

**Felldownhead Road résumé
For the MAGPC Clerk
Part-1 (23rd October 2015)**

Felldownhead Road is a single track road which bisects the B3362 between Greystone Bridge and Sherrill Farm. The B3362 is the main road through Milton Abbot.

Felldownhead Road (the Road) is a local road used not only by cars but also by vans, large milk collection lorries and other heavy goods vehicles, cyclists, ramblers, holidaymakers, riders and large farm vehicles. The width of the Road varies but is only 12'6" from the main door of The Old Forge. This narrow stretch is 120 yards long and include Pevans Cottage. This is where the road becomes highly dangerous. The T-junction access to the Road from the Kelly/Bradstone lane is partly 'blind'.

The Road is 1.8 km whilst the main B3362 is 2.6 km long. There are three blind bends and a steep gradient on this small residential road.

It took Jeremy Gallow (ex Bradstone Parish Clerk & The Old Forge resident) nine years (until 2002) to get the Highways to implement the current 30mph limit. This has little effect on the number of cars using this small road as a 'shortcut' but the general road speed is reduced. It has given Jeremy a lot of experience dealing with the various road related authorities.

However, the road remains highly dangerous to road users as well as the local residents with a number of police reports of traffic damages over the last years, mainly from The Old Forge and Angers Ball (at the end of the road at Greystone). I have personally, twice, reported FedEx for 'racing' through The Road. Jeremy has reported a CityLink driver for the same offence. Jeremy and myself have blocked one aggressive speedster. Other residents have done the same. Many drivers continue to aggressively 'race' the Road.

I have together with Jeremy Gallow and David Gradidge (until last year) been in continuous correspondence with the various Authorities including the Neighbourhood Highways Team Torrington, Steve Brockman (Neighbourhood Highway Officer, Newton Abbot), Simon Phillips (Neighbourhood Highway Engineer, Torrington) , Charlotte Leight (Devon Highways), David Hornblower (DCC), Hugh Arnold (Department for Transport, London), Geoffrey Cox MP and Mike Jones (Senior Highways Officer) via Chris Edmonds (WDBC Cllr.). Below is a short résumé:

Traffic lights on the B3362 when there are repairs to the bridge and/or the B3362 (long standing road subsidence issues) aggravates the situation as drivers are encouraged to sprint up the Road. On one such occasion, the contractors placed temporary "reinforcement signs" along the Road. These were yellow signs, which reinforced the 30 mph limit. We have asked for such signs to be mandatory when works are taking place.

We have discussed various road solutions with the road community and the Highways. NO THROUGH ROAD, ACCESS ONLY and LOCAL ACCESS ONLY signs were rejected for various reasons. The Road is a THROUGH ROAD thus these signs would need a Traffic Regulation Order from DCC. That is costly. It may be possible to request an 'experimental TRO' (if they do exist?).

A flashing speed monitor (see Milton Abbot) would be useful but it would only be helpful at one part of the road and it is costly.

Any solution has to be acceptable by the residents. It should allow drive-through so as not to restrict local access and business but it should prevent and/or reduce the Road being used as a 'shortcut'. We now believe **EXCEPT FOR ACCESS** signs placed at both ends of the Road is the correct solution. This is a low cost option, needs no Traffic Regulation Order and simply reinforces the existing 30 mph limit.

Steve Brockmann (Our Highways officer) in particular has vigorously defended his view that no action needs to be taken. His as well as his colleagues' reasons are numbered below:

1-To put up signs would achieve little. The drivers taking this route are not doing so by chance and it is likely they are locals aware of the route having used it for a long time. It might discourage them at first. But after an exploratory trip they will return to past behaviour.

We said: Some drivers are likely to ignore any such restriction but the result should be reduced traffic (as is the case elsewhere).

2-The Road has a 30 mph limit, the enforcement of which is a police matter.

We said: Yes but road signage is a Highways responsibility.

3-Road safety is an emotive issue. To assess safety issues, the DCC take an annual cluster review (SCARF, which stands for Speed Compliance Action Review Forum) of recorded accidents with funds directed towards locations with existing recorded problems. Identified improvements is a national objective related to the number of injury accidents covering all degrees of severity (fatal, serious or slight). This does not mean that there must be accidents at a location before action is taken. Environmental judgment is part of the process as is history. DCC needs to adopt an holistic approach in dealing with this issue.

4- To make any changes to the legally enforceable status of this road would require a traffic order costing abt. £3,000 purely for consultation & legal works, plus cost for physical works. It is not simply a case of erecting signs at either end of the road.

DCC need to prioritise the ever decreasing budgets appropriately and as such I regret to inform that currently works at this site are not a priority and we are unable to further assist in this matter at this time.

