

ANNEX B to minutes 12 Nov 2020

Email Trail of Correspondence about status of Longpot Lane.

The Parish Clerk first enquired of Devon county Council P3 due to a planning application on Longpot Lane.

Email to Owners of Hammonds Farm on 17 June 2020 from Clerk:

Dear Oriel and Alan,

Spurred by the current application from Paul and Lynn I thought I would write to the paths gurus and see what if anything might assist you folks who live down Longpot Lane. I will copy below the chain of emails from me to Ros, her reply and then her second reply from experts! I think it does show some hope that you as a group might, if you apply, get some assistance to pave etc the lane. You can only try. I only have your emails, Lynn at Horseshoe Barn and Juliet at Bales Farm. (I can provide if you need these) I have seen all the submissions from Ian, Mel etc on the planning portal so ask you to pass on this news, if you deem appropriate to your neighbours. Ian I am sure will be interested if he is getting estimates for paving as will everyone if you get some financial help.

My initial email:

Hello Ros,

What if anything is the responsibility when a public byway goes over an unadopted road? Who pays for maintenance (eg potholes) and thus if the road is not good? What, if any, legal liability is there for the people who live down the road should a byway user make a claim for car damage or say a twisted ankle?

I am referring in particular to the road from the Methodist Chapel in Lower Loxhore to Bales Farm. This is known as Longpot Lane.

Is money available from the P3 scheme to repair the road etc.?

Would welcome any thought you have for our Parish Council

Ros' initial reply:

Hello Mike

Great to hear from you and thank you for raising the matters that you have regarding the byway. This is an interesting area for which I am going to refer the matter to a senior colleague for their thoughts. As far as I am aware, we as an authority have a responsibility for the surface but only to repair it the standard of the path status. I.e. if it is a byway it only needs to be repaired to the standard required for someone walking in a rural setting or riding a horse – this does not necessitate the need for a sealed surface.

As with any landowner I would suggest Public Liability Insurance just in case a claim is made by a user of the route. P3 funds are small and these projects, pending on the severity of the damage, can involve large sums. You are welcome to request a grant in the next funding bid and I can look the project at that time in conjunction with others that I receive across the county. In the meantime, it may be wise to ask your warden if they have funds available for the work if indeed the route is in need of repair.

Many thanks again for getting in touch

Best wishes

Ros

Second Reply:

Dear Mike

Following my earlier email, I have been in touch with the local warden and a senior colleague and they have provided their input regarding maintenance of Byways.

Longpot Lane is in a generally good condition as a BOAT (Byway Open to All Traffic). Following a recent inspection, the surface of the lane has not failed any defect criteria.

From a legal perspective, "The quality of highway maintenance required of those responsible for it depends almost entirely on the expected ordinary traffic on the highway in question."

For most byways and Cat 12s, the ordinary traffic would be 4WD and agricultural vehicles. Longpot Lane is usable by these types of vehicles. If someone uses a byway as vehicular access to their property, they can apply to DCC to improve the surface if it is not suitable. Permission has to be sought from the authority before a surface can be changed or altered in anyway.

Our application form to improve the surface is on our webpage – at the foot of the page below:

<https://www.devon.gov.uk/prow/inspections-and-maintenance/>

The form itself explains why people need to apply.

I hope this defines to what standard DCC is responsible for and also helps clear the matter regarding the residents and their responsibility for the surface.

Many thanks once more Mike for your enquiry – these can routes can be a little tricky when it comes down to unravelling just who is responsible for what.

Best wishes

Ros

So, over to you residents who live on a BOAT!! (I find that amusing) If you need more help from me or from Ros let me know.

Good Luck,

Mike

Email to Parish Councillors from Clerk 16 June 2020:

Hello all,

I thought I would write to Ros, the P3 contact, to ask what might or might not be covered in terms of repair to a Public Byway going over what is thought of as an unadopted private road.

I have had interesting replies from Andrea and Ros and Simon, our highways area warden.

