

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Mid Devon Highways and
Traffic Orders Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 16 June 2017
Please ask for : Wendy Simpson, 01392 384383

Email: wendy.simpson@devon.gov.uk

MID DEVON HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

Monday, 26th June, 2017

A meeting of the Mid Devon Highways and Traffic Orders Committee is to be held on the above date at 10.30 am in the Exe Room, Phoenix House, Tiverton to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Election of Chairman and Vice-Chairman
(NB: In accordance with the County Council's Constitution, the Chairman and Vice-Chairman must be County Councillors)
- 3 Minutes
Minutes of the meeting held on 6 March 2017 (previously circulated).
- 4 Items Requiring Urgent Attention
Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.
- 5 Member Induction - Duties and Responsibilities and Traffic Regulation Order (TRO) Approval Process
Presentation by the Acting Chief Officer for Highways, Infrastructure Development and Waste.

MATTERS FOR DECISION

6 Devon Highways Term Maintenance Contract

A manager from Skanska attending to discuss issues with Members.

Electoral Divisions(s): All Divisions

7 Annual Local Waiting Restriction Programme (Pages 1 - 8)

Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/40), attached.

Electoral Divisions(s): All Divisions

8 Lane to Pound Farm, Burlescombe: Stopping-up of Highway (Pages 9 - 12)

Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/41), attached.

Electoral Divisions(s): Willand & Uffculme

MATTERS FOR INFORMATION

9 Delegated Powers (Pages 13 - 14)

Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/42), attached.

Electoral Divisions(s): Crediton; Cullompton & Bradninch; Tiverton East; Tiverton West

STANDING ITEMS

10 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]

<http://www.devon.gov.uk/petition-scheme.pdf>

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

None

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 Wendy Simpson on 01392 384383.

Membership

County Councillors

Councillors J Berry, P Colthorpe, R Radford, C Slade, M Squires and N Way

Mid Devon District Council

Councillors R Chesterton, D Coren

Devon Association of Local Councils

Councillor L Cruwys

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 Gerry Rufolo on 01392 382299.

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 Gerry Rufolo on 01392 382299.

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

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

HIW/17/40

Mid Devon Highways and Traffic Orders Committee
26 June 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.

Agenda Item 7

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 £8,000 including Legal advertising charges. Detailed plans will be provided at the design stage.

6. 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.

7. 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.

8. Equality Considerations

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

9. 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 Mid Devon District.

10. Risk Management Considerations

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

11. Public Health Impact

There is not considered to be any public health impact.

12. Reasons for Recommendations

The proposals rationalise existing parking arrangements within the Mid Devon 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 Mid Devon 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 Mid Devon District

Local Government Act 1972: List of Background Papers

Contact for enquiries: Mike Jones

Room No: ABG Lucombe House, County Hall, Exeter.

