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Sent: 10 June 2019 16:26

To: A303 Stonehenge <A303Stonehenge@planninginspectorate.gov.uk>

Subject: Registration ID number: 20019859 - Response to Wiltshire Council's Written Representations by the Trail Riders Fellowship

Dear Sirs

We are instructed by the TRF in respect of this matter and now enclose a response to Wiltshire Council's Written Representations by the Trail Riders Fellowship, just provided to us. We appreciate that this was due to be filed by deadline 3 and would ask for this document to be considered out of time.

Kindly confirm safe receipt.

Kind regards

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A303 Amesbury to Berwick Down

Proposed development consent order

RESPONSE TO WILTSHIRE COUNCIL'S WRITTEN REPRESENTATIONS BY THE TRAIL RIDERS' FELLOWSHIP

1. The Trail Riders' Fellowship ("TRF") provides this short response with a practical proposal for the way forward in light of Wiltshire Council's Written Representations. TRF otherwise maintains the case set out in its own Written Representations (and earlier consultation responses) and has nothing to add at this stage. A summary will be provided following the Issue Specific Hearing on 13 June 2019.
2. TRF's principal concern is on the need to maintain a local connection between byways 11 and 12 and also to ensure that the use of the A303 is not lost to small-capacity motorcycles.
3. The Highways England scheme has always proposed that the line of the 'old' A303 should become a restricted byway ("RB") by a process of extinguishing highway rights over the A303, and creating by order a new RB to cater for non-motorised public traffic, including disabled persons using powered mobility scooters, and for motorised private access traffic along the same route. One problem with this is that such traffic is not generally permitted to use a RB.¹
4. In its Written Representations, Wiltshire Council addresses "public rights of way considerations" at page 35 et seq. Wiltshire Council looks at traffic regulation on byways 11 and 12, and the other BOATs in the WHS, and states at para.184:

"The prohibition order should exclude motorcycles as the Council considers that any damage that they may cause is likely to be significantly less than that which has been

¹ The creation of a RB does not provide a public right of way for persons using mobility scooters; the statutory definition in s.48(4) of the Countryside and Rights of Way Act 2000 expressly excludes any right of way for mechanically propelled vehicles; the Chronically Sick and Disabled Persons Act 1970, in s.20 'Use of invalid carriages on highways' merely provides that these vehicles shall not be 'motor vehicles' for the purpose of some sections of the Road Traffic Act 1988, and the Road Traffic Regulation Act 1984, however that disapplication of certain 'motor vehicle' offences, (i) provides no alteration to the definition of a restricted byway, and (ii) provides no public right of way for mobility scooters on a restricted byway.

shown to be caused by four wheeled vehicles. There is less use of the byways by motorcycles and their lighter weight and additional manoeuvrability has a lesser impact on the surface.”

5. And at para.194:

“Should the proposed prohibition of driving order on byways 11 and 12 be made, but not to include the driving of motorcycles, it will be necessary to also make a Traffic Regulation Order to permit the driving of motorcycles by the public on the section of the former A303 between the entrances to Byways 11 and 12, in order to retain an unbroken route.”

6. TRF welcomes (and agrees with) Wiltshire Council’s view that motorcycles are not likely to have a significant impact on the byways, and submits to the Examining Panel that this applies equally (if not more strongly) to the ‘old’ A303. To put this as a simple term for minor amendment of the proposed DCO:

6.1. Do not extinguish public highway rights along the entire width of the ‘old’ A303 and create by order a new restricted byway. Instead stop-up part of the width, and leave the existing public right of way on the residual width and regulate the traffic along it by means of a traffic regulation order.

7. Among other things, this will:

7.1. Provide the link between byways 11 and 12 as originally proposed by Highways England, and in so doing will satisfy the principal limb of TRF’s representations;

7.2. Provide a continuing right of way for the public with mobility scooters;

7.3. Provide a continuing right of way for ‘land management traffic’;

7.4. Potentially provide a right of way for 50cc motorcycles for the length of ‘old’ A303 proposed to be closed;

7.5. Not prevent the removal of the blacktop surface of the ‘old’ A303, not prevent part of the width being stopped-up if required; and

7.6. Deliver certainty that the overground A303 would no longer be part of the ordinary network – let alone the strategic road network (i.e. classified roads): it would provide a solution that made it extremely unlikely that the overground

A303 would become an ordinary road in the future; that would tick the UNESCO box of the aim to remove busy main roads from the WHS.

8. Note that the traffic orders would not need to be enforced by full-sized traffic sign roundels as they could be enforced by gates or barriers, or through smaller traffic signs.
9. Continued motorcycle use of the 'old' A303 is no more of a problem than is continued motorcycle use of byways 11 and 12 and other byways in the WHS.
10. The WHS management plan 2015 deals with 'Highways network and usage' in part 11. At para.11.4.5 it states: "*Impacts of motorised access on byways open to all traffic in the WHS should be monitored and the most appropriate management response identified and implemented. (Policy 6b/Action 143)*". That is something that may be achieved through sensitively designed traffic order proposals. If the 'old' A303 is largely physically removed, and its traffic regulated in the same way as the byways are regulated, then the retention of motorcycle use of the 'old' A303 as a link between byways 11 and 12 (potentially also towards the west) is entirely in keeping with the WHS management plan.
11. As an alternative to addressing the issue in the DCO, Wiltshire Council as the local traffic authority could make a TRO that covers the byways *and* overground A303, providing that Highways England consents to this pursuant to s.1(3) of the Road Traffic Regulation Act 1984.
12. In summary, the solution:
 - 12.1. Does no harm to the proposed DCO as regards provision of the tunnel and achieving the A303 expressway;
 - 12.2. Provides for the physical removal of the existing A303 blacktop and road furniture; the regulated residual highway would be no more intrusive than the proposed restricted byway;
 - 12.3. Provides properly for disabled and land manager traffic;
 - 12.4. Provides reasonable continued access to and through byways 11 and 12 for TRF members;
 - 12.5. Is consistent with the WHS management plan 2015;
 - 12.6. Carries no extra monetary cost; and

12.7. Is within the scope of the DCO simply by the Examining Authority recommending that the closure of the 'old' A303 is only for part of the width, and for the remainder of the width closure for MPVs be replaced by traffic order management.

10 June 2019