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Memo

To: The Chief Planning Officer - Salisbury District Council
From: Graham Bell
CC: J Nelson - site manager; Mr P Tilley at Wiltshire CC and TOR Ltd [Martin Miller]
Job No: 2814/A
Date: 20th April 2004
Re: planning application **F/02/1650** - details of new Stockport Road for Bloor Persimmon

Dear Sir,

You kindly informed the owners of adjoining land of the application referred to above. QinetiQ replied on 27th January 2004 showing that they would be affected by the proposals and made comments and objections on the details submitted.

We made comment on the revised proposals in the light of the changes at QinetiQ and the 25 year MOD contract for Boscombe Down, which is now in place.

We made detailed points in January and despite the collective reply from TOR and the WCC, we would like you to take these issues forward to the committee.

We called for some changes to the spur road from the new distributor road to the old Stockport Road. These are very important to the proper and safe running of the airbase into the future and would ask you to take them seriously. The applicant supported by WCC has declined to make all the changes requested. We believe this creates a short-term vision for the area as a whole and far from pre-determining matters as suggested by 'Ringway Parkman', declines to properly plan for the reality of the 25 year MOD contract at Boscombe and the needs of the Base to carry out the National testing regime for the MOD. We believe this is the time to carry out the proper planning of the road system serving the area.

If the WCC are confirming that the existing roads near the Base are capable of improvement within dedicated highway land [now or in the future], this will go some way to overcoming the objection but if WCC cannot give that assurance then this is the application to ensure that the Base is served by roads capable of meeting its National obligations into the future.

We are pleased to note the removal of the car park which would have been a security risk; the commitment to the type of downward street lighting, the minimising of bird activity and the groundwater disposal swales.

However, without the commitment to the improvement of the spur road in this area which serves the Base into the foreseeable future, QinetiQ maintains its **objection** to the details of the road and would ask you to insist that the proper planning of the area allows for the road improvement we have requested. You should refer to the information supplied with the original memo of January 2004.

Please do not hesitate to contact the writer if we can be of assistance. We have copied this memo to the applicant's agent and the WCC for their ease of referral.

Yours faithfully



GRAHAM BELL

enclosure

(Email: gbell@bell-cornwell.co.uk)

Susan Tovey
Solicitor
Legal Services Manager & Monitoring Officer
Salisbury District Council

Dear Ms Tovey,

Your attention needs to be drawn to the implications of completing the Amesbury Link Road as it is currently proposed with S/02/1650. Giving assent to this proposal, even as it stands now, will actually lead to severe contradictions within the Council's own planning policy - and is very likely to expose the Council to litigation in the future.

As you are aware, the southern section of the Link Road will complete the link between the A345 at Stockport Bottom and the A303 at Solstice Park junction. It will link together the proposed housing development (H9) and the new industrial area at Solstice Park (E8). It will also provide a route for the residents of the new housing onto the A303; and provide industrial traffic from Solstice Park with a route south to Salisbury -all without the express need of going through Amesbury Town Centre.

As such, the completed Link Road has been defined as at least a residential distributor road (type 2), and also probably an industrial distributor road.

You may, or may not, be aware that there are defined minimum safe widths of these types of road - the residential distributor road has a minimum safe design width of 6.75m, and the industrial distributor road, with larger vehicles, has a minimum safe design width of 7.3m. These are the technical design standards produced by the Department for Transport.

One part of the proposed 'whole' Link Road has the nominal design width of 6.1m only - Porton Road. It is therefore obviously below the required standard and also therefore, unsafe for either purpose identified above.

Whilst this particular section is not within the proposal boundary of southern portion of the Amesbury Link Road currently being considered, it will become subject to the traffic mix and flows associated with it, and will come under direct influence of the planning application being considered. With this mix containing industrial HGVs, residents, commuters, cyclists and specialist military transports for the local MoD Air base(including AvGas aviation fuel), this part of the road network in Amesbury will become un-necessarily and quite predictably less safe.

The predictability comes from the obvious comparison between the DfT safe standards and the actual road width of Porton Road. It is understood that there are no plans to increase the road width along Porton Road, indeed this appears difficult due to the housing fronting both sides of this road, and would be impossible without compulsory purchases. If you are able to, please confirm this position.

As I'm sure you are aware, professional codes and standards are usually taken to be the minimum requirements in industry and professional services. Further more, although the Civil Law is the judge of some aspects of professional services, there may be

instances where the Criminal Law may apply. At the extreme, accidental loss of life could result in the charge of manslaughter. This depends on establishing, in many cases, proof of reckless disregard of accepted practices, or of conscious wrong-doing. It is recommended that any professional in a position of responsibility for worker or public safety, should seek appropriate legal advice at an early stage, to confirm the application of the law or regulations in a particular situation (taken from The Engineering Council Guidelines on Risk Issues -supported by Lloyd's Register & the HSE 1993).

It is proven that the completion of the Link Road in Amesbury will definitely increase the risk to the public - by the failure to meet the accepted practices and standards of road design and irrespective of the increase and change in traffic volume/mix. This may certainly open the Council to legal responsibility for any accident.

Please would you confirm that, in advance of the Northern Area meeting today, the Council has full knowledge of, and therefore will accept their legal responsibility in this area.

In the absence of this, it should be recommended that the discussion of the planning approval for the completion of the Amesbury Link Road by the construction of the Southern Section, be delayed and re-approached or even cancelled in its current form altogether.

A similar letter has been sent to the Chair of the Northern Area Committee, and he may have already raised this with you.

Yours sincerely

Richard Maguire

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