

Pitt Hill, Appledore: Proposed Prohibition of Motor Vehicles

Report of the Director of Climate Change, Environment and Transport

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

Recommendation: It is recommended that the Proposed Prohibition of Motor Vehicles Order is implemented as advertised.

1. Summary

This report is to consider the submissions to the statutory consultation on the Traffic Regulation Order (TRO) restrictions proposed in Pitt Hill, Appledore, to provide a safe and sustainable route through a new residential development for vulnerable road users.

2. Background

Outline planning consent was granted in August 2020 for a residential development of up to 110 dwellings, public open space and associated infrastructure on land at Wooda Road/Pitt Lane, Appledore. Subsequent planning applications have amended or secured detailed designs for the scheme and there are several other smaller residential developments planned on neighbouring sites.

The application included a proposal to introduce a prohibition of motor vehicles restriction on a short length of Pitt Hill. This will remain adopted public highway and will become a traffic-free route for pedestrians, cyclists and horse riders through the new development, with a vehicle crossing approximately halfway along to provide access to a small number of dwellings alongside the lane. Traffic travelling between Wooda Road/Pitt Lane will use the new length of road through the development.

Plans of the development and TRO can be found in Appendix 1. It should be noted that the development is not conditional on the TRO being approved. The reason for the TRO is to take the opportunity to improve road safety and active/sustainable travel by transferring through traffic to a new road which is more suitable.

3. Consultations/Representations

Details of the objections received to these proposals, and the County Council's response are shown in Appendix 2 to this report.

4. Strategic Plan

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

5. Financial Considerations

The total costs of the scheme will be funded by the developer.

6. 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, to secure 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.

7. Environmental Impact Considerations (Including Climate Change)

The proposals are intended to provide a traffic-free route for pedestrians, cyclists and horse riders and to transfer through traffic to a new road which is more suitable. This will:

- Encourage more active/sustainable travel choices e.g. Walking and Cycling.
- Prioritise pedestrians and other vulnerable road users in 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. Risk Management Considerations

No risks have been identified beyond those which are always present on any highway. The proposal is an opportunity to achieve a road safety gain.

10. Public Health Impact

The proposals are intended to provide a safe traffic-free route for pedestrians, cyclists and horse riders to encourage more active/sustainable travel choices e.g. This is considered to be a positive public health impact.

11. Reasons for Recommendations

The proposals encourage more active/sustainable travel choices and prioritise pedestrians and other vulnerable road users in the highway.

The proposals contribute to the safe and expeditious movement of traffic in the area and therefore comply with Section 122 of the Road Traffic Regulation Act 1984.

The development application was assessed and no adverse, significant traffic or highway issues identified which could justify refusal.

The proposal is an opportunity to achieve a road safety gain.

