

Phil Norrey
Chief Executive

To: The Chair and Members of the
North Devon Highways and
Traffic Orders Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 9 July 2020
Please ask for : Gerry Rufolo, 01392 382299

Email: gerry.rufolo@devon.gov.uk

NORTH DEVON HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

Friday, 17th July, 2020

A meeting of the North Devon Highways and Traffic Orders Committee is to be held on the above date at 10.30 am. This will be a Virtual Meeting. For the joining instructions please contact the Clerk for further details on attendance and/or public participation. to consider the following matters.

P NORREY
Chief Executive

AGENDA

PART 1 OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Election of Chair and Vice Chair
Election of Chair and Vice Chair
(N.B. In accordance with the County Council's Constitution, the Chair and ViceChair must be County Councillors)
- 3 Minutes
Minutes of the meeting held on 31 October 2019, (previously circulated).
- 4 Items Requiring Urgent Attention
Item which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

MATTERS FOR DECISION

- 5 Stopping up of Public Highway: Lane past Blakewell Mill Farm, Muddiford (Pages 1 - 6)
 Report of the Chief Officer for Highways, Infrastructure Development and Waste
 (HIW/20/27), attached
Electoral Divisions(s): Combe Martin Rural
- 6 Pedestrian Safety at Pilton Bridge Junction and in Abbey Rd Pilton, Barnstaple
 In accordance with Standing Order 23(2) Councillor Greenslade has asked that the
 Committee consider this matter.
- 7 Potential funding from the Government for not only the missing link between Knowle and
Willingcott but also, for the benefit of others on the Committee, the proposals for
Barnstaple.
 In accordance with Standing Order 23(2) Councillor Spear has asked that the Committee
 consider this matter.

MATTERS FOR INFORMATION

- 8 Actions taken under Delegated Powers (Pages 7 - 8)
 Report of the Chief Officer for Highways, Infrastructure Development and Waste
 (HIW/20/28), attached

PART II - ITEMS WHICH IN THE OPINION OF THE CHAIRMAN MAY BE TAKEN IN
THE ABSENCE OF THE PRESS AND PUBLIC

Nil

<p><i>Part II Reports</i></p> <p><i>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).</i></p> <p><i>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.</i></p>
<p><i>Agenda Items and Attendance of District & Town/Parish Councillors</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>For further information please contact Gerry Rufolo on 01392 382299.</i></p>

Membership

County Councillors

Councillors J Yabsley (Chair), F Biederman, C Chugg, P Crabb, A Davis, R Edgell and J Mathews (Vice-Chair)

North Devon District Council/DALC

Councillors J Cann, D Knight, D Spear and I Cowling

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 Chair. 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 Chair 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 fourth working day before the relevant meeting. The name of the person making the presentation will be recorded in the minutes.

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 Customer Service Centre on 0345 155 1015 or email: committee@devon.gov.uk or write to the Democratic and Scrutiny Secretariat in G31, County Hall, Exeter, EX2 4QD.



Induction loop system available

HIW/20/27

North Devon Highways and Traffic Orders Committee
17 July 2020

Stopping up of public highway: Lane past Blakewell Mill Farm, Muddiford

Report of the 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:

- (a) the extent of the highway known as Lane past Blakewell Mill Farm, as detailed in Appendix I, is considered unnecessary 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 land be stopped up.**

1. Introduction

Under Section 116 of the Highways Act 1980, Devon County Council can make an application to a magistrates' court to stop up a section of highway if they think it is unnecessary.

We have received representation from the adjacent landowners that wish to take on responsibility for the road to improve the condition beyond the resources available to the highway authority.

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 the entire length of the public highway of the Lane past Blakewell Mill Farm, Muddiford as shown on the drawing attached as Appendix I.

Pedestrian access would still be retained to ensure access is still available to the public right of way at the north end of the lane.

3. Options

The option of retaining the land as public highway is not considered appropriate as the land serves no purpose as part of the operational road network.

We have considered an option of stopping up the lower part of the lane but this was not accepted by the adjacent landowners.

4. Consultations

A number of organisations have been contacted regarding both options and a list of organisations and their response can be found in Appendix II.

Agenda Item 5

5. Financial Considerations

The cost of the legal process is being met by the County Council from the Highways Maintenance budget as the stopping up would remove the cost for ongoing maintenance which is likely to be more expensive.

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 does not have 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

Under Section 116 of the Highways Act 1980 a highway authority can apply to a magistrates' court to stop up highway 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 road and therefore it is considered that this proposal has any public health impacts.

11. Reasons for Recommendations

In summary it is recommended that the Committee approve the request for an application to the magistrates' court for a stopping up order on the 'Lane past Blakewell Mill Farm, Muddiford described above, as the land is not needed for public use and is unnecessary as public highway.

