

Phil Norrey  
Chief Executive

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To: The Chairman and Members of  
the South Hams Highways and  
Traffic Orders Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

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(See below)

Your ref :  
Our ref :

Date : 29 June 2017  
Please ask for : Karen Strahan 01392 382264

Email: karen.strahan@devon.gov.uk

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## **SOUTH HAMS HIGHWAYS AND TRAFFIC ORDERS COMMITTEE**

Friday, 7th July, 2017

A meeting of the South Hams Highways and Traffic Orders Committee is to be held on the above date at 10.30 am at Committee Room, Village Hall, Marldon, Devon, TQ3 1SJ, to consider the following matters.

P NORREY  
Chief Executive

## **AGENDA**

### **SITE VISIT - 9.00AM**

Please note that Members of the Committee will undertake a **site visit in Marldon at 9.00am, prior to the start of the Committee meeting at 10.30am**. The meeting place will be outside Marldon Village Hall at 9.00am

### **PART 1 - OPEN COMMITTEE**

- 1 Election of Chairman
- 2 Election of Vice Chairman
- 3 Apologies for Absence
- 4 Minutes (Pages 1 - 6)  
To approve the minutes of the meeting held on Friday, 24 March 2017.
- 5 Items Requiring Urgent Attention  
Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

- 6 Member Induction - Duties and Responsibilities and Traffic Regulation Order (TRO) Approval Process  
To receive a presentation from the Acting Chief Officer for Highways, Infrastructure Development and Waste.

### **MATTERS FOR DECISION**

- 7 Devon Highways Term Maintenance Contract  
A representative from Skanska will attend to raise and discuss issues with Members.
- 8 Marldon Site Visit Feedback - 20mph and Zebra Crossing Request  
Members to discuss issues arising from the site visit earlier in the day in relation to traffic and speeding through the village and also potential solutions and / or sites for a crossing in the vicinity of Marldon School.
- 9 Progress on Re-Opening of Beacon Road, Kingswear  
In accordance with Standing Order 23(2) Councillor Hawkins has requested that the Committee consider this matter.
- 10 Annual Waiting Restriction Programme (Pages 7 - 14)  
Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/60)
- 11 Links Court Service Road, Thurlestone: Stopping-up of Highway (Pages 15 - 20)  
Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/61).
- 12 Exeter Road (B3372) South Brent - Various Traffic Calming Measures  
Following consideration of this matter at the last meeting, Councillor Smerdon will report back on the requirements of the Parish Council.

### **STANDING ITEMS**

- 13 Petitions/Parking Policy Reviews  
*[An item to be taken under s18 of the Traffic Management Act 2004 relating to any reviews of parking policy sought in line with the Council's Petition Scheme*  
[\(https://new.devon.gov.uk/democracy/guide/constitutionparts2-4/part-4-section-7-petition-scheme/\)](https://new.devon.gov.uk/democracy/guide/constitutionparts2-4/part-4-section-7-petition-scheme/)

### **MATTERS FOR INFORMATION**

- 14 Dates for Future HATOC Meetings  
Please use link below for County Council Calendar of Meetings  
<http://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

### **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED**

Nil

**Part II Reports**

*Members are reminded that Part II reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).*

*Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.*

**Agenda Items and Attendance of District & Town/Parish Councillors**

*Under the provisions of Standing Order 23, any member of the HATOC (including the District Council representatives) may put an item on the Agenda for the HATOC relevant to the functions of the Committee, subject to them giving notice in writing to the Chief Executive of the matter to be discussed by 9.00am on the eighth working day before the meeting.*

*Any member of the District Council for the area covered by the HATOC who is not a member of the Committee, or a Town or Parish Councillor within the area covered by the HATOC, may, after giving 24 hours' notice in writing to the Chief Executive, attend and speak to any item on the Agenda with the consent of the Committee.*

*For further information please contact Karen Strahan on 01392 382264.*

**Membership**County Councillors

Councillors J Brazil, R Croad, R Gilbert, J Hart, J Hawkins, J Hodgson and R Hosking

South Hams District Council

Councillors P Dredge, T Pennington and P Smerdon

**Declaration of Interests**

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

**Access to Information**

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Karen Strahan on 01392 382264.

Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.

