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From: Gail Johnson [REDACTED]@bhsvolunteer.org.uk>
Sent: 04 April 2024 07:03
To: M3 Junction 9
Cc: [REDACTED]@bhs.org.uk; Janice Bridger
Subject: Application by National Highways Limited Seeking Development Consent for the Proposed M3 Junction 9 Improvement Scheme

Categories: SoS

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Dear Sirs

Application by National Highways Limited Seeking Development Consent for the Proposed M3 Junction 9 Improvement Scheme

Interested Party Reference 20036704

I am responding to the above-mentioned Application in my capacity as the local volunteer Access and Bridleways Officer for the British Horse Society (BHS). I am also a member of the Society's Access and Rights of Way Consultation Committee which is a national BHS forum.

Side Agreement with Hampshire County Council (HCC)

As a member of the non-motorised user group that has been liaising with representatives of National Highways (NH), we have not been given sight of the Side Agreement that is referred to in Section 3 of the Statement of Common Ground with HCC (Rev 1) dated 10 November 2023. We are concerned that it covers topics that affect rights of way, walking/cycling/horse riding routes (both on and off road) and diversions. By not sharing the content of this Agreement, NH and HCC have not provided the user group with the opportunity to analyse or comment upon its content. As no reason has been given as to why we cannot know of its contents we consider this to be a lack of transparency.

We are, therefore, reliant upon the Department for Transport to ensure our concerns are addressed and our rights are protected, providing for the safety of people and animals as well as access.

The following issues may, or may not, be included in the Side Agreement. As we do not know, we have taken the opportunity to address them as part of this consultation.

NCN23

We would draw your attention to this historic issue. Currently equestrians only have legal access via a bridleway that goes 50% of the way through the M3/A34 junction. Although equestrian use is currently limited due to the constraints of the bridleway, we understand that it was created at the time of the M3 build to replace a bridleway that crossed the route of the M3 and was subsequently stopped up. Therefore, we would argue that this historic anomaly should be rectified by providing equestrian rights across the entire junction allowing access to and from the historic city of Winchester. There is also the potential issue regarding maintenance of a route which is part bridleway and part cycleway as it would be split between HCC and NH.

Route from Kings Worthy to Winnall

NH intends that this should only be a footway/cycleway, excluding equestrians. The argument by NH is that it would lead to a dead end for equestrians, but our argument is that if equestrians were given full access across the junction as outlined above then this would not be a dead end. By providing equestrian access on this route it will help future proof any potential development that would allow better equestrian access.

Bridleway between Easton Lane and Long Walk

The proposed new public right of way to the east of the M3 has been designated as a bridleway. We would argue that this should be a restricted byway as the proposed route joins a restricted byway, reference Itchen Valley RB 128/19/1. It would provide a circular route for local carriage drivers which are a minority group that have been excluded, until recently, from discussions with NH. My observations during meetings is that NH do not understand the difference between who can use a bridleway and who can use a restricted byway. As you are undoubtedly aware, the latter can be accessed by carriage drivers whereas they are not allowed to use bridleways. Horse drawn vehicles have very little safe-off road driving and quite often no access to their legal restricted byways due to the surfaces being irreparably damaged by motorised use making them unsafe for a horse pulling a carriage over deep ruts the cost of repair of which is prohibitive. Therefore, the creation of this new route as a restricted byway provides an opportunity to allow all equestrians safer off-road access.

The Society is also concerned about the maintenance of this route, particularly during the winter months. Therefore, we would ask what measures have been put in place to protect the surface, which we understand will be chalk downland (although not confirmed), from climate change. The surface is an important matter. Whatever surface is to be used must be safe for horses hooves and legs.

On the premise that this route should be a restricted byway, the BHS recommends a width of 5m. This is to ensure that should at some point in the future the route is fenced there is sufficient room to enable all users to pass each other in a safe way. The same applies to a bridleway in that a minimum width of 4m should be dedicated to allow safe use by all.

Cart and Horses Junction A33/B3047

This is an unsafe junction which HCC is proposing to improve. Because of this and the fact that the A33 is a very busy road, it does not provide a safe crossing for equestrians thereby dissecting local community access. We therefore support the concerns of other non-motorised users that the plans for improvement by HCC are unclear as to how and when this improvement will take place.

Site offices

The location of site offices and diversions during construction may clash with cyclists, walkers and equestrians. We trust that the Side Agreement deals satisfactorily with these potential issues.

Conclusion

As mentioned above, the Society is very much reliant on the Department for Transport ensuring the Side Agreement does not exclude or discriminate against non-motorised users and in particular all equestrians.

Yours faithfully,

Gail Johnson
Access and Bridleways Officer
British Horse Society

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