APPENDIX 3

EXTRACT FROM MINUTES OF REGULATORY COMMITTEE

15TH DECEMBER 2004

84. **Amesbury: Proposed Diversion of Byway 1 and Bridleway 29** On considering a report by the Director of Environmental Services,

Resolved:

Subject to obtaining the consent of Amesbury Town Council and Salisbury District Council, to make an application to the Magistrates' Court under the provisions of Section 116 of the Highways Act 1980, to divert the following lengths of track, as shown on the plan at Appendix B attached to the Director's report:-

(1) That section of Bridleway 29 Amesbury, A-B to a new line A-C, so that it lies within the new estate road corridor,

(2) Byway 1 Amesbury (part), to the west around scheduled ancient monument No. 12200, (between points D and E), and

(3) Byway 1 Amesbury (part) from its access point on the A303 Trunk Road, leading south for approximately 300 metres, (between points F and G), to a new access point on the Allington Track (between points F and H).

APPENDIX 3

WILTSHIRE COUNTY COUNCIL **AGENDA ITEM NO. 10**

REGULATORY COMMITTEE
15th DECEMBER 2004

AMESBURY: PROPOSED DIVERSION OF BYWAY 1 AND BRIDLEWAY 29

Purpose of Report

1. To:

   (i) Report on the objections received by the County Council to proposals to divert three public rights of way in the area of Solstice Park, Amesbury.

   (ii) Seek approval for an application to be made to the Magistrates' Court to divert the paths as mentioned above.

Background

2. The plan at **Appendix A** shows the existing public rights of way network in the area of Solstice Park.

3. The Solstice Park Business Park in Amesbury is being developed by the Amesbury Property Company, which originally submitted applications to the County Council for:

   (i) The permanent diversion of Bridleway 29 Amesbury under Section 119 of the Highways Act 1980 (application dated 12th March 2004).

   (ii) The diversion of Byway 1 Amesbury around Scheduled Ancient Monument No.12200, under Section 116 of the Highways Act 1980 (application dated 23rd March 2004).

   (iii) The diversion and part closure of Byway 1 Amesbury, at its junction with the A303, by stopping up the existing byway and dedicating a new section of byway open to all traffic (application dated 12th March 2004).

4. Having considered these proposals, the most appropriate way to take these matters forward is to deal with all three diversions under the umbrella of a single diversion order application to the Magistrates Court under Section 116 of the Highways Act 1980, rather than employing three separate pieces of highway legislation. Taking this approach will save both time and money and enable the Magistrates to have a comprehensive overview of the proposed changes in the context of the overall Solstice Park development.

5. The Amesbury Property Company has agreed to the County Council dealing with the proposed changes in this way. The revised proposals are shown on **Appendix B**. They involve:

   - The diversion of that section of Bridleway 29 Amesbury, A-B, to a new line A-C, so that it lies within the new estate road corridor.

- The diversion of Byway 1 Amesbury (part), to the west around scheduled ancient monument No.12200, (see points D-E).

- The diversion of Byway 1 Amesbury (part) from its access point on the main A303 Trunk Road, leading south for approximately 300 metres, (between points F and G), to a new access point on the Allington Track, (between points F and H).

Consultations

6. The Amesbury Property Company has carried out its own consultations regarding the proposed diversions. Responses are available for inspection in the **Members' Room**.

7. The County Council carried out an initial consultation amongst user groups, statutory consultees and other interested parties on 10th August 2004. The responses received are also available for inspection in the **Members' Room**. The objections are summarised, together with the Officers responses, in the table attached at **Appendix C**.

Main Considerations for the Council

8. Section 116 of the Highways Act 1980 provides for the Power of the Magistrates to stop up or divert a highway:

   Section 1 states:

   "(1) Subject to the provisions of this section, if it appears to a magistrates' court, after a view, if the court thinks fit, by any two or more of the justices composing the court, that a highway (other than a trunk road) as respects which the highway authority have made an application under this section -

   (a) is unnecessary; or

   (b) can be diverted so as to make it nearer or more commodious to the public; the court may by order authorise it to be stopped up or, as the case may be, to be so diverted."

