

**EXTRACT FROM MINUTES OF REGULATORY COMMITTEE**

**19<sup>TH</sup> SEPTEMBER 2007**

35. **Amesbury: Proposed Diversion of Byway Open to All Traffic No. 1 (Part) and Bridleway No. 29 (Part).** The Chairman reported that this item had been withdrawn for the following reasons:-

- The Amesbury Property Company had originally applied for 3 diversions at Solstice Park and the application was considered by Members on 15<sup>th</sup> December, 2004. The Committee resolved that an application be made to the Magistrates' Court to make the diversions requested.
- Due to works undertaken by the Amesbury Property Company at the site, the original application could not proceed and during 2006 a new proposal was agreed. This was advertised and one objection was received. It was therefore intended that the new proposal and the objection should be referred to the Regulatory Committee for consideration.
- However, on 20<sup>th</sup> August, it was brought to the Council's attention that the Amesbury Property Company had applied for planning permission to extend an access road, Equinox Drive, through the Business Park which would have an impact on the route of the proposed diversion of the bridleway.
- Further enquiries were made which revealed that the proposed extension of Equinox Drive would cross the bridleway at an angle. Users would therefore be affected by significant vehicular traffic, especially when having to cross the road diagonally and officers questioned whether it could be argued that the diversion was more commodious.
- The Solicitor to the Council was of the view that the statutory criteria could not be satisfied and it was therefore decided that Counsel's advice should be taken. Counsel's written advice was received on 17<sup>th</sup> September, 2007 and this was followed up by a telephone conference. Counsel's view was that the application now had a number of inherent uncertainties which might cause it to fail. He also considered that the changes which resulted in the second application made it extremely doubtful that the proposed diversion of the byway met the statutory tests.
- The Director of Environmental Services, acting on legal advice, had therefore decided that the application should be withdrawn and the applicant informed accordingly.