

Our ref - AD18/8

For the attention of Jenny Rowe
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By email to Jenny.Rowe@wiltshire.gov.uk and submitted to the Council's online planning portal

8th January 2026

Dear Wiltshire Council

Nomination of Postern Campsite, Marlborough, SN8 4ND (the "Site") as an Asset of Community Value ("ACV") pursuant to the Localism Act 2011 (the "2011 Act") and The Assets of Community Value (England) Regulations 2012

Forestry England is the leasehold owner of Postern Hill Campsite pursuant to a 999-year lease dated 14 February 1939 (registered at HM Land Registry under title number WT248011).

We write in response to Wiltshire Council's (the "**Council**") letter of 9 December 2025 advising that Marlborough Town Council (the "**Parish Council**") had nominated the Site for registration as an ACV (the "**Nomination**") and inviting representations from Forestry England in relation to the said Nomination.

To confirm, the aforementioned letter initially invited representations by Forestry England by 5th January. However, owing to the intervening Christmas break the Council kindly agreed an extension to 12th January.

Legal Test

As you will be aware, the legal test as to whether an asset which is vacant (as the Site currently is) is to be listed as an ACV is set out in Section 88(2) of the 2011 Act. This test has two limbs, *both of which must be satisfied*, in order for an asset to be successfully listed as an ACV. The two limbs are that, in the opinion of the local authority (which is to be formed solely on the basis of the evidence provided to it by the relevant nominee pursuant to section 89 of the 2011 Act i.e. the Nomination in this instance)):

1. there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community; and
2. it is realistic to think that there is a time in the next five years when there could be



a non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Forestry England's position is that the Nomination does not satisfy the test for an ACV listing for the following reasons:

The first limb of the test

1. Whilst the Site (which is currently vacant) has been used in the recent past, that use was as a commercial campsite. As such, the Site was only able to be utilised by paying parties, and not the public at large. It is not reasonable to suppose (in the absence of any tangible evidence to demonstrate that this is the case (please see paragraph 2 below further in this regard)) that members of the local community (who will have residences nearby to the Site) would utilise the campsite as a base from which to visit the wider Savernake Forest in numbers or with regularity sufficient that the primary use of the Site can be said to be by the local community. In fact, data for the Site from 2025 shows that the vast majority of customers at the campsite were visitors to the Savernake Forest who do not reside within the local area, with just 1.05% of customers coming from the local area. Therefore, the primary use of the Site was a commercial undertaking catering to tourists, rather than for the social wellbeing or interests of the local community.
2. While the Nomination states that the Site is "*viewed locally as a valued community asset which for many years has provided a local facility to camp and enjoy the Savernake Forest. Beneficial for both wellbeing, social and recreational purposes.*" (which is presumably intended to satisfy the first limb of the test), expression of an opinion that the Site is '*viewed locally as a valued community asset*' does not demonstrate the factual primary use of the Site in a way which furthered the social wellbeing or interests of the local community, which is what is required in order to satisfy the first limb of the test. Additionally, no detailed explanation or tangible evidence has been provided to demonstrate that the first limb has been satisfied.

The second limb of the test

3. The Nomination is silent as to the second limb of the test (i.e. that it is realistic to think that there is a time in the next five years when there could be a non-ancillary use of the Site that would further the social wellbeing or social interests of the local community). As such, there is no reasoning or evidence upon which the Council could reasonably adduce that the second limb of the test is met.
4. In any event, were a commercial campsite to reopen on the Site in the next five years, as stated at paragraph 1 above, its use is highly likely to continue to be predominantly by visitors to the local area. It is therefore not realistic to suppose that the primary use of the Site within the next five years will be for furthering the social wellbeing or interests of the local community.

In light of the arguments presented at paragraphs 1 to 4 above, Forestry England respectfully requests that the Site is not listed on the basis that the information contained within the Nomination does not meet either limb of the relevant statutory test.

To confirm, in the event that the Site is erroneously listed as an ACV, Forestry England is committed to pursuing an appeal in this regard and is in the process of gathering evidence to support such an appeal.



For information regarding the Savernake Forest, here is a link to the document Our Shared Forest - Savernake Forest Land Management Plan:-

<https://www.forestryengland.uk/sites/default/files/documents/Our%20Shared%20Forest%20-%20Savernake%20Forest%20Land%20Management%20Plan.pdf>

and for reference the campsite is part of the Savernake Forest SSSI which is managed to support wildlife and nature conservation.

We should be grateful if you would please acknowledge safe receipt of this letter.

Yours faithfully



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