

## **Removal of Building, Improvement and Visibility Lines at South West Exeter**

Report of the Head of Planning, Transportation and Environment

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

**Recommendation:** It is recommended that the building lines at South West Exeter as prescribed in the Schedule attached as Appendix I be revoked and rescinded and removed from the Register of Local Land Charges.

### **1. Background**

The Public Health Act 1925 and the Roads Improvement Act 1925 empowered the Highway Authority of the day to prescribe, in relation to one side or both of any Highway Maintainable at Public Expense, an improvement line the effect of which is to protect land, which may eventually be needed for road widening, from the erection of buildings.

Upon Local Government Re-organisation in 1974 the Devon County Council inherited as successor Highway Authority various building, improvement and visibility lines prescribed by the former Highway Authorities, most of which were prescribed in the 1920's and 1930's.

All building and improvement lines are protected by registration in the Register of Local Land Charges and are revealed in replies to searches made by Solicitors acting for prospective purchasers of properties or land.

Most of the Orders made under the Public Health Act 1925 and the Roads Improvement Act 1925 are unable to be located in printed version. It would be difficult, therefore, to enforce if thought necessary.

Reviews of building, improvement and visibility lines have been undertaken in some districts. Where they have been deemed to be obsolete by virtue of the changes to road layout or traffic patterns over the years, the powers contained in current Planning Legislation, or there is no prospect of the identified highway improvement being progressed they have been revoked and rescinded and removed from the Register of Local Land Charges.

### **2. South West Exeter**

Building lines remain in place adjacent to the A379 between the Matford Roundabout and the A30 overbridge, on the edge of Exeter. This is within an area allocated for development known as South West Exeter.

In total, South West Exeter is an allocation of 2,500 dwellings within the administrative areas of Exeter and Teignbridge, which has been allocated in the relevant Local Plan and Core Strategy. The development impacted by the building lines is that within the district of Teignbridge.

Proposals for development in this location are well established. In addition to the land being allocated for development, planning applications have been approved, including for land impacted by the building and improvement lines.

It is understood that the building lines were prescribed in this location to protect land for future improvements to the A379. The only widening anticipated for this road is that which is required for the proposed development. This includes widening of the A379 and new access junctions. They do not require the protection from the building lines to achieve this as they are deliverable without these. No widening is proposed or expected beyond this and would not be expected without development.

It is not considered acceptable to retain the building lines as although they would enable widening as proposed, they could, subject to enforcement of them, affect delivery of development as required for widening associated with the development.

The delivery of development at South West Exeter is part of a strategy for development within the Exeter area and as identified above is included within planning policy. Devon County Council supports this development and has made a funding bid of £55 million to the Housing Infrastructure Fund to deliver infrastructure to bring forward development in the area.

### **3. Options/Alternatives**

The Committee may decide to retain in the Register of Local Land Charges the lines detailed in Appendix I.

This would have an impact on the development coming forward as well as the infrastructure required to deliver the development.

### **4. Financial Considerations**

There are no additional costs involved in implementing the recommendation. The modifications to the Register of Local Land Charges would be undertaken by existing staff.

### **5. Environmental Impact Considerations**

It is considered the environmental impact of implementing the recommendation would be neutral.

### **6. Equality Considerations**

It is considered there are no considerations in relation to the Public Sector Equality Duty in implementing the recommendation.

## 7. Legal Considerations

The lawful implications of the recommendations have been considered and taken into account in the preparation of this report.

## 8. Reasons for Recommendations

It is considered that the historic improvement, building and visibility lines in the Register of Local Land Charges summarised in Appendix I are now obsolete by virtue of the changes to road layout or traffic patterns over the years, the powers contained in current Planning Legislation, or there is no prospect of the identified highway improvement being progressed.

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### **Electoral Divisions: Exminster & Haldon, Alphington & Cowick**

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
None		

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02 190219

**Appendix I  
To PTE/19/9**

**Schedule of Local Land Charges to be revoked and rescinded and removed from the Register.**

<b>Nature of prohibition or restriction; and reference to order, scheme, instrument, resolution, covenant, agreement or other document, under or by virtue of which prohibition or restriction is created or enforceable</b>	<b>Historic description of land affected by prohibition or restriction</b>	<b>Current road number/ Electoral Division</b>	<b>Date</b>
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter By-Pass Road	A379 Exminster & Haldon	23 January 1936