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**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 12 January 2021 08:43  
**To:** Highway Maintenance Team - Mailbox  
**Cc:** Clive Stone; Steve Horner  
**Subject:** Notice under Section 56 Highways Act 1980 In respect of the status of Rag Lane, Yarcombe, Devon  
**Attachments:** 12.01.21 Letter to DCC Highways concerning Rag Lane.docx

Dear Highway Maintenance

Please find attached a Notice concerning part of Rag Lane in Yarcombe, a copy of which is also posted.

We look forward to your response,

Kind regards,

**Sarah-Jane**

Sarah-Jane Martin  
Clerk, Yarcombe Parish Council  
The Belfry at Yarcombe  
Yarcombe  
Honiton EX14 9BD  
01404 861234  
07980 893120

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**Notice under Section 56 Highways Act 1980**

**In respect of the status of Rag Lane, Yarcombe, Devon**

Served on Devon County Council Highways Department, County Hall, Topsham Road Exeter EX2 4QD.

Please confirm that Rag Lane, the part relating between the "ford" on the Stockland Road and Four Elms, is a publicly maintainable Highway for which Devon County Council is responsible.

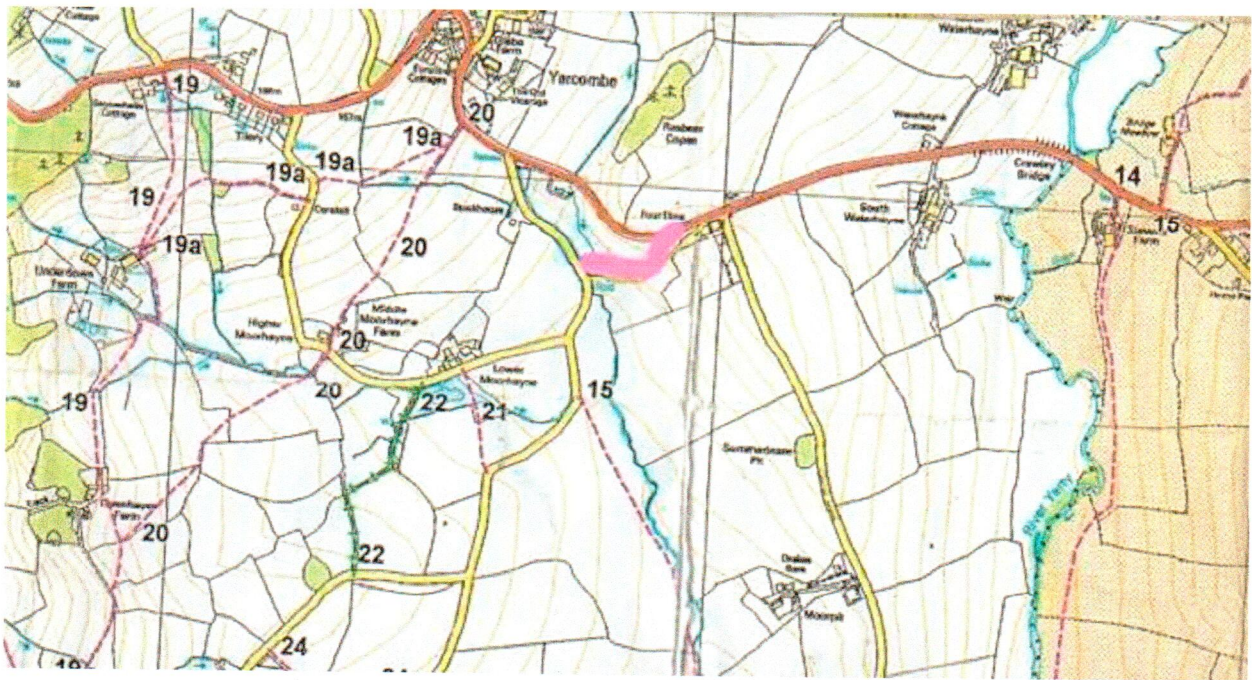
Date 12<sup>th</sup> January 2021

Please respond to  
The Parish Clerk  
Yarcombe Parish Council  
C/O The Belfry at Yarcombe  
Yarcombe  
Devon  
EX14 9BD

A copy of the local map is enclosed for your reference.

Yours faithfully

Sarah-Jane Martin  
Parish Clerk & RFO



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**From:** [REDACTED]  
**Sent:** 29 January 2021 13:33  
**To:** 'Sarah-Jane'  
**Subject:** RE: Notice under Section 56 Highways Act 1980 In respect of the status of Rag Lane, Yarcombe, Devon

Good afternoon Sarah-Jane

Following on and as discussed during our earlier telephone conversation, as the Neighbourhood Highway Officer and as such your dedicated local support for Yarcombe Parish, I will be your first point of contact on all Highway and Traffic Management matters and would hope that direct contact between yourself (Clerk) and I can be established to support and advise you and the community in a local role for any issues which may arise.

*S.56 Highways Act 1980 Notice: Lane past Four Elms, Yarcombe*

*I refer to your notice dated 12 Jan 2021. I can confirm that the Lane past Four Elms (also known as Rag Lane) is public highway and that Devon County Council is responsible for its maintenance.*

*This letter constitutes our notice for the purposes of S.56 (4) Highways Act 1980.*

*Yours faithfully*

[REDACTED]  
*on behalf of Meg Booth  
Chief Officer Highways Infrastructure Development and Waste  
Devon County Council*

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**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 04 February 2021 14:29  
**To:** [REDACTED]  
**Subject:** Yarcombe Parish Council and Rag Lane  
**Attachments:** Good Evening Councillors.docx; Letter from [REDACTED] concerning Rag Lane Complaint.docx; 2. Letter from [REDACTED] concerning Rag Lane Complaint.docx; HM Land Reg map.jpg; Re: Yarcombe Parish Council and Rag Lane

Hello [REDACTED]

The verbal complaint we received from a member of the public relating to gabions in Rag Lane impinging on the width of the lane, was on the agenda for our February Parish Council meeting and we are hereby reporting the matter to yourselves as Devon County Council Highways as requested.

As background information, the copy email below, from [REDACTED] entitled Apples and Rag Lane, was notification to the village of the commencement of works and the reasons for undertaking this work.

Attached are two letters from [REDACTED] including one with a plan and also attached is the Land Registry plan, together with [REDACTED] report he read out at our Parish Council meeting, which we consider is only fair on him to include in his defence at this stage.

A copy of this e mail and attachments will be forward to [REDACTED]

-----Original Message-----

**From:** "Miranda @ Voices" <editor@yarcombevoices.co.uk>  
**Sent:** Sunday, 9 August, 2020 9:57pm  
**To:** "Miranda @ Voices" <editor@yarcombevoices.co.uk>  
**Subject:** E-Voices - 1) Apples and 2) Rag Lane

Good evening,  
A couple of items for your attention tonight.  
Warmest good wishes on this very warm evening,  
Miranda

**APPLES:**

[REDACTED]

**RAG LANE:**

*This is to alert you that during the week of 14th to 21st August Rag Lane may be blocked for some periods.*

[REDACTED]

*Horse riders and cyclists may wish to avoid Rag Lane during that week.*

Kind regards,

**Sarah-Jane**

Sarah-Jane Martin  
Clerk, Yarcombe Parish Council  
The Belfry at Yarcombe  
Yarcombe  
Honiton EX14 9BD

01404 861234  
07980 893120

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[Redacted]  
[Redacted]  
[Redacted]

Mr Clive Stone,  
Chairman, Yarcombe Parish Council

Dear Clive,

I am writing, as requested, to provide the Parish Council with the background to the reinforcement of the bank [Redacted] and in response to the complaint that you have received saying that this has narrowed the highway in Rag Lane.

As the Parish Council will be aware, like many Devon Lanes, Rag Lane is, in parts, several feet lower than the land it runs through, in this case the gardens of the properties either side [Redacted]

Over the years the owners of the properties have been regularly concerned about the erosion of the banks caused by a mixture of passing traffic and erosion from water run-off from the higher land. [Redacted]

[Redacted] The evidence of the erosion can be seen at the bottom of the lane where the mud which has run off from higher up the lane has been deposited. [Redacted]

When Satnav was invented [Redacted] traffic was being directed up and down Rag Lane from Stockland road instead of using the A30. A variety of vehicles got stuck in the lane including 4X4s and delivery vans and had to be towed out usually leading to chunks of the bank being taken with them. At that time ( about 2009 I think) the then parish council addressed the issue with Highways. [Redacted]

[Redacted] The problem was resolved when Highways designated the lane as unsuitable for vehicles. While this has not stopped some people in smaller vehicles and motorbikes using the lane as a shortcut, it effectively addressed the satnav issue.

