

**SOMERSET COUNTY COUNCIL**  
**(NERROLS FARM LANE, CHEDDON FITZPAINE, TAUNTON)**  
**(PROHIBITION OF MOTOR VEHICLES) ORDER 2017**

The County Council of Somerset in exercise of its powers under Sections 1(1), 2(1) to (3) and 4(1) of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act of 1984") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:-

1. SAVE AS IN Article 2 of this Order, no person shall cause any motor vehicle to enter, proceed or wait in Nerrols Farm Lane, Cheddon Fitzpaine, Taunton as shown in the Schedule below.
2. NOTHING in Article 1 of this Order shall make it unlawful for any motor vehicle to proceed along the length of road specified in the Schedule to this Order if the vehicle is being used:-

a) in connection with any building operation or demolition in or adjacent to that road, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred, or the laying, erection, alteration or repair in or near to any of the said lengths of road of any sewer, or of any main pipe or apparatus for the supply of gas, water or electricity or of any apparatus as defined in Paragraph 1 (1) of the Telecommunication Code contained in Schedule 2 to the Telecommunications Act, 1984;

b) cannot conveniently be used for such purpose in any other road to be used in the service of a local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of certain statutory powers or duties;

c) for the purpose of loading and unloading to premises situated on or adjacent to the road.

This Order shall come into operation on the 8<sup>th</sup> February 2018 and may be cited as "Somerset County Council (Nerrols Farm Lane, Cheddon Fitzpaine, Taunton) (Prohibition of Motor Vehicles) Order 2017".

Given under the Common Seal of the Council this 2nd day of February 2018.

THE COMMON SEAL of the )  
COUNTY COUNCIL of SOMERSET )  
was hereunto affixed )  
in the presence of )



Authorised Officer

No. in Register 30385

**SCHEDULE**

**PROHIBITION OF MOTOR VEHICLES**

Nerrols Farm Lane,  
Cheddon Fitzpaine, Taunton

From its junction with the A3259 Priorswood  
Road, Cheddon Fitzpaine, Taunton for a  
distance of 64.4 metres in a northerly direction.

**STATEMENT OF REASONS FOR PROPOSING TO MAKE THE ORDER**

The purpose of the Order is for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

The effect of the Order is to prohibit any motor vehicle entering, proceeding or waiting in the length of road shown coloured red on the plan forming part of this Order. Cyclists and pedestrians will still have access.

**TRAFFIC REGULATION ORDER**  
**DETERMINATION REPORT**

**SOMERSET COUNTY COUNCIL**  
**(NERROLS FARM LANE, CHEDDON FITZPAINE, TAUNTON)**  
**(PROHIBITION OF MOTOR VEHICLES) ORDER 2017**

Executive Portfolio Holder: John Woodman, Cabinet Member-Highways

Division and Local Members: David Fothergill – Monkton and North Curry

Lead Officer: Dan Mawer - Principal Development Infrastructure Officer

Author: Jeff Bunting - Senior Traffic Engineer

Contact Details: trafficmanagement@somerset.gov.uk

**1 Summary**

- 1.1 The proposal is to introduce a Prohibition of Motor Vehicles Traffic Regulation Order (TRO), which will result in the closure of Nerrols Farm Lane from its junction with the A3259 Priorswood Road, Cheddon Fitzpaine, Taunton, for a distance of 64.4 metres in a northerly direction. Additional background information can be found in **Appendix 3**.
- 1.2 The TRO was advertised in the Somerset County Gazette on 6<sup>th</sup> July 2017. The proposed TRO/public notice, draft TRO and plan are shown in **Appendix 1** and **Appendix 1a**.
- 1.3 Following advertisement of the TRO one objection was received. The objector and reasons for objecting to the proposal are shown in **Appendix 2**.
- 1.4 The police, emergency services, local members and other statutory consultees did not object to the proposal.

**2 Recommendations**

- 2.1 It is recommended that the **SOMERSET COUNTY COUNCIL (NERROLS FARM LANE, CHEDDON FITZPAINE, TAUNTON) (PROHIBITION OF MOTOR VEHICLES) ORDER 2017** be approved.

