



## OFFICER REPORT TO LOCAL COMMITTEE (WAVERLEY)

### RESPONSE TO PETITION: PUBLIC FOOTPATH 137, WITLEY

12 December 2008

#### **KEY ISSUE:**

To respond to the petition received previous meeting of the Local Committee.

#### **SUMMARY:**

A petition has been received by students of King Edwards School, Wormley expressing their concern over lack of street lighting on a public footpath at this location.

#### **OFFICER RECOMMENDATION:**

**That the Local Committee (Waverley) should** note the contents of the report and the concerns raised, but note that there is no duty to provide lighting nor currently available resource to extend lighting to the rural rights of way network.

#### **1. INTRODUCTION AND DISCUSSION**

1.1. Public Footpath 137 Witley is recorded on the Definitive Map of Public Rights of Way as a public footpath – a right for the public to walk only. It was recorded as a public right of way on the first Definitive Map for Surrey in 1952 and as such it is a maintainable at the public expense. All public rights of way are a form of highway.

- 1.2. The Countryside Service acts as highway authority for public rights of way.
- 1.3. The path comprises of 4 sections: from the parish boundary south of Witley Station through the station via the footbridge, from the Station rear gate as far as Wormley Lane, from Wormley Lane to Gurdon's Lane (Bridleway 156), and from Gurdon's Lane to Petworth Road.
- 1.4. Students from King Edwards School will be utilising the sections of path between the Station and Wormley Lane and between Wormley Lane and Gurdon's Lane to gain access to the Station as described in the petition.
- 1.5. These sections of path are unusual for the rural rights of way network in that they have a sealed Tarmac surface throughout, in no small part because the path is used for "sustainable transport" needs by residents walking to the Station.
- 1.6. The section of path between the Station and Wormley Lane is already well lit, having nine lamps mounted on the poles of an existing overhead electricity supply route.
- 1.7. The section of path between Wormley Lane and Gurdon's Lane has in common with the majority of the public rights of way network no public lighting. On inspection a number of privately erected lights were noted within the School grounds, and some low level lights within the grounds of an adjacent development.
- 1.8. Public Footpath 137 Witley has an exemplary safety record with no accidents having been recorded in 20 years.
- 1.9. S.97 of the Highways Act 1980 confers on the highway authority for the particular highway a power to construct and maintain lighting. It should be noted this is a power (i.e. something which an authority *may* do if it sees fit), not a duty (i.e. something which the law *requires* it to do). S.3 of the Parish Councils Act 1957 confers the same powers to a Parish Council.
- 1.10. Successive cases have shown that there is no obligation for the highway authority to light a highway *per se*, but it is required to mark obstacles in the highway (e.g.: bollards, traffic islands or barriers). This might not always mean lighting, as reflectors or other passive devices might prove sufficient.
- 1.11. The County Council's Street Lighting Engineer has been asked to prepare costings for lighting the section of path adjacent to the School. He reports that to light the section of path to a similar standard as the section of path between Wormley Lane and the Station would cost a minimum of £23,500 and involve installing a new electricity supply and 10 new columns.
- 1.12. The Lighting Engineer suggests that replacing the two "home made" private lights with proper columns will cost around £2000, but would rely on an agreement being reached with the School as these are located on

private property. It would also be on the understanding that the lights would be powered from the School's existing electricity supply.

## **2. CURRENT POSITION**

2.1. See 1 above

## **3. CONSULTATIONS**

3.1. Surrey Police have been asked for their views on crime prevention impact of providing lighting and report any existing crime statistics.

3.2. They report that there are no known crime issues, but would recommend the whole path being lit to increase the safety of school children using or crossing the path.

## **4. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

4.1. No budget exists specifically for the provision of new street lighting on the public rights of way network.

4.2. The Rights of Way Maintenance budget cannot fund improvements of this magnitude.

4.3. The scheme could be put forward for funding from the projected Rights of Way Local Transport Plan (LTP) allocation for 2009-10, but would be bidding against schemes in other districts based on merit and deliverability. On this basis it would be unlikely to be afforded priority as the path already has a good surface, visibility and safety record.

## **5. EQUALITIES AND DIVERSITY IMPLICATIONS**

5.1. The provision or otherwise of lighting is not considered to have any particular diversity or equalities implications.

## **6. CRIME AND DISORDER IMPLICATIONS**

6.1. The provision of lighting will enhance the sense of security amongst path users; however, the path is already straight with good visibility from end to end. There is no evidence to suggest that the path is in a high crime area nor would providing lighting have any actual effect in reducing the likelihood of crime on this path.

## **7. CONCLUSION AND RECOMMENDATIONS**

7.1. That the Local Committee (Waverley) should note the contents of the report and the concerns raised, but note there is no duty to provide lighting nor currently available resource to extend lighting to the rural rights of way network.

## **8. REASONS FOR RECOMMENDATIONS**

8.1. That the provision of lighting is a discretionary power and cannot be resourced from existing budgets. The expenditure required to provide a good standard of lighting is significant, and safety improvements gained marginal.

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<b>BACKGROUND PAPERS:</b>	None