

DECISION REPORT

HIGHWAYS ACT 1980 S.119 and S.118

PROPOSED DIVERSION OF PART OF SALISBURY FOOTPATH No. 6 AND EXTINGUISHMENT OF AN UNRECORDED LENGTH OF PATH AT STRATFORD SUB CASTLE

1.0 Purpose of Report

(i) To consider an application to divert part of Salisbury footpath no. 6 and a length of unrecorded path at Stratford Sub Castle, Salisbury.

(ii) To recommend that Wiltshire Council makes orders under s.119 and s.118 of the Highways Act 1980 (HA80) and s.53 of the Wildlife and Countryside Act 1981 (WCA81) to effect this change.

2.0 Background

2.1 On the 25th October 2016 Wiltshire Council received an application to divert footpaths at Stratford sub Castle to enable a permitted development to proceed.

2.2 Planning consent had been granted (16/00743/FUL) for the replacement of an existing garage, the alteration of vehicular access and a new boundary wall at Parsonage Farm House, Stratford Road, Stratford sub Castle, SP1 3LH.

2.3 The permitted development obstructs the line of footpath Salisbury no. 6 which would need to be diverted to allow the development to proceed.

2.4 It would be usual to achieve this under s.257 of the Town and Country Planning Act 1990, however, matters relating to the right of way at this site (and at neighbouring properties) are complicated by existing obstructions to Salisbury path no. 6 and of an additional but unrecorded path that the public have used instead of Salisbury path no. 6 for a period exceeding 20 years.

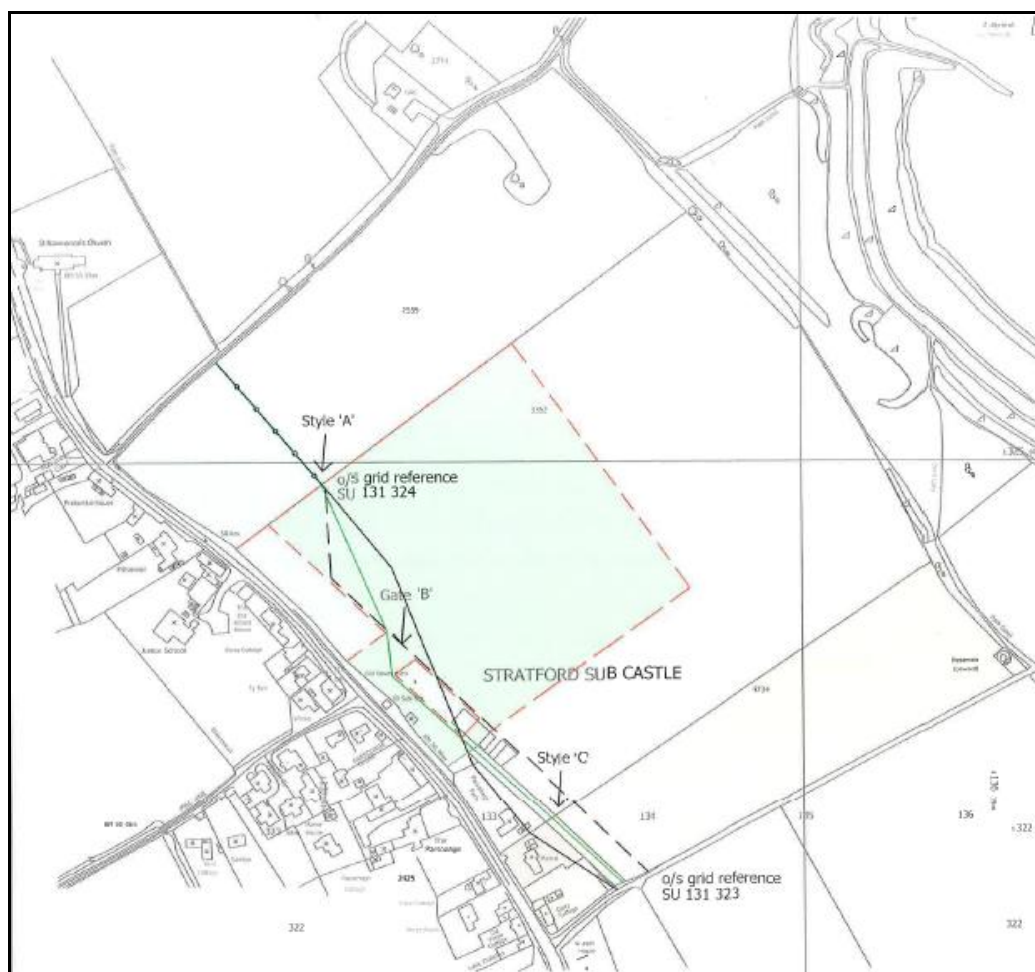
2.5 It is not just Parsonage Farm House that is affected by this alternative route. In total the anomaly affects the following landowners:

