

Notice of Meeting

Cabinet Member for Transport and Environment Decisions

**Date & time**

Friday, 17 May 2013
at 1.30 pm

Place

Room 107, County
Hall, Kingston upon
Thames, Surrey
KT1 2DN

Contact

Anne Gowing
Room 122, County Hall
Tel 020 8541 9122

Chief Executive

David McNulty

anne.gowing@surreycc.gov.uk

If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 020 8541 9068, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email anne.gowing@surreycc.gov.uk.

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Anne Gowing on 020 8541 9122.

Elected Members

John Furey

AGENDA

1 DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

2 PROCEDURAL MATTERS

2a Members' Questions

The deadline for Member's questions is 12pm four working days before the meeting (13 May 2013).

2b Public Questions

The deadline for public questions is seven days before the meeting (10 May 2013).

2c Petitions

The deadline for petitions was 14 days before the meeting, and no

petitions have been received.

3 PROPOSED STOPPING UP OF WEY ROAD AND ROUND OAK ROAD, WEYBRIDGE (Pages 1 - 16)

The Wey Road and Round Oak Road Residents Association have requested the County Council to apply to the Magistrates' Court for an order to be made removing (stopping up) the highway rights over their roads. Their reasons for wishing this to be done are so they can gain control over access and parking.

The Cabinet Member is asked to decide whether an application for a stopping up order should be made.

David McNulty
Chief Executive

Published: Thursday, 9 May 2013

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT****DATE: 17 MAY 2013****LEAD OFFICER: JASON RUSSELL, ASSISTANT DIRECTOR, HIGHWAYS****SUBJECT: PROPOSED STOPPING UP OF WEY ROAD AND ROUND OAK ROAD, WEYBRIDGE****SUMMARY OF ISSUE:**

The Wey Road and Round Oak Road Residents Association have requested the County Council to apply to the Magistrates' Court for an order to be made removing (stopping up) the highway rights over their roads. Their reasons for wishing this to be done are so they can gain control over access and parking.

The Cabinet Member is asked to decide whether an application for a stopping up order should be made.

RECOMMENDATIONS:

It is recommended that:

1. An application be made to the Magistrates' Court for an order stopping up Wey Road and Round Oak Road as highways, in accordance with the provisions of Section 116 and 117 of the Highways Act 1980 and subject to the conditions of the County Council's approved policy on stopping up applications.

REASON FOR RECOMMENDATIONS:

The results of the consultation exercise carried out in November 2012 show that a significant majority of the owners of the properties fronting Wey Road and Round Oak Road wish them to be stopped up as highways.

DETAILS:

1. Wey Road and Round Oak Road ("the roads") are residential estate roads that were constructed in the late nineteenth century and were adopted as highways maintainable at public expense before the County Council became highway authority in 1974. The roads form a loop off Portmore Park Road and their only purpose within the highway network is to serve the properties fronting them. There is no reason for the public at large to use them as a through route. A plan showing the location and layout of the roads can be found at Annexe 1.
2. The County Council's policy regarding requests for the removal of public rights over roads ("the policy"), which the Cabinet approved on 21 December 2010, is reproduced in the consultation letter that can be found at Annexe 2. The policy states that, where the Cabinet Member for Transport and Environment considers a road to be unnecessary as a highway and a

significant majority of the owners of the properties fronting it wish it to cease to be a highway, the County Council will apply to the Magistrates' Court for an order stopping up the road as a highway, subject to certain conditions and the requirements of the Highways Act 1980.

3. The results of the consultation exercise described below show that over two-thirds of the owners are in favour of the stopping up. This is considered to be a significant majority for the purpose of the application of the policy.

CONSULTATION:

4. The letter reproduced in Annexe 2 was sent to the 87 registered owners of the 94 properties in the roads (some people own more than one property). Of the 80 owners that responded, 57 (71%) are in favour of the stopping up, which represents 65% of the total consulted. If the results are looked at by frontage measurement (which is relevant because this reflects the theoretical liability in the event that the roads are stopped up), 71% are in favour, 27% are against and 2% did not respond.
5. The written responses that were received are reproduced in Annex 3. The Residents Association believe they have already addressed the concerns expressed by the objectors, including putting in place legally binding agreements that would mean that those who did not wish to contribute towards the future upkeep of the road would not have to do so. The Residents Association's detailed responses to the objections raised can be found in Annexe 4.