I will include the content below but the upshot is that the lane was a carriageway and preceded roads so never has been adopted or unadopted. This is why it is not referred to in people's deeds. It is the responsibility of Devon County Highways and P3 to the extent of meeting the standards of its status as a byway open to all vehicles (BOAT). I have been pulling the residents legs now about living on a boat! Anyway, we will not use the terms adopted or unadopted and the hope for the residents is that they can apply for an upgrade in road status due to the number of residences and vehicles that exceed the definition of a BOAT!

We can also consider recommending this upgrade as part of our submission to the planning application.

Andrea Davies:

I've spoken to the Public Rights of Way officer about your concerns he had responded;

We have had many requests from residents over the years to fill in potholes on the surface etc. However, as it is a Byway Open to All Traffic (BOAT), which we maintain to the same standards required for a Bridleway, which it always has when I have surveyed it. I am more than happy for the residents to carry out repairs to the section they use to access properties, providing this does not cause the public users problems (smooth surfaces with no grip for horses etc) and can even provide them a temporary closure free of charge whilst works are done. Much like the route at Marwood Church.

Obviously, I will need to check the route from a PROW perspective to see if it is fit to use, but beyond making sure it is safe and meets necessary standards I am not sure what else this is asking me to do. I am currently arranging a date to go to Loxhore and look at PROW issues with the new P3 co-ordinator there, so I will include this in our itinerary. I have tried to explain to people that we do not maintain Byways so that they can be used by vehicles.

So, what this means is that your lane is not adopted highway at all, or more correctly highway maintainable at public expense (HMPE), it is a public right of way maintained as to its status, in effect a bridleway. The Public rights of way officer will come and inspect it to make sure it is at this standard.

The Planning authority is the District Council if you click on this link it will give you some advice about planning <http://www.northdevon.gov.uk/planning-and-building-control/making-a-planning-application/>

The Public Rights of Way officer has further responded following my questions arising from your emails;

As a follow up, I looked at Longpot Lane last week. It has plainly taken a huge volume of water during that crazy Sunday morning a couple of weeks ago. In terms of its surface condition and the suitability for use as a Byway Open to All Traffic, it is in a satisfactory condition from Lower Loxhore up past the final properties. The longer section, running as a track between fields going up towards Halsey Lake is in a less satisfactory state following the flooding episode, as a lot of fines have been washed out and the surface is quite rough and loose. I am hoping that the passage of farm vehicles and time over the coming months will bed this back in again, but will keep an eye on it. The works I will currently propose is to sort out the signposts at either end, which are falling over.

Obviously, this is not what you wanted to hear but now I have ascertained the status of this PROW I can confirm that this is in line with the other Byways I have in the Division I represent and indeed throughout Devon.

Ros Davies,

Longpot Lane is in a generally good condition as a BOAT (Byway Open to All Traffic). Following a recent inspection, the surface of the lane has not failed any defect criteria.

From a legal perspective, "The quality of highway maintenance required of those responsible for it depends almost entirely on the expected ordinary traffic on the highway in question."

For most byways and Cat 12s, the ordinary traffic would be 4WD and agricultural vehicles. Longpot Lane is usable by these types of vehicles. If someone uses a byway as vehicular access to their property, they can apply to DCC to improve the surface if it is not suitable. Permission has to be sought from the authority before a surface can be changed or altered in anyway.

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The form itself explains why people need to apply.

I hope this defines to what standard DCC is responsible for and also helps clear the matter regarding the residents and their responsibility for the surface.

All the best,

Mike

Email on 2 July 2020 to Alan Baird and residents of Longpot Lane following a request for cold tar from the Parish Council to foil potholes:

Alan, I am replying to you, as you raised the matter, but with a general email below for all if you wish to pass it on.

Dear Residents of Longpot Lane.

The Parish Council have considered your request for help in filling the potholes on your access route. We are sympathetic to your desire to improve your access and are more than happy to allow the use of the tools we have for effecting repairs. Unfortunately, we are not allowed to give you the tarmac. This we purchase from a fund for highway maintenance and the funds are explicitly for highways and not byways. Thus if we were to give you tarmac we would be in breach of our civic duties.

