



Stopping Up Order for a Public Right of Way in Calstone.

1. In 2007 Calne Without Parish Council requested the Highway Department of Wiltshire Council to apply of a Stopping Up Order for public right of way CALW89, CALW89A and CALW89B in Calstone to prohibit it being used as a byway or restricted byway. It could then only be used as a footpath or bridleway. This was granted on 23rd April 2007. (see attachment).
2. On 28th Jan 2022 the British Horse Society (BHS) submitted an application in error to upgrade the right of way to Restricted Byway. The application stated that it was subject to there not being a Stopping Up Order in place (which there is).
3. On realising their mistake, the BHS wrote to the Rights of Way Department on 5th August 2022 to either withdraw or refuse the request, whichever is administratively easier (see attachment).
4. This bridleway was subsequently diverted following a public inquiry in 2023. The diversion was strongly supported by locally and by the BHS. The diversion was opposed by Wiltshire Council's Rights of Way Department.
5. The response from the Rights of Way Department to the BHS request, and its subsequent withdrawal, was "Wiltshire Council has a duty to determine this application which is 332nd in a total of 381 applications received. Wiltshire Council determines approximately 5 or 6 of these applications per year". A quick calculation shows that at the current rate it will take around 55 years to withdraw or refuse this erroneous case. It could, and in my view should, have been rejected immediately as a Stopping Up Order is in place.
6. Wiltshire Council's policy states that applications may be considered out of turn if an application is sufficiently straightforward. Refusing a request that has already been withdrawn seems to fit the definition of a "straightforward" case.
7. As Calne Without Parish Council requested that the Stopping Up Order was granted in the first place it is unreasonable, and undemocratic, that this matter is still outstanding and that there are open cases related to it.
8. I would like to table a resolution for this council to "Request that Wiltshire Council immediately, and by Feb 2024 at the latest, enacts the Stopping Up Order related to CALW89, 89A & 89B, requested by Calne Without Parish Council in 2007, by refusing, or otherwise withdrawing, the British Horse Society's application for this public right of way to be given restrictive byway status. The Council notes that the British Horse Society submitted the application in error and has already withdrawn it. The Council considers it unreasonable, and undemocratic, for such a straightforward case not to be dealt with immediately. The Council further resolves to ask the Calne Area Board to support this resolution".

Cllr Doug Price
Vice Chair Calne Without Parish Council.

IN THE COUNTY OF WILTSHIRE

IN THE LOCAL JUSTICE AREA OF NORTH WEST WILTSHIRE

Before the Magistrates' Court sitting at Chippenham
on 23rd April 2007

Complaint having been made by Stephen Guy Gerrard, Solicitor to the Council, of County Hall, Trowbridge, in the County of Wiltshire (hereinafter called "the Complainant") for an Order under Section 116 of the Highways Act 1980 authorising the stopping-up of public vehicular rights over the two areas of highway referred to in Schedule 1 to this Order and shown hatched respectively pink and blue on the plan attached to this order, subject to the reservation of public footpath and bridleway rights thereover. *[Signature]*

On the ground that the areas of highway referred to in Schedule 1 to this Order and shown hatched respectively pink and blue on the plan attached to this order are unnecessary for public vehicular use.

And the Court having heard the Complainant.

And the Court being satisfied that the Complainant has given the Notices required by Part 1 of the 12th Schedule of the Highways Act 1980.

And the Court being satisfied that the areas of highway referred to in Schedule 1 to this order and shown hatched respectively pink and blue on the plan attached to this order are unnecessary for public vehicular use.

IT IS HEREBY ORDERED that the lengths of highway referred to in Schedule 1 to this Order and shown hatched respectively pink and blue on the plan attached to this order be stopped-up subject to the reservation of a bridleway thereover. *[Signature]*

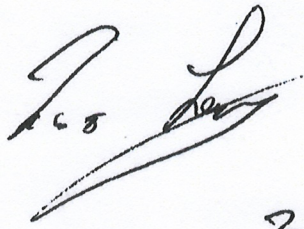
[Signature]
.....
Chairman of the Magistrates' Court
sitting at Chippenham
In the County of Wiltshire
Local Justice Area of North West Wiltshire
on 23rd April 2007