- i) Mr and Mrs Harrison, The Parsonage, Stratford sub Castle (the applicant)
- ii) Mr and Mrs Griffiths, The Stables, Stratford sub Castle
- iii) Mr and Mrs Winders, Mistral, Stratford sub Castle
- iv) Ms Steer, Parsonage Close, Stratford sub Castle
- v) Mr Groom, Dairy Cottage, Stratford sub Castle

2.6 All parties have agreed to the diversions proposed in the application.

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- 2.7 It is an agreed point between all parties (including officers of the Council) that the unrecorded alternative route may, on the balance of probability and based on public use for at least 20 years, be a public footpath in addition to the one adjacent to it, Salisbury path no. 6.
- 2.8 The application seeks to resolve this anomaly by diverting both the walked route and the definitive line to a new route a few metres to the north.
- 2.9 It is therefore recognised that whilst this application offers an excellent opportunity to not only divert a path to enable a development to proceed but also to resolve an anomaly, it goes beyond the extent of the boundaries of the permitted development and accordingly, s.257 of the Town and Country Planning Act may not be used.
- 2.10 It is therefore proposed that the application is considered under s.118 and s.119 of the Highways Act 1980 with the proposed new route being an alternative for Salisbury footpath 6 under s.119 and with the used route being extinguished by s.118. Any Orders made to achieve this would be made concurrently.
- 2.11 **Application plan**



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- 2.12 The existing route of Salisbury no. 6 crosses 4 property boundaries and is shown by the solid black line in the plan above. One stile and two gates are provided near to the definitive line. The route is currently obstructed but the Council must consider it as if it were open and available for use.
- 2.13 The route that the public have used for at least 20 years (as shown by a solid green line in the plan above) has been indicated by signs and provided for. It uses one stile and two gates and leads along the northern boundaries of the residential enclosures that are Dairy Cottage, Mistral and Parsonage Farm before leading south west of field buildings to enter the field and to rejoin the existing route.
- 2.14 The proposed new route (as shown by a pecked line in the plan above) is approximately 12 metres further to the north east and leads along a defined fenced track bisecting the fields. It has already been constructed and is in clear use by the public. It provides a well defined straight line route with excellent views of Old Sarum to the north east. There are no gates or stiles along it and it has a uniform width of 3 metres.

3.0 Consultation

- 3.1 The following letter and plan were circulated:

Highways Act 1980 s.118 and s.119

Application to divert part of footpath Salisbury no. 6 at Stratford sub Castle, SP1 3LH