We said: We can assure you that the residents' motives are built round frustrations with the Highways due to traffic danger and damage caused by drivers and the apparent inability to correct this. You state any signs erected on the highway have to be approved under the Traffic Sign Regulations and General Directions 2002. You do not advise which appropriate signs would already approved for this Road?

EXCEPT FOR ACCESS signs are erected at Trendle (near Bere Alston, Devon) on both ends of a lane that was used as a short cut from the B3257 to the Denham Bridge Road, much the same as our Felldownhead road. The same **EXCEPT FOR ACCESS** signs are in place at each end of Dupath Lane (near Callington), a previous narrow 'shortcut' leading from the A390 (Callington-Tavistock Road) to the A388 towards Saltash.

Can we kindly ask you to re-evaluate the Highways priorities! This Felldownhead Road issue

is certainly not going anywhere until it has been correctly solved. A sign at each end of the Felldownhead road is not going to inflict damage to your budget!

5- The signs in question are only for the use of our Contractors whilst carrying out highway works and are not available to the general public.

We said: These are permanently grounded signs, they have been in place for many years and as such must be legal and erected by the Highways, not your Contractors. They are exactly what we need.

6.-We said the temporary black-and-yellow 30mph signs used in the past when roadwork is taking place on the "main" road should be re-used.

Steve Brockman responded that sadly these "reinforcement" signs are not approved in the 'Traffic signs regulation manual' so DCC are unable to use them. Unregulated signs within 30 mph could affect the legal reinforcement of motorists breaching the speed limit.

We said: How can a 30 mph speed limit be compromised by supplementary signage reinforcing the original asking for evidence or links to evidence such a claim.

Highways responded: In order to take this further and challenge the response/policy provided by the officer, this would need to be registered as a formal complaint for further investigation.

Highway Authorities have a legal obligation to provide and maintain signs to inform drivers of speed limits, so that drivers who are accused of exceeding those limits are able to check whether they are legally enforceable. A failure by a Highway Authority to meet the statutory requirements for the signing of speed limits could form the basis of a legal defence to a charge of exceeding a speed limit.

Case History has shown that any signage that does not comply with the above could lead to potential prosecutions being thrown out of court and indeed a speeding prosecution was thrown out of court after it was proved that the speed limit was illegal.

'Driver Phil Walker was snapped by a speed camera exceeding a supposed 30mph speed limit on the A153 in Anwick, Lincolnshire. However, traffic regulation experts proved in court that the street lighting on the road was not sufficient to give the road 'restricted' status, and that insufficient signing meant that the claimed 30mph speed limit was illegal'.

Any signs similarly placed in the road at Felldownhead could also render the speed limit here illegal and it is for this reason that we are unable to place them out. I trust the above clarifies the position.

Our previous decision still stands and we are unable to erect any such signs that could render a speed limit illegal or unenforceable.

When this was queried by us, Dept. for Transport, London stated that whether a speed limit is temporary or permanent, it must be signed in accordance with the Traffic Signs Regulations & General Directions 2002 (SI 2002.3113). Signs must be placed at both ends of the area where the speed limit applies with repeated signs in accordance with above regulations. Repeater signs must not be placed where there are lamps lit placed not more than 183m apart. Where there is no lighting or the spacing between lamps is greater than 183m, repeater signs must

be placed. Their view was that, if the road is properly signed, in accordance with the regulation, **no legal anomaly in fact exists.**

7.-Mike Jones, Highways was recently asked by 'our' WDBC Cllr. Chris Edmonds to attend a meeting with Chris, Howard, Jeremy and myself at Felldownhead Road, to discuss the issues. Mike had the courtesy to respond that he was not in a position to attend such a meeting. He lives locally and stated he has a good understanding of the area in question.

Jeremy's and my own Comments:

Although the Highways Authority state they have a legal obligation to provide and maintain signs, they do not appear to understand that their responsibilities include to avoid giving misleading and incorrect information and advice to the communities, in this case repeated such.

The handling of the Felldownhead issues by the Highway Authorities is baffling to say the least. We demand serious consideration and a legally correct response from the Authorities. We believe this should be a joint activity with the aim of encouraging better driver behaviour and improving safety on the Felldownhead road

Note: Defect report W15821075 was raised on 11th August to highlight the missing or damaged road-signs on the road, and the failure of the authorities to re-paint the "Slow" signs on the road after re-tarring. To date, no remedial action has been undertaken despite this being a "funded" activity.

With best regards,
Jeremy Gallow (Felldownhead resident and previous Bradstone Parish Clerk)
Magnus Pahlsson (Cllr. Bradstone)

CC: All Felldownhead Road residents