

HIGHWAYS ACT 1980 – SECTION 119
PUBLIC PATH DIVERSION ORDER – BRIDLEWAY NO. 29 AMESBURY (PART)

SUMMARY OF OBJECTIONS WITH OFFICER'S RESPONSE

Objection	Officer's Response
If by the time of the Inquiry, the planning application (to Salisbury District Council) has not been adjudicated, or if adjudicated but not approved, or if approved but without any evidence that the development is likely to proceed, will object to the bridleway diversion on the grounds that the diversion is wholly devoid of any justification.	<p>The site over which the definitive line of Bridleway No.29 Amesbury passes, has outline planning permission already granted over it. It is therefore likely that, if the detailed planning application for a regional distribution centre, currently being considered by Salisbury District Council, is not approved, further amended planning applications will be made in the future and the site will be developed.</p> <p>Planning matters are entirely separate from diversion applications under Section 119 of the Highways Act 1980. They are covered by separate legislation and the merits of the planning application are not relevant. They cannot be taken into account when determining the public path Diversion Order. If they were to be considered this would leave the decision open to challenge. Officers consider that the legal tests set out under the Highways Act for the determination and confirmation of a public path Diversion Order have been met in this case.</p>
If the planning application has been approved and there is evidence that the development is likely to proceed, but without any requirements for the proposed extension to Equinox Drive to be routed so that there is a safe bridleway crossing point, and/or without a requirement to landscape the bridleway route in accordance with the intentions as specified within the Section 119 application, will object to the bridleway diversion on the grounds that the diversion is inappropriate.	<p>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 at the bridleway crossing point as part of the Section 38 (Highways Act 1980), road adoption agreement.</p> <p>With regard to the landscaping intentions, the applicants have stated in their Diversion Order application, that their wish is to create a "cross-country style route" for Bridleway No.29. Unfortunately, these landscaping intentions cannot be tied to the public path Diversion Order; they form part of the separate planning application. The only limitations and conditions which can be attached to the public path Diversion Order are those which affect the right of the public to pass and re-pass, for example the existence of gates and stiles. Landscaping does not affect the public's right of passage over the bridleway and therefore cannot be recorded as a limitation or condition within the Diversion Order.</p>

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<p>If the planning application has been approved and the development is likely to proceed and the planning consent is subject to the provision of adequate sight lines for the bridleway crossing and appropriate landscaping for the bridleway route and if Amesbury Byway 1 is diverted in accordance with my Section 117 request dated 19th February, will not pursue any objection at a Public Inquiry.</p>	<p>Please see previous comments above regarding the planning application currently being considered by Salisbury District Council, sight lines for the bridleway crossing of Equinox Drive and landscaping of the proposed bridleway diversion route.</p> <p>An application under Section 117 of the Highways Act 1980, to divert Byway Open to All Traffic No.1 Amesbury, has been received by the Highway Authority. However the application cannot be considered unless all affected landowners have given their written agreement. As a landowner, the Amesbury Property Company has refused to agree to the proposals and therefore the application made by Mr. Hill on 19th February cannot succeed.</p>
<p>Dangerous roads, horses and heavy traffic do not mix.</p>	<p>Unfortunately, due to the nature of the site over which the bridleway passes, it is inevitable that different user groups will come into contact. The site itself lies to the south of the busy A303 trunk road. To the north of Solar Way the route of Bridleway No.29 Amesbury has already been diverted alongside the A303 by a Side Roads Order and the site over which the section of Bridleway No.29 in question passes already has outline planning permission granted over it.</p> <p>The future use of the site is changing and Officers believe that the proposed diversion of the bridleway is a sensible solution to safeguard its future. If the bridleway is retained in its current position, it will defeat the present planning application. However, it is likely that the planning application will be amended and it is not then known how the bridleway will be affected by the development in the future; it may be tightly sandwiched between buildings, etc. The present proposals are sensible and the landowners have made clear their intentions to create a cross-country route, although it is accepted that this intention cannot be a requirement of the public path Diversion Order.</p> <p>Please see previous comments regarding sight lines for the bridleway crossing of Equinox Drive.</p>

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<p>The entrance to the Bridleway at A is extremely “scary” to horses and could possibly cause an accident to happen through horses shying.</p>	<p>Wiltshire Bridleways Association have clarified that this objection refers to the dragonfly sculpture erected at point A, which may scare horses. The definitive line of the bridleway will not be closed until the new diversion route has been made available to a suitable standard for use by the public and has been certified as such by the Area Rights of Way Warden. If the dragonfly sculpture is considered to be a problem, the Council would discuss this with the landowners.</p>
<p>Request more details as to what will be built at the site on the opposite side of the road as this could also potentially cause problems.</p>	<p>The objectors are referring to the possible development of the part of the site to the east of Equinox Drive. Wiltshire Bridleways Association is concerned that the future development of the site will bring horseriders into conflict with heavy traffic and lorries. To the east of Equinox Drive, the detailed planning applications have not yet been made. To the west of Equinox Drive, there is presently a detailed planning application with Salisbury District Council for consideration, for a regional distribution centre.</p> <p>The proposed new bridleway will be separated from traffic using Equinox Drive, by at least six metres and see also previous comments regarding sight lines for the bridleway crossing of Equinox Drive.</p> <p>Existing or potential planning applications cannot be taken into account when determining a public path Diversion Order.</p>
<p>Who agreed that the original route of the Bridleway could be built on and therefore rendered unusable.</p>	<p>Wiltshire Bridleways Association is concerned that they have not been consulted with regard to development over the bridleway. It has not been agreed that the original line of the bridleway can be built on. The developers are aware that even if planning permission for the regional distribution centre is granted they cannot undertake any construction works until the definitive line of the bridleway has been legally diverted.</p>

Objection	Officer's Response
<p>The diversion route would best be straightened, particularly at point A.</p>	<p>The applicants have suggested a route which is not straight to try to give the impression of a "country route" which meanders its way through the landscaping proposed as part of the planning application which is being considered simultaneously by Salisbury District Council. At point A there is existing planting in place which the route will pass around. Officers do not consider that the meandering nature of the new route is substantially less convenient to the public and therefore still meets with the applicable legal tests.</p>
<p>The bridleway should be upgraded to byway status as currently Lincoln College owns farm lands both north and south of the A303 and to cross this road from north to south at the Allington Track interchange by tractor and trailer is very difficult and dangerous. If Bridleway 29 was byway status at the place of proposed change this would provide an alternative route, i.e. the A303 would be crossed at the Folly Bottom Bridge.</p>	<p>This is not a valid objection to the current public path Diversion Order under Section 119 of the Highways Act 1980. If the objector has evidence of vehicular use, they should make an application under Section 53 of the Wildlife and Countryside Act 1981, which is an entirely different process.</p> <p>If the objectors are seeking to gain a private vehicular right over a bridleway, the user would need to secure a private easement with the agreement of the landowner.</p>