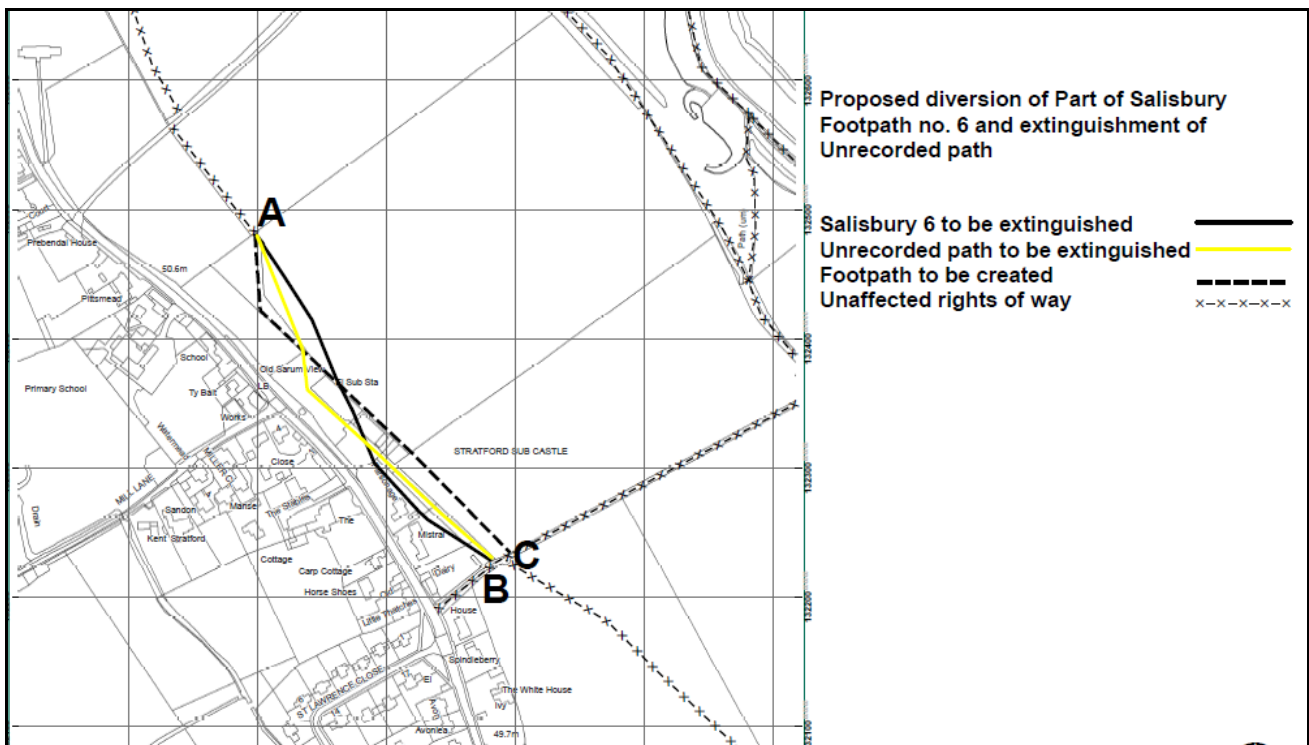
Wiltshire Council has received an application to divert part of footpath Salisbury no. 6 at Stratford sub Castle. Although part of the path will need to be diverted to enable a permitted development to proceed (the erection of a garage as permitted by application 16/00743/FUL) it is clear that where the footpath passes through a number of adjacent properties the definitive line (shown from A to B as a solid black line) is not followed by the public who have, since c.1960, used a slightly different line (shown from A to B in yellow on the attached plan).

It is proposed that an improved line for the path may be provided (shown from A to C as a black pecked line on the attached plan) which removes the path from the residential curtilage of several properties while offering the public better views of Old Sarum, less stiles and gates and an improved width of between 2 and 3 metres. The route is very slightly shorter than either of the existing routes.

It is proposed that the definitive line is diverted to the new route (pecked line A to C) under the powers of s.119 of the 1980 Act and that the unrecorded route (the used route) is extinguished under s.118 of the 1980 Act. If you have any comments or

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observations on the proposal I will be pleased to receive them by the 2nd December 2016.



3.2 This was circulated to the following:

- | | |
|--|-------------------------------------|
| The Auto Cycle Union | Open Spaces and Footpaths Society |
| Wiltshire Bridleways Association | Wiltshire Cycling Touring Club |
| British Horse Society | Salisbury City Council |
| Wiltshire Councillor M Douglas | Wiltshire British Horse Society |
| Byways and Bridleways Trust | British Driving Society |
| Wiltshire Council Rights of Way Warden | |
| Ramblers (Wiltshire) | Ramblers (South Wiltshire) |
| Wiltshire Council County Ecologist | |
| Trail Riders Fellowship | Mr and Mrs A Harrison (applicant) |
| Mr and Mrs R Griffiths (landowner) | |
| Mr and Mrs J Winders (landowner) | |
| Ms Y Steer (landowner) | Mr N Croom (landowner) |
| Wessex Water | Scottish and Southern Electric |
| Wales and West Utilities | National Grid (gas and electricity) |
| BT Openreach | Virgin Media |
| Linsearch beforeUdig | Digdat |

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4.0 Consultation Responses

- 4.1 Linesearch before Udig 27 October 2016**
 - Virgin Media 27 October 2016**
 - BT Openreach 27 October 2016**
 - National Grid 27 October 2016**

No apparatus affected.

- 4.2 Wiltshire Councillor Mary Douglas 01 November 2016**

"I am happy with the application to divert part of Salisbury no. 6 at Stratford sub Castle SP1 3LH."

- 4.3 Mr and Mrs R Griffiths 02 November 2016**

"We are simply writing to record that we are both very much in agreement with the application to divert the footpath as indicated in those plans."

What you haven't mentioned is that, when there is a lot of rain, the existing footpath because it is narrower and is churned up by horses, becomes like a First World War battlefield and the diversion proposed would avoid that in addition to the other advantages you mention."

