# **Document Pack**



Wendy Walters Prif Weithredwr, Chief Executive, Neuadd y Sir, Caerfyrddin. SA31 1JP County Hall, Carmarthen. SA31 1JP

**TUESDAY, 10 SEPTEMBER 2019** 

# TO: THE EXECUTIVE BOARD MEMBER FOR ENVIRONMENT

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENT WHICH WILL BE HELD IN DIRECTOR'S OFFICE, COUNTY HALL, CARMARTHEN AT 10.00 AM, ON THURSDAY, 19TH SEPTEMBER, 2019 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Wendy Walters

CHIEF EXECUTIVE



Democratic Officer:	Emma Bryer
Telephone (direct line):	01267 224029
E-Mail:	ebryer@carmarthenshire.gov.uk
Ref:	AD016-001



# AGENDA

1. DECLARATION OF PERSONAL INTEREST

2.	DECISION RECORD - 6TH SEPTEMBER 2019	3 - 4
3.	PETITION - MACHYNYS EAST RESIDENTS ASSOCIATION - ADOPTION AND MAINTENANCE OF ESTATE ROADS	5 - 10
4.	OBJECTIONS TO THE COUNTY OF CARMARTHENSHIRE (CARMARTHEN) (WAITING RESTRICTION AND STREET PARKING PLACES) CONSOLIDATION (VARIATION NO 20) ORDER 2019	11 - 22

Note:- The press and public are not be entitled to attend the meeting. The decision record will be published normally within 3 working days.

# Agenda Item 2 EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENT

FRIDAY, 6 September 2019

PRESENT: Councillor: H.A.L. Evans (Executive Board Member).

# The following officers were in attendance:

S. Pilliner, Head of Transportation & Highways

K. Thomas, Democratic Services Officer

Regeneration Meeting Room, County Hall, Carmarthen - County Hall, Carmarthen. SA31 1JP. - 11.00 - 11.05 am

### 1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

## 2. DECISION RECORD - 19TH JULY 2019

RESOLVED that the decision record of the meeting of the Executive Board Member for Environment held on the 19<sup>th</sup> July, 2019 be signed as a correct record.

### 3. CARMARTHEN SHOPMOBILITY

The Executive Board Member considered a report to support Carmarthen Shopmobility with a further grant of £14,650 for a twelve month period commencing in September 2019. It was explained that whilst Shopmobility had been supported by the Council since 2011 and generated income from charges and fund raising, it was mainly reliant on the Council's financial support. It was noted that Shopmobility was one of the many initiatives being encouraged by the Authority to support the town and meets with its Parking Strategy Priorities

RESOLVED that Carmarthen Shopmobility be supported with a grant of £14,650 for a further twelve month period commencing in September, 2019 subject to the conditions detailed in the report.

### 4. LLANELLI SHOPMOBILITY

The Executive Board Member considered a report to support Llanelli Shopmobility with a further grant of £14,650 for the 2019/20 financial year commencing on 31st July, 2019. It was explained that whilst Shopmobility had been supported by the Council since 2011 and generated income from charges and fund raising, it was mainly reliant on the Council's financial support. It was noted that Shopmobility was one of the many initiatives being encouraged by the Authority to support the town and meets with its Parking Strategy Priorities

RESOLVED that Llanelli Shopmobility be supported with a further grant of £14,650 for the 2019/20 financial year commencing on the 31<sup>st</sup> July, 2019.

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# 19<sup>TH</sup> SEPTEMBER 2019

<b>Executive Board Member:</b>	Portfolio:
CIIr Hazel Evans	Environment

# PETITION – MACHYNYS EAST RESIDENTS ASSOCIATION – ADOPTION AND MAINTENANCE OF ESTATE ROADS

Purpose: Response to Petition presented

# Recommendations / key decisions required:

A petition was presented to Council on the 10<sup>th</sup> April 2019 by the Machynys East Residents Association requesting the adoption of the private estate roads within the development.

