

**A303 Amesbury to Berwick Down  
(Stonehenge) Wiltshire  
TR010025**

**Wiltshire Council (A303-AFP022)  
Written Summary of Oral Submissions  
put at the Compulsory Acquisition  
Hearings held between 9 and 10 July  
2019**

## Compulsory Acquisition Hearings – 9<sup>th</sup> to 10<sup>th</sup> July 2019

### **1. Agenda Item 3: The Book of Reference**

#### Whether the updated Book of Reference (REP2-007) is now accurate and complete

- 1.1 Wiltshire Council confirmed that it submitted their review of the Book of Reference and the position has not gone beyond that which has been set out in writing already. Concerns are still outstanding as set out in Wiltshire Council's Deadline 2 document.
- 1.2 Highways England (HE) stated that the Book of Reference as of Deadline 2 is up to date in respect of land registry matters. A number of comments were received from Wiltshire Council at Deadline 2, which HE responded to at Deadline 4. However, plot number 03-11 currently incorrectly records Wiltshire Council as having an interest in respect of apparatus but no apparatus in present. HE are submitting a further updated Book of Reference at Deadline 6 incorporating further changes which may arise through Land Registry updates and land referencing.
- 1.3 The Council will wait for Deadline 6 and HE's further document to provide a full explanation.

### **2. Agenda Item 8: Representations from Parties Who May Be Affected by the Compulsory Acquisition Provisions in the dDCO**

- 2.1 In response to Carter Jonas's (representing Biddestone House Farm and Berwick Down Limited) concerns regarding the future maintenance of new public rights of way between the Longbarrow roundabout to connect to BSJA 11, particularly as the public rights of way will also form private means of access to their client's land, Wiltshire Council confirmed that there is an assumption that the Local Authority will be responsible for all public rights of way but there is a query as to what HE are proposing in respect of that.
- 2.2 In response to Carter Jonas requesting that Wiltshire Council expands on how it will be responsible for the maintenance of the new public rights of way and whether sufficient resources are being put in place to meet that additional maintenance requirement, the Council confirmed that it is working very closely with HE. The Council is yet to know precisely the detail of the Scheme, but the Council is working on the basis that it will accept responsibility, as local highway authority. Assuming that, the Council will seek funding from HE through the Scheme for ongoing maintenance purposes. Where the relevant land is in private ownership, Wiltshire Council's responsibility will be confined to making sure the Right of Way is acceptable to the public. Other than that, the Council will look to the specific landowners as it would do with all other rights of ways.
  - 2.2.1 Wiltshire Council made the following general points:
  - 2.2.2 HE is under a duty to create replacement highways for any existing highways that are to be stopped up or severed by the Scheme, unless there is no need for an alternative route to be provided (this could be where there are other existing highways that provide suitable alternatives). HE carried out their own assessment of the effect of the Scheme on all recorded public rights of way within the Scheme boundary and how severances could best be addressed in order to meet their duty.

- 2.2.3 In addition to its duty at 2.2.2 above, it is appropriate for both Wiltshire Council and HE to be aware of and to seek to deliver applicable elements of the UK Government's Strategy for the Horse Industry in England and Wales. One of the eight aims within the strategy is "to increase access to off-road riding and carriage driving". It follows that where there are requirements or opportunities to create new public rights of way through the Scheme, the most appropriate status of these is as Restricted Byways because these allow for use by carriage drivers as well as walkers, cyclists and horse-riders.
- 2.2.4 HE then consulted Wiltshire Council on its proposals as they affected public rights of way and where they considered suggestions for any amendments by the Council to assist it to meet its own statutory duties to be both feasible and capable of being delivered by the Scheme, HE included them in the DCO application.
- 2.2.5 Where suggestions from Wiltshire Council were made, the reasons for them were because the Council considered; (1) that the proposals could be improved to provide better alternatives than HE had been able to identify, or (2) that there were no suitable alternative routes such that new sections of public rights of way were needed, or (3) that under its statutory duty through the Rights of Way and Countryside Act 2000 to prepare a Rights of Way Improvement Plan (ROWIP). ROWIPs must consider the present and likely future needs of the public, including those with mobility and visual impairments. The Council identified that the Scheme offered an opportunity to improve existing paths and to create new links between existing paths to make the network easier to use and connect. Delivery of these objectives can be seen as a legacy benefit of the Scheme.
- 2.2.6 The new restricted byway and bridleway between Longbarrow and Druids Lodge alongside the A360, Longbarrow and the Stonehenge Visitor Centre improves connectivity of the rights of way network and road safety for motorised users and may be seen as a legacy benefit.
- 2.2.7 Wiltshire Council confirmed that it will treat the new public rights of way as it treats existing ones; if the landowners with private means of access over the public rights of way require a higher standard of maintenance of that public right of way than that required by the public, the Council would look to the landowner to pay those additional costs. Wiltshire Council considered this to be an issue to address separately to highway issues.
- 2.2.8 HE confirmed that it is liaising closely with Wiltshire Council during the development of new rights of way. HE confirmed there is no other convenient way of linking the public right of way to the south of the A303, which is why it has maintained the part called into question by Carter Jonas. HE confirmed it will agree the details of the Scheme with Wiltshire Council and the provision of funding to deal with ongoing maintenance. There may be very little difference between what is required for private rights to what is required for public rights. HE confirmed that if a distinction can be drawn between the two, the landowner will have liability for those costs which are for private rights of access.
- 2.3 HE addressed a concern regarding the de-trunking of the A303 and the layby which is currently used for parking and the selling of food and drink. The concern is that the layby will be filled in but this does not stop people parking and making the area very undesirable by carrying out

illegal activities. HE advised that the current intention is to fill in the layby, reprofile and plant the area to make it unavailable for parking and any other activities. The current intention is recorded in the Statement of Common Ground with Wiltshire Council. Wiltshire Council confirmed it had nothing to add in respect of this.

