

[REDACTED]  
Rowde

Devizes

SN10 [REDACTED]

21st January 2020

Your ref: CALW89/2018/08

CALNE WITHOUT BR 89 (PART) 89A AND 89B DIVERSION ORDER AND DMMO  
2019

Dear Wiltshire Council

I wish to object to the above application.

My reasons are as follows:

The application was first made in 2014. At that time Wiltshire Council objected to the application and a full and comprehensive 17 page report was written by Barbara Burke the Definitive map and highway records team leader on 1 December 2015, giving detailed reasons as to why the council refused the application.

She made the recommendation to refuse to make the order on the grounds that the legal tests to make and/or confirm the order have not been met.

Sally Madgwick, the current Highways Officer, reported to the Northern Area Planning meeting on 6th November 2019, recommending refusal of the new application on much the same grounds, highlighting the land owners interest, the location and convenience of termination points, the convenience of the new path, the effect on public enjoyment of the new path or way as a whole, the effect on the existing right of way, the effect on land served by the new right of way, consideration of the rights of way improvement plan and the needs of agriculture, forestry and conservation of biodiversity.

Nothing much has changed since the date of the first application, and the reasons I object to the application are very much the same as Barbara Burkes' were in 2015 and Sally Madgwicks' are currently, with the exception of the surface of the bridleway which has been reinforced.

Before expanding on my reasons I should first like to give a little history and background to this application.

In 1968 when the county council demolished the ancient stone cart bridge ( a county bridge) over the River Marden because it was unsafe after a flood. It was replaced (supposedly temporarily) by a wooden bridge. Despite numerous requests to the county council to replace the carriageway bridge no bridge was forthcoming. The council is still liable to put back a proper bridge and the fact WC would not have to do this, or maintain it in future is not a legitimate reason to divert the bridle path.

The whole length was an unclassified road (clearly shown on Greenwood 1820 map) except for an unregistered length of 53 meters by the Mill, which was repairable racione tenure.

In 2005 an application was made to add the unregistered length as a BOAT. The current Mill owner at this point, Mr Moore, applied to downgrade the road to a bridleway. I find it therefore strange that the very person that made the application to make this route a bridleway in the first place is now applying for it to be diverted. In 2006 the council made an order to downgrade the route to a bridleway. Up until that time it was an unclassified road so it must have a firm base. I also find it difficult to understand how the applicant did not know there was a PROW running past his front door when he purchased the property in 2000, as the most cursory of searches of the OS map or the counties highway records at that time would have showed the path.

The main grounds of the application to divert the bridleway away from the Mill House appears to be on the grounds of privacy and security.

The landowner states that the driveway being a bridleway impacts significantly on his privacy and security. That they have young children who are anxious when strangers come past by often peering in the windows. Also that dogs come past and relieve themselves on their garden and driveway.

May I suggest this is the reality of life for many people who occupy houses in towns. Indeed I grew up in a house that was accessed directly from the street and it was a regular occurrence for people to lean on our front window sill and dogs to relieve themselves on the pavement immediately outside. These

occupiers cannot submit applications to divert the pavement running directly in front of their houses, and I do not see these reasons as valid grounds to divert this path.

The applicant also refers to the gate at the top of the drive being left open despite the fact that I can not find any evidence that the erection of this gate has actually been authorised by WC, and is not mentioned on the definitive statement.

The applicant refers to the bridleway running 4 meters from his front door. Lots of people living in towns would relish the convenience of the pavement being 4 meters away from their front door.

I agree that some days there are 5/6 cars in front of the applicants house obstructing the bridleway but this is not a reason to divert the path, merely to park more considerately.

The applicant also states that the current bridleway is virtually impassable and slippery for about 6 weeks of the year. This means it is not virtually impassable for the remaining 46 weeks. Today I walked the path on foot after one of the wettest weeks on record and it was still easily usable, in fact the wettest part of the bridleway is at the bottom of the slope from Manor Farm which has to be negotiated even if riders use the permissive route.

The applicant states the route it is not a short cut b/n Manor Farm Calstone and Theobaols Green as the distance on the main road is shorter but who wants to ride a horse on the main road?

Barbara Burke stated in her report that the definitive route is of antiquity and pleasure can be derived from using a route which has history, purpose and direction and I agree with those comments.