In recent years however the erosion of the banks has accelerated especially at the top where the gradient was steepest. The heavy rains we have had in recent years have regularly turned the lane into a temporary watercourse and the bank has visibly shifted. [Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]



[REDACTED]

The gabions are filled with Portland stone and have provided a stable foundation to replenish the bank [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

While we are discussing this I would like perhaps to respectfully suggest that this would be an appropriate time for the Parish Council to review the purpose of the lane and ensure that it can meet that purpose in the 21<sup>st</sup> century.

Given the existence of the A30 the lane has no purpose as a thoroughfare. All vehicles going from Stockland Road towards Chard can join the A30 at the main junction and travelling up Rag lane serves no additional purpose, not even a saving of a few seconds of time. The blind pull out on to the A30 [REDACTED] is also much less safe than the Stockland road/A30 junction. The highways authority last maintained the lane in 1992 and has already indicated that they don't intend to maintain it in the future.

However Rag lane is actually a critical safe route for walkers and cyclists and a key component of many circular walks in Yarcombe. It's also essential for horse riders [REDACTED]. The only field access off the lane [REDACTED] tractor access once or twice a year at most for hedge cutting. Perhaps it is time now for Rag Lane to be re-designated as a public bridleway so that its status more accurately reflects its use and its maintenance can be orientated towards making it a positive experience for those who do use it as well as for those who live by it.

[REDACTED]

[REDACTED]

[REDACTED]. Rag Lane is a narrow lane, but has an important role to play for people moving about locally who are not using vehicles. [REDACTED]

[REDACTED]

Yours Sincerely,

[REDACTED]

PS. You asked whether we had any pictures of the lane as it used to be. [REDACTED]  
[REDACTED] I enclose a picture taken of the  
lane at the point where the Gabions finish [REDACTED] some 15 years ago. You  
might also be interested in a Youtube video \* taken earlier this year by a motorcyclist who was using  
the lane as a racetrack. This was dated [REDACTED]

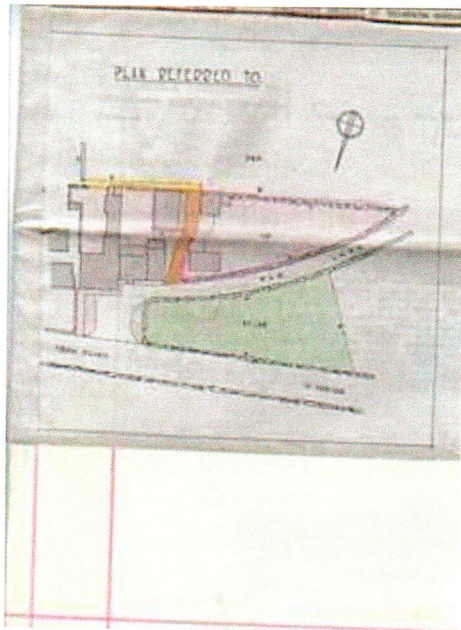
\*Youtube video under separate cover

Hello Clive

I have looked at all the deeds but none of them give any measurements or datum points. All the conveyances refer to a drawing in a deed of 1944 which is attached. It's a hand drawn plan which does not appear to be to scale. However, it shows the lane and the buildings without extensions (



As I think I showed you when we met, the Gabions are within that line. I hope this is helpful.



# H.M. LAND REGISTRY

TITLE NUMBER

## DN142545

ORDNANCE SURVEY  
PLAN REFERENCE

ST 1407 ST 1337

Scale  
1:1000

Project from 1 2008

COUNTY DEVON

DISTRICT EAST DEVON

© Crown Copyright 2008



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**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 05 February 2021 14:14  
**To:** [REDACTED]  
**Subject:** Re: Yarcombe Parish Council and Rag Lane

Hello [REDACTED]

Absolutely fine - no rush.

The outcome ideally would be that the lane is re-instated to the width it was before, where the gabions are, so than vehicles could drive up / down it again if they wish.

Kind regards,

## Sarah-Jane

Sarah-Jane Martin  
Clerk, Yarcombe Parish Council  
The Belfry at Yarcombe  
Yarcombe  
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On Friday, 5 February 2021, 10:43:51 GMT, [REDACTED]@devon.gov.uk> wrote:

Good morning Sarah-Jane

I'll be out to have a look and get some measurements at some point, not sure when [REDACTED] will hopefully be in the next two weeks.

Reading the information supplied, one thing that is worth noting is that it is difficult to know exactly where property boundaries are. What I will have to do it try and ascertain if there is evidence that the gabion baskets are on HMPE land by scraping away a little either side to see if there is some road there.

Out of curiosity, what are the Parishes potential outcome/wishes?

**Regards**

[REDACTED]  
**Neighbourhood Highways Officer**

**Eastern Neighbourhood Highway Team**

**Devon Highways**

**Heron Road | Sowton Industrial Estate | EXETER EX2 7LL.**

Email: [csc.roads@devon.gov.uk](mailto:csc.roads@devon.gov.uk)

Disclaimer: [www.devon.gov.uk/email.shtml](http://www.devon.gov.uk/email.shtml)

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**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 14 April 2021 13:18  
**To:** [REDACTED]  
**Subject:** Rag Lane

Hi [REDACTED]

I put on the Agenda to update the Councillors about the gabions are 14 inches into the lane [REDACTED]  
[REDACTED]

I just wondered if you have an update for us?

Happy Wednesday!!

## Sarah-Jane

Sarah-Jane Martin  
Clerk, Yarcombe Parish Council  
The Belfry at Yarcombe  
Yarcombe  
Honiton EX14 9BD  
01404 861234  
07980 893120

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## Highways and Traffic Management

Highway Services Team  
Great Moor House  
Bittern Road  
Sowton  
Exeter  
EX2 7NL

Telephone: 0345 155 1004  
Email: [csc.roads@devon.gov.uk](mailto:csc.roads@devon.gov.uk)  
Your ref:  
My ref: [REDACTED]  
Date: 19 April 2021

Dear [REDACTED]

### **Gabion Baskets**

Devon County Council, as the highways authority for Devon, has been contacted by Yarcombe Parish Council in connection with an issue that has arisen at Rag Lane, Yarcombe. I am the neighbourhood highways officer for the Yarcombe area and so the Parish Council query has been passed to me to consider.

As you are aware, Rag Lane (which I refer to as 'the Lane' for ease of reference) is a very narrow rural minor highway which is unsuitable for use by wide vehicles. However, the Lane remains a vehicular highway which can – and is – still used by vehicles. However, the Parish Council had reported that the Lane had become partially obstructed by a number of gabion baskets [REDACTED]

[REDACTED] The Parish Council had reported that the presence of the baskets was preventing vehicles from using the Lane.

I visited the lane on 16 February 2021. I am enclosing for your information copies of several of the photographs I had taken whilst on site. The Lane has been used by vehicles up until recently, despite the Lane becoming overgrown, with the base of the hedges and banks that run alongside the Lane having accumulated mud and debris over the years. As the photographs show, I cleared an area at the base of part of the hedge (close to the gabion baskets) to find the edge of the metalled highway surface.

Following my visit, I have put in a request for works to be carried out in due course on the Lane, so the debris can be removed and the full highway surface revealed, so as to make the highway a little wider for members of the public to use.

**Meg Booth**  
Chief Officer Highways, Infrastructure Development & Waste

Textphone: 0345 155 1020  
[www.devon.gov.uk](http://www.devon.gov.uk)



What was clear from my visit is that the gabion baskets [REDACTED] [REDACTED] are partially obstructing the highway and that the current position and location of these baskets is, unfortunately, preventing vehicles from using the Lane. [REDACTED]

[REDACTED] it may well be that gabion baskets may well offer a suitable long-term solution, the baskets will need to be removed as quickly as possible from their current location and re-sited off the highway, or an alternative option will need to be found to tackle the subsidence issue.

Do please note, that given the proximity of the works to the highway, the highway should have been temporarily closed at the time the baskets were installed, and it will need to be temporarily closed now the baskets are to be removed/re-sited. In this regard, please visit our website [www.devon.gov.uk/roadsandtransport/make-a-request/temporary-traffic-restrictions/](http://www.devon.gov.uk/roadsandtransport/make-a-request/temporary-traffic-restrictions/)

If you have any queries about this matter, do not hesitate to contact me on the telephone number or email address shown above.

