

AMESBURY: PROPOSED DIVERSION OF BRIDLEWAY NO.29 AMESBURY (PART)

OBJECTIONS AND OFFICERS' RESPONSE

	OBJECTION	OFFICERS' RESPONSE
1.	The Amesbury Property Company (APC) wishes to construct a building across the bridleway's definitive line; the Planning Authority would be unable to grant planning permission until the bridleway has been diverted. Due to the long running history of this case and the County Council's failure to protect the bridleway's integrity, it would be unwise for Salisbury District Council (SDC) to grant planning consent conditional upon some anticipated diversion in due course.	The diversion application has been made under Section 119 of the Highways Act 1980. This process is entirely separate from the planning application procedure and the legal tests do not allow the County Council to consider the details of planning matters when deciding whether or not a diversion is expedient in the interests of the landowner or of the public. Officers can make no comment upon the merits of a planning application when dealing with the diversion order application.
2.	The outline planning consent (January 2000) has no relevance to the bridleway issue. At that time, there was no anticipation of development across the definitive line.	Officers agree that when dealing with a planning application under Section 119 of the Highways Act 1980, planning issues are not relevant and are an entirely separate matter. Officers can make no comment upon the details of planning issues with reference to the diversion.
3.	The proposed diversion of the bridleway is marked on the PFA drawing Revision F dated February 2007. This revised plan was not actually formulated until several months later. The earlier Revision C, showing a different route, was endorsed with the same date.	The plans have been produced by PFA Consulting. It would appear that the revision of the date on "Revision F" is clearly an oversight which may be simply remedied.
4.	Revision F drawing suggests that the diverted bridleway would virtually touch the metalled perimeter of Equinox Drive and this would be incompatible with the specification for a "cross country style bridleway". These declared intentions cannot be satisfied by the proposed diversion route and the Highway Authority should not make the diversion order. If a Section 119 order were made to divert the bridleway along the proposed line, I would object to the order and call for a public inquiry. At the inquiry I would argue that the order should be rescinded on the grounds that it would fail to satisfy the intentions which the proposers have specified within the application and that a superior route is readily available (please see discussion paper attached and Plan).	Officers do not agree. The area of Equinox Drive used by vehicles has a 3 metre wide grassed verge and a 3 metre wide metalled cycle track area between the bridleway and the area of Equinox Drive used by vehicles. There is only one point on the plan where the route almost touches the edge of the cycleway area but Officers consider that the landscaping will provide essential screening to the bridleway from the road and from the buildings. Officers consider that the land use around bridleway No.29 Amesbury is changing from agricultural to business use and outline planning permission for this has already been granted. Change of use of the site must be accepted.

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	I suggest that other than at the point where the bridleway crosses the road, there should be a separation gap of at least 15 metres. Such a separation gap could readily be achieved without any significant adjustment to the APC development plans, without any overall increase in cost and without any consequential delay to the project's eventual completion. The proposed road alignment would also make the crossing point significantly safer, by inducing HGV motor traffic to proceed at a much slower speed and by improving the crossing's sight lines.	As a result, if the definitive line remains in its present position, it is unlikely that it will retain its character as a "cross country route" but could end up being tightly sandwiched between buildings. Diverting the bridleway allows us to choose an appropriate route and if the diversion is successful, an order will not be confirmed until works have been carried out to bring the bridleway into a fit condition for public use and certified as such by the local Rights of Way Warden. Officers understand that Mr. Hill has presented an alternative plan to the APC, who own the land and they have not changed their application to take account of the alternative plan. It is they who are paying for the diversion as the landowners. Officers are satisfied that the proposed diversion of this part of the bridleway offers a suitable alternative, the northern section of the bridleway having been diverted in 2002 through a Side Roads Order from the Highways Agency. This route runs directly alongside the A303 Trunk Road whereas Equinox Drive will not have a comparable amount of traffic using it and the degree of separation is thought to be adequate.
5.	Due to the small scale of the Definitive Map it would be essential for any re-route of Bridleway 29 to be clarified in a supporting definitive statement, specifying the extent of its locational separation from Equinox Drive.	Officers agree that the definitive statement should clearly reflect the proposed diversion route of the bridleway as a statutory requirement to accompany the definitive map. There is no requirement for this to be written into the diversion order and it will be written at the appropriate time, i.e. if the diversion order is successful and confirmed it will be added to the non-advertised definitive map modification order which follows a successful diversion order.
6.	The proposed plan indicates that the bridleway would cross Equinox Drive on a long continuous bend in the road, with inadequate sight lines for oncoming traffic. The proposed development envisages a high throughput load of HGV vehicles travelling at 30-40 mph.	The Senior Development Control Engineer has confirmed that the Highway Authority will be adopting Equinox Drive. Full details of the engineering layout will be required by the Highway Authority and visibility checks made as part of the Section 38 (Highways Act 1980) road adoption agreement.
7.	The Section 119 application is misleading in its claim that Equinox Drive is not a through road. SDC have specified that APC must make allowance for a prospective road link to Ministry of Defence (MOD) land, immediately south of Solstice Park.	Officers have no knowledge of this requirement and at present Equinox Drive is not a through route.