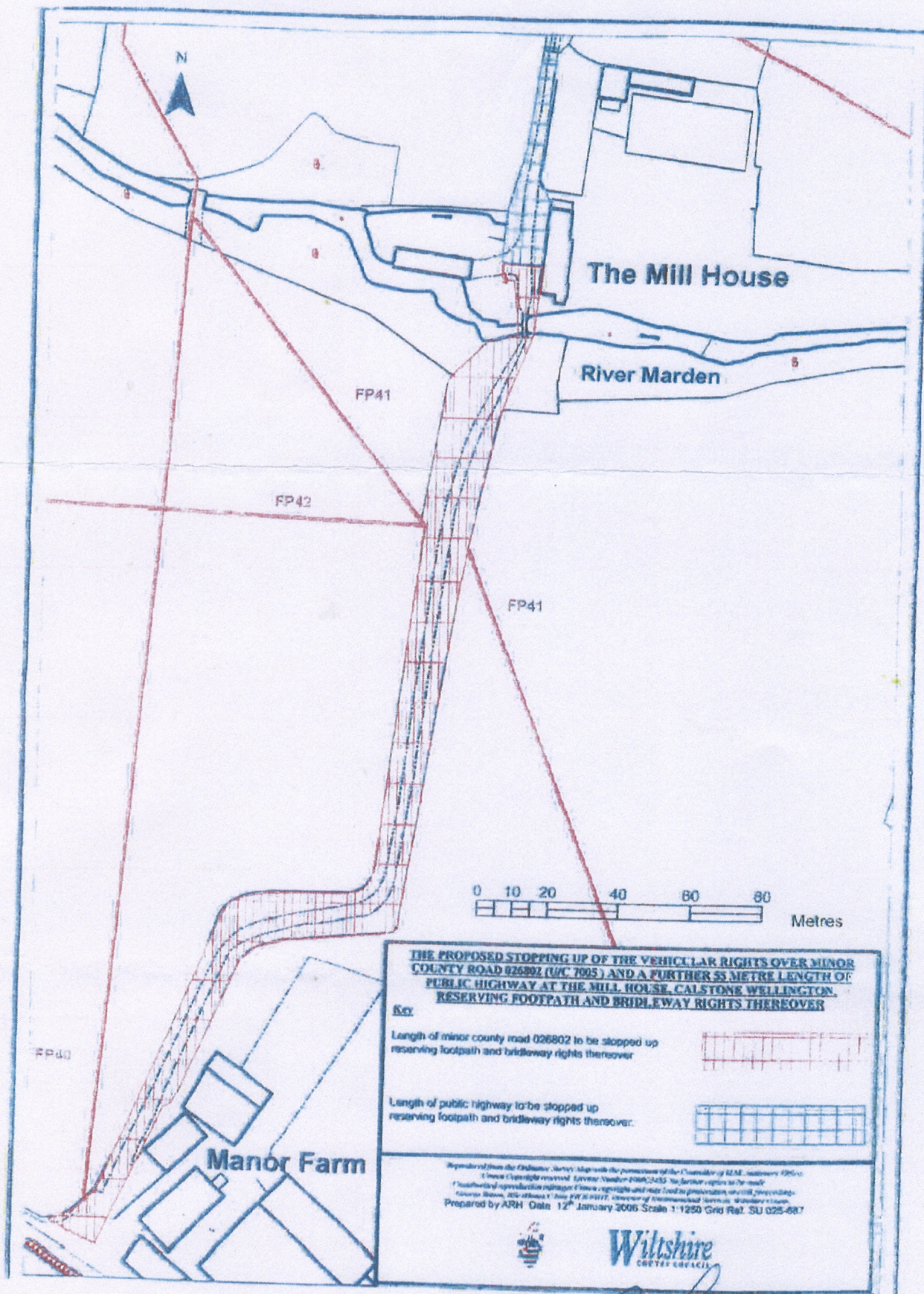
HIGHWAYS ACT 1980 – SECTION 116 APPLICATION


SCHEDULE 1

Description of the areas of highway subject to the stopping up of public vehicular rights at Calstone Wellington Near Calne, Wiltshire

- (i) The length of public highway including part of U/C 7008 which extends from a point approximately 15 metres north of the small bridge over the river Marden to the gated entrance to the property known as Calstone Mill in a northerly direction for a distance of approximately 55 metres. The legal width of the highway is a maximum of approximately 8.1 metres.
- (ii) The part of Minor County Road 026802 (unclassified road U/c 7005) which extends in a southerly direction from a point approximately 20 metres north of the River Marden by Calstone Mill for a distance of approximately 289 metres to a point adjacent to Manor Farm. It contains a small bridge over the River Marden of 1 metre in width and 5.2 metres long. The passable highway width is approximately 4 metres and the legal width is a maximum of approximately 10 metres.


23/4/07



From: Will Steel will.steel@bhs.org.uk 
Subject: DMMO Application D/2022/20 - BW to RB Upgrade at Calstone Mill
Date: 5 August 2022 at 10:14
To: Sally Madgwick (sally.madgwick@wiltshire.gov.uk) sally.madgwick@wiltshire.gov.uk
Cc: johnmoore99@icloud.com, Graham Bennett graham.bennett1@icloud.com, Mark Weston mark.weston@bhs.org.uk

WS

Hi Sally

I hope you are well.

Earlier this year, Natalie White submitted a DMMO application on behalf of the BHS to upgrade the Bridleway at Calstone Mill (Calne Without BWs 89, 89A and 89B) to Restricted Byway status. This was registered by Wiltshire Council as application no. D/2022/20. I understand that this route is the subject of an opposed diversion order which is being determined by the Planning Inspectorate imminently (case reference ROW/3273510). I've also been made aware that the route was the subject of an earlier 2007 stopping up order which had the effect of removing all public vehicular rights from it and retaining bridleway rights.

I have had sight of the stopping up order and, in light of this evidence, I am writing to confirm that the BHS no longer supports the DMMO application and is content for it to be withdrawn or refused, whichever is administratively easier for Wiltshire Council.

I hope this is satisfactory but do let me know if you have any queries. I have discussed this case with Natalie White and she is in agreement with the withdrawal of the application. I have copied this email to John Moore, owner of Calstone Mill, and Graham Bennett, so they are aware.

Thanks

Will

Will Steel
Head of Access

The British Horse Society

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