The Executive Board Member notes the petition but for reasons outlined within this report the County Council will not be adopting the estate roads.

#### Reasons:

To inform the petition organiser that consideration has been given to the request to have the estate roads adopted but in view of the costs, future liabilities and the existing commercial arrangement in place the County Council will decline the request.

Name of Head of Service: Designation Tel No. 01267 228150

Stephen Pilliner Head of Highways and

Report Author: Transport E Mail Address:

Cliff Cleaton SGPilliner@carmarthenshire.gov.uk

Declaration of Personal Interest (if any):  None		
Dispensation Granted to N/A	Make Decision (if any):	
DECISION MADE: Signed:		
	DATE: EXECUTIVE BOARD MEMBER	
The following section will be completed the meeting	eted by the Democratic Services Officer in attendance	
Recommendation of Officer adopted	YES / NO	
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:		
Reason(s) why the Officer's recommendation was <b>not adopted</b> :		



# EXECUTIVE SUMMARY 19<sup>th</sup> SEPTEMBER 2019

# PETITION – MACHYNYS EAST RESIDENTS ASSOCIATION – ADOPTION AND MAINTENANCE OF ESTATE ROADS

A petition was presented to Council on the 10th April 2019 by the Machynys East Residents Association to request that the County Council adopts the roads within the Machynys East development in Llanelli.

Council resolved to refer the request to the Executive Board Member for Environment for consideration.

Officers have investigated and considered the request and due to reasons of cost, future liability and legal reasons recommend that the request be declined and that the road is not adopted as highway maintainable at public expense.

# 1. Brief Summary of Purpose of Report.

The report considers a petition presented to Council on the 10<sup>th</sup> April 2019 requesting that Carmarthenshire County Council adopts as highway maintainable at public expense the currently private roads in the Machynys East development in Llanelli.

The report considers the petition and recommends that the estate roads are not adopted due to the costs and future liabilities involved.

# 2. Petition Details

The Council at its meeting held on the 10th April 2019 (Minute 8 refers) considered a petition from the Machynys East Residents Association in the following terms:-

"We the undersigned hereby petition Carmarthenshire County Council to overturn their previous decision and agree to adopt the roads at the Machynys East development, Llanelli, SA15.

We do not want to live on a private estate, mindful as we are of the possibility of escalating annual management fee costs. As Council Tax payers, it is our belief that the Council should adopt and maintain the estate roads.

We therefore ask the County Council to give due consideration to this petition. Of the 226 households on the development, 87% have signed this petition"

The Council, unanimously resolved that in accordance with Corporate Procedure Rule 10.14 the petition be referred to the Executive Board Member for Environment for consideration.



#### 3. Petition Numbers

Of the 226 properties on the site 189 properties signed the petition requesting adoption of the roads as highway maintainable at public expense. 37 properties did not sign the petition and one objection to the petition was received. The objection was on the basis that the householder had purchased the house because it was on a private road and the residents would be able to control the level and standard of future maintenance.

