

**COMMENTS RECEIVED DURING THE CONSULTATION PROCESS
AND OFFICER'S RESPONSE**

56 objectors requested that their comments from the informal consultation be taken forward to the formal consultation. 75 objections were received during the formal consultation, 59 of which were from new objectors. 16 objectors had made comments during both the informal and formal consultation. A total of 115 individuals/organisations objected to this proposal.

The All Wheel Drive Club, the Green Lane Association (GLASS), Devizes District Motor Club and other motorised users have objected to the proposed TRO.

The Trail Riders Fellowship (TRF) has objected to permanent TRO on Chantry Lane and Chute Byway 36 if it includes motorcycles.

Wiltshire Bridleways Association has objected to a permanent TRO on Chantry Lane and Chute Byway 36.

OBJECTIONS	OFFICERS RESPONSE
DAMAGE	
How can these very different byways be considered in one order one is soft and poorly drained and yet other sections are hard surfaced and totally different character?	The byways have very different surface qualities however they are linking byways and the conflict issues are the same. Where appropriate, the responses in this report have been segregated.
<p align="center">Chantry Lane & Chute 36</p> <p>The surface condition of the byways show little evidence of excessive use and have a firm stone base, capable of taking regular MPV use. It is interesting to note that Wiltshire Council seems keen to preserve the character of the byways and this is given as a reason to exclude MPV's. History repeatedly shows that these types of roads (for that is what they are) were always muddy or floundrous due to damage inflicted by horse and cart; far more than a motorcycle could inflict nowadays. Lighter traffic was therefore forced to use alternative routes which became the footpaths and bridle paths we know of today. To claim that surface erosion is a new phenomenon and a reason to ban MPVs is erroneous.</p>	<p align="center">Chantry Lane & Chute 36</p> <p>TRO criteria states: <i>"for preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot"</i></p> <p>See Photographic Evidence Appendix 3.</p> <p>The surface does show signs of erosion to the flint surface caused by the passage of vehicles, particularly the section at Haybourne Copse that twists and has a steep gradient. However it is clear that water erosion and weather damage has taken place during the 2009 winter months which cannot be contributed to motorised vehicle use. See Appendix 12.</p> <p>The proposed permanent TRO is not just on surface condition grounds but also for the safety of the predominant user groups and environmental concerns as these byways run thorough farmland, located in North Wessex Downs AONB which is part of two Countryside Stewardship schemes and an Entry Level Scheme.</p>

OBJECTIONS	OFFICERS RESPONSE
<p align="center">Chantry Lane & Chute 36</p> <p>It is inevitable that the flint surface of Chantry Lane will wear out eventually if no maintenance work is carried out. There is no shortage of flint in Wiltshire. Flint surfaces are not unusual as stated by Wiltshire Wildlife Trust; the Trust has a track record of prejudice against vehicular users.</p>	<p align="center">Chantry Lane & Chute 36</p> <p>The parish council have stated that some of the surface of Chantry Lane has been laid by hand – repairs would require specific skills and would be very costly. TRO criteria states: <i>“for preventing damage to the road”</i></p> <p>See Photographic Evidence Appendix 3, photographs 5 & 6</p>
<p align="center">Chantry Lane</p> <p>Reliable evidence confirms that the course of this lane evolved after 1773, becoming established on its present line by 1820, when the northern half of Chantry Lane was newly created by the Inclosure Commissioners. It is an old lane but not a wholly ancient one. Our members appreciate and respect the history of lanes like this, but it is unclear why its age should have any bearing on its use. The claim that the current surface is ancient and hand laid is absurd. Minutes of the Chute Parish Council show that complaints about the poor state of Chantry Lane were recorded in November 1901 and again in December 1934 when <i>“the bad state of the road at Chantry Lane which is much used now and is almost impossible for motors to use”</i> was referred to the Road Surveyor. In 1935 <i>“The bad condition of Chantry Lane from the Causeway to Dean Farm”</i> was reported to the County Council to improve CRBs 34 and 36. Clearly much surface repair work was carried out during the 20th century to bring it up to its present standard.</p>	<p align="center">Chantry Lane</p> <p>From the intersection with Chute Bridleway 3 in a northerly direction to Chute Causeway there have been extensive repairs. The section south of Bridleway 3 remains a largely flint surface.</p> <p>See Photographic Evidence 3.</p> <p>The repair works quoted highlight that Chantry Lane is vulnerable to damage and requires adequate maintenance. Serious weather damage has taken place during the 2009-2010 winter months. See Appendix 12</p>
<p align="center">Chantry Lane & Chute 36</p> <p>Doubtful that relatively lightweight motorcycles are capable of destroying a flinty surface of a byway that has been used for many years by heavy agricultural material.</p>	<p align="center">Chantry Lane & Chute 36</p> <p>It is not the weight of these vehicles, but the speed at which they travel and the cutting effect of the chunky tread of their tyres, that had caused damage to the flint surface.</p>
<p align="center">Chantry Lane & Chute 36</p> <p>All Wheel Drive Club members use road vehicles and are considerably lighter and less damaging than the lorries and farm traffic which use these lanes. This ‘quiet country lane’ is an access to what are commercial establishments.</p> <p>Byways 34 and 36 have a hard all-weather surface suitable for vehicular traffic and I understand they are used for business purposes by lorries and cars as well as by recreational users.</p>	<p align="center">Chantry Lane & Chute 36</p> <p>There are three private residences and one farm along the routes, to which the TRO will not prevent private access by motor-vehicles.</p> <p>Agreement by landowners to limit their use of the byways is not enforceable. However, the landowners who do possess private vehicular rights over these byways have agreed to adopt the practice of reducing to a necessary minimum their use with vehicles and have pledged to continue with this practice.</p>

OBJECTIONS	OFFICERS RESPONSE
<p>The high level of private access means that recreational motorcycles will make no comparative impact on the character of the road. Frequency of private access will render any order ineffective.</p> <p>Devizes and District Motor Club at their last inspection of the route noted that it was clear that heavy vehicles – other than cars had been using the track.</p>	<p>The DEFRA publication “Making the Best of Byways” advises, <i>“Recent research in England shows that 42% of (Byway) users are in motor vehicles. Of these vehicles, 42% are land management vehicles, 38% are recreational vehicles and 20% are vehicles accessing dwellings.”</i></p> <p>It should be noted that the landowners in question have repaired the byways themselves at a cost of £20,000. It is not in their interests to cause damage by their own activities.</p>
<p style="text-align: center;">Chantry Lane & Chute 36</p> <p>Does the stud farm use Chute 34 for exercising horses?</p> <p>The majority of 4x4 users of Chute 34 and Chute 36 is generated by the stud Farm.</p>	<p style="text-align: center;">Chantry Lane & Chute 36</p> <p>Rutherford Stud is a private house with a young family living there. The children have ponies but the family do not operate a stud or livery business.</p>
<p style="text-align: center;">Chantry Lane & Chute 36</p> <p>The government funded study into vehicular use of rights of way conducted by independent consultants Faber Maunsell concluded that vehicular use is a sustainable activity. Despite this, the MPV user community is becoming increasingly frustrated with the rapid rise in the use of TRO’s, particularly when valid alternatives have not been implemented or (as in this case) the physical condition of the particular byway indicates the a TRO is unnecessary.</p>	<p style="text-align: center;">Chantry Lane & Chute 36</p> <p>The proposed permanent TRO is not just on surface condition grounds but also for the safety of the predominant user groups and environmental concerns as these byways run thorough farmland, located in North Wessex Downs AONB which is part of two Countryside Stewardship schemes and an Entry Level Scheme.</p> <p>There has been no rapid rise in the use of permanent TRO’s in Wiltshire. This is the first proposed Order in a number of years and represents just 0.5% of the byway network in Wiltshire and 0.07% of the network as a whole. Temporary Traffic Regulation Orders have been made in response to weather, ground conditions and irresponsible use over the last 3 years but many of these Orders have now been lifted as repair work has been completed.</p> <p>It should be noted that the county of Wiltshire has 22.6% of all the byways in the shire counties of England as detailed in the Rights of Way County Council Survey 2009. Whereas other counties byway networks are a very small percent of their overall networks, Wiltshire’s is 13%, equating to more than twice the length of any other county. This makes the sustainability of the byway network in Wiltshire a very different proposition than in any other county.</p>

OBJECTIONS	OFFICERS RESPONSE
<p style="text-align: center;">Chantry Lane & Chute 36</p> <p>Your description of the track applies to hundreds of other tracks and county roads in Wiltshire we see no reason to single this track out.</p> <p>There is no more justification for the closure of these lanes than any other lanes. There are far more deserving road problems in the County. The proposal would seem a misuse of public funds.</p>	<p style="text-align: center;">Chantry Lane & Chute 36</p> <p>There are other byways in Wiltshire in poor condition however this route has been extensively repaired by the local landowners and Chute Parish Council. Chute Parish Council has stated that the repairs have resulted in an extensive increase in usage by walkers and horse riders and this has been corroborated by the individual letters of support received in the preliminary and formal consultation processes. Byway 36 leads directly from the village. The spinal byways (Chantry Lane and Honey Bottom) link to Byway 36 and are situated approximately ½ km from the village. The community of Chute would regard this as a deserving highway problem.</p>
<p style="text-align: center;">Honey Bottom</p> <p>If damage is being caused by vehicles then place a weight limit.</p> <p>200kg motorcycle cannot cause anymore damage than a 900kg horse and rider cantering along the lanes churning and breaking up the surface.</p> <p>4x4 and horse and carts cause far more damage than motorcycles, it would therefore be wise to ban these first and enforce the TRO properly with gates at either end.</p> <p>Honey Bottom is all but impassable to walkers and cyclists due to horse and heavier vehicles but the fault does not lie with the recreational motorcyclist.</p> <p>The lanes should be kept open for motorcycle use as they cause less damage than horses.</p>	<p style="text-align: center;">Honey Bottom</p> <p>A weight limit is extremely difficult to control.</p> <p>Prior to the repair work being carried out before March 2008 it was evident that the majority of damage to the byway had been caused by use of motor vehicles rather than horses. Local knowledge of the use of Honey Bottom was that the deep rutting and muddy conditions created by vehicular use had resulted in severe safety concerns for horse-riders so that very few were still using the byway.</p> <p>Horse-riders, walkers and cyclists do not cause deep ruts and so any damage they do cause is much easier and less costly to repair. Neither do they cause the sort of damage that motorised users cannot cope with.</p>
<p style="text-align: center;">Honey Bottom</p> <p>MPV users keep them clear of overgrowing vegetation making it easier for other users to navigate these routes.</p> <p>Removal of MPV's usually results in them resembling no more than an overgrown footpath as evasive plant life dominate.</p> <p>Responsible use of tracks preserves the routes for their original intended use.</p>	<p style="text-align: center;">Honey Bottom</p> <p>4x4 use can aid in the prevention of overgrowth. This must be weighed up against the potential detriment to the surface.</p> <p>Pro rata, more of Wiltshire's highways maintenance budget is spent on byway drainage and surface repairs than on any other rights of way issue.</p> <p>Since the repair work walkers and horse riders have resumed their use of the byway and their use will also help to keep it clear.</p>

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<p style="text-align: center;">Honey Bottom</p> <p>Land access, which is still to continue along these byways, will still result in greater surface disturbance than motorcycles.</p> <p>There must be serious doubt that this TRO will prevent future surface damage as the main user is agricultural not recreational motorcycling.</p> <p>It would appear from the comments made that the deterioration of the surface is relatively recent. One comment indicates 'the start of recreational use 15 years ago'. Vehicles on byways have gone on for 100 years. My father and grandfather both ride on unsurfaced roads and I have done so for 32 years. The change that has occurred more recently is the use of significantly heavier and more powerful agricultural vehicles.</p>	<p style="text-align: center;">Honey Bottom</p> <p>There is one private dwelling along Honey Bottom to which private vehicular access is gained via Bridleway 6, which is hard surfaced.</p> <p>Repairs have been carried out by the landowners. During the TTRO Honey Bottom has not been accessed by motorised vehicles. This is clearly evident by the condition of the route.</p> <p>It should be noted that the landowners in question have repaired the byways themselves at a cost of £20,000.</p> <p>Since the TTRO and subsequent byway surface maintenance the surfaces have improved to the extent other users and user groups are telling Wiltshire Council that they are happy to use them again.</p> <p>See Photographic Evidence Appendix 3.</p>
<p style="text-align: center;">Honey Bottom</p> <p>What method has Wiltshire Council determined that the cause of the ruts and mud is a direct result of recreational MPV use and not agricultural land access, lack of repairs, poor drainage, neglect or a combination?</p>	<p style="text-align: center;">Honey Bottom</p> <p>Visual inspection showed that much of the damage was being caused by 4x4 type vehicles and motorcycles rather than heavy agricultural traffic.</p>
<p style="text-align: center;">Honey Bottom</p> <p>Does Chute Estate use Chute 32 for shooting is this behind the TRO?</p>	<p style="text-align: center;">Honey Bottom</p> <p>Chute Estates is a small shoot that covers a number of local farms. They have consistently been asked to use the byway only as essential access where absolutely necessary. Local understanding is that the future of the shoot is far from assured.</p>
<p style="text-align: center;">Honey Bottom</p> <p>Rutted damage of these byways is clearly caused by 4x4s and heavy forestry work vehicles. The byways provide easy passage all year round to myself on motorcycle, mountain bike and foot when not churned up by forestry works.</p>	<p style="text-align: center;">Honey Bottom</p> <p>Forestry work has carefully avoided the use of the byways for access. The proposed TRO will facilitate use on mountain bike and foot. Photographs have been taken of the condition of the byways prior to the start of the byway repairs the show that use by foot, horseback and bicycle would have been especially hazardous. No significant forestry work had been taking place in the recent past.</p> <p>See Photographic Evidence Appendix 3.</p>