Barbara Burke also stated in her report that she did not consider that the application to divert the bridleway meets with any of the aims of the Countryside Access Improvement Plan 2015-2025.

I believe the interests of the public heavily outweigh those of the landowner. Despite the landowners assertions to the contrary, this lane has existed for centuries and is of great historical value.

I am also concerned that the BHS supported the last application to divert to divert the bridleway in direct conflict to their own advice which states that , 'where a route has significant historical value, very careful consideration should be applied to the need to divert. Every effort should be made to avoid diverting such a well established and usually firm - surfaced ways.'

If diverted this ancient public right of way will be lost forever.

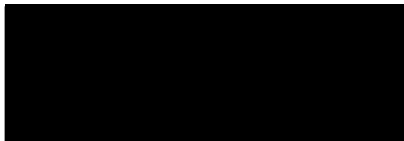
The landowner is concerned about the appearance of a new bridge as the old bridge on the definitive route needs replacing. The applicant states there is a limited amount of space to accommodate a new bridge without compulsory purchasing some extra land and changing the appearance of the site. However the councils principal bridge engineer is aware of the situation and believes the existing bridge can be widened to a suitable width for equestrians without the need to disturb any of the surrounding area, which is a concern of the applicants. Mrs Burke also stated that the council had not received any complaints about the surface of the existing section of the bridleway to the south of the river. I know several riders who prefer the new bridge to the old one but I do not see anything wrong with the bridge on the definitive route. It is a bit narrow, but I would much prefer to ride my horse over this bridge than the footbridge on Stert BR 7 which I regularly use. This bridge is the same width but significantly longer with overhanging brambles and a gate as you step on to and another gate as you step off of the bridge which also have to be opened.

The applicant states the new route is clearly more convenient as he has observed more people using the proposed bridleway and has enclosed a record of the use of the present bridleway and the proposed bridleway during the period March 2017 to December 2017. This showed only 14 walkers using the present bridleway and no riders or cyclists using it. May I suggest this is due largely to the signage erected at the start of the permissive section which deters people using the definitive route and makes out that the diversion route is in fact the official and legal route and no other reason. It is an offence for any person to place on or near any bridleway a notice containing any false or misleading statement likely to deter the public from using the way, yet I suggest that for users who are not familiar with the definitive line of the path they would no longer go straight on at either ends of the path, as the

bridleway way markers that did point straight on, have been deliberately covered up with the permission route arrows. (photo of signage at Manor Farm end attached as exhibit MEH/1 and Theobalds Green end as exhibit MEH/2.)

To me the simple solution that would satisfy everyone, is for both the definitive route and the permissive route to remain as they have for the past few years. If the diversion route is as good as the majority of supporters to the last application say it is, then they can continue to use it and won't bother Mr Moore and his family, so they will all be happy. For those people that wish to continue to use the definitive route then it will still be there and available to use and the historic route will be preserved.

