



SOLSTICE
PARK

APPLICATION UNDER SECTION 119
OF THE HIGHWAYS ACT 1980

FOR FORMAL DIVERSION OF PART OF

BRIDLEWAY 29

THROUGH SOLSTICE PARK, AMESBURY
WILTSHIRE

15TH OCTOBER 2007



REQUEST FOR DIVERSION OF SECTION OF BRIDLEWAY NO. 29

Background

The section of Bridleway 29, which is the subject of this application for its diversion, runs from Solstice Park Avenue south east to Byway 1 across land zoned for development on Solstice Park. The attached drawing reference PFA S083-193 revision F shows the existing route, as well as the route of its proposed diversion.

The current route of this section of Bridleway 29 previously passed through a farmyard known as The Pennings, which was demolished in 2002 when Solstice Park was subject to intensive reprofiling works to create level platforms for new employment buildings.

The northern section of this Bridleway 29 was originally on a surfaced farm track from The Pennings farmyard to the A303. This farm track and the A303 access were removed in 2002 when a new junction was created.

The route south of The Pennings farmyard followed an indeterminate route, south east, across what were cultivated fields. Although shown on the definitive map, the actual route on the ground was never clearly defined.

At the extreme southern end of Bridleway 29, access to Byway 1 is through a ditch and up a steep bank. These obstacles make it difficult for bridleway users to negotiate the bridleway along that section and there is no evidence on the ground to suggest that the route is used, possibly as a consequence of these obstacles.

The previous owner of the land at Solstice Park, Mr Ian Sandell, over which Bridleway 29 runs claimed that Bridleway 29 (where it runs through Solstice Park) was not, to his knowledge, ever used.

Rights of Way ("ROW") Watch made representations to Wiltshire County Council that, during the 1980s, the previous farming land owner obstructed Bridleway 29 by the erection of perimeter fencing and that no action was taken to initiate an effective remedy to this unlawful obstruction. ROW Watch have pointed out to the County Council that, in consequence, the Bridleway 29 route across Solstice Park has remained unused for more than a decade and that, by the Year 2000, no ground evidence remained as to its definitive route.

The Amesbury Property Company Limited has not obstructed the route of Bridleway 29 since taking ownership of the land in 2002.

The section of Bridleway 29, which The Amesbury Property Company Limited now seek to divert (as identified on PFA drawing S083-193 revision F, attached, runs across development land for which outline planning consent was granted in January 2000 by Salisbury District Council under their reference S/1999/0721.

The northern section of the proposed diversion would pass through landscape areas of proposed developments. The Bridleway would be 2m wide and grassed, meandering through the planting to create a 'country' route similar to that which once existed.

The southern section requires diversion to avoid landscape planting proposed by English Heritage to 'frame' the existing barrows. The diversion would also avoid the current obstructions of banks and ditches.

The southern section of the proposed diversion would pass across an area of Public Open Space in excess of five acres, which was created in early 2007 as an amenity area, adjacent to a group of ancient barrows.

Diversion Procedures

Under the January 2000 outline planning consent (reference S/1999/0721), the land at Solstice Park is being, and will continue to be, developed on an incremental basis over a number of years, for different employment uses.

Under Section 257 of the Town and Country Planning Act 1990, the Secretary of State may authorise a diversion of a Bridleway if it is necessary to do so in order to enable permitted development to be carried out.

However, the use of that procedure would effectively require a number of applications to be made once the detailed design of each plot has been established and reserved matters approval granted.

To date only one building has been erected across the route of Bridleway 29, this being the new Holiday Inn hotel. This section of Bridleway 29 was diverted within a Highways Agency Side Roads Order dated April 2002 which diverted this section of path to a safer crossing point of the A303 enabling use of a new bridge providing a screened route for horse riders.

There are likely to be numerous further planning applications affecting the route of Bridleway 29 and, whilst formal planning applications for reserved matters approval (i.e for detailed consent) for some plots over which Bridleway 29 runs will be submitted shortly, subsequent applications could be made for many years.

Following discussions with Wiltshire County Council officers and their legal counsel, Trevor Ward, it has been concluded that a diversion in the early stages of Solstice Park's development under Section 119 of the Highways Act 1980 would be the best option for all concerned (including the public).

It would involve just one application, as opposed to numerous applications under section 257 of the Town and Country Planning Act 1990 and it would, therefore, be less disruptive and confusing to the general public. Under both powers, the public has a right of objection and to be heard at a public inquiry and there would, therefore, be no disadvantage to the public by the use of section 119 of the Highways Act 1980.

Under section 119 of the Highways Act 1980, it has to be demonstrated that:-

- (1) a diversion would be expedient in the interests of the landowner;
- (2) that the diverted route would not be substantially less convenient than the existing route; and
- (3) that the diversion would be expedient having regard to the effect on the public in general.

The reasons why the proposed diversion meets these tests are set out below.