We purchased the tarmac bags from Eagle Plant 18 months or so ago and they were about £8 per bag. If you have trouble obtaining, then we would be happy to purchase on your behalf with you reimbursing the Parish Council accordingly.

We would ask you to liaise with Chris Comer (850219) who can give you access to the tools and advise you should you need that. We have spoken to him and his view is that the amount of work to be done needs a professional solution but do please speak with him.

Please let us know if we can help further. Additionally, if you proceed to ask Devon Highways to upgrade to a highway, as minuted in the special meeting in June, we will endorse any such application.

Sincerely,

Mike Young - Councillor and Clerk, Loxhore Parish Council

On 02 July 2020 at 19:00 Alan Baird wrote:

Mike,

Thank you for your reply and naturally we are very disappointed by the response.

Perhaps you could forward the written edict that instructs the Parish council that the tarmac is specifically for highways and not byways.

Once we have received this we will discuss, as a group of residents along Longpot lane, the best way to proceed.

Many thanks

Alan

Email from clerk 2 July 2020:

Alan,

Please find attached the terms and conditions for the Highway maintenance fund.

There are 2 pertinent points.

1. It states that the funds are predominantly for Highway maintenance (First para lines 3/4)
2. The funds cannot fund things that another agency is responsible for namely your Byway which falls under the Parish Paths Partnership (P3) scheme department. (Page 2 what can't we fund)

Also, even if it were a highway your potholes would be excluded mostly anyway as they are large enough that Devon Highways would intervene. The Parish would only fill ones that are less than 40mm deep and less than 300mm wide.

Hope this helps.

Mike

Email from Alan Baird 2 July 2020:

Mike,

Thank you for your reply.

I note the following points: -

1. The fund states that it is predominantly for Highway maintenance and no mention that it is exclusively for this purpose.
2. Please outline any documentation that mentions that a BOAT falls into the parish paths partnership as my research is drawing a blank on this point. I have copied this email to Simon Houghton for further clarification.
3. The reasons for the potholes being in such poor condition is that Devon County Council has clearly neglected its responsibilities over a series of years. Now there are potentially 10 residences that have to be serviced by refuse collection and emergency services. Earlier this year an emergency situation arose where an ambulance had major difficulty in negotiating the road to access a potentially life-threatening condition. I wonder if Devon County council has any public liability for acts of non-maintenance and negligence making the road impassible for emergency traffic, particularly as everybody is paying council tax.
4. I'm sure that all residents of Longpot lane would like a minuted copy of the parish council's discussions in refusing to supply cold tarmac in order to initiate major repairs to potholes. This was to be a preliminary solution before we approach Devon County for a grant towards the surfacing the road.
5. The road has seriously deteriorated in the last six months due to the heavy rains in the winter and the volume of contractors traffic using the road for planning applications that have been supported by the Parish council and Devon county council.

I'm sorry to burden you with this and I know you have tried your hardest to support and resolve this situation, which is really appreciated, but all residents are becoming increasingly frustrated by the lack of progress on any improvements.

Kind regards

Alan

Email to DCC P3 liaison and Highways warden 3 July 2020:

Dear Ros and Simon,

Simon has been sent the trail below from Alan and I am including Ros.

Please help/advise us.

Are we right?

Our rationale is that you have stated in recent emails that the lane is up to byways (boat) standard. Anything that is done would be an improvement and thus down to the residents.

We believe we cannot use highways maintenance fund money for this as we stated but Alan queries the interpretation of the word predominantly in the terms and conditions attached.

Does the Byway fall under P3 as we have stated?

Is there any way we can help them legally as the lane is not good for normal vehicular traffic?

Our pothole trained expert also tells me that cold tarmac would not do the job with a top dressing. It needs proper rolled hot tar apparently.

I look forward to your guidance.

Mike Young - Councillor and Clerk, Loxhore

Email from Highways warden 6 July 2020:

Hi Mike

I read the email this morning. Both you and I have, I believe, been clear and open in communicating the situation regarding Longpot Lane.

Byways Open to All Traffic are public rights of way, and as such will form part of the agreement between DCC and the Parish Council, so yes, they do fall into the P3 scope. (I will let Ros correct me if I am wrong.)

