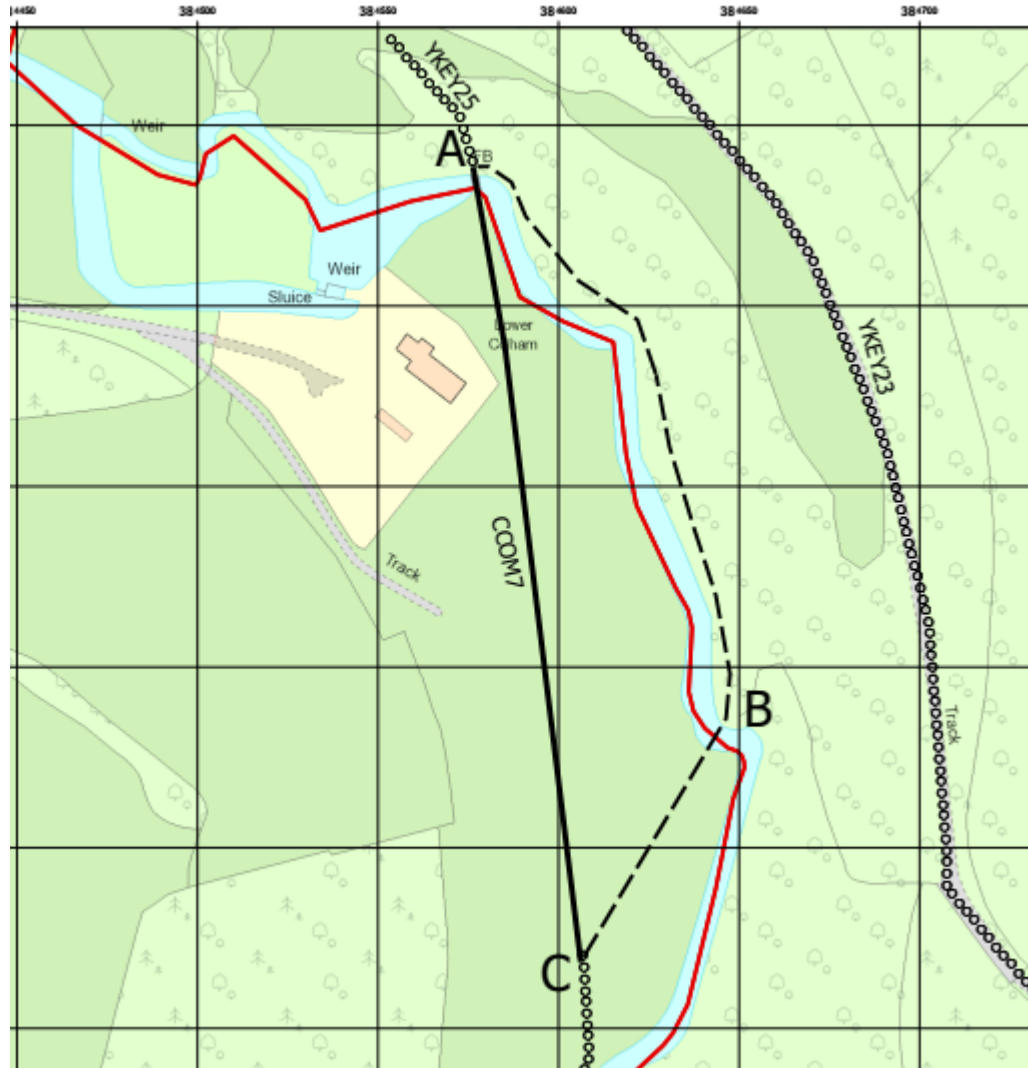


Northern Area Planning Committee

19th February 2025

**The Wiltshire Council Castle
Combe 7 and Yatton Keynell 25
Diversion and Definitive Map
and Statement Modification
Order 2023**

Order Plan



Key:

Path to be diverted : A ——— C (Depicted by solid black line)

New path provided: A - - - B - - - C (Depicted by dashed black line)

Unaffected rights of way: 00000 (Depicted by line of small circles)

Parish Boundary: ——— (Depicted by solid red line)

Current route of footpath



Current route of footpath



Proposed route of footpath



Proposed route of footpath



Proposed route of footpath and continuation



The Application

- Made on 2nd November 2020 by the landowner.

Reasons for application

- Improve privacy of property
- Prevent trespass on adjoining private track used as shortcut to village
- Reduce conflict between users of footpath (dogs) and lambing operations
- Avoid old leat which floods
- New bridge to be provided

Process so far

- Initial consultation undertaken on proposal in August 2022 and 2023
- 5 responses (2 objections) , to initial consultation.
- Order made on 23rd August 2023
- 7 objections received in the statutory consultation period.
- Order to be considered by Northern Area Planning committee

S.119 Highways Act 1980 – The tests to make an order to divert

- S.119 (1) - Is it expedient that the line of the path should be diverted in the interests of the landowner (or occupier or lessee)? OR
Is it expedient that the line of the path should be diverted in the interests of the public?
- S.119 (2) - Where termination points are altered, are the new termination points
 - i) connected to another highway
 - ii) substantially as convenient to the public

S.119 Highways Act 1980 – The tests to confirm an order to divert

- 119(6)The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—
 - (a)the diversion would have on public enjoyment of the path or way as a whole,
 - (b)the coming into operation of the order would have as respects other land served by the existing public right of way, and
 - (c)any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it

Views from footpath post diversion



Other 119 considerations

- (b)the coming into operation of the order would have as respects other land served by the existing public right of way, and
- (c)any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

Permissions and consents

- **Natural England** – *“no significant effect on the designated lowland calcareous grassland on site”*.
- *“Any vegetation clearance will only involve the removal of small fallen trees and light bramble and will take place outside of the bird nesting season.”*
- *“taking into account the small-scale removal of vegetation butterflies should not be significantly affected.”*
- **EA-** *Consent granted for new footbridge, valid until March 2027.*
- **Arborists report-** *trees to be felled for ash die back necessary in any case due to proximity to watercourse*

Other matters

- Consideration of the Rights of Way Improvement Plan
- Regard to the needs of agriculture, forestry, and conservation of biodiversity
- Other matters raised in Objection

Summary

- The order meets the relevant tests of section 119. It is not **substantially** less convenient to users.
- Enjoyment of the route remains substantially similar.
- The relevant bodies have given consent or consent pending
- It meets the considerations of the improvement plan and the needs of agriculture, forestry and biodiversity
- The order is capable of confirmation by the Secretary of State.

Officer Proposal

That the Wiltshire Council Castle Combe 7 and Yatton Keynell 25 Diversion and Definitive Map and Statement Modification Order 2023 be forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed with modification. That modification being to add the words at the end of paragraph 4 of the order “ *.And thereupon the Calne and Chippenham Rural District Council Area Definitive Statement dated 1953 shall be modified as described in part 3 of the Schedule to this Order*