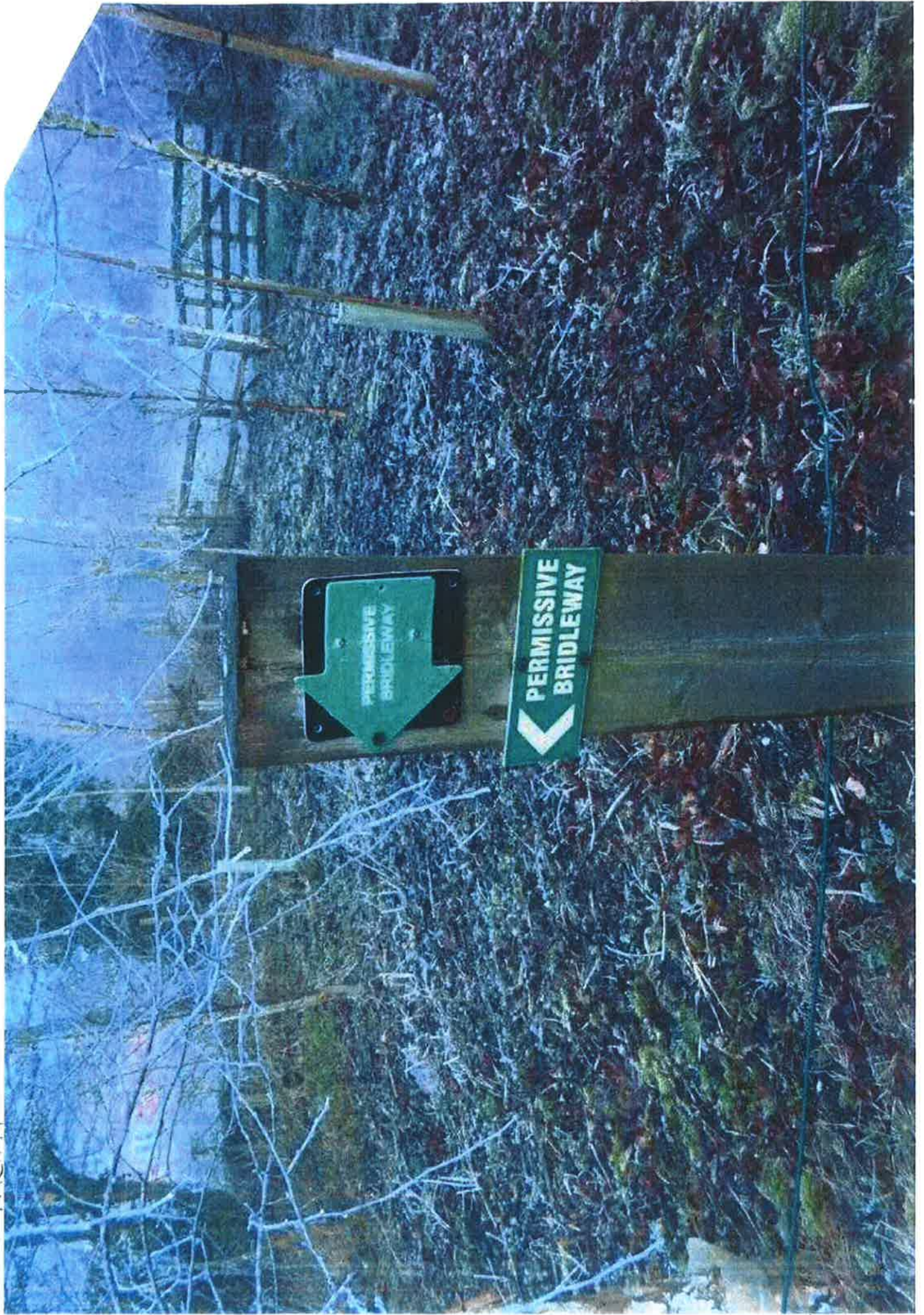
Your Sincerely

A solid black rectangular box used to redact the signature of the sender.

Mrs M Haley



MEH 11







**From:** [REDACTED] <hq@oss.org.uk>  
**Sent:** 30 January 2020 15:25  
**To:** Madgwick, Sally  
**Subject:** Calne Without bridleway 89 (part), 89A and 89B diversion order

Dear Sally

The Open Spaces Society objects to the order to divert Calne Without bridleway 89 (part), 89A and 89B on the grounds that it does not comply with section 119 of the Highways Act 1980.

The proposed diversion is substantially less convenient to the public, being circuitous and artificial. Instead of travelling in a north-south direction, walkers, riders and cyclists are required to travel east-west. This would also have an adverse effect on their enjoyment of the path.

For walkers, the diversion duplicates CALW41 on the south side of the River Marden, If one is approaching from the north, once one has been forced to go west to cross the river, CALW40 leads due south and CALW41 south east. Both paths provide a shorter route for walkers.

Without prejudice to that view, the order is defective in that article 1 does not prevent the existing way from being stopped up before the replacement way is created. It also fails to specify the form of junction with the existing footpaths, ie gates or gaps in accordance with BS5709.

Yours sincerely

Kate Ashbrook  
General Secretary  
The Open Spaces Society  
25a Bell Street  
Henley-on-Thames RG9 2BA  
tel 01491 573535, mob [REDACTED]  
email: [hq@oss.org.uk](mailto:hq@oss.org.uk)  
website [www.oss.org.uk](http://www.oss.org.uk)

*The Open Spaces Society is a registered charity (no 1144840) and a company limited by guarantee, registered in England & Wales (no 7846516).*

### **Support our Legal Fund**

*and help **fund legal action** by the society  
and its members in **defence of**  
commons, paths & open spaces*



**Read my blog at <http://campaignerkate.wordpress.com/>**

The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.