Devon County Council has met its responsibilities regarding Longpot Lane, it has been surveyed in accordance with our condition criteria and in a cycle of inspections ranging between 2 and 3 year intervals by the PROW Warden (me since 2007, and various former Wardens prior to that), as well as annual survey inspections through the P3 agreement by yourselves, which would have been returned to Ros normally.

It is not now, nor ever has been, the responsibility of the Highway Authority, to maintain Longpot Lane to a standard suitable for motor vehicles. Devon County Council, since the addition of the route as a Byway Open to All Traffic and prior to that as a Public Bridleway have a responsibility to ensure that the route is suitable for use as bridleway would be, and it is. We have not failed to maintain it, we have inspected it regularly and in compliance with our condition criteria (based on the former National BVPI 178) and found it, so far as the surface is concerned, to meet the standards required.

We do not wish to be unhelpful, indeed we are always happy to work with those with private access concerns, one of the reasons we have the process for those wishing to improve access for their own needs – I am sure we would welcome one here.

I hope that helps.

I do not recall us supporting any planning applications here – it may have gone through our Highways Development Control team.

If Ros has anything to add (or to correct me) then I am sure she will respond soon.

Kind regards

Simon

Simon Houghton
Area Rights of Way Warden (North)
Tel: 0345 155 1004
email: simon.houghton@devon.gov.uk
web: www.devon.gov.uk
Disclaimer: <http://www.devon.gov.uk/email.shtml>

Email from Ros Davies P3 – 8 July 2020:

Hello Mike

Thank you for your call this morning and for your email regarding Longpot lane in Loxhore. I would like to confirm that the parish is a member of the P3 scheme and you are welcome to submit bids for consideration that benefit the repair and maintenance of rights of way. Under P3 volunteers may undertake repairs and maintenance of the network and as a parish council you may employ the services of contractor to complete work that enables the public to access the path network. Under P3 we will consider funding specific projects but only to the standard of the status of the route ie we would only provide funding for Long Pot Lane if the route was found to be needing surface work to bring it up to the standard of a bridleway. Recent DCC inspections have demonstrated that this standard has been achieved and indeed the P3 survey submitted by the parish in February 2020 indicated that no work was required on any of the byways in the parish. Regarding Long Pot Lane, the route has a legal status of Byway Open to All Traffic and as such our statutory duty as an authority is to repair and maintain the surface to that of a bridleway standard. Anything greater than this and it is the responsibility of occupants at their expense with permission to alter the surface from Devon County Council. If the residents of Long Pot Lane have concerns regarding legal maintenance of the route might I suggest they contact their conveyancing solicitors who will be able to explain their duties and responsibilities as householders for maintaining access to their property.

I understand that this is frustrating for the parish council and those parishioners living along the lane but we are unable to change our stance on this situation. DCC has an obligation to inspect the lane on a regular basis and indeed this has been completed and passed as being acceptable for the status of the route and user groups who are legally allowed to use it. This was explained in detail by Simon in a previous email.

In short, if the residents wish to see the surface improved above the current standard then the responsibility lies with them to apply for permission for improvement and to pay for the work to be completed. A possible low-cost approach would be to arrange a work party, buy some fast curing concrete based product and to work together to maintain those sections of the route that they feel need attention.

As Simon says we are both very happy to work with you in any way we can but unfortunately, we can only fund repairs to the standard of a bridleway.

Best wishes

Ros

Ros Davies
Public Rights of Way – Parish Paths Liaison Office
Highways and Traffic Management
01392 – 383000 (ask for Ros Davies at the prompt)
Website: <https://new.devon.gov.uk/prow/>
Disclaimer: <http://www.devon.gov.uk/email>
Privacy notice: <https://devon.cc/prow-privacy>

Email to Alan Baird 8 July 2020:

Alan,

I have now received replies from Simon and Ros. In essence they confirm what I have said to you as our understanding as the Parish Council.

I will copy both emails below for you as they have been agreed by higher authority at DCC for release and also I have been told I can send them on. Sorry I cannot attach emails in this programme only documents.