**3 Objections**

- 3.1 1 objection to the advertised TRO was received shown in **Appendix 2**. Individual letters/emails of objection and responses are available for inspection at the authors Department.

### 3.2 Summary of objection reasons:

“could result in large vehicles and low loaders, delivering or collecting goods to my client’s business, have to stop on the A3259 in order to load or off-load agricultural machinery due to their inability to access my client’s premises”.

Many years ago the main road was re-aligned leaving my client with access points to the east and west of his premises. The access to the west is the one the subject of the proposed order. This access provided a good turning arc for vehicles wishing to turn left into the lane leading to the site. Without this access the eastern access is impossible to use as the angle of entry from the west is too acute.”

The further consideration is the ability to turn long vehicles on the road (Nerrols Farm Lane) should the eastern access become the only exit from the premises. This scenario is further complicated by the vertical alignment of the A3259 and Nerrols Lane at its junction”.

Client would consider that all parties could solve the predicament and would not object to the following alterations to the order if it were to culminate in the following:-

#### Western Access

- retain access into Nerrols Farm Lane from the A3259
- provide no right turn to exit from Nerrols Farm Lane to the A3259

#### Eastern Access

- Improve turning circle into Nerrols Lane from A3259
- Improve vertical alignment of Nerrols Lane to enable low bed and long vehicles to exit Nerrols Lane without ‘grounding’
- carry out alterations to surface water drainage system occasioned by such alterations in levels necessary as above

Provide/retain sufficient highway into Nerrols Farm Lane to allow vehicles to turn as ‘through route’ would no longer be available for traffic from Monkton Heathfield direction entering site at eastern access and otherwise leaving site at western access”

- 3.3 Mr Bacons letter of objection advised that he would retract his objections subject to certain demands. SCC officer and the designer discussed various options and arrived at a slightly revised solution that it was felt would satisfy the objector. The developer took the revised proposal to the objector and he has not changed his view and refuses to remove his objection.
- 3.4 The revised scheme allows for vehicles to turn left into Nerrols Lane from the A3259 on the north/south connection, and exit Nerrols Lane from the junction at the eastern end of Nerrols Lane. Access is also possible from the eastern junction. There will be a supplementary plate with the no motorised vehicles

sign stating "except for access". This in effect will allow vehicular access to the objector's premises.

3.5 The developer has agreed to do some vertical alignment work at the eastern bell mouth to address some concerns that the objector had regarding the movements of low loader vehicles.

3.6 After considering the objection, it is recommended that the proposal to close Nerrols Farm Lane at its junction with the A3259 Priorswood Road, Cheddon Fitzpaine be introduced.

**Decision record**

The objection received during the consultation period has been given due consideration and I hereby confirm that the TRO **SOMERSET COUNTY COUNCIL (NERROLS FARM LANE, CHEDDON FITZPAINE, TAUNTON) (PROHIBITION OF MOTOR VEHICLES) ORDER 2017** be approved

I authorise the sealing of this Traffic Regulation Order

Signed..........

**Bev Norman**  
**Strategic Manager- Traffic Management, Traffic and Transport Development,**  
**Somerset County Council**

Date: 29/1/18..... 2018

## Appendix 1

**SOMERSET COUNTY COUNCIL**  
**(NERROLS FARM LANE, CHEDDON FITZPAINE, TAUNTON)**  
**(PROHIBITION OF MOTOR VEHICLES) ORDER 2017**

NOTICE is hereby given that Somerset County Council proposes to make an order under sections 1(1), 2(1) to (3) and 4(1) of the Road Traffic Regulation Act 1984 as amended the effect of which will be to prohibit any vehicle from entering, proceeding or waiting in Nerrols Farm Lane, Cheddon Fitzpaine, Taunton as shown in the Schedule below.

There will be an exemption in the order for emergency services, vehicles being used in connection with any building operation, demolition in or adjacent to that road, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred, or the laying, erection, alteration or repair in or near to any of the said lengths of road of any sewer, or of any main pipe or apparatus for the supply of gas, water or electricity and for vehicles seeking access to premises situated on or adjacent to the road for the purpose of loading and unloading.

A copy of the draft Order, the map showing the lengths of road affected and the Statement of Reasons for proposing to make the Order may be inspected at Somerset County Council, A Block Reception, County Hall, Taunton or online at [www.somerset.gov.uk/TRO](http://www.somerset.gov.uk/TRO).