RISK MANAGEMENT AND IMPLICATIONS:

6. The County Council's policy regarding applying for stopping up orders on behalf of a third party has been drafted to ensure that the Council is indemnified against all risks associated with the making of an application for a stopping up order. Providing the policies are adhered to and correct procedures are followed any risks will lie with those requesting the stopping up.

Financial and Value for Money Implications

7. The policy requires the Residents Association to meet all costs associated with the making of the application for a stopping up order and the application will not proceed until sufficient funds are deposited with the County Council.
8. Although road length is one of the factors taken into account in the Government's grant calculation, this change is not expected to impact on the actual level of grant funding the Council receives.

Section 151 Officer Commentary

9. The S151 Officer confirms that all material financial and business issues and risks have been considered in this report.

Legal Implications – Monitoring Officer

10. The County Council's policy on applying for stopping up orders was drafted to meet the requirements of the Highways Act 1980 ("the Act"). Section 116 of the Act provides the power for a highway authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. Section 117 enables a highway authority to apply for a stopping up order on behalf of a third party. Schedule 12 to the Act determines the form of notices that must be given in connection with an application for a stopping up order.
11. An important factor to take into consideration is that for a stopping up order to be made under Section 116 it must be demonstrated to the Magistrates' Court that it is unnecessary for the roads to be highways. The roads do not serve any useful function within the highway network other than to provide access to the properties fronting them. From the point of view of the highway authority as long as the required rights of access to the properties served by the roads are secured it is not considered necessary for them to remain highways. However, the residents may have other reasons for wishing the roads to remain highways.
12. The owner of a property in Round Oak Road has questioned the validity of the policy and what constitutes a significant majority. They have stated that they wish the roads to remain publicly maintainable highways and have asked that their objection to the proposed stopping up be put to the Elmbridge Local Committee (in accordance with the policy). They have also indicated that they will seek a judicial review if it is decided to apply for a stopping up order.

Equalities and Diversity

13. The equalities impact assessment that was carried out when the County Council's policy on stopping up was approved by the Cabinet in December 2010 identified potential positive and negative impacts on the age, disability, gender and belief/faith strands, as well as potential social exclusion issues. As the process for applying for a stopping up order includes opportunities for anyone who feels they may be disadvantaged to object and, if they wish, be heard in court, the assessment did not identify any actions necessary to address the potential negative impacts.

WHAT HAPPENS NEXT:

When the Residents Association have put in place the necessary legal arrangements and have deposited sufficient monies with the County Council to cover the cost of making an application for a stopping up order, the process of making the application will commence.

Before making an application to the Magistrates' Court for a stopping up order to be made the highway authority must serve notice of their intention to do so on the district/borough council and the parish council if there is one. If either council objects to the making of the application within two months of the date of service of the notice it may not be made.

At least 28 days before the making of an application for a stopping up order the highway authority must serve notice of their intention to apply for the order on:

- the owners and occupiers of all lands adjoining the highway;

- any utility company having apparatus under, in, upon, over, along or across the highway;
- the Minister for Transport, district/borough council and parish council if there is one, if the highway is a classified road.

Notices must also be displayed on site and published in the London Gazette and at least one local paper 28 days prior to the making of the application.

In accordance with clause 3 of the County Council's policy regarding requests for the removal of public rights over roads, any unresolved objections will be reported to the Elmbridge Local Committee for a decision on whether to continue with the making of an application to the Magistrates' Court for a stopping up order to be made.