9. The diversion of Bridleway 29 is believed to be more commodious for the public. The diversion of the northern section of Bridleway 29 has already been secured within a Highways Agency Side Roads Order dated April 2002, which diverted this section of the path to a safer crossing point of the A303 enabling use of a new bridge providing a screened route for horse riders. The remainder of the route, shown on the plan at **Appendix B**, between points A and B goes through a farmyard, now disused, and then follows an indeterminate route across cultivated fields. The farmer here stated that there had not been a defined route on the ground for many years. The proposal is to divert that section of bridleway onto a new route between points A and C leading south-east firstly onto the southern side of an estate corridor road called the "Zone A Access Road". This would provide a defined 3 metre tarmac cycleway/footpath (for use in all weathers) and a 3 metre wide grass verge area immediately adjacent. From the end of the access road the path would cross an estate road into what is to be a permanently landscaped area, where the width would exceed 3 metres. This would be natural Wiltshire grassland with no defined route, but with an opening in the fence at its southern end to provide access to Byway 1.

10. In 2000 outline planning consent was secured across the whole route of Bridleway 29. The consent carried a condition that *"no development shall take place that affects Bridleway 29 until it has been formally diverted".* Part of the bridleway crosses land that will be developed on an incremental basis over a number of years, certainly beyond 2011. Section 257 of the Town and County Planning Act could be used to divert the path, i.e. the legal test being that the development cannot continue without the path being diverted. However, there are to be numerous applications to divert the path as the extent of the development becomes apparent and requests for short lengths of diversion could continue until 2020.

11. The diversion of Bridleway 29 Amesbury is more commodious for the public for the following reasons.

- It would provide a defined, permanent route, not subject to continual diversion and disruption as planning applications over the route are made and would not be disturbed by building activities. This would be beneficial for members of the public using the path in the future.

- The route will be surfaced over the majority of its length, for use in all weathers.

- The new route is shorter in distance and although it has a different termination point, it is on the same highway, i.e. Byway 1 Amesbury.

12. The proposed diversion of that part of Byway 1 Amesbury, around Scheduled Ancient Monument No. 12200 (barrow group), has been suggested by English Heritage to protect the monument. It will be more commodious to the public for the following reasons.

- The new track will be laid with a hardcore material surface, which can be used in all weathers. A new 6m wide track will be provided, with a 2m wide grass verge. Existing wheel ruts on the present route of the byway will be filled in to deter people from using the existing route.

- There is no substantial increase in the length of the path and it has the same start and termination points.

13. The diversion of that part of Byway 1 Amesbury, at its junction with the A303, despite the addition of 400m in distance (700m instead of 300m), is more commodious to the public, for the following reasons.

- Once the byway meets the A303, users cannot presently continue straight on to the County Road C/11, or turn right to continue north on Byway 2 Amesbury. They are forced to turn left only onto the A303, due to the presence of a central reservation barrier. To continue north on either of the aforementioned routes, users must continue to the Countess Roundabout, rejoin the A303 leading east and then turn left onto road C/11 or Byway 2. Diverting the path onto the Allington Track does form a direct link between Byway 1 and Byway 2 where there is a break in the central reservation of the A303. Byway 2 meets road C/11 further north, forming a link to this network. Similarly traffic travelling south on road C/11 or Byway 2 could also use this route to continue south on Byway 1.

- The new byway section will have a hardcore surface for use in all weathers.

14. The diversions of Byway 1 do not benefit the Amesbury Property Company and have no bearing on the planning proposals for Solstice Park, but have been included at the request of English Heritage and the Highways Agency to protect the setting of the Scheduled Ancient Monument and to improve road safety. The diversions are fully supported by Amesbury Property Company which has agreed to dedicate land in its ownership in order to accommodate the new paths and to bear the costs of the works involved and the making of the order.