**Webcasting, Recording or Reporting of Meetings and Proceedings**

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

**Public Participation**

Any member of the public resident in the administrative area of the County of Devon may make a presentation on any proposed traffic order being considered by the Committee. Any request to make a presentation must be given to the Chief Executive's Directorate, County Hall, Exeter by 12 noon on the forth working day before the relevant meeting.

For further information please contact Karen Strahan on 01392 382264.

**Emergencies**

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

**Mobile Phones**

Please switch off all mobile phones before entering the Committee Room or Council Chamber

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Induction loop system available

## SOUTH HAMS HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

24 March 2017

Present:-

Devon County Council:-

Councillors R Croad (Chairman), J Brazil, R Gilbert, J Hawkins (Vice-Chair), R Hosking, R Rowe and R Vint.

Councillor Trevor Pennington, South Hams District Council  
Councillor Peter Smerdon, South Hams District Council

Apologies:-

Councillors J Hart

\* **85**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 11 November 2016 be signed as a correct record.

\* **86**      **Items Requiring Urgent Attention**

Littlehempston Cycle Path

(An item taken under Section 100B(4) of the Local Government Act 1972).

The Chairman, having exercised his discretion and in the spirit of the County Council's Public Participation rules and with the consent of the Committee, invited Mr Oldridge (representative of South Devon Cycle Link) to speak on this issue.

The Chairman had decided that the Committee should consider this item as a matter of urgency, in order that it could consider the proposals of the working group, following the resolution at the last meeting of the HATOC 'that Councillors Vint, Rowe and Pennington work with relevant officers on the Littlehempston cyclepath proposals, to identify a way forward for the delivery of this scheme'.

A report had been prepared, on behalf of Councillors Vint, Rowe and Pennington, with a proposal that the Committee lend its support to a preferred route (option 3), from the five potential routes as previously laid out in the Council's Feasibility Study of February 2012, notwithstanding the Council had not yet formally declared any of the routes as a Preferred Route.

The aims of the scheme were to create a direct, off-main-road cycle route that linked the 12 villages and towns to the northwest and north east of Totnes (including Ashburton, East Ogwell, Woodland, Denbury, Ipplepen, Torbryan, Broadhempston, Landscope, Staverton, Littlehempston, Totnes, and Newton Abbot).

Members noted that Planning Consent, Funding, and Landowner Agreement were three independent aspects of the project.

Members also received a copy of a letter from Sarah Woolaston MP showing support for the preferred route of the group (route 3) and they additionally suggested a possible solution that might address the concerns of South Devon Railway with regard to the safety and security of the railway.

# Agenda Item 4

Officers highlighted the Council had recently agreed a Strategy for cycling and multi-use trails and the County Council's priorities were to complete both the Wray Valley and Teign Valley trails, rather than investing in the NCN2 route. However, there was nothing to prevent community groups from progressing local off road cycling schemes and the Council would assist where it could. However, negotiations with landowners for this scheme could not be the responsibility of the County Council.

It was **MOVED** by Councillor Vint, **SECONDED** by Councillor Gilbert, and

**RESOLVED** that the principle of South Devon Cycle Link progressing a cycle and pedestrian route from Littlehempston to Totnes (option 3 as outlined the report), be fully supported by the Committee.

## Rainbow Crossing – Totnes

(An item taken under Section 100B(4) of the Local Government Act 1972).

(The Chairman, having exercised his discretion and in the spirit of the County Council's Public Participation rules and with the consent of the Committee, invited Mr M Price (representative of Proud2Be) to speak on this issue).

The Chairman had decided that the Committee should consider this item as a matter of urgency, in order that it could consider the proposals of the community group. A report had been prepared for the HATOC, which had been made available to Members at the meeting, which outlined the proposal for a local community group, Proud2Be, to fund the provision or enhancement of one or more permanent crossing points in the town.

The proposal would provide additional crossing points / or enhanced visibility of existing crossing points and from a community perspective provide a highly visible rainbow crossing highlighting the town's reputation as a welcoming place for all races, genders and sexualities. Totnes Town Council and Totnes Traffic & Transport Forum were in support of the concept.

At this stage, the proposers were seeking general support from the HATOC for the principle for crossings or crossing enhancements at three locations (Coronation Road, High Street in front of Market Square and on either side of The Wills Memorial on The Plains (and for a more detailed proposal for enhancements to the Courtesy Crossing at the Wills Memorial).

Members asked questions on what road features were already in these locations, such as lights, crossings, dropped kerbs etc.