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<p style="text-align: center;">Honey Bottom</p> <p>If the lane is properly constructed with suitable drainage and surface then cutting trees down to allow more air and light is risible. Trees do tend to remove large amounts of moisture from the surrounding soils naturally and their structure and root system tends to stabilise the area preventing surface soil loss. Now that more surface have been exposed I would expect more surface soil erosion and would expect that properly constructed drainage channels either side of the lane should have been provided to remove that water that would have otherwise been absorbed and removed naturally by the now missing trees.</p>	<p style="text-align: center;">Honey Bottom</p> <p>It is an age old principle that tracks will recover from minor damage if given access to light and air. This is chalk land which does not require root structure to hold it together.</p> <p>See Photographic Evidence Appendix 3</p>
<p style="text-align: center;">Honey Bottom</p> <p>Can Wiltshire Council prove that Honey Bottom's primary use is for walkers and equestrians? It is not a green lane it is an unsurfaced road that has full vehicular access rights.</p>	<p style="text-align: center;">Honey Bottom</p> <p>A byway open to all traffic (BOAT) is a carriageway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are used.</p> <p>Honey Bottom is grass surface with no subsurface making it extremely susceptible to damage.</p> <p><i>"Making the Best of Byways" states, "For byways with exposed ground surfaces (that is, without added materials), the subgrade would need to be stiff enough to carry the traffic without deforming significantly."</i></p>
<p style="text-align: center;">Honey Bottom</p> <p>It is not damage if use by legal user groups has taken place then it is wear and tear from the intended purpose and has not been properly maintained by the council that has a statutory duty to maintain the lane in good repair.</p> <p>The true surface of a lane intended for traffic would not be covered in grass. If it is it is clear that the true nature of the lane, that is a road, has been changed.</p>	<p style="text-align: center;">Honey Bottom</p> <p>A BOAT is a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are used.</p> <p>There is no legal requirement upon the Highway Authority to maintain the surface of BOATs to a condition that is suitable for the passage of vehicles.</p> <p>Honey Bottom was never surfaced. If the main traffic had been vehicular surely it would have been surfaced at some stage out of necessity.</p> <p>See Photographic Evidence Appendix 3</p>

OBJECTIONS	OFFICERS RESPONSE
<p align="center">Honey Bottom</p> <p>'If the main traffic had been vehicular it is possible that it would have been surfaced at some stage' – there are hundreds of miles of unsurfaced BOATs that remain open to all users.</p>	<p align="center">Honey Bottom</p>
<p align="center">Chantry Lane, Chute 36 & Honey Bottom</p> <p>Motorcycle impact on the surface of byways is no worse than that of a horse and rider due to their lighter weight, therefore any planned TRO should include an exemption for motorcycles. Alternatively restrictions based on weight, vehicle type or permit could be applied. These are all valid options in the Defra document Making the Best of Byways the principles of which should be explored and actioned before making permanent TRO's prohibiting MPV's.</p>	<p align="center">Chantry Lane, Chute 36 & Honey Bottom</p> <p>This statement is corroborated by Defra 's "Report of research project on motor vehicles on byways open to all traffic" as follows, "<i>Damage to byway surfaces in general increases exponentially with the increase in axle loading. Motorcycles are likely to have the lowest axle loading of any vehicle but their ability to accelerate quickly can produce rutting on soft surfaces. However, the main concern is with vehicles with heavier gross vehicle weights.</i>"</p> <p>Horses are not included in Traffic Regulation Orders for safety reasons. The danger of forcing horse riders on to busy roads far out ways the damage that they cause on soft surface byways. 4x4 users and motorcyclists legally have to be trained adults to use a highway; this is not a requirement for horse riders who could be inexperienced children.</p> <p>However, the proposed permanent TRO is not just to protect the surface but also for the safety of the predominant user groups. The hard surface of Chantry Lane and Chute 36 means that fast, inappropriate speeds can be reached.</p>
<p>The officer states '<i>There is no legal requirement upon the Highway Authority to maintain the surface of BOATs to a condition that is suitable for the passage of vehicles</i>'. That may be true in many cases but it overlooks previous maintenance and post 1801 Inclosure awarded roads.</p> <p><i>'The Highway Authority's responsibility for maintenance of a byway only extends as far as the ordinary traffic of the neighbourhood. There is no legal requirement upon a Highway Authority to maintain the surface of byways for the passage of motorised vehicles'</i>. These routes have been in regular use by motor vehicles (particularly motorcycles) for many years. It is therefore ridiculous to suggest that such users do not constitute "ordinary traffic". The author of the report is interpreting law to suit their own agenda. Whilst recording of a</p>	<p>IPROW Good Practice Guide states, "<i>The extent of the duty to maintain (HA80 s41) requires that PRow should be kept in such a state as to be safe and fit for ordinary traffic which could reasonably be expected to use it. In practice, the decision as to what surface to provide, if any, will be the level of use and its legal status. There is no obligation to provide a metalled surface or similar on a byway to enable the public to use the route with vehicles.</i>"</p> <p><i>The maintenance position for any BOAT ... will depend on the particular circumstances of the maintenance liability for the individual route. If it was a pre 1835 carriageway, or had been adopted by agreement then it will be publicly maintainable as a BOAT.'</i></p> <p>NB: IPROW – The Institute of Public Rights of Way Management</p>

OBJECTIONS	OFFICERS RESPONSE
<p>way as a BOAT does not in itself impose a duty to provide a surface suitable for motors (a principle expressed in section 54(7) of the Wildlife & Countryside Act 1981) this does not absolve the authority from subsequent maintenance duties.</p> <p>It has been established that these byways are in use by MPVs therefore they are the ordinary traffic of the neighbourhood and the byway must be maintained to support this occasional use of such vehicles.</p>	<p>'Ordinary traffic of the neighbourhood' Ordinary = Normal or common place Neighbourhood = a surrounding or nearby region</p> <p>Ordinary traffic of the neighbourhood would include vehicular traffic on Chantry Lane and Byway 36 as they are used to access properties and are hard tracks, but Honey Bottom is not used to access properties and is grass.</p>
<p style="text-align: center;">Honey Bottom</p> <p>If the TTRO is to prevent damage to the repairs then why haven't the repairs been done to the standard required to support all users?</p> <p>The TRO is to enable Wiltshire Council to avoid your legal liability to repair these byways, presumably because of cost.</p> <p>Non-vehicular use will change the character of these ancient roads forever.</p>	<p style="text-align: center;">Honey Bottom</p> <p>The standards required to improve the surface for all users would dramatically change the character of the route and be in direct conflict with the management aims of the AONB.</p> <p>The byways have been repaired at a cost of £20,000.</p>
<p>The Trail Riders Fellowship, CRAG and Green Lane Association offered working parties of specialist volunteers to aid with maintenance issues.</p>	<p>Voluntary input by interest groups is now very limited in Wiltshire. The Council's concern is safety of the volunteers and of the byway users who are affected by the results of the voluntary work. Surfacing work of this nature by volunteers is specifically excluded for safety reasons.</p>
<p>'Surface work by volunteers is specifically excluded for safety reasons' – why?</p>	<p>Wiltshire Council Risk Assessment No.217, Major Surfacing Works, state that works must be undertaken by trained personnel only.</p>
<p>Why do you always try to lump motorcyclists in with 4x4 drivers?</p>	<p>This statement is corroborated by Defra 's "Report of research project on motor vehicles on byways open to all traffic" as follows, <i>"Damage to byway surfaces in general increases exponentially with the increase in axle loading. Motorcycles are likely to have the lowest axle loading of any vehicle but their ability to accelerate quickly can produce rutting on soft surfaces. However, the main concern is with vehicles with heavier gross vehicle weights."</i></p>

OBJECTIONS	OFFICERS RESPONSE
OPTIONS	
<p>Alternative suggestions to a full TRO were not addressed in the Cabinet member's report. The report is silent on alternative management suggestions.</p>	<p>Options were discussed in Responses – Appendix 2.</p>
<p>A seasonal TRO could be used to prevent damage.</p>	<p>"Making the Best of Byways" advises: <i>'For byways with exposed ground surfaces (that is, without added materials), the subgrade would need to be stiff enough to carry the traffic without deforming significantly.'</i></p> <p>Recent wet summers and predicted climate change indicate that the Honey Bottom section will be susceptible to damage throughout the year.</p> <p>This solution does not however address the safety and environmental concerns raised.</p>
<p>A speed limit should be imposed on the byway or a permit system similar to Kent.</p>	<p>Chantry Lane and Byway 36 as hard surface offer an opportunity for excessive speeds to be reached. Although the byways are linked to the village they are out of the way enough for speed limits to be difficult to enforce without the use of barriers or speed calming obstructions. Speed calming can only be used where there is street lighting for safety reasons.</p> <p>A permit system could only be imposed if a TRO was in force.</p>
<p>A far better solution would be some well publicised prosecutions or people travelling too fast or too noisily.</p> <p>Illegal vehicles on byways are committing serious road traffic offences and the vehicles can be seized, crushed and the owners prosecuted.</p>	<p>It is unlikely that the police will be in a position to provide the level of enforcement necessary.</p>
<p>Of course a balance must be struck between the interests of all user and a compromise reached but to start from a position of discounting one class of user's rights is clearly prejudicial to any subsequent process.</p>	<p>Correspondence received suggests that the temporary traffic order proved to successfully bring other user groups back to the byways. Prior to the restoration of these byways walkers, horse riders and cyclists were unable to use these byways particularly the Honey Bottom section.</p> <p>Officers consider that the number of local people who will suffer a loss of amenity due to the use of MPV's on these byways is greater than the number of people who would be adversely effected a TRO.</p>

OBJECTIONS	OFFICERS RESPONSE
<p>It is the council's duty to keep the lane open for all user groups and only implement a TRO as a last resort.</p>	<p>Other measures have been used across Wiltshire. Voluntary Restraint has proven to be unsuccessful. The Trail Riders Fellowship have also raised concern that voluntary restraint causes confrontation and conflict. However the seasonal closure of the Ridgeway has proven to be very successful.</p> <p><i>"Making the Best of Byways" states, The 2001 review of the Hierarchy of Trail Routes [Robinson, D., and Wilson, G., 2001] concluded that, 'Voluntary restraint was effective in reducing, but not eliminating, unsustainable use. This indicates that voluntary restraint can be a useful tool for management of byways where reductions in mechanically propelled vehicle traffic is desirable, but not where the prohibition of mechanically propelled vehicles is agreed to be necessary.'</i></p>
<p style="text-align: center;">Honey Bottom</p> <p>Honey Bottom is not in a bad state except at the narrow southern section which could be addressed with a seasonal TRO. Perhaps a footpath adjacent to the byway could be considered.</p> <p>Chute 32 and Ludgershall 30 have a natural surface which is bound to be poached by horses and vehicles after wet weather. In that respect they are no different from any other byways in the county. The TRF would not object to seasonal TRO on these 2 whilst the surface recovers and the council carries out improvements.</p> <p>Voluntary restraint during and immediately after wet periods.</p> <p>Consider a TRO for vehicles with 4 or more wheels/over a certain weight. Consider a Seasonal TRO.</p>	<p style="text-align: center;">Honey Bottom</p> <p>Honey Bottom is not currently in a bad state because £20,000 has been spent on repairing it and motorised use has been prevented.</p> <p>The proposed permanent TRO is not just to protect the surface but also for the safety of the predominant user groups, therefore seasonal licensing would not be appropriate.</p> <p>TRO criteria states: <i>'for preserving or improving the amenities of the area through which the road runs for preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot'</i></p> <p>Voluntary Restrictions are in use on several Boats in Wiltshire but with very little success. Although responsible motorised users may abide by these restrictions unfortunately they have proven to have little effect on those determined to use the byway. The Trail Riders Fellowship have also raised concern that voluntary restraint causes confrontation and conflict. The types of incident described by some of the residents of Chute suggest that the majority of MPV users would not abide by a voluntary closure. "Making the Best of Byways" states, <i>"Discussions with authorities when drafting this guidance indicate that voluntary restraint is widely seen as ineffective in managing</i></p>

