

Bus Gate - Old Torrington Road, Sticklepath

Report of the Director of Climate Change, Environment and Transport

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

Recommendation: It is recommended that:

- (a) the responses to the consultation be noted; and**
- (b) the traffic order for the bus gate on Old Torrington Road (as modified) is made and sealed.**

1. Background/Introduction

As part of the new housing developments it has been proposed that the prohibition of motor vehicles (bus gate) on Gratton Way be relocated to Old Torrington Road to better manage traffic in the area.

At the North Devon HATOC on 7th July 2021 it was resolved that to implement the bus gate and waiting restrictions on Old Torrington Road subject to further consideration by this committee on the proposed operating times of the new bus gate.

This discussion took place at HATOC on 21 November 2021 where the HATOC resolved to introduce the bus gate at all times for northbound traffic only, with an exemption for motorcycles. However, following legal advice, this modification required further public consultation. This report details the results of the consultation so that the comments can be considered before a final decision is made.

2. Proposal

A large housing development (Larkbear) is being constructed between Old Torrington Road & the A361 in several phases. So far, planning permission has been granted for over 200 new homes, with the potential for more to be constructed in the future. As part of the development it has been proposed to change the route motor vehicles use to access the southern part of Old Torrington Road.

Currently there is an existing prohibition (bus gate) in Gratton Way which is operated by a rising bollard system. The traffic orders would revoke this and introduce a new bus gate on Old Torrington Road, to the north of the junction with Gratton Way.

This would mean that traffic would be directed through Gratton Way to the new development, the crematorium and properties at the southern end of Old Torrington Road instead of from Bickington Road (A3125). This is to help better manage traffic in the area and reduce congestion due to the new housing development.

The committee has considered the proposal and has suggested amending the bus gate so that it applies to northbound traffic only, allowing all traffic to travel southbound, towards the crematorium.

3. Consultations

At the meeting on 21 November 2021 it was resolved that a Bus Gate in Old Torrington Road, be implemented subject to:

- (a) all traffic being permitted to travel southbound through the bus gate and Officers further investigate a proposal for an exemption for motorcyclists northbound.
- (b) additional traffic calming measures being investigated for Old Torrington Road, north of the bus gate; and
- (c) monitoring of the impact of the implementation of the above over a period of 12 months and for report to a future meeting of this Committee.

Following legal advice, it is considered that the modifications proposed at HATOC would be a substantial change to the original traffic order. This meant the council is required to re-consult those that would be affected by the proposed change.

We have since arranged this consultation, which was carried out from 1 to 14 June 2022 and we wrote to all properties affected north and south of the proposed bus gate. Details of the modification can be found in Appendices 1 & 2.

Notices were also erected on site and information was provided on the councils website. It is acknowledged that the modification notice was not originally published on the website and this was rectified as soon as the matter was identified. However, it is considered that the information on what is proposed was available on the website and within the postcards sent to residents, that this does not impact the consultation.

In total 118 responses were received. only 11 indicated support for the modification with 107 opposed.

Number of Reponses	North	South
Support	8	3
Oppose	94	13

A full summary of comments and the councils response can be found in Appendix 3.

4. Enforcement

Since the November HATOC, officers have also been reviewing the legislation and design to ensure the council does have the powers to enforce by means of a camera. This is proved to be more technically complex then we'd originally thought.

The latest position is that the Department for Transport (DFT) has just published new legislation for the enforcement of moving traffic restrictions, which means that authorities wishing to take on the powers will be required to formally seek and obtain approval from the DFT. Then carry out specific consultation before any camera enforcement can take place. As these powers could be used across Devon the decision to apply for these powers is to be considered by the Scrutiny Committee which is planned for June 2022.

It is worth noting that enforcement could still be carried out by the police, but it would require a police officer in uniform to be present and witness a vehicle breaking the prohibition. Due to the limited resources of the police, they have indicated they would not support this option.

The scrutiny task group is planned for June to September 2022.

5. Discussion

Whilst it is recognised that the majority of the responses are not in favour of the proposed modification, the comments submitted are the same issues previously raised and considered by the committee.

Previously officers had recommended to implement the bus gate as advertised. This was based on the responses previously submitted. However, the committee considered the officers recommendation and other representations at the meeting in November 2021 before making the resolution on a modified proposal.

It is not considered that the responses to the modified proposal provide anything different to the comments that have previously been considered by the committee. It is therefore recommended that the modification to the bus gate is approved and the traffic regulation order (as modified) is made and sealed.

6. Alternatives

The alternative of implementing the bus gate part time has been considered.

The purpose of the bus gate is to stop traffic from using the Old Torrington Road route. It is recognised that there would be an increased demand to use this route when the A3125 is congested and therefore it is appropriate that the bus gate must apply during these times. However, if the A3125 is not congested then the A3125 will have capacity for the traffic that would want to use Old Torrington Road.

This is consistent with the existing bus gate on Gratton Way that also applies at all times.

A part time bus gate may also lead to confusion for drivers, especially those occasionally travelling to properties / amenities to the south of the bus gate. A full time restriction is much clearer than one that operates some of the time.

