

A303 Amesbury to Berwick Down



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TR010025

Deadline 2

8.13 Public Rights of Way (PRoW) clarifications

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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Planning Act 2008

**The Infrastructure Planning (Examination Procedure)
Rules 2010**

A303 Amesbury to Berwick Down

Development Consent Order 2019

Public Rights of Way (PRoW) clarifications

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1. Introduction

1.1. Purpose of this document (including information from the Examining Authority's Rule 6 letter)

1.1.1. With regard to public rights of way (PRoWs), the Examining Authority (ExA) has made the following request in its Rule 6 letter (Annex E), dated 4 March 2019: The ExA requests for the Applicant to prepare and submit an Examination Document establishing details in respect of the design of the PRoWs affected by the Proposed Development. Amongst other relevant details, the document should cover:

- Materials
- Fencing
- Lighting
- Surfacing

1.1.2. This document should also establish how the Applicant proposes for these design details to be secured in the Development Consent Order.

1.1.3. This document sets out Highways England's response to this request.

1.2. The Scheme

1.2.1. The Scheme would improve the connection between the South West and the South East of England by upgrading the A303 trunk road past Stonehenge between Amesbury and Berwick Down and is located in the County of Wiltshire. The Wiltshire area is serviced by a comprehensive network of A, B and C roads as well as Public Rights of Way. The Applicant has understood the phrase Public Rights of Way ("PRoW") to mean highways that are not maintained to an adoptable standard, and which are principally, but not in every case exclusively, intended for use by non-motorised users (generally meaning persons travelling on foot (including with mobility aids), by bicycle, on horse and/or by carriage) only, with use by vehicular traffic being prohibited, save in the case of some particular and limited exceptions. The land through which the Scheme passes is, with the notable exception of Stonehenge and associated monuments within and around the World Heritage Site (WHS), put principally to agricultural use.

1.2.2. The existing Public Rights of Way network comprises a range of classifications as set out in the table below:

Public right of way	Open to
Public footpath	Walkers, wheelchairs, mobility scooters and powered wheelchairs
Public bridleway	Public footpath users plus horse-riders and pedal cyclists
Restricted byway	Public bridleway users plus drivers/riders of non-motorised vehicles (such as horse-drawn carriages)
Byway open to all traffic (BOAT) – BOATs are generally not maintained to the same standard as ordinary roads	Restricted byway users plus motor vehicles

Table 1 – classes of PRow's

1.2.3. The PRow network serves a wide range of users, including walkers, cyclists, equestrians, carriages and mechanically propelled vehicles. In conjunction with the reference design of the proposed highway element of the Scheme, modifications would be required to amend existing and provide new PRow's. It should also be noted that many of the new PRow's proposed to be provided by the Scheme are also required to serve as replacement private means of access (including vehicular access) to agricultural land, the need for which arises from the stopping up of the existing A303 through the WHS and from the realignment of local roads arising from the replacement of the existing Longbarrow Roundabout with the new Longbarrow Junction.

2. The Need for Flexibility and Securing Details in the DCO

2.1.1. At this stage in the process of promoting the Scheme, Highways England has prepared a reference design that includes sufficient detail to establish the parameters of the consent Highways England requires to deliver the Scheme, to enable the environmental impacts of the Scheme, within those parameters, to be assessed, and to allow the nature of the Scheme to be properly understood and examined.

2.1.2. The PRow's comprised in the Scheme serve a wide range of purposes. They provide ways for the full range of lawful users permitted by their designation; they provide restricted byways users the opportunity to enjoy the WHS and historic landscape; and they provide connections to the existing PRow network consequent on the removal of the existing A303 and other adjustments to local roads. In addition, many will also serve as private means of vehicular access to agricultural land. Within the WHS, particular attention is required to integrate the PRow network sympathetically within the historic landscape.