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8.	Suggest that the proposed Equinox Drive extension be straightened near the bridleway crossing point and that traffic speeds should be calmed by the introduction of small roundabouts for the inter-connections at each end of this road section.	The Senior Development Control Engineer has confirmed that the Highway Authority will be adopting Equinox Drive. Full details of the engineering layout will be required by the Highway Authority and visibility checks made as part of the Section 38 (Highways Act 1980) road adoption agreement.
9.	The Rowland family have farmed the adjoining land on both sides of the A303 for three generations. Due to the introduction of the dual carriageway on this road's steep hill, in association with major increases in traffic speeds and loadings in recent years, it is no longer safe/feasible for farm traffic to cross the A303 other than via the Folly Bottom Bridge. On the south side of the A303 the only viable farm traffic access to the Folly Bottom Bridge is via Solstice Park. Whilst APC has claimed that they allow such access, it now seems clear that, in reality, the Rowland family are being prevented from using this route and in consequence their farming business is being severely jeopardized. By farm traffic being forced into crossing the A303 at road level, there is an extreme risk of traffic collision at high speed. This practice should be discouraged. In the short term, APC must be strongly urged to permit farm traffic through Solstice Park by informal arrangement. In the longer term Solstice Park developments must provide for a permanent road/track connection between Equinox Drive and Amesbury Byway No.1. Suggest that SDC make this a formal condition for the granting of any further planning consent.	The addition of private agricultural rights cannot be considered within the diversion proposals. The addition of private vehicular rights is a private matter between the landowner and those seeking private rights. Officers would suggest that all parties should seek independent legal advice on this matter. Officers cannot comment upon conditions which should be placed on future planning consents as part of the diversion process.
10.	Lincoln College Oxford has proposed that the bridleway's eastern section should be upgraded to a byway so that their tenant's farm traffic could safely cross the A303 in both directions via the Folly Bottom bridge. My own view is that rather than creating a public right of way for motor traffic between byway No.1 and Equinox Drive, it would be preferable to restrict motor access to farm traffic and the MOD Police. The discussion paper suggests how restricted access could be achieved and the APC's preparedness to negotiate a controlled arrangement with the College. One option is for the College to purchase the corridor of land on which a linking track way could be constructed.	Officers cannot comment upon the creation of a private right between Byway No.1 and Equinox Drive. It is a private matter between the landowner and those seeking private rights. All parties should seek independent legal advice on this matter.

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11.	Please find attached a sketch of how Bridleway No.29 should be diverted, how Equinox Drive might be calmed and how Byway No.1 could be connected to the road network within Solstice Park.	The Senior Development Control Engineer has confirmed that the Highway Authority will be adopting Equinox Drive. Full details of the engineering layout will be required by the Highway Authority and visibility checks made as part of the Section 38 (Highways Act 1980) road adoption agreement.
12.	Whilst several options are currently under active consideration with ongoing discussions between the interested parties, I recommend that the Section 119 application should be put on hold.	The APC has not withdrawn its application or put it on hold.
13.	SDC would wish to see a controlled pedestrian crossing at point A. This suggestion may get sidelined as SDC were only consulted on the narrow question of diverting a public right of way, i.e. a technical matter being processed by the Rights of Way unit, rather than a highway improvement scheme. The crossing point has already been established by the prior diversion of Bridleway No.29 west of point A, connecting to the bridge at Folly Bottom; it is not affected by the Section 119 proposal. If the SDC suggestion were to be seriously considered by WCC, the Rights of Way Unit might need to refer this matter to the Highway Network Improvements Group. However, it is not clear whether the road in question has yet been formally adopted by the Council. Whilst this crossing would mainly be used by pedestrians, the bridleway status would require that it also caters for the needs of cyclists and horse riders. It would not seem sensible to consider the introduction of a controlled pedestrian crossing at point A other than in the wider context of examining the associated requirements for other crossing points on the roads network within Solstice Park.	The addition of a pedestrian crossing cannot be considered as part of the diversion of Bridleway No.29. It is not within the remit of the Rights of Way Department and queries of this nature should be directed to the Highways Department. However, the Senior Development Control Engineer has advised that "a controlled pedestrian crossing would be unacceptable at this location. It should also be noted that the route is a bridleway and, therefore, cyclists and horse riders have rights to use the route - a pedestrian crossing would not only be inappropriate at this location but would raise serious safety concerns for all users of the highway."