15. Section 116 (sub-section 3) of the Highways Act 1980, places a duty on the Highway Authority to give notice of the proposals to the Town Council and the District Council and request their consent, as follows:

> *"If an authority propose to make an application under this section for an order relating to any highway (other than a classified road) they shall give notice of the proposal to-*
>
> *(a) if the highway is in a non-metropolitan district, the council of that district; and*
>
> *(b) if the highway is in England, the council of the parish (if any) in which the highway is situated or, if the parish does not have a separate parish council, to the chairman of the parish meeting; and*
>
> *the application shall not be made if within two months from the date of service of the notice by the authority notice is given to the authority by the district council or Welsh council or by the parish or community council or, as the case may be, by the chairman of the parish meeting that the council or meeting have refused to consent to the making of an application."*

If Members recommend that an application should be made to the Magistrates Court for the proposed order, the County Council will first comply with this requirement and seek consents from the Town and District Councils. These Councils have the power to veto the proposed application to the Magistrates' Court.

16. It is possible under Section 116 (4) of the Highways Act 1980, to retain a footpath or bridleway if the byway is stopped up:

> *"An application under this section may be made, and an order under it may provide for the stopping up or diversion of a highway for the purposes of all traffic, or subject to the reservation of a footpath or bridleway."*

However, the Highways Agency and the applicant do not wish to retain any rights upon the extinguished section of byway to its junction with the A303 for road safety reasons. County Council Officers support this view.

17. Section 116 (sub-section 5) of the Act states:

> *"An application or order under this section may include two or more highways which are connected with each other."*

Bridleway 29 and Byway 1 meet this requirement.

18. Section 116 of the Act continues:

> *"(6) A magistrates' court shall not make an order under this section unless it is satisfied that the applicant authority have given the notices required by Part 1 of Schedule 12 to this Act."*

If Members recommend that an application should be made to the Magistrates' Court for the proposed Order, the County Council will first comply with the requirement to give notice of the application to the appropriate parties.

19. Section 116 (sub-sections 7 and 8) state:

> *"(7) On the hearing of an application under this section the applicant authority, any person to whom notice is required to be given under paragraph 1 of Schedule 12, any person who uses the highway and any other person who would be aggrieved by the making of the order applied for, have the right to be heard.*
>
> *(8) An order under this section authorising the diversion of a highway-*
>
> *(a) shall not be made unless the written consent of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court; and*
>
> *(b) except in so far as the carrying out of the diversion may necessitate temporary interference with the highway, shall not authorise the stopping up of any part of the highway until the new part to be substituted for the part to be stopped up (including, where a diversion falls to be carried out under orders of two different courts, any necessary continuation of the new part in the area of the other court) has been completed to the satisfaction of two justices of the peace acting for the same petty sessions area as the court by which the order was made and a certificate to that effect signed by them has been transmitted to the clerk of the applicant authority."*

20. The County Council has chosen to pursue all three diversions under one Section 116 application to reduce costs and to enable the changes to be considered for their collective effect. This process does not preclude objectors from making their objections known as the public are welcome to attend the Magistrates Court hearing at which they may make representation.

Environmental Impact of the Proposal

21. Diverting the section of Byway 1 around the Scheduled Ancient Monument will help preserve this barrow group from damage by vehicular use of the byway and help to preserve this part of the larger historic landscape.

22. As part of the development of Solstice Park, a continuous length of strategic landscape area will be planted between the development and Byway 1.

23. At present there are no plans regarding the future of that section of Byway 1 which will be stopped up at its junction with the A303. The developers anticipate that they will probably top soil the track and allow it to naturalise, but acknowledge that the farmer of the field to the east could decide to remove the sporadic vegetation along the eastern side of the redundant section of byway to enlarge the field, but this may not prove to be worthwhile for the small gain in the area to be cultivated, especially with the barrow existing at the north-eastern corner of the byway.

Risk Assessment

24. Overall, the proposals are expected to improve the safety of the public rights of way.

Financial Implications

25. As the making of a diversion order is a discretionary duty for the Surveying Authority, rather than a statutory duty, the applicant has confirmed that it will meet all reasonable costs in connection with the making of the Order including advertising, together with the costs of works involved to implement the proposals.

Options Considered

26. To deal with all three diversions under the umbrella of one application to the Magistrates' Court under Section 116 of the Highways Act 1980.