Meg Booth
Chief Officer for Highways, Infrastructure Development and Waste

Electoral Division: Combe Martin Rural

Agenda Item 5

Local Government Act 1972: List of Background Papers

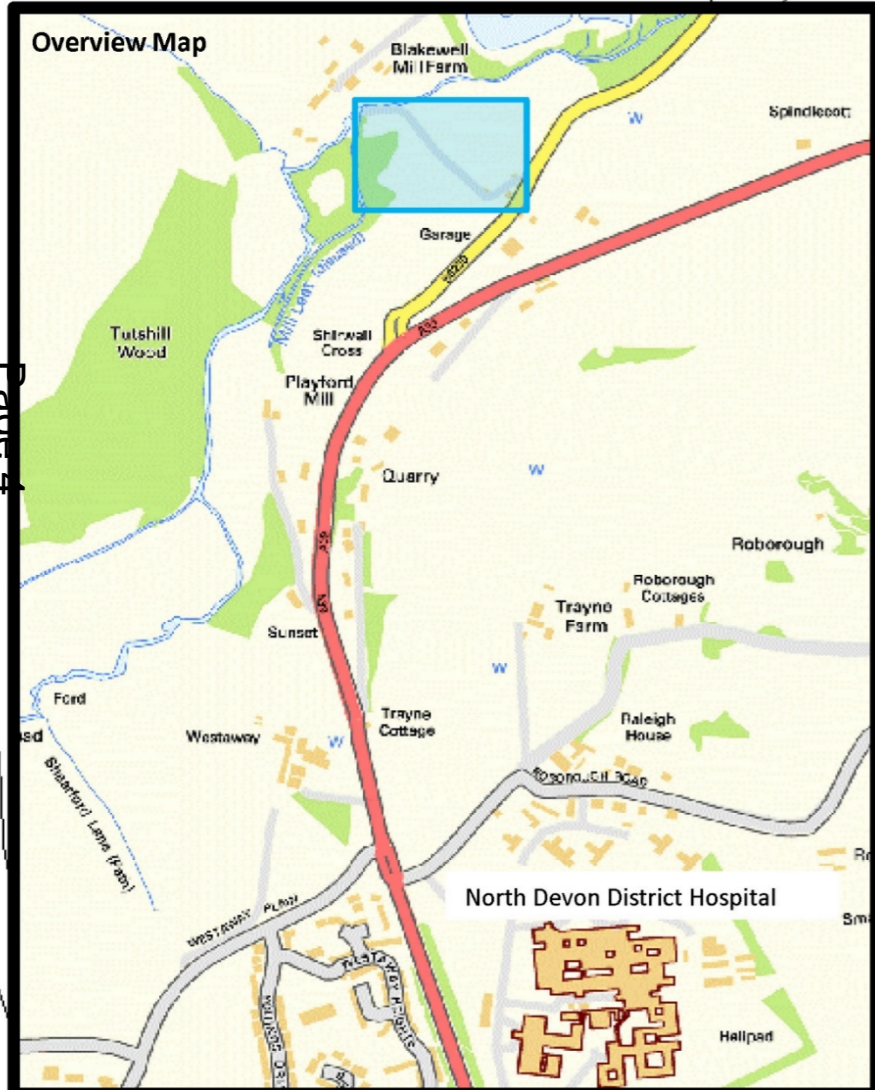
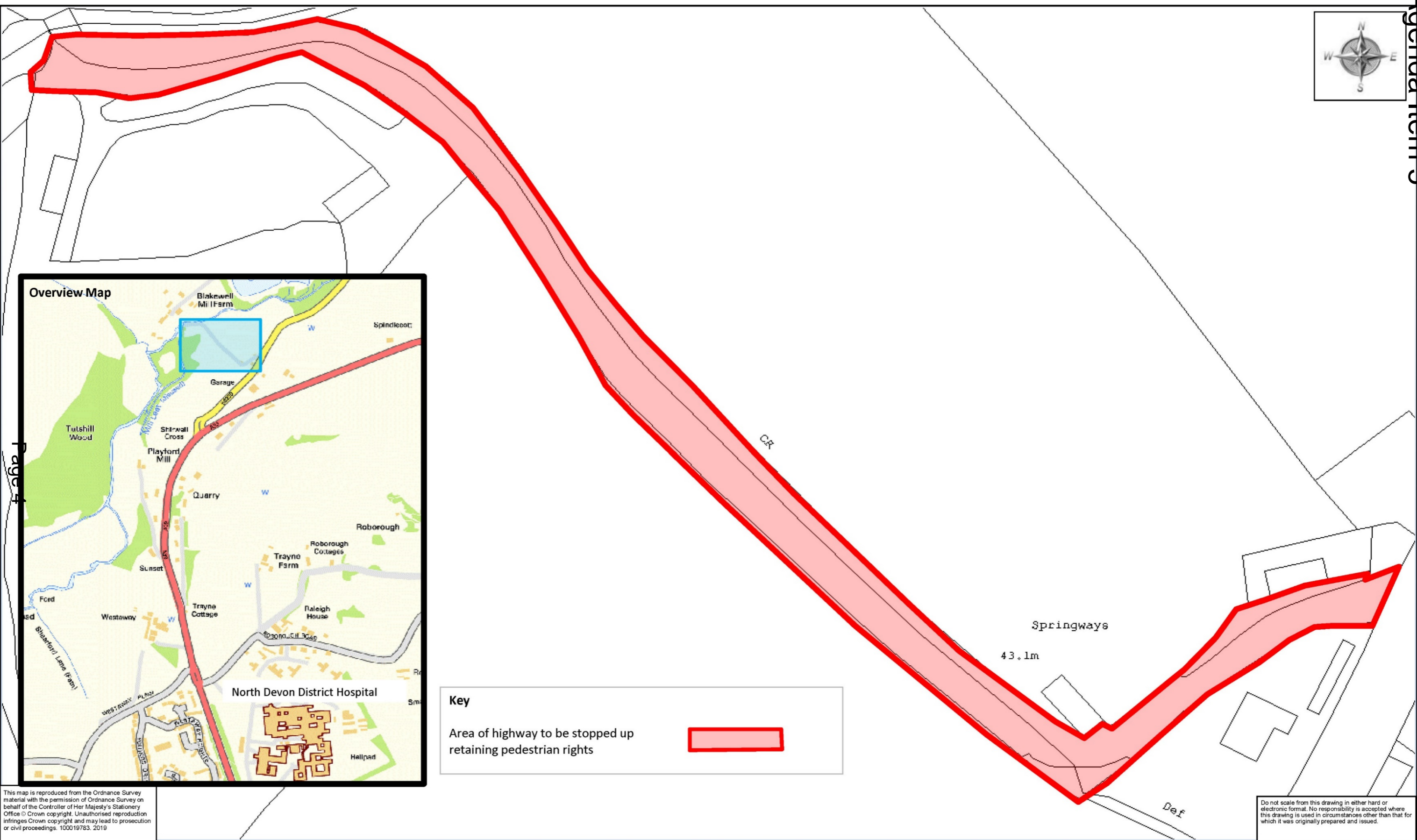
Contact for enquiries: James Bench