Contact Officer:

Ian Taylor, Highways Information Team Manager, Tel: 020 8541 8921

Consulted:

Trevor Pugh, Strategic Director Environment and Infrastructure
Nick Healey, Area Highways Manager
Peter Agent, Asset Planning Group Manager
Richard Bolton, Local Highways Services Group Manager
Peter Gardner, Senior Lawyer (Highways)
Owners of properties fronting Wey Road and Round Oak Road

Informed:

Christian Mahne, Local Member
Andrew Davis, Local Member for Elmbridge Borough Council

Sources/background papers:

Sections 116 & 117 and Schedule 12, Highways Act 1980:

<http://www.legislation.gov.uk/ukpga/1980/66>

Report to the Cabinet on 21 December 2010 titled "Policy Regarding the Removal of Public Rights Over Roads and Highway Land" (item 12).

[http://mycouncil.surreycc.gov.uk/celistdocuments.aspx?MID=466&DF=21%2f12%2f2010&A=1&R=0&F=embed\\$Item%2012%20-%20Policy%20regarding%20the%20removal%20of%20Public%20Rights%20over%20Roads%20and%20Highway%20Land.htm](http://mycouncil.surreycc.gov.uk/celistdocuments.aspx?MID=466&DF=21%2f12%2f2010&A=1&R=0&F=embed$Item%2012%20-%20Policy%20regarding%20the%20removal%20of%20Public%20Rights%20over%20Roads%20and%20Highway%20Land.htm)

- 1. St John Ambulance Station
- 2. Stretton Court
- 3. Fairwood House
- 4. Ellesmere
- 5. Cedar Lodge
- 6. Electricity Sub-Station



Scale: 2500

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SURREY
COUNTY COUNCIL

Highways Information Team
Merrow Depot
Merrow Lane
Guildford
Surrey GU4 7US

Tel: 020 8541 8922
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Fax: 020 8541 8923
E-mail: highwayinfo@surreycc.gov.uk
Our ref: SUR-010/HIT/IT

Highways Information
Merrow Depot
Merrow Lane
Guildford
Surrey GU4 7BQ

29 October 2012

Dear,

**PROPOSED REMOVAL OF PUBLIC RIGHTS OF WAY OVER WEY ROAD AND
ROUND OAK ROAD, WEYBRIDGE**

I am writing to you as the registered proprietor of the property known as [Property], which is registered under Land Registry title number [Title no.].

The Wey Road and Round Oak Road Residents Association have asked the County Council to apply to the Magistrate's Court for an order to be made removing the public rights of way over Wey Road and Round Oak Road ("the roads").

As you will be aware, the roads are currently highways maintainable at public expense that are subject to public rights of way and are maintained by the County Council.

The effect of the order would be to make the roads private roads over which the public would have no right of way. The County Council would no longer be responsible for the maintenance of the roads, including the drainage systems and street lighting, and the Borough Council would no longer be responsible for street cleansing. As there would be no public right of way over the roads the owners of the properties they serve would need to secure their own private rights of access. The owners of the roads would be responsible for any claims for compensation for damage or injury caused by their failure to maintain them in a safe condition.

The surface of the roads is currently vested in the County Council as highway authority. If the roads cease to be publicly maintainable highways they will revert to the ownership of the freeholder of the sub-soil. As the title to the sub-soil of the roads is not registered at Land Registry it will be necessary to identify the owner(s) in order to establish responsibility for maintenance and rights of access for the frontagers.

The County Council's policy with respect to applications for the removal of public rights over a road is reproduced at the foot of this letter. Sections 116 and 117 of the Highways Act 1980, which are the statutory provisions under which the County Council can apply to the Magistrate's Court for an order removing the public rights over a road on behalf of a third party, can be viewed online at: www.legislation.gov.uk/ukpga/1980/66/contents

To enable us to gauge the level of support for the Residents Association's request, I would be grateful if you will let me know by Friday 30 November 2012 whether you are in agreement with the proposed removal of the public rights over Wey Road and Round Oak Road. If possible please reply by email to: highwayinfo@surreycc.gov.uk. If you wish to discuss this matter please telephone 020 8541 8922 and ask for me, Ian Taylor, or my colleague George Emmett.

continued...

If you have a mortgage or other loan secured against your property I would advise you to make the lender aware of this proposal, as it may have an effect on the value of your property. You may also wish to seek independent legal advice with regard to the implications of making your road private.