27. The present legal routes of Bridleway 29 and Byway 1 could be retained. The retention of the present route of Bridleway 29 would, however, impact directly upon the development of the Solstice Park Business Park, whereas the proposed diversion takes it out of the area still to be developed and onto the estate corridor road. The diversion of Byway 1 has been advised by the Highways Agency and English Heritage, for safety reasons to decrease the number of crossing points onto the A303 and to protect a scheduled ancient monument from damage.

28. The individual rights of way could be diverted separately by dealing with the diversion of the bridleway under Section 119 of the Highways Act 1980. This provides for the diversion of footpaths and bridleways without the need for the case to be taken to the Magistrates' Court. The byway diversions could then be dealt with under Section 116 legislation, which would need to be heard before the Magistrates. However, it would save time and money if the orders were dealt with together by the Magistrates Court and also enable the Magistrates to have a comprehensive overview of the proposed changes as part of the Solstice Park development.

29. Members could decide to pursue any of the following proposals:

- Diversion of Bridleway 29
- Diversion of Byway 1 around the scheduled ancient monument
- Diversion of Byway 1 at its junction with A303 on to the Allington Track.

30. If Members decide that Byway 1 Amesbury should be diverted from its junction with the A303 on to the Allington Track, they could retain either footpath rights and/or bridleway rights on the extinguished section of Byway 1.

Reasons for Recommendation

31. Although the Amesbury Property Company does not make any material gain by the diversion of Byway 1 in both parts, (the proposals have been put forward by the Highways Agency and English Heritage), it has applied for the diversions and fully supports the making of such orders.

32. Putting the full proposals before the Magistrates (including the bridleway) would enable them to take an overall view of the effect of the proposals. Dealing with all three diversions with a single order is less complex, more cost effective and is considered to be a more transparent and easily understood process than if the diversions were dealt with separately under differing legal provisions.

Recommendation

33. That, subject to obtaining the consent of Amesbury Town Council and Salisbury District Council, as explained at paragraph 15 above, approval be given to make an application to the Magistrates' Court for the purposes of making the diversion orders under Section 116 of the Highways Act 1980, to divert:

    (i) That section of Bridleway 29 Amesbury, A-B, to a new line A-C, so that it lies within the new estate road corridor.

    (ii) Byway 1 Amesbury (part), to the west around scheduled ancient monument No.12200, (see points D-E).

    (iii) Byway 1 Amesbury (part) from its access point on the main A303 Trunk Road, leading south for approximately 300 metres, (between points F and G), to a new access point on the Allington Track, (between points F and H)

    as shown on the plan attached at **Appendix B**.

GEORGE BATTEN
Director of Environmental Services

Report Author
JANICE GREEN
Rights of Way Officer

The following unpublished documents have been relied on in the preparation of this Report:

Applications for diversion orders made by the Amesbury Property Company, dated 12th March 2004 and 23rd March 2004.

Responses to the initial consultation made by the Amesbury Property Company, regarding the proposals.

Initial consultation by the County Council dated 10th August 2004 and subsequent responses.

APPENDIX C

SUMMARY OF OBJECTIONS

OBJECTOR	OBJECTION/ REPRESENTATION NO.
Transco Wessex Water English Heritage	1
Rights of Way Watch	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
The Ramblers' Association	3, 11, 12, 13
Campaign to Protect Rural England	14