Officers then reported their concerns relating to the legality and safety of such a proposal, especially as the proposed stripes would resemble a zebra crossing, albeit in different colours. It was suggested, as an alternative, that the stripes could run in the opposite direction, thereby not resembling a zebra crossing.

Officers also were concerned about the Coronation Road proposal and would not be able to lend support to that particular location.

The Committee noted there would be further work required, for example checks with the District Council regarding conservation issues, materials to be used, safety audit and a license for maintenance etc.

It was **MOVED** by Councillor Vint, **SECONDED** by Councillor Croad, and

**RESOLVED** that the suggestion to develop proposals for colour enhancement to one or two crossings in Totnes be welcomed and the Committee receive a further report, in due course, on specific scheme plans and locations, taking into account the comments made by the Committee above.

\* **87**      **Annual Local Waiting Restrictions Programme**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/22) on the annual waiting restriction programme.

The report outlined that requests for waiting restrictions had been, in the past, difficult to deliver, due to resource and funding pressures, and the Council had therefore previously agreed a process to deliver an annual local programme for each HATOC area. This had proved a successful methodology, therefore was suggested for continuation with a further programme for 2017/18 as well as extending the scope of the programme to include other restrictions and minor aids to movement improvements such as dropped crossing points and bollards etc.

Members were asked that any potential schemes for the 2017/2018 year be brought to the attention of the Highways Officers for consideration as part of that programme.

For the 2016/17 programme, proposals were advertised for each District Council area, with indicative budgets of £12,500 for each area. In South Hams, there were 54 sites advertised, 32 sites progressed (no objections), 22 sites reported to the HATOC and 71 objections received.

Section four of the report outlined each site in detail, any objections received, the Councils response to those objections and a recommendation as to whether to take the scheme forward.

The Committee considered each of those proposals outlined in the report and the relevant local Member indicated their support or otherwise.

It was **MOVED** by Councillor Croad, **SECONDED** by Councillor Hosking, and

**RESOLVED**

(a) that the work on the annual waiting restrictions programme and the prioritisation process applied in 2016/2017 be noted;

(b) that the recommendations contained in Section 4 of the report, as considered and supported by the Local Members at the meeting, be agreed and the recommended proposals implemented; and

(c) that pending Cabinet endorsement on decisions of funding and scope of works, a further programme be developed for 2017/18.

\* **88**      **Request for Pedestrian Crossing at Marldon School**

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/23), on the request for a pedestrian crossing at Marldon School.

The report highlighted that at the last meeting of the HATOC, it had supported the principle of a pedestrian crossing outside Marldon School and had asked officers to prepare an evidence base (surveys, costings and monitoring) and submit a project proposal.

The report outlined that a pedestrian crossing had previously been installed just to the south of the entrance to Marldon School in 2004, but had been removed after a short period leaving dropped kerbs and tactile paving. It was thought the removal was due to complaints from local residents, relating to the proximity of the crossing to private driveways. There was also conflict with the operation of the bus stops.

# Agenda Item 4

The criteria for installing a pedestrian crossing was explained in detail and the report concluded the site would not meet this accepted criteria, both in terms of vehicle movements, numbers of pedestrians and collision data.

The report highlighted that inappropriate parking and resultant congestion in the vicinity of the Marldon School, particularly during pupil drop-off / pick-up was considered to be the main issue. The current zig zag markings and signage were legally enforceable but were generally disregarded. Also a previous School Crossing Patrol service was not maintained due to problems with recruitment and a volunteer scheme was not feasible due to a lack of volunteers.

The report also outlined what other options might be available, for example a central pedestrian refuge if one could be sited without compromising vehicle movements into adjacent premises, but the road could only accommodate a 1.5m refuge, which was not ideal for pushchairs etc. Also, bollards, or other physical barriers such as planters, could be placed on the footway to prevent parking outside of the school, but there was a danger of pushing parking problems into nearby residential roads.

Members discussed and asked questions on the national criteria for a pedestrian crossing, that other locations had crossings that didn't appear to meet that national criteria, the results of the traffic data from the 2010 surveys in Marldon, the impact of development on traffic levels, the views of local members that the lack of a crossing was dangerous, the support of the Parish Council and the Police for a crossing and the potential for the community to fund the works from S106 monies or the Community Reinvestment Fund.

