



STATEMENT OF CASE

PLANNING INSPECTORATE REF: DPI/D1265/24/21 - ENV/3365961

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1. BACKGROUND

- 1.1 In April 2002 Persimmon Homes, Heron Land and Westbury Homes (together referred to as 'the Applicants') applied to North Dorset District Council (NDDC) for planning permission to develop land north of A30 Salisbury Road North and south of Mampitts Lane, Shaftesbury, Dorset for residential (670 dwellings) and mixed-use purposes with associated open space, vehicular and pedestrian accesses ('the Application') (planning reference 2/2002/0415).
- 1.2 This Application was called in by the Secretary of State for Communities and Local Government for determination and a public Inquiry was held by an Inspector in January 2007.
- 1.3 Planning Permission was granted on 12 February 2007 ('the Planning Permission'). A copy of the Inspector's report is appendix B to the report to the Dorset Council Strategic and Technical Planning Committee dated 18 November 2024 ('the Report') ([Appendix 1](#)).
- 1.4 Conditions 33 - 36 of the permission require that:

33. Prior to the commencement of the development, a scheme shall be submitted to and approved in writing by the local planning authority for the provision of the Bus Route which shall in particular:

- a) Include details for the provision (including location, design, means of construction and layout) of the Bus Route;*
- b) Accord with any details approved as part of the Phasing Programme;*
- c) Include details to secure that at all times the Bus Route as the junction with Mampitts Lane can only be used by buses, coaches, bicycles and pedestrians ("the Vehicular Restriction Facilities"); and*
- d) Include provision for the on-going maintenance of the Vehicular Restriction Facilities after their completion, ("the Bus Route Scheme).*

34. The development will only be implemented in accordance with the Bus Route Scheme provided that the Bus Route Scheme may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

35. Once provided in accordance with the Bus Route Scheme the Vehicular Restriction Facilities shall thereafter at all times be maintained in accordance with the Bus Route Scheme, provided that the Vehicular Restriction Facilities may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

- 1.5 No reasons are given for the imposition of these conditions within the Inspector's report, nor does the body of the report expand upon these. However, paragraph 126 of the report notes that conditions were put forward by the Applicants and NDDC for the Inspector's approval. Discussion sessions relating to conditions were

attended by the Applicants, NDDC, Shaftesbury Town Council, AONB Partnership and other third parties.

- 1.6 To facilitate the increased volume in traffic associated with the development, Persimmon Homes constructed a 6.7m wide spine road, Allen Road, and a traffic signal-controlled junction with the A30 Salisbury Road which has been designed to appropriate, current standards and to accommodate all traffic flows from/to the development.
- 1.7 A plan detailing the layout of the Vehicle Restriction Facility ('VRF') is contained in appendix A to the Report (Appendix 1). Further details can be found at paragraph 2 below.
- 1.8 Routes available to this traffic are limited to Mampitts Road, Trinity Road and Pound Lane.
- 1.9 Mampitts Road does not comply with current design standards for safely accommodating this level of traffic. The carriageway locally narrows, at numerous points to approximately 4.5m which is not sufficient for two-way traffic. In addition, there are no safety margins or footways on parts of Mampitts Road (See plan and photographs in appendix C to the Report (Appendix 1)). Therefore, if vehicular traffic is not regulated as proposed, a highway safety issue may arise.
- 1.10 Trinity Road is not highway maintainable at public expense and is owned and maintained by a third party (See appendix D to the Report (Appendix 1)).
- 1.11 Pound Lane is located to the west of the proposed VRF, and provides a route from Mampitts Road to A30 Christys Lane (See appendix E to the Report (Appendix 1)). At its junction with Mampitts Lane, the carriageway of Pound Lane is approximately 5m in width and is subject to substantial on-street parking.
- 1.12 There have been 4 recorded slight injury collisions in the vicinity of the proposed VRF in the most recent 5-year period available (See appendix F to the Report (Appendix 1)).
- 1.13 The Council proposes to make a Traffic Regulation Order ('the TRO') in respects of the VRF and advertised the proposals accordingly (see paragraph 5 below). Objections were received.
- 1.14 The TRO will, if made, prohibit motor vehicles (with the exception of buses, cycles, and emergency vehicles) at Mampitts Lane and Mampitts Road, immediately east of Pound Lane, Shaftesbury; and the prohibition of the left turn from Pound Lane into Mampitts Lane, Shaftesbury, with the exception of buses, cycles, and emergency vehicles
- 1.15 As the effect of the TRO will restrict the loading and unloading of vehicles, the matter must go before an Inspector at a public Inquiry for determination (see paragraph 4.3.2).