Chris Comer our trained pothole expert will be happy to chat with you, if you have not already done so, but he tells me that cold tar will not work on your potholes. It needs hot, rolled tar or the concrete option that Ros suggests in her email.

So, as ever, we the Parish Council and Simon and Ros will work with you where we can.

Regards,

Mike

Attachment 1:

Hi Mike

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Devon County Council has met its responsibilities regarding Longpot Lane, it has been surveyed in accordance with our condition criteria and in a cycle of inspections ranging between 2 and 3 year intervals by the PROW Warden (me since 2007, and various former Wardens prior to that), as well as annual survey inspections through the P3 agreement by yourselves, which would have been returned to Ros normally.

It is not now, nor ever has been, the responsibility of the Highway Authority, to maintain Longpot Lane to a standard suitable for motor vehicles. Devon County Council, since the addition of the route as a Byway Open to All Traffic and prior to that as a Public Bridleway have a responsibility to ensure that the route is suitable for use as bridleway would be, and it is. We have not failed to maintain it, we have inspected it regularly and in compliance with our condition criteria (based on the former National BVPI 178) and found it, so far as the surface is concerned, to meet the standards required.

We do not wish to be unhelpful, indeed we are always happy to work with those with private access concerns, one of the reasons we have the process for those wishing to improve access for their own needs – I am sure we would welcome one here.

I hope that helps.

I do not recall us supporting any planning applications here – it may have gone through our Highways Development Control team.

If Ros has anything to add (or to correct me) then I am sure she will respond soon.

Kind regards

Simon

Attachment 2:

Hello Mike

Thank you for your call this morning and for your email regarding Longpot lane in Loxhore. I would like to confirm that the parish is a member of the P3 scheme and you are welcome to submit bids for consideration that benefit the repair and maintenance of rights of way. Under P3 volunteers may undertake repairs and maintenance of the network and as a parish council you may employ the services of contractor to complete work that enables the public to access the path network.

Under P3 we will consider funding specific projects but only to the standard of the status of the route ie we would only provide funding for Long Pot Lane if the route was found to be needing surface work to bring it up to the standard of a bridleway. Recent DCC inspections have demonstrated that this standard has been achieved and indeed the P3 survey submitted by the parish in February 2020 indicated that no work was required on any of the byways in the parish.

Regarding Long Pot Lane, the route has a legal status of Byway Open to All Traffic and as such our statutory duty as an authority is to repair and maintain the surface to that of a bridleway standard. Anything greater than this and it is the responsibility of occupants at their expense with permission to alter the surface from Devon County Council. If the residents of Long Pot Lane have concerns regarding legal maintenance of the route might I suggest they contact their conveyancing solicitors who will be able to explain their duties and responsibilities as householders for maintaining access to their property.

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In short, if the residents wish to see the surface improved above the current standard then the responsibility lies with them to apply for permission for improvement and to pay for the work to be completed. A possible low cost approach would be to arrange a work party, buy some fast curing concrete based product and to work together to maintain those sections of the route that they feel need attention.

As Simon says we are both very happy to work with you in any way we can but unfortunately we can only fund repairs to the standard of a bridleway.

Best wishes

Ros

Ros Davies

Public Rights of Way – Parish Paths Liaison Officer

Highways and Traffic Management

01392 – 383000 (ask for Ros Davies at the prompt)

Website: <https://new.devon.gov.uk/prow/>

Disclaimer: <http://www.devon.gov.uk/email>

Privacy notice: <https://devon.cc/prow-privacy>

Email reply to above 8 July 2020:

Mike,

Thank you for passing this information on to us.

Could we please see the survey by the Parish Council in February and the report submitted with particular reference to Long Pot Lane. If so what were the conclusions?

In a previous email we received there was a comment that even if the Parish Council thought they could provide materials for repairs they would not do so as the pot holes were too big and too deep and would need to be repaired by the highways department.

