

AGENDA SUPPLEMENT (1)

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 13 June 2024

Time: 3.00 pm

The Agenda for the above meeting was published on **5 June 2024**. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Matt Hitch of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Planning Application (Pages 3 - 44)

Ramsbury Paths 5, 6 and 8C and Little Bedwyn Path 20 Diversion and Definitive Map Statement Modification Order 2024 (Pages 45 - 52)

DATE OF PUBLICATION: 13 June 2024

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Eastern Area Planning Committee

13 June 2024

7a) PL/2024/02018 13 Collis Terrace, Crawlboys Lane, Ludgershall, Andover, SP11 9QZ

Change of use of grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb.

Recommendation: Refuse



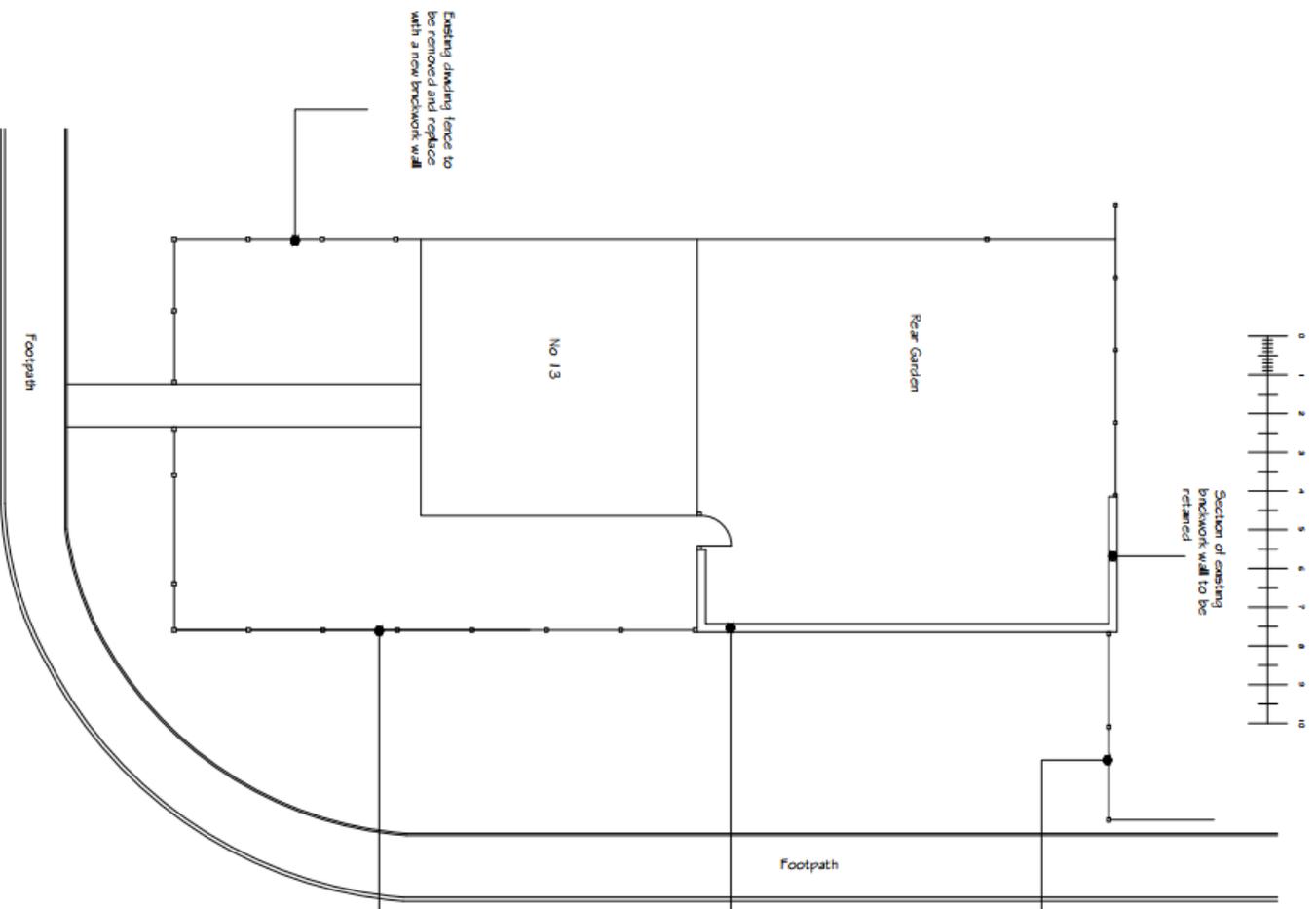
Site Location Plan



Aerial Photography

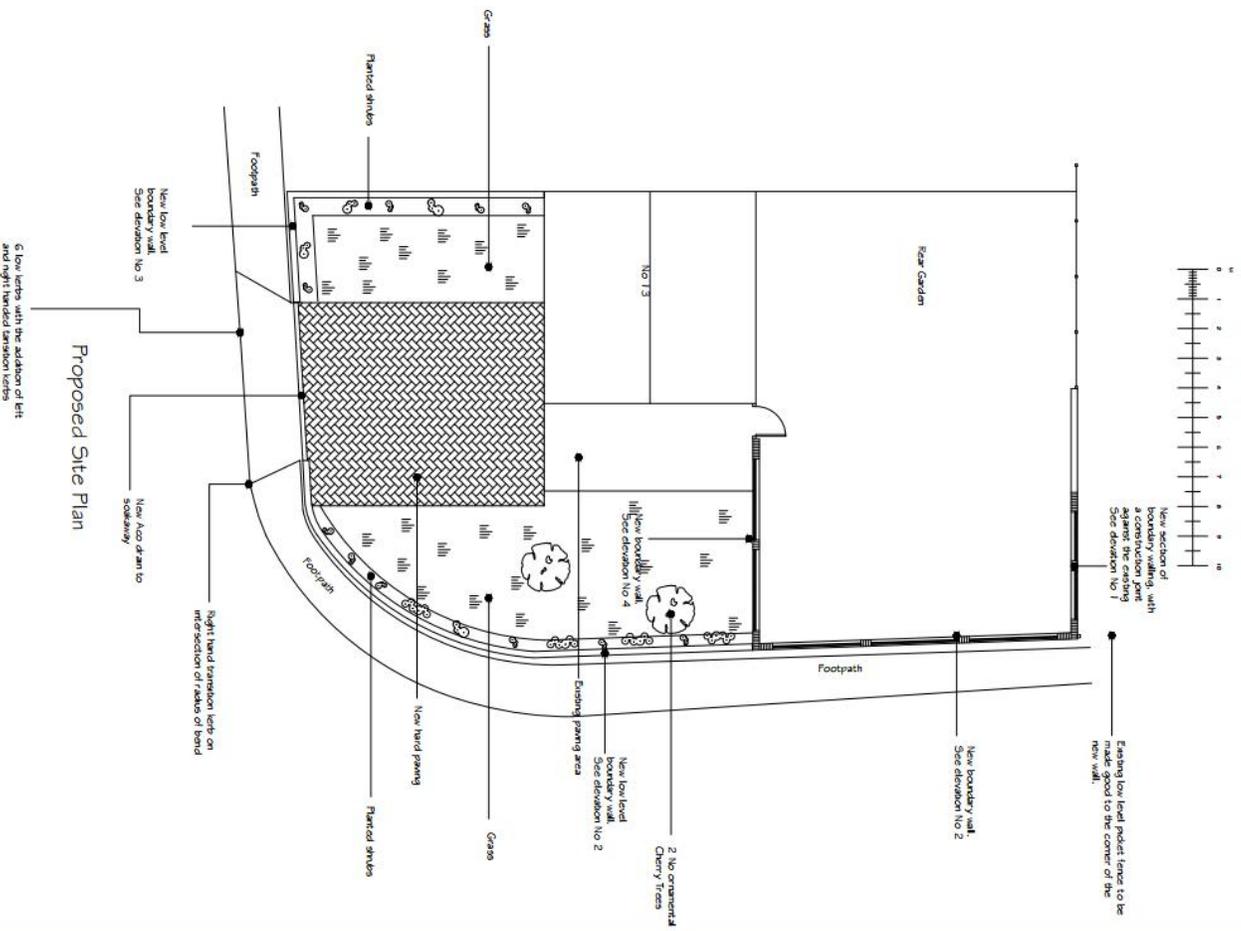


Existing site plan

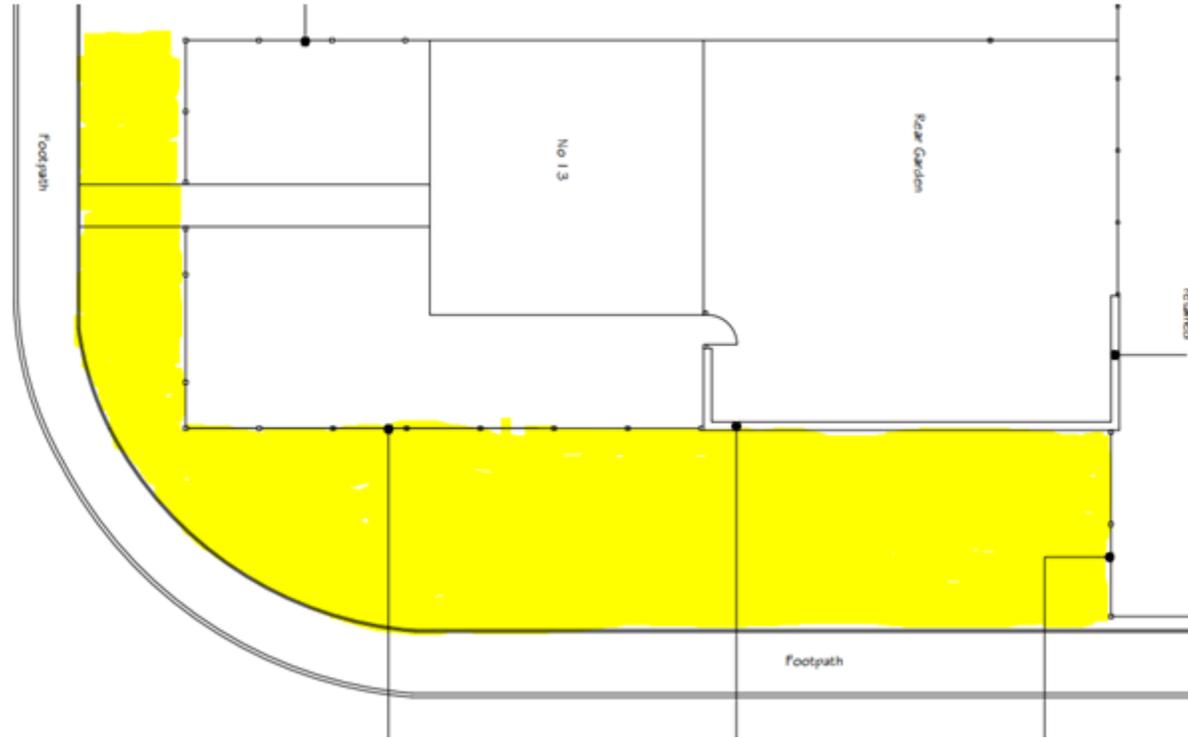


