



To: Executive Director of Place, Andrew Hunter
Thursday, 19 March 2026

Claimed upgrade of Sandhurst Footpath 12 to a Bridleway – Main report

Contents

Claimed upgrade of Sandhurst Footpath 12 to a Bridleway – Main report.....	1
1 Purpose of report	3
2 Recommendations	3
2.1 Make the Order.....	3
2.2 Notify applicant and landowner.....	3
2.3 Confirm the Order.....	3
2.4 Objections to Secretary of State	3
3 Reasons for recommendations	4
3.1. Legal duty	4
3.2. The application	4
3.3. Evidence supporting the claim	5
4 Alternative options considered	5
4.1 Legal requirement.....	5
4.2 Based on evidence	5
4.3 Cross boundary working	5
5 Supporting information (procedure)	6
5.1 Application receipt	6
5.2 Information submitted by the applicant.....	6
5.3 Issue to be decided.....	6
5.5 Balance of probabilities.....	7
5.6 Inclusion of particulars	7
5.7 Consultation.....	7
5.8 Objections.....	7
5.9 Right to appeal	7
6. The Authority reviewing the evidence	8
6.1 Documentary evidence reviewed by the Authority.....	8
6.1.1 Locations	8
6.1.2 Route description.....	8
6.1.3 Definitive Maps and Statements	9
6.2 User evidence reviewed by the Authority	11
6.3 Landowner evidence.....	13
6.4 Conclusion of review of all evidence	14
7. Consultation and other considerations	14
7.1 Legal advice	14
7.2 Financial advice	14
7.3 Planning advice	14
7.4 Local Countryside Access Forum (LCAF).....	15
7.5 Equalities impact assessment.....	15

7.6	Strategic risk management issues	15
7.7	Climate change and ecological impact.....	15
7.8	Health and wellbeing considerations.....	15
8.	Background Papers.....	15
9.	Report review and approval.....	16
10.	Contact for further information	16

Refer to the appendices contained in a separate document

1 Purpose of report

To determine a definitive map modification order application (“the application”), including evidence, submitted to Bracknell Forest Borough Council under Schedule 14 of the Wildlife and Countryside Act 1981 (“the 1981 Act”), as to whether bridleway rights exist over the Public Right of Way (“PROW”), Sandhurst Footpath 12.

2 Recommendations

2.1 Make the Order

That Bracknell Forest Borough Council (the Authority) makes a Definitive Map Modification Order (DMMO) under Section 53(2) of the 1981 Act because it appears to the Authority that Definitive Map and Statement (‘DMS’) of Bracknell Forest PROW requires modification in consequence of the occurrence of an event specified in Section 53(3)(c)(ii) of the 1981 Act, namely:

‘the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description’.

The effect of the Order is to upgrade the status of Sandhurst Footpath 12 to a Bridleway.

2.2 Notify applicant and landowner

That the Applicant and every owner/occupier of the land subject to the application be notified of the Council’s decision, as required by Paragraph 3 (3), Schedule 14 of the 1981 Act.

2.3 Confirm the Order

That the Authority confirms the Order as an unopposed Order if no objection or representations are received to that Order within the required consultation period, or if any such representations or objections have been withdrawn.

2.4 Objections to Secretary of State

If objections or representations to that Order are received and are not withdrawn, the Authority must submit them to the Secretary of State with a request that the Order be confirmed.

See accompanying summary report.

3 Reasons for recommendations

3.1. Legal duty

Under Section 53 of the 1981 Act, surveying authorities are under a legal duty to keep the DMS under continuous review.

A "surveying authority" is defined in Section 66(1) of the 1981 Act as a county council, county borough council, metropolitan district council, or London borough council whose area includes that area. In this case, Bracknell Forest Borough Council is bound by the s. 53 duty as a unitary authority which it carries out the functions of a county council (Local Government Changes for England Regulations 1994). Bracknell Forest Borough Council is also the local highway authority.

