

Bradford on Avon Area Board – 12 March 2014 - Chairmans' Announcement

Holt Manor

The Council has now considered this complex matter in further detail including reviewing the older highway records held by the Council and has also obtained Counsel's advice. The Council has now decided it will exercise its discretion and will not take enforcement action concerning the posts/bollards located in the verge along the unclassified (U/C) road 6020, Holt at this time. The U/C 6020 is typical of many rural lanes in Wiltshire with widely variable widths of roadside waste (verges), not all of which is necessarily recorded as highway and where the primary route of passage can be used by the public without difficulty and has been so used for many years.

The Council has a duty as highway authority to assert and protect the rights of the public to use the highway and to prevent as far as possible the obstruction of highways (including roadside waste or verge) for which they are responsible but only in those cases where it is beyond serious dispute that the way (including roadside waste) is highway. In this case whilst it is accepted (and supported by the Council's records) by all the parties that the primary (surfaced) route of passage is highway, unfortunately in this case there is no certainty as to how far the highway status extends onto the roadside waste or verge. In the circumstances the Council is looking to prioritise its limited funding and resources to ensure the continued repair and maintenance of the remainder of the highway network ('A' and 'B' roads) in Wiltshire including dealing with weather events that have recently adversely affected significant sections of the network.

Both Parish Council representatives and the Landowner and his solicitor have been informed of the Council's decision.