

HIGHWAYS ACT 1980
THE DEVON COUNTY COUNCIL
(A380 SOUTH DEVON LINK ROAD (KINGSKERSWELL BYPASS) CLASSIFIED
ROAD)
(SIDE ROADS) ORDER 2008

The Devon County Council ('the Council') acting under an agreement with Torbay Council pursuant to Section 8 of the Highways Act 1980 make this Order in exercise of their powers under Sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf:

1. (1) The Council are authorised in relation to the classified road in the Parishes of Newton Abbot, Abbotskerswell and Kingskerswell in the District of Teignbridge in the County of Devon and the ward of Shiphay with the Willows in Torbay Unitary Authority to:
 - (a) improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;
 - (b) stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
 - (c) construct a new highway along each route whose centre line is shown on a Site Plan by an unbroken black line surrounded by stipple;
 - (d) stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
 - (e) provide new means of access to premises at each location shown on a Site Plan by thin diagonal hatching.
 - (2) Where a new highway is to be constructed wholly or partly along the same route as a new access or part of one, that new highway shall be created subject to the private rights over that new access.
 - (3) Each new highway is given a reference letter on a Site Plan, which is also placed in the respective Schedule, and will be a road unless the word "footpath" or "cycle track" appears beneath its reference letter in that Schedule, in which case it will be a footpath or cycle track (as the case may be). Each new access is given a number on a Site Plan, which is also placed in the respective Schedule.
 - (4) Where a new highway is to be constructed or a new access is to be provided in connection with the stopping up of a length of highway or private means of access described in a Schedule, its reference letter or number (as the case may be) is placed in that Schedule opposite the description of that length.
 - (5) Each Site Plan shows the works indicated in the respective Schedule and has the same number as that Schedule, and the route of the classified road in relation to those works.
2. The new highways given the reference letters F and G in the Schedule and Site Plan numbered 2 with the words "temporary footpath" placed in brackets beneath and D in the Schedule and Site Plan numbered 4 with the words "temporary highway" placed in brackets beneath, are highways to be constructed for temporary purposes, and the Council are authorised to close each temporary highway at the end of seven days from posting notices at each end of the temporary highway to indicate that it is no longer needed for public use. The improved highway in the Schedule and Site Plan numbered 4 with the words "temporary highway" placed in brackets adjacent to the C161 Maddacombe Road is a highway to be improved for temporary purposes, and the Council are authorised to close the temporary highway improvement at the end of seven days from posting notices at each end of the

temporary highway improvement to indicate that it is no longer needed for public use

3. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator, then, subject to Section 21 of the Highways Act 1980, those undertakers, or that operator, as the case may be, shall continue to have the same rights as respects that apparatus as they had immediately before the stopping up took place.
4. In this Order:
 - (a) distances are measured along the route of the relevant highway or private means of access, as the case may be;
 - (b) a reference to a Schedule or Site Plan number is a reference to the Schedule or Site Plan, so numbered; and a "Schedule" means a Schedule to this Order;
 - (c) "the classified road" - means the classified A380 road which the Council propose to:
 - (1) improve the existing A380 from a point 810 metres north of the centre of Penn Inn Roundabout southwards to a point 458 metres south of the junction of Aller Brake Road with the A380 Torquay Road;
 - (2) construct from a point 458 metres south of the junction of Aller Brake Road with the A380 Torquay Road southwards for a distance of 3645 metres to its junction with the A380 Hamelin Way at a point 210 metres south-west of the centre of Kerswell Gardens roundabout;
 - (3) improve the existing A380 Hamelin Way from a point 210 metres south-west of the centre of Kerswell Gardens roundabout south-westwards for a distance of 810 metres;and which
is a highway / proposed highway which is a classified road in accordance with Section 12 of the Highways Act 1980.
 - "the Council" - means the Devon County Council;
 - "improvement" - in relation to a highway includes raising, lowering or otherwise altering that highway, and "improved" shall be construed accordingly;
 - "new access" - means a means of access to premises authorised by this Order to be provided;
 - "new highway" - means a highway authorised by this Order to be constructed and "new highways" shall be construed accordingly;
 - "Schedule" - means a Schedule to this order, and "Schedules" shall be construed accordingly

