

From: [REDACTED]
To: [A303 Sparkford to Ilchester](#)
Subject: SSBA response to "minded to refuse" letter dated 21st. July 2020
Date: 11 September 2020 13:12:27
Attachments: [ATT09982.pdf](#)

Dear Sirs,

Please accept the attached as the South Somerset Bridleways Response to the Minister's letter dated 21st. July 2020.

We would be grateful for an acknowledgment to this email address.

Yours sincerely,

Sarah Bucks
Chair, South Somerset Bridleways Association

**PLANNING ACT 2008 AND THE INFRASTRUCTURE PLANNING
(EXAMINATION PROCEDURE) RULES 2010**

**APPLICATION (“THE APPLICATION”) BY HIGHWAYS ENGLAND (“THE
APPLICANT”) FOR AN ORDER (“THE ORDER”) GRANTING
DEVELOPMENT CONSENT FOR THE A303 SPARKFORD TO ILCHESTER
DUALLING (“THE PROPOSED DEVELOPMENT”)**

**REQUEST FOR COMMENTS FROM ALL INTERESTED PARTIES ON THE
APPLICANT’S RESPONSE TO THE SECRETARY OF STATE’S ‘MINDED
TO REFUSE’ LETTER**

**SUBMISSION BY SOUTH SOMERSET BRIDLEWAYS ASSOCIATION
(“SSBA”)**

SEPTEMBER 2020

Introduction

SSBA is a registered Interested Party in relation to the Application. SSBA welcomes the Secretary of State's request for comments on the Applicant's response to his 'minded to refuse' letter of 21 July 2020.

SSBA's primary interest relates to the Proposed Development's effects on Non-Motorised Users (NMUs) – walkers, cyclists and equestrians (including both horseback riders and carriage drivers). In particular, SSBA is concerned to ensure adequate mitigation of adverse effects on NMUs arising from the Proposed Development's effects on existing Public Rights of Way (PROWs), including those that are subjects of outstanding Definitive Map Modification Order (DMMO) applications.

SSBA agrees with the Examining Authority's (ExA) finding that the Proposed Development would not accord with a number of provisions of the National Network National Policy Statement (NNNPS) *inter alia* because of the failure to mitigate multiple adverse effects on NMUs. SSBA strongly supports the specific mitigation proposals put forward by the ExA in relation to the three routes judged to be of particular concern and agrees that the Secretary of State should include a requirement for each of these proposed mitigations in any Order he may grant.

SSBA offers the following additional comments.

Classification of the proposed new NMU route

SSBA notes the Applicant's proposal to provide a new NMU route alongside the A303 as required by the NNNPS. SSBA further notes that the term 'NMU route' has no recognised meaning in law. It will be necessary to specify exactly what rights will exist over the route and by which class of user they may be enjoyed. SSBA submits that the route should be recorded as a Restricted Byway throughout its length, to ensure that all NMUs (including carriage drivers as well as horseback riders, cyclists and walkers) are entitled to use it. Classification as a bridleway would preclude use by carriage drivers and thus fail to deliver the requirements of the NNNPS.

Eastmead Lane

SSBA strongly supports inclusion of the ExA's suggested requirement in any DCO the Secretary of State may grant.

The ExA has rightly recognised that the public have a right to cross the A303 at grade a short distance to the east of the southern end of Eastmead Lane. This crossing forms part of a definitive route that was not stopped up when this section of the A303 was dualled. The Applicant proposes the crossing now be stopped up and a new route provided to enable NMUs to cross the new carriageways at the proposed new Downhead overbridge. This would necessitate a 5.2 kilometre detour. The ExA rejected the Applicant's proposal as being contrary to the Government's aim of providing sustainable transport choices by convenient routes, effectively severing the community, and recommended an additional requirement to ensure adequate mitigation.

SSBA considers the Applicant's proposed mitigation to be unrealistic and wholly unsatisfactory. In SSBA's opinion, a diversion of this length is unreasonable and may be expected to deter NMUs from using the Eastmead lane (Y30/28) definitive route or encourage them to take unnecessary risk by crossing at grade.

SSBA is therefore pleased that the Secretary of State has taken note of the more effective mitigation we have proposed jointly with South Somerset District Council (SSDC) and Somerset County Council

(SCC) to provide an alternative NMU route over the Higher Farm Lane overbridge. This would involve a detour of only 1.5 kilometres, and could be readily delivered by:

1. The Applicant dedicating restricted byway rights on a suitable route within the DCO boundary from Eastmead Lane to Higher Farm Lane; and
2. SCC making the requisite orders to record the restricted byway rights along Higher Farm Lane (including the overbridge) pursuant to the outstanding DMMO application (SCC reference 863M) and to connect the route in 1. above to Higher Farm Lane.

