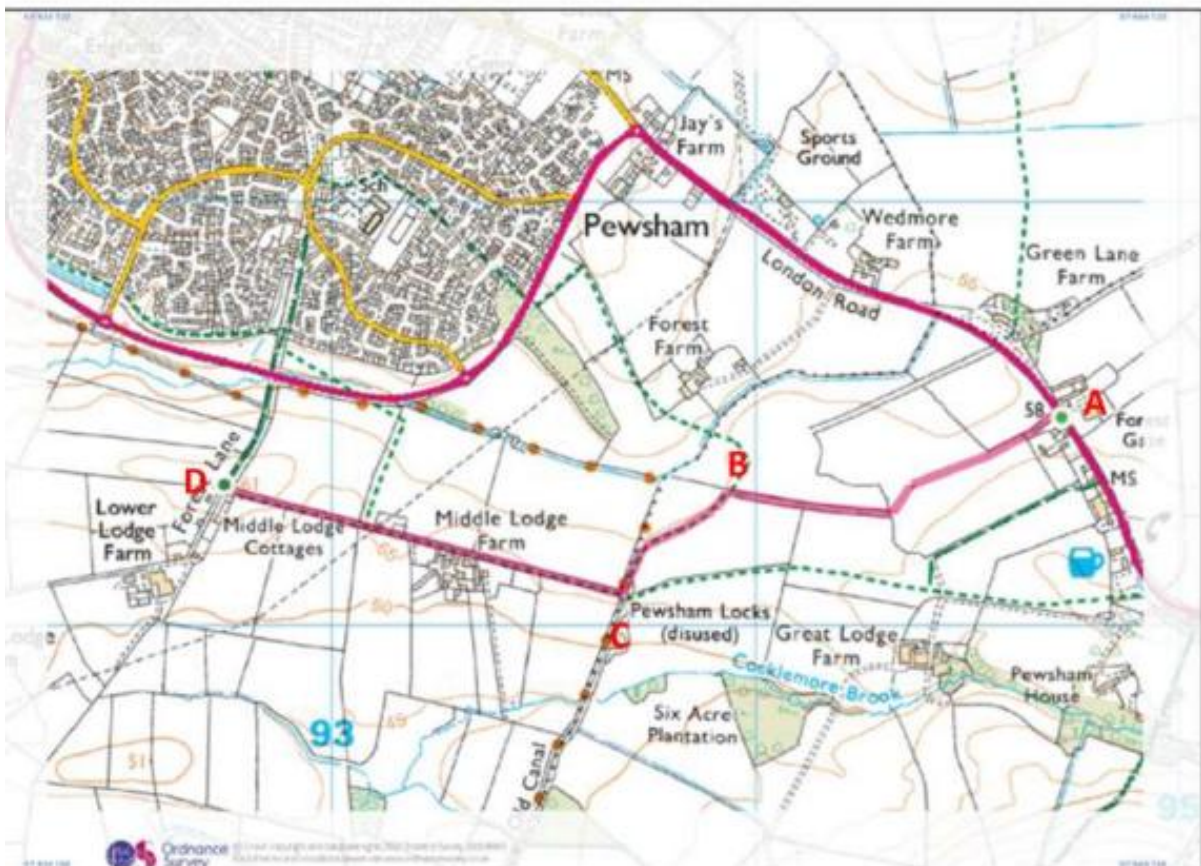


D/2022/058 Application to record public bridleway between Middle Lodge Farm and the A4 road, Pewsham, Chippenham, Wiltshire, SN15 3QX

1. Introduction

The Parish Council has been invited to comment on an application, dated 17th March 2022, from the British Horse Society, to modify the definitive map and statement for the area, by adding a bridleway from its junction with the A4 at Forest Gate (Point A), heading westwards to join footpath DHST83 (Point B). The application also applies to upgrade the existing public footpath to bridleway status: DHST83 heading south-westerly to Pewsham Locks (Point C), then CHIP49A westwards to Forest Lane (Point D).



The consultation letter is included as Appendix A and the application and evidence pack as Appendix B.

2. Background

The National Parks and Access to the Countryside Act 1949 placed a legal duty on local authorities to establish and maintain a definitive map of public rights of way, including footpaths, bridleways and byways. Local authorities then undertook a significant exercise to formally map and record customary public rights of way.

It was recognised at the time that the initial mapping exercise would not be perfect. Provision was therefore made in the Act (and now covered by the Wildlife and Countryside Act 1981) for

applications to be made for a “Definitive Map Modification Order” to recognise unrecorded rights of way.

There are two main ways for claiming an unrecorded public right of way:

- Long Use – uninterrupted use by the public for 20 years without secrecy, force or permission.
- Historical evidence – historic evidence that a public path existed in the past.

