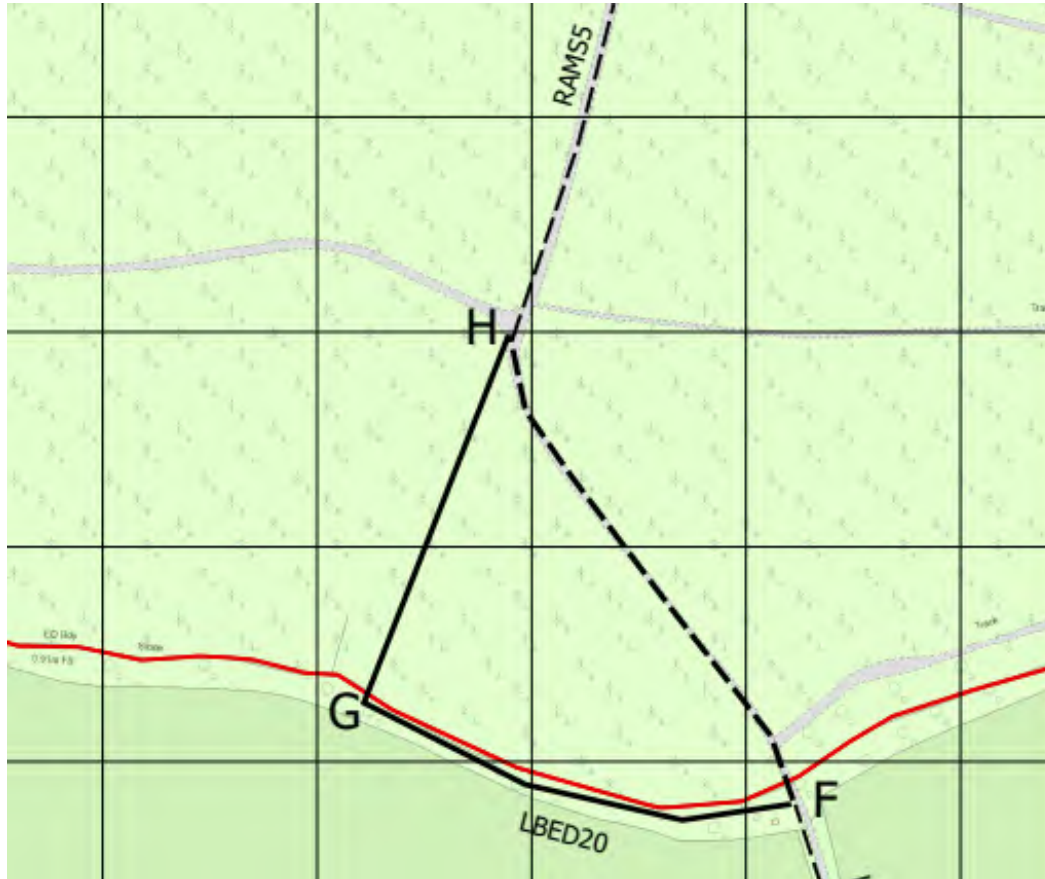
## Current route of footpath 8C ( February 2024)



# Proposed route of footpath 8C (February 2024)



# Order Plan 2



Key – Plan 2

Route of footpath LBED20.RAMSS to be diverted ( depicted by solid black line) : F – G – H

New route of footpath provided ( depicted by dashed black lines) : F – - - H

Unaffected rights of way  
Footpaths ( black dashed lines) : - - - -

Parish Boundary ( depicted by red solid line) : \_\_\_\_\_

# Current route of footpath LBED 20 and RAMS5 ( August 2022)



# Proposed route of footpath RAMS5 ( August 2022)



# The Application

- Made on 5<sup>th</sup> August 2022
- By Ramsbury SARL c/o Ramsbury Estate.
- Land in the ownership of Ramsbury SARL and Mr Carl Stefan Erling Persson

## **Reasons for application**

- Managing parkland and reducing potential conflict between the public and livestock.
- Reduce conflict between users and vehicle movements
- Increase security and privacy for the new residential development

## Process so far

- Initial consultation undertaken on proposal
- 23 responses ( 16 objections) , to initial consultation.
- Order made on 10<sup>th</sup> January 2024
- 4 objections received in the statutory consultation period. ( The Ramblers, Ramsbury Manor Foundation, David and Carolyn Sheppard and Mr Steven Little.
- Order to be considered by Eastern Area Planning committee

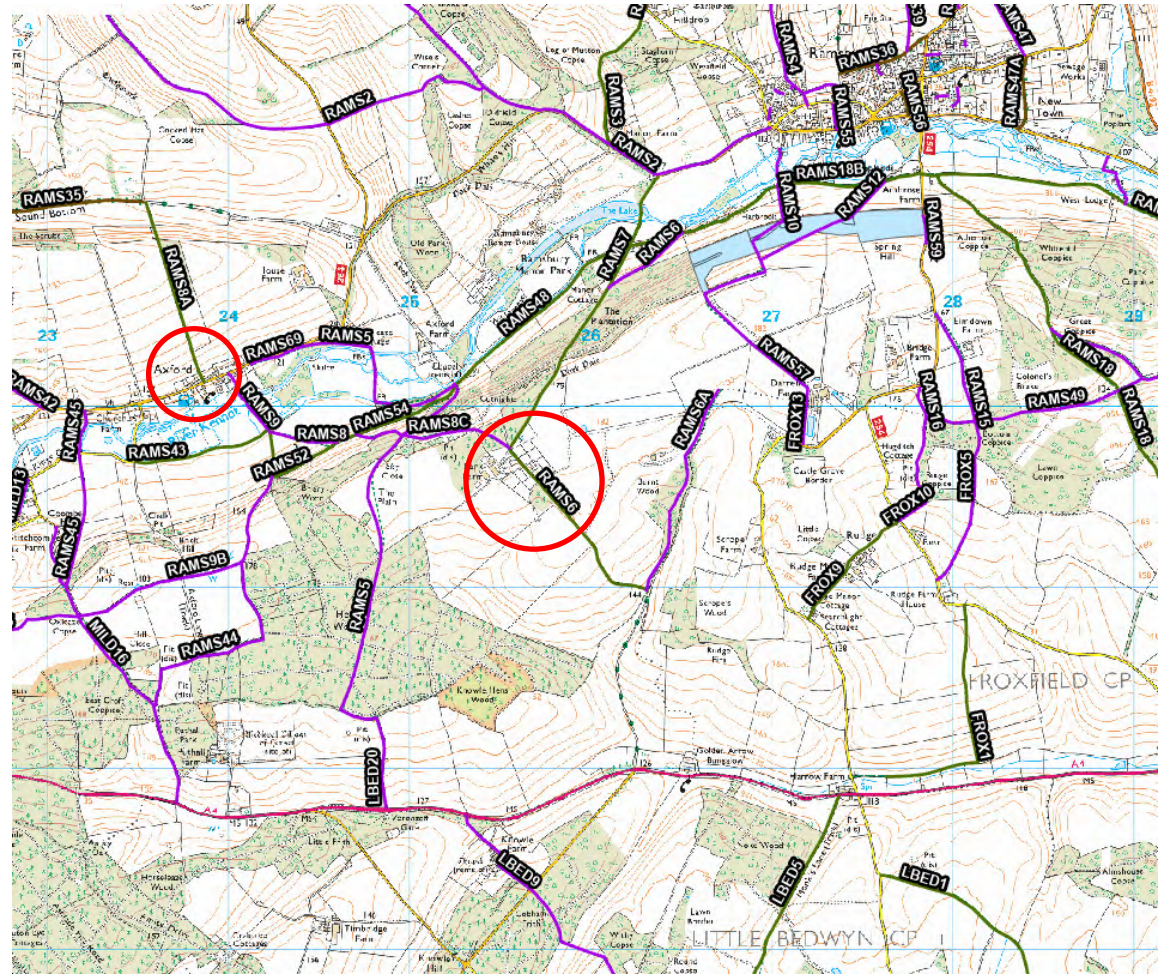
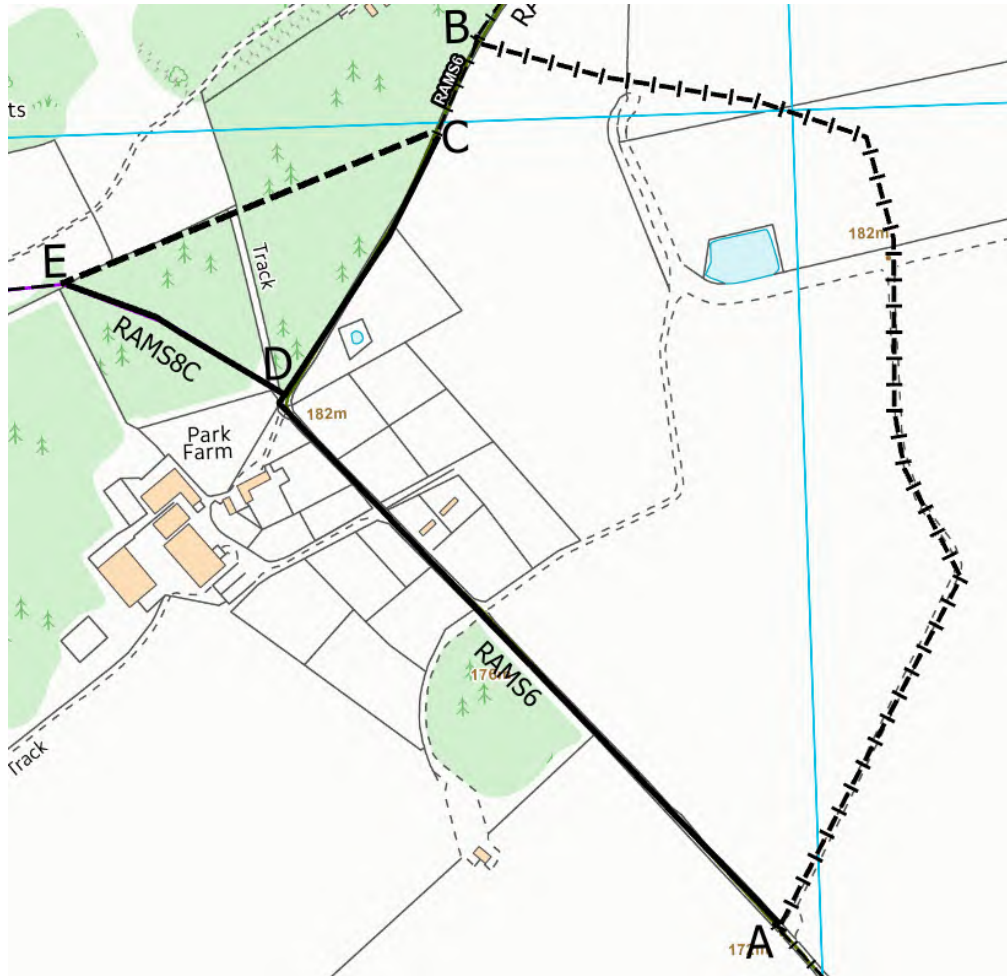
# S.119 Highways Act 1980 – The tests to make an order to divert

- S.119 (1) - Is it expedient that the line of the path should be diverted in the interests of the landowner (or occupier or lessee)? OR  
Is it expedient that the line of the path should be diverted in the interests of the public?
- S.119 (2) - Where termination points are altered, are the new termination points
  - i) connected to another highway
  - ii) substantially as convenient to the public

## **S.119 Highways Act 1980 – The tests to confirm an order to divert**

- 119(6)The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—
  - (a)the diversion would have on public enjoyment of the path or way as a whole,
  - (b)the coming into operation of the order would have as respects other land served by the existing public right of way, and
  - (c)any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it

# Plan 1- s.119(6)



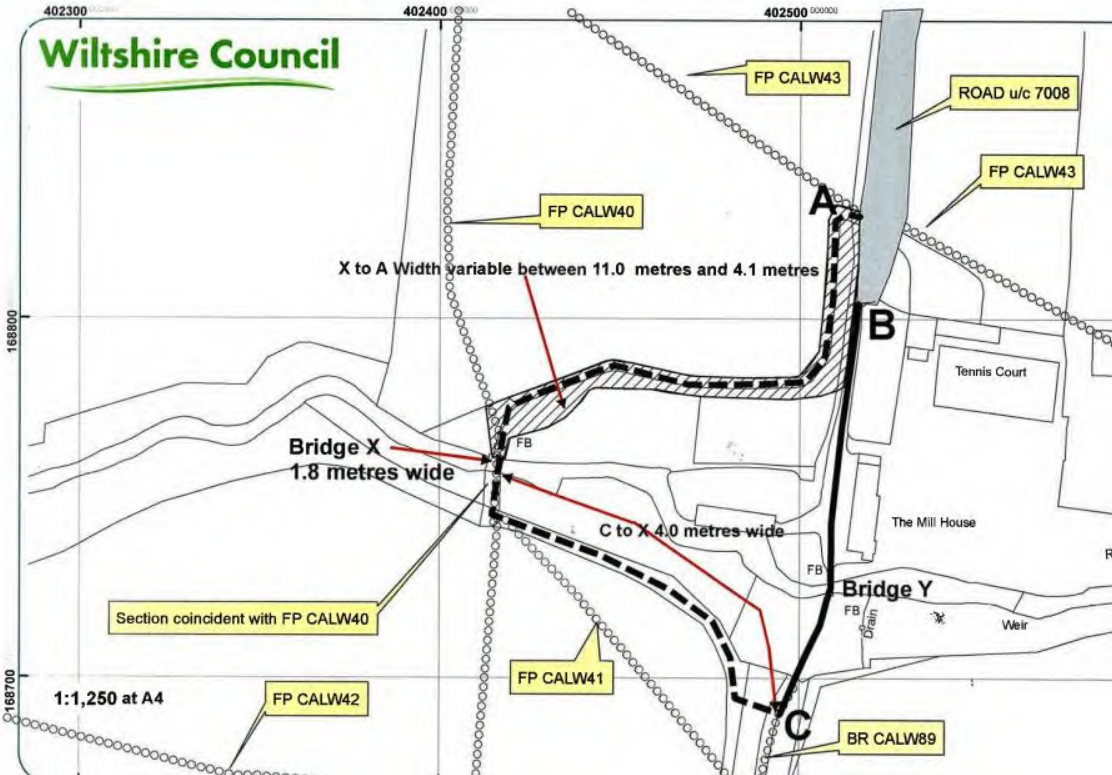
# Calne Without order

CALW 89, 89A and 89B Order Plan

bridleway to be extinguished B — Y — C

bridleway to be created A - - - X - - - C

Unaffected rights of way shown by continuous circles



## Late submission from BHS

- The surface will in part be concrete
- The entire surface of the diversion route is proposed to be hard
- The width of the bridleway is significantly less than the existing route
- The diversion of RAMS6 will bring horses and riders into contact with shooting
- Opportunity to create linking bridleway routes