Tel No: 01392383000

Background Paper	Date	File Ref.
None		

mj050617mdh
sc/cr/annual local waiting restriction programme
02 150617

Agenda Item 7

Appendix I
To HIW/17/40

Waiting Restriction Proposals

Location	What is being proposed	Statement of reasons	Parish/Town	County Councillor
Bewsley Hill	Double yellow lines opposite the Primary school.	To prevent inappropriate parking in the vicinity of the school and obstructive parking at the build out, without increasing the speed of vehicles past the school.	Copplestone	Nick Way
Waresfoot Drive	Extend existing Double yellow lines.	To prevent inappropriate and obstructive parking.	Crediton	Nick Way
Threshers	Convert School Keep Clear from advisory to mandatory outside of Landscore school.	To improve road safety in the vicinity of the school by preventing inappropriate parking.	Crediton	Nick Way
The Square	Limited waiting bay required outside the local stores.	Limited waiting bay to ensure parking turn over for the local convenience shop.	Sandford	Margaret Squires
The Square junction with Church Street	Request for Double yellow lines to prevent parking as this junction which causes traffic to cut the corner and damage both private property and the footway including areas of cobbles.	To prevent inappropriate and obstructive parking and prevent damage to the footway.	Sandford	Margaret Squires
King Street junction with Pathfields	Double yellow lines around the junction.	To prevent inappropriate and obstructive parking and maintain visibility splay.	Tiverton	Polly Colthorpe
Chapel Street	Outside No 82 Chapel Street extend existing double yellow lines past vehicle entrance.	Convert section of Single Yellow Line Mon-Sat 9-6 to Double Yellow Lines to prevent obstructive parking during evenings and Sundays.	Tiverton	Colin Slade
Broad Lane	Extend double yellow lines in front of The Bungalows opposite Orchard Way.	Extend Double Yellow Lines to prevent obstructive parking on bus route.	Tiverton	Polly Colthorpe
Broad Lane junction with King Street	Double yellow lines around the junction.	To prevent obstructive parking on bus route.	Tiverton	Polly Colthorpe
Bartows Causeway	Remove short section of double yellow line.	Reduce extent of Double Yellow Line restriction to provide addition unrestricted on street parking.	Tiverton	Polly Colthorpe

Agenda Item 7

Location	What is being proposed	Statement of reasons	Parish/Town	County Councillor
Lewis Avenue junction with Old Road	Double yellow lines near junction.	To prevent inappropriate and obstructive parking at junction and maintain visibility splays.	Tiverton	Colin Slade
Tiverton Way	Double yellow lines opposite entrance to Broad Oak Toiletries.	To allow HGVs to access Industrial Units.	Tiverton	Colin Slade
Marina Way/Tidcombe Lane Tiverton (near Tidcombe School)	Double yellow lines around junction.	To prevent obstructive parking on bus route.	Tiverton	Colin Slade
Morched Bishop Primary School area	Request for Double yellow lines in vicinity of school and review of school keep clear markings.	To prevent inappropriate parking in the vicinity of the school without increasing speed of vehicles past the school.	Morched Bishop	Margaret Squires
Brook Road	Double yellow lines adjacent to retail store and at junction with Jubilee Gardens.	To prevent inappropriate and obstructive parking and to provide protection to the visibility splay at the junction with Jubilee Gardens.	Cullompton	John Berry
Knowle Close	Double yellow lines on corner to help with keep traffic back from junction.	To prevent obstructive parking at junction and maintain visibility splay.	Cullompton	John Berry
High Street into Hele Road	Double yellow lines on both sides of the road from Love Hair to the White Lion and down Hele Rd to Dukes House entrance.	To prevent obstructive parking.	Bradninch	John Berry
Millway	Double yellow lines - a short section opposite the Baptist Church	To prevent obstructive parking.	Bradninch	John Berry
Dukes Orchard	Double yellow lines on junction of Dukes Orchard	To prevent obstructive parking at junction.	Bradninch	John Berry
Fore Street into Parsonage Street	Double yellow lines along the East side of Fore Street between Parsonage Street and Hen Street.	To prevent obstructive parking on bus route.	Bradninch	John Berry
Junction of Bary Lane and Road from Church Cross to White Cross, Cheriton Fitzpaine	Double yellow lines on junction corners.	To prevent obstructive parking at junction and maintain visibility splays.	Cheriton Fitzpaine	Margaret Squires

Agenda Item 7

Location	What is being proposed	Statement of reasons	Parish/Town	County Councillor
Hillcrest	Replace existing Access Protection Marking with approx 14 metres of Double yellow lines to prevent parking near the entrance to the Ambulance Station.	To prevent obstructive parking at the entrance to the Ambulance Station	Tiverton	Polly Colthorpe
Threshers	Double yellow lines at junction with Enfield Close.	To prevent obstructive parking on Threshers.	Crediton	Nick Way
Tiverton Way	Double yellow lines at entrance to Kevin Keatley Ltd (no. 9) next to Oaklands Court	To prevent obstructive parking at entrance to industrial units.	Tiverton	Colin Slade
Manitoba Gardens	Convert School Keep Clear from advisory to mandatory.	To prevent inappropriate parking outside the school.	Cullompton	John Berry
Melbourne Street	Extend Double yellow lines 63 metres from junction with Wellbrook Street to outside No22 Melbourne Street to prevent parking causing an issue with a pinch point.	To prevent inappropriate and obstructive parking at pinch point.	Tiverton	Polly Colthorpe