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	<p><i>mechanically propelled vehicular use of byways. Irresponsible drivers will ignore voluntary restraint notices and continue to drive on byways that can no longer sustain mechanically propelled vehicles. The 2001 review of the (Lake District's) hierarchy of Trail Routes (Robinson, D and Wilson, G., 2001) concludes that voluntary restraint was effective in reducing, but not eliminating, unsustainable use."</i></p> <p>It has been interesting to note that even the less responsible motorised users of the Ridgeway National Trail, who used it extensively prior to the seasonal TRO being introduced, observe the TRO so that vehicle numbers have dropped to a manageable level.</p> <p>Officers are aware that inconsiderate use of these byways by horse riders, such as cantering when conditions are wet, can cause damage. However it is considered that any problems of this nature could be resolved through the education of local horse riders and that more severe measures are not necessary.</p> <p>Most horse riders tend to ride locally to where they are stabled so it is easier to ask them, through the parish council, to limit their use during bad weather. Motorised use, by contrast does not tend to be by people who live in the local area, in fact many of the motorised users that have commented on this TRO proposal have been from all over the country. It is, therefore, far more difficult to take the same approach to regulating irresponsible motorised use.</p> <p>See Photographic Evidence Appendix 3, photographs 9 & 10. Photograph 9 was taken on 30 December 2008; photograph 10 was taken on 2 March 2009. The surface damage caused by horses, which was at it worst during the heavy snowfall in mid-February 2009, had already dried out by the time Photograph 10 was taken.</p>
<p>The TRF object to the TRO as drafted and ask that motorcycles be removed from the Order for BOATS 34 & 36 and that a modified management regime be applied to BOATs 30 & 32.</p>	<p>The reasons why officers do not consider that motor-cycles should be excepted from the TRO are clearly set out throughout this document.</p>

OBJECTIONS	OFFICERS RESPONSE
LEGAL/ILLEGAL BEHAVIOUR	
<p>The council has failed to grasp the difference between illegal use and legal use.</p> <p>Someone legally riding a motorcycle on a byway must first hold a motorcycle licence. Therefore motorcyclists are probably one of the safest and most qualified of user groups using the lanes.</p> <p>I have used this network of green lanes for over 20 years. I can state that I ride sensibly and am very considerate to other users. I have encountered no problems over the years.</p> <p>Why should a tax paying road legal motorcyclist be penalised because of the antisocial antics of a few hooligans.</p>	<p>There is no doubt that members of the Trail Riders Fellowship can be expected to be responsible users of the rights of way network.</p> <p>Inspector Wadrup, appointed to preside over Hampshire County Council's non-statutory Public Inquiry into the proposed implementation of a TRO on the Halnaker Lane, East Meon BOAT, in November 2008, stated, <i>'In overall safety terms I conclude that use of the Byway by motorcyclists would constitute a danger to other users despite the very responsible attitude of TRF members.'</i></p> <p>There was a great deal of illegal use of the Ridgeway prior to the seasonal TRO being implemented including unlicensed and untaxed vehicles. This illegal use has virtually stopped.</p>
<p>Closing the road will not prevent the dangerously ridden bikes – anyone who does not respect the tranquillity of the area or safety of others will not respect a TRO and will continue to ride.</p> <p>The illegal motorcycle use ... is not going to stop because of a TRO. The track record here and in other parts of Wiltshire is that law-breakers are rarely caught and prosecuted for anti-social and illegal use of byways.</p> <p>We should be focusing on stopping antisocial use of these rights of way rather than banning use to a whole group of users.</p>	<p>Barriers would be an option to prevent illegal use but to be able to install the barriers an official closure for all MPV users would be required.</p> <p><i>"Making the Best of Byways" states, 'The Government has published guidance, Regulating the use of motor vehicles on public rights of way and off road (2005), on enforcement to deal with illegal or irresponsible use. Recreational driving organisations and clubs have indicated they would welcome an increased police presence or profile to ensure that only responsible and lawful drivers access the byway network. Enforcement could include a police presence, but is more likely to include physical barriers to control access by mechanically propelled vehicles. Barriers should be in keeping with the local surroundings and must not exclude users who continue to have a right to use the route, such as horse riders, cyclists, walkers, wheelchair users and residents with private access rights.'</i></p> <p>There was a great deal of illegal use of the Ridgeway prior to the seasonal TRO being implemented including unlicensed and untaxed vehicles. This illegal use has virtually stopped.</p>
<p>Anti social actions cannot solely be attributed to motorcycle users in the countryside but can occur on both sides, I myself have witnessed Ramblers attacking motorcyclists and endangering riders.</p>	<p>There have been no reports of this type of incident happening on the byways in question, but there have been reports of motor-cyclists and four-wheel drive vehicular users being verbally abusive and threatening towards other users.</p>

OBJECTIONS	OFFICERS RESPONSE
<p>By closing these routes to vehicles the alleged offenders will move to a new location.</p>	<p>This is not a good reason to not protect these particular byways, and other people who use them.</p>
<p>Speculation that some of the current users might not behave in an entirely responsible manner. Even if this allegation has some truth about it the authority's response amounts to collective punishment ... blatant discrimination against lawful legitimate vehicle users.</p> <p>There are no positive suggestions to deal with the perceived irresponsible use.</p>	<p>Prior to the TTRO vehicle users were continuing to use the byways irresponsibly when ground conditions were not suitable.</p>
LEGAL RIGHTS	
<p>Wiltshire Council has a statutory duty to protect and assert the rights of all user groups. How is closing these byways to mechanically propelled vehicles (MPV) users fulfilling this function, particularly when other user groups such as walkers and equestrians are already well catered for in the area? The rights of way network should be for all to enjoy and WCC should not be excluding particular user groups based on spurious reasoning or pressure from less tolerant individuals or organisations who have their own agenda for excluding MPVs.</p> <p>Defra Guidance - Rights of Way Improvement Plan –where ever possible proposals for improving rights of way should not unduly benefit one class of user at the expense of another. Improvements that are intended to benefit cyclists, harness-horse drivers, horse riders or walkers should not unduly restrict motorised use of public vehicular rights of way.</p>	<p>The Council has a duty to assert and protect the rights of all types of users. Vehicular users are by definition expected to be a minority on a BOAT. It is reasonable to consider the use of a TRO if the statutory grounds are satisfied and the majority of users are being endangered or substantially inconvenienced by the minority.</p> <p>These rights extend to walkers, horse riders and cyclists not just too motorised user groups.</p>
<p>There is a balance required by law to be demonstrated between the duty the Highway Authority has to secure the expeditious, convenient and safe movement of vehicular and other traffic, etc and the powers of regulation you quote under RTA84 for consideration of regulation of vehicular traffic, remembering that an execution of a duty always has a precedence over the application of a power.</p>	<p>The balance referred to must necessarily also include the rights of the predominant user groups, i.e. walkers, horse riders and cyclists.</p> <p>There are many country lanes and metalled roads around Chute offering exceptional views. It has been established and agreed by all parties that Chantry Lane and Byway 36 are hard surface and therefore do not provide the 'off road' experience. Byway 36 is tarmac and from the intersection with Bridleway 3 to Chute Causeway Chantry Lane is tarmac; the remaining section of the lane has a hard flint surface. Only Honey Bottom as a natural surface on which to drive/ride off road, i.e. a length of 2.4km, 0.3% of the byway network Wiltshire has to offer</p>

OBJECTIONS	OFFICERS RESPONSE
<p>Wiltshire Council have relied on uncorroborated claims in an effort to justify the TRO rather than fulfil their statutory duty.</p> <p>This TRO has arisen from a confrontation a landowner had with motorcyclists. It does seem an abuse of power to deny legitimate rights to the public just because one group has behaved in an antisocial way.</p> <p>Byways on my doorstep will be out of bounds purely because of nimbyism.</p> <p>What evidence has the council gathered?</p>	<p>Chute Parish Council initially contacted Wiltshire Council regarding inappropriate and irresponsible use. During the preliminary and formal consultations we received a number of accounts of intimidating and antisocial behaviour by MPV users.</p> <p>The local policeman in his response to the preliminary consultation, stated: <i>"It was regularly raised at Parish Council level, to the point that I always had to carry a video camera in an attempt to photograph offenders. That has not been needed, or raised at PC level since the TRO. I do not keep specific figures as generally the vehicles have mud-covered numbers or in the case of motor-bikes no plates.</i></p> <p><i>We can enforce the TRO either with tickets or seizing vehicles of persistent offenders. All three have reduced the problem...It was raised as a local issue at the PC meeting and by local farmers so it was one of our local priorities and therefore a Wilts Police matter.</i></p> <p><i>Unfortunately a majority of the 4x4 drivers leave the highway code on the country lanes and drive in an intimidating, bullying way and the bikes use inappropriate speed on the byways..."</i></p> <p>Inspector Wadrup, (Halnaker Lane TRO public inquiry) stated, <i>'The fact that the Council has no hard figures upon which to make judgements is, in my view, not a reason to dismiss consideration of the TRO. There is clear evidence of the succession of complaint that has been made locally for a considerable period'.</i></p>
<p>Guidance in Circular 9/23 states <i>'authorities should look to solve these (problems) where possible by management measures, based on cooperation and agreement'</i>.</p>	<p>Wiltshire Council has put voluntary restrictions on other byways; they have proven to be unsuccessful. The TTRO has proven to be successful for both the surface of the byway and the usage.</p> <p>See Photographic Evidence Appendix 3</p> <p>The seasonal TRO on the Ridgeway National Trail has largely succeeded in eliminating inconsiderate and irresponsible vehicular use.</p>

OBJECTIONS	OFFICERS RESPONSE
<p>Making the Best of Byways offers clear and pragmatic advice on looking at repair, maintenance and voluntary restraint agreement before contemplating a proportional restriction.</p>	<p>"Making the Best of Byway's advises, <i>The 2001 review of the Hierarchy of Trail Routes [Robinson, D., and Wilson, G., 2001] concluded that,</i> <i>'Voluntary restraint was effective in reducing, but not eliminating, unsustainable use. This indicates that voluntary restraint can be a useful tool for management of byways where reductions in mechanically propelled vehicle traffic is desirable, but not where the prohibition of mechanically propelled vehicles is agreed to be necessary'</i></p>
<p>Making the Best of Byways state that cooperative management should be a first resort and that the regulation orders, through the ineffectiveness and because of their costs should be a last resort.</p> <p>There is concern about the cost of a TRO and whether any traffic measurements have been taken.</p> <p>The proposed TRO conflicts with County Council policy (RoW Improvement Plan 8.3.5), Government advice issued in Circular 2/93 (para 13) and Government guidance contained in Making the Best of Byways (pp.38-41)</p> <p>It is clear that council policy and government guidance have been disregarded. The proposals should be abandoned and the money thus saved put towards keeping these roads in a reasonable state of repair according to law.</p>	<p>Wiltshire Council policy is that TROs should be used only in response to specific problems and where a degree of enforcement action can be taken. It is accepted that TROs are costly and this is one of the reasons that they have been used sparingly in Wiltshire. However, repairs and ongoing maintenance of rights of way that are vulnerable to damage by vehicles are also expensive. Now that these byways have been restored to a good a state of repair the Council is keen to keep them in good condition so that as many people can enjoy them as possible. It is considered that the only realistic prospect of doing this is to restrict use by vehicles.</p> <p>13% of the public rights of way in Wiltshire are BOATs. The last permanent Traffic Regulation Order was placed a number of years ago. When the TTRO was placed on these routes to allow works to take place the byways were in such a bad condition the local walkers and horse riders complained to the parish council that they could not use them. Since the TTRO has been in place the surfaces have improved and non-motorised use has increased.</p> <p>Enforcement of a TRO on a remote byway has proven to be difficult however these byways make up a spinal route parallel to the village approximately ½ km away, byway 36 runs directly from the village. The local Police Officer has written in support of the TRO stating that enforcement would be possible. There are gates in place. The TTRO has been successful.</p> <p>The seasonal TRO on the Ridgeway National Trail has largely succeeded in eliminating inconsiderate and irresponsible vehicular use.</p>

OBJECTIONS	OFFICERS RESPONSE
<p>Most of the routes affected have a legal width of 40 feet (per Chute Inclosure Award 1820) this is more than adequate to accommodate all classes of user without conflict. If widths have been encroached on the council should take the appropriate action.</p>	<p>Due to the high banks on Chantry Lane there is not a 40ft width useable. It seems improbably that there was ever a width of 40 feet available throughout the whole length of these byways.</p> <p>See Photographic Evidence Appendix 3, photographs 3 & 4</p>
<p>There are 85 cul-de-sac byways in Wiltshire therefore the reasoning that Chute 36 needs a TRO because it would become a cul-de-sac route is clearly invalid.</p> <p>The whole of Chute Byway 36 is driveable in a car with no damage at all to the vehicle and the only evidence of surface damage to the byway is some slight removal of the stone course on the central crown section.</p>	<p>Officers believe that leaving Chute 36 as a cul-de-sac route is likely to contribute to the number of motorised users who may chose to ignore the legal restrictions. Driving back and forth over a linear route will increase the erosion of the surface.</p> <p>The proposed permanent TRO is not just to protect the surface but also for the safety of the predominant user groups and environmental grounds.</p>
<p>The Highway Authority has a duty to s130 HA 80 to maintain the route to the standard required of the traffic to which it is subject.</p>	<p>DEFRA's " Report of research project on motor vehicles on byways open to all traffic" states, <i>The highway authority's responsibility for maintenance of a byway only extends as far as the ordinary traffic of the neighbourhood. There is no legal requirement upon a Highway Authority to maintain the surface of byways for the passage of motorised vehicles.</i> (Neighbourhood = a surrounding or nearby region, ordinary = normal or common place). A number of supporting letters have been received from residents of the local villages and the parish council that the route be exempted from motorised traffic.</p>
<p>You should not make an order to avoid your duties under the Highway Act 2.41 but should carry out your primary duty of asserting and protecting the rights of users s.130</p>	<p>The Council has a duty to assert and protect the rights of all types of users. Vehicular users are by definition expected to be a minority on a BOAT. It is reasonable to consider the use of a TRO if the statutory grounds are satisfied and the majority of users are being endangered or substantially inconvenienced by the minority.</p>
<p>Lord Justice Lane in R v Surrey CC ex parte Send Parish Council 1979 – <i>The local authority must at all times act with the object of protecting the highway and of preventing or removing any obstruction and more broadly speaking or promoting the interests of those who enjoy the highway or should be enjoying the right of way and the county council must likewise operate against the interests of those who seek to interrupt such enjoyment of the highway</i></p>	<p>Authorities are under a duty to consider the use of Traffic Regulation powers where this is necessary to secure safe, convenient and proper use of the way.</p>

OBJECTIONS	OFFICERS RESPONSE
The council are proposing to remove the access rights of a user group without proper justification and by the questionable use of TRO legislation that was never intended to be used as such.	Traffic Authorities are under a duty to exercise their powers to make traffic regulation orders ... so as to secure expeditious, convenient and safe movement of all traffic, including walkers, cyclists and horse riders.
The Council has consistently failed to address a right of way claim in the area since 1987.	This is not relevant to this TRO proposal.
Honey Bottom is only overly narrow at the southern end. I heard from a GLASS member that the farmer had erected a new fence inside the old one effectively narrowing the byway.	No evidence has been discovered to show that this allegation has any substance. The local landowner who assures Wiltshire Council the fence was reinstated in the same position.
Ludgershall 30 has been encroached by fencing. The Council has not provided any evidence other than to ask the landowner if this is the case.	See above
Taking away the rights of responsible members of the public is not something to be undertaken lightly.	

