



**Minutes of meeting**

**LOCAL COMMITTEE (Surrey Heath)**

**Date:** Thursday 9 July 2009

**Time:** 6.30 PM

**Place:** Tomlinscote School, Camberley

**Members present:**

**Surrey County Council [5]**

Cllr Bill Chapman (Camberley East)

Cllr Denis Fuller (Camberley West)

Cllr Stuart MacLeod (Windlesham, Bagshot & Lightwater)

Cllr Chris Pitt (Frimley Green, Mytchett & Deepcut)

Cllr Lavinia Sealy (Bisley, Chobham & West End)

**Surrey Heath Borough Council [3]**

Cllr Vivienne Chapman

Cllr Colin Dougan

Cllr David Whitcroft

All references to items refer to the Agenda for the meeting.  
The meeting was preceded by an Open Public Question Time. The notes are in Annex A.

### **Part 1. In Public - Part A.**

#### **22/09 APOLOGIES FOR ABSENCE**

Apologies were received from County Councillor David Ivison and Borough Councillors Richard Brooks, Edward Hawkins and Paul Ilnicki.

#### **23/09 MINUTES OF THE LAST MEETING – 26 February 2009.**

The minutes of the last meeting were agreed and signed by the Chairman.

#### **24/09 DECLARATIONS OF INTEREST**

None.

#### **25/09 PETITIONS**

None

#### **26/09 WRITTEN PUBLIC QUESTIONS**

None.

#### **27/09 WRITTEN MEMBERS QUESTIONS**

None

#### **28/09 LOCAL PROTOCOL**

Members noted that Open Public question time may carry on past the published time of the start of the Local Committee meeting to allow everyone to have their say. The issue of businesses whose owners do not live in Surrey asking written questions is not one that can be altered in a local protocol.

#### **RESOLVED**

The committee adopted the arrangements set out in this report:

- (i) that the committee will offer an opportunity for public engagement and informal questions for half an hour before each formal Local Committee meeting commences (subject to annual review);
- (ii) that in exceptional circumstances the Chairman may use his/her discretion to accept petitions with fewer signatures in cases where it would not be appropriate to get 100 signatures, for example where a proposed scheme affects fewer than 100 properties;
- (iii) that the Committee notes the changes to the County Council's standing orders concerning public participation on Rights of Way applications, attached at Annex 1;

#### **29/09 ANNUAL COMMUNITY SAFETY REPORT**

This report was presented by Carolyn Rowe, SCC Area Director, Michael Willis, Surrey Heath Borough Council Chief Executive and James Norbury, Borough Police Inspector.

Carolyn Rowe informed the meeting that Surrey County Council's Leader has set aside £1 million for driver behaviour across Surrey, which is the most important issue raised locally in Surrey Heath.

Insp. James Norbury agreed with Members that speeding was an issue and that in Surrey Heath the A332 at Bagshot is the main target area. Insp. Norbury informed the meeting that Anti Social behaviour Orders (ASBOs) can be effective but are not the answer, there are many examples of successes in working in partnership to support people.

Michael Willis outlined the Heatherside consultation that is being launched in the next week to ask local residents which option they prefer for increasing recreational provision on the Heatherside recreation ground.

Members gave their thanks to officers for the targeted work in self reliance areas, particularly St Michael's.

#### RESOLVED

The Local Committee (Surrey Heath) agreed to:

- (i) delegate responsibility for expenditure of the County Council's local crime & disorder funding (£14,500) in Surrey Heath to the Area Director;
- (ii) endorse the importance of the contribution of all services towards community safety and progress made;
- (iii) that a county councillor be nominated to attend the Surrey Heath Partnership (including the CDRP). The nominated Cllr is Bill Chapman.

#### **30/09 MEMBER'S ALLOCATIONS 2009 / 10**

An urgent allocation bid was tabled detailing a request for £3,000 capital for a new boiler for Bagshot almshouse. This was agreed as part of recommendation 6. Paragraph 27 for funding for a laptop was withdrawn pending an itemised quote. It was also noted that para 24 should read that the directory will cover 09/10 and not just 2009.

#### RESOLVED

The Local Committee (Surrey Heath)

1. Agreed to pool £2,250 per Member into a central revenue fund for 09/10.
2. Agreed a maximum level of funding per project for revenue allocations of £3,000.
3. Agreed that capital projects over £3,000 may be considered by the Local Committee.
4. Agreed the criteria in paragraphs 6 - 12
5. Agreed to delegate the power to approve revenue bids up to £1000 to the Area Director in consultation with Members as outlined in paragraphs 17 – 20.
6. Agreed the allocations detailed in paragraphs 21 – 31. Paragraph 27 was withdrawn and paragraph 24 amended to read 09/10 instead of 2009.