This proposal, if implemented, would have the additional benefit of resolving the failure to deliver bridleway Y30/29 in accordance with the 1996 Side Roads Order.

SSBA rejects the Applicant's submission that the Higher Farm Lane overbridge would require strengthening and upgrading to be suitable for use by NMUs. In SSBA's view, no works are necessary: it is an existing bridge carrying a road in current use by vehicular traffic with public rights of way for NMUs, and is outside the DCO area. There would thus be no requirement to conform to current new build standards. The risks identified by the Applicant in relation to sight lines and parapet height are overstated¹ and could be satisfactorily mitigated by providing appropriate signage and mounting blocks for equestrians, as has been done on public highways elsewhere.

The Applicant's estimate of costs to deliver the ExA's suggested mitigation, at £450,000, is excessive. The only costs that could not be avoided would be limited to costs incurred by SCC in processing the outstanding Higher Farm Lane DMMO application and making the requisite orders, and legal costs incurred by the Applicant in dedicating restricted byway rights on a suitable route between Eastmead Lane and Higher Farm Lane. If the Applicant elects to strengthen the bridge in order to accommodate construction traffic, the associated cost should not be attributed to the NMU mitigation.

Traits Lane and Gason Lane

The Applicant proposes to stop up both Traits Lane and Gason Lane at their northern ends so that NMUs will lose their existing rights to pass from one to the other along the A303. A footpath diversion connecting the two across Crown Land occupied by the Ministry of Defence is proposed in mitigation. However, no mitigation is proposed for loss of the higher rights which will adversely affect cyclists and equestrians. The ExA found that the proposed mitigation would effectively sever the existing PRoW network, contrary to the NNNPS, and recommended inclusion of a requirement within the DCO to ensure that alternative provision is made for horse riders and other NMUs. SSBA is pleased to note the Secretary of State would be minded to agree with this requirement were he to grant development consent and strongly supports this position.

SSBA recognises that there are a number of potential obstacles to delivery of this requirement and that none of the available options is fully satisfactory. SSBA considers the mitigation proposed by the Applicant to be the least satisfactory.

1. The Blackwell Road option

The Applicant says that cyclists and equestrians could use this route to connect between the eastward and westward sections of the proposed NMU route. This option utilises existing public roads open to all traffic. In SSBA's view, placing reliance on this route as mitigation of the loss of PRoWs identified by the ExA would be wholly unsatisfactory and, in all likelihood, ineffective in preventing severance of the PRoW network. First, it would involve a detour of 2.3 kilometres,

¹ NMU sightlines are not inferior to those of motorised users.

adding materially to journey times. Secondly, and of much greater significance, it would involve major safety risks for NMUs. Blackwell Road is a narrow single track road with poor sight lines, no continuous verges and few passing places. If, as proposed, no new parallel road is provided, the volume of traffic using Blackwell Road may be expected to increase substantially even under normal conditions, carrying local traffic which currently uses the A303 in addition to current flows. In the event of an incident closing part or all of the new A303 carriageways, Blackwell Road would be the most direct default route, adding further to the traffic loading (including large commercial vehicles for which Blackwell Road is unsuited) and causing severe congestion or outright blockage.

In SSBA's view, these considerations would be likely to deter many if not most NMUs from using the route and, accordingly, this option would fail to deliver the mitigation the ExA recommends be required unless, in parallel with the Proposed Development, Blackwell Road is upgraded throughout its length to provide adequate capacity for all motorised traffic, including large commercial and agricultural vehicles, and safe space for NMUs.

This would require acquisition of additional land and therefore may not be practicable in the timescales planned for the Proposed Development, but it could potentially ameliorate the Applicant's proposed mitigation to the point at which it would meet the ExA's recommended requirement and therefore deserves consideration. It would also help to address the concerns expressed by a number of Interested Parties at the absence of provision for a parallel road and facilitate access for the emergency services in the event of an incident blocking or requiring closure of the A303 carriageways.

2. Diverting the proposed NMU route along the southern perimeter of the Crown Land holding

SSBA understands that the MoD has indicated it would be content for a public footpath to be created inside the southern perimeter of the Crown Land it occupies but has refused consent to creation of any higher rights on this route. SSBA further understands that the owner of the adjacent land to the south claims protection from compulsory acquisition on grounds that the land is sacred and for similar reasons is unwilling to dedicate any PROWs over it. While it may be open to the Applicant to test the validity of the landowner's claims, this would inevitably entail further delay and potentially significant expense with no assurance of a successful outcome.