SAFETY

<p>A byway does not have occasional vehicular rights; it is a road in every respect and should be treated as such.</p> <p>Users need reminding that these routes are in fact roads and are governed by the same rules and laws. Therefore there should be an expectation that vehicles will be met.</p> <p>The track is wide enough for the most part to accommodate two vehicles but in any event there are many single track roads elsewhere which are used by traffic safely.</p>	<p>A BOAT is a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are used.</p> <p>The definition of a road in England and Wales, as given in the Highway Code, is, <i>'any highway and any other road to which the public has access and includes bridges over which a road passes' (RTA 1988 sect 192(1)). In Scotland, there is a similar definition which is extended to include any way over which the public have a right of passage (R(S)A 1984 sect 151(1)).</i></p> <p><i>It is important to note that references to 'road' therefore generally include footpaths, bridleways and cycle tracks, and many roadways and driveways on private land (including many car parks).</i></p> <p>Therefore using the word road does not distinguish between a footpath and a motorway. The definition of a byway open to all traffic clearly states, "mainly for the purpose for which footpaths and bridleways are used".</p>
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OBJECTIONS	OFFICERS RESPONSE
	<p>DEFRA's "Report of research project on motor vehicles on byways open to all traffic" states, <i>"Road Traffic Regulation Act 1984 'Authorities are under a duty to use these powers where this is necessary to secure safe, convenient and proper use of the way.' "</i></p>
<p>Wiltshire Council cites cases of speeding vehicles using these roads, despite ground conditions being difficult. Has Wiltshire Council conducted any independent analysis to verify these claims or has Council relied on hearsay. How many recorded accidents have there been on these byways. Is there a real problem or just a perceived one. Has a traffic count been undertaken to quantify the size of the vehicular problem?</p> <p>The national speed limit is the legal maximum, not the recommended speed. Numerous country lanes are also subject to the national speed limit and are unsafe to drive at that speed, a byway is no different. It is incumbent on the driver/rider to travel at a speed appropriate for the conditions or face prosecution. Again appropriate signage or speed reduction measures would resolve this.</p> <p>The council has a power to impose a lower speed limit to the national speed limit. If deemed unenforceable then so are TROs.</p> <p>Any rider/driver would know that they can only ride/drive at a speed that is safe pending the prevailing conditions and circumstances. Byways are governed by exactly the same rules and regulations as any other road in the UK.</p> <p>Use appropriate signage and speed humps.</p>	<p>The speeding issue has been highlighted and verified by the local police officer. Aside from a great deal of user evidence from both residents and users that incidents are taking place the constabulary has confirmed these incidents have been reported. Although speeding issues appear to be predominantly on Chantry Lane eye witnesses recount intimidation issues on Honey Bottom.</p> <p>The Trail Riders Fellowship has a code of conduct which states: <i>"Ride at a safe speed, taking regard of conditions and visibility. This should not exceed the voluntary maximum of 25 mph"</i> <i>and,</i> <i>"Green Lanes are subject to the same laws as surfaced roads"</i></p> <p>The "LR4x4.com" website, which includes discussion for a for drivers of four wheel drive vehicles, adopts the advice of the Countryside Recreational Access Forum for Green Lane users, which states: <i>"Do not travel at speeds of more than 12mph on unsurfaced routes"</i>.</p> <p>From the information provided by the local police officer it is clear that these recommendations were not being followed by many motorised users.</p> <p>"Making the Best of Byways" does not include consideration of the use of speed limits on byways open to all traffic.</p> <p>Speed humps would not be appropriate at this location as there is no street lighting.</p> <p>Inappropriate use of speed on the public highway is not an issue that is confined to byways.</p>

OBJECTIONS	OFFICERS RESPONSE
	<p>"Making the Best of Byways" states, <i>'The type and quality of evidence required before making a TRO: Sufficient substantiated reports in one year which show that the byway has become unsafe for users not using mechanically propelled vehicles.'</i></p>
<p>Chantry Lane Chantry Lane is a little steep and does twist and turn but is by no means dangerous.</p>	<p>Chantry Lane There is a section of Chantry Lane along Haybourne Copse that twists and has a steep gradient, with a negative camber towards the sloping copse. It has a narrow width, with no verges and a steep bank on one side and a sloping copse on the other.</p> <p>See Photographic Evidence Appendix 3, photographs 3</p>
<p>GLASS has a code of conduct which promotes a speed limit of no more than 12 mph on unsurfaced rights of way and to be courteous to other users – pull over and stop for walkers but pullover stop and turn off your engine for passing horses.</p> <p>The TRF have a strict code of conduct It will become increasingly difficult in future to persuade new members to follow the code of conduct if careful riders are penalised for the actions of a few irresponsible users. Horse riders are not TRO'd for the bad behaviour of a few riders, for example galloping on and damaging soft surfaces.</p> <p>I am a responsible trail rider at well below the legal speed limit on a well silenced motorcycle.</p> <p>As a member of GLASS we are asked to use voluntary restraint but there is always the minority that spoil it for the majority.</p> <p>The TRO is an affront to the freedoms that we expect in this fine country. This proposal is a form of persecution again many law abiding people.</p>	<p>Chantry Lane and Byway 36 are not unsurfaced rights of way.</p> <p>Reports are that the majority of MPV users are not members of the responsible organisations and do not abide by a code of conduct.</p> <p>There is a genuine problem in Wiltshire of irresponsible MPV use. On some byways closed with a Temporary Traffic Order we have had to install metal barriers in an attempt to keep MPV use off the byways. These barriers have been regularly torn out despite being concreted in. This particular sabotage has been on remote rights of way isolated from local monitoring.</p> <p>Inspector Wadrup, appointed to preside over Hampshire County Councils non-statutory Public Inquiry in November 2008 stated, <i>"In overall safety terms I conclude that use of the Byway by motorcyclists would constitute a danger to other users despite the very responsible attitude of TRF members."</i></p>
<p>Anyone who is not driving responsibly and legally should be pursued robustly by the police. Lane closures are a heavy handed and inappropriate approach to solving general policing matters and so should not be used to the detriment of many users.</p> <p>What do the Police say about enforcing a TRO?</p>	<p>The local Police Officer stated, <i>'a majority of the 4x4 drivers leave the highway code on the country lanes and drive in an intimidating, bullying way and the bikes use inappropriate speed on these byways. I have also received a number of eyewitness accounts of near misses and intimidation. We can enforce TRO either with tickets or seizing vehicles of persistent offenders. It was one of our local priorities.'</i></p>

OBJECTIONS	OFFICERS RESPONSE
<p>Wiltshire Council has no fact based evidence that anyone has been placed in danger than they would if they walked along any minor road in the county, sealed with tarmac or not.</p> <p>One should take as much due care and attention walking on a byway as one would walking on a tarmac road. The danger to the individual is irrelevant in this instant, apart from the dangers arising from the poor maintenance of the road.</p> <p>If people want to walk/ride along byways then it is reasonable that they might meet a car or motorbike.</p>	<p>Generally, BOATs are predominantly used by walkers and horse-riders, whereas a tarmac road is predominantly used by motor vehicles.</p> <p>“Making the Best of Byways” places the bulk of the onus of responsible behaviour on vehicular users to, <i>“Be aware that byways are multi-user routes. There may be many more walkers, pedal cyclists and horse riders using the route than mechanically propelled vehicles. Expect to meet other users at any time. Drive and ride with extreme care for others.”</i></p>
EVIDENCE	
<p>Some of the evidence given is quite surprising because if I recall the sign excluded all users. I therefore surmise that some of the evidence gathered must have been done so illegally.</p> <p>The report states that recreational use of the byways by walkers, horse riders and cyclists has vastly increased since the TTRO has been in place. This is unlawful; the Order prohibits all users.</p>	<p>This was an error in the original Order which once evident was rectified immediately. There have always been notices on the access points of the byway which clearly state that the byway is closed to motorised users only and on the website it states closure to motorised vehicles only so this use was in good faith.</p>
<p>How many warnings or Section 59 notices have been issued by the Police Officer quoted in this report? Perhaps a large number of these reports have been concocted by people who are determined to have these byways closed. It would appear that in reality this is not as serious a problem as indicated by the local supporters of the TRO, the local Police Officer appears to have been unable to identify and prosecute and offenders despite equipping himself with a portable camera.</p>	<p>Inspector Wadrup (Halnaker Lane TRO public inquiry) stated, <i>“The fact that the Council has no hard figures upon which to make judgements is, in my view, not a reason to dismiss consideration of the TRO. There is clear evidence of the succession of complaint that has been made locally for a considerable period”</i></p>
<p>It is seen from the report that the history of ‘problems’ on route 34/36 is anecdotal and without much in the way of facts and figures.</p> <p>There are no actual figures of use instead the council rely on biased reports. Vehicle loggers should have been used.</p> <p>The Council hides behind the word safety but offers no statistics on accidents.</p>	<p>“Making the Best of Byways” advises, <i>“The type and quality of evidence required before making a TRO: Sufficient substantiated reports in one year which show that the byway has become unsafe for users not using mechanically propelled vehicles.”</i></p> <p>The evidence is provided by eye witness and not substantiated by arrests and convictions however there is enough concern perceived by local people that the byways were not being used by non-motorised user groups.</p>

OBJECTIONS	OFFICERS RESPONSE
	<p>Inspector Wadrup (Halnaker Lane TRO public inquiry) stated, <i>"The fact that the Council has no hard figures upon which to make judgements is, in my view, not a reason to dismiss consideration of the TRO. There is clear evidence of the succession of complaint that has been made locally for a considerable period"</i></p>
<p>There is no firm data that the temporary closure has improved the use of routes by non motorised vehicles.</p>	<p>There were a number of items of correspondence received during the consultation process that does affirm the improved use by non-motorised users including from Chute Parish Council.</p>
<p>The logical approach would be to re-open the byway and to monitor the use to gather firm data. If this done then confirm.</p>	<p>Prior to the introduction of the TTRO it was evident that vehicular use was causing severe damage.</p> <p>Over £20,000 was spent to repair the byways, this sum would be difficult to find again.</p>
<p>It is clear that the before and after pictures were not taken from the same position and do not show the same length of highway. They are worthless as evidence.</p>	<p>The photographs are of the same sections.</p>
<p>There is nothing in the Assistant County Archaeologists report to support the Council's case for a permanent TRO in spite of prompting from the case officer.</p>	<p>The Archaeologist's report has been included for information. The Archaeologist suggests that the flint work could be medieval but it would require excavation to prove this assumption.</p>
HAMPSHIRE	
<p>Halnaker Lane in Hampshire is a national trail with no alternative routes so to draw comparisons with the Chute and Ludgershall byways is spurious as numerous alternatives for non MPV users exist. No mention is made of Northamptonshire or Cambridgeshire where seasonal TROs allow continued motorcycle access or Kent's use of permits for motorcycles.</p> <p>The Hampshire Public Inquiry and the photographs of Halnaker Lane have no relevance to the Chute and Ludgershall byways. Each case must be considered on its merits.</p>	<p>The Hampshire Report was included in the papers as the officer considered that there were strong similarities in the character of the byways, and quoted from the Inspector's report a number of times during the report. It would have been inappropriate to include these quotes without the full report being available so that the quotes could be read in context. As the report was included it was necessary to include photographs of Halnaker Lane.</p>
<p>Unlike Halnaker Lane, Hampshire the Chute byways are not part of a national trail.</p>	<p>The byways are within an AONB designated for their natural beauty and tranquillity. The landscape of an AONB is to be given equal protection to that of a national park.</p>

