

**From:** [Clerk](#)  
**To:** [Roberts, Ali](#); [Lay, Jacqui](#);  
**Cc:** [Geoff Greenaway](#); [Green, Janice](#); [Neil Saunders](#);  
**Subject:** RE: Highways Act 1980 S.118 S.26 - PURT104  
**Sent:** 16/10/2025 07:57:05

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Good morning Ali

At its meeting on Monday, 13 October, Purton Parish Council resolved to object to the proposed footpath diversion, reaffirming its original concerns.

The footpath in question holds significant historical and heritage value. Elements of this heritage have already been compromised by development on the site, where a field has been converted into a garden. While Defra guidance allows for possible diversion or extinguishment of footpaths crossing gardens, no planning permissions or legal rights have been granted for such a change in this case. The landowner is currently mowing the area, creating a lawn without proper authorisation.

Given the historic nature of our village and the importance of preserving access to ancient walkways, the Parish Council strongly objects to the proposed diversion. We are particularly concerned about the removal of pathway markers and the ancient hedgerow, which further erode the footpath's historical integrity.

We therefore respectfully request that the pending decision to permit the diversion be reconsidered in light of these concerns.

Regards

Deborah

Deborah Lawrence  
Clerk  
Purton Parish Council  
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PARISH COUNCIL

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**From:** Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>  
**Sent:** 02 October 2025 12:47  
**To:** Lay, Jacqui <Jacqui.Lay@wiltshire.gov.uk>  
**Cc:** Clerk <Clerk@purtonparishcouncil.gov.uk>; Geoff Greenaway <geoff.greenaway@purtonparishcouncil.gov.uk>; Green, Janice <janice.green@wiltshire.gov.uk>  
**Subject:** RE: Highways Act 1980 S.118 S.26 - PURT104

Good afternoon Jacqui,

All the paperwork regarding the proposed orders for PURT104 can be found on the public path order register which can be viewed following the attached link [P/2023/013 - Rights Of Way - Wiltshire Council](#)  
I have attached the decision report and all the associated appendices to this email for your convenience.

You will see Appendix 3 Defra government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises, dated August 2023. The guidance 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 against the benefit that having the right of way through the land brings to the public, taking account of this guidance."* It continues *"In all cases where the guidance applies, the order-making and confirming authority should weigh the interests of the owner .. against the overall impact of the proposal on the public as a whole. They should note that reducing or eliminating the impact of the current route of the right of way on the owner, in terms of privacy, security and safety, are important considerations to which due weight should be given"*. Regarding paths through private gardens and farmyards the guidance states *"Even where a public path through a private garden or farmyard has existed for centuries, and perhaps even pre-dates the use of the land for these purposes, there may be one or more reasons why its presence could be problematic for the landowner."* One of those reasons stated by the guidance is *"A reasonable expectation of being able to relax in the garden or spend time with family and friends without strangers appearing in the same contained space."* Therefore, as instructed by the Defra guidance, there is a presumption 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 proposal satisfy the relevant legislative tests.

To confirm I did have objections at the initial consultation phase, which can be read in full in Appendix 1. The Officers response to the representations and objections can be seen at 2. To date I have not had objections to the order. If no objections are received during the statutory consultation process on the made orders, the orders to can be confirmed and the definitive map changed once the route is certified. If an objection is received to the orders Wiltshire Council would not be able to confirm the orders. The orders would go before Wiltshire Council's Northern Area Planning Committee to determine whether the orders are referred to the Secretary of State, who would appoint an inspector from The Planning Inspectorate to determine the orders. At the Planning Committee stage there will be an opportunity for representatives in support and objectors to address the committee and present their case. If the decision is for the orders to be sent to the Secretary of State they will decide whether to determine the orders via written representations, a public hearing or a public inquiry, there will be a further opportunity for representatives in support and objectors to present their case either in person and or in written form. I have attached a flow chart of the process for your information

Kind regards,

Ali

Ali Roberts (Miss)  
Definitive Map Officer  
Definitive Map and Highway Records  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN



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

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**From:** Lay, Jacqui <[Jacqui.Lay@wiltshire.gov.uk](mailto:Jacqui.Lay@wiltshire.gov.uk)>  
**Sent:** 02 October 2025 12:04  
**To:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Cc:** Deborah Lawrence <[Clerk@purtonparishcouncil.gov.uk](mailto:Clerk@purtonparishcouncil.gov.uk)>; Cllr Geoff Greenaway <[geoff.greenaway@purtonparishcouncil.gov.uk](mailto:geoff.greenaway@purtonparishcouncil.gov.uk)>  
**Subject:** RE: Highways Act 1980 S.118 S.26 - PURT104

Dear Ali – as you probably realise this extinguishment and proposed new route is contentious in the community.

As I understand the process as there are objections raised (and even if there were none) the process is that this goes to committee for recommendation to the SoS.

Can you please confirm that this is going to happen and to let the parish council know so they can let people in the community know the process and what engagement the residents might be able to take part in at Committee and also when the proposals are submitted to the SoS.

I believe that there may need to be another inquiry on this.

Can you also outline information on the potential legal position with regard to DEFRA presumption 2023 which I believe relates to ROW that pass through Farmyards, close to buildings etc.

Kind regards  
Jacqui

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**From:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Sent:** 24 September 2025 14:34  
**To:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Subject:** Highways Act 1980 S.118 S.26 - PURT104

**Highways Act 1980 S.118**  
**The Proposed Extinguishment of Purton 104 (part)**

**Highways Act 1980 S.26**  
**The Proposed Creation of Purton 104 (part)**

Wiltshire Council made the above Order on 11 September 2025. Please find attached a copy of the Orders, the Order Plans and the Notice of making the Orders.

Notice of the made order will be advertised in the Gazette and Herald 25 September 2025 and on site.

The decision report is available to view by following the attached link to the public register for this case  
[P/2023/013 - Rights Of Way - Wiltshire Council](#)

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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