Received 5 FEB 2020

Objection 3



## Wiltshire Bridleways Association

*Campaigning for riders rights since 1970*

Enford  
Wiltshire  
SN9

4 February 2020

Ms S Madgwick  
Rights of Way and Countryside  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Your Reference:- CALW89/2018/06 dtd 18 December 2019

Dear Ms Madgwick

HIGHWAYS ACT 1980 S. 119.  
WILDLIFE AND COUNTRYSIDE ACT 1981 S. 53.  
THE WILTSHIRE COUNCIL PARISH OF CALNE WITHOUT  
BRIDLEWAY 89(part), 89A and 89B DIVERSION ORDER AND  
DEFINITIVE MAP AND STATEMENT MDIFICATION ORDER 2019.

Further to your letter of even reference dated 18 December 2019.

For the Wiltshire Bridleways Association monthly meeting held on Wednesday 11 December 2019, the question of the application to divert bridleways CALW 89(part), 89A and 89B was raised as an agenda item.

During debate, committee members considered the contents of presentations given, both in support and opposition to the granting of the order, to the Wiltshire Council Northern Area Planning Committee meeting held at Chippenham on Tuesday 6 November 2019. Consideration was also given to the contents of the published Draft minutes for that meeting along with some notes

[www.wiltshirebridlewaysassociation.co.uk](http://www.wiltshirebridlewaysassociation.co.uk)

recorded by the undersigned covering points not included in the Draft minutes.



At the conclusion of the Wiltshire Bridleways Association deliberations, the committee agreed that the Association would remain resolutely opposed to this application on the grounds previously outlined in our letter under reference SM/CALW dated January 2019. (Additional unsigned copy attached).

We respectfully urge Wiltshire Council not to confirm this order.

Yours sincerely



N Beardsley

Norman Beardsley  
Chairman  
Wiltshire Bridleways Association  
Tel: 01980   
Mob: 





# Wiltshire Bridleways Association

*Campaigning for riders rights since 1970*

c/o

Enford  
Wiltshire  
SN9  
January 2019

Ms S Madgwick  
Rights of Way and Countryside  
Waste and Environment  
County Hall  
Bythesea Road  
Marrowbridge  
Wiltshire  
BA14 8JN

Your Reference:- SM/CALW

Dear Ms Madgwick

HIGHWAYS ACT 1980, S, 119

WILDLIFE AND COUNTRYSIDE ACT 1981 S. 53

CONSULTATION REGARDING CALNE WITHOUT FOOTPATHS 40 & 41 PLUS  
BRIDLEWAYS 89, 89A & 89B.

Thank you for your correspondence under even reference dated 16 November 2018 and for granting an extended response time to Friday 18 January 2019.

The committee of Wiltshire Bridleways Association support the proposal to correct the Definitive Map and Statement with regard to Calne Without footpath 40 & 41.

Now turning to the question of Calne Without bridleways 89, 89A & 89B.

Perusal of a Draft copy of Calne Without Parish Council Minutes for a meeting held on Monday 9 April 2018, identified item 18, CALSTONE BRIDLEWAY, which reads:- 'Cllr Hislop reported that the applicants had been asked to resubmit the application to divert the bridleway as a way of breaking the current stalemate following a meeting chaired by Baroness Scott. Cllr Kronig had drafted a letter to send in support and to highlight the poor condition of the current

bridleway. Cllr Malpas suggested changing the wording to reflect the effort Baroness Scott had gone to. Cllr Cook suggested replacing "disappointed" with "pleased". This letter has not been viewed by WBA.

On Monday 19 November 2018, correspondence was received from Mr Moore, attached to which was his latest submission to Wiltshire Council, minus enclosures. This document was circulated to all WBA committee members. Having read that correspondence, it is evident the Mr Moore, together with some of his supporters refuse to accept or acknowledge that the definitive line of the bridleway subject to this, and a previous application, is an integral part of a continual and historic road network.

At point 5 of his covering letter, Mr Moore records "A good number of your members regularly ride the proposed bridleway and find it more convenient."