Yours sincerely,

Ian Taylor
Highways Information Team Manager

Policy to be applied to requests by residents for the removal of public rights over a road*.

Where a significant majority of the owners of properties served by a road that is a highway (“the owners”) wish it to cease to be a highway the County Council will, subject to the following conditions and provisions of sections 116 & 117 of the Highways Act 1980, apply to the Magistrate’s Court for an order stopping up the road as a highway.

- 1) The Cabinet Member for Transport considers that it is unnecessary for the road to be a highway.
- 2) The owners are to bear all costs associated with the making of the application, regardless of whether it is successful.
 - i) Initially sufficient funds to cover the estimated cost of making the necessary searches and notifying the owners and occupiers of land and premises served by the road and other interested and relevant parties are to be deposited with the County Council.
 - ii) Subsequently such funds as are required to cover the County Council’s costs in progressing the application shall be deposited in advance of any work being carried out.
 - iii) The owners will undertake to pay final costs as confirmed by the Council following any hearing at the Magistrate’s Court.
- 3) If, following an initial notification exercise, objections to the proposed stopping up are received that cannot be resolved, a report will be submitted to the Local Committee(s) for decision on whether to proceed with the making of the application.
- 4) The owners shall indemnify the County Council for all claims made against the County Council in relation to the road following any stopping up order made by the Magistrate’s Court.
- 5) The owners are to indemnify the County Council for the cost incurred by any statutory undertakers exercising their rights to relocate their apparatus under Part II of Schedule 12 to the Highways Act 1980.
- 6) The owners are responsible for making the necessary arrangements for the future maintenance of the road, including any highway structures, drains, soakaways, street lighting equipment, etc.
- 7) Where the stopping up is subject to the reservation of a footpath or bridleway the owners of the road must undertake to ensure it is maintained in a safe condition and indemnify the County Council against any claims for loss or damage arising from its disrepair.
- 8) The owners are responsible for securing their own rights of way over the road.

* The term “road” does not include public footpaths, bridleways or byways open to all traffic appearing on the definitive map of public rights of way, or cycle tracks.

COMMENTS RECEIVED FROM SUPPORTERS

In addition to the County's consultation, the Residents' Association has carried out its own voting process within its roads and received a majority in favour of 77%. It also worked to ensure a 100% response to the County's consultation from those residents, leaving all non-responses being from owners of properties bordering those roads and with no financial obligation following any privatisation. Should these non-responses be considered as having no objection to the proposal, the aforementioned percentages in favour of the stopping up, or having no objection to it, increase to 74% and 73% respectively, which would indicate that those not affected account for the reduced majority obtained from the County's consultation.

Further to your recent letter in respect of the above, we, the owners of ?, wish to support the Proposal. (this is one of 40 similar comments)

This is just to confirm that we, as long-standing owners of ? are in support of the above proposal to privatise and remove public rights of way over Round Oak Road and Wey Road.

I am in full agreement with the proposal with the proposed removal of the public rights over Wey Road and Round Oak road

I write with respect to the proposed removal of public rights of way over Wey Road and Round Oak Road, Weybridge. I am the secretary of the Ellesmere RTM company, which is the legal representative of the proprietors of the Ellesmere property on Round Oak Road, and I write on its behalf. Further to your recent letter, we, the proprietors of Ellesmere, Round Oak Road, Weybridge KT13 8HT wish to support the Proposal.

We are SUPPORTIVE of the proposal outlined in your letter dated 29th October. Further we do hope and request that the council will now expedite the process which has already been voted on, discussed and agreed by the majority of owners in the two roads.

In response to your letter dated 29 October, we, as the owners of Water's Edge, Wey Road, wish to register our total agreement with the privatisation scheme as proposed.

As owners of ?, Round Oak Road for over 30 Years, we have read and note the points raised in Ian Taylor's letter to us of 29th Oct 2012, and confirm that we fully support the proposal to remove the public rights of way over Round Oak Road and Wey Road.