Wiltshire Council has a large backlog of applications (reported as 373 in August 2024) which will take decades to work through at current levels of resourcing. It is likely that this application has been prioritised to resolve the outstanding application due to the concurrent Forest Farm Planning Application (PL/2026/04823).

3. Discussion

The application has been considered by the Footpaths and Rights of Way Working Group, who have noted the following:

- **Local Benefit.** Local residents in the vicinity of Point A keep horses. There would be benefit for local horse-riders and local walkers would also benefit from the additional route.
- **Safety.** There is no footway or crossing point where the bridleway terminates on the A4 at Forest Gate. It would be necessary for Wiltshire Council to consider how the risk of introducing horse-riders and pedestrians onto the A4 at this location might be mitigated.
- **Ecological Impact.** The route is overgrown with trees, shrubs and vegetation on two parts of the route: a 90m stretch adjacent to Camory, immediately west of Point A, and a 385m length to the east of Point B. Clearing the 5m wide strip requested in the application is likely to result in significant loss of habitat. Impact could be partially mitigated by designating a narrower strip for the bridleway.
- **Loss of Screening.** Removal of trees from the woodland belt adjacent to Camory is likely to reduce the screening between Camory and the proposed Forest Gate Solar Farm development in the field to the north, for which planning permission has been granted. Again, this could be partially mitigated by designating a narrower strip resulting in less tree removal. It would also be mitigated over time as planting to be installed by the solar farm reaches maturity.
- **Surfacing.** While the landowner would be responsible for clearing the bridleway, the local authority would be responsible for providing a suitable surface. Investment in providing a suitable surface for horses through the wet ground of the two woodland belts will be necessary. Again, the cost could be partially mitigated by designating a narrower strip.

Notwithstanding the above, our understanding is that Wiltshire Council has a quasi-judicial role in determining the application and must consider the historical evidence base alone. Indeed, the consultation letter explicitly states that:

“The [Wiltshire] council may only consider evidence as to what public rights may subsist over the route, matters such as the need, desire, environmental or safety matters are not able to be

considered as part of this process. The current or future management of any public rights recorded is also not a matter currently under consideration, the only matter being determined is what public rights should be recorded in the definitive map and statement, as per the evidence.”

The historical evidence provided with the application appears to be well-researched and compelling. However, the Working Group does not consider that it has the necessary knowledge and experience of the levels of proof required and recommends that this judgement is best made by the proper officers in Wiltshire Council.

4. Proposed Response

It is proposed that the Council responds to the consultation letter as follows:

Thank you for notifying us of the application to record a public bridleway between Middle Lodge Farm and the A4 under the 1981 Wildlife and Countryside Act (ref application D/2022/058).

Derry Hill and Studley Parish Council has considered the application and has the following observations:

- **Local Benefit.** Local residents in the vicinity of Point A keep horses. There would be benefit for local horse-riders and local walkers would also benefit from the additional route.
- **Safety.** There is no footway or crossing point where the bridleway terminates on the A4 at Forest Gate. It would be necessary for Wiltshire Council to consider how the risk of introducing horse-riders and pedestrians onto the A4 at this location might be mitigated.
- **Ecological Impact.** The route is overgrown with trees, shrubs and vegetation on two parts of the route: a 90m stretch adjacent to Camory, immediately west of Point A, and a 385m length to the east of Point B. Clearing the 5m wide strip requested in the application is likely to result in significant loss of habitat. Evidence of bats, nesting birds, mammals and invertebrates present in the locality is given in Chapter 8 of the Environmental Assessment submitted as part of the Forest Farm Planning Application (PL/2026/04823). Impact could be partially mitigated by designating a narrower strip for the bridleway.
- **Loss of Screening.** Removal of trees from the woodland belt adjacent to Camory is likely to reduce the screening between Camory and the proposed Forest Gate Solar Farm development in the field to the north, for which planning permission has been granted (ref PL/2021/06112). Again, this could be partially mitigated by designating a narrower strip resulting in less tree removal. It would also be mitigated over time as planting to be installed by the solar farm reaches maturity.
- **Surfacing.** While the landowner would be responsible for clearing the bridleway, the local authority would be responsible for providing a suitable surface. Investment in providing a suitable surface for horses through the wet ground of the two woodland belts will be necessary. Again, the cost could be partially mitigated by designating a narrower strip.

Nevertheless, the Parish Council recognises that Wiltshire Council must consider this application in a quasi-judicial role, and, as set out in the Consultation letter, may *“only consider evidence as to what public rights may subsist over the route; matters such as the need, desire, environmental or safety matters are not able to be considered as part of this process.”*

5. Recommendation

It is recommended that Council responds to the consultation for application for the new bridleway (D/2022/058) as set out in Section 4 above.