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Craig Harlow  
Wiltshire Council  
Bythesea Road  
Trowbridge,  
Wiltshire,  
BA14 8JN

By email only to: [craig.harlow@wiltshire.gov.uk](mailto:craig.harlow@wiltshire.gov.uk);

2 October 2023

Dear Craig,

**APPLICATION NO:** CCOM7-YKEY25

**DESCRIPTION:** The Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement Modification Order 2023

**LOCATION:** Lower Colham Mill, Castle Combe, SN14 7HZ

Thank you for consulting the Cotswolds National Landscape Board<sup>1</sup> (the Board) on this proposed public right of way diversion, which would be located within the Cotswolds National Landscape<sup>2</sup>.

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.<sup>3</sup> The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications<sup>4</sup>:

- Cotswolds National Landscape (CNL) Management Plan 2023-2025 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Types (LCT) 12 (Dip Slope Lowland Valley);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, regards to LCT 12 ([link](#));
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#)); and
- Cotswolds National Landscape Board Position Statements ([link](#)).

Having reviewed the information provided, the Board has **no objection** to the proposed diversion.

Please don't hesitate to contact me if you wish to discuss this response further.

Simon Joyce MRTPI  
Planning Officer

**Cotswolds Conservation Board**

Cotswold Business Centre  
2 A P Ellis Road, Upper Rissington  
Cheltenham, Gloucestershire GL54 2QB  
07841 663607  
[info@cotswoldsaonb.org.uk](mailto:info@cotswoldsaonb.org.uk)

The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

[cotswoldsaonb.org.uk](http://cotswoldsaonb.org.uk)

Chairman:  
**Brendan McCarthy**  
Vice Chair:  
**Rebecca Charley**

## NOTES:

- 1) The name used for the organisation associated with the AONB designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. The legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances.
- 2) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 3) Section 85 of the Countryside and Rights of Way Act 2000.  
[www.legislation.gov.uk/ukpga/2000/37/section/85](http://www.legislation.gov.uk/ukpga/2000/37/section/85)
- 4) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
  - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2023-2025  
[www.cotswoldsaonb.org.uk/management-plan](http://www.cotswoldsaonb.org.uk/management-plan)
  - b. Cotswolds AONB Landscape Character Assessment  
[www.cotswoldsaonb.org.uk/lca](http://www.cotswoldsaonb.org.uk/lca)
  - c. Cotswolds AONB Landscape Strategy and Guidelines  
[www.cotswoldsaonb.org.uk/lsg](http://www.cotswoldsaonb.org.uk/lsg)
  - d. Cotswolds AONB Local Distinctiveness and Landscape Change  
[www.cotswoldsaonb.org.uk/ldlc](http://www.cotswoldsaonb.org.uk/ldlc)
  - e. Cotswolds Conservation Board Position Statements  
[www.cotswoldsaonb.org.uk/ps1](http://www.cotswoldsaonb.org.uk/ps1) [www.cotswoldsaonb.org.uk/ps2](http://www.cotswoldsaonb.org.uk/ps2)

**From:** [REDACTED]  
**Sent:** 01 October 2023 16:42  
**To:** [Harlow, Craig](#)  
**Subject:** Castle Combe Footpath Diversion Objection

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Dear Mr Harlow

I write with reference to: ***The Wiltshire Council Castle Combe 7 & Yatton Keynell 25 Diversion Map & Statement Modification 2023.***

My wife and I have regularly walked this stream-side, lower footpath from Long Dean up into the woods and then on to the Castle Combe/ Long Dean footpath for a number of years now, and we are both puzzled and dismayed by this proposed diversion.

There seems absolutely no logic to it all. The reasons for the application to have the path diverted, at least as they have been reported to us, seem extremely lightweight to say the least.

On the matter of privacy, there simply isn't a case to make. The path passes nearby a dwelling, not through it or even directly alongside it as do hundreds of other paths up and down the country. Morally and practically, when you purchase a property close to a footpath it is a case of "*caveat emptor*". You accept that as part of the "deal". The inhabitants of Castle Combe, Yatton Keynell, West Yatton and Long Dean all purchased their properties in the full knowledge that the Castle Combe Racing Circuit was nearby. That's the deal with living here. We don't lobby to have it shut down! Most people, if bothered by the public passing near their house would focus on mitigatory measures... hedges, fences, screening,... not expect the the path to be diverted. It is hard to see what has changed over the years to make the presence of people on the footpath.. and there **really** aren't that many .. suddenly so oppressive. There was of course an increase in human traffic during the Covid period, but that was the same for every footpath countrywide. That period has now ended.