- 2.1.3. As local highways, the PRoW network would, once delivered through the implementation of the Scheme, become the responsibility of Wiltshire Council to maintain; the practicalities and costs of this maintenance are additional key considerations.
- 2.1.4. In settling on the final details of the materials, finishes, fencing and surfacing of the PRoWs provided by the Scheme, the detailed design will have to balance this range of competing interests.
- 2.1.5. However, at this stage, in advance of the detailed design of the Scheme having been carried out, the Applicant considers that it would be inappropriate to fix details of the materials, finishes, fencing and surfacing of the PRoW network. To do so would risk closing off options that would enable the balance of the competing interests and considerations summarised above to be struck appropriately during the detailed design process. In this regard, it should be noted that requirement 8 (in paragraph 8 of Schedule 2 to the draft DCO [APP-020]) requires the Applicant to obtain the Secretary of State's approval, prior to commencement, of a landscaping scheme. The landscaping scheme is required to include details of hard surfacing materials, such as the finishes of the PRoW network.
- 2.1.6. The Applicant recognises that in the particular circumstances of the Scheme there is a need to give key stakeholders confidence that the detailed design of the Scheme will be carried out appropriately. Therefore, the Applicant is currently discussing or is about to discuss with heritage stakeholders a mechanism:
- a. obliging the Applicant to consult with certain heritage stakeholders on the detailed design of key aspects of the Scheme;
 - b. setting out design principles according to which the Applicant will require the detailed design of those key aspects of the Scheme to be undertaken; and
 - c. committing to certain additional key aspects of design, additional to those already contained in the Outline Environmental Management Plan (OEMP) [APP-187].
- 2.1.7. Once the Applicant has had the opportunity to discuss these matters with all relevant heritage stakeholders, it intends to include in the OEMP updated drafting to cover these obligations. The Applicant proposes to submit an updated draft OEMP at Deadline 3 of the Examination. Compliance with the measures set out in the OEMP is secured through requirement 4, in paragraph 4 of Schedule 2 to the draft DCO [APP-020].
- 2.1.8. The principles of the materials, finishes, fencing and surfacing of the PRoWs outlined in this submission are reflective of those that the Applicant currently envisages, in the absence of a detailed design and in the context of those ongoing discussions with relevant stakeholders. They are not intended to be definitive at this stage or to prejudice the ongoing and forthcoming discussions with relevant stakeholders, or to constrain the content or scope of any PRoW design principles to be submitted via an updated OEMP at Deadline 3, following those discussions.

2.1.9. The PRoWs discussed in this document are included in the description of the "authorised development" contained in Schedule 1 to the draft DCO [APP-020], shown on the Rights of Way and Access Plans [APP-009] and described in detail in Part 1 of Schedule 3 to the draft DCO.

3. Design principles for Public Rights of Way & mechanism in the DCO for securing compliance

3.1.1. The Applicant's emerging Design Principles for PRoWs are set out below. As noted above, they are necessarily, at this stage, a work in progress, and will require further development following planned discussions with heritage stakeholders and Wiltshire Council, in its capacity as the highway authority for the PRoW. Materials used for surfacing, fences, gates etc are dealt with under the headings below. Where particular considerations are relevant to PRoWs within the WHS these are noted below.

3.1.2. **Surfacing and Materials:** The Public Rights of Way would have a bound surface. Inside the WHS materials sympathetic to the setting of the WHS would be used to accommodate use by agricultural and land management vehicles, carriages, equestrians, cyclists and pedestrians, including people with impaired mobility, wheelchair users and parents with buggies and children. Appropriately vegetated verges would be provided between the surfaced area and adjacent land boundaries. Within the WHS where existing pavement is to be retained, the redundant carriageway outside the required width would be broken out in accordance with the OEMP, measure D-CH3, compliance with which is secured through requirement 4 in paragraph 4 of Schedule 2 to the draft DCO, and the area would be appropriately vegetated.

3.1.3. **Fencing:** The Applicant considers that Strained Wire Fences would be appropriate to separate PRoWs from adjacent private land in accordance with Highway Construction Details in the Manual of Contract Documents for Highway Works (MCHW) and Design Manual for Road and Bridges (DMRB). Where necessary for adjacent land use, appropriate stock-proof netting would be added to Strained Wire Fences. Specific fencing details would be developed in consultation with Wiltshire Council and, within the WHS, the National Trust, Historic England and English Heritage in addition to Wiltshire Council, in accordance with measure D-CH14 of the OEMP, compliance with which is secured by requirement 4, in paragraph 4 of Schedule 2 to the draft DCO [APP-020].

3.1.4. **Lighting:** No lighting is proposed on any public rights of way within the Scheme.

3.1.5. **Gates:** No gates are envisaged to be necessary on byways open to all traffic. On restricted byways, the Applicant envisages that full width gates with Kent Carriage Gaps (see image below) would be used based on details in the Manual of Contract Documents for Highway Works - Highway Construction Details, and in accordance with the Design Manual for Roads and Bridges and the relevant elements of the 'Advice on Gate installation' and 'Advice on Vehicle Barriers' published by the British Horse Society. Gates would be sufficiently wide to accommodate authorised users as necessary, including agricultural vehicles and other agricultural machinery and appropriate locking measures would be employed to ensure that those entitled to exercise rights of vehicular access over restricted byways would be capable of doing so freely. Equestrian gates would be provided on bridleways, while on footpaths, pedestrian gates would be installed. Specific gating details would be developed in consultation with Wiltshire Council and, within the WHS, the National Trust, Historic England, English Heritage in addition to Wiltshire Council, in accordance with measure D-CH14 of the OEMP, compliance with which is secured by requirement 4, in paragraph 4 of Schedule 2 to the draft DCO [APP-020].



Typical Kent carriage gap (alongside gate) – Druids Lodge, installed October 2018 by Wiltshire Council