The Authority must keep the DMS up to date as an accurate record of the public's rights. This includes making Modification Orders as necessary. **See reference to relevant legislation in Annex 1.** This includes processing changes and creating modification orders where required. The Authority also has the power to survey land to carry out its functions.

Where surveying authorities receive an application compliant with the requirements of Schedule 14 of the 1981 Act, under paragraph 3(1) of the same Schedule, they **must** investigate the matters stated in the application and decide whether or not to make an order to which the application relates.

3.2. The application

Anyone can apply to the Authority without charge, for an Order to change the DMS of public rights of way. A DMMO can be made if evidence shows that a path or way:

- is not recorded
- is shown with the wrong status (e.g. a path is shown as a footpath but it should be a bridleway)
- is shown along the wrong route
- should not be shown on the definitive map

On 20 December 2023, the Authority received the application for a DMMO to upgrade Sandhurst Footpath 12 to a Bridleway.

The application (reference Sandhurst FP12 / FINC20) was from a volunteer on behalf of the British Horse Society ('the applicant'). **A copy of the application form is available in Annex 2.**

The application relates to the right of way (Sandhurst Footpath 12) that runs from Ambarrow Lane west of Ambarrow Farm to join Finchampstead Footpath 20 in Wokingham. **Refer to the map of the claimed location route in Annex 3.**

The application was based on the 'discovery of evidence' that the right of way, which can currently legally be used by those on foot, in mobility scooters or by powered wheelchair users, was shown with the wrong status and had been used as a bridleway without interruption for 20 years or more.

The Authority must make a full assessment of the application, utilising the evidence provided. The use must be "as of right" (without force, secrecy, or permission) for that period. The legislation about the establishment of public rights of way is complex. A simple application can take more than a year to complete.

Wokingham Borough Council ('WBC') also received the application for their footpath known as (FINC 20). See point 4.3 below.

3.3. Evidence supporting the claim

The relevant statutory provision for upgrading an existing public footpath on the DMS to Bridleway status, based on historical evidence, is section 53(3)(c)(ii) of the 1981 Act. This requires the Authority to modify the DMS where evidence shows that a highway recorded as one description should be shown as a different description.

The application is supported by documentary and user evidence indicating uninterrupted public use of the route as a bridleway for at least 20 years, 'as of right' (without force, secrecy, or permission). Under Section 31(1) of the Highways Act 1980, such use gives rise to a presumption of dedication unless there is sufficient evidence of no intention to dedicate.

Refer to Annex 1 Legal framework for the decision

There was no evidence submitted by the affected landowners that suggests there has been any challenge to the use of the path or way as a bridleway within the 20-year period. This includes erection of signs, installation of gates or a deposit of statement on the land. See section 6.5 landowner evidence.

On the balance of probabilities, the Authority's rights of way team has determined that the evidence supports that a public bridleway has been established through 20 years' uninterrupted use under Section 31 of the Highways Act 1980 and at common law. The application satisfies the statutory test of 20 years' use of the entire route within Bracknell Forest Borough, 'as of right'.

4 Alternative options considered

4.1 Legal requirement

The Authority must examine the application, as it is a legal requirement under 'the 1981 Act'.

4.2 Based on evidence

The decision must be based on the evidence provided. The Authority acts as a facilitator for the decision-making process.

4.3 Cross boundary working

The Authority initially approached WBC in early 2024 to determine their approach to managing the application they had received. Each local authority must make its own decision based on the evidence available. However, coordinating application decisions is sensible where the footpath route crosses the borough boundary. This would prevent a situation where one footpath is upgraded while the adjoining one isn't, creating a 'dead end' for horse riders and cyclists.

WBC indicated there would be a delay in their processing the application they had received, due to working their way through a backlog of cases. They had employed a consultant to help them in this task.

The Rights of Way team has proceeded with processing the BFC application, noting the duties to be performed by each surveying authority must necessarily be carried out

within its own administrative area, and BFC had no backlog of applications that would give cause for a delay.