Firstly I will deal with the question of membership. In common with some other areas of Wiltshire, WBA membership within the Calne area has never numbered above 4/5. During late February 2018, WBA received a block application for fifteen new members. By October 2018 that number had grown to twenty five. The reason for this is perhaps best explained by the contents of an email dated Tuesday 27 February 2018 which reflects, "I've been trying to encourage new members amongst my friends and clients at Hampsley but many of them are upset that they might lose their preferred route around the Mill they have been told by a 3<sup>rd</sup> party, (who I don't know), that they needed to be WBA members to raise an objection to the council.

Secondly, the question of convenience, which I will deal with in tandem with point 6 of the covering letter. "The proposed bridleway has opened up this part of the countryside to many more people, particularly those with mobility difficulties, children being led on horseback, parents with buggies, walkers, cyclists etc. It is very noticeable from the submission that Mr Moore deals only with the section of bridleway leading past the Mill and the proposed diversion. He makes no mention of the terrain which must be navigated in order reach the proposed diversion points. Therefore, on Wednesday 12 December 2018, a visit was made to this location. Beginning from Manor Farm at the junction of CALW89 and unclassified road 7005, the bridleway follows a downhill grass and mud slope in a northerly direction towards Calstone Mill. At point 'C' on the attached map, the proposed diversion is signed with two plastic direction arrows as 'Permissive Bridleway' There is no signage to indicate the definitive line of CALW89 which continues through a difficult to open wooden gate. The ground between the gate and the narrow wooden bridge, point 'Y', was firm and well grassed. It is agreed that this wooden bridge, identified on the map as a footbridge, is a replacement for the original stone bridge demolished in 1968. It is not of a standard for equine use and will need to be replaced. Once clear of the bridge, the line of the bridleway is constructed mainly of a firm gravel and



stone base but continuation along it was obstructed by two parked cars, later to be increased to three.

Returning to point 'C' on the map, the surface of the proposed route is as described by Mr Moore. On crossing bridge 'X' the path begins to climb and in parts becomes sparsely grassed and slightly muddy.

At the point where the proposed bridleway emerges onto a metalled road, point 'A', several meters north of the end of the end of CALW89B, the turning is again marked by two plastic direction arrows as 'Permissive Bridleway'. As with point 'C', there is no signage to confirm the definitive line.

Continuing in a northerly direction this short metalled road joins CALW77, a bridleway. This is constructed of a stone and mud surface, littered with pot-holes and very wet. Given the condition described of the way users must pass before reaching the proposed new bridleway, it is hard to comprehend how the applicant can justify claiming the new section has opened up the countryside to those who would not normally be to access it.

Photographs to confirm all the above comments are available.

Also on Wednesday 12 December 2018, five persons from the Calne area attended the WBA monthly committee meeting to express their views on this matter. Despite assurances that all were WBA members, only four were subsequently identified as such, the fifth being Mrs LA Moore, joint applicant.

At the conclusion of the meeting, those attending were requested to submit written accounts of the points raised. Subsequently a number of letters were received, focusing mainly around two common points. These were, the dangers of the narrow wooden footbridge on the definitive line, and the need to negotiate around parked cars, people and household pets. One reported that on Sunday 16 December 2018, the line of CALW89 had been blocked by six vehicles, a number of people and dogs. Consequently this rider had taken the option of using the proposed route. Two members reported using the definitive route for a period of fourteen and twenty five years respectively, but despite considering it to be dangerous, had not considered it necessary to report any defects to Wiltshire Council for repair.

Also in his submission, Mr Moore produced a table of figures for users of both routes between March and December 2017. WBA would be interested to learn by what method these numbers were collected.

At the end of his covering letter, Mr Moore reported, "I should just mention that if we are unsuccessful in diverting the bridleway, in due course the proposed bridleway will be closed. I appreciate this will have an impact on people who would not otherwise be able to enjoy this part of the countryside, but we will have done our best to create the opportunity. There are two reasons:-

1. We are not prepared to have two bridleways run through our property. When we bought the property, Wiltshire Council assured us there were no rights of way.
2. In due course the bridge would need to be replaced by a much larger modern bridleway bridge. This would completely change the character of the property. We are not prepared to wait for this to happen. We shall adopt alternative plans for the Malthouse which will also include the land over which the proposed bridleway passes.