Existing Site Plan

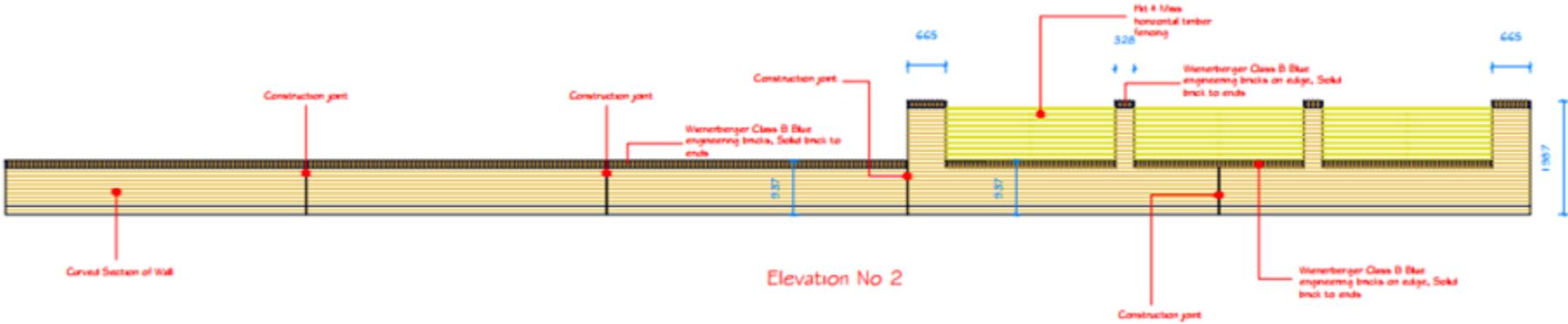
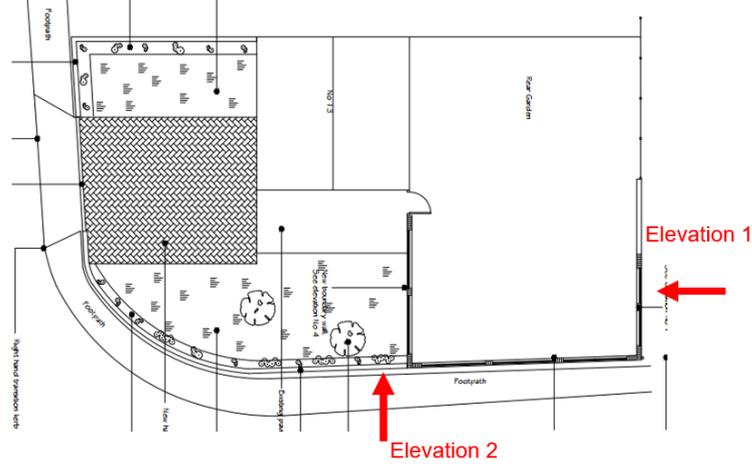
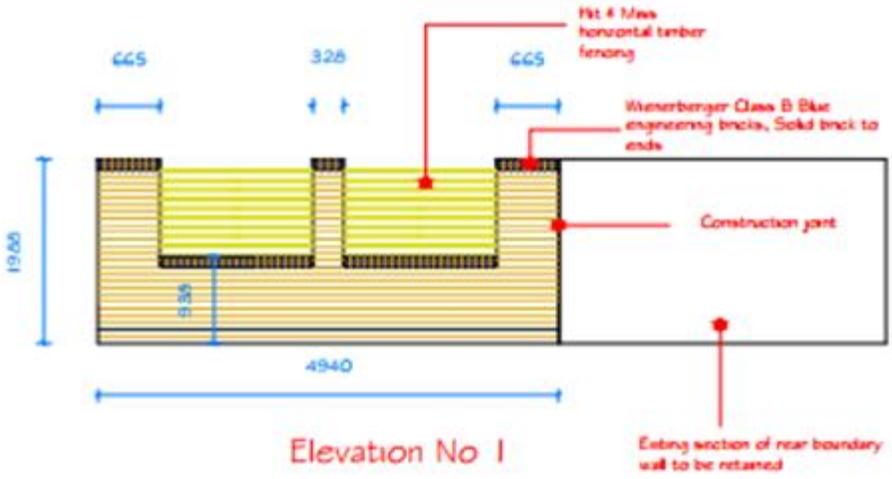
Proposed site plan



Area for change of use



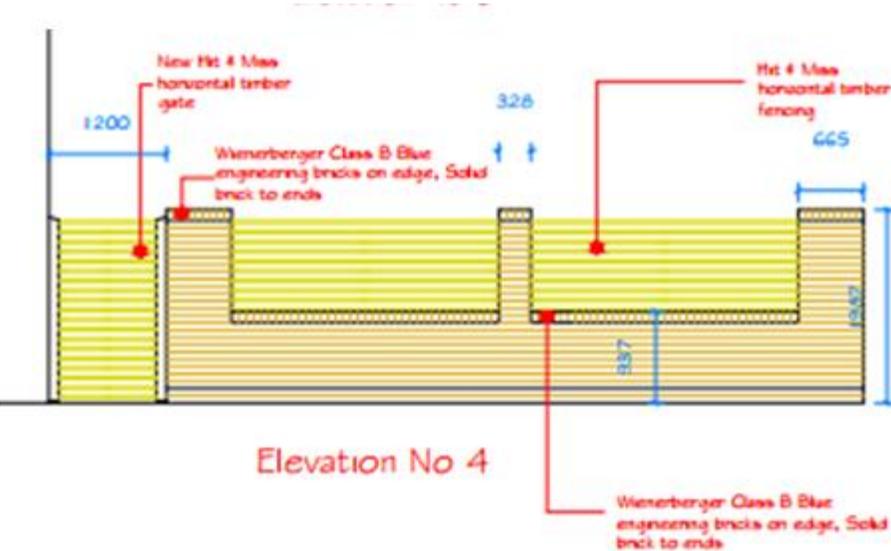
Proposed wall elevations 1 and 2



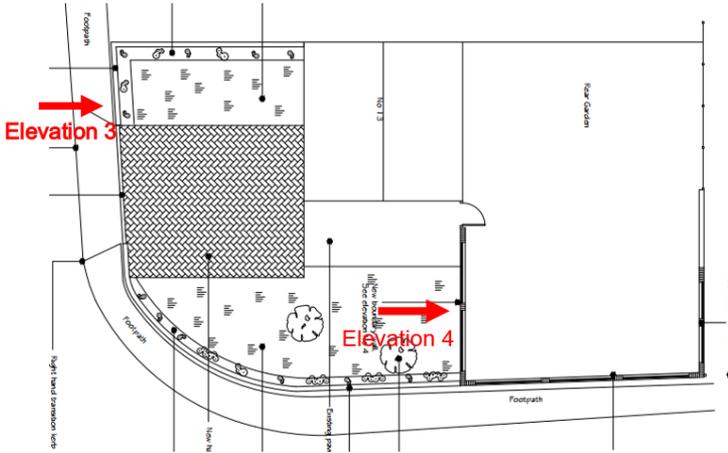
Proposed wall elevations 3 and 4



Elevation No 3



Elevation No 4



Site photos



Site photos

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Other green space in locality