As for worries about upset to grazing livestock and the risk of trespass, these two potential dangers exists on every single footpath crossing agricultural/rural land in the country. There is simply nothing exceptional about this stretch of path as regards heightened risk. A discreet marker post or two would alleviate any navigational doubts in a walker's mind.

The upheaval, destruction and cost of re-routing the path is grotesquely out of proportion to the absolutely minimal benefits .. to one household.. of the diversion. I can see no justification for it at all. This is a wonderful path, particularly magical in the very early morning, or at dusk.,, in one of the most beautiful valleys in the area. Its diversion would be costly, illogical and upsetting for all those, both local and from further afield, who value and enjoy it.

Your sincerely

John Davies  
West Yatton  
SN14 [REDACTED]

**From:** [REDACTED]  
**Sent:** 05 October 2023 14:39  
**To:** [Harlow, Craig](#)  
**Subject:** Castle Combe/Yatton Keynell Right of Way Diversion

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**The Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement Modification Order 2023**

**OBJECTION**

We have owned [REDACTED] in Long Dean for 43 years and during that time we, our children and now our grandchildren have enjoyed walking along this footpath. The section in question is full of birds, wild flowers and insects typical of this wide, lush meadowland and a perfect complement to the drier, chalky contour path above and the woodland around which are all part of this route from Long Dean to Castle Combe. This level meadowland stretch is very special and no part of it should be removed without good reason.

As a matter of principle, changing an existing right of way is a very serious matter. No decision to do so can be taken without rigorous scrutiny of the reasons put forward by the landowner - were the landowner's claims substantiated and corroborated?

The weight of all such reasons must in any case be balanced against any negative implications of creating the proposed alternative route. In this case, looking at the steep wooded bank on the other side of the river it is difficult to see how a new path can be created without cutting down several trees. Is this justified?

We object to the proposed diversion and request that the decision to make this Order should be given more consideration.

Rosemary Hall

**From:** [Harlow, Craig](#)  
**Sent:** 10 October 2023 09:58  
**To:** [Harlow, Craig](#)  
**Subject:** Mrs Jones objection- outside of statutory period

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**From:** Kate Jones [REDACTED]  
**Sent:** Monday, October 9, 2023 5:56 PM  
**To:** Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>  
**Subject:** Re: The Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement modification Order 2023.

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Dear Sir

I understand that the new landowners of these footpaths are applying to alter the route of the footpath, in order to suit their needs.

I would like to object most strongly to this proposal, as it is totally unnecessary and will effectively spoil the enjoyment of countless people, just so the landowners can sell off Lower Colham Mill House at a premium price. This will mean that the wealthy are able to take advantage of lax planning issues and ruin the local landscape for everyone else. This seems patently unfair on the general population: just because you can afford to challenge the centuries old laws, doesn't mean that you should be able to bypass them entirely.

The landowners reasons to divert the path and not good enough grounds to change the route. Most landowners in this country have footpaths and By-Ways running across their land somewhere. Generally they accept this law and make it work . If you agree to this proposal above, then you are opening the floodgates to all other landowners to change paths etc, just because it does not suit them!

We would all like more privacy, why should they be special?

If you have a properly marked footpath, people will tend to stick to it and not stray across other areas. In the past couple of years, that meadow has been left in a terrible state of neglect and it is very difficult to find and follow the footpath. If the landowner maintained it correctly, there would not be any problem.

I know from local villagers that they have not had sheep on that meadow for many years and are not really farmers in the proper sense and will therefore not have a problem with sheep attacks.

The flooding is hardly a problem as there are 2 good bridges on that section of meadow anyway.

Any problem arising from erosion is again due to no maintenance.



I hope you will inspect the site and will come to a sensible decision on this matter.