I am sending this email to confirm as the owner of Flat's ? and ? Weycroft, 78 Portmore Park Road, Weybridge that I have no objections to the privatisation of Wey Road and in fact I am in support of it.

I also run the Management Company for Weycroft, Weybridge Limited and can confirm there are no objections with us either

In reference to the above subject, I ?? of no. ? Stretton Court, Wey Road, Weybridge, Surrey, KT13 8GZ, have no opposition and therefore support the plan brought forward to me by Mr Noel Groves Chairman of the Joint Roads Ownership Sub Committee.

I have no objection to Wey road becoming a private Road as long as this move does not affect my current position and address.

I bought this property off plan in 2005 with this address

The Gables
? Stretton Court
Wey Road
Weybridge
KT13 8GZ

Due to the high fees we pay for maintenance of the Gables,do agree with Mr Groves that it will not be fair for us to pay for road maintenance

I refer to my earlier email of November last year when I raised on objection to the above proposal. However, I have since been contacted by the Wey Road Residents Association and it would seem that there are advantages in this scheme going ahead, as the proposed new management company will indemnify the residents/owners of Stretton Court of any associated costs. Consequently, I would like to rescind my original objection.

I should like to confirm that my Company (UK Power Networks) have been in contact with those proposing the order. Both parties have agreed that an easement will be granted in relation to the existing access and cable rights to ensure that my Company's equipment is protected.

I should therefore like to confirm that my Company has NO OBJECTION to the proposed Stopping Up Order. Please acknowledge receipt of this E-Mail and also confirm that the objection has been removed.

I have now had assurances that St John Ambulance would be indemnified against any cost if the road were to be made private and as a consequence, St John are happy to withdraw their objection.

COMMENTS RECEIVED FROM OBJECTORS

We are not in agreement with the proposal to remove public rights of way over Wey Road and Round Oak Road.

I am writing to register my objection to the proposal to remove public rights of way. My objections are that I have received no legally binding assurances over access to my property that are assignable to potential future purchasers of my house, seen no credible management plan for the road and believe it to be a recipe for neighbourhood disharmony.

Please note that we emphatically oppose the application for removal of public rights of way over Wey Road and Round Oak Road Weybridge.

I am emailing to confirm I do not support the proposed removal of public rights over Wey Road and Round Oak Road.

We wish to inform you that we are very much against the privatisation of Wey Road and Round Oak Road, Weybridge, a view we made clear to the Wey Road and Round Oak Residents Association several months ago, when voting took place.

We like others, particularly in Round Oak Road, strongly object to the privatisation of our Road.

Your letter states that should "a significant majority of owners wish it to cease to be a highway". I am unsure what this means but we were originally told that this was in excess of 80%. Once an initial vote was taken and this figure was not reached we were told two thirds would suffice. The figure for our road being less than 60%.

I see no benefit at all from privatisation and only disadvantages. These roads have been subject to flooding in the past and the liabilities from future floods for the property owners will be substantial.

The risks involved in being responsible for all the services are unacceptable and the arguments that have been put forward by the few who are strongly in favour have no substance. Older residents have been scare mongered in to voting for change because of unfounded parking problems, etc.

I have experienced the problems and arguments caused by road privatisation in the past and there is every likelihood that the differences in the two roads (e.g. Wey Road is in desperate need of re-surfacing whereas Round Oak Road is not) will lead to significant disagreement.

We would ask you to refuse this application.

I strongly object to the proposal of the removal of public rights of way over Wey Road and Round Oak Road Weybridge. I can see no reason why the roads need to have gates as they are very quiet roads with few cars parked in them. Those that are parked mostly seem to be white vans associated with work being done on the houses of residents.

I own Flat ?, Stretton Court, Wey Road , and there are no allocated parking spaces at this development. My concern is that while the 16 unallocated parking spaces are generally

sufficient for the 14 flats, once parking in Wey Road is restricted these will quickly fill up with non-residents. This will be an inevitable consequence of installing gates across Wey Road. In particular the adjacent St John's Ambulance HQ is very busy at least three evenings a week as well as when they operate daytime courses. They have very limited parking themselves. I already find that I frequently need to find a space in Wey Road and am unclear what alternatives will be available.