Agenda Item 7

Appendix II
To HIW/17/40

Aids to Movement Proposals

Location	What is being proposed	Statement of reasons	Parish/Town	County Councillor
Canal Hill (near the steps)	Dropped kerbs.	Installation of dropped kerbs to assist pedestrians in crossing to local facilities.	Tiverton	Colin Slade
Millway	Short section of railings to be installed at Pre-School entrance.	Neighbourhood Officer to provide additional details.	Bradninch	John Berry

HIW/17/41

Mid Devon Highways and Traffic Orders Committee
26 June 2017

Lane to Pound Farm, Burlescombe: 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) part of the public highway in the Lane to Pound Farm, Burlescombe as shown on the accompanying drawing attached as Appendix I is not needed for public use; and**
- (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 said highway be stopped up.**

1. Background

The council have been approached by the owner of Pound Farm to stop up the lane that leads to the farm as it serves no purpose other than to access the farm and adjacent farmland.

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 of the Lane to Pound Farm, Burlescombe as shown on the drawing attached as Appendix I.

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.

4. Consultations

Consultations have been carried out with the organisations below who have replied as indicated:

- Burlescombe Parish Council – no objections to proposal.
- Mid Devon District Council – no objections to proposal.
- Highways England (as adjacent landowner) - no objections to proposal provided access to the telecommunication masts is maintained.
- Western Power Distribution – no response received.

We have confirmed with the landowner that access to the telecommunication masts will be maintained.

5. Financial Considerations

The legal costs for the stopping up order are being paid for by the landowner.

Agenda Item 8

6. Environmental Impact Considerations

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

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.