Meg Booth
Director of Climate Change, Environment and Transport

Electoral Divisions: All in Torridge

Local Government Act 1972: List of Background Papers

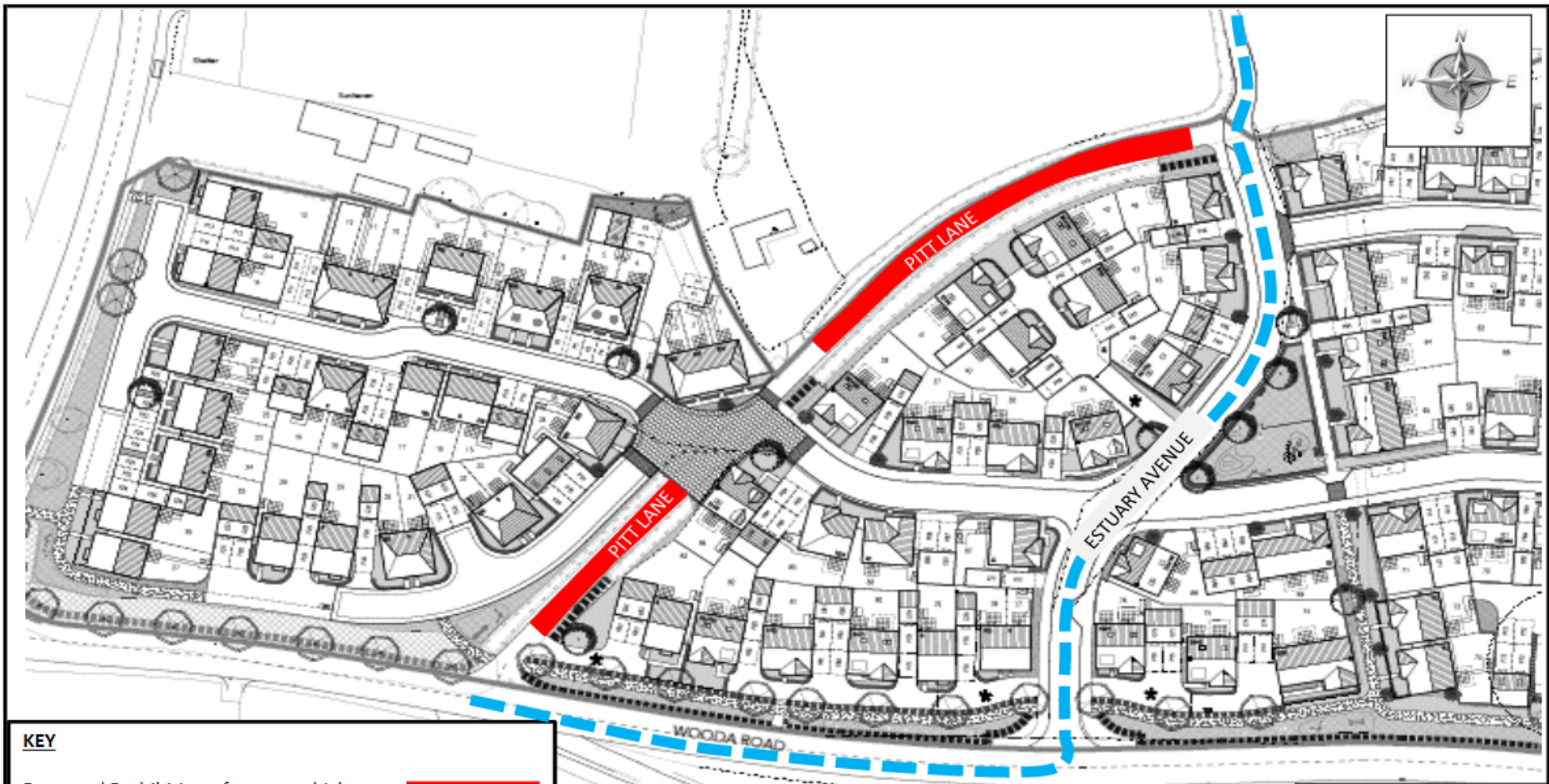
Contact for Enquiries: Simon Garner

Tel No: 0345 155 1004 Room: M8, Great Moor House

Background Paper	Date	File Reference
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Nil

sg061022torh
sc/cr/Pitt Hill Appledore Proposed Prohibition of Motor Vehicles
03 211022



KEY

Proposed Prohibition of motor vehicles █

Alternative route - - -

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Mag Booth - Director of Climate Change, Environment and Transport