5 Supporting information (procedure)

5.1 Application receipt

The Authority was first contacted on 10 November 2023. They acknowledged the application with the applicant, but it wasn't formally accepted until the applicant had used the correct forms on 20 December 2023.

5.2 Information submitted by the applicant

The applicant submitted all the required forms to the Authority:

- Completed Borough Council prescribed form (form A)
- User evidence forms for claimed PROW (form B)
- Notice of the application for a Modification Order (form C)
- Certificate of service of notice of the application for a Modification Order (form D)

Supporting information included:

- Detailed start and finish points for the claimed route
- Personal statements
- Maps – user advice maps and historic maps
- Analysis of the evidence from users and historic maps

The Applicant certified that the requirements of Paragraph 2 of Schedule 14 of 'the 1981 Act' had been complied with by serving Notice of the Application on every owner and occupier of the land in issue. In one instance they were unable to identify the landowner, so instead posted a notice on the land which was confirmed by the Authority. **Refer to photo in Annex 4.**

5.3 Issue to be decided

The evidence submitted by the applicant was to support the applications to record the following public footpaths as bridleways:

- Sandhurst FP12 in Bracknell Forest Borough
- Finchampstead FP's 19,20 in Wokingham Borough

The issue to be decided by Bracknell Forest Borough Council is whether there is evidence to show that public bridleway rights subsist, or can be 'reasonably alleged' to subsist, along the claimed route in Bracknell Forest Borough.

5.4 A RATs test ("reasonably alleged to subsist" test) is the low evidence threshold. It is met when a reasonable person, considering the evidence, could conclude that a public right of way may exist.

If this threshold is met, the authority must make an Order so the evidence can be examined in full. At least one of these tests must be satisfied for an Order to be made.

Where the application concerns a route already recorded on the definitive map, it is only necessary to demonstrate that the "reasonably alleged" test is met under Section 53(3)(c)(ii), as set out in point 2.1 of this report.

If there is genuine conflict in the evidence, for example between the evidence of users on the one hand and landowners on the other, an Order should be made so that the evidence can be tested at a public inquiry.

5.5 Balance of probabilities

The requirement for robust evidence is fundamental to the process of officially recording public rights of way and ensuring that claims are legitimate. Further guidance on the process can be found on resources from organisations like the [Open Spaces Society](#) and the [Ramblers](#).

However, the burden of proof associated with the confirmation of DMMOs is 'on the balance of probabilities', so it is not necessary for evidence to be conclusive or 'beyond reasonable doubt' before a change to the definitive map can be made.

Where an Order has been made, and no objections to the Order are received (or are withdrawn, if made), the Borough Council can confirm the Order if it is satisfied that the way subsists 'on the balance of probabilities'.

5.6 Inclusion of particulars

The alignment of the route, and the status and width of the way and any lawful limitations to use must also be determined. In this case, if a MOD Order is made, it will be based on a change to the status as a bridleway and the recorded width(s). There is unlikely be any lawful limitations to fulfil. Authority for the inclusion of those particulars in the Order to change the DMS should also be given.

5.7 Consultation

If a DMMO is made, a notice must be published in a local newspaper and on site along the affected route. The process allows for objections to the Order to be made within the statutory 42-day consultation period. If there are no objections, the authority may confirm the Order itself.

5.8 Objections

If valid objections are received and not withdrawn, the local authority cannot confirm the order itself. The order, along with all objections, must be sent to the Secretary of State (in practice, the Planning Inspectorate) for a final determination, which may involve a local inquiry or hearing.

5.9 Right to appeal

If an application is refused, the applicant has the right to appeal the refusal to the Secretary of State under Schedule 14 to the 1981 Act, and they may direct the Borough Council to make the Order that is sought if they agree that the evidential threshold has been met. The Schedule 14 process allows for the introduction of additional evidence at appeal stage, and this could result in the Borough Council being directed to make an Order based upon evidence that was not before it at determination stage. The stance taken by the Borough Council in the event a decision not to make an Order is appealed will therefore depend upon the particulars of each case.