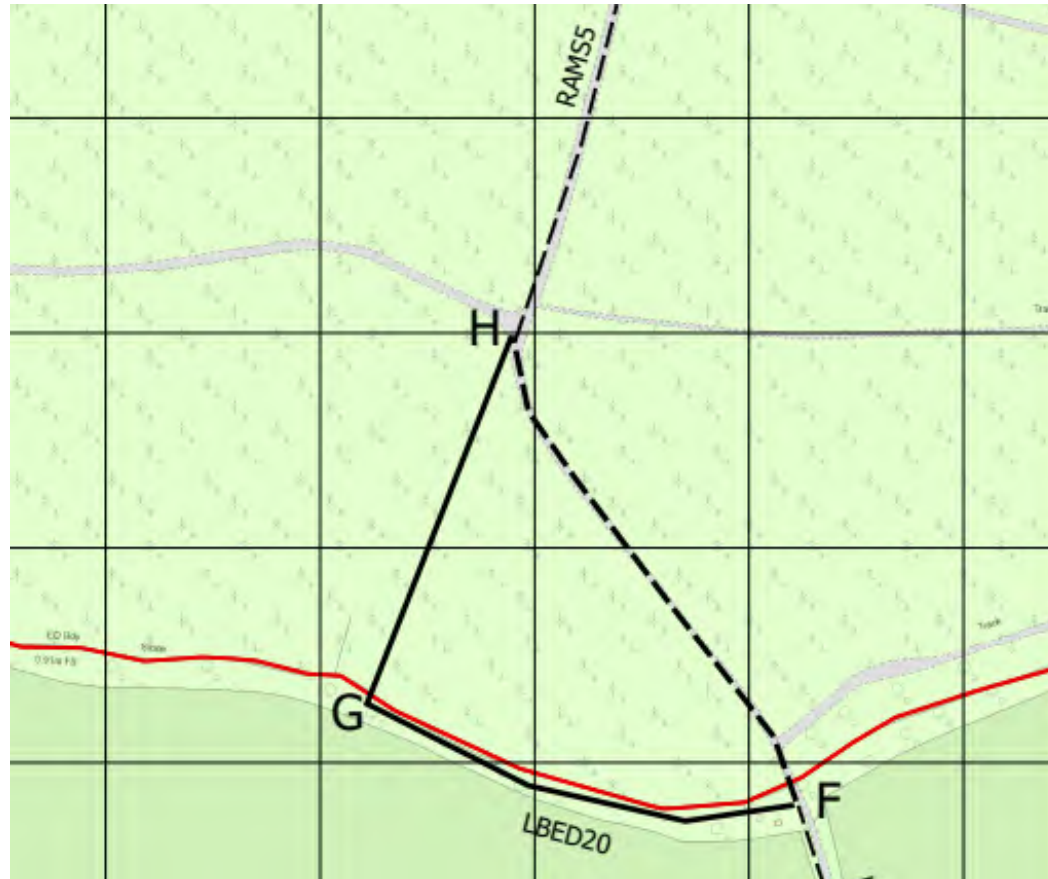
# Comparison of routes



## Views north approaching point E



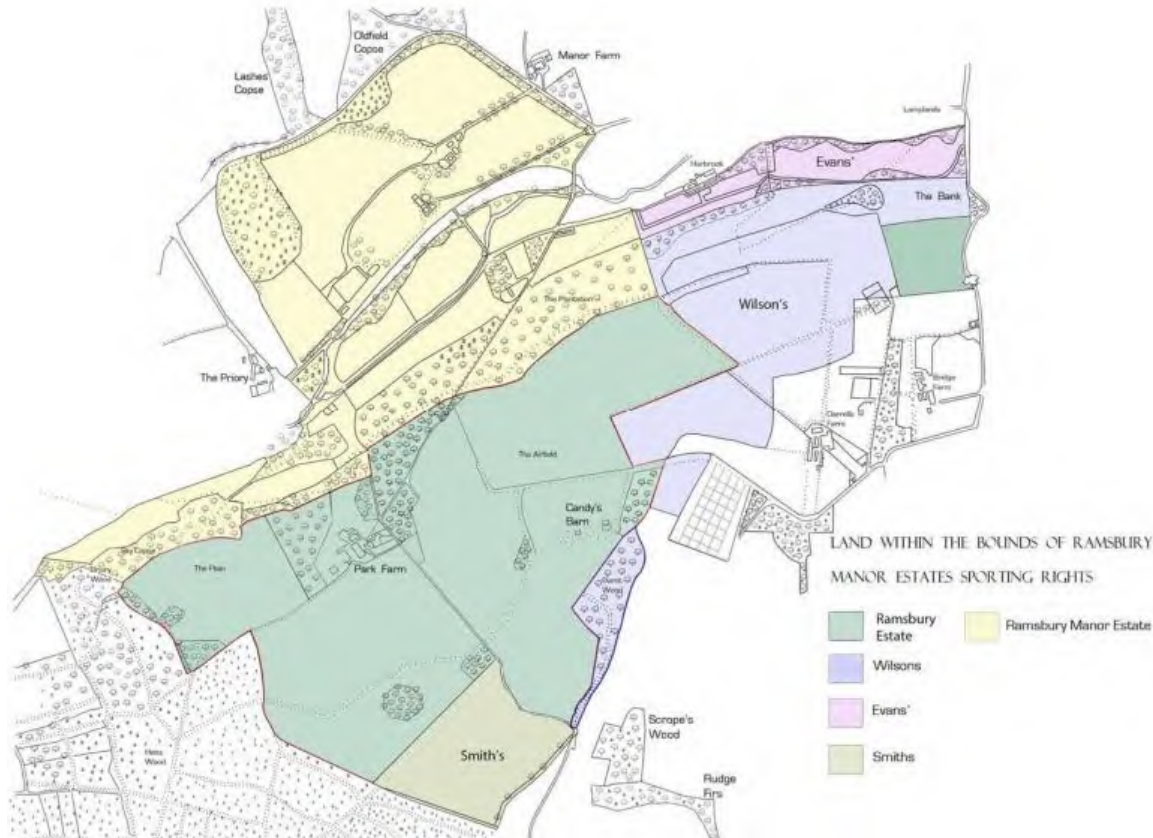
# Plan 2 s.119(6)



## Other 119 considerations

- (b)the coming into operation of the order would have as respects other land served by the existing public right of way, and
- (c)any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

# S.119(6)(b) (c)- sporting rights and s.28 (s.121) compensation



- S.28 of Highways act 1980 – permits compensation to be claimed for the effect creation orders, 28(5) specifically mentions sporting rights
- S.121 of Highways Act 1980- applies s.28 to diversion orders.

# Overhanging Trees on footpath 8C



# Other matters

- Consideration of the Rights of Way Improvement Plan
- Regard to the needs of agriculture, forestry, and conservation of biodiversity
- Other matters raised in Objection

# Summary

- The order meets the relevant tests of section 119. It is not **substantially** less convenient to users.
- Enjoyment of the route is not negatively affected.
- It meets the considerations of the improvement plan and the needs of agriculture, forestry and biodiversity
- It is capable of confirmation by the Secretary of State.
- Compensation may be claimed by parties following confirmation.

## **Officer Proposal**

**That the Wiltshire Council Parish of Ramsbury Path Nos. 5,6 and 8c and Parish of Little Bedwyn Path No.20 Definitive Map and Statement Modification Order 2024 be forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.**

**Ramsbury Paths 5, 6 and 8C and Little Bedwyn Path 20 Diversion and Definitive Map Statement Modification Order 2024**

These comments are by Alan Woodford on behalf of the British Horse Society (BHS) Wiltshire Access Team.

BHS Wiltshire OBJECT to the order and request that it is revoked and abandoned.

The proposed diversionary route for bridleway RAMS6 is substantially less convenient for horse riders under Section 119 of the Highways Act 1980 for the following reasons:

**a) The surface of the bridleway will in part be concrete.**

Concrete is totally unsuitable for a bridleway and substantially worse than the existing bridleway surface. It is unsuitable because of i) its potential for being dangerously slippery in adverse weather conditions or if a horse should spook ; ii) its unforgiving nature if a horse or rider should fall on it, and iii) its concussive effect on horses' hooves.

The Countryside Access Officer, commenting on the original application stated that the bridleway should have an "appropriate hard surface". Concrete is not appropriate – indeed, there are no hard surfaces that are less so.

Our original comment on the proposed surface has not been taken into account. We were under the impression Ramsbury Estates were amenable to having at least a partly grass surface and that the unsuitability of concrete was understood. As the report to this committee states, we did not object at that stage because we thought WCC ROW understood and were taking account of our comments on surface.

Clearly the currently proposed surface does not “fulfil the reasonable expectations of all stakeholders” (Decision Report, section 10).

**Officer response :**

**Definitive map officers are guided on the matter of surface suitability by Stephen Leonard, countryside access officer for the area who is responsible for the maintenance and enforcement of the public rights of way in North Wiltshire including the parishes of Ramsbury and Little Bedwyn. He has stated in response to this late submission that “The concrete on the proposed section of bridleway is not smooth, it has been in place for many years and has a grooved, gritted appearance offering friction and grip, in addition to this there is little to no gradient reducing the risk of slippage. The access to this bridleway from the south is via the A4 and a u/c road and the existing route is also a rough tarmac surface which is certainly not substantially less convenient to users in comparison to the proposed route. Therefore, in these circumstances I am happy to approve the current surface in place for the new bridleway route.”**

**b) The entire surface of the diversion route is proposed to be hard**

About half of the available width of the southern section of RAMS6 is grass

We consider that, as the only beneficiary of the proposed diversion is Ramsbury Estates, they should be responsible for delivering something better for users, both re surface and in outcome (see 'note' below).

**Officer response :**

**The current route is recorded along the tarmac surface , the grass verge may be used but is not the recorded route of the bridleway. The hard surface benefits walkers and cyclists who have a right to use the bridleway in addition to horse riders, offering a dry route which is supported by other users and the access officer for the area.**

**c) The width of the bridleway is significantly less than the existing route**

Although the definitive width of RAMS6 is 1.5 metres the existing bridleway south and east of the farm has a useable width of c10 metres and north of the farm, about 6 metres.

**Officer response :**

**The definitive width for RAMS6 is only 1.5 metres wide, this is the width that is protected by the definitive statement for use by the public, a wider width may be used but it is not recorded, and no application has been made to record a wider width over this route. The proposed route will record 4 metres which is the recommended width for a new bridleway in Wiltshire Councils policy.**

**d) The diversion of RAMS6 will bring horses and riders into contact with shooting**

A public bridleway is a minor highway and it is an offence to shoot from or across a highway except where certain conditions apply, one being that a shooter must not endanger, injure, intimidate or obstruct users of the highway.

The BASC acknowledges that horses are easily startled by shooting and that horse riders have a right not to be impeded by the presence of a shoot along the line of a bridleway and that therefore actions need to be taken to protect them.

So long as they are asked politely, rights of way users may be willing to pause while a drive takes place. However, it is not acceptable to expect horses to wait near guns going off and it is very unreasonable to expect equestrians on a legal right of way to turn back.

Guarantees need to be provided that, specifically

- Shoots must take account of the right of way and avoid shooting in its vicinity, or be able to halt the shoot while horses pass.

- Scouts should be posted at least 200 metres along the route each side of the shoot who are able to communicate with the shoot and stop all action until horses have passed the scout on the far side.
- Shoot managers and Guns must have special regard to the safety of riders and their horses. Noise from gunfire, beaters working in cover adjacent to bridleways or falling shot can alarm horses and endanger riders.

**Officer response:**

**There is no evidence the diversion will lead to an increased risk of horses in proximity to shooting. To officers' knowledge there is no commercial shoot in operation, the land is subject to sporting rights owned by the adjoining landowner, not the applicant. This right is recorded over all of the land subject to the bridleway diversion, including the current route and the proposed route. The owner of the sporting right has not stated that the diversion will lead to users being in more regular contact with any shooting on the land. They already have a duty of care to users of the public rights of way which cross land subject to their sporting rights.**

BHS Wiltshire request that option C is taken, i.e. the Order is revoked and abandoned.

**Note:**

It would be helpful in any future consideration of a diversion of bridleway RAMS6 for the Ramsbury Estate to offer a suitable bridleway round route. This would fulfil the intentions of the National Planning Policy Framework (NPPF), which seeks to secure tangible benefits to rights of way users where rights of way are affected by planning decisions:

*'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'* (NPPF paragraph 100)

In addition, this approach would support the Wiltshire Countryside Access Improvement Plan 2015-2024 RoW Improvement Plan 2 (CAIP) which states as objective 2-2 to 'create and promote circular route opportunities' and as objective 2-3 to 'reduce the extent to which the continuity of the network is interrupted by busy roads.'

The opportunity to connect bridleway RAMS6 to bridleways FROX9, or FROX1 /LBED5 to the east, or to RAMS9A / RAMS52 to the west (perhaps through Hens Wood) should be promoted both by the applicant and by Wiltshire Council.

**Officers response**

**Wiltshire Council employs a Countryside Access Development officer whose duties include within that role pursuing new public rights of way and missing links through creation agreements where a need has been identified. Officers would guide the BHS**

**to a conversation with the Countryside Access Development Officer if these routes have been identified as desired by local users and that officer can explore the possible options. It is also noted that at least parts of if not all the land suggested for bridleway links within this comment are not in the ownership of the applicant and not within their powers to grant access on this land.**

## **Eastern Area Planning Committee**

**MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 13 JUNE 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.**

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### **Present:**

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Kelvin Nash, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Carole King (Substitute) and Cllr Sam Pearce-Kearney (Substitute)

---

### 43. **Apologies**

Apologies for absence were received from:

- Cllr Adrian Foster – substituted by Cllr Carole King
- Cllr Dr Brian Mathew – substituted by Cllr Sam Pearce-Kearney
- Cllr Stuart Wheeler

### 44. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Kelvin Nash, it was:

#### **Resolved**

**To approve the minutes of the meeting held on 25 April 2024 as a true and correct record.**

### 45. **Declarations of Interest**

In relation to the Rights of Way item, Cllr Iain Wallis made an additional declaration that he worked for the Department of Environment, Food and Rural Affairs. He emphasised that he did not work in the footpaths department or in the Secretary of State's private office. He would be speaking in a personal capacity and any views expressed were not necessarily representative of the department.

### 46. **Chairman's Announcements**

There were no announcements.

### 47. **Public Participation**

The Committee noted the rules on public participation.

### 48. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by the Vice-Chairman, it was:

## Resolved

To note the planning appeals update for the period 12 April to 31 May 2024.

49. **PL/2024/02018: 13 Collis Terrace, Crawlboys Lane, Ludgershall, Andover, SP11 9QZ**

### Public Participation

- Mr Paul Flippance (Inter County Surveys), spoke in support of the application

The Planning Officer, Hayley Clark, introduced a report which recommended that the application for the change of use of a grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb be refused for the reasons outlined in the report. Key details were stated to include the visual impact, residential amenity and highway considerations.

Attention was drawn that there was an error in the plan of elevation three, shown on page 28 of the agenda pack, as it showed the garden gate rather than the proposed dropped kerb. However, an updated version was available on page nine of Agenda Supplement 1 and shown as part of the Planning Officer's presentation.

The Committee were informed that the application site comprised an existing end-terraced dwelling located within an established residential area. The Planning Officer considered that the proposal, to incorporate an adjacent area of open green space within the residential curtilage, would have a negative impact on the character of the area due to the loss of openness and as the green space broke up the built form. She explained that the proposals were contrary to Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy, as well as paragraphs 131 and 135 of the National Planning Policy Framework. There were a mix of boundary types in the area and there were concerns about granting permission for the proposed development, as it would set a precedent that may see the loss of further green space on the estate.

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer. Details were sought about why the Applicant was installing wooden panels at the back to make the structure higher. The Planning Officer explained that the proposed structure would be similar in height to the existing boundary wall at the rear of the property to maintain privacy. However, the wall towards the front of the property would be far shorter.

In response to queries about the existing road sign and utility box on the site, the Planning Officer explained that they would need to be moved as they were located within the boundary of the proposed wall. Permission to change the access to the utilities would be required, but this was not a planning matter. She

had not seen any details of designs showing the road sign behind the proposed wall.

The Committee noted that the Highway Authority had recommended that if the proposed application was granted, the grey utility box should be set back behind the utility box. Questions were asked about whether they would be able to propose a condition about the box's location. The Planning Officer confirmed that was a separate issue for the Highway Authority, so it would not be necessary to impose a condition.

Details were also sought about the potential impact of a covenant agreed when the Applicant purchased the grass verge from Aster Housing Association, which stated that the land must be used as part of the residential curtilage. The Legal Advisor, Solicitor Level 2, Alwyn Thomas, confirmed that the covenant was separate to planning permission and was not a material consideration in assessing planning applications.

The Planning Officer was not aware of any other grass verges had been sold by Aster in the local area, although the Chairman did note that he was aware of other cases.

The member of the public then had the opportunity to present his views to the Committee as detailed above.

The Unitary Division Member, Cllr Christopher Williams then spoke in support of the application.

In response to the points raised by the public and Unitary Division Member, the Planning Officer confirmed that the loss of amenity space included the impact on visual amenity and landscaping of the built environment. The Development Management Team Leader (South), Richard Hughes noted that the reasons for refusal did not claim that the grass verge was used for recreational activities such as ball games.

So that the Committee had something to debate, the Chairman, seconded by Cllr Carole King, proposed that the application be refused for the reasons outlined in the report.

A debate followed where issues such as the impact on visual amenity, height of the proposed wall, and current use of the land were discussed.

During the debate, a vote to refuse the motion was lost. Cllr Kelvin Nash then proposed that the application be approved, which was seconded by Cllr Sam Pearce-Kearney.

The Development Management Team Leader (South) highlighted that the Highways Authority had recommended that there was not any obstruction to the visibility of their splays over the height of 600mm. Although the proposed application was for a boundary up to 937mm, they had not submitted a formal objection. The Committee noted that they would not wish to restrict the height of

the proposed wall to 600mm but wished to see the splays be kept free of obstruction.

In response to queries it was stated that the materials of the wall could be conditioned and that it would not be necessary to condition the utility box.

The Committee noted that they would be happy to delegate the final wording of the conditions to the Planning Officer and Development Management Team Leader (South). At the conclusion of the debate, it was:

### **Resolved**

**To GRANT planning permission for the change of use of the grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb.**

### **Reason**

**Whilst the grass verge did have some visual amenity value, the poorly maintained condition of the land meant that the proposed development was not felt to have a negative visual impact and would actually slightly enhance the appearance of the site. The proposed development was not out of keeping with other boundary treatments in the area.**

### **Conditions**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**

- Application form received 19/03/2024 Location plan received 28/02/2024**
- Proposed wall/fence elevations Drg no ICS/2117/03 Rev B (amended to include vehicle access for elevation 3) received 13/06/2024**
- Photo visualisation received 12/06/2024**
- Proposed site plan Drg no ICS/2117/02 Rev B received 16/04/2024**

**REASON: For the avoidance of doubt and in the interests of proper planning.**

3. The bricks to be used in the construction of the main walling in the boundary wall shall match those of the main house (13 Collis Terrace) in colour and texture

**REASON:** In the interests of visual amenity

4. The development hereby permitted shall not be first brought into use until splays have been provided on both its sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. As per the approved drawing DWG No: ICS/2117/03 Rev B, the splays shall always be kept free of obstruction above the height of the approved boundary walls.

**REASON:** In the interests of highway safety.

5. The development hereby permitted shall not be first brought into use until the first 2m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

6. Notwithstanding the submitted details, the proposed development shall not be first brought into use until means/works have been implemented to avoid private water from entering the highway.

**REASON:** To ensure that the highway is not inundated with private water.

7. The vehicle access and parking spaces shall remain ungated.

**REASON:** In the interests of highway safety.

**Informatives:**

8. The application involves the creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their

website at <http://wiltshire.gov.uk/highways-streets> to make an application.

9. The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

50. **Ramsbury Paths 5, 6 and 8C and Little Bedwyn Path 20 Diversion and Definitive Map Statement Modification Order 2024**

Public Participation

- Mr Peter Gallagher (The Ramblers), spoke in opposition to the Order.
- Mr Bill Hughes (Ramsbury Manor Foundation Trustees), spoke in opposition to the Order.
- Ms Mary Askew (Ramsbury Estates Ltd.), spoke in support of the Order.

The Definitive Map Officer Craig Harlow introduced a report considering four objections to the application for the Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024.