Overall I am puzzled as to why such a move is considered by some to be necessary and hope that it does not go forward. Such a move is likely to make my property harder to sell when the time comes, as any purchaser will expect there to be adequate parking.

I write on behalf of the trust which owns Flat ? Stretton Court, Wey Road.

I am not in favour of this becoming a private road. I have much experience of private residential roads, and sharing the costs of road maintenance has always been a problem.

As the owner of ? cedar lodge Wey road I am writing to let you know that I do not agree to the road being made private. Cedar Lodge is a bloc of six flats and we all agree on this. We have informed the residents association of our decision.

I am the owner of Flat? Cedar Lodge, Wey Road in Weybridge. I am on vacation at present but have just been informed by other owners in the Building that you are asking if we would agree to the privatisation of Wey Road.

I am writing to advise that I am perfectly happy with existing arrangements where Wey Road is adopted by the Council and have no wish to see it privatised and we become responsible for maintenance and lighting.

I trust this clarifies my position which I believe is shared by other owners in our building.

Following our telephone conversation, I am writing to confirm my objection to the proposed removal of public rights of way over Round Oak Road.

I am extremely concerned to note that if this action was taken, my property would be landlocked with no secured right of access to the public highway. It is not reasonable to expect an existing resident to incur legal costs to agree such a right of way and presumably my title deeds would need to be amended. It would obviously make any future sale of my property impossible if I was unable to prove that such a right of way existed.

I understand that the residents in favour of this plan also propose to charge homeowners without any consideration as to the value of each property (unlike Council tax) which I regard as an entirely unfair proposition.

I accordingly ask that the Council does not proceed to make an application to the Magistrate's Court for an order stopping up my road.

I am the owner of Flat ?, Cedar Lodge, Wey Road, Weybridge, KT13 8HP.

I write in relation to the proposed privatisation of Wey Road and Round Oak Road.

I wish to place on record my objection to this proposal.

I am the owner of Flat ?, Cedar Lodge, Wey Road, Weybridge KT13 8HP.

I am writing to lodge my objection to the proposal

Further to my telephone conversation with Mr Taylor this morning I confirm that (we) object to the proposed privatisation of the above roads.

We do feel this would have an adverse impact on ourselves and also it could affect the livelihood of businesses in the town by taking away yet more parking.

Please note that I wish, by way of this email, to register my strong disagreement to this proposal, which in my opinion has no merits and could incur many potential future problems. When (we) purchased Flat ? Stretton Court in January 2010, we were given no indication at all of this proposal and the searches revealed nothing in this regard.

As your records will indicate, there is a St. Johns Ambulance Station in Wey Road and I cannot understand how this station will effectively operate if such a proposal is adopted.

I believe that the council tax paid to Surrey CC in part pays for the maintenance of Wey Road and Round Oak Road, including its drainage, lighting and street cleansing and I do not wish to forego this commitment from the Council and incur additional costs by lending my support to this proposal, to which I object.

In response to your recent letter re the subject proposal I wish to register our **NO** vote.

Personally I am strongly opposed to any such proposal. My reasons and comments are: -

I find the whole business to be a self-interested and selfish attitude to the rest of the population of Weybridge and those who work and shop here.

I believe the proposal is divisive both to the immediate area and to Weybridge as a whole.

The driving force behind the proposal is the concern over parking and the potential for creep further into the 2 roads.

I have to say that parking is an issue but is not a problem. It only affects probably no more than 35% of the households including my own from say 0800 – 1800 Monday to Friday.

The real problem with parking are the continued examples of inconsiderate & ignorant parking very close to driveway exits from properties, this could be easily rectified by the application of yellow lines in the appropriate areas.

Further the recent advent of the revised parking restrictions has ameliorated the overall level of parking, although I expect some increase in the seasonal run up to Christmas.