6. The Authority reviewing the evidence

The applicant submitted the respective applications to Wokingham Borough Council (WBC) and Bracknell Forest Borough Council, as the route resides in each local authority area.

The application is based on the claim of the existence of a route between the points A to D indicating a higher right exists. They describe how the route shown on these maps indicates the route has varied a little through time.

6.1 Documentary evidence reviewed by the Authority

6.1.1 Locations

The footpaths run from the Ridges at SU 81048 63435 to Ambarrow Lane at SU 82066 62734 (or this route in reverse).

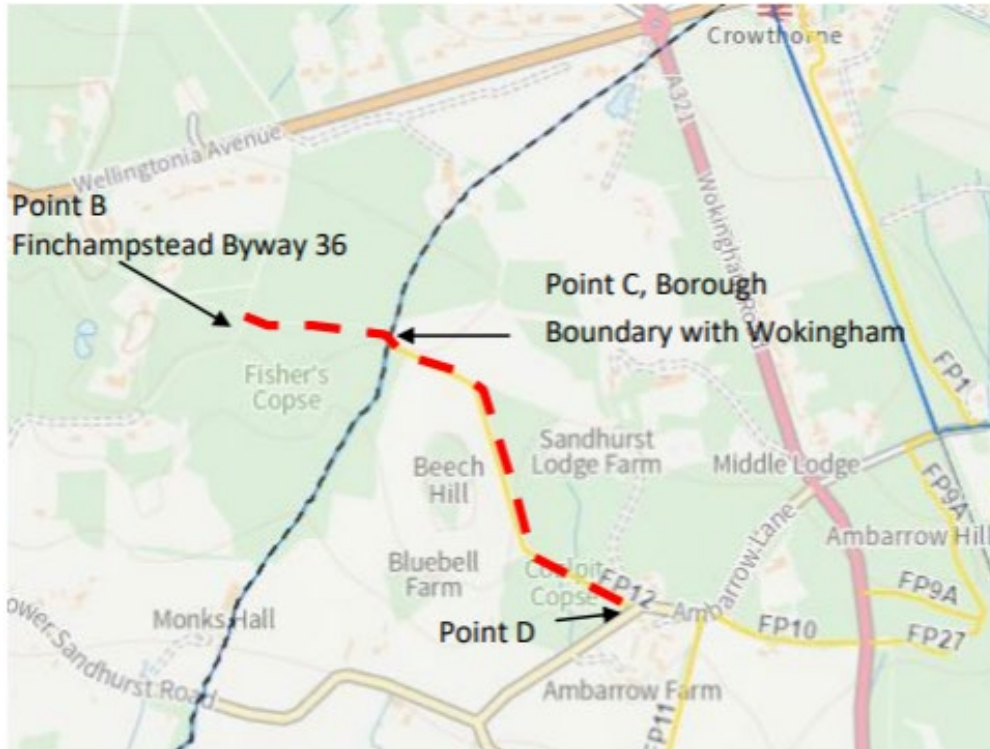
6.1.2 Route description

This route starts from Ambarrow Lane, west of Ambarrow Farm. It runs in a generally north-westerly direction through broadleaved woodland and alongside privately owned fields. The route meets the east end of FP20 Finchampstead at the parish boundary on the east side of Fisher's Copse. The route is narrow in places, especially at points 11 and 12 where it nears the borough boundary.

Refer to 6.1.3 for the extract from the Definitive Statement. Photos and a reference map are available in Annex 5.