Case officer's comment: Part of the unrecorded route leads through fields that are used for horse grazing. The proposed new route would not and would lead along a path fenced away from the field.

5.0 Existing Records : Definitive Map and Statement

Footpath Salisbury no. 5 was added to the definitive map and statement in 1953 and has not been affected by any legal events since that time. The definitive statement records:

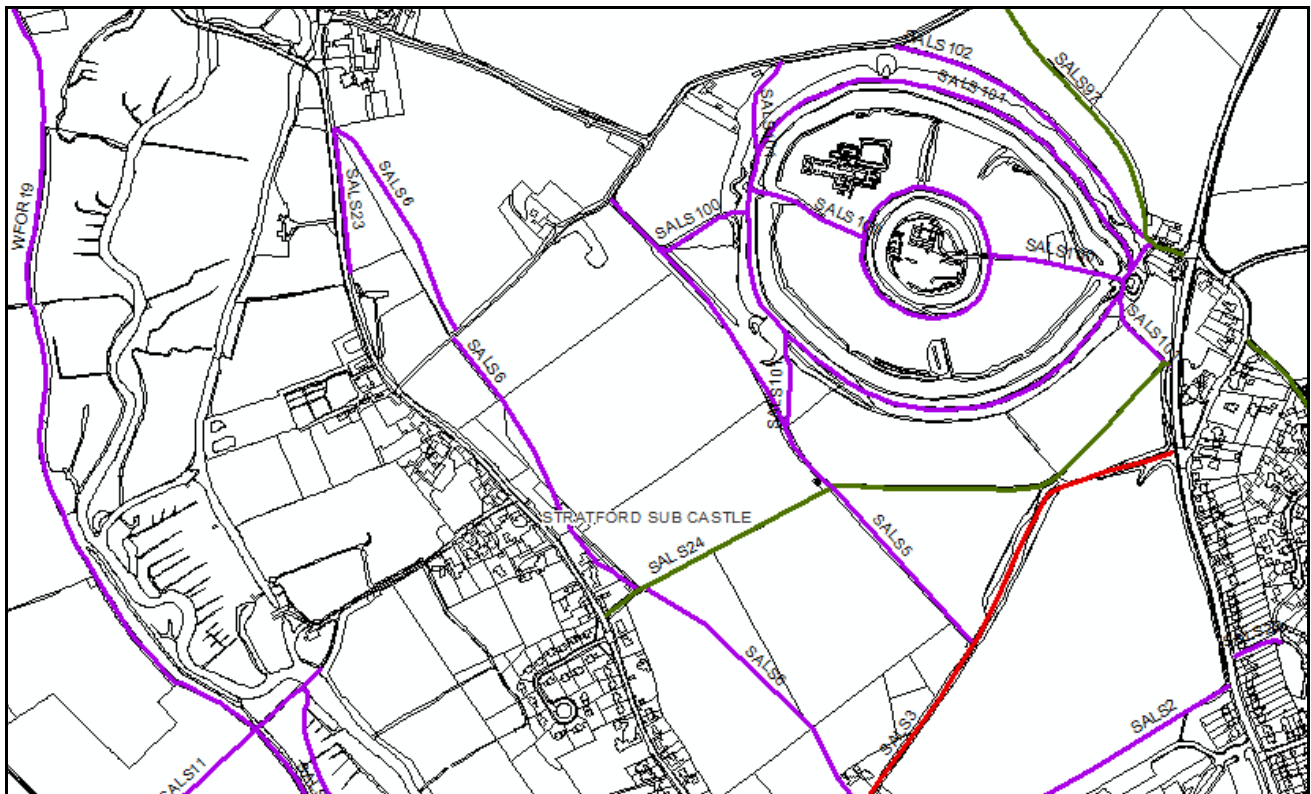
Salisbury 6 FOOTPATH. From the Portway, path No.3, south-west of Portway Cottage, leading north-west through Parsonage Farm and across Grabbage Lane to road C.1, south of Dean's Farm.

relevant date

Subject to ploughing

Approximate length 1189 m.

Width 2 m - 2.14 m.