Any person wishing to object to the proposed Order may do so in writing, specifying the grounds on which it is made, to Somerset County Council, Traffic Management B2W, County Hall, Taunton, TA1 4DY quoting reference number KT13122016 and received no later than 27<sup>th</sup> July 2017.

Patrick Flaherty  
Chief Executive  
Dated: 6<sup>th</sup> July 2017

### **SCHEDULE**

#### **PROHIBITION OF MOTOR VEHICLES**

Nerrols Farm Lane,  
Cheddon Fitzpaine, Taunton

From its junction with the A3259 Priorswood Road, Cheddon Fitzpaine, Taunton for a distance of 64.4 metres in a northerly direction.

**SOMERSET COUNTY COUNCIL**  
**(NERROLS FARM LANE, CHEDDON FITZPAINE, TAUNTON)**  
**(PROHIBITION OF MOTOR VEHICLES) ORDER 2017**

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  - a) in connection with any building operation or demolition in or adjacent to that road, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred, or the laying, erection, alteration or repair in or near to any of the said lengths of road of any sewer, or of any main pipe or apparatus for the supply of gas, water or electricity or of any apparatus as defined in Paragraph 1 (1) of the Telecommunication Code contained in Schedule 2 to the Telecommunications Act, 1984;
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  - c) for the purpose of loading and unloading to premises situated on or adjacent to the road.

This Order shall come into operation on the xxxxxxxxxx 2017 and may be cited as "Somerset County Council (Nerrols Farm Lane, Cheddon Fitzpaine, Taunton) (Prohibition of Motor Vehicles) Order 2017".

Given under the Common Seal of the Council this xx day of xx 2017.

THE COMMON SEAL of the )  
 )  
COUNTY COUNCIL of SOMERSET )  
 )  
was hereunto affixed )  
 )  
in the presence of )

*No. in Register.....*

## **SCHEDULE**

### **PROHIBITION OF MOTOR VEHICLES (Except for Access)**

Nerrols Farm Lane,  
Cheddon Fitzpaine, Taunton

From its junction with the A3259 Priorswood  
Road, Cheddon Fitzpaine, Taunton for a  
distance of 64.4 metres in a northerly direction.

### **STATEMENT OF REASONS FOR PROPOSING TO MAKE THE ORDER**

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The effect of the Order is to prohibit any motor vehicle entering, proceeding or waiting in the length of road shown coloured red on the plan forming part of this Order. Cyclists and pedestrians will still have access.





Red Line represents  
Prohibition of Motor Vehicles





**Philip T Broom FRICS**

CHARTERED SURVEYOR

The Estate Office, April Cottage,  
Stoke St Gregory,  
Taunton, Somerset TA3 6JQ

Tel: 01823 490749

Fax: 01823 490749

Mobile: 0780 3080585

Somerset County Council  
Traffic Management B2W  
County Hall  
TAUNTON  
TA1 4DY

REF KT13122016

21<sup>st</sup> July 2017.

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Nerrols Farm Lane, Cheddon Fitzpaine, Taunton

Prohibition of Motor Vehicles Order 2017

I am writing on behalf of A.M. Bacon, Agricultural Machinery sales and services of Nerrols Yard to OBJECT to the above order without alteration as in its current form it could result in large vehicles and low loaders, delivering or collecting goods to my clients business, having to stop on the A3259 in order to load or off-load agricultural machinery due to their inability to access my clients premises.

Background information:- Mr Bacon's premises lie alongside the original line of the highway now known as the A3259. Many years ago the main road was re-aligned leaving my client with access points to the east and west of his premises. The access to the west is the one the subject of the proposed order.



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21-7-17

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This access provided a good turning arc for vehicles wishing to turn left into the lane leading to the site. Without this access the eastern access is impossible to use as the angle of entry from the west is too acute.

The further consideration is the ability to turn long vehicles on the road (Norrold Farm Lane) should the eastern access become the only exit from the premises. This scenario is further complicated by the vertical alignment of the A3259 and Norrold Lane at its junction which has been highlighted by contractors HGR becoming grounded on the road edge and having to be 'dragged' off the road by my client.