#### **FOR INFORMATION ONLY**

#### **31/09 MEMBERS' ALLOCATIONS 2008/09**

This report was for information only.

#### **32/09 UPDATE ON LOCAL ISSUES**

Members agreed to send a letter regarding the planning proposal for Farnborough Airport. The letter will state that "The Local Committee of both Borough and County Councillors is concerned that an increase in flight numbers will adversely affect the quality of life of local residents."

This report was for information only.

#### **33/09 FORWARD PLAN**

Members noted the following schedule of meetings, including venues:

- 15<sup>th</sup> October 2009 – St John's Church Link, Windlesham.
- 18<sup>th</sup> February 2010 – Sports Pavillion, West End.

This report was for information only.

## **34/09 TASKS COMMISSIONED BY THE LOCAL COMMITTEE**

This report was for information only.

## **35/09 APPLICATION FOR A MAP MODIFICATION ORDER TO DELETE PUBLIC FOOTPATH 185 (WINDLESHAM) FROM THE DEFINITIVE MAP AND STATEMENT**

There were two speakers to this item.

### **1. Mr L Trice, local resident and applicant**

The plot "Silverland" was described in the Enclosure Act of 1813 and is clearly defined with a bank and ditch. Photographs show fencing in 1930 and in 1953. This was replaced in 1973 by Bagshot Rural District Council. Surrey Heath Borough Council admitted an act of trespass in 1994. There was also trespass in 1974 when the M3 motorway contractors alleviated flooding by excavating a gully. In 1985 SHBC placed a stile over the gully. In conclusion, there has never been free access across the area, those who claim were misled by "the boundary fence" being misinterpreted as part of the country park.

### **2. Mr Simon Tofts, Senior Planner of CSJ Planning Consultants Ltd based in Bristol.**

I act on behalf of Shepperton Builders who are landowners of the site on which this footpath crosses. Officers consider that rights continue to be recognised over the route.

My client contends with this assertion. They have submitted evidence which clearly shows that the right of way should be downgraded or deleted including photographic evidence.

Furthermore there is evidence to suggest that there are serious doubts that the footpath has been in continuous use for a full period of 20 years between 1961 and 1981.

The key matter to consider when determining the Order is has the footpath been in continual use for twenty years between the previously mentioned dates. Firstly in 1967 the land was fenced off by the landowner. Photographs have been previously submitted to demonstrate this. In addition between 1971 and 1972 a gully was formed when the M3 was constructed. In 1976, aerial photographs previously submitted demonstrated that a post and rail fence was erected between the Country Park and my clients land. It was not until 1985 that a stile was erected. Finally in 1996 the fence which had been in place since 1967 was replaced.

Whilst I am aware of the previous cases presented by supporters of the Order, it is important to remember that local residents and Ramblers have a choice of other footpaths to utilise between High View Road and the Country Park. As a consequence I therefore urge you to refute the Officer's recommendation that the application should be rejected and that the Order should be made, as applied for.

The report was presented by Daniel Williams, Countryside Legal Officer. An addendum was tabled and is included as Annex B to these minutes. Mr Williams reminded Members that they could only consider evidence from between 1961 and 1981.

## **RESOLVED**

The Surrey Heath Local Committee agreed that:

1. Public footpath rights continue to be recognised over the route A-B-C on drawing 3/1/83/H11 and that the application for a MMO under sections 53 and 57 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the deletion of footpath 185 (Windlesham) is not approved.
2. In the event of the County Council being directed to make a MMO by the Secretary of State following an appeal by the claimant, the County Council as surveying authority will adopt a neutral stance at any public inquiry, making all evidence available to help the inspector to determine the case.

### **36/09 ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG HIGH VIEW ROAD, WINDLESHAM**

There were two speakers to this item.

#### **1. Mr L Trice, local resident and applicant**

The Windlesham Urban District minute book (1929) states that a motor lorry and fire engine gained access to Bagshot Heath via this road. The same book for 1956 reported on consultations with County Highways. So, SCC were aware of the road then and it was subject to bye laws. I have given Mr Williams many maps including one from 1846 which clearly shows the road. Curley Hill was a source of sand and gravel for road construction and was collected by vehicles.

