

From: [Roberts, Ali](#)
To: [Button, David](#)
Subject: RE: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13
Sent: 31/03/2025 13:45:00

Good afternoon Ali,

My only comment would be that myself and Local Highways would need to be consulted on any change of level on the existing highway verge that is required to accommodate a new footpath entry/exit point, ie in terms of how that would be achieved in engineering terms. In relation to the proximity of that and the existing highway gully pots/chambers, it would not be acceptable if any gradient and entry point of the new path then allowed surface and ground water to reach and overwhelm the existing apparatus which is solely present to drain the tarmac carriageway and NOT the revised RoW or any surrounding land there.

I hope the above is useful and I look forward to receiving further engineering detail if the application is successful, although personally I wouldn't support the application as the private desires for "privacy" etc of the applicant, don't appear to be in balance with the number of physical alterations that would be need to be made to facilitate the new route and the stated difficulties that those alterations appear to present in terms of current land use and for those expected to use the proposed new route!

Kind regards,

David Button
Area Highways Engineer
South West Wiltshire
Wiltshire Council

From: [Burden, Richard](#)
To: [Roberts, Ali](#)
Cc: [Newland, Sarah](#)
Subject: RE: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13
Sent: 26/02/2025 13:14:52

Hello Ali,

Thank you for consulting CCNL on what appears to be extinguishing one route [A-B] and creating a new route [C-D] some distance to the east. The reasoning appears to be based upon the proximity of the existing route to a domestic dwelling, passing through its garden.

CCNL is aware of a number of development proposals at Homestead, and it is clear that the existence of the PRow was well known at the time proposals to develop the accommodation at Homestead, in close proximity to the PRow, were formulated. It would seem, therefore, that the recent structural changes and sensitivities at Homestead have created a situation which has led to the concerns about the use of the PRow rather than the longstanding existence of the PRow and its users.

The existing route 13 does provide a relatively direct route southwards for users of footpath 18 from the north, but the proposed alternative route C-D would add in the order of 80% to that route southwards following A-C-D-B rather than A-B.

I also read about reference to other landowners, so it seems that the proposal is not entirely on the applicant's land. However, there does not appear to be any statement within the submitted documentation indicating that the proposed route C-D would be acceptable to the other landowner[s].

Since the production of the DEFRA guidance in relation to the diversion of PRows, s.85 of CRow Act 2000 has been amended [s.85(A1)]. That now means that a relevant authority, in this case Wiltshire Council, must seek to further the purposes of National Landscape designation when making any decision affecting land in a National Landscape. The purposes of designation are the conservation and enhancement of natural beauty, so the applicant needs to demonstrate to the Council how the proposed diversion [extinguishment / creation] would conserve and enhance natural beauty if the Council approves the proposal.

CCNL is concerned that too often PRows end at highways that do not have safe verges for walkers / riders to use before continuing their journeys on another PRow. The proposal would increase, rather than decrease, the distance walkers would have to use a narrow highway which does not have a verge as a refuge when traffic passes by. That is obviously a safety issue that does not enhance the experience of using a PRow in a nationally important and nationally designated area.

I hope those comments are helpful to you.

Regards Richard

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Principal Landscape & Planning Officer (*part-time, Mon-Wed*)
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Hosted by Wiltshire Council
Click to get our web site and AONB Management Plan
14th International Dark Sky Reserve in the World; [Dark Night Skies](#)

From: Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>
Sent: 24 February 2025 08:18
Subject: FW: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13

Highways Act 1980
The Proposed Diversion of Footpath Sutton Mandeville 13

Wiltshire Council are in receipt of an application, dated 24 September 2023, to divert path Sutton Mandeville 13 (SMAN13). The proposal is to divert Footpath SMAN13 from point A to point B shown on the attached plan with a bold continuous line, a distance of approximately 200 metres with a recorded width of 0.91 metres, to a new route from point C to point D shown with a dashed line, a distance of approximately 225 metres with a recorded width of 2 metres.

The applicant states the following reasons for applying to divert the right of way are as follows:

"The application is made on the grounds that it is in the interest of the owners of the land crossed by the majority of the footpath, and known as the curtilage of Homestead, Sutton Mandeville, for the footpath to be diverted. The interests of the owners are served as follows:

The northern termination point is immediately adjacent to the property. The footpath then runs by a side door and small patio area. It passes close by large windows and so affects the privacy of the property.

The route continues over an area of lawn, used for the family's recreation with a football goal and other play equipment. It affects the use and privacy of the garden.

The proximity of the footpath to the house also affects the owners' perception of their security, knowing that anyone passing so close to the house and within the garden cannot be challenged.

The proposed route resolves these concerns, enabling a side gate to be locked. Quiet enjoyment of, and security at, the property is enhanced."

Their applicant's statement in full is attached to this email.

Defra government guidance on diversion or extinguishment of public rights of way that pass through private dwellings or their curtilages and gardens, dated August 2023 states in its conclusion "*In making its decision as to whether the existing path should be diverted or extinguished, an authority should consider in particular the impact of the existing path on the property owner and/or occupier against the benefit that having the right of way through the land brings to the public, taking account of this guidance.*" Defra government guidance sets out a presumption that if a public right of way that is subject to a diversion application goes through private dwellings or their curtilages and gardens, that an Order making authority should be predisposed to make an Order and a confirming authority will similarly be predisposed to confirm it, should the Order satisfy the relevant legislative tests. The Defra guidance is attached to this email for information.

If you would like to make any observations or representations regarding the proposals, I would be very grateful if you could reply to me via email, no later than 19 March 2025.

Kindest regards,

Ali

Please note that any responses to this letter will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at:

<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Ali Roberts (Miss)
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