

Phil Norrey
Chief Executive

To: The Chair 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 : 19 June 2020
Please ask for : Wendy Simpson, 01392 384383

Email: wendy.simpson@devon.gov.uk

MID DEVON HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

Monday, 29th June, 2020

A meeting of the Mid 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 joining instructions, please contact the Clerk for further details on attendance and/or public participation to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

- 1 Meeting Procedures - Briefing and Etiquette
Democratic Services Officer to present.
- 2 Election of Chair and Vice-Chair
(NB: In accordance with the County Council's Constitution, the Chair and Vice-Chair must be County Councillors)
- 3 Apologies for Absence
- 4 Minutes (Pages 1 - 2)
Minutes of the meeting held on 15 October 2019, attached.
- 5 Items Requiring Urgent Attention
Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

MATTERS FOR DECISION

- 6 Diversion of Public Highway - Land adj Holwell Farm, Bampton (Pages 3 - 8)
Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/21), attached.

Electoral Divisions(s): Tiverton West

- 7 Traffic calming requirements in Halberton
(In accordance with Standing Order 23(1) Councillor Hughes has requested that the Committee consider this matter)

Chief Officer for Highways, Infrastructure Development and Waste to give a verbal update.

Electoral Divisions(s): Tiverton East

- 8 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://democracy.devon.gov.uk/ieListDocuments.aspx?CId=416&MId=2487&Ver=4&info=1>

MATTERS FOR INFORMATION

- 9 Delegated Powers (Pages 9 - 10)
Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/20/22), attached.

Electoral Divisions(s): All in Mid Devon

- 10 Dates for Future HATOC Meetings
7 October 2020 and 9 March 2021.

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

MembershipCounty Councillors

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

Mid Devon District Council / Devon Association of Local Councils

Councillors J Cairney, L Cruwys and E Brookes-Hocking

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 Wendy Simpson on 01392 384383. 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 Wendy Simpson on 01392 384383.

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.

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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

MID DEVON HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

15 October 2019

Present:-

Devon County Council:-

Councillors R Radford (Chair), J Berry, C Slade, M Squires and N Way

Mid Devon District Council

Councillor L Cruwys

* **41** **Minutes**

RESOLVED that the minutes of the meeting held on 18 February 2019 be signed as a correct record.

* **42** **Election of Chair and Vice-Chair**

RESOLVED that Councillors Radford and Berry be elected Chair and Vice-Chair respectively for the ensuing year.

* **43** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **44** **Highway Asset Management / Doing What Matters**

The Chief Officer for Highways, Infrastructure Development and Waste gave a presentation which covered: the Annual Programme for 2019-20 (Capital Works); Design/Delivery; Cyclical Works; Programmes; and Doing What Matters.

Doing What Matters was a different approach from a largely data-led process to a more stream-lined pragmatic system-thinking approach for highways maintenance. Members welcomed the approach with an emphasis on local Member and Neighbourhood Highways Officer input.

There followed discussion with Members and Officers around gully cleaning, data, and programme works for the Parishes, which the Highways Programme Officer undertook to circulate to Members. An interactive map showing current and planned roadworks was available at <https://roadworks.org/>.

An invitation was extended to Members to visit the Doing What Matters team in Okehampton.

[N.B. Presentation attached]

* **45** **Highways Permit Scheme**

The Committee received a presentation from the Assistant Project Manager on a proposed permit scheme for approving works on the highway and the introduction of statutory regulations. The presentation covered:

- the current noticing system for informing the County Council as Highways Authority of proposed road works;
- the Council's statutory duty to co-ordinate works and reduce disruption;

Agenda Item 4

- the requirement for all local authorities to consider introducing a scheme by April 2020;
- the project timeline;
- the scope covering all statutory undertakers and DCC Highway works and in phase 2 all other privately licensed works;
- types of highway works included in the proposed scheme;
- permit discounts available for recommended good practice; and
- range of conditions.

Discussion points with the Officers included:

- that retrospective permits could be applied for in emergency situations, e.g. gas or water leaks;
- the problem with redundant road signs left on roadsides after works had been completed and whether fixed penalty notices could be issued;
- the proposed timeline included a period for consultation before 'going live' in March 2020;

[N.B. presentation attached and additional information on the Scheme is available at: www.devon.gov.uk/worksp permit-scheme]

* 46

Delegated Powers

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/79) on action taken in consultation with the Chair and Local Members under Delegated Powers.

* 47

Petitions/Parking Policy Reviews

There was no current petition for a parking review from a member of the public relating to Mid Devon.