My client understands that a pedestrian crossing is to be provided near to the Western access and appreciates the safety concerns, but would consider that all parties could solve the predicament and would not object to the following alterations to the order if it were to culminate in the



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following :-

21.7.17

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Western Access • retain access into Nerrols Farm Lane from the A3259

- Provide no right turn to exit from Nerrols Farm Lane to the A3259

Eastern Access • Improve turning circle into Nerrols Lane from A3259

- Improve vertical alignment of Nerrols Lane to enable Low bed and long vehicles to exit Nerrols lane without 'grounding'.

- Carry out alterations to surface water drainage system occasioned by such alterations in levels necessary as above.

Provide/retain sufficient highway into Nerrols Farm Lane to allow vehicles to turn as 'through route' would no longer be available for traffic from Monkton Heathfield direction entering site at eastern access and otherwise leaving site at western access.

I trust the above sets out the rationale for my clients objection and sets out a way forward. Please contact me if you require further clarification or wish to meet to discuss



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**Philip T Broom FRICS**

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*These matters further,*

*Yours sincerely*

*Philip Broom*

*21.7.17*

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### Appendix 3

<b>1.0</b>	<b><u>Background</u></b>
1.1	As part of the development at Nerrols Farm, Taunton, 2 light controlled crossing had to be provided in the vicinity of the Maidenbrook Roundabout.
1.2	The S106 (Signed 26 <sup>th</sup> November 2012) requirement calls for the highway works, of which the crossings are a defined part, to be completed prior to occupation.
1.3	The consented scheme for the for the development indicates the approximate locations of the required crossings and calls for the Highway Works to be delivered via a Section 278 Legal Agreement (Signed 25 <sup>th</sup> January 2017).
1.4	The Generally in Accordance (GIA) drawing within the S106 showed pedestrians and cyclists being discharged into the bell mouth of the eastern end Nerrols Lane with the A3259.
1.5	Pedestrians and Cyclists would then have had to use the carriageway from the new site access to the section of Nerrols Lane, running north/south from the A3259 to gain access to the controlled crossing.
1.6	It was identified through the audit process that there was sufficient Highway Verge on the northern side of the A3259 to provide a combined, off carriageway cycleway/footway.
1.7	This proposal was incorporated into the S278 Legal Agreement along with the proposal to remove motorised vehicle rights over the section of Nerrols lane running north from the A3259 to the first property access of that section of Nerrols Lane.
1.8	There was concern raised in the audit regarding the risk of conflict between pedestrians, cyclists and motorised vehicles.
1.9	This proposal was considered, by the designer, to be the least risky to pedestrians and cyclists and also the most suitable solution to the concerns raised within the audit.
1.10	The Developer applied for the TRO to completely remove motorised vehicular rights over this length of Nerrols Lane and it was advertised on the 6th July 2017 reference KT13122016
1.11	On 21 <sup>st</sup> July 2017 SCC received an objection via Philip Broom Chartered Surveyors on behalf of Mr Bacon of A.M Bacon Agricultural Machinery Sales and Services.
1.12	Mr Bacon's letter of objection advised that he would retract his objections subject to certain demands. These are listed in the letter from his agent, Philip T Broom Chartered Surveyor.

1.13	SCC officer and the designer discussed various options and arrived at a slightly revised solution that it was felt would satisfy the objector.
1.14	The developer took the revised proposal to the objector and he has not changed his view and refuses to remove his objection.
1.15	The revised scheme allows for vehicles to turn left into Nerrols Lane from the A3259 on the north/south connection, and exit Nerrols Lane from the junction at the eastern end of Nerrols Lane. Access is also possible from the eastern junction. There will be a supplemental plate with the no motorised vehicles stating "except for access".
1.16	The connection from the A3259 to the north/south part of Nerrols Lane will be one way for the length of 64.4 meters and there will be no right turn allowed into this from the A3259
1.17	The developer has agreed to do some vertical alignment work at the eastern bell mouth to address some concerns that the objector had regarding the movements of low loader vehicles.

