

**PL/2026/00195 Land to the West of Westbury Road, Warminster.
Footpath WARM 16 and the application site**

Objection:

In summary, this objection is due to a failure to comply with Equalities Act 2010, failure to follow Department for Transport recommendations for inclusive mobility, ignoring safety concerns, failing to account for Highways Department concerns about the adequacy of the path and failing to consult with disability groups.

Andrew Lee.

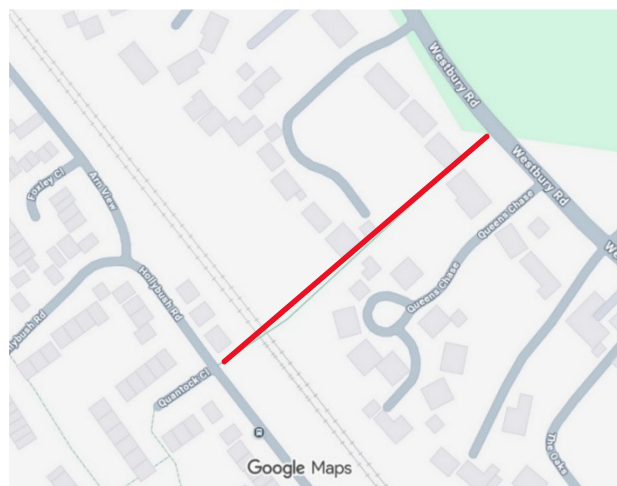
7 The Woodlands, Warminster BA12 0DX.

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I. What is WARM 16

WARM 16 is the name given to a footpath that connects the Westbury Road to Hollybush Road. The footpath leaves the Westbury Road just to the north of Queen's Chase. The footpath includes a bridge crossing the railway line running from Warminster to Westbury. The line of the footpath is shown in red below:



The footpath is very narrow and bordered on one side by a tall fence, on the other by trees and fencing. The effect is to create a hostile and dark footpath which is at best uninviting.

WARM I6 connects to the footpath that runs along the west side of Westbury Road towards the applicant's site. It is not immediately clear how the footpath would be extended to link to the applicant's site and so far they have failed to demonstrate any such link of the various maps that we have had access to.

2. Why is WARM I6 important?

Contrary to the assertion of the applicant, WARM I6 was one of a number of areas which was not substantively discussed during the appeal hearing. However, and this is important, the Inspector did confirm during the hearing that the applicant's site was not sustainable without WARM I6.

The reason for this is that the applicant's site crosses footpath WARM I8, an old drove path, which connects Warminster Town Centre to Upton Scudamore. That footpath crosses the Warminster to Westbury Railway line at an unmanned crossing. Network Rail have stated that this crossing is unsafe and would need to be stopped up in order for the application to succeed.

If WARM I8 were to be stopped up, the only sustainable route between the applicant's site and Warminster town centre, including access to most schools and shops, would be WARM I6.

3. Planning history

In their response to the previous planning application PL/2021/09013, The Highways Department made the following observations about WARM I6.

"There are no opportunities for surveillance and the environment would be considered in-secure and potentially hostile."

"It is currently presented as a very narrow dirt path, with established hedges to the northern boundary and a fence line to the southern side. The current useable width is limited below 1m due to vegetation, but as wide as 1.8m for short sections east of the railway line."

This is obvious and can easily be validated by a visual inspection of the site. The photo (see next page left) was taken by the Highways Team:



Note the impossibility of even two small buggies passing each other (picture above right), certainly two prams could not pass.

Other observations made by the Highways Department were as follows:

“The un-surveilled nature of the route cannot be easily overcome and changes to the railway bridge and disability friendly are uncertain given the available land and geometries.”

“The stairs on either side should be reduced to 12 steps per flight, with an 1800mm ‘landing’ between flights; the open risers should also be filled. Furthermore in addition to the steps a disabled compliant ramp should be provided on both sides; this may be achievable on the northern side, given the current gentle slope to the steps, but the southern side may prove very difficult.”

“Access across the railway is provided by a stepped bridge with ‘open risers’. Whilst the open risers appear to meet current regulations (no more than 100mm gap), the effect can be discombobulating and may dissuade all but the surest footed; DfT’s Inclusive Mobility states that ‘flights with open treads should be avoided’. The number of steps to the bridge differs greatly from side to side, with 14 on the northern side and 22 on the southern side (see figures 4 and 5). Both flights on either side therefore exceed the prescribed maximum of 12 steps per flight, as stated in DfT’s Inclusive Mobility.”



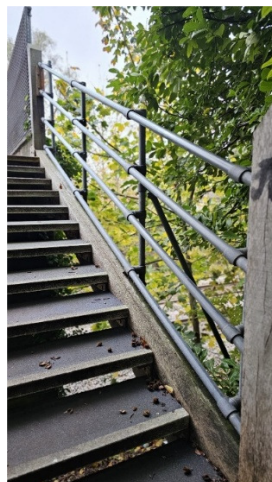
The image above left shows the steps on the Westbury Road side of the bridge, and above right, the Hollybush Road side. Note the narrow path.