2. THE 'VEHICLE RESTRICTION FACILITY' ('VRF')

- 2.1 The VRF consists of the physical and localised narrowing of Mampitts Road to 3.6m, along with speed cushions and associated regulatory signage as detailed within drawing ref. PSC/E3913/126 Rev N (See appendix A to the Report ([Appendix 1](#))).
- 2.2 The TRO will prohibit the use of a 13m section of Mampitts Road by any classes of traffic other than buses, pedestrians and cyclists.

3. THE SITE AND ITS SURROUNDINGS ([Appendix J](#) – site location plan)

- 3.1 The Maltings is a suburb of Shaftesbury built by Persimmon Homes. The development is situated nearby to the residential areas known as The Sycamores and Ivy Cross.
- 3.2 The development of the Maltings has been ongoing for several years, with various phases completed at different times. The project includes residential housing and community facilities, and it has been a significant part of Shaftesbury's growth.

4. THE LAW

- 4.1 TROs are governed principally by the Road Traffic Regulation Act 1984 ('the Act'), Schedule 9 and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the Regulations').
- 4.2 Section 1(1) of the Act provides that a Traffic Authority may, if it considers it expedient to do so, make an order in respect of a road for one or more of the purposes specified. This includes section 1(1)(d), namely preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.
- 4.3 Section 2 of the Act explains that such an order can make provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by vehicular traffic, or by vehicular traffic of any class specified in the order.
- 4.4 Section 122(1) of the Act provides that It shall be the duty of every strategic highways company and local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

4.5 The procedure for making a TRO is as follows:

4.5.1 **Preliminary Requirements:** The Council are obliged to consult the Chief of Police for Dorset and other specified bodies including the local member. The Council must publish a notice in a local newspaper and generally ensure that that adequate publicity is provided to persons likely to be affected by the TRO (i.e. displaying notices in the relevant area).

4.5.2 **Public Objections and Inquiries:** Any person may object in writing to a TRO by the date specified in the notice or, if later, within 21 days of the notice being given and publicised. If objections are received, the Council must consider them and decide whether or not to hold a public inquiry. Regulation 9 of the Regulations states that:

9 (1) The order making authority shall cause a public inquiry to be held before making an order to which paragraph (3) applies and may cause such an inquiry to be held before making any other order.

(2) A public inquiry shall be held by an inspector appointed by the order making authority and selected from a panel of persons chosen by the Secretary of State to hold such inquiries.

(3) Subject to paragraphs (4) and (5), this paragraph applies to an order if—

(a) its effect is to prohibit the loading or unloading of vehicles or vehicles of any class in a road on any day of the week—

(i) at all times;

(ii) before 07.00 hours;

(iii) between 10.00 and 16.00 hours; or

(iv) after 19.00 hours,

and an objection has been made to the order (other than one which the order making authority is satisfied is frivolous or irrelevant) and not withdrawn (.....)

4.5.3 **Making an Order:** TRO's cannot be made until the statutory period for objections has ended or after a period of two years from the making of the initial notice. Before making an order the Council must consider all objections duly made and not withdrawn and, if a public inquiry was held, the inspectors report and any recommendations they make. The Council may decide not to proceed with the TRO or to make it with or without modification. If the TRO is

made, the authority must place a notice in the local press announcing their decision within 14 days of the date of the order, again ensuring that adequate publicity is given to the making of the TRO. This includes writing to persons or bodies who objected to the TRO outlining the reasons for proceeding.

5. THE TRO PROCESS TO DATE

- 5.1 A copy of the proposed TRO is contained in Appendix G to the Report ([Appendix 1](#)).
- 5.2 The Council has consulted the following persons, in compliance with its statutory obligations and its standard procedures:
- Local Members;
 - Dorset Police;
 - Dorset Road Safe;
 - Dorset Waste Services;
 - Dorset and Wiltshire Fire and Rescue Service;
 - South West Ambulance NHS Trust;
 - Shaftesbury Town Council;
 - Bus Operators;
 - Statutory Utilities;
 - Road Haulage Association;
 - Freight Transport Association;
- 5.3 Notice of the intention to make the TRO was advertised in the Western Gazette between 12th September 2024 – 4th October 2024 (See [Appendix 2](#)).
- 5.4 Notices were also placed on site at Mampitts Lane and Mampitts Road, Shaftesbury. Photos can be found at [Appendix 5](#).
- 5.5 The consultation period ran between 12th September 2024 – 4th October 2024.
- 5.6 Objections were received.