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SCHEME

PITT LANE, APPLIEDORE

drawn by **SB** scale **NTS**

date **04-Jul-2022** O.S.Ref **245906, 129818**

DRAWING

2 of 2

PROHIBITION OF MOTOR VEHICLE

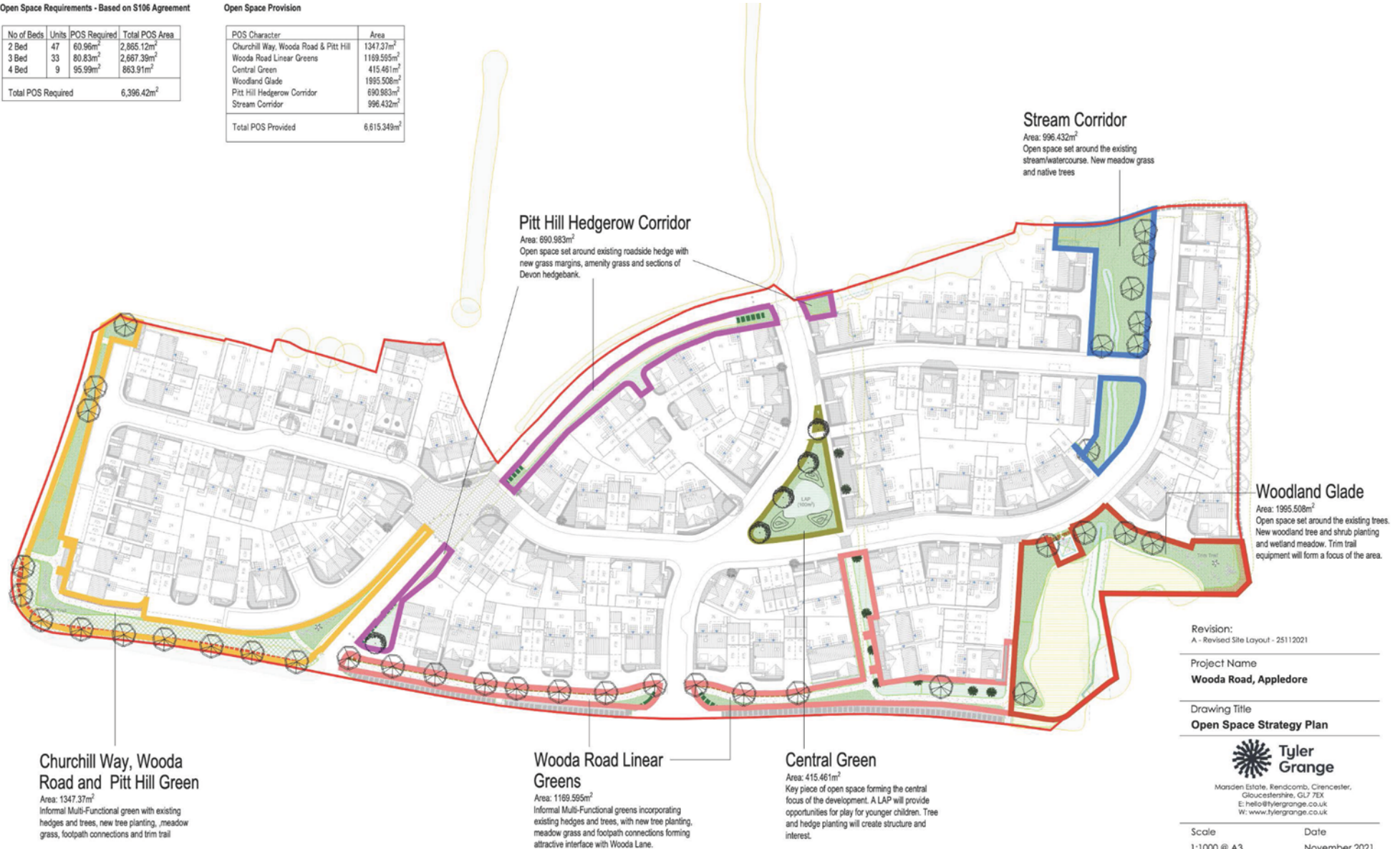
drawing number **ENV5877/1 (B)**

Open Space Requirements - Based on S106 Agreement

No of Beds	Units	POS Required	Total POS Area
2 Bed	47	60.96m ²	2,865.12m ²
3 Bed	33	80.83m ²	2,667.39m ²
4 Bed	9	95.99m ²	863.91m ²
Total POS Required			6,396.42m ²

Open Space Provision

POS Character	Area
Churchill Way, Wooda Road & Pitt Hill	1347.37m ²
Wooda Road Linear Greens	1169.595m ²
Central Green	415.461m ²
Woodland Glade	1995.508m ²
Pitt Hill Hedgerow Corridor	690.963m ²
Stream Corridor	996.432m ²
Total POS Provided	6,615.349m ²