“Site Plan”

- means one of the plans numbered 1, 2, 3, 4, or 5 contained in the Plan Folio marked “The Devon County Council (A380 South Devon Link Road (Kingskerswell Bypass) Classified Road) (Side Roads) Order 2008”, sealed with the Common Seal of the Council and deposited in the offices of:
 - (a) Devon County Council at Main Reception, County Hall, Topsham Road, Exeter EX2 4QD;
 - (b) Torbay Council at Town Hall, Castle Circus, Torquay, TQ1 3DS ;
 - (c) Devon County Council Area South Highway Management Offices, Devon House, Brunel Road, Newton Abbot TQ12 4PB;

and a duplicate has been deposited in the offices of the Secretary of State for Transport.

and may be viewed online:-

<http://www.devon.gov.uk/index/transport/kingskerswellbypass.htm>

SCHEDULE 1

SITE PLAN TITLE – St Marychurch Road, Aller Brake Road, Footpath No. 40 and other alterations.

Highways to be Improved

The C91 St Marychurch Road.

The Unclassified Aller Brake Road.

Highways to be Stopped Up

Aller Brake Road for 20 metres south-westwards from the edge of St Marychurch Road.

Footpath No. 40 for 2 metres north-westwards from the northern boundary of Aller Brake Road.

Reference Letters of New Highways

A

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SCHEDULE 2

SITE PLAN TITLE – A380 Torquay Road, Addison Road and other alterations

Highways to be Improved

The Unclassified Addison Road.

The Unclassified Aller Brake Road.

The A380 Torquay Road.

Highways to be Stopped Up

Reference Letters of New Highways

The footway between Addison Road and Penn Inn roundabout for 35 metres from the northern end of Addison Road.

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Addison Road from the northern end of Addison Road south-eastwards for a distance of 45 metres.

-

Footpath No. 45 for 25 metres northwards and 25 metres southwards then 35 metres westwards from the western boundary of the classified road north of Sainsbury's Store.

A
Footpath

The footway known as Milber Steps for a distance of 8 metres westwards from Addison Road.

-

The footway between Addison Road and the A380 Torquay Road opposite Nos 19 to 24 Addison Road.

-

Addison Road from its junction with Laburnum Road southwards for a distance of 100 metres.

B

The A380 Torquay Road from Addison Road southwards for a distance of 120 metres.

C
Cycle track with a
right of way on
foot

Aller Brake Road from its junction with the A380 Torquay Road eastwards for a distance of 8 metres.

D

The A380 Torquay Road from a point 30 metres south of the centre of Aller Brake Road southwards for a distance of 424 metres.

D

The footway between Aller Park Road and the A380 Torquay Road for a distance of 14 metres from the eastern boundary of the A380 Torquay Road.

E
Footpath

All public pedestrian rights of way which may exist along the Private Means of Access from the A380 Torquay Road opposite No. 16 Aller Park Road northwards for a distance of 50m then westwards for a distance of 35 metres then northwards for a distance of 80 metres.

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F
(Temporary
Footpath)

-

G
(Temporary
Footpath)

Private Means of Access to be Stopped Up

**Reference Numbers
of New Accesses**

1s	Access to Wywurree from Addison Road.	1
2s	Access to Penn House from Addison Road.	2
3s	Access to railway lines from the A380 Torquay Road.	-
4s	Access to the rear of No. 15 St Luke's Road from the A380 Torquay Road.	-
5s	Access to the rear of No. 13 St Luke's Road from the A380 Torquay Road.	-
6s	Access from the western boundary of the A380 Torquay Road opposite No. 16 Aller Park Road northwards for a distance of 50 metres then westwards for a distance of 35 metres then northwards for a distance of 80 metres	-
7s	Access to railway lines from the A380 Torquay Road opposite No. 42 Aller Park Road.	5 on Site Plan 3 Inset
8s	Access to Royal Aller Vale Quarry from the A380 Torquay Road.	3
9s	Access to Aller Cottages and to the drainage outfall to the former Royal Aller Vale Quarry from the A380 Torquay Road.	-
		4 on Site Plan 2 Inset (access to drainage outfall only)
		and 5 on Site Plan 3 Inset (access to drainage outfall only)

SCHEDULE 3

SITE PLAN TITLE – Aller Road and other alterations

Highways to be Improved

The A380 Torquay Road

The C431 Aller Road

The C162 Old Newton Road

The C162 Kingskerswell Road

Highways to be Stopped Up

The C431 Aller Road from its junction with the A380 Torquay Road south-westwards for a distance of 120 metres.