Proposed Route

The proposed route (as shown on PFA drawing S083-193 revision F) would commence at the north side of the recently constructed Solstice Park Avenue, from where it would cross the road at the western traffic island of the A303 westbound roundabout.

Bridleway 29 would then pass the dragonfly sculpture and proceed through a grassed area between two areas of structural beech landscaping. This section is already provided.

From this point, the route would, in effect, run parallel with Equinox Drive, however the route would meander through strategic landscaping planted to screen buildings from Equinox Drive, thus maintaining a 'country' route.

The Bridleway would then exit development land and cross Equinox Drive at right angles to enter the area of recreational space already created known as D1A (POS 3 on original masterplan), from which it would exit Solstice Park to join with Byway 1. Equinox Drive is not a through road at the crossing point so a central refuge is not considered necessary.

This diverted route would be a cross country style Bridleway, similar in this respect to the Bridleway 29 route; as existed prior to its obstruction by the previous owner's farming practices.

Comparison of Routes

The proposed route would have a very similar start point at Byway 1 less than 140m apart and the same finish point at the northern end as the existing Bridleway 29. In this respect, the diverted route would be substantially as convenient to the public as the existing route.

The ends of the proposed route are both on the same Byway and Highway as exist now.

By taking the new route through strategic landscaping and recreational areas, it is considered by the applicant that the alternative route would be an equally convenient, if not better, replacement for the current right of way. The proposed route would provide sensible and safe separation of bridleway users and motor traffic on the adjoining Equinox Drive.

It can be observed on site that the public are using the proposed Point C to access Solstice Park whereas Point B, the current official Bridleway 29 access is not used.

Benefits

The Amesbury Property Company Limited believe that this proposal provides:-

1. A cross country Bridleway similar to that which once existed.
2. A proper delineated route for Bridleway 29.
3. A safer access from Byway 1 to Bridleway 29 within Solstice Park.
4. A route without fences, gates and other obstructions that existed prior to the ownership of the land by The Amesbury Property Company Limited.
5. A route that will be permanent once provided and will not be subject to continuous adjustment by subsequent requests for diversion.

6. Improved access to Ancient Barrows.
7. The opportunity to provide new employment without delays following securing detailed planning consents.
8. Access would be provided from Byway 1 to a large area of recreational space.

Summary

- (1) The diversion order would be expedient in the interests of the landowner, as it would enable development to proceed, for which planning permission has been granted without causing any delays to employment opportunities.
- (2) The diverted route would not be substantially less convenient than the existing route, in fact it would be much more convenient as it will provide a better, safer and properly delineated route with a safe access point to Byway 1.
- (3) The start and end points will remain substantially the same and the difference in distances between the two routes is very small. The general effect on the public would, therefore, be a positive one and the diversion would be expedient in this respect.

Dedication of Land

The land in question is in the ownership of The Amesbury Property Company Limited and Kenmore Capital Portfolio Limited, both of whom are prepared to dedicate the necessary land for the proposed diversion and bear the cost of any physical works.

Supporting Drawings

PFA drawing S083-193 revision F is appended showing both the existing and proposed routes.

Land Ownership

A schedule is attached listing owners of the land upon which Bridleway 29 will pass and adjoining land owners and tenants.

Costs

Amesbury Property Company Limited and Kenmore Capital Portfolio Limited undertake to meet the reasonable costs of Wiltshire County Council in the making of the Diversions Order and the works required to make the new route available.

Enclosure

REGARDING PROPOSED BRIDLEWAY 29 DIVERSION

LAND OWNERSHIP FOR PROPOSED DIVERSION

From Point A on Solstice Park Avenue to west side of Equinox Drive:-

Kenmore Capital Portfolio Limited
58 Davies Street
London
W1K 5JF

Amesbury Property Company Limited
18 Boscombe Down Business Park
Porton Road
Amesbury
SP4 7RX

ADJOINING OWNERS

To the east;

Lincoln College (owner)
Contact: Peter Cooper, Esq.
Land Agent
Lincoln College
Oxford OX1 3DR

Michael Rowland (Tenant)
Contact: Michael Rowland, Esq.
Bowden Farm
Westcourt
Burbage
Marlborough
Wiltshire SN8 3BW

To the north;

Abbey Manor Group Limited (Owner)
Contact: Nigel Timmis, Esq.
Managing Director
Abbey Manor Group Limited
The Abbey
Preston Road
Yeovil
Somerset BA20 2EN

Tintometer Limited (Owner - purchased from Abbey Manor)

Contact: Tintometer Limited
Lovibond House,
Solar Way
Solstice Park
Amesbury
Wiltshire SP4 7SZ