A comprehensive overview of the Modification Order was provided by the Definitive Map Officer, which included detail about the application routes, Wiltshire Council's duty, the legal tests and the Order plans. He explained that the application had been submitted on 5 August 2022. The Applicant's land was changing from arable to pastoral farming, so they felt that the proposed route would help to reduce potential conflict between the enjoyment of the footpath and livestock. Diverting the existing routes would also help to separate the users of the bridleway and vehicle access to the newly constructed development at Park Farm as well as to improve security at that development. It was explained that there had been 23 responses to an initial consultation on the proposals, 16 of which were in objection. After taking comments into consideration the Order was made on 10 January 2024.

Objections to the Order included that the proposed diversion would be longer, and substantially less convenient, than the existing route. Further concerns were that the diversion was being done purely for the personal convenience of the Applicant and would impact the view and sporting rights enjoyed over the land.

Attention was drawn to a late submission from the British Horse Society, as published in Agenda Supplement 1. The British Horse Society had raised objections to the Order on the grounds that the proposed diversion crossed a

part concrete surface, had a narrower width than the existing route and that RAMS6 could potentially bring horses and riders into contact with shooting.

The Definitive Map Officer addressed each of the objections in turn. In response to concerns about the length and convenience of the new route, he referenced the Inspector's findings about an Order in the parish of Calne Without. Although there had been a proportionately larger increase in the distance of the revised route created in Calne Without, the Inspector had concluded that it was likely to be used as part of a leisure journey, so was not substantially less convenient for users. The Definitive Map Officer concluded that, by nature of the proposed location of the subject Modification Order, a similar conclusion could be adopted in this case. He also noted that legislation allowed for compensation to be claimed for the loss of sporting rights caused by a Diversion Order and, in his opinion, the view would not be any worse than that from the existing route.

He reported that the Wiltshire Countryside Access Officer had accessed the surface of the proposed diversion and was satisfied that it had a grooved, gritted appearance that would be suitable for horses. Furthermore, there was no evidence that the diversion would lead to an increased risk of horses being in proximity to shooting. The Definitive Map Officer also he felt that the new route would have the benefit of adding a recorded width for the path.

In conclusion, the Definitive Map Officer felt that the proposed diversion would not be substantially less convenient for users and would not negatively impact enjoyment of the route. He was also satisfied that it would only have a minimal detrimental impact on land on or adjoining the rights of way. Therefore, he recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee then had the opportunity to ask technical questions of the Definitive Map Officer. Details were sought about whether it would be possible to add conditions relating to rights of way to the planning permission granted for the development at Park Farm. The Definitive Map Officer confirmed that it would not be possible to add conditions at this stage, as permission had already been granted for the development, but informatives or conditions could have been added if appropriate at the time the planning application was determined.

Members of the public then had the opportunity to present their views to the committee as detailed above.

The Unitary Division Members were not in attendance.

The Definitive Map Officer had the opportunity to respond to the points raised by the public.

So that the Committee had something to debate, the Chairman, seconded by Cllr Iain Wallis, proposed that the Definitive Map and Statement Modification

Order 2024 was forwarded to the SoSEFRA with the recommendation that it be confirmed as made.

A debate followed where issues such as the separation of dogs and livestock as well as the suitability of hard surfaces for horses, were discussed. In response to queries about the potential impact on Curlew nesting, the Definitive Map Officer explained that he had consulted with the North Wessex Downs National Landscape, who had not raised concerns about this issue. It was noted that strong feedback had been provided when nesting sites had been identified in the past.

At the conclusion of the debate, it was:

### **Resolved**

**The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024, of forwarded to the SoSEFRA with the recommendation that it be confirmed as made.**

#### 51. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.45 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail [matthew.hitch@wiltshire.gov.uk](mailto:matthew.hitch@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

**PUBLIC PATH DIVERSION  
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
HIGHWAYS ACT 1980 – SECTION 119  
WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53A (2)**

**THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH Nos. 5, 6 AND 8C AND  
PARISH OF LITTLE BEDWYN PATH NO.20 DIVERSION AND DEFINITIVE MAP AND  
STATEMENT MODIFICATION ORDER 2024**

This order is made by Wiltshire Council (“the authority”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that in the interests of the owner of the land crossed by the public rights of way described in paragraph 1 of this order it is expedient that the lines of the paths should be diverted.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the Marlborough and Ramsbury Rural District Council Area Definitive Map and Statement dated 1952 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

Ramsbury and Little Bedwyn Parish Councils have been consulted as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW and shown by bold continuous lines on the two plans contained in this order and described in Part 1 of the Schedule to this order shall be stopped up on such date as the authority certifies that the work bringing the new site of the paths into a fit condition for use by the public has been carried out and thereupon the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 shall be modified by deleting from it those public rights of way.
2. There shall at the end of 56 days from the date of confirmation of this order be public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW, in the parishes of Ramsbury and Little Bedwyn as described in Part 2 of the Schedule and shown by a bold broken lines on the plans contained in this order, and thereupon the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 shall be modified by adding those public right of way to it.
3. The Marlborough and Ramsbury Rural District Council Area Definitive Statement dated 1952 shall be modified as described in Part 3 of the Schedule to this order.
4. Where immediately before the date on which the public rights of way are diverted there is apparatus under, in, on, over, along or across them belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL OF  
THE WILTSHIRE COUNCIL  
was hereunto affixed this  
19th January 2024  
in the presence of:

}  
}  
}  
}

  
Authorised Signatory  
Wiltshire Council



20477

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That entire width and length of that public right of way shown leading, from point A on the attached plan 1 at OS Grid Reference SU 25971 69301, in a north westerly direction for approximately 625 metres to point B at OS Grid Reference SU 25556 69768 then north easterly for approximately 260 metres to point C at SU 25698 70004 ,known as Ramsbury path no. 6.

Also, the entire width and length of that public right of way shown leading ,from point B on the attached plan 1 at OS Grid Reference SU 25556 69768, in a broadly north westerly direction for approximately 210 metres to point E at OS Grid Reference SU 25373 69870, known as Ramsbury path no. 8C.

Also, the entire width and length of that public right of way shown leading, from point F on the attached plan 2 at OS Grid Reference SU 24823 68283, in a westerly and west by north direction for approximately 210 metres to point G at OS Grid reference SU 24622 68327 then leading in a broadly north north easterly direction for approximately 180 metres to point H at OS Grid Reference SU 24688 68492, known as paths Little Bedwyn 20 and Ramsbury 5.

### PART 2

#### DESCRIPTION OF SITE OF NEW PATH OR WAY

That length of public bridleway leading from point A on the attached plan 1, at OS Grid Reference SU 25971 69301, leading in a broadly north easterly , then northerly and then broadly westerly direction for a total of approximately 1075 metres to point D at OS Grid Reference SU 25734 70066, having a width of 4 metres.

Also, that length of public footpath leading from point E on the attached plan 1 at OS Grid Reference SU 25373 69870, leading in a broadly north easterly direction for approximately 340 metres to point C at OS Grid reference SU 25698 70004, having a width of 2 metres.

Also, that length of public footpath leading from point F on the attached plan 2 at OS Grid Reference SU 24823 68283, leading in a broadly north westerly direction for approximately 250 metres to point H at OS Grid Reference SU 24688 68492, having a width of 2 metres.

## PART 3

### MODIFICATION OF DEFINITIVE STATEMENT

#### Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Little Bedwyn	20	<p><u>FOOTPATH.</u> From the southern end of Ramsbury Path No.5 leading south to the London- Bath trunk road, A.4, opposite Voronzoff Gate.</p> <p>Approximate length 510 metres.</p> <p>Width 2 metres from SU 24823 68283 and SU 24819 68289</p>	53(3)(a)(i)
Ramsbury	5	<p><u>FOOTPATH.</u> Northern section known as Raggs Hatches. From its junction with the Marlborough Road C.6 at the Gravel Pit, leading east for approximately 350m and then heading in a generally southerly direction, across a bridge, for approximately 50m, before leading east for approximately 5m and south-south-east for approximately 100m, then leading south, crossing a bridge, for approximately 160m, continuing east for approximately 160m, then east-north-east for approximately 160m, before following a line north-east to its junction with Bridleways 48 and 54, where the path forks i) leading north-west for approximately 20m to join the track south of Axford Farm and ii) leading south-east for approximately 30m, then south-west for approximately 640m and then generally south-south-west and then south east to the parish boundary.</p> <p>Approximate length 3.2 km</p> <p>Width 1.8 m</p> <p>Width 2 metres between SU 24819 68289 and SU 24688 68492.</p>	<p>53(3)(a)(i)</p> <p>Part subject to ploughing.</p>

**PART 3 (Continued)**

**MODIFICATION OF DEFINITIVE STATEMENT**

Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Ramsbury (Continued)	5	<b>Limitations and conditions</b>  Kissing gate to BS5709 standard at SU 24809 68310	53(3)(a)(i)
Ramsbury	6	<u>FOOTPATH.</u> From path No.48, south-west of Park Town leading south west to the junction With path No.7. Approximate length 500m. Width 1.5m.  <u>BRIDLEWAY.</u> From the junction with path No.7 Near Manor Cottage and continuing south west through The Plantation to SU 25734 70066 then leading east south easterly , then broadly south, and south south westerly along the track to SU 25971 69301. The path then leads in broadly south easterly direction to the parish boundary and its junction with the northern end of road U/C 5091 and path 6A. Approximate length 2.3 km Width 1.5m Width 4 metres between SU 25971 69301 and SU 25734 70066.  <b>Limitations and conditions</b>  Lockable vehicle restricting bollards at SU 25971 69301 , SU 26078 69879 and 25734 70066 at minimum 1.5m spacing.	53(3)(a)(i)

## PART 3 (Continued)

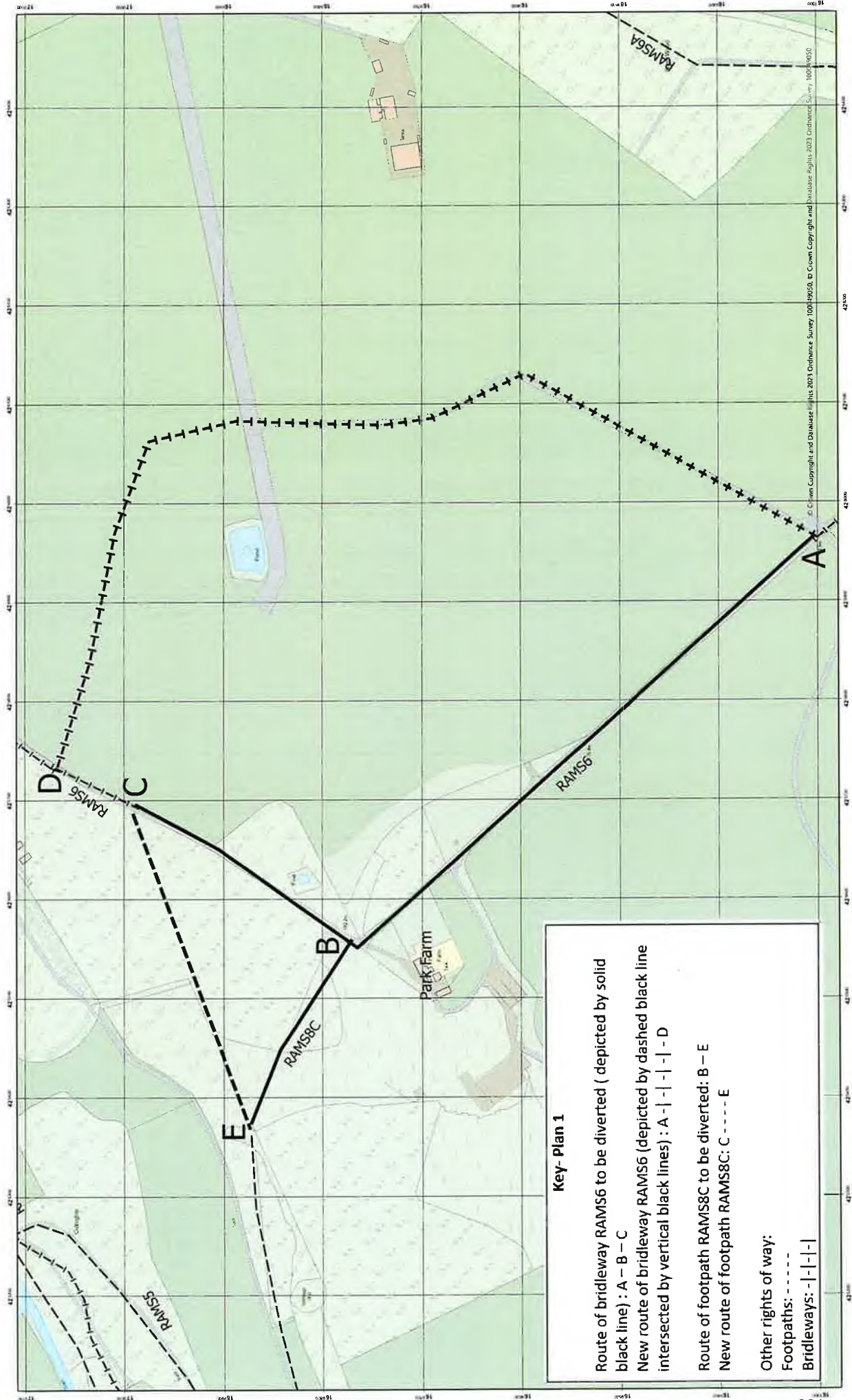
### MODIFICATION OF DEFINITIVE STATEMENT

#### Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Ramsbury	8C	<u>FOOTPATH.</u> From the junction of path Nos. 8B and 54 leading east along the northern side of Sky Close then south east , crossing path no.5 , and then east by north to its junction with path no.6. Approximate length 1025 metres Width 1.2 metres. Width 2 metres between SU 25374 69871 and SU 25698 70004	53(3)(a)(i)

#### **Limitations and Conditions**

Kissing gate to BS5709 standard at SU 25698 70004



**Key- Plan 1**

Route of bridleway RAMS6 to be diverted (depicted by solid black line) : A – B – C  
 New route of bridleway RAMS6 (depicted by dashed black line intersected by vertical black lines) : A – | – | – | – D

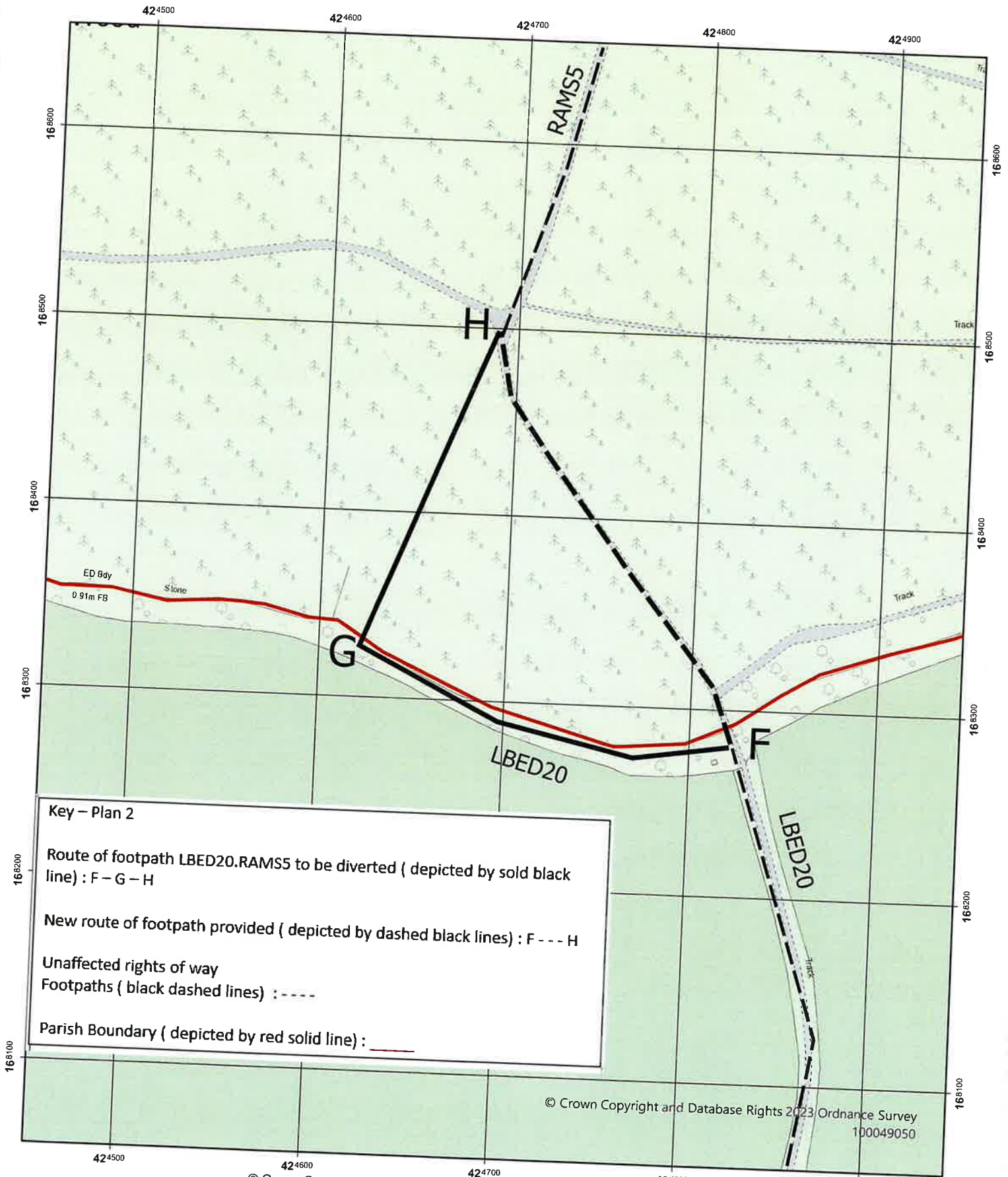
Route of footpath RAMS8C to be diverted: B – E  
 New route of footpath RAMS8C: C – - - - - E