Room No: ABG Lucombe House


Tel No: 0345 155 1004

Background Paper	Date	File Ref.
None		

ag150620ndh
sc/cr/Stopping up of public highway Lane past Blakewell Mill Farm Muddiford
03 080720



Key

Area of highway to be stopped up retaining pedestrian rights 

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Meg Booth - Chief Officer, Highways, Infrastructure Development & Waste

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

SCHEME	LANE PAST BLAKEWELL MILL FARM, MUDDIFORD	
DRAWING	STOPPING UP ORDER	

drawn by	scale
AJG	1:500
date	O.S.Ref
10-Jun-2020	256299,135479
drawing number	
SU19-08/1(C)	

Organisations Contacted & Response

Organisation Contacted	Response
North Devon District Council	No reply received.
Shirwell Parish Council	No reply received.
Pilton West Parish Council	No reply received.
1 adjacent landowner	No reply received.
Auto Cycle Union	No reply received.
British Driving Society	No reply received.
British Horse Society	Initial objection received – further correspondence revealed BHS misinterpreted location – objection withdrawn when BHS realised their mistake.
Byways and Bridleways Trust	Initial objection received as unable to locate area in question. Further location maps sent – no further correspondence received.
Country Land and Business Association	No reply received.
Cyclists Touring Club	No objection to proposal.
National Farmers Union	No reply received.
Natural England Consultation Service	No reply received.
Open Spaces Society	No reply received.
Devon Green Lanes Group	No reply received.
Ramblers	No reply received.
Trail Riders Fellowship	No reply received.
4 Wheel Vehicle Users	No reply received.

HIW/20/28

North Devon Highways and Traffic Orders Committee
17 July 2020

Actions Taken Under Delegated Powers

Report of the 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 *4 of the Meeting of this Committee on 29 June 2017 this report details the actions taken under Delegated Powers since the last meeting and, where appropriate, in consultation with the Chair and Local Councillors.

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 Chair and Local Councillors. Details of these matters are listed below.

Location	Proposal	Action
Various roads in Barnstaple, Ilfracombe, Lynmouth, Lynton and South Molton	Introduction and removal of Disabled Parking bays	Traffic regulation orders advertised, objections resolved where necessary and order sealed after consultation with Local Councillors and HATOC Chairs.
Countywide	Introduction of Care Workers permits and changes to Dispensation Permit scheme	Traffic regulation order advertised, objections resolved and scheme implemented following consultation with the Cabinet Member for Highway Management and the Cabinet Member for Adult Social Care & Health Services.
Lamerton Park, South Molton	Road Hump	Road hump advertised, and implemented after consultation with Local Councillors and HATOC Vice Chair as no objections were received.
Berry Down Cross, Combe Martin	40mph Speed Limit	Speed limit order advertised, and implemented after consultation with Local Councillors and HATOC Chair as no objections were received.

Meg Booth
Chief Officer for Highways, Infrastructure Development and Waste

Electoral Divisions: All in North Devon

Agenda Item 8

Local Government Act 1972: List of Background Papers

Contact for enquiries: James Bench

Room No: ABG Lucombe House, County Hall, Exeter

Tel No: 0345 155 1004

Background Paper	Date	File Ref.
None		

jb260620ndh
sc/hq/action under delegated powers
2 hq 080720