

**Case Name:** *Trail Riders Fellowship v Wiltshire County Council* [2018] EWHC 3600 (Admin) (21 December 2018)

**Full case:** [Click Here](#)

**Commentary:** An application by the Trail Riders Fellowship under the Road Traffic Regulation Act 1984 to quash the decision of the Council to make an Experimental Order under section 9 of the 1984 Act (affecting footpaths and byways around Stonehenge) succeeded on the ground that the Council failed to comply with the consultation requirements of the relevant regulations.

Under regulation 6 of the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996 ("the 1996 Regulations") the local authority must consult with such other organisations (if any) representing persons likely to be affected by any provisions in the order as the order making authority thinks it appropriate to consult. The Council's decision not to consult was not rational because it took account of an irrelevant consideration (the ability to object to a subsequent permanent order). In addition, the Council had failed to consult with other organisations prescribed under regulation 6 and the 1984 Act. However, the claimant did not have a legitimate expectation that it would be consulted as part of the local access forum.

The second and third grounds concerned the Council's Statement of Reasons. Ground 2 was that the Council had failed to take account of the Inspector's report resulting from a public inquiry into an earlier traffic restriction order proposed by the Council. This ground was not successful because the very different focus of the 2018 Order meant that the Inspector's assessment and conclusion on the earlier proposal were marginal matters.

The third ground was that the Order was not made for the purposes of a genuine experiment. Although the experiment could have been explained much more clearly, there was a rational basis for the experiment and the challenge on this ground also failed.

*Case summary prepared by Town Legal LLP*