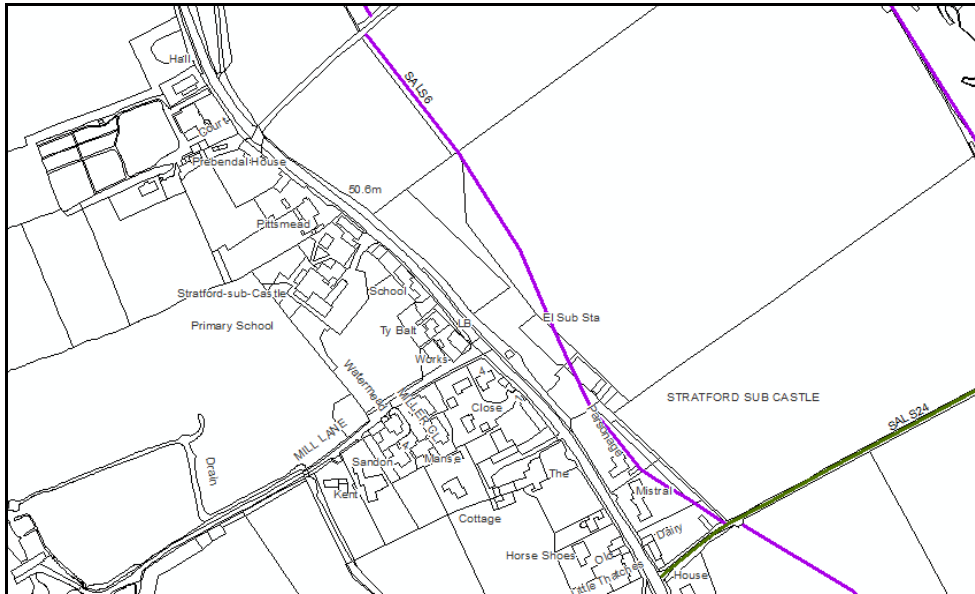
Extract from the working copy of the definitive map showing:

Footpaths = purple

Bridleways = green

Restricted byways = red

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Extract showing affected section of Salisbury 6

6.0 Considerations for the Council

- 6.1 Wiltshire Council has the power to make orders for the diversion of public paths under s.119 of the Highways Act 1980.
- 6.2 **Section 119(1)** of the Highways Act 1980 states that:

“Where it appears to a Council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the Council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order:

(a) create, as from such date as may be specified in the order, any such new footpath, bridleway or restricted byway as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be [specified in the order or determined] in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to the Council requisite as aforesaid.

- 6.3 Section 119(2) of the Highways Act 1980 states:

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“A public path diversion order shall not alter a point of termination of the path or way:

(a) if that point is not on a highway; or

(b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public”.

6.4 Although the Council is only required to consider s.119(1) and (2) to make an order it is clear that it is appropriate for it to also consider s.119(6) at the order making stage.

6.5 In *Hargrave v Stroud DC* [2002] EWCA Civ 1281, Schieman L.J. stated that:

“On the face of the subsection therefore the authority has discretion as to whether or not to make an order. I do not consider that the mere fact that it is expedient in the interests of the owner that the line of the path should be diverted means that Parliament has imposed on the authority a duty to make such an order once it is satisfied that this condition precedent has been fulfilled.”

6.6 Subsection (6) of s.119 sets out factors which are to be taken into account at the confirmation stage. However, it has been held that the Authority is entitled to take these factors into account at the order making stage. In *Hargrave v Stroud* (above), Schieman L.J. held that:

“...the authority faced with an application to make a footpath diversion order is at liberty to refuse to do so. In considering what to do the Council is, in my judgment...entitled to take into account the matters set out in s.119(6). It would be ridiculous for the Council to be forced to put under way the whole machinery necessary to secure a footpath diversion order where it was manifest that at the end of the day the order would not be confirmed.”

6.7 After making an order, if the order is objected to, the Council should also again consider the second test under Section 119(6) which must be met at the Order confirmation stage.

“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 Sub-section (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*

6.8 The Council must have regard to The Equality Act 2010. This act requires (broadly) that in carrying out their functions, public authorities must make reasonable adjustments to ensure that a disabled person is not put at a substantial disadvantage in comparison with a person who is not disabled. The Equality Act goes further than just requiring a public authority does not discriminate against a disabled person. Section 149 imposes a duty, known as the “public sector equality duty”, on the public bodies listed in sch. 19 to the Act, to have due regard to three specified matters when exercising their functions.

6.9 These three matters are:

- Eliminating conduct that is prohibited by the Act
- Advancing equality of opportunity between people who have a disability and people who do not; and
- Fostering good relations between people who have a disability and people who do not.