Officers clarified that a previous crossing had been removed, not only due to resident's complaints regarding light pollution, but the siting of the crossing being adjacent to accesses made it unsafe as well as causing issues with the bus stop, making it inappropriate in that particular location.

It was **MOVED** by Councillor Pennington, **SECONDED** by Councillor Rowe, and

**RESOLVED** that the Committee reaffirm its wholehearted support for a pedestrian crossing in the vicinity of Marldon School, as resolved at its meeting of 11 November 2016 (Minute 80), and requests a site visit be arranged as soon as practicable, by the HATOC Committee of the new Council, to look at potential solutions and / or sites for a crossing.

\* 89

## **20 MPH Speed Limit Review**

(In line with the Councils public participation rules, the Chairman exercised his discretion and with the consent of the committee permitted Mrs D Sutton and Dr Karen Mellodew to speak to this item).

The Committee received an update on the Governments Review of 20mph speed limits, following from a resolution at the last meeting that *'in view of the continued delay of the Governments Review of 20mph speed limits, the Committee receive a report at its next meeting, so the matter could be debated'*.

The Committee noted that Atkins, Aecom and Professor Mike Maher had been commissioned by the Department for Transport to undertake research into 20mph speed limits.

- to evaluate the effectiveness of 20mph speed limits, in a range of settings;
- to examine drivers' and residents' perceptions of 20mph limits;
- to assess the relative costs/benefits to vulnerable groups e.g. children, cyclists, the elderly; and
- to evaluate the processes and factors which contribute to the level of effectiveness of 20mph speed limit schemes.



The 20mph research project was continuing to make progress and had been extended to allow for an additional year of accident data to be included, strengthening the evidence base being considered.

The final report was expected to be published later in the year, at which point the County Council would be better able to take a balanced view on the matter.

Members expressed their disappointment at the continued delay for this study and asked questions on the legal enforcement 20mph zones and the value of all built up areas and / or villages being 20mph.

It was **MOVED** by Councillor Croad, **SECONDED** by Councillor Pennington, and

**RESOLVED** that whilst a site visit be undertaken to look at the issue of a crossing near to Marldon School, Members also use that opportunity to review Marldon in its entirety, including looking at traffic issues and speeding and Officers be asked to update the speed data prior to this site visit.

(NB – the date of the site visit to be 7 July 2017 as the date of the next HATOC)

\* **90**      **Exeter Road (B3372) South Brent - Various Traffic Calming Measures**

The Committee noted that, in accordance with Standing Order 23, Councillor Smerdon had asked that the Committee consider the issue of Exeter Road (B2272), South Brent in respect on potential traffic calming measures (speed warning signs) and a crossing point, which had the support of the Parish Council.

He further raised the issue of an exit off the Northbound A38 onto the B3372 at the Carew Shell service station, which he reported was dangerous. Also of concern was that if vehicles were prevented from re-joining the A38 on leaving the service station and were redirected onto the B3372, this would result in increased traffic through South Brent.

Members confirmed that the A38, as a trunk road, was the responsibility of the Highways England, therefore the Councils had no jurisdiction to undertake any sort of junction improvements.

Councillor Smerdon also raised the issue the impact of housing development within the vicinity and referred to previous suggestions for a crossing at the London Inn site (which didn't meet the national criteria) but also the potential for one near to the Sanderspool roundabout.

Officers further explained that speed data would need to be evaluated through the SCARF process before any vehicle activated sign could be considered as a measure, even if locality budgets were used as the funding mechanism.

It was **MOVED** by Councillor Croad, **SECONDED** by Councillor Rowe, and

**RESOLVED** that Councillor Smerdon establish the exact requirements of the Parish Council's request and submit further information to the next meeting of the HATOC on 7 July 2017.

\* **91**      **Speeding Cyclists in Dean Prior (DNPA)**

The Committee noted that, in accordance with Standing Order 23, Councillor Smerdon had asked that the Committee consider the issue of Cyclists travelling through the village of Dean Prior (DNPA) at high speed, with no warning. He added that several residents had asked, at the Parish Council, what measures could be taken.

Members questioned the role of the Police in any enforcement and asked questions on what role the Council could play, noting the limited scope of the Council with such issues.

# Agenda Item 4

It was **MOVED** by Councillor Croad, **SECONDED** by Councillor Rowe, and

**RESOLVED** that the Committee note the issues raised and the lack of any current available solution, therefore asks Councillor Smerdon to speak with Highways Officers outside of the meeting.