Yours sincerely

[REDACTED]  
Neighbourhood Highway Officer – Eastern Team  
**Highways and Traffic Management**

Enc: Photographs

**Meg Booth**  
Chief Officer Highways, Infrastructure Development & Waste

Textphone: 0345 155 1020  
[www.devon.gov.uk](http://www.devon.gov.uk)



**Meg Booth**  
Chief Officer Highways, Infrastructure Development & Waste

Textphone: 0345 155 1020  
[www.devon.gov.uk](http://www.devon.gov.uk)

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**From:** [REDACTED]  
**Sent:** 06 May 2021 11:35  
**To:** [REDACTED]  
**Subject:** Fwd: E-Voices - 1) Apples and 2) Rag Lane

Dear [REDACTED] Thank you very for coming out to meet us this morning.

As promised I attach a copy of the Yarcombe Voices email circulated to people in the Parish before we commenced the work. As discussed I will write to you shortly in response to your letter of 19th April,

Kind Regards,  
[REDACTED]

---

**From:** [Redacted]  
**Sent:** 14 May 2021 17:04  
**To:** [Redacted]  
**Cc:** Meg Booth; [Redacted]  
**Subject:** Rag Lane Yarcombe  
**Attachments:** Letter to [Redacted] Highways.docx

Dear [Redacted] Please find attached , as promised, a response to your letter of 19th April. Please let us know if there is anything we can do to help move towards a reasonable resolution of this issue.

Kind regards,

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

12<sup>th</sup> May 2021

[Redacted]  
Neighbourhood Highway Officer- Eastern Team  
Highways and Traffic Management  
Devon County Council  
[Redacted]

[Redacted] **Gabion Baskets**

Dear [Redacted]

Thank you for your letter dated 19<sup>th</sup> April and also for subsequently coming out to meet us.

Firstly when we met you stated that the Lane is designated as a category 11 ( out of 12) highway and that any works on a Highway required a road closure order and " Chapter 8" qualified people to undertake the work. This should have been applied for three months in advance of the work.

I [Redacted]  
[Redacted]  
[Redacted] this occurred while pandemic restrictions were in place. [Redacted]

[Redacted] No issues occurred during the work.  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted] The plan and the drive itself shows the point [Redacted]

[Redacted]  
[Redacted]  
[Redacted] This demonstrated the level of erosion that has taken place in that time.

We also discussed, [REDACTED] the history of the lane. Basically it was a dirt track until 1990 when it was surfaced as a walking route for school children living in [REDACTED]. The surfacing work was apparently undertaken by contractors who dug out the banks and laid a surface between them without any reference to property boundaries. There were apparently complaints at the time because the excavations precipitated erosion of the banks at properties either side of the lane requiring subsequent attempts by [REDACTED] to shore them up. The current plans of the lane used by Devon County Council, accord with the 1945 plans in the deeds of our property which shows that the lane narrows significantly at the top. In fact as you could see it is probably not possible for a modern motor vehicle to pass over this area without putting wheels [REDACTED].

Since the creation of the A30 Rag lane has had no purpose as a thoroughfare for traffic. Due to the nature of the A30 at this point however it does have an essential role as a safe route for non-motorised traffic and is used as such daily. This was acknowledged when the lane was surfaced for school children to walk to the school bus with funding out of the education budget rather than the highways budget. As you know maintenance of the lane has been minimal ever since and residents have not complained about that.

Due to the fact that it is paved, motor vehicles have occasionally used the lane as a rat run. I can tell you that vehicle used the lane no more than once or twice a month as our neighbours will confirm. This is despite the fact that it is designated as unsuitable for motor vehicles, there are no markings, give way signs, ford warning signs, appropriate speed limits, or anything else normally associated with a highway. Residents have not been happy with this situation because of the damage to property and the safety risks, but due to the generally rare occurrences of use by motor vehicles it has only occasionally become an issue. In retrospect perhaps it should have been properly dealt with some time ago.

Some 20 years ago we understand there was a request [REDACTED] that it should be reclassified as a bridle way, but this met with no response. A short time later when Satnav was invented there was a rash of vehicles trying to use the lane and many got stuck having to be towed out. This was resolved when the satnav companies were informed that the route was unsuitable for motor vehicles and the signs were erected at each end of the lane.

Against this background and the fact that the issue has now been brought to a head we feel that consideration should now be given to having a designation for the lane which is in line with its 21<sup>st</sup> century use. On the one hand you have the occasional person who might use the lane as a vehicle rat run, presumably represented by the single anonymous person who apparently complained to Yarcombe Parish Council. On the other hand you have [REDACTED] [REDACTED] have considerable safety and environmental concerns. Add to that all those from across the Parish who regularly walk, cycle or ride horses up and down the lane on a daily basis and the farmer who drives his cattle there and it is clear who the lane actually serves. We have provided a summary of the pros and cons of vehicle use and of your proposal to excavate the banks which we hope is helpful.

We feel there is therefore an overwhelming case for the lane to be re- designated for a use which is in line with its actual essential use. Making it clear that motor vehicles should not use the lane will significantly enhance the utility and safety for other users and adjoining property owners while having a negligible effect on motor vehicle drivers themselves. We attempted to discuss this with the Parish Council but they said they were “neither qualified nor responsible for dealing with such matters”.

We look forward to hearing your views on the points made and are hopeful that the matter can be brought to a sensible and amicable conclusion. [REDACTED]  
[REDACTED]

Yours Sincerely,

[REDACTED]

[REDACTED]

CC Meg Booth -Chief Officer Highways  
Cllr Iain Chubb

**Summary of Considerations  
For and Against the use of Rag Lane as a Highway for Motor Vehicles**

For use as a Highway for Motor vehicles	Against use as a Highway For Motor Vehicles
<ul style="list-style-type: none"> <li>It has been occasionally used by vehicles in the past.</li> </ul>	<ul style="list-style-type: none"> <li>It is designated as unsuitable for motor vehicles</li> </ul>
<ul style="list-style-type: none"> <li>The Lane is designated as a Category 11? route</li> </ul>	<ul style="list-style-type: none"> <li>It is not an essential route for motor vehicles as it runs parallel to the A30.</li> </ul>
	<ul style="list-style-type: none"> <li>While some may see it as a rat run between Stockland Road and the A30 in the Chard direction it is not actually the quickest route due to the narrowness of the lane and the blind junction with the A30.</li> </ul>
	<ul style="list-style-type: none"> <li>The junction of the lane with the A30 dangerous blind junction and traffic emerging is at risk both due to the adjacent bend and the blind summit.</li> </ul>
	<ul style="list-style-type: none"> <li>It is however an essential route used by pedestrians, horse riders, cattle and cyclists who have no alternative.</li> </ul>
	<ul style="list-style-type: none"> <li>It was first surfaced in 1990 as a <u>walking route</u> paid for by the education committee.</li> </ul>
	<ul style="list-style-type: none"> <li>Some motor vehicles who have tried to use the lane over the years have got stuck and had to be towed out</li> </ul>
	<ul style="list-style-type: none"> <li>Those motor vehicles that have used it have contributed to the erosion of the banks undermining adjacent properties</li> </ul>
	<ul style="list-style-type: none"> <li>Those motor vehicles that have used it have of necessity encroached on private land to access it.</li> </ul>
	<ul style="list-style-type: none"> <li>Each year the growth of hedges either side of the lower lane narrow it to the width of a footpath</li> </ul>
	<ul style="list-style-type: none"> <li>Vehicles that get stuck in the lane are not covered by breakdown insurance due to the "unsuitable for motor vehicles designation"</li> </ul>
	<ul style="list-style-type: none"> <li>There are no give way signs, speed signs or signs indicating a ford or a restricted carriage way or blind junction.</li> </ul>
	<ul style="list-style-type: none"> <li>Use by motor vehicles runs counter to 21<sup>st</sup> century policy directions on the environment, reduced vehicle use and the promotion of well-being through safe walking and cycling routes.</li> </ul>



### Summary of Considerations

For and Against works to be carried out to excavate the sides of Rag Lane to make the highway wider for motor vehicles to use