Table 1: Route description

Map point	Description	OS grid reference	What3words reference (not a RoW location ref).
A	The Ridges. This is a road that joins with Wellingtonia Avenue.	Corrected grid ref. SU 81048 63435	crucially.gifts.erupt
B	On Wokingham Restricted Byway 36 (nearest address Wellingtonia Avenue, Finchampstead, Borough of Wokingham, England, RG45 6AF)	SU 81404 63226	wiped.media.awake
C	The Borough boundary line between Wokingham and Bracknell Forest (nearest address Bluebell Farm, Lower Sandhurst Road, Sandhurst, Finchampstead, Bracknell, RG40 3TH)	SU 81647 63171	edgy.split.epic
D	Ambarrow Lane (nearest address, Little Sandhurst, Sandhurst, Bracknell Forest, GU47 8JF)	SU 82066 62734	milky.diner.reply



© Crown copyright and database rights 2026 Ordnance Survey AC0000814058

Map provided by the applicant. Point A is just to the top left, where the Ridges joins with Wellingtonia Avenue.

As set out in point 4.3, the Authority will be focusing solely on the claimed bridleway route that runs along Sandhurst Footpath 12.

6.1.3 Definitive Maps and Statements

In each copy of the Definitive Map, the claimed route is shown as a public footpath. For the 1952 map, there's the addition of the lettering 'F.P.' in the map itself. This is as per three of the other historic maps provided by the applicant as part of the evidence and referred to in 6.1.7.

Copies of the relevant sections of the Definitive Map, can be found in Annex 13, along with the other documentary evidence submitted by the applicant.

In the 2000 and 2013 Definitive Statements, there is reference in the Remarks section to 'Equestrian rights claimed'.

The full legal description in the 2013 Definitive Statement is:

Rights of way number: 12

Status: Footpath

Name: N/A

From: Ambarrow Lane W of Ambarrow Farm, NW, NNW and NW

To: E end of FP20 Finchampstead at the parish boundary on the E side of Fisher's Copse

Width: Not defined

Map reference: SU 86 SW

Remarks: Equestrian rights claimed

6.1.4 Historical documents commonly used

These can also be used to show that a PROW was established in the past, even if it has not been used in living memory.

Examples of evidence includes:

- **Historical Maps:** Old maps, such as tithe maps, enclosure awards, and estate plans, can provide a good indication of historic routes.
- **Official Records:** Other historical records may provide supporting information.

6.1.5 Historical documents provided

The applicant provided copies of documentary evidence, including:

- Historic maps
- Inclosure awards
- Tithe awards
- Finance Act

A copy of the maps and the full documentary evidence can be found in Annex 11 Historical mapping.

An overview of how the points system works, the evidence points scored in this case, is available in Annex 11.

6.1.6 Evidence in support of claim

The score achieved for route C to D was 8, which meets the minimum 7 required for the application to be considered valid.

In several maps (for example, John Rocque's map of Berkshire of 1759, the Bartholomew's map of 1902-1906), the route is shown as a road. This supports the case of higher rights existing.

6.1.7 Evidence contrary to the claim

At least three maps (Finance Act 1910, Ordnance Survey, 25-inch third edition, sheets XLVI.11 and XLVI.15 1911 and Berks XLVI OS map 1932) label the C to D route as a footpath, with 'FP' clearly labelled.

6.1.8 Other documentary evidence

There is a public footpath sign off Ambarrow Lane, which the Authority notes in its investigation. **See Photos 1 and 2 in Annex 5.**

Local highway authorities are legally required under the Countryside Act 1968 to install signposts where any PROW leaves a metalled road. These signs indicate the type of way – for example, footpath or bridleway.

The Authority considers the evidence of the footpath sign as neutral. It shows the official status was footpath, but it has already been established through the user evidence, that on the balance of probabilities, that higher rights existed despite that.

6.1.9 Conclusion of evidence review (documentary)

Section 53(3)(c)(ii) of the 1981 Act refers to cases where the evidence shows that a highway shown with one description ought to be shown with a different description, by upgrading the existing user rights (for example, as here where the current use on foot is proposed to be upgraded to use on horseback or bicycle). In the circumstances where the existing recorded right of way is being upgraded to a higher status, the relevant legal test for confirming such an order is that the higher rights

subsist on balance of probabilities. This is in distinction to circumstances where the existence of public rights of way has not yet been recorded on the map, in which case, for the Authority to make an order, it is sufficient to be satisfied that the existence of right is reasonably alleged.