\* **92**      **Petitions/Parking Policy Reviews**

There was no petition from a member of the public or the Council relating to the South Hams.

\* **93**      **Actions Taken Under Delegated Powers**

The Committee received the Report of the Head of Highways, Capital Development & Waste (HIW/17/24) setting out action taken under delegated powers on advertised Traffic Regulation Orders since the last meeting.

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.00 am and finished at 11.57 am

HIW/17/60

South Hams Highways and Traffic Orders Committee  
7th July 2017

## **Annual Local Waiting Restriction Programme**

Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation:** It is recommended that:

- (a) work on the annual waiting restrictions programme process for 2017/2018 is noted;***
- (b) the recommendations contained in Appendix I to this report are agreed and subject to consultation with local Members on the details, the proposals are advertised;***
- (c) the recommendations contained in Appendix II to this report are agreed and subject to consultation with local Members on the details, the proposals are implemented.***

### **1. Background**

The County Council regularly receives requests for waiting restrictions to be introduced or amended. These can be difficult to deliver due to resource and funding pressures which can then have a negative impact on the County Council's relationship with local communities.

Recognising this difficulty, a managed process has been developed to deliver an Annual Local Waiting Restriction Programme for each HATOC area for the funding and delivery of waiting restriction schemes.

The 2016/17 programme has delivered proposals at over 250 sites across Devon. These were mainly amendments to Yellow Lines and Limited Waiting, thought to be non-controversial, which had been requested by communities or by local Highway Officers.

Building on the success of this process, officers propose that a further programme is developed for 2017/18 to include minor aids to movement improvements such as drop crossing, footway improvements and bollards.

### **2. Proposal**

Cabinet has allocated an amount of £100,000 countywide from the On Street Parking Account to this process in 2017/18 which equates to an amount of £12,500 to each HATOC area.

Approval is sought for the 2017/18 programme for this Committee's area. It is proposed that the schemes identified in Appendices I & II form the programme.

Following consultation on the detail with the locally effected County Members and Chair of HATOC the proposals will then be designed and the associated Traffic Order drafted and advertised.

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## 3. Consultations

Following advertisement:

- Proposals which do not attract objections can be implemented without the need to report back to Committee.
- Proposals which attract minor objections should be determined under delegated powers by the acting Chief Officer in consultation with the Local Member and the Chair of HATOC.
- Proposals attracting significant objections will be reported to the next available HATOC.

## 4. Specific Proposals

Specific Waiting Restriction Proposals are listed in Appendix I with Aids to Movement proposals shown in Appendix II. Costs are estimated to be in the region of £9,000 including Legal advertising charges. Detailed plans will be provided at the design stage.

## 5. Financial Considerations

The total costs of the scheme are contained within a countywide budget of £100,000 which has been allocated from the On Street Parking Account.

There will be a cost to the Council in advertising a new Traffic Order for each Committee Area, this will be approximately £1,500. In addition the costs of any changes to signing or lining will be attributed to that Order.

There remains scope within the programme to add more proposals if these can be agreed in time to undertake consultation before the next meeting of this Committee.

It is intended that any estimated underspend in delivering the waiting restriction proposals can be utilised to deliver the Aids to Movement proposals.

## 6. Environmental Impact Considerations

The proposals are intended to rationalise on street parking and improve mobility and access within the district and are designed to:

- Encourage turnover of on street parking to benefit residents and businesses.
- Enable enforcement to be undertaken efficiently.
- Encourage longer term visitors to use off street car parks.
- Encourage commuters to make more sustainable travel choices eg Car Share, Public Transport, Walking and Cycling.
- Assist pedestrians and other vulnerable road users in crossing the highway

The Environmental effects of the scheme are therefore positive.

## 7. Equality Considerations

There are not considered to be any equality issues associated with the proposals. The impact will therefore be neutral.

## 8. Legal Considerations

The lawful implications and consequences of the proposal have been considered and taken into account in the preparation of this report.

When making a Traffic Regulation Order it is the County Council's responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 that states that it is the duty of a local authority, so far as practicable, secures the expeditious, convenient and safe movement of traffic and provision of parking facilities. It is considered that the proposals comply with Section 122 of the Act as they practically secure the safe and expeditious movement of traffic in the South Hams District.

## 9. Risk Management Considerations

There are thought to be no major safety issues arising from the proposals.

## 10. Public Health Impact

There is not considered to be any public health impact.