6.10 The Equality Act applies to a highway authority’s provision of public rights of way services. (DEFRA Guidance *Authorising structures (gaps, gates and stiles) on rights of way* Oct 2010)

6.11 The Council must also have regard to the Wiltshire Council Rights of Way Improvement Plan (ROWIP) - the current plan is entitled Wiltshire Countryside Access Improvement Plan 2015 – 2025 – Rights of Way Improvement Plan 2. ROWIP 2 recognises the Council’s duty to have regard to the Equality Act 2010 and to consider the least restrictive option.

6.12 At 4.1 page 16 the Council recognises that considering the needs of those with mobility impairments is a statutory responsibility:

“..consider the needs of those with mobility impairments when maintaining the network and authorising structures (e.g. stiles and gates) on the rights of way network and seek improvements to existing structures where it would be beneficial (Equality Act 2010).”

6.13 At 7.4 page 32 the Council recognises the following:

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“The requirements for improving accessibility for people with these sorts of disability are generally the same as discussed in conclusion 5.”

Conclusion 5 states:

“If older people are to keep active and therefore healthy, they will need a more accessible network as they are more likely to find stiles (and sometimes surfacing and latches) difficult than other people. This highlights the need to replace stiles with gaps or gates on key routes, which can also benefit wheelchair users and parents with buggies and children.”

6.14 At 2-5 page 38 the Council recognises opportunities for improving access:

- Make routes more accessible, undertake surface improvements and improve maintenance
- Work within the framework of Wiltshire Council’s Gaps, Gates and Stiles Policy
- Encourage landowners to follow best practice for furniture design as set out in the above mentioned policy
- Work in partnership to promote and create accessible trails
- Improve surfacing to byways open to all traffic where there is a demand for those with mobility impairments to be able to access remote locations

6.15 ROWIP 2 refers to the Council’s Gaps, Gates and Stiles Policy. This is Policy number 7 and is appended to ROWIP2.

The Policy recognises that the authority must consider the needs of those with mobility impairments when managing rights of way and access and that this requirement particularly applies when authorising structures (e.g. stiles and gates) on rights of way and seeking improvements to existing structures to make access easier.

6.16 Wiltshire Council relies on DEFRA (2010) Good Practice Guidance for Local Authorities on Compliance with the Equality Act 2010 version 1 and recognises at 7.2.1 that:

A highway authority has a duty, under the Highways Act 1980, to assert and protect the rights of the public to the use and enjoyment of a highway. The Equality Act 2010 adds a further dimension by requiring (broadly) that in carrying out their functions, public authorities must make reasonable adjustments to ensure that it is not impossible or unreasonably difficult for people with disabilities to benefit from

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those functions as others would do or to show that there are good reasons for not doing so.

6.17 Where a route is being diverted Wiltshire Council will specify a level of accommodation works that must be met before the new route is accepted by the Council and any Order made comes into force.

6.18 The Council must also have regard to the needs of agriculture, forestry and the conservation of biodiversity.

6.19 **S.118 Highways Act 1980 for the extinguishment of a public path**

118. Stopping up of footpaths, bridleways and restricted byways.

(1) *Where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way.*

An order under this section is referred to in this Act as a 'public path extinguishment order.'

(2) *The Secretary of State shall not confirm a public path extinguishment 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 it is expedient so to do having regard to the extent (if any) to which it appears to him or, as the case may be, them that the path or way would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way, account being taken of the provisions as to compensation contained in section 28 above as applied by section 121(2) below.*

(3) *A public path extinguishment order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed, defining the land over which the public right of way is thereby extinguished.*

(4) *Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of public path extinguishment orders.*

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(5) *Where, in accordance with regulations made under paragraph 3 of the said Schedule 6, proceedings preliminary to the confirmation of the public path extinguishment order are taken concurrently with proceedings preliminary to the confirmation of a public path creation order, public path diversion order or rail crossing diversion order then, in considering –*

(a) under subsection (1) above whether the path or way to which the public path extinguishment order relates is needed for public use; or

(b) under subsection (2) above to what extent (if any) that the path or way would apart from the order be likely to be used by the public;

the council or the Secretary of State, as the case may be, may have regard to the extent to which the public path creation order, public path diversion order or rail crossing diversion order would provide an alternative path or way.

(6) *For the purposes of subsections (1) and (2) above, any temporary circumstances preventing or diminishing the use of a path or way by the public shall be disregarded.*

(6A) *The considerations to which-*

(a) the Secretary of State is to have regard in determining whether or not to confirm a public path extinguishment order, and

(b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order,

Include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would extinguish a public right of way.