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

Electoral Division: Willand & Uffculme

Agenda Item 8

Local Government Act 1972: List of Background Papers

Contact for enquiries: James Bench

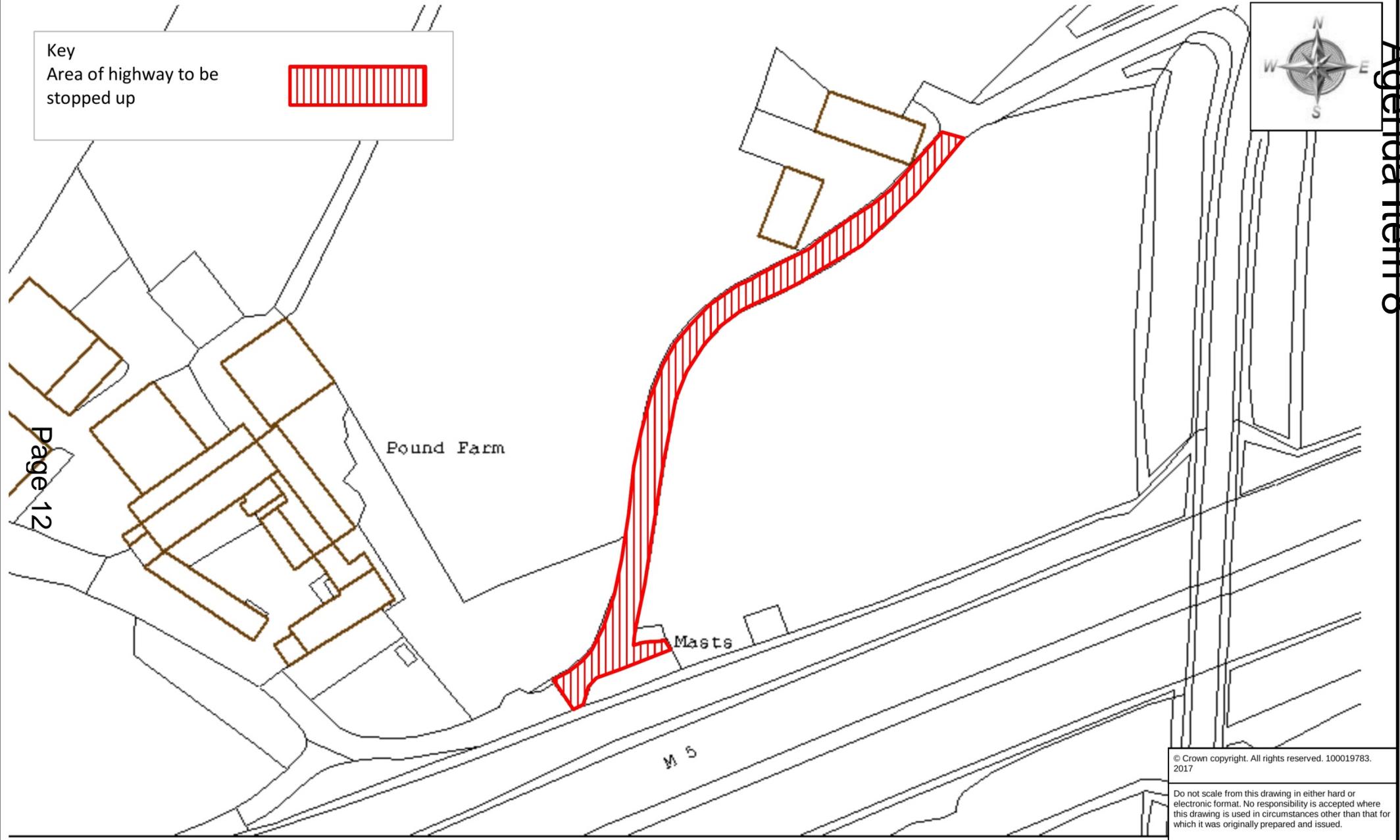
Room No: ABG, Lucombe House

Tel No: 0345 155 1004

Background Paper	Date	File Ref.
None		

jb060617mdh
sc/cr/lane pound farm burlescombe stopping up of highway
03 150617

Key
 Area of highway to be stopped up 



Page 12

© Crown copyright. All rights reserved. 100019783. 2017
 Do not scale from this drawing in either hard or electronic format. No responsibility is accepted where this drawing is used in circumstances other than that for which it was originally prepared and issued.



Meg Booth
 Acting Chief Officer of Highways,
 Infrastructure Development & Waste

TRAFFIC MANAGEMENT TEAM
 DEVON HIGHWAYS
 LUCOMBE HOUSE
 COUNTY HALL
 EXETER
 EX2 4QD
 Telephone 0345 155 1004

SCHEME	Lane to Pound Farm, Burlescombe
DRAWING	Highway To Be Stopped Up

drawn by	scale
JPB	1:1250
date	O.S.Ref
01-Jun-2017	307023,115835
drawing number	
SU16-02/1 (D)	

HIW/17/42

Mid Devon Highways and Traffic Orders Committee
26 June 2017

Actions Taken Under Delegated Powers

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

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

Recommendation: It is recommended that the report be noted.

1. Summary

In accordance with Minute *3 of the Meeting of this Committee on the 29 July 2003 this report details the actions taken under Delegated Powers since the last meeting and, where appropriate, in consultation with the Chairman and Local Members.

2. Actions on Advertised Traffic Orders

Since the last meeting of this Committee, a number of Traffic Orders have been progressed and where objections have been received, these have been dealt with by a consultation with the Chairman and Local Members. Details of these matters are listed below.

Location	Proposal	Action
Various Roads in Coplestone, Cullompton and Tiverton	Various restrictions proposed as part of the annual local waiting restriction programme.	Traffic regulation order advertised following HATOC and local member approval and order part sealed for those elements that received no objections.

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

Electoral Divisions: Crediton, Cullompton & Bradninch, Tiverton East and Tiverton West

Local Government Act 1972

List of Background Papers

Contact for enquiries: James Bench

Tel No: 0345 155 1004

Background Paper

Date

File Ref.

None

jb230517mdh
sc/hq/action under delegated powers
2 150617