Other rights of way:  
 Footpaths: - - - - -  
 Bridleways: | – | – |



Scale 1:2500 @A2

The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No. 20  
 Diversion and Definitive Map and Statement Modification Order 2024- Plan 2



**Key – Plan 2**

Route of footpath LBED20.RAMS5 to be diverted ( depicted by solid black line) : F – G – H

New route of footpath provided ( depicted by dashed black lines) : F – - - H

Unaffected rights of way  
 Footpaths ( black dashed lines) : - - - -

Parish Boundary ( depicted by red solid line) : \_\_\_\_\_

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**PUBLIC PATH DIVERSION  
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
HIGHWAYS ACT 1980 – SECTION 119  
WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53A (2)**

**THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH Nos. 5, 6 AND 8C AND  
PARISH OF LITTLE BEDWYN PATH NO.20 DIVERSION AND DEFINITIVE MAP AND  
STATEMENT MODIFICATION ORDER 2024**

This order is made by Wiltshire Council (“the authority”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that in the interests of the owner of the land crossed by the public rights of way described in paragraph 1 of this order it is expedient that the lines of the paths should be diverted.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the Marlborough and Ramsbury Rural District Council Area Definitive Map and Statement dated 1952 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

Ramsbury and Little Bedwyn Parish Councils have been consulted as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

1. The public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW and shown by bold continuous lines on the two plans contained in this order and described in Part 1 of the Schedule to this order shall be stopped up on such date as the authority certifies that the work bringing the new site of the paths into a fit condition for use by the public has been carried out and thereupon the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 shall be modified by deleting from it those public rights of way.
2. There shall at the end of 56 days from the date of confirmation of this order be public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW, in the parishes of Ramsbury and Little Bedwyn as described in Part 2 of the Schedule and shown by a bold broken lines on the plans contained in this order, and thereupon the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 shall be modified by adding those public right of way to it.
3. The Marlborough and Ramsbury Rural District Council Area Definitive Statement dated 1952 shall be modified as described in Part 3 of the Schedule to this order.
4. Where immediately before the date on which the public rights of way are diverted there is apparatus under, in, on, over, along or across them belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL OF  
THE WILTSHIRE COUNCIL  
was hereunto affixed this  
19th January 2024  
in the presence of:

}  
}  
}  
}

  
Authorised Signatory  
Wiltshire Council



20477

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That entire width and length of that public right of way shown leading, from point A on the attached plan 1 at OS Grid Reference SU 25971 69301, in a north westerly direction for approximately 625 metres to point B at OS Grid Reference SU 25556 69768 then north easterly for approximately 260 metres to point C at SU 25698 70004 ,known as Ramsbury path no. 6.

Also, the entire width and length of that public right of way shown leading ,from point B on the attached plan 1 at OS Grid Reference SU 25556 69768, in a broadly north westerly direction for approximately 210 metres to point E at OS Grid Reference SU 25373 69870, known as Ramsbury path no. 8C.

Also, the entire width and length of that public right of way shown leading, from point F on the attached plan 2 at OS Grid Reference SU 24823 68283, in a westerly and west by north direction for approximately 210 metres to point G at OS Grid reference SU 24622 68327 then leading in a broadly north north easterly direction for approximately 180 metres to point H at OS Grid Reference SU 24688 68492, known as paths Little Bedwyn 20 and Ramsbury 5.

### PART 2

#### DESCRIPTION OF SITE OF NEW PATH OR WAY

That length of public bridleway leading from point A on the attached plan 1, at OS Grid Reference SU 25971 69301, leading in a broadly north easterly , then northerly and then broadly westerly direction for a total of approximately 1075 metres to point D at OS Grid Reference SU 25734 70066, having a width of 4 metres.

Also, that length of public footpath leading from point E on the attached plan 1 at OS Grid Reference SU 25373 69870, leading in a broadly north easterly direction for approximately 340 metres to point C at OS Grid reference SU 25698 70004, having a width of 2 metres.

Also, that length of public footpath leading from point F on the attached plan 2 at OS Grid Reference SU 24823 68283, leading in a broadly north westerly direction for approximately 250 metres to point H at OS Grid Reference SU 24688 68492, having a width of 2 metres.

**PART 3**

**MODIFICATION OF DEFINITIVE STATEMENT**

Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Little Bedwyn	20	<p><u>FOOTPATH.</u> From the southern end of Ramsbury Path No.5 leading south to the London- Bath trunk road, A.4, opposite Voronzoff Gate.</p> <p>Approximate length 510 metres.</p> <p>Width 2 metres from SU 24823 68283 and SU 24819 68289</p>	53(3)(a)(i)
Ramsbury	5	<p><u>FOOTPATH.</u> Northern section known as Raggs Hatches. From its junction with the Marlborough Road C.6 at the Gravel Pit, leading east for approximately 350m and then heading in a generally southerly direction, across a bridge, for approximately 50m, before leading east for approximately 5m and south-south-east for approximately 100m, then leading south, crossing a bridge, for approximately 160m, continuing east for approximately 160m, then east-north-east for approximately 160m, before following a line north-east to its junction with Bridleways 48 and 54, where the path forks i) leading north-west for approximately 20m to join the track south of Axford Farm and ii) leading south-east for approximately 30m, then south-west for approximately 640m and then generally south-south-west and then south east to the parish boundary.</p> <p>Approximate length 3.2 km</p> <p>Width 1.8 m</p> <p>Width 2 metres between SU 24819 68289 and SU 24688 68492.</p>	<p>53(3)(a)(i)</p> <p>Part subject to ploughing.</p>

**PART 3 (Continued)**

**MODIFICATION OF DEFINITIVE STATEMENT**

Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Ramsbury (Continued)	5	<p><b>Limitations and conditions</b></p> <p>Kissing gate to BS5709 standard at SU 24809 68310</p>	53(3)(a)(i)
Ramsbury	6	<p><u>FOOTPATH.</u> From path No.48, south-west of Park Town leading south west to the junction With path No.7. Approximate length 500m. Width 1.5m.</p> <p><u>BRIDLEWAY.</u> From the junction with path No.7 Near Manor Cottage and continuing south west through The Plantation to SU 25734 70066 then leading east south easterly , then broadly south, and south south westerly along the track to SU 25971 69301. The path then leads in broadly south easterly direction to the parish boundary and its junction with the northern end of road U/C 5091 and path 6A. Approximate length 2.3 km Width 1.5m Width 4 metres between SU 25971 69301 and SU 25734 70066.</p> <p><b>Limitations and conditions</b></p> <p>Lockable vehicle restricting bollards at SU 25971 69301 , SU 26078 69879 and 25734 70066 at minimum 1.5m spacing.</p>	53(3)(a)(i)

## PART 3 (Continued)

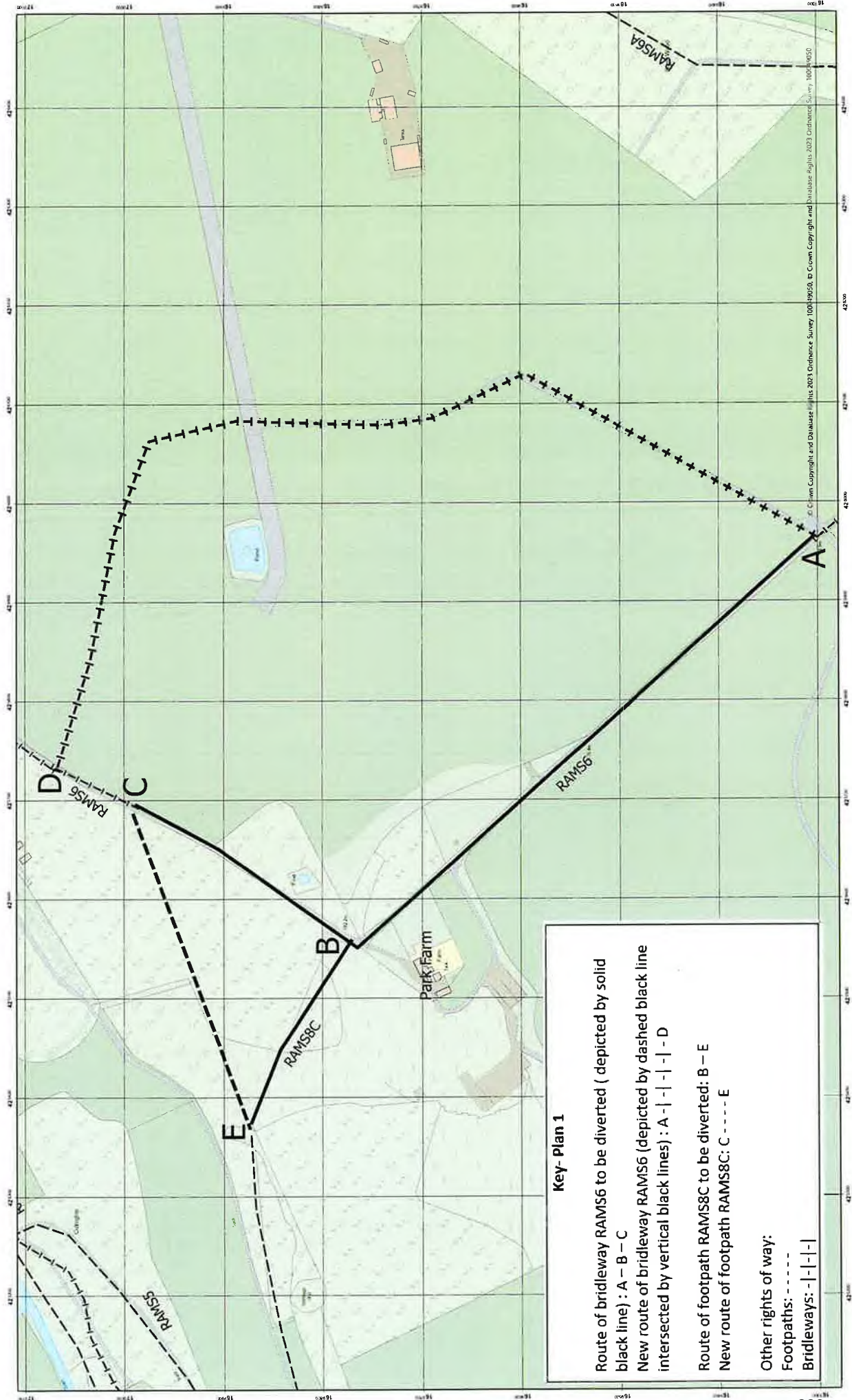
### MODIFICATION OF DEFINITIVE STATEMENT

#### Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Ramsbury	8C	<u>FOOTPATH.</u> From the junction of path Nos. 8B and 54 leading east along the northern side of Sky Close then south east , crossing path no.5 , and then east by north to its junction with path no.6. Approximate length 1025 metres Width 1.2 metres. Width 2 metres between SU 25374 69871 and SU 25698 70004	53(3)(a)(i)

#### **Limitations and Conditions**

Kissing gate to BS5709 standard at SU 25698 70004



**Key- Plan 1**

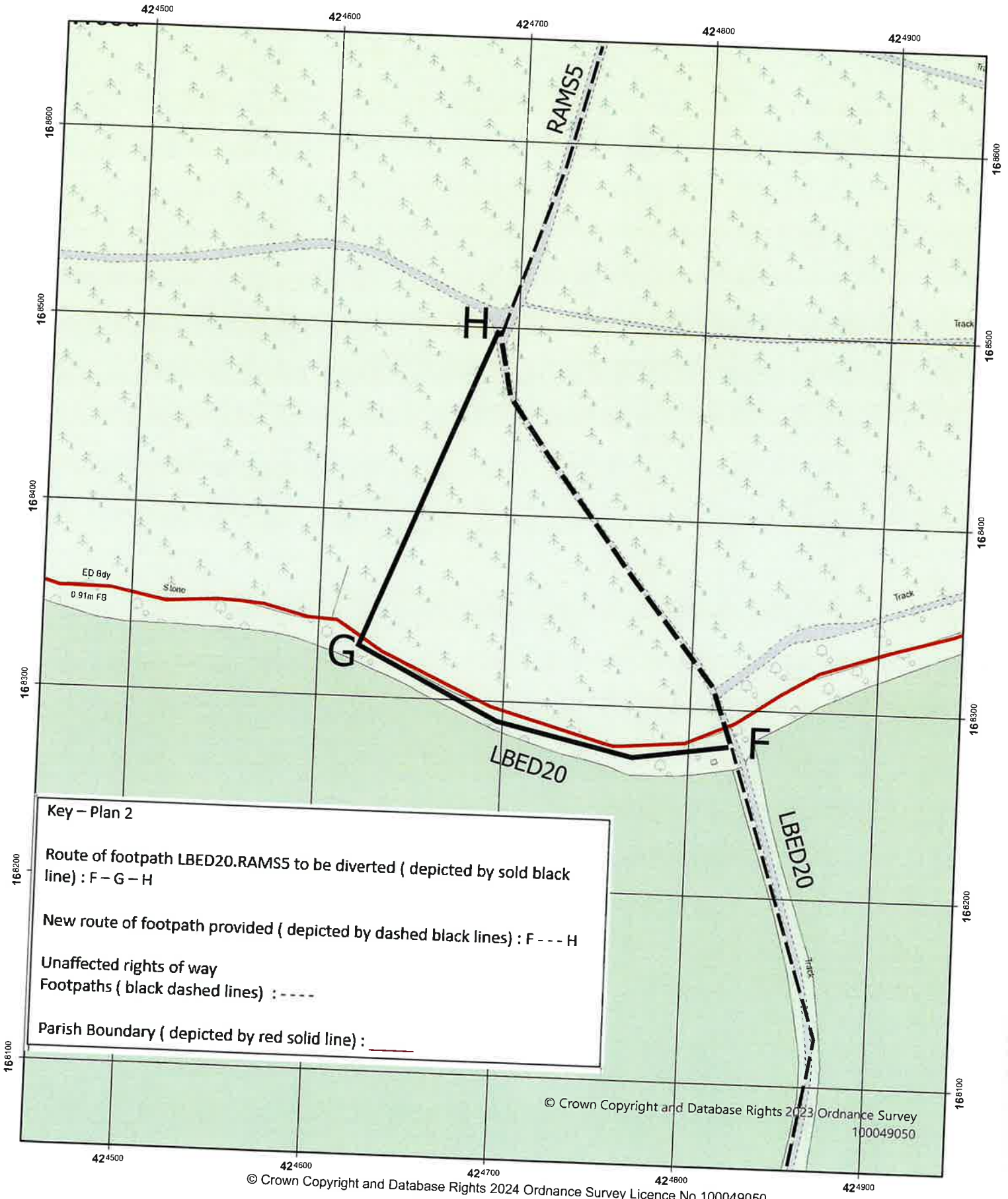
Route of bridleway RAMS6 to be diverted (depicted by solid black line) : A – B – C  
 New route of bridleway RAMS6 (depicted by dashed black line intersected by vertical black lines) : A - | - | - | - D  
 Route of footpath RAMS8C to be diverted: B – E  
 New route of footpath RAMS8C: C - - - - E

Other rights of way:  
 Footpaths: - - - - -  
 Bridleways: - | - | - |



Scale 1:2500 @A2

The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No. 20  
 Diversion and Definitive Map and Statement Modification Order 2024- Plan 2



## **Objections and Representation to the Order**

### **The Wiltshire Council Parish of Ramsbury Path nos. 5,6 and 8C and Parish of Little Bedwyn path no.20 Diversion and Definitive Map and Statement Modification Order 2024.**

#### **4 statutorily made objections to the order were made by:**

Bill Hughes on behalf of The Ramsbury Manor Foundation

David and Carolyn Sheppard

Peter Gallagher on behalf of The Ramblers

Steven Little

#### **1 objection was received after the statutory period made by:**

Alan Woodford on behalf of the British Horse Society

#### **8 other representation were made to the order after the statutory period made by:**

Alison Whalley

Carl Reid

Charlie and Vicky of Puthall Farm

Emma Gagen

Guy Gagen

Kate Lowe

Lynn Jauncey on behalf of Ramsbury and Axford Parish Council

Victoria and Nicholas Kendall

**From:** David Sheppard [REDACTED]  
**Sent:** 11 January 2024 18:58  
**To:** Harlow, Craig  
**Subject:** Objections

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We would like to express our objection to the footpaths (rams5, Rams8c, little Bedwyn 20 & bridleway Ramsbury No6 being relocated.

The footpaths and bridleways has been here for many years and we feel strongly that these ancient rights of way should not be relocated for personal gain but continue to be used and enjoyed by the public.

Several areas, which the public have walked for many years are now 'no go' areas. In some cases these paths have been walked by us for over fifty years.

Major Fisher, the previous owner always said the locals could walk anywhere in 'Axford and the surrounding countryside as long as they did not do any damage. Now all our walking areas are shrinking fast.

In the past other footpaths have been relocated by Ramsbury Estates and as these have fallen apart over the years they have not been repaired and are quite dangerous in places, with weakened wood, holes in bridges and extreme sloping of wooden walkways.

Kind regards

David and Carolyn Sheppard

Sent from David Sheppard

Sent from David Sheppard

**From:** [Harlow, Craig](#)  
**Sent:** 05 February 2024 13:03  
**To:** [Harlow, Craig](#)

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Dear Craig

Thank you for your email dated 11 January.