## 11. Reasons for Recommendations

The proposals rationalise existing parking arrangements within the South Hams District by:

- Encouraging turnover of on street parking to benefit residents and businesses
- Enabling enforcement to be undertaken efficiently.
- Encouraging longer term visitors to use off street car parks.
- Encouraging those working in the town make more sustainable travel choices eg Car Share, Public Transport, Walking and Cycling.

The proposals contribute to the safe and expeditious movement of traffic in the South Hams District and therefore comply with S 122 of the Road Traffic Regulation Act 1984.

Meg Booth  
Acting Chief Officer for Highways, Infrastructure Development and Waste

## Electoral Divisions: All in South Hams

Local Government Act 1972: List of Background Papers

Contact for enquiries: Mike Jones

Room No: ABG, Lucombe House, County Hall

Tel No: 0345 155 1004

Background Paper	Date	File Ref.
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None

mj270617shh  
sc/cr/annual local waiting restriction programme  
01 270617

# Agenda Item 10

Appendix I  
To HIW/17/60

## Waiting Restriction Proposals

Parish/Town	Location	What is being proposed	Statement of Reasons	County Councillor
Bickleigh (Woolwell)	Hazelwood Drive/ Ferndale Close	No Waiting At Any Time.	Improve road safety by improving visibility at junction and preventing obstruction of footways.	John Hart
Bickleigh (Woolwell)	Woolwell Road/ The Heathers/ Woodend Road/ Access to Bumblebees Nursery	No Waiting At Any Time.	Improve road safety by improving visibility at junctions and preventing obstruction of footways.	John Hart
Charlton (West Charleton)	A379	School Clearway Monday to Friday 8am-10am & 2pm- 4pm outside Charleton C of E Primary School.	Final part of HATOC approved road safety scheme.	Julian Brazil
Dartington	Gidleys Meadow	No Waiting At Any Time on both sides outside numbers 1 & 2.	Prevent obstructive parking.	Jacqi Hodgson
Dartmouth	Mount Boone	Extension of No Waiting At Any Time outside number 20 and at junction with Thurlestone Gardens.	Improve road safety by preventing obstructive parking near junction.	Jonathan Hawkins
Dartmouth	North Ford Road	Extension of No Waiting At Any Time adjacent to Bowling Green.	Prevent obstructive parking at pinch point.	Jonathan Hawkins
Dartmouth	Roseville Street	No Waiting At Any Time behind Dartmouth Dental Practice.	To prevent obstructive parking.	Jonathan Hawkins
Dittisham	Riverside Road	No Waiting At Any Time next to access to Riverside Court.	To prevent obstructive parking at junction.	Jonathan Hawkins
Ermington (Lee Mill)	Strashleigh View	No Waiting At Any Time at access to units 2 - Z1.	To prevent obstructive parking at junction.	Richard Hosking
Ivybridge	Brook Road	Extension of No Waiting At Any Time outside number 7.	Prevent obstruction of private driveway.	Roger Croad
Ivybridge	Cleeve Drive	No Waiting At Any Time at junction with Woodland Road.	To prevent obstructive parking and aid traffic movement.	Roger Croad
Ivybridge	Ermington Road	No Waiting At Any Time next to access to fire station.	To prevent obstructive parking and aid traffic movement.	Roger Croad