OBJECTIONS	OFFICERS RESPONSE
<p>The photographs of Halnaker Lane were taken several years after 4x4 vehicles had been banned and some considerable time after all other MPV were excluded. It is clear from Appendix 5 that the TRO has done nothing to better the surface of Halnaker Lane, Hampshire.</p>	<p>The photographs were taken not long after the motorcycle TRO had been implemented. A surface is unlikely to improve significantly simply because a TRO has been placed on it to prevent further damage; it will still need repair of the pre-existing damage.</p>
<p>Wiltshire Council would be wise to consider the recent case in the Yorkshire Dales where several TROs were overturned because they were conducted in an irrational manner, without due consideration the balance which must be struck with Section 122 of the Road Transport Regulations Act 1984.</p> <p>I was surprised by the apparent bias in the selective use of quotes from Hampshire County Councils voluntary public enquiry ... and there were no quotes from the Yorkshire Dales National Park decision.</p>	<p>The Yorkshire Dales National Park decision was not available prior to the submission of the report, is included as Appendix 4 to this report.</p> <p>His Honour Judge Behrens sitting as a Judge of the High Court, Yorkshire Dales National Park Authority v Land Access and Recreation Society Case No: CO/6215/2008 declared, <i>"It shall be the duty of every local authority upon whom functions are conferred by or under this Act ... to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) ...</i> <i>As already noted in order to make a TRO there has to be a ground within Section 1 or 22 RTRA 1984. That does not mean that YDNPA are absolved of their duty under Section 122 to carry out the balancing exercise required ... It follows that LARA's primary ground of complaint succeeds with the result that the TRO's in respect of routes A, B, C and will be quashed."</i></p> <p>Appendix 6</p> <p>Yorkshire Dales National Park has 14 byways equating to 19km in length which is 17.5% of their public rights of way network.</p> <p>The main reason that primary complaint was upheld was that the National Park Authority was adjudged not have given sufficient consideration and weight to Section 122.</p> <p>The main report to which this document is an appendix takes account of the requirements of Section 122 at paragraphs 8, 9 and 10.</p>
HISTORICAL AND ENVIRONMENTAL ISSUES	
<p>Why is Wiltshire Council taking advice from a wildlife organisation regarding a public highway? It seems that whenever a vehicular TRO is called for Wiltshire Wildlife Trust is asked to add weight to the TRO process.</p> <p>Most suitable for quiet recreation is not a good reason to close a right of way.</p>	<p>Wiltshire Wildlife Trust chose to contribute to the consultation; their advice was not specifically sought by Wiltshire Council.</p> <p>Defra Guidance on Rights of Way Improvement Plans, states, <i>"Local highway authorities are reminded of their general duties in exercising or performing any</i></p>

OBJECTIONS	OFFICERS RESPONSE
	<p><i>functions in relation to, or so as to affect, land in an area of outstanding natural beauty, that they must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”</i></p> <p>Following the implementation of the Countryside and Rights of Way Act 2000, Section 22A was added to the Road Traffic Regulation Act 1984. Sub-section 22A (1) allows TROs to be made on any byway for, <i>“the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area or recreation or the study of nature in the area”.</i></p>
<p>To state that this area is particularly tranquil and remote is misleading. It neighbours the overspill town of Andover, the military training areas of Salisbury Plain and the garrison of Tidworth, it is subject to regular flying activity from Boscombe Down and Middles Wallop and is in close proximity to the busy A303 and Thruxton race circuit.</p>	<p>The byways run thorough farmland, located in the North Wessex Downs AONB and the area is part of two Natural England Countryside Stewardship schemes and a Natural England Entry Level Scheme.</p> <p>Local highway authorities have duties in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, that they must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.</p> <p>Officers believe that anyone visiting the area cannot fail to be convinced of its tranquillity and sense of remoteness.</p> <p>See Photographic Evidence Appendix 3, photographs 11 & 12.</p>
<p>The flint surface is merely infill used to repair the byways.</p>	<p>See Appendix 5 for Assistant County Archaeologist comments. See Photographic Evidence Appendix 3, photographs 5 & 6.</p>
<p>You will be changing the character of the road by preventing people from using it as a byway.</p>	<p>“Making the best of Byways” states, <i>‘preserve the character of the road in the case where it is particularly suitable for use on horseback or on foot, or preserve or improve the amenities of the area through which a road runs”.</i></p>

OBJECTIONS	OFFICERS RESPONSE
<p>This byway is well segregated from any flora and fauna so damage is unlikely.</p> <p>Wildlife is know to flourish on motorway embankments and roadside verges and yet they are not TRO's on these grounds so why are byways?</p>	<p>The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) places a duty on authorities to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest in all their functions and decision-making.</p> <p>Vehicles do not usually drive on motorway or tarmac roadside verges, but on byways they commonly do if the main track becomes impassable.</p> <p>See Photographic Evidence Appendix 3, photographs 7 & 8</p>

STRATEGIC NETWORK	
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<p>There are ample footpaths and bridleways in the area for other user groups to use, without the possibility of encountering MPV's. Therefore an alternative option to a MPV TRO would be to exclude all but MPV users from the byways. This would allow all users groups to enjoy the area, by keeping groups apart, without any risk of conflict. Why can this not be implemented?</p> <p>If some selfish people would like to walk somewhere without meeting cars, may I suggest they walk on Bridleways and Footpaths and leave the byways free for those of us that don't mind sharing.</p> <p>Bridleway and footpath access to the countryside is significantly more widespread than road access.</p> <p>There are many more paths in the area where vehicles are not allowed to go and walkers can enjoy a traffic free environment.</p> <p>Other users on foot or horseback would presumably feel much safer if they used the parallel bridleway less than 1km to the west of the byways</p>	<p>A BOAT is a carriageway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are used.</p> <p>These byways run to the west of the village and have to be used to access the rights of way network to Collingbourne Wood.</p> <p>There are many country lanes and metalled roads around Chute offering exceptional views.</p>
<p>Suggesting that there are metalled roads that can be used is similar to expecting Ramblers to use a Salisbury high street for their hikes.</p>	<p>Inspector Wadrup , (Halnaker Lane TRO public inquiry) decided that: <i>"The local road network provides convenient, adequate and commodious alternative routes for the motor traffic".</i></p>

OBJECTIONS	OFFICERS RESPONSE
<p>There are no alternative rights of way for vehicular users. Our members use byways for exactly the same reasons as walkers, horse riders and cyclists, who would feel equally aggrieved if ordered to use county roads instead.</p> <p><i>“There are a number of metalled roads in this area that would offer a suitable alternative to the byway and would not diminish the access to the beautiful scenery”.</i> This is an ignorant and stupid comment. Telling a trail rider to go ride on a tarmac road is like telling the Ramblers to go walk on the pavement.</p> <p>Trail bikes tend to be slower than normal road type bikes and should not be forced onto the tarmac roads around Chute.</p>	<p>Officers believe that Inspector Wadrup’s comments give useful guidance because the situation at Chute is similar to that at East Meon, where he considered that metalled roads would be a suitable alternative to the byway for motorised traffic. There are many country lanes and metalled roads around Chute offering exceptional views. It has been established and agreed by all parties that Chantry Lane and Byway 36 are hard surfaced and therefore do not provide the ‘off road’ experience. Byway 36 is tarmac and from the intersection with Bridleway 3 to Chute Causeway Chantry Lane is tarmac; the remaining section of the lane has a hard flint surface. Only Honey Bottom as a natural surface on which to drive/ride off road, i.e. a length of 2.4km, 0.3% of the byway network Wiltshire has to offer</p> <p>To access these byways you would need to drive/ride to the location in the first place using rural unclassified roads, as there are no directly linking byways.</p>
<p>It is suggested that MPVs wishing to enjoy Chute area already have access to sealed roads as alternatives to byways. These sealed roads are also legitimately available to pedestrians or equestrians, a point ignored by the author who also fails to realise that it is the unique qualities of byways which make them important to MPV users.</p>	<p>Officers consider that it is far more dangerous for pedestrians and horse riders to meet motorised traffic on narrow winding country roads than it is for motorised vehicles to meet others, which they are more likely to expect to encounter. Pedestrians and horse riders are more exposed, and vehicular traffic is required to slow down and deviate around them.</p>
<p>There are ample footpaths and bridleways in the area that can be used however these seem to be neglected and in part obstructed. Therefore why should MPVs be excluded, when alternative routes for other users are underutilised?</p> <p>There are a number of footpaths and bridleways available in the vicinity, unfortunately the council have failed to maintain them.</p> <p>Bridleways in the area remain in a poor state, yet Chantry Lane is to have rights curtailed instead of bringing alternative routes up to a useable standard.</p>	

OBJECTIONS	OFFICERS RESPONSE
<p>The TRO will put increased pressure on the remaining vehicular rights of way network. What analysis has been conducted by WCC to identify this issue and its impact of nearby byways? Bear in mind that the introduction of the NERC Act heralded a 2/3 reduction of vehicular rights of way network, now accounting for less than 2% nationally. Perhaps a solution would be to grant permissive access to certain Restricted Byways. This would create a viable network and reduce the pressure on existing routes.</p>	<p>Wiltshire has a rights of way network totalling 6162km in length. 13% of this network is made up of 587 BOATs, in total equating to 819km. Chute 32, 34 & 36 and Ludgershall Byway 30 total 4.65km in length, which is just 0.5% of the byway network in Wiltshire. The surrounding counties overall network length and percentage of that length which are BOATs are as follows: Gloucestershire - 4511km overall, network 15km byway network = 0.3% Somerset -6117km overall network, 8km byway network = 0.1% Oxfordshire -2796km overall network, 79km byway network = 2.8% Berkshire - 1178km overall network, 165km byway network = 14% Hampshire - 3312km overall network, 285km byway network = 9% Dorset - 2852km overall network, 24km byway network = 0.8% BANES - 2256km overall network, 45km byway network -2% Swindon - 340km overall network, 9km byway network = 3%. Wiltshire's BOATs make up 22.6% of such byways nationally and are over twice the length of that in any other county in England.</p>
<p>Following the NERC Act 2006 20% of the vehicular rights of way network in Wiltshire was made 'off-limits' to MPVs due to the council failing to correctly classify these routes in a timely manner.</p>	<p>Wiltshire has a substantially larger byway network than any other county, due partly to the way in which its rights of way network was recorded on the original definitive map and statement and the diligent work that has been carried out on the reclassification of under-recorded public rights of way under the statutory requirements of the Wildlife and Countryside Act 1981. Public rights of way for mechanically propelled vehicles had not yet been determined to exist on the 20% of routes referred to by this objector, so it cannot be said conclusively that such rights have been lost.</p>
<p>A route of significant length as this would be a great loss to vehicular access in Wiltshire.</p>	<p>Chute 32, 34 & 36 and Ludgershall Byway 30 together comprise 4.65km in length, less than 0.6% of the byway network.</p>
<p>The TRF south Counsel's opinion of s.122 – <i>'It can easily be seen that Section 122(1) encompasses the general interest in road-users having convenient routes for transport. Thus ... fundamental consideration prior to exercising the statutory powers includes the right of the general public, including the TRF, to use the road'</i></p>	<p>Section 122 states: <i>'To secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).</i> The right of the general public also includes walkers, horse riders and cyclists. It is clear from some of the supporting correspondence received that some people from these user</p>

OBJECTIONS	OFFICERS RESPONSE
	<p>groups did not feel safe due to irresponsible use and surface condition in the case of Honey Bottom.</p> <p>There are 819 km of byways in Wiltshire.</p> <p>To access these byways you would need to drive/ride to the location by using unclassified rural roads as there are no linking byways. Metalled roads offer a suitable alternative to Chantry Lane and Byway 36 as they are hard surfaced.</p>
<p>Section 122 RTRA 1984 confers a duty on the council <i>'to secure the expeditious, convenient and safe movement of vehicular and the other traffic'</i>. Duties must take precedence over powers.</p>	<p>Authorities are under a duty to consider the use of Traffic Regulation powers where this is necessary to secure safe, convenient and proper use of the way.</p>
<p>These routes will always be shown on the OS as byways and must always be signed as such. Imagine the inconvenience of planning a route to turn up to find the way shut. Navigating round becomes a hazardous business.</p>	<p>The routes will continue be shown on the OS map as byways. OS maps do not show Traffic Regulation Orders. However, there is an extensively used page on the Wiltshire Website that does detail the closures. Navigating a straightforward alternative route to these byways is a simple matter that takes users through Upper Chute village.</p>
<p>It is not for WCC to create a tranquil environ in the countryside (which has never actually existed) for a select few, rather to uphold the public's right to use these roads.</p> <p>There is nothing in law which says that a benefit to a local community takes precedent over the rights of the public at large.</p>	<p>"Making the best of Byways" states, <i>'preserve the character of the road in the case where it is particularly suitable for use on horseback or on foot, or preserve or improve the amenities of the area through which a road runs'</i>.</p>