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

The Meeting started at 10.30 am and finished at 11.58 am

HIW/20/21

Mid Devon Highways and Traffic Orders Committee
29 June 2020

Diversion of public highway; Land adjacent to Holwell Farm, Bampton

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 highway land adjacent to Holwell Farm, Bampton, as detailed in Appendix I, is not needed for public use; and**
- (b) this Committee resolves that subject to the consultations referred to in section 4, 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 diverted.**

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 divert a section of highway if they think it is more commodious (convenient).

We have received representation from the landowner at Holwell Farm who wishes to apply for a stopping up order so that the land shown in red (as shown in Appendix I) no longer forms part of the public highway and the land shown in green is adopted to provide an alternative route.

2. Proposal

It is recommended that an application is made to the Magistrates' Court under Section 116 of the Highways Act 1980 to divert part of the public highway adjacent to Holwell Farm, Bampton as shown on the Drawing attached as Appendix I.

It is considered that the alternative route is more commodious (convenient) as it removes the need for the public to travel through the farmyard, and the potential conflicts, to continue onto the unmetalled route leading past Holwell Copse and onto the B3190.

The alternative route has already been provided by the landowner and is already being used by the public, including motorcycles.

3. Alternatives

Devon County Council could refuse the application but would have no specific reasons for doing so.

4. Consultations

A number of organisations have been contacted on the proposal and a summary of the consultees and their response can be found in Appendix II.

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We have received correspondence from the Trail Riders Fellowship seeking clarification on a number of points. The Council has responded to these points and is awaiting confirmation as to whether the Trail Riders Fellowship are objecting to the proposed diversion.

If a response is received then it will be discussed with the local member and chair, before a final decision is made whether to proceed with the application to the Magistrates Court.

5. Financial Considerations

There are no financial implications to this proposal as all costs will be met by the applicant.

6. Environmental Impact Considerations

There are no environmental impacts in relation to this proposal.

7. Equality Considerations

There are no equality considerations in relation to this proposal.

8. Legal Considerations

Under Section 116 of the Highways Act 1980 a highway authority can apply to a magistrates' court to divert a highway on the ground that it is nearer or more commodious to the public.

Only a highway authority can apply to a magistrates' court for a stopping up/diversion 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

There are no implications of the proposals on public health in the area.

11. Reasons for Recommendations

In summary it is recommended that the Committee approve the request for an application to the magistrates' court to divert the public highway at Holwell Farm, as the existing highway is not needed for public use and is considered the alternative route is more convenient (commodious).