Unless one or other of these parties changes its stated position, this option would fail to deliver the mitigation the ExA recommends be required. SSBA does not oppose the creation of a public footpath *per se*, but wishes to make clear that it would not mitigate the adverse effects on cyclists and equestrians and would therefore be unacceptable were it the only mitigation required.

SSBA notes that the 1996 Side Roads Order authorised the Secretary of State for Transport to construct a new bridleway between Traits Lane and Gason Lane on the Crown Land holding adjacent to its southern boundary (New Highway G in Schedule 2 and on Site Plan No. 2 to the 1996 SRO). That is to say, just such a route as MoD now says it will not accept. It is unclear why it has not yet been delivered. Nevertheless, inasmuch as it is implausible that the 1996 SRO would have authorised the construction of an undeliverable bridleway, it seems reasonable to conclude that there is no absolute bar to its construction. This being so, the MoD's current position may be presumed to reflect a policy bias rather than a stricture of any kind and thus should be open to reconsideration. SSBA urges the Secretary of State to pursue this possibility, including in discussion with ministerial colleagues, as delivery of the new bridleway authorised by the 1996 SRO would represent the most satisfactory option for mitigation in accordance with the ExA's recommendation.

3. Diverting the proposed NMU route along the northern perimeter of the Crown Land holding

SSBA notes that no consideration appears to have been given to this option. SSBA considers that provision of a suitably protected NMU route adjacent to the A303 westbound carriageway between Traits Lane and Gason Lane, with a width of, say, three metres, would provide acceptable mitigation. Although not fully consistent with the NNNPS provisions, it would represent both a safer and a more convenient diversion than the Blackwell Road option and would be less expensive than upgrading Blackwell Road.

SSBA therefore urges the Secretary of State to require this option to be explored, including in discussion with relevant ministerial colleagues to establish whether MoD would agree to dedicate bridleway rights over, or to acquisition by the Applicant of, a thin strip of land along the northern perimeter of the Crown Land holding if needed to deliver this option. SSBA recognises outright acquisition would need to be done by private treaty but such an approach would avoid the delay associated with a contested compulsory acquisition order to accommodate a southerly route on private land, and may be less problematic for MoD than granting higher rights on the proposed southern footpath route.

Hazlegrove underbridge

SSBA agrees with the ExA's finding that the Applicant's proposals with respect to lighting of the proposed new underbridge are inadequate and fail to meet the needs of NMUs. SSBA is pleased that the Secretary of State is minded to agree that night-time lighting, on the approaches as well as in the underpass itself, is a reasonable step that is essential to minimise the risk of road casualties and improve road safety and, accordingly, to agree with the ExA's recommended change to the DCO.

SSBA notes that the Applicant has not disclosed the internal dimensions of the proposed underbridge nor the materials to be used in its construction. SSBA considers the NMU route should be separated from the motorised vehicular carriageway(s) and screened to protect NMUs from vehicle lights and noise in the underpass. Without such protection, NMUs (especially equestrians) are at risk of being distracted, causing a road safety risk for all users. The internal dimensions should therefore be a minimum of 5 meters wide and 3.5 meters high exclusive of screenings. Ideally, the NMU route should pass through a separate side tunnel with an anechoic inner surface. This would substantially mitigate the safety risks for both NMUs and motorised traffic and improve the attractiveness of the route for NMUs.

At approximately 25 metres, the underbridge will be unusually long. It is therefore especially important to make it as attractive as possible for NMUs.

Bridleway provision and equestrian crossing at Hazlegrove Roundabout

SSBA is concerned at the lack of provision for safe use of the Hazlegrove roundabout by equestrian NMUs.

The Applicant proposes to connect the proposed new NMU route where it crosses the de-trunked A303 (point BX on REP8-001, rights of way and access plans sheet 4) to Sparkford High Street (at point BU on REP8-001, rights of way and access plans sheet 4) by a new footway and cycle path round the southern perimeter of the Hazlegrove roundabout. Horse riders will not be allowed to use this route. This will have the effect of forcing horse riders onto the roundabout's carriageways, and would be inconsistent with both the NNNPS and The Highway Code.

SSBA is pleased that the ExA recognised the dangers inherent in the Applicant's proposal which will have the effect of severing the route for horse riders round the southern perimeter of the roundabout between Sparkford High Street and the proposed new NMU route connecting the de-trunked A303 with the proposed new Hazlegrove underbridge. SSBA therefore fully supports the ExA's recommendation that the DCO should be changed to require the proposed new footway and cycle path to instead be a bridleway and a new signal controlled crossing to be provided across the A359 approach to the south of the roundabout.

