**Agreed minutes meeting held on**

**23rd March 2023 at 7.30pm**

**In the Village Hall**

**Pitchcombe**

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|  | **Welcome from Chair of Council**  |
|  | **Attendance recorded** as Parish Councillors Philippa James (chair), Nigel Shaw, Richard Pearson & Mike Parsons, & 2 members of the public |
|  | **Council accepted /recorde**d **apologies** for absence received - Parish Councillor Beverley Gorton (illness) District Councillor Julia Jobb, County Councillor Sue Williams |
|  | **Declaration of Interest for matters on the agenda invited -none** |
|  | **Minutes of the previous Parish Council Meeting held on 26th January 2023 approved**  |
|  | **Council approved the payment list as presented at meeting including****clerk’s expenses £16.44****salary underpaid £24.78****HMRC-£66.20****PATA payroll £5.00** |
|  | **Council confirmed that its next meeting will be on (AGM) Wednesday 31st May 2023 commencing at 7.00pm** **Council confirmed the Parish Assembly date as being 31st May 2023 at 8pm** |
|  | **Public Participation was invited** **Members of the public attended to seek updates on site meeting held last week on the junction.**  |
|  | **Report updates received via email from District Councillor Job noted** |
|  | **Report updates received via email from County Councillor Williams noted** |
|  | **Council considered updates on TRO application for speed reduction as response to objections are attached****Email 1)** * *Many thanks for your engagement in the formal consultation stage of the traffic order process for the proposed 40mph Speed Limit on various roads in Pitchcombe.  The traffic order process is a long and complex legal process which has to be strictly adhered to in order to implement an enforceable speed limit.*
* *The scheme is being proposed primarily to improve road safety and amenity for vehicles, pedestrians, and cyclists in the vicinity of the junction between the A46 & A4173 in Pitchcombe. Prior to proposing any speed limit order, Gloucestershire County Council (GCC) as the highway authority, have to use several different tools when carrying out a feasibility study to decide what speed would be the most suitable and effective for a road, and what extents should be covered. These tools include the Department for Transport (DfT) Setting Local Speed Limit Guidance 2013, collision data, speed data, Police views, observations on site, potential locations for signs and the environment of the road etc.  The proposal that has been consulted on is the result of this feasibility study.*
* *There were 7 personal injury collisions in the vicinity of the junction from January 2017 – February 2022. 5 of those collisions are categorised as ‘slight’ and 2 ‘serious’. Additionally, within the proposal area there are numerous informal pedestrian crossing points and facilities which would benefit from the proposed reduced speed limit.*
* *During the formal public consultation stage of the traffic order process in January/February 2023, several objections were received, the majority of which related to the extent of the proposed 40mph speed limit rather than the proposed speed limit itself.  Many of these responses requested that the proposed speed limit is extended to cover the junctions with Pincot Lane, Wragg Castle Lane and Wades Lane. Whilst GCC understand the reasons for these requests and the concerns of some residents, the requested extents were looked at as part of the feasibility study and were deemed unsuitable for a 40mph speed limit along with the possibility of having the opposite effect on protecting the junction that this scheme was aimed at.  These objections, therefore, fall outside the remit of this proposal for the following reasons:*
* *The original proposed scheme was to lower the speed limit at the A46 and A4173 Pitchcombe junction to tie into the recent engineering improvements at this location. The proposal has already been extended beyond the extent of the original scheme at the request of the Parish Council.*
* *The section of the A46 near the junction with Pincot Lane and Wragg Castle Lane is compliant with its existing posted speed limit of 50mph.  It does not meet the DfT guidance for a 40mph speed limit as there is a lack of substantial development, bends or junctions along this stretch of road and the 85th percentile speeds at this location are 48.2mph, which is above DfT guidance for a 40mph speed limit.*
* *By extending the proposed speed limit further away from the main Pitchcombe junction, it is likely that the impact of, and compliance with, the speed limit will be limited and may not have the desired impact on vehicle speeds, especially if the justification for the lower speed limit is not seen, i.e. where there is no built-up environment (such as the stretch of road between the Pincot Lane junction and the proposed speed limit starting point). Therefore, for a speed limit to be successful, it is important to start a speed limit at a location where there is a maximum impact on drivers to slow down.*
* *All speed limits should be self-enforcing so as not to require the resource of the Police, as the enforcing body. The Police have been closely liaised with throughout the traffic order process and have already issued concerns surrounding the extended extent of the current proposed speed limit, given the existing vehicle speeds and DfT guidance. GCC would not agree to a speed limit extent that the Police do not support as this would infer that the speed limit would not have the desired effect and that they would be unwilling to enforce the speed limit in the future if required.*
* *The existing safety concerns at the Pincot Lane and Wragg Castle Lane junction are a result of the visibility issues at these junctions, which are caused by the gradient of the road, and the close proximity of buildings and hedgerows to these roads. Therefore, an extension of the 40mph speed limit on the A46 and A4173 at these locations does not meet the DfT guidance and will not change the gradient of the road or reduce visibility issues and will not solely be sufficient enough to prevent collisions or close calls.*
* *Users of Pincot Lane currently have alternative routes that they can use in order to avoid the junction with the A46, should they wish to.*
* *In order to ensure that drivers are able to clearly see any change in speed limit and slow down prior to entering the speed limit, it is imperative that speed limit terminal signage be introduced on sections of the carriageway that have good forward visibility and landmarks. The current proposals have been designed and engineered taking this into account, ensuring that the terminal signs have been placed in the most appropriate position. Any further extension would require terminal signs to be installed in a location which does not have as good forward visibility and would undermine, or even have the opposite effect of slowing the traffic down on the approach to the A46 and A4173 Pitchcombe junction.*
* *GCC have already agreed to undertake the below measures as part of a separate road safety scheme, to satisfy residents’ concerns raised during this formal consultation process:*
* *The use of Vehicle Activated Signage (VAS) has been approved to be used on a rolling programme at three separate locations in Pitchcombe, including on the A46 at the junctions with Pincot Lane and Wades Lane. This will encourage drivers to comply with the posted speed limit and will highlight the potential dangers present at these junctions. The presence of VAS will also improve general road safety at these locations; and*
* *To investigate further engineering measures that may be required at the Pincot Lane, Wragg Castle Lane and Wades Lane locations.*
* *I hope that the reasons detailed above have allayed any concerns you may have, explained the rationale behind the proposal and why it is imperative that it is implemented as soon as possible, in order to improve road safety at the A46 & A4173 junction. However, if you would still like to uphold your objection, please let me know, by replying to this email, by noon on Monday 3rd April.  If I do not hear from you by this date, it will be assumed that you are now happy with the proposals and that your objection is withdrawn.*

