

## Summary

Wiltshire Council looking for consultation on the diversion of the Footpath LYNE30 (part) Additional information since the March 2024 meeting.

## Email History

### Email 2 April 2024 – (Wiltshire/L&B Council Clerk)

Good morning Elizabeth,

Thank you for forwarding Lyneham and Bradenstoke Parish Council's objection on the proposed diversion of Lyneham Footpath 30. I will forward your comments to the applicant for information and comment.

The initial consultation on the proposal is an opportunity to attempt to resolve any issues that might prevent an order being made. The landowner has prepared a response to potential concerns about the safety of moving the access point of the right of way 30 metres along the verge of Preston Lane and welcomes the opportunity to discuss any concerns on site, please see below;

*"There is no traffic hazard identified, that would pose a risk to pedestrians with the new proposal. There is a verge of over 2.5m wide that joins the two entrances. Please see attached photo clearly showing this.*

*The proposed entrance would be near the tree on the verge outlined in the photo.*

*This verge was brought up in the site visit by the Countryside Access Officer. He noted the verge and could see no problem in pedestrian accessing the path along the verge.*

*The proposal would even be safer than where the path currently meets driveway entrances.*

*I'm happy to meet with anyone for on site discussion that may wish to express their concerns. Hopefully this may help to comfort concerns?"*

The Countryside Access Officers for the area also addressed the access point in their response, please see below:

*"The proposal will introduce another access and hence potential hazard onto Preston Lane. However, this is a relatively quiet road with good visibility, and those wishing to link between LYNE30 and LYNE17/18 would be able to walk the approx. 30m along a verge which should be around 2.5m wide in this vicinity. In this case we would have no objection to diverting the path further away from the dwelling and its driveway as shown."*

Requirements on land where rights of way are situated can change therefore legislation is in place to divert routes within highway law, Highways Act 1980 and planning law, Town and Country Planning Act 1990. Wiltshire Council policy recognises one of the weaknesses of the rights of way network is that it is historic and may not meet present and future needs. Rights of Way Improvement Plan Appendix 8 – Strengths, weaknesses, opportunities and threats assessment of the Countryside Access Network, Weaknesses, W1 states: *"The network is largely historic and although it has evolved, in places it does not meet the present and likely future needs of users and potential users"*. A landowner is legally entitled to apply to divert a right of way if it is in their interests under Highways Act 1980 s.119(1) part of the legal test is whether the diversion is expedient in the interests of the landowner, lessee or occupier of the land.

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, 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.*

The local representatives for the Ramblers are always included in consultations that effect the public rights of way network and they were included in the consultation regarding the diversion of Lyneham 30. They did not send a response to this diversion.

## **Email – 2 April 2024 (Wiltshire/L&B Council Clerk)**

Good afternoon Elizabeth,

Having forwarded your objection to the applicant/landowner for their attention I have received the below response.

*“Careful consideration was given when conducting the assessment of the footpath diversion. No risks or negative impacts were identified*

*when conducting this assessment, and several beneficial points were noted.*

*The landowners respect the public right of way through their private land, and have done so for almost 50 years. The landowners have always*

*ensured the public right of way is maintained and ensured unhindered access for the benefit and courtesy of the public.*

*Should the proposal be granted, the landowners would accommodate any alterations to ensure the new diversion is accessible and maintained to the same high standard . They also understand that this is already a statutory requirement for public rights of way.*

*A suitable diversion has been proposed to allow the landowners full access and use of their land for landcare management, maintenance purposes, and use of the land in the interest of the landowners. This diversion poses no significant increase or decrease of the journey and allows a straight and unobstructed access for the public to traverse their field.*

*The verge on Preston Lane is already used by the public frequently. There is a Royal Mail post box some 50 meters or so further along the verge, that residents access by walking along this existing verge.*

*The other option presented of diverting the footpath inside the hedge would pose the following negative and prohibitive impacts...*

*There are well established trees that are intended to remain, some are 30 to 40 feet high. Some of these trees would need to be removed in order to accommodate a footpath inside the hedge, and the maintenance of the 30m long hedge with a tractor. The landowners do not intend on removing these trees to accommodate a footpath.*

*This option would also require fencing the entire L shape footpath to ensure the public don't access the existing footpath, which they likely will. This also creates a perimeter around the land which limits the access, maintenance of the inside hedge, and further inhibits the use of the property in the interest of the landowners.*

*The trees in the field are in desperate need of maintenance, with clearing of the undergrowth and thinning of trees to allow future healthy growth. Without this care, the trees will ultimately strangle*

*themselves from being too large and too close together. This landcare management poses significant risk in the interest of public safety for said maintenance to be conducted, and any future maintenance that will be required.*

*Diverting the footpath inside the hedge would also restrict the ability to maintain and manage the land as described.*

*The landowners feel that a suitable diversion has been proposed and therefore kindly ask that the public respect the right of the landowner to use and gain access to their land.”*

*“When Steven Leonard [Countryside Access Officer for the area] visited the site more than a year ago, to assess the possible diversion of Lyneham 30 footpath, the outlook seemed positive. From a safety point of view a footpath diversion was considered a good option as two new dwellings have their joint driveway access to Preston Lane immediately adjacent to the existing footpath entrance/exit.*

*A diverted footpath would access Preston Lane onto a wide grass verge, maintained by the landowners, at a point where the view of the road in both directions will be much improved.*

*The bend in Preston Lane, very close to the break in the footpath across the lane, is potentially hazardous with the present density & speed of traffic.*

*Dog walkers & other pedestrians rarely use the right of way across the lane from Lyneham 30 footpath. The stile is in fact overgrown & its use to access the right of way there is very difficult indeed.*

*The well maintained wide grass verge of 100 metres or so is regularly used by pedestrians to post letters in an existing post box in the landowners out building.*

*We would have appreciated a site visit from Wiltshire Councillor Bucknell, before her objection was made, when we would have had an opportunity to answer any questions.*

*The local resident who objected to the proposed diversion has now withdrawn his objection & gives the proposed diversion his full support.*

*The landowners were surprised they were not invited to attend the Parish Council meeting when the proposed diversion was discussed.*

*At that meeting an alternative suggestion was made, to divert the footpath following the field side of the hedge along Preston Lane. This would not address the safety problem.*

*Please see attached photos that support the above comments”*





*The visibility and verge of the proposed access point on to Preston Lane*







*Post box reached along the verge*

*Proposed diversion along hedge line within the field*