SSBA is surprised that the Secretary of State's 'minded to refuse' letter of 21 July 2020 makes no mention of this recommendation and urges him to include a requirement to give effect to the ExA's recommendation in any DCO he may grant.

The Applicant's supplementary submission in response to the Secretary of State's 'minded to refuse' letter (Volume 9.45) sets out a number of arguments why the ExA's recommended change to the DCO should be rejected, including that

- there is no existing bridleway in this area which is affected by the Proposed Development requiring mitigation, and
- the proposed signal controlled crossing cannot be delivered in compliance with applicable road safety design standards.

SSBA considers that neither of these arguments is well founded. As to the first, it is irrelevant that there is currently no designated bridleway in the area. NMUs including equestrians are currently entitled to use the verges of the roundabout to travel between the points to be connected by the proposed new footway and cycle path. The Applicant's proposal would take away this right for horse riders. This is clearly an adverse effect of the Proposed Development on equestrian NMUs and the ExA's recommended mitigation is both appropriate and deliverable.

As to the second, SSBA disagrees with the Applicant's assertion that installation of a Pegasus signal controlled crossing of the A359 approach would require construction of horse corrals at either side of the crossing in accordance with the DMRB standard, which would not be deliverable because of space constraints. SSBA contends that there is no need to provide horse corrals: there are many existing Pegasus crossings around the country built to a modified standard authorised by DfT, including many without horse corrals, which continue to be used safely by horse riders and other NMUs (see the attached British Horse Society Advice Note on Pegasus crossings²). It would be open to the Secretary of State to permit a modified standard for this case also and SSBA urges that he do so. This would mitigate road safety risk for pedestrians and cyclists as well as equestrians, compared to the Applicant's proposal under which no safe crossing is to be provided.

Unrecorded Rights of Way

SSBA wishes to draw the Secretary of State's attention to a number of unrecorded rights of way that would be affected by the Proposed Development should consent be granted. All are subjects of outstanding DMMO applications. Of particular concern are those which intersect the A303 at grade.

Two of these applications, **861M** (Eastmead Lane) and **863M** (Higher Farm Lane), are addressed earlier in this submission. Two further routes which cross the A303 at grade would require mitigation:

² The hyperlinks have been inserted by the author to facilitate appreciation of the design modifications authorised by DfT in these cases.

1. **858M: Route from the Sparkford Inn to South Barrow**

This relates to unrecorded bridleway rights over a route from the Sparkford Inn to South Barrow which crosses the A303 at grade at a point close to that at which Definitive Footpath WN27/16 crosses the A303, also at grade. Although outside the DCO envelope, the ExA identified that replacement of this at grade footpath crossing with a new footbridge as part of the Proposed Development would accord with the provisions of ¶3.17 of the NNNPS. If such a bridge is to be included in the Proposed Development, SSBA urges that it be constructed to bridleway specification to facilitate a future diversion of the 858M bridleway in the interests of NMUs not entitled to use WN27/16.

2. **869M: Route from A359 in Sparkford to Hazlegrove Lane**

This is a public road, crossing the A303 at grade east of the Hazlegrove roundabout, which was created by the landowner and recorded in the Quarter Sessions. The crossing is within the DCO envelope and would require mitigation to prevent this route being severed by the re-aligned A303 carriageways. It would be open to the Applicant to dedicate this route as a byway and then divert it westwards via the Hazlegrove underbridge to Hazlegrove Lane. SSBA urges that this be done as a requirement of the DCO.

859M relates to Hazlegrove Lane which is an undesignated heritage asset within the DCO envelope. It will be partially destroyed by the proposed construction of a bund on the land over which it runs. If the rights for which application is made are ordered to be recorded, a diversion will be required. SCC raised this matter at the Examination and proposed a requirement to address it.

SSBA is pleased to note that the ExA supported the aim of SCC's proposal. SSBA accepts the ExA's finding that SCC's proposed requirement would be unreasonable in all the circumstances, given *inter alia* the inherent uncertainty, and urges that an alternative approach be found to address this issue, so the PRow route is not lost or severed and the destruction of a heritage asset is mitigated.

851M relates to a route between the A359 and the A303 west of the Hazlegrove roundabout. In SSBA's view, there would be no materially adverse effect of the Proposed Development on this route requiring mitigation.