OBJECTIONS TO THE ADVERTISED ORDER AND OFFICER'S RESPONSE

Objection Number	Nature of Objection/Representation	Officer's Response
1.	Various statutory undertakers have equipment located in the vicinity of the proposed works: (i) Transco has medium pressure gas mains present on both Byway 1 (existing route) and the Allington Track. (ii) Wessex Water has public water mains on the site of the proposed diversion route of Bridleway 29 crossing the present route of Byway 1 (approximately 70 metres south of its junction with the A303) and alongside the Allington Track. Bridleway 29 (both the present legal line and the proposed diversion) also crosses an area where various sewers are the subject of an application for adoption by Wessex Water. (iii) English Heritage would require regular access to Scheduled Ancient Monument No. 12200 (barrow group) for its ongoing maintenance and trusts that the diversion will allow for maintenance access from the byway.	Indemnities would need to be sought from the applicant/landowner to ensure that the County Council is indemnified against any claim made by any party affected by the proposals.
2.	There are uncertainties with regard to the alignment width and surfacing of the proposed diversion route of Bridleway 29	The present route of Bridleway 29, as shown on the plan at **Appendix B** between points A and B, runs through a farmyard (now disused) and then follows an indeterminate route across cultivated fields. The farmer has stated that the present route of Bridleway 29 has not been a defined route on the ground for many years. The proposal is to divert that section of bridleway onto a new route between points A and C, indicated on **Appendix B**, leading south-east, firstly on to the southern side of an estate corridor road called the "Zone A Access Road". This would provide a defined 3 metre wide tarmac cycleway/footpath (for use in all weathers) immediately adjacent. From the end of the access road the path would cross an estate road into what is to be a permanently landscaped area where the width would exceed 3 metres, before joining Byway 1. This would be natural Wiltshire grassland with no defined route but with an opening in the fence at its southern end to gain access to Byway 1. The diversion would provide a properly defined, permanent route, surfaced over the majority of its natural length and unaffected by future planning and development of the site.
3.	The route of Byway 1 is an ancient historic path. The proposed closure of Byway 1 and its reversion to agricultural land is contrary to present day thinking regarding the preservation of ancient rights of way and other artefacts like tumuli. The fact that nearer Boscombe Down the historic route has already been realigned due to past planning neglect cannot be considered an excuse to dig up another stretch. The argument taken to its extreme could mean digging up its full length. The Trail Riders Fellowship advised that when the central reservation was put in on the A303, complaint was made as it was believed to be an unlawful obstruction of this route.	Although regret was expressed in many of the responses to the diversion of an historic right of way, it was believed by some that the damage to the right of way in other areas, ie where it originally passed through Boscombe Down Airfield and various housing developments along its route, meant that the damage had already been done and that, on balance, a safer more clearly defined and better maintained route would be provided. The Trail Riders Fellowship acknowledge that some action is inevitable to address safety issues and meet the Highways Agency's aim to reduce the number of crossing points on the A303 and the proposed diversion is the best solution likely to be offered.