Meg Booth
Chief Officer for Highways, Infrastructure Development and Waste

Electoral Division: Tiverton West

Local Government Act 1972: List of Background Papers

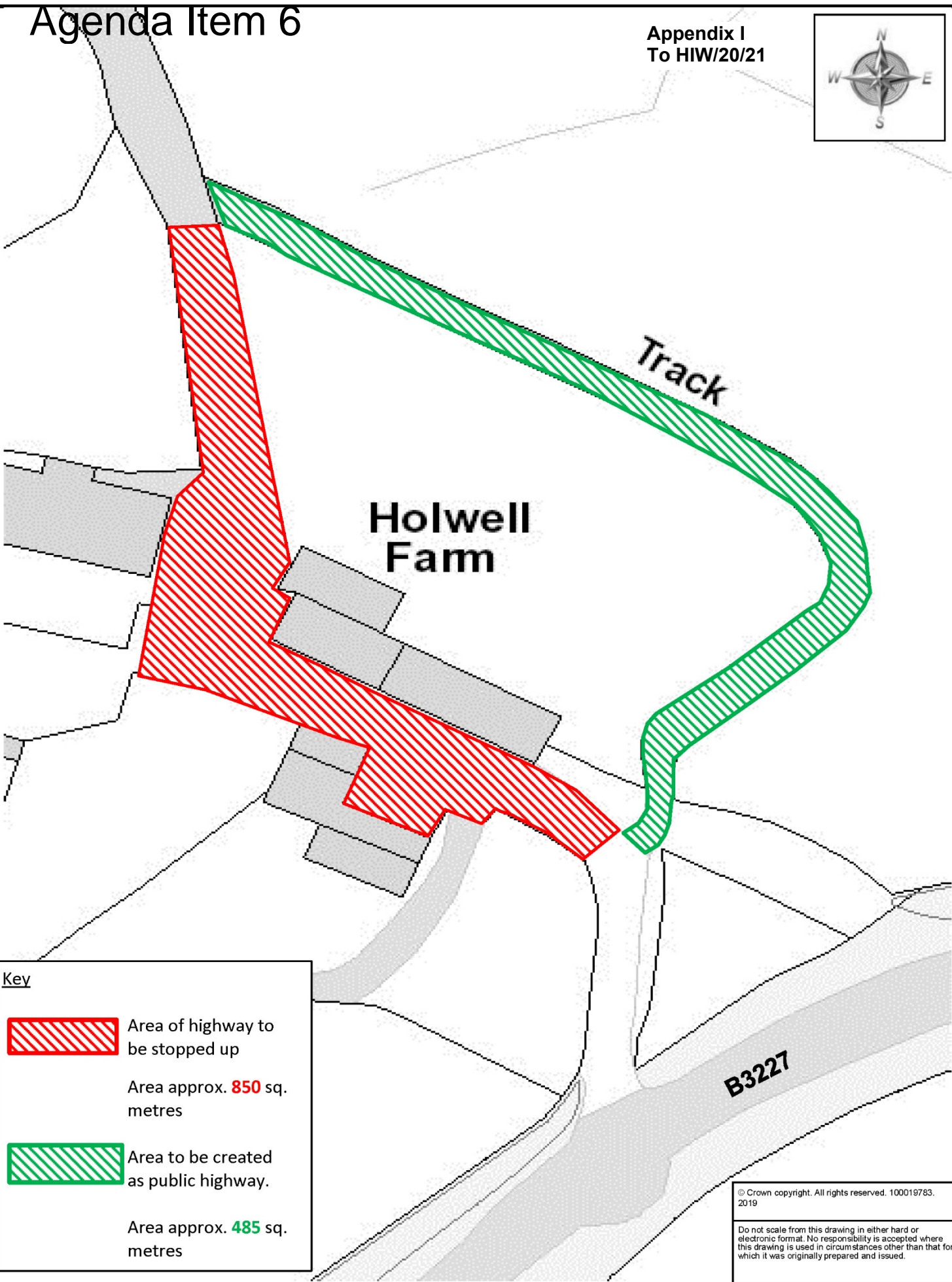
Contact for enquiries: James Bench

Room No: ABG Lucombe House


Tel No: 0345 155 1004


Background Paper	Date	File Ref.
None		

jb040620mdh
sc/cr/Diversion of public highway; Land adjacent to Holwell Farm, Bampton
01 040620



Key

 Area of highway to be stopped up
Area approx. **850** sq. metres

 Area to be created as public highway.
Area approx. **485** sq. metres

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Meg Booth - Chief Officer for Highways, Infrastructure Development & Waste
TRAFFIC ORDERS & POLICY TEAM
DEVON COUNTY COUNCIL
HIGHWAY MANAGEMENT, LUCOMBE HOUSE, COUNTY HALL, TOPSHAM ROAD, EXETER, EX2 4GD
Telephone 0345 155 1004

SCHEME
HOLWELL FARM, BAMPTON

DRAWING
Page 6
STOPPING-UP ORDER

drawn by **CMHP** scale **1:500**

date **15-Nov-2019** O.S.Ref **296587, 123246**

drawing number **SU19-006/1 (A)**

Organisations Contacted & Response

Organisation Contacted	Response
Mid Devon Council	Received 12/12/19 – No objections
Bampton Parish Council	Received 09/12/19 – No objections
BT	None received
South West Water PLC	None received
Wales and West Utilities PLC	None received
Western Power Distribution PLC	None received
Auto Cycle Union	None received
British Driving Society	None received
British Horse Society	Received 18/12/19 – No objections
Byways and Bridleways Trust	None received
Country Land and Business Association	None received
Cyclists Touring Club	None received
National Farmers Union	None received
Natural England Consultation Service	None received
Open Spaces Society	None received
Devon Green Lanes Group	None received
Ramblers	None received
Trail Riders Fellowship	Received 10/02/20 – requested clarification of proposals; response sent. Awaiting clarification whether the TRF wish to object to this diversion.
4 Wheel Vehicle Users	None received

Agenda Item 9

HIW/20/22

Mid Devon Highways and Traffic Orders Committee
29 June 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 *5 of the Meeting of this Committee on 26 June 2017 this report details the actions taken under Delegated Powers since the last meeting.

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 County Councillors. Details of these matters are listed below.

Location	Proposal	Action
Fairway, Tiverton (Braid Park)	Banned Turns	Traffic regulation order advertised and implemented after consultation with Local County Councillors and HATOC Chair as no objections were received.
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.

Meg Booth
Chief Officer for Highways, Infrastructure Development and Waste

Electoral Division: All in Mid Devon

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

jb040620
sc/hq/action under delegated powers
1 hq 040620