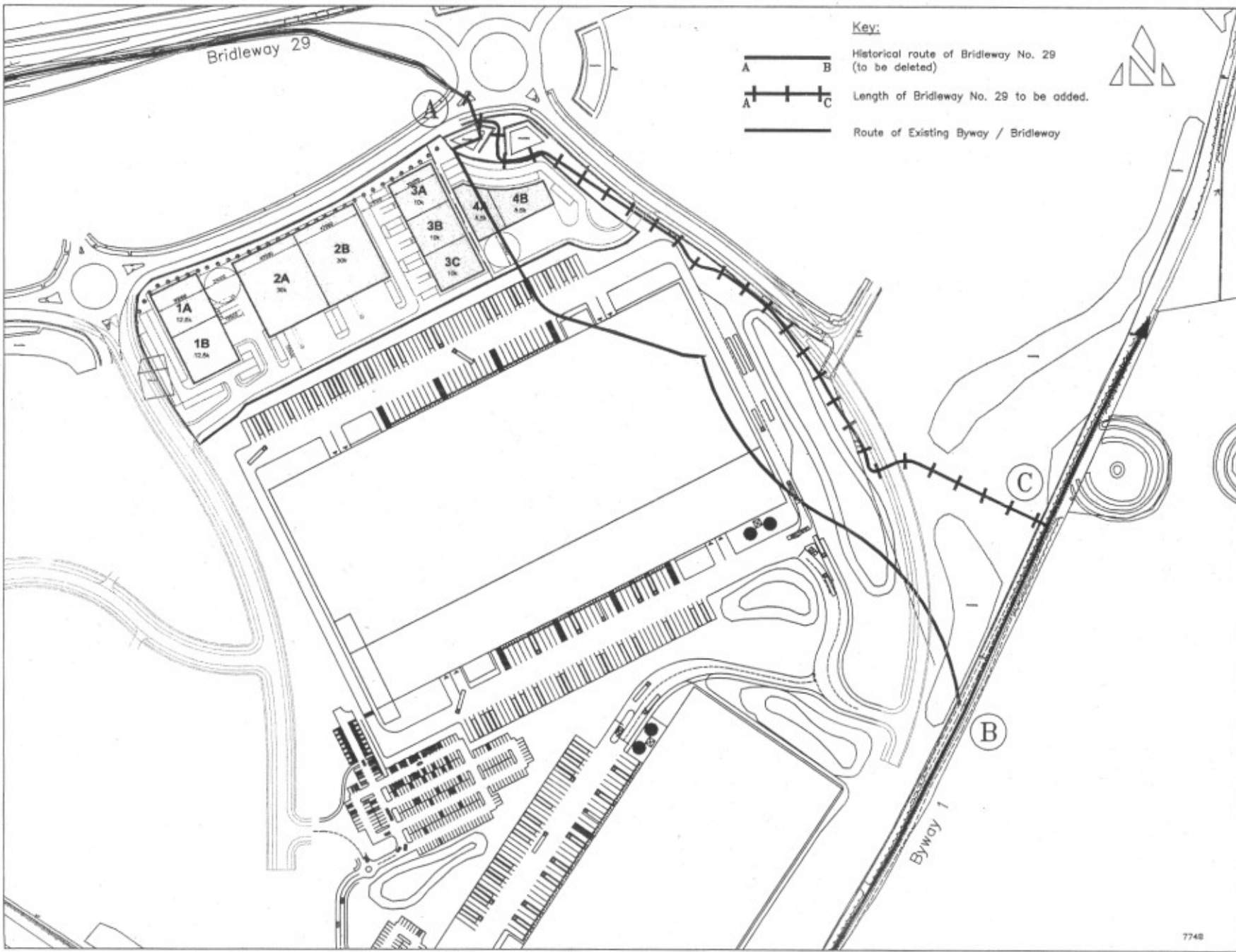
Financial

The Bank of Scotland has a legal interest in the land owned by The Amesbury Property Company Limited as the funding providers for development.




Contact: Gordon Addison
Bank of Scotland
4th Floor
New Uberior House
11 Earl Grey Street
Edinburgh EH3 9BN

The Bank of Scotland has a legal interest in the land purchased by Kenmore Capital Portfolio Limited as the funding providers for development.

Contact: Gordon Bowman
Bank of Scotland
Joint Ventures
1st Floor
New Uberior House
11 Earl Grey Street
Edinburgh EH3 9BN



Key:

-  Historical route of Bridleway No. 29 (to be deleted)
-  Length of Bridleway No. 29 to be added.
-  Route of Existing Byway / Bridleway



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1	16/10/07	Design No. 29 Revision according to agreement with SPS Planning No. 05, M13, 401 Rev 1	RCI
1	15/10/07	Design No. 1 Revision received	RCI
0	8/10/07	Plan amended at Bridleway 29	RCI
C	23/05/07	Plan amended in accordance with NCC comments	RCI
B	18/05/07	Plan amended in accordance with APC comments	RCI
A	2/05/07	Plan amended in accordance with APC comments	RCI
Rev	Date	Description	Status

Client

Amesbury Property Company

Project

Solstice Park

Drawing Title

Byway Diversions

Drawing No.	S083/193	Rev F
Date	February 2007	
Scale	1:2500 @ A3	
Drawn By	RCI	
Checked By	CZ	
E-Mail	rci@pfa.co.uk	
File Ref	S083/193/07/001_193	