Ramblers objects to this order on the grounds that it will add a distance of over 650 metres to the route of a walker using footpath RAMS8C and wishing to continue south on bridleway RAMS6 (or the same route in the opposite direction), which does not meet the requirement set out in s.119(6) Highways Act 1980 that the path or way must not be substantially less convenient to the public in consequence of the diversion.

We made the same objection at the informal consultation stage and we have noted the comments you have made in response in your Decision Report. While we agree that the southern end of RAMS6 does not connect well with the rest of the network we do not agree that the “not substantially less convenient” test should be assessed in the context of an assumed total walking distance which will inevitably vary between users. s.119(6) clearly states that the test applies to “the path or way” which is being diverted.

We do not believe that the 2023 “presumption” guidance applies to this case. RAMS6 does not pass through a farmyard or garden and is not within the curtilage of any individual property.


In your Decision Report you also refer to the Planning Inspectorate’s Advice Note 9 which states that the “not substantially less convenient” test is a gateway test. We are therefore not commenting at this stage on the extent to which the diversion meets the other tests but we reserve the right to make further representations if and when the case is referred to the Secretary of State for decision.

We do not object to the diversion of RAMS5/LBED20.

Without prejudice to any of the foregoing would you please let me know if Ramblers is the only objector to this order.

Best wishes

Peter Gallagher  
Footpaths and Walking Environment Officer  
Swindon and North East Wiltshire Group  
The Ramblers



*The Ramblers' Association is a company limited by guarantee, registered in England and Wales. Company registration number: 4458492. Registered Charity in England and Wales number: 1093577, registered charity in Scotland, number: SC039799. Registered office: First Floor, 10 Queen Street Place, London EC4R 1BE.*

## THE RAMSBURY MANOR FOUNDATION

Ramsbury Manor  
Ramsbury  
Marlborough  
Wiltshire SN8 [REDACTED]  
Telephone [REDACTED]

Wednesday 14<sup>th</sup> February

Dear Mr Harlow

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER - THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH 5,6, AND 8C AND PARISH OF LITTLE BEDWYN NO20 DIVERSION ORDER

**With reference to the above order made by Wiltshire Council under section 119 of the Highways Act 1980 and Section 53 A(2) of the Wildlife and Countryside Act 1981**

I lodged an objection on behalf of The Ramsbury Manor Foundation on 13<sup>th</sup> October 2022 to the original proposals to divert the paths referred to above. My clients reiterate their OBJECTIONS to the amended proposed modifications as set out in the above modification order.

As owners of the full Sporting Rights over the land covered by the Modification Order dated 10<sup>th</sup> January 2024 with the exception of Path Number 20 in the Parish of Little Bedwyn the Foundation wish to OBJECT to the Order as follows:

1. The length of Bridleway leading from Point A on the plan attached to the Order to Point D will allow access to an area that forms an important part of the Sporting Rights previously undisturbed by walkers and riders. The present bridleway route ensures the users remain on the hard surfaced drive to Park Farm House and buildings B-C-D. This route has been long established, and it ensures the minimum of disturbance to Ground nesting birds and any wild game that lives and breeds in this area of the Estate. The routing proposed by the modification order is only to ensure the private and personal users of the New House and Park Farm House have the least disturbance. The Sporting Rights have been long held by the Ramsbury Manor Estate and the owners of the Freehold Property were fully aware of their existence when they purchased the property indeed, they clearly stated in their planning application that they would not be looking to amend any current rights of way. The order if confirmed will clearly diminish the enjoying and operation of those Sporting Rights.
2. The users of this proposed bridleway will find the additional length over and above the present Route A-D unnecessary and will quite reasonably question what benefit there is to anyone other than the new owners of the built property at Park Farm.

3. The installation of bollards on the bridleway is totally unacceptable to the Ramsbury Manor Estate as it restricts the free movement of the Estate owners and staff going about their legal business of exercising the Sporting Rights.
4. The Public Footpath from point B to E if modified as proposed will remove the walkers ability to appreciate on their arrival at the existing stile the views and sloping land form lying to the north. As the proposed diversion takes the walker to point C the route adjoins the southern boundary of the Ramsbury Manor Estate and the mature tree that overhang the new path. This passes the potential safety of the walkers to the Ramsbury Manor Estate to maintain these trees to reduce the liability of a claim in the event of accident caused by falling trees. Therefore, it is a reduction in any liability to the new owners at Park farm whilst diverting lawful walkers from the present routing of the footpath.
5. The Ramsbury Manor Estate request that the Modification Order is not confirmed as drafted.

**Please acknowledge receipt of this letter.**

**Yours Sincerely**

**Bill Hughes**

**WF Hughes FRICS FAAV  
Consultant**

**William Hughes**



## Harlow, Craig

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**From:** Jessica Lawrence [REDACTED]  
**Sent:** 16 February 2024 14:52  
**To:** Harlow, Craig  
**Subject:** Re: The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion Order  
**Attachments:** image002.png  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from [REDACTED]. [Learn why this is important](#)

### New House at Park Farm Ramsbury

I am led to believe, as part of the proposed development of Park House on Park Farm Ramsbury that a bridleway and some foot paths will be re-routed. I assume that any application would have to be reviewed by the Parish and Wiltshire Council.

I am a lifelong resident of Ramsbury I know the area very well.

It is a great shame that proposed new house and grounds will mean that an important area of our countryside will be adversely affected as can be seen by the work carried out so far.

The bridleways and foot paths around Ramsbury Manor and Park Farm go back into history and have been, and are used and enjoyed by many local residents and visitors.

Therefore, I would like to object to any diversion of bridleways and foot paths.

Steven Little

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## Late representations and objection to the order

### **EMAIL OF SUPPORT- CHARLIE AND VICKY**

Dear Craig

As direct neighbours to Park Farm Ramsbury, We use the public footpaths and bridleways in this area on a daily basis, As well as morning runs with the dogs, to exercising our horses the new route is also far more accessible for our elderly parents.

I note that a hard surface is being suggested, this would be a huge bonus for all the public and our horses, compared to the continuous muddy ruts caused by the game keeper from Ramsbury Manor who feels it necessary to drive his buggy along all the paths on a daily basis causing misery for all other users, we noted last year that Ramsbury estate made a effort to spread wood chippings over his mess however he continued to drive his buggy through them and create further mess. A hard surface would be a bonus for the dogs, the horses, my parents and my wellies !!!!

In our opinion the suggested diversions are a huge asset to the existing Public Rights of Ways that allow us access to this beautiful part of the country.

Best

Charlie and Vicky

██████████

Marlborough  
Wiltshire SN8

### **EMAIL OF SUPPORT – MR C. REID**

Sent from my iPhone Dear  
Mr Harlow,

With reference to the suggested hard surface on the footpath close to park farm, that would be a wonderful idea, as I work at Rudge farm ( adjacent) and every other day after work take a run along lots of right of ways as well as this one, " It would be fantastic" and so much more people (elderly etc) friendly.

Yours hopefully  
Mr C Reid.

### **EMAIL OF SUPPORT – GUY GAGEN**

Dear Mr Harlow,

I am writing on behalf of my family as as 5 local to Marlborough and Ramsbury cross country trail cyclists in support of the proposed update the route of Ramsbury Paths 5, 6 and 8C and Little Bedwyn 20, as proposed by Ramsbury Estates, and to be considered by Wiltshire Council this week.

Agenda for Eastern Area Planning  
Committee on Thursday 13 June  
2024, 3.00 pm  
[cms.wiltshire.gov.uk](https://cms.wiltshire.gov.uk)



The existing route has a number of significant natural weaknesses for nearby and visiting bridleway users, particularly in wet conditions or through sharing asphalt sections with motorists, that are overcome by the sensitive and more suitable proposed route.

Kind Regards

Guy Gagen  
[REDACTED]  
Mildenhall  
Marlborough  
SN8 [REDACTED]

Kind Regards Guy

#### **EMAIL OF SUPPORT – VICTORIA AND NICHOLAS KENDALL**

Dear Mr. Harlow,

We live in Ramsbury and fully support the new route and surfaces proposed by Ramsbury Estates.

Kindest Regards,  
Victoria and Nicholas Kendall

#### **EMAIL OF SUPPORT – EMMA GAGEN ON BEHALF OF RAMSBURY PRE-SCHOOL**

Good afternoon Craig,

I am writing on behalf of the committee of Ramsbury Pre-School in relation to Ramsbury Estates.

Over the last five years Ramsbury Estates have supported us as a Pre-School setting in providing opportunities for young children to get out and about into the countryside. Living within the village community we recognise the importance of local businesses working together for the good of the wider community, and especially appreciating the wonderful countryside that surrounds us.

Our experience of Ramsbury Estates has been wholly supportive and enabling. On our weekly walks around the village and into the countryside we are guaranteed that all footpaths and rights of way are well maintained ensuring that access with young children is as smooth as it can possibly be. The numerous tractors that pass by the Pre-School building always have time to wave at the children who stand mesmerised as they drive carefully by. Ramsbury estates have also provided transport and staff enabling us to take our children up onto their land. During this time our young children learnt about what is happening in the fields around them, how it takes lots of care to manage this land as well as just generally opening their eyes and making them aware.

As a Pre-School we value the partnership that even us, a small village setting has with a large landowner and how they value our role within the village.

Many thanks for your time. Kind

regards,

**Emma Gagen**  
**Head & DSL, Ramsbury Pre-School**

#### **EMAIL OF SUPPORT- ALISON WHALLEY**

Dear Craig,

I write to you to set our support to Ramsbury Estate's proposal to divert the footpaths referenced above, to be determined at planning committee this afternoon.

I have reviewed the letters of objection and must say that I am shocked. The proposed route will reduce possible conflicts and the hard surface would be a far safer surface for all users of the footpath. I also understand that it would help greatly with regards to security.

I would like to add that Ramsbury Estate is an asset to the local area. The Estate Management team is considerate and supportive of the local area and take their time to be transparent in their proposals. The team go out of their way to ensure their footpaths are safe and maintained with good relationships with the footpath officer to ensure the maintenance is in accordance with the expected standards.

I am shocked that anyone could find something to object to within these proposals and I hope they are approved at this afternoon's committee.

Kind regards,

**Alison Whalley BA (Hons) DipTP MRTPI**

**EMAIL OF SUPPORT- LYNN JAUNCEY ON BEHALF OF RAMSBURY AND AXFORD PARISH COUNCIL**

Dear Craig,

Re: The Wiltshire Council Parish of Ramsbury Path nos. 5,6 and 8C and Parish of Little Bedwyn path no.20 Diversion and Definitive Map and Statement Modification Order 2024.

Ramsbury and Axford Parish Council comments on the above mentioned diversion are as follows:

1) RAMS6 & RAMS8c - currently the footpath is tarmac running up and past the house with a huge laurel hedgerow which is not very attractive whereas the diversion offers views over attractive open fields.

When we met with the applicants agent they suggested that they were considering putting a verge for horses to ride on. We feel this would be a good idea and support Wiltshire County Councils suggestion of putting chippings that are suitable for horses and cyclists.

We also feel the length is marginally longer but more attractive.

As to Ramsbury Manors sporting rights over this land we feel would not be affected any differently than it does now.

2) RAMS5 & LBED20 - The alteration on this path has already been established by walkers as it has created a shortcut and therefore we have no objection.

Kind regards

Lynn Jauncey

Rights of Way Councillor

Ramsbury & Axford Parish Council

**EMAIL OF OBJECTION TO SURFACE- KATE LOWE**

Dear Craig

I am a resident of Ramsbury. My family and I have lived in the village for around 5 years now - and hope to stay long term, with our children now at school in the village. My husband is a keen runner, myself and the children horse/pony ride, and we frequently bike and walk the area.

We appreciate the different views on the above diversion of footpath and bridleways. We would be in support of this BUT FOR the proposal to make a crushed stone path. This would seem difficult for children to cycle on, and terrible for use as a bridleway surface. If this were changed to a soft / all weather surface, then we would be supportive.

Thank you for taking the time to read this.

Kate Lowe

**NOTICE OF MAKING OF PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER**

**HIGHWAYS ACT 1980 AND WILDLIFE AND COUNTRYSIDE ACT 1981**

**WILTSHIRE COUNCIL**

**THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH Nos. 5, 6 AND 8C AND PARISH OF  
LITTLE BEDWYN PATH NO.20 DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2024**

The above named Order, made on 10<sup>th</sup> January 2024 under section 119 of the Highways Act 1980 and section 53 of the Wildlife and Countryside Act 1981, will divert the following three public rights of way over the land situate at Park Farn, Ramsbury, SN8 2HW.

The entire width and length of that public right of way leading from OS Grid Reference SU 25971 69301 in a north westerly direction for approximately 625 metres to OS Grid Reference SU 25556 69768 then north easterly for approximately 260 metres to SU 25698 70004 known as Ramsbury path no. 6, will be diverted to a new route and recorded as a public bridleway leading from OS Grid Reference SU 25971 69301, leading in a broadly north easterly, then northerly and then broadly westerly direction for a total of approximately 1075 metres to OS Grid Reference SU 25734 70066, having a width of 4 metres.

Also, the entire width and length of that public right of way leading from OS Grid Reference SU 25556 69768 in a broadly north westerly direction for approximately 210 metres to OS Grid Reference SU 25373 69870 known as Ramsbury path no. 8C will be diverted to a new route and recorded as a public footpath leading from OS Grid Reference SU 25373 69870 leading in a broadly north easterly direction for approximately 340 metres to SU 25698 70004, having a width of 2 metres.

Also, the entire width and length of the public right of way leading from OS Grid Reference SU 24823 68283 in a westerly and west by north direction for approximately 210 metres to OS Grid reference SU 24622 68327 then leading in a broadly north north easterly direction for approximately 180 metres to OS Grid Reference SU 24688 68492, known as paths Little Bedwyn 20 and Ramsbury 5 will be diverted to a new route and recorded as a length of public footpath leading from OS Grid Reference SU 24823 68283, leading in a broadly north westerly direction for approximately 250 metres to OS Grid Reference SU 24688 68492, having a width of 2 metres

The order will alter the Marlborough and Ramsbury Rural District Council definitive map and statement dated 1952 accordingly.

A copy of the Order may be seen free of charge at the offices of Wiltshire Council, Bythesea Road, Trowbridge, BA14 8JN (0900 to 1700 week days) by appointment. To make an appointment or receive an electronic copy of the order please contact Craig Harlow, 01249 468568, [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk).

Any representations about or objections to the Order may be sent in writing to Craig Harlow, Definitive Map and Highway Records, Wiltshire Council, Bythesea Road, Trowbridge, BA14 8JN or by email to [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk) quoting the order title "The Wiltshire Council parish of Ramsbury Path Nos. 5,6 and 8C and parish of Little Bedwyn Path No.20 diversion and definitive map and statement modification order 2024", not later than 17:00 on 16<sup>th</sup> February 2024 and respondents are requested to state the grounds on which it is made.

If no such representations or objections are duly made, or if any so made are withdrawn, Wiltshire Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations or objections which have not been withdrawn will be sent with the Order.

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## OTHER

### TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROSECUTION) (ENGLAND) ORDER 2015 TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS (AMENDMENT) (ENGLAND)) REGULATIONS 2010

The following planning applications are those affecting the setting of a Listed Building, a Conservation Area, a Public Right of Way, or major applications and are available to view on our website. Views relating to the planning applications listed below should be made by **08 February 2024** quoting the reference number. All views expressed regarding a planning application will be considered and placed on a file, which is open to the public. **ADROBURE** PL/2024/00276 & PL/2023/1124 – The Old Mill House, South Street, Replacement tiled roof covering. **BROADSTONE** PL/2023/10969 – Former Substone Arms, The Green, Variation of conditions 2, 3, 4, 6, 7, 8, 9, 10, 11 & 17 on PL/2024/00474, BOX PL/2024/00229 & PL/2023/11200 – The Longhouse, Bybrook View, Rudloe, Dwelling & new access. PL/2023/09068 – Box Recreation Field, Valens Terrace, Solar panels. PL/2023/1201 & PL/2024/00234 – Rudloe Manor, Rudloe, Reconstruction of single-storey extensions. Creation of covered area, internal and external alterations. PL/2023/1202 & PL/2024/00233 – Rudloe Manor, Rudloe, Alterations to casement windows. PL/2023/1105 – Old Timber Yard, Erection of 2.5m high fence. PL/2023/10087 – Land South of Bradford Road, Rudloe, Variation of Conditions 1, 2, 4 & 8 of PL/2022/02531. **CASTLE COMBE** PL/2023/1035 – Unicorn Cottage, The Street, Installation of Property Flood Resilience measures. **CHEVERELL MAGNA** PL/2023/02461 – Globe House, 4, Church Road, Great Cheverell, Peninsula window. **CHEPPENHAM** PL/2023/1100 – 31-33 High Street, New shopfront. PL/2024/00278 & PL/2023/11222 – Oak Lodge, 2 Bristol Road, Interior & exterior alterations, replacement windows & construction of hardstanding. **COSSHAM** PL/2024/00273 & PL/2023/11138 – 36 High Street, New garden wall & patio terrace. **CHICKLADE** PL/2023/10227 & PL/2024/00222 – 16 The Folly, Re-cladding of main building, extension, internal & external alterations. Solar panels. **GRITTELOW** PL/2023/11102 – Manor Farm, The Street, Variation of condition 7 of 21/01/331 MAF. **LYNEHAM AND BRADENSTONE** PL/2023/1091 – The Old Rectory, Internal alterations & removal of window. **MALMESBURY** PL/2024/00133 – Auld House, Abbey Row, Malmesbury, SN16 0AG – Replacement windows. **SHALBOURNE** PL/2023/10755 – Carvers Hill Farm, Carvers Hill, Demolition of existing buildings. Construction of buildings for the production of wine with ancillary wine tasting & events facilities & storage with associated works. **YATTON KEYNELL** PL/2023/11106 – By Farm, West Yatton, New vehicle access drive. Email: [developmentmanagement@wiltsnle.gov.uk](mailto:developmentmanagement@wiltsnle.gov.uk)

### PUBLIC INQUIRY

At Wiltshire Council, Monkton Park Council Offices,  
Chippenham, SN15 1ER Opening on 27 February 2024  
at 10:30

**REASON FOR INQUIRY** Appeals by EZ Skips Limited Ltd Against the enforcement notice served by Wiltshire Council. The notice alleges: Without planning permission, the material change of use of the land from agriculture to a mixed use for the storage of skips, containers, bins and miscellaneous items not connected to the agricultural use of the land in addition to the depositing and storage of waste materials as well as the stationing of vehicles, plant and machinery in association with the unauthorised use of the land. This... without the grant of planning permission at Land adjacent to Old Park Farm, Western Royal Wootton Bassett, SN4 7PB

An inspector appointed by the Secretary of State will hold an inquiry opening on the date shown above to decide the appeal. Members of the public may attend the inquiry and, at the Inspector's discretion, express their views. If you, or anyone you know, has a disability and is concerned about facilities at the inquiry venue, you should contact the Council to confirm that suitable provisions are in place. Documents relating to the appeal can be viewed on the Council website (PL/2022/01091).