The Authority queries the scoring system used to assess claims, which allows for multiple maps to be included that could bias the evidence in favour of the claim.

Documentary evidence is felt to be mixed and inconclusive, which doesn't support that higher rights exist. Stronger evidence is available in the information submitted by users of the route.

6.2 User evidence reviewed by the Authority

This is the most common form of evidence and relies on the legal concept of "presumed dedication" under the Highways Act 1980.

The application was supported by the evidence from 18 people, who provided feedback in user evidence forms.

The forms used a template provided by WBC, which Bracknell Forest Borough Council was happy to accept, as a) they contained the key data required to make an appropriate assessment of the situation, and b) the application form was in the correct format.

6.2.1 Tests to fulfil

20-year rule: The evidence must demonstrate that the public has used a specific route for at least 20 years, continuously and "as of right" (without force, secrecy, or the landowner's permission).

Witness statements: A sufficient number of witnesses (e.g., 6 to 10 in a rural area, or 30+ in a more populated area) must complete user evidence forms, specifying how often they used the path, over what period, and any challenges faced.

Specificity: Witnesses should be as specific as possible about their use, including dates, frequency, and whether they used it on foot, horseback, etc., to show consistent use of a defined way, not just general roaming.

The following user evidence can be found in Annex 6 to 9.

- User evidence, dates and frequency of claimed use
- User evidence, route description
- User evidence, route permission
- User evidence, personal statements

6.2.2 Summary of user descriptions of the route

Three users surveyed stated that the route hadn't always been the same.

Most respondents who could give a route use width stated values between 1-3 metres wide.

Most respondents said the route surface was mostly comprised of dirt/earth, grass and sandy and gravelly in parts. Some chose to provide further detail, which is **described in Annex 7.**

6.2.3 Evidence in support of claim

Total respondents: The 18 submissions of evidence fulfil the requirement for witness statements in a rural area, as described in point 6.3.1.

Respondents with 20+ years use: 11 claimed they had used the route for more than 20 years. The earliest use of the claimed route was in the early 1980s. The data was collected until late 2023, which is when the Authority validated the application.

Strong evidence of horseback and cycle use with no gaps in use: 10 out of 11 long-term users rode horses regularly, which supports the bridleway claim. Reference was made to this being a safe riding and circular access route. Eight used the route by pedal cycle. While this was generally less frequent than horse riding, there was one person who rode the route daily.

Refer to the DMMO user matrix chart in Annex 8. This helps to visualise horse rider and cyclist use between 1983 and 2023.

Witness other users: 15 of those surveyed observed other horse riders using the route. 13 observed cyclists using the route. This corroborates evidence that the route is being used by those types of users.

The maps accompanying the application: these depict a single route that all users claim to have used and correspond with all evidence provided. This has had the effect of strengthening the claim of route used and its addition to the DMS.

Signs and notices: No evidence of signage from the landowners suggesting route must not be used by horse riders.

Private right: No one reported they had a private right to use the application route.

Community reliance: Multiple statements emphasise the route as essential for safe horse riding and circular routes.

6.2.4 User evidence contrary to claim

Permission: A small number of users mentioned private permissions, but in at least one case, this relates to areas outside the claimed route and does not affect the claimed route. Most of the long-term use occurred openly and without permission, so these isolated references do not wholly undermine “as of right” use. **Refer to Annex 11.**

Interruptions: Seven respondents reported interruptions (blocked paths, challenges, or uncertainty).

- Four users reported gates on the route. The Authority ascertain that this refers to the gate on Ambarrow Lane, where side access is always available (via gap). **Refer to Annex 5, photo 2.** This won't weaken the claim of uninterrupted use.
- One user reported they had seen a sign / notice suggesting whether or not the application route is a PROW. This was described as a 'No vehicles sign at the beginning of the route' and won't affect the application.
- One reported a sign was missing but couldn't give further details.
- One user reported a stile on the route by the first gate to the field, then further along. They explained the path was blocked for a while, so the field was used. They couldn't remember for how long and when, but they explained the stile was quickly removed after it was broken. This is not strong enough evidence. The stile isn't referenced by other users as evidence. There is also strong

evidence to support uninterrupted route use for a 20-year period at a later date (early 2000s to 2023).