## 4. Discussion

The Highway Authority objection to adoption of the road is based upon :-

- 1. Throughout the development of the estate there has been a clear understanding between the developer and the County Council that the estate roads within the development would not be adopted and would remain in private ownership. This would have been communicated to new residents at the marketing stage and through the subsequent purchase of their properties.
- 2. The Developer has put in place a commercial arrangement with a management company to manage and maintain the estate roads and residents are charged for this service.
- 3. On the basis of the estate roads being retained as private, the Authority exempted the development from the provisions of the Advance Payment Code (APC) which would have been part of a process for the future adoption of the estate roads. If an APC Notice had been served and payment received, the residents could then have made a case for the Authority to adopt. The issue of an exemption notice makes a clear statement to the Conveyancer that there is no prospect of future highway adoption.
- 4. The properties were marketed as homes on private roads. The conveyance documents and highway search responses all confirmed its private status with no S38 Highway Adoption Agreement or bond and no prospect of highway adoption.
- 5. The estate roads have been designed or constructed by the developer as per the planning consent. The Residents Association in separate correspondence have also raised concerns regarding the construction of the estate roads. These estate roads have not been subject to the normal inspection regime by the Highway Adoption Section at any stage and no supervision fee ever paid as they are private.
- 6. There are significant unadoptable open spaces, boardwalks, court yards, parking areas etc. which would require a management company to maintain them even if the main spine road was adopted.
- 7. The petition refers to a paragraph in the sale of the land from Carmarthenshire County Council to Machynys Homes regarding future highway adoption, however the land was subsequently sold to Persimmon who developed and sold the properties on the basis that future maintenance would be undertaken by a management company. This is supported by Planning Approval of reserved matters S/19474 Condition 7 which states: No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

**DETAILED REPORT ATTACHED?** 

No



# **IMPLICATIONS**

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: S Pilliner Head of Highways and Transport

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	NONE	YES	YES	YES

# Legal

The Authority has no duty to adopt highways other than those which have been the subject of a S38 Highway Adoption Agreement.

As highway adoption is a voluntary process, the Authority does not have powers to adopt a highway against the legal owner's wishes.

A commercial arrangement is in place between property owners and Remus, a professional residential management company.

#### **Finance**

Adoption of this highway would place an undue burden on the Highway Maintenance budget due to the design and materials utilised.

As no S38 Highway Adoption agreement was ever entered into the Authority has not received its usual supervision fees or commuted sums.

### **Risk Management Issues**

Should the highway become adopted it would need to be added to the list of highway maintainable at public expense for twice yearly safety inspections and maintained accordingly. The Residents Association has highlighted construction concerns related to the construction of the estate roads within the development. These matters should be resolved following discussion between the Residents Association and the management company Remus.

### **Physical Assets**

Should the highway become adopted it would need to be added to the list of highway maintainable at public expense.

## Staffing Implications

Should the highway become adopted it would need to be added to the list of highway maintainable at public expense for twice yearly safety inspections and maintained accordingly. This would add to the workload of existing highway maintenance and public lighting staff.



# **CONSULTATIONS**

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below Signed: S Pilliner Head of Highways & Transport

- 1. Scrutiny Committee N/A
- 2.Local Member(s) N/A
- 3.Community / Town Council N/A
- 4.Relevant Partners N/A
- 5.Staff Side Representatives and other Organisations N/A

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

## THESE ARE DETAILED BELOW:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Petition		Environment Department, Parc Myrddin
Council minutes – 10 <sup>th</sup> April 2019		http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?Cld=155&Mld=2224&Ver=4

# 19<sup>TH</sup> SEPTEMBER 2019

<b>Executive Board Member:</b>	Portfolio:
Cllr. H Evans	Environment

# OBJECTIONS TO THE COUNTY OF CARMARTHENSHIRE (CARMARTHEN) (WAITING RESTRICTION AND STREET PARKING PLACES) CONSOLIDATION (VARIATION NO 20) ORDER 2019

# Recommendations / key decisions required:

That the Executive Board Member for Environment:

- 1) Determine the objections.
- 2) Implement the proposals as described in Appendix 1.
- 3) Inform the objectors accordingly.

# Reasons:

To facilitate the unhindered passage of traffic and prevent danger to road users.