- 5.7 The Council decided that a public inquiry should be held in accordance with reg. 9(3)(a)(i) of the Regulations because the effect of the TRO will prohibit the loading or unloading of vehicles at all times within the area of the VRF.

6. THE OBJECTIONS & REPRESENTATIONS

- 6.1 121 responses were received. Of these, 43 supported or were neutral to the TRO. 78 responses were received opposing the making of the TRO. A number were from the same households, so have been counted as one objection for each household. Copies of a spreadsheet logging the objections and representations can be found at [Appendix 3](#).

- 6.2 The responses received against the making of the TRO included a wide range of issues. The substantive issues may be summarised as follows:

- Impact on Allen Road
- The need for a Northern Link / Spine Road
- Increase in Speeding Vehicles
- Impact on Climate Change
- Increase in Journey Times
- 20mph request

- 6.3 It should be noted that the Council received a response from the Dorset and Wiltshire Fire Service which was received outside of the formal response period. The response did not raise any new issues. It has, however, been included in this submission for the Inspector's information ([Appendix 4](#)).

7. COMMENTS ON THE SUBSTANTIVE ISSUES CONTAINED IN OBJECTIONS

7.1 Impact on Allen Road:

Concerns have been raised about the suitability of Allen Road to accommodate all traffic from the residential development including:

- Increase in traffic using Allen Road;
- Unsuitability of Allen Road for large vehicles;
- Substandard visibility along Allen Road;
- Width of Allen Road;
- Lack of parking restrictions to Allen Road; and
- Impact of Allen Road becoming blocked.

The Council notes that Allen Road has been designed and constructed to facilitate all traffic accessing and egressing the development in accordance with current design standards and requirements.

The carriageway is generally 6.7m in width which is commensurate with design standards for a local distributor road and bus route.

There are no departures from standards, including for visibility.

The requirement to implement a vehicle restriction facility at Mampitts Lane is a condition of the planning permission granted for the development which also considered and approved traffic flows and access and egress arrangements associated with the development.

7.2 Northern Link/Spine Road:

- 7.3 A number of the representations received make reference to the delivery of a northern link / spine road that would potentially provide access to and egress from the north of the residential development via the existing highway at Wincombe Lane.

The Council notes that the merits or otherwise of the provision of additional highway is outside the scope of considerations relevant to this TRO. The extent of development included within planning application 2/2002/0415, and subsequent appeal ref. APP/N1215/1191202 is illustrated on the Site Location Plan contained in appendix K to the Report ([Appendix 1](#)). The extent of the development comprised within this application does not extend to Wincombe Lane and does not include the provision of a northern link / spine road.

The Secretary of State in granting planning permission for the development was satisfied that the highways and access arrangements for the proposed development, including the provision of this bus gate, were satisfactory.

7.4 Increase in Speeding Vehicles:

Concerns have been raised that the implementation of the vehicle restriction facility will directly lead to an increase in vehicles exceeding the speed limit along Allen Road.

The Council notes that Allen Road is subject to a 30mph speed limit and, as a result of its geometric design, vehicle speeds should generally be lower than this. A speed survey undertaken in October 2023 shows 85th percentile speeds on Pound Lane lower than 23mph, and an average speed of 21 mph. Both Mampitts Lane and Allen Road recorded speeds lower than 18mph. Accordingly, the Council does not consider that displacement of vehicles by the bus gate from Mampitts Lane onto Allen Road is likely to result directly in exceedances of the speed limit on Allen Road.

7.5 Impact on Climate Change and Increase in Journey Times:

The proposed vehicle restriction facility for part of Mampitts Road will prevent vehicular traffic travelling from Allen Road to Mampitts Road and vice versa.

Drivers wishing to access the A30 Christys Lane from this residential development will be required to drive an additional 1.5km to reach the junction of Christys Lane and Pound Lane.

Sustainable modes of transport, such as walking and cycling, are unaffected by the vehicle restriction facility. See section 8, page 9 in the Report at Appendix 1

The increased journey time, though unfortunate, is minimal and the safety of all highway users should be paramount.

7.6 20 mph request:

This TRO does not include a reduction in posted speed limit from 30mph to 20mph and therefore the merits of any such proposal is not relevant to the decision whether or not it is expedient to make this TRO. Any requests for a 20mph limit would need to be made to the Town Council who will need to apply through Dorset Council's adopted 20mph Policy.