#### **2. Mr Arliss, local resident.**

Firstly I would like to thank Mr Williams for all his work on this. Until quite recently the evidence would have been considered sufficient to show that BOAT rights had been acquired over High View Road. However, the recent change in legislation has inadvertently brushed aside common sense. High View Road should be open to all traffic, it has been used by MVP since well before 1920. Houses to the North of the road do not have access rights in their deeds, nor do the older houses to the south. The Police also have difficulty interpreting the law, they do not consider it to be covered by highway law and as such cannot move on unlicensed motor cycles and youth who drive up Curley to consume alcohol and drugs and then drive back onto the public highway.

The report was presented by Daniel Williams, Countryside Legal Officer Other available footpaths are not permitted to be considered in the evidence. Cllr Stuart MacLeod declared a personal interest as a Windlesham Parish Councillor.

The meeting was adjourned from 8.43pm until 8.53pm.

Surrey County Council are supposed to deal with Sch 14 applications such as this within 12 months of receipt. If a decision has not been made within 12 months, the applicant can appeal and the Secretary of State will direct SCC to make a decision within an allotted time period. Although the application is out of time the Committee may still decide on this as any direction from the Secretary of State would be unlikely to come through before the next committee meeting in October. If the Committee were minded to agree the officer recommendations, the applicant could take this to the Secretary of State but an appeal would probably not be heard before the next Local Committee meeting in October 2009.

#### **RESOLVED**

This item was deferred to the next Local Committee meeting.

#### **Part B – Transportation.**

#### **37/09 APOLOGIES FOR ABSENCE**

As in 01/09.

#### **38/09 DECLARATIONS OF INTEREST**

None

#### **39/09 PETITIONS**

None

#### **40/09 WRITTEN PUBLIC QUESTIONS**

None.

#### **41/09 WRITTEN MEMBER QUESTIONS**

None.

#### **42/09 CHURCH HILL, CAMBERLEY, PROPOSED PEDESTRIAN CROSSING**

Cllrs Dougan and Bill Chapman declared personal interests in this item.

Ian Haller, Local Highways Manager, presented the report. Although funding is not guaranteed for this project, Members will be asked to review priorities for construction in the autumn. Members asked that S106 contributions are maximized wherever possible.

#### **RESOLVED**

The Local Committee (Surrey Heath):

- i. Agreed that a pedestrian crossing on Church Hill, Camberley as shown on Drg. No. 79490-05 at Annex A be approved;
- ii. Agreed that the necessary statutory notice for the crossing is advertised and that any maintained objections are reported to a future meeting of the Local Committee for consideration before construction commences;
- iii. Agreed to the development of up to three traffic islands for speed management purposes on Crawley Hill, Camberley in conjunction with the pedestrian crossing scheme.

#### **43/09 DEVOLVED LTP, LOCAL ALLOCATION 2008/09 OUTTURN & 2009/10 PROGRAMME**

Ian Haller, Local Highways Manager, presented the report. Paragraph 9 was amended to read "considered" instead of "replaced"

#### **RESOLVED**

The Local Committee in Surrey Heath:

- i) noted the 2008/09 outturn position as reported, and
- ii) agreed the programme additions for 2009/10.

#### **44/09 RESPONSE TO PETITION CONCERNING MARTINDALE AVENUE, CAMBERLEY – PROPOSED NEW ZEBRA CROSSING**

This report was moved up the agenda out of the "for information" section. Ian Haller, Local Highways Manager, presented the report. Although funding is not guaranteed for this project, Members will be asked to review priorities for construction in the autumn. Members asked that S106 contributions are maximized wherever possible.

#### **RESOLVED**

The Local Committee (Surrey Heath):

- i. Agreed to progress outline design for both a Zebra Crossing and a humped Zebra Crossing in Martindale Avenue, at the approximate location shown in Annex A, to a point where accurate costs may be calculated;
- ii. Agreed that the Local Highway Manager be authorised to select the most appropriate new crossing in consultation with the Chairman and Local Member;
- iii. Agreed to the detailed design and construction of the selected new crossing;
- iv. Agreed to advertise the statutory notice for the Zebra Crossing, and if appropriate the statutory notice for the road hump, and that any maintained objections be reported to a future meeting of the Local Committee for consideration before construction commences.

## **FOR INFORMATION ONLY**

### **45/09 RESPONSE TO A PETITION THE MAULTWAY, CAMBERLEY**

Ian Haller, Local Highways Manager, presented the report. Mr Haller will look into the marking at the Yockley Road junction and feedback to the Committee. Barrats have not yet completed the roundabout improvements on Red Road. Barrats are currently completely the cycleway. Andy Stokes, Principal Transportation Development Control Officer, is in talks with Barrats about the roundabout. The speed limit changes will be advertised on 24 July 2009.

This report was for information only.