For Works to excavate the sides of Rag Lane	Against Works to excavate the sides of Rag lane
<ul style="list-style-type: none"> <li>It has occasionally been used by vehicles in the past</li> </ul>	<ul style="list-style-type: none"> <li>Doing so would undermine the properties on either side causing further collapse of the bank.</li> </ul>
<ul style="list-style-type: none"> <li>The Lane is designated as a Category 11? route</li> </ul>	<ul style="list-style-type: none"> <li>It would potentially root up large numbers of native wildflower species</li> </ul>
	<ul style="list-style-type: none"> <li>It would potentially disturb a number of wildlife species.</li> </ul>
	<ul style="list-style-type: none"> <li>It would encourage use of the lane for motor vehicles which would jeopardise the safety of pedestrians , horse riders and cyclists</li> </ul>
	<ul style="list-style-type: none"> <li>It would encourage motor vehicle users to drive on private property.</li> </ul>
	<ul style="list-style-type: none"> <li>Given the challenges faced by Devon County Council in respect of maintaining that are necessary for use by motor vehicles, any expenditure on widening Rag Lane without a business case to do so is potentially wasteful of resources which could be better used elsewhere.</li> </ul>
	<ul style="list-style-type: none"> <li>Increasing Motor vehicle use would require additional signage and other work to create a safe junction with the A30 and Stockland Road.</li> </ul>
	<ul style="list-style-type: none"> <li>Excavating the banks appears to run counter to provisions in the Yarcombe Neighbourhood Plan, the Blackdown Hills Management Plan and the Devon County Council Community Matters Programme</li> </ul>

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**From:** [REDACTED]  
**Sent:** 18 May 2021 09:02  
**To:** [REDACTED]@devon.gov.uk  
**Cc:** [REDACTED]@devon.gov.uk; [REDACTED]  
**Subject:** FW: Rag Lane Yarcombe. EX14 9AU

Good morning [REDACTED]

We were very pleased to meet you a few days ago to be involved in the discussion regarding Rag Lane, here in Yarcombe. Thank you very much for listening to the points, we, as residents, were making. That is very much appreciated.

As you and your colleagues debate how to proceed with this matter may I put in writing a synopsis of the points we raised at the time?

Circa 1990, Rag Lane was given a top surface to provide a safe walking route for students from the Four Elms area to travel in order to catch the Seward's school transport to Honiton Community College. The transport provider, Seward's of Dalwood, had previously picked up students [REDACTED] but following a road traffic incident some years previously, repositioned the pick up point in the Stockland Lane, close to Stock House. This transport was documented as Hon 5 and to the best of my knowledge, still is. Prior to that event, Rag Lane was a dirt track. That was perfectly acceptable in dry condiotns but was most problematic once it rained, as it often does in this part of the country. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]. Their only route to the village was either down this muddy track or via the main A30. Understandably, the parents were most concerned about the safety of their young children and raised the issue with Devon Country Highways.

With these two issues in mind, Rag Lane was resurfaced for the benefit of children and students. Obviously, many of the villagers took advantage of a somewhat improved surface and many more walkers, cyclists and horse riders adopted the route. Common sense dictates that Rag Lane is the only safe way for non-motorised traffic to access the village as the main A30 has two major bends between Four Elms and the village pavement and no speed limit other than the national speed limit.

We are all very aware that local authority funding has been stretched to beyond limits in recent years. We are also aware that many routes that have to take a much greater density of motorised traffic than Rag Lane are in a very poor state of repair. It would appear to be a rather sad state of affairs if the funding that could be used to improve say, Pound Lane, Moorhayne Lane and the Stockland Lane were diverted onto Rag Lane. To the best of my knowledge, since Rag Lane was resurfaced as mentioned above, nothing else has been addressed. Those using the lane are fully aware that funds are needed elsewhere.

[REDACTED]

Bearing all the above in mind, it would be greatly appreciated if thought could be given to leaving the lane as it is. To carry out extensive works would not bear scrutiny on a time/ cost/ advantage analysis. In addition, such works would undermine the banks of the land on either side causing further falls of debris into the lane and thus incurring more expense to clear this.

Thank you for considering the above in the midst of you busy schedule.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 19 May 2021 20:56  
**To:** [REDACTED]  
**Subject:** Rag Lane, Yarcombe

Dear [REDACTED]

I am writing to you in connection with the proposal to carry out extensive works on Rag lane in Yarcombe, to return it to a road suitable for motor vehicles.

[REDACTED]

With the adjacent A30 I can see absolutely no purpose in spending time, money and resources on making it vehicle worthy.

For many years this lane has served as a safe place for walkers and their dogs and also for children to access the school bus.

The A30 and the lanes in general have become much busier places. [REDACTED]

[REDACTED]

I am slightly bewildered, as to why this lane that has no benefits to drivers, is being given such attention, when there are lanes in our area that are in absolute disrepair and frequently used by residents and indeed the bus for our local primary school.

With a Ford at one end and residents parking at the other I feel that it is also a dangerous area to encourage traffic. Not to mention the dangers to the residents themselves. It serves no purpose for vehicles and in my opinion it would cause harm to the lane and it's surrounding landscape. It would mean continuous maintenance to stop subsidence and it is startling ludicrous to spend money on a lane that has successfully evolved into a safe byway for people and animals.

Many thanks in advance for taking the time to read this and if I can add any further insight, please do not hesitate to contact me.

Yours Sincerely

[REDACTED]

[REDACTED]

---

**From:** DevonHighways@devonhighways.co.uk  
**Sent:** 20 May 2021 12:43  
**To:** [REDACTED]  
**Subject:** CSS Investigation: ENQ211422094, [REDACTED] Yarcombe, Highway Comments  
**Attachments:** Send for investigation - 105282641.PDF; RE: Rag Lane Yarcombe

Letter/email acknowledged, however, this doesn't address the initial report received from the parish following a complaint on what is a Category 11 Road, whereby 'Gabion Baskets' (contrary to the Highways Act 1980) have been installed and reduced the existing road width which now restricts access for motor vehicles who, like pedestrians, horse riders, cycles or any other user has the right of passage to use it.

Although I take on board your personal feelings and understand [REDACTED] as already mentioned above, this is already a road and changes aren't being implemented by Devon County Council Highways to amend or alter it but to ensure any issues are rectified so that all who wish to use it can do so as previously permitted.

Should you wish to make a case for having this road downgraded, then in the first instance this would need to be sent to the Parish Council who would also need to be supportive of such before being considered and formally advertised.

This issue hasn't been caused by Devon County Council and could have been avoided if the correct protocols had been followed.

Whatever it is believed the status of the lane should be, the fact is that it is a vehicular highway, but it cannot be used by vehicles at present due to the presence of the gabion baskets.

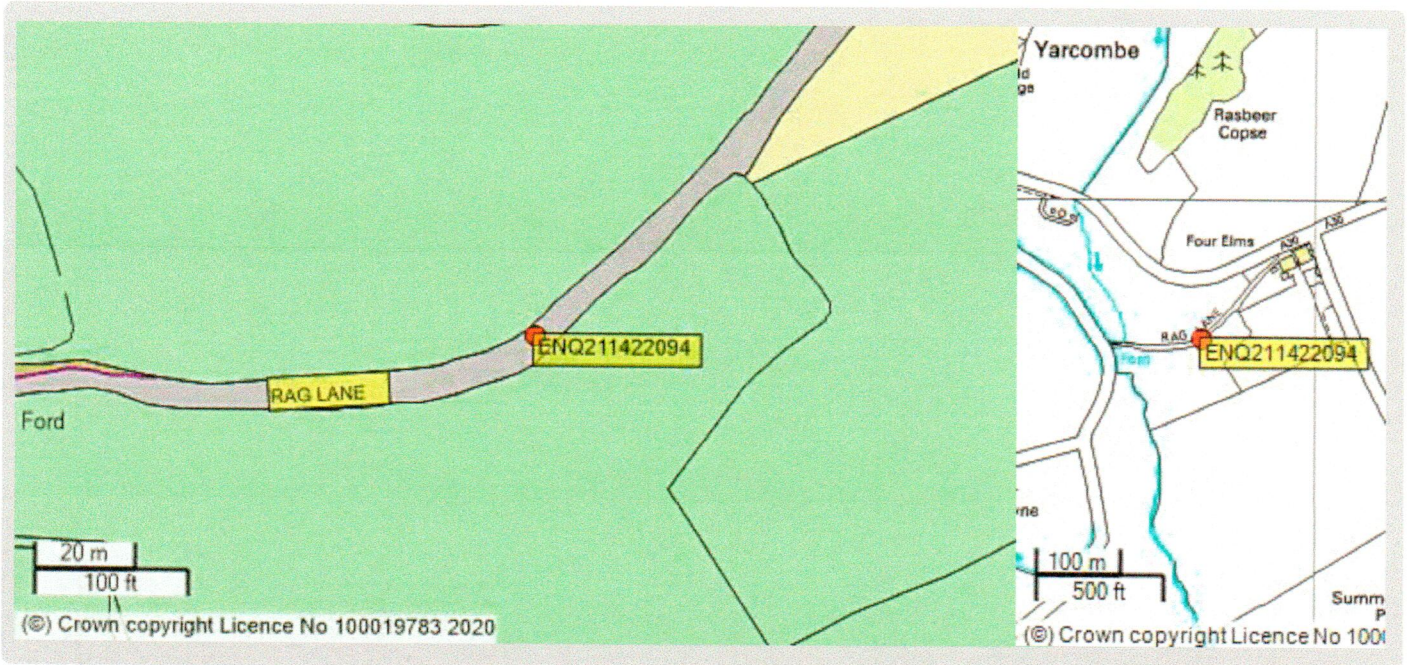
1. Whatever the history or irrespective of the categorisation that is believed the road should have, the fact is that it is a vehicular highway and vehicles have for many years been using the lane, the frequency or otherwise of vehicle usage is not relevant.
2. Vehicles can no longer use the lane due to the presence of the gabion baskets and therefore the baskets need to be removed/re-sited and, if this does not happen (being mindful of the basic obligation on the Council, as Highway Authority, to ensure highways can be used by the public) the Council will have no choice other than to require their removal, and to seek their removal with the assistance of the Courts if absolutely necessary.