## Wiltshire Council

Where applicable, you can use the internet to see information and to check the progress of cases through GOV.UK. The address of the search page is – <https://www.gov.uk/track-appel>  
Planning Inspectorate Contact point at the Planning Inspectorate, Craig Mackwell  
E-mail: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)  
Tel: 0303 444 5433 Planning Inspectorate References: APP/Y3940/C/222330652 and APP/Y3940/C/2223306521

**HILARY ANNE SLATER** (Deceased)  
Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of 43, Westfield House, Chippenham, SN15 8JY, who died on 08/12/2023, are required to send written particulars thereof to the undersigned on or before 13/02/2024, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

Forrest Sylester Meekel, 53 High Street, Malmesbury, Wiltshire SN16 5BH

**DENNIS WARREN PRICE** (Deceased)  
Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of 43, Westfield House, Chippenham, SN15 8JY, who died on 08/12/2023, are required to send written particulars thereof to the undersigned on or before 13/02/2024, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

Amey Law LLP, 38 Market Place, Chippenham, SN15 3HT

## PROBATE & Trustee

Dear Sirs,  
**Pamela Doreen Jones** (otherwise known as Pamela Jones)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Hayward Care Centre, Corn Croft Lane, Devizes, SN10 2FR (previously of 13 Sedgfield Gardens, Devizes, SN10 1ES and 126 Victoria Road, Devizes, SN10 1HA), died on the 6th January, 2022 are required to send particulars thereof in writing to the undersigned solicitors within two months of this advertised hearing regard only to the claims and interests of which they have had notice.

Dilwyn Solicitors, Oxford Chambers, Temple Street, Llandrindod Wells, Powys LD1 3DL

**BARBARA LILIAN MAHER SIMMONS** (Deceased)  
Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of 7 Fern Court, Old Road, Castle, Wiltshire, SN11 8BL, who died on 14/10/2023, are required to send written particulars thereof to the undersigned on or before 13/02/2024, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

Forrest Sylester Meekel, 51 St Mary Street, Chippenham, Wiltshire, SN15 3AH

**RONALD WINSTON JAMES** (Deceased)  
Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of 36 Boundary Road, Chippenham, Wiltshire, SN11 3JN, who died on 14/10/2023, are required to send written particulars thereof to the undersigned on or before 13/02/2024, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

Forrest Sylester Meekel, 51 St Mary Street, Chippenham, Wiltshire, SN15 3AH



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## Thursday, January 18, 2024 79

**SECTION 14(1) OF THE ROAD TRAFFIC REGULATION ACT 1984**  
Notice is hereby given that the Wiltshire Council intends to make Orders to close temporarily to all traffic: A) **Pouseth Road (Part)**, Pouseth, from its junction with The Green for a distance of approximately 150m in a southerly direction to enable Openreach to install a new duct in Carriage Way. Alternative route via Pouseth Road (unaffected length) – C20 – A361 – Deveys Road and vice versa. This Order will come into operation on 12 February 2024 and the closure will be required between the hours of 09:30 and 15:30 for 2 days. For further information please contact Openreach on 0370 050 0792. B) **School Road (Part)**, Sandford, from its junction with A361 to its property known as No. 07 School Road to enable Openreach to carry out new joint boxes and associated works. Alternative route via School Road (unaffected length) – C20 – A361 and vice versa. This Order will come into operation on 12 February 2024 and the closure will be required between the hours of 09:30 and 15:30 for 5 days. For further information please contact Sunbelt Renewals or behalf of Openreach on 0370 050 0792. C) **C226 (Part)**, Sandford, from outside its property known as The Berge Inn for a distance of approximately 200m in a south westerly direction to enable Messes Water to carry out new connection and associated works. Alternative route via C226 (unaffected length) – A361 – C20 – C226 (unaffected length) and vice versa. For further information please contact Messes Water on 0345 6004600. D) **C101 (Part)**, Milsley, from its property known as Field End for a distance of approximately 400m in a north easterly direction to enable Network Rail Infrastructure Ltd to carry out barrier maintenance works, adjustments to equipment and barrier arms and other associated works. Alternative route via C101 (unaffected length) – C39 – C76 – C30 – C101 (unaffected length) and vice versa. This Order will come into operation on 13 February 2024 and the closure will be required between the hours of 23:15 and 05:15 for 1 night. E) **Castle Street (Part)**, Calne, from its junction with Cox Hill to its junction with Chantry Court to enable Messes Water to carry out works to replace interim for permanent reinstatement and other associated works. **No alternative route is available.** This Order will come into operation on 14 February 2024 and the closure will be required for 1 day. For further information please contact Messes Water on 0345 6004600. F) **C129 (Part)**, Purton, from its property known as Diana Cottage for a distance of approximately 90m in a south westerly direction to enable Network Rail Infrastructure Ltd to carry out works for barrier maintenance, adjustments to the equipment, barrier arms and other associated works. Alternative route via C128 (unaffected length) – C414 – B4533 – C126 (unaffected length) and vice versa. This Order will come into operation on 14 February 2024 and the closure will be required between the hours of 23:15 and 05:15 for 1 night. For further information please contact Network Rail Infrastructure Ltd on 0345 771 4141. G) **Farm Lane (Part)**, Great Bedwyn, from its junction with Castle Road for a distance of approximately 50m in a south westerly direction to enable Thames Water to carry out plot 11, 12, 20mm MDPE domestic metered temporary building supply of 3/3 AC outside to be replaced in a 2 – port manifold of 3/3 AC. Alternative route via Farm Lane (unaffected length) – High Street – Browns Lane – Castle Lane and vice versa. This Order will come into operation on 13 February 2024 and the closure will be required for 4 days. For further information please contact Thames Water on 01783 237309. H) **C243 (Part)**, Potterne, from its junction with Hill Road to outside its property known as Myrtle Cottage to enable Messes Water to carry out sewer repairs and associated works. Alternative route via C243 (unaffected length) – A361 – A360 and vice versa. This Order will come into operation on 12 February 2024 and the closure will be required for 5 days. For further information please contact Messes Water on 0345 6004600. I) **B4040 (Part)**, Malmesbury, from its junction with Gasons Road to its junction with Crab Tree Close to enable Messes Water to carry out permanent reinstatement in carriageway. Alternative route via B4040 (unaffected length) – Parklands – Old Alexander Road – Park Road – Gloucester Road – B4040 (unaffected length) and vice versa. This Order will come into operation on 12 February 2024 and the closure will be required between the hours of 09:30 and 15:30 for 2 days. For further information please contact Messes Water on 0345 6004600. J) **B4040 (Part)**, Malmesbury, from outside its property known as Rose Cottage for a distance of approximately 40m in a north westerly direction to enable Messes Water to carry out new connection and other associated works. Alternative route via C52 (unaffected length) – Manor Lane – A345 and vice versa. This Order will come into operation on 22 January 2024 and the closure will be required between the hours of 07:30 and 17:00 for 5 days. For further information please contact Wiltshire Council on 0300 456 0105. K) **C173 (Part)**, Marlborough, from its junction with Cadley Road to its junction with A346 to enable Wiltshire Council to carry out to carry out verge overrun and associated maintenance works. Alternative route via Cadley Road – A346 and vice versa. This Order will come into operation on 12 February 2024 and the closure will be required between the hours of 07:30 and 17:00 for 5 days. For further information please contact Wiltshire Council on 0300 456 0105. Notice is hereby given that the Wiltshire Council has made Orders to close temporarily to all traffic: O) **C52 (Part)**, Malmesbury, from its junction with A345 to its junction with Primrose Lane to enable Wiltshire Council to carry out verge overrun and associated maintenance works. Alternative route via C52 (unaffected length) – Manor Lane – A345 and vice versa. This Order will come into operation on 22 January 2024 and the closure will be required between the hours of 07:30 and 17:00 for 5 days. For further information please contact Wiltshire Council on 0300 456 0105. P) **Crookwood Lane (Part)**, Uffington, from its junction with Crookwood Corner to its junction with Duckton Farm Farm to enable Openreach to carry out new pole required. Alternative route via B3098 – Passenage Lane – Lodge Hill – A360 and vice versa. This Order will come into operation on 22 January 2024 and the closure will be required between the hours of 09:30 and 15:30 for 1 day. For further information please contact Openreach on 0370 050 0792. Q) **C45 (Part)**, Dauntsey, from its junction with Old Sodon Lane to its junction with Overleaf Lane to enable Giggleswick to carry out works to clear blockages in the carriageway and verge and other associated works. Alternative route via C45 (unaffected length) – C77 – C68 – C45 (unaffected length) and vice versa. This Order will come into operation on 25 January 2024 and the closure will be required until 29 January 2024. For further information please contact Giggleswick on 01865 591131. R) **C131 (Part)**, Lyneham and Bradenstone, from its western junction with Preston Village Road for a distance of approximately 1km in a south easterly direction. S) **Preston Village Road (Part)**, Lyneham and Bradenstone, from its property known as The Old Farm House to its junction with C131 to enable Openreach to access the network for job testing and other associated works. Alternative route via Preston Village Road (unaffected length) – C131 (unaffected length) – A3102 – C120 – C131 (unaffected length) and vice versa. This Order will

come into operation on 26 January 2024 and the closure will be required between the hours of 09:30 and 15:30 for 1 day. For further information please contact Openreach on 0800 023 0223. T) **B4643 (Part)**, Chippenham, from approximately 380m south of its junction with A4 to its junction with B4523 to enable Wiltshire Council to carry out highway improvement and associated works. Alternative route via B4258 – A350 – A4 – B4643 (unaffected length) and vice versa. This Order will come into operation on 23 January 2024 and the closure will be required until 15 July 2024. For further information please contact Wiltshire Council. U) **C45 (Part)**, Dauntsey, from its junction with B4069 to its junction with C108 to enable Openreach to carry out works with safe access, to complete job testing and other associated works. Alternative route via C45 (unaffected length) – C77 – C68 – B4069 and vice versa. This Order will come into operation on 22 January 2024 and the closure will be required between the hours of 09:30 and 15:30 for 1 day. For further information please contact Wiltshire Council on 0300 023 0223. V) **Calstone Wellington (Part)**, Calne Without, from its property known as No.06 Calstone Wellington for a distance of approximately 150m in a south easterly direction to enable Messes Water to carry out permanent reinstatement works in the carriageway and other associated works. **No alternative route is available.** This Order will come into operation on 24 January 2024 and the closure will be required for 2 days. For further information please contact Messes Water on 0345 6004600. W) **Bedman Road (Part)**, Calne, from its junction with Stanley Road for a distance of approximately 200m in a north easterly direction to enable Messes Water to carry out work to rectify a defect in the carriageway and other associated works. **No alternative route is available.** This Order will come into operation on 21 January 2024 and the closure will be required for 1 day. For further information please contact Messes Water on 0345 6004600. X) **B4040 (Part)**, Grittlelade, from its junction with High Street to its junction with Stockham Close to enable Wiltshire Council to carry out carriageway resurfacing, road markings and other associated works. Alternative route via B4040 (unaffected length) – A419 – B4695 – B4040 (unaffected length) and vice versa. This Order which previously came into operation on 13 September 2023 will now recommence on 22 January 2024 and the closure will be required between the hours of 19:00 and 06:00 until 31 January 2024. For further information please contact Wiltshire Council on 01225 713497. Orders A) to W) will have a maximum duration of 18 months. Order X) has a maximum duration of 18 months. The closures and diversion routes will be clearly indicated by traffic signs. It is anticipated that the works will take the standard duration to complete depending upon weather conditions. Access will be maintained for residents and businesses where possible, although delays are likely due to the nature of the works.

### SECTION 14(1) OF THE ROAD TRAFFIC REGULATION ACT 1984 THE COUNTY OF WILTSHIRE (VARIOUS ROADS, VARIOUS PARISHES) TEMPORARY PROHIBITION OF TRAFFIC ORDER (No.34) 2024 (Per TfRO 9228)

Notice is hereby given that Wiltshire Council intends to make an Order to close temporarily, to all vehicles, the lengths of road specified in the Schedule to this temporary order. The order is required to enable carriageway retarding and associated maintenance works and will be operative from the 12 February 2024 for a maximum period of 18 months. The closures are anticipated to be for up to 3 weeks but only when traffic signs are in position and only for so long as is necessitated by the works. It is anticipated that advance signs will be deployed 2 weeks prior to the closure dates. Access will be maintained where possible although delays are likely due to the nature of the works. The closures are anticipated to take place between 12 February 2024 and 08 March 2024. Schedule 1. **Brook Street (Part)**, Great Bedwyn, from its junction with Shalbourne Road for a distance of approximately 100m in a north westerly direction. 2. **Whites Hill (Part)**, Ramsbury, from a point approximately 125m south of its junction with Stock Lane for a distance of approximately 100m in a southerly direction.

Alternative routes (vice versa): 1. via A338 – High Street – Severnside Road – Forest Hill – Brook Street (unaffected length). 2. via Whites Hill (unaffected length) – C6 – Poulton Hill – A346 – Copse Drive – Aldbourne Road – B4192 – Whittonford Road. All works will be published on Wiltshire Council website <https://www.wilts.gov.uk> and on confirmed dates are known. For further information please contact Atkins on 01225 730380.

**NOTICE OF MAKING OF PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 1961 THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH Nos. 5, 6 AND 8C AND PARISH OF LITTLE BEDWYN PATH No.20 DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024**  
The above named Order, made on 10th January 2024 under section 119 of the Highways Act 1980 and section 53 of the Wildlife and Countryside Act 1991, will divert the following three public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW. The entire width and length of that public right of way leading from OS Grid Reference SU 25971 69301 in a north westerly direction for approximately 625 metres to OS Grid Reference SU 25556 69768 then north easterly for approximately 260 metres to SU 25698 70004 known as Ramsbury path no. 6, will be diverted to a new route and recorded as a public right of way leading from OS Grid Reference SU 25971 69301, leading in a broadly north easterly, then northerly and then broadly westerly direction for a total of approximately 1075 metres to OS Grid Reference SU 25734 70066, having a width of 2 metres. Also, the entire width and length of that public right of way leading from OS Grid Reference SU 25556 69768 in a broadly north westerly direction for approximately 210 metres to OS Grid Reference SU 25373 69970 known as Ramsbury path no. 8C will be diverted to a new route and recorded as a public right of way leading from OS Grid Reference SU 25373 69970 leading in a broadly north easterly direction for approximately 340 metres to SU 25698 70004, having a width of 2 metres. Also, the entire width and length of the public right of way leading from OS Grid Reference SU 24823 68283, leading in a broadly north westerly direction for approximately 210 metres to OS Grid Reference SU 24622 68327 then leading in a broadly north north easterly direction for approximately 180 metres to OS Grid Reference SU 24698 68492, known as path Little Bedwyn 20 and Ramsbury 5 will be diverted to a new route and recorded as a length of public footpath leading from OS Grid Reference SU 24823 68283, leading in a broadly north westerly direction for approximately 250 metres to OS Grid Reference SU 24698 68492, having a width of 2 metres. The order will alter the Marlborough and Ramsbury Rural District Councils' definitive map and statement dated 1952 accordingly. A copy of the Order may be seen free of charge at the offices of Wiltshire Council, Bytassess Road, Trowbridge, BA14 8JN (0930 to 1700 week days) by appointment, to make an appointment or receive an electronic copy of the order please contact Craig Harlow, 01249 468558, [craig.harlow@wilts.gov.uk](mailto:craig.harlow@wilts.gov.uk). Any representations about or objections to the Order may be sent in writing to Craig Harlow, Definitions Map and Highway Records, Wiltshire Council, Bytassess Road, Trowbridge, BA14 8JN or by email to [craig.harlow@wilts.gov.uk](mailto:craig.harlow@wilts.gov.uk) quoting the order title "The Wiltshire Council parish of Ramsbury Path Nos. 5, 6 and 8C and parish of Little Bedwyn Path No.20 diversion and definitive map and statement modification order 2024", not later than 17:00 on 16th February 2024 and respondents are requested to state the grounds on which it is made. If no such representations or objections are duly made, or if any so made are withdrawn, Wiltshire Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations or objections which have not been withdrawn will be sent with the Order.