Designation	Tel Nos. / E Mail Addresses:
Head of Transportation &	01267 228150 sgpilliner@carmarthenshire.gov.uk
Highways	sgpilliner@carmarmensrine.gov.uk
	01267 228825
Highways & Transportation	RWaters@carmarthenshire.gov.uk
wanagei	
	Head of Transportation & Highways

Declaration of Personal Interest (if any): None  Dispensation Granted to Make Decision (if any): N/A		
Signed:EXECUTIVE BO	DATE:DATE:	
The following section will be comple at the meeting	eted by the Democratic Services Officer in attendance	
Recommendation of Officer adopted Recommendation of the Officer	YES / NO	
was adopted subject to the amendment(s) and reason(s) specified:		
Reason(s) why the Officer's recommendation was <b>not adopted</b> :		



# **EXECUTIVE SUMMARY**

# 19<sup>TH</sup> SEPTEMBER 2019

# OBJECTIONS TO THE COUNTY OF CARMARTHENSHIRE (CARMARTHEN) (WAITING RESTRICTION AND STREET PARKING PLACES) CONSOLIDATION (VARIATION NO 20) ORDER 2019

# 1. Purpose

1.1 This report is to determine objections received to the proposed on-street waiting restrictions in the Carmarthen Order. Full details of the proposed restrictions are listed in **Appendix 1** and **Appendix 2** of the report. The purpose of the proposed restrictions is to safe guard road users and to facilitate the safe and unhindered passage of traffic.

### 2. Consultation

- 2.1 The advertised proposals are listed in **Appendix 1** which relate to the following roads:
  - 1) Bronwydd Road, Carmarthen
  - 2) Abergwili Road, Carmarthen
  - 3) Pentrefelin Street, Carmarthen
  - 4) The Grove, Carmarthen

# 2.2 Objections and comments:

During the consultation period the Council's Head of Administration and Law received four objections against the advertised proposals in relation to Bronwydd Road and The Grove, Carmarthen. These objections are summarised along with officer comments and recommendations below:

Bronwydd Road, A484	The objectors state that they would also like to see a prohibition of waiting on both sides of Bronwydd Road at this location, as they consider that vehicles will simply park on the other side of the road if the new restrictions are introduced.  Also, they state that due to displacement of vehicles if the new restrictions are introduced, as a minimum a single Yellow line should also be introduced further up Bronwydd Road opposite Neuadd Deg.
Discussion	Proposals advertised through a draft Traffic Regulation Order cannot be extended to make the proposals more restrictive and would need to be redrafted and re-advertised. The issue of proposing double yellow lines on both sides of the A484 was discussed with local members when the proposals were originally developed. It was agreed with local members that only the south side of the road would be subject to restriction at this time but that the situation would be monitored when the restrictions were implemented.
	This section of the A484 provides access into sections of Glangwili Hospital, including the Accident and Emergency Department, and it is important to ensure that free and safe access is maintained and visibility from junctions provided.  Monitoring will also be undertaken to assess the displacement of parking which was also agreed with local members.
Recommendation	The proposals be implemented as described and monitoring is undertaken of subsequent changes in parking patterns.

The Grove, Carmarthen	The objectors would like the prohibition of waiting at any time to be extended further on the South side of the street, up to No 14.
Discussion	Proposals advertised through a draft Traffic Regulation Order cannot be extended to make the proposals more restrictive and would need to be redrafted and re-advertised. The proposals would ensure do not park near a junction and bend in the road.
Recommendation	The proposals be implemented as described and monitoring is undertaken of subsequent changes in parking patterns.

# 3. Recommendations

That the Executive Board Member for Environment:

- 1. Determine the objections.
- 2. Implement the proposals as described in Appendix 1.
- 3. Inform the objectors accordingly.

Detailed report attached :	No. Attached:-		
-	Appendix 1 –Public notice		
	Appendix 2- Plans		



# **IMPLICATIONS**

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: S. G. Pilliner **Head of Transportation & Highways** Policy and Crime **ICT** Physical Legal Finance Risk Organisational & Disorder Management Development Assets Issues NONE YES YES NONE YES NONE NONE

Legal

The Traffic Regulation Order to be introduced by the Council's Head of Administration and Law.

Finance

All associated costs will be borne by the County Council's Traffic Management revenue budget.

