

Secretary of State for Transport,
Department of Transport,
Tyneside House,
Skinnerburn Road,
Newcastle Business Park,
Newcastle upon Tyne,
NE4 7AR

Our ref:

25 November 2022

By Email to nationalcasework@dft.gov.uk

Dear Sir or Madam

**North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase Order
2022 (the "Order")
Objection – Michael Richmond**

We are instructed by Michael Richmond who is the freehold owner of [REDACTED] (the Property). The Property is immediately to the north of and is served by the unregistered lane covered by plots 4/4, 4/5 and 4/9 shown on Plan Sheet 4 of the Order. Our client is listed in the tables in the book of reference in relation to plots 4/4 and 4/5. For the reasons set out below, our clients find it necessary to object to the Order.

We confirm we accept service of documents in relation to this matter

We would therefore be grateful if this letter is taken as our client's formal objection to the Order

Our client's interests in the Order land are as follows:

- 1) He is the freehold owner of the property under title number [REDACTED] which is immediately adjacent to the unregistered plots 4/4, 4/5 and 4/9

Table 1

Number on Order Map	Extent Description and Situation of the Land
4/4	The right to enter and re-enter upon 182 square metres of part of Public Footpath Ax14/36/30 and roadside for all purposes connected with the construction, maintenance and use of upgrades to

	the existing footpath. Located to the north-east of St John's Baptist Church and west of Ladymead Lane. Enclosure Nos: K010, L010
4/4a	The right to enter and re- enter upon 165 square metres of part of Public, Footpath Ax14/36/30 and roadside for all purposes connected with the construction, maintenance and use of upgrades to the existing footpath. Located to the north-east of St John's Baptist Church, and west of Ladymead, Lane. Enclosure Nos: L010
4/5g	The right to enter and re- enter upon 123 square metres of part of Public, Footpath Ax14/36/30 and roadside for all purposes connected with the construction, maintenance and use of upgrades to the existing footpath. Located to the north-east of St John's Baptist Church, and west of Ladymead, Lane. Enclosure Nos: L010

Note that our client similarly claims rights to enter and use Plot 4/9 as this is in any case necessary to access the Property

The Order is being promoted by North Somerset Council as the acquiring authority (the Council).

Our client's position is that the Council has not made sufficiently clear its intentions for the Order land within plots 4/4 to 4/12 between Church Lane and Ladymead Lane in Churchill (the "Lane") nor the basis upon which it has been determined that such works as are proposed are safe. The accompanying Side Roads Order dated 6th October 2022 (the "SRO") identifies the Lane (as 4B on the relevant plan sheet) as being a public right of way which is to be stopped up and a new bridleway is to be created in its place. It is also stated at paragraph 1(2) of the SRO that where new highway is to be created in a location where there are existing private rights the new highway will be created subject to the existing private rights. It is assumed that is the case in relation to the Lane and to our client's private rights to the full extent of those rights (i.e. to include such rights over plot 4/9 as well as plots 4/4 and 4/5. If that is not the case this objection should also be taken to include an objection to the loss of such rights.

It therefore appears that there is an intention to invite the public use of the Lane for cycling and horse riding in addition to pedestrian use. At present the Lane is used by large HGVs and farm traffic as well as smaller light traffic. The Lane is narrow and there is already conflict between pedestrian and vehicular use. This is particularly so at busy periods (for example at school opening and closing). Our

client regularly witnesses “near misses” involving vehicles and pedestrians particularly at these times. The addition of cyclists and horse riders is feared to make this position potentially far worse.

It may of course be possible to ameliorate the adverse effects of and on these additional user groups by carrying out works to the Lane but the nature of any such works have not been made clear. Such references as there are in the Order and related documents are as follows:

