

## **Seafront Road, Torcross Pedestrian Zone Traffic Regulation Order**

Report of the Head of Highways and Traffic Management

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

**Recommendation:** It is recommended that Traffic Regulation Order as advertised be made, sealed and implemented with the amendment of removing the following exemption clauses from the TRO:

- (a) an invalid carriage;**
- (b) a vehicle issued to a disabled person by the Department of Health in lieu of an invalid carriage;**
- (c) a disabled person's vehicle which displays in the relevant position a disabled persons badge.**

### **1. Summary**

It has been raised by some residents that bollards at either end of the seafront road have no legal standing. This Traffic Regulation Order is proposed to remedy this situation.

### **2. Background/Introduction**

The seafront road has historically been closed to through traffic by the use of removable bollards at either end of the stretch of road. These bollards are removed and replaced by residents who use the road to access properties, off street parking areas, load & unload and for maintenance vehicles.

Initial complaints were received by Devon County Council (the Council) regarding a Café placing its tables and chairs on the adopted highway which, caused issue with (a) alleged noise and disruption to local residents and (b) obstruction of the highway.

These complaints were dealt with by a letter from the Council to the business owner, who has since removed the offending tables and chairs. However, this issue did bring about discussion from a small number of residents regarding the legal standing of the road and who was responsible for traffic and highways issues on it. It was confirmed to residents that the road according to County Council records is adopted highway so the Council is responsible.

At a meeting with residents some discussion took place regarding the removable bollards situated at either end of the road, it was explained by Officers that this was an historic informal arrangement that had existed for many years. This was agreed to be the way in which the majority of the residents would like it to remain. However, the Council then received correspondence from a small number of residents pointing out that the current bollards had no formal legal standing and are currently blocking a section of adopted public highway without an appropriate Traffic Regulation Order (TRO) that is unsatisfactory; in addition the issue of any liability was raised should an incident occur in light of the bollards not having legal backing.

As the Council has been made formally aware of this fact it was felt necessary to attempt to implement a Traffic Regulation Order to ensure that the correct legal standing was given to the existing informal arrangement.

### **3. Proposal**

#### Pedestrian Zone

The Pedestrian Zone that is proposed is felt to best replicate the historical existing informal arrangement. It will allow access to all residents whose properties front directly on the sea front road.

This will be enforced by each residential vehicle having permits; these permits will be processed and controlled by the Parish Council and will be issued at a price of £20 (at the time of writing this report) to cover the administrative costs incurred. Current thinking is that the permits will be issued to households (2 permits per household max) and not individual vehicles (which is usual DCC practise) in order to be as flexible as possible in this particular case. Also in order to minimise the financial cost to residents the permits will not need to be renewed every year, but a charge will be made should the permit be lost, damaged or new resident takes over a property.

Currently the informal time duration felt reasonable for a vehicle to be parked on the sea front road is around an hour, to carry out tasks that are currently undertaken (e.g. to load/unload, drop off young children). There is no plan to formalise this time period, as in certain circumstances it may be required for permit vehicles to park for longer, but should residents repeatedly misuse the permit (e.g. use the sea front road for a permanent parking area) the Parish will be able to rescind all permits from the property.

### **4. Consultations/Representations/Technical Data**

Following agreement from Local Councillor and HATOC Chair a public notice forming the first stage of making a TRO, was advertised under delegated powers stating that the statutory consultation period would close on 11 February.

Three letters of objection have been received, these will be available for inspection at the Committee.

In order to discuss feedback a further meeting was held on 7 February 2011, DCC Highway officer in attendance with residents and the Parish Clerk. At this meeting although many topics were discussed the following 3 concerns were key issues:

- 1) Problems with where the proposed restriction signs were to be placed. Could they be relocated?
- 2) Could the disabled exemption be removed from the proposed TRO as the residents do not want this area to be used as additional disabled parking area? It was felt that adequate provision is made for such vehicle users within the existing parking places around the village.
- 3) Does the scheme have to be implemented with permits?