Enquiry Details

Item Identity Code: ? Assigned to: [Redacted]  
 Enquiry Time: 20/05/2021 12:20:18 Item Type: Road Surface (inc Potholes)  
 Estimated Comp Date: 11/06/2021 12:20:18 Category: Highway Comments  
 Enquiry Source: [Redacted] Detail: Enquiry  
 In House Comments:

Location

Easting & Northing: 324865, 107837  
 Street: [Redacted] Yarcombe  
 Location Description: Rag Lane  
 Hierachy - CW: 11 Minor Lane FW: None CY: None



Customer Details

Customer: [Redacted] Email Address: [Redacted]  
 Customer Address: [Redacted] Tel Number: [Redacted]  
 Public Comments: [Redacted]

---

**From:** [REDACTED]  
**Sent:** 28 May 2021 11:12  
**To:** [REDACTED]  
**Cc:** Meg Booth  
**Subject:** Rag Lane, Yarcombe

Dear [REDACTED]

[REDACTED] request for Rag Lane Yarcombe to be officially made a bridleway. [REDACTED] it is used by dog walkers, horse riders, joggers, ramblers, mums with small children and push chairs and the like. It enables safe foot passage between Four Elms and the Stockland Road thus avoiding risking lives by attempting to walk the main A30 with its blind bends and fast moving traffic, which is just a few yards from Rag Lane.

Subsequently signs appeared at each end of Rag Lane stating it was "unsuitable for motor vehicles" and they remain in position today. I had assumed that the signs were part of what was legally required whilst the Council went through the process to officially designate Rag Lane as a bridleway.

Our Yarcombe and Marsh Neighbourhood Plan includes quite clearly the Transport and Accessibility Policy TRA1 which states that we will "promote, protect, maintain and enhance the existing local footpath and bridleway network for use on foot, bicycle or horseback and provide New or extended routes", also "to prevent motorised vehicles illegally using designated footpaths and bridleways". It seems to me that Rag Lane is ideally situated to be covered by this policy.

Currently it would appear Rag Lane is still not listed as a bridleway. [REDACTED]

[REDACTED] Please could you confirm to me that this is the case and that Rag Lane is indeed due to be given bridleway status.

I look forward to hearing from you shortly.

Yours sincerely

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 21 August 2021 13:26  
**To:** [REDACTED]  
**Cc:** Clive Stone  
**Subject:** Re: Concerns regarding Rag Lane, Yarcombe, Devon

Hi [REDACTED]

Many thanks for letting us know,

Regards,

## Sarah-Jane

Sarah-Jane Martin  
Clerk, Yarcombe Parish Council  
The Belfry at Yarcombe  
Yarcombe  
Honiton EX14 9BD  
01404 861234  
07980 893120

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On Friday, 30 July 2021, 10:06:37 BST, [REDACTED]@devon.gov.uk> wrote:

Hi Sarah-Jane

This is still on going and could result in a legal battle one which DCC may not follow due to the costs involved and the potential outcome NOT being in favour of the highway authority.

Surprising as it may seem, from the initial conversations I've had with our legal team, we would have to justify in full any reasoning behind wanting the gabions moved and the road in a usable condition for vehicles to pass as there is an alternative.

I have only replied to you and Clive as this is still on going

Regards

[REDACTED]

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---

**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** Friday, July 30, 2021 9:33:37 AM  
**To:** [REDACTED]@devon.gov.uk>  
**Cc:** Clive Stone <clivestone46@outlook.com>; Steve Horner <steve@horner.uk.com>; Tony Long



<longtonyhelen@gmail.com>; David Barnes [REDACTED]  
**Subject:** Concerns regarding Rag Lane, Yarcombe, Devon

Dear Sirs

**Concerning Rag Lane, Yarcombe complaint**

Further to our communication to yourselves dated 12th January 2021, enclosing a Notice under Section 56 Highways Act 1980 in respect of the status of Rag Lane, Yarcombe, Devon, copy email below, we kindly request an update on this matter please.

Yarcombe Parish Council wish it to be known that we would not support any downgrading of this public road and wish it to remain a road along which the public may drive a car, which is demonstrated on Google Earth / Streetview, where a car is driven up Rag Lane from the ford on the Stockland Road up to the A30 at Four Elms.

We look forward to your reply

Kind regards,

**Sarah-Jane**

Sarah-Jane Martin

Clerk, Yarcombe Parish Council

The Belfry at Yarcombe  
Yarcombe

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**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 13 November 2021 09:38  
**To:** [REDACTED]  
**Subject:** Rag Lane

Hello [REDACTED]

Please see below a response from Clive concerning Rag Lane:

Dear Sir

Further to the notification of the Complaint about Rag Lane

Yarcombe Parish Council wish to bring to your attention the following in connection with Rag Lane:-

It has always been used by agricultural traffic to gain access to adjacent fields

· It has always been used by local residents from the Stockland end of Yarcombe in the past as a route to Chard. [REDACTED]

[REDACTED] Yarcombe Parish Council minutes of 1st February 2021 contains a statement to this effect

· The gabions not only impede on the public highway, but have been installed in such a manner as to replace an established tapered vegetation bank with a near vertical solid wall, which could have been set back into the landowner's property and at a raking angle

It has been used as a diversion when an accident happened on the dangerous bend by the sewage works

Google Earth Street View is also clear evidence of vehicular use of this highway

Whilst there is an alternative route other than that part of Rag Lane to access the A30, there is demonstrable justification in retaining that part of Rag Lane as an alternative vehicular route, should for example, that part of the A30 be blocked and an alternative is required, particularly in the case of an emergency.

The work was undertaken without consultation with, or agreement from, Devon Highways

Yarcombe Parish Council have issued a Notice dated 12th January 2021 under 56 of Highways Act 1980 which is a clear statement that this highway cannot be closed without the express consent of the Parish Council and DCC have a duty to maintain it in a state fit for vehicles to pass and repass which is at present not possible subsequent to the wrongful construction of the gabions

We trust that the above will demonstrate to your legal department our justifiable reasoning that Rag Lane should remain open to vehicular traffic

Yours, Clive Stone, Chairman, on behalf of

Yarcombe Parish Council

Kind regards,

**Sarah-Jane**

Sarah-Jane Martin  
Clerk, Yarcombe Parish Council  
The Belfry at Yarcombe  
Yarcombe  
Honiton EX14 9BD  
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---

**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 06 April 2022 07:39  
**To:** [REDACTED]  
**Subject:** Re: Letter from Chair, Yarcombe Parish Council re Rag Lane

Morning [REDACTED]

Many thank for your email which I shall forward confidentially to Steve,

I totally understand your reasons for forwarding it to Legal for them to deal with and sign off

Best regards,

**Sarah-Jane**

Sarah-Jane Martin  
Clerk, Yarcombe Parish Council  
The Belfry at Yarcombe  
Yarcombe  
Honiton EX14 9BD  
01404 861234  
07980 893120

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On Tuesday, 5 April 2022, 14:11:10 BST, [REDACTED]@devon.gov.uk> wrote:

Hi Sarah-Jane

I've finally got around to filling out the paperwork and have asked our legal team to look over it.