The C431 Aller Road from its junction with the C162 Kingskerswell Road at Aller Cross eastwards for a distance of 94 metres.

The C162 Old Newton Road from its junction with the C162 Kingskerswell Road at Aller Cross southwards for a distance of 310 metres.

The C162 Kingskerswell Road from its junction with the C431 Aller Road at Aller Cross north-westwards for a distance of 160 metres.

Reference Letters of New Highways

A and D

B

B

C

E

Private Means of Access to be Stopped Up**Reference Numbers of
New Accesses**

1s	Access to field from the western boundary of the C431 Aller Road 30 metres north of the entrance to the Barn Owl Inn.	-
2s	Access to field from the western boundary of the C431 Aller Road opposite the entrance to the Barn Owl Inn.	-
3s	Access to field from the western boundary of the C431 Aller Road 15 metres south-west of the entrance to the Barn Owl Inn.	-
4s	Access to field from the western boundary of the C431 Aller Road 36 metres south-west of the entrance to the Barn Owl Inn.	1
5s	Access to field from the northern boundary of the C431 Aller Road 90 metres north-east of the junction of the C431 Aller Road with the C162 Kingskerswell Road.	2
6s	Access to farm buildings from the southern boundary of the C162 Old Newton Road at the junction of the C162 Old Newton Road with the C162 Kingskerswell Road.	3
7s	Access to Hazelbank from the northern boundary of the C162 Old Newton Road.	-
8s	Access to Hazelbank from the western boundary of the C162 Kingskerswell Road 45 metres north-west of the junction of the C162 Kingskerswell Road with the C162 Old Newton Road.	-
9s	Access to field from the western boundary of the C162 Kingskerswell Road 88 metres north-west of the junction of the C162 Kingskerswell Road with the C162 Old Newton Road.	4
10s	Access to field from the eastern boundary of the C162 Kingskerswell Road 174 metres north-west of the junction of the C162 Kingskerswell Road with the C162 Old Newton Road.	5
11s	Access to field from the western boundary of the C162 Kingskerswell Road 195 metres north-west of the junction of the C162 Kingskerswell Road with the C162 Old Newton Road.	6
12s	Access to field from the eastern boundary of the C162 Old Newton Road 45 metres north-west of the access to Elmcroft Nursery.	3
13s	Access to field from the western boundary of the C162 Old Newton Road 26 metres north-west of the access to Elmcroft Nursery.	4
14s	Access to Elmsleigh House.	-

15s	Access to field from the eastern boundary of the C162 Old Newton Road opposite the access to Elmcroft Nursery.	3
16s	Access to Elmcroft Nursery.	4, 7
17s	Access to field from the western boundary of the C162 Old Newton Road 20 metres south-east of the access to Elmcroft Nursery.	4, 7, 8
18s	Access to Yannon Lane Landfill Site from a point 110 metres from the western boundary of the C162 Old Newton Road south-westwards for a distance of 254 metres.	4, 7, 8
19s	Access to Yannon Lane Landfill Site from a point 364 metres from the western boundary of the C162 Old Newton Road south-westwards for a distance of 10 metres then south-eastwards for a distance of 100 metres then south-westwards for a distance of 114 metres.	4, 7, 8, 9
20s	Access known as Yannon Lane, for a distance of 310 metres north-westwards from its junction with Foredown Lane.	4, 7, 8, 9, 10 and 11
21s	Access to field from a point 152 metres north-west then 40 metres south-west of the western boundary of Foredown Lane at its junction with the C162 Old Newton Road for a distance of 48 metres.	-
22s	Access to field and the properties known as Kynance, High View, Woodfield and Three Corners from the western boundary of Foredown Lane at its junction with the C162 Old Newton Road for a distance of 152 metres.	12 13 14

SCHEDULE 4

SITE PLAN TITLE – Maddacombe Road and other alterations

Highways to be Improved

The C161 Maddacombe Road.