Yours faithfully

Mrs Jones

**The Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement**  
**Modification Order 2023**

I write to object in the strongest possible terms to this Modification Order. As a resident of the parish of Yatton Keynell, I regularly walk this cherished footpath, delighting in the stillness and secluded tranquillity of the meadow, which is specifically afforded by being able to travel the path at the very heart of it. I do not see what possible justification can be given for such a proposal but understand that the applicant has offered rather a lot reasons. Taking them in order:

- 1) **The applicant wishes more privacy.** Those of us that are lucky enough to live, walk and work in this valley accept that being an AONB it will draw visitors from far and wide. The idea that one individual's quest for 'privacy' should deny future generations a chance to enjoy something of unique charm is unconscionable. The current owner must surely have been well aware of the proximity of the footpath when he acquired the house and land several years ago and though numbers of walkers have risen in recent years, the footpath in question benefits from being slightly 'off the beaten track' and will be bypassed by the majority. It is therefore puzzling that privacy should now have become an issue...
- 2) **Prevent trespass.** I cannot comment on incidences of this except to state that the point of trespass cited is not obvious given how overgrown the meadow has been allowed to become. Might I suggest that a better maintained footpath would help mitigate against trespass?
- 3) **The field is used for lambing.** There have been no sheep at pasture, let alone lambing, on this ground for the past several years. I assume the applicant can provide a flock number with him named as the registered keeper to verify his claim? I was once called upon to assist others following a dog attack on an unfortunate ewe on the ground across the river when the applicant's brother farmed what was the original estate, but that was committed by the applicant's own dog. The meadow is much neglected and has not been appropriately grazed or maintained since 2020
- 4) **Existing footpath crosses the leat which floods.** In twenty years of walking this footpath I have never once known flooding at the Castle Combe end though the river is regrettably much choked with reeds
- 5) **The existing bridge suffers from erosion.** There is no manifest evidence to support this claim and the cost/convenience of conducting any necessary repairs cannot be remotely comparable to the scale of activity (groundworks/tree felling/bridge construction) required for the creation of a new footpath

These justifications are spurious at best, but that aside, what this proposal fails to acknowledge is the impact of the footpath being relocated to the opposite bank of the river on to ground that has designated SSSI status. The map indicates that the new footpath would run immediately alongside the river. Whereas its current location, in the middle of the field, affords relative protection for the abundant local wildlife, the new route would bring walkers, and doubtless dogs, directly into important woodland/riverside habitats. There have been **multiple and significant** sightings of both Beavers and Otters on this stretch of the Bybrook, as well as water voles, mink, ducks, coots and moorhens. I trust the appropriate bodies would be called upon to conduct independent searches into the ecological impact from both the extensive groundworks and tree felling which would be required and the regular traffic of walkers? Furthermore, there is a longstanding history of badger activity in these woods, the disruption of which will be of concern to three local cattle farms and DEFRA given the area falls within a TB hotspot. The clear evidence of ash dieback, and especially of trees with insecure roots on a steep slope adjacent to a new footpath, would be of significant concern for public safety.

In summary, not only are there no substantial grounds for permitting this relocation of an existing footpath, but it would be a gross dereliction of Wiltshire County Council's environmental duty if it were to be granted. The 'whim' of one individual should not be prioritised over wider interests and rights.

Ms Laughton

**From:** [KING OF BRIDGWATER, Lord](#)  
**Sent:** 05 October 2023 10:03  
**To:** [Harlow, Craig](#)  
**Subject:** P/2020/015 Rights of Way-- Wiltshire Council

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I wish to lodge my objection to this application to alter the footpath in the Bybrook valley. The change to this long established path- will involve substantial work to establish a new bridge crossing , and tree clearance, resulting for some time in turning a charming walk in a peaceful valley into a building site.

Tom King

[REDACTED]

Ford,

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**From:** [REDACTED]  
**Sent:** 03 October 2023 13:05  
**To:** [Harlow, Craig](#)  
**Subject:** RE: The Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement Modification Order 2023

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Hi Craig,

You will need to send a SSSI assent for this work please to [REDACTED]

As I noted back in February, this will need to include detailed construction plans of the footpath and footbridge, what the access routes will be and when the work will be carried out etc. This would need to be sent to us in the form of a SSSI assent or consent (depending on who is issuing the works). This is because the plans may lead to impacts on the SSSI. As the proposed notice stands now there is not enough information to determine whether the works will have an impact on Rack Hill SSSI.

Have you gained approval from EA if needed or the Forestry Commission (if felling trees?)

You can find out more information about SSSI consents and assents here, depending on what body is wanting to carry out the works:

Public Body: [Sites of special scientific interest: public body responsibilities - GOV.UK \(www.gov.uk\)](#)  
Owner and Occupier: [Give notice and get consent for a planned activity on a SSSI - GOV.UK \(www.gov.uk\)](#)

Thank you,  
Rachael

---

**From:** Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>  
**Sent:** 05 September 2023 12:10  
**Subject:** The Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement Modification Order 2023

Dear All,

**The Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement Modification Order 2023**

The above named order was made on 23<sup>rd</sup> August 2023, please see attached a copy of the order , plan and notice.