SSBA submits that the most appropriate approach to take in respect of all these routes would be for the related DMMO applications to be processed expeditiously, in accordance with SCC's prioritisation policy, and, where appropriate, for the DCO to require acceptable mitigations³ in respect of all that are ordered to be added to the Definitive Map and Statement. The applications are all well evidenced and could be processed speedily, avoiding any material delay to the Proposed Development. SSBA urges the Secretary of State to give further consideration to this matter.

South Somerset Bridleways Association

September 2020

³ SSBA notes that it is possible if not likely that the most appropriate mitigation in some of these cases would include diversion of the relevant route so as to cross the A303 by the Hazlegrove underbridge. This further strengthens the case for a bridleway around the southern perimeter of the Hazlegrove Roundabout in place of the proposed footway and cycle path.

Advice on Pegasus Crossing Locations in England and Wales

The
British
Horse
Society

The law and management of public access rights vary widely between the four countries of the United Kingdom. This advice note is written for England and Wales and although elements of the advice may be applicable in Scotland and Northern Ireland this cannot be assumed.

If this is a saved or printed copy, it may not be the most recent version.

Pegasus crossings have a standard which you can see in the Design Manual for Roads and Bridges. However, at many sites with low numbers of people crossing, the extensive segregation may be unnecessary and cost may be reduced by modifying the crossing from the standard. The highway authority can do this by application to Department for Transport (DfT).

Examples

A193 Blyth, Northumberland NZ 32238 78440 2020 at a cost of approximately £152,000, 60mph reduced to 40mph as part of development.

Forge Lane, West Bromwich (Sandwell Valley Country Park). Speed limit reduced from 60mph to 30mph following ten year campaign ([H&H article](#)).

Chilton, Oxfordshire interchange, completed November 2016. Originally proposed as Toucan crossing but changed to Pegasus following strong work by CABO and RABO. Required additional land take. 448965,186151 Scheme was for north facing slip roads and roundabout on link routes with RB crossing both A34 and link road. Underpass of the A34 plus Pegasus on the Hagbourne Hill road.

Talacre, Flintshire [Streetview](#) c.2013 part of large scheme including traffic calming, width reduction and speed limit.

Bradford feeder route to the Pennine Bridleway tricky location, A629 Halifax Rd, Manywells Height, Denholme 406238,435570 [Streetview](#)

A6053 Moses Gate Country Park, Little Lever, Bolton 374291,407110 [Streetview](#). The cost was £72,000 in 2009; estimated cost 2016 £90,000.

B556 Bell Lane, Shenley, by Arsenal ground, Herts [Streetview](#), TL 18571 02948

A405 Bricket Wood, St Albans, Herts [Streetview](#). TL 1195 0216. This was achieved by an application to DfT for a deviation from the standard because of lack of space.

A507, Millbrook [Streetview](#) c.2014 funded by Center Parcs under a S106 agreement, which also upgraded a footpath to bridleway as part of a diversion to allow the development.

A322 Guildford Road, Bisley, Surrey. [Surrey County Council press release](#) [Streetview](#) Non-standard on space.

Woodmansterne Road, Carshalton [Streetview](#) [Press at opening](#)

A4180 Ducks Hill Road, Hillingdon [Streetview](#) [Drawings for design](#)

A5758, Sefton SD 33976 01361 Holgate [Streetview](#) 50mph

A426 at Blaby just S of Leicester, dual carriageway [Streetview](#)

A43 Towcester south, [Streetview](#), dual carriageway adjacent to roundabout, with McDonalds (at services) and a school. Mainly used by school children going to the services but is occasionally used by horses.

Saxilby/Carholme Road, West Common/Fosdyke Bridleway, Lincoln SK960717 [Streetview](#)

Hyde Lane, Taunton 326035,126335, new development, Pegasus as part of S106. Housing estate now so probably unlikely to be used by horses.

Mary Towneley loop: Waterfoot 383614 421727 [Streetview](#), Bottomeley 394162 420649, Summit (southern section of the Pennine BRW leading from Reddyshore Scout to Littleborough and Hollinworth Lake) 394656 418853

Sainsbury's Stevenage, Hertfordshire on the Stevenage Horse and Pony Route TL 22635 26694 enables riders to cross the entrance to Sainsbury's to reach an underpass of a busy road.

[Streetview](#)

Wisley, Surrey bridleway 12 Ockham crosses the A3 immediately north of J10 of M25. Crossings on the A3 sliproads northbound TQ080593 and southbound TQ081593.

Crossings with lower levels of street lighting

[A6053 Kearsley](#), Greater Manchester.

[A507 Brogborough](#), Milton Keynes

[Brewers Road, Shorne](#), Kent.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. The Society recommends seeking advice specific to a site where it is being relied upon.