Example boundary treatments



Other sites in locality



1 Flemming Close

Site on corner of Old Common Way subject to live application PL/2023/06881



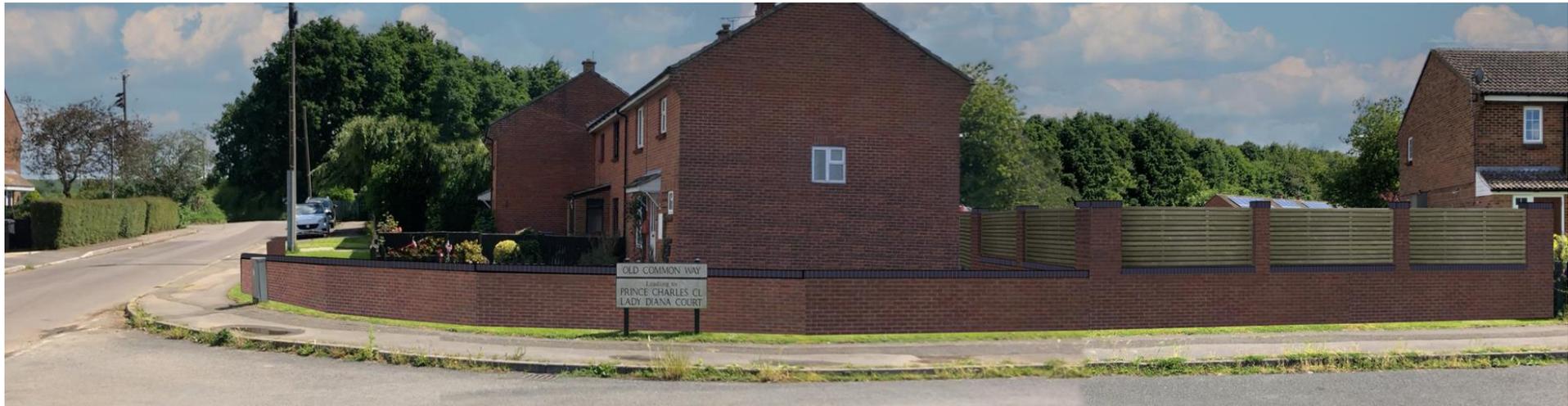
Other sites in locality



1 Lady Diana Court

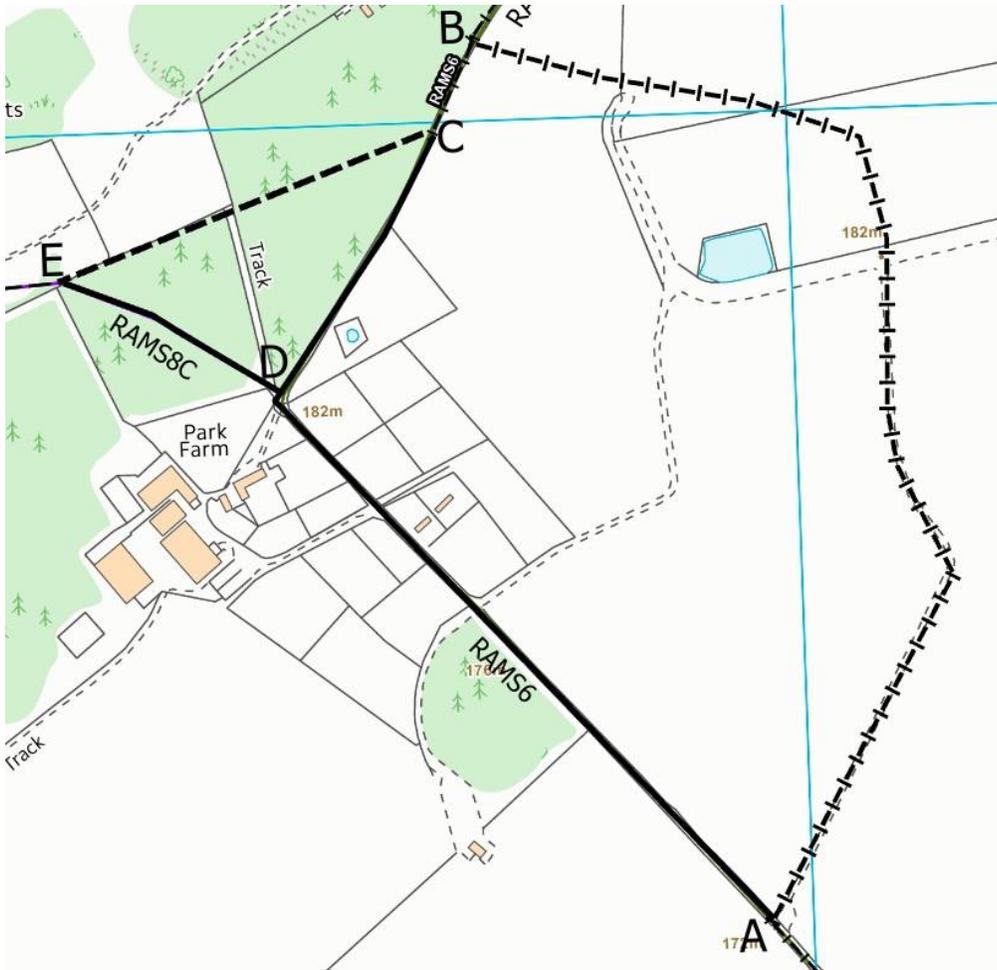


Computer visualisation of works by applicant



**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

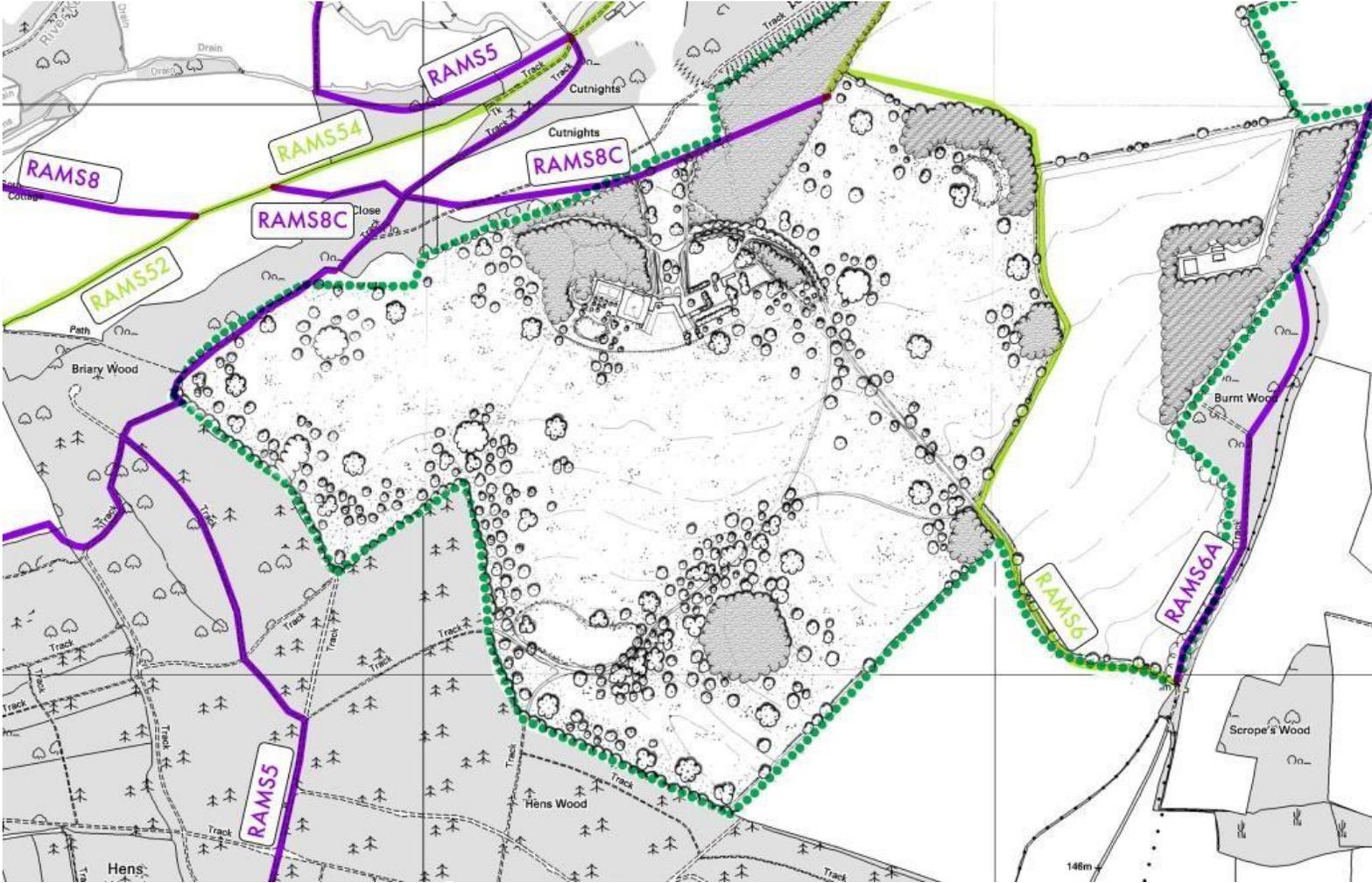