Could you also outline the discussions between the Parish Council and the P3 scheme representatives, or the highways department, for their reports on the state of the road when the recent planning applications were being proposed and supported. It seems on one hand that the road is deemed to be in a suitable condition for use as a BOAT and therefore there is no need to improve it, but the type of traffic that would be negotiating it as a result of the planning permission, that has been recommended for approval, is clearly going to be mainly saloon cars with low clearance and an inability to negotiate the potholes. This is difficult to view as a logically sound planning decision. A condition of any new planning proposals should have been to insist on road improvement by the developer.

The point about access for emergency services still remains a bone of contention and that should a person lose their life, as a result lack of access for an ambulance or fire engine, then would those who have supported planning applications i.e Parish Council and DCC, be found to be negligent, particularly if they hadn't considered any highways or P3 approval to support their decisions.

We also note that a precedent seems to have been set in 2012 when a planning application to build kennels by Steve Shapland was refused on the basis that the road was of poor quality.

It seems that the only way to prevent Long Pot Lane falling between the cracks of BOAT or Highway would be for it to be upgraded. However, this would seem to be a futile route if the Parish Council will not support this. Can you please indicate if you will be willing to apply and support this upgrade? Please add this as an agenda item for your next parish council meeting.

Regards

Alan

Email to Alan Baird following consultation with DCC. 17 July 2020:

Alan,

Apologies for delayed reply but it has now been round County Hall for comments.

I do not have a copy of the P3 report. It is sent by the responsible Councillor to the P3 department. If you look at the minutes of the Parish Council for November 2019 para 4.3 (all minutes of regular and

special meetings are available on <https://www.loxhore.org.uk/>) this details that Chris Bryars and Jane Vanstone, who was taking over the pathways responsibility for the Parish, had checked the paths and submitted the report. The Councillor with P3 responsibility checks and reports regularly on the condition of paths in the parish with respect to their designation, Byway, Bridleway and footpath and the ones with concern are mentioned in the minutes, also the wet weather is referred to. Thus, there were no deficiencies noted for Longpot Lane. This is now also confirmed by Simon of Devon Highways from his inspections as being up to Boat standard.

The comment I made in my second email to you on 2 July regarding the pothole size was "Also, even if it were a highway your potholes would be excluded mostly anyway as they are large enough that Devon Highways would intervene. The Parish would only fill ones that are less than 40mm deep and less than 300mm wide." This with retrospect is a red herring! Longpot Lane as has been confirmed by the County Council is a Byway. Thus, the potholes will only be dealt with if they become so great that the lane does not meet the standards of a Boat. My point was that pothole size is defined on the Highways website and if it were ever to become a Highway then your Parish Council would be responsible then for potholes under those limits.

With respect to planning applications, the Parish Council is invited, along with other agencies, to comment. We always meet and discuss applications in the Parish. We are not required to liaise with P3 or Highways as they should comment to the planning department if consulted.

Please review the Special Minutes for 21 Feb 2019 regarding Bales Farm (application 66178/9) You will see what we discussed and wrote. Then look at the planning portal and confirm from the documents that we did indeed write. Then note that Highways were invited but did not comment. Also, the Decision notice did include requirements based on our comments about parking and turning but ignored the suggestion that the road be adopted (wrong terminology we now know should be upgraded to highway) As to why Highways did not reply nor our suggestion on the status was not included then you would have to ask the case officer.

Similarly, Waterlake Barn (71082). Minuted on special meeting 27 Feb 2020. We submitted about potential damage to road and water runoff. Decision notice covers water but not road. Note that Highways were not even consulted. Again, you would have to ask the case officer about this.

Finally, look at the Minutes for Special meeting June 2020 re Horseshoe barn (71568). We discussed the road and as we now know it meets the required standard we did not comment on that aspect. Note Highways were consulted but have not replied.

Regarding your observation about a precedent being set in 2012 then again, I would have to refer you to the planning department. I do know that Government rules regarding planning and building do change and this might be the answer but I do not know.

As to any potential liability I feel content that the Parish Council carries out its duties by considering and commenting on applications and having a P3 Councillor who walks the paths regularly. If suggestions are ignored then any responsibility lies at higher levels. However, if Longpot Lane meets the required standard of a Boat then there is no higher liability, I am informed.