Any representations or objections should be received no later than 17:00 on 6<sup>th</sup> October 2023 as per the notice.

Best Regards

**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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**From:** [REDACTED]  
**Sent:** 03 October 2023 13:22  
**To:** [Harlow, Craig](#)  
**Subject:** The Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement Modification Order 2023

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Dear Mr Harlow

I am writing to object to the proposed changes to the above footpath which links Long Dean with Castle Combe, traversing a field adjacent to Lower Colham Mill.

My husband and I have lived in Long Dean for just under 30 years and regularly use this footpath as the most direct route to Castle Combe, its church and its public houses. We believe this is an extremely ancient footpath that has been an essential right of way for many generations of people living in the Long Dean Valley.

It is also the only stretch of the footpath between Long Dean and Castle Combe that runs along the bottom of the valley, giving walkers a wonderful view of the tall forestry on both sides. It is understandably one of the favourite parts of the Macmillan Way and used by many walkers throughout the year.

In addition, we do not agree with the grounds given for the diversion of the footpath, specifically:

1. Privacy: Lower Colham Mill has a high hedge which protects it on the side of the footpath. The footpath does not impinge on the garden or grounds of the property and does not run alongside the hedge or is even close to it.
2. Trespass: There is no direct access to Lower Colham Mill from the footpath. It is protected by the high garden hedge and therefore there is much less likelihood of trespass at Lower Colham Mill than many dwellings which have a footpath in a nearby field.
3. Lambing: Dogs are indeed a threat to sheep and cattle if not on a lead. But if every footpath passing through a field which might at times have sheep or cattle in it were diverted, then how many thousands of footpaths in Britain would need to be diverted? In addition we have not known there to be lambing sheep or cattle in this field for many years.
4. Flooding: We have never experienced flooding at this section of the By Brook or the old mill leat. Moving the footpath to run along the bank of the river would in fact increase the likelihood of the footpath being flooded. And would be a hazard to walkers who might fall into the river while taking this unnecessary diversion.
5. The existing bridge suffers from erosion: There is not much evidence of this and in any case any repair required would be of minimal cost in comparison with the construction of a new bridge and footpath.

Furthermore the number of mature trees that would need to be felled and the disturbance to wildlife in diverting the footpath is another strong reason not to approve this application.

Yours sincerely

Joanna and Adrian Reed,

████████████████████ Castle Combe, Chippenham, Wiltshire SN14 ██████████



**From:** [REDACTED]  
**Sent:** 04 October 2023 14:04  
**To:** [Harlow, Craig](#)  
**Subject:** Castle Combe 7 and Yatton Keynell 25 Diversion

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Dear Craig,

Castle Combe 7 and Yatton Keynell 25 Diversion

We would like to object to the proposed redirection of the footpath referenced above.

The first question must be 'Why!?!'. I see the applicant states:

For privacy, to prevent trespass, for land management purposes

This section of footpath is one of the most picturesque in the area. We have walked it for the past 40 years. It is quiet and sees only moderate use. This flat walk through the meadow is perfect for my wife and I who both suffer from arthritis. Diverting it through uneven woodland (full of trees affected by ash dieback), right beside a river, will make this a footpath we'll no longer be able to use.

The applicant's house sits in the same meadow as the existing footpath. He owns the land that the footpath crosses so it should be obvious to anyone that this diversion will significantly increase the value of his property. If approved the meadow could quickly become an unofficial extension of the applicants garden. If the applicant decides to sell up, this footpath will never be reinstated and will be lost forever and the whole character of the area altered.

We feel strongly that the future enjoyment of the walking community should not be affected by one persons attempt to increase his property value.

The proposed new route will not affect or prevent trespass. Someone wishing to trespass will do so regardless of official footpath maps and signs.

The land in question has not been managed or grazed properly for years. If land management is an issue, why is he not proposing to move the entire path off the land. It seems a coincidence that he only wishes to move the path that passes his home.

These rights of way were hard won many years ago and shouldn't be altered at the whim of a single person. The applicant knew the footpath was there when he acquired his property. We feel it would be a travesty to pander to the request of a single person as once altered, this beautiful footpath will be lost forever.

Regards,

John & Sue Williams  
Yatton Keynell

Sent from my iPad