

HTM/12/20

North Devon Highways and Traffic Orders Committee
20 March 2012

**ENV ID 4211 - Devon County Council
Road Past Bouchland Farm, Burrington (Prohibition of Motor Vehicles) Order
Consideration after a Site Visit by the Committee**

Report of the Head of Highways and Traffic Management

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the Committee resolve that the proposed traffic regulation order referred to in Committee report ENV ID 4211 - Devon County Council (Road Past Bouchland Farm, Burrington) (Prohibition of Motor Vehicles) is not implemented.

1. Summary

This report records the site visit made to the R7124 road past Bouchland Farm and seeks determination of the proposed traffic regulation order for prohibition of motor vehicles from the R7124 known under the National Street Gazetteer as the Road Past Bouchland Farm.

2. Background

The North Devon Highways and Traffic Orders Committee of 23 October 2011 considered the introduction of a traffic regulation order to restrict access for all motor vehicles to the length of road between Bouchland Farm and the A377. It was resolved that a site meeting of the Committee be held on 9 November 2011 reporting to the next meeting for determination.

A record of the site meeting is attached as Appendix I to this report.

At the site meeting it was requested that the status of the road be reviewed, measurements of the sight distance at the junction be measured and that options for management of the road be developed for consideration.

The status of the road and sight distances at the junction are reported in Appendix II.

3. Proposal

The proposed traffic regulation order is shown on Plan No N500-511 attached to Committee report ENV ID 4211. The proposed order prohibits access by all motor vehicles on the section of the lane from Bouchland Farm to its junction with the A377. The section of the lane from Bouchland Farm to the C715 is not covered by the proposal in order to maintain access for the farm. In addition to the traffic regulation order the proposal includes gating of the lane at its junction with the A377. The proposed gate will allow access for non vehicular traffic at all times.

4. Financial Considerations

No funding has been identified beyond the external funds provided to progress the advertisement of the proposed traffic order. Should the Committee resolve to undertake works further funding would have to be sought to support the scheme.

5. Alternative Options

Alternative options considered included the introduction of advisory “Unsuitable for Motor Vehicles” signs, the prohibition of motor vehicles, including prohibiting the route except for access, stopping up the route entirely, the diversion of the route to meet the C715 Road to the north at Lower Braggamarsh and the introduction of a one way order making the road one way from the junction of the A377.

It should be noted that the use of the R7124 is low and notwithstanding the concerns raised by the safety assessment at the geometry of the junction with the A377 there have been no reported accidents at this location.

Introduction of advisory signs “Unsuitable for Motor Vehicles” may be considered a means of addressing the concerns raised in the safety assessment. However this would be unlikely to have a significant effect on the level of usage of the road and may cause an increase in traffic because the signing would raise awareness of its existence to users of the A377 and C715 roads. If the Committee desires this option could be pursued.

A traffic order prohibiting motor vehicles was an option that was considered appropriate as being the most cost effective way of addressing the concerns raised by the safety assessment prior to advertisement. However as reported to Committee in October 2011 there is demonstration of legitimate use of the road and a clear desire has been expressed to maintain vehicular access. Objectors have challenged the justification for the introduction of the order. On balance it is considered that implementation would not be in the interests of road users and also that it may lead to challenge at the High Court. Therefore it was considered that this option should not be pursued.

A stopping up order for the road would be unlikely to succeed at a magistrates’ court given the evidence of legitimate usage as above.

Diversion of the route to meet with the C715 would entail the construction of approximately 90 m of lane which requires acquisition of land. This option has not been developed in any detail however it would require planning consent with associated public consultations. The costs of such a scheme would be prohibitive.

Introduction of a one way order on the road to alleviate safety concerns at vehicles exiting onto the A377 would require a further traffic order and associated signing. This might be associated with banning the right turn into the road from the A377. This is considered to be disproportionate to the benefits that would be achieved given the lack of collision history at this location.

6. Sustainability Considerations

There are no sustainability considerations.

7. Carbon Impact Considerations

There are no carbon impact considerations.

8. Equality Considerations

There are no equality considerations.

9. Legal Considerations

A decision to implement the proposed traffic regulation order can be made by the Highways and Traffic Orders Committee. If a decision is made to proceed with the order, then for a period of six weeks following the making of the order, anyone may apply to the High Court to question the validity of the order or the procedures used in making the order.