- 2.4 Howard Smith, representing Mr Rowland and PJ Rowland & Sons, asserted that concerns remain in connection with the land to be acquired for the Allington Track; the width of the land to be compulsorily acquired includes a strip of land on either side of Allington Track. Howard Smith queried whether the strips of land either side were for utilities.

2.4.1 HE stated that the width of the highway is a matter it considered to be required for the highway, the highway verge and any utilities provision. The new Allington Track is to be 5.5 metres wide with passing points for larger vehicles, Wiltshire Council confirmed that it has an interest in maintaining the verges on both sides of the track for various reasons. Wiltshire Council will be the authority which the Allington Track road will be vested in once made. One of the issues Wiltshire Council has raised is that it would expect any road which becomes a county road to be provided with adequate verge width on both sides of the carriageway, reflecting what is on the existing Allington Track at the moment. The verges accommodate the statutory undertaker's apparatus, road signage, road drainage plus safer provision for any access made onto the road from the adjacent land. Wiltshire Council would not expect the boundary to be completely adjacent to the carriageway as the carriageway may be hedged. Wiltshire Council confirmed that it has made previous representations on its expectation of adequate verges for the provisions mentioned here.

- 2.5 Robert Bruce from Freeths Solicitors, representing English Heritage and Historic England, raised an objection in respect of a new public right of way leading to the Stonehenge Visitor's Centre for use by pedestrians and cyclists. Wiltshire Council stated that Mr Bruce made mention only of pedestrian and bicycle use of the proposed route. The Examining Authority (ExA) is asked to note that the route has been proposed as a restricted byway which, if it can be implemented, will add equestrian users to those who need to be considered. That clearly adds a new dimension to concerns about safety of all users of the Visitor Centre car park and access.

2.5.1 While keen to see the implementation of this important connection between other public rights of way as are intended to be delivered through the Scheme as a whole, Wiltshire Council has no wish to create new or to add to existing concerns over safety.

2.5.2 This is one of the reasons why Wiltshire Council has been and continues to be supportive of the considerable efforts that both HE and Historic England have put into finding an alternative route that would achieve the objective of providing a route for users of the byway that connects the public rights of way network as a whole, as it will be delivered by the Scheme, and avoids vulnerable users having to use the A360 to make that connection.

2.5.3 Turning to the need for this route, the public rights of way as they will change the accessibility to, within and through the World Heritage Site (WHS), will provide better and safer access for non-motorised users and facilitate improved access to the Visitor Centre for cyclists who may at present be deterred from travelling by bicycle to the Centre because of the busy road network. Without this route, the only connection

between the new restricted byway along the decommissioned A303 and the former A344 for cyclists will be Byway 12, unless they use the A360 itself.

- 2.5.4 For cyclists travelling from and to the south and west of the WHS, the detour to the east to use Byway 12 will be a new deterrent. Some of these users will be passing through the WHS while commuting between places of work. They will require the most direct routes; however, the Council acknowledges that leisure cyclists may be less concerned about that. Wiltshire Council is already aware of aspirations of cyclists from the Shrewton area to the north-west of the WHS for safe off-road access to Amesbury and Salisbury. That is beyond the ability of this Scheme to deliver, but the Scheme could provide part of that access with the remainder to be pursued separately.
- 2.5.5 For equestrians and walkers, there will be better access to and from the west, which will deliver them to the Longbarrow Roundabout and the new restricted byway along the A303, but equestrians in particular will need to continue eastwards to byway 12 before they can go north again, if the new restricted byway directly to the former A344 at the Visitor Centre is not provided for their use.
- 2.5.6 Wiltshire Council believes that its duties to consider the present and likely future needs of the public within the statutory Rights of Way Improvement Plan requires that we continue to seek the provision of this route. However, the Council does recognise the safety concerns of Historic England about the mix of users at the Visitor Centre car park and in this respect, considers that the need to provide this new opportunity for improved off-road access is of higher priority for cyclists than it is for equestrians.
- 2.6 Wiltshire Council confirmed it agreed with the position as outlined by HE and Graham Eves, representing ClassMaxi Ltd. and its predecessors, the Amesbury Property Company, with regards to Mr Eves' comments in respect of the ongoing discussions and negotiations between ClassMaxi Ltd., HE and Wiltshire Council with regards the dedication of the Allington Track.
- 3. Agenda Item 12: Sections 131 and 132 of the PA2008 – Open Space, Compulsory Acquisition of Land and Rights Over Land**
- 3.1 Wiltshire Council confirmed it agreed with HE's comments in respect of how HE has dealt with replacement land which is subject to existing rights and that this meets the statutory test in section 131 Planning Act 2008.
- 4. Agenda Item 14: Any Other Matters**
- 4.1 Wiltshire Council raised a timetabling matter. Wiltshire Council has concerns in respect of byways 11 and 12. The ExA heard the legal arguments for the possibility of modifying the dDCO and a decision is awaited. Wiltshire would not necessarily ask that some of the remaining Compulsory Acquisition Hearing time is dedicated to this as it depends on the outcome of the ExA's decision on that but Wiltshire Council wanted to put it in the ExA's mind because, depending on outcome of the ExA's decision, Wiltshire Council will need to schedule dates in its Counsel's diary to ensure the relevant witnesses and parties can attend. Wiltshire Council's concern is that whilst there has been the opportunity for legal arguments to be heard, the substantive arguments have not been heard. Wiltshire Council wants the ExA to have the complete picture of the views which have not yet been aired.

- 4.2 The ExA confirmed it is aware of that point and will be considering all submissions and how best to proceed.