- There was reference to “No vehicles” signs, which isn’t relevant in this case, as it’s unlikely to include pedal cycles.

Challenge(s) to use:

- One person reported they were challenged using the final part of the route, the byway to Wellingtonia Avenue. First house left. They said they were challenged to not use the route for horses on at least two occasions - 2017 and 2018.

This is in Wokingham Borough and doesn’t relate to the section of the route under investigation by Bracknell Forest Borough Council.

Under Section 31 (1) of the Highways Act 1980, this form of challenge, also doesn’t constitute as an interruption. There must be some physical and actual interruption which prevents enjoyment of the way rather than merely acts which challenge the user while allowing it to go on: *Merstham Manor Ltd v Coulsdon and Purley [1937] 77, 84–85*. This evidence therefore won’t affect the Authority’s decision.

- Two people heard others were challenged. One provided further information, including ‘local residents have questioned my neighbours and asked them to turn back.’ This is ambiguous and wouldn’t easily be followed up.
- In summary, there is no definitive evidence provided to show any interruption.

6.3 Landowner evidence

6.3.1 Land Registry

Records show the land through which the claimed bridleway route runs is within the titles of:

Bluebell Farm, Ambarrow Lane, Sandhurst (Title number BK414111)

Hilton House, Wellingtonia Avenue, Crowthorne RG45 6AH (Title number BK477097)

6.3.2 Deposit of Statement

No deposit of statement under Section 31(6) of the Highways Act 1980 has been submitted for this land. S.31(6) enables landowners to deposit a map and statement with the local authority, acknowledging existing public rights of way (PROWs) but preventing new ones from being created by long public use (deemed dedication). By submitting this with a declaration and renewing it, landowners formally record the status of paths on their land, protecting against informal paths becoming public highways after 20 years of use without interruption, offering legal certainty.

6.3.3 Correspondence

The Authority used a land registry search to identify there were two landowners, over which the route runs. The Authority contacted the landowners by letter on 3 September 2025. The countryside and access officer hand delivered the letter, a (redacted) copy of which can be accessed in Annex 7.

The purpose of the letters was to raise the landowner’s awareness about the application, if they weren’t already. This was to give them the opportunity to provide evidence as part of this claim. They were signposted to where they could obtain a

copy of the landowner evidence form, which they could use to submit their feedback to the Authority.

The Authority didn't receive anything in the timeframe provided and there was nothing raised in verbal discussions with them.

6.3.4 Conclusion of user evidence review (20-year rule)

Evidence shows substantial horseback use over a 40-year timeframe. There are long periods of route use for at least 20+ years, especially between early 2000's and 2023. There is no evidence to suggest the use was interrupted or challenged or interrupted in that timeframe.

There is no other evidence of route being 'brought into question. For example, no interruption (signs, gates, or Section 31(6) deposits).

No objections received following the submissions of letters to the landowners.

The legal test under Section 31 satisfies the "reasonably alleged" threshold.

6.4 Conclusion of review of all evidence

On the balance of probabilities, the evidence is sufficient to justify making a Modification Order to upgrade Sandhurst Footpath 12 to a bridleway, allowing for objections and possible referral to the Secretary of State for determination. This aligns with statutory duty under Wildlife and Countryside Act 1981 and ensures evidence can be tested at inquiry if challenged.

7. Consultation and other considerations

7.1 Legal advice

Advice and support have been provided throughout the analysis of the application by the Council's Legal Department. The Legal issues surrounding definitive map modification orders are set out within the body of the report.