<b>2.0</b>	<b>Option 1 – Do nothing and leave the access to the southern end of Nerrols Lane as it is</b>			
<b>2.1</b>	<b><u>Safety implications</u></b>	<b><u>Risk</u></b>		
		<b>Likelihood</b>	<b>Impact</b>	<b>Total</b>
2.1.1	The access is used by property owners to access and egress with all movements.  The business A.M Bacon Agricultural Machinery Sales and Services has HGV and low loader vehicles arriving and departing on a regular basis, according to the business owner  <b>Risk: Collisions between motor vehicles including HGV's and pedestrians/cyclists</b>	3	5	15
2.1.2	The current alignment of the access from Nerrols Lane onto the A3259 at the southern point does not easily allow HGV vehicles to turn left onto the A3259 without encroaching into the path of oncoming vehicles  <b>Risk: Collisions between HGV's and other motorised vehicles on the A3259</b>	3	3	9
<b>2.2</b>	<b><u>Financial Implications</u></b>			

2.2.1	If the TRO is not implemented then there will be no financial implications unless there is an incident/collision. There are no recorded incidents or collisions at this location on RMX4  <b>Risk: Financial risk to SCC</b>	1	1	1
2.3	<b><u>Reputational Implications</u></b>			
2.3.1	As the Highway Authority we are charged with ensuring the safety of the travelling public.  Through the technical and safety audit of the scheme the SCC Road Safety Officer has raised concerns about collisions that need to be addressed.  If SCC does nothing and there is an incident resulting in an investigation we could be found liable for not carrying out our duty.  <b>Risk: An incident results in an investigation and SCC are found to be in breach of their duty as Highway Authority.</b>	3	4	12

3.0	<b>Option 2 – Instigate the revised TRO and remove motorised vehicle rights over the stretch of Nerrols Lane provide an exception plate for access and build vehicle cross over along the A3259 linking the footway/cycleways giving peds and cyclists right of way</b>			
3.1	<b><u>Safety implications</u></b>	<b><u>Risk</u></b>		
		Likelihood	Impact	<b>Total</b>
3.1.1	Left turn only into the southern end of Nerrols Lane from A3259 and for vehicles gaining access only.  Section of one way highway from A3259 to the first property access driveway. Cyclists permitted to travel in both directions  Access to Nerrols Lane is over a dropped kerb vehicle cross over arrangement suitable for HGV traffic with kerb line to enforce no right turn from A3259.  No exit from southern end of Nerrols Lane	2	5	10



	<b>Risk: Collisions between motor vehicles including HGV's turning left from A3259 into Nerrols Lane and pedestrians/cyclists</b>			
<b>3.2</b>	<b><u>Financial Implications</u></b>			
3.2.1	The TRO has been paid for by the developer.  With the reduce risk of collision the potential for financial liability due to a collision has been reduced.  <b>Risk: Financial risk to SCC</b>	1	1	1
<b>3.3</b>	<b><u>Reputational Implications</u></b>			
3.3.1	In implementing this TRO the Highway Authority are carry out their duty of protecting the travelling public and reducing the likelihood of a collision/incident.  The objection received for the initial TRO has potential valid aspects, however the suggestion that this objection would be removed subject to certain criteria could be seen as the land owner attempting to gain betterment at the expense of a developer.  The consideration of the objections and the revision to the TRO addresses most of these criteria.  <b>Risk: Objections are mainly considered valid however the Objector is not willing to accept the revisions to the TRO and TRO determination report is not given approval to be signed off.</b>	2	2	4

<b>4.0</b>	<b><u>Conclusions</u></b>				
		<b>Safety Risk</b>	<b>Financial Risk</b>	<b>Reputational Risk</b>	<b>Total Risk</b>
	<b>Option 1</b>	15 9	1	12	37
	<b>Option 2</b>	10	1	4	15
	<b>Summary</b>	Both options present a	This risk is the same if a decision is	There is a greater risk	

		medium risk. Option 1 is higher due to the safety risk of potential collisions.	made to proceed.	associated with the Scheme not being delivered.	
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<b>5.0</b>	<b>Recommendation</b>
5.1	As the total risks identified above are lower for Option 2 it is recommended that SCC implements the Revised TRO
5.3	All objectors will be contacted to provide an update.
5.4	Officers and members will need to consider appropriate communications strategy.