## Wiltshire Council

**Name and address of every person, council or prescribed organisation notified under either paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales, The Public Path Orders regulations 1993;**

The name and address of the applicant is :

Mary Askew, Ramsbury Estates Ltd, Priory Farm, Axford, Marlborough, Wiltshire, SN8 2HA.  
mary@ramsbury.com

Addresses of all notified parties:

<p>Ms Mary Askew Ramsbury Estates Ltd [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]</p>	<p>Mr Carl Stefan Erling Persson [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]</p>
<p>Ramsbury Manor Foundation c [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]</p>	<p>Mr Steven Little [Redacted]</p>
<p>Mr Peter Gallagher Footpaths and Walking Environment Officer [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]</p>	<p>Alan Woodford [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]</p>
<p>David and Carolyn Sheppard [Redacted]</p>	<p>Open Spaces Society [Redacted] [Redacted] [Redacted] [Redacted]</p>
<p>Ramsbury Manor [Redacted] [Redacted] [Redacted] [Redacted]</p>	

<p>The Secretary General</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Mrs Myra Bennett BHS CABO Wiltshire</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p>Byways and Bridleways Trust</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Mr Clarke Wiltshire Cycling Touring Club</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p>The Ramblers</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]k</p>	<p>Mr John Lippiat</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p>Cycling Uk</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]g</p>	<p>Mrs R Cunningham Wiltshire Bridleways Association</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p>Mr Bill Riley</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]uk</p>	<p>The British Driving Society</p> <p>H[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p>British Horse Society</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Open Spaces Society</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>

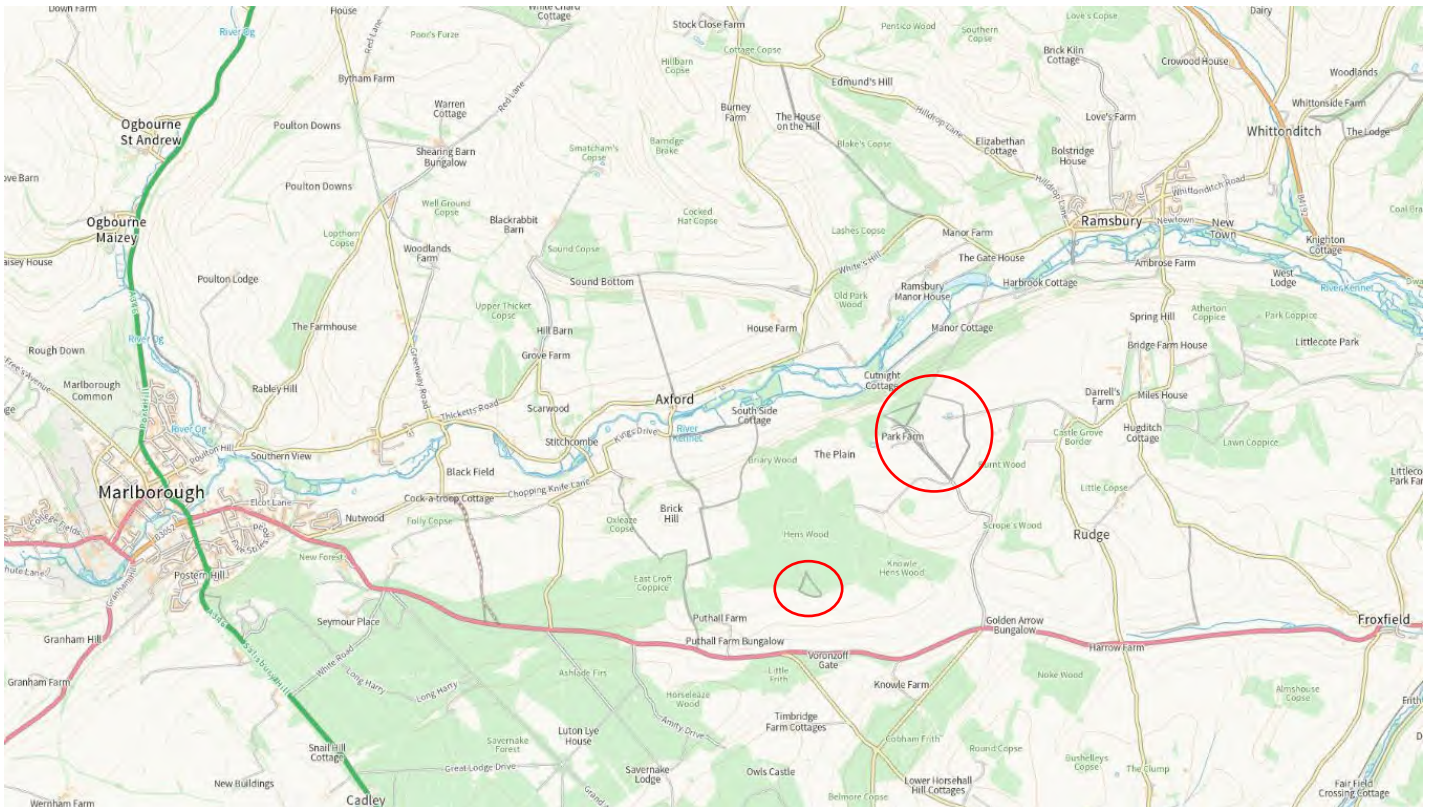
[REDACTED]uk	
Henry Oliver North Wessex Downs National Landscape [REDACTED]k	Tracy Smart [REDACTED]
Tony Pope [REDACTED]	Robert Copp [REDACTED]
Simon Mildenhall [REDACTED] [REDACTED]	Tanya Evill [REDACTED]
Axford and Ramsbury Parish Council [REDACTED] [REDACTED]	Paul Segal [REDACTED]
Little Bedwyn Parish Council [REDACTED] [REDACTED]	Kevin Light [REDACTED]
Linda New [REDACTED]	Jeremy Rees [REDACTED]
Jonathan Attey [REDACTED]	Janet Talmage [REDACTED]
Jeffrey Shea [REDACTED]	Duncan Shoosmith [REDACTED]
Helen Lovelock [REDACTED]	Cllr Stuart Wheeler stuart.wheeler@wiltshire.gov.uk
Diane Palmer [REDACTED]	Christina Romain [REDACTED]k
Cllr James Sheppard james.sheppard@wiltshire.gov.uk	Adam Fleet [REDACTED]
Catherine George [REDACTED]	Lois Smith [REDACTED]
Alison Whalley [REDACTED]k	Emma Gagen [REDACTED]k
Carl Reid [REDACTED]	Kate Richardson [REDACTED]
Guy Gagen [REDACTED]	Charlie and Vicky, Puthall Farm [REDACTED]
Victoria and Nicholas Kendall [REDACTED]	
Kate Lowe [REDACTED]	

## Location Plans

### The Wiltshire Council Parish of Ramsbury Path nos. 5,6 and 8C and Parish of Little Bedwyn path no.20 Diversion and Definitive Map and Statement Modification Order 2024.

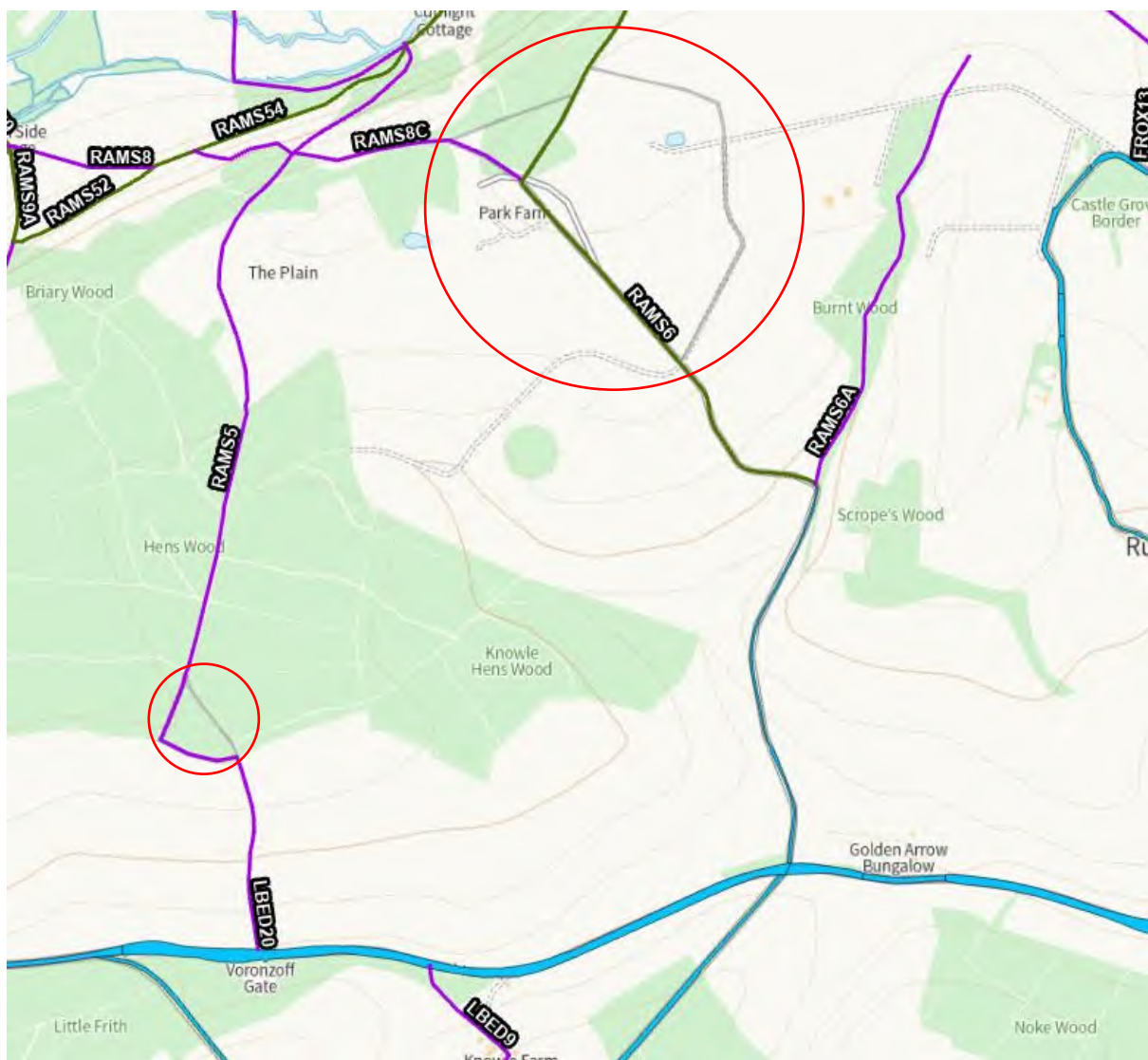
The order routes are situated over land at Park Farm, Ramsbury, Wiltshire, SN8 2HW

The two locations of the order routes are circled on the OS extract below. They are situated east of the town of Marlborough and south west of the village of Ramsbury



The below plan depicts the area of the two order plans, circled in red. The diversion route of RAMS6/8C can be accessed publicly from the south via the dead end U/C road leading north from the A4 and then along bridleway RAMS6. To park closer to the route please contact Mary Askew, estate manager. 01672 541 721 , 07876 882739. [mary@ramsbury.com](mailto:mary@ramsbury.com) .

The diversion of RAMS5/LBED20 can be accessed publicly from the A4 road to the south and then leading north along footpath LBED20. It may not be safe to park on the A4 and as such I would recommend contact Mary Askew estate manager for closer parking and access.



**From:** [Mary Askew](#)  
**To:** [Harlow, Craig](#)  
**Subject:** RE: Permission to enter land- diversion order.  
**Sent:** 18/06/2024 17:24:51

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
Dear Craig,

Yes of course, we give permission for an inspector appointed by the Planning Inspectorate to visit Park Farm and inspect the proposed route.

The best person to contact would be myself: Direct dial [REDACTED] or mobile [REDACTED]

If you need anything else then please just let me know.

Kind regards,

**Mary Askew** MRICS FAAV  
Estates Manager

---

RAMSBURY ESTATES Ltd.  
Priory Farm, Axford, Marlborough,  
Wiltshire, SN8 2HA



---

**From:** Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>  
**Sent:** Tuesday, Ju [REDACTED]  
[REDACTED]  
**Subject:** Permission to enter land- diversion order.

Good afternoon Mary,

As part of my submission to the planning inspectorate I am asked to provide written permission from the landowner for an inspector to access the land and order route for the purposes of the determination of the order.

Please can you reply confirming that you give permission for an inspector appointed by the Planning Inspectorate to enter the land, if you would like me to provide a phone number/ contact details for the inspector to use to access the order route where it is not currently a public right of way then please do so.

Best Regards

Craig

**Craig Harlow MIPROW**  
**Definitive Map Officer**  
Definitive Map and Highway Records  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN



Direct Line: 01249 468568  
Email: [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)



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## Health and safety at the site questionnaire

The Inspector will visit the site and will need to know what safety equipment and protective clothing to bring. The following questions indicate the type of information the Inspector will need about the site. Please supply any additional information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

The site has no discernible gradient . Walking boots are recommended.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

Possible exposure to livestock.

3. Is the site remote and/or can it be seen from other highways or rights of way?

The diversion route cannot wholly be seen from existing public rights of way. Recommend contacting estate for access and easier parking.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

Signal may be weak, nearest public telephone likely to be a number of miles away.

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

Recommend to contact estate manager for access to new routes and existing routes are subject to TTROs.

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

None known.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

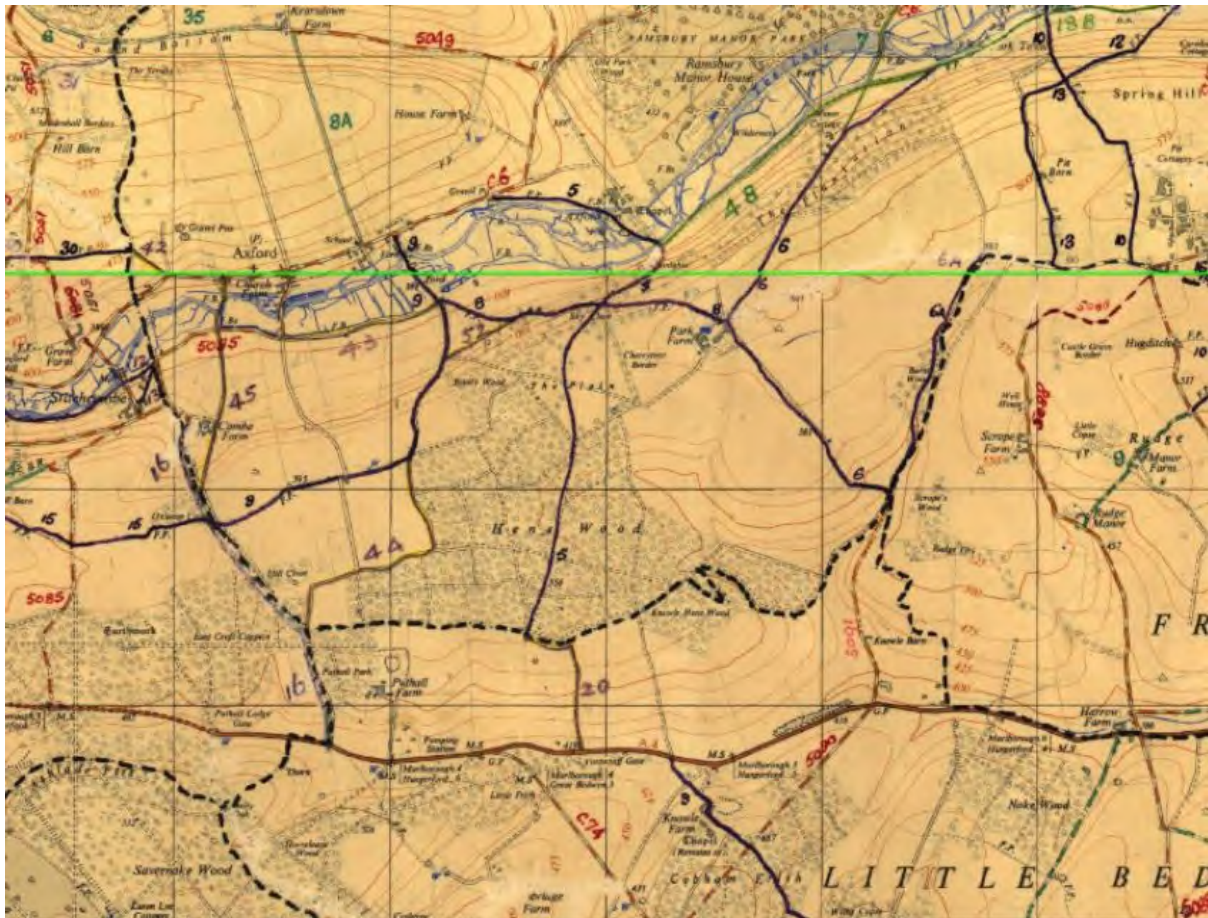
None known.