GATES	
<p>Can Wiltshire Council state exactly where legislation or guidance says that such use of gates is legal or proper?</p> <p>Gate is a nuisance at common law and illegal under highway law unless dedicated with the highway. Additionally section 9 of the Inclosure Consolidation Act 1801 declares 'it shall be unlawful for any Person or Persons to set up or erect any Gate across any such Carriage Road'. I request that they be removed forthwith in accordance with the long standing County council policy (currently RoW Improvement Pan 8.3.4 para 6).</p>	<p>Gates have been installed on the byways to reinforce the TTO and are legally acceptable whilst the restrictions are in force.</p> <p>"Making the Best of Byways" states, <i>'The Government has published guidance, Regulating the use of motor vehicles on public rights of way and off road (2005), on enforcement to deal with illegal or irresponsible use. Recreational driving organisations and clubs have indicated they would welcome an increased police presence or profile to ensure that only responsible and lawful drivers access the byway network. Enforcement could include a police presence, but is more likely to include</i></p>

OBJECTIONS	OFFICERS RESPONSE
<p>The visual amenity is currently ruined by a plethora of gates and the user experience is in no way enhanced by stopping to open and close so many gates.</p> <p>How can gates put in place during the 'temporary' TRO and set to remain enhance the amenity? Visually they detract and cause an obstruction to users.</p> <p>The Council was asked to justify the erection of gates (or barriers) by stating exactly which legislation authorised it. The officer avoided the question by asserting that they are "legally acceptable". This is a pertinent question which requires an answer.</p> <p>All routes subject to this Order have been illegally obstructed with Wiltshire Council unwilling to abate the nuisance on the grounds that they enforce the TTRO. The associated works have caused more disturbance to the surface of the lane than would be possible with many years of motorcycle use.</p>	<p><i>physical barriers to control access by mechanically propelled vehicles. Barriers should be in keeping with the local surroundings and must not exclude users who continue to have a right to use the route, such as horse riders, cyclists, walkers, wheelchair users and residents with private access rights.'</i></p> <p>Inspector Wadrup , (Halnaker Lane TRO public inquiry), stated, <i>"I note that the County Council would work with the police on enforcement and have contingency plans in respect of barriers and signs. Arrangements could be made for horse drawn carriage drivers to have access keys to permit passage".</i></p> <p>There is no reason why this approach cannot work in Wiltshire.</p>

ACCESS FOR ALL

<p>There is also an onus of local authorities to remember the small businesses serving those visiting this area requiring fuel, accommodation, etc.</p>	<p>Chute Parish Council supports this proposed TRO.</p>
<p>Byways are an important resource for people with disabilities.</p> <p>DDA states that the disabled should be advantaged even where there is disadvantage to the majority.</p> <p>Representatives of disabled motorists, for example the Mobilise Organisation, are not mentioned in the Report and were apparently not consulted.</p> <p>I use these byways often to take my family and disabled mother-in-law out in the countryside.</p> <p>The very fact that this area is particularly tranquil and remote section of the North Wessex Downs is a powerful argument in favours of maintaining access for all to enjoy. It would be disgraceful to deny access to the elderly, or people with mobility problems, who rely on being driven to and through beautiful areas of the Wiltshire countryside.</p>	<p>"Making the Best of Byways" states, <i>"Part III of the Disability Discrimination Act 1995 (which came into force in October 2004) gives disabled people rights of access to everyday services that others take for granted. Under the Act, service providers are expected to take reasonable steps to remove, alter or provide reasonable means of avoiding physical features which make it impossible or unreasonably difficult for a disabled person to make use of a service"</i></p> <p>The condition of Honey Bottom prior to the repair works meant that if a disabled person wanted to access this route they would have no other option but to do so in a car or on a motorbike. This is no longer the case.</p> <p>Invalid carriages can use a public right of way and would not be excluded by a TRO. See Appendix 10</p>

OBJECTIONS	OFFICERS RESPONSE
A TRO would prevent trail riders (many of which have no other access due to physical disabilities) from legally enjoying the area.	
It would be real shame if people who could not walk long distances could not get out and see all of the wonderful countryside the area has to offer because they could no longer take motorised vehicles.	The countryside around can be viewed from the many metalled roads in the area. The byways can be accessed directly from the village of Upper Chute without the need to walk long distances.
As a retired person whose health has not been too good lately, I have in the past and would like to carry on driving up the Byways, park my car and take my dog for a walk.	There is opportunity to park at the pub car park at the top of Byway 36 in the village. There is also parking at the southern end of Honey Bottom, which gives access straight on to the RoW network in Collingbourne Woods or will lead through to Honey Bottom itself to Chantry Lane.
For the Council to make glib suggestions that the pub car park may be used for parking is frankly insulting.	This is a matter of fact. It is difficult to understand why this user found it insulting.
<p>I like driving on byways as I can see more in a day travelling at 10-15mph than walking at 3-4mph.</p> <p>Using a vehicle allows me to enjoy more of the countryside at any given time.</p>	This may be true in terms of the distance that can be covered, but perhaps not in terms of the detail that may be seen from travelling at a slower pace.
MPV user groups have no issue at all with sharing their access with other user groups.	This comment is noted. However, there have been reports of vehicular users being abusive towards non-vehicular users.
I often use my trial bike at horse events riding it with, amongst and between horses as an event marshal. I have never had a horse react adversely.	<p>Reports are that the majority of MPV users are not members of the responsible organisations and do not abide by a code of conduct. The success of the seasonal TRO on the Ridgeway National Trail shows that a formal TRO is capable of resolving these problems.</p> <p>Horse riders are expecting the presence of trail bikes at these events. This objector can be considered particularly aware of safety issues, not all motorised users are quite so well informed.</p>
ADMINISTRATION OF THE PROCESS	
What was the point of a preliminary consultation?	Wiltshire Council was asked to look into the possibility of the permanent TRO following the success on the TTRO for increased usage. A preliminary consultation gave Wiltshire Council an opportunity to gauge the opinions of known interested parties before deciding whether or

OBJECTIONS	OFFICERS RESPONSE
	<p>not to proceed to a (more costly) formal public consultation. This is widely considered to be good practice for local authorities to take. It provided good evidence that there was a variety of opinion that should be explored further.</p> <p>Wiltshire Council has been accused by some objectors of deliberately neglecting to consult MPV user groups. This was a genuine mistake which was immediately rectified when realised. Officers do not believe that anyone's interests were compromised. The formal consultation included everyone that made a comment in the preliminary consultation as well as the statutory bodies. 255 consultation letters were sent out and the consultation featured on Wiltshire Council's website.</p>
<p>It is understood that the MPV user groups did not initially receive notice of the informal consultation, why is this?</p>	<p>All comments were welcomed and have been included in this report. All correspondence on this matter has been made available to Councillor Mr. R. Tonge.</p>
<p>I was concerned that All Wheel Drive Club was not consulted on this proposal.</p>	<p>This correspondent's comment has been included in the report. The All Wheel Drive Club was also consulted in the formal consultation.</p>
<p>The preliminary report states that the initial consultation lasted 10 days. If this is true it is shameful and if it is (another) error then it is equally shameful that the cabinet member signed the report off as this should have been questioned. 10 days is hardly reasonable.</p>	<p>The preliminary report is incorrect. The consultation began on Monday 5 January 2009 and ended formally on 2 February 2009, but was informally extended for a further two weeks to take account of the error made initially when some of the intended consultees were omitted. In practice, all comments received up to the final preparation of the report in April were made available to the Cabinet Member. Cllr Mr Tonge had access to all the correspondence received so would have been aware from the dates on the letters that the consultation process was not 10 days. It is not true to say that there was not sufficient opportunity to comment, and it should be noted that over 200 comments have been received during this proposal process from correspondents who are resident locally and all over the country.</p>
<p>The proposals appear politically motivated. The original 'informal' consultation initially excluded MPV user groups. The fact that no other options but permanent prohibition coupled with a list of supporters to the informal consultation which reads like a who's who of individuals and lobby groups with a long record of campaigning for the removal of recreational vehicles.</p>	<p>As stated all comments received during the preliminary consultation, prior to the formal consultation and during the formal consultation were welcomed and included in the report. Campaigners for the removal of recreational vehicles from public rights of way have an equal right to express their views.</p>

OBJECTIONS	OFFICERS RESPONSE
<p>Appendices omitted from the mailing HKB/TRO/LUDG which would have aided interpretation appears to be an unlikely mistake given the wealth of feeling here.</p>	<p>The appendices were not sent due to the high costs of consulting so many people (225). They were available on the web and were supplied in hard copy to anyone who requested them.</p>
<p>I am informed that the Wiltshire Bridleways Association objected to a TRO being imposed on Chute Byway 34 and 36 but they are not included in the list of objectors and their objections have not been addressed.</p>	<p>Officers had not received a response from Wiltshire Bridleways Association. Once this comment was received they were contacted immediately so that their views could be included in the report. The Association supports the proposed TRO on Honey Bottom but objects to the proposal on Chantry Lane and Chute Byway 36.</p>
<p>The actual definition of a Byway Open to All Traffic found in the Wildlife and Countryside Act 1981 is as follows ‘A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used’ – This definition based on presumption (never actually tested) about how the route is mainly used. It is not as the authority appears to be suggesting a definition based on the presumption that one class of user has primacy over another.</p>	<p>The Wildlife and Countryside Act 1981 defines a BOAT as stated by this objector. Wiltshire Council takes this to mean that the predominant users in terms of numbers are likely to be walkers, horse riders and cyclists. All users have equal rights, other than that those exercising higher rights, i.e. motorised users, carriage drivers, cyclists and horse-riders should give way to lesser rights holders.</p>
<p><i>Officers are aware that inconsiderate use of these byways by horse riders, such as cantering when conditions are wet, can cause damage. However it is considered that any problems of this nature could be resolved through the education of local horse riders and that more severe measures are not necessary”</i> Wiltshire Council’s attitude to legitimate recreational vehicle users – it would seem that motorcyclists are degenerates, beyond redemption and no doubt thoroughly deserving of the ‘more severe measures’ referred to above. The comment reflects a deep seated prejudice against vehicle users in general and trail riders in particular.</p>	<p>This was not meant to be in any way a prejudiced or detrimental comment. Officers apologise for any offence however inadvertently caused. The point they were attempting to make was that horse riders generally ride locally to where they are stabled, which makes it easy to request riders, through the parish councils, to limit their use of the byways during bad weather. Motorised use does not tend to be local, in fact many motorised users who have commented on this TRO proposal have been from all over the country, and are more difficult to contact as a group.</p>

PUBLIC INQUIRY

<p>There are a lot of rumours flying around about underhand tactics used in order to prepare the preliminary report. Doubts about bias and dubious practice by the council lead to a calling for a public inquiry. Request a public inquiry so all have a chance to register an opinion and an unbiased opinion can be reached.</p>	<p>A number of objections have been received during the formal consultation raising concerns that political motivation and bias are behind the proposed order. The Trail Riders Fellowship have indicated that they will pursue a judicial review if the Council decides to implement the TRO as drafted without first holding a public inquiry. The TRF ask that motorcycles be removed from the Order for Chute byways 34 and 36 and that a modified management regime be applied to Ludgershall byway 30 and Chute</p>
<p>Request that Wiltshire Council commission a full public inquiry in order that the evidence is reviewed by a genuinely independent Chair</p>	

OBJECTIONS	OFFICERS RESPONSE
<p>experienced in Rights of Way matters. It is clear from the extent of response at the pre consultation stage that this proposed TRO is highly contentious and that the relevant evidence should therefore be carefully considered in public.</p> <p>Correspondence from supporters of the TRO has been used to add weight to the case for closing the byways to MPV's whereas correspondence from objectors has been either taken out of context, devalued or countered; the council has not acted impartially with the facts.</p> <p>The Council should hold an enquiry before and independent inspector different to East Meon case one. Only then would a decision appear fairly considered.</p> <p>It is my view that for essentially political reasons Wiltshire Council has abandoned the principles of fairness and balance.</p> <p>Wiltshire Council has had to tout for support for this order which is politically motivated.</p> <p>Local rumour says the Council promised this years ago. Was the consultation just a paper exercise?</p> <p>I must advise you that as a member of the Trail Riders Fellowship, I am minded to request my National Organisation to seek a judicial review of this case.</p> <p>The Cabinet Member's report is both biased and inaccurate to the point that no right and proper decision could flow from it.</p> <p>The suspension of a public right is a serious matter and should be approached as such. Independent fact finding should be commissioned to establish the facts. It is not good enough that those involved in the TRO management process sit in blissful ignorance they should be thoroughly familiar with this aspect of Highway Law and current Government Guidance.</p> <p>I do not accept that sufficient grounds for placing this TRO have been met or proven. The council have not considered the minority view when the minority are doing something totally legal.</p>	<p>byway 32.</p> <p>The Council is fully aware that any proposed TRO must be justifiable according to legal criteria.</p> <p>The proposal has received over 200 items of correspondence supporting or objecting to the TRO, which clearly shows that there is substantial public interest and concern. The Council is not statutorily required to hold a public inquiry where there are objections to a TRO, but may choose to do so as a means of providing an open and independent forum for discussion of the issues before an independent Inspector, who will make a recommendation to the Council about the proposed order. The Council is not bound to follow the Inspector's recommendation but will have to be able to show that it has good reasons should it decide not to do so.</p>

OBJECTIONS	OFFICERS RESPONSE
<p>Reasons given for the TRO seem to be a vague list of general reasons which could apply to any road.</p> <p>The proposal ignores statute and government guidance.</p> <p>The case has been staged and the decision pre-empted by the council.</p> <p>The proposed TRO has been allowed to get this far due to hysteria whipped up by anti off-road anti motorcycle groups.</p> <p>These TRO's are nothing more than a few selfish snobs trying to buy legal road users from using our rights of way. You are not fooling anyone with your feeble reasons for the TRO's</p> <p>There will always be people that regard these byways as extensions to their own property, and somewhere to park. They were byways when they moved in to the properties.</p>	
<p>The report shows that the author (and presumably the author's manager and the Cabinet Member) does not have a good grasp of law related to rights of way in general and specifically the TRO process.</p>	<p>The Council is fully aware that any proposed TRO must be justifiable according to legal criteria.</p>
<p>Are any of the members, workers or parliamentary ministers involved with the case having any membership to any of the supporting organisations?</p>	<p>Cllr Mr. R. Tonge was a member of the Ramblers and CPRE.</p>

70 supporters requested that their comments from the informal consultation be taken forward to the formal consultation. 16 respondents expressed support for the TRO during the formal consultation, of which 15 of these were new correspondents. 1 supporter made comments during both the informal and formal consultation. A total of 85 individuals/organisations supported this proposal.