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<b>Parish/Town</b>	<b>Location</b>	<b>What is being proposed</b>	<b>Statement of Reasons</b>	<b>County Councillor</b>
Ivybridge	Paper Makers Lane/Dunsterville Road	No Waiting At Any Time.	Improve road safety by securing visibility at junction and preventing obstruction of footways.	Roger Croad
Ivybridge	Station Road	No Waiting At Any Time opposite access to Woodhay.	Prevent obstruction of large farm vehicles.	Roger Croad
Kingsbridge	Belle Cross Road	No Waiting At Any Time opposite Washabrook Lane.	To prevent obstructive parking and improve visibility at junction.	Julian Brazil
Kingsbridge	Derby Road	No Waiting At Any Time at entrance to Garden Mill Industrial Estate and opposite.	To prevent obstructive parking and improve access for large vehicles.	Julian Brazil
Kingsbridge	Fore Street	A length of No Waiting At Any Time outside numbers 120-126.	To improve access and visibility to private access.	Julian Brazil
Kingsbridge	Fore Street	Extension of No Waiting At Any Time outside Town Hall.	To prevent obstructive parking.	Julian Brazil
Kingsbridge	Fore Street	Conversion of Loading Only restriction to Goods Vehicles Loading Only.	To aid deliveries for local businesses.	Julian Brazil
Kingsbridge	Northville Park	No Waiting At Any Time on north side of junction with Darky Lane/Archer Close.	To prevent obstructive parking.	Julian Brazil
Kingsbridge	Scholars Walk/Fosse Road	No Waiting At Any Time.	To prevent obstructive parking and improve visibility at junction.	Julian Brazil
Kingswear	Beacon Road	No Waiting At Any Time both sides outside Two Guns.	To improve access to properties.	Jonathan Hawkins
Kingswear	Castle Road	No Waiting At Any Time opposite Mulberry House.	To improve visibility at junction.	Jonathan Hawkins
Malborough	Higher Town	Investigation of provision of Limited Waiting and Disabled Bay outside Post Office.	To enable turnover of parking facilities for the Post Office shop.	Rufus Gilbert
Modbury	Back Street	No Waiting At Any Time opposite Orchard Cottage.	Prevent obstructive parking.	Rufus Gilbert

# Agenda Item 10

Parish/Town	Location	What is being proposed	Statement of Reasons	County Councillor
Modbury	Church Walk	No Waiting At Any Time and remove advisory disabled bay adjacent to Magnolia Cottage.	Prevent obstructive parking. Disabled bay no longer needed.	Rufus Gilbert
Modbury	Silverwell Park/ Brownston Street	Extension of No Waiting At Any Time at junction.	Improve road safety by securing visibility at junction and preventing obstruction of footways.	Rufus Gilbert
Salcombe	Beadon Road	No Waiting At Any Time at junction with A381.	To prevent obstructive parking and improve visibility.	Rufus Gilbert
Salcombe	St Dunstons Road	Extension of No Waiting At Any Time opposite Southerly House.	To prevent obstructive parking and aid traffic movement.	Rufus Gilbert
South Brent	Pool Park/ Heather Park	No Waiting At Any Time at junction with Exeter Road.	To prevent obstructive parking & protect access to footway crossing.	Richard Hosking
South Brent	Totnes Road	No Waiting At Any Time at entrance to Winward House Residential Home.	To prevent obstructive parking.	Richard Hosking
Stoke Fleming	Bidders Close	No Waiting Any Time outside numbers 41 & 42.	To prevent obstructive parking and allow access for large vehicles.	Julian Brazil
Totnes	Cross Park	No Waiting 8am - 6pm on both sides from junction with A385.	To prevent obstructive parking.	Jacqi Hodgson
Totnes	Manor Way	Existing No Waiting Mon-Sat 9am-6pm to apply 7 days a week.	To prevent obstructive parking.	Jacqi Hodgson
Totnes	Plymouth Road	Extension of No Waiting At Any Time.	Improve visibility to private access.	Jacqi Hodgson
Ugborough (Wrangaton)	Green Lane/B3213	No Waiting At Any Time.	Improve road safety by improving visibility at junction and preventing obstructive parking.	Richard Hosking
Ugborough (Wrangaton)	Station Cross/B3213	No Waiting At Any Time on both side.	Prevent obstructive parking.	Richard Hosking
West Alvington	A381	No Waiting At Any Time outside Cross Ways.	Prevent obstructive parking & improve visibility.	Rufus Gilbert



## Aids to Movement Proposals

Parish/Town	Location	What is being proposed	Reason	County Councillor
Dartmouth	South Town	Bollards outside number 24.	To prevent damage to property.	Jonathan Hawkins
Dartmouth	Victoria Road	Additional bollards outside the Post Office.	To prevent footway parking which is damaging the footway.	Jonathan Hawkins



HIW/17/61

South Hams Highways and Traffic Orders Committee  
7 July 2017

## **Links Court Service Road, Thurlestone: Stopping-up of Highway**

Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that**

- (a) this Committee reconfirms that the part of the public highway in Links Court Service Road, Thurlestone as shown on the accompanying drawing attached as Appendix I is considered unnecessary for public use;**
- (b) this Committee resolves that Devon County Council makes an application to the magistrates' court for an order under Section 116 of the Highways Act 1980 that the part of said highway be stopped up; and**
- (c) the Committee reconfirms and resolves that it has no objection to the proposed amendments to the public rights of way network.**

### **1. Background**

Following the storms in 2014 a section of the Links Court Service Road was washed away and is beyond repair. The remaining length of road only serves the Thurlestone Golf Club and provides no purpose to the highway authority.