Risk management issues

The council has a statutory duty to ensure that its highways operate safely and efficiently, for all traffic including pedestrians.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below Signed: S. G. Pilliner Head of Transportation and Highways

1. Scrutiny Committee:- N/A

#### 2.Local Members:-

Cllr Emlyn Schiavone objects to the proposals in The Grove, and would like the prohibition of waiting at any time to be extended further up to No 14. A recent site meeting was held with Councillor Schiavone to discuss additional sections of restriction for future consideration.

- Cllr Alan Speake
- Cllr Peter Hughes Griffiths
- Cllr Ken Lloyd
- Cllr Gareth John
- Cllr Alun Lenny

No objections received.

### 3.Community / Town Council

 Carmarthen Town Council No objections received.

#### 4.Relevant Partners

- Roads Policing Unit
- Mid and West Wales Fire and Rescue Service
- NHS Wales Ambulance Service
- Carmarthenshire Disability Partnership.
   No objections received.

# 5.Staff Side Representatives and other Organisations

Road Haulage Association, Freight Transport Association, First Cymru, Morris Travel, First choice, Richards Bros, Lewis Rhydlewis

No objections received.

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THERE ARE NONE





#### **HYSBYSIAD CYHOEDDUS**

# GORCHYMYN CYDGYFNERTHU SIR GAERFYRDDIN (CAERFYRDDIN) (CYFYNGU AR AROS A MANNAU PARCIO AR Y STRYD) (AMRYWIAD RHIF 20) 2019

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HYSBYSIR trwy hyn fod Cyngor Sir Caerfyrddin yn bwriadu gwneud Gorchymyn dan Adran 1 (1), 2(1), 2(1) i (3) ac 1 2 4 a Rhan IV o Atodlen 9 i Ddeddf Rheoleiddio Traffig Ffyrdd 1984 ("y Ddeddf") fel y'i diwygiwyd a Deddf Rheoli Traffig 2004.

Effaith y Gorchymyn fydd diwygio Gorchymyn Cydgyfnerthu Sir Gaerfyrddin (Caerfyrddin) (Cyfyngu ar Aros a Mannau Parcio ar y Stryd) 2004 ("Y Gorchymyn Cydgyfnerthu") (sydd yn darparu ar gyfer cymryd camau gorfodi sifil mewn perthynas â thorri'r gwaharddiadau a'r cyfyngiadau ar aros) drwy gyfnewid y cynlluniau sydd ynghlwm wrth y gorchymyn arfaethedig am y cynlluniau a oedd ynghlwm wrth y gorchymyn. Canlyniad y diwygio arfaethedig fydd:

- 1. Gwahardd aros ar unrhyw adeg ar y darnau ffordd ac ar yr ochrau ffordd a nodwyd yn yr Atodlen i'r Hysbysiad hwn
- 2. Diwygio Gorchymyn Cydgyfnerthu Sir Gaerfyrddin (Caerfyrddin) (Cyfyngu ar Aros a Mannau Parcio ar y Stryd) 2004 i'r graddau y mae'n ymwneud ag ochrau'r ffordd a nodir yn yr Atodlenni i'r Hysbysiad hwn

a bydd yn cymryd lle'r gwaharddiadau a'r cyfyngiadau presennol (os oes rhai) sydd yn effeithio ar y darnau ffyrdd.

Bydd darpariaethau'r eithriadau arferol sydd yn y Gorchymyn Cydgyfnerthu yn weithredol mewn perthynas â'r darnau ffordd a'r ochrau ffordd y cyfeirir atynt ym mharagraff 1 uchod. Mae'r rhain yn cynnwys hawl teithwyr i esgyn i gerbyd neu ddisgyn ohono, llwytho a dadlwytho nwyddau, cyflawni gwaith adeiladu a gwaith arall, cyflawni dyletswyddau neu bwerau statudol a galluogi cerbyd i gael petrol, olew, dŵr neu aer o unrhyw garej sydd ger y cyfryw ddarnau ffyrdd y mae'r cyfyngiad arfaethedig yn effeithio arnynt.