Objection Number	Nature of Objection/Representation	Officer's Response
4.	The route of Byway 1 is a mature trackway, hedged on either side, providing a natural habitat for local fauna. The alternative path is manufactured, utilitarian and soulless.	Officers acknowledge that at present the byway is a very mature trackway. The County Council has been advised by the applicant that there are no real plans for the track if it is closed. However, it is anticipated that in the short term the track will probably be treated with topsoil and allowed to naturalise. However, it is acknowledged that at some time in the future the farmer of the field to the east may decide to remove the sporadic vegetation along the eastern side to extend the field, but this may not prove worthwhile for the small gain in cultivated area, especially with the presence of a barrow in the north-east corner. A continuous length of strategic landscape area is being planted shortly between Solstice Park and Byway 1 and the diverted route should mature in time.
5.	The byway could remain in its existing location without restricting the estate's development. According to the County Council's letter dated 10th August the diversion of the byway has been requested as part of the development of Solstice Park. This is not true. The byway is wholly outside the boundaries of the business park and the developers do not want or need the diversions. The byway re-route is the consequence of representations by English Heritage and the Highways Agency. Neither of the concerns has any connection with the neighbouring business park and there is no valid cause. Consultees have therefore been deceived into withholding objections in the false belief that the diversion is required for a major business enterprise which may benefit the local community. The only right of way within the Solstice Park development itself is Bridleway 29 which should be dealt with under Section 119 of the Highways Act 1980, but this has been attached to the byway proposal as an excuse to use Section 116 and make consultees believe that the bridleway diversion cannot continue unless they also agree to the byway diversions.	It is acknowledged that the byway diversions were initiated by the Highways Agency for road safety reasons and by English Heritage to help preserve the Scheduled Ancient Monument. The Amesbury Property Company has fully supported the proposals and applied for the diversions in the full knowledge that no material gain will be made from the diversions. The Company has also agreed to dedicate land within its ownership and to pay the costs of both the works involved and the making of a diversion order. The use of a single Section 116 diversion order has been fully discussed with the applicant which has agreed this procedure. Officers do not believe that the use of a single Section 116 diversion order precludes anyone from objecting, and in fact makes the procedure more transparent and easier to follow. Dealing with the diversions under separate highways legislation could result in a Magistrates' Court hearing and a Public Inquiry, which are unnecessary.
6.	The use of Section 116 of the Highways Act 1980 is inappropriate and it could minimise objections from private individuals etc. Under Section 116 there are no means for objectors to request a Public Inquiry and they are discouraged and disadvantaged by participation in formal court proceedings. The Secretary of State has requested that Highway Authorities should not use Section 116 where Section 119 is appropriate (ie on the bridleway).	Officers have sought legal advice regarding the use of Section 116 and it is believed that using Section 119 for the bridleway alone would be inappropriate, as the matters would then be dealt with in isolation. Officers do not believe that the Section 116 process precludes private individuals from making objections to the proposals and any objector unwilling to participate in a formal Magistrates' Court hearing could make written representations to the Magistrates. If objections were received to a diversion order made for a Bridleway under Section 119 of the Highways Act 1980, objectors could face participation in a Public Inquiry.
7.	The diversion of Byway 1 at the A303 does not give the same destination and it is therefore not a true diversion. It is the extinguishment of one right of way and the creation of a different one.	Section 119 of the Highways Act 1980, which deals with the diversion of footpaths and bridleways, makes the provision that the termination point of a path must not be altered by a diversion order unless it is to another point on the same highway or on to a point on another highway connected with it. Section 116 legislation makes no such provision. Officers believe that this is a diversion and are proceeding on this basis.

Objection Number	Nature of Objection/Representation	Officer's Response
8.	The County Council has failed to give the Town and District Councils the power to veto the proposals as required under Section 116 legislation.	The County Council's letter dated 10th August 2004 was an early consultation to gauge initial reaction to the proposals and establish the objections likely to be received. This consultation included the Town and District Councils but the response to this certainly does not preclude them from later vetoing the proposals and it is acknowledged that they have the power to do this. The County Council has not yet reached the stage of requesting consents from the Town and District Councils but if it is decided by Committee Members that an application to the Magistrates' Court for a Section 116 diversion order should be made, officers will certainly be seeking the consents from these authorities, as required under Section 116 of the Highways Act 1980.
9.	Under Section 116(1) of the Highways Act 1980 the Highway Authority is required to argue that the new route of Byway 1 from its junction with the A303 would be more commodious. The newly constructed trackway would certainly attract a significant increase in motor traffic along the byway's entire length. Since the byway is immediately adjacent to sensitive Ministry of Defence (MoD) installations, any increase in motor traffic would heighten the longstanding security concerns.	Officers believe that the diverted route of Byway 1 is more commodious to the public. At present there are no means of continuation northwards at the junction of Byway 1 with the A303 due to the presence of a central reservation. Byway users wishing to continue north on road C11 or Byway 2 Amesbury are forced at present to turn left only on to the A303, continue to the Countess Roundabout and turn back on themselves, joining the A303 leading east, in order to gain access to road C11 and Byway 2. The diversion of the byway on to the Allington Track would create a link, or crossing point, from the Allington Track to Byway 2 where there is no central reservation obstructing the continuation northwards. Byway 2 eventually converges with road C11 further north, also creating a link to this road. Similarly this route can also be used by traffic travelling south on road C11 or Byway 2 to continue south on Byway 1. County Council officers have received no formal objections from the MoD.
10.	The County Council has a primary overriding duty to protect all rights of way and not permit their extinguishment or diversion without good cause. This should include widespread consultation and in this case there are significant doubts about the extent and nature of the consultations and the information provided to consultees which was inaccurate and misleading without good reasons to justify the diversions.	County Council officers have fully consulted with user groups, statutory undertakers and other interested parties, including Town and District Councils, in their consultation dated 10th August 2004. The consultation letter dated 10th August 2004 is available for inspection in the **Members' Room** with enclosures of the three statements of works submitted by the applicant for each proposed diversion. Officers consider that the application and information submitted by the developer, as the applicant, have been presented in an objective way.
11.	If the section of Byway 1 is not retained as a footpath or bridleway at its junction with the A303 and the County Council does proceed with its intention to go to the Magistrates' Court, Rights of Way Watch would present evidence that for walkers crossing the A303 the Byway 1 crossing point is considerably less hazardous than the Allington Track junction. *The Ramblers' Association points out that there is a danger in crossing the A303 at any point along its length and there is nothing to be gained in shutting off one crossing point to walkers.	The Highways Agency has suggested this diversion which is fully supported by the applicant. With regard to the diversions, the duty of County Council officers is to establish whether or not the proposed new routes are more commodious for the public, for the reasons fully explained in the Committee report. The Highways Agency has suggested these diversions for safety reasons, the general policy being to reduce the number of access and crossing points on to trunk roads. It is understood that the Agency considers the Allington Track crossing point to be easier and safer for byway users as there is a refuge area at the centre of the dual carriageway. There are no facilities for horses or vehicles at the Byway 1 crossing point.