10. Risk Management Considerations

No funding has been identified beyond the external funds provided to progress the advertisement of this traffic regulation order. Therefore, if HATOC decide to implement the traffic order, further funds would have to be identified.

11. Reasons for Recommendation

The report to the October 2011 Committee advised that there is established use of this road and a clear desire to maintain vehicular access. The justification for proposing the order was based on a safety assessment that highlighted the poor standard of the junction with the A377. This justification has been questioned by the objectors. The accident record for this area shows no recorded incidents relating to the junction and, therefore, would not be treated as part of the annual accident review process.

As there are currently no reported accidents, it is recommended, on balance, that no further action is taken and the junction is monitored as part of the annual review process. It is acknowledged however that the safety assessment does raise concerns about the standard of this junction.

For the reasons above it is recommended that the traffic regulation order referred to in Committee report ENV ID 4211 does not proceed as advertised.

Lester Willmington
Head of Highways and Traffic Management

Electoral Division: Chulmleigh & Swimbridge District Ward: Chulmleigh

Local Government Act 1972: List of Background Papers

Contact for enquiries: James Anstee

Room No. 511 Barnstaple Civic Centre

Tel No: (01392) 388500

Background Paper	Date	File Ref.
1. Public Rights of Way and Grants Sub-Committee Definitive Map Review 1991/94 Parish Of Burrington	28 January 1994	EP/94/91/HQ
2. North Devon Highways and Traffic Orders Committee Devon County Council (Road Past Bouchland Farm, Burrington) (Prohibition of Motor Vehicles) Order		ENV ID 4211

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North Devon Highways and Traffic Orders Committee

**ENV ID 4211 - Devon County Council (Road Past Bouchland Farm, Burrington)
(Prohibition of Motor Vehicles) Order**

Report of Site Visit: 9 November 2011 14:30

Councillor Rodney Cann - Chair
Councillor Richard Edgell – Local Councillor
Councillor Geoff Fowler
Councillor Jeremy Yabsley
Councillor Caroline Chugg

Rhys Davies – Neighbourhood Highway Manager
David Wines – Neighbourhood Highway Officer

Mr S Chapple - Owner Bouchland Farm
Mr N Squibb - Trail Riders Federation
Mr Lander Stowe - Trail Riders Federation
Mr K Pincombe - Burrington Parish Council

The Committee and Officers visited the site and walked the length of the road from Bouchland Farm to its junction with the A377 and inspected its condition and the arrangement of the junction of the road with the A377.

Members noted the limited visibility at the junction and the general condition of the road.

Subsequent to inspection of the road representations were made by:

Mr Chapple, owner of Bouchland Farm who stated that in his researches of the road there was no mention in the property deeds that it was a highway.

Mr Squibb, a trail rider who advised that the road was used on an occasional basis by motorcycle enthusiasts and that the Trail Riders Federation uses the local authority list of streets as the basis for identifying routes to follow. Mr Squibb advised that the trail riders are exercising their legal right to use the road.

Mr Pincombe of the Parish Council advised that the parish had no objection to the proposed order.

The Chair requested that the following be investigated:

- (a) the status of the road
- (b) the visibility distances at the junction
- (c) options for future management of the road.

(a) Status of the Road past Bouchland Farm

The status of the road has been researched by the definitive map team who have established that it was recorded as an unclassified road on the earliest mapping of the maintainable highway which occurred at handover to the County Council in 1929. Since that time the road has appeared in maps and mileage registers as highway maintainable at public expense.

An investigation of the status of the road was undertaken in 1991/1994 as part of the definitive map review of public rights of way. The Public Rights of Way and Grants Committee resolved that the status of the road should remain and no action be taken to stop up or downgrade this road. (A copy of the report is appended to ENV ID 4211.)

The road is currently identified in the List of Streets which is a statutory document of highways maintainable at public expense which is maintained by the County.

The road past Bouchland Farm is currently an unmetalled unclassified road and open to all traffic.

(b) Visibility distances at junction with the A377

Distances were measured in accordance with Design Manual For Road and Bridge Works and were found to be 22 metres to the north and 14.5 metres to the south.

The distances required by the design Standard TD 41/95 Vehicular Access to All Purpose Trunk Roads requires a distance of 215m for a 60 mph road and 90m distance for a 40mph road.