6.20 The Council is also empowered to make a 'combined order' under s.53(2)A of the Wildlife and Countryside Act 1981. The effect of this means that on the confirmation of the order the definitive map and statement may be changed without the further need to make an order under s.53(3)(a)(i) of the 1981 Act (also known as a 'legal event order' or an 'unadvertised order').

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7.0 Comments on the Considerations

S.119 - Diversion

- 7.1 S.119(1) HA80 states that the Council may make an order to divert a path if it is satisfied it is in the interest of the landowner and/or the public to do so. The landowners' interests are demonstrated by the making of the application itself. It is clearly in their interest to move the line of the path away from the residential curtilage of their properties as this will benefit their privacy and security. The diversion of the path would also enable Mr and Mrs Harrison to proceed with their permitted development. I can see no disadvantage to the landowners in moving a public path to a well defined route a short distance away from their houses and gardens. S.119(1) is therefore satisfied.
- 7.2 S.119(2) HA80 says that the Council shall not alter the termination point to one that is not on a highway or to one that is not substantially as convenient to the public. The point at which the public join this leg of Salisbury 6 from bridleway Salisbury 24 would be moved approximately 12 metres to the north east. This brings the path closer to the ongoing leg of path Salisbury no 6, in fact, it is virtually opposite it giving a much better sense of direction and purpose to the route. Additionally the proposed new access point does not involve passing through a gate and gateway onto what is part of the residential curtilage of The Dairy. It is considered that the new termination point is more convenient rather than less and accordingly S.119(2) is amply satisfied.
- 7.3 The Council could therefore proceed to make an order under S.119 to divert the highway. However, as detailed at paras 6.6 and 6.7 it is also appropriate to consider S.119(6) at this stage.
- 7.4 S.119(6) says that the new path must not be substantially less convenient to the public. The new path will be 3 metres longer than the existing path but follows a clearer, straighter route. There are no stiles or gates on the new route and because the route is fenced away from the field there is no potential conflict with horses or of passing over muddy and poached land. The proposed new route would be more convenient to use.
- 7.5 The Council must also have regard to the effect on the public enjoyment of the path as a whole. Salisbury 6 is along path made up essentially of three legs. The first leg crosses fields and links restricted byway Salisbury 3 with bridleway Salisbury 24, the second leg (which is affected by this application) leads through some residential gardens and across a field to link bridleway Salisbury 24 with the unclassified road to Old Sarum (Grabbage Lane). The third leg links Grabbage Lane with the Stratford sub Castle road (the C.1) itself. This leg leads across a field.

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- 7.6 Whether the public use Salisbury 6 as a whole or whether they include the various legs of it in various circular walks is not known, however, whichever way it is used the improved accessibility of the proposed diversion will make the route more purposeful and easier to follow. The views of Old Sarum are improved from the proposed diversion route and it is generally considered that the enjoyment of the path would be enhanced by the diversion rather than impaired by it.
- 7.7 It is considered that s.119(6) is therefore satisfied and that any order so made would be capable of being confirmed
- 7.8 The Council must also consider the effect on the land served by the existing path. The existing path has no utility beyond recreational access for the public and its removal from the land would allow the land to be fenced for greater privacy and security.
- 7.9 The Council must also consider the effect on the land served by the new route. The new route has already been created by post and wire thus creating an additional paddock which gives greater flexibility to livestock management.
- 7.10 The Council must also consider the effect on agriculture, forestry and diversity of fauna and flora. No comments have been received from Wiltshire Council's County Ecologist. The area over which the new path will go is not managed for forestry or agriculture. It is considered that there is no effect.
- 7.11 **S.118 Highways Act 1980**
- Section 118 of the Highways Act 1980 enables Wiltshire Council as Highway Authority to extinguish a footpath where it appears to the council that the path should be stopped up on the ground that it is not needed for public use or likely to be needed for public use. The Council may make an Order under s.118 concurrently with an Order under s.119.
- 7.12 Clearly there is no need for two public footpaths so close together at this location and in the event that an Order made under s.119 were to be confirmed it is considered that the new route created by that order would be so advantageous to the public that any other route just metres away requiring the use of two gates and one stile would simply never be used.
- 7.13 Before confirming an order made under section 118 of the Highways Act 1980, the Council must also have
- (1) regard to the extent to which the path would be used by the public, and
 - (2) regard to the effect which the extinguishment would have in respect of the land served by the path.

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There is no anticipated adverse effect on the land served by the path and no claims for compensation are expected as a result of the extinguishment.