### **46/09 TASKS COMMISSIONED BY THE LOCAL COMMITTEE (TRANSPORTATION)**

This report was for information only.

The meeting finished at 9.23pm

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Chairman.

Open Public Question Time notes.  
Surrey County Council's Local Committee (Surrey Heath)  
9 July 2009, Tomlinscote School, Camberley.

**1. Cllr Tim Dodds, Lightwater**

Can something be done about parking in Lightwater as described in the report.

**Reply from Ian Haller, Local Highways Manager**

We will look into this.

**2. David Cox, Heatherside**

What can be done about the roads in Heatherside? Especially potholes on Martindale Ave, Cumberland Ave and Old Bisley Road.

**Reply from David Ivison, County Councillor.**

Many roads need work but resources are finite.

**Reply from Ian Haller, Local Highways Manager**

The surface dressing programme has been completed. The A30 in Bagshot is this years only major maintenance scheme.

**3. Paul Wilson, Heatherside**

There have been 12 further near misses at the school. The recycling collections compound the situation. When will these be phased out?

**Reply from Vivienne Chapman, Borough Councillor.**

The new contract starts on 7 September and we are looking at such sites. We are looking at retaining prior heath but on a smaller scale. I can't say it will be this calendar year but I will speak to Officers.

**4. Valarie White, Bagshot**

The wall at Whitmoor Road has still not been rebuilt, why is this?

**Reply from Ian Haller, Local Highways Manager**

We have recently found the owner of the wall and have written to them. We are looking to set up a meeting, I can't say how long this will take but we do need the owners authorisation to repair.

**5. Nigel Dix, Dell Grove**

The speed ramps on Chobham Road engender bad driving. There is lots of noise and pollution and we can't leave our windows open at night. They also damage vehicles. Can they be replaced with vehicle activated signs? What happened to the £60,000 allocated for their removal?

**Reply from Ian Haller, Local Highways Manager**

They are expensive to remove and I am not aware of any funding allocated to this.

**Reply from David Ivison, County Councillor.**

We are happy to consider VAS.

**6. Nigel Dix**

There is a dangerous willow tree on Riverside Avenue.



**Reply from David Ivison, County Councillor.**

We will look into this.

**7. Ruth Hutchinson, Windlesham Parish Council**

There were two bollards outside Brook Church, can we have them back as people are parking over the tactile pavement.

**Reply from David Ivison, County Councillor.**

We will look into this and get back to you.

**8. Col. Chris Porter, A&E consultant.**

There have been 5 incidents where children have been hit or nearly hit on Southwell Park Road. We need speed calming measures e.g. a pelican crossing or vehicle activated signs or a 20 mph speed limit.

**Reply from David Ivison, County Councillor.**

We need more funding to be able to meet all the needs across the borough. We have been pressing Crest Nicholson to carry out their obligations with regard to traffic calming.

**Reply from Lavinia Sealy, County Councillor.**

We need to change the culture of drivers so speeding is seen as anti-social.

**Reply from Insp. James Norbury, Surrey Police.**

We will be patrolling around school times and also looking at additional education work. Many people caught speeding are local so we need to work on changing the way speeding is viewed. It needs to be seen as the dangerous, anti-social behaviour that it is. We want speeding to be viewed as unacceptable as drink driving is.

**9. Claire Meeking, Dell Grove.**

We appreciate there is limited funding but is there a public document that says where the money goes and what these limited funds are spent on?

**Reply from David Ivison, County Councillor.**

We will look into this and see what we can do.

OFFICER REPORT TO LOCAL COMMITTEE  
(SURREY HEATH)

ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG  
HIGH VIEW ROAD, WINDLESHAM

9 July 2009

ADDENDUM

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Concerns have been raised regarding the effect that this report might have upon private access to property in motorised vehicles and also by the public to the area known as High Curley at the north-western end of High View Road. Section 67(1) of the Natural Environment and Rural Communities Act 2006 (NERC) extinguished 'public motor vehicular rights' over the road but these concerns are addressed by s. 67(5) of the which states:

(5) Where, immediately before commencement, the exercise of an existing public right of way to which subsection (1) applies-

**(a) was reasonably necessary to enable a person with an interest in land to obtain access to the land, or**

**(b) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only,**

**the right becomes a private right of way for mechanically propelled vehicles for the benefit of the land or (as the case may be) the part of the land.**

**The effect of this is to provide a private right of way for mechanically propelled vehicles to those persons who have a reasonable need for access by mechanically propelled vehicles to land in which they have an interest, in cases where such a 'public' right was extinguished by NERC. This right extends to landowners, occupiers, tenants and their visitors, including deliveries.**