***Email 2 offering clarification on the reason for not extending the length of 40pmh speed limit states**** *There is no legislation regarding the maximum length allowed for a speed limit, however, as was highlighted in our response to objectors, the section of road in question does not meet the DfT criteria required for a 40mph speed limit, as there is a lack of substantial development. The relevant guidance can be found in Table 2 in Section 7.2 of the “Setting Local Speed Limits” document published by the Department for Transport.*

*The section of the A46 near the junction with Pincot Lane and Wragg Castle Lane is compliant with its existing posted speed limit of 50mph.  It does not meet the DfT guidance for a 40mph speed limit as there is a lack of substantial development, bends or junctions along this stretch of road.** *In order to ensure that drivers are able to clearly see any change in speed limit and slow down prior to entering the speed limit, it is imperative that speed limit terminal signage be introduced on sections of the carriageway that have good forward visibility and landmarks. The current proposals have been designed and engineered taking this into account, ensuring that the terminal signs have been placed in the most appropriate position. Any further extension would require terminal signs to be installed in a location which does not have as good forward visibility and would undermine, or even have the opposite effect of slowing the traffic down on the approach to the A46 and A4173 Pitchcombe junction.*
* *We have also received correspondence from Gloucestershire Police that has highlighted their concerns about any extension to the proposed speed limit, stating that there is no visible change to the topography or development, and therefore the level of compliance with a 40mph speed limit at Pincot Lane and Wragg Castle Lane would be very limited.*