Revision:
A - Revised Site Layout - 25/11/2021

Project Name
Wooda Road, Appledore

Drawing Title
Open Space Strategy Plan



Marsden Estate, Rendcomb, Cirencester,
Gloucestershire, GL7 7EX
E: hello@tylergrange.co.uk
W: www.tylergrange.co.uk

Scale	Date
1:1000 @ A3	November 2021
Drawn by	Checked by
CP	AW

**5877– Devon County Council (Pitt Lane, Appledore)
(Prohibition of Motor Vehicles) Order**

Summary of Submissions

Submission Comment	Devon County Council Response
First Respondent: Appledore Residents Association	
<p>Strongly objects to the proposal. Pedestrians and cyclists using Pitt Lane will be lulled into a false sense of security thinking that the lane cannot be used by motor vehicles, until they get to the traverse from one side of Baker Estates to the other. It is a travesty that a lane is advertised as being only for pedestrians and cyclists and then cars, vans etc will be crossing, no doubt at great speed, part of the lane. This is going to cause accidents as either the lane prohibits all traffic or it does not.</p>	<p>The new housing estate road crossing Pitt Lane between the two locations of the proposed order were designed for speeds lower than 20 mph. Traffic flow will be negligible. There will be suitable visibility splays from and of vehicles using the new road.</p>
<p>The hedges and all signs of flora and fauna have been destroyed by Baker Estates. The lane runs through a housing estate, who would wish to walk through that sort of 'amenity'.</p>	<p>This appears to be a comment opposing the development itself, not a valid objection to the TRO. This is a planning matter and is beyond our remit.</p>
<p>No mention is made of the access to bunny homes development of 27 houses - so that needs to be resolved before this order can be finalised.</p>	<p>This objection appears to be opposing the development itself, not the TRO. This is a planning matter and is beyond our remit.</p> <p>The Bunny Homes development is a matter for the Local Planning Authority to consider. Works for the proposed order are located to allow access to the current field access via the new Baker Estates Road.</p>
<p>Closing Pitt Lane is going to push more traffic down Pitt Lane. Pitt Lane is a very old Devon lane, it only takes one vehicle at a time, there are no pavements and there is the rear access to the Appledore Primary School. Pitt Lane is going to become a rat run. People are lazy and will not necessarily use the road through the estate. So it is going to be another accident black spot as we have pointed out on many occasions.</p>	<p>The proposed order will only come into effect when the new road through the estate is built and open to the public. This will be a more suitable route for motor vehicles than Pitt Lane as it is designed to accommodate two-way traffic and has footways and therefore is an improvement to road safety.</p>
Second Respondent: Resident of Longfield, Appledore	
<p>The developers will argue that increased traffic on Pitt Hill will be minimal but regrettably they are, at best, naive or, at worst, delusional or apathetic.</p>	<p>The traffic and highway impact was considered under the planning process and was found not to be significant.</p> <p>This is not relevant to the proposed order.</p>