The C161 Maddacombe Road (Temporary Highway)

The C162 Yon Street.

The C162 Edginswell Lane.

The C162 Huxnor Road.

Highways to be Stopped Up

The C161 Maddacombe Road from a point 84 metres west of its junction with Foredown Lane, westwards for a distance of 80 metres.

The unclassified Churchway Lane from its junction with Greenhill Road for a distance of 125 metres.

Reference Letters of New Highways

A

B

C

(Footpath)

D

(Temporary Highway)

Private Means of Access to be Stopped Up**Reference Numbers of
New Accesses**

1s	Access to Foredown House from Maddacombe Road 65 metres west of the junction of Maddacombe Road with Foredown Lane.	1
2s	Access to Kerswell Down car park from Maddacombe Road 90 metres west of the junction of Maddacombe Road with Foredown Lane.	2
3s	Access to field, from the southern boundary of Churchway Lane 118 metres south-west of the junction of Churchway Lane with Greenhill Road.	3
4s	Access to United Reformed Church car park from Yon Street.	4
5s	Access to No. 8 Yon Street	-
6s	Access to field, from the western boundary of Huxnor Road at the junction of Huxnor Road with Edginswell Lane.	5
7s	Access to field, from the eastern boundary of Yon Street 30 metres north of the junction of Yon Street with Edginswell Lane.	6
8s	Access to field, from the eastern boundary of Edginswell Lane 22 metres south-east of the junction of Edginswell Lane with Yon Street.	6,7
9s	Access to field, from the eastern boundary of Edginswell Lane 42 metres south-east of the junction of Edginswell Lane with Yon Street.	6,7
10s	Access to Kingskerswell playing fields, for 30 metres northwards from its junction with Manor Drive.	8
11s	Access to 53 Daccabridge Road and Kingskerswell playground and playing fields, for 100 metres southwards from Daccabridge Road.	9, 17, 18
12s	Access to 47 and 49 Daccabridge Road and Overbridge House from Daccabridge Road.	9, 10

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11, 12, 13, 14, 15 & 16

SCHEDULE 5

SITE PLAN TITLE – A3022 Riviera Way and other alterations.

Highways to be Improved

The A380 Torquay Road

The A3022 Riviera Way

The A380 Hamelin Way

Highways to be Stopped Up

Footpath No. 36 from its junction with the C162 Edginswell Lane northwards for a distance of 208 metres.

Reference Letters of New Highways

B, C , D
Footpath

A
Cycle track with a
right of way on
foot

Private Means of Access to be Stopped Up

Reference Numbers of New Accesses

1s Access track to fields on north-western boundary of Hamelin Way from a point 95 metres from the western boundary of Edginswell Lane south-westwards for a distance of 38 metres.

1

2s Access track to fields on north-western boundary of Hamelin Way from a point 133 metres from the western boundary of Edginswell Lane south-westwards for a distance of 292 metres.

1, 2

3s Access track to fields on north-western boundary of Hamelin Way from a point 425 metres from the western boundary of Edginswell Lane south-westwards for a distance of 122 metres.

1, 2, 3

4s Access track coincident with Footpath No. 36 from its junction with the C162 Edginswell Lane northwards for a distance of 103 metres.

7

5s Access track coincident with Footpath No. 36 from a point 105 metres from its junction with the C162 Edginswell Lane northwards for a distance of 105 metres.

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|----|--|------|
| 6s | Access track on north-western boundary of Hamelin Way from the eastern boundary of Edginswell Lane north-eastwards for a distance of 18 metres. | 4 |
| 7s | Access track on north-western boundary of Hamelin Way from a point 18 metres from the eastern boundary of Edginswell Lane north-eastwards for a distance of 174 metres. | 5, 6 |
| 8s | Access track under Hamelin Way on south-western boundary of the Exeter to Torquay railway line from a point 192 metres north-east of Edginswell Lane south-eastwards for a distance of 112 metres. | 5, 6 |

Given under the Common Seal of the Council the *twelfth* day of *September* 2008

The COMMON SEAL of)
)
 DEVON COUNTY COUNCIL)
)
 was hereunto affixed in the)
)
 presence of:-)



[Handwritten signature]

Assistant County Solicitor

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