New route of footpath RAMS8C: C - - - - E

Other rights of way:

Footpaths: - - - - -

Bridleways: -| -| -| -|

Proposed layout



Current route of bridleway (August 2022)



Current route of bridleway (August 2022)



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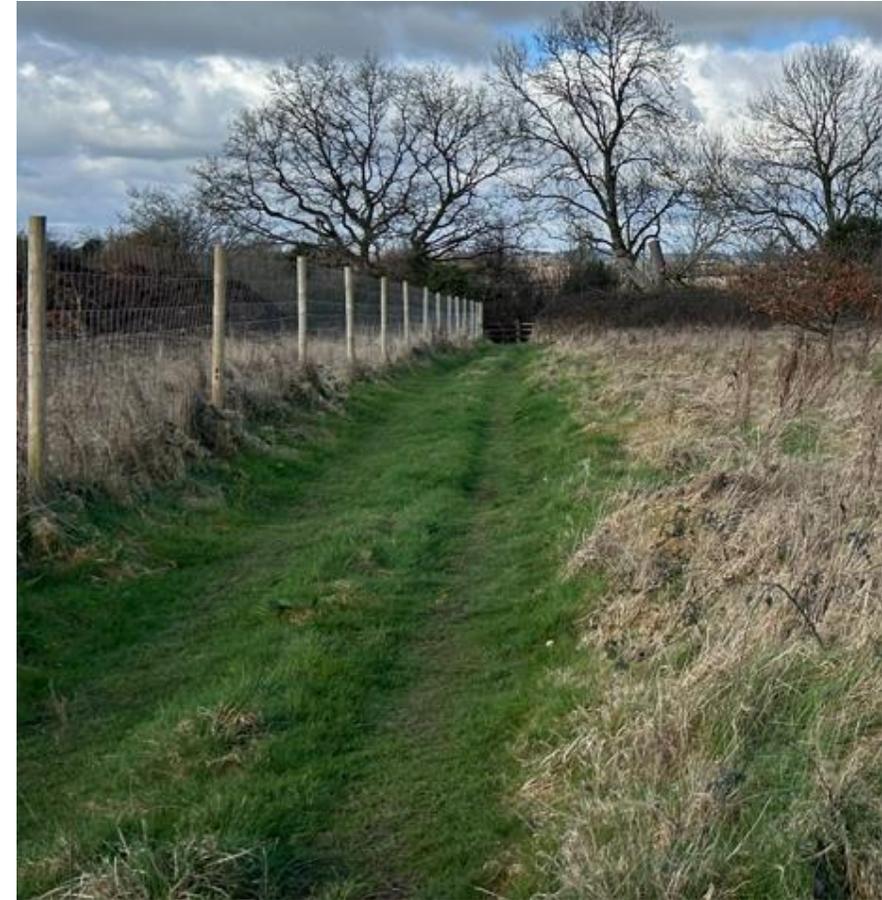
Proposed route of bridleway (August 2022)