The option of implementing the bus gate as originally advertised has been considered but ruled out for the reasons detailed within this report.

7. Strategic Plan

The restrictions proposed support the priorities in the Strategic Plan as they aim to improve road safety to improve health and wellbeing and to better manage traffic in the areas to respond to the climate emergency and support sustainable economic recovery.

8. Financial Considerations

The proposals and associated works are being funded by the housing developer for the Larkbear development, Persimmon Homes. The camera enforcement equipment for the bus gate would also be funded by the developer.

9. Legal Considerations

To introduce a vehicle prohibition will require a statutory consultation in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

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 is practicable, to secure the expeditious, convenient and safe movement of traffic and provision of parking facilities.

10. Environmental Impact Considerations (Including Climate Change)

Comments received as part of the consultation suggested that congestion on Cedars Roundabout and the surrounding roads may get worse following the implementation of this new bus gate. It is considered that traffic should use the A3125 as this is designed for a higher capacity of traffic. Work is being undertaken as part of a different scheme to identify any issues here and look to improve congestion.

11. Equality Considerations

It is not considered that the proposed recommendation has any equality impacts.

12. Risk Management Considerations

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

13. Reasons for Recommendations

After considering the comments, it is recommended that the new bus gate and associated waiting restrictions on Old Torrington Road are introduced as modified.

Meg Booth
Director of Climate Change, Environment and Transport

Electoral Division: Chulmleigh & Swimbridge

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
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None		
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Devon County Council (Old Torrington Road, Sticklepath) (Bus Gate) Order

Following further consideration, it is being recommended that the proposals for the Bus Gate are modified.

The modification would relax the proposed prohibition (Bus Gate) to allow:

- All vehicles to travel southbound towards the crematorium.
- Motorcycles to travel northbound (as well as the buses, cycles and authorised vehicles originally proposed).

A plan showing the modification can be seen at <http://devon.cc/tro> from 1 June 2022. Free computer use (bookable in advance) is available during their opening hours at most Devon Libraries. Documents are also available to view, by appointment, during normal office hours at the address below. To book an appointment please contact 0345 155 1004 or use the online form at <http://devon.cc/tro>

Should you wish to make a representation regarding this proposed modification then you may do so via the following methods: -

- **Online:** <http://devon.cc/tro> to arrive on or before 14 June 2022
- **Post:** County Solicitor, Devon County Council, County Hall, Topsham Road, Exeter, EX2 4QD to arrive on or before 14 June 2022

ENV ID 5820
Website Reference IMR/B18112
1 June 2022

Summary of Comments Submitted

Comment	North	South	DCC Response
<p>Congestion on 'A' road Higher volume of traffic on Roundswell, A3125 and Sticklepath Hill causing congestion problems, with such a large number of additional houses being built off the Old Torrington Road [Riverton Road development], there has been a significant increase in traffic in the area.</p> <p>The relaxation of the traffic at the Bus Gate access needs to be open to traffic moving both south- and northbound, in order to ease the increasing congestion at the Sticklepath Hill roundabout and allow easier access for local residents.</p>	3	3	<p>It is recognised that the bus gate will require traffic to use an alternative route and may increase traffic on the A road. However, this is the most appropriate route for traffic.</p> <p>There is a long term ambition for a new access from the Larkbear development to the A361 Western Bypass, but this does not have planning permission or a live planning application. It is not known when this might be constructed but would ease traffic as the new housing development grows.</p>
<p>The modification does not address the main existing problem of speeding/heavy traffic flow on Old Torrington Road past mini roundabouts at Shorelands Road, and main route into town from Cedars roundabout. This new modification will create a 'Rat run' that will cause congestion and pollution.</p>	69	12	<p>Views noted.</p> <p>The HATOC has previously agreed to investigate additional traffic calming measures for Old Torrington Road, north of the bus gate.</p>
<p>Revert back to plan The original plan to have a bus gate on the Old Torrington Road was recommended after consultation with the local community. Reinstating the original proposals would ease the situation on the Main A3125 at the junction with Old Torrington Road.</p> <p>The bus gate should go where it was originally meant to go between Grange Avenue and the new development. Only buses, ambulances & police be allowed to use it. The proposed modification will cause chaos.</p>	9	1	<p>Views noted.</p> <p>The location of the bus gate has not changed.</p>

Comment	North	South	DCC Response
<p>Safety The new modification won't fix anything only move a traffic problem and make yet another road more dangerous. The college junction and Sticklepath roundabout are far too busy already. The new proposal will not decrease the amount of traffic but instead will encourage drivers to drive at speed along this stretch of road. It will also make coming out of junctions more hazardous.</p>	25	1	Views noted
<p>Support The modification of the operation of the relocated bus-gate to allow all south-bound traffic, would give a preferable experience of the last part of their journey for mourners travelling by road to the Crematorium.</p> <p>This new modification resolves the key issue of traffic build up through vehicles using Old Torrington Road as a short cut, which back's up traffic from the roundabout onto Sticklepath Hill.</p>	8	3	Support noted.