## Definitive map and statements

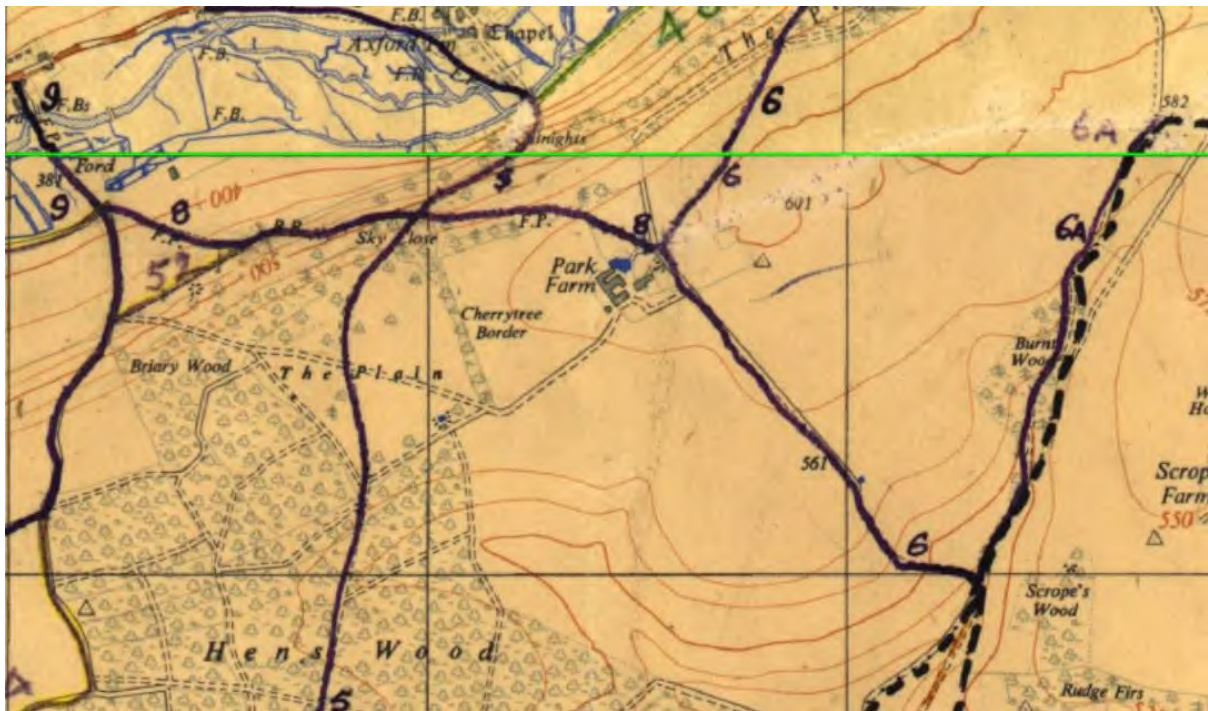
### The Wiltshire Council Parish of Ramsbury Path nos. 5,6 and 8C and Parish of Little Bedwyn path no.20 Diversion and Definitive Map and Statement Modification Order 2024.

See below extracts from the Marlborough and Ramsbury Rural District Area Definitive Map 1952.

Original scale 1:25,000



Zoomed in extract at 1:10,000 – RAMS6,8



Zoomed in extract at 1:10,000- RAMS5, LBED20



**Definitive statements:**

Ramsbury	5	<p><u>FOOTPATH</u>. Northern section known as Raggs Hatches. From its junction with the Marlborough Road C.6 at the Gravel Pit, leading east for approximately 350m and then heading in a generally southerly direction, across a bridge, for approximately 50m, before leading east for approximately 5m and south-south-east for approximately 100m, then leading south, crossing a bridge, for approximately 160m, continuing east for approximately 160m, then east-north-east for approximately 160m, before following a line north-east to its junction with Bridleways 48 and 54, where the path forks i) leading north-west for approximately 20m to join the track south of Axford Farm and ii) leading south-east for approximately 30m, then south-west for approximately 640m and then generally south-south-west to the parish boundary.</p> <p>Approximate length 3.1 km</p> <p>Width 1.8 m</p>	<p>relevant date</p> <p>6<sup>th</sup> February 2003</p> <p>Part subject to ploughing</p>
Ramsbury	6	<p><u>FOOTPATH</u>. From path No.48, south-west of Park Town leading south-west to the junction with path No.7.</p> <p>Approximate length 500 m.</p> <p>Width 1.5 m.</p> <p><u>BRIDLEWAY</u>. From the junction with path No.7 near Manor Cottage and continuing south-west through Plantation to Park Farm then south-east to the Froxfield Parish boundary at the northern end of road U/C 5091 by the Old Chalk Pit, west of Scropes Woods.</p> <p>Southern section known as Park Farm northern section as the Horse Race.</p> <p>Approximate length 2.3 k.m.</p> <p>Width 1.5 m.</p>	<p>relevant date</p> <p>27<sup>th</sup> November 1990</p>
Ramsbury	8C	<p><u>FOOTPATH</u>. From the junction of paths Nos.8B and 54 leading east along the northern side of Sky Close then south-east [crossing path No.5] to path No.6 at Park Farm.</p> <p>Approximate length 1000 m.</p> <p>Width 1.2 m.</p>	<p>relevant date</p> <p>17<sup>th</sup> September 1991</p>

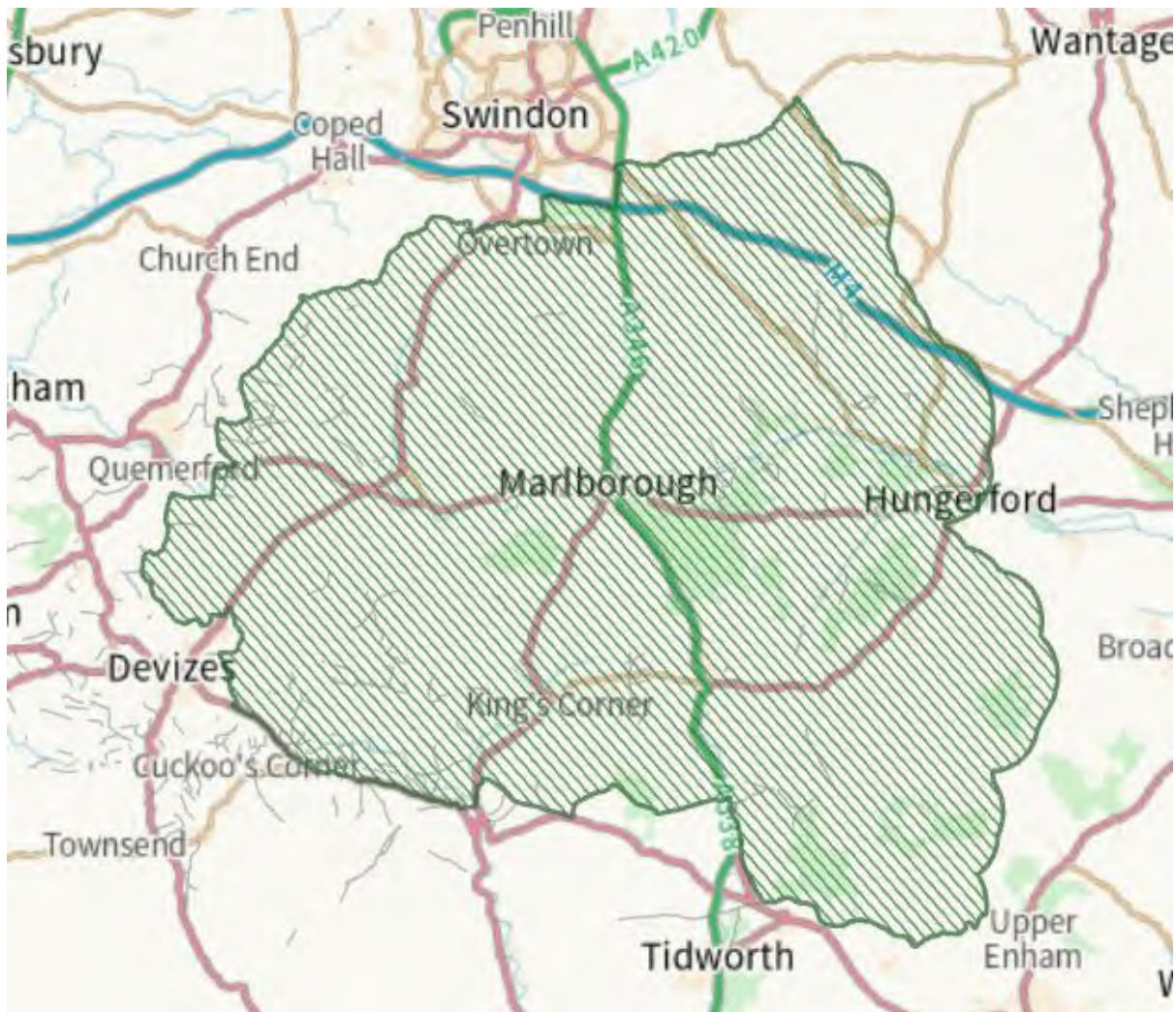
Little Bedwyn	20	<u>FOOTPATH.</u> From the southern end of Ramsbury path No.5 leading east along the southern edge of Hens Wood then south to the London - Bath Trunk Road, A.4, opposite Voronzoff Gate.  Approximate length 550 m.	relevant date 17th September 1991
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## Statutory Designation of Land

### The Wiltshire Council Parish of Ramsbury Path nos. 5,6 and 8C and Parish of Little Bedwyn path no.20 Diversion and Definitive Map and Statement Modification Order 2024.

The order routes are within the North Wessex Downs National Landscape ( previously AONB).

The area of the North Wessex Downs can be seen hatched green on the map below. The proposed routes and existing routes fall within the National Landscape.

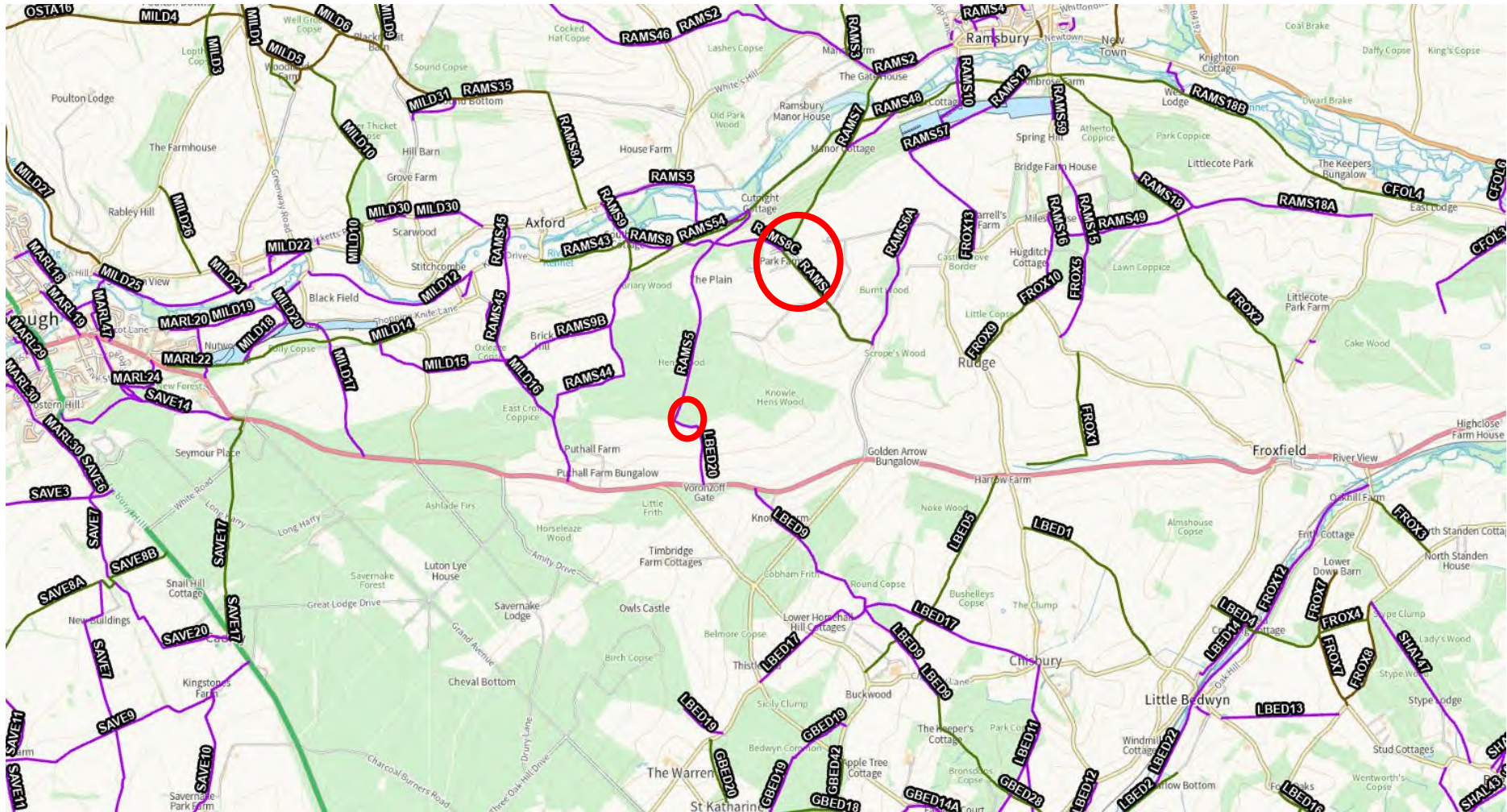


The Wiltshire Council Parish of Ramsbury Path nos. 5,6 and 8C and Parish of Little Bedwyn path no.20 Diversion and Definitive Map and Statement Modification Order 2024.

Wider area extract of OS mapping

Area of diversions circled red

Footpaths and bridleways labelled – footpaths delineated by purple lines and bridleways green lines



## A copy of the relevant parts of the Rights of Way Improvement plan

The Council must also have regard to the Wiltshire Council Rights of Way Improvement Plan (ROWIP) - the current plan is entitled Wiltshire Countryside Access Improvement Plan 2015 – 2025 – Rights of Way Improvement Plan 2. ROWIP 2 recognises the Council’s duty to have regard to the Equality Act 2010 and to consider the least restrictive option:

**At 4.1 page 16** the Council recognises that considering the needs of those with mobility impairments is a statutory responsibility:

*“..consider the needs of those with mobility impairments when maintaining the network and authorising structures (e.g. stiles and gates) on the rights of way network and seek improvements to existing structures where it would be beneficial (Equality Act 2010).”;*

**At 7.4 page 32** the Council recognises the following:

*“The requirements for improving accessibility for people with these sorts of disability are generally the same as discussed in conclusion 5.”*

Conclusion 5 states:

*“If older people are to keep active and therefore healthy, they will need a more accessible network as they are more likely to find stiles (and sometimes surfacing and latches) difficult than other people. This highlights the need to replace stiles with gaps or gates on key routes, which can also benefit wheelchair users and parents with buggies and children.”*

**ROWIP 2 refers to the Council’s Gaps, Gates and Stiles Policy. This is Policy number 7 and is appended to ROWIP2**

The Policy recognises that the authority must consider the needs of those with mobility impairments when managing rights of way and access and that this requirement particularly applies when authorising structures (e.g. stiles and gates) on rights of way and seeking improvements to existing structures to make access easier.

ROWIP Appendix 8 – Strengths, weaknesses, opportunities and threats  
assessment of the Countryside Access Network, Weaknesses, W1 states:

*“The network is largely historic and although it has evolved, in places it does not meet the present and likely future needs of users and potential users”.*

Wiltshire Council relies on DEFRA (2010) Good Practice Guidance for Local Authorities on Compliance with the Equality Act 2010 version 1 and recognises at **7.2.1** that:

*A highway authority has a duty, under the Highways Act 1980, to assert and protect the rights of the public to use and enjoy a highway. The Equality Act 2010 adds a further dimension by requiring (broadly) that in carrying out their functions, public authorities must make reasonable adjustments to ensure that it is not impossible or unreasonably difficult for people with disabilities to benefit from those functions as others would do or to show that there are good reasons for not doing so.*

OUR REF MPM/NJE/HYA14/1

DATE 12 July 2024

YOUR REF

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Dear Mr Harlow

### **Dispute over Sporting Rights at Ramsbury**

I am instructed as legal adviser by The Ramsbury Manor Foundation in respect of the recent matter of the Public Path Diversion Order relating to an application from Ramsbury Estates Ltd (Ramsbury Estates). This application was considered by the Eastern Area Planning Committee at their meeting on 13th June 2024 (Item 50).

My client's agent, Mr Bill Hughes, was present at the meeting and made representations recording and confirming my client's objections to the requested Diversion Order which have been lodged with your Council. Representations were also made objecting to the order by a representative of The Ramblers, Mr Peter Gallagher.

A representative of the Estate Manager of Ramsbury Estates gave support at the meeting to the grant of the Order. She also claimed that "the Ramsbury Estate had consulted with all interested parties including The Ramsbury Manor Foundation and the Ramblers Association". This was a serious misrepresentation and is categorically incorrect. I am instructed that Ramsbury Estates have avoided any consultation or discussion with my client (in order to address the concerns of The Ramsbury Manor Foundation and The Ramblers at all stages, both prior to and during the diversion application process).

Furthermore, your Committee is asked to note that Ramsbury Estates made clear statements re the existing public rights of way in their supporting statement to their Planning Application, on which both my client and your Council relied at the time. It now seems certain that these statements were made in error and were and are incorrect. Their application, which was to build the very large country house at Park Farm, was subsequently approved by your Council. These statements assured your Council that there would be no requirement to move or vary any public rights of way to accommodate the new house. Despite their assurances made prior to the grant of the planning Permission, Ramsbury Estates have launched the current diversion order application.

The application forms proposing the diversion variations which were submitted to your Council completely ignored the freehold legal interests of The Ramsbury Manor Foundation who own and exercise the freehold sporting rights over the whole of the land affected by the Diversion Order. As a result, these application forms were incorrectly completed by Ramsbury Estates in which they state that there are no other parties that have any legal interest in the property. This is another example of the attitude adopted by Ramsbury Estates throughout the planning and the diversion process. It has pursued its ambitions to achieve its goals come what may.

The Trustees of The Ramsbury Manor Foundation have a legal obligation to maintain the value of their charitable assets and, for the reasons already lodged with your Council, object to the Diversion Order application being approved.

Please acknowledge this letter.

Yours sincerely

A large black rectangular redaction box covering the signature area.

**Michael McNally**

For and on behalf of Warners Law LLP

Cc: Mr Alistair Ewing, Estate Manager, Ramsbury Estates, The Estate Office, Priory Farm, Axford, Marlborough, Wiltshire SN8 2HA