Proposed route of bridleway (August 2022)



Current route of footpath 8C (February 2024)



Proposed route of footpath 8C (February 2024)



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Order Plan 2



Key – Plan 2

- Route of footpath LBED20.RAM55 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)



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Proposed route of footpath RAMS5 (August 2022)



The Application

- Made on 5th 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 10th 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

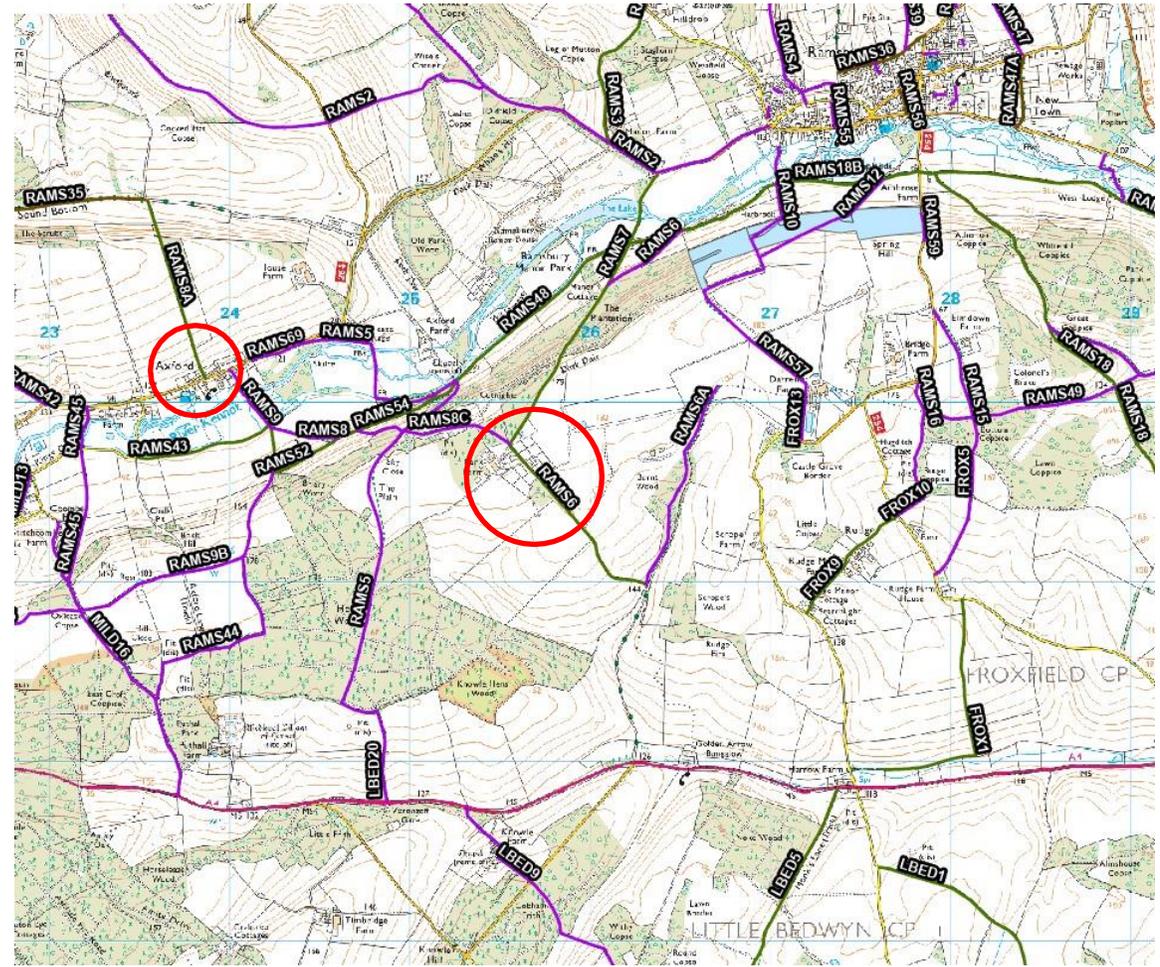
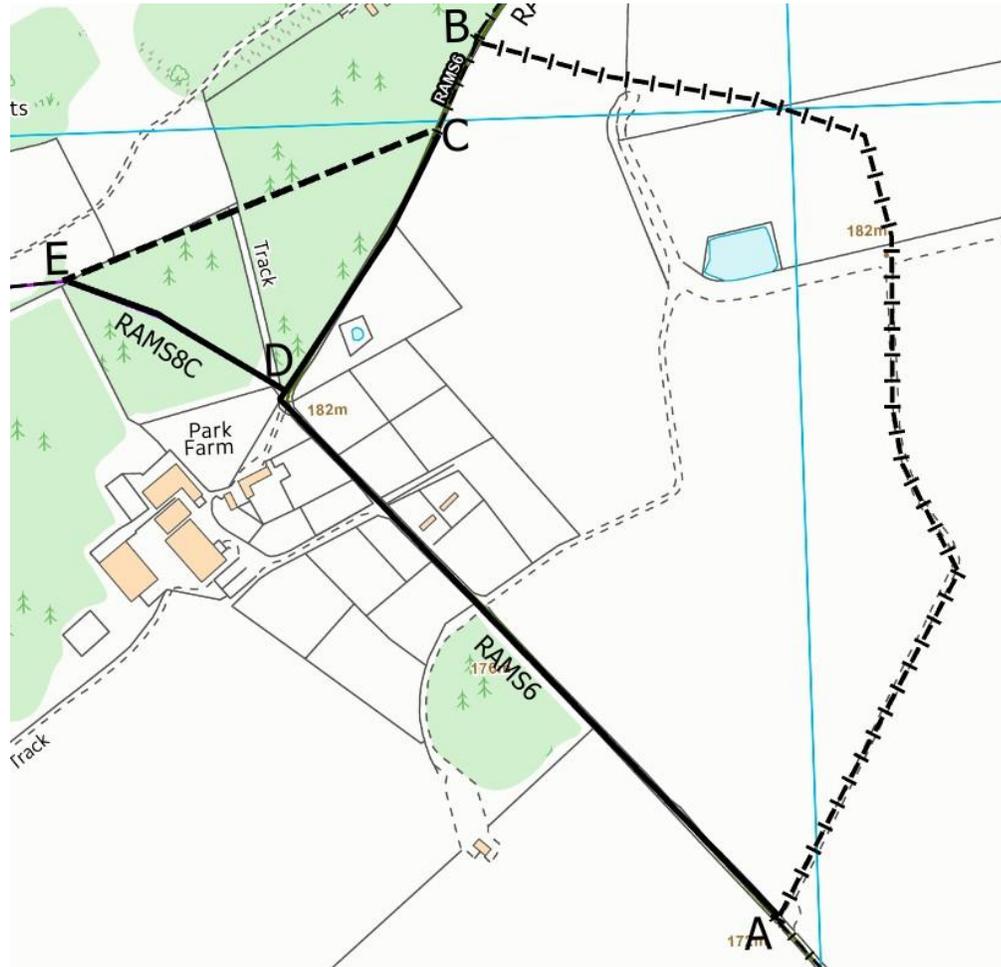
S.119 Highways Act 1980 – The tests to make an order to divert

