

**From:** [Anne & Tim Martin](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Re: FW: Revised Proposal for the diversion of Sutton Mandeville 13  
**Sent:** 10/05/2025 16:29:49

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Dear Ali

Thank you for your email.

The revised proposal is contrived and demotes the footpath, which has existed for everyone's enjoyment, to something subsidiary to a few, who knew of the paths existence when purchasing/developing their property and wanting now to degrade it for their own self serving purposes. I think the priority of the footpath should be maintained on its current route. Imagine the ridiculous contortions this precedent would set when landowners realise they can get a path threaded round a mere vegetable plot, just to suit their purposes!

Tim Martin

On Thu, 8 May 2025 at 09:56, Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)> wrote:

#### **Highways Act 1980**

#### **The Proposed Diversion of Footpath Sutton Mandeville 13**

We are currently in the initial consultation phase on the proposed diversion of SMAN13. During this stage, the consultation responses received may raise issues that could potentially be resolved by amending the original diversion proposal applied for. During this phase we look to work with the applicant, the local community and user groups in an attempt to address concerns that may prevent objections to a made order. The applicant has had sight of the objections to their original proposal and following a site meeting with the applicant, myself, and the area Countryside Access Officer in which potential resolutions to these concerns were discussed, a revised diversion plan for SMAN13 has been submitted. The proposal is to divert Footpath SMAN13 from point A to point B shown on the attached revised plan with a bold continuous line, a distance of approximately 135 metres with a recorded width of 0.91 metres, to a new route from point A to point B shown with a dashed line, a distance of approximately 165 metres with a recorded width of 2 metres. A revised statement of reasons is also attached detailing the applicant's grounds for making and confirming a diversion order.

#### **Issues raised regarding the original proposal and potential resolutions to these concerns.**

1. Health and safety concerns were raised regarding the originally proposed termination point on to Sutton Hill.
  - The revised diversion will retain the termination point at The Homestead on to Sutton Hill linking to SMAN18 leading to All Saints Church.
2. Comments on the originally proposed route included that the route was longer and steeper, was less diverse and scenic than the current route and would be very similar to SMAN3.
  - The revised proposal is a minimal diversion which adds approximately 30 metres to the route and retains the same ground levels as the current route. As can be seen from the plan showing the planned works, this proposed route will run alongside a vegetable plot, through an orchard, past mature trees and lead into the sunken lane heading south up the hill retaining its diverse character and avoiding any feeling of intrusion on the home.
3. Concern was also raised that the originally proposed route would bring walkers in close proximity to the solar array.
  - The revised diversion proposal is further away from the solar array than the original proposal but is approximately 15 metres closer to the current route. However, the solar array will be shielded by mature trees, a planned orchard and a new hedge.
4. Objections stated that the rights of way network is historic and diverting this path would set an unfortunate precedent.
  - I would refer to the recent Planning Inspectorate decision regarding a diversion order at Dilton Marsh and Westbury (ROW3301931) which can be seen in full by following the attached link [P/2020/010 - Rights Of Way - Wiltshire Council](#), which tackled this issue, in particular at paragraph 52 the Inspector states "... I do not attribute any weight to the Objectors' assertion that the route of a public footpath is 'sacrosanct'. Self-evidently that is not a correct statement of the law, given the procedures available under sections 118 and 119 of the 1981 [1980] Act and the Guidance which specifically provide a regime for diversion of public rights of way. The Guidance [Defra Presumption Guidance which is attached] states at paragraph 6 "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.""

If you would like to make any observations or representations regarding the proposal, I would be very grateful if you could reply to me via email, no later than 5pm on 18 June 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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