Yn ogystal, mae'r Gorchymyn Cydgyfnerthu yn cynnwys y consesiynau parcio arferol (lle bo'n briodol) ar gyfer pobl anabl yn unol â'r Cynllun Bathodynnau Glas.

Ceir manylion llawn y cynigion hyn yn y Gorchymyn drafft a gellir archwilio copi ohono, ynghyd â'r cynlluniau a atodwyd iddo sy'n dangos y darnau ffordd yr effeithir arnynt, a datganiad ynghylch rheswm y Cyngor dros fwriadu gwneud y Gorchymyn, yn swyddfeydd Canolfan Gwasanaethau Cwsmeriaid y Cyngor yn 3 Heol Spilman, Caerfyrddin yn ystod oriau arferol y swyddfa.

Os ydych am wrthwynebu'r Gorchymyn arfaethedig dylai eich rhesymau dros wrthwynebu gael eu cyflwyno ar ffurf llythyr a anfonir at y Pennaeth Gweinyddiaeth a'r Gyfraith, Neuadd y Sir, Caerfyrddin. SA31 1JP erbyn 12 Ebrill, 2019.

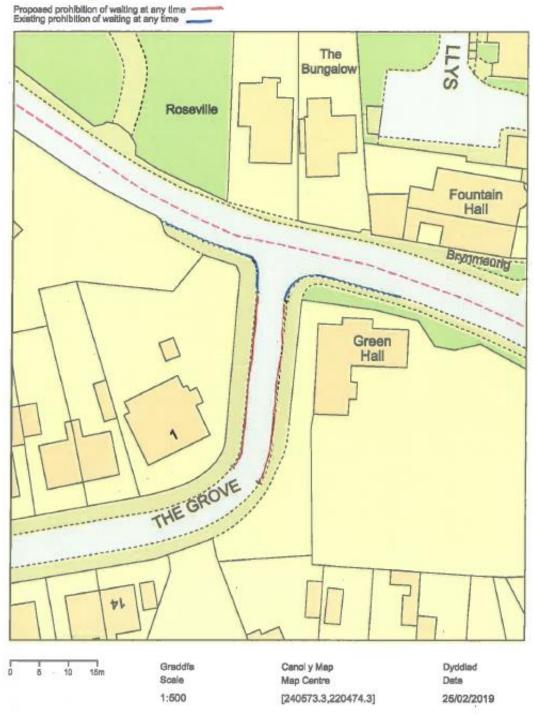
DYDDIEDIG 20 Mawrth, 2019 Cyfeirnod y Ffeil: RWJ/HTTR-1542 Llinell Uniongyrchol: (01267) 224074

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MARK JAMES
Prif Weithredwr
Neuadd y Sir,
Caerfyrddin

# ATODLEN Gwahardd Aros ar Unrhyw Adeg

Enw'r Ffordd	Ochr y Ffordd	Y Darn Ffordd yr Effeithir Arno
Heol Bronwydd, Caerfyrddin	De- ddwyrain	O'i chyffordd â Heol Abergwili am bellter o 262 metr i gyfeiriad y gogledd-ddwyrain.
Heol Abergwili, Caerfyrddin.	Gogledd	O bwynt 174 metr i'r dwyrain o ganol ei chyffordd â Brynderwen am bellter o 86 metr i gyfeiriad y dwyrain.
Heol Pentrefelin, Caerfyrddin	De	O bwynt 25 metr i'r dwyrain o ganol ei chyffordd â Maes y Ffair am bellter o 40 metr i gyfeiriad y gorllewin.
Y Gelli, Caerfyrddin	Gorllewin	O bwynt 5 metr i'r de o'i chyffordd â Lôn Pisgwydd am bellter o 30 metr i gyfeiriad y de.
	Dwyrain	O bwynt 5 metr i'r de o'i chyffordd â Lôn Pisgwydd am bellter o 30 metr i gyfeiriad y de.



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