If I'm completely honest, I didn't feel comfortable in any way filling it out as I have to put my name to it.

The issue with a notice isn't that straight forward, It's not as simple as just sending a piece of paper basically saying to someone "you have to do this" or just saying "if you don't, you'll be liable or have to pay the costs if we do it".

Part of the process is to complete a 'Record of Decision' justifying why we have reached the decision we have, and this forms part of the legal process should it go to court (if the works aren't carried out and we have to do and reclaim the costs).

As I've already discussed with you, although I know the resident has done wrong by doing what he has, based on the category of road and clearly the seldom use by vehicles, in all seriousness, the justification simply isn't there. The reason "it's always been a road for through traffic etc" doesn't really suffice as the alternative is much greater and issuing a S143 notice to leave the decision 'open' is not an option in the real world.

I'll let you know what Legal say/do once they get back to me.

**Best Regards**

[REDACTED]

**Neighbourhood Highways Officer**

**Eastern Neighbourhood Highway Team**

**Devon Highways**

**Heron Road | Sowton Industrial Estate | EXETER EX2 7LL.**

Email: [csc.roads@devon.gov.uk](mailto:csc.roads@devon.gov.uk)

Disclaimer: [www.devon.gov.uk/email.shtml](http://www.devon.gov.uk/email.shtml)

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**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 20 March 2022 11:45  
**To:** [REDACTED]@devon.gov.uk  
**Subject:** Letter from Chair, Yarcombe Parish Council re Rag Lane

Morning [REDACTED]

Please see below an email from Steve concerning Rag Lane,

Best regards,

Sarah-Jane

Sarah-Jane Martin

Clerk, Yarcombe Parish Council

The Belfry at Yarcombe  
Yarcombe

Honiton EX14 9BD

01404 861234  
07980 893120

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CONFIDENTIAL

Sarah-Jane has informed me that you have agreed the Parish Council may discuss the matter of Rag Lane under Part B rules, in fact we are not in a position to do this until we fully understand exactly how we should proceed given this matter is Confidential.

The facts as I understand them are as follows:-

The Parish Council issued a notice dated 12<sup>th</sup> January 2021 under section 56 Highways Act 1980 to Devon County Council that we would not support any downgrading of this public road and wish it to remain a road along which the public may drive a car.

I also have a copy of an e-mail to you from Clive Stone dated 6<sup>th</sup> January 2022 which states he had mentioned to you that one solution would be to serve notice and you would advise the Parish Council of the action to be taken

I have also read an e-mail forwarded to me by Sarah-Jane dated 26<sup>th</sup> October 2021 to you from I assume someone in your own legal department which discusses the alternative actions of serving section 143 and section 149 notices, although leaving a decision open

Thus I would be grateful of a briefing note from you that sets out the present status of discussions within your council on this matter which I may discuss on a strictly confidential basis with our Clerk only, I stress at this stage this discussion will remain only with Sarah-Jane and myself.

Kind regards,

Steve Horner

Chairman

---

**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 25 April 2022 18:05  
**To:** [REDACTED]  
**Subject:** Fw: Letter from Chair, Yarcombe Parish Council re Rag Lane

Dear [REDACTED]

Your response dated 11<sup>th</sup> April has been passed to me by our Parish Clerk.

I have now discussed this in the strictest confidence with the senior members of our Parish Council and my comments are in red alongside you replies:

Good morning Sarah-Jane

After having a brief discussion with my manager, he has taken the time to summarise the matter below (some slight amendments have been made as it was written to me & I've included some additional information that I've found)

- Week commencing 14th August 20 - Rag Lane closed. For the construction and placing of gabion baskets, no application was made to DCC or consent given. This is probably correct although I might comment that road closure signs are quite common in our parish, the fact that DCC had no knowledge of such closure indicate to me these signs were not properly authorised by the person who erected them

- The lane is now restricted to the extent it obstructs vehicle access. This is correct, the lane is designated as a Public Highway along which vehicles can no longer pass, in fact this morning I met with one of our parish councillors who lives in the area [REDACTED]

- 12th Jan 21 - Notice served under Section 56 Highways Act 1980 for Rag Lane from Yarcombe Parish Council to DCC. The purpose of serving the notice is unspecific. Such notices are generally issued where

there are concerns regarding the structural condition of a highway. It is very clear to me that by signing the Notice your Council have admitted Rag lane is a Public Highway and therefore it is clearly your responsibility to ensure vehicles may pass and repass without obstruction

- 29TH Jan 21 - DCC response – 'I refer to your notice dated 12 Jan 2021. I can confirm that Rag Lane is public highway and that Devon County Council is responsible for its maintenance. This letter constitutes our

notice or the purposes of S.56 (4) Highways Act 1980.'see above

- 4th Feb 21 - Yarcombe Parish Clerk emails the NHO 'relating to gabions in Rag Lane impinging on the width of the lane - hereby reporting the matter to yourselves' Other than notifying DCC, No mention is

made of the Parish Councils objection to the restriction, or desired outcome in this matter. It is very clear to me that such a report would have alerted you to the fact that the public highway was obstructed

- 4<sup>th</sup> Feb 21 - Email to Parish Clerk from NHO "Out of curiosity, what are the Parishes potential outcome/wishes", response of the same day from the clerk "The outcome ideally would be that the lane is re-instated to the width it was before, where the gabions are, so than vehicles could drive up/down it again if they wish" .This is a clear request from the Parish Clerk that the lane should be reinstated. Please do not forget that you specifically told the parish clerk that this matter could not be discussed by the Council thus in the circumstances this reply is clear



- 19th Apr 21 - NHO letter to [REDACTED] Subsequent site meeting on the 6th May 21. **We have no idea what was discussed at this meeting**

- 12th May 21 - [REDACTED]  
[REDACTED] **By your own admission "the resident has done wrong" The obvious conclusion is that the wrong must be righted.**

- Matter referred to highway legal. **I assume my comments will be forwarded to your legal department**

With regards to the email of the 7th April 22 from the Parish, 'fact 2' refers to the Parish Council having notified DCC 'on 21st January 2021' – it is presumed this has been transposed the numbers (dates) and are actually referring to the Section 56 of the 12th Jan? **My apologies the Notice was dated 12<sup>th</sup> January** The Parishes purpose in issuing a Section 56 Notice is unspecific and the desired outcome unclear. **As I have explained above the outcome has been to gain your admission that Rag Lane is a Public Highway** I think it would be worthwhile trying to understand the Parishes stance, as it now appears to support removal/adjustment of the gabions. I wasn't aware that the parish had previously expressed an opinion either way, unless you know differently?

The communication of 4th Feb is again undefined, and merely refers the matter to the responsible Authority? **Indeed it was referred back to Devon Highways being the responsible body**

DCC legal will give guidance on the appropriateness of any proceedings, mindful that should this matter progress to court, the Authority will be scrutinised by the Judge as to the reasonableness of its actions. **As would be expected in a Court of Law**

It must be appreciated that prior to the above events, Rag Lane was already 'signed' as unsuitable for motor vehicles **Agreed but the sign is blue and therefore advisory this does not designate the road as closed** and in the nearly 2 years preceding the placing of the restriction, the Authority has received no complaints. **I don't understand the words preceding the obstruction .That seems to prove the point, no one to my knowledge ever complained that the lane was blocked in the two years before the gabions were placed in the lane.** Additionally there are some residents who are in support of the road being downgraded and to remain as unusable by vehicular traffic all of which would be taken in to consideration in the event of court action being required. **I have no knowledge of such support save perhaps from the resident who has obstructed the highways .Is it not for Yarcombe Parish Council as an elected body to pronounce on these matters rather than individuals who have not made their wishes public ?**

It should also be noted that on the 9<sup>th</sup> August 2020 the Parish Council were advised that the road would be blocked from 14<sup>th</sup>-21<sup>st</sup> August (various letters), however, this wasn't relayed back to DCC who were completely unaware of the actions being carried out. This would have been very important and could have in fact negated the need for the past year or so. **I don't understand the relevance of this point I have explained above that Road Closed signs regularly appear around the village and I certainly do not understand what has been negate**