- 7.14 Section 6A of the Highways Act 1980 also requires the Council when determining whether or not to confirm an extinguishment order to consider any material provision of a rights of way improvement plan prepared by the Council. In the Action Plan of the Wiltshire Countryside Access Improvement Plan 2015 – 2025, the opportunity to create a more coherent network to make the network easier for the public to use was identified. The alternative path provides a readily accessible path making it a more useable path for the community in this attractive and popular rural setting.

8.0 Environmental Impact of the Recommendation

- 8.1 There is no environmental impact associated with the recommendation.

9.0 Risk Assessment of the Recommendation

- 9.1 Risks to the Council are covered at 10.0 Legal and Financial Implications. Risks to the public associated with the recommendation are considered to be nil, in fact the new route is likely to present a lower risk to users as they will be separated from livestock and will not have stiles and gates to negotiate.

10.0 Legal and Financial Implications

- 10.1 Actual costs associated with making an order will be paid by the applicant.
- 10.2 If significant objection is received the Council may abandon the Order at no further cost to either the applicant to the Council.
- 10.3 If the Council refuses to make the order the applicant may seek judicial review against the Council's decision and may succeed if the Council has been unreasonable. Costs can be high for this (c.£50000).
- 10.4 If the Council makes the order and objections or representations are made the Council will consider the matter at a meeting of the Area Planning Committee. That Committee may decide to abandon the order or may decide to support its confirmation. If the Council supports the Order it will be forwarded to the Secretary of State (SoS) to determine and the Council will pay costs relating to this. This may be negligible if the case is determined by written representations (a few hours of officer time), around £200 to £500 if determined at a local hearing or between £1000 and £2500 if determined at a public inquiry.

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10.5 It is considered that there is a very low risk of objection to this Order and an even lower risk that in the event of an objection being made and the Order being sent to the SoS that a public inquiry would be held. It is usual to determine Orders such as this by way of written representations or a local hearing.

11.0 Equality Impact

11.1 The new route is more accessible than the definitive line or the route to be extinguished and would therefore be more accessible for walkers with mobility or sight impairments.

12.0 Relevance to Council's Business Plan

12.1 Working with the local community to provide a rights of way network fit for purpose, making Wiltshire an even better place to live, work and visit.

13.0 Safeguarding Considerations

13.1 DEFRA's "Rights of Way Circular (1/09) Guidance for Local Authorities" Version 2, October 2009, states at paragraph 5.5:

"The statutory provisions for creating, diverting and extinguishing public rights of way in the 1980 Act have been framed to protect both the public's rights and the interests of the owners and occupiers. They also protect the interests of bodies such as statutory undertakers. The requirements for making, confirming and publicising orders are set out in Schedule 6 to the 1980 Act."

13.2 If an order to divert a right of way at Stratford sub Castle is made, Wiltshire Council will follow procedures set out in Schedule 6 of the 1980 Act and in doing so the Council will fulfil its safeguarding responsibilities.

14.0 Public Health Implications

14.1 No public health implications have been identified in the diversion of Salisbury 6 or the extinguishment of the route used for at least 20 years.

15.0 Options to Consider

- 15.1 i) To refuse the application
- ii) To allow the application and make an order under s.119 and s.118 HA80 and s.53A(2) WCA81.

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16.0 Reasons for Recommendation

- 16.1 Officers consider that the proposed changes to the network contained within this application have strong advantages for all parties. By extinguishing the unrecorded public rights as well as addressing the definitive line this application seeks to avoid later complications for landowners and for the Council. It is considered that all legal tests are met and that Orders should be made and advertised to effect the changes proposed in the application.
- 16.2 No objections or alternative suggestions to the proposals have been given to the Council and it is considered unlikely that any would be received. However, in the event that objections or representations to the Orders are duly made and not withdrawn, the Orders will have to be considered by the Southern Area Planning Committee who may decide to abandon it or to send it to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) for determination. In the event that an objection is received to only one Order, because they have been made concurrently they would both have to be considered by SoSEFRA for confirmation at the same time. Wiltshire Council would not proceed with the confirmation of just the Order that had not been objected to.

17.0 Recommendation

That an Order is made under s.119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981 to divert the line of Salisbury 6 at Stratford sub Castle and an Order is made under s.118 Highways Act 1980 to extinguish the unrecorded footpath that leads broadly alongside the definitive live. In the event that no objections or representations are received then the Orders should be confirmed.

Sally Madgwick
Rights of Way Officer

05 December 2016