* *To summarise, the 40mph speed limit is not limited in its length because of personal opinion, but is based upon professional engineering judgement to align with the guidance that has been highlighted above, as well as the concerns the Police have regarding enforcement and compliance. Therefore, this is why we have proposed these extents for the 40mph speed limit, in order to fulfil the original request, which was to cover the A46/A4173 Pitchcombe junction.*

**Council considered all the points above, considered the possibility of losing the TRO, the impact of the engineering works of the junction****The parish council has objected twice since the start of this process****It was felt that nothing has fundamentally changed and there was no reason to withdraw the objections****Council unanimously voted to maintain the objection- this has been emailed to TRO officers.** **By separate email clerk to send letter (drafted as dated 31/3/23) with amendments agreed by PC extending point 2.1 and 2.7 to be added****Clerk to submit by Monday noon 27th March 2023****Councillors agreed content of letter to residents keeping them informed.**  |
|  | **Council considered Other Highway issues**1. **Community Speed Watch Safety Fund bid update – following a meeting with Matt Parker (GCC road safety officer), who appears to be supportive of the project and general lower speed limits within the village. Council agreed to accept verbal offer of 2 mobile VAS –An example of maintenance costs SWARCO silver contract £200 / £260 for gold contract to be considered at next budget setting meeting- Councillor Parsons will support Councillor Pearson in operating.**
2. **Frog sign- needs shutting when no frogs are around- noted and Cllr James will contact the relevant people**
 |
|  | **Council considered public rights of way and footpath issues** **bridleway correspondence-** Application to re-classify a length of public footpath to bridleway MWH3 &27 /MPC17 in Whiteshill & Ruscombe Parish which leads to the parish boundary with Pitchcombe. **Cllr James has contacted the relevant parish council and has sought further information/consultation with residents****Council will consider when further information is available.**  |
|  | **Council agreed to cfwd to AGM meeting to consider** **adopting the** SDC **Parish and Town Council Charter.**  |
|  | **Council agreed it does not wish to consider purchasing a Defibrillator**  |
|  | **Council noted the Consultation on Cotswolds National Landscape Draft Revised Neighbourhood Plan Position Statement** |
|  | **Council noted outstanding planning matters****S.23/0347/TCA: Bedcroft, Pitchcombe. Trees in a Conservation Area- no comments have been received from Councillors** |
|  | **Close of meeting at 21.29** |

**TRO**

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Dear Sir/ Madam,

Wildlife &amp; Countryside Act 1981, Section 53: Definitive Map Modification Order Application

**Re-classification of Public Footpaths MWH3 &amp; MWH27: Whiteshill &amp; Ruscombe Parish**

Gloucestershire County Council has received an application to re-classify part of Public Footpath MWH3 and the whole of Public Footpath MWH27 in Whiteshill &amp; Ruscombe Parish, as shown on the Definitive Map (legal record of public rights of way), to public bridleways.

Please find enclosed a map showing the claimed routes. The application is made on the basis of documentary evidence only.

The County Council has a duty under section 53 of the Wildlife and Countryside Act 1981 to consider all applications to modify the Definitive Map. Every application must be determined on the basis of evidence “discovered” by the Council as to whether rights exist or not as opposed to whether a claimed right of way would be a good or a bad thing.

Relevant evidence is that relating to:

 The existence of the way- whether there is documentary evidence which shows that a right of way for the public exists, or a history of use by members of the public, sufficient to show that a right of way exists;

 The status of the way- whether there is evidence to show that the way has been used by people on foot, horseback or in vehicles and if so what the nature and extent of that use is; and

 The precise route of the way

 Actions taken by the landowner to show his lack of intention to dedicate the path to be public.

Please note that the Wildlife and Countryside Act 1981 is concerned with ascertaining the existence of rights and does not allow the following factors to be taken into account:

 Evidence about the suitability of the way for the status proposed in the order

 The effects the way would have on the environment or on the amenities in the area if the order is confirmed

 The existence (or not) of other rights of way in the immediate area

I am writing to invite you to comment on this application. I would appreciate any responses,

whether in hard copy or email, to be sent to me using the above address by Friday 30

September 2022.

Your comments will be included in the final report that will be presented to the County Council’s Commons and Rights of Way Committee, who will decide whether there is sufficient evidence of use by the public, whether historic or current, to show that the current status of the routes concerned is incorrect and should be changed.