Objection Number	Nature of Objection/Representation	Officer's Response
12.	The old section of Byway 1 at its junction with the A303 should be retained as a footpath or bridleway. The path is used by cyclists and walkers with vehicular use being extremely rare. No reason has been given for denying ancient rights for non-motorised traffic	The applicant has been asked if it would like to retain a footpath or bridleway at this point as the proposal would involve the dedication of land for this purpose. The applicant has declined as the Highways Agency continues to support the diversion of all rights at this point for road safety reasons due to the crossing point. County Council officers support this view. *Please note: Rights of Way Watch has written to confirm that it would withdraw objections 2-12 if the section of byway were to be retained as a footpath or bridleway.*
13.	More walkers probably walk north along Byway 1 towards Bulford than use the Allington Track from Allington. This diversion would add approximately 800 yards for walkers using Byway 1.	Officers believe that despite the addition of the extra length of path for walkers and horse riders using Byway 1, the diversion is more commodious as it gives a direct link to Byway 2 Amesbury. At present byway users on foot or on horseback wishing to continue north on road C/11 have to either negotiate the central reservation, or continue westwards to the Countess Roundabout and then turn back on themselves to continue northwards, adding a further 5.3km approximately to their journey alongside the busy A303. If walkers continue eastwards to the Allington Track crossing point, a further 400m approximately is added for those wishing to use Byway 2 and approximately 650m for those wishing to use road C/11, again alongside the busy A303. It would be difficult for the disabled, elderly users etc. to negotiate the central reservation. The new section of path will add a further 800m approximately for those continuing north on Byway 2 and a further 1km approximately for those continuing north on road C/11. It will, however, provide a direct link to Byway 2 away from the main A303 road and a level, surfaced section of path which can be used by all users in all weathers. There is also a road safety benefit in diverting all users to the crossing point available at the Allington Track.
14.	Concern was expressed at the present misuse of the byway by vehicular traffic and this byway would be most suitable for designation as a "Quiet Lane" if possible.	The "Quiet Lanes" initiative is only being undertaken in the Pewsey Vale at this time and rights of way have not been included within this designation, although they have been identified as forming links within the "Quiet Lanes" network as a whole. A "Quiet Lane" is not a legal term or classification. The initiative is designed to help preserve country lanes and make them more attractive for walkers, cyclists and horse riders, whilst maintaining access for motor vehicles, local residents, essential services and businesses. The definition of a Byway Open to All Traffic is a carriageway which has a right of way for vehicular traffic but which is mainly used for the purposes for which footpaths and bridleways are used, ie by walkers and horse riders. The expectation is that there would be less vehicular use of a Byway Open to All Traffic than a Quiet Lane. Misuse of a byway is a police matter and may be better addressed by the implementation of a Traffic Regulation Order.