<p>Residents of the Estate leaving Appledore will use Wooda Road but those going into the village will use Pitt Hill, if for no other reason than that is the way their Satnavs will send them.</p>	<p>It is unlikely that residents will use a satnav to access their local village. However Satnavs update themselves to account for TROs. If people choose to drive along Pitt Lane from the Baker Estates site they will be able to do so via the new road within the estate avoiding the area proposed to be closed to vehicles.</p>
<p>Pitt Hill is a narrow lane and only has pavements in selected places at the end near to the village and therefore these proposals are a danger to pedestrians. The lane is used regularly by parents walking their children to school and back and they are walking in the road often with pushchairs. The Hill is popular with walkers due to access to the coastal path via a public footpath at the top.</p>	<p>If the lane is already used by pedestrians as suggested the proposal would make that route safer by removing motor vehicles.</p>
<p>If further development is permitted beyond that already agreed (and there are applications for 60+ more pending), then the situation will only become more critical.</p>	<p>This objection appears to be opposing the development itself, not the TRO. This is a planning matter and is beyond our remit.</p>
<p>Due to the narrowness of Pitt Hill and the steep gradient, delivery vehicles including lorries, have to access Pitt Hill via Wooda Road and Pitt Lane. The proposed new route through the housing Estate on paper may seem logical but in reality could be problematic if cars are parked on the road. I would suggest double yellow lines are considered to ensure traffic can flow smoothly.</p>	<p>The new access road is a more suitable route for service and delivery vehicles than the existing route and conforms to design requirements. Allowing on-street parking does restrain traffic speeds. This comment could eventually prove valid, but we can only impose waiting restrictions where there is a proven significant issue affecting safety or traffic flow.</p>
<p>I believe the sensible option is to keep Pitt Lane open and not allow the proposed access to Pitt Lane via Estuary View to go ahead and the opening already in place to be sealed. The priority needs to be to ensure traffic from the new developments is routed via Wood Road and Pitt Hill doesn't become the rat run and potential death trap which will sadly be the case if these proposals go ahead.</p>	<p>The new access has been approved by the Local Planning Authority. This is not relevant to the proposed TRO.</p>
<p>Third Respondent: Resident of Pitt Hill, Appledore (submitted by their solicitor acting on behalf of)</p>	
<p>The requirements of the 1996 Traffic Order Procedures have not been met. Specifically, it is claimed no letters were sent to residents and no street notices were put up.</p>	<p>We are not obliged to distribute letters or display notices. We did put out at least one street notice and we remain confident we have exceeded the requirements. However anyone who believes otherwise has the right to challenge the Council through the Courts.</p>

<p>The TRO plan needs to be revised and additional work needs to be undertaken to properly assess whether the TRO would adversely affect the ability to safely access the sites to the north during construction or, conversely, the construction of sites to the north would prejudice the ability to implement the TRO.</p>	<p>Access to the fields north/west of the proposed closure can be access outside of the proposed sections of road that will be prohibited to vehicle traffic.</p> <p>The closure will only be implemented when the new road will be open to the public and therefore access to the north will be possible.</p>
<p>The TRO risks prejudicing of the ability to provide construction access once the TRO is in place, which casts doubt on whether the TRO can be successfully implemented.</p>	<p>Vehicle access for construction or otherwise to other parcels of land is not restricted by this order as field gates are outside of the proposed closure limits.</p>
<p>The closure of sections of Pitt Lane to motor vehicles does not form part of the Local Plan Policy NOR07 and the objections set out above appear to have arisen as a result of the failure to develop the area in a 'comprehensive manner' as described in paragraph 10.383 of the Local Plan.</p>	<p>This is a matter for the Local Planning Authority and not relevant to the determination of a TRO.</p>
<p>We note that in 2021 DCC consulted on a temporary road closure on Pitt Lane and on three occasions had to withdraw the proposals for failure to properly consult the local community and failure to follow procedure. It is disappointing that similar concerns are being raised in relation to this TRO.</p>	<p>It is correct that the temporary Order had to be readvertised due to an oversight regarding the publication of notices, which was corrected at the time. We are confident the concerns this time around are unfounded, but anyone who believes otherwise can challenge the Council through the Courts.</p>
<p>It is highly regrettable that the development along Pitt Lane has come forward in a piece-meal fashion and in direct contravention of the local plan requirement for “an” access e.g., a single access along Pitt Lane. This is a direct failure of TDC as the Local Planning Authority (“LPA”) for the NOR07 development to oblige the developers to work together to reduce traffic impacts along this historic lane. At present, the three applications are extant, although the 2-unit scheme has been resolved to be approved. There is an opportunity for DCC to liaise with TDC to require the three NOR07 developers to resolve the access to provide one access onto Pitt Lane in lieu of this TRO. The failure to bring this important issue to the fore will be relied on in objections to the making of the TRO so we encourage DCC to think out of the box in consultation with TDC to move forward with the developments in accordance with the local plan expectations.</p> <p>These failures matter to our client and the wider community because Pitt Lane is an ancient historic lane and is part of the character of Appledore village and contributes to its historic</p>	<p>This objection appears to be opposing the development itself, not the TRO. This is a planning matter and is beyond our remit.</p>