I am disappointed in your last paragraph. The Parish Council has stated publicly in minutes and emails that we would support the residents of Longpot Lane in any application or attempt to get the lane's status changed. (See Special Minutes 20 June 2020 para 3.2. for example)

I am advised by Devon County Council that the residents can apply to Public Rights of Way for a change of surface and make the route up to a standard at their expense or they can make the route to a standard that is acceptable to DCC Development Control and see if the route can then be adopted/upgraded. If you choose the second option you are advised to talk to DCC Development Control from the outset before undertaking any work and making sure that the route is acceptable for both vehicles and shod horses – DCC have had the wrong sort of sealed surface added on some routes that has then caused horses to slip and fall. Either way, unfortunately, there will be an element of personal expense involved.

If you proceed with the second option then please let me know and I will certainly add the item to the agenda for our next meeting, which as yet is not scheduled due to the pandemic. As stated before we will fully support and endorse you.

Any application for either option on Longpot Lane should be addressed directly with Devon County Council. Any queries regarding planning decisions or procedures should be with North Devon District Council planning department.

I hope this answers all your questions, albeit not in the way you might have wished for.

Regards,

Mike

Email from Ian Morris another resident on Longpot Lane 21 July 2020:

Good evening,

I am writing regarding the above road and outline my concerns as follows:

My main concern is regarding access for emergency vehicles. Approximately three years ago, I was granted planning permission to construct a dependent relative's annex, an elderly, dependent relative (my 83-year-old father).

Recently, my father suffered a stroke and we had to call the emergency services. The ambulance struggled to navigate the lane to my house and I was informed by the paramedics that they stopped their vehicle and were considering walking the lane due to its condition. They went on to say that the ambulance was not suitable for the road. If this is the case for an ambulance, who would happen if a fire engine was needed, urgently...

I am at a loss as to why so many planning applications have been approved recently without any provision stipulated that the approval is dependent on the road being resurfaced. This road is no longer a small lane leading to a couple of houses, as it was when it was originally designated. It will soon be serving nine properties and is no longer fit for purpose.

I do not understand why all of these extra properties have been awarded planning approval without any consideration for the condition of the road. This is normal planning practice.

I respectfully request that this problem is included in the next parish council meeting.

Many thanks

Kind regards

Ian Morris

Email from Clerk to Ian on 23 July 2020:

Dear Ian,

I and the other members of the Parish Council fully understand your concern and trust that such a situation will not occur. The particular circumstances that you detail were known and considered in exchanges with Devon County Council. During one of my conversations with Devon County they said that if the ambulance service has deemed your property as inaccessible then the air ambulance would be dispatched as happens elsewhere in Devon.

The matter of potholes on Longpot Lane will be added to the next Parish Council agenda in order to record all the correspondence following the residents request for cold tar from the Parish

Council. The matter of access has been questioned with Devon County Council and their definitive answers are encompassed in my previous emails to Alan, you and the other residents particularly the latest last Friday.

There is nothing for the Parish Council to further discuss and as I said in that email; you, the residents, have to decide your way forward; either to apply to have the byway resurfaced seeking DCC approval for the surface or to liaise with DCC development to assess whether they will work with you to upgrade the road.

I can suggest that any report by the SW ambulance service and possibly an assessment by a fire safety officer could, if available, assist your case with DCC. I suggest also that you use the decision letter of planning application 54072 to also help your case as this application was refused due to the road access.

I reiterate that your Parish Council has no powers to make planning decisions or highway status decisions. We can only comment as we have done where applicable on planning applications anywhere in the Parish. Your valid questions about why planning applications have been approved without input from the Highways department and why the Parish Council comments have not been used in the decisions is down to the planning process and should be queried with NDDC if you seek more clarity as to their rationale. We, the council, do not receive or see anything more than you can on the planning portal.

Again, I make it clear that the Parish Council will support you wholeheartedly in any application you decide to make to DCC.

Sincerely,

Mike Young - Councillor and Clerk Lower Loxhore