- 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)



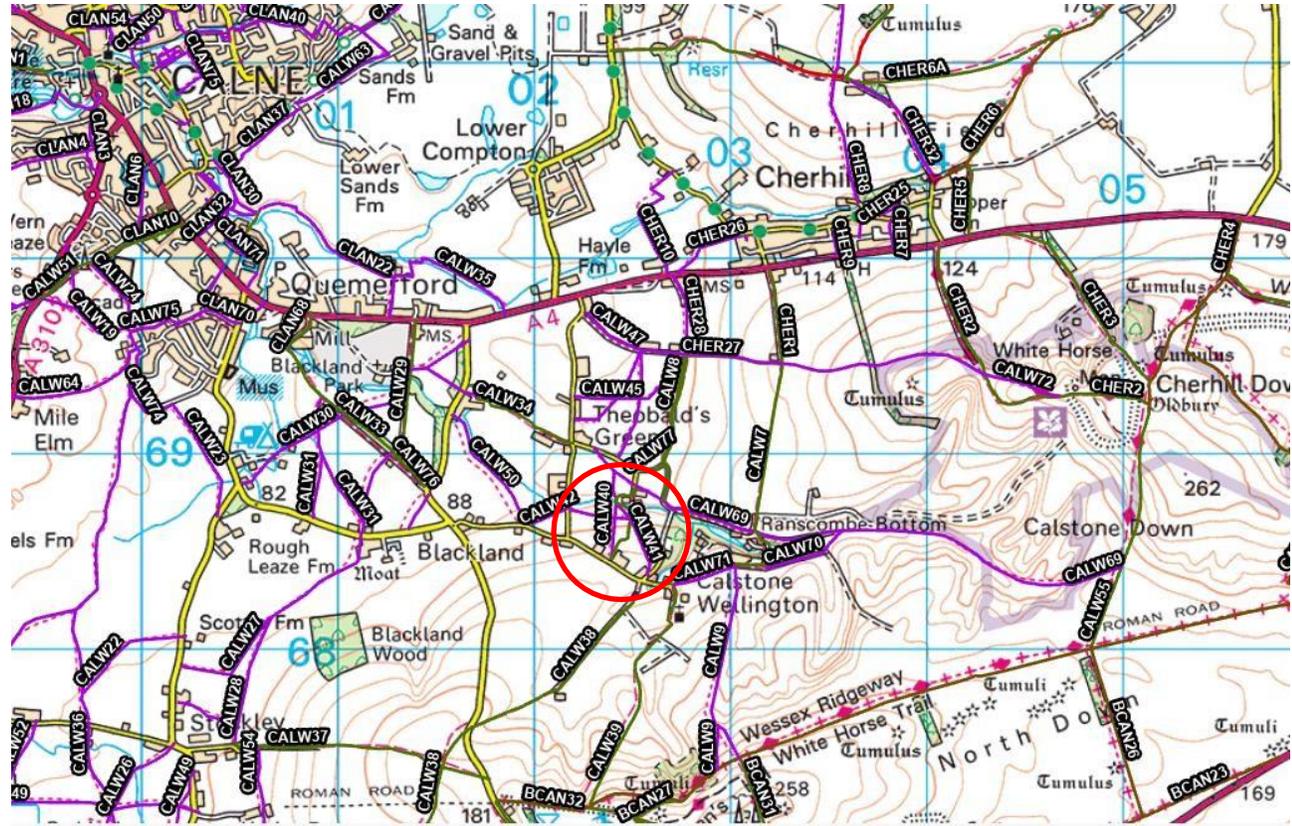
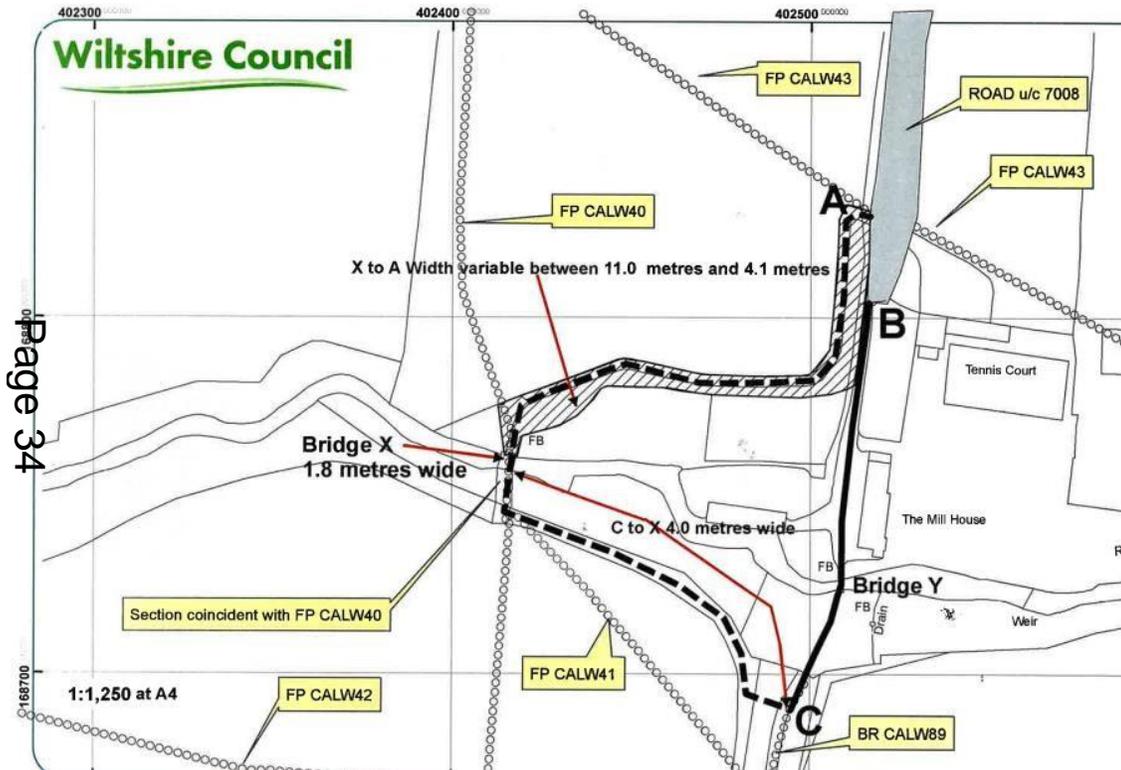
Calne Without order