The Department for Transport Inclusive Mobility advice is that there is a: “*prescribed maximum of 12 steps per flight*” without a landing and that “*flights (of steps) with open treads should be avoided*”. Which is clearly not the case here.

4. Change of direction

Bizarrely and without any explanation or paperwork in the public domain, on 6 June the Highways Department changed their position on WARM 16.

All of the issues about disability access (required by the Equalities Act 2010) vanished. Concerns about the number of steps, the open risers etc were simply overlooked. The image below shows the open risers on the footbridge.



Note that on the Hollybush Road side the state of the steps has deteriorated considerably in the last 5 years. There is considerable “give” on several steps and there is a risk that they are close to breaking.

Regrettably, no proper survey has been carried out by the applicant or the council to ascertain the state of the bridge or the safety of the steps.

Instead the Highways Department had apparently agreed with the applicant to make do with: *“The provision of £25,000 contribution towards improvements to Lighting (£7,500 for two lighting columns) and Surfacing (£7,500 (125m of surface at £60 per sqm) on Public Right of Way WARM 16 and Footbridge (£10,000 for the implementation of ‘gullies/ramps’ for wheeling bikes up and down the bridge), to be implemented by Wiltshire Council.”*

There has never been any discussion as to how this substantial and risk enhancing change occurred and neither the change in the Highway Department’s stance nor the reasons for it, were discussed during the Planning Inquiry.

The change of position by the Highway’s Department was not made plain to the Planning Inspector and nor were the original concerns of the Highways Department made plain.

5. What is missing?

It is clear that through both the Disability Discrimination Act of 1995 and its update/replacement the Equalities Act of 2010 and assessment should have been carried out as to whether the footpath WARM 16 met the requirements of the Act.

Remember it has been established that WARM 16 is essential to the sustainability of the applicant’s site.

The Equality Act insists that landlords, developers and occupiers do not discriminate, and where possible, make “reasonable adjustments” to ensure that no-one is placed at a disadvantage.

Given the known problems with the footbridge, the applicant should therefore have consulted with disabled groups to ascertain if the revised footpath met their requirements. No such consultation has taken place – or if it has, the result have not been made public as part of this application.

Equally the council, as guardians of public assets, including rights of way, should have conducted their own assessment of how the proposals comply, or not, with the Equalities Act 2010.

Again no such assessment has taken place, or if it has, it has not been published and made public, which is essential for a proper understanding of this planning application.

6. Unresolved issues

Although the proposals agreed between the applicant and the Highways Department provide for an extra 2 lights, it has not been demonstrated how this overcomes the observation that: *“The un-surveilled nature of the route cannot be easily overcome.”*

The agreement to retarmac the footpath does not alter the fact that the usable width is only 1 metre. What does that mean? For context, this is supposed to be a footpath that enables walking to school. It is not possible for two prams to pass each other in opposite directions along the majority of this footpath until you reach the wider element close to the railway bridge.

It is clear that the footpath cannot be made wide enough.

And whilst a sum of £10,000 may have been agreed *“for the implementation of ‘gullies/ramps’ for wheeling bikes up and down the bridge,”* what of other users who are not cyclists?

How for instance, does a cycle gully help a mother struggling to get a pushchair or pram up and down the bridge?

What provision has been made to make the bridge usable for disabled people?

What provision has been made for the elderly who will struggle to use the steep stairs with open rises comprising a trip hazard?

7. Conclusion

It has been established that WARM I6 is essential to the sustainability of the applicant’s site. However:

- The proposals for WARM I6 agreed to date breach the Equalities Act 2010.

- The Equalities Act 2010 under section 1 and section 20 has not been complied with. Disabled people are put at a disadvantage by the proposals made for WARM 16.
- The Equalities Act 2010 under section 1 and section 13 has not been complied with because an elderly person will not have the same access via WARM 16 as a younger person.
- Neither the developer nor the council have consulted with disabled or elderly people as to the requirements that would make WARM 16 accessible to all without discrimination.
- The Department for Transport Inclusive Mobility advice that: *“flights (of steps) with open treads should be avoided”* has been ignored.
- The Department for Transport Inclusive Mobility advice that: *“the prescribed maximum of 12 steps per flight”* without a landing, has been ignored.
- The safety concerns raised by the Highways team about the use of open riser steps (unsafe and a trip hazard) has been ignored.
- No survey has been carried out on the state of the bridge where the steps on the Hollybush Road side are showing dangerous signs of deterioration.

In short, the arrangements for WARM 16 appear to breach primary legislation and are discriminatory. But just as important, the way in which the initial concerns that were raised by the Highways Department have been brushed aside is opaque.

This application should be rejected for the reasons outlined above.