The South West Coast Path used the Links Court Service Road and it is proposed that the public rights of way are updated to reflect the changes and ensure that the Trail is not severed.

In November 2016, this committee approved the principal of stopping up this public highway however further consultations have required a slight modification which requires further committee approval.

### **2. Proposal**

It is recommended that an application is made to the Magistrates' Court under Section 116 of the Highways Act 1980 for the stopping-up of part of the public highway in Links Service Road, Thurlestone as shown on the drawing attached as Appendix I.

In light of the storm damage and the proposed stopping up, it is proposed to retain bridleway rights in the area and create public footpaths from A-B and C-D-E-F as shown on the attached plan HCDW/PROW/14/095.6.

### **3. Options**

The option of retaining the land as public highway is not considered appropriate as the land is not needed for public use as part of the operational road network.

# Agenda Item 11

## 4. Consultations

Since the last meeting a number of organisations have been contacted. A list of organisations and their response can be found in Appendix II.

The Cyclists Touring Club (CTC) objected to the proposal to create footpaths as this would prohibit cycling. It has been explained that some of the footpaths would not be suitable for cycling as they are across sand dunes. The CTC have therefore requested that cycling be allowed between points B & G on the plan in Appendix I. The golf club has agreed to the retention of bridleway rights between points B and G which will allow pedestrian, horse-riding and cycling access. The CTC is now in agreement with this proposal.

## 5. Financial Considerations

The legal costs for stopping up the highway will be funded from the Public Rights of Way Capital allocation.

## 6. Environmental Impact Considerations

The council is not proposing to change the use of the land before stopping it up and therefore it is considered that this proposal has no impact on the environment.

## 7. Equality Considerations

No new policies are being recommended in this report and therefore an Equality Impact and Needs Assessment are not considered necessary.

## 8. Legal Considerations

The lawful implications/consequences of the proposals/recommendations/proposed course of action have been considered and taken into account in the preparation of this report/formulation of the recommendations set out above.

Under Section 116 of the Highways Act 1980 a highway authority can apply to a magistrates' court to stop up this type of Road on the ground that it is 'unnecessary'. Whether a highway is unnecessary is a question of fact. It should be unnecessary for the sort of purpose for which the public might reasonably be expected to use it, for example, to reach a specific destination or for recreational purposes.

Only a highway authority can apply to a magistrates' court for a stopping up order. A highway authority has discretion on whether or not to make an application. However, this discretion is capable of being judicially reviewed. It should therefore have good reason for not making an order.

A Public Path Creation Agreement has already been concluded which will take effect if the road is stopped up.

## 9. Risk Management Considerations

No risks have been identified.

## 10. Public Health Impact

It is not proposed to change the use of the land and therefore it is considered that this proposal has any public health impacts.

## 11. Reasons for Recommendations

The area in question is not needed for public use as public highway and stopping up removes the requirement for the authority to maintain it as such.

Meg Booth  
Acting Chief Officer for Highways, Infrastructure Development and Waste

### Electoral Division: Salcombe

Local Government Act 1972: List of Background Papers

Contact for enquiries: James Bench

Room No: ABG, Lucombe House

Tel No: 0345 155 1004

Background Paper	Date	File Ref.
None		

jb080617shh  
sc/cr/links court service road thurlestone stopping up of highway  
03 280617



## Organisations Contacted & Response

Organisation Contacted	Response
South Milton Parish Council	No objection to proposal
Thurlestone Parish Council	No objection to proposal
South Hams District Council	No objection to proposal
Lockslea Cottage (Adjacent Landowner)	No response
BT	No live services under the road any more.
South West Water	No response
Wales & West	No response
Western Power	No response
Auto Cycle Union	No response
British Driving Society	No response
British Horse Society	No response
Byways and Bridleways Trust	No response
Country Land and Business Association	No response
Cyclists Touring Club	Requested that rights be retained for cyclists by creating bridleways rather than footpaths
Devon Green Lanes Group	No response
National Farmers Union	No response
Natural England Consultation Service	No response
Open Spaces Society	No response
Ramblers	No response
Trail Riders Fellowship	No response
4 Wheel Vehicle Users	No response