Natural England, North Wessex Downs AONB, Wiltshire Wildlife Trust, the local Police Officer, the Council Member, The Ramblers, CPRE, GLEAM, the Parish Council, residents of Upper Chute and surrounding villages and other walkers and horse riders have expressed support for the proposed TRO.

The Trail Riders Fellowship has recommended a modified management programme be applied to Honey Bottom.

Wiltshire Bridleways Association supports a permanent TRO on Honey Bottom.

SUPPORT	OFFICERS RESPONSE
DAMAGE	
<p style="text-align: center;">Honey Bottom</p> <p>The reinstatement of the byways during the TTRO period has to date involved major work and financial input such was the extent of the damage previously caused by vehicles and is still to be completed. Reopening these byways to recreational vehicles use will quickly return them to their previous state which will demand a similar resource input by County taxpayers – which is hardly value for money. It would be a waste of effort and expenditure to allow the surfaces to be destroyed again.</p> <p>Honey Bottom became a rutted quagmire so that horse riders and walkers found the route effectively no longer useable. The track is not suitable for hard surfacing; it would be out of keeping and environmentally and historically ruinous.</p> <p>Since the temporary traffic order there has been significant improvement to the surface. The ruts have now disappeared allowing natural drainage.</p> <p>I have witnessed the gradual destruction of the byways from what was a delightful walk for pedestrians and horse riders to an almost impassable quagmire. 15 years ago the natural fauna and wildlife lived a largely undisturbed existence. With the onset of recreational motorised vehicles there appeared to be an enthusiasm to churn up as much mud as possible to make the route more challenging, these are mindless acts of vandalism.</p> <p>Following extensive works at Honey Bottom grass is once more the predominant feature but it will take many years before the subsoil has predominantly recovered with its infrastructure of fibre and roots.</p> <p>The right to use a route does not extend to the right to damage it.</p>	<p style="text-align: center;">Honey Bottom</p> <p>There is photographic evidence of this work before and after. See Photographic Evidence Appendix 3.</p> <p>Officers confirm that prior to the repair work carried out by the landowner in 2008, at a cost to him of £20,000, the byways through Honey Bottom were deeply rutted, very difficult and potentially dangerous for walkers and horse riders to use. See Photographic Evidence Appendix 3 see photographs 1 & 2</p>
<p style="text-align: center;">Honey Bottom</p> <p>No single motorised vehicle is likely to cause irreparable damage but the multiple and continual use will.</p>	<p style="text-align: center;">Honey Bottom</p> <p>Officers consider that the byway is incapable of sustaining regular use by motor vehicles. See Photographic Evidence Appendix 3.</p>

SUPPORT	OFFICERS RESPONSE
<p style="text-align: center;">Chantry Lane</p> <p>Damage to the surface has been a disgrace. Chantry Lane is an ancient flint track and has had the top of the camber chipped by the torque of accelerating motor bikes allowing water ingress that will rapidly erode the track. Parts of the track have now become loose stony gravel often revealing the underlying chalk. Honey Bottom is a green track of poorly draining clay soil which is easily damaged.</p> <p>On the flints sections grass and moss has reappeared helping to bind flint together and prevent erosion.</p> <p>This is an ancient flint track that was originally designed for use by horse and cart, livestock and pedestrians.</p>	<p style="text-align: center;">Chantry Lane</p> <p>There are clear signs that the flint surface of Chantry Lane was being damaged by the passage of motor vehicles. However it is clear that water erosion and weather damage has taken place during the 2009 winter months which cannot be contributed to motorised vehicle use. See Appendix 12.</p> <p>The northern section of Chantry Lane and Byway 36 are tarmac.</p> <p>Private motorised use will continue out of necessity.</p>
<p>We have witnessed a motorbike force it's way through gates into nearby fields and ride on ancient meadow area.</p>	<p>It is an offence under the Road Traffic Act 1988 to drive a mechanically propelled vehicle without lawful authority or excuse onto any land that does not form part of a road or is a footpath, bridleway or restricted byway. <i>Source; Defra - Report of research project on motor vehicles on byways open to all traffic.</i></p> <p>This is however an unsubstantiated report.</p>
<p>MPV's which used these tracks contravened s131A Highway Act 1980 and s1(1) Criminal Damage Act 1972 (damaging the surface of the highway).</p>	<p>Under the Criminal Damage Act 1971 it would be necessary to show that the danger was wilfully caused for an offence to have been committed.</p>
<p>North Wessex AONB state that it may well be that erosion is also caused and exacerbated by weather conditions such as frost action and water erosion; however the nature of the flint-covered surface is such that significant weather damage seems unlikely without the surface having initially been destabilised by other activity – in this case almost certainly the riding of motorcycles along the route.</p>	
SAFETY	
<p>Rights of way enable people to get away from roads used mainly by motor vehicles and enjoy the beauty and tranquillity of large parts of the countryside to which they would not otherwise have access. They are becoming more important as increases in the volume and speed of traffic are turning many once quiet country</p>	<p>The Council has a duty to assert and protect the rights of all types of users. However, a BOAT is a carriageway which ... is used by the public mainly for the purpose for which footpaths and bridleways are used.' It is reasonable to consider the use of a TRO if the statutory grounds are satisfied and the majority of users</p>

SUPPORT	OFFICERS RESPONSE
roads into unpleasant and sometimes dangerous places for walkers, cyclists and equestrians.	are being endangered or substantially inconvenienced by the minority.
Use by recreational motor vehicles has become inimical to the use by other users, effectively discouraging if not denying their use.	<p>“Making the Best of Byways” advises, <i>‘Conflicts between users do occur, particularly where there is significant use of byways for recreational driving and use by other, non-mechanically propelled users. Where conflict occurs, authorities should examine the nature and causes of this conflict and establish measures to minimise its occurrence.’</i></p> <p>However The statutory Rights of Way Improvement Plan guidance for England [Defra, 2002] states that <i>‘Wherever possible proposals for improving rights of way should not unduly benefit one class of user at the expense of another. Improvements that are intended to benefit cyclists, harness-horse drivers, horse riders or walkers should not unduly restrict lawful motorised use of public vehicular rights of way.’</i></p>
<p>Motorbikes and 4x4 drivers are noisy, dangerous and wilfully aggressive towards other users.</p> <p>Off road activity, especially by motor bikes has made walkers and horse riders feel very unsafe driving many people off these ancient paths.</p> <p>Motorised vehicles cause terrible noise pollution.</p> <p>The use of motorised vehicles had completely changed the look and atmosphere of these byways.</p>	<p>Defra’s “Report of research project on motor vehicles on byways open to all traffic” states. <i>“The impact of motor vehicle use will in general be increased by higher speeds and by higher noise levels”</i></p>
During the Temporary Traffic Order period the use of the byways by walkers, cyclists, riders, etc has increased significantly, as has their enjoyment. Children are now again in evidence as are families young and old. <i>This comment is reiterated by many residents of Chute and the surrounding villages.</i>	<p>Inspector Wadrup , (Halnaker Lane TRO public inquiry) stated, <i>“Allowing motorcycle use ... is bound to be detrimental in terms of the environmental enjoyment of the Byway by pedestrians, cyclists and horse riders.”</i></p> <p>See Photographic Evidence Appendix 3.</p>
Abuse by motorised traffic ghettoised Chantry Lane. Motorbikes have enjoyed travelling at fast speeds and the effect of this activity was to drive non motorised users away from this route, children are certainly not allowed to use the route alone.	<p><i>Regulating the use of motor vehicles on public rights of way and off road – Defra Guidance</i> <i>“The anti-social and environmentally damaging use of motor vehicles away from public highways both in the countryside and in urban areas cannot be ignored”.</i></p>

SUPPORT	OFFICERS RESPONSE
<p>I have seen motorbikes exceeding speeds of 50mph which had forced many families banning their children from enjoying the route.</p> <p>We are lucky to have many young families living in and around the area who make the most of the walking and enjoying the peace and safety of the lanes as well as dog walkers and riders.</p> <p>As a past Chairman of the parish council I was in the middle of a threatening situation some five years ago cause by the influx over several weeks of 4x4 vehicles and motor bikes riding dangerously through the village taking little regard for the wellbeing of the residents and visitors. I believe the decision to place a TRO on the byways is a decision long overdue.</p>	
<p>We have always been aware that it is not safe to let children play alone on the lanes. On several occasions motorbikes have not slowed down as they passed us on the lane and have been a threatening presence to the children.</p> <p>I know of a rider that was thrown from her horse by a biker coming out of the forest without stopping.</p> <p>Two bikers have ridden straight at me when I attempted to confront them.</p> <p>On several occasions we have witnessed little ones running in our gate to dodge vehicles driving down the lane too fast.</p> <p>My children and myself have very nearly been mown down by a convoy of 4 4x4 drivers travelling far too quickly.</p> <p>We have had, prior to the TRO, a number of close shaves where we have had to move fast to avoid motorcyclists going at wholly inappropriate speeds on the byways.</p> <p>I have spoken to a number of drivers and motorcyclists who have shown little concern for the inconvenience of other users and the damage they inflict. Many of the motorbikes are unlicensed.</p> <p>The sound of motorbike engines which roar over the peaceful countryside immediately conjures up 2 or 3 bikers who try and out rev the other and who drive towards people on foot too quickly.</p>	<p>Inspector Wadrup (Halnaker Lane TRO public inquiry), stated, <i>“the crucial question is whether the withdrawal of such a right could be justified by the advantage to other in terms of the removal of danger or perceived danger – I am mindful of the considerable evidence of irresponsible use of the BOAT and the denial of legitimate enjoyment to others that such a behaviour would continue to cause unless the TRO is implemented effectively.”</i></p> <p>“Making the Best of Byways” states, <i>‘The type and quality of evidence required before making a TRO: Sufficient substantiated reports in one year which show that the byway has become unsafe for users not using mechanically propelled vehicles.’</i></p>

SUPPORT	OFFICERS RESPONSE
<p style="text-align: center;">Chantry Lane</p> <p>Sections of Chantry Lane are narrow in width and enclosed by a steep bank on one side and a sloping bank to the other. The Ludgershall section of Honey Bottom is extremely narrow even for walkers.</p>	<p style="text-align: center;">Chantry Lane</p> <p>The Inclosure Award states that Chantry Lane should be 40ft in width however due to the high banks on Chantry Lane there is not a 40ft width useable. It seems improbably that there was ever a useable width of 40 feet available throughout the whole length of these byways.</p> <p>See Photographic Evidence Appendix 3, photographs 3 & 4</p>
<p>The tracks undulate and curve with the landscape making visibility poor.</p>	
<p>Where tracks are narrow and incised and made muddy by vehicles, pedestrians, cyclists and horse riders cannot turn aside and are forced to use the very muddy route. This raises obvious trip and slip hazards particularly in very wet conditions where the uneven and unstable surface may be hidden under a turbid pool of water. Anyone not fit and with robust mobility is simply excluded entirely; everyone else is put off by the obvious hazard.</p>	<p>See Photographic Evidence Appendix 3, photographs 1 & 2</p>
<p>The area Police Officer states - since the TTO has been in place I have had no complaints from locals and Parish Councils regarding abuse and damage to the byways. I have noticed an increase of use by locals including children. Prior to the TTRO the abuse and damage was regularly raised at Parish Council level, to the point that I always had to carry a video camera in an attempt to photograph offenders.</p>	<p>Wiltshire Council policy states, <i>“permanent TRO’s on byways open to all traffic (BOATS) will be introduced only in response to specific problems and where a degree of enforcement action can be taken”</i>. The Police Officer’s comments suggest that enforcement is possible on these BOATs.</p>
<p>MPV’s which used this track contravene s3 Road Traffic Act 1988 (careless and inconsiderate driving)</p>	<p>This should be regarded as no more than an allegation. There have been no proven cases of careless and inconsiderate driving on these byways although the comments of the area Police Officer (above) may be considered relevant.</p>
<p>Quiet enjoyment used to be the rule not the exception. Special interest groups such as the Trail Riders Fellowship are currently unable to influence the behaviour of the majority of motorised users of this byway. As a result the predominant users of rights of way have been deprived of their rights.</p>	<p>See the area Police Officer’s comments above.</p>
<p>Many residents have noticed an increase in the use of the byways by walkers, horse riders and cyclists since the TTRO.</p>	