<p>sense of place. Closing the Lane to motorised vehicles will have a detrimental effect on the existing residents and their connections to this historic place, in circumstance where this has happened purely for the benefit of the developers without regard to the historic importance of the Lane to the Pitt Hill area of Appledore.</p>	
<p><u>Child safety</u> The TRO will force all traffic approaching from the South from Wooda Road through the Baker Estates new access, Estuary Avenue. It appears that the TRO officer is unaware of a significant safety risk to young children with these arrangements. The Baker Estates play area situated on Central Green (known as a LAP and shown on the attached approved drawing) is adjacent to Estuary Avenue. It strikes us that development of a play area adjacent to the main access road is a terrible idea and the risk to young people and other vulnerable users is compounded by shifting traffic from Pitt Lane to Estuary Avenue. Before any TRO is approved there must be a safety risk assessment in relation to young and vulnerable people arising from the increased traffic on Estuary Avenue.</p>	<p>The development scheme has been approved by the Local Planning Authority. The traffic and highway impact was considered under the planning process and was found not to be significant. No design hazards were identified. This is not relevant to the proposed TRO. The proposal will divert motor vehicles from the lane onto a more suitable purpose-built road and presents an opportunity to improve road safety.</p>
<p><u>Timing considerations</u> The TRO is silent on the timing of implementation, and this is surprising given Estuary Avenue presently is an irregular, incomplete, base course and there is no timeframe for completion of the carriageway and ancillary features like drains, pavements, kerbs and lighting, and no timeframe for adoption by the LPA in terms of maintenance.</p>	<p>The TRO will not be implemented unless and until the new road becomes public highway and can be used as an alternative route for vehicles.</p>
<p><u>Construction and Environmental Management Plan (“CEMP”)</u> As stated in Railton’s technical note, there should be a fully approved and coordinated CEMP for each of the NOR07 sites agreed as part of the planning conditions to the Pitt Lane developments, and it would be unacceptable for any construction traffic to travel north or south along Pitt Hill, due to its narrowness and steep gradient. The TRO does not provide any mechanism for the assurance that the CEMPs will be adopted and adhered to by the developers. This is a significant omission which needs to be addressed before the TRO could be confirmed or implemented.</p>	<p>This is a matter for the Local Planning Authority to consider. Access to all land will still be possible for construction traffic if the proposal is implemented.</p>

Maintenance of Pitt Lane for non-motorised traffic

The TRO makes no reference to who is responsible for the ongoing maintenance of Pitt Lane for non-motorised traffic and this matter needs to be addressed before the TRO could be approved. The carriageway is presently maintained by DCC – the TRO makes no arrangement for ongoing surface maintenance on the closed sections, should the TRO come into force. This includes the maintenance of the historic Devon hedges fronting on to Pitt Lane, which presently are maintained by the adjoining landowners. There needs to be a new regime adopted as part of the TRO (and assurances given that this will be strictly adhered to in perpetuity), to replace this historic system so that the Pitt Lane hedges continue to be well-maintained to preserve these important hedgerows for safety and their biodiversity contribution.

If approved the TRO does not change the status of the adopted highway. It is still the responsibility of Devon County Council to maintain the highway and the owners of adjacent land to maintain their property.

Cllr McGeough's role

Finally, you may be aware that DCC Councillor McGeough advised a TDC planning committee meeting on 28 July that the TRO was proceeding and put the matter as a fait accompli. A copy of the TDC transcript is enclosed. Please could you obtain a copy of the paperwork the Councillor was referring to and ensure that Cllr McGeough plays no part in the determination of the TRO given his pre-determination on the matter.

Cllr McGeough has not submitted any comments to the TRO consultation. The recommendation has been made on traffic and highway grounds and remains valid.

It is a separate matter whether Cllr McGeough's comments constitute pre-determination and whether he should take any further part in the decision-making process. This is a procedural issue and that decision is down to the Committee Chair, who shall be advised beforehand.

The development does not depend on the TRO being approved and therefore any suggestion that it is a fait accompli is incorrect.