The answer to these questions is as follows:

- 1) The signs can be implemented at locations and mounting arrangements agreed by residents. After the meeting the locations and mounting arrangements were agreed by the Parish and residents including those who are directly affected.
- 2) Disabled users exemption can be removed from the order, given the availability of existing designated disabled bays in close proximity.

- 3) The restriction doesn't have to be implemented with permits. However, this could lead to problems and the view is that the permits best ensure the preservation of what the residents currently have (please see Options/Alternatives section for further information).

Following this meeting two further comments were received, one of which is a petition signed by 53 residents. The petition states 'This is a petition to keep the sea front at Torcross unchanged as it has worked for the village for the last 30 years all that is required is to legalise and retain the bollards at each end of the sea front. Any enforcement if required would be covered by the current highways act'. These will be available for inspection at the Committee.

## **5. Financial Considerations**

There is a further need to advertise the sealing of the order in the local press should it be deemed appropriate. The cost of which is estimated to be £600.

The scheme requires the placement of two signs indicating the restriction which is estimated to be in the region of £1,000.

It may also be desirable for the bollards to be replaced with more appropriate gates at either end that would be easier for residents to use, however these are not essential. This is estimated to be in the region of £4,000.

This will be funded from the Local Transport Plan Programme.

## **6. Sustainability Considerations**

The recommendation best reflects the current use of this section of road. The current system functions well, providing a 'shared use' facility that accommodates all its intended users in a safe and pleasant manner.

The road is a location of particular environmental sensitivity so it is felt important to ensure that vehicle numbers do not increase and that non motorised users are able to continue to utilise this area.

## **7. Carbon Impact Considerations**

The recommendation will have a neutral effect on emissions. All other options with the exception of privatisation of the road is likely to have a negative impact on emissions as more vehicles are likely to use the road.

## **8. Equality Considerations**

Should disabled driver exemption be removed from the order as recommended then they will not be able to park in this section of road. There are allocated disabled parking bays within a very short distance that are deemed to be the most appropriate location for parking of this nature.

The need to charge for a permit has been questioned in one of the responses to consultation. This charge is set by the Parish Council as responsible body for issue of permits. We have been informed that it has been set at £20 (at the time of this report) in order to cover the costs of administering the permits only. This is broadly in line with the County Council's approach to issue permits it is responsible for processing.

## **9. Legal Considerations**

There is a legal obligation to advertise the TRO in the local press should it be deemed appropriate.

The petition states that it is desired for the status quo to remain, and that The Highways Act should be used to deal with required enforcement. This would only be appropriate for obstruction e.g. should a vehicle be blocking the road; however, the current bollards are also technically causing an obstruction, so to use this act in this instance would not be appropriate.

The status quo is not currently a legal option, so appropriate action must be taken to ensure that this section of highway has correct legal standing.

## **10. Risk Management Considerations**

This proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

## **11. Options/Alternatives**

- (a) Implement a complete vehicle ban TRO with the standard exemption of vehicles accessing a point/property along this road. There would not then need to be a permit issued, however it does mean that any non residential vehicle can access the road for the legitimate reason stated (access) which could be argued that visiting the beach or pub is. This is likely to lead to non residential use should it become common knowledge (which is more than likely as the required restriction signs would state 'except for access'). This in turn could then lead to future requests to remove these vehicles by implementing a more restrictive TRO (such as the pedestrian zone restriction proposed).
- (b) Remove the bollards from both ends of the sea front road. This will mean that the current legal stance of the road being unrestricted will be intact as it will no longer be obstructed. This will need to be the outcome should no other mechanism of restricting the road be agreed. This will mean that any vehicle can travel down it and park on it.
- (c) Residents could apply for the road to be privatised. However, there are numerous financial and strategic obstacles that would need to be overcome before any further movement could take place (in the interim the bollards would technically need to be removed). This is not an option that the County is in position to fully consider (and would strongly advise against).

## **12. Reason for Recommendation/Conclusion**

The recommendation that has been presented is felt to be the most appropriate to ensure that the current informal arrangement is replicated legally. This is generally in line with the wishes of residents for the status quo to remain.

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**Electoral Division: Kingsbridge & Stokenham**

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
None		

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sc/cr/seafront road torcross  
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# LOCATION PLAN