- In the statutory notice given to our clients dated 10th October 2022 provides only a very general reference to “...the construction and improvement of highways.... “ at paragraph 1 (e) and a reference to Lane in the “Description of Land and the New Rights”.
- In the Statement of Reasons dated 6th October 2022 which accompanies the Order there are the following references:
 - o The description of the Existing Situation describes an issue at paragraph 3.11 with the A368 running through Churchill being narrow and a key route to school
 - o The Scheme Objectives do not give any direct reason for the improvements to the Lane other than potentially as part of the very broad objective to “Improve the local road network to deal with existing congestion issues.”
 - o The section headed Details of the Scheme contains only a very general references that may be relevant to the Lane as follows at paragraphs 4.14 e which states “Active travel measures along the A368, with improved footway/cycleway access from Sandford, Churchill, and Langford to Churchill Academy.” Then at 4.46 (b) there is the following reference “A route running east-west from Church Lane to Ladymead Lane. This land is an existing public right of way and is required to implement widening and improvements to this route”.
 - o The review of the Scheme against its objectives has, again, only general references to works which may include the Lane as follows i) “To the east of Churchill Academy, there are improvements to the surfacing of existing PROW footpaths towards Langford to make them suitable for cyclists.” and “Improvements to routes through Banwell and nearby villages to make walking, cycling and horse riding a safer and more attractive low carbon alternative for residents travelling between local villages and Weston-super-Mare.”

In summary while it can be gleaned that the purpose of including the Lane in the Order is to make improvements to accommodate cycling and horse-riding provision in the area and that this might include widening and surfacing of the Lane to make it useable by cyclists there is no further information within the Order, the SRO or Statement of Reasons to assess what is actually proposed in terms of works to the Lane.

We have reviewed the planning application documents which (where the works to the Lane are referred to at all) similarly describe the works as “The existing footpath to the northeast of Churchill Academy between Church Lane and Ladymead Lane would be upgraded to an active travel route. The route would improve active travel connections from Churchill to the east of Churchill Academy.”

Similarly at Table 2.18 of the Design and Access Statement there is the following statement in relation to the Lane “Provision of an off-carriageway cycle route by upgrading along existing route of public footpaths (c.1.2km). Note – route also accessible to horse-riders. “

It appears from the Transport Assessment that walking cycling and horse-riding surveys were undertaken at 15 locations none of which are on or near the Lane. Similarly, it does not appear that any surveying was undertaken to determine the type and level of vehicular traffic on the Lane. The Highway Safety Impact Assessment does not include the Lane within the study area. The Transport Assessment identifies the potential negative implications of the Bypass increasing traffic through the village of Churchill and identifies the Lane as a means of providing a “safe” alternative route for pedestrians, cyclists and horse riders. At paragraph 3.4.4 of Appendix H to the Transport Assessment there is a (short) discussion of the desire to include equestrian users and it is stated “The width of the route is considered sufficient for unsegregated shared use by all three user groups (signed to TSRGD diagram 956.1), as usage by horse-riders would be expected to be low frequency and outside of busy morning/afternoon periods related to school travel,” That appears to be the most detailed consideration of the matter. However, it is not clear what evidence there is of this proposed change having been assessed nor of any detail to indicate that the width, signage or surfacing etc has been assessed as against existing use. It is also the case that since the Transport Assessment forms part of the Planning Application and that has not yet been determined even such detail as there is relating to the lane is not in any way certain to be undertaken. Finally it will be noted that the suggestion that the width of the Lane is adequate conflicts with the suggestion above in the Statement of Reasons that the Lane will be widened.

Summary Of Objection

Our client therefore has concern for 2 reasons

- Until it is known and made clear exactly what rights and or works are intended to be carried out to the Lane it is not possible for our client to understand the impact on his Property
- In so far as it is the intention to open the Lane to the public as cycleway/bridleway our client is extremely concerned for the safety implications for the users of the Lane (both public and private) which is in regular use for large farm equipment and heavy vehicles. It is not clear from the above documents (or otherwise) what works will be undertaken to make these different user groups safe and to facilitate his own use of the Lane in accessing the Property.

In absence of a clear understanding of the Council’s intended works and alterations to the Lane it is unclear what the overriding case in the public interest can be to support this part of the Order.

Our client is aware of meetings held between the Council’s agents and other landowners affected by the Order but confirms he has not been approached and therefore has not been included in these discussions.

We would appreciate confirmation of this objection and reaffirm our Client's willingness to work with Council officers to address the points raised above, whilst also restating that in these discussions further concerns about this proposal may yet arise.

Yours faithfully

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