When I saw Mr Moore on Wednesday 12 December 2018, he made a further statement, claiming instead that if they failed in this quest, the family will be forced to sell the property and move.

It is also noted from the documentation that Mr Moore considers the Mill to have no historic value. Searches show that on 31 July 1986, Calstone Mill was recorded as having Grade 11 listed status by Historic England for its Special Architectural or Historic Interest, number 1253559 refers. This listed status is also reflected in four previous planning applications for the property, N/00/02065/LBC, N/01/02708/LBC, N/08/02173/LBC and N/09/00933/LBC.

In conclusion, WBA submit that with the exception of the current wooden footbridge on the definitive route, the line of CALW89, 89A & 89B is more than adequate. We also note that it is the responsibility of the land owner to ensure that the route remains clear of obstruction, thus allowing free passage to all. We believe Mr and Mrs Moore have failed in this duty by not only the parking of vehicles, but also with regard to signage, thus encouraging/directing users away from the definitive line. There is only one bridleway sign along this entire definitive route.

With the exception of two WBA committee members, it is considered that in the event this application is approved, much pleasure derived from the clearly historic aspect will be lost by PROW users.

With the exception of one committee member, Wiltshire Bridleways Association believe that no advantage will be gained by users should this application be approved but clearly much pleasure derived from the historic aspect will be lost. We therefore wish to register our strong objection and urge Wiltshire Council to give serious consideration to declining this application.

Yours sincerely



Norman Beardsley  
Chairman,  
Wiltshire Bridleways Association



Bill Riley, [REDACTED]

Bradford on Avon, Wiltshire, BA15 [REDACTED]

Objection 4

Sally Madgwick  
Rights of Way & Countryside  
Wiltshire Council  
Trowbridge BA14 8JN

Your ref: CA\W89/2018/08

6<sup>th</sup> February 2020

Dear Ms. Madgwick,

**The Wiltshire Council Parish of Calne Without Bridleway 89 (part), 89A and 89B  
Diversion Order and Definitive Map and Statement Modification Order 2019**

I object to the above named Order on the following grounds.

The original direct road, which is an integral part of the ancient local road network, would be lost; so too would the excellent views of the interesting Grade 2 listed mill buildings. The existing road has a sense of purpose, and users have the knowledge that they are following in the tracks of countless generations past. My enjoyment of the road would be lost if it was diverted.

The proposed diversion is substantially less convenient. It is more than twice as long and has multiple changes of direction. It has no obvious purpose other than to perhaps provide a longer ride for local horse riders, who are already well provided for in the locality.

The proposed diversion would result in the total loss of view of the listed outbuilding, and the view of the listed Mill House as well if the landowner decides to screen it. No one interested in the history and architecture of the mill buildings would have any reason to use the diversion.

The applicant's privacy argument is clearly spurious. No one genuinely concerned about privacy would buy a house with a frontage directly onto a public road.

I accept that enhancing the value of the house by excluding the public from the road, is in the interests of the landowner, but this is substantially outweighed by the interests of the public.

In summary, the Order fails to fully comply with the statutory tests specified in S.119 of the Highways Act 1980 and should not be confirmed.

Yours sincerely,

[REDACTED]  
Bill Riley

James Higgs

Objection 5

[REDACTED]  
Devizes

Wiltshire

SN10 [REDACTED]

6th February 2020

**Re. The Wiltshire Council Parish of Calne Without Bridleway 89 (part), 89A and 89B Diversion Order and Definitive Map and Statement Modification Order 2019**

Dear Saily

I object to the order, which does not appear to meet the requisite statutory tests prescribed in the Highways Act and in any case is only a discretionary power for a highways authority.

Having enjoyed walking and cycling the route over a period of about seven years I would find the diversion less enjoyable than its historic route, which passes by an attractive, listed mill house aside the River Marden.

The proposed diversion is a longer, contrived detour given its sharp bends and deviance from the mill house. The historic route is a shorter, straighter route which makes efficient use of the available terrain in order to assist – rather than inconvenience – public use.

I appreciate that local horse riders may find the proposed diversion more enjoyable on account of its lengthening, but think that improvements which benefit one method of public use ought to be made in addition to (rather than to the detriment of) other types of public use.

Yours sincerely

[REDACTED]

James Higgs.