It does not impact on the quality of my life

The proposal has an air of NIMBYism and a lack of interest in the whole community. If people are to work and shop in Weybridge some provision for parking is a necessity for the wellbeing of the whole locality. If people do not feel they can work or shop here because of lack of parking then they will go elsewhere with longer term consequences on the viability of the town.

I note that if the proposal goes ahead then SCC will relinquish responsibility for the upkeep of the roads, drainage and lighting systems plus EBC would no longer carry out street cleansing.

Since the area of the two roads lies with the floodplain as designated by the Environment Agency I have concerns that a non-professional operation would not have the necessary expertise to fulfil the demands placed upon it in times of an emergency, for instance in the basic demand of provision of sandbags.

I am also concerned about the level of insurance cover that might be available to residents

There were a few very vociferous and strongly opinionated persons pushing very hard to gain a positive vote amongst the residents and I understand that some no voters were put under pressure.

Further although there were general meetings and some additional small scale Forums there was no open debate with the proposers and seconders for each side of the argument.

In these times of financial pressure I find it hard as a pensioner with a fixed income to justify additional non-essential expenditure to satisfy a self-centred wishes.

Finally I would be grateful if you could answer a question about the strip of land on the edge of my property adjacent to the road. This is some 2.8 -2.9 metres in width and is in effect a grass pavement and EBC currently mow the grass during nine (9) months of the year outside my property although the majority of my neighbours take it upon themselves to carry out this work; should the proposal go ahead would the new residents operating company be responsible for this service together with maintenance of the eight (8) trees I this strip of land, I have no desire to be responsible for these trees and any liability that might occur should they cause damage.

Thank you for your attention and consideration.

I refer to your letter dated 29/10/12 ref. SUR-010/HIT/IT requesting approval from owners and residents of "Round Oak" and "Wey" roads in Weybridge for removal of Public rights of way over these roads and to have them privatised.

I wish to make it clear that I am not in favour of this project as it seems to give little or no benefit to residents while propagating a mire of on going legal problems, without recall.

Privatisation of Wey and Round Oak Roads, Weybridge

Memorandum on certain topics raised by objectors to the privatisation

1. Purpose of this paper

SCC asked owners of properties to respond as to whether they supported or rejected the proposal to privatise the roads. Some people who rejected the proposal gave reasons, which in the opinion of the proposing committee, could misinform the SCC. Below we provide clarifying details relevant to these points. We have not responded to comments made by residents of Stretton Court as none of these people will be asked to participate nor contribute to the future costs of the to be formed management company.

2. Detailed objections

- a) *No legally binding assurances over access to property assignable to future purchasers.*
We have taken provisional legal advice and will provide a legally binding solution to this matter.
- b) *EBC would no longer carry out street cleaning.*
An agreement will be reached with either EBC or an alternative provider and is budgeted as part of the running costs.
- c) *Two roads are situated on a flood plain.*
We have verbal agreement from Elmbridge council that they do not treat private and public roads differently in the event of a flood.
- d) *There was no open debate on the privatisation.*
There are minutes of meetings and forums held by the residents association sub-committee which demonstrate the many, and depth of, matters debated over a period of more than one year.
- e) *There was no proper budgeting of costs for the future.*
There is a copy of the budget drawn up from various sources including other road privatisation associations, estimates from legal and accounting persons with similar experience, information received from SCC and own experience. Revenues were based on a % of property owners buying into the project and whose initial support and payment up front was requested to ascertain whether SCC would propose the privatisation.
- f) *Liability to claims for damages by 3rd parties.*
We intend to take out adequate insurance to cover the relevant risks and this is budgeted.
- g) *Establishing ownership of the underlying ground is likely to be onerous and time consuming.*
In the event that we cannot establish the true owners we intend to take out Defective Title Insurance to cover any eventual claims.
- h) *Who will take care of the verge on the island?*
It will become the responsibility of Newco (the new management company). It is intended that the owners treat it as part of their garden and they will assume responsibility. Any exceptions will be dealt with by Newco.
- i) *Concern that the Victorian drainage system already has frequent problems.*
We have agreement with the water companies that they will remain responsible for the drain replacement and maintenance.

Weybridge – January 24, 2013

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