8. THE CASE FOR THE COUNCIL

8.1 Conditions 33 to 36 of the Planning Permission set out the requirements for the Bus Gate and the requisite traffic regulation (see page 48 of the Report). The Secretary of State in granting planning permission considered both that the proposals for accessing and egressing the site would be acceptable, and that the provision of the VRF, also known as the 'Bus Gate' was a matter necessary to make the development acceptable in planning terms.

8.2 Currently vehicular traffic travels east and west along Mampitts Lane. The development has caused an increase in vehicle movements on Mampitts Lane. The lane is narrow, with a single track, and fronts the local cemetery. The horizontal alignment of Mampitts Lane has been amended (a single track narrowing) with the provision of a new footway on the northern side. The implementation of the Bus Gate will reduce the risk of conflict between vehicles driving in opposing directions along this narrow section of Mampitts Lane which is unsuitable for two-way traffic.

8.3 The proposed TRO will restrict vehicular traffic from travelling east to west from Mampitts Lane to Mampitts Road (and vice versa). The left turn from Pound Lane, towards Mampitts Lane, is to be prohibited. Buses and sustainable forms of transport, such as cycling, will continue to be able to use these routes.

- 8.4 Vehicular traffic will continue to be able satisfactorily and safely to access the development via the two signalised junctions at the A30 Salisbury Road (Greenacre Way and Allen Road, (planning ref. 2/2008/1138)).
- 8.5 Vehicular traffic travelling between the development and the town centre will continue to be able to use the A30 (Salisbury Road) to Royal Chase Roundabout, north along Christy's Lane to the roundabout at the junction with the north-western end of Pound Lane. This route is part of the A road network and generally free from parked vehicles in contrast to Pound Lane, a residential estate road, where cars are regularly parked on the carriageway.
- 8.6 The Council considers that it is expedient for the traffic regulation order to be made, for the reasons of:
- 8.7 Mampitts Lane has been narrowed so that its character is unsuitable for two-way vehicular traffic.
- 8.8 Development has increased the traffic flow through the area
- 8.9 The alignment of Mampitts Lane has encouraged traffic onto Pound Lane, a residential road with significant on-street parking. The bus gate will discourage use of this route.
- 8.10 The Bus Gate will allow buses and cyclists (and emergency vehicles) to pass in both directions, on a priority system. The frequency of use of these types of vehicles is unlikely to result in any conflicts.
- 8.11 Other through traffic will need to use the A road network which is suitable for the additional volume of traffic associated with the development.
- 8.12 The Act imposes a duty (section 122) on the Council to have regard to the factors set out below in order to secure the expeditious, convenient and safe movement of all traffic and provision of suitable parking.
- 8.12.1 the desirability of securing and maintaining reasonable access to premises;
- (a) Access to premises is not material affected
- 8.12.2 the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to

preserve or improve the amenities of the areas through which the roads run;

(a) The bus gate will move traffic away from Pound Lane and onto the A road network which will improve the amenity of Pound Lane and not materially affect the amenity of areas adjoining the A30.

8.12.3 the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(a) The National Air Quality Strategy covers emissions from vehicles and encourages the use of public transport and active travel. The bus gate does not affect active travel or public transport use. It would though lead to a slight increase in journey times.

8.12.4 the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(a) Public Service vehicles will not be affected by the Bus Gate.

8.12.5 any other matters appearing to the strategic highways company or the local authority to be relevant.

(a) The Council considers that the addition of the Bus Gate will aid in expeditious, convenient and safe movement of vehicles through the development area.

As a result, the Council considers that the bus gate will improve the expeditious, convenient and safe passage of traffic and will not affect parking.

8.13 The Council does not consider any of the objections raise matters that alter the Council's position on the proposals.

8.14 The Council confirms that all the statutory requirements relating to the consultation and publication of the proposals have been complied with.

9 CONCLUSION

9.1 The requirement for the TRO is expressly conditioned in the planning permission. This condition was, at the time of granting permission, supported by North Dorset District Council, the Applicant and Shaftesbury Town Council.

- 9.2 Allen Road and its junction with the A30 has been designed and constructed to provide safe access and egress from the development for all traffic.
- 9.3 Sustainable methods of transport including pedestrians, cyclists and horse riders can continue to use the existing route via Mampitts Road in both directions.
- 9.4 All statutory requirements have been met in the traffic regulation order process to date.
- 9.5 The Council request that the Inspector pass a recommendation to make the TRO as drafted.