SUPPORT	OFFICERS RESPONSE
<p>Prior to the TTRO we had been plagued by dangers, disruption, noise and pollution to the local environment.</p>	
ALTERNATIVE ROUTES	
<p>There are alternative routes for vehicles.</p>	<p>There are a number of metalled roads in this area that would offer a suitable alternative to the byway and would not significantly diminish the access for vehicular users to the beautiful scenery that Chute has to offer. Inspector Wadrup (Halnaker Lane TRO public inquiry), decided that, <i>" The local road network provides convenient, adequate and commodious alternative routes for the motor traffic".</i></p> <p>To access these byways you would need to drive/ride to the location by means of unclassified roads, as there are no linking byways. Chantry Lane and Byway 36 are hard surfaced so metalled roads are a suitable alternative.</p>
ENVIRONMENTAL & HISTORICAL ISSUES	
<p>Chantry Lane It is not appropriate to permanently surface Chantry Lane as it is a historic knapped-flint surface which is of considerable heritage value and adds to local character and distinctiveness.</p>	<p>Chantry Lane There have been extensive surface repairs completed on the section of Chantry Lane from its intersection with Bridleway 3 to Chute Causeway. However the southern section of Chantry Lane remains a flint surface. The provision of a more sustainable surface for vehicles use would amount to improvement, not maintenance. Improvement to a public right of way under section 62 of the Highways Act 1980 is a power not a duty. Powers do not extend to changing the character of the road.</p> <p>See Photographic Evidence Appendix 3, photographs 5 & 6.</p>
<p>Chantry Lane Chantry Lane dates back to the time when there was a Christian religious 'chantry' close to Dean Farm. A great deal of thought and hard manual work went into the construction of this flint laid lane.</p>	<p>Chantry Lane See Appendix 5 for the Assistant County Archaeologist's comments. She suggests that the flint work could be medieval but that it would require excavation to prove this assumption</p>
<p>These byways should be preserved for future generations and enjoyed for its peace and tranquillity and as area where healthy and safe exercise can take place.</p>	<p>Inspector Wadrup , (Halnaker Lane TRO public inquiry) stated with regard to Halnaker Lane, <i>" it is ... extremely tranquil and peaceful, a value which would be cherished by the many on foot, bicycle or horseback. I can therefore</i></p>

SUPPORT	OFFICERS RESPONSE
	<p><i>understand the rejection by those seeking solitude and peace of the acceptability of motorcycle use of the Byway”</i></p> <p>Halnaker Lane is at East Meon in the South Downs AONB (now to become a National Park). Chute lies within a particularly tranquil and peaceful area of the North Wessex Downs AONB and the byways concerned are in many respects of a similar nature. Officers believe that Inspector Wadrup’s views provide helpful guidance about how this particular issue might be regarded.</p>
<p>Decisive action should be taken to preserve and protect the beauty of our countryside.</p>	<p>TRO’s may be made for this purpose. This is one of the reasons for which a TRO is proposed for these byways.</p>
<p>Chute is a very quiet parish sometimes described as the hidden gem in North Wessex Downs AONB. Destroying ancient surfaces and shattering peace and tranquillity do not comfortably co exist with this designation.</p> <p>We consider ourselves lucky to live here and walkers, obviously seeking to escape the hustle and bustle of modern day living pass by our doorstep on sunny weekends giving testament to the attraction, natural beauty and peacefulness of the area. We must fight to keep such tranquil pockets unchanged for our forbearers to enjoy.</p> <p>We owe it to ourselves and future generations to preserve this beautiful corner of Wiltshire.</p>	<p>The North Wessex Downs AONB states, <i>“Quiet recreation and tranquillity are key characteristics of the North Wessex Downs AONB”</i>.</p> <p>Local people and many visitors to the area clearly regard its peace and tranquillity a major attraction.</p>
<p>Peace and tranquillity in a truly stunning location should be treasured and preserved for those that want quiet enjoyment of the countryside.</p> <p>Off-road bikers and 4x4 drivers cannot be interested in the countryside for its own sake, but only as somewhere to intrude their particular form of noisy, destructive pleasure.</p> <p>Would motorists welcome walkers, cyclists and horse riders on motorways?</p> <p>Motorbikes and 4x4’s just don’t belong here, to describe them as a nuisance would be very polite, they are selfish and blind to the beauty of the countryside and the nuisance they create.</p>	<p>Local people and many visitors to the area clearly regard the peace and tranquillity of the area as a major attraction.</p>

SUPPORT	OFFICERS RESPONSE
<p>The byways run through farmland, located in the AONB which is part of 2 Countryside Stewardship schemes and an Entry Level Scheme. As these byways run through farmland in environmental schemes Natural England would expect that the schemes would provide an enhanced countryside for visitors to enjoy and feel welcome.</p> <p>Natural England is working with farmers and landowners in this area to provide environmental improvements, both wildlife, landscape and public enjoyment. Natural England has objectives to encourage visitor access to the countryside for quiet informal recreation, for both health and wellbeing purposes, as well as to enjoy the landscape and wildlife.</p>	<p>Natural England mission statement states that, <i>“Natural England is here to conserve and enhance the natural environment, for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity that it brings”</i></p>
<p>Quiet recreation and tranquillity are key characteristics of the North Wessex Downs AONB, their management plan states: DP7 Adoption of consistent AONB-wide approaches resisting noise-generating developments within the AONB including noisy sports.</p> <p>RA1 Strong support will be offered for positive and consistent AONB-wide control of off-road vehicular use of byways of the North Wessex Downs, stating that it is critical to the character of the North Wessex Downs that off-road motorised traffic is not allowed to detract from the tranquillity and quiet enjoyment of this national landscape.</p>	<p>North Wessex Downs AONB’s mission statement states that, <i>“Areas of Outstanding Natural Beauty (AONBs) have been described as the “jewels of the English landscape” and - along with National Parks - are nationally important and legally protected landscapes.</i></p> <p><i>An Area of Outstanding Natural Beauty (AONB) is exactly what it says it is: a precious landscape whose distinctive character and natural beauty are so outstanding that it is in the nation’s interest to safeguard them.”</i></p>
<p>The character of these routes will be significantly enhanced by prohibition of driving on these byways.</p> <p>We live in an Area of Outstanding Natural Beauty. The council is to be applauded for taking the initiative in helping to preserve the status of the Chutes.</p> <p>North Wessex Downs AONB states within Character Area 2E Chute Forest – Facombe. The landscape character assessment emphasises the importance of the intricate network of rural lanes that winds across the area and highlights the unspoilt, tranquil character of the landscape.</p>	<p>As above</p>

SUPPORT	OFFICERS RESPONSE
<p>The AONB Management Plan 2009-14 draws attention to the problems of ‘Noise associated with some recreational pursuits’ and ‘Increased use of rights of way network by motorised vehicles’ Policy 13.1 includes an action to ‘Resist noise-generating developments and sports both within the AONB and its wider setting.’ Policy 18.2 ‘to manage and improve the network of public rights of way including AONB-wide control of inappropriate use of the byways’. It is therefore clear that the proposed TRO would contribute to the implementation of the Management Plan.</p> <p>AONB staff have visited the site and seen ample evidence of the damage caused by motorised users to the historic byways in question. We are also aware of acute concern among local residents about recent use of these byways by motorcycles and other vehicles.</p> <p>The AONB strongly supports the proposed TRO. We believe it is entirely consistent with the promoting responsible access to and enjoyment of this nationally designated landscape.</p> <p>The AONB encourage Wiltshire council to have the courage of its convictions on this matter and we therefore recommend that the proposal to review the TRO every three years be withdrawn.</p>	
<p>Wiltshire Wildlife Trust states - Chantry Lane runs along semi-natural ancient woodland and a broadleaved plantation on an ancient woodland site. Smaller copses between these woodlands are County Wildlife Sites which although not adjacent to the lane provide corridors by which species are able to move between Wildlife Sites, forming a much larger ecological unit.</p> <p>Wiltshire Wildlife Trust states - that the byways are adjacent to a recently de-scheduled , former Wildlife Site, Chute Down East, which we hope will be restored and re-designated in the future with the careful stewardship of the landowner. There are also plans to manage the southern section of Honey Bottom which has a woodland influenced ground flora in order to create a much more naturalistic ecotone between the plantation woodland and the adjacent arable land. There is the potential to provide a great wildlife benefit. The byways are a conduit for the passage of wildlife between the important</p>	<p>Wiltshire Wildlife Trust’s mission statement states that it is to, <i>“Rebuild biodiversity across Wiltshire by changing the way we design, manage and behave in the landscape</i></p> <p><i>Achieve a fundamental shift in people’s behavior, values and actions so our lifestyles become more sustainable”</i></p>

SUPPORT	OFFICERS RESPONSE
<p>designated sites adjacent to it. The area has been covered by the Wiltshire Flora Survey 1993 and the Wiltshire Ornithology Survey 2007, both indicating the importance of the surrounding woodlands.</p>	
<p>The domain of the combustion engine already stretches into too many previously quiet corners; please preserve this beautiful landscape as the sanctuary of peace that it is.</p> <p>It seems wrong to allow a small minority of motorised vehicles to take away the tranquillity enjoyed by the vast majority of byway users (walkers, horse riders, cyclists, locals).</p> <p>The transformation of these tracks since the temporary closure has been a revelation. The surface has been painstakingly restored and they are now a pleasure to walk, children are safe to venture there and the wildflowers are returning.</p>	<p>One of the criteria for making a TRO is, <i>“for preserving or improving the amenities of the area through which the road runs”</i>.</p>
<p>It is by nature and location especially suitable for use by persons on foot or on horseback precisely because of its historic and sometimes narrow character.</p>	<p>The criteria for making a TRO include, <i>“for preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot”</i></p>
<p>The rare orchids and wild insects which flourish in these remote, normally quiet meadows is badly affected by racing bikes and the tracks and verges suffer from their misuse.</p> <p>The smell of the fumes when these MPV’s zoom past is overwhelming and can’t be good for the flora and fauna let alone other users.</p> <p>The area is rich in biodiversity; by reducing disruption and pollution their habitats’ would be protected.</p>	<p>Following the implementation of the Countryside and Rights of Way Act 2000, Section 22A was added to the Road Traffic Regulation Act 1984. Sub-section 22A (1) allows TROs to be made on any byway for, <i>“the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area or recreation or the study of nature in the area”</i></p> <p>See Photographic Evidence Appendix 3, photographs 7 & 8</p>
<p>Motorised use of these byways harms the historic character of the landscape, erodes its tranquillity and obstructs the opportunity for everyone else to enjoy them in ways that are compatible with AONB designation. TROs on all the byways in question is entirely consistent with promoting responsible access to and enjoyment of this nationally designated landscape, whilst at the same time protecting its natural beauty and tranquillity.</p>	

SUPPORT	OFFICERS RESPONSE
PRIVATE RIGHTS	
<p>Private access and recreational use are separate categories as private access is not optional. Chute Parish Council have found that local farmers have a good record of management of local byway surfaces, voluntarily take on responsibility for some maintenance work and have increasingly found ways to avoid use of these byways altogether.</p> <p>Residential traffic is confined to short lengths of the track and is very limited in frequency preferring to use other routes. Farm traffic is kept to a short length of the tracks and by its nature is slow.</p> <p>The byway provides access to 6 households, together using between 50 to 600 metres of the track. Farm traffic is limited to one short stretch of roughly 200 metres and crossing points.</p>	<p>Agreement by landowners to limit their use of the byways is not enforceable. However the landowners who possess private vehicular rights over these byways have agreed to adopt the practice of reducing to a necessary minimum their use with vehicles and have pledged to continue with this practice.</p> <p style="text-align: center;">Chantry Lane</p> <p>Private access does continue out of necessity on Chantry Lane and Chute Byway 36, there are three private residences and one farm along the routes.</p> <p style="text-align: center;">Honey Bottom</p> <p>There is one private residence along Honey Bottom; however private vehicular access is gained along Bridleway 6 which is hard surfaced.</p> <p>Repairs have been carried out by the landowners. During the TTRO Honey Bottom has not been accessed by motorised vehicles. This is clearly evident by the present condition of the route.</p>
STRATEGIC NETWORK	
<p>The track is a very important spinal route for many of the walks and rides enjoyed by inhabitants of the parish and visitors alike. It leads to longer walks and rides and makes up circular walks.</p> <p>These tracks make up essential links in many local walks and rides and its remote quietness and unspoilt nature is a joy to all non motorised users.</p>	<p>Hampshire County Council's submission to the Halnaker Lane Public Inquiry stated, <i>"Rural roads can be dangerous. Traffic is steadily increasing on them and given these dangers non-motorised users rely on the relative safety of and access to Byways instead"</i></p>
<p>Local horse riders are pleased to be able to find a secluded ride away from surfaced public roads.</p>	<p>The local road network is both busy and narrow and generally unsuitable for horse riding.</p>
<p>The County Wildlife Sites can only be enjoyed if accessible and the only route of access is via these byways. Use by excessive number of vehicles under these conditions actively excludes other classes of users. One class of user cannot be allowed to have such a large adverse impact.</p>	<p>The definition of a byway is a carriageway which has occasional vehicular rights, but which is mainly used for the purposes for which footpaths and bridleways are used, i.e. by walkers and horse riders.</p> <p>One of the criteria for making a TRO is, <i>"for preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot"</i></p>