I have taken great care to review your comments , I have further discussed this matter with the past Chairman who has a very clear recollection that this matter was discussed with you in January and at that time you agreed to issue the necessary notice to the person who is responsible for these works that the lane be restored to the correct width to permit access for vehicular traffic

I have also consulted the senior members of the Parish Council on a confidential basis , given your past prohibition that this matter could not be discussed by the Parish Council and they all feel very strongly that Rag lane must be reopened as quickly as possible

Thus for the avoidance of doubt that in my capacity of Chairman of Yarcombe Parish Council I hereby request and require you to take such action that you consider necessary to reopen Rag lane to vehicular traffic

Yours

SJ Horner

Chairman Yarcombe Parish Council

---

**From:** Sarah-Jane <yarcombe.clerk@yahoo.com>  
**Sent:** 15 April 2022 08:42  
**To:** Steve Horner <steve@horner.uk.com>  
**Subject:** Fw: Letter from Chair, Yarcombe Parish Council re Rag Lane

Below is an email from [REDACTED] in response to our email concerning Rag Lane which summarises past events and the problems DCC are likely to face should court action prevail and where we are at this current time. He is now waiting for legal to accept or reject the decision.

Evidently a S.56 form should only be used if Highways have been negligent in maintaining a road, such as Clifthayne and so was not relevant for Rag Lane. Similarly copying in Meg evidently then flags they have been negligent, the matter then does to [REDACTED] boss and then to [REDACTED] so it just delays everything.

Sarah-Jane

Sarah-Jane Martin

Clerk, Yarcombe Parish Council

The Belfry at Yarcombe  
Yarcombe

Honiton EX14 9BD

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contrary, any opinions expressed in this message are personal and may not be attributed to Yarcombe Parish Council.

----- Forwarded message -----

**From:** [REDACTED]@devon.gov.uk>

**To:** Sarah-Jane <yarcombe.clerk@yahoo.com>

**Sent:** Monday, 11 April 2022, 10:45:25 BST

**Subject:** RE: Letter from Chair, Yarcombe Parish Council re Rag Lane

Good morning Sarah-Jane

After having a brief discussion with my manager, he has taken the time to summarise the matter below (some slight amendments have been made as it was written to me & I've included some additional information that I've found)

- Week commencing 14th August 20 - Rag Lane closed. For the construction and placing of gabion baskets, no application was made to DCC or consent given.
  - The lane is now restricted to the extent it obstructs vehicle access.
  - 12th Jan 21 - Notice served under Section 56 Highways Act 1980 for Rag Lane from Yarcombe Parish Council to DCC. The purpose of serving the notice is unspecific. Such notices are generally issued where there are concerns regarding the structural condition of a highway.
  - 29TH Jan 21 - DCC response – 'I refer to your notice dated 12 Jan 2021. I can confirm that Rag Lane is public highway and that Devon County Council is responsible for its maintenance. This letter constitutes our notice or the purposes of S.56 (4) Highways Act 1980.'
  - 4th Feb 21 - Yarcombe Parish Clerk emails the NHO 'relating to gabions in Rag Lane impinging on the width of the lane - hereby reporting the matter to yourselves' Other than notifying DCC, No mention is made of the Parish Councils objection to the restriction, or desired outcome in this matter.
  - 4th Feb 21 - Email to Parish Clerk from NHO "Out of curiosity, what are the Parishes potential outcome/wishes", response of the same day from the clerk "The outcome ideally would be that the lane is re-instated to the width it was before, where the gabions are, so than vehicles could drive up/down it again if they wish".
- 19th Apr 21 - NHO letter to [REDACTED] Subsequent site meeting on the 6th May 21.
- 12th May 21 - [REDACTED]
- Matter referred to highway legal.

With regards to the email of the 7th April 22 from the Parish, 'fact 2' refers to the Parish Council having notified DCC 'on 21st January 2021' – it is presumed this has been transposed the numbers (dates) and are actually referring to the Section 56 of the 12th Jan? The Parishes purpose in issuing a Section 56 Notice is unspecific and the desired outcome unclear. I think it would be worthwhile trying to understand the Parishes stance, as it now appears to support removal/adjustment of the gabions. I wasn't aware that the parish had previously expressed an opinion either way, unless you know differently?

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DCC legal will give guidance on the appropriateness of any proceedings, mindful that should this matter progress to court, the Authority will be scrutinised by the Judge as to the reasonableness of its actions.

It must be appreciated that prior to the above events, Rag Lane was already 'signed' as unsuitable for motor vehicles and in the nearly 2 years preceding the placing of the restriction, the Authority has received no complaints. Additionally there are some residents who are in support of the road being downgraded and to remain as unusable by vehicular traffic all of which would be taken in to consideration in the event of court action being required.

It should also be noted that on the 9<sup>th</sup> August 2020 the Parish Council were advised that the road would be blocked from 14<sup>th</sup>-21<sup>st</sup> August (various letters), however, this wasn't relayed back to DCC who were completely unaware of the actions being carried out. This would have been very important and could have in fact negated the need for the past year or so.

**Best Regards**



**Neighbourhood Highways Officer**

**Eastern Neighbourhood Highway Team**

**Devon Highways**

**Heron Road | Sowton Industrial Estate | EXETER EX2 7LL.**

Email: [csc.roads@devon.gov.uk](mailto:csc.roads@devon.gov.uk)

**From:** Sarah-Jane <[yarcombe.clerk@yahoo.com](mailto:yarcombe.clerk@yahoo.com)>  
**Sent:** 07 April 2022 10:33  
**To:** Sarah-Jane Martin <[yarcombe.clerk@yahoo.com](mailto:yarcombe.clerk@yahoo.com)>  
**Cc:** Meg Booth <[REDACTED]@devon.gov.uk>; Steve Horner <[steve@horner.uk.com](mailto:steve@horner.uk.com)>  
**Subject:** Letter from Chair, Yarcombe Parish Council re Rag Lane

Dear [REDACTED]

I have read your e-mail dated 5<sup>th</sup> April to our Parish Clerk explaining that you have concerns about the justification for issuing a section 143 to the resident of an adjoining property who has effectively blocked Rag lane by the erection of gabions on the public highway

Although I am not a legal expert, however may I bring to your attention the following facts that would substantiate the justification

1. You have stated in your e-mail dated 29<sup>th</sup> January 2021 that Rag Lane is a publicly maintainable Highway

*. I can confirm that the Lane past Four Elms (also known as Rag Lane) is public highway and that Devon County Council is responsible for its maintenance*

2. Yarcombe Parish Council informed you on 21<sup>st</sup> January 2021 that they would not agree to the closure of the road which is and would remain closed

In the event you do not take appropriate action .

3. You have agreed "that the resident has done wrong"

I would also be grateful if you can confirm that by using the confidential Part B of our Parish Council meetings, that I may bring this matter to the attention of the whole of the Parish Council.

I look forward to receiving your response

Yours Sincerely

Steve Horner

Chairman

Yarcombe Parish Council



**Chief Officer for  
Highways, Infrastructure, Development**  
Highways Management and Development  
County Hall  
Topsham Road  
Exeter  
EX2 4QD

[Redacted]

**BY FIRST CLASS POST AND  
BY RECORDED DELIVERY**

Tel: 01392 383000

Email: highwaymaintenanceteam-mailbox  
@devon.gov.uk

Our Ref: [Redacted]  
Your Ref:

19 July 2022

Dear Sir & Madam,

**IMPORTANT – ACTION REQUIRED**  
**Notice pursuant to s143 Highways Act 1980**

I write further to previous correspondence regarding the gabion baskets [Redacted]

In my previous correspondence, it was explained to you that parts of the baskets are on the highway. Rag Lane is narrow and the presence of the baskets on the highway is obstructing the highway, making it impossible for vehicles to pass and repass over the Lane.


Rag Lane is a vehicular highway. The Parish Council has raised the presence of the obstruction to Devon County Council as the highways authority and Devon County Council, as the highway authority for Devon, has a statutory duty to assert and protect the rights of the public to use and enjoy the highway. [Redacted]

The baskets need to be re-sited off the highway. [Redacted] Therefore, Devon County Council is now serving you with a notice pursuant to section 143 of the Highways Act 1980. The notice is enclosed with this letter. [Redacted]

[Redacted] allowing reasonable time for the application & processing of a TTRO (Temporary Traffic Regulation Order) in respect of a road closure & for the required works to be carried out. If you fail to comply with the notice, Devon County Council **will** undertake the required removal in default. The reasonable costs to the Council of carrying out the removal will be recharged to you. It is hoped that removal in default will not need to be carried out by the Council.