7.2 Financial advice

If an Order is made and subsequently confirmed based on presumed dedication under section 31 of the 1980 Act, the public bridleway may not be a highway maintainable at public expense. This is because it came into existence through modern public user presumed dedication and after section 38 of the Highways Act, 1959. The authority can however through agreement with the landowner maintain any route if it is deemed for the benefit of the public. New official public bridleway fingerposts will be required and placed at either end of the bridleway, the costs and maintenance of which will be met from existing budgets.

Other consultation responses

7.3 Planning advice

Determination of any planning application is a separate legal process from a DMMO. Although a pending DMMO can be a material consideration in the determination of a planning application, planning considerations are not relevant in the determination of a DMMO which must be based solely on evidence, regardless of development proposals or planning outcomes.

7.4 Local Countryside Access Forum (LCAF)

The Authority's officers consulted LCAF at their meetings between June 2024 and October 2025. **Extracts from the meeting minutes are contained in Annex 11.**

The Forum acknowledged that the Authority has a legal duty to consider the application impartially and based on evidence. The claim relies on 20 years of uninterrupted horse use "as of right."

Members raised concerns that parts of the route are currently unsafe for horses and cyclists and could require costly improvements if upgraded to a bridleway. However, they agreed that if upgraded, the route would create a valuable circular link from Simon's Wood to Horseshoe Lake.

The officers highlighted the reasoning why they were proceeding with making this decision independently of WBC. As this was a matter of fact, not opinion, it was therefore felt unlikely (but not impossible) that the local authorities would come to differing decisions.

7.5 Equalities impact assessment

Bracknell Forest Borough Council, in its capacity as 'surveying authority', has a legal duty to determine applications for DMMOs made under s.53 Wildlife and Countryside Act 1981. It is not considered that there are any aspects of the Borough Council's duty under the Equality Act 2010 which will impact upon the determination of the application.

7.6 Strategic risk management issues

If the Order to upgrade the footpath to a bridleway is confirmed, the route will be maintainable at public expense (if it already was as a footpath). However, Bracknell Forest Borough Council is not obliged to upgrade the surface beyond what is reasonably required for safe public use, so the current surface condition is likely to remain. Any encroaching vegetation maintenance will remain the responsibility of the applicable landowners (HA80 sec. 154).

7.7 Climate change and ecological impact

The recommendations within this report (section 2) are expected to have no impact on emissions of CO₂. Any upgrade of the footpath to a bridleway should make no change as it has been proven that any claimed route is already being utilised by horse riders, cyclists and walkers.

7.8 Health and wellbeing considerations

Any enhancements to the borough's local rights of way and green infrastructure network have positive implications for residents' health and wellbeing. It provides increased opportunities for outdoor recreation and sustainable travel, attracting residents away from roads and getting them closer to nature in rural settings.

8. Background Papers

See separate document.

Annex 1: Reference to relevant legislation

Annex 2: Listing on the register

Annex 3: Claimed route location plan

Annex 4: Photo of site notice to landowner

Annex 5: Photos and reference map
Annex 6: Blank copy of the user evidence form
Annex 7: Copy of the letter (redacted) to the landowner
Annex 8: User evidence, dates and frequency of claimed use
Annex 9: User evidence, route description
Annex 10: Heat map of frequency of use by users
Annex 11: User evidence, route permission
Annex 12: User evidence, personal statements
Annex 13: Copy of historical mapping
Annex 14: Extract from LCAF's meeting minutes

9. Report review and approval

Report author:

Rose Wicks - Data and communications officer

Report reviewers:

Stephen Chown - Head of Natural Estates
Rob Solomon - Countryside and access officer (P&C)
Gareth Ryman - Green infrastructure strategy manager (P&C)
Marta Gawron - Lawyer, planning and highways
Helen Pennington - Finance Business Partner
Jo Male – Assistance director, planning

Report authoriser:

Andrew Hunter – Director of Place.

10. Contact for further information

Parks and countryside (P&C)

Contact details:

Rights.ofway@bracknell-forest.gov.uk

Tel: 01344 354441