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



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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

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Views north approaching point E



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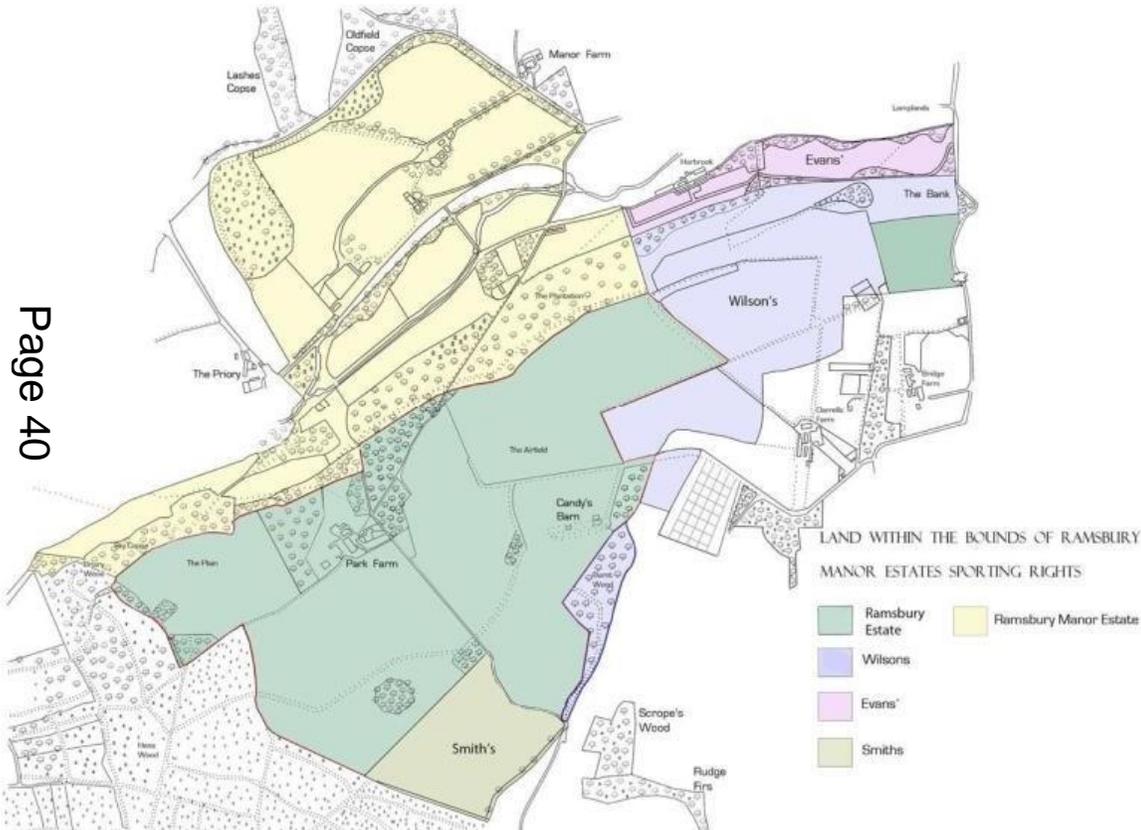
Plan 2 s.119(6)



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

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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.

EMAILS OF SUPPORT RECEIVED 12/06/24

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 Mannor 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.



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

██████████
Mildenhall
Marlborough
SN8 ██████████

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

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