Should you have any queries or wish to discuss the issue further, please do not hesitate to contact me.

Yours faithfully

  
Neighbourhood Highways Officer  
Eastern Neighbourhood Highway Team  
Devon Highways

Enc – Section 143 notice

**NOTICE REQUIRING REMOVAL OF STRUCTURE FROM THE HIGHWAY**

**Section 143 Highways Act 1980**

To: [REDACTED]

1. This Notice is served for and on behalf of Devon County Council (as the highways authority for Devon) and is served pursuant to the power conferred by section 143 of the Highways Act 1980.
2. Section 143 gives Devon County Council the ability to require persons having control or possession of structures that have been placed on the highway to remove these structures from the highway within one month from the service of this Notice. A copy of the wording of section is set out overleaf for your information.
2. Devon County Council has identified that the following structures have been placed by you/under your authority on the highway:

Location of obstruction: Rag Lane, Yarcombe – plan attached showing location indicated in red

Description of structure(s): Gabion baskets causing obstruction of the highway

3. [REDACTED]

Failure to comply with this Notice may result in the Devon County Council undertaking the required removal in default and recharging you all reasonably incurred costs associated with the carrying out of the removal in default.

Dated this 10<sup>th</sup> June 2022

Signed [REDACTED]

Highways Management and Development  
County Hall  
Exeter  
EX2 4QD



**Power to remove structures from highways**

**Section 143 of the Highways Act 1980**

*(1) Where a structure has been erected or set up on a highway otherwise than under a provision of this Act or some other enactment, a competent authority may by notice require the person having control or possession of the structure to remove it within such time as may be specified in the notice.*

*For the purposes of this section the following are competent authorities—*

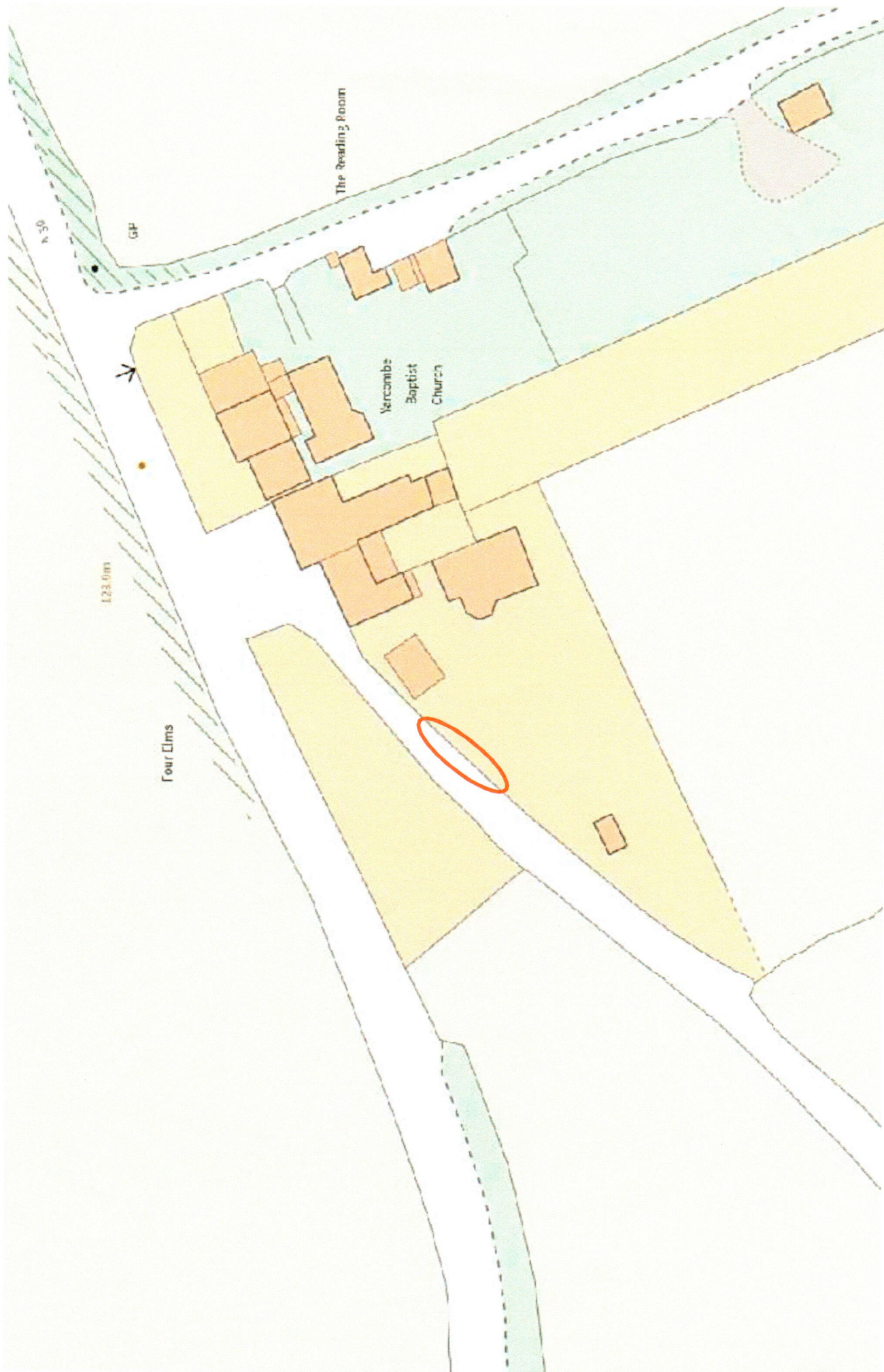
*(a) in the case of a highway which is for the time being maintained by a non-metropolitan district council by virtue of section 42 or 50 above, that council and also the highway authority, and*

*(b) in the case of any other highway, the highway authority.*

*(2) If a structure in respect of which a notice is served under this section is not removed within the time specified in the notice, the competent authority serving the notice may, subject to subsection (3) below, remove the structure and recover the expenses reasonably incurred by them in so doing from the person having control or possession of the structure.*

*(3) The authority shall not exercise their power under subsection (2) above until the expiration of one month from the date of service of the notice.*

*(4) In this section "structure" includes any machine, pump, post or other object of such a nature as to be capable of causing obstruction, and a structure may be treated for the purposes of this section as having been erected or set up notwithstanding that it is on wheels.*



The Reading Room

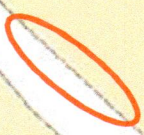
Yercombe Baptist Church

GP

N 50

123.0m

Four Elms



## 61. DEVON ROAD NETWORK CATEGORIES

The Devon highway network is divided into maintenance categories as shown in Table 63/1. However it is possible that categories may change due to anticipated changes in the Well Maintained Highways Code of Practice.

TABLE 63/1 Devon Highway Network – Traffic Categories				
Maintenance Category		Definition on Devon Road Network	Designation on Devon Road Network	Function
Major Road Network	1	Motorway	Wide Blue	Major Road Network Inter-urban and through route
	2	Primary Route (Trunk)	Wide Green	
	3	Primary Route (County)	Wide Green	
	4	Primary County	Red with Black Dash	
	5	Secondary County	Red with Black Dot	
Minor Road Network	6	Local Distributor	Blue	Access routes to smaller settlements and recreational areas
	7	Collector Road Minor	Brown	Serving small villages and other significant generators
	8	Collector Road Minor	Orange	Serving small hamlets and scattered communities
	9	Service Road	Yellow	Serving single or a few properties
	10	Service Road Minor	Yellow Dotted	Serving only one property
	11	Minor Lane	Green	Serving fields only or duplicating other routes
	12	Track	Green Crossed	Not used by normal vehicular traffic

The lengths of road in each Maintenance Category forming Devon's highway network included in this contract are shown in Table 61/2 Devon Carriageway Lengths in the Data Room.

Kind regards,

**Sarah-Jane**

**Sarah-Jane Martin**

Clerk, Yarcombe Parish Council

The Belfry at Yarcombe  
Yarcombe

Honiton EX14 9BD

01404 861234  
07980 893120

**Please note this email address is not monitored more than a few hours per week.**

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